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A Critical Edition of

*Al-Lu‘lu’ al-Manthūr fi Naṣiḥat Wulūt al-Umūr*

By

Nūr-al-Dīn al-Samhūdī (d.911H)

By

Bader Adrees

A thesis submitted for the degree of doctor of philosophy

in Islamic Studies

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(2007)
DECLARATION

Hereby declare:

a) that this dissertation is my own original work and that all source material used is acknowledged herein;

b) that it has been prepared specifically for a first degree of the University of Durham; and

c) that it does not contain any material previously submitted to the Examiners of this or any other University.

Signed

Date
Then Praise be to Allah, Lord of the heavens and Lord of the earth, Lord and Cherisher of all the worlds! To Him be Glory throughout the heavens and the earth, and He is Exalted in Power, Full of Wisdom!"
ACKNOWLEDGEMENTS

First and foremost, praise be to Allah, the Almighty God, who has given me the force and power to proceed and finish this dissertation, and to Whom is all our gratitude and indebtedness.

The completion of this project is the result of entwined efforts and assistance not fully attributable to the researcher alone in his own right, but made possible by encouragement and assistance of many people.

It is my supervisor, Professor Colin Turner, to whom I feel grateful and indebted in many respects. His ongoing assistance, enlightening feedback, and patience have been quite supportive and helpful for me during the different stages of this project from its very inception.

There are many other individuals who extended their help generously to me in my doctoral studies as well as giving me valuable guidance and counseling. They are so many, and their names are more sacrosanct that they are inscribed in my heart, and if this acknowledgment misses their names, they are in my heart and mind.

Finally, my sincere love and appreciation go to my wife and beloved one, Aroob Al-Qattan, my children, and my family, especially my parents who were very encouraging for me during my doctoral studies.

Thank you all of you who helped me!
**TRANSLITERATION TABLE**

- This table is used for the transliteration of names of people, places etc. which are not part of the English Language. Words of Arabic origin which exist in the English Language and are featured in the English dictionary, are not transliterated. Instead, their English spelling is used. eg. Gaza.

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Abstract

This thesis is the outcome of an investigation to authenticate and verify a work titled “al-lu’lu’ al-Manthur fi Nasihat Wulat al-Umar” (Pearls of Advice to Rulers) written by Nur-al-Din al-Samhudi, also known as the Faqih (jurist) and historian of Madina. He lived in the 9th Hijri century during the closing stages of the Mamluk era (844-911 AH).

In his work, al-Samhudi presented a series of reminders and admonitions focused on governance, and woven in an attractive admonitory style. At the same time, he mentioned a number of problems that were prevalent in his time, analysing these and presenting the Sharī‘ah perspective on them from his own viewpoint.

The work may be classified in the genre or body of knowledge dedicated to the admonition of kings and rulers, which is part of al-Siyyasah al-Shar‘iyyah (Islamic politics). The work may also be considered an example and model of how to tender nasīḥah (advice) to kings and rulers, whereby it contained meanings and topics of interest to the ruler in his time, as well as other meanings of use to every ruler and king at any time.

This research involved a substantial academic examination of the science of Islamic politics which includes through providing a critical edition to the manuscript in question. It also attempts to analyse the content of the manuscript and provides a detailed introduction to manuscript and its author. In doing so, the research also discussed in detail the Mamluk period, which had significant impact on the content of the manuscript. In sum, the present research provides a critical evaluation of a valued manuscript.
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# CHAPTER TWO

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INTRODUCTION

This research aims to provide a critical edition to a historical manuscript titled as by from the 9th century of Hijra. This is one of that manuscripts related to the legislative political science in Muslim tradition, which aimed at preaching and advising the rulers or kings. Therefore, it includes many preaches and counsels to kings and rulers. It also includes a precise description of the age in which the author lived, how he treated issues of his age and hence the content reflects his perception of political and administrative issues of the time. which provides rationale for him to undertaking the idea of producing such a manuscript as a guidance.

This study, hence, aims at providing a critical edition to such an important manuscript, which has implication for the governance issues even in today's Muslim world. By doing so, this study investigates and verifies this manuscript and conducts a critical study on its content and subject science.

This research, therefore, discusses the importance of the manuscript and importance of its content by contextualising in its historical context with a critical perspective on the edition but also on the content of the material.

In fulfilling such an aim, the study utilises content and textual analyses with the use of interpretative methods. By doing so, further meaning is given to the subject of the study. Also, content and textual analyses are considered to be the most appropriate methods to be utilised such studies as this, which directly deals with the text and contents of the text.

0.1. al-Siyasah al-Shar'iyyah

The science of al-Siyasah al-Shar'iyyah includes all matters relating to the political affairs of State, and has two strands:
The first: has a Fiqh (jurisprudence) character, and deals with the Shari’ah issues peculiar to the Khilafah (Caliphate) and governance, the Khalifah (Caliph) and its conditions, and the rights and responsibilities relating to the ruler, i.e. the Khalifah and those under his rule, the people.

The second: retains an admonitory character, and addresses the issue of giving nasihah or tendering advice to the ruler, and the style and method of reminding and guiding him, all the while maintaining a gentle, subtle approach. This is termed the science of tendering advice to kings and rulers. There have been many published works in this sphere taking the form of advice directed to a particular ruler, or to all Muslim rulers, generally.

The work that we address, comprises advice offered indirectly to the ruler during those times in which the author lived. The author did not mention that he intended a particular ruler by name, but he treated some of the thorny issues that were prevalent in his time, and called upon the ruler to be aware of these, and seek to change them. This he did from the perspective of commanding good and prohibiting evil packaged in the form of nasihah. In addition, the work contained general admonition and advice that is useful to every ruler whatever the time.

0.2. The Importance of this Study

This study derives its importance from the following points:

1. It focused on the most important person in the State—the ruler—since it gives us an example and manner of admonishing and reminding the ruler. Hence, if the ruler is good then it follows that all matters of State will likewise be in good shape.

2. The study brings out another aspect of the author's admonitory personality, which had not been as clearly defined in his other works. In past works, he came to be
recognised in the areas of *Fiqh, Hadith,* and history, whereby he came to be known as *Faqih* (jurist) and historian of *al-Medina.* Therefore this study highlights another aspect of his personality.

3. Revealing an old Islamic heritage in the area of admonishing kings and rulers, and so enriching the historical library through the study and description of the times in which the author lived.

4. The author has several writings, some of which have been authenticated and verified, others which have been lost, and yet others waiting to be authenticated and verified. Therefore, I have undertaken the efforts of authenticating and verifying this work in recognition of the author's status and contributing to the wider dissemination of his knowledge.

5. This work is considered a reflection of a historic era in time, and in undertaking authentication and verification, we are able to gauge the features of those times, including the prominent political, economic, social, religious, and cultural events.

6. The work is rich in words, terminology, effects, and instances of political admonition, which makes it an excellent vehicle to enrich this area; it could be adopted as a reference by researchers and students of the "mirror for princes" genre.

0.3 Framework of the Thesis

The thesis is divided into two parts:

Part one: addresses the study and critical analysis of the manuscript, and comprises three chapters:

Chapter 1: presents a biography of the author, and a study of his life regarding: Lineage, birth and upbringing, Al-Samhūdi's standing among scholars, his teachers and students, His publications, his interest in the affairs of his time, his interaction with society and his relationship with sultans and rulers.

Chapter 2: It presents a description of the historical period in which Al-Samhūdi lived-the final phases of the Mamluk era-providing a historical narrative of that time
from the perspective of the historical roots of the rise of the Mamluk State, the most important features of the Bahri and Burji Mamluk State in Egypt and the salient features of life within the Mamluk State from the political, security, economic, social, cultural and scientific perspectives. It also includes the groupings of Ahl al-Dhimmah (non-Muslims) at that time and historical analysis of the factors leading to the downfall of the Mamluk State.

Chapter 3: It is dedicated to the study, criticism and discussion of the manuscript, and all matters relating to it, like the genre/science under which the manuscript is classified, the sources on which he depended in writing the manuscript, Al-Samhudi's methodology in authoring the manuscript, highlighting the scientific value of the manuscript, the most important and distinctive strengths and weaknesses of the manuscript.

Chapter 4: It studies the three elements contained within this type of science, which are tendering advice to kings, rulers, and scholars, (i.e. the most important features of advice given to the ruler. It also includes the most important features of the Muslim ruler, the most important features and characteristics of the scholar who tenders such advice) and the most important topics and opinions which the author tackles in the manuscript. These are the elevated status the intellect enjoys in Islam, the prohibition on employing Ahl al-Dhimmah in position of Islamic State, Hisbah examples of the Muhtasib (person tasked to do Hisbah) in his time and finally, ministers and their most important attributes.

0.4. Attributing the Manuscript to the Author, and Methodology of Research:

0.4.1. Attributing the manuscript to the author

Part Two: Three versions of the manuscript were adopted in authenticating, verifying and validating this book. First: The Chester-Beatty copy: this manuscript consists of 87 pages, two sided, large-size pages and was transcribed by Ahmad ibn (al-Hajj) Muhammad abū al-Khayr al-Marhūmī 1 in 1156H. This copy is distinguished by its clear and beautiful Naskh calligraphy, with organized pages and margins, and attention to signaling instances of contradiction (which will be shown in the proper places in the manuscript)-these occur in several places which grants it importance from the perspective of accuracy and fidelity. This is the reason why this copy was chosen as the reference. Second: Copy of Dār al-Kutub al-Mastriyah, Iḥtimā'-Ta'mīr, which consists of 84 pages reproduced in a clear Naskh style, and transcribed by 'Ali ibn Muhammad al-Mufī al-Shāfi'ī, dated: Monday, 15 Jumāda al-ūlā 1164 AH. Third: The Sana'a copy, considered the oldest of the three, with three seals of

1 The world is unclear in the original, and this is what we could make of it.
ownership: the 1st of Wahid-al-Din 'Abdu ibn Jawhar, dated 1139 AH, the 2nd of Ali ibn 'Abd Allah, dated 1184 AH, and the 3rd undated, of Abu Muhammad al-Siddiqi al-Warith al-Bakri al-Maliki. This is of great importance, but we did not adopt it as the reference copy due to omissions in quite a few parts, in contrast to the other two copies. It is reproduced in a good Naskh script, but without mention of the scribe's name, unlike the other two.

0.4.2. Methodology of Treating the Work

- The three works were copied.
- The Chester-Beatty work was posted as a reference for the reasons cited earlier, and was referred to by the symbol (reference).
- We compared the copy of Dar al-Kutub al-Masriyah with this reference, and highlighted the differences using the symbol (d).
- We compared the Sana'a copy of with the Chester-Beatty reference, and highlighted the differences using the symbol (s).
- Explanation of the brackets used in editing the work: in comparing the three works we utilised two types of brackets. The first: [ ], indicates an addition to the reference, or a correction to what is in the original more fitting to the context. The second: ( ), indicating differences among the works (s,d), or other notes.
- We referenced the Qur'anic verses, placing these between brackets of the form

\[
\text{[Verse].}
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- We referenced the prophetic Hadiths and ancient narrated traditions. I referenced each Hadith and mentioned the scholars' ruling regarding its authenticity or weakness, except those mentioned in \textit{al-Bukhari} and \textit{Muslim}, where I referred the Hadith to where it is mentioned by its number, name of the book and chapter only.
In relation to ancient narrated traditions, I referenced these, and through personal effort strove to judge them in terms of authenticity, to the best of my ability.

- Including biographies of those notable persons mentioned in the work, while mentioning the source, and page, in short, in the interests of brevity.

- Providing a geographic description of locations, places, and countries, while mentioning the meaning of obscure words from the language point of view.

- Spelling note: the author in the original did not transcribe the Arabic letter (Hamzah; 'a) at the end of words. For example, the word hamrā' is transcribed as ūmārā without the hamzah. Part of the work undertaken was to instate the letter (Hamzah; 'a) throughout the work. This omission extended to within words. e.g. (madā'in) was written as (madāyin); these were also rectified.

- I built up and included indexes for the following:
  
  o Index of Qur'ānic verses.
  
  o Index of Hadiths and narrated traditions.
  
  o Index of eminent personalities.
  
  o Index of poetry.
  
  o Bibliography.
  
  o Index of topics; Table of contents.
CHAPTER ONE

Al-Samhûdi’s Biography

1.1. His Lineage

His name was Nūr al-Dīn Abū al-Ḥasan ʿAlī ibn al-Qādī ʿAfīf al-Dīn ʿAbd Allāh ibn ʿAḥmad ʿAbū al-Ḥasan ʿAlī ibn ʿAbū Rūḥ ʿĪsā ibn Jalāl al-Dīn aḥū al-ʿAlīyāʾ ibn aḥū al-Fāḍl Jaʿfar ibn ʿAlī ibn Abū Tāhir ibn al-Ḥasan ibn Muḥammad ibn ʿAḥmad ibn Muḥammad ibn al-Ḥasan ibn Muḥammad ibn ʿĪsāq ibn Muḥammad ibn Sulaymān ibn Dāwūd ibn al-Ḥasan al-Mūthānā3 ibn al-Ḥasan al-Ākbar Ibn ʿAlī ibn Abū Tālib4. He was known as al-Sharīf on account of his lineage linking up to the noble prophetic family5. He was also known as al-Samhūdi on account of his birth place from Samhūd or Samhūt6.

---

2 His lineage was briefly featured in:
3 Ibn al-ʿImād, Shādharāt al-Dhāḥab. 10/73.
6 In his book Muʿjam al-Buldān (3/255), al-Ḥamawī writes: ʿSamhūt is a big village situated on the western bank of the river Nile in al-Ṣaʿīd region. Egypt, below Farshūt. It was known for its numerous cane presses, where sugar cane was pressed to extract juice from it.
1.2. His Birth and Upbringing

Al-Samhūdī was born in the month of Šafar, 844 AH / July1440 CE in the village of Samhūd in Egypt. He grew up in a family which comprised a number of poets and notable scholars of Fiqh, Islamic jurisprudence. Key amongst them was his grandfather 'Ahmad ibn 'Alī who was well versed in Fiqh, which enabled him to access the office of Qādī, judge in Samhūd where he became renowned while in this office for the justice and integrity of his judgements. Al-Samhūdī's father, in turn followed his own father’s footsteps in his search for knowledge. He visited Cairo on several occasions and eventually resided there and kept the company of a number of scholars, with whom he studied Fiqh. Next, he went to Mecca where he resided and studied with its scholars, then he returned to al-Ša‘īd (Upper Egypt) once again where he initially assumed the office of Judge of the Sa‘īd region. Subsequently, he relinquished the office of Judge of the entire Sa‘īd region and settled for the position of Judge of Samhūd. His excuse was that he feared falling in error and having to answer in front of Allah for being at fault with the entire population of al-Ša‘īd area. Eventually, he gave up the practice of al-Qadā (administration of justice) altogether and devoted himself to knowledge, teaching and Iftā’ (deliverance of formal legal opinions). The latter function, Iftā’, was taken over, after him by his

10 Ibid. 3/6.
11 Ibid. 5/6.
son 'Abd' Rahmān, the author's elder brother. Al-Samhūdi grew up under the aegis of his father and memorised the Holy Qur'ān at his hands. He accompanied him in his journeys to seek knowledge. In 858/1454, he travelled with him to Cairo. There, he met scholars, kept their company and studied with them. He continued with his father and studied many books with him. Thereafter, he started travelling on his own and after a number of visits to Cairo, he decided to settle there for a period of time interrupted only by occasional visits to his parents. He then went to Mecca for Hajj (pilgrimage) with his mother in the month of Dhu al-Qi'dah 870/June 1466. However, he reached Mecca after the Hajj season, so he decided to wait in Mecca for the following season and resided in the Haram (Grand Mosque in Mecca) for a whole year. During this period, he studied under a number of scholars who will be talked about in subsequent sections of this thesis. He also met al-Sakhāwi15 and studied with him a number of books, benefiting a great deal from his knowledge. He performed

12 Al-Sakhāwi drew a comparison between al-Samhūdi and his elder brother saying: "This one is older but the other one is better". See Al-Ḍaw' al-Lāmi', 4/87. About him, al-Samhūdi said; he is the al-Sayyid, al-Sharīf al-Imām 'Abd al-Rahmān. See also, al-Samhūdi, Al-Wafā bima yajib li Ḥaḍrat al-Muṣṭafā, p.118.

13 Al-Sakhāwi, Al-Ḍaw' al-Lāmi', 5/245. Al-'Aydarūs in Al-Nūr al-Sāfir p. 58 also mentioned that he went to Cairo in 853/1419.

14 These books include: Al-Minhāj and its Sharḥ (Commentry) by al-Muḥallā. Sharḥ al-Bahjah, Jam' al-Jawāmi', the majority of Alfiyyat ibn Malik. He also heard from him the majority of al-Bukhārī and the Mukhtaṣar (short version) Muslim by al-Mundhirī. See Al-Sakhāwi, Al-Ḍaw' al-Lāmi', 5/245.

15 Muḥammad ibn 'Abd Al-Rahmān ibn Muḥammad Shams al- Dīn al-Sakhāwī, great historian and knowledgeable in Hadith, Tafsīr and Literature. Originally from Sakhā from Upper Egypt. He was born in 831/1427 and died in 902/1496 in Medina. He travelled a lot and authored approximately 200 books, key amongst which was al-Ḍaw' al-Lāmi'. See his biography in al- Zirikli, al-‘A‘lām, 6/194.
Hajj with him the following year (871/1467), then moved on to al-Medina al-Munawwarah. There he settled down in 873/1469, after he had accompanied his mother back to Cairo then to Samhûd. In al-Medina, the author mixed with a number of scholars. He benefited from them and his personality matured considerably in the process, consolidating his knowledge and refining his academic abilities.16

In Medina, Al-Samhûdî married the sister of Muḥammad ibn ‘Umar ibn al-Muḥîbb from the family of al-Zarandî, then they separated and he married another lady, the sister of Shaykh Muḥammad al-Marâghî who was also the daughter of his teacher ‘Abû al-Faraj. Again, he divorced her after a short period after the death of her brother. These two marriages in al-Medina were preceded by another marriage, which was his first marriage in Cairo from the daughter of ‘Ahmad al-Miṣrî al-Ṣabbâr, the granddaughter of his teacher al-Manâwî. This lady, he may have divorced before his departure to Medina because she was not with him when he went to Medina.17 Al-Sakhâwî, in his book al-Tuhfah al-Latîfah had this to say by way of explanation of the author's multiple marriages:

It appears to us from Al-Samhûdî's multiple marriages that he was after having children, as in his first marriage it was Allah's Decree that his wife bore no children for him. He must have felt uneasy about it and kept getting married without declaring his first marriage. Again he had no children from his subsequent marriages and after divorcing his last wife, he contented himself with marrying 'imā" (slave girls), as he must have been sterile, and Allah

17 Ibid. 3/228.
knows best.18

From Medina, al-Samhūḍī went back to Egypt to visit his family and his mother who died shortly after he had seen her. After his mother's death, his travels took him to al-Masjid al-Aqṣā in Jerusalem, back to Cairo, then to Medina, then to Mecca, finally back to Medina where he settled down on a permanent basis, living in the house of the Companion Tamīm al-Dārī, first as a tenant, then as an owner. After buying this house, he refurbished it and took it as his residence and abode for the rest of his life, then he entailed it to be a waqf (endowment) after his death.19 All those who wrote al-Samhūḍī's biography described him as 'Medina's historian, notable scholar, faqih (Fiqh scholar) and teacher'.20 This will be looked at in more detail in the following section.

1.3. The Status of Al-Samhūḍī among other Scholars

Al-Samhūḍī commanded an eminent status among other scholars on account of his love for knowledge and for disseminating it; on account of the phenomenal scope of his readings and research, and on account of his excellent relations with other scholars. Al-Sakhāwī said about him:

Al-Samhūḍī is the Shaykh of the people of Medina, on account of his

18 Ibid. 3/232.
19 Al-Samhūḍī, Wafā’ al-Wafā, 2/696.
knowledge, lineage and worship.\textsuperscript{21}

He also said about him:

He is a pride for the people of Medina, an eminent scholar, versatile and masterful in \textit{Fiqh}, devoted to worship, dedicated to reading, research and writing and has numerous books. He is strong in discussing and debating and has a flowing expression and a strong personality.\textsuperscript{22}

Another biographer wrote about him:

He was the \textit{Shafi'i} dweller of Medina, its scholar, \textit{fiqih}, teacher and historian.\textsuperscript{23}

The above quotation establishes that Al-Samhūdī belonged to the \textit{Shafi'i} school of Islamic Jurisprudence. In fact, the \textit{Shafi'i} school of thought had already spread in Egypt and the majority of scholars who taught then were from that school of thought. Al-Samhūdī was their student, was influenced by them and became an eminent \textit{shaykh} of the \textit{Shafi'i} school of jurisprudence in Egypt.\textsuperscript{24}

According to another biographer, Al-Samhūdī was:

\begin{flushright}
\textsuperscript{21} Al-Sakhāwī, al-Tuhfah al-Latifah, 3/235.
\textsuperscript{22} Ibid. 2/284.
\textsuperscript{23} Al-'Aydarūs, al-Nūr al-Ṣāfir, p.6.
\textsuperscript{24} A-Shawkānī, al-Nūr al-Ṭāli', 1/471.
\end{flushright}
A truthful speaker, a copious transmitter, expert in Hadith, knowledgeable in biographies and in the history of battles and a trustworthy reporter. 25

Yet another biographer described him as:

The exemplar Imam (religious leader) and the distinguished Hajjah (ultimate authority) in the two fundamental subjects: History and Fiqh. 26

In addition to this eminent status which Al-Samhûdî enjoyed and the generous praise showered upon him, he had an excellent relationship with his peers as he used to research and discuss with them some general issues, like the issue of holding funeral prayers in the Prophetic Mosque in Medina. 27 Despite these good relations with his contemporaries, he had to contend, like many other expatriates with a number of irritations caused mainly by envy on the part of some [local] scholars who aspired to his status. Al-Sakhâwî confirmed this when he said:

Their relations with Al-Samhûdî was one of academic envy and competition due to his distinguished status. However, overall, Al-Samhûdî's status among his contemporaries remained intact. 28

The first of these irritations came from the brother of the Judge of Medina, al-Qâdî al-

26 More about the relationship between al-Samhûdî and his peers and the context in which he lived in section 1.6 below.
27 Al-Samhûdî, Wafá' al-Wafâ, 2/535.
The brother who was known by the name of al-Ṣāliḥī had some problems and he thought that al-Samhūdī was the agent of these problems. So, he abandoned al-Samhūdī's classes and no longer studied with him. He further started plotting against him, inciting one of the janitors of the Prophetic Mosque against him. He managed to get a written order from him to vacate the room which al-Samhūdī used as a place of seclusion, under the pretext that it was needed for storing the oil used for the Mosque lamps. However, when the Sheikh of the Prophetic Mosque found out about the incident and realised that the reason for evacuating the room was not valid, he ordered the key of the retreat room to be returned to al-Samhūdī who was overjoyed by this verdict.

Other frictions also took place between al-Samhūdī and his peers. These were referred to by al-Samhūdī himself who said:

> But some people who attend the assembly of knowledge were so keen to contradict my opinions, even though they are extremely clear and unequivocal.  

Another disagreement happened between al-Samhūdī and Al-Fāḍil ibn al-Khaṭīb al-Rayyis. The latter envied al-Samhūdī for his academic status and the fact that he was nominated for the post of head teacher of the Shāfi‘ī School in Medina—a post al-

29 Ibid. 3/230-231.
30 Al-Samhūdī, Wafā' al-Wafā, 2/619.
31 'Abd 'Allāh ibn 'Abd al-Khālīq al-Rayyīs, died in 891/1486. He was known by this name, al-Rayyīs (the leader) because he played a role of leadership both in Medina and in his family. He was well versed in a number of disciplines. See his biography in Al-Sakhāwī, Al-Daw‘ al-Lāmi, 5/12-13.
Rayyis was himself aspiring for. Another dispute evolved between al-Samhūdī and al-Khawājā ibn al-Rasan who disagreed with al-Samhūdī in respect of a number of Shari`ah issues. At one point, the frictions between al-Samhūdī and some of his peers got so bad that al-Samhūdī decided to leave Medina and go to Mecca.

However, al-Sakhāwī stopped him from doing so. Al-Sakhāwī ascribes the disagreement between al-Samhūdī and his opponents to more than envy. He explains:

In addition to academic envy which is an important factor in the disagreement between al-Samhūdī and others, there is also another reason and that is al-Samhūdī's staunch adherence to his own opinions.

Al-Sakhāwī goes on to say:

Sometimes, al-Samhūdī's discussions and debates with his discussants would lead him to be somewhat harsh with them. This, in turn, would lead some of them to exhibit some improper behaviour with him... It would have been better if he refrained from getting into these heated discussions.

Despite all these problems which al-Samhūdī experienced in Medina, he continued to command a great deal of esteem in Cairo. When he went back to visit his family, the scholars and judges in Egypt received him with a lot of respect. The Grand Judge of Egypt appointed him as a teacher of Hadith in the al-Walawī Mosque and a teacher of Hadith in the al-Walawī Mosque and a teacher of

34 Al-Sakhāwī, Al-Daw` al-Lāmi`, 5/247.
Fiqh in the al-Šālihiyyah Mosque. He provided him with accommodation in the Judges' quarter and offered him the office of Deputy Judge, a post he declined.35

1.4. His Teachers and Students

1.4.1. His Teachers

During his many travels between the most important centres of knowledge of his time viz. Medina, Mecca and Cairo, al-Samḥūdi met a number of great, competent and renowned scholars who all had their impact on his personality and were the main source of the wealth of knowledge he accumulated throughout the years. Key amongst his teachers were the following:

- Al-Shams al-Jūjarī Muḥammad ibn ‘Abd al-Mun‘īm al-Jūjarī.36

Al-Samḥūdi studied Fiqh, 'Usūl al-Fiqh and Arabic language with him. He studied a number of books with him, including Jam' al-Tawdīḥ by ibn Hīshām, al-Khazrajīyyah with its annotations and commentary by al-Shudhūr and the first quarter of Sharḥ al-Bahjah and Sharḥ al-Minhāj by al-Muhallā. He also studied with him Jam‘ al-Jawāmi‘ by the same author.37

- Sharaf Al-Dīn ‘Abū Zakariyyā Yahyā al-Manāwī38

Al-Samḥūdi kept company with him longer than other teachers and read before him Taqsīm al-Minhāj twice, also Kitāb al-Ḥāwī, al-Tanbih, al-Bahjah, the commentary of Jam‘ al-Jawāmi‘ and Ḥāshiyat al-Manāwī ‘alā Sharḥ al-Bahjah. He also studied with him part of Alfīyāt ibn Mālik, part of Bustān al-‘Ariūf by al-Nawāwī, and al-Risālah

35 Ibid. 5/246.
al-Qushayriyyah. He heard from him Sahih al-Bukhari and Sahih Muslim many times, Mukhtasar al-Ushul by al-Barizzi extracted from the end of Tafsir al-Baydawi. His teacher, al-Manawi bestowed on him the shred of Tasawwuf (Sufism). 

- Al-Shams al-Sharwan Muhammed ibn Murahim al-Din al-Shafi'i

Al-Samhudi studied with him Sharh 'Aqida al-Nasafi by al-Taftazani and Sharh al-Tawali by al-'Isfahani. He discussed with him the subject of al-Tahiyyat (Divinities) in Mecca and studied with him a portion of al-Kashshaf and the majority of Mukhtasar Sa'd al-Din al-Talkhis-. He also heard from him Sharh ibn al-Hajib and Sharh al-Minhaj by Al-'Izzzi. He equally studied with him numerous other books, essays and commentaries.

- Shihab al-Din 'Ahmad ibn 'Isma'il ibn 'Abu Bakr ibn 'Umar ibn Buraydah al-Ibshiti

Al-Samhudi kept his company in Mecca in 872 /1468 and in Madinah in the following year. He attended his lessons of al-Minhaj and heard from him part of Tafsir al-Baydawi, Sharh al-Bahjah, and Tawdih Ibn Hisham. He studied with him some of his (al-Ibshiti's) books, including his commentary on Khutbat al-Minhaj and his annotations on al-Khazrajyyah. Thereafter, al-Ibshiti gave him licence to teach.

- Sa'd al-Din 'Abu al-Saadat Muhammed ibn Sa'id, the Hanafi Judge in Egypt.

42 Al-Sakhiw, Al-Daw' al-Lami', 5 246.
Al-Samhûdi studied with him ‘Umdat al-Ahkâm and gave him licence to teach.43

- Muḥammad ibn 'Ībrâhîm ibn 'Abd Al-Râhmân ibn Muḥammad alias Al-Najm, the son of the Judge of ‘Ajlûn

Al-Samhûdi studied with him part of his [the teacher’s] amendments of al-Minhâj.44

- Muḥammad ibn 'Ahmad ibn al-Faqîh ‘Ahmad alias Al-Shams al-Bâhî

Al-Samhûdi studied with him part of Sharh al-Bahjah and Taqâsîm al-Minhâj.45


Al-Samhûdi attended some of his classes.46


Al-Samhûdi studied with him when he was in Mecca.47

- Al-Kâmâl Abû al-Fadl Muḥammad ibn Muḥammad Abû Bakr al-Marjânî and his sister Kamâliyyah bint Muḥammad.

Al-Samhûdi heard from both of them in Mecca.48

- Muḥammad ibn Muḥammad Al-Zayn Abû Bakr ibn Nâṣîr al-Dîn Abû al- Faraj al-Marâghî

Al-Samhûdi heard from him a great deal in Medina.49

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49 Ibid, 9/56 and 5/246.
Muḥammad ibn Muḥammad ibn Muḥammad ibn ‘Abd Al-Raḥmān ibn ‘Alī ibn Yūṣuf ibn Mansūr al-Shams ibn Al-Kamāl al-Qāhirī, Imām of the Kamāliyyah Mosque

Al-Samhūdī attended one of his classes. He conferred on him the Shred of Tāsawwuf and taught him Dhikr (Remembrance of Allah).50


Sa’d ibn Muḥammad ibn ‘Abd Allāh ibn Sa’d ibn Abū Bakr ibn Muṣliḥ ibn Abū Bakr ibn Sa’d al-Dīn alias Ibn al-Dirī.

Al-Samhūdī studied with him Umdat al-Ahkām and he granted him licence to teach it.52

‘Uthmān ibn Ṣadaqah ibn ‘Alī ibn Muḥammad ibn Mukhliṣ al-Dīn ‘Abd Allāh ibn Muḥammad Abū Muḥammad al-Dīmyātī al-Shārmaḥī He granted al-Samhūdī licence to teach and practice ‘iftā’ after he tested him in some issues in his essays.53

Al-ʿAffī ‘Abd Allāh ibn al-Qādī Nāṣir al-Dīn ibn Ṣālīḥ

He taught al-Samhūdī a few subjects in Al-ʿAjīz and conferred on him the Shred of

50 Ibid., 9/224 and 5/245. Also in al-Zirikli, al-ʿAṯlām, 7/278.
Sufism which he, in turn had received from 'Umar al-'Arabi. 54

The above list of al-Samhūdi's teachers who all influenced the author and had a varying impact on his personality is by no means exhaustive. In fact, some others have already been mentioned in previous sections like al-Sakhāwi. The above names were the ones the researcher was able to compile from available books of biographies.

1.4.2. His Students

In view of the abundance of his knowledge and his great love to disseminate it and teach to others, al-Samhūdi had a large number of students. Most of them studied with him in Mecca and Medina. In fact, very few were the students in Medina who were not taught by him. 55 Key amongst these students were the following:

- Mas‘ūd al-‘Arabi

- Muḥammad ibn ‘Amad ibn Muḥammad ibn Ibrāhim ibn Jalāl 57

- Muḥammad ibn ‘Amad ibn al-Sharaf. Al-Samhūdi arranged for him to be appointed to the office of Judge. 58


- ‘Abd Al-‘Azīz ibn al-Najm ‘Umar ibn Fahd. 60

54 Al-Sakhāwi, Al-Daw‘ al-Lāmi‘, 5/246.
55 Ibid. 5/247.
56 Ibid. 10/156.
58 Ibid. 3/502-503.
59 Ibid. 3/233.
60 Ibn al-‘Imād, Shadharāt al-Dhahab, 8/301-302.
Muhammad ibn 'Abd Al-Rahmân al-Shams alias 'Ibn al-Qattân or 'Ibn al-Zayn. He later became the most eminent Qârî' (reciter of the Qur'ân) in Medina, its 'Imâm and Khatîb (the one who delivers the Friday sermon) and a notable teacher. He continually sought the company of al-Samhûdi.61

Muhammad ibn 'Abd Allâh ibn Muhammad al-Zarandi al-Hanafi. He was an eminent muftî who issued legal rulings according to the Hanafi school of thought.62 Overall, al-Samhûdi took great interest in his students, cared for them and arranged for the outstanding amongst them to assume key positions in Medina like Qadâ' (Judicature) and other positions.63

1.5. Al-Samhûdi's Books

Al-Samhûdi left behind him a good number of works in the following disciplines: Fiqh, 'Usûl, Hadîth, Sîrah and History. His books became references for scholars of Fiqh and of other disciplines. The present researcher was able to identify most of al-Samhûdi's books, as a good number of them have already been edited and published, while others are still in work form, awaiting edition, hence the significance of the present research which focuses on the edition of one of al-Samhûdi's works.

The following sections review the titles of works authored by al-Samhûdi and provide some information about some of them, where such information was available in the references consulted. As for the titles of these books, they are presented below in the transliteration form only. No translation of the meanings of these titles was attempted, as most of these titles bear no immediate relation to the contents of the books. Their

62 Ibid. 3/503.
63 Ibid. 3/609.
language is highly rhetorical and their meanings are highly figurative and metaphorical, as was the custom among the Muslim book writers of that time when choosing titles for their books.

1- 'Iqtifä' al-Wafä bi 'Akhbär Där al-Muṣṭafä

This book was destroyed along with many other books in a fire that broke out in al-Samhūdī’s library in Medina while he was away in Mecca in 886/1481.65

2- Wafä' al-Wafä bi 'Akhbär Där al-Muṣṭafä

Al-Samhūdī summarized it in his subsequent book al-Wafä bi 'Akhbär Där al-Muṣṭafä. The summary was possible because the draft was still with the author when his library was burnt out.66

3- Khulāṣat al-Wafä bl Akhbär Dar al-Mustafä

It was summarized by the author in his book Wafä' al-Wafä bi 'Akhbär Där al-Muṣṭafä.67

These three books talk about Medina from a historical perspective and about the Shari‘ah issues pertaining to the Prophetic Mosque, as well as the events that took place in Medina and its historical and architectural places. These three books are therefore key references which deal with this topic.

4- Mas‘alat Farsh al-Busūt al-Manqūshah

It contains a response from al-Samhūdī, answering back those who have disagreed with him in some of his opinions, as reported by al-Sakhāwī. This book is missing.68

64 Al-Samhūdī, Wafä' al-Wafä bi 'Akhbär Där al-Mustafä, 2/1.
67 Al-Samhūdī, Jawāhir al-‘Iqdayn fi Fadlı al-Shara‘ayn, p.15.
5- Hāshiyah 'alā Tadh al-Nawawī fī al-Manāsik

This book is also missing. 69

6- Al-Fatāwā

This is a collection of legal rulings by al-Samhūdī. Again, this book is missing. 70

7- Durar al-Sumūṭ fīmā li al-Wudū‘ min Shurūṭ

This book is an essay by the author about the condition of ablution. It is also missing. 71

8- 'Ikīmāl al-Mawāhib

This is an appendix to a long essay by the author; also missing. 72

9- Mawāhib al-Karīm al-Fattāḥ fī al-Masbūq al-Mushtaghil bi al-Iṣṭiftāḥ

This an essay which deals with prayers, providing answers to questions about what
should be done by a worshipper who enters the mosque after the ʿImām has already
begun the congregational prayer. The impetus to this essay was the abundance of
questions pertaining to the above topic, which the author used to receive during his

68 Al-Sakhāwī, Al-Daw‘ al-Lāmi‘, 5/246. It should be pointed out here, that the editor of Jawāhir al-
‘Iqdāyñ fī Fadl al-Sharafayn, mentioned, when presenting the biography of al-Samhūdī that this book
viz. Mas‘alat Farsh al-Busūṭ al-Manqūshah was ascribed by al-Baghdādī to al-Samhūdī in Hadiyyat al-
‘Arīfīn. However, upon verification of this, it transpired that al-Baghdādī did not, in fact, ascribe this
book to al-Samhūdī.

72 Al-Baghdādī, Hadiyyat al-‘Arīfīn, 1/470., Al-Samhūdī, Jawāhir al-‘Iqdāyñ fī Fadl al-Sharafayn
p.32.
lessons. He wrote this essay in 883/1478.  

10- **Al-'Anwār al-Sanīyyah fī 'Ajwībat 'As'īlat al-Yamanīyyah**

The impetus to this book was a letter sent to al-Samhūdī by one of the scholars from Yemen asking him a number of questions about the soul, so the author wrote back to him with the answers, which constituted his book:

**Al-'Anwār al-Sanīyyah fī 'Ajwībat 'As'īlat al-Yamanīyyah**

11- **'Umnīyat al-Mu'tanīn bi Rawdat al-Tālibīn**

12- **Al-Ghammāz ʿalā al-Māz**: A book about the most common and widespread hadiths and has been edited and published.


14- **Jawāhir al-'Iqdān fi Faḍl al-Sharafayn**: A published book which talks about the virtue (honor) of knowledge and the virtue of lineage.

15- **ʿIdāh al-Bayān li mā ʿArādah al-Hujjah min lays fī al-ʿImkān ʿAhsan mimmā Kān**


75 Al-Baghdādi, Hadiyyat al-ʿArīfin, 1/740.


77 Al-Samhūdī, Jawāhir al-ʿIqdān fi Faḍl al-Sharafayn. p. 17.

16- *Shifā’ al-‘Ashwāq li Ḥukm mā Yakhthur Bay’uhu fī al-‘Aswāq*

The subject matter of this book is trade transactions and the amount of Zakah required for each of these transactions. The reason for writing this book was the large number of tradesmen in the time of the author who neglected the payment of Zakah on their trade. This book, like other books by the author were prompted by particular reasons, which indicates the author's engagement with his society and his concern to discharge the duty of enjoining good and forbidding evil.\(^8^0\)

17- *Tīb al-Kalām bi Faw‘īd al-Salām*

This book talks about the Shari`ah rules pertaining to refraining from offering greeting the people of disobedience and adhering to offering greeting the people of obedience. Again, the author had a particular reason for writing this book. He wrote it as a sign of faithfulness to one of his teachers who was asked a number of questions regarding giving salām (greeting) by a Ḥanafī person. The teacher died before he was able to answer these questions, so al-Samhūdī wrote this book to answer the man's questions and honor his teacher's commitment.\(^8^1\)

18- *Al-‘Iqd al-Farīd fī ‘Aḥkām al-Taqlīd*

Al-Samhūdī wrote this book in 879/1492, upon the request of one of his friends who

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79 Al-Baghdādī, Hadiyyat al-‘Ārifin, 1/740. No information is available about this book's contents or topic.


asked for a book detailing the rules governing Taqlid (following), in the context of the worshippers in a congregational prayer (ma'mūmīn) having to follow their Imām (the person leading the prayer). In this book, the author also talks about the requirements of the Muftī (the person who issues legal rulings).82

19- Al-Muharrar fi Ta’ayyun al-Ṭalāq, also said to have the title of: Al-Muharrar min al-‘Āra‘ fi Ḥukm al-Ṭalāq bi al-‘Ibrā‘

Al-Samhūdi was prompted in writing this book by the dangerous spread of divorce in his time. The book talks about the rules governing divorce and focuses on the controversial issues in this field.83

20- Maṣābiḥ al-Qiyām fi Shar al-Ṣiyām

The author wrote this book because the people of Medina differed among themselves about the number of rak‘ahs (units of prayer) in the optional night prayers during the month of Ramaḍān.84

21- Kashf al-Jilbāb wa al-Hijāb ‘an al-Qudwah fi al-Shubbāk wa al-Rihāb

This book deals with some issues pertaining to the architecture of the Prophetic Mosque in Medina.85

22- Daf‘ al-Ta‘arrud wa al-Inkar lī Busuṭ Rawdat al-Mukhtar


In this book al-Samhūdi disapproves of what a number of Ḥanafi worshippers did in the Prophetic Mosque, designating a special place and a pulpit for the followers of their school of thought to pray in.\textsuperscript{86}

23- \textit{Tahqiq al-Maqālah fī 'Umūm al-Risālah}

This book deals with the controversy that has arisen among the scholars of that time about the universal nature of the massage of the Prophet (PBUH) and that it includes both mankind and Jinn. This book was prompted by a question addressed to the author by another scholar.\textsuperscript{87}

24- \textit{Al-Naṣīḥah al-Wajibat al-Qabūl fī bayan Mawdū' Minbar al-Rasūl}

This book shows the author's great interest in the Prophet's Mosque, as he devoted this book especially to the Prophet's Pulpit, inside the Mosque, in addition to his other books which deal with the Mosque in general.\textsuperscript{88}

25- \textit{Naṣīḥat al-Labīb bi Mawdū' Ru'yat al-Ḥabīb}

In this book, al-Samhūdi focused on the topic of seeing the Prophet (PBUH) in one's dream.\textsuperscript{89}

26- \textit{Al-Luлу' al-Maṭfūr fī Naṣīḥat Wulāt al-'Umūr}

This is the work which makes the focus of the present research, providing a critical edition of it and presenting it in a new format to the students and seekers of

\textsuperscript{86} Al-Samhūdi, Wafā' al-Wafā bi 'Akhbār Dār al-Mustafā, 2/683.

\textsuperscript{87} Swilim, I., Al-Samhūdi anhajuh wa Mawāriduh fī Kitābātih al-Tārikhiyyah, PhD. Thesis, Department of History, King Saud University, Riyadh, 1999, p.422.

\textsuperscript{88} Al-Samhūdi, Wafā' al-Wafā bi 'Akhbār Dār al-Mustafā, 2/411.

\textsuperscript{89} Swilim, I., Al-Samhūdi Manhajuh wa Mawāriduh fī Kitābātih al-Tārikhiyyah, PhD. Thesis, Department of History, King Saud University, Riyadh, 1999, p.427.
knowledge. This work will be described with some detail in a subsequent chapter of this thesis (Chapter 3: Description of the Work).

1.6. The Author's Interaction with his Society

1.6.1. Introduction

Al-Samhūdī was not one of those scholars who secluded themselves from their social environment. Rather, he had a positive attitude towards his society and interacted actively with the various events which took place in the political and academic spheres around him. In short, he was an active scholar and a worker. Thanks to his sincere efforts, a great deal of the corruption which was rampant during his time was eradicated. He also managed to change some academic opinions using logical arguments, and principled dialogue. Nor was al-Samūdī aloof from the politicians and decision makers of his time. He mixed with the Emirs and Sultans with the aim of keeping abreast with the developments in his society and actively changing opinions and ideas which contradicted the Shari'ah and went against the interests of his people.

As will become clear from Chapter 3, Section below, Muslim scholars belonged to two different schools in terms of their relationships with the rulers. The scholars who belonged to the first school chose to isolate themselves from the rulers: they neither mixed with them nor attended their courts. The second school advocated the necessity to mix with the rulers, not with the aim of obtaining worldly gains from them, rather with the aim of giving them advice and influencing them. Al-Samhūdī clearly belonged to the latter school. This is borne out by his work, which is the focus of the present research. He called it al-Lu'lu' al-Manthūr fī Naṣiḥat Wulāt al-Umūr (Lit. The Scattered Pearls in Giving Advice to the Rulers). A detailed description of this work is provided in Chapter 3 below, meanwhile a brief review of al-Samhūdī's relationship with some rulers of his time is given in the following section to illustrate his great
interest in exhorting and advising these rulers, as well as the great interest he took in the various issues of his society.

1.6.2. The Author’s Interest in the Issues of Islamic Jurisprudence and Islamic Law of his Time

One of the Islamic Jurisprudence matters about which al-Samhūdī had his own opinion was the issue of the position of the body of the deceased vis-à-vis the grave of the Prophet (PBUH). It was the custom at that time to place the corpse of the deceased person, during the Funeral Prayer, with its feet facing the grave of the Prophet (PBUH). Al-Samhūdī was of the opinion that the head of the deceased should be placed facing the grave of the Prophet (PBUH) and not the opposite. He also vehemently criticized the current practice at that time, whereby the doors of the Prophet’s Mosque were kept closed at night and were only opened shortly before Fajr (Dawn) prayer. During the month of Ramadān, these doors were kept closed till shortly before the Tarāwīh prayers (early evening optional prayers). This practice forced both the people of Medina and the visitors to wait for long periods to get in. Once the doors were open, the people burst into the mosque racing with each other [vying for a place in the front rows]. Al-Samhūdī was of the opinion that this was an act of contempt to the Prophet’s Mosque and extremely disrespectful to the Prophet (PBUH), in addition to the disturbance that caused to the worshippers already praying inside the Mosque. Another wrong practice in the Prophet’s Mosque, which al-Samhūdī criticized and was equally instrumental in finding a remedy for, was the gatherings of women in front of the grave of the Prophet (PBUH). These gatherings

took place on special occasions, such as the first Friday of the month of Rajab, the eve of the 27th day of the same month, the eve of the middle day of the month of Sha’bān and the eve of the 27th day of the month of Ramadan, as well as on most Thursday nights throughout the year. On these occasions, women used to gather in front of the grave of the Prophet (PBUH) between the prayers of Maghrib and ‘Ishā’, adorned and wearing perfume, which attracted some men of corrupt moral character who would hover around them to look at them and talk to them. This excluded people of good moral character and piety from visiting the mosque during these times. Al-Samhūdī was of the opinion that the time between Maghrib and ‘Ishā’ should be allocated to women only and men should be barred from visiting the grave during this time. Moreover, al-Samhūdī declared that it was the Governor’s personal duty to ensure the implementation of such arrangement. 92

Al-Samhūdī equally opposed the practice of some people inside the Prophet’s Mosque who used to reserve some places for themselves in the front rows and kept other worshippers off these spots by laying down prayer mats in them. This practice was particularly common during the month of Ramadan. Sometimes the people who reserved these places would leave their places for whatever purpose during the breaks and would not come back even after the prayers had resumed. This meant their places would remain empty and other worshippers were deprived from praying in the front rows. Al-Samhūdī considered this practice an evil which needed to be removed and his verdict was that, unless the person who left his place indicated that he would come back after going away for a specific purpose, say to renew his ablution, [and he did that within the time of the break], he would forfeit his right to pray in that particular row.

place.\textsuperscript{93}

Al-Samhūdī also stressed that some places like mosques had to be always treated with the respect due to them. For example, he used his influence to ensure the cleanliness of Abū Bakr al-Šiddīq's Mosque. To the left of this mosque was a farm with a yard where animals were kept. People took to the inappropriate practice of making the animals pass through the mosque's gate to get to the farm yard. This caused the mosque to become dirty and rendered it unsuitable for worship. Al-Samhūdī convinced the owner of the farm to change the gate of his farm and the problem was solved after some time.\textsuperscript{94}

The above were a few examples cited to illustrate al-Samhūdī's active role in changing situations which needed change.\textsuperscript{95} This is to prove that al-Samhūdī did not detach himself from his society and from the conditions of the people around him. The scope of his interest extended beyond Medina to include Cairo. In fact, his book \textit{al-Lu’lu’ al-Manthūr fi Nasīḥat Wulāt al-Umūr} testifies to that, as he extended his criticism in it to many phenomena which existed in Cairo and Egypt.\textsuperscript{96}

\hspace{1em} 1.6.3. Al-Samhūdī’s Relationships with the Rulers of his Time

Al-Samhūdī lived during the end of the Mamluk period in Egypt. A large number of Mamluk Sultans acceded to the throne during his lifetime (up to 15 of them).

\hspace{1em} \textsuperscript{93} Al-Samhūdī, \textit{al-Wafā’ bimā Yajib li Hadrat al-Mustafā}, p.163.
\textsuperscript{95} For more details see Al-Samhūdī, \textit{al-Wafā’ bimā Yajib li Hadrat al-Mustafā}, also Swilim, I., Al-Samhūdī Manhajuh \textit{wa Mawāriduh fi Kitābātih al-Tārikhiyyah}, PhD. Thesis, Department of History, King Saud University, Riyadh, 1999, and subsequent sections of the present thesis.
The Sultan Qait Bey's reign period was by far the longest. He reigned from 872/1468 to 910/1496. Qait Bey was one of the greatest Mamluk sultans, mainly because he was able to stay in power for a relatively long period (29 years). He went on to become the greatest patron of art and architecture in the Circassian Mamluk period. He re-established the authority of the sultanate, stabilized the economy, and oversaw a revival of the arts. He fought sixteen military campaigns, but is best remembered for the spectacular buildings he left. His buildings graced Mecca, Medina, Jerusalem, Damascus, and every quarter of Cairo. At the time of Qait Bey, al-Samhūdi was at the prime of his life, so he had a close relationship with Sultan Qait Bey. It was a healthy relationship between a scholar and a ruler. Al-Samhūdi's aim from this relationship was not material gain, rather, he was focused on enjoining good and forbidding evil and giving sincere advice to the Sultan. The relationship between al-Samhūdi and Sultan Qait Bey started in the wake of the fire which broke up in the Prophet's Mosque in Medina and destroyed al-Samhūdi's library. Upon his return to Cairo, after the fire, al-Samhūdi was received by Sultan Qait Bey who compensated for his loss by giving him a sum of money to enable him to buy new books. This was the first encounter between the two men and was followed by a number of other encounters. Al-Samhūdi made sure to go and sit in the Sultan's court whenever an opportunity availed itself to him. The first assembly he attended was in 884/1479, when the Sultan performed Hajj. During this visit, the Sultan ordered the refurbishment of the Prophet's Mosque in Medina. This deed which was much

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98 Taqqūsh, Tārikh al-Mamālik fī Mīṣr wa Bilād al-Shām, p.469.
99 Al-Sakhāwī, al-Tuhfah al-Latīfah, 2/231.
appreciated by al-Samhūdī who heartily thanked the Sultan, praised him and prayed for him.100

The Sultan also developed a great deal of admiration for al-Samhūdī and urged him to keep attending his court because he trusted his knowledge, piety and sincerity. He equally appreciated his great interest in the Prophet’s Mosque, in Medina and in other places in the Muslim world. The Sultan also sought to get from al-Samhūdī accurate information about events that took place in Medina. The first of such events was when the Sultan sent a representative to Medina to purchase the house of al-'Abbās. This resulted in the killing of a judge called Qāḍī al-Zakawi. Al-Samhūdī informed the Sultan that this incident happened due to his representative’s inadequate and awkward management of the whole affair. The Sultan thanked him for his frankness, sincerity and truthfulness.101 This event proved al-Samhūdī’s courage and detachment in his relationship with the Sultan and marked the beginning of a much stronger cooperation between the two men. Thereafter, the Sultan started to rely on al-Samhūdī to deal with many affairs related to Medina. He entrusted him with reporting to him the true version of the events that took place in Medina. He also entrusted him with the task of informing him about the poor and the needy in Medina so that he (the Sultan) could send help and assistance to them.102 Al-Samhūdī discharged his new duties with great dedication, including the monitoring of the Sultan’s governors’ implementation of the Sultan’s orders. Once, he noticed that these governors failed to carry out the Sultan’s orders, so he made sure to this was reported the Sultan, which he did personally.

100 Al-Samhūdī, Wafā’ al-Wafā bi ‘Akhbār Dār al-Mustafā, 2/647.
102 Ibid, 2/713-714.
during one of his visits to Cairo. Al-Samhūdī was very wise in the manner he informed the Sultan. He did not put the blame directly on the governors and tried to find excuses for them. However, eventually, he made sure that all the orders of the Sultan were implemented; without inciting the Sultan against any of his governors. He, thus, managed to keep problems under control, served the interests of the Muslims and maintained good relations with all parties.103

Another stance adopted by al-Samhūdī which reflected his wisdom and adroitness was his reaction to the Emir of Medina Zayn al-Dīn  al-Mansūrī104 when the latter levied Mukūs, taxes on the people of Medina.105 Al-Samhūdī reported this decision to the Sultan, without blaming the Emir. Rather, he explained to the Sultan that Medina's need for extra funds was the cause of the Emir's decision to levy taxes. He further requested from the Sultan to compensate the Emir for the abolition of these taxes.106 The result of this wise action on the part of al-Samhūdī was that the Emir of Medina undertook some repairs in Medina after he was compensated by the Sultan.107

Al-Samhūdī's relationship with other rulers of his time was equally good. He constantly drew these rulers' attention to the importance of knowledge and of scholars. As a consequence, he won the trust of the Emirs of his time and they sought to establish good relations with him. One of these Emirs was Emir Dāwūd ibn 'Isā ibn

103 Ibid. 2/715.
105 Mukūs were special taxes levied during the Mamlūk period on houses, shops and Turkish baths. See 'Imārah, Qāmūs al-Mustalahāt, pp.558-559.
106 Al-Samhūdī, Wafā' al-Wafā' bi 'Akhbār Dār al-Mustafā, 2/644. 713.
107 Ibid. 3/785, 837.
'Umar, the Skeikh of the Arabian tribe of Bani Hawwâra.\textsuperscript{108} Al-Samhûdî met him in 893/1477 and this encounter established a close friendship between the two men, so the Emir decided to send his Zakah money and annual charities to al-Samhûdî to forward them to those he reckoned needed them. He also gave al-Samhûdî a large number of books [for the Mosque Library] and entrusted him with the task of looking after them.\textsuperscript{109}

In one of the Hajj seasons, al-Samhûdî met another Emir, the Emir of Najd. Sheikh Ajwad ibn Zâmil al-'Aqîlî al-Jabri.\textsuperscript{110} Al-Samhûdî soon won this Emir’s trust and the latter delegated to him the task of distributing the money of Zakah among the poor and the needy in Medina.\textsuperscript{111}

The foregoing clearly described how al-Samhûdî related to the rulers of his time. In fact, his relationship with the Emirs and the Sultan was typical of how the true relationship should be between scholars and rulers.

1.7. Al-Samhûdî’s Death

Al-Samhûdî died on 28\textsuperscript{th} day of Dh_u al-Qi’dah 911/ 28/11/1506. His Funeral Prayer was conducted in the Prophet’s Mosque at the Rawdah after Asr Prayer and was buried in \textit{al-Baqî’} Cemetery.\textsuperscript{112}

Because al-Samhûdî had no children, his three brothers inherited him. Each of them


\textsuperscript{110} Al-'Absâ’tî, \textit{Tuhfat al-Mustafîd}, 1/120.


received the share al-Samhūdī had bequeathed to him in his will.\textsuperscript{113}

1.8. Conclusion

The foregoing sections of this chapter reviewed the various facets of al-Samhūdī’s life: his birth, lineage, status among other scholars and how he came to command such a status, his teachers and students, his books and his academic legacy. Finally, a brief account was presented of how he related to the rulers of his time and how he conducted himself with them.

\textsuperscript{113} Al-Jāsir, Rasā'il fī Tārīkh al-Medīna, p.30.
CHAPTER TWO

The Socio-Political Conditions During the Author’s Period

2.1. Introduction

It is a well known fact that the period in which an author lives plays a significant role in shaping his intellect and scholarly mentality, has a deep impact on his upbringing and intellectual orientations and leaves on his works clear imprints of the various socio-political and cultural conditions prevalent in that period. A typical example of such influence in al-Samhūdi’s work under study is his description of the conditions of 'Ahl al-Dhimmah (non-Muslims living under the protection of Muslim rule) and his reaction towards 'Ahl al-Dhimmah and towards the rulers who empowered them and invested them with a great deal of authority.

In this chapter we will foreground the work of al-Samhūdi by focusing on the main aspects of the author’s period, namely, the political, economic, social, cultural and academic conditions prevalent towards the end of the Mamluk era (844-911 A.H/1440-1505 C.E).

This period can be said to be the extension of the whole Mamluk era and bore the impact of both Bahri and Burji Mamluk periods. hence this chapter will provide a quick review of the entire Mamluk era with a special focus on the Burji period, during which al-Samhūdi lived and authored his book.

2.2. Overview

The Mongol invasion of Baghdad in (656/1258) had far reaching consequences for the whole region and one such consequences was the emergence of the Mamfuk rule in Egypt and the Shām region.
Although they did not originate from Egypt and al-Shām, the Mamluks were able to establish one of the most powerful and most prosperous states of the region throughout its Islamic history. The Mamluk rule achieved for Egypt and the Shām region both sovereignty and independence and prompted Egypt to a prominent status in the Muslim world. The Mamluk reign in Egypt extended from 648 to 923 A.H/1250 to 1517.114

However, most history references agree that the appearance of the Mamluks on the Muslim world scene took place long before the rise of their state in Egypt and the Shām region. They were first brought into service by the early Abbasid Caliphs who depended on them to consolidate their state and engaged them in the cavalry sections of their armies and in administrative tasks. Soon afterwards, the use of Mamluks became a common phenomenon throughout the Muslim world, including in Egypt, where the monarch Ahmad ibn Tūlūn who ascended to the throne in 254/868 extensively acquired Daylamī Mamluks, original inhabitants of the Caspian Sea area. Their numbers under his reign exceeded 24000. After the Tulunids, their successors the Ikhshidites followed suit and they, in turn, extensively acquired Turkish Mamluks and used them in the army.115

The term 'Mamlūk' in Arabic (singular: Mamlūk) denotes slavery and bondage, as a Mamluk was indeed the property of his master. "Mamlūk" literally means "one owned by another", a "bondsman", and the Mamluks were slaves but of a special


kind. They used to be purchased from the slave market, while still in their tender age. Then they would be brought up, educated and trained to be at the service of the rulers and the sultans of the region.\textsuperscript{116}

Some researchers are of the opinion that a Mamluk is by definition:

\begin{quote}
'a slave that can be bought and sold, but the term \textit{Mamluk} has been used to refer to a category of slaves, especially earmarked to sell to rulers, sultans and Caliphs in order to recruit them in special units in their armed forces.'\textsuperscript{117}
\end{quote}

The author of \textit{Mūjaz al-Tārīkh al-Islāmi}, however, differed from the above opinion and maintained that Mamluks:

\begin{quote}
'were neither slaves nor bondsmen, rather they were freemen and that their sale was illegal and therefore invalid, due to the fact that fathers used to sell their children in order to guarantee them a life of glory in the palaces of sultans; also slave traders used to kidnap some of these children from their parents and sell them; and Islam outlaws both practices.'\textsuperscript{118}
\end{quote}

The term \textit{Mamālik} figured prominently in Egyptian and Middle Eastern history for more than three centuries, particularly after these slaves advanced themselves to high military posts and succeeded in establishing a powerful state which ruled Egypt and

\textsuperscript{118} Al-`Asirī, A., \textit{Mūjaz al-Tārīkh al-Islāmī}, p.263.
the Shām and Hijāz regions, spread its influence over the whole region, including the Mediterranean, the Red Sea and Africa; and dominated both political and diplomatic relations in these geographical areas.\footnote{Qāsim, A. Q. ʿAṣṭ Salāṭin al-Mamlāk fī al-Tārīkh al-Siyāsī wa al-ʾĪjtimāʿī, 1st Edition. Cairo. ʿAyn li al-Dirāsāt wa al-Nashr. 1998. p.25.}

To conclude we can say that Mamluks were purchased slaves converted to Islam, imported by the Ayyubids and initially recruited as soldiers and warriors. Subsequently, they emerged to prominence, overthrew the Ayyubid dynasty and inaugurated a line of more than 50 independent sultans.

From this class sprang two ruling dynasties, the Bahri (1250-1382), made up of Turks and Mongols, and the Burji (1382-1517), made up of Circassians. The founding of the Bahri dynasty in 1250 began a succession that brought territorial gains and great prosperity to Egypt. However, after 1341 the power of the Bahri sultan passed gradually to troop commanders, and by 1381 the first Burji ruler was able to take over the throne. His rule and that of his successors was troubled by palace revolts, civil wars, and foreign conquests, culminating in the defeat of Egypt in 1517 by Selim I, sultan of Ottoman Turkey.\footnote{Ashtor, E. A Social and Economic History of the Near East in the Middle Ages. London. Collins. 1976. p.280.}

2.3. Historical Roots of the Mamluk State

Since the Islamic conquests until it came under the Mamluk rule, Egypt saw three types of rulers:

a. The Emirs

b. The Fatimid Caliphs
c. The Kings and Sultans

The latter type, in turn, had three different subcategories: The Ayyubids, their Mamluks, who were Turks, and the Circassians.

Noteworthy, the Mamluks descended from different ethnic origins, namely: Turkish, Mongols, Tatars, Sicilians, Spanish, German and Circassians and other white slaves from other ethnic groups. The majority of the Bahri Mamluks were from the land of Turkish Kafkas (Caucasus), who were imported from the northern coast of the Black Sea. The majority of Burji Mamluks, on the other hand, were from a Circassian origin.121

As far as the Mamluks of Turkish origin were concerned, it was the Abbasid Caliphs who used them extensively in their armed forces as an alternative to soldiers from Arab origin. It was the Caliph al-Mu'tasim Bi-Allāh al-'Abbāsi who first relied heavily on Turkish Mamluks to staff his army, partly due to their many positive attributes including courage and bravery and to the fact that al-Mu'tasim did not trust Persian soldiers and wanted to curtail their influence by introducing a new element in his kingdom. Another motive may have been that al-Mu'tasim wrongly believed that Turkish Mamluks, unlike Persians had no ambition to grab power when the opportunity availed itself to them and unlike Arabs were devoid of 'asabiyyah, loyalty to their respective tribes.122

Al-Mu'tasim (218-833/227-843) whose mother was of Turkish origin recruited

Turkish Mamluks in special units in his army. He kept importing them, while still young, from Samarqand, Farghānah, al-Sind and other Islamic provinces, to the point that their numbers exceeded 13000 and were no longer able to fit inside Baghdad without inconveniencing the local population. Al-Mu’taṣim, then moved them to Sāmirrā', the city he had founded to serve as the new capital of his kingdom. 123

Before al-Mu’taṣim, Al-Ma’mūn (ruled 198/813-218/833), also used Turkish Mamluks as his special guards. He even used them in his struggle against his brother Al-’Amin. History books also make mention of some Turkish Mamluks advancing themselves to some key posts in the armed forces under the reign of Al-Manṣūr (ruled. 754/1353-775/1373) and Al-Mahdī (ruled 775/1373-785/1383) where they played a significant role in crushing the Kharijite revolt led by ′Abd al-Salām al-Yashkari. 124

The Bahrī Mamluks of Turkish origin were introduced to Egypt by the Ayyubid rulers, in particular by the Ayyubid Sultan Najm al-Dīn ′Ayyūb, who initially imported 80 of them. When he was captured and locked up in Nablus, they loyally waited for him in Nablus until he was released. He showed a great deal of gratitude to them when he rose to the throne in Egypt, made them his entourage, offered them residence with him in the Rawdah Citadel and called them the Bahrīs. There were one thousand of them, all of Turkish origin. 125

Al-Maqrīzī, in his book *Al-Mawā'iz* recounts that Nūh ibn Asad al-Samānī, the governor of Bukhārā presented as a gift to the Abbasid Caliph al-Ma‘mūn in the year 200 A.H a number of young Turkish boys, amongst whom was Ṭūlūn, whose son Ahmad subsequently founded the Tulūnîte State in Egypt. Al- Maqrīzī further maintains that the Ayyubids and the Ikhshidites were the first to widely introduce the Mamluks to Egypt. Their number at the time of the Ayyubids was in excess of 24000.126

Ibn Taghri Bardī also mentions that Muhammad ibn Ṭaghj al-Ikhshīdī, in line with the Tulūnîtes, extensively imported Turkish Mamlūks and black slaves and that the number of Turkish Mamluks at his time reached 8000.127

As for the Sicilian Mamluks, these were mainly used by the Omayyads in Spain, the Aghlabids in North Africa and the Fatimids in Egypt. Most of these Sicilian Mamluks were imported from the Black Sea shores. They used to be imported to Spain while still children, would get trained as cavalry men and as administrators, then appointed128 to leadership posts in the army and to key positions in the State departments. Subsequently, some of these Mamluks grabbed the power and founded their own independent states in Eastern Andalusia during the time, historically known as the Twā'if era.

The Aghlabids, in turn used the Sicilian Mamluks in North Africa, after their conquest of Sicily and the southern shores of Italy. The Fatimids, after the Aghlabids heavily


involved the Sicilian Mamluks in the leadership of their armies and the administration of their various affairs. One of Cairo's major avenues, *Shārī al-Saqāliba* was named after the Sicilian Mamluks.\(^{129}\)

Salāḥuddin al-Ayyūbī, after the downfall of the Fatimid State in Egypt, shifted his interest to Turkish Mamluks. At Salāḥuddin’s time, these Mamluks, along with Kurdish soldiers made up the backbone of his army. Salāḥuddin organized his army in this manner following the Seljuki and Atabeylik customs.\(^{130}\)

2.4. The Main Features of the Mamlûk State in Egypt

Mamluk history is divided into two periods based on different dynastic lines: the Bahri Mamluks (648/1250- 748/1382) of Kipchak Turkic origin from southern Russia, and the Burji Mamluks (748/1382–923/1517) of Caucasian Circassian origin, who were quartered in the citadel (*al-burj*, literally "the tower").

2.4.1. The Bahri Mamlûk State (648/1250- 748/1382)

The Bahri dynasty was a Mamluk dynasty of Kipchak Turk origin. Bahri Mamluks were named after the location of their barracks on the Nile (*al-bahr*, literally "the sea," a name given to the Nile), although another opinion traces their name back to the way these Mamluks were imported into Egypt viz by sea, from their territories of origin.\(^{131}\)

In 648/1250, when the Ayyubid Sultan Al-Sālih Najm al-Dīn al-Ayyūbī died, the Mamluks killed his heir, and Aybak, a Mamluk general married Shajara al-Durr.

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\(^{130}\) The word ‘*Atābik*’ is a Turkish word which means 'chief/leader', a title given to the Chief Commander of the army, cf al-Qalqashandī, *Subḥ al-A’shā*, 4/18, 16/11 and Bāshā, 11. *Al-’Alqāb al-Islāmiyyah fi al-Tārikh wa al-Wathā’iq wa al-Āthār*, p.122.

\(^{131}\) Taqqūsh, M.S., *Tārikh al-Mamālik fi Mīṣr wa Bilād al-Shām*, p.27.
widow of Al-Sāliḥ. The Mamluks consolidated their power in ten years and eventually established the Bahri dynasty. They were helped by the Mongols’ sack of Baghdad in 656/1258, which effectively destroyed the Abbasid Caliphate. Cairo became more prominent as a result and remained a Mamluk capital thereafter.¹³²

The rise of Aybak to the throne inaugurated a line of 29 Bahri Sultans, starting with Aybak (650/1252 – 655/1257), through to the last Bahri ruler, Hajji II (748/1382).

Table 2.4.1. below features the timeline of the Bahri Mamluk dynasty.

Table 2.4.1.: Bahri Mamluks Timeline¹³³ (*)

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<table>
<thead>
<tr>
<th>Date</th>
<th>Baḥrī Mamluks Timeline (648/1252 - 748/1382)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hijrī</td>
<td>Gregorian</td>
</tr>
<tr>
<td>1</td>
<td>649-655 1252 - 1257 Shajara al-Durr +</td>
</tr>
<tr>
<td></td>
<td>Aybak al Turkumanī</td>
</tr>
<tr>
<td>2</td>
<td>655-657 1257 - 1259 'Ali I</td>
</tr>
<tr>
<td>3</td>
<td>657-658 1259 - 1260 Qutuz al Mu’izzī</td>
</tr>
<tr>
<td></td>
<td>The Bahrīs defeat the Mongols</td>
</tr>
<tr>
<td>4</td>
<td>658-675 1260 - 1277 Baybars I al Bunduqdārī</td>
</tr>
<tr>
<td>5</td>
<td>675-677 1277 - 1279 Baraka / Berke Khan</td>
</tr>
<tr>
<td>6</td>
<td>677 1279 Salamish / Suleymish</td>
</tr>
<tr>
<td>7</td>
<td>677-689 1279 - 1290 Qalāwūn al Alfī</td>
</tr>
<tr>
<td>8</td>
<td>689-692 1290 - 1293 Khalil ibn Qalāwūn</td>
</tr>
<tr>
<td>9</td>
<td>692 1293 Baydara(?)</td>
</tr>
<tr>
<td>10</td>
<td>692-693 1293 - 1294 Muḥammad I</td>
</tr>
<tr>
<td>11</td>
<td>693-695 1294 - 1296 Kitbughā</td>
</tr>
<tr>
<td>12</td>
<td>695-698 1296 - 1299 Lachin / Lajin al Ashqar</td>
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<tr>
<td>13</td>
<td>698-708 1299 - 1309 Muḥammad I</td>
</tr>
<tr>
<td></td>
<td>Restored</td>
</tr>
<tr>
<td>14</td>
<td>708-709 1309 - 1310 Baybars II al Jashnakīr (Burji)</td>
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<tr>
<td>15</td>
<td>709-741 1310 - 1341 Muḥammad I</td>
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<tr>
<td></td>
<td>Restored</td>
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<tr>
<td>16</td>
<td>741 1341 Abū Bakr</td>
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<tr>
<td>17</td>
<td>741-742 1341 - 1342 Kujuk / Kuchuk</td>
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<tr>
<td>18</td>
<td>742 1342 Ahmād I</td>
</tr>
<tr>
<td>19</td>
<td>742-745 1342 - 1345 Ismā‘īl</td>
</tr>
<tr>
<td>20</td>
<td>745-746 1345 - 1346 Sha‘bān I</td>
</tr>
</tbody>
</table>
It was during this period that the Mamluks established their kingdom and the legitimacy of their reign. They managed to win people's admiration, mainly by protecting the Muslim territories both against the Crusaders and the Mongols.

On the inner front the Bahris created an infrastructure by reconstructing roads, repairing bridges and fortifying the north coast. They were also great patrons of arts and architecture. The epitome of Mamluk architecture can be seen in the buildings of Sultan Qalawun (r. 677-1279/689-1290).  

2.4.1.1. The main Bahri Mamluk Sultans:

a. Sultan Qutuz al-Mu'izzî (r. 657/1259-658/1260):

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Sayf ad-Dīn Qutuz (d. 658/1260) was the Mamlūk Sultan of Egypt from 657/1259 until his death. He was born in a royal family before he was captured by the Mongols and sold as a slave, ending up in Syria, from which he was sold to an Egyptian slave merchant who sold him to Aybak, the first Mamlūk Sultan.

In 658/1260, Qūṭūz, with Baybars leading his army, defeated the Mongol army under Kitbūqā at the Battle of 'Ayn Jālūt, and shortly thereafter, he was killed by Baybars who claimed the sultanate for himself.

b. Sultan Baybars I (r. 658/1260-675/1277)

Sultan Al-Zāhir Baybars, also known as Rukn Al-Dīn Baybars. His full name was al-Malik al-Zāhir Rukn al-Dīn Baybars al-Bunduqdārī.

Baybars became a commander of the Ayyubid and then Mamlūk armies in 647/1250. In 658/1260, he led Mamlūk troops to victory against the Mongols at the Battle of 'Ayn Jālūt.

As sultan, he rebuilt the Syrian fortresses that had been destroyed by the Mongols and built up the sultanate's armaments. He recovered territory from the Crusaders and harried the Mongols in Persia, attacking their allies (the Christian Armenians) and forging an alliance with the Mongols of the Golden Horde against them. He sent military expeditions into Nubia and Libya. He established diplomatic relations with James I of Aragon, Alfonso X of Leon and Castile, and Charles of Anjou, as well as with the Byzantine emperor.135

On the home front, he was active in building the infrastructure of the state. Canals were built in Egypt, harbours were improved, and he even established a postal service between Cairo and Damascus that required only 4 days for delivery. He also built mosques, and appointed chief justices of all the four schools of Shari'ah.136

He died in Syria in 675/1277. Al-Madrassah al-Zähiriyyah is the school build adjacent to his Mausoleum in Damascus. The Al-Zähiriyyah library has a wealth of works in various branches of knowledge to this day.

c. Sultan Qalāwūn (r. 677/1279 -689/1290)

Sultan Qalāwūn is also known as Sultan King Al-Mansūr Sayf Al-Dīn Qalāwūn Al-Alfī. During his reign Sultan Qalāwūn became a great patron of architecture and constructed mosques, fortresses and other buildings in Cairo. Qalāwūn also established relations with many foreign countries in Europe, Africa and Asia.

d. Sultan Khalil ibn Qalāwūn(r. 689/1290- 692/1293)

He Qalāwūn's son and successor. His full name was Muḥammad Al-Nāṣir. He reigned for nearly half a century, from 1294-1340, and was also a great patron of architecture. The Mamlūk armies of Sultan Muḥammad Al-Nāṣir shocked the seemingly unstoppable Mongol armies by defeating them on the Syrian battlefield.137

The descendants of Muḥammad Al-Nāṣir were weak and the Turkish Bahri Mamlūk dynasty gradually lost control of the sultanate which was seized by the Circassian Mamlūk Barqūq who established the Burji Mamlūk dynasty, named after the Mamlūk


garrison set beneath the Citadel in Cairo.

2.4.2. The Burji Mamluk State (689/1382–923/1517)

It was during the second half of the Burji Mamluk reign that the author, al-Samhüdi was born, lived and died (see Table 2.4.2 below). His main interaction was with Sultan Qāyit Bāy al Žāhiri (872/1468 -910/1496). Therefore, the Burji Mamluk dynasty line will be looked at with more detail in the following sections.

The Burji Mamlūks were also called the Circassian Mamlūks since most of them came from Caucasus. It was, in fact, the Bahri Sultan Qalāwūn who named these Mamlūks the 'Burjis', after he extensively acquired them and housed them in the Citadel tower. Their number exceeded 3700 and they were introduced to the various administrative posts in his government. From the Citadel tower, the Burji Mamlūks ruled Egypt for approximately 135 years. Four of them had a chance to reign for relatively long periods. These were Qāyit Bāy al Žāhiri (29 years), Qānsawh II al Ghawri (17 years), Ashraf Bārsbāy (16 years) and Žāhir Shaqmaq/Jaqmaq (15 years). The rest had short-lived reigns, as these Mamlūks kept plotting against each other, locked in a ruthless and blood-thirsty struggle for power. It was Barqūq al Yalburghāwī who inaugurated the line of the Burji Sultans in 648/1382 and Qansawh II al Ghawri was the last Burji monarch who was defeated by the Ottomans in 922/1516.


139 Shākir, Māhmūd. Al-Tārikh al-Islāmi, 7/71.

Table 2.4.2 Burji Mamluks Timeline with integrated lifetime of the author (Al-Samhüdi)\textsuperscript{141} (*)


African Kingdoms, Islamic, Egypt.

http://www.kessler-web.co.uk/History/KingListsAfrica/EgyptMamlukes2.htm.
<table>
<thead>
<tr>
<th>Hijri</th>
<th>Gregorian</th>
<th>Ruler/Event</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>783-789</td>
<td>1382-1388</td>
<td>Barquq al Yalburghawi</td>
<td>First of the Circassian Burjis.</td>
</tr>
<tr>
<td>789-792</td>
<td>1389-1390</td>
<td>Hajji II</td>
<td>(Restored) (Last of the Bahris)</td>
</tr>
<tr>
<td>792-801</td>
<td>1390-1399</td>
<td>Barquq al Yalburghawi</td>
<td>(Restored)</td>
</tr>
<tr>
<td>801-807</td>
<td>1399-1405</td>
<td>Faraj ibn Barquq</td>
<td></td>
</tr>
<tr>
<td>807</td>
<td>1405</td>
<td>'Abd al 'Aziz ibn Barquq</td>
<td></td>
</tr>
<tr>
<td>807-814</td>
<td>1405-1412</td>
<td>Faraj ibn Barquq</td>
<td>(Restored)</td>
</tr>
<tr>
<td>814-823</td>
<td>1412-1421</td>
<td>Shaykh al Mahmudi (al Zahirri)</td>
<td></td>
</tr>
<tr>
<td>823</td>
<td>1421</td>
<td>'Ahmad II</td>
<td></td>
</tr>
<tr>
<td>823</td>
<td>1421</td>
<td>Zahir Tatär</td>
<td></td>
</tr>
<tr>
<td>823-824</td>
<td>1421-1422</td>
<td>Muhammed III</td>
<td></td>
</tr>
<tr>
<td>824-841</td>
<td>1422-1438</td>
<td>Ashraf Barsi</td>
<td></td>
</tr>
<tr>
<td>841</td>
<td>1438</td>
<td>'Aziz Jamal Ibn Barsi (Yusuf)</td>
<td></td>
</tr>
<tr>
<td>841-856</td>
<td>1438-1453</td>
<td>Zahir Shaqmaq / Jaqmaq</td>
<td>Al-Samhudi's Birth in Safar, 844 AH./ July 1440</td>
</tr>
<tr>
<td>856</td>
<td>1453</td>
<td>Mansur Uthman ibn Jaqmaq</td>
<td></td>
</tr>
<tr>
<td>856-865</td>
<td>1453-1461</td>
<td>Ashraf Inal al Zahirri</td>
<td></td>
</tr>
<tr>
<td>865</td>
<td>1461</td>
<td>Ahmad III</td>
<td></td>
</tr>
<tr>
<td>865-871</td>
<td>1461-1467</td>
<td>Khushqadam</td>
<td></td>
</tr>
<tr>
<td>871</td>
<td>1467</td>
<td>Yalbay</td>
<td></td>
</tr>
<tr>
<td>871-872</td>
<td>1467-1468</td>
<td>Timurbugha</td>
<td></td>
</tr>
<tr>
<td>872-901</td>
<td>1468-1496</td>
<td>Qaytbay al Zahirri</td>
<td>Al-Samhudi's main interaction was with Sultan Qaytbay, first in Egypt then in Medina (884/1479)</td>
</tr>
</tbody>
</table>
2.4.1.2. The main Burji Mamlük Sultans:

a. Barqūq al Yalburghāwī (r. 784/801-1382/1399)

Al-Malik al-Zāhir Barqūq (died 801/1399, also spelled Berkuk, Barkuk) was the first Sultan of the Mamlük Burji dynasty.

Al-Zāhir Barqūq was bought by the Amir Yilburghā in 764/1362. He advanced himself into military positions during the reign of Al-Mansūr al-Qalāwūnī until he took charge of the army 'atabakiyah'. When Sultan al-Ashraf Sha'bān sent some of the Mamlūks out of Egypt, Barqūq was one of them. He was imprisoned in Karak for several years. He was then released and served Manjak, Vice-Regent of Syria in Damascus. Al-Zāhir Barqūq returned to Cairo after being pardoned by Sultan al-Ashraf Sha'bān. He served the children of Sultan Sha'bān, eventually becoming Amir Tablakhāna, or military band. In 779/1377, he took control of the affairs of state and in 784/1382, declared himself Sultan. He was ousted from power but returned a year later.
Sultan Al-Ẓāhir Barqūq's jurisdiction was extensive. The Friday prayers were read out in his name as far as Mardin and Mosul.

He was known to be brave. He was an excellent horseman and he loved horseback riding. His reign was also one of great prosperity and economic revival. He encouraged foreign traders, especially from the east. During his reign prices of eastern goods decreased. It was also a period of cultural and artistic revival.142

b. Ashraf Bārsbāy (r. 824-841/1422-1438)

Al-Ashraf Abū Al-Nasr Barsbāy was a Circassian who was bought by a Jewish merchant and taken to Aleppo. There Al-Ashraf Barsbāy was bought by Amīr Jagmaq, who gave him to Sultan Barqūq. He was placed in the royal garrison at the Citadel. Al-Ashraf Barsbāy was manumitted and became part of the Jamdarivya. Later, he was transferred to the service of Sultan Al-Nāṣir Faraj. In the reign of Sultan Al-Muʿayyad Shaykh he was given the title of Prince. Later he rose to become Vice-sultan of Tripoli in 821/1418.

In the reign of Sultan Al-Ṣāliḥ Muḥammad Ibn Tatār, he was appointed as Grand Dawadār, or inkwell holder, and became the Vice-sultan of Egypt. Al-Ashraf Barsbāy became sultan in AH 824/1422. He was very charitable. He stopped the practice of the transfer of land between rulers. He also stopped using the florin as currency. He began minting his own currency, known as Al-Ashrafiyya, which was purer. He tried to encourage the Florentines to mint their currency in Egypt.

142 Shākir, Mahmūd. Al-Tārīkh al-İslāmi. 7/71.
c. Al-Zâhir Jaqmaq (r. 842-857/1437-1453)

Sayf Al-Dîn Jaqmaq, Al-’Alâ’î Al-Zâhirî (died 857 /1453). A Circassian Mamlûk of Sultan Barqûq, he served as commander-in-chief in Al-’Ashraf Barsbây’s state, then the king’s counselor during the reign of his son ‘Al-‘Azîz Yûsuf. Rebel Mamlûks dethroned Al-‘Aziz and set Jaqmaq in his. He controlled the state well and reigned until his death.

During his reign, he sent three expeditions to the Christian Rhodes Islands which ended with a treaty between the Mamlûk State and the Christians who pledged not to attack the Muslim ships operating in the Mediterranean.\(^\text{143}\)

d. Al-Ashraf Inâl (856-865/1453-1461)

Al-Ashraf Abû Al-Nasr Inâl al-Hasani al-Zâhirî was a Mamluk of Circassian origin. He was taken from the Caucasus by the merchant ‘Alâ’î al-Dîn and sold to Sultan Barqûq.

Al-Ashraf Inâl later became one of the Mamluks of Sultan Barquq’s son, Faraj. He rose in the ranks to become Amir of One Hundred, Commander of a Thousand under Sultan Barsbây. He ousted Sultan ‘Uthmân Ibn Jaqmaq and became sultan. He reigned for eight years and two months. He passed away in 865/1461 at the age of 81. He had abdicated in favor of his son Shihâb Ahmad.\(^\text{144}\)

Sultan Al-Ashraf Inâl was buried in the mausoleum of the complex he built in the Northern Cemetery. During his lifetime, he tried to restore the value of the gold dinar.


\(^{144}\) ‘Abd Al-Dâ‘îm, A.M., Misr fi ’Asr al-Mamâlik wa al-’Uthmâniyyîn, pp.146-147.
or gold currency, which had plummeted in value in 800/1397. Sultan Al-Ashraf Inâl was generally known as a just, dependable ruler who had waged war on İbrahim Prince of Kirman who had conquered Tarsus and Adana.

e. Qâytbây al Zâhiîi (r. 872-910/1468-1496)

Al-Ashraf Abu Al-Nasr Qâytbây was born in Kipchak on the Volga River in present-day Russia. He was bought by a slave merchant named Mahmûd Ibn Rustum. He was brought to Egypt in 839/1435 at the age of 13. He was bought by Sultan Barsbây for his garrison at the Citadel. In the reign of Sultan Jaqmaq, he was manumitted and appointed Master of the Robes, then Khasqi, the emblem of sovereignty, and then Dawadär, or Chancellor. He rose in the ranks to become Commander of the Armies in 872/1467. In that year there was an uprising among the Mamlûk princes that resulted in the ousting of Sultan Al-Zâhir Tamurbughâ from power. The Abbasid Caliph Al-Mustanjid Bi Allah swore allegiance to Qâytbây as Sultan, at which point Qâytbây burst into tears because he was afraid of being murdered by his princes. This was how Sultan Qâytbây came to power as ruler of Egypt and Syria. He reigned until his death in 901/1496. It was during his rule that Ottoman aspirations to take over Egypt began.

The half century immediately preceding his becoming the sultan was a period of political, economic, and artistic decline. He re-established the authority of the sultanate, stabilized the economy, and oversaw a revival of the arts. He fought sixteen military campaigns, but is best remembered for the spectacular buildings he left. His

buildings graced Mecca, Medina, Jerusalem, Damascus and every quarter of Cairo.

His reign lasted approximately thirty years and was by far the longest among the Burjī Mamlūks. His wisdom and good management contributed greatly to the economic stability in the country and his numerous military victories over the Ottomans helped restore to the Mamlük State its sovereignty and dignity. Internally, however, Qāytbāy faced a number of rebellions and revolts such as the revolt of the Princes, and the revolt of the Arabs. He also came under some criticism from some scholars, amongst whom was the author, al-Samhūdi who pointed out some wrong practices during his time. These will be highlighted in a subsequent section of this chapter, along with some important historical events cited by al-Samhūdi in his work.

Sultan Qāytbāy was also known for his love for travelling. He undertook numerous journeys within the Shām region, to the area east of the Euphrates and to the sacred places in Hijāz and Palestine. Wherever he went, he built roads, bridges, mosques, schools and towers to commemorate his name. One of his key architectural projects was his refurbishment of the Prophetic Mosque in Medina at the time of al-Samhūdi. The latter was greatly pleased with this achievement and praised the Sultan for his deed. (See section 1.6.3 above).

Qāytbāy's love for and interest in architecture ranks him third after Sultan Baybars and Sultan Qalāwūn in terms of the number of architectural projects each one of them

carried out. As mentioned above, Qāytbāy is best remembered for the spectacular buildings he left behind, key amongst which was his famous citadel in Alexandria, his schools in Dumyat and Alexandria and his great citadel in Al-Rashid. In addition to all this was his commissioning of the sixth extension of the Prophetic Mosque in Medina (886-888 H).

Qāytbāy’s love for architecture and his zeal for public projects, however, caused his subjects a great deal of financial hardships. His reign was known for the heavy taxes that he levied on his subjects to meet all these expenses. Al-Samhūdī had to deal with this phenomenon, when the Emir of Medina imposed heavy taxes on his subjects. Al-Samhūdī reported this to Sultan Qāytbāy and was able to abolish them. (See 1.6.3 above)

Although, Qāytbāy’s reign was generally one of economic prosperity and political stability, it was not without problems. Apart from the revolts mentioned above, Egypt also saw under the rule of Qāytbāy the spread of the plague which claimed the lives of tens of thousands of citizens, including one third of the total number of the then living Mamlūks and Qāytbāy’s own wife and daughter. The plague also resulted, as documented by Al-Samhūdī himself, in a steep rise in the prices of all commodities accompanied by a severe draught and the spread of another plague which affected the

149 www.islamonline.net/Arabic/Hajj/Antique/1425/27.shtml.
cattle and livestock.\textsuperscript{151}

Another historian described the post plague situation in Egypt as follows:

> The villages of Egypt were engulfed in ruin and destruction. Economic affairs were stagnant, people’s income and gains were very scarce. Complaints were rampant, almost everyone complained as a result of their bad situation. Diseases were rife and so was injustice, which was, like other sins, practiced on a large scale.\textsuperscript{152}

As mentioned above, it was during Qāytbāy’s rule that Ottoman aspirations to take over Egypt began. This was exacerbated internally by the Sultan falling ill in the last days of the month of Ramadān 882/1477. There were rumors that Qāytbāy died and chaos spread among his army commanders and his associates. Plots started being hatched by various parties to grab power for themselves. All this came to an end, when it was announced that Qāytbāy had recovered.\textsuperscript{153} Thus, Qāytbāy continued to reign until his death in 901/1496.

f. Qānsawh II al Ghūrī (r.905-922/1499-1516)

Qānsawh Sayf Al-Dīn ibn ‘AbdAllāh was sultan of Egypt and Syria.

Sultan Qānsawh Al-Ghawrī was a Circassian Mamluk who started in the service of Sultan Qāytbāy. He became Sultan in Shawwāl of 906/May 1501 very reluctantly. He

\textsuperscript{151} \textasciitilde Ashūr, S.A., Al-‘Asr al-Mamālik Tī Miṣr wa al-Shām, p.188.

\textsuperscript{152} Ibid., p.188 (quoting al-Maqrīzī)

\textsuperscript{153} Petrv. Carl F. Protectors or Praetorians - The Last Mamluk Sultans and Egypt’s Waning as a Great Power, New York: State University of New York Press, 1994, p.79.
insisted on receiving guarantees and assurances from the Mamluk Princes, stating "I accept provided that you do not kill me; if you want to overthrow me, I will accept."

Sultan Al-Ghawri brought stability and security to Cairo. He filled government posts with Mamluk princes that he could trust. He then addressed the financial crisis resulting from the bankruptcy of the treasury.\textsuperscript{154}

He was renowned for his grandeur and magnificence. His Mamluks, horses, jewels and kitchens were seen as the model for the Mamluk court. Sultan Al-Ghawri's literary gatherings were attended by poets, writers and scientists. He fought against Sultan Selim I at Marj Dābiq near Aleppo where he was defeated and died of grief.\textsuperscript{155}

2.5. The Main Characteristics of life in the Mamluk State in Egypt

There is no doubt that life in the Mamluk period had many and varied characteristics, however the political and security aspects were the most prominent and exerted influence over all other spheres of life. We find that when government was stable, and security guaranteed, this resulted in a stable economy and also translated positively to other spheres of life.

It can be said that the most fitting description of the Mamluk period and defining term was encapsulated in the word "'asabiyyah" or liege clan. The Mamluk period is one in which liege clan loyalty manifested itself very clearly. Each sultan surrounded himself with a liege clan of Mamluks, which he supported financially, and granted say in

\textsuperscript{154} 'Āshūr, S.A.: \textit{Aṣr al-Mamālik fī Miṣr wa al-Shām}, p.189.

\textsuperscript{155} 'Uṭmān, Ḥ. Hā'ulā: \textit{Ḥakamû Miṣr Min Mīnā ilā Mubārak}, pp.334-335.
affairs; taking great care to increase their numbers. The stronger his Mamluks or liegemen and the more numerous they were, the better able he was to confront the competition of the Princes, their plots, and to wrest authority from them. The fiercer the Sultan and greater the number of Mamluks he owned, the better able he was to extend his control, and restrict the other Mamluk clans; the opposite was also true. For that reason, Sultans placed great importance in buying as many child Mamluks as they could, to bring up, so that in the future they would be loyal soldiers or a significant number by which to maintain and extend authority.  

Based on the foregoing, I will present the main features generally, of the Mamluk period, yet focusing on the second part of the period, that of the Burji Mamluks. The most important features are the political, security, economic, social, civilisational, and religious.

2.5.1. Political life in the Mamluk period

The Mamluks appeared on the political and military scene as a military force formed by the Ayyubid State by buying children, and raising them as soldiers serving the Ayyubid state, both militarily and politically. The Mamluks -- from the very beginning of the Ayyubid state -- were well versed in the art of conspiracy, and through plotting and conspiring managed to rise to power. Following this path, their state proceeded, and when the Mamluks were in power, their plots took on a more local and internal character, between the Mamluks themselves in order to grab, or stay in power in face of many who were greedy enough to desire it.

The Bahri Mamluks came to prominence, and gained stature in the midst of the events of the 7th crusade that was subsequently defeated in 648/1250, and ended with leader

of the campaign, King Louis IX, taken prisoner in al-Mansūrah, his forces fled in disarray, many killed or taken prisoner. Ever since their victory over Louis IX, the Bahri Mamluks would often repeat the phrase (With our swords, we saved Egypt and Shām from the Firinja [the Europeans]).

When Al-Šālih Ayyūb died, his son Ṭurānshāh ruled of Egypt after his father. However, he mistreated the Bahri Mamluks. No sooner had he seen the defeat of the Crusaders in al-Mansūrah than he began to remove those influential persons in the State. The Mamluks had no choice but to get rid of him, before he managed to get rid of them. They were successful in assassinating him in Farskor on the morning of Monday, 28 Muharram 648/2 May 1250. His death spelt the end of the Ayyubid State in Egypt, and the new age of the Mamluks began.

The Mamluk Princes after the assassination of Turanshāh agreed to appoint Shajara al-Durr in his place. Hence, Shajara al-Durr was one of the first of the Bahri Mamluk Sultans to govern Egypt. Originally, "she was one of the concubines of the King Al-Šālih Najm-al-Dīn. However, historians differed in specifying her origins.

159 Al-Maqrīzī. Al-Sulūk li Ma‘rifat Duwal al-Mulūk published by Dr. Ziyādah, volume 1, Cairo, p.358.
some said she was Turkish, others that she was Circassian, or Roman."\textsuperscript{161}

With Shajara al-Durr installed, the Bahri Mamluk State in Egypt was established. She ruled for 80 days, described by Al-Maqrizi as "the first to govern Egypt of the Turk kings, were the Mamluks."\textsuperscript{162} She ingratiated herself with the people of State, granting them rank and estates, while reducing taxes on the people to win their hearts, and ruled over them in the best manner.\textsuperscript{163}

History reports that Shajara al-Durr was able to send armies to war and, "ruled in matters of state with iron fist. Her first and foremost concern was to rid herself of the remnants of the 7th Crusade;"\textsuperscript{164} which if anything was evidence of her cleverness and cunning.

Perhaps "the first obstacle that faced Shajara al-Durr after assuming power was the French presence in Egypt, in the city of Damietta. For despite the fact that King Louis IX was a prisoner in al-Mansurah, the French still presented a danger, since Damietta was in their hands. It was a [strategic] naval base that could be used in any attack against Egypt from the West. Therefore, Shajara al-Durr ordered Prince Husam-al-Din to negotiate with the French. These negotiations led to King Louis IX being released in return for a ransom, and a French withdrawal from Egypt -- which was


accomplished. After the French withdrew from Egypt, the second obstacle she faced was the objection of the Muslim world to a woman ruler. We find the great scholar, `Izz-al-Dîn ibn Abd al- Salâm, writing a treatise over what would afflict Muslims as a result of their being ruled by a woman. After which the Abbasid Caliph, Al-Musta’sim sent a message of rebuke to the people of Egypt: saying that if you have no men left to rule over you, then advise us and we shall send you a man.¹⁶⁵ so she married a Mamlûk called ‘Izz-al-Dîn Aybak Al-Turkumâni.¹⁶⁶

In the interim, “the Abbasids were unhappy that a woman had ascended to the throne of Egypt,”¹⁶⁷ which led to many disputes between princes and leaders in Egypt and Sha’m. It was therefore imperative that Shajara al-Durr find a spouse. Of the Mamluk leaders, there was Aqtây at the head of the Bahri Mamluks, and Aybak leading the Sultanî or Burjî Mamluks. Shajara al-Durr decided that her influence could continue with Aybak, leader of the Burjî Mamluks, compared to Aqtây, who was a coarse murderer; so she married Aybak.” Therefore, the Mamluks were now divided into two groups, one conspiring against the other.

History mentions that when King Aybak ascended to the throne of the land, the powerful Mamluk princes accepted him, since they believed that he was weak and could be removed easily, while the struggle over power was decided in favour of one of the more powerful Mamluks, namely Aqtay, Baybars, and Qalâwûn. The new Sultan of this newborn state had to face the Ayyûbid danger coming from al-Shâm.

decisively. The Ayyubids had united under the banner of Al-Nāsir Yūsif, ruler of Aleppo and Damascus, intent on regaining Egypt from the Mamlūks, regarding them as the usurpers of the Ayyubid right to govern Egypt. They marched to Egypt and were met by Aybak’s forces in battle, which ended with victory in his favour: Al-Nāsir Yūsif, fleeing with his men to al Shām. This success led King Aybak to march on Shām in order to finish off Ayyubid opposition, however intervention by the Caliph Al-Mu’tasim Al-‘Abbāsī brought the conflict between the two sides to an end, and peace was agreed between them in 651/1253. Under the terms of the treaty, Egypt and the southern part of Palestine, including Gaza, Jerusalem and the coastal lands would be given over to the rule of al-Mu’iz Aybak, while the lands of the Shām would remain in Ayyubid hands. This resolved the first obstacle in the path of establishment of the emerging Mamluk State in ending the dispute and conflict with the Kings of the Ayyubid household. No sooner had Sultan Aybak overcome this hurdle, than he faced other problems on the internal front.

The first obstacle was a popular revolt staged by the Arabs in Al-Ṣa‘īd. and Al-Sharqiyyah led by Hiṣn-al-Dīn Tha’lab, which threatened the land, and forced the Sultan to dispatch a military force led by Fāris-al-Dīn Aqtay to put it down, which he successfully did before it became a real danger.

The second obstacle: the increased power of the Bahrī Mamluks led by Fāris-al-Dīn Aqtay, especially after their success in achieving victories both in Egypt and abroad, which undermined the power of the Sultan. Their danger increased to such a degree that it threatened peoples’ safety and security, and the Sultan himself was unable to

169 Ibid, p.130.
confront them or stop their open ridicule of him: Aqtay would insult the Sultan in his own court, calling him by his first name, and his ambition grew to take over the Sultanate, while his fellow Bahri Mamluks began to call him the generous king.

The Sultan conscious of this danger, and fearful of the increase in Aqtay's power, decided to get rid of him. He invited him to the citadel, on the pretext that he wished to consult him on matters of state, but there he had him killed on 3 Sha'ban 652/18 September 1254. This incident struck fear in the hearts of the leading Bahri Mamluks, who swiftly fled the country, some of them seeking refuge with the Ayyubid kings in Shām, while others fled to the lands of the Seljuk Romans. Aybak pursued those still remaining in Egypt, and arrested them. He also wrote to the Kings to which the Mamluks had fled, warning them about these Mamluks and their treachery.170

The assassination of Aqtay cleared the way for Aybak and Shajara al-Durr, however they were soon in dispute. Shajara al-Durr was an ambitious woman who wished to rule independently, and considered her husband -- previously her subject -- there merely to execute her wishes, whereas Aybak, on his part, had resolved to free himself from her clutches, and assume power alone.

At the same time, when Shajara al-Durr learned that her husband, King, Al-Mu'iz, planned to marry the daughter of King Badr-al-Dīn Lu'lu', ruler of Mosul, their relationship soured, and she decided to rid herself of him. Five of her slaves attacked him, and beat him to death. However, she did not escape her deed and was arrested by those princes loyal to her murdered husband. She was thrown into solitary confinement, where she suffered torment and humiliation. Thereafter, the first wife of

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170 Ibid. p.132.

Other sources, report that she was killed by slave girls, who beat her to death with their shoes.

After the murder of al-Mu'iz Aybak, some Mamlûks sided with the son of their lord Aybak, Nûr-al-Dîn ‘Alî, who was 15 years old, and crowned him Sultan. However, when the Muslim East was threatened by the Mongol peril, which had overwhelmed Shâm, and now Egypt was close to that danger, Quṭûz, the vice-Sultan, removed the young Sultan, and took over, in order to confront the Mongol danger. He departed Egypt and met them in battle at ‘Ayn Jâlût.\footnote{Jamâl al-Dîn Al-Shâyâyîl, Târîkh Miṣr al-Islâmiyyah, Cairo: Dâr al-Maʿârif, 1967, pp. 171-172.} He achieved a historic victory on 16 Ramadan 658/1260, and expelled the Mongols from the region. He annexed Shâm to the Mamluk Sultanate, which was now the dominant force, controlling both Egypt and Shâm.

In summary, the Bahri Mamluk period was renowned for the numerous plots and struggle over rule, which continued right to the end. The Burji Mamluk period that followed was no better, and followed the same path.

The conspiratorial and plotting spirit rife in the Mamluk system, manifested itself after Quṭûz’s victory over the Mongols, where

― "the Bahri Mamluks led by Baybars plotted revenge against him, for the murder of their master, Aqtay. They murdered him on the road back to Egypt, and Baybars was named Sultan. Sultan Baybars consolidated the Mamluk kingdom, increasing its glory in Shâm, Iraq, and Hijaz, while dealing with the\footnote{Ibn Taghri Bardî, Mawrid al-Latâfah fi man Wulliy al-Saltanah wa al-Khilafah, Taḥqîq Nabil Muhammad ‘Abd al ‘Azîz, Cairo: Dâr al-Kutub al-Maṣrîyyah, 1997, pp. 21-22.}
As for the Burj Mamluks, it is worthwhile to give an overview of the political and administrative organisation of the State at the time, before presenting the main features distinguishing the political and security scene.

Political posts in the Burj Mamlük State consisted of the Sultan, who was the real ruler. In Egypt at that time, in addition to the Mamlük Sultans, there were the Caliphs of the Abbasid dynasty, yet they were at their weakest, and merely carried symbolic weight, with no real power over the Sultans. They only came to oversee the ascension of every new Sultan, symbolically receiving his allegiance, and granting him power to rule over the State.

Below the real ruler, there were senior officeholders, who helped the Sultan run affairs, starting with the Deputy-Sultan; he was considered the Sultan’s agent, and right hand man, and also known as the second Sultan. This office was held by two men, one deputy in the presence, and the other in the absence of the Sultan. The latter being lower in rank; he presided over State affairs, when the Sultan was away in wars, or performing Hajj, etc...

Each Sultan had a Dawadär, a private secretary, who communicated messages on behalf of, and to the Sultan, deciding who was granted audience, and presenting the mail, if any.

Each Sultan would appoint for himself a private Clerk, who would read the letters to the Sultan, and responded to these in the law courts, signing on his behalf, and dealing

173 Qāsim A Qāsim. Al-Ayyūbiyyūn wa al-Ma malīk-Al-Tārikh al-Siyāsi wa al-'Askarī. 2nd Ed., pp.142-143.

174 Al-Qalqashandi, Subh Al-A’shā. 1/17016.
with edicts issued, and proposed.\textsuperscript{175}

Four judges representing the four main Sunni schools of Fiqh were in residence at the judiciary. This was the politico-administrative perspective of the Mamlük State. As for events, the Burji Mamlûks contributed to the discord during the State ruled by Qalâwûn's children—or at the end of the Bahri Mamlûk state, removing Bahri Mamlûks. Some Bahri Mamlûks plotted the murder of Al-Ashraf Khalîl ibn Qalâwûn, who had liberated Acre, and dismissed the last of Crusaders. Baydra murdered Al-Ashraf Khalîl, and declared himself Sultan, however this was not to continue for long. because the Burji Mamlûks-followers of the Qalâwûn household- managed to kill Prince Baydra, and the conflict between the Burji Mamlûks over who would become Sultan began. As usual, it was agreed that the youth, Muhammad ibn Qalâwûn, would become ruler under the title of Al-Nâsir Muhammad.

In this regard, historical records indicate that the deputy Sultan, Katabqa, controlled Al-Nâsir Muḥammad, finally removing him and expelling him to Al-Karak in Jordan, and declaring himself Sultan in 694/1295. Katabqa's ally, Prince Lajîn, one of the killers of Al-Ashraf Khalîl ibn Qalâwûn, plotted successfully against him, and declared himself Sultan. He ruled until he was also killed by two Mamlûks of lesser rank. The two killers did not enjoy the support of the influential Princess and were consequently executed. It was agreed that Sultan Muḥammad ibn Qalâwûn would be returned to rule a second time (689-708).\textsuperscript{176}

\textsuperscript{175} Ibid, 4/30.

However, Al-Nāṣir Muhammad ibn Qalāwūn for the second time around, once again fell into the clutches of two princes who controlled him, Baybars and Salar, and was not able to exercise power. He was forced to flee with his life to Al-Karak. Again, the Burji Mamlūks continued to plot during the Bahri Qalawūnī State, where the Circassian (Burji) Mamlūks enjoyed privileges at the expense of the other Bahri Mamlūk princes; their influence developed to the point where one of them, Al-Dhāhir Baybars Jashinkīr, ascended to become the first Burji Sultan of the Bahri State. However, his rule was short lived as the common people and his soldiers revolted, and Al-Nāṣir was able to return and regained his throne, killing Baybars and Salar, and was able to rule independently until his death: after which came the precursors of the establishment of the Burji Mamlūk State at the hands of Barqūq.  

It is worth mentioning that Barqūq was able through a series of plots to establish the Burji State. He also overcame many difficulties. At one time, he was removed from power. yet was able to return and prevail. 

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Barqûq became the candidate of the Circassian (Burji) Mamlûks to control the young Qalawûnî Sultan; however he became greedy, and wanted to remove the powerless Sultan and govern himself. Therefore he was afraid of his old competitor Barakah, so he had him arrested in Alexandria, ordering its governor to kill him in jail. The followers of Barakah revolted, so Barqûq claimed that the killing had been without to his knowledge, rendering the Governor of Alexandria to them, whom they killed, and were content with this. 180

It is worth mentioning that Barqûq now turned to matter of removing Sultan Ali, scion of the Qalawûnî household, however the common people and the soldiers supported the children of Qalawûn, but Barqûq was able to overcome this support with the help of his princes and aides. After which he turned against the princes who had helped him and got rid of them through killing, expulsion and arrested the Abbasid Caliph Al-Mutawakil 181 who had taken advantage of the dispute between Barqûq and his princes to plot against Barqûq and seek to remove him. When Barqûq found out, he arrested the conspirators, including the Abbasid Caliph, imprisoning him and confiscating his possessions. 182 In this way, Barqûq had guaranteed that he would be in sole charge, with no one to influence him, or to whom he owed any favours, since they had all been involved in conspiring against him.

However, Barqûq was foiled from where he least expected. Prince Yalbughä in Shām revolted against him. so Barqûq sent his loyal slave, Mintâsh at the head of an army to

180 Qâsim Abdu Qâsim, op. cit., p.145.
181 Qasim : Qâsim Abdu Qâsim, op. cit., pp.144-146.
182 Taqqûsh, op. cit. p.358.
subdue him. However, Yalbughā managed to ally himself with Mintāsh to remove Barqūq. Mintāsh turned back with the army to Cairo to fight Barqūq, who did not have an army to defend himself, so he fled to Al-Karak. Mintāsh and Yalbughā entered Cairo, and the Sultan Prince Ḥājī ibn Al-Ashraf Sha`ban, grandchild of Muḥammad ibn Qalāwūn, was returned to the sultanate. But as was to be expected, disagreement flared between Mintāsh and Yalbughā, in which Mintāsh prevailed. During which time, Barqūq escaped Al-Karak and joined by his supporters, raised an army with which he met his former slave, Mintāsh. Barqūq was victorious and returned to rule the sultanate for the second time in 797/1395.183

Again Barqūq faced several plots against him, however he was able to prevail and consolidate the internal front, in order to confront the Mongols led by Timurlenk who was threatening the princes of Shām, and despite the fact that he did not clash with Timurlenk, his strategy was successful on both military and diplomatic grounds, forming an Islamic front in face of the fierce Mongol hordes.184

Sultan Barqūq died in 801/1398185, his son Sultan Faraj ruled after him in 801-808/1398-1405, and then from 808-815/1405-1412. His period in rule, alternating between fierce internal strife, and renewed Mongol threat. Timurlenk resumed his attacks on Shām, since he could see that the Islamic front established by Sultan Barqūq was now divided. Due to the preoccupation of the Mamlūks with their infighting, the land of Shām, especially Damascus and Aleppo suffered terribly from Timurlenk. Mamlūk infighting took the form of successive rebellions, most prominent

184 Ṭṣḥūr, S, Misr wa Al-Shām fī Asr al-Ayyūbiyīn wa al-Mamalik, p.332.
185 Ibn al-`Imād, Shadharāt al-Dhahab, volume 8, p.6-7.
was that of Prince Shaykh al-Mahmüdî, deputy of Tripoli, who forced Sultan Faraj to flee vacating the throne in 808/1405, and despite the fact that he was able to return in the same year and destroy his competitors in Egypt, affairs remained unstable in Shām, where a new alliance against the Sultan between Nawrūz al-Hafidî, the deputy of Shām and Shaykh al-Mahmüdî, deputy of Tripoli, was formed. The Sultan marched out to fight them in Shām, but they were able to defeat and capture him; he was executed in 815. The rebels to prevent any dispute amongst them appointed the Caliph Al-Musta'īn bi-Allāh as Sultan in the period, he was Caliph in 808-816/1412-1416. However, Shaykh al-Mahmüdî soon removed him from the sultanate six months after, and took his place, sporting the title of al-Mu‘ayyad.

The period of al-Mu‘ayyad Shaykh al-Mahmüdî, 816-824/1412-1421, was the first period of relative peace in the Burjī Mamlük state. He achieved military victories against the Turkmen in the North, and also reorganised the Mamlük army. This was followed by a period full of plots, dispute, and infighting among the princes that ended in Barsbāy coming to rule, which he exercised extremely competently for the following 16 years, 825-841/1422-1438. The lands during his rule witnessed internal stability, and external campaigns. He organised three campaigns against the island of Cyprus, and was able to subdue it in 829AH/1426CE. He also made an alliance with the Ottomans and secured stability in the lands of Shām.

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As for the Sultan, Sayf-al-Dīn Abu Sa‘īd Jaqmaq, 842-857/1438-1453, his reign was stable internally, and politically moderate externally which encouraged him to follow in the footsteps of Bārsbāy in terms of Mediterranean policy. He organised several campaigns against the island of Rhodes, which ended with a peace treaty between the two parties. As for the Turkmen in the North, Sultan Jaqmaq took concrete steps to establish cordial and marriage relationships with them, as well as using diplomatic means, financial and moral contributions to protect the Muslims of Al-Andalus, and Abyssinia; he had a well-regarded international voice.\[190\] It is worth mentioning that al-Samhūdī was born in the last part of the reign of Sultan Jaqmaq in 844/1440.

After this period of relative stability, weak Sultans came to rule, and in their time, revolts and conflict over the throne were rife, with the exception of Sultan Abu Sa‘īd Sayf-al-Dīn Khushqadām, 865-872/1460-1467, whose reign is considered one of the peaceful ones. After his death, the State did not see stability up until Qāyaṭbāy came to power, under the title, Al-Ashraf Abū al-Naṣr Qāyaṭbāy, ruling for 27 years, 872-901/1468-1496. He exerted great efforts in encouraging the cultural, scientific, and urbanisation movement in all parts of the State. He established schools in Mecca, Medina, and Al-Quds. He loved to travel, touring Egypt, visiting Damietta and Alexandria, then he visited Mecca, Jerusalem, and Damascus.\[191\] In his time, the Ottomans appeared on the scene as a huge force looking to lead the Muslim world.

After the death of Sultan Qāyaṭbāy in 901/1496, strife and discord flared up once again, until Sultan Al-Ashraf Qānsawh al-Ghūrī, 906-922/1500-1516 managed to take over the sultanate, consolidating his hold and reining in the influence of the princes.

\[190\] Dr. Tarqan, Dawlat al-Mamalik al-Jarakissa, p.146-159.

He was wise, cunning, and ruthless. He subdued the princes, and broke any opposition such that his rule became strong and struck fear into hearts of others. Kings sent him gifts, like the King of India, Yemen, Morocco, the Romans and the Franks.\textsuperscript{192}

Sultan Al-Ghūrī attempted to confront the emerging Ottoman force and prepared a massive army to repel the Ottoman army marching on Shām led by Salīm I. The Sultan himself undertook to lead the army. A huge battle was joined in Marj Dābiq, north of Aleppo. However, the Ottoman cannon was very powerful and ripped the Mamlūk army apart; the soldiers fled and Sultan Al-Ghūrī fell under the horses' hoofs; his remains were never recovered.\textsuperscript{193}

After having secured the lands of Shām, Salīm I, headed to Egypt, and entered Cairo after fierce skirmishes between him and the Mamlūks led by Al-Ashraf Tūmānbaṣ̄ī, 922-923/1516-1517, who had been chosen by the Mamlūks as their Sultan, after ascertaining that Al-Ghūrī had indeed perished.\textsuperscript{194}

Three days after the Ottomans entered Cairo, Al-Ashraf Taumanbay surrendered himself. The Ottoman Sultan had him hung and the body fixed over Zuwaila gate. This spelt the end of the Circassian State or the Burjī Mamlūk state, and Egypt came under the dominion of the Ottoman Sultanate.\textsuperscript{195}

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\textsuperscript{192} Ibn al-'Imād al-Ḥanbālī, Shadharāt al-Dhahab, volume 8, p.113-114. Also Al-Shawkanī, Al-Badr al-Tāli', volume 1, p.555.


\textsuperscript{194} Ibid, volume 5, p.102-103. Also 194 Ibn al-'Imād al-Ḥanbālī, Shadharāt al-Dhahab, volume 8, p.115.

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From this brief summary of the second of Mamlûk State from its rise up until its downfall, we note the following:

- **First**: political upheaval, which prevailed over most of the land of the State and especially towards the end of its days, was an important cause of its downfall and destruction. The conflict and struggle between the Mamlûk and princes was at a peak; some plotting and conspiring against the others. The greatest evidence of this upheaval was that more than half of the Sultans of this State had been removed from office; moreover some had been removed and then returned again, while others were killed. This may be assigned to the fact that the system of rule was hereditary and on clan lines, where Sultans would appoint their children to take over affairs after them, even if they were still too young, which resulted in the princes toying with, and conspiring against these young sultans in order to take over authority.

- **Second**: in addition to the internal strife, suffered by this State, it also faced external dangers, which sapped its energy, especially on the part of the Mongols and the Crusaders, followed by the emergence of the Ottomans as a force that in the end was able to destroy the Mamlûk state.

- **Third**: despite the upheaval, internal strife, external dangers witnessed by the second Mamlûk state; there were periods of relative stability during the times of some Sultans, which helped in the advancement of knowledge and the scientific movement, where scholars were able to carry out their varied scholarly roles, and confront the Mongol danger that was subsequently crushed, as well as fighting the Crusaders whose greed had been fuelled by this unstable political situation. In the midst of this, the great scholar, al-Samhûdî appeared. He was able to proceed in seeking knowledge and writing books, despite the chaos and successive
upheavals. All this despite his personal circumstances: the death of his mother, his library burning down, and his travels from Cairo to Medina and Mecca, and the difficulties he faced in Medina when he wished to reside there.

2.5.2. Economic life in Egypt during Mamluk rule:

It can be said that economic life in the Mamluk era depended on trade, industry, and agriculture. However, trade was by far the largest component of the Mamluk economy, since international trade would pass through its frontiers. European merchants would put into its ports to buy and sell, which brought huge returns to the state.

At the initial stages of the Bahri Mamluk state:

"there were huge advances in the free trades, which made a huge impression on the Europeans, in terms of commercial and vocational life in Cairo in Mamluk times. It was said that the city of Cairo was a great city, containing 14,000 streets, and all its streets brimming with trade in a huge way". 196

It is worth noting that "the economic situation at the beginnings of the Bahri Mamluk state was an extension of that in the Ayyubid period", where there were craftsmen working in the Sultan's workshops, or the workshops belonging to Waqf or religious endowments. At the same time, the government played a prominent role in trade and the workshops, especially the textile workshops, while the number of specialised markets increased when compared to the Ayyubid period.


The free trades saw advances during the Ayyubid period and the early Mamluk period, which paved the way for relative stability in the monetary system. There was little issue of money at the time; however the minting of copper coin in the period following that multiplied. Prices of essential products were largely stable in the period, and it is apparent in this regard that

"the available sources of money during the Mamluk period were many. There are records on money that are available and full of information since the 19th century. The first guide on Mamluk coinage was published in 1964, and financial developments in the period of the Mamluks was more than had ever been seen at any other Islamic time in Egypt."¹⁹⁸

The developments in the free trades were very marked in Egyptian cities. The trades were supervised closely by the Sultan's administration that had the power to move the craftsmen from one neighbourhood to another whenever it wished, or even from one city to another, or force them to accomplish specific tasks. Therefore all the craftsmen in Cairo, on the orders of the Sultan Qalāwūn, were gathered to build a hospital.¹⁹⁹

The Sultan's employees would sometimes control the production of some craft products, prohibiting production, or ordering overproduction to swamp the markets. For example, in 749/1349, Minister Manjaq ordered the cobblers in Cairo not to produce a certain type of footwear, called "Mantuflī", to remove competition to the

Sultan's workshop that was producing such a type of footwear.200

"It seemed that there were units of craftsmen that were quite simple and humble, set up in homes, each overseen by a foreman called Shaykh al-Ḥirfāh. These foremen were not called upon to supervise production activities, rather they were considered government representatives for the general supervision of craft and commercial trades. Some of them were directly appointed by the government, in the same way as Muḥtasibs, inspectors and their aides, who had the right to supervise the important cities. 201

From the start of the Mongol invasion of Baghdad, Egypt's role as a centre for trade transiting between Asia, Africa and Europe - increased in importance. Egypt in the early Mamluk times consolidated its external trade relations, such that it became an important channel for goods.202

It seems that the general trend in Mamluk times was that of economic decline, especially during the time of the Circassian Mamluks, this worsened in the second half of the same period in the 15th century.203

It is worth noting that under the rule of the Burji Mamluks, we find corruption rife in the ruling class. Even the Sultan's themselves had monopolised trade in certain essential goods, like pepper and sugar. Egypt at the time suffered endemic famine. In addition, when the inhabitants tried to rebel, they were usually subdued extremely forcefully. There were also attacks by the Bedouin on lands and farms, leaving behind

202 Ibid., p.241.
destruction everywhere, in addition to the return of the plague. In addition to all that, there was the expansion in the Western world at that time, which had various effects: for example, the discovery by Vasco de Gama, who discovered the navigation route around the Cape of Good Hope, which resulted in the trade in spices and tropical goods moving away - which formed one of the most important sources of national income - added to that was the closure by Portuguese and European ships of the seas and Arab coasts to Arab ships.\textsuperscript{204}

From central Africa, and Morocco, merchants would bring yarn, wool, ivory, and gum Arabic, in addition to black slaves. As for silk and Chinese musk, this would come from China. The main trade was in spices from India.\textsuperscript{205}

It seemed that in the period of the Circassian Mamluks, the Sultan Bārsbāy, had taken several measures to encourage trade, providing incentives for merchants to dock at ports belonging to the State: he reduced the fees to be paid by merchants landing in ports, extending his protection over merchants, and their goods, granting immunity from theft or plundering. He consolidated his relationships with the European states and cities, negotiating with them trade agreements that contributed to a revival of trade with them.\textsuperscript{206}

These economic and fiscal measures led to the adoption of a new policy that aimed at earning the greatest amount of monies from the transit of goods, by adopting a policy of monopoly on local essential goods, which in turn led to higher prices, which led


\textsuperscript{205} W. Fischel, op. cit., p.169.

\textsuperscript{206} Ahmad Tammam. Al-Ashraf Bārsbāy–Fātih Qubrus fī Dhikrā Tawliyatih: 8 Rabi' Al-Awwal 825AH, Internet: www.islamonline.net.
European merchants to respond and attempt to remedy that situation.\textsuperscript{207}

The Sultan Bârsbây minted money that would be the basis of commercial dealings, and prohibited dealing in other coin, Venetian or Florentine, and also encouraging people to use his coin by raising its value such that it had greater purchasing power leading to its greater use. However the Sultan monopolised the trade in some goods like sugar, pepper, textiles coming from Mosul and Baalbek, which led to higher prices, and people suffered in buying these commodities.\textsuperscript{208}

In 1403, "pirates from Western Europe plundered the city of Alexandria, while the Bedouin also attacked the southern cities. At that time there was an important development in personal ownership of agricultural land, which led to a sharp fall in the Treasury income from agricultural taxes, which made the city the main source of government income.\textsuperscript{209}

The tax policy of the Circassian Mamluks Sultans towards the city inhabitants was extremely brutal when compared with the Ayyubid period or the early Mamluk times, especially in the times of Sultans; Lajin, Qalâwûn, and Baybars. It was well-known that a number of taxes had been abolished, and that the Sultan Al-Nâsir Muḥammad had established a highly important tax reform regime that was so comprehensive that it could not be compared except with the tax reform established by Salâh al-Dîn al-Ayyûbî.\textsuperscript{210}

\textsuperscript{207} Bernard Lewis, The Middle East: 2000 years of history from the rise of Christianity to the present day, Phoenix Giant, 1995, p.106.

\textsuperscript{208} Ahmad Tammâm, op. cit.


It was known then that "abolishing the only tax worthy of consideration in the late Mamluk period was during the rule of the Sultan Al-Zahir Barquq in 792/1390, when he ascended to the throne the second time. However, the Sultan Al-Nasir Faraj was quick to re-institute those abolished taxes, and even increased them in 802/1400, on the pretext of financing the battalions in Syria, fighting against Timurlenk.\(^\text{211}\)

It is worth noting that "Sultan Barsbay (1422-1438), had attempted to assume control of commercial dealings in his kingdom, however this had negative effect on trade activities. After that, Barsbay launched successful naval campaigns against Cyprus, and his concern also included agriculture, where he ordered the digging of Al-Khalij al-Nasiri after it had virtually silted up. He also built bridges, canals and repaired what had become dilapidated. Because of this care, harvests did not suffer lack of water throughout the time of his rule.\(^\text{212}\)

As for Sultan Qaytbay, he made it his concern to establish canals, and build bridge dams to hold the Nile waters, and regulate these to allow cultivation of land, and allow the gathering of taxes. At times when the Nile level fell sharply, during his rule, this had a great influence in raising prices.\(^\text{213}\)

It can be said that since the navigation route around Africa was discovered, the major merchants trading in spices would use it and from there on to Lisbon. Each year, less and less ships were sent to Egypt. Hence, late Mamluk economic policy led to weak trade relations with the countries of the East and West. Western traders refused to berth in the ports of Alexandria, Damietta or others, due to the many restrictions, that


\(^{212}\) Ahmad Tammâm, op. cit.

\(^{213}\) Abd al-Tawwâb A Mahmûd, Qâytbay al-Mahmûdi, p.119.
led to rising recession. Faced with the situation of economic deterioration and increasing popular anger, the Turkish Ottoman army defeated al-Shaykh Ismā'īl, Egypt's ally in Syria, and crossed the Syrian border advancing towards Egypt. A decisive battle was fought in Marj Dābiq, north of Egypt's, on 24 August 922/1516.214 It was clear that the greater driver of higher prices and the upheaval in the land was the change of currency. The people suffered much in the process of that change. Many times, they waited to see the Sultan Qāyūtāy, who was afraid of them, and avoided them by travelling to the citadel through the cemetery in order not to meet them in Cairo.

In 873/1468, the new coin was announced at 24 per pound, whereas it had been 36. In 879/1474, Sultan Qāyūtāy minted a new coin, and the old coin was valued at 24 per pound, whereupon, people lost a third of their wealth.215 Furthermore, with the widespread counterfeiting of money which led to economic destruction during the Burji Mamluk period, there were confrontations between the inhabitants and representatives of the government Administration. In 859/1455, the inhabitants of Cairo pelted the Sultan's employees with stones, especially, the Muḥṭasib, Chief Inspector himself. This was for the high bread prices. It is reported that they took the inspector's valuable ring and luxurious shawl. In 886/1481, the inhabitants of Aleppo killed the Citadel Commander and its Judge.216

It is worth noting that Al-Samhūdī in his works described the situation of the Inspector in his time. He also mentioned how people dealt with inspectors. He

214 Simonova, I.A. op. cit., p.244.
215 Abd al Tawwab A Mahmud, Qaytāy al-Mahmudī, p.133.
216 Simonova, I.A. op. cit. p. 244.
reported that the inspector in his time had become an employee who was dishonest and did not fear Allah. He said that treachery, accepting bribes, monopoly of some goods leading to higher prices had all been seen perpetrated by inspectors. Al-Samhūdī said that there were people who had gone hungry and died because of the high prices.

It seems that some historians agreed with Al-Samhūdī in his description, when he said that the Mamlūk period saw widespread corruption, bribery, monopoly over goods and essentials, nepotism on the part of Princes and persons of influence in appointing to high public office, among these the post of inspector or Muhtasib in order to serve their interests.²¹⁷

At the end of the Mamluk period, competition over the post of Muhtasib was fierce and included bribery.²¹⁸

Bribery became the rule in assuming the post of Muhtasib, and whoever paid more would be given the job.²¹⁹

Collecting tax became one of the major problems that led to the decline in economic situation and protest by the people.

In 886/1481 the poor in the city of Cairo attacked Judge Ahmad Shihāb-al-Dīn, who gave the Sultan Qāytbāy a fatwa relating to his right to collect the tax on ownership in the city two months before their due date. This judge had to escape to Mecca and remained there until people had quieted down. In 912/1506, the inhabitants of

²¹⁷ Al-Maqrīzī, Ighathat al-Ummah bi Kashf al-Ghummah, p. 43.
²¹⁸ Abu Zayd, Sihām, Al-Hisbah fī Mīsīr al-Islāmiyyah, p. 94.
Damascus expelled the deputy Sultan from their city.\textsuperscript{220}

The situation escalated from bad to worse, since there was a permanent need to supply the war campaigns in face of the Mongols; this became the main source provoking and widening this disgruntlement. In 891/1486, Sultan Qāytbāy ordered that the rich merchants in Cairo's markets be summoned, and despite their remonstrations, 12,000 Dīnars were collected for the war effort.\textsuperscript{221}

In 879/1492, taxes were collected in the city of Cairo, two months before they were due. In the same year, taxes were collected in Damascus five months before they were due. In 884/1496, a unified tax was declared in all the lands to be collected every five months.

In 886/1498, tax was collected several times from craftsmen, and traders. This was in the time of Sultan Al-Nāsir Muhammad. As for the period of Al-Ashraf Junblāt, in 908/1501, cash sums were confiscated from Jews, Christians, and merchants for the second time. In 912/1505, taxes on property were collected eight months before they were due on the orders of the Sultan Qānsawh al-Ghūrī. In 920/1514, taxes were collected from all the inhabitants of Damascus, Aleppo, Hama, Safad, and Tripoli, on the pretext that the fighting forces were in need. The following year, the same taxes were collected for the same reason.\textsuperscript{222}

The state of poor city dwellers became ever more desperate, due to the atrocities committed by the Mamluks and their aides.\textsuperscript{223}

\textsuperscript{220} Simonova, I.A. op. cit., p.244.

\textsuperscript{221} Ibid., p.243.

\textsuperscript{222} Ibid, p.243.

An example of this, Sultan Qãnsawh al-Ghûrî declared that no living being, whether from the citizenry, or merchant would have the temerity to insult one of the Sultan’s Mamluks; if one of them were to touch the reins of the horse of a passing Mamluk, then his hand would be cut off. After this edict, the Mamluks appeared in Cairo’s markets snatching whatever took their fancy, and no one could prevent them... after this, people were greatly depressed and saddened.224

The dependence by many Mamluk princes in Syria and Palestine on taxes that they collected from Bedouin, Turkmen, and citizens resident in these lands, as their only source of income, led to revolts by the inhabitants against the Mamluks. This led to great strife, which in the end led to the majority of historians pointing out that the Mamluk State in its final days had been reduced to a third of its size compared to its grand beginnings.225

It would seem that economic factors were not the main cause of the downfall of the Mamlûk State, and of their weakness in face of the Ottomans. Rather there were other factors and internal problems that led to their rule coming to an end at the beginning of the 16th century. Added to that, the Ottomans possessed one of the most powerful armies, well armed and trained, in the area east of the Mediterranean at the time.226

In summary, charging high taxes, and rising prices was the main reason in the weakening of the Circassian Mamluk State economy. In addition, the rude policies of the rulers, and their monopoly over some agricultural products, like grain, and cotton

224 Simonova, I.A. op. cit., p.244.


led to weakness in agricultural resources for the Mamluk people. It is well known that political instability naturally leads to a state of economic decline. This is what happened at the end of the Mamluk state due to the many conflicts amongst the Sultans: each Sultan charging taxes through which to buy weapons and prepare armies in order to achieve his own ends.

2.5.3. Social life in Egypt during Mamluk rule

No doubt that there were fundamental changes in the social fabric during Ayyubid and Mamluk times.

The structure of the Mamluk State generally depended, no doubt on the subjugation of the majority by the controlling Mamluk minority.

2.5.3.1. Social Ties

Following the social ties that united the Mamluks, you find that in the time of the Bahri Mamluks the strongest of ties amongst the Mamluks appeared -- which is the bond of Mentor -- this most closely resembled the relationship between the master Mentor and his slaves, whom he had bought and had overseen in their upbringing and training, giving them full attention and welfare. The master would eat his food with his Mamluks, and take great pains to sit with them and strengthen the bond between him and them in order to guarantee their loyalty.

It could be said that the mentor-student relationship that underscored the personal loyalty between the master and his Mamluks, required that the master looked after his...


229 Qasim 'Abdu Qasim, op. cit., p.28.
Mamluks, spent on them, while their duty towards him was to protect him, preserve his throne, and defend his family. Therefore this relationship had become the ideal social tool in order to achieve the feeling of security by the Mamluks throughout their lives, which were governed by bloody competition.

There was also another relationship, that of camaraderie, which is that bond that united the Mamluks into a single clan. It is no wonder that the members of this class who were bought as slaves in their childhood had all been raised together and lived in the same circumstances. On the other hand, they were strangers to the society that they were required to fight in defence of, and since their roots were entrenched in another soil far away, from where they had been uprooted, they lacked the sense of belonging to the society, where they lived on the margins, and felt no ties to it.\footnote{ibid, p.140.}

It is worth noting that in the Circassian Mamluk times (Burji), the mentor relationship was greatly changed and weakened.\footnote{Ibid, p.146.}

Perhaps the reasons for this change can be found in an evolution in the system for raising Mamluk's in Circassian times, which weakened the very basis on which the Mamluk political system was established. Sultans and Princes rather than acquiring Mamluks at a very young age- who as children were then subjected to a strict system of preparation and training - they acquired youths, Mamluks past puberty, who were known as "\textit{al-Julbân} or (\textit{al-Ajlab})\footnote{Ibn Iyās, \textit{Badai' al-Zuhûr fī Waqa' al-Duhûr}. Volume 3, p.82.}.

The natural result of this development was that the mentor relationship between Mamluks and their master, who had brought them up and trained them from an early
age, was weakened. This also affected the camaraderie that united the Mamluks within the clan.\textsuperscript{233}

On the other hand, the control by princes and sultans over these Mamluks was weakened, leading to many incidents of unrest, and street fighting, which the streets of Cairo and its alleyways were the scene for.\textsuperscript{234}

2.5.3.2. Social Classes

There have been various classifications of Mamluk Society. Some historians subdivided society into Sultan and subjects, where the Sultan meant the ruling Mamluk system, and those who moved in its orbit. As for the subjects, this meant all the inhabitants and all their classes and groups. The relationship between Sultan and his subjects was not established on the basis of mutual rights and responsibilities.\textsuperscript{235}

Some other observers said that society in the Mamluk times was a society made up of several classes each distinct from the other in terms of characteristics, description, and appearance.\textsuperscript{236} According to the latter classification, society in Mamluk Sultan times was divided into seven classes. The first consisted of people of the State; the second those endowed with wealth, the merchants or otherwise; the third, sellers who were traders of middling circumstances, called "Ashāb al-Burr; including market people; fourth, agricultural workers, inhabitants of the rural areas and villages; fifth, the poor including the majority of scholars and students of knowledge; sixth, craftsmen:

\textsuperscript{233} Ibid, p.82.

\textsuperscript{234} Al-Qalqashandi, Subh al-Ašḥāf fi Sinā‘at al-Inshā‘, volume 4, pp.61-63.

\textsuperscript{235} Ibn Khaldūn, op. cit., p.183.

\textsuperscript{236} ‘Ashūr S. Al’Asr al-Mamlā‘īkī fī Mist‘wa al-Shām, p.320.

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seventh, the poor and needy who survived by begging.\textsuperscript{237}

If we consider this classification carefully, we find the first-class whom Al-Maqrizi called (people of the State) included the Mamlük Sultans, princes, soldiers; this is a class that had all the privileges of society, owning palaces, property, and farms, and enjoyed a life of ease and luxury. The Sultans looked after their Mamluks very well, and took great care in raising them properly, teaching them the Noble Qur\'ān, writing, and the rulings of Islam. They spent on them generously, and treated them as a father, with warmth and compassion; providing the tastiest of fruit and drink.\textsuperscript{238} At puberty, they would teach them the arts of war and horsemanship, which was the main task for which they had been bought. No wonder that this group was in the first class of the social order in the Mamluk times. It was natural in a State whose system was based on militarism, preparation for fighting, and interest in horsemanship.\textsuperscript{239}

Noteworthy, that this class in addition to Mamluks -- who were the people in power -- included holders of public office; ministers, clerks, and judges, who were generally natives of the land.

As for merchants and traders - the second-class - they formed a class that was brought close to the Sultans, who felt the importance of merchants more than others, since they formed the essential source of finance during times of difficulty and need. Merchants during that time enjoyed huge wealth, and were helped in this by Egypt's location as a crossroads for trade between East and West.\textsuperscript{240}

\textsuperscript{237} Al-Maqrizi, Ighathat al-Ummah bi Kashf al-Ghummah, p.21.

\textsuperscript{238} 'Āshūr S., Al-Mujājima' al-Misrī fī 'Āsrr al-Salātīn al-Mamalik, p.11-15.

\textsuperscript{239} Salām, M.Z, Al-Adab fī al-'Āsr al-Mamalikī, volume 1, p.47.

\textsuperscript{240} 'Āshūr S., Al-'Āsr al-Mamalikī fī Misl'wa al-Shām, p.324.
As for those in the remaining classes -- sellers, farmers, craftsmen, they were less well off: rather some of them lived a life of hardship and difficulty compared to the Mamluks and others in the rich classes.\textsuperscript{241}

It is strange that the fifth class – the poor – was reported to include the majority of scholars, and students of knowledge. From this, it would be understood that scholars, jurists, and students at the time were poor and needy. This contrasts with the narration in the historical sources -- and that were written at the time -- where we find that scholars, and jurists enjoyed a great measure of support and welfare from the Mamluk Sultans. The Sultans were extremely generous to scholars and jurists regaling them with gifts and grants, while setting up many endowments directed towards schools, teachers and students. It would seem that the Mamlūks had always felt "strangers" in the land, and therefore needed a support on which to base their rule and which they could call on in order to quell people's disquiet, which they found in the scholars due to the power, and respect they commanded. So they respected them and gave them status, which is what we mentioned in the first chapter relating to the relationship of Al-Samhūdī with the Princes and Sultans. We find that Al-Samhūdī enjoyed a position of respect among the Sultans whether in Egypt or in Medina. It could be said that this position enjoyed by the scholars in the Burjī Mamluk times did not prevent some Sultans or Princes from oppressing them, exposing them to criticism, ridicule, or restriction at times.\textsuperscript{242}

2.5.3.3. Status of Women in Mamluk Society


\textsuperscript{242} 'Ashūr S. Al'Asr al-Mamalikī fī Misr wa al-Shām. p.323-324.
As for the status of women in Mamluk times, they enjoyed the respect of society and were given respectful titles like "Sit al-Mulāk", Lady of Kings or "Sit al-Kull", lady of all. There were a number of cultured ladies who exercised a positive social existence by which they gained such respect. The status of women, and their active role knowledge-wise was a catalyst for their role to be acknowledged and gain the respect of the people, as well as the Mamluks themselves. Women engaged in teaching, and set up salons of knowledge; books of biography written at that time are full of many names of those women, many of whom attained a high level in seeking knowledge, and being taught by the great thinkers of the time like Al-Sakhāwī, al-Siyūṭī, and others. Social life during Burjī Mamluk times was distinguished by the prevalence of festivals and celebrations like the Sultan’s ascension, and others. People would exchange felicitations, prepare banquets, and give to charity, while showing great happiness. The Sultans made a point of creating many and varied social establishments.

In conclusion we may say that the Mamluk society was a multi-ethnic one, shared by newcomers who ruled, and the original inhabitants who were subject to the authority of the immigrant Mamluks.

2.5.4. Cultural and Scientific Life:

Al-Samhūdī, like other scholars, was influenced by the flourishing scientific and intellectual life during the Burjī Mamluk time. This great civilisational impetus seen by the State was reflected in his life. In addition, through living with the cultured class, and studying under its leading pioneers and Shaykhs, he became one of the

distinguished personalities of his time, as was mentioned in his biography in the first chapter. Therefore, it is important to present -- even briefly -- the features of the cultural and scientific movement in that State, and clarify the reasons why it flourished.

Historical sources are almost unanimous in stating that Egypt under Mamluk rule witnessed a healthy intellectual movement, and a scientific renaissance. Cairo became a beacon drawing scholars and educated persons to it, while spreading civilisation and knowledge to the various lands. This scientific movement was not restricted to any branch of science or knowledge, rather all cultural, religious, philosophical, theoretical and practical branches were represented, working together in harmony to form a cultural and scientific life that was an exemplary model of scientific advance and flourishing civilisation.

If Mamluk life was negatively distinguished by violent struggle over power in the political aspect; this was a civilising driving force, because of the competition between Princes and Sultans, each intent on leaving a legacy for posterity, and highlight what they could achieve with the means at their disposal, while they were in power or seeking it. If we take into consideration, the huge material resources enjoyed by the Sultans, we can understand how Islamic culture flourished -- in their time -- which allowed it to compensate for the catastrophes suffered whether at the hands of the Mongols in Iraq and Shām, or at the hands of the Christians in Al-Andalus, Spain.244

Academies of various types took the burden of spurring this huge scientific and cultural activity, and enjoying wide growth. The number of schools and teachers

increased, and students from everywhere came to study there. Schools in Egypt were beyond count due to the huge number in addition to the mosques and "Zāwiyahs", which were places of teaching and learning that were so numerous. Each of these places brimmed with Imams, orators, jurists, teachers, and students.

It can be said that the learning in these schools and mosques were the true representation of the extent in which life in the knowledge realm was full of vitality and activity. The large mosques with long history in knowledge regained importance at the hands of the Mamluk Sultans, and gained leadership in the cultural and knowledge spheres. It is well-known that 'Amr ibn al-'Ās Mosque in the first half of the Eighth Hijri century hosted more than 40 circles for teaching. It contained seven Zāwiyahs for teaching Fiqh, and Qur'ān recitation. Ahmad ibn Tulūn Mosque regained into vitality at the hands of the Sultan Al-Mansūr Husām-al-Dīn Lajīn (696-698), after he refurbished it and ordered that classes in Fiqh, Hadīth, Qur'ān, and medicine be held in it. Later he added a library dedicated to memorisation of Qur'ān.

As for the grand mosque of Al-Azhar whose role had declined, and was neglected after the fall of the Fatimid Caliphate, it remained in disuse throughout the Ayyubid period until it fell into such disrepair that it was in danger of falling apart. However, it was revived and took on a leading role as the largest Islamic University in the rule of Sultan Al-Zāhir Rukn-al-Dīn Baybars (658-676), who commanded that it be

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245 Ibn Battūtah, Rihlat Ibn Battutah, p.37.
refurbished and renewed. He breathed new life into it by opening it up for learning and prayer in 665, and installed jurists, scholars of Hadith, teachers and orators.\textsuperscript{249} making it a huge beacon of knowledge, attracting teachers and students from all directions. It seems that knowledge in Al-Azhar was enriched by the presence of a class of people, from abroad, Morocco or farther afield, and persons coming from the rural areas to Cairo, seeking knowledge. Each had a place dedicated to them that was filled with the recitation of Qur’an, learning and teaching, in addition to various types of sciences like Fiqh, and grammar; listening to Hadith, and holding sittings for admonishment, those people living in and around Al-Azhar numbered 750 individuals.\textsuperscript{250}

This intellectual activity spread to all corners of the land, north and south. Perhaps the traveller, Ibn Battutah offered the best testimony to this renaissance seen in the Egyptian lands. He recorded what he saw during his visit to Egypt in 726/1326, and spoke of Alexandria and its scholars, describing its various mosques and schools. He portrayed to us the shining image of the flourishing state of the sciences seen in the different countries, in addition to the tens of mosques and schools and other institutes, jostling together in Cairo and al-Fustat, founded by Mamlük Sultans and Princes.\textsuperscript{251}

As a result of this intellectual renaissance, hundreds of scholars rose to fame in the different areas of knowledge. These scholars authored huge tomes, such that the Mamluk period became distinguished as the age of encyclopaedias in the different areas of intellectual discourse; religion, literature, administration, geography, history.

\begin{footnotes}
\item[249] Al-Maqrızī, Al-Sulûk li Ma‘rifat Duwal al-Mulûk, volume 1 part 2, p.556.
\item[250] Al-Maqrızī, Al-Sulûk li Ma‘rifat Duwal al-Mulûk, volume 1 part 1, p.323-324.
\item[251] Ibn Battútah, Rihlat Ibn Battutah, p.37 p.20-21, 33-35, 50-52.
\end{footnotes}
language, and grammar. The scientific publishing movement attracted the attention of other States, who followed closely what was produced and strived to acquire new works. It is narrated that in 833/1430, Shāh Rukh ibn Timūr, king of the Mongols, sent for, and requested a copy of the explanation of Imam al-Bukhari’s book of Ḥadīth, written by Chief Judge Shahab-al-Dīn ibn Ḥajar, and Al-Sulāk li Ma‘rifat Duwal al-Mulūk by al-Maqrīzī, which is the greatest evidence of the fame gained by this cultural movement and its wide influence.

The intellectual and cultural movement of the time was marked by diversity, and did not stop at theoretical studies alone, but included the scientific and practical spheres like medicine, engineering, war, and art in all its forms. We find that Ahmad ibn Tūlūn mosque in Mamluk times was a place where Fiqh, Ḥadīth, Qur‘ān, and medicine were taught.

In Mamluk times, schools and colleges were built to teach people; medicine, philosophy, art, and applied and mathematical sciences.

It can be said that there was a number of reasons that played a role in the advancement of this scientific cultural movement in the Mamluk state, especially its capital Egypt.

After the fall of the Abbasid Caliphate in Baghdad at the hands of the Mongols, the
Abbasid Caliph took refuge in Cairo. Sultan Al-Zāhir Baybars (658-676/) received the fleeing Abbasid Prince Abu al-Qāsim Ahmad ibn al-Zāhir ibn al-Ńāsir. He summoned the princes, judges, scholars and notables in the State, who testified that the Prince's lineage went back to Banī al-`Abbās. and so he was given their allegiance as Caliph. after which Egypt became the seat of the caliphate, which increased its stature. and it became the dwelling of scholars, notables. and the destination for many.  

Moreover, it became the centre for scientific and religious activity in the Muslim world. One of the reasons that also led to such flourishing status was the patronage afforded by the Mamluk Sultans to this intellectual and scientific movement. In this respect, the Sultans and Princes discharged their duty as best can be. They competed in establishing scientific establishments, granting huge endowments. and appointing the best scholars and thinkers to staff these. Moreover, many of the Sultans themselves were highly cultured, and intent on creating a cultured society. with interest in scientific and literary studies. Sultan Abu Sa`id Timurbughā al-Ńāsiri (871-872/1467 - 1468) was a man of letters, historian, and well-regarded religious scholar. Sultan al-Mu`ayad Ahmad ibn İnāl was a poet. orator, and well versed in religious sciences. Moreover, Sultan al-Ashraf Abu Nasr Qāytbāy (872-901/) was well read, and also sought knowledge. As for Sultan Qānsawh al-Ghūri (906-923). he was a literary person, poet and orator. He also loved reading books of history, biography and

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257 Al-Sakhāwī, Al-Daw` al-Lāmi`, volume 3, p.41.  
258 Ibid, p.309.  
Sultan Qāytbāy (872-901) would take advantage of the meetings by scholars and jurists in the citadel, to raise many scientific issues, and discussed these with them. Sultan al-Ghūri took great interest in holding councils of scientific and religious discourse in the citadel, once or twice a week. He would discuss in such meetings various issues and problems, both scientific and religious, in which participated many of the great scholars and jurists. Some Mamluk Sultans -- after they were removed from power -- devoted themselves to knowledge, spending their time on it, and exploring its many facets; for example Sultan Yūsuf ibn Bārsbāy (841-842), when he was removed and imprisoned in Alexandria, he studied the branches of science and literature. Like him, Sultan Ahmad ibn Ināl al-'Alai'y (965), who was removed and transferred to Alexandria, spent all his remaining time in exile learning.

In addition, some Mamluk Sultans and princes followed a policy of encouraging the immigration of scholars to Egypt. Sultan al-Ẓāhir Barqūq (784-790) made it his policy to bring the leading scholars of the Muslim world to Cairo, so as to maintain a fresh and flourishing intellectual life, with the knowledge that they brought with them, and the intellectual vitality their presence stimulated.

The reasons that led to this magnificent state of knowledge, was that the Mamluk Sultans' intent to build scientific establishments, was of no compare. At the time, these establishments were schools, mosques, libraries and other educational and

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260 Ibn Iyyās, Badāʾī al-Zuhūr, volume 5. p. 89.
263 Al-Siyūṭī, Naẓm al-'Aqāṇ, p. 179.
religious establishments. This phenomenon is one of the prominent features that evidenced the concern the Mamluks had, for the intellectual movement.

One of the most important schools established during the era was the Madrasah Zāhiriyah, founded by Sultan al-Zāhir Baybars (658-676). It was the most prestigious school in Cairo, and consisted of four knowledge circles: two circles dedicated to the teaching of Fiqh according to the Shafi`i and Hanafi schools of jurisprudence, and was dedicated to (Hadith) the Prophetic tradition, and Qur`ān rendition. Each knowledge circle had its own place within the school, and leading scholars and jurists sat to teach there.265 When Sultan al-Mansūr Qalāwun (678-689) created his scientific institute, it included a school with three knowledge circles that were not to be found in the Madrasah Zāhiriyah, two circles teaching Fiqh according to the Mālikī and Ḥanbali schools of jurisprudence, and one dedicated to teaching medicine. The staff of the school consisted of well-regarded scholars and jurists.266

As for al-Nāṣir Muḥammad Qalāwun, his period of rule was the best in terms of creating scientific establishments. In 703, his school called al-Nāṣirīyah was completed; the school continued to play a role for more than one and a half centuries. It was described as always full, and one of the prestigious schools of his time.267

When Sultan Barqūq (784-790) came to power, he set about establishing his Zāhiriyah Madrasah. It was officially opened in Shaʿban 788, and he appointed to it scholars to teach; Fiqh, Hadith, Tafsīr, and the rendition of Qur`ān. There was nothing

265 Ibn Thaghri Bardi, Al-Nujūm al-Zāhirah, volume 7, p.120-121.
266 Al-Maqritī, Al-Mawāʾiz wa al-Iʿtibār, volume 2, p.380-381.
of compare ever established in Cairo. 268 Al-Ashraf Bäsibäy (825-841) established his school in 833. 269 Sultan al-Ashraf Inäl (857-865) finished building his school in 860. 270 While Sultan Qäytbäy (824-901) was considered one of the most prolific Mamluk Sultans in building schools. He not only established them in Cairo, but also in other regions like Damietta, Alexandria, Medina, Mecca, Jerusalem, and Damascus. 271 Sultan al-Ashraf Qânsawh (906-922) established more than one school in Cairo and Mecca. 272

It was customary for these schools, mosques, and institutes to have dedicated libraries; these were huge and contained references in all sciences. Each library had a person in charge, who ensured that the books were organised, properly shelved, and repaired from time to time: in addition to guiding readers to the references they needed. It was usual to appoint a scholar or jurist 273 in that position: for example Judge Ibn Ḥajar al-'Asqalānī was in charge of the Mahmūdiyyah library until he died in 852. 274

Teaching in these schools was a prestigious position. The Sultan himself would appoint the teacher and issue a special appointment from the Dīwān (Chamber), depending on the subject that would be taught, whether Tafsīr, Hadīth, or Fiqh. In the appointment, the Sultan would give advice to the scholar to reveal his knowledge to

272 Ibn Iyyās, Badai' al-Zuhūr, volume 5, p.93-95.
273 Al-Qalqashandi, Subh Al-A'shā, volume 11, p.269.
274 Al-Sakhāwī, Al-Daw' al-Lami', volume 5, p.143.
his students and raise them as he would his own children. It was also customary to appoint one tutor or more to assist each teacher; they would revise with the students what the teacher had previously presented, so that they are better able to understand and become proficient. The student had the freedom to choose the subjects that he wished to study, and the Shaykh under whom to learn. When the student completed his studies, and was qualified to issue fatwas (religious rulings), as well as teach, his Shaykh would issue him with a document of permission mentioning the name of the student, his teacher, the school of jurisprudence to which he belonged, the date he became qualified; the value of this document depended on the reputation of the Shaykh issuing it, and his scientific standing.

The Mamluk Sultans and princes also applied themselves to providing sources of funding for schools and scientific establishments. They made many endowments to them, in the form of farm estates, property, and others. They spent generously, and paid the teachers exceptional salaries. They also spent on the students, which gave everyone the opportunity to dedicate themselves fully to study and research without worry about their livelihood.

In conclusion, after this brief presentation of the features of Mamlük times from the scientific and cultural perspective, we may say that the Sultans and prevailing political climate played an important role in creating such a flourishing scientific and

275 Al-Qalqashandi Subh Al-A'šâ, volume 11, p.246-247.
cultural scene. This resulted in a huge scientific heritage, which included the work that we are about to authenticate and study.

2.5.5. *Ahl Al-Dhimmah* in Egypt during Mamlūk times:

In Egypt in the Middle Ages, *Ahl-al-Dhimmah* (non-Muslims residing in Muslim lands) were represented by numerous sects. In the Mamluk period, the Christians were divided into two main groups, Melchites (or Uniate Christians), and Jacobites, while the Jews were three denominations; Rabbinate, Karaite, and Samaritans. This diversity came about -- naturally -- as a result of religious difference between the followers of the two religions.\(^{278}\) The following is a brief presentation of these sects:

2.5.5.1. The Christians:

It is worth noting, that the two main Christian sects, the Jacobite (Orthodox) and Melchite, appeared in Egypt. The Jacobites are the majority and exist to this day. The Melchites -- are the Roman Orthodox -- this was an outcome of the Council of Chalcedon convened as a result of the controversy over the nature of Jesus, in the early Christian era. The sect is ascribed to the Byzantine emperor, Mercian (450-457 CE) who called for this ecumenical council in 451CE, due to the view by Dioscorus, 8th Patriarch of Alexandria, that Jesus had one nature, divine and not human.\(^{279}\)

The Byzantine emperor attempted a compromise on the nature of Jesus, to end the dispute over this issue. The ecumenical Council also decided to remove and exile Dioscorus, casting him and his followers as heretics. This resulted in fierce resistance


to the new creed adopted by the State, and led to a division between the two sects (Melchite/Jacobite) on the one hand, and violent repression of the Copts who upheld the Monophysite creed, on the other.\textsuperscript{280} It would seem that the Melchite sect was not numerous in Mamluk times, and that the majority were not of Egyptian origin.

The patriarch of the Melchite sect was considered by the State as an employee, like other leaders of Ahl-al-Dhimmah in Egypt who oversaw the relationship between the members of their community and the State, while supervising the internal affairs of the denominations according to their laws. Documents have defined a condition that must be fulfilled in whoever becomes patriarch. Most importantly, he must have the majority backing of the members of the sect, due to his good character and noble attributes, in addition to being fully versed in the tenets of his religion.\textsuperscript{281}

As for the Melchites, they were followers of Dioscorus, who considered that Jesus is one, but out of two natures, and became known as Monophysites. The Jacobites are ascribed to Jacob al-Barāżi', one of their leaders: followers of these sects were the Orthodox Copts -- the majority of Egyptian Christians today. At the time, the Coptic Church was the mother church for those churches in Jerusalem, Palestine, Nubia, and Abyssinia.\textsuperscript{282}

Historical documents defined the powers and responsibilities of the Jacobite patriarch, which included organising the internal affairs of his sect, including sale, inheritance, and marriage according to their religious laws, and to determine the dates of their

\begin{itemize}
  \item \textsuperscript{280} Al-Maqrīzī, Al-Sulūk li Ma‘rifat Duwal al-Mulūk, published by Dr. Ziyādah. (Cairo: 1970). volume 1 part 3, p.912.
  \item \textsuperscript{281} Al-Qalqashandi Subh Al-A‘shā, volume 11, p.385.
  \item \textsuperscript{282} Al-Maqrīzī, Al-Khuttat, volume 2, p.488.
\end{itemize}
festivals and seasons, while supervising the affairs of monasteries and churches.\textsuperscript{283} Sometimes the competition between those wishing to take up patriarchal posts, would be such that they would seek out the ruling authorities, and high princes, paying bribes for support from the sultanate authority: this occurred during the election of the successor of patriarch Carolius III, in the days of Sultan Izz-al-Din Aybak al-Turkumani.\textsuperscript{284}

Noteworthy that the Simonitic phenomenon -- sale of religious positions -- had become widespread in Egypt at the time. It was combated by some reformer patriarchs like Athnasius III (648-660), who worked hard to abolish it, and fiercely censured anyone who attained religious authority by such corrupt means.\textsuperscript{285}

2.5.5.2. The Jews:

The long history of the Jews saw their division into many sects, each claiming to be on the correct path, and the closest to the tenets of the Jewish religion. The difference between these sects was mainly focused on recognition of the books of the \textit{Torah} and \textit{Talmud}, or rejection of some: most prominent of these sects were the Rabbinate, Kariate, and Samaritan.

a. The Rabbinate Jews:

They are the majority of the Jews, and better known than others. They were the majority of Jews in Egypt at the time. The word, \textit{Rabbinim}, means religious leader or jurist. This word was arabicised to "Rabbani". The sect was named Rabbinate to

\textsuperscript{283} Al-Qalqashandi, op. cit., p.395, 397.

\textsuperscript{284} Qäsim Abdu Qäsim, \textit{Ahl-al-Dhimmah fi Misr min al-Fath al-Islami hatta Nihayat al-Mamalik}, p.102.

indicate that they follow the interpretation by Jewish scholars of the Talmud. Since they were the most numerous in Egypt, the leader of the Jews who oversaw all three sects, at the beginning of the Mamluk times, was from the Rabbinate sect. It could be said that the Rabbinates were unique in explaining the ambiguities of the Torah and its branches that were ascribed to Prophet Moses. They permitted the interpretation of the text of the Torah. 286

b. The Kariate Jews:

The second group of Jews in Egypt at the time were represented by the Kariate Jews. They took their name from the Hebrew root, *Kara*, meaning (read -- invite -- call), because they did not believe in other than what they read in the Torah, rejecting all else, nor did they bind themselves to what was in the Talmud. Kariate Jews do not believe in interpreting the Torah, as do Rabbinate Jews, nor do they believe in predestination; they depend on the lunar calendar for their festivals and religious observance, which created differences between them and Rabbinate Jews. 287

c. Samaritan Jews:

It can be said that the Samaritans were a small minority in Egypt, appearing in the time of the Mamluk State. Despite the fact that the other Jewish sects, both Rabbinate and Kariate, did not consider them Jews directly, but this did not prevent the authorities in the time of the Mamluk Sultans from dealing with them officially on the basis that they were a Jewish sect, and applied the conditions of Ahl-al-Dhimmah to them.

It is clear, that the Samaritans only recognised the five books of Moses, while

286 Ibid. p.102-103
287 ibid, pp.104-105.
mistakenly, some Jews thought that this sect, had a Torah that was unlike the one upheld by the Rabbinate and Karaites. The Samaritans rejected any prophethood after Moses, with the exception of Aaron and Joshua. The also held al-Jarzim mountain, near Nablus, as the site of their pilgrimage, making offerings there rather than on the Temple Mount in Jerusalem, claiming that God had spoken to Moses on that mountain.\textsuperscript{288}

As for the leader of the Jewish community in Egypt, sources and Arab documents named him as leader of the Jews, sometimes the name "Rabis" was used. He enjoyed wide religious powers, as clarified by the documents; he had the right to supervise the affairs of the three sects—at the beginning of the Mamluk period at least, and to regulate their internal affairs, in addition to their relationship with the State. He had the authority to appoint whoever he wished to the various levels of the religious hierarchy in accordance to the Jewish religion, and to regulate the affairs of the Jewish religion, as well as administering punishment in accordance with their law.\textsuperscript{289}

In light of the aforementioned, it is clear that the status of Ahl-al-Dhimma in Egypt, both Jews and Christians was characterised by justice and fair treatment. The State dealt equally with the different sects, and did not discriminate amongst them. The Mamluk State recognised the Samaritans as a Jewish sect, although many Jews did not consider them so. This shows the extent of the State's liberal attitude towards these communities.

The nature of authority in the Mamluk period based on the principle of competition between Mamluk Princes helped in forging a special relationship with Ahl-al-

\textsuperscript{288} Al-Qalqashandi, op. cit., pp. 268, 269.
\textsuperscript{289} Ibid, volume 11, pp. 385-388.
Dhimma, which was distinguished by fairness, and granting rights to them: to the extent that they were given sensitive government positions in the Mamluk State, since they wielded significant commercial and economic influence. In reality, this relationship was marred by periods of oppression on Ahl-al-Dhimma, especially relating to the confiscation of their wealth during times of crisis, where both they and Muslims would suffer this in equal measure. 290

The Crusades helped in provoking enmity towards Christians, whether inside Muslim lands or abroad. This caused some Muslims to confront Ahl-al-Dhimma in Cairo and other cities. However, despite all this, there were periods of harmony between Ahl-al-Dhimma and Muslims, to the point where one-day all Ahl-al-Dhimma came out to participate with the Muslims in the rites to plead for rain, when the Nile dried up. 291

It is clear that Ahl-al-Dhimma received significant privileges at one time during Mamluk rule. They were very close to the State, and were given sensitive positions: a large number became clerks in the Sultan's Chambers. Al-Samhūdī mentioned in his work some aspects of life in his time, relating to Ahl-al-Dhimma. He seems to have lived at a time when they had power and occupied sensitive posts in the State, as he dedicated a special section titled "the prohibition of employing Ahl-al-Dhimma". He mentioned that some sultans had employed them as clerks in their chambers, and granted them authority over Muslims. Some of them had used their authority to abuse and insult Muslims. Al-Samhūdī reports that he witnessed some Ahl-al-Dhimma, while riding, would remove a foot from the stirrup of a horse and kick Muslims in the

290 Qāsim Abdu Qāsim, 'Aṣr Salātīn al-Mamalik, p.93.
291 Ibn Iyyās, Badai' al-Zuhūr, l/229.
face. Al-Samhūdi commented on the scene saying that he wished he had died rather than see such a thing.

Al-Samhūdi also reports that he witnessed some Muslims kissing the hands and feet of some of Ahl-al-Dhimma, while they were mounted on their horses; all this because the State had granted them power. Al-Samhūdi stated that if he were to write all the ugly deeds committed by Ahl-al-Dhimma in his time, countless volumes would not be sufficient.

The reality is that there were historians who agreed with al-Samhūdi in what he mentioned. Some of them wrote describing the state of Ahl-al-Dhimma and the luxuries they enjoyed in Cairo and Egypt, where they were ostentatious in manner of their dress, trappings, and their attitude, having been given high positions.292

Some historians gave descriptions similar to al-Samhūdi of Ahl-al-Dhimma, who were State employees, yet a Muslim would run beside the Dhimmi on horseback pleading with him a favour.293

It is worth mentioning that Ahl-al-Dhimma joined the administrative system of the State and the financial administration, whether in the Sultan's chambers or that of the Princes, becoming so powerful, to the point where the Sultans were unable to do without them, leading to Muslim displeasure.294

Finally, we may say that Ahl-al-Dhimma were present in Egypt, and in Cairo especially, and the majority of Muslims lands during the Mamluk period to varying proportions, represented in all their denominations. At the end of the Mamluk period.

293 Ibn al-ʿUkhwā, Maʿālim al-Ghurbā fī Ahkām al-Ḥisba, p.32.
294 Qāsim Abū Qāsim, Asr Salātīn al-Mamalik, p.394.
they were influential and occupied sensitive positions in the State, where the Sultans elevated them, leading Muslims to criticise this.

2.6 Historical analysis of the factors leading to the downfall of the Mamlûk State

No doubt that the Mamluk State was afflicted by weakness in the same way that other States suffer at their end. The Mamluk State was unable to exercise an effective role, as it had done so before, especially after the discovery of the navigation route around the Cape of Good Hope.

In addition to political instability, especially at the end of the Mamluk period, where there were large numbers of military men around the Sultan, and especially ones who had designs on the throne, which in turn led to a state of political instability.\(^{295}\)

Perhaps as a result of the huge financial burdens, and the spread of the plague throughout the Mamluk State in 897/1492, and the death of the Sultan Qâytbây, the Mamluk Princes began to fight over the throne, killing one another. However from 908/1502, the Portuguese launch their war on the Arabs, in order to control the maritime trade routes leading to a monopoly on trade in the Indian Ocean. In 911/1505, the Portuguese occupied the island of Suqatn in the Gulf of Aden, and in 913/1507, they occupied Hurmuz in the Persian Gulf. They also penetrated into the red Sea reaching close to Jeddah, and completely overwhelmed the Mamluks with their formidable naval power. They destroyed the Egyptian fleet in 915/1501, forcing Sultan Qansawh al-Ghûrî -- in the closing phases of the Circassian Mamluk State -- to

\(^{295}\) Joan Wucher King, Historical dictionary of Egypt, Cairo: the American University in Cairo Press, 1989. p.419.
seek help from the Ottomans. 296

At the same time, the power of the youthful Ottoman State was on the rise, and it looked to bring the Muslim East under its dominion. having successfully extended its influence and State in Europe. The Mamluk State in such circumstances could not hold back the onset of its inevitable demise and repel the dangers coming at it from all directions: after this Egypt faced two major obstacles:

The first was the discovery by the Portuguese of the route around the Cape of Good Hope in 892/1487. Following this, Vasco de Gama was able to sail to India around Africa in 904/1498, thus diverting international trade away from the Red Sea and Egypt. Egypt was no longer the crossroads for trade between East and West, and the Mamluk Sultanate lost a main source of wealth.

The second obstacle that faced the Mamluk Sultanate was the increased danger from the Ottomans, who fought the Mamluks and killed al-Ashraf Qânsawh al-Ghûrî in the battle of Marj Dâbq, as a result of the treachery of prince Khayir Bek. Tûmanbäy was chosen as Sultan in 922/1516, and was the last Mamluk Sultan of Egypt, as the Ottomans led by Salim I entered Egypt and occupied it. From 1517 onwards, Ottoman rule began, signalling the end of the Mamlûk State.

It can be said that external and internal factors contributed to the downfall of the Mamluk State.

2.6.1. External factors:

These factors include the external forces that caused the weakness of that State and its downfall:

The continuous attacks by the Portuguese on the Egyptian fleet starting from the end

296 PM Holt, The central Islamic lands from the pre-Islamic Times to the First World War, p.227.
of the 15th century, which led to the destruction of Egyptian naval power. In addition, Sultan Qânsawh al-Ghûrî had to seek help from the Ottomans in rebuilding his fleet, and repelling attacks by the Portuguese and their control of the Hurmuz Straits; their arrival on the Red Sea coast and the Port of Jeddah, in addition to their control over the trade routes from India and around the Cape of Good Hope, which contributed to their control over the spice trade; little goods were coming from India, leading to high prices in Egypt and Shâm because of scarcity in the markets. This drastically weakened one of the most important sources of Egyptian State income.

The power of the Ottoman armies in arms and preparation, in addition to their dependence on firearms in fighting, compared to the Mamlûks who still mainly depended on Mamluk horsemen fighting with swords and daggers, as well as other weapons that were considered primitive, and weaker than the Ottoman arsenal made up of guns and cannons; in addition to the weak spirit of Mamluks when it came to fighting. This in turn led to the defeat of Tümânbây, time after time, in those battles he fought with the Ottomans, whether in al-Raidaniyyah or in Cairo, resulting in his eventual capture and execution in 1517, having been preceded by Sultan Qânsawh Ghûrî in the battle of Marj Dâbiq in 922/1516.

These constant battles led to the attrition of the Mamluks economic power, especially facing the Tatar Mongols, and the Crusaders, leading the State resources to dry up.

2.6.2. Internal factors:

These are factors that came to the fore through policies of the Mamluk State in


administering the lands.

- The existence of an internal defect in the infrastructure and the organs of the Mamluk State, embodied in their dependence on giving power to the most powerful Prince, and making him the Sultan, so creating a climate of plots and struggle between the Princes over of power. In addition to the breakdown in bonds between the Mamluks, for example the mentor bond, which underlined the loyalty of Mamluks to their mentor; at his hands they had been brought up. During the period of the Burji Mamluk State, this bond was greatly weakened, and Mamluks would be acquired ready and prepared to fight -- they were called al-Ajlāb -- who did not have any allegiance to their mentor, nor their colleagues, as had been the case at the beginning of the Mamluk State.

- Internal discord and strife, as well as endemic problems caused by al-Ajlāb Mamluks, which led to the murder of many Sultans, and suffering by the people from them, continuously trespassing on people's property, and the inability of the Sultan to confront them on many occasions.

- The drying up of financial resources as a result of financial malpractice, economic freefall, maladministration by the Mamluks of the economy, and their apathy towards economic development of the lands that they controlled.

- The effects of plague, famine, the spread of disease and epidemics, in turn led to the death of thousands of people, affecting living conditions in Egypt and Shām, which also sapped the resources of the Mamluk State.

- Collection of taxes and tithes in an excessive manner led to a general revolt by the people, especially the poor; rising in rebellions, and internal strife that considerably weakened the State internally.
The inability of the Mamluk State to command respect: widespread theft, loss of security, and constant attacks by thieves, Arabs, and Bedouin on farmers, in addition to the huge taxes, led to constant confrontation between the citizens on the one hand, and the Mamluks on the other. This is evidence to us, of the weakness of the Mamluk State internally, where the people would assault the Sultan's employees, his inspectors, and even judges and the Sultan's deputies.

2.7. Conclusion

We may conclude from the foregoing that the Mamluks were originally slaves brought in by the Ayyubids, then their power increased until they were able to grab power. Their rule extended from 648 to 923. This period of their rule saw many events, including the repulsion of the Mongol Tatar invasion, as well as confronting the fierce Crusade attack. Mamluk rule was distinguished by revolts, and coups against the rulers, where the spirit of clan loyalty was prevalent among the ruling class. The killing of Sultans, and their removal was common; the Mamluk period was divided into Bahrî and Burjî dynasties.

The Mamluks left a huge scientific legacy that had accumulated during periods of stability, which had seen the spread of knowledge and thriving publishing by scholars, especially in Medina, Cairo, and Mecca.

The Mamluk era saw periods of economic boom, where the Mamluk State possessed many resources that helped it flourish, however it was quickly affected by the same factors which led to a debacle in the economic situation, helped along by excessive taxation of the people.

The Mamluks State fell in 923/1517 due to several external and internal factors; most prominent of which was the competition by the Ottoman State and its expansion. We
have covered the most important features of the times in which al-Samhūdi lived, reviewing the most important political, scientific, economic, and social aspects.
CHAPTER THREE

3.1. Discipline to which this Work Belongs

3.1.1. Introduction

Al-Siyāsah al-Sharʿiyyah [Shariʿah-oriented Policy] is an old discipline, about which a number of early scholars wrote. Since then, it has passed through various stages and circumstances that both refined and diversified it.

Shariʿah-oriented Policy, as a science, concerns itself with the rulings of the ruler and the ruled and other disciplines related to them. The materials of this science are a collection of Shariʿah rulings, ethical etiquettes, and social laws.299

It also comprises the relationship between the individual and the state, the leader with the subjects and the authority with the people. Today, this kind of relationship is commonly known as the constitutional, financial, administrative and international jurisprudence. All of these are involved in Shariʿah-oriented Policy Jurisprudence.300

3.1.2. Terminological Definition of Al-Siyāsah al-Sharʿiyyah.

Al-Siyāsah al-Sharʿiyyah has been given a number of definitions, different in form, yet rather consistent and somehow identical in spirit.

3.1.2.1. The Hanafi Definitions:

Some Ḥanāfī scholars have defined ṣiyyah as:

"The process of encompassing the subjects with what benefits them using both soft and compelling means."301

299 Abū ʿAbd Allāh Ibn al-ʿzaq, Badāʾiʿ al-Silk Fi Ṣabāʾiʿ al-Mulk, 1/292.

300 Al Qaradāwī, Al-Siyāsah Al-Sharʿiyyah, p15.

Others have provided the following definition:

"An action taken by the ruler to fulfill an interest he deems fit, or what the ruler does for the public interest without being mentioned in the Shari'ah." 302

3.1.2.2. The Shafi'i Definitions:

Shafi'i scholars defined siyasa as:

"To take care of something using means that are suitable for it." 303

They also defined it as:

"Reforming and managing the affairs of the subjects." 304

3.1.2.3. The Hanbali Definition:

The Hanbali scholars, on the other hand defined siyasa as:

"Actions meant to bring people closer to uprightness and farther from corruption, that were not legislated by the Prophet, nor revealed in a revelation." 305


303 Al-Nawawi, Sharh Sahih Muslim, 12/231.


One can notice that the aforementioned definitions by early scholars focused on fulfilling “the interest” as none of these definitions was devoid of either of the two words "interest" or "maintaining". Hence, scholars concern themselves with the Shari‘ah Objectives, one of which is fulfilling the interest.

3.1.3. Definition of Al-Siyāsah al-Shar‘īyyah by Contemporary Scholars

‘Abdul Wahhāb Khallāf defined Al-Siyāsah al-Shar‘īyyah as:

"A discipline that investigates the means by which the Islamic State is run, like the rules and laws that comply with the foundations of Islam."\(^{306}\)

Dr. Yūsuf al-Qaraḍāwī says:

"To our early scholars the term 'siyāsah' had two meanings; the first is the general meaning, that is, to manage the people's matters and life affairs using the rulings of religion; therefore, we see them define Khilāfah [Caliphate] as a substitute for the Prophet in safeguarding the religion and managing the worldly life.

The second meaning is: "the specific one, which refers to the orders and decisions taken by the Imam to address an existing corruption, or to deter an expected one, or to deal with a particular situation."\(^{307}\)

Based on the above definitions, early and contemporary scholars and authors fall in


their writings on *Al-Siyāsah al-Shariyyah*, into two main categories:

3.1.4. First Category:

This category is characterized by the Islamic Jurisprudence as scholars of this category have collected the jurisprudence issues which fall under the heading “siyāsah”. On the one hand, this section focuses on the laws of jurisdiction, by which the subjects’ issues could be managed and resolved using commands and inhibitions regardless of whether these commands and inhibitions were issued by the Imam (leader), or the Caliph, or by any of the lower ranking officials such as governors, ministers, or judges. On the other hand, this section is also interested in the laws relating to the Caliphate in terms of the necessity of designating a Caliph; his required entitlements and conditions to be a Caliph; his duties and rights vis-à-vis his subjects and vice versa; and finally his relationships with other nations - both Islamic and non-Islamic.

3.1.4.1. Prominent Works in this Field:

Before mentioning the most significant books that dealt with *Al-Siyāsah al-Shariyyah* in terms of jurisprudence, it is important to point out that such books were not devoid of moral and ethical aspects - these will be later discussed as the second category. On the whole, however, these books are distinctly marked by impacts of jurisprudence and *Sharī'ah* laws.

Those books include:


308 Ya‘qūb ibn Ibrāhīm ibn Ḥabīb ibn Ḥubaysh ibn Sa‘d Al-Anṣārī Al-Kūfī. The Lord Justice at the days of Hārūn Al-Rashīd, Abū Yūsuf was born in Al-Kūfah in 113/731, and died in 182/798. The scholars of his days praised his works, and some critics criticized him for some matters they refuted.
This is one of the books that is classified within the financial system as one of the subjects of *Al-'Aḥkām Al-Sūltāniyyah*, [The Sultan’s Rules] though not restricted to it. In fact, it involved several subjects relating to *Al-'Aḥkām Al-Sūltāniyyah* like the leadership [*‘Imārah*] of *Jihād*, fighting the apostates and tyrant wrongdoers, the punishment of renegades and spies, some war conventions, the judicial system, methods of appointing civil servants, and financial control. It is, therefore, much more comprehensive than the impression given by its title, as it deals also with the subject of the *Ahl Al-Dhimmah* in the Islamic State.

Without exaggeration, this book is, indeed, an authoritative work in this field. 'Ābu Yūsuf prepared the book in response to the demands by the Caliph of the time, Ḥārūn Al-Rāshīd. 309

b. *Al-'Aḥkām Al-Sūltāniyyah Wa Al-Wilāyāt Al- Dīniyyah* by Al-Māwardī

Al-Māwardī, in this book, deals with the key topics of *Al-Siyāsah al-Shar’iyyah*. Initially, he tackles the subject of leadership, its conditions and how it is reformed. He then discusses the subject of holding the position of Minister, the various types of ministers, the qualifications required for whoever is deemed reliable and worthy of such position as well as the restrictions in practice. He goes on to discuss jurisdiction in general and particularly the jurisdiction of *Jihād*. Then he deals with the remaining jurisdictions, for instance those relating to judicature and grievances. Eventually he

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gets to the economic dimension pertaining to *al-Fay'* [acquisitions in wars after surrender without fighting], *al-Ghanîmah* [war spoils], *al-Jizyah, al-Kharâj* [land-tax], and finally ends with the criminal code.

c. *Al-Aḥkām Al-Sultāniyyah* by Abî Ya'lâ Al-Farrâ'ī:

This book was almost identical to *Al-Aḥkām Al-Sultāniyyah* by Al-Māwardî, despite the fact both men were contemporaries and despite the fact that the two authors were from different schools of thought: Al-Māwardî was Shafi'i, and Al-Farrâ' was Hanbali. A strong resemblance can be seen between the two books both in terms of their themes and subjects.

d. *Ghyāth Al-ʿUman Fī ʿIlṭiyāth Al-Zulam* by Al-Juwaynī:

It consists of three main chapters that are further divided into several sections.

The first chapter deals with the necessity of appointing the ruler; answering those who deem this unnecessary. It also deals with the entities entitled to appoint the ruler. It moves on to discuss the *Imāmah* [leadership] in the light of textual provisions from Qur'ān and Sunnah. It also discusses the issue of *Ahl Al-Hall wa Al-ʿAqd* and *Ahl Al-Ikhtīyar* [choosing], in terms of their number, and identifies the qualities needed in the rulers personality. Next it deals with the issue of how to dismiss the ruler and the reasons for doing so. It also studies the issue of appointing two rulers to the same post.


See: Mu'jam Al-Mu'ālimîn, Rida Kahalah, 6/184, 185, and "islamonline" website: http://www.islamonline.net/Arabic/history/03/1422/article35.shtml

311 Literally: the people who untie and tie the knots ie people who are entitled to make decisions, in this context, the scholars.
The second chapter tackles the issue of the prerequisites of the ruler and the issue of the ruler using force to seize power.

The third chapter discusses the presence of Mujtahidün [scholars capable of passing legal verdicts] at all times and the consequences of their absence.

It is noted that Al-Juwaynī criticized Al-Māwardī on some issues of dispute between them, particularly the ministry of Tafwīd. [delegation]

In fact, the books authored in this field are numerous. Some key titles include:

_Tuhfat Al-Turk Fīmā Yajīb ‘An Yakūn fī Al-Mulk_ by al-Ṭartūsī.\textsuperscript{312}

_Al-Sīyāsah Al-Shar‘iyyah fī ‘Īslāḥ Al-Rā‘ī wa Al-Ra‘īyyah_ by ‘Ibn Ta‘īmiyyah.\textsuperscript{313}

_Al-Ţuruq Al-Ḥukmiyyah fī Al-Sīyāsah Al-Shar‘iyyah_ by ‘Ibn Qayyim Al-Jawziyyah.\textsuperscript{314}

These titles are cited here by way of illustration and the list is by no means


exhaustive. The common denominator among these books is that all of them deal with matters pertaining to Khilâfah and government and Shari‘ah rules governing them as derived from the Qur‘ān, the Sunnah and the history of the Four Rightly Guided Caliphs. 315

3.1.5. Second Category:

Books written on Al-Siyāsah al-Shar‘iyah within the second category address moral and ethical issues. They discuss the ruler’s manners, the etiquettes needed when dealing with him and when advising him; as well as the indispensable attributes he should have. Specialists in Al-Siyāsah al-Shar‘iyah named this discipline “Marāyah Al-Ḥukkām Wa Al-‘Umarā’” [Mirrors of Rulers and Princes].316 Other labels were also given to this discipline, such as, “Al-Rusūm Wa Al-‘Ādāb Al-Sultāniyyah” [The Formalities and Etiquettes of the Sultan] and “Al-‘Ādāb ‘Almulūkīyyah” [The Royal Etiquettes].317

Scholars who wrote in this field blended several genres into one genre characterized by its admonitory function designed to influence both the ruler and the ruled. They carefully selected their advice and preaching from the Qur‘ān and the Sunnah, from the biographies of the righteous people as well as from poetry and prose. They at times elaborate on certain stories highlighting their morals. Often they combine all

315 Nasr Muhammad ‘Arif, Maṣādir Al-Turāth Al-Siyāsī Al-‘Islāmī, p 109, and a PhD entitled “Fiqh Al-Siyasah Al-Shar‘iyah”, Sa‘d Al-‘Utaybi, the Higher Institute for Judgment, the Islamic University of Al-‘Imām Muhammad ibn Su‘ūd, Riyadh.


this with some jurisprudential rulings in order to help the rulers be more responsive to
their preaching and to remind them of the purpose of ruling, viz. establishing justice
and eliminating injustice.

3.1.5.1. Main Books Written in this Field:

Al-Samhūdī's book, the focus of the present research, clearly falls under this
category. This is borne out by the similarities it has with the other books written in
this field in terms of its subjects and themes as well as in terms of its moralistic
exhortative style. The following are some of the key works written in this field:

a- Durar Al-Sulūk Fi Siyāsit Al-Mulūk by Al-Māwardī. 318

This book was divided into two parts: the first concerned itself with “‘Akhlāq Al-
Malik” [King's Manners]; the second concerned itself with “Sīyāsīt Al-Malik” [King's
Policy]. In the first part, he focused on praiseworthy and blameworthy manners. He
distinguished arrogance from self-admiration. He condemned fury and anger;
condoned reverence, patience, keeping secrets, consultation, mercy and compassion in
addition to a number of attributes deemed essential for the ruler's personality. In the
second part, he condoned gratefulness, urged the ruler to establish justice, look after
his subjects and equate himself with them. He also urged the ruler to enjoin good,
reward the right-doer, punish the wrong-doer, promote knowledge and dignity
scholars. 319

In his book, Al-Māwardī drew on prophetic Hadiths and the Prophet's biography. He
also made good use of aphorisms, maxims, and poetry. The meeting point between
Al-Samhūdī and Al-Māwardī is the issue of gratefulness, and the issue of justice.

318 See his biography above.

319 Al-Mawardi, Durar Al-Suluk Fi Siyāsit Al-Muluk.
They were also similar in their use of quotations. Al-Māwardī and Al-Samḥūdī both cited some of the wisdoms of ancient Persians and their kings, particularly when Al-Samḥūdī quoted the Persian King Kisra. This resemblance can be easily explained when we know that Al-Māwardī had offered his book as a present to the king of his time who was of Persian descent, while Al-Samḥūdī drew heavily on of Al-Ghazālī’s book "Al-Tibr Al-Masbūk Fī Nasīḥat Al-Mulūk" which was written in Persian and later translated into Arabic.

A brief background about Al-Ghazālī’s book which is one of the main sources for Al-Samḥūdī can be found in Section below.

It is worth noting that Al-Māwardī presented his book to one of the kings of his days; namely, ‘Abū Al-Nāṣir ‘Abūd Al-Dawlah ibn Būiyah, as he himself confirmed this at the beginning of his book.

b. Tahdhīb Al-Riyāsah Wa Tartīb Al-Siyāsah by al-Qal‘ī.

This book deals with the political life in the Islamic state. It was divided by the author into two parts: A theoretical part, in which the author clarified the importance of leadership, the magnitude of its role, and its vital function. In addition, he specified some qualities and traits indispensable for the ruler. In this part, the author also explained the duties and responsibilities of the Ummah towards its leader, such as

320 Ibid, p 43.
321 ‘Abū Ḥamīd, Muhammad ibn Muhammad ibn Muḥammad ibn ‘Abd al-Ghazālī. He was born in 450/1058, in a village called "Ghazālah" near Tūz I in the district of Khurāsān. He died in 505/1111. See: [Kahalah, 'A’lām Al-Mū’illifin, 11/266.
322 Al-Ghazālī, Al-Tibr Al-Masbūk Fī Nasīḥat Al-Mulūk.
obedience, loyalty, and advice.

The other part concerned itself with the practical applications: in which the author cited narratives about caliphs, kings, ministers, and rulers that indicated or demonstrated instances of justice, grace, and advice heeding, during a period ranging from the times of Omayads to the times of the 'Alawid Dynasty. 324

The author also combined between ethics and politics, relying on the Qur'an, Sunnah, emotional exhortation, poetry, and meaningful speeches in constructing the material.

It is worth noting, here, that Al-Samhūdi resembles Al-Qal‘ī in many themes like: dispraising the ruler's withdrawal and concealing himself of his people; praising the justice and consultation; dispraising despotic opinions, as well as copiously quoting from the biographies of caliphs and kings.

c. Al-Shifa‘ Fī Mawā‘iz Al-Mulūk Wa Al-Khulafā‘ by Ibn Al-Jawzī:

This book is considered one of the most important books in this field because 'Ibn Al-Jawzī is a specialist in the style of preaching and advising. The author divided his book into ten chapters that dealt with the virtues and dangers of "Al-Ri‘lah" [reign]. In this theme, there is a clear resemblance between the author and Al-Samhūdi. The latter included a section in the first chapter of his book entitled "Faṣl Fī Ma‘rifat Sharaf Al-Wilayah" [Section in Knowing the Virtue of Reign]. Ibn al-Jawzī upholds justice and demonstrates the risk of oppression, pointing out what measures a ruler should take in his treatment of his subjects. He mentions a number of benefits from the lives of the Rightly Guided Caliphs and the succeeding sultans. Then, he gives a number of lessons learnt from righteous people and stories of ascetic kings, and ends his book with some supplications and prayers.

324 Al-Qal‘ī, Tahdhib Al-Riyāsah wa tātīb Al-Siyāsah. See: the introduction of the editor.
The editor of ‘Ibn Al-Jawzi’s book says that ‘Ibn Al-Jawzi was influenced in his moralistic style by Al-Mawardi. However, in preparing the material for his book, ‘Ibn Al-Jawzi relied on some verses of the Qur’an, sound prophetic sayings, lessons from the Prophet’s biography, and on some poetry.

**d. Al-Dhabab Al-Masbük Fi Mawā’iz Al-Mulūk by Al-Ḥumaydī:**

The author of this book tackles the political phenomenon by concentrating on the spiritual dimensions of the ruler and his circles. He then suggests methods for reforming the regime, starting by emphasizing the function of the scholar and his role in giving advice. He mentions issues like justice, prosperity and construction, and consultation. Then he talks about the organization of earning and spending money; cheating subjects and its consequences, rulers’ corruption and its repercussions; and the influence of the entourage on the ruler.

The editor of Al-Ḥumaydī’s book has this to say about it: “it is one of the early book son exhorting the kings and it does not contain any of Al-Ḥumaydī’s views or comments; it merely contains narrations ascribed to certain sources.”

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326 Al-Ḥumaydī, the great ‘Imām’Abū ‘AbdAllāh Muhammad ibn Abū Naṣr Futūḥ ibn ‘AbdAllāh Futūḥ ibn Ḥamayd ibn Yaṣīl Al-‘Azdarī. Al-Ḥamaydī, al- Andalusī; Al-Mayūrqī. He was a Zahirī jurist, the associate of ’Ibn Ḥazm and his disciple. Mayūrqah; is an island that contains an inaccessible town which lies towards the eastern part of Andalusia. Al-Ḥumaydī was born in 420/1029, and died in 488/1095. He once said: “my birthday was before four hundred and twenty”. See: Mu‘jam Al-Mu‘allifin, Ridd Kahalah 11/121, 122, and Al-Ghad newspaper’s website at: http://www.alghad.jo/?news=93446.
The editor of the book says:

"this book was prepared by its author to be offered as a present to Sultan Salah Al-Din Al-'Ayyubi. The book contained a good deal of political news and information about the past nations. It looked at the events from a moral perspective and linked them to his time and to the political ethics and its role in the process of change."

This book is invaluable for its extensive material. Its author divided it into twenty chapters, which, in turn, were sub-divided into sections. It featured themes like: the qualities in a king's personality, especially justice and reason. The same themes appear in Al-Samhudi's book. Al-Shirazī also, mentions the importance of knowing the foundations of the State, the etiquettes of dealing with kings, the importance of

327 'Abd Al-Rahman ibn Naṣr ibn 'Abd Allah Al-Shtrdzi Al-Taban. He died in 774/1372. His name "Al-Shayzar" attributed to the city of Shäyzar: a fort in Al-Shäm from which a good number of literary men, intelligentsia, and politicians emerged. Some late historians thought he was Persian from the city of "Shiraz", as he and they are from Shiraz, but the fact is that he was the judge of Tabarlyah and the auditor of Aleppo and other cities in Al-Shäm. Al-Shayzar was contemporary to Salah Al-Din Al-'Ayyubi. See: Mu‘jam Al-Mu'allifin, Riḍā Kahālah, 5/197,198.

328 Al-Näsir Salah Al-Din Yusuf ibn 'Aiyüb ibn Shâdhî ibn Marwân, 'Abü Al-Muẓafir Al-'Alyübî. born in (532-589/1137-1193), one of the most famous Islamic sultans and founder of the 'Ayübíd Dynasty, liberated Jerusalem after defeating the Crusaders in the battle of Hitin 1187. Salah Al-Din is a great symbol of heroism in the Islamic world. See: Al-'A’lám, by K.Al-Din Al-Zirikli. 8/220, and Al-Zâd Encyclopedia for Sciences and Technology, 12/3458, and (wikipedia.org) on the internet.

knowledge about jihad and fighting, and other important issues. Al-Shirāzī draws on the Qurʾān, the Sunnah, biographies, history, some stories about the Persian King Kisrā, and other gems of wisdom.

f. Badāʾiʿ Al-Silk fi Ṭabarāʾiʿ Al-Mulk by Ibn Al-ʿAzraq.330

The book is divided into two introductions and four books; each book contains two chapters. Among the key issues tackled in this book was the rationale for investigating the issue of reigning and its prerequisites. The author presented twenty reasons as part of this rationale. He talked about the true nature of monarchy, caliphate and other forms of reigning, as well as about their causes and their prerequisites. The author also addressed the principles and structures of reigning; the importance of applying Shariʿah Law; the training of soldiers; the preservation of wealth; promoting prosperity; upholding justice; problems associated with reigning such as extravagance, developing a personality cult, and concealment from subjects.331

The editor of the book believes that Ibn Al-ʿAzraq’s book clarified some vague concepts featured in Ibn Khaldūn’s al-Muqaddimah.332

330 Al-Qāḍī Muḥammad ibn ʿAlī ibn Muḥammad Al-ʿAzraq Al-ʿAsbahānī, known as Ibn Al-ʿAzraq. He was born in Mālqah in Andalusia in 832/1428, and died in Jerusalem in 896/1490. See: Al-ʿĀlam Al-Muʿallīfīn, Riḍā Kahālah, 11/43.


332 ʿAbd Al-Rahmān ibn Muḥammad ibn Khaldūn, born in Tunisia. (732-808 /1332-1406), lived in various northern parts of Africa for approximately 50 years until he settled in Egypt when he reached it in 748/1344 where he stayed for the rest of his life, died in 808/1406. He is the famous historian and the pioneer in modern sociology, left great heritage which impact is still being felt up to our days. See: Al-ʿĀlam Al-Muʿallīfīn by Riḍā Kahālah, 5/188.
g. *Nasīḥat Al-Mulūk* by Al-Māwardī

Whereas many works have ascribed this book to *Al- Māwardī*, the editor has reached a conclusion that this book is not *Al- Māwardī*‘s. and justified his opinion by giving a number of reasons that he mentioned in the introduction to his edition of the book. The book was divided into ten chapters. The author first highlights the importance of providing *nasīḥah* [advice] to the rulers. He, then, made an account for the ranking of kings, the importance of the king’s obedience to Allah, and the subject’s obedience to the king himself. After that he spoke about what corrupts a king. He also mentioned some lessons that treat the hard heart. Then he divided policy into four sections:

1. The Self-enhancement policy - by persistent diligence in seeking knowledge and sitting with scholars;
2. The Elite Policy - by educating them on implementing the orders of Allah;
3. The Public Policy- by administrating justice, reforming the subjects and ensuring access; and finally:
4. The Financial Policy- in terms of its sources and the ways of spending it.

h. *Sirāj Al-Mulūk* by Al-Ṭartūshī

This book was offered as a present from Al-Ṭartūshī to one of the ministers in the Fātimid Dynasty. The book is regarded as one of the leading works in this field. The

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334. Abū Bakr Muhammad ibn Al-walīd ibn Khalaf, well-known as ‘Abū Bakr Al-Ṭartūshī, was born in a town called Tartūshah Andalusia. He is also known as ‘Ibn Randaqah. He was born in 451/1059, and died in 520/1126. See: Mu‘jam Al-Mu‘allifin, Ridaḥ Khaḥālāh, 12/96.
author has divided his book into sixty four chapters, starting with lessons for the kings, the position of righteous men as rulers, talking about governors and judges with specific focus on the importance of justice for them, and talking about the ideal characteristics of a Sultan and his most important and commendable traits. In addition, *Al-Ṭartūshī* talked about the rules pertaining to "*Ahl Al-Dhimmah*" in the Islamic State and made clear the consequences of persecution. He also spoke about destiny and predestination with a special hint to their laws and rules. He finally concluded by including a number of wisdoms and sayings. However, he made a good use of the narratives and stories from various ancient peoples such as the Arabs, the Persians, the Roman Byzantines, and the Indians as well as the Qur’ān, *Sunnah*, and righteous men’s attitudes.

i. *Ma‘āthir Al-’ Ināfah Fī Ma‘ālim Al- Khilāfah* by Al-Qalgashandi:

This book was offered to the Caliph Al-Mu’tadid Bi Allāh who was acknowledged as a Caliph in 817 AH. *Al-Qalgashandi* divided his book into an introduction, seven chapters, and a conclusion. Within all the divisions of the book, the author dealt with: the concept of Caliphate, its prerequisites and various methods for its implementation. Moreover, the author also dealt with a caliph’s rights from his subjects as well as the subjects’ rights from their Caliph, and the reasons for dethroning a caliph. Later, the author demonstrated in his book all the events of the Muslim Caliphs consecutively.


336 Ahmad ibn ‘Ali ibn ‘Abd Allah Al-Qalgashndi. He was born in Qalqashnndi in (756-821/1355-1418). He lived in Cairo. He was a literary man and a Shafi’I jurisprudent. He wrote about the human extractions, and he was a substitute in governing. From his books "Subh Al-'A’shā Fī Sina‘at Al-'Inshā‘." See: Mu’jam Al-Mu’allifin, Ridā Kahlah. 1/317.
from the early days of Islam till the days of Al-Mu'tadid Billah. Lastly, he included some writings written by the Caliphs to the governors and employees throughout the Islamic lands.\textsuperscript{337}

3.1.6. The Most Prominent Books authored in the days of Al-Samhûdi:

a. \textit{Tāj Al-Dīn Fīmā Yajib`Alā Al- Mulāk Wa Al-Ṣalātīn} by Muḥammad Al-Mughîlî:\textsuperscript{338}

In his book, the author was interested in a number of issues such as the necessity of goodwill for a ruler; devotion; getting rid of one's desires; the requirement of good presence and appearance; and of the arrangement of the state. He also focused on the significance of justice saying "a sultanate needs two legs: justice and benevolence."

He concluded with the importance of preserving the state's financial resources and the proper ways for their expenditure.\textsuperscript{339}

\textsuperscript{337} Al-Qalqashandî, Mâ`athir Al-`Inâffah Fi Ma`ālim Al-Khilâfah, edited by: `Abd Al-Sattâr `Abdul-Faraj.

\textsuperscript{338} Muḥammad ibn `Abd Al-Karîm ibn Muḥammad Al-Mughîlî. He is attributed to one of the Barbaric tribes in Algeria. He was born in an unknown year in the city of Tilmisân and died in 909/1503, which some sources say that he died in 921/1515. No detailed information is available about his life. See: `A`lâm Al-Mu`allîfîn, Rîdâ Kahâlah, 10/191, and the website of the Kuwaiti magazine "Al-Mu`jama" http://www.almujtamaa-mag.com/detail.asp?InNewsItemID=101234&InTemplatekey=print

\textsuperscript{339} Nasr Muḥammad `Arif, Maṣādir Al-Turāth Al-Siyāsî Al-`Islāmî, 194.
b. \textit{Al-Risâlah Al-Na\'shiyah Fî Itâ‘it Al-Sultân}, and \textit{Qad\=h Al-Dir\=asah Fî Minhâj Al-Si\=yasah}, and \textit{Al-Risâlah Al-Sultânîyah}, all of which are by Jalâl Al-Dîn Al-Suyûtî.\textsuperscript{340}

He was contemporary to Al-Samhûdî. He was also well-known for the abundance of his writings on all the Shari‘ah disciplines. His books are but works which have neither been verified nor printed, but only holding similar titles that resemble this section of books and written works.\textsuperscript{341}

The foregoing section on the definitions of \textit{Al-Si\=yasah al-Shar\=i\=yyah} and its two categories can be regarded as an introduction to a critical study of Al-Samhûdî's work.

3.2. Study of the Work (\textit{Al-Lu‘lu‘ Al-Maathar Fî Nasihat Wulât Al-`Umûr})

3.2.1. General Background about the Work:

It has become clear, throughout the preceding study of samples taken from several works in the \textit{Al-Si\=yasah al-Shar\=i\=yyah} in both of its categories: the one related to jurisprudence, and the other one related to moral preaching, that some of those books were written either to a specific Caliph, or a certain sultan, whereas other works were written for the sake of offering general advice that could be of advantage for every

\textsuperscript{340} Jalâl Al-Dîn `Abû Al-Fa\=dîl `Abû Al-Rahma\=n ibn Al-Kamâl `Abû Bakr ibn Mu\=hammad Sâbiq Al-Dîn Al-Khu\=dîrî Al-`Aş\=iyûtî Al-Shafi`. He was born in 849/1445, and died in 911/1505 in his house in Rawdat Al-Mikyas. He was buried in Hûsh Qûsûn outside the gate of the cemetery. See: Al-`A\=lam, by K. Al-Dîn Al-Zirikli, 3/301.

\textsuperscript{341} Na\=sr Mu\=hammad `Arif, Ma\=shâdîr Al-Turâ\=th Al-Si\=yasî Al-`Islâmî, p 195.
Caliph or Sultan - whatever the time or place. In examining Al-Samhūdı's work, we cannot clearly determine for which caliph or sultan Al-Samhūdı wrote his work, since his statements were general in tone and reference. Take, for instance his phrases like. "Oh King of the time"; "Oh who is reading this book"; "the ruler should know that"; or "what a king has to undertake". Moreover, neither the books of history and biography nor the books written by Al-Samhūdı himself guide us to decide if he had written this book for a certain king or caliph. Yet it seemed to be written for a king or a sultan in Egypt during Al Samhūdı's lifetime. This could be inferred from the names of some Egyptian provinces referred to throughout the work.

In addition, al-Samhūdı described a number of problems that existed in the country he lived in at the time, especially when he wrote about the building of bridges and water canals that were in real need for care. He also mentioned in the book “Ahl Al-Dhimmah” living in the Muslim country, and their attainment of sensitive positions in the state. Al-Samhūdı included in his book further issues such as the raising and monopolizing of prices: the dominance of tax collectors over the people, and many other events that took place in those days. From all of what has been mentioned, it has become quite conspicuous that Al-Samhūdı merely wanted to call the sultan's or caliph's attention to such events and problems.

3.2.2. Structure & Contents of the Work

Al-Samhūdı divided his book into four chapters and put them as follows:

• In the first chapter, he included three sections.

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342 Nasr Muhammad 'Arif, Masādir al-Turāth al-Sivasi al-'Islāmi, p 196.
In the second chapter, he included eight sections.

In the third chapter, he included only one section.

In the fourth chapter, no sections were included.

Al-Samhudi stated in the introduction of his book that in compiling his book's material he relied on eight sources:

- *Al-Jami' Al-Saghir Fi Hadith Al-Bashir Al-Nadhir* by Al-Suyuti
- *Bidayat Al-Hidayah* by Al-Ghazali.
- *Al-Tibr Al-Masbul Fi Nasihat Al-Muluk* by Al-Ghazali.
- *Mu'id Al-Ni'am wa Mubid Al-Niqam* by Al-Subki.
- *Fakihat Al-Khulafa' Wa Mufakhat Al-Zurafa'* by Ibn 'Arab Shah.
- *Qam' Al-Nufus* by Al-Hasni.
- *Al-Siyasah fi Tadbir al-Mamlakah wa Hifz al-Riyasah* by Al-Tarsusi.
- *Tahdhib al-Riyasah fi al-Hukm wa al-Siyasah* by Al-'Ahwazi.

I am going to study Al-Samhudi's sources in the section of the critical study of the work. After the author had finished listing his sources, he went on to mention his first chapter which he titled as *Fi Fadl Al-'Aql wa Tarifih* [About the Merit of the Intellect and its Definition], arguing that he initiated his book with the mind because according to the Qur'anic verse: {in this [Quran] is a sign for those who are wise}. Allah the Almighty, address in his Qur'an only mindful people. Then Al-Samhudi said that Allah the Almighty has based the world system on two things: Command and Prohibition, both of which are based on the existence of the mind.

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343 Surat Al-Nahl "The Bees" 67.
Later he defined the mind and divided it into two parts: innate mind and acquired mind, mentioning its merit and status, citing some Qur'anic verses, Prophet's sayings and stories in support of his view. The sections were as follows:

**Section One: Fi Ma'rifat Sharaf Al-Wilayah [In Recognizing the Honour of Reign]**

In this section he demonstrated the merit and status of "wilayah", i.e., the caliphate, and that it is a great honour from Allah to the caliph.

**Section Two: Fi 'Adâ' Shukr Ni'mat Al-Wilayah [In Thanking the Grace of "Wilayah"]**

After he had spoken about the merits of "Wilayah", he went on to urge people who assume the responsibility of the "Wilayah" to thank such grace by administrating justice and abstaining from tyranny and persecution.

**Section Three: In the saying of the Prophet Muhammad (PBUH): "Woe to the Arabs of an evil drawing nigh."**

In this section, he said that Prophet Muhammad, peace be upon him, had foretold that some changing would occur to the Arabs after his death, and that they would kill each other again. Al-Samhüdl emphasized that this would happen due to abstaining from administrating justice and to the predominance of persecution.

**Chapter Two:**

In mentioning what the Caliph has to do as well as what measures he should take and what things he has to be conscious of: Al-Samhüdl began this chapter by asking a question: *How many traits does a sultan need to be just?* Then he answers: "He needs a thousand traits, all of which are incorporated in two separate traits. If he apply these two traits, he would then be just. The two traits are: security for people; and prosperity for the country.

Then, he spoke about justice and mentioned its advantages citing some Qur'anic verses prophetic sayings and some examples and wisdoms. Then he divided this
chapter and put in the first section of this chapter: Injustice and the consequences that would emerge if not eliminated. This section can be regarded as the smallest in size in comparison with the other sections as it only consists of three lines.

Then he moved on to the Second Section giving it this title: Duties of the Ruler: to be assiduous and true to his promises; to not be a liar; to not become conceited by people's praise; to not give in to his desires when imposing the rules of punishment or rebuking a wrongdoer; and to carefully verify the information he receives with no precipitancy.

Third Section, was called: Leaving desires of the Self: In this section the author gives a depiction of the consequences of following the desires of the self, and that he who follows his desires his mind is blocked away.

Fourth Section was dedicated to: Opinion and Good Management: In this respect, he says that opinion is mind's sword. He also mentioned five traits for a king and emphasized on the meaning of king's good manners. The meaning of justice is repeated many times in this section.

Fifth Section was called: about consultation [Mashūrah] and seeking guidance [Istikhārah]: Al-Samhūdī emphasized the necessity of Mashūrah and Istikhārah for the king. Also, he mentioned in this section that a king has to look after the Muslims and to contemplate on their crimes. He again highlighted justice especially “Al-Qisās” [punishment in kind, eye for an eye] warning the king of being remiss in this or dare to kill a soul. At the end of the section, he emphasizes on the importance of being close to working scholars and preserving their opinions. Once again, this section contains within its lines the meaning of justice and the emphasis on it.

Sixth Section is about the justice by which the ruler has to rule: Al-Samhūdī began
this section by the Qur'ānic verse {Allah commands justice and benevolence.}^{344}

Then he mentions the importance and the advantage of justice narrating some anecdotes demonstrating the meaning of justice.

**Seventh Section: On banning employment of “Ahl Al-Dhimmah”**: This section is a description of the status of “Ahl Al-Dhimmah” in his time. He gathered evidence from the Qur’an, Sunna, and from the attitudes of the Prophet’s Companions as to why they should not employ “Ahl Al-Dhimmah”. This was due to the fact that “Ahl Al-Dhimmah” in his time filled sensitive positions which they used to humiliate the Muslims. In this section, Al-Samhūdī warned the rulers of preferentially treating “Ahl Al-Dhimmah” in and of siding with them, explaining the bad consequences of such action.

**Eighth Section: on persuading against concealment from people:**

Al-Samhūdī advised kings and rulers not to hide away from their people, look after their people’s needs and demands. He also mentioned examples urging rulers not to conceal themselves of their people.

As mentioned before this chapter includes more than one reference to justice. Al-Samhūdī affirmed the importance of rulers’ attendance to water falls, dams, bridges and construction materials as well as taking care of animals used for maintenance. This shows his tendency to describe his era in detail and direct the attention of rulers to the welfare and living conditions of people.

Al-Samhūdī also emphasized the issue of ‘’Ihtisāb’’ [weights and measures control] and urged rulers to pay more attention to this post, and to investigate disasters encountering ordinary people such as poverty, drought, or high prices, to fix these

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^{344} Surat Al Nahl (The Bees), 90.
problems themselves. He did not trust the "Mūhtasibin" [price controllers] of his time saying: "they are traitors; rulers should not trust them; they do not fear Allah, do injustice to people and monopolize goods". He described their deeds in details: how they manipulate markets and goods and the consequences of that on the prices which lead people to commit crimes.

Al-Samhūdi concluded this chapter by the necessity of advising rulers to be honest with their people, not to cheat them, and stop them from doing injustice to one another, and to put an end to bribery committed by some workers.

Chapter Three includes news, historical incidents, advices and recommendations based on past incidents that encountered kings of the past. Those were examples for rulers to follow. In this chapter he also stated the required knowledge for any ruler; he should know something about everything.

Additionally, Al-Samhūdi narrated stories and lessons, mostly on justice. He also mentioned the biographies of Abū Bakr and ʿOmar, and incidents in the lives of ʿOmar ʿIbn ʿAbd Al-ʿAzīz, Muʿāwiyah, and Hārūn Al-Rashīd. He included verses of poetry of preachy nature urging and encouraging rulers to be just, pious and to guard religion.

Section one: on what should be done on choosing ministers:

This is the only section in this chapter. In this section Al-Samhūdi stressed the importance of choosing wise, honest men as ministers. He warned against ministers who collect fortunes and abuse their posts.

Chapter Four: on the benefits, advantages proved by experience:

In this chapter Al-Samhūdi mentioned some glorifications and prayers useful for people and rulers especially at the time of war.

3.2.3. The Sources of Al-Samhūdi
Introduction to al-Samhūdi’s Sources and Comparison with the Work

Al-Samhūdi in the beginning of the work mentions that he collated the content for his book titled “al-Durr al-Manthūr fī Nasīḥat Wulāt al-Imār” (Pearls of Advice to Rulers) from eight books:

- *Al-Jāmi‘ Al-Šaghīr Fī Ḥadīth Al-Bāšīr Al-Nadhīr* by Al-Suyūṭī
- *Bidāyat Al-Ḥidāyah* by Al-Ghazālī.
- *Muʿīd Al-Nīʿam wa Mubīd Al-Nisām* by Al-Subkī.
- *Fākiha Al-Khulāfā’ Wa Mufākahat Al-Ẓurāfā’* by Ibn ʿArab Shāh.
- *Qam‘Al-Nafūs* by Al-Ḥisnī.
- *Al-Siyāsah fī Tadbīr al-Mamlakah wa Ḥifẓ al-Riyāsah* by al-Ṭarsūsī.
- *Tahdhib al-Riyāsah fī al-Ḥukm wa al-Siyāsah* by Al-ʿAḥwāzī.

One of the major obstacles in this study was the difficulty in locating these references. with success in finding the first 5 only.

The aim of this section is twofold: first to introduce these sources and the relevant topics within, and second to prove that al-Samhūdi depended on them, and gauge the extent he was influenced by them: further, presenting the salient quotes and material he took from them. It is notable that each one of the sources used by al-Samhūdi is unique in terms of its authorship, compilation and organisation. However, it is clear that all address the etiquettes of monarchs and sultans, and advice tendered to them. Al-Samhūdi’s use of material from these books ranged from literal word-for-word quotes to generalised meanings.
1. *Bidāyat al-Hidāyah* by al-Ghazālī

This book is considered one of the important references used by al-Samhūdī, especially in the area of etiquettes and manners, and is renowned in this regard. This book was well received among Muslims generally, and students of knowledge especially. It was suitable as an introductory text for preparing the student of religious knowledge, and so began by classifying people into three groups in terms of seeking knowledge. They were: the successful one who seeks knowledge for the sake of Allah and the Hereafter. One, who al-Ghazālī considered a loser unless he repents before death, since he seeks knowledge for worldly gain. A third who uses his knowledge as means to amassing wealth and showing off; he is in perdition.

The book is divided into two parts:

- Part one includes the acts of worship:

  The etiquettes of going to sleep and waking up, etiquettes of going to the toilet, etiquettes of ablution (*Wudūʾ*), supplications (*Duāʾ*) during ablution, what must be avoided during ablution, etiquettes of washing (*Ghusl*), etiquettes of *Tayamum*, etiquettes of entering and leaving the mosque, etc.

  It also contains: etiquettes after supplication, comprehensive supplications, the supplication of Prophet ‘Isa (Jesus), four items after Fajr prayer, namely supplication, invocations, reading Qurān, and reflection. The 10 words, which are 10 invocations

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345 He is Abū Ḥāmid, Muḥammad ibn Muḥammad ibn Muhammad ibn Muhammad ibn Ahmad al-Ghazālī born in 450/1058 in the village of Ghazālah close to Tūs in Khurasān region. He died in 505/1111.

which al-Ghazālī considered to have huge significance and reward. He followed this
with the etiquettes after sunrise, etiquettes of preparing for prayer, etiquettes of sleep,
leading the prayer, the Friday prayer, and fasting.

- The second part, which he named avoiding sin, included the following: preserving
  the eye, ear, tongue, stomach, genitals, hands, and feet. He then mentioned the sins of
  the heart, which are: envy, Riyāʾ [showing off], and arrogance, as well as the cure for
  pride (arrogance). He followed this by calling attention of the seeker of guidance to
  the etiquettes of companionship, knowledge, and the learner. He also focused on the
  etiquettes of the son or daughter with their parents, and followed this by speaking
  about the conditions of companionship and its rights. Al-Ghazālī concluded his book
  by explaining the etiquettes of relations, i.e. among relatives and friends, as well as
distinguishing between enemy and friend.

The following are topics that Al-Samhūdī took from the book of Bidāyat al-Hidāyah
by al-Ghazālī:

- Listening:

Reading through the book, Bidāyat al-Hidāyah, we see that Al-Samhūdī has tackled
the issue of listening, which had been treated by the Al-Ghazālī in the second part of
his book under the title of "preserving the ear".

Al-Ghazālī states:

"Preserve the ear from use in listening to innovation in religion, backbiting,
foul language, engaging in corruption, or speaking ill of people... if you use it
to listen to matters that are prohibited or detested than what was for you will
turn against you, and the reasons for success will become reasons for loss.
This is the greatest of loss. Do not think that the sin will count only against the
We find Al-Samhūdī has extracted and developed a new meaning from those of al-Ghazālī that is relevant to rulers, i.e. not listening to the first instance of news. He says:

"The ruler must not listen to the first version of news. If he acts on that information without verifying it, then he has committed a gross injustice; injustice is cause for Allāh to abandon him."\(^{348}\)

Here, we find al-Samhūdī directly advising the ruler not to listen to the first bearer of news, which he deduced from al-Ghazālī’s advice to protect and preserve the ear.

- Arrogance is a sin of the heart:

Al-Ghazālī warned of a number of reviled characteristics of the heart, and advised that the heart be purified of their ill effects. He explains that he had compiled these in the parts called (Rub‘ al-Muhlikāt) and (Rub‘ al-Munjīyāt) in his book Ihyā‘ Ulūm al-Dīn. He focussed on three characteristics: envy, Ṭiyāḥ, and vanity, and concluded with mention of the cure for arrogance.\(^{349}\)

As for al-Samhūdī, he warns the ruler: “the roots of sin are three: arrogance, greed, and envy, and the ruin of monarchs lies in three: sin, injustice (oppression), and not

\(^{347}\) Ibid, p.159.

\(^{348}\) Cf. p.35 of this thesis.

\(^{349}\) Al-Ghazālī, op. cit., pp.180, 186.
seeking nor heeding counsel."\textsuperscript{350}

In another part, al-Samhūdī mentions that: "he should not envy anyone except his predecessors—those monarchs known for good governance, sound judgement, and correct policies."\textsuperscript{351}

From the foregoing, it becomes clear that the issue of sins, chief among them—vanity, had preoccupied both Al-Ghazālī and Al-Samhūdī after him. They both focused on vanity explicitly, perhaps because vanity not the rest of the sins is an affliction of the nobility more than the common people. Generally, we do not see a poor person who is vain, but in the majority of cases we find it among monarchs and sultans, due to the environment, power and status that they wield over people. Hence, they more than most are at risk from contracting vanity. Therefore, we find Al-Samhūdī focus on it, having taken it from Al-Ghazālī who presented it as a general meaning, then made it specific to monarchs and sultans.

- **Beware of those close to you more than those afar:**

Al-Ghazālī mentioned the etiquettes of companionship of relatives and friends, while warning of them. He said:

\begin{quote}
"Beware of them, for you shall not see evil except from one you know. A friend will aid you, and the stranger will not accost you, rather all the evil is in the relations (i.e. relatives) who show friendship with their tongues..."\textsuperscript{352}
\end{quote}

As for Al-Samhūdī, he specified this for the ruler by saying: "His caution must be

\textsuperscript{350} Cf. p.107 of this thesis.

\textsuperscript{351} Cf. p.34 of this thesis.

\textsuperscript{352} Al-Ghazālī, op. cit., p.205.
heightened with respect to those close to him, more than those far away.” This is because the time in which Al-Samhūdi lived—Mamlūke rule—was characterised by the many coups, and competition over the throne, especially among family members. Therefore, Al-Samhūdi warned of this matter, which brought lack of stability and security, and negatively impacted the Muslim society.

2. al- Ṭibr al-Masbūk fi Nasīhat al-Mulūk by Al-Ghazāli.354

This book was the most influential on al-Samhūdi, because both had a common goal. Al-Ghazāli’s book as is clear from its title tackled the issue of tendering advice to monarchs, as was the aim of al-Samhūdi’s book. Al-Ghazāli’s book is considered the one most similar to al-Samhūdi’s in terms of topics and organisation of its main chapters.

In the description of this book, it was said that Imām al-Ghazāli authored it in Farsi for one of the Seljuk sultans. Later, it was translated into Arabic. The book covered the following topics:

• The rule of creed, which is the basis of belief. He mentioned 10 fundamentals of creed as a foreword to his advice to the King.

• Description of the two springs, by which Al-Ghazāli meant those sources of water that feed the tree of belief. By the first, he meant knowledge of the world and reason for man’s existence. By the second, he meant knowledge of the state of the human being on the day of judgement.

Al- Ṭibr al-Masbūk fi Nasīhat al-Mulūk by Al-Ghazāli features the following structure:

353 Cf p.34 of this thesis.
354 Previously introduced.
• Chapter 1: mentions justice and politics, and is divided into two sections.
• Chapter 2: on ministerial policy.
• Chapter 3: on scribes and their etiquettes.
• Chapter 4: on the high motivation of monarchs.
• Chapter 5: on the quality of forgiveness possessed by wise persons.
• Chapter 6: on the noble stature of mind and intellect.
• Chapter 7: on women.

This is one of the important books that Al-Samhūdī depended upon, as is apparent from the following:

• There is a close match in the style of admonition directed to rulers used by both Al-Ghazālī and Al-Samhūdī. This appears in their treatment of events and mistakes that they witnessed in their societies, especially relating to rulers.

• The mention of stories relating to non-Arab ancient philosophers and monarchs in their books as a means of reinforcing their admonition.

• The great degree of similarity in chapters and sections in the treatises of both Al-Ghazālī and Al-Samhūdī. For instance, Al-Ghazālī's first chapter deals with justice and politics, which is covered by Al-Samhūdī throughout his work.

The most important quotes and content taken by Al-Samhūdī from Al-Ghazālī:

o Encouragement of the ruler to sit with the scholars, and the recommendation to seek their counsel:

Al-Ghazālī in his book, states:

"O' Sultan, rule is perilous, its burden is excessive, an explanation of this will be long. The ruler is not delivered safely except by seeking scholars of religion to teach him the way of justice, and ease for him the peril of his duty."\textsuperscript{356}

Al-Samhūdi emphasises this in stating:

"... The most fit person for rule, is one whose heart is for religion, and his intellect and opinion abode of knowledge and good practice; his company is that of scholars, and his privy council those offering opinion and the wise."\textsuperscript{357}

Here we see the importance of the company of scholars for rulers in the consideration of both authors, since the scholar improves the ruler's personality and guides him.

- The obligation of scholars to tender advice to monarchs:

Al-Ghazālī states—after mentioning a number of stories and morals relating to some Caliphs and nobles—

"the ruler must... accept advice tendered to him by others. Whenever he meets a scholar he must ask him to advise him. Scholars must advise monarchs with such admonition; they should not deceive them, nor withhold the truth from them; whoever deceives them, then he is their partner and associate [in wrongdoing.]"\textsuperscript{358}

Al-Samhūdi also emphasised this meaning, in his statement:

\textsuperscript{356} Ibid, p. 18.

\textsuperscript{357} Cf. p. 15 of this thesis.

\textsuperscript{358} Al-Ghazālī, al-Tibr al-Masbūk fi Nasihat al-Mulūk, p. 21.
"it is obligatory on the scholars of Islam to exert effort in rendering wise counsel to the ruler. If they become aware of a matter which harms Muslims, while the ruler is unaware, then they must notify him, and make him party to their knowledge, preventing him [from wrongdoing], and awakening him."359

It is apparent from the two previous quotes, that there is similarity between Al-Ghazālī and Al-Samhūdī in encouraging scholars to provide admonition and advice to the ruler. However, Al-Ghazālī also requested that the ruler actively seek out the advice and counsel of scholars, and made it the responsibility of both parties. In contrast, Al-Samhūdī made that the responsibility of the scholars only.

- Encouragement to establish justice and desist from oppressive and unjust behaviour:

Al-Ghazālī was not satisfied with only encouraging the ruler to establish justice in his personal sphere, rather that this should extend to his governors and associates. He states in the third fundamental:

"... you must not be satisfied in not practising injustice with your own hand, but must rein in your slaves, friends, governors, and representatives, and must not accept injustice on their part. You shall be accountable for their injustice, as much as you are accountable for the injustice done by your own hand."360

Al-Samhūdī wrote a whole section entitled: "Expressing gratitude for the blessing of rule". He began by addressing the ruler:

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359 Cf. p. 73 of this thesis.

"... and gratitude for the blessing of rule is articulated by using it justly, and abstaining from oppression. If the ruler deals with his subjects justly, and establishes justice among them, while avoiding oppression and its like, then his rule will be prolonged. If he uses oppression, and endorses injustice, then the fear is that this blessing will be wrested from his hand. The favour of Allah, if thanked will dwell, however if not, takes flight." 361

Al-Ghazālī emphasised that the ruler must establish justice in himself, and ensure that it is the case among his governors and representatives, allied with his fear of the reckoning on the day of judgement. Yet, al-Samhūdī expands on this, and dedicates an entire section to this issue, where he encourages the ruler to establish justice, warning him of injustice and oppression, explaining that the continuation of rule is through justice, and its downfall through injustice. All this by stressing the idea that rule is a blessing from Allah that must be thanked by establishing justice, and so guaranteeing its continuation.

o Appreciating the status of intellect ['Aql] and its merit:

Both scholars in their writings dedicated a special part to the intellect and its merit. While Al-Ghazālī placed it in the penultimate chapter of his book, 362 Al-Samhūdī place it at the beginning, explaining his reasons why. Al-Samhūdī and Al-Ghazālī began the section with the Ḥadith on the intellect, yet Al-Ghazālī restricted himself to a number of stories that spoke about some noble persons. As for Al-Samhūdī, he wrote that the intellect is a favour given by Allah to the ruler, by which he is able to

361 Cf. p.22 of this thesis.
preserve his power; he also added some definitions for the intellect and mind. 363

It is notable that Al-Samhūdī had attended to the intellect as an essential element in the personality of the ruler. This is clear through his use of Qur’ānic verses, Qudsi and Prophetic Hadiths, sayings of the Companions, Tabīʿūn (generation after the companions) and wise men, as well as quoting poetry. He made great effort in documenting the stories and tales about nobles and rulers endowed with intellect and justice, even if they were not Muslims, e.g. Anū Sharwān. He also used examples of people whom of Allah had granted flawless intellect.

Attributes of ministers:

Al-Ghazālī dedicated the second chapter of his book to "Policy and biography of ministers." Here he mentioned the importance place occupied by the minister in preserving the rule, and that the ruler must employ ministers who are true and tender good advice. In citing the story of Moses, he mentioned that the prophets, could not do without ministers, and so those below them in level. 364

As for Al-Samhūdī, he dedicated a whole section entitled "Description of those to be taken as ministers." He encouraged to the ruler to employ ministers who were wise and tendered advice, saying:

"Know that the king must take ministers who are wise, eloquent, tender advice, righteous, and knowledgeable in managing affairs. If he were not in need of their services, Allah would not have said of His Prophet Mūsā, peace be upon him: { With him we sent his brother Ḥārūn as minister. } 365

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363 Cf p.10 of this thesis.
365 Cf p.153 of this thesis.
Both Al-Ghazāli and Al-Samhūdi stressed avoiding the appointment of young ministers. Al-Ghazāli said: "the Minister must be a knowledgeable and wise old man. since youths even though they may be wise, lack the experience of age. People can only learn the experiences of life from the old and wizened." 366

As for Al-Samhūdi, he says: "Among the lessons learnt from the downfall of kingdoms is mimicking youthful ministers, those who do not have experience of matters, and moreover not reflecting upon the consequences." 367

In conclusion, it is clear that Al-Samhūdi depended in his book on presenting stories and incidents containing morals and meanings, which are relevant to the character that Al-Samhūdi wishes to call the ruler’s attention to. This is similar to Al-Ghazāli’s style in presenting a variety of selected stories and admonitions. 368

This is considered one of the most common styles of admonition use by scholars. It is also notable looking at the pages listing the topics of both books, to see the great similarity between Al-Samhūdi and Al-Ghazāli in the titles of the various headings, among these the parts on intellect, justice, and ministers. This is evidence that Al-Samhūdi borrowed from Al-Ghazāli the methodology of the main topics needed by the ruler, however he differed from him in the mode and content of presentation.

3. *Mu’id al-Nī’am wa Mubid al-Niqam* by Al-Subkī

Tāj al-Dīn al-Subkī wrote his book to explain what preserves the favour given by


367 cf p.156 of this thesis.


369 Previously introduced.
Allāh to the human being in this life, and drives away harm and difficulty. Each individual given a favour by Allāh must express gratitude for it, and put it in the service of obedience of Allāh. He then goes on to mention the jobs and positions of his time, including government office and others. He expands in great detail on the requirements of each job and role. He also mentions the relevant rule of Shari'ah law applicable to that job, such that work is performed correctly. In such a way, an ideal and righteous society will be established in this life. He was helped in this undertaking by his great proficiency in Fiqh, experience of his time, and knowledge of affairs of the state and classes of people... he mentions the classes of people in his time through 112 examples.\textsuperscript{370}

The book is divided into three parts:

- A short introduction explaining the reason it was written, and the author's theory on what preserves Allah's favours, and restores them if they are removed.
- A short conclusion on the merits of tribulation through removal of favours.
- Practical examples, in which Tāj al-Din al-Subkî presented the classes of the nation, both government and people, providing examples of the duties of each class.

The topics presented by Al-Samhūdī in his book bear great similarity to many of the topics mentioned by al-Subkî, especially relating to the Khalifah, who is the ruler, minister, and responsible for oversight and audit. Among these are the following:

- Gratitude for the favour of rule:

Before entering into the description of public office, and explaining how the favour of such position could be thanked, al-Subkî gave two examples for the eye and ear. He

said that thanking the favour of the eye is that it should not be used to look at what is prohibited. He added that thanking the favour of the ear is that it must not be used to listen to what is prohibited. He went on to clarify how the favour of rule is thanked and explain the position of the ruler in terms of the favour given him by Alläh: "... you must thank the favour of rule... and know that you and your subjects are equals." 371

We previously mentioned that Al-Samhūdī wrote a section entitled *Gratitude for the Favour of rule*, in which he directed his words to the ruler saying:

"Know that every favour has a gratitude to be expressed that is unique to it. In the same way that gratitude for the favour of sight, is expressed by turning it away from looking at what Alläh has prohibited. Gratitude for every sense and limb is by using it for the purpose it was created. Gratitude for the favour of rule is expressed by acting with justice, and desisting from injustice and oppression." 372

It is clear from the above that Al-Samhūdī had more or less literally taken from al-Subkī on the issue of expressing gratitude for the favour of sight and the other senses, as well as that of rule. Moreover, Al-Samhūdī quoted al-Subkī directly in stating: "every favour that is not thanked is due to be taken. The favour of Alläh, if thanked will dwell, however if not, takes flight." 373

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371 Ibid. p.13.
372 cf p.22 of this thesis.
373 Al-Subkī, op. cit., p.3.
Al-Samḥūdī states: "The favour of Allah, if thanked will dwell, however if not, takes flight."\textsuperscript{374} It seems that he was greatly influenced by al-Subkī in this part relating to thanking the favour of rule.

- Reminding of the obligation of \textit{Jihād} in the path of \textit{Allah}

Al-Subkī said:

"... we remind of duties neglected by monarchs. Among the duties of sultans is recruitment of soldiers, and establishment of the obligation of \textit{Jihād} to glorify the word of Allāh. Allāh did not give him [the sultan] rule over the Muslims, to be a leader, eating, drinking and relaxing, rather to support the religion and raise the word [of Allāh]...."\textsuperscript{375}

Al-Samḥūdī states:

"I wished to remind our rulers what they forgot of the \textit{Shari‘ah}, and bring their notice to what they have neglected of its high rulings, from what I know of their due share of concern to raise the word of religion, and perform the duty of Jihad, confronting the disbelieving aggressors. This is part of Jihad that is obligatory upon observant rulers."\textsuperscript{376}

It seems that Al-Samḥūdī was more lenient towards the rulers than al-Subkī, inviting them to perform \textit{Jihād} using gentle words.

- \textit{Al-Muhtasib}

\textsuperscript{374} cf p.22 of this thesis.

\textsuperscript{375} Al-Subkī, op. cit., p.60.

\textsuperscript{376} Cf p.69 of this thesis.
Al-subkî states:

"the Muhtasib must look into supplies, and remove hardship from Muslims in terms of their needs; he must exercise great care in regard to food and drink. Setting prices is prohibited at all times, and it has been said: it is permissible during times of high prices, especially in the land of Sham."  

As for Al-Samhûdi, he expanded in discussing the role of al-Muhtasib. In summary, he said that it is an obligation and a duty upon those in authority to focus their efforts on the job of Muhtasib.  

He also said:

"it is an obligation upon the ruler to look into the affairs of his subjects, during times of difficulty, such as lack of provisions, drought, or high prices, where he must attend to matters personally, and not leave this to others, because the Muhtasibs of these times are evil and deceitful."  

4. Fâkibat al-Khulafā' wa Mušâkabat al-Żuratâ by ibn Arab Shah  

The title of this book does not easily divulge its true subject, but hides its human, intellectual, and political content by using animal characters. This book discussed issues of the political system expressed by animal protagonists. It is similar to the famous book of tales "Kalîlah wa Dimnâli"in using dialogue between animals to discuss moral issues. The difference between the two books is that "Kalîlah wa  

378 Cf p.100 of this thesis.  
379 Cf p.101 of this thesis.
"Dimnah" was restricted to issues of wisdom and manners, while Ibn Arab Shah's book was dedicated to political issues.\textsuperscript{380}

This book contains hundreds of symbolic stories narrated through animal characters, which appear superficially amusing, but intrinsically contain political meaning relating to government. The book revolves on two principal axes: one is justice in its total meaning, including political, security, economic, and social. The second is the intellect and so invites creativity. It emphasises that justice is the basis of rule, and intellect the basis of awareness, and a combination of both achieves an ideal society.

The book is divided into 10 chapters:

Chapter 1: mentions the Arab monarch which was the raison d'etre of the book.

Chapter 2: on the advice of the non-Arab monarch distinguished from others by his goodness and rule.

Chapter 3: on the rule of the Turkish monarch with his ascetic father in law.

Chapter 4: in the study of the human world with the genie Jan-Jan.

Chapter 5: tales of the king of Lions, and his companions the Prince of foxes, and the elder of hyenas.

Chapter 6: tales of the Eastern goat and the African dog.

Chapter 7: mention of the fighting between hero of the heroes (al-Rebal) and Abû Daghfal, the Sultan of elephants.

Chapter 8: on the wisdosms of the ascetic lion, and the parables of the escaped camel.

Chapter 9: mention of the king of birds—the vulture, and the two partridges that escaped punishment.

Chapter 10: in dealing with enemies, companions, and policy towards subjects and the beloved.\textsuperscript{381}

The topics in which Al-Samhūdi resembled ibn Arab Shah were the following:

- The merits of intellect and company of the wise:

Ibn Arab Shah says: "Know king of the time that the best thing in man's existence, and the best jewel he possesses is his intellect."\textsuperscript{382}

He also said: "The intellect has been likened to a high mountain that is difficult to reach. Everyone who wishes to climb upon it, is not able to except through one path, which is the company of the wise."\textsuperscript{383}

Al-Samhūdi says: "and that his company (i.e. the ruler) are the scholars, and his council is from those wise persons who offer opinion."\textsuperscript{384}

As for Al-Samhūdi, we have said previously that he was influenced by al-Ghazālī in this topic, and we clarified some of the quotes taken from Al-Ghazālī, which are similar to those of ibn ʿArab. However, Al-Samhūdi seems to have copied exactly from ibn ʿArab: "the Creator of the world based matters of beginning of life and end in the Hereafter, and the life between them, to be deduced by way of two great guides:

\begin{itemize}
  \item Intellect (the mind), which is the basis of responsibility.
  \item The rules of the noble Shari'ah.
\end{itemize}

Al-Samhūdi says: "Know reader, that the Creator of the creatures grounded the affairs of His servants in this life and the Hereafter on two great guides:

\textsuperscript{381} Ibid, p. 30.
\textsuperscript{382} Ibid, p. 39.
\textsuperscript{383} Ibid, p. 440.
\textsuperscript{384} Cf p. 15 of this thesis.
- Intellect (the mind), which is the basis of responsibility.
- The rules of the noble Shari'ah.

However, Al-Samhūdi expanded on this, in his treatment of the meaning of intellect, more so than ibn Arab, yet he took this rule from him, as is clear.

- Qualities required in the king:

Ibn 'Arab Shāh says:

"... it has been said: the justice of the Sultan is better than fertility of the season, and if the king is not compassionate towards his subjects, good, or gentle, and he did not forgive those who erred, seeking their supplication for him, is consumed by his love for them, kindly towards the kind amongst them, working to preserve their peace, then it is best for them to migrate from his realm, and move out of the reaches of his authority." \(^{385}\)

Al-Samhūdi used the same phrase by quoting Ali: "Justice by the Sultan is better than a fertile season. He added: It is incumbent upon the ruler, to be wise in his realm, noble in himself, true to his word, and robust in his religion." \(^{386}\)

Al-Samhūdi stresses this meaning addressing the ruler: "Be just as far as you can, because you are rewarded justice with justice, and oppression with oppression. The justice of the sultan is better than fertility of the season." \(^{387}\) This is clear example of the literal quotes from ibn 'Arab Shāh's book.

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385 Ibn 'Arab Shāh, op. cit., p.58.
386 Cf p.33 of this thesis.
387 Cf p.36, 92 of this thesis.
5. *al-Jāmi` al-Saghlīr fi Ḥadīth al-Bashīr al-Nadhīr* by Jalāl al-Sīyūṭī

Al-Sīyūṭī compiled around 10,000 Hadiths selected from his book, *Jam` al-Jawāmi*’. Alphabetically ordered according to the first words of the Hadith in order to ease the task of searching. He restricted himself to short Hadiths, mentioning only a few Hadiths of *Alkām* (Fiqh rulings), and did not mention (in his opinion) falsified Hadiths. In reality, it contained good and weak Hadiths in all their types.

His methodology in presenting the Hadith was to present the Man (the text) of the Hadith without its sanad (chain of narration), but at the end he indicated the scholars of Hadith who transmitted it, and naming the companion who narrated it according to Hadith scholar he attributed it to. He used codes to describe the level of the Hadith, in terms of authenticity, etc.  

The extent of Al-Samhūdi’s dependence on al-Sīyūṭī’s book is clear. The majority of Hadiths used by Al-Samhūdi are from that book, which confirms its importance. However, it is also clear that Al-Samhūdi in writing the Hadiths depended on his memory. This is because a number of Hadiths as written by al-Samhūdi give the same meaning with some difference in words, as well as difference in order of words. An example of such differences is the Hadith: "if Allāh wishes well for a people, He will empower the decent to rule over them". In referring to al-Sīyūṭī’s book, we find the word “the forbearing” rather than “the decent”. An example of difference in order of words is the Hadith "Haste is from Satan, and tranquility from Allāh". Referring to al-Sīyūṭī’s book, we find that the Hadith is transcribed: "Tranquillity is from Allāh, and..."  

388 Previously introduced  
haste from Satan". This is considered a shortcoming of Al-Samhūdi that he depended on his memory in relating Hadīth.

3.3. The Author's Methodology and Style of Writing

If we wish to familiarise ourselves with the author's methodology and style, then after reading and rereading the work, we derive the following conclusions:

First: authoring books falls into one of seven classes from which no scholar or author departs:

1. Something without precedent, and so he invents it.
2. Something is incomplete, and so he completes it.
3. Something is closed and obscure, so he explains it.
4. Something is long, and so he summarises it without loss of meaning.
5. Something erroneous, so he puts it right.
6. Something is disorganised, so he organises it.
7. Something is scattered, so he collates it.

Reviewing those works in the same area published prior to al-Samhūdi, we may say that al-Samhūdi's book belongs to the sixth and seventh categories, where his book represents something that hitherto was disorganised, and he organised it, and something that was scattered and he collated it. This was emphasised by al-Samhūdi at the beginning of his book where he said: "this is a delightful and priceless collection that I collated from scattered books".

al-Samhūdi wove and organised it according to the phased, gradual approach that must be taken into account and pursued while addressing the Caliph, head of State, or ruler. He began with the intellect, the high status enjoyed by ruler, fulfilling the duty of being thankful for the favour and bounty of ruler. After that, he entered into a presentation of the obligations the ruler was beholden to discharge. In this way, it
seemed that al-Sanhūḏī wished to prepare the ground ahead of entering into the obligations of the ruler.

Second: al-Sanhūḏī's division of his book into chapters and sections:

Al-Sanhūḏī divided his book into four chapters, with the number of sections within each chapter varying in number and length. This is reflected in inconsistency, where we find, for example, a section no longer than half a page, while another would exceed 25 pages.

Similarly for chapters, where the fourth was no more than four pages, while others exceeded 84 pages in length; bearing in mind that the number of pages depended on the type of calligraphy and printing.

Third: the admonitory style of the author:

The author's style was distinguished by being admonitory while relating this to current reality. He would recount the incident or situation that he wished to change, and collected a number of admonitions and reminders that supported his perspective.

In his book, he depended on quotations from the Quran, prophetic Hadiths that varied in the degree of authenticity and strength—especially those relating to intellect. Al-Sanhūḏī also used stories and wisdoms from Persia and other lands. He also cited abundantly the incidents involving the Companions and Caliphs, especially those relating to the topic of justice.

Fourth: The detailed and precise description of the author's times:

Al-Sanhūḏī was distinguished by the precise and detailed description in his book of the times in which he lived. We find this especially when he talked about the situation of the market, people, the Muhtasib, and Ahl al-Dhimma, to the extent that he mentions the state of bridges, canals, and animals that serviced these facilities.
He also mentioned animals' fodder, and the names of some food grains, like barley and others. This highlights and emphasises the detailed extent in which al-Samhūdi described the world around him. Here lies the distinction of his style of writing, which was far different from those who preceded him in this same area: they would list admonitions and reminders, without attempting to relate them to reality and events.

Fifth: the sources on which the author depended and his language:

Al-Samhūdi in most of his book, frequently cited Ḥadīths, accounts from the Sirah (Prophetic biography), and stories without mentioning the narrator, source or chain of narrators (Sanad). This made the task quite difficult, where mention of the sources would ease the job of authenticating, cross-checking, and locating them in the first instance. Moreover, there is repetition in some cited Ḥadīths and meanings, where it could be said that there was no chapter or section that failed to mention the meanings of justice, and oppression. Perhaps this repetition was intentional on the part of al-Samhūdi in order to emphasise the meaning of justice. The author's language was faultless classical Arabic, sound in its construction and syntax.

Sixth: the author avoided mention of disputed issues of Fiqh (jurisprudence):

Al-Samhūdi in his book avoided mentioning those matters that were disputed among scholars and jurists in the topics he treated. This is apparent through his usage of words to express this, like: "it is obligatory", "it is a must", which is a good strategy in matters of politics, such that he avoids confusing the mind and confounding the ruler, especially since rulers and governors like matters to be presented with brevity, thus preserving time, and guarding against boredom.

3.4. The Scientific Value of the Book and Manuscript's Authorship

In reality, reflecting on al-Samhūdi's book, we see that it fills an important place in a vital part of the Islamic body of knowledge. Moreover, al-Samhūdi has actually filled
more than one area of that body of knowledge. This is explained in a number of aspects:

Al-Samhūdi was able to firmly establish one of the most important schools of ethical and social Tarbiyah (education, upbringing). This involves mixing dry academic concepts with religious Shari'ah concepts, in a format that religious scholars have agreed the terms; Raqā'iq (reminders that soften the heart) and Wa'z (admonition), to describe. He did not make the book solely scientific, nor solely admonitory; rather he merged both in a wonderful mix, but with admonition having the upper hand.

The book is evidence of the state of the Islamic environment and society, in terms of freedom to criticise, clarifying mistakes, and working to remedy them, even if these mistakes were those made by the head of state or minister, without fear of oppression or repression.

The book revealed how scholars were knowledgeable of the circumstances of their time, the course of events, and policies in their lands. Moreover, that in Islam there is no hermitage, nor separation between religion and worldly life, rather religion and life together formed a harmonious synthesis on which the rhythm of worldly life ran to the good of human beings and all mankind. The distinguished scholar is one who possesses an encompassing knowledge of the Shari'ah regarding Ḥalāl (the lawful) and Ḥaram (the prohibited), without missing the opportunity to know the state of the environment and land in which he lived. Wherever there are successes, the scholar will strive and exert effort to consolidate them, and wherever there are negatives he will strive and exert effort to remove them.

The book gives us an impression of the simple social life represented by people’s livelihoods, their food and drink in one of the times during the Mamlūk era in Egypt and Shām (the area of present-day Lebanon, Syria, and Palestine).
The book gives us a reasonable idea of the course of events in the Islamic State at the time, and what he warned about at that time were those things that he wished to change in the head of state or ruler. Issues that were among the critical factors that led to the decline of that State, and led to its end. It allows us to benefit from that lesson on the level of States and individuals in our contemporary times, and looking into the future.

Al-Samhūdi enriched the body of knowledge in some issues of Shari'ah, like: Ahl al-Dhimmah, the Muhtasib, and ministers.

In reality, the book has a clearly undeniable importance, which led us to seek to bring it out to the world, so that people—rulers and those they rule—benefit from it.

Manuscript's Authorship

Evidence that the manuscript was the work of the author is twofold: direct and indirect. Direct evidence can be found in Al-Baghdadi's book 'hadiyyat al-Arifin' where he confirmed the author's authorship of the Manuscript. And so did Umar Rida Kahhalah in his book Mu'jam al-Mu'allifin'390

Indirect evidence can be deduced from the various historical descriptions of the author's era provided by various books of history. Such descriptions are in close agreement with the historical events pertaining to the author's era, detailed in the Manuscript, in particular details related to Ahl Al-Dhimma and to the Muhtasib and detailed description of some aspects of people's life in Egypt where the author was born and live a good part of his life.

3.5. Distinctions of the book "al-Lu'lu' al-Manthūr..." and its weaknesses:

First: Distinctions of the book "al-Lu'lu' al-Manthūr...":

The book "al-Lu'lu' al-Manthūr..." has many blessed distinctions, however we shall present the most prominent:

The author merged the style of admonition and advice with presentation of scientific evidence.

It revealed the close nature of the relationship in the Islamic society between the ruler and his people, the prevailing atmosphere of liberty, acceptance of the opposite view represented by criticism of the ruler, to the point that books were written about this, even if using an indirect approach.

It revealed how religious scholars were well versed in the affairs of their time through observation, and that they keenly followed general events and the policies of the rulers, emphasising those acts that were acceptable in the Shari'ah, while repudiating those that were contrary to the Shari'ah, and never acquiescing to them.

It showed and clarified how the religion of Islam was not one that was isolated in the mosque, with no relationship to the affairs of governance or the ruled, rather as a religion that took care of both religious and worldly interests; regulating the relationship between The Creator and His creatures, and the relationship between His creatures amongst themselves.

The absorbing nature of the book, in that it does not induce boredom while reading it, due to the attractive style and variety in presentation followed by al-Samhūdi. This manifested in the religious Islamic rulings tightly intertwined with stories and morals of some incidents from reality. This leaves the reader unable to pigeonhole the book.
whether it was a book of stories and morals, or that of religious rulings, or a book of history and events.

No doubt, human endeavour however its level of precision and power, must always bear fault and weakness. This is evidence of its humanity given that Allah, Most Exalted, had ordained that human nature would be distinguished by the inclination to error, misunderstanding, and forgetfulness.


During our work on al-Samhūdi’s book, we noted some issues that we feel it is important to draw attention to, among these:

The author does not mention the sources of his stories and poetry presented in his work in addition to some Hadiths, which I could not find in the book of al-Siuyūtī, which the author referred to as his source at the beginning of the book. This made finding these Hadiths fraught with difficulty.

He neglected to mention that some Shari’ah (juristic) rulings were open to differing opinion and dispute among scholars, e.g. the issues relating to Ahl al-Dhimmah.

His presentation of the issue (religion is subservient to the intellect), is contrary to the opinion held by the majority of scholars. Furthermore, it is a complex issue that required detailed treatment, which he did not provide.

Inconsistency among chapters and sections of the book in terms of number of pages and presentation of topics.

His frequent citation of weak Hadiths, especially relating to the intellect and others.

The inclusion by the book’s compiler of talismans and alleged protective invocations that were not authentically established as being part of the Sunnah. This is well-known to be forbidden, since these may contain what is not permissible by Islam.
Chapter Four

This chapter discusses the three components upon which the Science of kings and rulers Preach stands. These are (advice, rulers and scholars). The relationship between them will be exposed, the important characteristics among them and the prominent specifications of every element thereof. Also, this chapter includes a critical study for the important subjects raised by the writer in his manuscript.

4.1 Advice to Monarchs

4.1.1. Introduction:

Reviewing Al-Samhūdi's book, and its contents of: Shari'ah-based advice, etiquettes and manners, and advice to the Sultan, organised into chapters and sections that present topics in a graded way, making it easy for the ruler to absorb and understand, it becomes clear that there are three main specific aspects to Al-Samhūdi's book. We shall shed light on these, by providing the wider Islamic viewpoint, in order to add value to the study of this work. These aspects are:

- Nasīḥah (advice) and its nature;
- The ruler receiving advice and the nature of his position, as well as his rights and duties;
- The scholar who tenders this advice and his methodology in doing that.

These three aspects are the main axes attended to by all those scholars who preceded and followed Al-Samhūdi in authoring books admonishing monarchs, and hence the reason for this research.

4.1.2. Definition of Nasīḥah (advice)
4.1.2.1. *Naṣīḥah* in the Arabic language: is freedom from impurities; it is said something or someone is *Naṣīḥ* or *Naṣūḥ*, if free of defect. Anything which becomes free of defect is termed as "*nasūḥa*." Someone "*nasāḥa*" to someone else in speech, if he renders the speech faithfully, and is the opposite of falsehood.³⁹¹ It is said that a person is *Naṣīḥ* at heart, i.e. his heart does not contain falsehood. Moreover, it is said *Naṣaḥa al-thawba*, i.e. he mended the garment.³⁹² Likewise, *Tawbā* *Naṣūḥ*, means truthful repentance;³⁹³ it is as though sin rips religion, and repentance mends it.³⁹⁴

4.1.2.2. *Naṣīḥah* in the terminological sense: it is a word generally expressed by a phrase: intending good for the person addressed by the advice, and is the care from the heart for the individual being advised, whoever he is.

*Naṣīḥah* is of two types: obligatory or voluntary. Obligatory *Naṣīḥah* is the extreme care taken by the tenderer of advice in following the love of Allāh in discharging what He has made obligatory, and avoiding His prohibitions. As for the voluntary *Naṣīḥah*, it is choosing the love of Allāh over his love for himself. Where he has a choice, either choosing something for himself, or for Allāh; he chooses what is for Allāh and postpones what is for himself.³⁹⁵

As for the meaning of tendering advice to rulers from the terminological perspective, it is to help them in what they have been given to do, reviving their flagging attention, filling the vacuum of their shortcomings, uniting the hearts of people around them.

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while the greatest of advice to them is to prevent them from injustice in the best way. 396

4.1.3. Meanings of Nasihah in Qur'ân:

a. Guidance: as in the Qur'anic verses:

- (The council are conspiring to kill you, so leave! I am someone who brings you good advice.) 397 and
- (My counsel will not benefit you, for all my desire to counsel you.) 398 i.e. my guidance will not benefit you.

b. Fidelity: as in:

- (... nor against those who find nothing to spend, provided they are true to Allah and His Messenger.) 399 the word "Nasahū" meaning being true.

c. Love: as in the verse { They said, our father! What is wrong with you that you refuse to trust us with Yūsuf, when in truth we love him (Nāsiḥūn.)} 400 the word "Nāsiḥūn" here means to love.

d. Preservation: as in the verse { ... shall I show you a household who will feed him for you and be good to him? (Nāsiḥūn.)} 401 i.e. preserve him.

e. Invitation to Allāh: as in the verse { transmitting my Lord's Message to you, and giving you good counsel (Nāsiḥūn lakum), and I know from Allāh what you do not

397 Al-Qasas :20.
398 Ħūd :34.
399 Al-Tāwbah :91.
400 Yūsuf 11.
401 Al-Qasas 12.
know.]402 i.e. I am for you a caller to Allāh.403 This in relation to the meaning of Naṣīḥah in Qur’ān, as for the Sunnah, we shall discuss this during the explanation of Ḥadiths relating to Naṣīḥah.

4.1.4. Distinguishing between Naṣīḥah and otherwise:

4.1.4.1. Distinction between tendering Naṣīḥah, censuring, or shaming:

Censuring can be one of the means of tendering advice, but two things distinguish both; intention and outcome. The intention behind tendering advice is an act of good emanating from compassion and mercy, solely for the sake of Allāh and doing good towards His creation.

As for censure, the intention behind it is humiliation packaged as tendering advice, this is a difference in terms of intention. As for outcome, this differs also, whereby the person tendering advice does not antagonise nor acquire the enmity of the person advised, especially if he adheres to its etiquettes, while the outcome from censure is enmity because it was ill-intentioned.404

Al-Fudayl ibn ‘Iyād said: "the believer covers up and advises, while the transgressor discredits and shames."405

As for the difference between tendering advice and shaming, the scholars have concerned themselves with distinguishing between Naṣīḥah and humiliation to the point that ibn Rajab al-Ḥanbalī wrote a famous book entitled "al-Farq bāyน al-Naṣīḥah wa al-Ta‘yir" [the difference between Naṣīḥah and shaming]. In his book, he

402 Al-A‘raf 6-1.


stressed that mentioning a person with those things that he hates is prohibited when the intention is merely to denigrate and humiliate. However, if there was public good for Muslims, and the intention was to ensure the public interest, then it is not prohibited, rather recommended. 406

4.1.4.2. Distinction between Nasīḥah and Ghibah (backbiting):

Naturally, in tendering advice, i.e. performing Nasīḥah, sometimes it is essential to mention the defects, and that which is to be avoided. Allāh has prohibited (backbiting) in the Āyah {... and do not backbite one another.} 407 However, the difference between Ghibah and Nasīḥah lies in the intention. In backbiting, the intention is to malign, humiliate, and denigrate—nothing else, while in tendering Nasīḥah the intention is to warn and guide. 408

The important difference between them is that Nasīḥah is addressed to the person directly, while backbiting is not done in his presence, but that of his detractors—in addition to the difference in intention.

The scholars have been unanimous in the prohibition of backbiting, based on the Ḥadīth, which clarified the meaning of Ghibah. The Messenger, peace be upon him said:

"Do you know what Ghibah is? They said: Allāh and His Messenger know best. He said: mention of your brother with what he hates. They said: what if what we say is true of him? He said: if what you say is true of him, then you

407 Al-Ḥujurāt 12.
have practised Ghibah, and if not then you have slandered him.\textsuperscript{409}

Al-Nawawī said: "Ghibah is mentioning someone with those things that he hates, whether in describing his person, religion, life, physique, manners, wealth, children, wife, servant, garments, movement, body language, or other things relating to him, whether in word, sign, or signal.\textsuperscript{410} Al-Nawawī mentioned the types of Ghibah not exhaustively, rather by example, and lingered long in mentioning its types due to the wickedness of backbiting in all its forms.

Ghibah is one of the most deadly social diseases, which may bring discord and destruction to society due to the spread of hatred and envy among members of the community; dispute and conflict will become rife among people. There are those who present Ghibah as other than what it really is, in order to provide justification for this evildoing. Ibn Taymiyah states:

"among them are those who package Ghibah in different ways; sometimes in the guise of religion and righteousness, saying: it is not my habit to mention anyone except with good, and I do not like Ghibah or lying, but I will tell you about that person. He starts by saying, by Allāh, the poor thing, and begins his Ghibah. Others perform it disguised as anger, and rejecting evil, whilst his intention is the opposite of appearances."\textsuperscript{411}

We may say that the scholars have allowed Ghibah in specific cases:

\textsuperscript{409} Narrated by Muslim, book of meritorious acts, relations, and etiquettes, chapter of prohibition of backbiting, No 4690.

\textsuperscript{410} Al-Nawawī, al-Adhkār, p.288

\textsuperscript{411} Ibn Taymiyah, Majmūʿal-Fatāwā, Vol. 28, pp.237-238.
a. **Complaint and seeking redress:** it is permissible for the person unjustly treated to raise his complaint to the Sultan, Judge, or other competent person capable of rendering justice. He may say such person has treated me unjustly, or did such a deed.

b. **Seeking help in changing evil:** restoring the sinner to the correct path, and informing the person best equipped to do that: so and so is doing such a deed, so forbid him, etc.

c. **Requesting Fatwa:** by informing the Mufti that so-and-so has treated me unjustly in such and such a way. This is allowed due to the need, based on the Hadith of Hind Um Mu‘awiyah when she said to the Messenger of Allah: Abū Sufyān is a miserly man, is it sinful for me to take from his money secretly, he said: "Take yourself and your children what is sufficient for you with parity."\(^{412}\)

d. **Warning Muslims of evil:** on a number of fronts, among them al-Jarh wa al-Ta‘dil [the science of verifying the integrity of Hadith narrators] applied to narrators, witnesses, and authors. This is allowed in the unanimous opinion of scholars, more so it is a duty to protect the Shari’ah. For example, if you witness someone buying damaged goods, a thief, fornicator, someone drinking of alcohol, etc, then you remind them of that wrongdoing in order to render advice. In addition, if you see a student of knowledge taking knowledge from a transgressor, or innovator, and feared harm then you must render advice, and explain the problem with those persons.

e. **Among the cases where Ghibah is permissible,** is when the individual concerned is a ṭāsiq and sins publicly, then his public sins may be mentioned, but no more.

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\(^{412}\) Al-Bukhārī, Book of Selling, Chapter of one who administers lands according to their custom, No. (2050).
f. Identification: for the purposes of identifying a particular person through a specific description, for example, if the person is short, blind, or limps, then it is permissible to say the short, blind, or limping individual. However, it is prohibited to say this in order to denigrate, and if there are other ways of identification then they should be employed.\(^{113}\)

These six points have been collected in verses of poetry:

\begin{quote}
Mention of shortcoming is not Ghîbah in six seeker of redress, identifying, and warning public sinner, requestor of Fatwâ, and supplicant of help to remove evil\(^{114}\)
\end{quote}

4.1.4.3. Distinction between \textit{Nasîhah}, and commanding good and prohibiting evil:

\textit{Nasîhah} and \textit{‘amr bi al-ma’rûf wa nahl ‘an al-munkar} (commanding good and prohibiting evil) are two means of instituting right and banishing evil. They are two tools of \textit{Da’wah} that are related both generally and specifically. \textit{Nasîhah} is more general \textit{Amr bil Ma’rûf wa Nahy ‘an al-Munkar}, since this enters under the heading of \textit{Nasîhah}. Hence, \textit{Nasîhah} is all-inclusive, whereby every \textit{‘amr bi al-ma’rûf wa nahl ‘an al-munkar} is \textit{Nasîhah}, but not all \textit{Nasîhah} is \textit{‘amr bi al-ma’rûf wa nahl ‘an al-munkar}. This is because commanding good is only incumbent upon the Muslim in those obligatory matters, and forbidding evil is incumbent in matters where the Muslim must desist from what is \textit{haram}. \textit{‘amr bi al-ma’rûf wa nahl ‘an al-munkar} applies only to religiously instituted obligations in actions or abstentions, i.e. acts that


\textit{Al-Safarini, Ghidhâ’ al-Albâb fi Sharh Manzûmat al-‘Adab. (1/85).}
must be performed or ones that must be avoided. Moreover, 'amr bi al-ma'ruf wa
nahy 'an al-munkar is exclusive to those matters that the scholars have agreed are
obligatory or prohibited. As for disputed matters, then there is no command or
prohibition, i.e. what the scholars have disagreed upon in terms of command or
prohibition does not enter into the sphere of 'amr bi al-ma'ruf wa nahy 'an al-
munkar. However, it is a required condition that the disagreement be credible, and
not far-fetched. Moreover, the person disagreeing must not be in agreement on the
Shari'ah ruling with the other party, such that if that is the case, then it is permissible
to admonish them on the premise that they share the same opinion. As for Nasihah,
it enters into 'amr bi al-ma'ruf wa nahy 'an al-munkar in relation to the duty, and the
prohibition, in the same way what is recommended, allowed, and disliked, which do
not enter into the arena of 'amr bi al-ma'ruf wa nahy 'an al-munkar. In this way,
Nasihah is the more comprehensive and wider, because it is permissible in all five
categories of ruling: where the issue relates to obligation, recommendation,
permission, disliked, and prohibition.

4.1.5. The importance of Nasihah.

Nasihah is the main cause for reinforcing the ties of affection between people, and
that they continue on the Right Path of Islam. It is one of the necessities of social
contact between people, and any nation that does not render mutual advice, or any
society that does not do so, falls prey to social diseases. This is because the human

being is a social being by nature, susceptible to error, and forgetfulness, and so needs someone to remind, guide, and advise.

Previously, we mentioned the importance of *Nasihah* in Qur'an, and its specific *Shari'ah* usage in the Qur'anic context. As for the *Sunnah*, the meaning of *Nasihah* is mentioned in a great *Hadith*, which it has been said represents one quarter of the religion, and that it is one of those *Hadiths* around which *Fiqh* revolves.\(^{418}\) This is the *Hadith* of the Messenger, peace be upon him: "The religion is *Nasihah*; repeating it three times. We said to whom Messenger of Allah? He said: Allah, His Book, His Messenger, the rulers of Muslims, and the common people."\(^{419}\) This is a great Hadith, which makes all the religion, centre on advice. This *Hadith* explained the types of *Nasihah*, which shall be discussed later.

There are other *Hadiths*, for example that are cited in the *Sahih* [Collections of authentic *Hadiths*] of al-Bukhari and Muslim, where Jarir ibn Abd Allâh said: "I made a pledge to the Prophet, peace be upon him, to establish *Salâh*, pay *Zakâh*, and render *Nasihah* to every Muslim."\(^{420}\) The Messenger, peace be upon him, said: "the rights of the Muslim over the Muslim are six, among them if he seeks your advice then render it to him."\(^{421}\)

These two *Hadiths* are specific to tendering advice to Muslims generally, while there are other *Hadiths* that are specific to directing advice to those in authority and rulers.

The Messenger, peace be upon him, said:

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\(^{418}\) Ibn Rajab al-\-Hanbali, Jami' al-'Ulim wa al-Hikam, p. 102.

\(^{419}\) Muslim, Book of Iman, Chapter: Religion is Nasihah, No. 82.

\(^{420}\) Al-Bukhari, Kitab al-Iman, Bab al-Din al-Nasihah, No. 55.

\(^{421}\) Muslim, Book of Iman, Kitab al-Salam, Bab Min Haqq al-Muslim, No. 4023.
"Allah accepts three for you: He accepts that you worship Him, and associate no partners with Him, that you all hold onto the rope of Allah and not be disunited, and that you render Nasihah to those whom Allah has given authority in your affairs."\(^{422}\)

He, peace be upon him, also said: "Three things that the heart of the Muslim cannot withhold: pure intention in working for the sake of Allah, tendering advice to the leaders of Muslims, and adhering to the Jama'at [community] of Muslims."\(^{423}\)

He, peace be upon him, said: "No slave of Allah given subjects to attend to by Allah, and did not encompass them with Nasihah, then he shall not find the fragrance of paradise."\(^{424}\)

The foregoing were prophetic Hadiths that explained the importance and merit of Nasihah.

4.1.6. Types of Nasihah

As for the types of Nasihah, the first Hadith dealt with its types, listing them in a graded manner. I shall present the definition of each type briefly, with the exception of Nasihah to rulers since it is the topic of this research.

a. Nasihah for Allah: it is believing in His Oneness, and describing him with the fitting attributes of Perfection and Majesty, rejecting in His description all those attributes that are the opposite, avoiding disobedience of Him, abiding by His obedience, love for His sake, hate for His sake, practising repentance and seeking

\(^{422}\) Mentioned by: Ibn Rajab al-Ḥanbali, Jāmi' al-`Ulam wa al-Hikam, p. 103.

\(^{423}\) Narrated by: ibn Mājah, Kitāb al-Muqaddimah, Bāb man Balaagh `ilman , No. 226. with authentic chain of narration, as in al-Silsila al-Sahihah (403).

\(^{424}\) Al-Bukhäri, Kitāb al-Ahkām, Bāb man ustir'iya Ra'īyyatan , No. 6617.
forgiveness.

b. *Nasīḥah for His Book:* i.e. believing that it is the words of Allāh, elevated far above all other books. Practising what it contains of rulings, reflecting upon its meanings and advice, taking heed of its warning, and fulfilling the obligations of learning and memorising its text.

c. *Nasīḥah for His Messenger:* peace and blessing of Allāh upon him, is by respecting him, observing proper behaviour towards him, striving to obey him, adhering to his *Sunnah*, adopting his manners and etiquettes, and love for his family and Companions.

d. *Nasīḥah for the common Muslims:* by guiding them to what is in their interest, teaching them the affairs of their religion and life, covering their shortcomings, defending them and their reputations, and to love for them what he loves for himself.\(^{425}\)

4.1.7. The importance of tendering advice to rulers:

By nature, rule is testing, where the person may succumb the base behaviour of haughtiness, and considering himself above others. Reading the history of rulers, sultans and monarchs, one learns that rule has an allure that causes a person to forget the objectives of ruling, except those fortunate ones saved by the mercy of Allāh. In ruling, the ruler may see himself as commanding what he wishes, prohibiting what he wishes, and is conscious of his high rank and status. His command is executed without question, and his rulings implemented without fail, the ruler will find that people compete to come close to him in all manner of ways; they compliment him, describe him with things that are not true, only to please him; in cases, this leads to

the development of a tyrannical and oppressive attitude. Especially, when he feels that he does not need the people, while the people need him. Allâh says (No indeed! Truly man is unbridled, seeing himself as self-sufficient.)\textsuperscript{126} This may also lead to haughtiness and dictatorial attitude, as mentioned in the Qur'ânic verse (Ad were arrogant in the land, without any right, saying, "Who has greater strength than us?" Did they not see that Allâh, who created them, had greater strength than them? But they renounced Our Signs.)\textsuperscript{427}

Therefore, Islam came to protect government and the ruler from this trial. and commanded the subjects to direct Nasihah to the ruler in order to protect him from the testing nature of rule. The Messenger, peace be upon him, said:

"Allâh accepts three for you: He accepts that you worship Him, and associate no partners with Him, that you all hold onto the rope of Allâh and not be disunited, and that you render Nasihah to those whom Allâh has given authority in your affairs."\textsuperscript{428}

The Messenger, peace be upon him, warned Muslims from not rendering advice to their rulers. especially when they go astray. He said to ibn 'Umar: "If you see my nation in fear of the oppressor. and not saying to him you are an oppressor. then they

\textsuperscript{126} Al-'Aqâ: 6-7.

\textsuperscript{427} Fussilat: 15.

\textsuperscript{428} Mentioned by: Ibn Rajab al-'Hanbali, Jâmi' al-'Ulüm wa al-Hikam, p.103.
are a lost cause.\textsuperscript{429}

The Prophet, peace be upon him, explained that tendering advice to the unjust and oppressive ruler is the highest form of *Jihād*. He said: "The best *Jihād*: a just word in the presence of an unjust Sultan or Emir."\textsuperscript{430}

Al-Māwardī\textsuperscript{431} says: Kings are the most worthy people to be regaled with advice, because in their good there is good for their subjects, and in their corruption. corruption of their subjects.\textsuperscript{432}

*Shari‘ah* scholars paid great attention to advise rendered to kings and sultans for a number of reasons:

a. Rulers are the busiest people, and carry the greatest burden of responsibility, while being most remote in handling affairs personally, as well as observing their subjects with their own eyes, and always seek out persons to carry these responsibilities on their behalf.

b. Rulers are usually the most remote from sitting with scholars, attending meetings of admonition and encouraging ascetism, and mixing with Jurists, who sharpen intellect and open the eyes.

c. They are the furthest people in benefiting from reminder, or following admonition.


\textsuperscript{432} Al-Māwardī, *Nashīhat al-Mulūk*, p. 17.
which leads to harshness of the heart.

d. Rulers are surrounded by ministers, aides, courtiers, and friends who tell them only what they wish to hear, in harmony with their opinions and ideas, in order to curry more favour with them.\textsuperscript{433}

e. Rulers are among those who are most fearful of enemies and competitors, which drives them to employ people as filters coming between them and the common people. This results in complainants not being able to petition them directly. The Messenger, peace be upon him, said: "Whoever is given authority in a matter concerning Muslims by Allâh, and he placed courtiers between him and their needs, company, and poverty, then Allâh Most High the Exalted will not attend his need, company, and poverty."\textsuperscript{434}

4.1.8. Ruling on Naṣīḥah.

Naṣīḥah takes its Shari’ah ruling according to circumstances:

a. First case: Naṣīḥah is requested from qualified and competent people. This request is termed (Istimāh) and the petitioner called (Mustansîh).

b. Second case: Naṣīḥah is tendered after request, and the person tendering it is called (Mustansâh), i.e. the person being asked to provide advice.

c. Third case: Naṣīḥah is tendered without request for it, on the initiative of the person called (Nâsîh).

Hence, the three circumstances are:

- Mustansîh, i.e. requestor of Naṣīḥah.

\textsuperscript{433} Ibid, p.19-20.

Mustansah, i.e. the person asked to provide Nasihah.

Nasih, i.e. one who tenders Nasihah of his own volition without request.

As for the Nasih, who tenders advice on his own initiative ---the third case--- then Nasihah on his part is fard Kitayah, i.e. if it is done by someone endowed with the faculty of bringing about change for the better, wisdom and maturity then the duty is no longer burden on others, otherwise it remains an outstanding responsibility upon all.

Therefore, it is obligatory on the Ummah generally to provide persons willing to tender advice, especially to rulers. If they do not, then they are all sinning, and are not clear, until this is the case. The Messenger, peace be upon him said that the very foundation of religion is Nasihah; establishing the religion is an obligatory duty, and anything required in the discharge and fulfilment of such duty, in itself becomes obligatory.

This is confirmed by the statement of Jabir ibn ‘Abd Alläh: "I gave a pledge to the Messenger of Allah, peace be upon him, to establish Salâh, pay Zakâh, and tender advice to every Muslim."435

Hence, Nasihah is fard Kitâyah, if fulfilled by some then it is no longer an obligation on the rest.436 Those who shouldered the burden were under no obligation to, except if three conditions are fulfilled:

1. If the person tendering advice knew that it would only be accepted from him personally.
2. If he was secure in that no harm would come his way.

3. If he was certain that his Nasihah would not provoke a greater evil than if he were silent.

Therefore, if the Nāsiḥ was certain that his advice would not be accepted, feared for himself, or saw that his advice would provoke a greater evil than what he was advising against, then he is not obliged to tender it. Al-Ghazālī among other things says: "if you are certain that advice will have no effect, and his personality is such that he will not desist, then silence is better." 437

Ibn Batal is cited438 as saying: "Nasihah is obligatory within what is humanly possible, provided the Nāsiḥ knows that his advice will be accepted, and his command obeyed, and he is safe from harm. However, if he fears repercussions on himself, then he is under no obligation, and Allāh knows best."

As for the second case, where the person is requested to give advice, then it is an obligation upon them to do so, especially if he is endowed with good knowledge and faculty of expression. Allāh says: {... who could do greater wrong than someone who hides the proofs he has been given by Allāh?} 440 and the statement of the Messenger. peace be upon him: "Whoever is asked of his knowledge, and withheld it then he will have a gag of fire covering his mouth on the Day of Judgement." 440

The Messenger, peace be upon him stated: "The rights of the Muslim upon the Muslim are six, among them if he seeks your advice then render it." 441

439 Al-Baqarah 140.
440 Narrated by: Abū Dāwūd, Kitāb al-‘Ilm, Bāb Karāhiyat man’al-‘Ilm, No. 3173; with authentic chain of narration according to al-Albānī on: Mishkāt al-Masābīh, p. 223. 224.
441 Muslim, Kitāb min Haqq al-Muslim ‘ala al-Muslim radd al-Salam, No. 2162.
If the ruling on Nasihah is that it is one of the rights of common people, then it is more pressing in the case where the ruler requests it. Whoever withholds his advice from the Sultan, his illness from doctors, and his worries from his friends, then he has betrayed.\textsuperscript{442}

As for the first case, \textit{al-Mustansih}, i.e. one seeking advice, the ruling on it varies according to the state of the person. If he is one of the common people then seeking advice is recommended, because it is best for him to seek advice and counsel, where this would lead to an improvement in his situation. The Messenger, peace be upon him said: "No one is happy with his opinion, nor let down by consultation."\textsuperscript{443}

However, if the person requesting advice is in authority, then in this case it is a religious obligation, since Allah says \{ ... consult with them about the matter...\}\textsuperscript{444}. 

\textit{Nasihah} is a request for guidance and advice, and the ruler is different from the common people in requesting advice. The common people find improvement on the personal level due to the Nasihah, while improvement in the ruler has far reaching consequences in greater good for the public, and improvement in their state and his as well.

Sa`id Hawwâ says: if the Emir does not make the righteous people feel at ease, and that there advice is valuable in serving the \textit{Shar'ah}, and maintaining order, then he will only find hypocrisy and sycophants, which is wide corruption. In addition, the silence of the Emir in requesting advice is an invitation to corruption of both the elite

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\textsuperscript{442} Al-Màwardí, \textit{Nasiḥat al-Mulük} , p.44. \\
\textsuperscript{444} \textit{al-Imrân} 159.
\end{flushright}
and the public.  

`Umar ibn al-Khattāb said: "O' people, our right over you is to give us advice, and help us in doing good."

`Ali Abū Tālib said: "You must give mutual advice and co-operate on that. No one, however high his ranking in religion, and leadership in serving the truth, is above being helped in carrying the burden of truth placed upon him by Allāh."

In this way, the rightly guided Khalifahs illustrated the meaning of Nasīḥah, and its obligation on the ruler. It is clear from the presentation of these three cases: Nasīḥ, Mustanṣah, and Mustanṣīh, that Nasīḥah is vitally important, and is either: obligatory for rulers, recommended, or a public religious obligation upon everyone. Since requesting advice is an obligation upon rulers, they must have a genuine concern for this issue, manifested in: appointment of advisers who undertake the discharge of Nasīḥah. It is an intrinsic duty of rulers and among the priorities, to appoint those with whom they share responsibility of making decisions. This was emphasised by al-Māwardī in his book, "al-Ahkām al-Sultāniyyah"; the ruler must appoint advisors.

`Umar ibn ʿAbd al-ʿAzīz did so, by appointing advisers and consultants throughout the Muslim lands. In a letter to one of them he said: do not undertake any matter concerning the Muslims except properly by rendering good advice to them. Those requested to give advice must possess certain qualities, among which are wisdom, and

445 Saʿīd Ḥāwāwi, Fuṣūl fi al-Imrah wa al-Amīr, p. 68.
446 ʿAbū Yūsuf, al-Kharāj, p. 13.
447 Ibid., p. 15.
448 Al-Māwardī, al-Ahkām al-Sultāniyyah, p. 18.
intelligence, such that they are able to best judge when to proceed, and when not to, especially in those situations were advice may be for or against you. Among those qualities also, perfect intellect, and long experience. Variety and long experience moulds the mind. Luqman the Wise said to his son: “seek the advice of the experienced, because he gives you of his opinion what has cost him much, while you take it for free.”\(^{450}\)

The one who seeks the help of those endowed with intellect succeeds in achieving his hoped-for objective. This is endorsed by the *Hadith*: "Seek guidance from the Wise and you will be guided, and disobey not, otherwise you will rue the day.\(^{451}\) Therefore, the person seeking advice must look for the wise and experienced person whose personality has been forged by life’s experiences. The author of "*Badā’i’ al-Silk fī Ṭabā’i’ al-Mulk*" warns of seeking advice of two types of individual: a self conceited youth with little experience, or an old man where time has taken its toll on his mind as much as it has on his body.\(^{452}\) Among the matters that the Muslim ruler must be concerned about in seeking advice, is that it should be from one endowed with religion, piety, and fear of Allah.

‘Umar said: "In your affairs, seek the counsel of one who fears Allāh."\(^{453}\)

4.2. Rulers

4.2.1. The *Sharī’ah* ruling on appointing the ruler

*Khilālah, Imāmah, and Imārah* are Arabic terms expressing the same meaning, which


\(^{451}\) Al-Siūyūtī, *al-Jāmi' al-Saghir*, p.36; Judged weak.


\(^{453}\) Ibid.
is: leading and presiding over the Islamic government that combines the interests both of religion and worldly affairs, as defined by Shaykh Muḥammad Rashīd Riḍā.

It was defined by Ibn Khuldūn in the statement: "... carrying everyone in the observance of Shari'ah rules in matters of this life and the Hereafter.

It was defined by al-Māwardī in the statement: The Imamah is established as successor of the Prophet hood to guard the religion and rule over worldly affairs.

The majority of scholars, as well as the unanimity of the Companions, and the generation that followed them hold that the appointment of the Khalifah is a religious obligation. The appointment of the Imam is a duty, which has been defined in the Shari'ah, as evidenced by the unanimity of the Companions and the Tābi'īn (the generation that followed the Companions). Moreover, the Companions of the Messenger, peace be upon him, when he passed away were quick to pledge their allegiance to Abū Bakr, and submit their affairs to his administration. This continued in every generation after that, whereby people were never left to their own devices, rudderless, at any time. Hence, this has been established as a matter of unanimity proving the religious obligation of appointing the Imam.

Furthermore.

454 Shaykh Muḥammad Rashīd Riḍā. Al-Khilafah, p.17.
456 Al-Mawardi, al-Āhkām al-Sultāniyyah, p.5.
"authority over people's affairs is one of the highest duties of the religion. Rather, religion cannot be established without it. The interests of human beings cannot be secured except by unity, due to their mutual need for one another, and such community requires a head to lead it." 459

Ahmad ibn Hanbali, says: "People must have a ruler; should their rights be lost?" 459

4.2.2. The importance and vital nature of the 'Imāmah in Islam

The 'Imām in the Ummah is in reality the successor of the Messenger, peace be upon him, in establishing the religion. Therefore, those who succeeded the Messenger, peace be upon him, were called Khulafā' [sing. Khalīfah] i.e. successors—in establishing the religion on earth, and so obedience to them is obligatory.

The Messenger, peace be upon him said: "He who obeys me has obeyed Allāh, and he who disobeys me has disobeyed Allāh. He who obeys my Emir. has obeyed me, and he who has disobeyed my Emir has disobeyed me." 461

The Messenger, peace be upon him made it an obligation to choose a leader while travelling even for a short distance. In so doing, he underscored the importance that every people must have a leader or elder. He said: "if there are three of you travelling, then choose one of you to lead; he is an Emir given authority by the Messenger of Allah, peace be upon him." 462

459 Ibn Taymiyyah, al-Siyāsah al-Sharī'iyah, p.81.
460 Ibn Qudāmah, al-Mughni, 9/34.
461 Cited by: al-Bukhārī, Kitāb al-Ahkām, 9/77; Muslim, Kitāb al-Jihād, Bāb yuqāṭīlu min warā’ī al-‘Imām wa yuqāṭīlu bih, 4/60.
462 Narrated by: al-Bazzār, as in Majma’ al-Zawā’id, Kitāb al-Jihād, Bāb al-Amīr fī al-Safar, 5/255. He said: its narrators are trustworthy.
He said: "if there are three of you travelling, then choose one of you to lead."\textsuperscript{463}

He said: "it is not permissible for three persons to travel through uninhabited territory, without choosing one of them to lead."\textsuperscript{464}

'Imārah or leadership is a merit given by Allah to whoever has been chosen to carry it. The Prophet, peace be upon him, said:

\begin{quote}
"a section of my 'Ummah continue to struggle for the truth, victorious until the day of judgement... He said: Isā ibn Maryam will descend, and their leader will say: come, lead us in prayer. He will answer: no, you are one to other leaders, as a favour from Allah to this 'Ummah."
\end{quote}\textsuperscript{465}

Due to its vital and crucial importance, the Messenger, peace be upon him, informed that whoever dies without having made a pledge of allegiance to the 'Imām, dies in a state of Jahiliyyah [ignorance]: "He who dies without an Imām, has died a death in ignorance."\textsuperscript{466}

Despite the importance of the position of 'Imām and his noble standing, on the Day of Judgement he shall be called to long and detailed account. Abū Hurayrah said that: the Messenger, peace be upon him said: "the leader of 10 shall be brought on the day

\textsuperscript{463} Narrated by al-Ṭabarānī, as in Majma' al-Zawa'id. 5/256. He said: its narrators are trustworthy.

\textsuperscript{464} Narrated by: Ahmad in his Musnad, 2/177. Its chain of narration is Hasan as stated by al-Haythami in Majma' al-Zawā'id, 5/232.

\textsuperscript{465} Muslim, Kitāb al-Iman, Bab Nuzul 'Isa ibn Maryam, 1/272.

\textsuperscript{466} Narrated by Ahmad, Musnad, 4/96. The chain of narrators contains al-ʿAbbās ibn al-Ḥasan al-Qantarī, who al-Haythami in Majma' al-Zawā'id (5/225) stated was unknown. all others are trustworthy.
of judgement with his hands tied to his neck: truth shall be his salvation, or perdition.\(^{467}\)

4.2.3. Conditions to be fulfilled in the ruler

4.2.3.1. Islam:

This must be in order for him to safeguard the interests of Islam and Muslims, hence the authority of the disbeliever over the Muslim is disallowed: Allah says: \(\textit{Allah will not grant the disbelievers the upper hand over the believers in any way.}\)\(^{468}\)

This is a position where scholars are unanimous that the Imāmah cannot be granted to a non-Muslim, and that if he [the Muslim Imām] discards Islam afterwards, then he is removed: wherein, if he were to cease to pray, or command prayer, and if disbelief developed in him by way of introducing changes to the Shari’ah, or practising an innovation in religion, then he is considered unfit to rule, and obedience to him ceases: Muslims are now obliged to revolt against him, remove him, and replace him with a just ruler, insofar as they are able to. If this duty came down to a group, then they are obliged to remove the non-Muslim ruler, but not necessarily the innovator, unless they think they are capable of overcoming him. However, if certain that they are not capable, then they are no longer obliged to do so.\(^{469}\)

4.2.3.2. Responsibility

This refers to sanity and being of age (above puberty). Therefore, the scholars are unanimous that a child or insane person cannot be appointed as 'Imām. This is

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\(^{467}\) Narrated by Ahmad, Musnad, 2/134. al-Haythami in Majma’ al-Zawā'id (5/205) stated that the narrators were trustworthy.

\(^{468}\) Al-Nisā': 141.

\(^{469}\) Al-Nawawi, Sharh Sahih Muslim, 4/506.
because a child or insane person is under the guardianship of others, and are not independent—so how can be the given responsibility for the whole Ummah.  

In the Hadith narrated by 'Ahmad, on the authority of 'Abbās al-Ghifārī, who said:

"they heard the Messenger of Allāh, peace be upon him, fearing for his 'Imāmah six attributes:

Having children in position of leadership, the use of policemen in excessive numbers, bribery in courts, breaking family ties, no value attached to the sanctity of blood [human life], approaching Qur‘ān as one would approach music, whereby a person is invited to lead prayer by people even though he is not the most knowledgeable nor best among them, in order to sing it to them."

Ahmad also narrated, on the authority of Abū Hurayrah, who said: I heard the Messenger of Allah peace be upon him say: "Seek refuge in Allah from the beginning of the seventies [year 70 AH] and the appointment of child rulers."

Ali, said: the Messenger of Allāh peace be upon him said: “The pen has been lifted (no responsibility apportioned) on the person sleeping until he wakes up, the child until it grows up, the insane until he regains sanity."

The 'Imāmah is one of the highest posts of responsibility in Islam, and it is inconceivable that a child, or a insane person, both of whom are under no obligation

470 Al-Ramlî, Mughnî al-Muhtāj, 4/130.
471 Narrated by: Ahmad in his Musnad, 3/494. Its narrators are men of Sahih as stated by al-Haythamî in Majma’ al-Zawâ’id, 5/245.
472 Narrated by: Ahmad in his Musnad, 2/326. Its chain of narration contains Abū Sālih al-Khawzî—Abū Zar‘ah said: he is alright
473 Narrated by: Ahmad in his Musnad, 2/335. Sheikh Ahmad Shākir said: Its chain of narration is Sahih.
to perform Salāh, Hajj, or other religious obligations, are called upon to bear the responsibility of Imām! Given that the child, or insane person have no legal responsibility over the own person or wealth, then how can they exercise authority over a whole people?

4.2.3.3. Masculinity:

This is based on the narration of Abū Bakrah al-Thaqafi from the Prophet, peace be upon him, when he heard that the Persians put the daughter of Khesru on the throne. He said: "No success shall be had by people who granted a woman authority over their affairs."\(^{474}\)

"The majority of the scholars hold that a woman cannot sit as a judge or in high leadership."\(^{475}\)

Objection was raised to this in some quarters on the grounds that the Hadith was specific to the Persians, which is not so, since the fundamental rule is that the generality of the text supersedes the specificity of the reason, and in the Shari'ah commands, generality is the rule unless there is evidence of specificity; which is not the case here.

A woman is less efficient than a man in administering state affairs in war and peace. The man is stronger in intellect, more robust mentally, fairer in perspective, stricter than a woman, and Allāh has given him overarching responsibility over the woman, as in the verse: {Men have charge of women because Allah has preferred the one above the other...} \(^{476}\)\(^{477}\).

\(^{474}\) Al-Bukhārī, Kitāb al-Fitan, 917 and others.

\(^{475}\) Ibn Hajar, Fath al-Bāri, 8/128.

\(^{476}\) Al-Nisā’ 34.
"The man has been preferred over women in a number of aspects, in relation to positions of state [Wilayah] responsibility being exclusive to men, as well as in the area of Prophet hood and delivering the Divine Message."478

4.2.3.4. Ability:

This refers to mental and physical ability.

"As for ability, it is that he should be courageous in imposing Ḥudūd [Islamic penal code], and waging war, with expertise in that. He should be able to convince people of his cause, be knowledgeable of their classes, and state of cunning, as well as being strong in suffering the burdens of politics. This is required for him to properly undertake his duties of protecting the religion, performing Jihad against the enemy, establishing Islamic rules, and managing the public interest."479

Imām al-Juwainī480 said:

"As for sight, there is no dispute among scholars in that it is a condition governing ability, since lack of it contradicts the ability to rise to the challenges of crises, and events, leading to complications during times of great need."481

Some scholars have taken the opposite view:


478 Al-Sa’di, Taysir al-Karim al-Raḥmān fi Tafsīr Kalam al-Manān, 2/60.

479 Ibn Khuldūn, al-Muqaddimah, p.32.

480 Introduced previously.

481 al-Juwainī, Ghiyāth al-Umam, p.60.

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"It does not hurt the Imam to suffer from a physical defect like blindness, deafness, loss of part of the ear or nose, being hunchbacked, no hands or feet, or advanced age, so long as he is sound of mind, even if he were 100 years old; the position of Imam assumed by any of them is permissible."  

This opinion contradicts that of the majority of scholars; moreover, al-Juwaini cited unanimity in sight being a condition, as presented. It is basic that blindness is a handicap to discharging the duty of Imam appropriately.

4.2.3.5. Freedom:

There is no dispute in the 'Ummah on this issue; "the 'Ummah is unanimous that the position of Imam cannot be assumed by slaves."  

Freedom is the opposite of slavery, and the slave does not qualify to be an Imam of the Muslims. This ruling also applies to the escaped slave, one who is in the process of gaining contracted freedom, because he is occupied in the service of his master. He has no freedom than to act for himself or in his wealth, so how can he be given authority to act over an entire people, or nation. In addition, slavery leads to loss of respect, and slaves receive no respect from the people; hence, people may disdain him and see themselves as above obeying him.

This rule is not relaxed, except in the case were a slave usurps the Khilafah, and his removal will lead to such a state of turmoil and upheaval, as well as bloodletting, that it is best if he is obeyed. This in accordance to the Hadith, where the Prophet, peace

482 Ibn Hazm, al-Fasl fi al-Milal wa al-Nihal, p.128.
483 Al-Shinqiti, Adwā’ al-Bayān, 1/128.
484 Sulaymān ibn Qāsim al-‘Īd, op. cit., p.146.
be upon him said: "Hear and obey, even if a black slave takes authority over you." 485

4.2.3.6. Knowledge:

The rule states that: whatever is required in the discharge of an obligation, itself becomes obligatory. One of the highest duties of the Imam is establishing the Hudūd, Ṣalāh, and the public religious rites, and so the Imam must be knowledgeable in these, and their dimensions. This condition is not disputed among scholars, however they differed on whether he must be a Mujtahid [Jurist exercising independent deduction of rulings from the textual evidence] or not? Al-Māwardi486 and ibn Khuldūn both held that he must be a Mujtahid; "it is not sufficient in terms of knowledge, that he not be a Mujtahid, because emulating, or following another scholar is a shortcoming, while the Imamah requires perfection in all descriptions." 487 Moreover, al-Juwaini,488 al-Ghazālī,489 and others have mentioned that it is an undisputed condition.

However,

"a section of scholars of Islam have leaned to the opinion—that the Imam need not be a Mujtahid- nor an expert in the areas of Ijtihād [juristic efforts]. However, he must be accompanied by those with the faculty to do so.

485 Muslim, Kitāb al-Imārah. Bāb Wujūb Tā'at al-Umarā’ fi Ghayr Ma’siyah, 4/503.
488 Al-Juwayni, Ghiyāh al-Umam if Iltīyāth al-Zulam, p.36.
489 Al-Ghazālī, al-Radd ‘alā al-Bātiniyyah, who got 278.
whereby he may refer to them on any issue, and seek their advice on what is Halal [permissible] and what is Haram [not permissible].

They defined the necessary amount of knowledge that the ruler must possess, in that he must know of the Qur'an and Sunnah what relates to specific and general rulings, what is described generally, and what is attributed specifically, the abrogated text, the Mutawatir in the Sunnah and others, Mutasil, Mursal the competence of Hadith reporters, the Arabic language and grammar, the scholar's opinions of the Companions and later generations, both in agreement or dispute as well as Qiyas in all its forms.

Perhaps setting the condition of Ijtihād was easily envisaged during the earlier times in the Islamic state, however later on this condition became difficult to apply due to the dearth of Mujtahids in these times. Therefore, many contemporary scholars hold the opinion that the Imam does not need to be a Mujtahid. This averts paralysis seizing authority due to neglected positions, with consequent harms, and the Shari'ah rules not being applied. In this case, the Imam must seek help from persons more knowledgeable than he.

The merits of the condition set on knowledge appear in the following:

a. His knowledge of the Islamic rulings.

b. An ability to teach and educate people generally, and his close circle particularly.

c. His independence from having to seek Fatwa from others in new developments.

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491 Al-Nawawi, Nihayat al-Muhtaj Sharh al-Minhaj, 8/82.

492 Sulaymān ibn Qāsim al-‘Id, op. cit., p.150.
since in needing to refer and ask, he departs from a position of complete independence.

d. His rulings gain permanence preventing successors from cancelling these, i.e. his rulings acquire the power of established judicial rulings.\textsuperscript{493}

4.2.3.7. Qurayshite Lineage:

This condition was posed by the majority of scholars, with some leading scholars claiming unanimity on the issue. The mainstay of the condition regarding Quraishite lineage is the statement of the Prophet, peace be upon him: "This matter will remain in Quraysh, so long as two of them remain."\textsuperscript{494}

In addition to the Hadith: "People follow Quraysh in this matter; the Muslim follows their Muslim, and the non-Muslim follows their non-Muslim."\textsuperscript{495}

These Hadiths, and their like, are clear proof that Khilafah belongs to Quraysh, and it is not permissible to grant it to others. This was unanimity in the time of the Companions, and the following generations. Those who contradicted this view, innovators or others, are defeated by the unanimity of the Companions and the pious generations that followed them, in view of the authentic Hadiths.

\textit{Al-Qa\d{d}i} ‘Iy\d{a}d said: "the condition that he is from Quraysh is the opinion of all scholars."\textsuperscript{496}

Some scholars held the opinion not to consider lineage from Quraysh as a condition. Others, like ibn al-Juwayn\i considered that in the presence of a Qurayshite who

\textsuperscript{493} Yahy\d{a} Ism\d{a}il, Minh\d{a}j al-Sunnah fi al-\d{a}l\d{a}qah bayn al-\d{H}\d{a}kim wa al-Mah\d{k}\d{u}m. p.279.

\textsuperscript{494} Al-Bukh\d{a}r\i, al-J\d{a}mi’ al-Sahih, Kit\d{a}b al-Man\d{a}qib, Hadith No. 3500.

\textsuperscript{495} Al-Bukh\d{a}r\i, al-J\d{a}mi’ al-Sahih, Kit\d{a}b al-Man\d{a}qib, Hadith No. 3496.

\textsuperscript{496} Al-Nawawai, Sharh Sahih Muslim. 4/481.
fulfilled the required conditions, then it was not permissible for any other person to hold that position, if not then others have precedence.

He said: "if the Qurayshite does not have the expertise and there was a pious scholar at the time, then the scholar is given precedence; whoever is not qualified then there is no reason to consider them in the first place."497

Imām Ahmad was asked about two men for the position of leader in battle. One of them is strong but sinful, and the other is pious but weak. We should lead in battle?

He responded: regarding the powerful but sinful one, his strength is for the Muslims, while his sins affect him personally. As for the weak but pious man, his piety is for himself, while his weakness is against the Muslims.498

4.2.3.8. Integrity:
The rules regarding integrity is that the person is pious with high morality, approaching matters by choosing what is obligatory, and recommended, while avoiding what is shameful and corrupt.499

Al-Māwardī interpreted it in his statement: "truthful in word, clearly trustworthy, chaste and avoiding sins, far from suspicions, just in pleasure or anger, utilising the morality of others in the service of religion and the worldly life."500

As for ibn Ḥazm, he explained that it was: "avoiding major sins and non-appearance of the minor sins."501

This was a condition set by al-Qādi Abū Ya‘lā: "that he be the best among them in

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497 Al-Juwānī, Ghiyāth al-Umām, p.229.
498 Ibn Taymiyyah, Al-Siyāsah al-Shar’iyyah, p.10.
499 Ibid., p.70.
500 Al-Māwardī, al-Ahkām al-Sultāniyyah, p.64.
501 Ibn Ḥazm, al-Muhallā, 10/508.
knowledge and religion. However, this is not a position to be endorsed, because
the Prophet, peace be upon him, appointed people while there were others better than
them, as mentioned by ibn Hazm.

4.2.4. Duties of the Imām

The duties of the Imām can be placed under two main fundamentals. The first:
preserving the religion on its immutable foundations of Qur'ān, Sunnah, and
unanimity of the pious predecessors, as well as establishing the religious rites. The
second: concern for the interests of Muslims in all forms.

In detailing these duties, we may summarise them in the following points:

1. Protecting the religion of Islam with the utmost efforts of the believers, repelling
   the doubts cast by falsifiers, and combating falsehoods and innovations that
   corrupt people's beliefs.

2. Implementing the Shari'ah rules, and establishing the Ḥudūd [Islamic
   punishments,] in order to safeguard against the violation of the prohibitions of
   Allah, and protect people's rights.

3. Unifying the diverse opinions through consultation, ending disputes, and deciding
   matters in burgeoning events and developing issues.

4. Protecting and fortifying frontiers of the state, protecting people’s honour, as well
   as establishing security in the Muslim lands.

5. Establishing Jihad, and inviting people to Islam in the best way.

6. Collecting charity and wealth that Allah has commanded to be paid, and spending
   this on deserving causes.

7. Working to acquire everything of benefit to the Muslims, strengthening their power, empowering them, and facilitating a life of ease and prosperity.

8. Choosing competent ministers, and advisers, achieving Shura [consultation], and accepting Nasīḥah from them\(^{504}\).

9. There are duties that were emphasised by al-Samhūdi in his book, which will be expanded here:

- Establishing justice, deterring injustice and oppression, and not secluding himself from the Muslims.

This duty is the one that has been dwelt upon the most in his book. It could be said that the book revolves around fulfilment of this duty.

Allah, Most High, has made the discharge of justice an obligation upon Muslim rulers, and anyone given authority over a large or small number of persons. There are many proofs from the Qurān and Sunnah on the obligatory nature of establishing justice, for example:

\[
\text{\{Allah commands justice, doing good, and giving to relatives. He forbids indecency, wrongdoing, and tyranny. He warns you that you may pay heed.\} }^{505}
\]

\[
\text{\{Allah commands you to return to their owners the things you hold on trust, and when you judge between people to judge with justice. How excellent is what Allah exhorts you to do! Allah is All-Hearing, All-Seeing.\} }^{506}
\]

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\(^{504}\) For further detail, Cf: Manhaj al-Sunnah fi al-`alāqah bayn al-Ḥākim wa l-Mahkūm by Dr. Yahyā Ismā‘īl, p.331; al-Dawlah al-Islāmiyyah bayn al-Turāth wa al-Mu‘āsarah, Dr. Tawfiq al-Wā‘i, p.252; al-Nizām al-Siyāsī fi al-Islām, Dr. Nu‘mān al-Samarrā’ī p.125.

\(^{505}\) Al-Nahl 90.
Abū Hurairah reported that the Prophet, peace be upon him, said: "Every Emir (individual given authority) over ten [or more] will be brought in chains on the Day of Judgement; justice will be his release, and oppression his perdition."  

Abū Dharr reported that the Prophet, peace be upon him, said that Allah, Most High, said: "My servants, I have prohibited injustice upon Myself, and have made it prohibited among you, so do not practise it..."  

Allah made justice an obligation, to ensure a proper and safe life for mankind, in which their worldly and religious affairs are in order. In Islam, the command in terms of justice was not restricted to friends alone, rather it encompassed even enemies as stated by Allah:

\[\text{You who have Iman! Observe integrity for the sake of Allah, bearing witness with justice. Do not let hatred for people incite you into not being just. Be just. That is closer to piety. Have piety in Allah. Allah is aware of what you do}\]

The Prophet, peace be upon him was the best example in this. 'Ā'ishah reported that Quraysh was troubled by the issue of the noble woman from Makhzūm who had

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506 Al-Nisā' 58.  
507 Al-Araf 29.  
508 Narrated by ʿAḥmad in al-Musnad, 2/431 with authentic chain of narration as in al-Silsilah al-Sabihah, 6/237.  
509 Muslim, Kitāb al-Birr wa al-Silah, 2577.  
510 Al-Māʾidah 8.
stolen. They discussed amongst themselves, as to who would intercede with the Messenger of Allāh, peace be upon him. They concluded that it could only be Usāma ibn Zayd who was most beloved to the Messenger of Allāh, peace be upon him. Usāma spoke to him on the matter. The Messenger of Allāh, peace be upon him. said: do you intercede in a punishment mandated by Allāh. He stood up and delivered a sermon, in which he said: the previous nations had perished because they distinguished between the nobles, who if they committed a crime were not held to account, while the poor and weak were punished. The Messenger of Allāh made an oath by Allāh that if his daughter Fātimah were to steal, he would cut off her hand. This is the pinnacle of justice, where the person does justice even against his closest and most beloved.

As for the ruler not secluding himself from the Muslims, hearing their complaint, and opening his doors to them, Umar said: I do not appoint my governors over you to flay your skins, insult your reputation, and take your wealth, but I appoint them to teach you the Book of your Lord, and Sunnah of your Prophet. Whosoever has a complaint against them, then he needs no permission to see me, and I shall ensure that it is dealt with justly.

- Following up on matters of dams, irrigation canals and bridges:

This is one of the duties of the Imām mentioned by al-Samhūdi, which gives us an insight into his personality. Mentioning dams, bridges, and irrigation canals in some precise detail tells us that al-Samhūdi was among those scholars who mixed with the people, and looked to their interests and affairs, and were not isolated from daily life.

511 Al-Bukhārī, Kitāb al-Hudūd, 6788.

512 Ibn Sa’d, al-Tabaqāt al-Kubra, 3/202 --- its narrators are trustworthy.
The dams he spoke about were used to regulate the flow of water and were vital, since any problem in their construction or function spells disaster, as is well known in the scale of destruction in the aftermath of flooding. Dams hold back huge quantities of water, which if it escapes brings death and destruction and harms people's interests.

In addition, the care needed in the construction of bridges, with no cheating either in the construction or materials, especially when they connect towns and villages. Their collapse or deterioration brings huge damage to people's interests.

Following up the availability of products and services and the state of trading, as well as essentials in the markets; never allowing any one of the merchants or notables to monopolise the essentials needed by people or cheat on them.

Al-Samhūdī cautioned rulers in this matter are very clearly. He described some of the violations that occurred in his time, in the markets, products, and the monopoly thereof. The intention was that the ruler was to supervise the markets, in terms of ensuring availability of goods and services, watching the merchants and whether they were forcing high prices in goods and services, or whether they were reasonable, such that individuals were able to buy their needs without difficulty.

It is also permissible for the ruler, if he considered it appropriate, and where matters had gotten out of hand, in terms of prices of goods and services, to set prices for products in order to safeguard the interests of both consumers and merchants alike.

It is narrated on the authority of Anas ibn Malek, Qatadah, and Humaid that Anas said: Messenger of Allah, prices have risen [to extremes], so set prices for us. The Messenger of Allah, peace be upon him responded: "Allah is the One who set prices.
He withholds, He grants, and He is the Provider; I hope to meet Allāh, without any of you demanding redress of me in blood or wealth.  

Many scholars have deduced from this Hadīth the prohibition of setting prices because of the potential for injustice, and because it is contrary to the freedom that is given to every person in their wealth, or buying, and selling. Setting prices is also a restrictive practice, since the interests of the buyer are no more important than those of the seller.

However, some scholars like Mālik, and others from the Shāfī’ī school of Fiqh considered it permissible to set prices in times of astronomical prices, where this was in the public interest.

The ruler must also look into sales, ensuring there is no cheating or misrepresentation, prohibiting these practices and punishing accordingly.

If the act of cheating took the form of misrepresentation or mis-description to the detriment of the buyer, who is unaware and incapable of properly assessing, then this is considered more serious, and the punishment for it greater. Similarly, if the goods were less than perfect, and this was apparent to the buyer, then this was considered less sinful, with lighter punishment meted out.

However, it must also be considered whether the buyer intends to sell the goods further along the line, where he himself will indulge in cheating, then both buyer and seller are to be cautioned, or punished accordingly.

If it is found out that a livestock trader indulges in the practice of tying the udders of

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513 Muslim, chapter on setting prices, 2994.


515 Abū Ya’lā, al-Ahkām al-Sultānīyah, p.298.
sheep, goats, or camels, leaving them without milking, to give the false impression that they produce large quantities of milk as a matter of course, then this would attract punishment as well.\textsuperscript{516}

The ruler must also station soldiers and police in the markets in order to resolve disputes, and keep the peace; markets generally are places of many disagreements and argument.

The ruler must also put in place a system of testing scales and balances used by traders, and ensure that there is no cheating in weighing goods. If that were the case, then the offender must make good the equipment and take the appropriate punishment.\textsuperscript{517}

4.2.5. The ruler's rights upon his subjects

After presenting the rights of the people, we need to present the rights accorded the ruler. Among these:

4.2.5.1. Obedience:

This means compliance with orders and instructions; its opposite is sin which is disobedience. In the Arabic, the word is taken from the root “Atā’a” meaning to be led, while sin is taken from a root word “’Asā” meaning to be unyielding.\textsuperscript{518}

The ruler must be obeyed in matters where there is no disobedience of Allāh. If the matter involves a sin, then the rule is that the Creator cannot be disobeyed on account of instructions by one of His creatures. This is manifest in the Ayah: {You who

\begin{flushright}
516 Ibid., p.299.
517 Ibid.
518 Ibn Arabī al-Māki. Ahkām al-Qurān, 1/415
\end{flushright}
believing! Obey Allah and obey the Messenger...}^{519}

Abd Allah ibn Umar reported that the Prophet, peace be upon him, said: "the Muslim is obliged to hear and obey in what he loves and hates, unless he is commanded to sin. If he is instructed to commit a sin, then no obedience."^{520}

`Ubādah ibn al-Sāmit reported: the Prophet, peace be upon him, invited us to make a pledge. Among those things that we pledged was to hear and obey in good health and enthusiasm, as well as in what is hateful and difficult, in times of adversity or ease, and even where we do not receive our due—and that we not dispute the matter with its people [compete to rule], and said: "unless you see manifest and clear disbelief, of which you hold clear evidence from Allah."^{521}

Disobedience of the Emir is disobedience of the Messenger, peace be upon him, as in the Hadith: "who obeys me, obeys Allah. Who disobeys me, has disobeyed Allah. Who obeys my Emir has obeyed me, and who disobeys my Emir has disobeyed me."^{522}

The Shari'ah has emphasised the importance of obedience, even if the Monarch in question was an oppressor, and especially if revolting against him led to greater harm that far surpassed the benefit in removing him. Abd Allah ibn Masūd reported that the Prophet, peace be upon him said: "[there will be a time when] you would not be given your due, and witness matters that you reject. They said: Messenger of Allah what do you command us? He said: discharge the rights required of you, and ask Allah for

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519 Muhammad 33.

520 Al-Bukhārī, Kitāb al-Fitan, 7144.

521 Al-Bukhārī, Kitāb al-Fitan, 7056; Muslim, Kitāb al-Imārah, 1709.

522 Previously introduced, p.35.
what is your due."  

4.2.5.2. Support:

The people must support the ruler against the enemies of the Ummah, and those plotting against it—disbelievers, hypocrites, aggressors, and rebels, as well as combating the enemies of the religion, and other issues that are needed in supporting the Imam.

"Muslims must support the sultan in his campaign against highwaymen and fighters, until he prevails over them."  

Al-Māwardi states:

"if the Imam discharges his duties—then he has fulfilled the right of Allah, in what the Ummah has right over him—then two rights over them become his due: obedience and support, so long as he does not change."  

4.2.5.3. Right to wealth:

This defines what the ruler may take to be rightfully his. There are two aspects to this:

First: compensation or reward for his work for the Ummah and Muslims, because it will prevent him from working in order to feed himself and his family. Therefore, this gives him a right to payment from the Treasury [Bayt al-Mal].

Second: he enters in the categories mentioned by the Ayah of Qurān: workers in charity, and so he has a right from that angle as well.  

523 Al-Bukhārī, Kitāb al-Manāqib, 3603; Muslim, Kitāb al-Imārah, 1843.


525 Al-Māwardī, al-Ahkām al-Ṣultāniyyah, p.11.
However this right is restricted and not unlimited, and the rule is that he take no more than what is due to him.

Ali reported that the Messenger of Allâh, peace be upon him said: "The Khalifah is only allowed, out of the wealth of Allâh, two receptacles of food, one for himself and his family, and the other for the people [seeing him.]"527

Al-Hasan ibn 'Ali said:

"when Abû bakr was on his deathbed, he said: 'A'ishah look at the animal from which we drank milk, and the receptacle in which we had breakfast, and the cloak which we wore. We had use of these, while we administered the affairs of Muslims. When I die, return them to Umar. When Abû bakr died, she sent these to Umar. Umar said: Allah have mercy upon you, you have made life difficult for those who come after you."528

Ali reported:

"the camels of Sadqah [charity] were driven past the Messenger of Allah, peace be upon him. With his hand he took a piece of wool from the side of one, and said: I have no more right to this wisp of wool than a man from the Muslims."529

528 Narrated by: al-Tabarani; al-Haythamî stated in al-Majma' (2/231): its narrators are trustworthy.
529 Narrated by: Aḥmad, al-Musnad, 1/88. al-Haythamî stated in al-Majma' (5/231): in the chain of narrators is Amr ibn Ghuzi who was not weakened by anyone, the rest of its narrators are trustworthy.'
Ibn Taymiyah said:

"the duty is to take rule as a religious obligation and act of worship to bring one closer to Allah. Coming closer to Allah is through obedience to Him, and His Messenger, which is the best form of worship. However, the state of the majority of people is corrupted by seeking leadership or wealth through it."  

4.2.6. How is the Khalifah chosen?

In the Islamic system, the Khalifah is chosen by one of the following means:

- First: election.
- Second: appointment as named successor.
- Third: inherited title.
- Fourth: force of arms.

4.2.6.1. Election:

The evidence for this lies in:

a- Election of Abü Bakr:

This took place when the Anṣār and Muhājišn assembled in the garden of Banū Ṣa’dah, where discussions and debate took place among them. The leaders of al-Anṣār mentioned their merits, and invaluable contribution for the sake of Allah and His Messenger—deservedly so. Abū Bakr wished to end the matter decisively by recommending Umar or Abū ‘Ubaydah ibn al-Jarrāḥ, having explained to them that the Imāmah was restricted to Quraysh, while al-Anṣār were as mentioned worthy of merit, yet could only be ministers and helpers.

530 Ibn Taymiyah, al-Siyāsah al-Shar‘iyyah. p.82.
However, 'Umar ended the impasse by calling upon everyone to pledge allegiance to Abū Bakr. He called Abū Bakr and said to him: give me your hand. Abū Bakr. When he did so, 'Umar made the pledge to him. He was followed by Abū Ubaydah, then many of the Muhājirūn and Ansār followed suit. This pledge by the elite to Abū Bakr took place in that shaded garden, and was followed by a public pledge by the people.531

b- The election of 'Uthmān:

This is took place with the knowledge and acquiescence of the Companions. Al-Mūsawar ibn Makhramah reported that the group appointed by 'Umar met and consulted. Abd al-Rahmān said to them: I am not one to compete with you in this matter, but if you wish I will choose for you—one from among you. They agreed to his request. When this was done, the people turned to Abd al-Rahmān, and abandoned the rest of the group. People referred to Abd al-Rahmān consulting him those nights, until that night we woke up to give the pledge to 'Uthmān.

Al-Mūsawar said: Abd al-Rahmān knocked on my door at a late hour and woke me up. He said: I see you are asleep, by Allah, my eyes have not seen much sleep these three days. Go and invite al-Zubair and Saad. So I invited them, and he consulted with them. He then asked me to invite Ali. I did so. He consulted with him well into the night. Ali then left with a look of expectation; Abd al-Rahmān was worried that Ali might do something.

He then said: call 'Uthmān. I invited him, and they spoke until the Fajr muezzin called to prayer. After people prayed, and the group collected at the Minbar [pulpit]; he invited the Muhājirūn and Ansār, as well as the commanders of the army who had

performed Hajj with Umar, to attend. When they were all assembled, he invoked the name of Allah, and said:

Ali, I have looked into this matter regarding this responsibility on matters of the people, and found that they would accept no one other than `Uthmān, so do not allow your aspiration to come in the way.

He said: I give my pledge to you on the Sunnah of Allāh and His Messenger, and the two Khalifahs after him. Abd al-Rahmān then gave his pledge, followed by the Muhājirūn, the Ansār, the commanders of the army, and the Muslims.532

c- ‘Ali:

This occurred when the Companions offered their pledge to ‘Ali after the assassination of `Uthmān. He responded by saying: I would receive it in the mosque; the pledge must be public, and must have the acquiescence of the Muslims. Such was the situation, that ‘Abd Allāh ibn ‘Abbās said: I was not happy for him to come to the mosque, feeling that he would be heckled. However, he would only have it in the mosque.

When ‘Ali entered the mosque, the Muhājirūn and ‘Ansār gave him their pledge, followed by the people.533

4.2.6.2. Appointment as named successor (al-Istikhlāf):

Jurists have established that naming a successor is permissible, and evidentially based on Ijmā’ (unanimity). Al-Māwardī stated that appointment to the Imāmah by being named as successor by the previous Imām has been accepted unanimously as permissible. This agreement on its correctness is based on the following, which

532 Al-Bukhārī, Bāb kayf yubayš al-Imām al-Nās. 6781.

Muslims have accepted:

a- Abū Bakr named ‘Umar as his successor, and the Muslims accepted him as Īmām on that basis.

b- ‘Umar gave the issue over to a group of competent persons forming a consultative body. Muslims of that favoured generation accepted this, endorsing the correctness of this action, i.e. acceptance of the appointment of the Imām chosen in this way.

In the case of Abū Bakr, as he was dying, he questioned some of the Companions about ‘Umar, among them Abd al-Raḥmān ibn ‘Awf, ‘Uthmān ibn ‘Affān, Usayd ibn Ḥuḍayr, and all of them praised him. Abū Bakr then instructed ‘Uthmān to write down his appointment of ‘Umar as successor. Abū Bakr then came out to the people and informed them that he had chosen ‘Umar to be Īmām after him, and commanded them to hear and obey ‘Umar. When Abū Bakr passed away, ‘Umar entered the mosque, where people made a public pledge to him.534

As for ‘Umar, when he was stabbed by Abū Lu’lu’ah al-Majūsī, and knew he was dying, he said to the Companions: choose a man from among that group whom the Messenger of Allah, peace be upon him, said were of the people of Paradise: ‘Alī, ‘Uthmān --- descendants of ‘Abd Manāf, ‘Abd al-Raḥmān, Sa’ad --- uncles of the Messenger of Allah, al-Zubayr ibn al-‘Awwām --- his cousin, Talhah ibn ‘Abd Allah; and if they appoint an Imām then support him well. If one of you is given a trust, then let him discharge it as should be.

A deadline of three days after the death of ‘Umar was set to decide the matter. So when ‘Umar was buried, al-Miqdād ibn al-Aswad brought together this group of Companions in the house of al-Musawwir ibn Makhramah (and it was said in the

534 Ibn Taymiyyah, Minhāj al-Sunnah al-Nabawiyah, 1/369.

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house of ‘Ā’ishah). Before the three days were over, Abd al-Rahmān ibn ‘Awf chose ‘Uthmān based on the wishes of the Muhājrūn and Ansār; he was duly given the pledge by the other members of that group, followed by the people.

4.2.6.3. Inherited Title

This is a case where a monarch hands over to his son. This was first done by Mu‘āwiya when he became Imām, he named his son, Yazīd ibn Mu‘āwiya, as his successor, and the people gave their pledge on that basis.

The Messenger, peace be upon him, had stated: "The first to change my Sunnah will be a man from bani Umayyah." 535

Many scholars have refuted the correctness of this method of appointment. However, they have only accepted it in same context as the fourth type, which is existence of compelling force. 536

This no doubt is not in accordance with the way of the Prophet, peace be upon him, nor that of ‘Umar or Abū Bakr rather it was by coercion.

4.2.6.4. By force and coercion:

This is different to the previous one, where there is no dispute between one monarch and the other. However, in terms of force and coercion, this occurs after dispute, and fighting. If two rulers disagree, and each wishes to rule: one of them will overpower the other and govern by force. The jurists have differed on this issue into distinct viewpoints, while both agree that it is illegal and unconstitutional. They disagreed on

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535 See: al-Albānī, Sīsilat al-Ahādīth al-Sahīhah, 1749. al-Albānī said: (perhaps the Hadith indicates changing the system of choosing the Khalīfah making it by inheritance); the apparent meaning.

how to deal with it in the context of potential turmoil, disunity, bloodshed among Muslims, instability and lack of security.

The first opinion: concedes rule to the victor, al-Ghazālī states: the position we take without doubt, is that he must be removed, if tenable, on condition that he is replaced by one who fulfills all the criteria, without fomenting turmoil, and provoking fighting. and if that cannot be without bloodshed, then he must be obeyed, and conceded the position of 'Imām. 537

The second opinion: considers that the 'Imāmah as wrested by force of arms is not established, unless there is acquiescence and free choice, and where the criteria of 'Imām are satisfied. 538

4.2.7. End of the 'Imām's term in power:

This may be due to:

- Death.
- Resignation.

Change in circumstances, like

- Gross impiety (Fīsq).
- Disbelief.
- Defect in one of the senses.
- Insanity.


4.2.7.1. As for death, this is self-evident. If the Khalifah dies then he is automatically removed from rule, since he is unable to continue in his duties. After his death, the Ummah (Muslim nation) is required to choose a successor quickly.

4.2.7.2. As for resignation, this when the Khalifah may wish to relinquish his position. The scholars have disagreed on this issue: whether the Khalifah has the right to resign from the duties of government?

The first opinion considers this permissible, because for the Khalifah to continue in his position without motivation will no doubt harm the performance of his work, with the negative consequences borne by the Ummah.

Al-Māwardī said: "if the Khalifah resigns, power passes to his successor: in resignation, the same rule as death applies."\(^{539}\)

This is acceptable only in the case where the Khalifah has no ulterior motive that will bring harm to the Ummah. For example, if he were to resign his position in order to hand power to someone unsuitable. In this case, it is not permissible for him to resign, and must be held to account. However, if he still wishes to resign, then Ahl al-Hal wa al-‘Aqd (competent councillors and scholars) take up the duty of appointing the person they consider most suited for this critical position.

4.2.7.3. Changes in the Khalifah’s person:

a- Change to impious person (Fāsilq):

This is a contentious issue, and Sunni scholars consider that the Khalifah is not removed due to his Fisq (impiety), so long as it does not amount to (Kufr) disbelief, or does not affect the religion and its propagation. Moreover, that he does not attempt to impose his transgressions on the common people using the power vested in him. or

\(^{539}\) Al-Māwardī, al-Ahkām al-Sultāniyyah, p.11.
makes enemies of those people working to eradicate that *Fišq* given he is a perpetrator; in all these cases, it is not permissible to allow him to continue in his position.

The same applies, if he introduces an innovation in religion, which is manifestly detrimental to it. However, the scholars add the proviso of power to remove him, which if lacking then there can be no obligation to do so.

b- Disbelief:

*Ahl al-Sunnah wa al-Jamā'ah* (Sunnis) are unanimous that if the ruler commits an act of disbelief, and is considered a non-Muslim as a result, ceases to rule. This according to the _Hadith of the Prophet_, peace be upon him: "listen and obey... unless you see manifest disbelief for which you have clear proof from Allāh."  

Al-Qādī ‘Iyād said: the scholars are unanimously agreed that *'Imāmah* cannot be given to any non-Muslim, and that if he had been a Muslim, but later left Islam, he is removed. This is the case if he stopped praying, and ceased promoting the act of prayer, if he develops disbelief, introduces changes to the Shari‘ah, or practised an innovation in religion, he ceases to exercise the authority of *'Imām*, and is no longer to be obeyed; Muslims are required to revolt and remove him, appointing a just *'Imām* in his place, insofar as they are able to. However, if this task falls to a group, then they are obliged to remove the non-Muslim, but not the innovator, unless they are certain of their ability to do so; if certain of their inability, then they are not obliged to undertake this task.  

c- Loss of a sense or limb:

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540 Previously mentioned.

541 Al-Nawawi, *Sharh Sahih Muslim*, 4 506.
In the case where he is blinded, physically handicapped, develops deafness, etc... or developed a problem that renders him incapable of fulfilling his duties. Physical capability has been previously discussed in the criteria attached to the Imâmah.

d- Insanity:

In the case where the Khalifah develops insanity, then he must be removed, since he is incapable of dealing with the affairs of the Khilâfah and leadership. Sanity is a condition for the appointment of the Khalifah and leadership, its absence negates the ability to take up that position.542

4.3. Scholars

4.3.1. The Scholars’ Methodology in Giving Nasîbah to Rulers

Scholars occupy a place of high rank and stature in the religion, given that they are the inheritors of the Prophets. When the scholars are righteous, people and rulers are righteous, while if they are corrupt then this makes for corruption in rulers and people. The established relationship between scholars and people is that of educating them in matters of religion, which improve their worldly life. The relationship between scholars and rulers is that of tendering good advice. In this context, scholars have applied different methodologies:

a. Methodology 1: this is applied by a category of scholars which the Prophet, peace be upon him, warned about. These are scholars who beguile rulers, and bend the texts of Shari‘ah to suit their oppression and sinfulness. Moreover, they are silent in the face of rulers if they go astray and lead astray, and if they deprive people of their rights, all this in return for wealth, fame, and high position that they wish to gain from...
the rulers.

The Prophet, peace be upon him is reported to have said:

"I fear not for my Ummah, believer nor idolater. The believer is prevented by his belief, and the idolater is held back by his disbelief, but I fear for them the hypocrite... who says what you accept, and does what you reject."\(^{543}\)

He, peace be upon him, also said:

"The man is brought on the Day of Judgement and thrown into the Hellfire. His intestines fall out, and he trots around as does the mule yoked to the millstone. The people of the Hellfire congregate around him, saying: so and so, what happened? Did you not command good and forbid evil? He would reply: I used to command good, and not do it, and forbid evil yet do it."\(^{544}\)

The Prophet, peace be upon him was asked: What deed is best?

He replied: "Avoiding what is prohibited, and that your tongue is wet and in remembrance of Allâh."

He was asked: Who is the best companion?

He said: "If you remember [Allâh] he is your helper, and if you forget, reminds you."

It was said: Who are the worst people?

He said: "The scholars if they are corrupted."\(^{545}\)

\(^{543}\) Narrated by: al-Ṭabarānî, al-Mu’jam al-Saghîr, 2/93; classed as weak in chain of narration by al-Albâni in: Da’îf al-Targhib wa al-Tarhib, p.108.

\(^{544}\) Narrated by: al-Bukhārî, Sahîh al-Bukhārî, Báb Sifât al-Nâr wa Annâhâ Makhlûqah, 3027.

\(^{545}\) Al-Jâhiz, al-Bayân wa al-Tabyîn, 1/16; al-Badrî, al-Islâm bayn al-‘Ulamâ’ wa al-Hukkâm, p.44.
In reality, scholars are one of three types: those who consign themselves and others to perdition, and are explicitly in pursuit of the worldly life. Those who bring happiness to themselves and others, and invite people to Allah, both publicly and in secret. Then there are those who consign themselves to perdition, and bring happiness to others, by inviting to the Hereafter, and rejecting the world apparently, while secretly in pursuit of it.  

Some scholars, argue the case for not giving advice to rulers, by commanding them to do good, and forbidding them from doing evil, on the premise of the verse: *(do not cast yourselves into destruction).*\(^547\) They quote this verse of Qur'an in the context of defending themselves, while being called upon to condemn the acts of oppressive rulers, or clarify the Islamic standpoint\(^548\) regarding their oppressive and sinful acts; their excuse—we will kill ourselves if we do that. This is at opposite to the attitude of the people of religion and belief who are truly reliant on Allah.

The statement by ‘Ali, may Allah be pleased with him: commanding good and prohibiting evil does not shorten a lifespan, or reduce provision; best of all is the just word rendered unto an oppressive ruler.\(^549\)

The Hadith of the Messenger, peace be upon him:

> "The witness to an oppressive sultan, who disregards prohibitions of Allah, disavows his covenant with Allah, is contrary to the Sunnah of the Messenger"

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547 Al-Baqarah 195.
549 Al-Sharîf al-Râdi, Nahj al-Balaghah, 3/244.
of Allah, dealing with the servants of Allah sinfully and in aggression, then
does not change by word or action, then by right, Allah will deal with both
equally.\textsuperscript{550}

The verse cited by this category of scholars may possibly be used as evidence in not
rendering advice to oppressive and tyrannical rulers, yet cannot be evidence for
seeking to come closer to them in order to gain wealth or position. The meaning
derived from this verse is correct, in that the scholar in rendering advice to the ruler
may expose himself to death, and therefore has permission not to do so, in the interest
of self-preservation.

b. Second methodology:

This is practised by scholars who fear no one in the cause of Allah. They sit with, and
mix with the rulers with the aim of admonishing them, and guiding them to the correct
path.

"What is permissible in the context of commanding good and forbidding evil with
sultans is to clarify with admonition, as for using harsh words, like: "oppressor", "you
who does not fear Allah", and the like, this only foments turmoil whose evil goes on
to touch others; this is not permitted. If he feared only for himself, then it is allowable
in the view of the majority of scholars.\textsuperscript{551} However, it is a condition that in giving
\textit{Nasihat} to rulers, the consequences and outcomes must be very clear. In the case
where it leads to harm to others, then it is not permissible to do it. The rule is that
changing an evil must not lead to a greater evil falling on others. Hence, if a
consequence of tendering advice brings harm only to the person tendering it, then it is


\textsuperscript{551} Ibn Muflih, \textit{al-\=Ad\=ab al-Shar\‘iyah}, 1/197.
permissible for that person, and he is rewarded for that. However it is not an obligation on him and he has permission to withhold his advice.

In the words of Ibn al-Jawzi, the scholars who uphold the second methodology are further subdivided into two categories:

A category who see benefit in sitting with and mixing with rulers on the understanding furnished by Ibn al-Jawzi regarding withholding *Nasiḥah* in the instances where it may lead to their death.

Another category, who do not see it fit to mix with rulers, and in so doing may put themselves in harm’s way for the sake of Allāh, in rejecting evil. I shall present some instances that demonstrate the position of the scholars in giving advice to rulers from both categories.

*Ibād* al-Hasan al-Baṣrī was asked: Why do you not go to see the Emirs, in order to command good and forbid evil? He said: the believer has not to humiliate himself: their swords are faster than our tongues.⁵⁵²

It seems that al-Hasan al-Baṣrī had evaluated the position, and concluded that there was no benefit in giving advice to the ruler, because he was ill disposed towards that, and would kill any person offering advice. Therefore, he chose not to lend advice.

Sufyān al-Thawrī used to hate being in the company of monarchs in the first place, and would escape from that. When he was asked to assume the post of judge, he refused, and escaped to Baṣrāh in secret.⁵⁵³

We emphasise here that Sufyān al-Thawrī in refusing to take up the position of judge, had reflected on the position from his personal perspective. Otherwise, there were

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⁵⁵³ Ibid., 6/350.
many scholars who took up such position. For example, Imam Abū Yūsuf held the opposite opinion to his teacher, Imam Abū Hanīfah on this issue.  

Imam Malik ibn Anas wrote his famous letter to Hārūn al-Rashid giving him advice: remind yourself off the tribulations of the moments at death's door, and those things that you shall suffer from it, and what you shall pass through after death in being brought before Allāh... he then reminded him of the hellfire, and the dire punishments therein. He then said to him: do not be secure in discharging matters except by appointing those who fear Allāh. It has come to my knowledge that ‘Umar ibn al-Khattāb said: consult in your matters those who fear Allāh. Imam Malik also said to him: beware evil counsellors for your well-being, obey Allāh and disobey the people, and do not obey people by disobeying Allāh. The Messenger, peace be upon him said: "no obedience to the creature in disobedience to the Creator."  

This was the methodology of righteous scholars in tendering advice to rulers. We shall furnish further examples in the section relating to scholars who put their faith in Allāh, while giving advice to the rulers, and suffering harm.  

4.3.2. The requirement of wisdom in giving advice to the ruler  

It is clear from the previous discussion, that the ruler has an eminent position in Islam. Through him the affairs of land and people may be the improved, and therefore when tendering advice to him, a number of etiquettes must be observed:  

Observing secrecy and being alone with him when commanding and forbidding him.  

In the narration of Imam Muslim, the Prophet, peace be upon him, said:  

554 Al-Bayānūnī, Jihād al-Kalimah, p.89.  
555 Al-Ghazālī, Ihāy ‘Ulūm al-Dīn. 7/77.
"Whoever wishes to give advice to the sultan, then let him not do it publicly. rather take him by the hand until alone, before doing so. If he accepts the advice, then it is so, otherwise the person has fulfilled his duty."  

This ensures that he is not angered, and assures him that the objective is not to erode respect for him in the hearts of his subjects.

He chooses to speak to the sultan in solitude, rather than doing so in public. Moreover, he wishes if he could do it secretly, and give him advice in the absence of any third party.

Among these etiquettes:

When he directs his speech to him, he does so in a way different to that which he uses with others. For example: avoiding saying "fear Allah", "do not do such and such". Rather, he should speak to him gently. Allah commanded Mūsaa and Harūn to observe this, when He sent them to Pharaoh {Go to Pharaoh, he has transgressed, and address him with gentle speech, perhaps he is reminded, or is fearful;} this has better chance of gaining a positive reaction.

Some scholars have addressed rulers with a degree of harshness, but this is not considered the norm in tendering advice to rulers, and is contrary to the statement by the Messenger, peace be upon him:

"Whoever wishes to give advice to the sultan, then let him not do it publicly."

556 Ibn Abū ‘Asīm, al-Sunnah, 1096: al-Albānī said it is Šāhīh.

557 Al-Samarqandī, Tanbih al-Ghāfiğin ‘an A‘māl al-Jahīlin wa Tahdhir al-Salikīn min Mā‘al al-Hālikīn, p.64.

558 Tāhā:44.
rather take him by the hand until alone, before doing so. If he accepts the
decision, then it is so otherwise the person has fulfilled his duty."559

Their action is considered *Ijtihād* on their part, while the fundamental rule is contrary
to that, i.e. being soft and gentle with rulers.

- **Among the etiquettes:**

Patience in the face of the ruler’s harshness or coldness towards the scholar who
commands and forbids him.

He must choose the time to admonish carefully, since not every moment is opportune.
For example, approaching an angry man to command and forbid him, with potentially
negative consequences. This is why the judge is instructed not to sit in judgement
while angry. In the same way, the person must choose the most appropriate time in
which to present his admonition, when the ruler is tranquil and content, and therefore
most receptive to advice.

3.8.3. Rulers’ methods in terrorising and tempting scholars and the scholars’ position

The scholars when they undertake the duty of *Waqf* against the ruler in pointing out
what is not right, do so in light of the *Hadith* of the Prophet, peace be upon him:

"The witness to an oppressive sultan, who disregards prohibitions of Allāh,
disavows his covenant with Allāh, contrary to the *Sunnah* of the Messenger of
Allāh, dealing with the servants of Allāh sinfully and in aggression, then does
not change by word or action, then by right. Allāh will deal with both
equally."560

559 Ibn Abū ‘Aṣim, al-Sunnah, 1096: al-Ṭābārnī said it is *Sahih*.

Scholars have taken varying positions in dealing with the methods used by rulers both to terrorise and tempt them.

4.3.3.1. Temptation:

This is where the oppressive ruler, when given advice, attempts to win over hearts with his gifts, and promise of wealth and position.

Scholars in this context have taken two positions:

- First: categorically refusing to accept gifts from rulers.

Among them are: abū Ḥanīfah al-Nu‘mān, Sufyān al-Thawrī, al-Fudayl ibn ʿIyād, Aḥmad ibn Ḥanbal, and the majority of the scholars of Ḥadīth.

In their view, gifts from rulers at the time were akin to the ruler testing the extent of the scholar’s loyalty to him.

This refusal, at times quite frequent, subjected them to problems, and made them target of animosity, but they cared not.

For example, Al-Shāfiʿī nominated Aḥmad as judge in Yemen for the Khalīfah al-Amin. Ahmad said to al-Shāfiʿī: abū ʿAbd Allāh, if I hear this from you again, then you shall not see me again.561

Al-Maʿmūn sent a quantity of money to one of the scholars of Ḥadīth at the time, to distribute it among the men of Ḥadīth and students. Many accepted, but not ʿImām Ahmad, despite his need; this was an act of righteous caution and ascetism on his part.562

Abū Ḥanīfah judged a dispute between Abū Jaʿfar al-Manṣūr and his wife al-Hurrah.


He adjudicated without fear or obsequiousness, despite the renowned violence and tyrannical attitude of abū Ja'far. When he did so, al-Hurra sent a servant with money, clothes, a slave girl, and a mule. He refused these, and said to the servant: give her my salām (greetings), and say to her: I stood up for my religion, and took a position for the sake of Allāh, without wish to gain the pleasure of anyone nor the chattels of this world.\textsuperscript{563}

Abū Ja’far al-Mansūr called Sufyān al-Thawrī, and asked him to request whatever he wished. Sufyān answered him by saying: fear Allāh, as you have filled the earth with injustice and oppression. Al-Mansūr lowered his head [in shame], then repeated his request. He was answered: you are in the position that you are now due to the swords of al-Muhajirūn and al-Ansār, yet their children are dying of hunger, so fear Allāh, and give them their rights. Al-Mansūr lowered his head, and repeated the same question: what is your need? But Sufyān turned around and left.\textsuperscript{564}

Among the many examples of the ascetism of scholars in regard to financial gifts is that of ‘Atā’ ibn abū Rabāḥ, when he came to Abd al-Malik ibn Marwān, who got up and sat him beside him, and said: Abū Muḥammad what is your need?

‘Atā’ responded: leader of the faithful, fear Allāh in the sanctified House of Allāh [the Ka‘bah], and the mosque of the Messenger of Allāh, and look to their maintenance. Fear Allāh in the children of al-Muhajirūn and al-Ansār, it is through them that you sit here. Fear Allāh in those people stationed in the defence of the frontiers, since it is the defence of the Muslims. Inspect and look after the affairs of the Muslims, since you

\textsuperscript{563} Muḥammad abū Zahra, abū Hanīfah, p.37.

\textsuperscript{564} Al-Ghazālī, Ḥiyā ‘Ulūm al-Dīn, 5/120.
are responsible for them. Fear Allah in those who stand at your door, that you do not neglect them, nor close it in their face.

The Khalifah said: I shall do so.

He then added: Abū Muhammad, you have asked us to attend to the needs of others, and we have done so; so what is your need?

He answered: I have no need of a creature of Allāh, and left.

The Khalifah said: this is [true] honour.565

- The second category of scholars does not consider the matter problematic, and take from the ruler’s gifts, on the basis:

First: they do not consider this an issue of Ḥalāl or Ḥarām, but a matter of being cautious in the interests of righteousness and integrity.

Second: those who accepted these gifts, did so to spend on the needy people who had no access to the ruler, and so state their needs, and take their rightful share.

Third: they considered that, like all Muslims, they had rightful share in the Treasury. Hence, rulers had no favour over them, and that it was fully their right.

In this context, it is worthwhile to mention two things:

First: although the scholars differed in accepting money from the ruler, they were agreed that his wealth was not illicit.

Second: despite accepting from the ruler, they acted with complete propriety in what pleases Allah and His Messenger. They admonished and feared no one but Allāh.

Among them was al-Hasan al-Basri, and Mālik ibn Anas, who held that it was permissible to take money from the Khalifah, because it belonged to the Muslims, and those who had prime right to it were the people of knowledge, who had dedicated

565 Al-Dhahabi, Siyar A'lm al-Nubalā', 5:84.
themselves to teaching people the matters of their life. However, if it was established that the ruler's wealth was illicit, or that he was ill-intentioned in granting financial gifts to scholars, then without exception they would all refuse.

Al-Ghazālī stated that the wealth of sultans in our time is all or partly illicit (Harām). Why not, when what is legitimate are ṣadāqah (charity), prizes of war, and booty, and this has ceased to exist, and nothing of it comes into the possession of the sultan. The only thing left is Jīzyah (tax on non-Muslims), and this is taken in various forms of injustice by which it should not be taken. They transgress and exceed the limits of Shari'ah in what is taken, without thought for who they take it from, and without fulfilling their end of the contract. If you add to that, the kharāj (tax on the produce of land) imposed on Muslims, the confiscations, bribes, and the variety of injustices, then what is legitimate does not amount to more than a minuscule fraction.

He goes even further, in responding to those who have permitted accepting from the wealth of sultans in his time, on the pretext that the Companions and following pious generation, used to do so. He said:

Oppressors in the first generation, due to the proximity to the time of the Rightly-Guided Khalifahs, were very conscious of their injustice, and sought to win over the Companions and the Tabi'īn. Hence, they pursued them to accept their gifts, and would send these without pre-condition or intended insult; on the contrary, they would consider it a favour upon them if these persons were to accept. On their part, the Companions and others would take

566 Muhammad abū Zahra. Ahmad ibn Hanbal Hayatuh wa Fiqhuh. p.76.
567 Al-Ghazālī. Ihyā’ ‘Ulūm al-Din. 2/139.
from them, and give it away, while refusing to comply with their wishes, not
attending their sittings, rarely frequenting their gatherings, not wishing for
their longevity, would supplicate against them, lash them with their tongues,
and condemn their misdeeds openly. Hence, there was no fear that in
receiving from them it would be to the detriment of their religion, and so there
was no issue. As for our time, the sultans give only to those they wished to
employ, count among their numerous of courtiers, utilise in their service, and
decorate their sittings. Moreover, they would task them with making
supplications for them, expressing admiration, and complimenting them in
their presence and absence. Therefore, the person if he did not humiliate
himself, either by asking for money, being in their service, complimenting and
making supplications, helping them in their endeavours when required.
increasing the number of persons around them in their sittings and
processions, showing love, loyalty, and support for them against enemies,
covering up their injustice, ugly deeds and sins, would not receive a single
silver coin, even if he were of the stature of al-Shāfi‘ī, for example. Therefore,
it is not permissible to take from them in this time, what is known to be Halāl,
due to the reasons stated above, so how can it be when it is known that the
money is Harām, or comes from shady sources. Therefore, the person who
accepts from their wealth, while likening himself to the Companions and the
generation after them, has [in fact] compared the angels to ironmongers568.

It can be said that gifts given based on receiving something in return cannot be
accepted, and if given without condition, nor for gagging mouths in saying the truth,
then it is permissible.

4.3.3.2. Utilising fear:

568 Al-Ghazālī, Iḥyā’ ‘Ulūm al-Dīn. 2/139.
Some rulers were not satisfied with the use of enticements, and would also employ the threat of death and violence. In contrast, the scholars set examples in confronting and dealing with such threat.

The scholars knew that in reality they were putting themselves and future at mortal risk, but also knew the huge reward promised by Allah to those who undertook this duty. The Prophet, peace be upon him said: "The master of martyrs is Hamza ibn abd al-Muttalib, and the man who stood up to an oppressive ruler, commanding and prohibiting him, and was killed" 569.

This category of scholars did not criticise those who did not emulate them in this action, rather they had undertook upon themselves to take the difficult route, based on the love of martyrdom, and so setting a good example for the Umma after them.

Examples:

On the authority of abū Muslim al-Khawlānī, and Mu‘āwiyah ibn abī Sufyān that the latter was making a speech, having postponed payment of the monthly stipend by two or three months. Abū Muslim said to him: O’ Mu‘āwiyah, this money is not yours, nor your father’s or your mother’s. Mu‘āwiyah indicated to the people that they should wait for him. He descended from the pulpit, washed, returned and said: O’ people, abū Muslim has mentioned that this money is not mine, not my father’s nor mother’s; what abū Muslim has said is true. I heard the Messenger of Allah, peace be upon him, say: "anger is from Satan; Satan is from fire, and water extinguishes fire. If one of you is angered, the let him wash. Go and receive your stipends with the blessing of Allah." 570


King Ismāʿīl feared Najm al-Din ibn Ayūb, ruler of Egypt. For that reason, he made an alliance with the European Crusaders and enlisted their help. In return, he handed over the citadels of Safad and al-Shaqīf, and the areas surrounding them: shared control over Sidon, Tiberius and their territories, as well as Jabal ʿĀmir and the coastal lands. He even allowed them into Damascus, and to buy weapons. The scholar, al-ʿIzz ibn ʿabd al-Salām, witnessed these events. He responded on the Friday by taking to the pulpit, and condemning these actions. He described the magnitude of this massive treachery to the entire Muslim Ummah, and stopped making the supplication in the name of King Ismāʿīl, and instead supplicated: O' Allah bring forth for this nation, a reckoning of good, in which the good are glorified, and your enemies humiliated; in which obedience is observed, and your disobedience prohibited; with the people following him in supplication.

When King Ismāʿīl learned of this, he commanded that al-ʿIzz ibn abd al-Salām be removed from his position of authority, had him put under house arrest, and forbade him to give Fatwa to the people.\footnote{Al-Subkī, Ṭabaqāt al-Shāfiʿiyah, 8/243.}

Another example that highlights the readiness for martyrdom in the cause of truth in the face of tyrants, is that of ibn Taymiyah when he met Ghāzān, the Mongol king. He told the interpreter: say to Ghāzān that you claim to be a Muslim, and have Muezzins, a judge, Imām, and scholar, from what we have heard. However, you have invaded our lands, for what? Your father and grandfather, Hūlākū, were non-Muslims, they did not invade the lands of Islam, rather they made treaties with our people. Yet you have made treaties, and not respected them: promised and broken your word.

The narrator said: there were exchanges with Ghāzān, Qatlushāh, and Bulāy, where
ibn Taymiyah firmly and righteously stood his ground, and said the truth without fear, except of Allāh. Food was brought, and they ate, except ibn Taymiyah. He was asked why he did not eat. He replied: how can I eat your food, and all of it has been robbed from the people; you took their goats, and cooked it with wood cut from their trees.

The narrator said: then Ghāzān asked him to supplicate. In his supplication he said: O’ Allāh, if this servant of Yours, is fighting so that Your Word is elevated, and that the religion is fully observed for Your sake, then help him, grant him victory, and power over land and people. However, if he does so only for fame, and worldly gain; for his word to be lofty, and that Islam and its people are humbled, then abandon him, shake the ground under him, destroy him, and end him forever.

All this, with Ghāzān raising his hands, and saying “Amen” after his words.

We gathered our clothes to us, for fear that they would be spattered with the blood of ibn Taymiyah. When we left his audience, the Chief Justice, Najm al-Din ibn Sussri, and others said to him: you nearly killed yourself and us with you; and by Allāh, we will not accompany you from here.

He replied: and I, by Allāh, shall not accompany you.

So we set off as a group, and he and a small group were slightly delayed. The commanders and princes, from the company of Ghāzān, heard of him and congregated to receive the blessing of his supplication. He was journeying back into Damascus, and they were looking at him in admiration. The narrator said: by Allāh he arrived in Damascus in the company of 300 of their nobles. As for those who had refused to accompany him, they were attacked by a band of Mongols, who slaughtered them to the last man.572

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572 Ibn Kathir, al-Bidāyah wa al-Nihāyah, 14/89.
It is clear from the previous examples, that this category of scholars, had their unique style of dealing with rulers, which was confronting the ruler with the truth of his injustice, without fear, even when the consequences were grave, and included sacrificing their own lives. It can be said that the scholars had a vital role in influencing the rulers, and hence reflecting in the reform of the State and society.

4.4. The Most Important Topics raised by al-Samhūdī in his Book

- The intellect[ 'Aql]
- The prohibition on employing 'Ahl al-Dhimmah.
- Hisbah.
- Ministers.

4.4.1. Introduction:

The topics and issues mentioned by al-Samhūdī in his book, are interrelated and similar, coming under the headings of morals and etiquettes, which the ruler must abide by. Some came in the form of description of the reality witnessed and suffered by al-Samhūdī, who wanted to change it, first by describing it, and then through advice, and by bringing it to the attention of the ruler.

The most important topics addressed by al-Samhūdī, and deserve to be discussed at some length:

4.4.2. The intellect:

This is one of the first topics mentioned by al-Samhūdī in the book, and it is worth studying it from two angles. The first: the scholars' commentary on Hadiths relating to the intellect mentioned and depended upon by al-Samhūdī. Second: a controversy raised by al-Samhūdī in the book, which is that the religion follows the intellect.

al-Samhūdī concerned himself with the intellect, and began his book by defining it, and its types, in order to call the ruler's attention to the fact that it is a favour from
Allāh. and that rulers whom Allāh had blessed with intellect must put it to the use of establishing justice, and combating injustice.

al-Samhūdī defined the intellect as a force of instinct (i.e. natural) given by Allāh to specific persons among his creatures, with which to comprehend.

It is as though al-Samhūdī wished to say that those fortunate ones were the rulers.

There are other definitions for intellect, among them:

1. The intellect is an instinctive force in the person that holds him back from committing ugly deeds, and clarifies for him those praiseworthy matters.

2. The intellect is the instinct by which the human being knows, and distinguishes between what benefits him and what does not. 573

3. The intellect is a light in the heart nourished to distinguish between truth and falsehood. Through the intellect what is Halāl and Harām were recognized, as were the rulings of Islam. 574

4. The intellect is an instinct placed by Allāh in the majority of his creatures, for which they have no faculty or sense to gauge it in themselves or others, rather Allāh informed them of it, i.e. intellect is an instinct. 575

In the previous definitions, it is to be noted that they all mentioned the intellect as an instinctive force, placed by Allāh in the human being by which he comprehends matters. This is true to the Hadīth of the Messenger of Allāh, peace be upon him: “no person has acquired anything better than intellect, it guides him to the truth or

573 Ibn Taymiyyah, Majmū‘ al-Fatāwā, 9/286.
574 Muhammad, al-Sāyim, Qimāt al-‘Aql fī al-‘Islām, p.20.
575 Al-Ḥarīth al-Muhāsibī, Māhiyat al-‘Aql wa Ma’nāh, p.201.
al-Samhūdī then mentioned the two parts of the intellect:

1. A part that accepts increase and decrease according to experiences and events from which it derives benefits and experience.

2. A part that does not increase or decrease, i.e. the natural instinctive intellect, over which the human being will be held to account for his actions.

'Alī ibn Abū Ṭālib, mentioned that the intellect is two kinds: static and dynamic. The static is explained by the prophetic Hadīth: "no person has acquired anything better than intellect...", and the dynamic is what acquires experiences and knowledge. The scholars have endorsed al-Samhūdī's classification, and explained that the second depends on the first, since it cannot be complete without it. The human being cannot benefit from experiences, events, and knowledge, unless his instinctive intellect is complete. It is inconceivable that an insane person can learn something from incidents and experiences, because he lacks the instinctive intellect.

4.4.2.1. Hadīths relating to intellect:

al-Samhūdī in his discussion on the intellect, cited the long Hadīth "When Allāh created the intellect..." which mentions the virtues and importance of the intellect. However, the scholars have stated that the Hadīths on the intellect are not reliable. Ibn al-Qayyim stated: all the Hadīths on intellect are fabrication. It has also been said that there is no authentic report regarding the intellect from the Messenger of Allāh.

576 Narrated by: al-Ṭabarānī in al-Kabīr and al-Awsāt, as in Majma' al-Zawā'id by al-Haythami, 1/121. He commented: the chain contains abd al-Rahmān ibn Zayd ibn Aslam who is weak.

577 Salāh al-Dīn, al-‘Aql fi al-Islām, p.9.

578 Muhammad, al-Šayyim, Qiimat al-‘Aql fi al-Islām, p.18.

579 This is found where it is mentioned in the work.
On the other hand, some scholars have studied the chain of narration of the Hadith used by al-Samhūdi, and said that the worst that can be said about it is that it is weak in some of its chains of narration.  

4.4.2.2. A controversy in the treatise on intellect:  
al-Samhūdi in his discussion of intellect raised an old and substantial controversy, which had attracted much study, and dispute between scholars, to the point that ibn Taymiyah wrote a whole book dedicated to the subject, consisting of 10 volumes, which he titled: Repelling the contradiction between intellect and [religious] texts. In it, he responded to those who said that the intellect should be given precedence over the texts, in the cases of apparent disagreement between both.  
al-Samhūdi raised this issue in his statement: “know that religion follows the intellect, and wherever the intellect is, the religion is with it.”  

If al-Samhūdi meant by his statement that Allāh in his favour and clemency over His servants, had not mandated things that contradicted sound intellect, and made the religion in harmony with the human intellect, in its rulings represented by commands and prohibitions; this is the opinion upheld by the scholars.  

However, if he meant that the Shari’ah is secondary to the intellect, i.e. any aspect of religion is not applied, until it is reviewed in light of the intellect, whereby if the intellect accepts it then it is acceptable, and if not then rejected; this is a highly erroneous statement, and is based on a false premise, i.e. the assumption that there is contradiction between sound intellect and correct and clear revelation. There is no example of this in the entire Shari’ah. Moreover, it is inconceivable that Allāh would  

command reflection: \textit{(ponder, O' people of mind)}, then oblige them to observe matters that contradict their intelligence, such that they are vexed, and fall into error and confusion.

The \textit{Shari'ah} text comes first, and is followed by the intellect. It is not permissible that the intellect roam freely, but must be checked by the revelation. This is because the Shari'ah came to restrict the intellect, by prohibiting certain action, and commanding others. The intellect must not overstep the limits, otherwise this is a trespass on the \textit{Shari'ah}.\textsuperscript{581}

In conclusion, this matter is complex, and I wanted to mention the scholars' opinions on the issue, and that what the majority uphold is that the intellect is secondary to the religion, and not the contrary.\textsuperscript{582}

4.4.3. Employment of 'Ahl al-Dhimmah

This is one of the most extensive among the topics discussed by the author in his book. He tackled this issue with some strictness and harshness towards 'Ahl al-Dhimmah, and this is attributed, as described by al-Samhūdi, to the fact that 'Ahl al-Dhimmah had taken over the sensitive State positions and employed these in controlling and humiliating the Muslims, and that the governors and rulers had made them close to them, such that they had power over the majority of Muslims.

al-Samhūdi's reaction was forceful, and he collated the evidence from the Qur'ān and Sunnah, as well as the scholars' statements that indicate that 'Ahl al-Dhimmah should not be employed, nor taken as helpers. He exhorted rulers not to employ them, nor

\textsuperscript{581} Muhammad, al-Sā'īm, Qimat al-‘Aql fi al-Islām, p.40.

\textsuperscript{582} Ibn Taymiyyah, Dār' Ta'āruḍ al-‘Aql wa al-Naql; study and review: Dr. Muhammad al-Sayyid al-Jalind, pp.59-150.
make them part of their inner circle, and that this was contrary to the Shari‘ah.

Among what he said: the ruler must work to remove the corruption, and prevent ‘Ahl al-Dhimmah from taking up authority in matters concerning the people.

He also said: do we not fear, that the wrath and punishment of Allah would fall on us, by making His enemies our friends, employing them as scribes and governors in place of the believers.

He also said in describing his time, as was mentioned in a previous chapter: “their impiety was clear in their disregard for the honour of Muslims, their treachery in financial dealing... they rode horses, and were evil and abusive in public. One was witnessed taking his foot out of the stirrup, and kicking Muslims in the face with impunity.

He also said: The ruler, May Allah aid him, act to remove every Dhimmi from post of responsibility, and replace him with a Muslim, because the clear proof of Allah stands against all those who befriend them, take them as scribes and close associates, or giving them authority in a matter concerning Muslims, or sought sufficiency in them, while disregarding the Muslims.

Finally, he said: the Qur’ānic verses, and Hadiths mentioned in not taking ‘Ahl al-Dhimmah as allies, and not employing them. are many. If we were to mention them all, the book would not have been sufficient, but in this there is sufficiency for those of reflection.

4.4.4. Hisbah

This is one of the topics addressed by al-Samhūdi where he described the state of the Mulhūsh in his time, and warned the ruler about it. I shall give a general idea on Hisbah, its development, the important conditions, etiquettes, and the authorities of those undertaking it, as well as its protocols. The reason for such detail in the topic of
Hisbah, is that al-Samhūdī’s book is considered to be an example of Hisbah practised by scholars over rulers: through advice and reminder.

Who should be employed as Minister, where I shall define the term, and its types, I shall also indicate the main references that mention the most important characteristics to be found in a minister.

4.4.4.1. Definition of Hisbah.

It is commanding good, where it has been manifestly abandoned, and forbidding evil where it is manifestly practised.\textsuperscript{583}

Al-Muhtasib is the person who undertakes this responsibility of commanding good [ma‘rūf] and prohibiting evil [munkar].

- \textit{Ma‘rūf}: is every statement, act, or intention that Allāh has extolled and commanded. For example: helping the poor and needy, building schools, establishing hospitals and orphanages, repairing public infrastructure, etc.

- \textit{Munkar}: is every statement, act, or intention that Allāh has condemned and forbidden. For example: consuming alcohol, spying, backbiting, lying, cheating, etc.\textsuperscript{584}

It is important here to make a distinction in regard of whether commanding good and prohibiting evil are the same as Hisbah in every respect?

Reflecting upon Hisbah and ‘\textit{Amr bi al-Ma‘rūf wa Nāḥy ‘an al-Munkar}, reveals some differences:

\textit{Amr bi al-Ma‘rūf wa Nāḥy ‘an al-Munkar} is a religious obligation upon every

\textsuperscript{583} Al-Māwardī, al-Ahkām al-Sultanīyyah, p.240; abū Ya‘lā, al-Ahkām al-Sultanīyyah, p.284.

Muhtasib by virtue of the position given him by the ruler. As for, Amr bi al-Ma'rūf wa Nahy 'an al-Munkar, it is ṣanʿah kifāyah arising from the voluntary action of the person. The Muhtasib is held to account for neglecting the duty of Ḥisbah, while the ordinary person performing Amr bi al-Ma'rūf wa Nahy 'an al-Munkar is not. The Muhtasib is not allowed to be taken away from the duty of Ḥisbah by any other work, since ihtisāb is his main function. As for the volunteer, he is permitted to undertake other work taking him away from performing Ḥisbah, since in this case he is only a volunteer undertaking a non-obligatory role.

1. The Muhtasib is appointed to be called upon, and be available in matters where it is an obligation to command, or prohibit; in both cases he must respond.

2. The volunteer is not appointed to do this, and therefore he is given a free choice on whether to respond when asked to do so, or not.

3. The Muhtasib is duty bound to search out the manifest instances of Munkar, as well as the instances of non-abidance with the religious command; for example, not performing prayer or fasting. However, the volunteer is not obliged to do so, and at times it may be considered against the volunteer to reveal those improprieties of persons, which he is forbidden to reveal. However, if he witnesses Munkar practised, or Ma'rūf performed, then he has the right to prohibit and command.

4. The Muhtasib appoints helpers who are themselves vested with the authority from the State. This gives him the power and authority to carry out his work, and he is permitted to employ force in the course of his work, because he has leave from the sultan to do so. However, the volunteer has only limited power to do so, where no greater evil results, or provokes conflict, fighting, or dispute leading to chaos. Some scholars consider that this sinful behaviour, and their rule regarding Amr bi
5. The Muhtasib has the power to punish those who commit public Munkar, on condition that the punishment does not reach the level of one of the prescribed Islamic punishments (Hudūd). The volunteer has no authority to punish, but can only explain and clarify.

6. The Muhtasib receives a salary, reward, or remuneration for carrying out this role, because he is a State employee. As for the volunteer, he cannot claim payment, since he is quite simply—a volunteer. 585

4.4.4.2. The Development of Hisbah

Human nature is such that a person may at times leave the path of good, and seek to satisfy his whims and desires in disobedience of the Shari‘ah, and resulting in injury to people, and trespass on their rights. Therefore, Islam encouraged people to condemn and not be silent, where they witness departure from the path of righteousness, and injustice upon people. Furthermore, individuals are chosen according to specific criteria, who undertake the duty of overseeing and reforming people. The first to practice this was the Prophet, peace be upon him.

Abū Hurayrah narrated that the Messenger of Allāh, peace be upon him, passed by a sack of food. He put his hand in it, and felt some damp. He said: “what is this?” The man replied: it is the sky that did this, Messenger of Allāh. He said: ”place it on top, so that people can see it; he who cheats is not of me” 586.


586 Narrated by: Muslim, Bāb 43, 1/99.
His example was followed by the *Khalifahs*, and Companions. ‘Umar ibn al-Khattāb used to carry out the duty of *Hisbah* personally, inspecting the markets, walking around at night to ensure security, to such an extent that he would forbid mistreatment of animals. Al-Musayab ibn Daram said: I saw ‘Umar ibn al-Khattāb beat a camel driver, saying to him: you have burdened your camel more than it can bear.\(^{587}\)

The criteria for the person given the duty of *Hisbah* are: belief, maturity, capability, integrity.

These criteria can be classified into two types:

• **Agreed upon Criteria;**
  
  o Islam.

  o Maturity.

  o Capability.

  o Knowledge.

• **Disputed Criteria**
  
  o Freedom.

  o Integrity.

  o Permission by the sultan or head of state.

• **Agreed upon Criteria;**

  1-Islam:

  There is no disagreement regarding this condition, since the non-Muslim cannot command a Muslim to do good, nor forbid him from doing evil. Moreover, the duty of *Hisbah* is an authority over the Muslim, and a non-Muslim cannot be given power

over a Muslim.

2- Maturity:

This is also fundamental, since a person who is underage, or not mature is not obliged to perform the fundamental religious acts like Salāh, Zakāh, etc, let alone more.

Ḥisbah is also an act of obedience to Allāh, and cannot be undertaken except by those who comprehend it, and wish for its reward, while those who are not mature, cannot understand nor seek its reward.

3- Ability to perform Amr bi al-Ma'rūf wa Nahy 'an al-Munkar:

This condition means that the individual employed to perform Ḥisba must be strong in their religion, and in their command and prohibition, since they will need to use their tongue and hand. The person who is incapable, is not obliged to perform Ḥisbah.

4- Knowledge:

This means that the Muḥtasib must be knowledgeable in what he commands or prohibits. The ignorant person is not allowed to command or prohibit, because he will bring more harm than good, and is likely to see good as evil and evil as good. Therefore the person must be knowledgeable in the rules of Shari'ah, its aims, such that his command and prohibition are in accordance to the Will of Allah, generally, when there is no specific text relating to the issue.

There is an important issue related to this condition: in those matters that are disagreed among scholars, should he enforce on people what he considers to be correct, on a matter disputed by the scholars?

The scholars have been divided on this into two groups:

The first: permit him to do so.

The second: consider that he is not authorised to force people to adopt his opinion. and must allow people the freedom to make their own choice, and practice Ijtihād in their own right. 589

This is closest to the ease and flexibility inherent in the religion, and comes from the well-known rule that states: No censure in disputed issues.

• Disputed Criteria

1- Freedom:

Fundamentally, commanding good and prohibiting evil is permissible for every Muslim to every Muslim, and some scholars hold that freedom is not a condition. 590 while al-Māwardī 591 held that it is so. The heart leans more to al-Māwardī’s position since people are inclined to accept from those they consider their betters, and it is not usual that the free accept advice from slaves.

Also, Ḥisbāh is a position of authority and a slave cannot take up position over free people.

2- Integrity:

Two things are meant here:

• One: he is not impious.

• Two: he applies what he commands, and does not do what he prohibits.

The scholars have differed on this point, and some of them have stated the position that the impious person, or one whose actions contradict his words, is not permitted to


590 Al-Ghazālī, Iḥyā‘ Ulūm al-Din, 7/196.

command or prohibit. 592

- Their evidence was:

  - From Qur'ān: 
    
    \[ \text{do you order people to devoutness and forget yourselves, when you recite the Book? Will you not use your intellect?} \] 593. And 
    
    \[ \text{Imān! Why do you say what you do not do? --- it is deeply abhorrent to Allah that you should say what you do not do.} \] 594

Anas ibn Mālik said that: the Messenger of Allāh, peace be upon him, said:

"On the night of Isrā' (the night he journeyed to the heavens), I saw men whose lips were being cut by shears of fire, I said: who are they, Jibrīl? He answered: those who deliver sermons of your nation, commanding people to devoutness and forgetting themselves, while they recite the Book, do they not use their intellect." 595

Other scholars hold the opinion that integrity is not a condition in the person performing \textit{Amr bi al-Mā’rūf wa Nahy ‘an al-Munkar}, and that it is not necessary that he practice what he commands or desists from what he prohibits, although no doubt this is best. However, they do not consider it a condition whereby Hisba can only be done if fulfilled. Their evidence is:

First: the raft of Quranic verses and Hadiths which express the obligation of \textit{Amr bi al-Mā’rūf wa Nahy ‘an al-Munkar} without condition, and that it is a duty on the wider

\[592\text{ Al-Ghazālī, Ihyā’ ‘Ulūm al-Dīn, 7/196.}\]
\[593\text{ Al-Baqarah 44.}\]
\[594\text{ Al-Saff 2-3}\]
\[595\text{ Narrated by: ibn Hibbān in his Sahih, from the Hadith of Anas, chapter of those who give sermons in word you do not follow with action.}\]
Ummah, which points to integrity not being a requirement.

Second: the unanimity of the Ummah on the obligatory nature of Hisbah on every Muslim according to ability.

Third: logic: this considers that the opinion that restricts the performance of Hisbah to a person of integrity, who practices what he preaches, and desists from what he prohibits, will lead to this practice being steadily eroded due to non-application, since no one is infallible, and does not commit error.

As for the evidence presented by the supporters of the first opinion, concerning the grave crime of one who commands people, and does not apply it to himself; this refers to one who does not command himself at all, which is different to one who commands himself and commands people, but like all other people has a moment of weakness, and may commit what he considers to be evil; that is human nature.

The punishment meted out to them according to the Hadith of Anas mentioned earlier, refers to those who do what they prohibits people from, on purpose.

The stronger opinion is the second one, which does not consider personal integrity a condition for performing Hisbah, and Allāh knows best.596

3- Requiring the permission of the sultan or head of state:

The scholars have differed on this point, where some hold that permission must be secured first from the ruler, in allowing Hisba to be performed, and that it is not allowed without that permission.

However, the majority of scholars have held that it is not obligatory to have permission.

The first group have argued that allowing every person without distinction to perform Hisba can only need to dispute and chaos.

The second group have argued that the generality of Quranic verses and Hadiths that command good and prohibit evil refer to every Muslim at any time carrying out this duty without the permission of anyone. It is true that potential for harms and benefits must be considered, however to require permission is not correct.

They argued on the basis that the custom of the pious generation of Companions in performing Hisba, demonstrated their unanimity in not requiring permission, or to be delegated that role. All that has been narrated about the pious generation indicates that the permission of the head of state or ruler is not a condition attached to the obligation of Hisbah. They also indicated that Hisbah is an immutable right of every individual; as in the example where Marwān ibn al-Ḥakam gave the sermon before the Eid prayer. A man said to him: the sermon is delivered after the prayer. Marwān replied: this has been left, so and so.

Abū Saʿīd al-Khudrī said: as for this man, he has fulfilled his duty, the Messenger of Allāh, peace be upon him said to us: "whoever witnesses a Munkar then let him change it with his hand, if he cannot then with his tongue, and if he cannot then in his heart, and that is the weakest 'Imān (faith.)."597

In this example, Abū Saʿīd endorsed the man's position, in performing Hisbah without the permission of the ruler or governor. Furthermore, he presented evidence as to the correctness of this action, in the generality of the command by the Prophet, peace be upon him, in changing evil or people's mistakes.

There are many narrations from the pious generation that confirmed this, and it is understood from the general context that these involved the sultans as well, and so how could their permission be needed then? 598

4.4.4.3. The etiquettes of the person appointed to perform Ḣisba

The scholars have set the following conditions that apply to the person appointed to perform Ḣisbah:

1- Knowledge:

What is meant here, is that the Muḥtasib has knowledge specific to the incident he is treating, whether by command of prohibition. It is unacceptable that he command or prohibit in a matter in which he has no knowledge of its limits, byways, or mitigating circumstances. 599

2- Wara'(high level of piety in avoiding even the smallest of improprieties):

What is meant here, is that the actions the person appointed to perform Ḣisbah are not contradictory, i.e. he command that which he himself respects, that he not have one posture in private, and another in public, which would open him to people’s ridicule. This is also important so that his invitation to people to good is accepted, if his private behaviour was different to his public behaviour, then this would stir people against him, and lead them to disregard him, while censuring and admonishing him. 600

3- Chastity/Modesty:


599 al-Ghazālī, Ḫiyā’ Ulūm al-Dīn, 7/1203.

600 al-Ghazālī, Ḫiyā’ Ulūm al-Dīn, 7/1234.
He must also practice great probity in dealing with people's wealth, not accepting any gifts from them out of piety, since for a person of his authority, this is a bribe not a gift. This better preserves his honour, and people's respect for his authority.

4 - Good manners, and gentle disposition in giving Nasīḥah:

The Muḥtaṣib must adopt manners that include: being easy to get on with, gentle, a smiling face, and nice choice of expression.⁶⁰¹

He must also be gentle and tender in his giving Nasīḥah, command, and prohibition. This is more beneficial, and would lead to the outcome he wishes for. Allah says:

\[
\text{it is a mercy from Allāh that you were gentle with them. If you had been rough or hard of heart, they would have scattered from around you...} \]

On the authority of ‘Ā’ishah, she said:

A group of Jews came to the Messenger of Allāh, peace be upon him, and said: "Sām" (death) upon you [rather than "Salām" (peace)]. She said I understood what they meant, and said to them: upon you "Sām" (death) and damnation.

The Messenger of Allāh, peace be upon him, said: "Restrain yourself. ‘Ā’ishah, Allāh loves gentleness in all matters".

She said: Messenger of Allāh, did you not hear what they said?

The messenger of Allāh, peace be upon him said: "I replied, and to you."⁶⁰³

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⁶⁰² Al-‘Imrān 159.
⁶⁰³ Narrated by: al-Bukhārī, Bāb al-Rifq fī al-Amr kullih, 2308; Muslim, Bāb al-Nahy ‘an Ibtidā’ Ahl al-Kitāb bi al-Salām wa kayf Yaruddu ‘Alayhim, 2165.
5- Applying the Sunnah, and the Shari'ah commands

He must be regular in practising the Sunnah of the Prophet, peace be upon him. His appearance must be that of a man who is responsible for the limits of Allah not being transgressed, and so there must be no inkling of any neglect in practising the Sunnah, such that he is not one of those who command people to do good, while they neglect themselves.604

6- Patience

The person appointed to do Hisba must be patient in commanding good and prohibiting evil. It may be the case that the person he is commanding will not comply, and he must be patient with him until he does so. He must also be patient in terms of the harm that will come his way, as he performs his duty; some of those whom he is trying to advise may harm him. Allah has explained that harm is the lot of one who performs Hisbah, and so commanded patience in that respect:

{My son, establish Salah and command what is right and forbid what is wrong
and be steadfast in the face of all that happens to you. That is certainly the
most resolute course to follow.}605

4.4.4.4. The authorities of the person appointed to perform Hisbah

It is well known that when the term "authorities" is used, it refers to specific and well defined matters, and are usually fixed despite changes in time and place, unless there are changes to the term itself, or the character of the authority, but this is rare. However, in the case of the authorities of the Muhtasib, these vary greatly, such that it

605 Luqmân: 17.
is difficult to claim that they can be quantified. This is because there is a general basis, which is to command all that is known to be good, and forbid all that is known to be evil. It is well known that the former encompasses all matter of good, while the latter encompasses all matter of evil. Both cannot be quantified, because they refer to religious, social, and customary commands and prohibitions.

4.4.4.5. Protocols of Ihtisāb (performing Ḥisbāh)

These comprise three matters:

- Being informed of the issue.
- Personal observation.
- Knowledge.

This takes place in the following way:

If the issue at hand relates to private rights, which do not affect the majority of the 'Ummah or population, then the Muhtasib must not intervene except by direct invitation of the injured party. After being informed, the Muhtasib must be satisfied that the evil exists, whether by personal observation, or confession of the perpetrator. However, if the Iḥtisāb related to one of the rights of Allah, or in the majority was so, then Iḥtisāb would be based on personal observation and knowledge, whether by the Muḥtasib or his helpers.

The three ways are the only ones by which the Muḥtasib may work to fulfil his duty. This is because claims, and proving them is a matter for the courts, and the Muḥtasib is prohibited from exercising a judicial role, and deciding on matters of rights, where there is need to hear testimony and review evidence.
A claim to the judge with the object of removing an evil, is termed "claim for Hisba", and is uniquely related to the rights of Allah. In this case, the claimant is claiming a right, and is a witness at the same time.606

4.4.5. On Those to Be Taken as Ministers:

With this title, al-Samhūdi began the last section in the third chapter. He started by stating that the ruler must seek and appoint ministers who are wise, and give good advice, and that he should consult them often, and hear their opinions. He then mentions some attributes that the Minister must have, among these: being just, knowledgeable, and a good policymaker. He must not be young, or inexperienced, and must not seek to amass wealth through his position, and that the minister must not be miserly in giving advice to the ruler.

When we research the meaning of the word "Wazir" and "Wazārah" in the Arabic, we find that it may hold four meanings:

Derived from "Wazi" meaning weight or a burden. This is because he carries the burden for the ruler.

It is derived from "al-Isr" which refers to the back. This is because the ruler is strengthened by his minister, in the same way that his body acquires strength from its back.

A derivative of "Wazar" meaning refuge, as in the Qur'anic verse. This is because the ruler refers back to him for his opinion and help.

"Wazārah" is derived from "Mu‘āzarah", which means help.607

The Messenger, peace be upon him, used to consult his Companions, discuss and

606 Dr. Ismail al-Badawi, al-Siyāsah al-Share‘iyah, p. 303.

607 See al-Māwardi, Ādāb al-Wazir, p. 9; ibn Khuldun, al-Muqaddimah, p. 270.
negotiate with them on matters both public and private. Specifically, he would task Abū Bakr with other special duties, such that the Persian Emperor, Khesru, Caesar, and the Abyssinian king, al-Najāshī, all referred to Abu Bakr as the Messenger's Minister. The term was as yet not in use among Muslims. 

Ministerial posts are categorised into executive and devolved. A devolved ministerial post is one where the ruler grants the Minister the authority to make and pursue policy in the way he sees fit. This meaning is articulated in the verse of Qur'ān: Ṭalā`29. If this is permissible in Prophet hood, then it is more so in the 'Imāmah. As for the executive ministerial post, it is lower in rank compared to the devolved, and has fewer conditions attached. It is principally there to execute those instructions that come from the ruler, and the Minister has no authority in deciding and giving his own instructions.

As for the attributes of the Minister, some scholars have mentioned many, while some were mentioned by al-Samhūdī.

4.4.6. A Discussion and Appraisal of the Opinions of al-Samhūdī:

609 Talā‘a 29.
610 For further detail, see: al-Māwardī, al-Āhkām al-Sultānīyāh, pp.25. 29; al-Māwardī, Adāb al-Wazīr, p.10;
   al-Juwaynī, Ghiyāth al-‘Umam, p.71.
611 For further detail, see: al-Juwaynī, al-Juwaynī, Ghiyāth al-‘Umam, p.70 in the section entitled (Sifāt al-Wāzir); al-Māwardī, Adāb al-Wazīr, pp.18, 31.

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Reflecting on the statements of al-Samhūdi in the topic of Ḥāl al-Dhimmah, and whether it was permissible for one of them to be given a post in the Islamic state, he did not clarify the types of positions, nor their importance, rather he spoke generally in the main. He mentioned in his discussion only two positions in the statement: "do we not fear that the wrath and punishment of Allah would fall on us, by making His enemies our friends, employing them as scribes and governors in place of the believers".

It seems that al-Samhūdi generalised the rulings, and used general terms without detail, in demanding that the ruler remove all Dhimmis from their post, and replacing them with Muslims. He did not explain the type of authority or position, even though many scholars had furnished detail on the issue that contradicts his words.

Therefore, I consider it appropriate to expand in this area, and clarify the Islamic ruling regarding employing Ḥāl al-Dhimmah in the positions of the Islamic state, shedding light on the areas of disagreement among scholars, mentioning their opinions, and whether they agreed or disagreed with al-Samhūdi's perspective.

Islam established the relationship between Muslims and Ḥāl al-Dhimmah on kindness. {Allāh does not forbid you from being good to those who have not fought you in the religion, or driven you from your homes, that you be just to them. Allāh loves those who are just.}⁶¹²

It gave them rights to take up certain positions, and guaranteed freedom to work and trade, however there were some sensitive positions of a religious or security nature in

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⁶¹² Al-Muntaḥanah: 8.
the Islamic state that were exclusive to Muslims only, like head of state, and other positions that will be mentioned. 613

The leadership of the state, regardless of title: Khalifah, Emir, or sultan, are exclusively for Muslims, and this is an issue of unanimity among Muslims.

As for ministerial posts in the Islamic state, these are divided by type into devolved and executive. The devolved ministerial post is exclusive to Muslims because the minister takes the position of the ruler, in his absence. As for the executive ministerial post, al-Māwardi considers it permissible for a Dhimmi provided he satisfies the criteria of; propriety, trustworthiness, and competence. 614

This was rejected by al-Juwaynî, who did not allow the executive ministerial post to be taken by other than a Muslim, saying that al-Māwardî lacked proper information, and considered such a statement to be an error. 615

It seems that the evidence proffered by those who stated that a non-Muslim cannot take up any executive ministerial post was more credible, while al-Māwardî, for example, did not support his opinion with evidence other than to mention that this comes under the heading of the generosity of the religion of Islam. 616

As for the judiciary, it is agreed that it is not permissible for a Dhimmi to take up such a post to deal with Muslims, because he does not believe in, let alone comprehend and apply the rulings of the Islamic Shari'ah.

613 Al-Qaradâwî, Ghayr al-Muslimin fi al-Mujtama’ al-Muslim, p.22
615 Al-Juwaynî, al-Ghiyâthî, p.155.
However, Hanafi scholars have stated that it is permissible for a Dhimmi to sit as judge between his co-religionists, and put forward as evidence for this, that competence in being judge follows naturally from competence in being witness. What is meant here, is that since the Dhimmi could give testimony against another Dhimmi in court, then he could also sit as a judge over them. They also pointed to the verse:

\[\text{you who have 'Imān! Do not take the Jews and Christians as your friends: they are friends of one another. Any of you who takes them as friends is one of them. Allah does not guide wrongdoing people}]^{617}\]

and said: this confirms their competence to have authority over one another.\(^{618}\)

The majority of scholars have disagreed with this opinion, and said: the Dhimmi is not competent in testimony against another Dhimmi, because they do not allow that. Moreover, the judge has the authority in making rulings, while the Dhimmi is ignorant of these.\(^{619}\)

They said: the judge is the representative of the 'Imām (ruler), and a non-Muslim is not suited for this position.\(^{620}\)

It is clear that both groups hold a correct view supported by textual evidence. In the military field, it is not permissible that a non-Muslim commands the army, since he is beholden to apply the rulings of Jihad, and lead the camp in prayer. As for the remaining military ranks, there seems to be agreement that in those positions were commands are issued, then non-Muslims cannot be employed. as for the executive

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617 Al-Mā`īdah: 51.


roles, as in soldiers, the scholars have disagreed amongst themselves. The Mālikīs have said: it is not permissible to use the Dhimmi as soldier in war and the army, citing:

(\textit{The believers should not take non-believers as friends. Anyone who does that has nothing to do with Allah at all --- unless it is because you are afraid of them. Allah advises you to be afraid of Him. Allah is the final destination})^{621}.

He also cited the Hadīth narrated by 'Ā'ishah, wife of the Prophet, peace be upon him, where she said:

the Messenger of Allah, peace be upon him, left for Badr, and when he was in the area of Hirrat al-Wabarah, a man—renowned for his bravery and morality—came to him. The Companions of the Messenger, peace be upon him, were overjoyed to see him. He came to the Messenger of Allah, peace be upon him, and said: I came to follow you, and share with you. The Messenger of Allah, peace be upon him, asked: do you believe in Allah and His Messenger? He answered: no. The Messenger said: go back, I shall not accept help from a disbeliever.

She said: he continued until he came to al-Shajjārah, where a man caught up with him. The conversation was repeated as with the first, and the Prophet, peace be upon him, said as he did before: go back, I shall not accept help from a disbeliever. She said: the man caught up with him again in al-Bayda. The Messenger asked him: do you believe in Allah and His Messenger? He

\footnote{\textit{\'Āl-'Imrān: 28.}}
answered: yes. The Messenger of Allāh, peace be upon him said: [you may]
proceed.\textsuperscript{622}

Some scholars have allowed the employment of the \textit{Dhimmi} in this context, and
pointed to the action of the Prophet, peace be upon him, in accepting the help of some
Jews, and giving them share in the booty. They also pointed to the action of the
Messenger of Allāh, peace be upon him, in sending a non-Muslim to spy on the
disbelievers in al-Hudaybiyah\textsuperscript{623}, however they set conditions, in that:

1. He must be an obedient follower,
2. he must be trustworthy,
3. and there must be a genuine need that cannot be met by others.

Furthermore, they criticised the evidence proffered by the Mālikī scholars and said
that it had been abrogated, and that the Prophet, peace be upon him, did not trust the
man, not because he was a non-Muslim. It seems that this opinion is much clearer,
and more fitting to reality, especially if the conditions mentioned are met.

The positions mentioned before: \textit{Khilāfah}, ministerial and related posts, have religious
and security sensitivities attached, and therefore attracted the disagreement mentioned
before.

As for the variety of other positions in the Islamic state, some carry the importance of
sensitive posts, and so the same ruling applies. Others are simply public service
office, where scholars have allowed \textit{‘Ahl al-Dhimmah} to take up. The Islamic history
is witness to the freedom granted \textit{‘Ahl al-Dhimmah} in taking positions in the Islamic
state. Adam Metz states:

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{622}Narrated by: Muslim in his Sahih, Bāb Ghazawāt Dhāt al-Riqā', 3882.
\item \textsuperscript{623}Nimr Muhammad, \textit{‘Ahl al-Dhimmah wa al-Wilāyat al-‘Āmmah fī al-Fiqh al-‘Isla‘ī}, p. 147.
\end{enumerate}
\end{footnotesize}
Islamic legislation did not close in the face of 'Ahl al-Dhimmah any opportunity to work. They were well-established in the professions, which brought huge profits. They were money changers, traders, and doctors. Moreover, 'Ahl al-Dhimmah organised themselves to such an extent that the majority of expert money changers in Shām, for example, were Jews, while the majority of doctors and scribes were Christians; the leader of the Christians in Baghdad was the Khalīfah's personal doctor.""624

This testimony given by Metz is a description of the reality of the Islamic legislation, and its magnanimous nature, where it did not prevent 'Ahl al-Dhimmah taking public roles, occupations, and trades. This is confirmed by al-Mawdūdī in his book: Ḥuqūq Ahl al-Dhimmah fī al-Dawlah al-'Islāmiyyah, where he says: and they—

'Ahl al-Dhimmah—had the right to enter into all government jobs except certain main positions, and were not treated in any sectarian way, whereby qualification and competence where the standard against which both Muslim and non-Muslim were measured. Those who were qualified and competent were granted the position irrespective of background. What is meant by main positions are those that are of vital and fundamental importance to the Islamic system, relating to setting out scientific plans, directing the various arms of government, and such positions in every regime are not given except to those who believe in its principles. As for administering the affairs of the state, then there is no prohibition on their take up of the posts of Auditor-General, Postmaster General, etc. as well as military positions unrelated to war and combat in a direct way; these are open to Dhimmi. As for the professional

624 Adam Metz, the Islamic Civilisation in the 4th Hijri Century. 1/86.
trades, trading, farming, these are completely open to *Dhimmi*ș, and Muslims will not have preferential treatment compared to others.\(^{625}\)

As for those who prohibited the employment of *Ahl al-Dhimmah*, they shared the same evidence as al-Samhûdî:

- From the Qur’ân:

\[
\text{\textit{Allah will not grant the disbelievers upper hand over the believers.} }^{626}\]

Also:

\[
\text{\textit{The believers should not take non-believers as friends. Anyone who does that has nothing to do with Allah at all --- unless it is because you are afraid of them. Allah advises you to be afraid of Him. Allah is the final destination.} }^{627}\]

And:

\[
\text{\textit{You who have 'Imân! Do not take any outside yourselves as intimates. They will do anything to harm you. They love what causes you distress. Hatred has appeared out of their mouths, but what their breasts hide is far worse. We have made the Signs clear to you if you use your intellect}}^{628}\.
\]

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\(^{625}\) al-Mawdüdi, Ḥuqūq Ahl al-Dhimmah fi al-Dawlah al-Islāmiyyah, p.35.

\(^{626}\) Al-Nisâ’ : 144.

\(^{627}\) Āl-’Imrân: 28.

\(^{628}\) Al-’Imrân: 118.
They also put as evidence the position of ‘Umar when he condemned the action of abū Mūsā al-Ash‘arī in employing a Christian scribe.\(^{629}\)

Among the logical proofs used, was the prohibition on marriage of a *Dhimmī* man to a Muslim woman. This indicates that they are not allowed to take authority in the affairs of the Muslims, due to the fact that they are not allowed to do so in the affairs of a Muslim woman, which is a private matter.\(^{630}\)

As for the scholars who considered it permissible, they have used the same evidence relating to the military aspect in war, and moreover, added other evidence, among which, where the Messenger of Allāh, peace be upon him, employed ‘Abd Allāh ibn ‘Urayqit, who was a non-Muslim, in the *Hījra* (Migration to Medina). Highlighting that this employment was in a highly sensitive matter relating to the religion, the State, and the very life of the Messenger, peace be upon him. They also put forward this statement by the Messenger, peace be upon him: "the Romans will make a treaty with you, which will hold, then you and they will fight an enemy; you shall be supported, safe, and win booty...": this shows that the Muslims will participate with the Christian Romans in fighting a common enemy.\(^{631}\)

As for the verses of the Qur’ān mentioned by those prohibiting, and which forbid taking the non-Muslims as allies, and that these prove that they are not to be employed; in them there is no indication to that effect. The verses did not mean non-employment, rather non-support. Therefore, al-Ṭabarī in his book of Exegesis regarding taking non-Muslims as allies and friends states: “This means that, you, the

\(^{629}\) Ibn al-Qayyim, *Ahkām Ahl al-Dhimmah*, 1/211.


\(^{631}\) Nimr Muhammad, *’Ahl al-Dhimmah wa al-Wilāyat al-‘Ammah fi al-Fiqh al-‘Islāmi*, p 151.
Muslims must not take the non-Muslims as support or allies in your religion, to confront other Muslims, and pointing out to them the Achilles heel of Muslims.\footnote{632} As for the evidence relating to the provision of marriage between a Muslim woman and a Dhimmī, this is refuted by those who permit employment of Dhimmīs, that there are many State positions that offer no authority over Muslims.

In reality, the disagreement on this issue is complex and intertwined, in regard to the evidence and statements by other scholars. The intention was to clarify some areas of the issue rather than delve into it comprehensively. In conclusion, the issue is not as clear cut, as presented by al-Samhūdī.

\footnote{632}Al-Ṭabarī, Taṣīr al-Ṭabarī. 7/138.
Conclusion:

This study aimed to authenticate one of the manuscripts of the ninth Hijri century manuscripts that is attributed to Nūr-al-Dīn al-Samhūdī that is entitled *Al-Lu’lu’ al-Manthūr fī Nasīḥat Wulāt al-‘mūr*. This manuscript undergone a critical and analytical study. I referenced the Qur'anic verses and the prophetic Hadiths and biographies of those notable persons mentioned in the manuscript. I tried to give a Picture of the author's life and the age in which he lived with a study of his style and methodology, comparing the sources upon which he depended in his manuscript. I also studied the important opinions of the autor that were mentioned in his manuscript and I mentioned the opinions different from his. I studied the three components upon which the science of kings and rulers preach is based; these are (advise, rulers and scholars). Through this study I get out with the following conclusion.

Al-Samhūdī was able to firmly establish one of the most important schools of ethical and social Tarbiyah (education, upbringing). This involves mixing dry scientific concepts with religious Shari’ah concepts, in a format that religious scholars have agreed the terms: Raqā’iq (reminders that soften the heart) and Wa’z (admonition), to describe. He did not make the book solely scientific, nor solely admonitory; rather he
merged both in a wonderful mix, but with admonition having the upper hand.

The book is evidence of the state of the Islamic environment and society, in terms of freedom to criticise, clarifying mistakes, and working to remedy them, even if these mistakes were those made by the head of state or minister, without fear of oppression or repression.

The book revealed how scholars were knowledgeable of the circumstances of their time, the course of events, and policies in their lands. Moreover, that in Islam there is no hermitage, nor separation between religion and worldly life, rather religion and life together formed a harmonious synthesis on which the rhythm of worldly life ran to the good of human beings and all mankind. The distinguished scholar is one who possesses an encompassing knowledge of the Shari‘ah regarding Ḥalāl (the lawful) and Ḥarām (the prohibited), without missing the opportunity to know the state of the environment and land in which he lived. Wherever there are successes, the scholar will strive and exert effort to consolidate them, and wherever there are negatives he will strive and exert effort to remove them.

The book gives us an impression of the simple social life represented by people's livelihoods, their food and drink in one of the times during the
Mamlûk era in Egypt and Shām (the area of present-day Lebanon, Syria, and Palestine).

The book gives us a reasonable idea of the course of events in the Islamic State at the time, and what he warned about at that time were those things that he wished to change in the head of state or ruler. Issues that were among the critical factors that led to the decline of that State, and led to its end. It allows us to benefit from that lesson on the level of States and individuals in our contemporary times, and looking into the future.

Al-Samhûdî enriched the body of knowledge in some issues of Shari‘ah like: Ahl al-Dhimmah, the Muḥtasib, and ministers.

In reality, the book has a clearly undeniable importance, which led us to seek to bring it out to the world, so that people—rulers and those they rule—benefit from it.
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Critical Edition
العنوان اللؤلؤ المنثور في نصيحة ولاة الأمور
المؤلف الهمودي: نور الدين أبو الحسن علي بن عدل الله بن أحمد الحسين الشافعي (911 هـ)

البداية
الحمد لله الذي فتح بمنفاته الغيور أقف القلوب... فهذا كتاب لطيف نفس جمعته من الجامع الصغير... وبداية النهاية للنبر الموصوب في نصيحة الملوك ومفيد النعيم للبضيِكي وكتاب فاكهة الخلفاء لابن عرب شاه وقع النفوذ للإمام الحسن...

النهاية... ولا ينال شيء من المكروه مطلقاً بعون الله تعالى وهذا ما انتهى إلينا من كتاب اللؤلؤ المنثور في نصيحة ولاة الأمور.

التاريخ
الناشر على بن محمد المونوفي الشافعي

اللغة
الأوراق
الخط
الأسطر
تاريخ التأليف
المقاس

ملاحظات
نسخة واضحة. عناوين الملف موضوعات بخط أكبر.

المصدر: دار الكتب المصرية - تيمور، اجتماع 34

العنوان
اللعبة المنتهية في نصيرة ولادة الأمور
المؤلف الس мероприيء: نور الدين أبو الحسن علي بن عبد الله بن أحمد الحسن الشافعى (ت- 911 هـ)

البداية

النهاية

التاريخ

الناصخ

الخط

اللغة

الأوراق

المقاس

التعليقات

المصدر

raison إضافي المكتون: 2/417 // الأعلام للزركي: 4/307

دار المخطوطات

المصدر

صنعاء
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
كتاب
اللؤلؤ المنثور
في نصيحة ولاة الأمور

تأليف
نور الدين السمهودي

القسم الثاني
النص المحقق

تحقيق
ـبدر إدريس
المقدمة
بسم الله الرحمن الرحيم

[يا فتاح يا عليم] ١

الحمد لله الذي فتح بمفاتيح الغيب وب İl cl لـ, ورفع حجاب السترات،
وأنذر بنور succès، فظهر ما كان محتوب، وجلى عرائس الوجود في مراءة
الشهداء، فمن فهم المقصود بلغ المطلوب١, ووفق من شيء من عبادة
فجاء في الله حق جهاده، ٢, ففاز من نيل٥ (مراده٤), بما سابق له في
المكتوب٤.

(أحمد حد من إليه يؤول، ومن ذنيه يؤوث، ومن آوى إليه بلغ
المقصود٤), وأشهد أن لا إله إلا الله (وحده لا شريك له١), شهادة أخيرة
لتفريج الكروب٦.

(أشهد أن سيدنا [مولانا]٧ محمدًا (عبده ورسوله الذي اختاره من الأنصار
محبوبًا فنعم المحبوب٦), صلى الله عليه وعلى آله وأصحابه (صلاة وسلاماً
دائمين متلازمين إلى وعد غير مكذوب٦) وведع٦.

(١) من (ٍـ).
(٢) ليست في (ب).
(٣) ليست في (د).
(٤) في (صر) المراد.
(٥) ليست في (ص).
(٦) ليست في (ب).
(٧) من (ب).
(٨) ليست في (ب).
(٩) في (ب) صلاة دامنة إلى يوم وعد غير مكذوب.
فهذا (مجموع) (1) لطيف [نقين] (2) جمعته من كتب متعددة وهي "الجامع الصغير في حديث البشیر الذهبي" للجلال السيوطي (3) ، و"بداية
الديانة" (4) للغزالي (5) ، والبر المسبوك في نصيحة الخلوك (له
أيضاً) (6) ، وكتاب "معيد النعم" للإمام السبكي (7) ، وكتاب "فاكهة
الخلفاء ومفاهية الظرفاء" لأبن عرب شاه (8) ، و"قمع النفس" للإمام
(9) في (د) كتب.
(2) من (6).

هو الإمام أبو الفضل عبد الرحمن بن الكمال أبي بكر الحضري الشافعي ، العالم العلامة الحد
البحر ، أعجوبة الدهر ، صاحب المؤلفات الحافلة الجامعة المتقدة التي قاربت ستينات مصنف ،
ولد سنة 839 هـ ، وتوفي سنة 911 هـ.
انظر ترجمته في : حسن المحاضرة (187/1) ، والضوء اللامع (15/4) ، وتاريخ ابن إياس
(63/5) ، وشترات الذهب (51/8) ، والكواكب السائرة (278/1) ، وآداب اللغة (318/3) ،
(1) في (د) النهاية وهو خطاً.

 هو الإمام الأصولي الزاهد الورع ، صاحب إحياء علوم الدين وغيرها من الكتب النافعة ، أبو
حامد محمد بن محمد بن أحمد الطوسي الشافعي الのごالهي ، صاحب التصانيف والذكاء
المفرط ، ولد سنة 405 هـ ، وتوفي سنة 505 هـ ، وله خمس وخمسون سنة.
انظر ترجمته في : سير أعلام النبلاء للذهبي (23/191) ، وطبقات النافعية (19/2) ،
ومرأة الحنان (142) ، والواقعي بالألفيات (297/2) ، ومقتلاج السعادة (191/2) ، وآداب
اللغة (91/1) ، وتعيين كتب المفتي (191) وغيرها.
(6) ليست في (د) ولا (ص) .

(7) هو الإمام الأصولي البارع الفقيه الشافعي النجيف ، عبد الوهاب بن علي بن عبد الكافي
السكي ، أبو نصر ، فاضل القضاة الشافعي ، ولد سنة 627 هـ ، وتوفي سنة 771 هـ
شيهم بالطاعون.
انظر ترجمته في : جلالة العينين (17/1) ، والصدر الكامنة (26/2) ، وحسن المحاضرة
(18/1) ، وأعمال الزركلي (4/184).

(8) هو أحمد بن محمد بن عبد الله بن إبراهيم أبو محمد شهاب الدين . المعروف بابن عرب شاه .
توفي سنة 654 هـ.
نظر ترجمته في : جمعه اللامع (26/2) ، والبر المسبوك (325) ، آداب اللغة
(3 5 5/1) ، وشترات الذهب (51/8) ، والبر الطالع (1/9/1).

(9)
الحصني (۱) (کتاب السياسة في تدبير المملكة وحفظ الرباسیة
تنمرسوسی) (۲) ، و "تدبیر الرباسیة في الحكم والسياسة " لأبی الحسن
الآهواری . [ویکی‌ها] (۳) مما طالعته من المجامع بمصر وأرض الیمن ، وسمیته
"الیولیوس المیثون في نصیحة ولاة الأمور " وجعلته مشتملاً على نصائج وآداب
نذرة لأولی الأليب ، وعملًا بما جاء به الكتب المبین ، (ویکی فان الذکری تنفع
المعلومین) (۴) .

ورتبته على أربعة أبواب راجیاً من الله (تعالی) (۱) الكهربة الهدایة
إلى (طرق) (۷) الصواب ، (وأن يوفق من عمل به إلى هدى ينجزه غداً من عذاب
النار وسوء الحساب دی رب الأرباب) (۸) ، إنه بالإجابة جدیر ، وبعبده
لطیف خبير .

(۱) هو الإمام الفقهی الزاهد الورغ ، محمد بن محمد بن عبد الموسی بن دریز بن معلی الحسینی
الحصني ، الشافعی المذهب ، صاحب كتاب كفاية الأخبار في الفقه الشافعی ، المتوفی سنة
۶۲۹ هـ .

(۲) في (د) وکتاب الطرسوسی .

(۳) هو عیوین بن علي بن أحمد بن عبد الواحد بن عبد المنعم الطرسوسی ، المتوفی سنة
۷۵۸ هـ .

(۴) انظر ترجمته في : الضوء الیعام (۸۱/۱۱) ، وشدارت النّزب (۱۸۸/۷) ، والبدر الطالع
(۱۰۹/۱) ۱.

(۵) انظر ترجمته في : الیندر الكامنة (۴۳/۱) ، والنجمة الیمیرة (۱۰۶/۲) ، والرؤوس المحتضنة
(۱۸۱/۱) ، والفوانیة للکنیو (۱۰) ۱.

(۶) انظر ترجمته في : النصر والیمیرة (۴۳/۱) ، وغيرهما والمثبت من (د) وهو الصواب الموافق للسیاق ، ولم أعتر على ترجمة
الأهوازی.

(۷) سورة الیمزادات ، آیة رقم (۵۵) .

(۸) من (د) .

(۹) في (د) وطریق .

(۱۰) ليست في (د) .
الباب الأول: في فضل العقل وتعريفه (وما خص الله تعالى به ذوي
العقل) (١). وما ورد في ذلك من الأخبار والأحاديث والآثار ونحو ذلك (مما
يأتي بيانه) (٢) [فيه إن شاء الله] (٣).
الباب الثاني: في بيان ما يجب ويتبع على ولاة الأمور [مِن] (٤)
العمل به (٥)، وما ينبغي (التحرز) (٦) منه ، (وما ورد من الأحاديث الشريفة في
حق وذة الأمور) (٧).
الباب الثالث: في أخبار وأثار ونصوص ورغائب وما وقع للملوك السابقين
من الأحكام ، وما ينبغي لولاية الأمور العمل به اقتداء بهم (٨).
الباب الرابع: في فوائد ومنافع (وخصائص صحت بالتجربة) ، جميعها مُن
مؤلفات الإمام الجليل أبي العباس (أحمد) (٩) البيوني (١٠) ، وغيره مما (١١)
(يحتاج إليها) ، وأشد الناس إليها احتيالاً ولاة الأمور (١١).

١) ليست في (ص).
٢) ليست في (ص).
٣) من (ص).
٤) من (ص).
٥) ليست في (ص).
٦) في (ص). التجزئة.
٧) في (ص). وما ورد في ذلك من الأحاديث.
٨) في (ص). فيما وقع للملوك السابقين وأخبرهم ونصائحهم ، وما ينبغي لولاية أن تعمل به.
٩) ليست في (ص).
(١٠) هو أحمد بن علي بن يوسف ، أبو العباس البيوني ، المتوفى سنة ٦٢٢ هـ ، له كتاب في علم
الحروف والنغمات أشهرها كتابه : شمس المعارف الكبرى.
(١١) نظر ترجمته في : كشف الظلال (١٦٠٢)، ومعجم سركيس (١٦٦١) وهديه العمارين
١٠١٥، وجمع كرامات الأولياء (١٣٣٢)، وأعلام الزركلي (١٦٥٩) وغيرها.
١٢) ليست في (ص).
١٣) في (ص). يحتاج إليها ولاة الأمور.
فأقول راجياً من الله تعالى ( الإخلاص والقبول ) (1):
الباب الأول

في فضل العقل وتعريفه
الباب الأول

في فضل العقل وتعريفه، (وما خص الله به ذوي العقول، وما ورد في ذلك على ما يأتي بيانه) (1) [إِن شاء الله تعالى] (2)

عندنا إذا لم نبدأ إلا بالعقل (الآن) (3) الله تعالى ما خاطب به إلا أولوا الألباب.

أي ذوي العقول (4) فقال في كتابه المكتون: "إِنَّ فِي ذَلِكَ لَا يَشْكُرُوا لِقُوْمٍ يَغْفِلُونَ" (5).

وقال في محكم الكتاب: «إِنَّمَا يَذَّكَّرُ أَوْلَوا الأَلْبَابِ» (6).

وقال تعالى: "وَتَلَّكَ الآمِنَاتُ نَصْرُبِهَا لِلنَّاسِ وَمَا يَغْفِلُهَا إِلَّا الْعَالِمِينَ» (7) صلى الله العظيم.

روي (8) "أن الله تعالى لما خلق العقل أوقفه بين يديه في أحسن صورة.

فقال له: "أقيل". فأقيل.

ثم قال له: "أديب"، فأديب.

(1) ليست في (ص).
(2) من (ص).
(3) في (د) إلا أن.
(4) زاد في (ص) وما ورد في ذلك على ما يأتي بيانه وهي زيادة مقصمة.
(5) سورة النحل، آية رقم (77).
(6) سورة الرعد، آية رقم (69).
(7) من (ص).
(8) سورة الممكوت، آية رقم (43).
(9) في حاشية (الأصل) : قوله : روي ... إن : هذا الحديث قال بعض العلماء إنه موضوع.
فقال: وعزتي وجلالك لأجعلك في (خبر) (1) خليقي، (ما خلقت خلقًا أعظم
علي منك) (2)، بك أحسن، و بك أفضى، وبك أحسن، وبك أعظم "(3).
والدليل على ذلك أن الله تعالى جعل نظام العالم من طاة (بشيئين) (4): الأمر
وانتهى، وكلاهما موقوف على الأعالى
وتعريف العقل هو: قوة غريزية يسكنها (الحق سبحانه تعالى) (5) في
الخصائص [من خلقه] (1) يؤدي (على) (6) إدراك المعقولات.
ومحله الرأس، وله نور متصل بالقلب، وعند بعضهم أن محله القلب،
وله نور متصل بالرأس [قال الله تعالى (له هم فلوبعون بها)] (8).
وهو ينقسم إلى قسمين:
قسم: لا يقبل الزيد والنقصان.
قسم: يقبلهما.

(1) في (صر) حسان.
(2) في (صر) خلقت خلق علي أعظم منك.
(3) ورد هذا الحديث من روایات عدة، وكلها لا تصح وقد نص الأئمة - رحمهم الله تعالى - على
أن الحديث موضوع كتب، قال ابن القسي - رحمه الله تعالى - في كتابه تقد المفصل (16): 
أحاديث العقل كلها كتب كفولاها: لما خلقت لله تعالى قال له: أقبل، فأقبل، ثم قال له: أدبر.
فأدر، فقال: ما خلقت خلقًا أكرم على منك، بك أحسن، بك أعظم.
وفي كشف الخفاء (675): قال الزركشي: كتب موضوع بالنفاق.
وإنها هذا قال الصاغي في كتابه الموضوعات (84).
(4) في (د) بسبب.
(5) في (د) الله تعالى.
(6) من (د).
(7) في حاشية (الأصل): على سمعي: إلى، وفي (صر): إلى.
(8) من (د)، ووازيده من سورة الحج، آية رقم (62):
أما النص الذي لا يقبل الزيادة والنقصان فهو العقل الغربيزي، الذي يجري به أصله على صاحبه عند الاحتمال، فعند ذلك يجري عليه التكليف بالأحكام الشرعية.

وأما الذي يقبل الزيادة والنقصان فإنه يجري بنظامياته ونظاماته كسببية بسبب التجربة والواقع والحوادث، ولهذا كل حيوان يولد يعقله الذي خصه الله به كمالاً إلا الإنسان. ألا ترى ولد الدابة حين يولد يعقل ثديًا أمه (ففي لقمه) في الوقت، ثم يجري بعينه وشمالًا، فإذا بلغ بناً [و نحوها] وقف (ورفع) التهذير (خوف التردي) فيها بخلاف الإنسان، (حيث أخذ الجمرة وترك التمرة) فينها كلهما كبير زاد عقله إلى أن يبلغ أربعين عاماً، قال الله (عز وجل): (1) حثى إذا بلغ أشده وبلغ أربعين سنة (2)، ف اعتبار هذا الحال يكون الكهل أصح عقلاً وأكمل تدبرًا.

قال الحكمة: من ببضت الحوادث سواد لمته، وأخلقت [التجارب] لباس (جده) (3)، وأرضعه الدهر من وقائع الأيام أخلاقاً رذته (ورآد) (4)، الله تعالى بكثرة ممارسته للأمور تصاريف أداره وأقضيته، كان جديراً برجاحة.

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(1) من (صر).
(2) في (د)، (صر) فلالقمه.
(3) من (د).
(4) في (صر) أو رفع.
(5) في (صر) خوفًا للرديه.
(6) في (د) فإنه إذا وضع له جمرة وتمرة ربما أخذ الجمرة وترك التمرة.
(7) في (صر) تعالى.
(8) سورة الاحقاف، آية رقم (15).
(9) في (الأسول) (د) تجارب والمشت من (صر).
(10) في (صر) جلته.
(11) في (صر) وأراد.
العقل ورزانته (1) [خصوصاً من فقهه الله في الدين وجعله بزيادة العقل من
عظماء الراسخين (2) ، فهو في (قومه) (3) بمنزلة النبي في أمته ، قال :
ما اهتدى الله لامرئه بيئة
أشرف من عقله ومن أدبه
هـا جمال الفنال فـانـ فقدا فـقهـا للحياة أليـق بـهـ
قال سعيد بن جبير (4) : ما رأيت للإنسان لباساً أشرف من العقل.
وأول شيء يحتاج إليه الإنسان العقل الممتاز بالعلم (5) ، ومن علامات
العقل أن يتجاوز عن من ظلمه ، وأن يتواضع لمن هو دونه ، (التفاوت) (6) عن
قول سوته ، وأن يكون شاهد البديهة إلى فعل الخيرات.
ستل أحد الحكماء : (بم) (7) يعرف عقل الرجل ؟
قال : بقلة كلامه ، فإنه إذا تم العقل نقص الكلام .
واعلم أن الدين تابع للعقل ففيه كان العقل كان الدين معه ، (العقل) (8)
جمال الإنسان ، وجماله العلم ، ونظامه التدبير ، وليس للملوك شيء أحسن من
هذه الخصال ، فمن اجتمع فيه العقل والعلم والتدبير فقد حاز خصالاً حميدة وهي :

_________________________
(1) في (ص) برزاعة العقل ورحانه .
(2) من (ص) .
(3) في (د) قوله .
(4) هو سعيد بن جبير الكوفي ، الإمام الشهيد ، قتله الحجاج بن يوسف الثقفي ، الأمير العظالم
المبرب سنة 95 هـ .
(5) انظر ترجمته في : سير أعظم النبلاء (24/21) ، وطبقات ابن سعد (2/36) ، وطبقات خليفة
(24/2) ، والمعارف لابن قتيبة (55/4) ، وتاريخ الإسلام للذهبي (2/3) ، والعبر للذهبي
(3/1) وغيرها .
(6) ليست في (ص) وجعلها في آخر الجملة .
(7) في (ص) وتفاوؤل .
(8) في (ص) فان العقل .
الدين والأخلاق والأدب والأمانة والثقة والقناعة والرحمة والحياة والرخاء والوفاء،
والمصداق والسكونة والحلم (والعدل) (1) (والجودة) (2) (والمداراة) (3) وحسن الخلق،
فهذه خواص أدب الملك.

واعلم أن العقل والتدبير أخوان، فمن أعطاه الله تعالى عقلاً فقد حاز
التدبير، وكل عيب أو نقص صدر من إنسان إما صدر عن قلة عقل؛ لأنه لو
كان عاقلاً لتتدبر عاقبة ذلك الشيء فلا يصدر منه نقص (ولا) (4) عيب وما أحسن
قول يزدجر حين سألته أبو شروان (5) : ما زينة الإنسان؟
قال: العقل الذي يسود به على سائر الأفراد.
قيل: إن لم يكن؟.
قال: أدب يتميز به على سائر الإخوان (1).
قيل: فإن لم يكن؟.
قال: خلق حسن يؤدي [إلى السلمة] (2) يوم يوضع الميزان.
قيل: فإن لم يكن؟.
قال: كرم يستميت به قلوب الأصدقاء والإخوان (6).
قيل: فإن لم يكن؟.

(1) في (الأصل) والعقل ، والمثبت من (د) ، (وص).
(2) في (الأصل) والتودد ، والمثبت من (د) ، (وص).
(3) في (ص) والمودة.
(4) في (د) أو .
(5) أبو شروان ملك من ملوك الفرس ، كان يضرب به المثل في الحكم والعقل والفهم وسياسة
الأمور ، ويزدجر هو وزيره ، ولم أجد له ترجمة مفصلة ، وإنما يذكر في كتب الآداب
والحكم.
(6) سقطت من (الأصل) ، والمثبت من (د).
(7) في (الأصل) : على سلامته ، والمثبت من (د) ، (وص).
(8) في (د) ، (وص) والجيران.
قال: [صمم] (1) يستنفّه وجهة.
قيل: فإنّ لم يكن؟
قال: صاعقة من السماء تنزل عليه تحرقه.
قيل: فئما يعرف كلام الرجل وكلامه إذا كان غائبا؟
قال: يكتب ورسوله وبهديته، فإن كتابه يخبر عن نطق لسانه؟ لأنّ الفضل
أحد الناسين، ورسوله قائم مقام نفسه؛ لأنه ما أرسله إلا وقد تخيره، وهديته
عنوان همته.
سنن عبد الله بن عباس رضي الله عنهما (2) بما الدليل على كمال عقل
الرجل؟
قال: إذا صنع المعروف مبدئاً به، وتجاوز عن الزلة، (وتجنب بواطن
السوء) (3).
وليس من كمال الرجل العاقل أنه إذا وقع في أمر اجتهد بعقله في الخلاص
منه بحسن التدبير، [بل] (4) من كمال العقل أن يحرص على نفسه [أن] (5) يوقع
في أمر يحتاج إلى التدبير في الخلاص منها (6).

(1) في [الكتب] سمت، والثبت من (د) (ب) (ص).
(2) هو الصحابي الجليل حبر القرآن عبد الله بن عباس بن عبد المطلب، ابن عم النبي ﷺ. توفي
عبد الله بن عباس بالطائف سنة ثمان وستين في أيام ابن الزبير، انظر ترجمته في: سير
أعلام النبلاء (2/53) ومناقشات خليفة (181)، وحلية الأولياء (141) وغيرها.
(3) في (ص) (د) وتجنب مواطن الاعتداء، والحديث لم أجد.
(4) في (ص) (د) ومن (ص).
(5) في (الكتب) و(د) أو والثبت من (ص).
(6) في (ص) (ب) (نص)
واعلم أيضاً (الناظر في هذا الكتاب أن صانع المخلوقات سبحانه وتعالى) جعل
مدار أمور العبادة (ومبناها) في المبدأ والمعاد على دلائل عظيمين:
أحدهما: العقل الذي هو مناط التكليف، وثانيهما: قواعد القرأن.

الشريف.

فمن أراد سعادة الدارين (فلتمسك) بهذين الدلائلين فتبين [هذا] أن
مدار الأمور الدينية والدنيوية على العقل (الذي يؤخذ به الإنسان إذ هو شرف لكل
إنسان). (4) قال رسول الله ﷺ: "ما قسم الله لعباده خيراً من العقل، وإن نوم العاقل
خير من عبادة الجاهل". (5).

وقال العلماء (العاملون): العقل: سلطان، وزيره: التدبير،
وجنوده: الفكر والتوليد والعدل والمداراة والعلم والحلم وحسن الخلق.
(وإن أحق) الناس بالحكم من كان قلبه (مكانًا) للدين والعقل ورأيه
(خزانة) العلم والفضل، وأن يكون مصاحبه مع العلماء ومشاركته مع ذوي
(الإذراء العقلا). (6)
من الذين خصهم الله سبحانه وتعالى بكمال العقل : قس بن ساعدة (1) فإنه
كان في زمن الجاهلية قبل مبعث النبي ﷺ تأمل في مصنوعات الله عز وجل,
وتفكر في خلق السماوات والأرض فهذيّ بعقله إلى أن آمن بالله ورسوله قبل أن
يبعث (رسول الله ﷺ) (2) ويات على الفطرة الإسلامية ، (ولم ير النبي ﷺ) (3)
بديئن أنه لما (نظر) (4) متآملاً في مصنوعات الله عز وجل قال :
يا أبا الناس اسمعوا وعوا ، وإذا وعيمت (فأيقنوا) (5) : إنه من عـش
مات ، ومن منتفات ، وكل ما هو أت آت ، مطر ونبات ، وأزق وأقواس ،
وآباه وأمهات ، وجمع وشذات ، وأيات بينات ، إن في السماء لخير.
إنه في الأرض لعبر ، نبت داج ، وسماء ذات أبراج ، وبحار ذات
أمواج ، ماليز أرى الناس يذهبون (ولا) (6) يرجعون ، أرضوا بالمقام فأقاموا ، أم
تركوا هناك فناماً.
أقسم قس قسماً لا (حانته) (7) فيه ولا أثماً ، إن شهداً هو أحب إليه من
دينكم الذي أنت عليه ونبأ حان حينه ، وأثككم أوانه وأدرككم آياته ، طوبي لمن
آمن به فهداه ، والويل لمن خلقه وعصاه ، (تبا) لأرباب الغفظة من الأمم الخالية
1) شاعر من شعراء الجاهلية ، وكان يضرب به المثل في الفضاحة والبلاغة والحكمة والعقل ،
وبلاء : إنه كان على دين إبراهيم عليه الصلاة وسلم ، ويدعو العرب إلى نبذ العقول على
الأوائل ، ويرشدهم إلى عبادة الخلق سبحانه ، توفي سنة 23 قبل الهجرة البولية ، انظر
البيان والتبين (27/1) والأغاني (14/1) وعيون الأنهر (8/1) وخارطة الأدب
البغدادي (277/1) ، وجواهر الأدب الهاشمي (376).
2) ليست في (د) .
3) ليست في (د) .
4) في (ص) نطق .
5) في (الأصل) فنفعها ، والمثبت من (د) ، و (ص) .
6) في (الأصل) فلا
7) في (الأصل) لا تحا ، والمثبت من (د) ، و (ص) .
القرآن الماضية (١)، يا معشر الناس أين الآباء والأجداد؟ أين (المرضى والعوان) (٢)؟ أين الفقراءة الشداد؟ أين من بني فشيد وزخرف [ونجد] (٣) وغييره من والود؟ [الب] (من طغي وجمع فاعلي) (٤)، وقال: أنا ربكم الأعلى؟ أو لم يكونوا أكثر منكم أموالاً وأبد منكم أمائداً وأطول منكم أجناداً طحنهم الشري بكالك (٥)، ومزقيهم ببطالبه، فتلك عظامهم بالبية، وقصورهم خالية. عمرتها الذئاب العديدة، (وصارت مسكتنا ومأوى للطيور والحوش الرائحة منهم والغادية) (٦)، كلاً بئث هو الله تعالى المعقرب، ليس بولد ولا مولود) (٧)، ثم أنشد يقول:

ففي المذاهب الأوليين لسنا رأينتم مسارداً (١) وآيتين قومنا نحوها (٢) أيتمنتم أندي لا مقالة (٣) فإن كان خيراً ينعم جميعنا

(١) ليست في (د).
(٢) في (ص) المرنص والعوانين.
(٣) كنا في (الأصل)، وليست في (د) ولا أعلم وجهها.
(٤) في (د) أين من يغني وطغي.
(٥) الكذك هو الغليظ الشديد، واستعاره المصنف على التراب، ومنه قول الأعرابية ترثي انها: ألفي عليه الدهمر كلكلا، من ذا يقوم يكلاً الذكر؟ أي يتقله وغلظه، وانظر نسان العرب (١١٠/٩٠).
(٦) ليست في (د)، و(ص).
(٧) ما بين معكرين ليس في (ص).
(٨) كنا في (الأصل)، وانجزوه في انكسار ظاهر.
(٩) هذا نبت لم أره عند من ذكر تلك الحادثة نفس، وانظر جواهر الأدب للإمام أحمد البهليامي (٣٧٦) وغيره.
فانظر (يا أخي) (١) أيها المتأمّل في هذا الكتاب (كيف) (٢) أدى نتيجة عقل،
هذا الرجل إلى أن هدي إلى الصواب فاستدل بكمال عقله على وحدانية الله تعالى،
وأنه لا بد من الفناء لجميع ما سواه، وأن البقاء [والدوام] (٣) الله (فهذا من الذين
خصص الله تعالى بكمال عقل هدى به إلى زيادة (عقل) (٤) ومعرفة خرج بها عن
حد الاكتساب فأدى به ذلك إلى الهدى (٥) فهذي بتقدير العزيز الوهاب إلى طريق
الصوراب (فكان من آب وأباني) (٦) قبل أن يبلغه رسول ولا كتاب.
قال رسول الله ﷺ: "ما قسم الله لعباده خيراً من العقل، وإن نوم العاقل
خير من عبادة الجاهل وضحك العاقل خيراً من بكاء الجاهل" (٧). (٨)
ولما كانت أمور العباد متوطنة بالعقل جعل الله تعالى أفعال (العباد) (١) منه
ما هو سبب نسعتهم، ومنها ما هو سبيل (لشفاوتهم) (٩)، ولما أن كان كل أحد لا
يعرف ذلك من تلقى نفسه أرسل الله تعالى بعض ملائكته لأشخاص اختصهم من
دون خليقته بالسعادة الأبدية في الأزل، وهم خلاصة الخواص من خلقه، فهم
النبياء المرسلون صلوات الله وسلمه عليهم [الجمعين] (١٠)، فأرسلهم إلى الخلق
ليوضحوا لهم طريق الحق، «لنَّاَ يٰكُونُ لِلنَّاسِ عَلَى الَّلَّهِ حَجَّةٌ بَعْدَ الرسِّل» (١١). (١٢)

(١) ليست في (٧) ، (١٠) ص.
(٢) ليست في (ص).
(٣) من (ص).
(٤) ليست في (ص).
(٥) ليست في (ص).
(٦) ليست في (ص).
(٧) ليست في (ص).
(٨) تقدم الكلام على أحاديث العقل.
(٩) في (ص)، (ص) الإنسان.
(١٠) كذا في (الأصح).
(١١) من (ص).
(١٢) ليست في (ص) والآية من سورة النساء، آية رقم (١٦١).
فكان آخرهم بعثاً محمد رسول الله ﷺ، فهو خاتم الأنبياء، لا نبي بعده، أرسله إلى كافة الخلق بشيراً ونذيراً، وأمر التقلين بطاعته، (فمن وله إله عقلاً راجعاً تدي فيما جاء به هذا النبي الكريم) (١) فهَدَى به إلى الصراط المستقيم فكان ذلك نتيجة العقل فهو من الذين وصفهم الله تعالى بقوله في الكتاب المجيد: "فإن فِي ذلِكْ لَذِكْرِى لِمَنْ كَانَ لَهُ قَلْبٌ أَوْ أَلْقَى الْسَمَّاءَ وَهُوَ شَهِيدٌ" (٢).

(١) سورة الفاتحة، آية رقم (١٨).
(٢) سورة الفاتحة، آية رقم (٣٧)
فصل في معرفة شرف الولاية

اعلم أن الله سبحانه وتعالى قد اختار خلقاً من خلقه بعد انقضاء رسله، فخصمه بالولاية على خلقه، وأمر العالم بإطاعته وهم أمرهم بإطاعة الرسول (عليه السلام)، وأوجب عليهم بقوله [ سبحانه] ( تعالى) : <فيَّ أَيُّهَا الَّذِينَ آمَنُوا أطِيعُوا اللَّهَ وأطِيعُوا الرَّسُولَ وَأولِي الأمر منكم> (4) فقرر سبحانه وتعالى طاعتهم بطاعته وطاعة رسوله، فهذا يبين أن مقدار الخلافة أجل مقدار، ومما يدل على [عظم] (5) قدرها وجلالة مقدارها ما ورد في الحديث الشريف (في الجامع الصغير للجلال (السويطي) (6) : [إِن الله تعالى إذا أراد أن يجعل عباداً للخلافة مسح بيده على جبهته] (7).

قال رسول الله ﷺ : "إذا أراد الله أن يخلق خلقاً للخلافة مسح بيده على ناصبه فلا تقع عليه عين إلا أحبته" (8).

(1) ليست في (د).
(2) في (د)، و(ص) رسله.
(3) من (ص).
(4) سورة النساء، آية رقم (59).
(5) في (الأصل) : جلالة، والمثبت من (ص)، ولست في (د).
(6) تقدم التعريف به.
(7) ليست في (د).
(8) حيث موضوع : أنظر حديث رقم (1561)، ضعيف الجامع الصغير للألباني، رحمه الله.
(9) أخرجه الحاكم في المستدرك، كتاب المناقب، باب فضل العباس (6421)، وضعه الألباني في صغير الجامع الصغير (642).

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وقال رسول الله ﷺ: إذا أراد الله يقوم خيراً ولئ عليهم صلحاًه وقضى بينهم علماً وجعل المال في سمحانهم، وإذا أراد بقوم شيراً ولئ عليهم سفهاءه وقضى بينهم جهالهم وجعل المال في خلافتهم.] (1)
فتبين بذلك أن من أؤتي الوزارة على خلقه [وعدل فيهم] (2) فقد آتاه الله خيراً كثيراً (3) لا اختياره إياها ولاً على أمور رعاياه، فمن أؤتيها فيجب عليه أن يعرف مقدار ما أنعم الله تعالى عليه حيث اختاره لها دون غيره، فيجب عليه أن يؤدي شكر هذه النعمه الجليلة المقدار، وأن يعمل فيها بما أمر الله تعالى (في محكم القرآن بقوله سبحانه وتعالى عظة لكل إنسان) (4): {إن الله يأمر بالعدل و الأخلاق} (5) ।

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(1) من (صر) والحديث آخر جاءه الدلالي في مسند الفردوسي، كما في ضريح الجامع (2:124).
وقال: موضوع.
(2) من (صر).
(3) في (2)، و(ص) عظيمها.
(4) ليست في (5).
(5) سورة النصر، آية رقم (90).
(فصل في أداء شكر نعمة الولاية) (1)

(اعنده) (2) أن لكل نعمة شكرًا خاصًا بها، كما أن شكر نعمة البصر غرض

ضرف عن محارم الله تعالى، وشكر نعمة كل جارحة صرفها فيما خلقت له،

وشكر نعمة الولاية العمل فيها بالعدل، وترك الجور (3)، فإن ولي الأمر إذا

عمال الرعايا بالعدل وبسطه فيهم، واجتنب الجور (ومواده) (4) دام ملكه؛ فإن

استعمل الجور وأقرر على الظلم خيف عليه انتراع هذه النعمة (من يده) (5)، فإن

النعمة إذا شكرت قرت، وإذا كفرت فرت.

(قال القروطبي) (6): والدليل على ذلك أن ملك الأرض والدولة والأموال

والمámara والولاية كانت للعرب خاصة دون غيرهم [من الترك والعجم] (7)، فلما أن

كفرنا النعمة انترع ذلك منهم، وصار ذلك في غيرهم من الترك والعجم، وسيقوا

في البلاد. بعد أن كان العز والملك لهم (إبزرة) (8) النبي ﷺ، وما جاء به من الدين

 والإسلام، فلما لم يشكروا النعمة وكفروها، فقتلوا بعضهم بعضاً، وسلم بعضهم

أموال بعض، سلبها الله تعالى منهم، ونقلاً إلى غيرهم كما قال الله تعالى (وإن

تنتظروا يستبدل قوماً غيركم) (9).

(1) ما بين المعروفين ليس في (ص).
(2) في (ص) وعلام.
(3) ليست في (د).
(4) ليست في (د).
(5) ليست في (د).
(6) ليست في (د).
(7) ليست في (ص) و (صر) والقروطبي هو أبو عبد الله محمد بن أحمد بن أيوب بن فرح

الانصاري الخزرجي الإندلي، من كبار المفسرين. صاحب التفسير والتذكرة وغيرهما من

المصنفات الشهيرة، كوفي سنة ۶۷۱ هـ. وآخر طبقات المفسرين للداودي (۱۲۰۶/۱).
(8) ص (ص).
(9) في (د) يترك.
(10) سورة محمد، آية رقم (۲۸)
 وعن زينب بنت حش زوج النبي ﷺ قالت : خرج رسول الله ﷺ يوماً فزعاً محرماً وجهه يقول : " لا إله إلا الله وويل للعرب من شر قد اقترب ، ففتح اليوم من ردم يأجوج ومأجوج مثل هذه "، وحلق بإصبعيه الإبهام والتي يليها .
قامت : فقلت : يا رسول الله أنهلك وفينا الصالحين ؟
قال : " نعم ، إذا كثر الخبث " (1).

(1) أخرجه البخاري (3683) ، كتاب التفسير ، باب قصة يأجوج ومأجوج ، ومسلم (288) ;
كتاب الفتن وأسرار الساعة ، باب اقترب الفتن وفتح ردم يأجوج ومأجوج .
فصل قوله: ويل للعرب من شر قد اقترب

المراد بالويل: الحزن، قاله (1) ابن عرفة (2)، وقال (3) أخبر
(النبي) (4) بما يكون بعده من أمر العرب وما يستقبلهم من الويل والحزن، (ألا ترى إلى قوله) (5) "لا ترجعوا بعدي كفارة (يضرب) (6) بعضكم رقاب بعض" (7). فلما أن كفرنا النعمة ولم يشكرها نقلها الله تعالى منهم (فجعلها) (8) في غيرهم، وجعلهم تحت قهر الملوك.

قال العارفون: الملك بدوم بالعدل، وإن كان الملك كافراً، ولا يبقى مع الجور وإن كان الملك مسلماً، (ولذا) (9) قيل: العدل [لا يدوم] (10) إن دام عمر، والجور [لا يدوم] (11) إن دام دمر.

(1) في (د) قال.
(2) هو الإمام: محمد بن عرفة الورغمي التونسي، ولد - رحمه الله - عام ستة عشر وسبعين، وتوفي عام ثلاثة وثمانين سنة هجرية، انظر ترجمته بتوسع في أول شرح الحدود لأبي عبد الله محمد الأنصاري التونسي، المتوفى سنة (942 هـ) (من 11: 48).
(3) في (د) وقد.
(4) ليست في (د)
(5) في (د) فقال.
(6) في (د) فضرب.
(7) في (د) بispers.
(8) أخرجه البخاري (21) كتاب العلم باب الإنصات للعلماء. ومسلم (26). متاب الإيمان.
(9) باب بيان معنى قول النبي ﷺ: "لا ترجعوا بعدي كفارة يضرب بعض رقاب بعض".
(10) في (د) وجعلها.
(11) في (د) وكذا.
(10) من (د) و(ص).
(11) من (د) و(ص).
شعر:

عinent بالعدل إن وليت مملكه
فالملك بالعدل يبقى دائماً أبداً
والهذ من الجور فيها غاية الحذر
ولا يدوم بجور في مدى (العصر) (1)

وابل على أن النعمة إذا شكرت قرت (جاء به النص القطعي يقوله
سجاحه) (2) وتعالى (الثن) (3) شكرت لأزيدكم ولنكن ككفرتم إن عداي
تثبيت (4) (5) (فقطع بالمزيد فيشري لولي الأمر أن يقابل شكر نعمة الولاية التي
أنعم الله تعالى عليها بما يناسبها من الشكر، وهو استعمال العدل مع الرعية
وإجتيب الجور في كل قضية.

قال الله تعالى (وأتشروناعي ولا تكفرن) (1) فإن الشكر يدفع (بلاغين
عقوي الدنيا والآخرة) (7) (ما يفعل الله بعذابكم يكفرتم وآمنتم) (8) وازداد
النعمة) (9).

(1) في (الن) فله.
(2) في (الثن).
(3) من (الثن).
(4) سورة البقرة، آية رقم (152).
(5) سورة النساء، آية رقم (7).
(6) نت في (5).
وليس الشكر باللسان خاصة؛ لأن القول قشر والعمل لدب، (قال الله تعالى: "أعلموا أن داود شكرًا") (١).

قال رسول الله ﷺ: "من سلف ظلم والجور، سل الله عليه وسلم الغليা وذره منه الغم" (١٠).

وقال ﷺ: "رجلان من أمتى يحرمان فاعليتي، ملك ظالِم مبتدع، (وغالب) (١١) في الدين يعتدى الحدود".

وحيث يعلم الملك أن الله تعالى (١٥) قد أنعم عليه بهذه النعمة (الجليلة) (١٥) واختاره للولاية على خلقه [١٦] (١٥) جعله ولي أمرهم دون غيره، (فليعامل) (١٥) رعاياه بما يحب (١١) أن يعمله الله به، وليبذل (الجديد) (١٦) والجهد في العمل بما يحب عليه مما هو مسؤول عنه يوم ينصب الميزان، (وليذكر) (١١) كما تدرين.

تذكى ذلك.

(١) سورة سبأ، آية رقم (١٣).
(٢) في (ب) ، (و) (ص).
(٣) في (ب).
(٤) لم أجد هذا الحديث.
(٥) في (الأصل) ، (ص) في (ب) بهاء المهمة، والمثبت من (د)، وهو المصدر لموافق.
(٦) في (الأصل) ، (و) في (ب) تسب للفظ في المعجم الكبير (١٢٥٩). وقال الهيثمي في مجمع الزوائد: (٢٣٥) رجال كبير ثقاف.
(٧) في حاشية (الأصل): لعلها وعالم.
(٨) من (ص).
(٩) في (ب) الغزالة.
(١٠) في (الأصل) ، (و) في (ب) المثبت من (د) ، (ص).
(١١) في (د) يحب.
(١٢) في (د) الجد.
(١٣) في (د) يذكر.
الباب الثاني
في بيان ما يجب [ويتعين] (1) على ولي الأمر العمل به وما يتحرز (عنه) (2)

سؤال من عقائج الحقائق: كم خصلة يحتاج إليها السلطان حتى يكون عادلاً؟

قيل: يحتاج إلى ألف خصلة وكلها مجموعة في خصلتين، إذا عمل بهما كان عادلاً. وهما أمن العباد، وعمران البلاد، كما أمر الله تعالى: اعصر بلادي. وأنصف عبادي، فإذا فعل ذلك كان تحت ظل عرش الرحمن (3).

أعلم أن أول شيء يجب على (الملك) (4) العمل به نشر العدل الذي هو صلاح العالم، إذ هو الأساس الذي (بيبني) (5) عليه (نظام) (1) الملك؛ (لأنه - أي العدل) (1) - أساس الدين.

قال الله تعالى في محكم القرآن: ﴿الله الذي أنزل الكتاب بِالحق ﷺ وكَلِمَتَانِ (ة) ﴾ (والميزان) (6) (والميزان يحتاج إلى ثلاثة أشياء: عمود وسوان وكفتان.

فعمده: السياسة، ولسانه: حسن [المسيرة] (3)، وکفتاه: الرفاهة والنصيحة، فالعدل في الرغبة والسياسة في الجند حتى لا تؤذي الرغبة.

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(1) من (ب)، (ص).
(2) في (د) منه.
(3) ليست في (ب)، (ص).
(4) في (ص) الملك.
(5) في (ب) ببني.
(6) في (ب) أساس.
(7) في (ب) لآن تعذ.
(8) سورة الشورى، آية رقم (17).
(9) في (الأصل): السبب، والمتبع من (د)، (ص) وهو الموقف للسيبأ.
حسن السيرة في الكل)١.
فالعدل هو ميزان الله [ تعالى ]٢ في الأرض إذ يوحي به [بتنصّف ]٣ المظلم مع ظلمه ، وبه يؤخذ للضعيف منقوي [حقه ]٤ ، وبه يتميز الحق من الباطل
فمن عمل به قاده إلى الجنة ، ومن تركه ساقه إلى النار ، والميزان يحتاج إلى ثلاثة أشياء : عبود ، ونسان ، وكفتان . فعموده السياسة ونسانه حسن السيرة ، وكفتان الرأفة والنصيحة ، فالعدل في الرعية ، والسياسة في الجند وحسن السيرة في الكل )٥(. ولولا عدل السلطان لم يقدر التاجر أن يتجار ، ولا المزارع أن يزرع ، ولا الصانع أن يستغل ، ولا العالم يبذل العلم ، الكل راجع إلى السلطان ، والسلطان إلى العدل ، والعدل يرجع إليه )١(. وهو - أي العدل )٦- من صفات ذات من تتعلق به نجا وأدخله الجنة ، وكل الأعمال (بوزن )٧ بميزان العدل ، ولم يخلق الله تعالى في الأرض أفضل من العدل . قال رسول الله ﷺ : "أحب الناس إلى الله وأقربهم السلطان العادل وأبغضهم (في)٨ الله وأبعدهم السلطان الجائر "(٠٠).
(قال) رسول الله ﷺ: "عُدِّلُ السَّلَطَانُ يُوْمَا وَاحِدًا خَيْرًا مِن عِبَادَةٍ سَبَعِينِ سَنَةٍ" (١)؛ لَنَّ الْعِبَادَةَ خَاصَّةً بِالْبَعِيدِ، وَالْعِدَّلُ شَامِلُ لِلرِّعَايَةِ، فَمَنْفَعْتُهُ تَنَبِّئُهُ إِلَى كُلِّ الْخَلَائِقِ" (٢).

وقال: "السُّلَطَانُ أَلَّا يَأْوِي إِلَيْهِ كَلْ (قُلُوبُ)" (٣)، وَطَأْعِهُ مَفْتَرِضَةٌ عَلَى الْخَلَائِقِ، فَإِنَّ طَعَاطَةَ الْعَالِدِ مِنْ عَمَّارٍ الدِّينٍ وَوَاجِبٌ عَلَيْهِ الشَّفَقَةِ عَلَيْهِمْ، وَالرَّأَفَةِ بِهِمْ " (٤).

(سئل رسول الله ﷺ عن شروط السُّلَطَانِ) فقال: "يَحْتَاجِ إِلَى خَمْسِ خَصَالٍ يَكُونُ سَرَهُ مَعَ اللَّهِ تَعَالِيَ صَحِيحًا حَتَّى يَطْرِحَ اللَّهُ تَعَالِيَ هِيَبَتَهُ فِي الْخَلَائِقِ، وَيَحْسَنُ إِلَى الْرِّعَايَةِ حَتَّى يَطْرِحَ اللَّهُ تَعَالِيَ مَحْبَبِهِ فِي قَلَوْبِهِمْ، وَيَتَرُكُّ الطِّمعُ فِي أَمْوَالِهِ حَتَّى يُزِيدَ اللَّهُ تَعَالِيَ فِي مِلَكِهِ، وَيَكْفِ الأَفْقِاءَ عِنْ الْضَّعِيفِاءِ حَتَّى يَقُهْرُ أَعْدَاءَهُ، وَيَنْصِرِهِ اَللَّهُ عَلَيْهِمْ، وَيَعْمَلُ بِالْعَدَّلِ وَيَأْمُرُ عَسَرَكَهُ بِهِ حَتَّى يُزِيدَ اللَّهُ تَعَالِي فِي عَمَّرِهِ " (٥).

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(١) في (د) وقال.
(٢) لن أُحْدَّ أَهْدَا الَّذِي أُخْرِجْ مُجَدِّي فِي مَسْتَحْمِثٍ (١٣٥) مِنْ حَدِيثٍ عُمَرُ بْنَ الْخَطَّابِ، مَوْقُوفًا قَالَ: "عَلَّدُ فِي حِكْمِ سَعَاةٍ خَيْرُ مِن عِبَادَةٍ سَبَعِينِ سَنَةٍ، وَجَوَّرُ فِي حِكْمِ سَعَاةٍ بِحِيْطَاءٍ عِبَادَةٍ سَبَعِينِ سَنَةٍ ".
(٣) ليست في (د).
(٤) في (ص): قُلُوبُ.
(٥) ليست في (د) و (ص).
(٦) أَخْرِجَ الْبَيْهْقِيُّ فِي شَعْبِ الْإِيمَانِ (١٦/١٦٥)، بَابُ فَضْلِ الْإِمَامِ الْعَادِلِ وَمَا جَاءَ فِي جُوْرِ الْوَلَاةِ، وَتَفْصِيلٌ فِي مَسْتَشْبِهٍ (٢٠٤) بَابُ السُّلَطَانِ أَلَّا يَأْوِي إِلَيْهِ كَلْ (الْقُلُوبُ) بَابُ السُّلَطَانِ أَلَّا يَأْوِي إِلَيْهِ كَلْ (الْقُلُوبُ)، وَهُوَ إِسْبَاضٌ مَنْدُكِرٌ، فَسَعِيدُ بِسَنَانٍ مَتَرُوكِ الْحَدِيثِ، وَانْشَرَ مِيزَانُ الْعَادِلِ (٣٠/٣١٠).
(٧) ليست في (د) و (ص) و الحديث لم أجدَه.
قال رسول الله ﷺ: "إذا كان يوم القيامة لا يبقى ظل ولا ملجأ إلا ظل
الله عز وجل، يستظل (به) سبعة: سلطان عادل (عدل) في رعيته (١)." 
فانظر كيف بدأ (بالسلطان العادل من السبعة) (٢).
قال ﷺ: "(عمل) الإمام العادل في رعيته يوماً أفضل من عبادة
العادل في أهل مائه سنة." (٣).
قال (رسول الله ﷺ): "والذي نفس محمد بيده إنه ليرفع للسultan
العادل إلى السماء من العمل مثل عمل جملة رعية، وكل صلاة يصليها تعدل
سبعين ألف صلاة." (٤).
(جاء جبريل إلى النبي ﷺ فقال): يقول الله لك: يا محمد إن شرط السلطان
ستة أشياء: يؤمن بالله، ويقوم بأمر الله، ويفضي حق الأقرباء، وأن لا
يفسد، ويقوم بأمر الله، وينعم الناس من الفساد، ولا يفعل قبيحا، ولا يخلي
أحداً يفعله، وأن يكون عادلاً ولا يرضى بالجور." (٥).

(١) في (د) فيه.
(٢) ليست في (د).
(٣) لم أجد بهذا النذر، والمحفوظ في الباب ما أخرجه البخاري (٢٤٩)، كتاب الصلاة، باب مـ
جل في المسجد، ينتظر الصلاة، وفضل المساجد، ومسلم (١٠٣١)، كتاب الزكاة، باب
فضيل إخفاء الصدقة بنظر، "سبعة يظلهم الله في ظله يوم لا ظل إلا ظله إمام عادل..."
الحديث.
(٤) في (د) و (ص) من السبعة بالسلطان العادل.
(٥) في (د) تعلي.
(٦) أخرجه الطبري في معجمه الكبير (١١٣٢)، بإسناد حسن، كما قال المتنوري في الترغيب
والترفيب (٣٥٤٢).
(٧) ليست في (د).
(٨) لم أجد.
(٩) لم أجد.
قال (عليه الصلاة والسلام) (3): "العدل عز الدين، وفيه صلاح ال远远، وقوة الخاص والعامة، وبه يكون خير الرعية وأمنهم" (4).

وبدل على ذلك ما قاله العارفون بـ: "لا ملك إلا بالرجلين، ولا رجال إلا بالمال، ولا مال إلا بالعمارة، ولا عمارة إلا بالعدل، فالعدل هو الأساس الذي (ينبني) (1) عليه نظام الملك، فإذا استعمل الملك العدل عمرو البلاد (وأمن الموارد) (5) وتحصّن الأموال، وكتير) (8) الرجال، وانتظام الأحوال، وخصب الزمان، وحصول الأمن والأمان.

فوجب (وينشئ) (1) على ولي الأمر أن يبذل (جهد و) (10) جهده في عمارة البلاد وتأمين الموارد، وأن (يكلف الأيدي منهم، و) (11) يكلف أيدي الغزو والأجند.

قال الجبار للسيد المختار: إنك على المؤمنين الأبرار، وأعلم ملوك الأمم، أن الواحد القادر بأمر بالعدل وينهي عن الجور والظلم، فالعدل اسم

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(1) سورة النحل، آية رقم (10).
(2) ليست في (د) و (ص).
(3) في (د) صلى الله عليه وسلم.
(4) له أجهد.
(5) في (الأصل): رجل، والمثبت من (د)، (ص).
(6) في (د) و (ص) بني.
(7) من (د).
(8) في (د)، (ص) و كثرة.
(9) ليست في (د).
(10) ليست في (د).
(11) ليست في (د).
من أسماء الله تعالى، قال تعالى: {قَانُوْنَ الْقُسْنَةُ} (1) أي بالعدل، فيجب عليه أن يصف بوصف من أسماء الله تعالى وهو العدل، فيدوم له الملك إلى الموت، ويدوم الخلق إلى الأبد (2). قال ابن عباس (3) في تفسيره: إذا ظلم الملوك وإن كان العلماء. نزل البلاء (4).

ولبى ذكر الملك أخذ المال من غير حلته ووضعه في غير محله، وليعلم ولي الأمر أنه مسؤول عن ذلك بين يدي من بعده تصرف الأموار فإنه [سائنة] (5) إلى يوم تبييض وجه وتشذب وجه وله عاقبة الأمور (6).

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(1) سورة ال عمران، آية رقم (18).
(2) إذا بالآيات ولم أعثر عليه.
(3) تقدمت ترجمته.
(4) ليست في (ص).
(5) إذا في الأصول.
(6) ليست في (ص).
فصل

ومما يتبعين على ولي الأمر [كلمه الله تعالى] (1)؛ أن يكون عاقلاً في ملكه شريفاً في نفسه موفياً بعده، صلباً في دينه، لازماً لصمته، مفكرًا في أمره (2)، متداراً بعقله، شفوقاً على رعيته، متبقفاً لعيب نفسه، همته بانبعاث الفكر (3) في عوائق نفسه (4) متأنياً في أمره، مستعمل الرفق في سائر افعاله. وليس له أن يغضب؛ لأن الغضب مع القدرة يؤدي إلى السرف في الانقام، ويعقب الندامة، وليس له أن يدخل؛ لأنه لا يخشى انقطاع (مدد) (5) الأموال، وإن البخل في الملوك من أكبر العيوب.

(1) ليست في (د).
(2) من (د).
(3) من (د).
(4) ليست في (د).
(5) ما بين الفوسي لست في (د)، و (ص).
(6) من (ص).
(7) في (د) رأيه.
(8) في (د) الفكر.
(9) في (ص) أمره.
(10) ليست في (د).
قال رسول الله ﷺ: "البخيل بعيد من الله، بعيد من الناس، بعيد من الجنة، قريب من النار (قرب من الله، قريب من الناس)".

(1)

وينغي أن لا يذكروني (لا يذكروني) لا يقدر أحد أن يكرهه على شيء، وليس له أن يصد وجهة من الملوك بحسن التدبير وإصلاح الرأي وصحة السياسة.

ولا يطمغ في استقامة العالم لما يبدأ بتقويم الخاصة، وأن يكون من المقربين فوق حذره من المتبعدين.

(2) حذر

ولا يغتثر بشيء الناس عليه فربما كان ذلك (عن) هو، فإذا سمع من يثني عليه (فليقل) "اللهُمَّ اغفر لي ما لا يعلمون، وأجعلني خيراً مما يظنون".

(3)

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(1) اختصار الغزالي 
(2) من (ب) أخرجه الترمذي (2088) 
(3) في الجنس في الصحف، والعقيل في المضعفة 

قال الترمذي: قال أبو عيسى: هذا حديث غريب لا نعرفه من حديث يحيى بن سعيد عن الأعرج عن أبي هريرة إلا من حديث سعيد بن محمد، وقد خولف سعيد بن محمد في رواية هذا الحديث عن يحيى بن سعيد، إما بروايته عن يحيى بن سعيد عن عائشة شيخ مسلم.

(4) في (ب) رأيه 
(5) من (ب) 

(6) في (ب) وزير وهو مصحح 
(7) في (ب) من 
(8) في (ب) في قول 
(9) هو نص حديث أخرجه البخاري في الأدب المفرد (161) وغيره بإسناده صحيح. كما قال ناشق الأذنائي رحمه الله تعالى في صحيح الأدب المفرد (161) 

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وينبغي أن لا يستغني بتدبر يومه عن تدبر غده، والحذر كله الحذر أن يفته الملك، ونوم الزمان فإنما إذا وجب الحد على أحد أو التعزير فليقم (عليه ذلك) (1) بقدر الذنب، لا بحسب هوى النفس، ولا يعمل [في ذلك] (1) بالغضب، 
(فإن الملك إذا أقام العقوبة على مستحقها بالغضب أدى ذلك إلى السرف في الاستحقاق، وإذا اعتمد ذلك فقد جار، وإذا جار فقد تخلى عنه الله تعالى (6)) وليراع في سائر (أحواله) (1) جانبه الشرع الشريف.

(وهما يجب على ولي الأمر العمل به) (6) (عدم) (1) الإصلاح لأول ناقل
(ينقل إليه حديثًا فإن عمل بقول أول ناقل قبل الاختبار فقد جار، وإذا جار تخلى الله عنه) (6) (قال عز من قائل في حق كل ناقل) (8) : "يا أيها الذين آمنوا إن جاعكم فأسق بنيت قمنا فإن (4) وفي قراءة "فثثبوا".

ومن المنقول المشهور: التثبت في الأمور، (آمان) (6) من المحذور (فيجب التأني والتثبت) (11) في كل قضية عملا بقول خالق البريرة، (وأن يفحص عما نقل إليه) ويستخبر متأنيا إلى أن يتضح له الحق، (إذا اتضاح له الحق عمل في ذلك) (12) بما هو موافق للكتاب والسنة، فإن فعل بما هو موافق للكتاب والسنة.

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(1) في (د) ذلك عليه.
(2) من (د)، (ص).
(3) ليست في (د).
(4) في (د) أفعاله.
(5) ليست في (د)، (ص).
(6) في (د) وعدم.
(7) في (د) (ص) حديث بنقله إليه.
(8) في (د) قال الله تعالى.
(9) سورة الحجرات، آية رقم (6).
(10) في (الأصل) : أما، والمثبت من (د)، (ص).
(11) في (د) فيجب التثبت والتثبيت.
(12) في (ص) فعمل به في ذلك.
فَقِد عمل بالعدل، (فكان) (1) ذلك سبب نجاته من النار يوم تبيض وجهه وتسود وجوه، ويشتد غضب الجبار.


وقال: إمام عدل خير من مطر وابل (3).

وليخذر الملك العجلة فإنها نداءة (4)، (5) العارفون: من تعلم (الشيء) (6) قبل أن يدوم له، فإن (في) (7) العجلة نداءة وفي التنائي الرشد والسلامة.

ومن استعجل في أمر يريده كان جديراً أن (لا) (8) يناله، وإن (ناله) (9).

كان جديراً أن لا يدوم له؛ لأن الخلل ملازم العجلة، والتثبت في الأمور حسن، وفي الملوك أحسن.

والعجلة (بالالتزام) (10) [في] (11)، (وفي) (12) الملك أفتح، لا سيما في أمر لا يمكن تداركه، فإن ولي الأمر إذا أمر بأمر تبادر الناس إلى فعله تقرباً.

(1) في (ص) فيكون.
(2) من (صر).
(3) هذا الأمر الذي قبله لم أره منسوباً لعلي، وإنما نسبه للحكماء، وانظر بجامع الملك في طبائع الملك لابن الأزرق (4).
(4) ليست في (ص).
(5) ليست في (د).
(6) في (د) وقد قال.
(7) في (د) شيء.
(8) ليست في (د)، (صر).
(9) ليست في (د)، (صر).
(10) في (د) يناله.
(11) في (د) في الإتقان.
(12) في (الأصل) أفتح، وإنسبت من (د)، (صر).
(13) في (د) ومن.
لخاطره (وإنفاذًا لأمره، وتوقيًّا لغضبه) (1)، خصوصًا إذا كان (ولي الأمر) (2).

من لم يكن مراجعته لهوпа قام عنه، (فآدى ذلك لتحرك غضبه) (3).

قال (النبي عليه الصلاة والسلام) (4): "العجلة من الشيطان، والثاني من الرحمن" (5).

1. في (د) وإنفاذًا لأمر غضبه.
2. ليست في (د).
3. ليست في (د).
4. في (د) صلى الله عليه وسلم.
5. آخرجه البيهقي في السنن الكبرى (10/4/1024/1916)، والحارث بن أبي أسامة في مسنده (828).
6. أبو بعث في مسنده (206) بسند رجاله الصحيح كما قال المندرو في الترغيب والترهيب (2419).
فصل في ترك هوى النفس

(وليجذر الملك اتباع هوى النفس) (3) ، (فإن هوى النفس) (4) صدى يعلو على العقل ، فصدأ فيضل عن الهمذ ، فإذا رأى الملك أن هوى النفس غلب على عقله (5) حacak حكمه ، (فيترك) (2) الحكم (حين ذلك) (1) ، و يؤخر الحكومة لئلا يوقعه هوى النفس فيما (بخرج به) (6) عن الحق فيضل فيهلك ، ولا يدفعه بعد ذلك الندم ، (قيل له خلاص في ذلك الوقت إلا ترك الحكومة أو القيام من المجلس ؛ لأنه في تلك الحالة لا يطيع مرشداً ، ولا يصغي لناصح.

قال (الحكماء) (8) : لا ترشد تابع هوى النفس عند استيلاء الهوى على عقله ; (لأن) (7) الهوى قهره (فاستولى) (1) عليه الشيطان فصانر كالبحر في هيجانه ، فنشأ الغضب الذي يخرجه عن الحد ، فصانر أسير النفس والهوى.

قال العارفون : ليس الأسير من أسره عداء ، إن الأسير من قهره هواه.
فضل هواء ، ولما يصغى للنصيحة من أعلاه ولا من أدنائه .

(1) ليست في (6) ، (ص) .

(2) في (6) فليحزن الملك حين ذلك من اتباع هوى النفس.

(3) في (6) فهو ، وفي (صر) وهو.

(4) ليست في (6) .

(5) في (6) فليحزن ، وهو تصفيف.

(6) في (6) حينئذ.

(7) في (6) بخرجه.

(8) في (صر) العزوفان بانتم.

(9) في (صر) أن.

(10) في (صر) فاستولى .
قال العارفون: تابع هوى النفس عقوله محجوب، ولا يفيد فيه موعظة ولا يقبل النصيحة، لأن الهوى أدى به إلى إثارة الغضب، فنشأ منه البغاء، فآدى ذلك إلى السرف في الانتقام، فهلك وهلك [معه] من بناصره (1). 

(قال): (1) العارفون بالله [تعالى]: لكل عائر راحم إلا الباغي لا راحم له، وما اجتمع الملك والبغي على سرير واحد إلا خالاً.
(فصل في الرأي وحسن التدبير) (1)

اعلم أن بها الملك أن الرأي سيف العقل وامضي السيف، ما (بالغ) (2) في إرهاف حده، وأجاد صقلها، فلا (3) مرأة العقل إلا عند اجتماع الحواس الخمس، وأصفي اجتماعها وأمكنه عند اجتماع الحواس الخمس، وأصفى اجتماعها وأمكنه عند هواء الليل فإن كل رأي لا يتخضع به الفكر ليلة كاملة إلا فهو كمولد ولد لغير تمام، [وأفضل ما أجاد الفكر في حندرس الليل] (4).

قال الحكماء: تتميز الملك على السوقة بخمس خصال: رحمة تشمل الرعية، ويوصية تحولهم، وصولته تذب عنهم، وسطوا يرحب بها قلوب الفسقة (منهم) (5)، وحمر (6) ينتظرون (7) بها الفرصة، فهذه جملة خصال الملك.

ومما ينبغي للملك العمل به استعمال الرفق في كل قضية، لتسكن محبته في قلوب (سائر) (8) الرعية.

(قال النبي ﷺ): "القصد والتودد وحسن الخلق جزء من خمسة وعشرين
جزاءً من النبوة" (9).
وقال عليه الصلاة والسلام: "إن أحب عباد الله إلى الله أحسنهم خلقاً" (1).

وقال تعالى: "القصد والتودد وحسن خلق جزء من خمسة وعشرين جزءاً من النبوة" (1)، وما وضع في الميزان أثقل من خلق حسن، وإن المستنائي يدرك (بصره) (2) وحسن خلقه ما لا (يدركه) (3) الصائم القائم، وحسن الخلق (نال الرجال) (4) درجة الصديقين (5).

(وقد أنشد بعضهم في هذا المعنى شعراً:
قد يدرك المستنائي بعض حاجته، وقد يكون مع المستعجل الزلل.
قال العارفون (بالله) (6) تعالى: "حسن الخلق حسنة لا يضر معها كثرة السيئات، وسوء الخلق سيئة لا يرفع معها كثرة الحسنات.
(وقد امتدح الله نبيه محمد صلى الله عليه وسلم بحسن الخلق من دون سائر المعجزات فقال في الذكر الحكيم: "إنك لتلقى خلقاً عظيماً" (7)، حديث حسن.

(1) أخرجه الحاكم (1482) من حديث أسامة بن شريك به مرفوعاً وصححه.
(2) من (ص).
(3) في (د) بصره.
(4) في (ص) لم يدرك.
(5) في (د) يدرك الرجل.
(6) أخرجه الترمذي (1303) كتاب الأدب، باب ما جاء في حسن الخلق، وقال أبو عيسى: هذا حديث غريب من هذا الوجه.
(7) ليس في (ص).
(8) ليس في (ص).
(9) من (ص).
(10) ليس في (د).
(11) سورة القلم، آية ريد (2).
رواه [الحسن] عن [أبي الحسن عن الحسن] : "إن أحسن الحسن الخنق الحسن".

وقد سأل (قيصر) (4) عظيم الروم (كسرى) (6) أبو شروان: بم دام لـ؟

الملك ودانت لك الرقاب؟

قال: بأربع خصال.

قيل: وما هي؟

قال: ما أخلفنا (في وعده) (1) ولا وعدي، ولم نفعل أمرًا إلا بعد المشاورة مع ذوي العقول، (وقربنا ذوي العقول) (7) ، وقربنا ذوي الأصول، وقدمنا على الشباب الكهول، ولم ننفق إلا على قدر الذنب لا بحسب (غضبنا) (8).

(1) من (د) ، وقد تحرف فيهما إلى الحسن، والمثبت هو الصواب والموافق للمصادر.

(2) في (الأصل) و(ص): أشي الحسن عن جد الحسن، والمثبت هو الصواب الموافق لمصادر التخريج.

(3) أخرجه الفضائي في مسند الشهاب (986)، يصد فيه الحسن بن دينار، وهو ضعيف.

(4) قصر: أسـد علم على من يتولى أمر الروم في ذلك العصر، وليس اسم رجل كـما نوهم البعض، انظر لسان العرب (5/05).

(5) كسرى اسم زعيم الفرس في ذلك العصر، انظر لسان العرب (36)، وهو الذي كان بينه وبين قصر الملاح المشهورة والتي انتهت بنصر الروم التصاري على السوسر المجوس كما أخبر الله تعالى المسلمين في قوله: أول سورة الروم: (الم) *عليه الروم* في أدنى الأراضي. وهم من يدعُ عظيمهم ومجاهدون في بلغ السنين، الله أخرَم من قبِلَ وُضعَ وترحَمُ مدْفعُ المؤمنون.

(6) نصر الله ينصَر من يشاء وَهَوَّ العَزِيزُ الرَّحِيمُ وَغَدَّة الله لا يَلَحَفُ اللَّهُ وَعَدَة وَلَكِن أَكْرُرُ النَّاسَ لا بِعَظِيمٍ.

(7) في (ب) وعده.

(8) نسب في (د).

(9) نسب في (ب) وعده.
فلما بلغ قيصر ذلك اهتز طرباً وقال: من كانت هذه سياسته دامت
رياسته.
وأوصى بعض الملوك ولده وقال: يا بني عامل الرايا بالعدل والرغبة
والرحبة، وساوي في ذلك بين الصديق والعدو، فإن الولاية لا تتم إلا لمن له مال
مبذول، وسيف مسلول، وعدل تطمئن (يه) (1) القلوب.
قال النبي ﷺ: "بعثت باللبن والسيف، فوجدت اللبن أقطعمن-
السيف" (2).
قال معاوية (3): "لا أضع سيفي حيث يكفيني سوطي، ولا أضع
سوطي (4) حيث يكفيني لساني".
ومما أنزل [الله] (1) في النزورة: عالم لا يعمل بما علم هو وإبليس سوئ،
وإمام لا يعد في رعيته هو وفرعون سوئ، (وققير يتواضع لغني فهو والكلب
سوئ، وامرأة لا تلزم قفر بيتها هي والأمة سوئ".
دخل رجل على نبي الله يوسف الصديق عليه السلام فوجدته يبكي بكاءً
شديداً فقال: ما يبكيك يا نبي الله؟
قال: خوف القيامة أبكائي.

(1) في (د)، (ص) إليه.
(2) لم أجده.
(3) هو الصحابي الجليل معاوية بن أبي سفيان بن حرب، أسلم عام الفتح، وقد كان النبي ﷺ نزوج
أخته أم المؤمنين أم حبيبة رضي الله عنها، تولى الخلافة بعد الحسن بن علي بن تنازل منه،
وتوفي سنة 109هـ.

نظر ترجعه في: طبقات ابن سعد (3/26)، وطبقات خليفة (51)، وتاريخ بغداد (1/207)، وتاريخ الإسلام (3/181)
وبداية والنهج، نابك كثير (8/20).
(4) أخرجه ابن عساكر في تاريخه (59/167).
(5) في (الأمثل) حتى، والمثبت من (د).
(6) من (د).
فجأة جبريل عليه السلام فقال: أرجو أن تتجو بشئين يا ابن الكرام، كانت خرابًا بالحور والغلالاء، فردتها عامرة بالعدل والرخاء، فخصت وخصب
الكر.
وعند السلطان نجاة من النار، قال رسول الله ﷺ: "أوحي الله تعالى إلى داود عليه السلام: يا دواد قل للظلمة لا يذكروني فإن من ذكروني ذكرته إلا الظلم إنذا ذكرني لعنته ألا لعنة الله على الظلمين". (١)
وقد خوف الله تعالى آدم من الظلم وهو في الجنة فقال عز من قائل:
"ولا تقربا هذه الشجرة فتكون من الظلمين". (٢)
وقال تعالى: «ما للظلمين من حميم ولا شفيع يطاغ». (٣)

(١) لم أجد.
(٢) أخرجه ابن أبي شيبة في المصنف (٠٩٩٥)، والبيهقي في شعب الإمام (٧٧٣)، وأبو عاصم في الزهد (٣٧) من حديث الأعمش عن المنهل عن عبد الله بن الحارث عن ابن عباس.
(٣) سورة الناقة، آية رقم (٠٥).
(٤) سورة غافر، آية رقم (١٨).
(٥) ليست في (٤)، (ص).
فصل
فيما جاء في المشورة والاستخاره

وأما يجب ويتبع على ولي الأمر هو أن كل أمر أراد إنفاذه فلايد أن يقدم
فيه الاستخاره، ثم المشورة اقتضاء بالسنة.

(قول رسول الله ﷺ "ما خذاب من استخار، ولا ندم من
استشار"

قال الله تعالى لنبيه محمد [صلى الله عليه وسلم] (7) عليه وسلم وهو أكمل الخلق خلقًا وعملهم عقلًا: "ولو كنت ف gala على القلب لافضوا من حوله فأدعوه واستغفِر لهم وشاورهم في الأمر فذاً عزمت فتوكل على الله إن الله يحب
المتولائيه" (1).

وقد استذكر الله تعالى الصحابة رضوان الله تعالى عليهم بقوله تعالى:
"أمرهم شويري بيتهم" (5) فازور أيها الملك إذا كان سيد المرسلين والأخرين أمره الله عز وجل بمشاورة أصحابه وهو أكمل خلق الله فكيف تنجح أنت يا ملك الزمان، أو يتم لك مراد إذا فعلت أمرًا بلا مشورة (ولا استخاره) (1)، مع أنه لا يخفى قوله تعالى: "وما أناكم الرسول فخذوه وما نهاكم عنه فانتَهوا" (7).

(1) ليست في (د) ، وفي (ص) وضعها بعد آية الشورى
(2) أخرجه الطبراني في الأوسط (1227) والصغير (1267)، والقضاعي في مسند الشهاب
(3) من (د)، باب ما خذاب من استخار.
(4) الحديث لا يصح فعبد القدوس وأباه ضعيفان، وضعه بهما الهيمي في المجمع (325/6).
(5) سورة آل عمران ، آية رقم (159).
(6) سورة الشورى ، آية رقم (35).
(7) في (د) واستخاره.
(8) سورة الحجر ، آية رقم (7).


في (ال Claus خال، والمثبت من (ى) (و(ص). [1]

(2) آخرجه البخاري (794/444)، كتاب التفسير، باب قوله: "إن الذين يجبون أن تشيع الفتاحرة في الدين، أنواع غذاء أثناء المنيا والاخرة والله يعلم وأنتم لا تعلمون. ولولا فضل الله عليكم ورحمة الله وآله رؤوف رحيم. ولا تأتي أولا الفضل منكم والسماحة أن بوتوا أولى الفعضاء والمهاجرين، ويبصرون في سبيل الله ويثعبوا، وأيضاً لا تحبى أن يغفر الله لكم والله عفو رحيم"، مسلم (770)، كتاب التوبة، باب في حديث الإفك وقبول توبة القاذف، وهو قطعة من حادثة الإفك.

(3) هو عامر بن شراحيل الشعبي من أئمة الإسلام والسنة، توفي سنة 100 هـ، وقيل 103 هـ.

(4) انظر ترجمته في: طبقات ابن سعد (2/616)، وطبقات خليفة (1144)، والمعرفة (449)، وذلكرة الحفاظ (74/1) وغيرها.

(5) هو الأمير الظالم الحجاج بن يوسف الثقفي، ولد عبد الملك بن مروان إمرة العراق.

(6) فأخذ في الأرض، وقتل المسلمين، ولم ينج منه كبير أحد، وتوبي سنة 95 هـ، وانظر ترجمته في: المعافر (295)، وتاريخ البخاري (1763/73)، وتاريخ ابن عساكر (4/105)، وتاريخ الإسلام (3/769)، وغيرها.

(7) في (ى) وشيبة.

(8) هو الخليفة الراشد الرابع الإمام أبو الحسن علي بن عثمان بن أبي النبي ﷺ، وزوجة رقية عينه فاطمة بنت رسول الله ﷺ، وأحد العشرة المشتركان بالجنة، وتوفي سنة 49 هـ.

انظر ترجمته في: السير، جزء الصحابة (265)، وتهذيب الكمال (2/176) وغيرها.

(9) في (ى) شيكوت.

(10) في (ى) إلى أهل.
وكان كاتب الحجاج صديقاً لي فقال لي: [إذا أحضرك في غد ووفقت](1)
بين يديه فاعتذر لي (فلمكن يتجوا منه)(2).
فحدثني نفسي بأن (أختلق)(3) له (اعتذاراً يقرب)(4) من عقله، فلما كان
الليل دبرت (له)(5) حيلاً واعتقفت له أموراً اعتذر إليه بها، لعل (6) أن يقبلها،
وما تظننت إلا أنه سيقتلي.
فلما أصبحت طلبي من [وقتني] (7) على أقوام لي [ذوي عقول] (8) (فاتحكت
إليهم)(9) وقلت [لهم](10): (ما تشيرون) (11) علي (في أمري)(12)، فما أظن هذا
الرجل إلا أنه سيقتلي (الساعة)(13).
فاتفقت أراوهم على أن الصدق الأولي ما نطقت به (عندهم)(14)
(فاغتمت)(15) ذلك ثم قمت من عندهم، فلما صرت بين يديه، نظر إلى كالأسد
(1) في (الأصل) حضر في غد غزرا، فإذا وفقت، وهذا تحريف شديد جداً، والمثبت هو الصواب
من (ب)، (ص).
(2) في (د)، (ص) فعسك تنجو.
(3) في (ص) اعتذر.
(4) في (د) اعتذارات نقرب.
(5) ليست في (د)، (ص).
(6) في (د) لعله.
(7) في (الأصل) فطقفت، والمثبت من (د)، (ص).
(8) في (الأصل)، (ص) إلى عقولهم اعتقاد، والمثبت من (د).
(9) ليست في (د).
(10) من (د).
(11) في (د) أشيروا، وفي (ص) فتشيرون.
(12) ليست في (د).
(13) ليست في (د).
(14) ليست في (د).
(15) ليست في (د).
الغضبان السابق : أصلح الله الأمير إن اعتذار بغير ما (يعلم) الله تعالى [غير صحيح ، وإن الحق لقبيح عند من هو دونك وأيما الله لا أقول في مقامي] (1)

إنا [2] الحق والصدق ، وعند الله قد جهزا (وحرصنا) (3) فما كننا بالأقواء (النجرة) (4) ولا بالأصدقاء البررة ، ولقد نصرك الله علينا وأطركك لنا ، فإن سقطت فيذنوبنا ، وإن عونت فحلمناك (علينا) (5).

فما سمع الحاج كلامه سكن غضبه ، وقال : لقد عفوت عنك لصدقةك ، ولأنك الآن والله أحب إليتنا ممن يدخل علينا ويعتذر بإعذار لا تقبلها عقولنا ، ولكن حيث صدقتنا فقد عفونا عليك فطب نسأنا ، وأفح رضاؤنا

قال الشعبى : خرجت آمنا من عنده على نفسي وأهلي بركة المشورة (6).

وقبل بعضهم : لا معين أقوى من المشورة ، ولا عدل نجح من العقل.

قال الإسكندر (7) : خير [الملوك] (8) من بدل السيئة الحسنة [وشر الملوك من بدل السيئة بالبيئة] (9).

(1) في (د) يعلم.
(2) من (د).
(3) في (الأصل) إنا ، والعبيد من (د).
(4) في (د) وحرصنا.
(5) في (د) ، (صر) النجدة.
(6) ليست في (د) ، (صر).
(7) انظر الفصة بشيء من التفصيل في سير أعلام النبلاء (4/303).
(8) من ملوك الدنيا العظام الكبار ، ودانت له الأمم بالطاعة ، وكان يروم فتح العالم لكنه توفي شابًا.
(9) في العقد الثالث من عمره ، وكان قبل ميلاد المسيح عليه السلام ، ولم أر له ترجمة مفصلة.
(10) من (صر).
(11) من (ب).
ومما (يجب) (1) على ولي الأمر التفقد في كل [حين] (2) لأحوال المسجونين وانتصر في جناياتهم، والفحص عن ما سجنوا (عليه) (3)، فمن استحق أن يخلي سبيله أطلقه، ولا يتبع في الإعراض عنهم أفعال من [تقديمه] (4) فيقر أمرهم على ما هو عليه بل لا بد من الفحص عن أحوالهم (والتبصر في أمرهم) (5)، ولا يصغي (القول) (6) من يقول: ذنبيهم في رقبة من حبسهم، [فإن] (7) هذا لا (خلاص للك منه عند الله) (8)، إنما قللك الله تعالى [هذة] (9) الأمانة (10) لتنظر في أحوال الرعايا بما فيه الخلاص يوم (القصاص) (11) يوم يسأل كل راع عن رعيته.

ولا تدع الناس هملاً لأنك (لو) (12) تركت الناس هملاً وخلوت بنفسك تتعد وتتهجد لكنك سمايا (بتركك) (13) الواجب الذي افترضه الله عليك من النظر في أحوال الرعايا (والتفقد في أحوالهم) (14)، فإن المطلوب منك إنما هو التصدي.

(1) في (د) يبتاعن، في (ص) يحب ويتوعين.
(2) في (الأصل) خبر، والعشاء من (د) و(ص).
(3) في (د)، (ص) بسببه.
(4) في (الأصل) قدام، والليمن من (د)، (ص).
(5) ليست في (د).
(6) في (ص) لم يقول.
(7) من (د)، (ص).
(8) في (د) بخلصه عند الله تعالى.
(9) من (د) و(ص).
(10) زاد في (د) إلا. 
(11) في (د) القيامة.
(12) في (د) إذا.
(13) في (د)، (ص) تتركك.
(14) ليست في (د).
ذلك ، فإذا فعلت ذلك (مبتداً به مبادراً إليه) (1) ، وضمت (لذلك) (2) أعمالاً
صائحة أثبت وأجرت ، وكتبت الفائزين .
(فإذا رأيت في أمرهم وتبرعت في أحوالهم وما سجنوا عليه ، فمن استحق
الإطلاق منهم خلي سبيله ، و من وجب عليه تأديب فقط فلا تأديب له أعظم من
السجين الذي ناله ، ومن وجب عليه قطع قطع من غير قتل فإنه أهيب وأرهب ،
فإنه كلما رأى هذا المقطع متحسراً على بعض أعضائه وضع الرعب في قلب كل
من يراه ، ويقال : ما نال هذا من هذا البلاء إلا بارتكاب الفعل القبيح كالسرقة
و نحوها، فلا يتجرأ أحد أن يفعل كفعله فسيصير مثله بخلاف إذا قتل مات ورغب
فلا يرى بعد ذلك فانتسب فعله القبيح فلا يحصل الرهبة ولا الخوف ، فذا بقي
مقطعًا كل من راه يتعود من شر ما رأى) (3).
وإذا وجب الحد على أحد (أقيم عليه الحد) (4) ، (وإذا) (5) وجب [عليه] (1)
القتل قتل بقاعدة الشرع الشريف ، لا بالتشويه الشنيع العنيف ، إلا إذا كان لازماً
كما فعل رسول الله ﷺ [بالمعثدين بابل الصدقة ، فقد مثل بهم رسول الله ﷺ] (7)
دون غيرهم ، (قلم الإس تعلالي : " فلا يسخر في القتل إن ه كان منصورة " (8) أي
لا يتجاوز فيه الحد .

(1) ليست في (د) .
(2) في (ب) إليه .
(3) ليست في (د) .
(4) في (ب) حد .
(5) في (ب) أو .
(6) من (د) .
(7) من (د) .
(8) سورة الإسراء ، آية رقم (33) .
وقال رسول الله ﷺ: "إذا قتلت فأحسنوا القتلة، ولبيد أحدثك شفته" (1).

وبيكل حال يجب اتخاذ الدم وعدم التجرؤ بالقتل، فإنه أول ما يقضي (بين الناس يوم القيامة) (2) في الدماء، فلا ينبغي التجرؤ بسرعة الإقدام على قتل أحد من خنق الله تعالى ولد بحق، بل لا بد من التأخير والتحت في الأمور، فقد قال رسول الله ﷺ: "الزوال الدنيا أهون عند الله من قتل رجل مسلم" (3).

وقال عليه الصلاة والسلام: "ادرؤوا الحدود (عن المسلمين)" (4) ما استطعتم (5). فإن وجدتم للمسلم مخرجًا فخنوا سبيله، فإن الإمام (6) (الأن) (7) يخطيء في العفو خير من أن يخطيء في العقوبة" (8) (9).

[و] قال ﷺ: "لا يحل دم مريء مسلم إلا بإحدى ثلاث: رجل ذنى بعد إحصانه أو ارتد بعد الإسلام، أو قتل نفسه بغير حق فيقتل به" (10).

(1) ليس في (د).

(2) أخرجه مسلم في صحيحه (195) ، كتاب الصيد والذبائح وما يؤكد من لحمه ، باب الأمر

(3) به يوم القيامة بين الناس.

(4) أخرجه الترمذي (139) ، كتاب الدبات ، باب ما جاء في تشديد قتل المؤمن ، والنسائي في

(5) سبب الكبرى (44) ، كتاب الممارسة ، وقال الترمذي في العمل الكبير (132) : الصحيح

(6) عن عبد الله بن عمرو موقوف .

(7) ليس في (د).

(8) في (ص) أن .

(9) ليس في (د).

(10) أخرجه شهريدي (14) ، كتاب الحدود ، باب ما جاء في درء الحدود ، وإسناده

(11) ضعيف، فيه يزيد بن أبي زياد.

(12) عن (د).

(13) أخرجه البخاري (191) ، كتاب الحدود ، باب قول الله تعالى : ( أن النَّفَسُ بِالْنَّفْسِ... آنثِيَة ) ، ومسلم (171) ، كتاب الحدود ، باب ما يباح به دم المسلم.
والله عز وجل: "ولا تقتلوا النفس التي حرمت الله إلا بالحق".

والذي نفسي بيهما عمل على وجه الأرض عمل قط أعظم عند الله بعد الشرك من سفك دم حرام، والأنفس بيهما إن الأرض لتعج إلى الله تعالى بعد ذلك عجيجا تستأنثه فلم عمل ذلك على ظهرها لتخفس به ".

من أبان على قتل مسلم بشطر كلمة لقلي الله يوم القيامة مكتوب على جبهته آيس من رحمة الله".

(1) من (5).
(2) سورة الإسراء، آية رقم (3).
(3) من (5).
(4) في (5) تعالى.
(5) سورة النساء، آية رقم (165).
(6) سورة الفرقان، الآيات رقم (2:196)
(7) أخرج أبو نعيم في الحلية (2/190/168)، والدلالي في مسنده (87/7).
وهذا الحديث لاب حسب، فعبد العزيز بن يحيى المدنى رضي الله عنه إبراهيم بن المندى الحزامي، ونظر
(8) نصري، (5/376).
(9) أخرج أبو يعلى في مسنده (692)، والبيهقي في السنن الكبرى (110/156/23)، وابن تجريم
(7) نصري، (7/163).
قال تعالى: "قتل المؤمن عند الله أعظم من زوال الدنيا" (1).

واعلم أنها الملك (رئاك الله) (2) إن الإنسان بنين الله تعالى، إلا ترى أن
الله تعالى يغضب إذا انتهكت حرماته، ولا شيء أعظم من حرمة المسلم عند الله
(3). فإذا وجب على أحد قوم أو قتل، فإذا وكل ولِي الأمر ذلك إلى حكم
الشرع الشريف، وما حكم به الشرع الشريف أمر ولي الأمر بإنهاداً حين ذلك.
على موجب الشرع الشريف. فإن ذلك أخص له عند الله تعالى يوم يؤخذ للمظلم
حتى ممن ظلمه، يوم يقضي الله بين الأنام ويؤخذ بالنواصي والأقدام، فكل هذه
الأمور يجب فيها مراعاة الحدود بحيث لا يخرج عن المعهود قال سعيد
الأديرة: "ادروا الحدود بالشبهات" (4).

واعلم أن لا أحد أكرم من الله ولا أرجم، ولا أعلم بأمور مخلوقاته، ولا
أحكم [إذا استحق العفو لا يضرب] (5) [ومن] (6) استحق [أن يضرب] (7) لا يقطع
(وله ينكلب) (8). ومن استوجب القطع لا يقتل، ومن وجب عليه حد من حدود
الله تعالى لا (يمهله) (9)، فينغي لولي الأمر التبقي لقضي هذه الأمور، فلا يشغله
تيه المملكة ولهو الحكام عن التبقي لقضي هذه المواد، ولا يظن أن هذا هيما
عظيم عند الله تعالى.

(1) ليست في (د)، (ص).
(2) تقد تبليغه.
(3) ليست في (د)، (ص).
(4) من (د)، (ص).
(5) ليست في (د)، (ص).
(6) تقد تبليغه (ص).
(7) من (د)، (ص).
(8) في (الصل)، فمن، وثبت من (د)، (ص).
(9) في (د) الضررب.
(10) ليست في (د)، (ص).
(11) في (د) ليهم.
وأولما يقضي بين الخلافة في الدماء يوم القيامة، فيجب التحري ما
تمكن [البزينة] أن مدة الولاية يسري جداً، وهجوم الموت أسرع إلى الإنسان من الحياة فلا يغتفر بزينة
الحياة، فإنها سريعة الزوال، وعن قريب يصير منها إلى الارتحال وبدعم بأعماله على ذي الخلال فلا يخرب أخراه بإتباع هواه قال
علي كرم الله وجهه: يوتي بالولادة يوم القيامة فيقال لهم: أنتم رعاء خليقتي
وخزنة ملكي في أرضي ثم يقول لأحدهم: لم ضربت عيدي فوق الجلد الذي
أمرت فيقول: يا بارب لأتهم عصوني وثالوث
فيقول الرب جل جلاله: لا ينبغي أن يسبح غضبي، ثم يقول
للآخر: لم عاقبت عدي بأقل من الجلد الذي أمرت؟ فيقول بارب رحمتهم فيقول الرب جل جلاله: كيف تكون (أرحام) مني؟ خذوا الذي زاد والذ
نقض فاحشا بهما جهنم

1. ليست في (د)، (ص).
2. في (الأصل) يقوطه الله تعالى، والمثبت من (د)، (ص).
3. في (ب) والموت.
4. من (ب)، (ص).
5. في (الأصل) بأعمالنا، والمثبت من (د)، (ص).
6. في (الأصل) فلا تخلب لهواك ما اتباع هواه، والمثبت من (د)، (ص).
7. من (ب)، (ص).
8. في (د) أنتم كنتم رعاء الله على خلقه وخزينة ملكه في أرضه.
9. من (ب).
10. في (د) أكرم.
11. لم أحم.
وقال رسول الله ﷺ: "ما من رجلولي أمر عشرة إلا جيء به يوم القيامة وبداء مغلولتان إلى عنقه (برقئ في قيوده) (١)، فإن كان عمله صالحاً (فلك الغلق منه) (٢)، وإن كان (عمله) (٣) سيئاً زيد عليه غل آخر" (٤).

(قال) (٥) رسول الله ﷺ: "يؤتي بالوالي يوم القيامة وبداء مغلولتان إلى عنقه برقل في قيوده، حتى إذا كان على جسر جهنمو أمر الله تعالى إلى الجسر (فانقض انقفاضة) (٦) (خرج) (٧) كل عظم من مكانه، ثم يأمر الله (العظيم) (٨) أن ترجع إلى أماكنها [ثم يساله] (٩)، فإن كان مقتضاً عادلاً غفر له وأعطاه كفلاً من رحمته، وإن كان قاسطاً جائراً خسف الله به (الجسر) (١٠) فهوى في النار سبعين خريفاً" (١١).

(١) ليست في (د) .
(٢) في (د) فلك عنه عله .
(٣) ليست في (د) .
(٤) أخرجه أحمد (٢٢٣٥٤)، والحارث في مسنده (٥٩٩ زوايد الهشمي)، والطبراني في المعجم الكبير (١٧٧٩). 
(٥) قال المنذر في الترغيب والترهيب (٣٨٨٨): رواه ثقات إلا يزيد بن أبي مالك.
(٦) في (د) وقيل .
(٧) في (د) فانقض انقفاضة .
(٨) في (د) بخرج .
(٩) في (ص) الأعضاء .
(١٠) في (الأخضر) بعده الله والمثبت من (د)، (ص) .
(١١) أخرجه عبد بن حميد في مسنده (٤٣٠)، وإسناده فيه جهالة لمكان الرجل من أهل الشام.
(1) رسول الله ﷺ، خمسة (قد غضب) (2) الله عليهم يوم
(3) نقيمة) (4) وإن شاء أمضى غضبه وصبرهم على النار: أمير قوم يأخذ حقه
منهم ولا ينصفهم من نفسه ولا يرفع الظلم عنهم ورئيس قوم يطعونه وهو
لا يساوي بينهم وحكم بالملل والمحاباة(4) ... إلى آخر الحديث.
(5) قال: "كل راغ لا يرفع برعيته لا يرفق الله به يوم
القيامة" (7).

فعلت أيها الملك (اليقب) (8) هذه المواد العمل بالعدل بين العباد وبدل
الجد (والجدير) (9) في عمران القرى والبلاد وفعم المعتدين [من] [10] أهل
(البدو) (11) والعنداء وإظهار السطوة (والمرهبة لأهل البغي والفساد) (12).

(1) في (د) وقال.
(2) في (د) بغضب وفي (فس) غضب.
(3) من (د).
(4) في (الأصل) والمحبة ثم علق عليها في الحاشية: علمها والمحاباة وهو الصواب والمؤافق
لباقي النسخ ولذا أثنياه.
(5) لم أجد.
(6) في (د) وقال.
(7) لم أجد بهذا اللقط، وفي معناه ما أخرجه مسلم (828)، كتاب الإمارة، باب فضيلة الإمام
(8) في (د) باليطف.
(9) في (د) والجهة.
(10) من (د)
(11) في (د) الجمع.
(11) في (د) على أهل الظلم والفساد.

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واعلم أن ربك بالمرصاد فاحذر كل الحذر (أيها الملك) (1) أن يفتنك الملك
وئوم الأنزمان.
وإياك والغفلة فكم من غافل (ونفق) (1) بغفلته فجاءته (منيته) (3) ، (وفقته) أمنيته فانتبه من سنة الغفلة يا ملك الإسلام والمسلمين.
وانتظر في أحوال من تقدمك من الملوك العادلين فكل إنسان بما كسب
رهين ، والحمد لله رب العالمين) (4) .

قال : شعر :

إذا ملكت فكن بالعدل مقتدرًا
فرب دعوة مظلوم يصادفها
لا تظلمن إذا ما كنت مقتدرًا
وإن تأمرت يا هذا على بشر
واعمل بما جاء في الأخبار عن ثقة
تنام عينك والعقل يترنم
(فلا تختلف بما قد قلت في نصيحي

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(1) ليست في (د) .
(2) في (د) وافق.
(3) في (د) أنتهى ، وفي (ص) أميته ، وكلاهما تحريف .
(4) ليست في (د) . (ص) .
(5) في (الأصل) ؛ (د) النجلي ، والمثبت من (ص) .
(6) في (الأصل) ؛ (ص) النجلي ، والمثبت من (ص) .
(7) ليست في (د) . (ص) .
(8) ليست في (د) . (ص) .
يقول الله عز وجل: "ابن آدم، أعدل كما تحب أن يعدل فيك" (1).

قال (2) رسول الله ﷺ: "اتقوا دعوة المظلم فإنها تحمل على الغمام، (3) يقول الله: وعزتي وجلالي" (4) لأنصرنك ولو بعد حين" (4).

फ़ूलकुइ आया यलिक (बालिखाम) (5) بمراعاة الملك العلامة، ولا يشغلك عن ذلك

ما أنت فيه من الأحكام.

واعلم أن (أعمالك) (6) تعرض عشيه (7) كل يوم على صاحب (الجنايب) (8) الرفيع حضرة سيدنا رسول الله ﷺ [وشرف ومجد وعظم] (9) فانظر ماذا يكون فيه

سرور نبفك، إذا عرض عليه عملك الصالح.

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(1) لما أخذت مستداً، وقد عزاء الزرقاني في شرح موطأ مالك (3/433) إلى قتادة بن دعامة

السنوي بدون إسناد.

(2) في (د) وقال.

(3) في (د) وينظر إليها الرب ويقول وعزتي وجلالي.

(4) أخرجه ابن خزيمة في صحيحه (1901)، كتاب الصوم، باب ذكر استجابة الله عز وجل دعاء

الصوم إلى قطرهم من صيامهم جعلنا الله منهم، وأيضاً حانان (478) ذكر البينان بأن دعوة

المظلمة تستجاب له ماحالة وإن أنى عليها البرهة من الدهر، والحديث صحيح الشيخ

الأنقدي، صحيح الجامع (117).

(5) ليست في (د) (ص).

(6) في (ص) الأعمال.

(7) ليست في (د) (ص).

(8) في (ص) الحساب.

(9) من (ص).
وعليك يا ملك الزمان بتقريب العلماء العاملين، وحفظ رأي العقلاة الناصحين، واستعمال المداراة، كما ورد عن ابن عباس رضي الله عنه أنه (1) رسول الله ﷺ قال: "علمني ربي بعد الإيمان مداراة الناس" (2).

واعلم أن الدنيا اظل زائل، وهي دار أنت منقول منها، (ومسؤول) (3) عنها، فاجعل العدل لك فيها وزيراً تجده في عرصات القيامة لك (فيها) (4) هادئاً ونصيراً، (إذا عاملت رعاياك بالعدل عاملك الله تعالى باللطف والفضائل، فإن) (5) (الدنيا) (1) في معرض الزوال ولا أد علها من الانتقال، فلا تغطر ببهاءها، فإن زخرفها وبال، ونعمها أسرع شيء إلى الارتحال، وأعلم أنها لم تأتك إلا (6) (فنجات) (فيها) (7) من فعل الخيرات، ولا ينفعك الندم على ما اكتسبت فيها من الموبقات.

(1) تقدمت ترجمته.
(2) لم أجد بهذا الفضل، وقد أخرج ابن أبي شيبة (8) من حديث علي بن أردن عن سعيد بن النسب قال: قال رسول الله ﷺ: "رأس العقل بعد الإيمان باذن مداراة الناس، ولن يملك رجل بعد مشورة، وأهل المعروف في الدنيا هم أهل المعروف في الآخرة، وهذا إسناد ضعيف؛ لضعف علي بن زيد بن جدعان، وانظر ميزان العدل (4) 584.
(3) في (ص) ومضمون.
(4) ليست في (د) (ص).
(5) ليست في (د) (ص).
(6) في (د) فأنتما.
(7) في (ص) إنا.
(8) ليست في (د) (ص).
(وعلهك أيها الملك) (١) بانتهاء (الفرصة) (٢) بقليل المثنى في أعناق الرجال، فإن النعمة لابد وأن (نزول) (٣) إما بشكير (جزيل) (٤) أو بجزء طويل والليام (صحائف) (٥) الدهر، فلا يغرنك (زهر الحياة) (٦) الدنيا، ولا (يغرنك) (٧) بالله الغفور، فقد قال من بيده (تصاريف) (٨) الأمور: (وَما الْحَيَاةُ الدُّنْيَا الْأَخْرَى) (٩) مثاع الغفور (١٠) فعليك (استعمال العدل) (١١) والإحسان [وكما تدين تدان] (١٢).

واعلم أن من غرس العلم اجتتى البباهة، ومن غرس الزهد اجتتى العز، ومن غرس الإحسان اجتتى المحبة، ومن غرس الطمع اجتتى الذل، ومن غرس المداراة اجتتى السلامة، (وإن) (١٣) عز الدنيا بالمال وعز الآخرة بالأعمال [لصالحة] (١٤).

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(١) في (ب) فقالك.
(٢) في (ص) الفرصة.
(٣) في (د) ، (ص) تزال.
(٤) في (د) طويل وفي (ص) جميل.
(٥) في (ص) وصايا.
(٦) ليست في (د) ، (ص).
(٧) في (ب) يغرنك.
(٨) في (ص) تصاريف.
(٩) ليست في (د) ، (ص).
(١٠) في (د) بالعدل.
(١١) من (د).
(١٢) ليست في (د) ، (ص).
(١٣) من (ص).
[وقت] (1) كتب الإسكندر إلى أرسطاطليس: أن أرسل إليه بموظفة فكتب
(إنيه) (2) ; إذا صفت لك السلافة فجدد ذكر (العطبة) (3) ، وإذا اطمأن بك الأمر
فاستشعر الخوف . وإذا [أحببت] (4) نفسك فلا تجعل لها في الأنام نصيباً .
وأحذر أنها الملك من يوم لا (ليلة) (5) لك بعده ، ومن ليلة لا يوم [آنك]
بعدها (6) .

واعدل ما استطعت فإنك مجزي بالعدل عدلاً، وبالجور جوراً.
واعلم أن هلاك المرء في ثلاث : شح مطاع ، وهو متبوع ، وإعجاب
المرء بنفسه . وهلاك الملوك في شيئين : ارتكاب المظلوم والانفراد بالرأي .

(1) من (د) .
(2) ليست في (ص) .
(3) في (د) العطق ، وهو تصحيح .
(4) في (الأصل) حبب ، والمثبت من (د) ، (ص) .
(5) في (د) . لب .
(6) في (د) بعده .
(فصل) (١)

(ومن العدل الذي يجب على ولي الأمر العمل به: أن يراعي في أوامره وحكمه وأنفعاله القواعد الشرعية التي أمر الله تعالى بها على لسان أشرف البرية عليه أفضل الصلاة وآيات التسليمة، فإنما، والخروج عنها يا ملك الزمان، تعدل عما جاء به القرآن: «إِنَّ اللَّهَ يُأْمُرُ بِالْعَدْلِ وَالإِحسَانِ» (١).

قال الفقيه أبو الليث (٢) في تفسيره: إن علم الأولين والآخرين في هذا الخط من عمل به مروعة، وربحت تجارته.

قيل: خرج ملك إلى الصيد فانبع غزلاً حتى بعد عن العسكر فاستنده العطش، فقصد بستاناً فخرج إليه صاحبه فسأله ماذا دخل فتأه برامنة فعصراها فدخلت فعباً فشرب، وكثر عجبه فأضرم في قلبه أن يأخذ البستان فجعله له، ثم طلب رمانة أخرى فأأتي باثنين فعصرا أحدهما فلم يخرج منه إلا القليل، فقال: لا إله إلا الله، تعبيرت نية سلطاننا، لا تصلح الشمار إلا بنية صالح السلطان، ولا يقل الماء إلا بجورهم في أرض الله، والرجل لا يعلم أنه السلطان.

فأعترف السلطان في نفسه ونوى أنه يرجع عن ما أضمره في قلبه من أخذ البستان واعتصر الزمانة الأخرى فلمأت القمع فقال الجنائي: قد أخلص السلطان فيما نوى.

فقال له السلطان: أيها الرجل أتعرف من أنا؟

(١) أية رقم (٤٠).
(٢) سورة النحل.
(٣) هو الإمام المحدث الزاهد أبو الليث نصر بن محمد بن إبراهيم السمرقندي الفقيه الحنفي.
(٤) توفي في حسائي الآخرة سنة ٣٧٥ هـ، له ترجمة في: السير (٥٢٢/٣)، وتأليف الشراح (٢٠٧/٢)، والجوهر المبيض (١٠٠/٢)، والفوانيس (٢٢١/٢)، ونافعين (٢٦٩/٢).
قال: الله أعلم.
قال: أنا السلطان، على عهد الله تعالى لا ظلمت بعدها، ولا همس.
بظلم بعد اليوم.

قال الحكماء: الملوك ثلاثة:

واحد ينصف [1] (من نفسه لرعاية) [2]، ويجاوز عنهم، فهو أعلاهمم.
درجة، وأكلهم عقلا، وأدمهم ملكا، وأعمرهم بلادا، وأملهم لقلوب رعايا.
وأحد ينصف لهم من نفسه وينصف لنفسه منهم، فهو أوسطهم، فذاك
الذي عمل بالعدل ولم يستب الفضل.

والثالث: ينصرف لنفسه من رعيته ولا ينصرف لهم من نفسه، فهذا أخبهم
سيرة، لأنه تعجل لنفسه الهلكة، لأن رعاياه تبسط أثفها بالدعاء عليه، وأقدنتها
بالتعرض إلى من بيهدق مقاليد السمواد والأرض فلا يوشك أن يزول ملكه.
فاختار [نفسك] [1] يا ملك الزمان العمل بأفعال من شئت من هؤلاء.

قال رسول الله ﷺ: "عدل السلطان يوما خير من مطر أربعين يوماً.
لولا عدل السلطان لم تنزل الأمطار، ولم تجر الأنهار، ولم تطلع الثمار، ولم
ترخص الأسعار." [6]

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(5) لم أجد بهذا اللفظ، وقد روى النسائي في السنن الكبرى (1391) باب الترغب في إقامة
نحوه، من حديث عبيس بن يزيد قال: حدثني جربير بن يزيد أنه سمع أبيا زرعة بن
عمر بن جربير يحدث أنه سمع أبيا هريرة يقول: قال رسول الله ﷺ: "حد يعمل به في
الأرض خير لأهل الأرض من أن يمطروا ثلاثين صباحا".

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قلت: ت gunman الحكيم (1) لولده: يا بني اعلم أن الذين أصل الملوك، والعدل وزيره، ونضد عدوه، فاحترس أن يقوى عدوك فيبمرك وزيرك فيفسد عليك دينك ودنياك.

يا بني: العدل جنة واقية، العدل تاج الملوك وسيرتهم وصلاحهم وسلمتهم وسرجهم وحصنهم وعزمهم، وكل ملك عمل بالعدل أطاعه الله تعالى منكًا بلا عزل.

يا بني: العدل صفة الله عز وجل قائمة بالصفيق، أي بالعدل، فواضطروا إن الله يحب المفطرين (2).


فيقول الله عز وجل: رضيت عليكم وغفرت لكم، ووهبت لكم الجنة.

سأل سائل: ما حقيقة العدل؟ قيل: الشفقة على الخلق، فيكون الشيخ عنده كوالده، والكاهل كأخيه، والصغير كولده، ويتكونا جميعاً منه أمينين، ولخبره أملين، يأوون إلى ظل عدله، فوفق الملك الفرد ليسألن عن حال عبد عبد (3).

(1) من حكماء الدنيا وزادهم اختلاف في العلماء أي هو أم رجل صالح؟، والذي عليه الأكثرون الثاني، وقد خصه الله تعالى سورة سببها في القرآن الكريم، حكى فيها من عظيم كلامه ما يسأل به على كامل معرفته وتم حكمته.

(2) سورة الحجارة، آية رقم (4).

(3) ليست في (د)، (ص).
فصل
في (منع) (1) استخدام أهل الذمة

قال الله تعالى في كتابه المنزل على نبيه المأمور فيه بقوله : ( وَرَثَّلَ الفَرْقَانَ تَرْتِبَلاً ) (2) ، ( وَلَن يَجْعَلُ اللَّهُ لِكَيْدَاهِمْ عَلَى الْمُؤْمِنِينَ سَبِيلًا ) (3) . وقال تعالى (في حق ممن يوالي أحداً منهم) (4) : ( وَمَن يَتَوَلَّهُمْ مَنْ كَفَّ قَدْنَاهُمْ ) (5) .

وأما يجب ويتبع في حكام المسلمين أن لا يتخذوا أحداً منهم ممن أهل الذمة كتاباً من دون المؤمنين ، فقد (وَاللَّهُ) (6) استعملهم الأجانب ، ومكنوه في البلاد . فأتكونوا فيها الفساد ، وتحكموا في العباد ، وابتدعوا البعد والحوادث ، وأظهروا العناصر ، (وبارزوا بالفجور رب العباد) (7) ، واستولوا على أموال المسلمين ، وأهانوا أهل [العلم والصلاح] (1) (و) (10) الذين ، (وَهَيْرَ تَسَلَّى فِي حَرْمِ المُسْلِمِينَ) (11) ، فصاروا يركبون الخيابون ، ويعلون ألسنتهم والسب والفجور ، وقد شهد بعضهم يخرج رجله ممن الركاب .

ويرفض المسلمين على وجوههم ولم يخف رب الأرباب .

____________________________
(1) ليست في (ص) .
(2) ليست في (د) .
(3) سورة المزمل ، آية رقم (4) .
(4) سورة النساء ، آية رقم (14) .
(5) ليست في (د) .
(6) ليست في (د) . و في (ص) فقد .
(7) في (د) وبارزوا بالفجور رب العباد .
(8) من (د) ، (ص) .
(9) زادوها ليست في السياق .
(10) ليست في (د) .
في عيش يطيب مع هذا الذل العظيم، وأي (معيشة) تسطاب بعد هذا (خطيب) الجسم، فالموت في هذا الوقت خير من الحياة، فلا حول ولا قوة إلا بالله [العلمي العظيم].

فالواجب عليك يا ملك الزمن أن تمنع الجمهور من عسكر السلطان (1)

أن يكونهم مادة من المواد، ويستعملونهم في عمل ما يتعلق بالقرى والبلاط، فقد منعنا الله (تعالى) في كتابه المسمور أن نواليهم أو نواددهم إلى يوم البعثة والنشور.

فقال لله تعالى: «يا أيها الذين آمنوا لا تتولوا قوما غضب الله عليهم» (2).

وأمرنا، بل فرض علينا أن نسأل الله في اليوم والليلة خمس مرات (أن نتعوذ) (3) منهم بقولنا في الصلاة بعد سؤاله الهدائية إلى الصراط المستقيم، صراط الذين أعلمت عليهم غير المغضوب عليهم ولا الضالين، (أمين) (4).

فمن صريح ما فسره رسول الله ﷺ أن المغضوب عليهم اليهود والنصارى، (فكيف نوالى قوما غضب الله عليهم، وأصلهم) (5).

ورد في الحديث عن النبي ﷺ أنه قال: "لآخرين اليهود والنصارى

(1) في (د) عشية.
(2) في (ص) الخطيب.
(3) من (د)، (ص).
(4) في (د) فالواجب على ولي الأمر أن يمنع عساكره.
(5) في (ص) نيست في (ص).
(6) سورة المبهمة، آية رقم (13).
(7) في (د) نتعوذ.
(8) نيست في (د).
(9) في (ص) قوما غضب الله عليهم، وأصلهم أن نواليهم ونواددهم أو نخلطهم أو نستعملهم.
من جزيرة العرب حتى لا أدع إلا مسلمًا" (1). وقال: "لا تساكنوا اليهود والنصارى في أمصاركم إلا أن يسلموا ومن يرد بعد إسلامه فاضربوا عنقه" (2).

فينبغي تجنبهم حسب ما أمكن، (وإبعادهم مهما تمكن) (3)، فلو لم يرد في ذمهم سوى هذه الآية فكانت كافية في تجنبهم وإبعادهم (وعدد تقربهم) (4)، ألا ترى أن الملك إذا غضب على شخص هل يستطيع أحد أن يقربه ويواده أو يواليه؟

وقد (أخبرنا) (5) الله تعالى سبحانه بأنه عدو الكافرين (فحیث) (6) علمنا أنه سبحانه عدو لهذه الطائفة [الضالة الكافرة وتحققا إنهم أعداء الله ورسوله] (7) كيف نوالي من عاداه الله [ورسوله] (8). قل (حالة) (9) قال السلطان لراعيه (فلان) (10) عدوي، هل يستطيع أحد أن يواليه، ويجتمع عليه أو يخلو معه أو يراسره (أو يساسره خشية) (11) أن

(1) أخرجه مسلم في صحيحه (717)، كتاب الجهاد والسير، باب إخراج اليهود والنصارى من جزيرة العرب.
(2) ليست في (د)، (ص).
(3) أخرجه ابن أبي شيبة في مصنفه (7293)، وإسناده ضعيف، فهو هو ابن أبي سليم.
(4) ضعيف الحديث. وانظر الضعفاء والمتروكين لابن الجوزي (2815).
(5) ليست في (د).
(6) ليست في (د).
(7) في (د) أخبر.
(8) في (د) وإذا.
(9) من (د)، (ص).
(10) من (د)، (ص).
(11) ليست في (د).
(12) في (د) إن فلانا.
وليعلم ولي الأمر أعانه الله تعالى على إزالة الفساد (1) ومنع أهل الذمة [والمكر والانعدام] (2) أن يولوا أملًا من أمور العباد (أنني لما) (3) رأيت أعداء الله 
(نصارى) (4) وفروا في البلاد (وتكبروا على العباد) (5) وأهانوا أهل الدين (وابتعدوا الدعاء) (6) وفرعوا المظالم على المسلمين وحكام زماننا عن هذه (بعضهم) (7) غافلون، وعن القيام بما يجب عليهم فيها متعافلون، فخشيت أن يعم العقاب (8) (9) ينزل العذاب على كافة الخلق لقوله سبحانه في محكم الكتاب: » واتقوا فتنة لا تصيب الذين ظلموا منكم خاصًا وأعذرو أن الله شديد العقاب (10) فأخبرت أن أذكر حكاما ما (نفسا) (11) من الشريعة (وأنهم على ما أغفلوه عن أحكامها الرفيعة لما علمت من حظهم وتفقت إلى إعلان كلمة الدين وقيامهم بفضل الجهاد وقمع الكفرة المعندين، وأن هذا من جملة الجهاد المفروض على ولاة أمور العباد (11) فذكرت ذلك خشية عقب الله في الكتمن ورجاء ثوابه (في الإعلان) (11)، كما قال (في الكتاب المبين) (13): (أذكر في الذكرى تنفع المؤمنين) (13).

(1) في (د) فالواحب على ولي الأمر.
(2) من (ص).
(3) في (د) ولما.
(4) ليست في (د).
(5) في (د) ومكرموا بالعباد.
(6) ليست في (د).
(7) في (د) القضية.
(8) زيدت ليستو السياق.
(9) سورة الألفاظ، آية رقم (25).
(10) في (د) نسوه.
(11) ليست في (د).
(12) ليست في (د).
(13) في (د) تعالى.
(14) سورة الزخرف، آية رقم (55).
فإذا أخذوا بشريعة الله تعالى فهو المراد، وإن (تسبحوا عن ذلك وآرئوا) (1) - والعياد بالله تعالى - فقد باوأ بغضب من الله والإبعاد، (وأكون أنا وأياهم كما قال الله تعالى في محكم الكتاب المكنون: «قلما نسوا ما ذكرنا به أنجحنا الذين ينهون عن السوء وأخذنا الذين ظلموا بعذاب بني مس بِمَا كَانُوا يفسفون» (2).»

واعلم يا ملك الزمن أن هؤلاء الكفار لا يحبون للمسلمين خيراً البتة بدليل قوله تعالى: «ما يوذ أهل الكتاب ولا المشركين أن ينزل عليكم من خير من ربك» (3)، فالذي لا يريد لك الخير فكفريق تقربه، أو توالسه، أو تطلبه على أسرارك، أو تستأمنه على أموالك؟ وهو لا يريد لك خيراً، بل ربما يوقع لك ضيراً لكن من يستعملهم غافل عن مثل هذا، بل ومنهم من يعتقد أن النصارى أعرف بباشرة الخدم من المسلمين، وغفول عن ما جاء في حقهم من آيات الكتاب المبين، فقد جاء في محكم القرآن: «يا أيها الذين آمنوا لا تتخذهوا أباءكم وإخوكم أولياء إن استحبوا الكفر على الأ임ان ومن يتولاه منكم فأولئك هم الظالمون» (4).»

(1) في (٣) تسبحوا وأرئوا.
(2) سورة الأعراف، آية رقم (١٨٥).
(3) سورة النصرة، آية رقم (١٠٠).
(4) سورة البقرة، آية رقم (٢٠٣).
قال ابن عطية (1): ظاهر هذه المخاطبة أنها لجميع المؤمنين (كافة) (2).

وهي باب الآية الحكيم إلى يوم القيامة (3).

والآيات الواردة في هذا المعنى كثيرة (4)، ولا يشك شاكي أنهم يغبون سيد نصرانيون، (وهذا) (5) يتم إيماننا إلا ببغض الكفار الصادق ذلك منهم في حق النبي الأمين.

قال بعض العلماء عن هؤلاء الذين يوالون اليهود والنصارى ويستعملونهم كتاباً من دون المؤمنين [قال] (1):

بُلِغْنَا وَلَدِى أَمْلَكَ أَنْهُمْ يَفْتُنُونَ عَنْ الدُّوَّابِ فَلا يَمْتَوْنَ عَلَى فَضْلِ الْإِسْلاَمَ،

وَيَذَكَّرُ ذَكَارَهُ تَعَالَى: {وَمَنْ يَتَوَلَّىٰ فَإِنَّهُمْ فَاتِحَاءُ مِنْهُمْ} (6) {أَيَّ مِنْ جَمِيلِهِمْ} (7)،

{إِنَّ اللّهَ لا يُهْدِي الْقُوْمَ الظَّالِمِينَ} (8) {فَسِيمِي الله تَعَالَى الَّذِينَ يَتَوَلَّوْنَهُمْ} (9).

---

(1) هو الإمام القديم الأجل الحافظ الكامل القاضي الأعدل، أبو محمد عبد الحق، ابن الفقيه الإمام الحافظ أبي بكر غالب بن عبد الرحمن بن غالب بن عبد الرؤوف بن تمام بن عبد الله بن تمام بن عطية بن خالد بن عطية، توفي سنة 451 هـ، ونُظَر ترجمته في: السير (9/19)، والصلاة (2/386)، وبغية الملتمس (326)، والمعجم لأبين الأبار (269)، والديباج المذهب (2/57)، وبغية الوعاة (3/273)، وطبقات المفسرين (16).

(2) في (ص) كافية.

(3) المحرر الوحي في تفسير الكتاب العزيز (3/17).

(4) ليست في (3).

(5) في (3) ونحوه.

(6) كذا في (الأصل).

(7) سورة المائدة، آية رقم (51).

(8) ليست في (3).

(9) سورة المائدة، آية رقم (51).

(10) ليست في (ص).
قال في آية أخرى (ويضل الله الظالمين) (1) أي عند الموت.

قال بعض المفسرين: يوشك من استكثبهم أن لا يموت على الإسلام لقوله:

"ومن يتأولهم منكم فإنه منهم" (2) أي من جملتهم.

تأمل قوله تعالى: (والمذين كفروا بعضهم ببعض أويلواء بعض إلا تفَعًّلَوه تَكَن

فتنة في الأرض وفساد كبير) (3)، فما أغلفنا عن العمل بهذه الآية.

قال بعض العلماء: (معنى هذه الآية) (4) والله أعلم أن الكفار كلهم يتعاونون

وينصر بعضهم بعضاً وهم أعداؤكم، فكونوا أنتم كذلك من اجتماع الكلمة وموالاة

بعضكم، (5) فتركنا ذلك واختذنا الكفار كتاباً ممن دون المؤمنين، فكثر والله

الفساد، (وانتشر) (6) الفتنة بين العباد.

هذا وأهل الدولة عن هذه المفساد غافلون، وعن ما ينال أهل الإسلام ممن

[إذاء] (7) هذه الطائفة معرضون (أو متنافلون) (8)، فإنما الله إنها إليه راجعون.

(فهذه المواجح) (9) اشترت البلية بإهانة الملأ المحمدي، (فقد خشيت والله

أن يغضب الله تعالى على أوليائه فنزل العذاب على من مكثهم، وبحل الانتقام

بمن حكمهم) (10) فجمالتي على ما علمت من أحوالهم على حكام

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(1) سورة إبراهيم، آية رقم (27).
(2) سورة المائدة، آية رقم (61).
(3) سورة الأنفال، آية رقم (13).
(4) في (صر) معناه.
(5) ليست في (د).
(6) كذا في جميع الأصول.
(7) في (الأصول): أدلاء، والمثبت من (د).
(8) ليست في (د).
(9) في (د) فهذا الموجب.
(10) ليست في (د).
المسلمين، والنصيحة لأركان الدولة الموحدين، فبذلتهم [النصيحة] (1) أبتغاء وجه رب العالمين، كما أخبر الله تعالى في كتابه الصغير بقوله وهو أصدق الأخذاء:

(عون) (2) أنسحب لمم لا تجيئون الناسحين. (2)

ففق على جميع الورى أن يمدوا ولي الأمر بالمناصحات، وبخصوصه بالدعوات الصالحات، ويعينوه على سائر المهمات، رجاء الفوز في الآخرة بالدرجات، فقد أمرنا الله تعالى بالمعاونة (على البر) (3) والقوى وقال: لأ كَانَ مِنَ الْقُرُونِ مِنْ قَبْلِكُمْ أَوْلَوٍ بَقِيَّةٍ يَنْهَوْنَ عَنِ الْفَسَادِ فِي الأرضِ إِلاَّ قَلِيلًا مِمَّنْ أَنْجَبَا مِنْهُمْ (4) فالمتعين على علماء الإسلام أن يبذلو جهدهم وجهدهم في تصيحة الإمام، فإذا اطلعوا على أمر فيه ضرر للمسلمين وولي الأمر عن ذلك من الغافلين، فيجب عليهم أن يعلموه وينوهوا، ويطلعونه على ما اتظهر لهم من ذلك ويوقطوه. ويتصرعوا إلى الله جبار السماوات بالدعوات المستجابات أن يريه الحق حقاً ويرزقوه اتباعه، ويره الباطل باطلًا ويرزقوه اجتثاثه، وأن يوفقه للعمل بما أمر الله، واجتناب ما نهى الله، فإن ذلك صلاح الدنيا والدين والنفع لكافة المسلمين المؤمنين.

فإن من جملة ما أمر الله تعالى النهي عن موالاة أهل الذمة، فلا يتخذوا كتاباً ولا عملاً، فقد تملكو لهذه الخدمة قلوب أكابر الأمة ففرعوا لهم في إحداث المظالم أبواها فالأولى أن لا يستعملوا عملاً ولا كتاباً، فقد خانوا الله والرسول، وبلغوا في إبداء الأمة المحمدية غاية الأمل والاملول، فلا يؤمنوا أن يبندوا وإنما هو أولى [وأكثر] (5) من ذلك، لأنهم حيث تمكنا هذا التمكن من قلوب الحكم لا

(1) من (د).
(2) سورة الأعراف، آية رقم (70).
(3) نسبي (ص).
(4) سورة هود، آية رقم (116).
(5) من (ص).
يأمنوا أن يكاتبوا الأعداء من الكافرين (بظهورهم) على أسرار المسلمين، (فقد تقدم لهم المكر بالمسلمين قبل الآن حين دخلت التئاماء دمشق على المؤمنين، وكان ضرهم أشد من ضرر التئاماء خذلهم الله تعالى).

قال الله تعالى: «يا أيها الذين آمنوا لا تتخذوا عدوًا وعةكم أولياء تلقون إليه بالمؤدية»... إلى قوله: «ومن يفعله منهم فقد ضل سواء السبيل» (2). وهذه الآية عامة في كل من يولي أعداء الله تعالى إلى يوم القيامة.

(وقال تعالى): «يا أيها الذين آمنوا لا تتخذوا آباءكم وإخوانكم أولياء إن استجابوا الكفر على الإمام ومن يتولهم منهم فأهل كه هم الظالمون» (3)، هذا [نهي] (4) عن موالاة أقرابهم فكيف عن موالاة الأجانب منهم (5).

قال (عذ من قائل): «لا تجد قوماً يؤمنون بالله واليوم الآخر يوادون من حاز الله ورسوله ولو كانوا أباءهم أو أبناهم أو إخوانهم أو عشيرتهم أولئك كتب في قلوبهم الإمام وأيدهم بروح منه وبدخلهم جنان جزى من تحتها الأنهر كالخالدين فيها رضي الله عنهم ورضوا عنه أولئك حزب الله ألا إن حزب الله هم المفلحين» (6). فانظر يا أخي كيف نفى الله هذا الإمام عن متولي أعداء الله تعالى وأثبت الإمام والتأييد برمح منه لمن أبغض أعداءه.

____________________
(1) في (ص) ويظهرونهم.
(2) ليس في (ص).
(3) سورة الممتنة، آية رقم (1).
(4) سورة النور، آية رقم (23).
(5) من (ص).
(6) ليس في (ص).
(7) في (ص) تعالى.
(8) في (ص) تعالى.
(9) سورة المجادلة، آية رقم (24).
قال بعض العلماء: [معناه نفي الإيمان الكامل؛ لأن موالاتهم وإن كانت
من أعظم الكبار لا تسبّل الإيمان كاملاً] (1)، لكن ربما يكون سبباً للموت على
غير الإسلام نعوذ بالله من ذلك، وليعلم ولي الأمر أن مستعملهم كتاباً دون
المؤمنين مخالف لما جاء في الكتاب المبين من [الأمر] (2) بإهانتهم وإعطائهم
الجزية وهو صاغرون، [فباستعمالهم صاروا أعزاء على المؤمنين يأخذونه من
المسلمين الرب والبر ارطيلوهم وهم صاغرون والإفراد] (3) يهتدونهم ويتوعدونهم
ويعتبرون وعليهم يكتنوع، (فإن الله وإن أيلة راجعون) (4).

ومن المسلمين من يقبل أيديهم وأرجلهم في الركاب، كل هذا من تمكين
الدولة إياهم على المسلمين، وغفلتهم عما جاء من آيات الكتاب المبين (5) فتأمل
هذه الآيات وما أنتم عليه، فهل يسمع في ذلك أحد في قلبه (مثال ذرة) (6) عن
الإيمان ويقرب أحداً من النصارى واليهود، أو يشاورهم أو يتولاه (7) أو
يوليهم أو يستكتبهم أو يركن إليهم أو يوليهم عمالاً من الأعمال يتعلق بالمسلمين؟
[فقال الله] (8) لا يفعل ذلك إلا من أمن مكر الله، واستخف بوعيد الله، وخالف ما أمر
به الله.

(1) كذا في (الأصل) و(ص) وليست في (د)، والمعنى فيه مناقضة بين أوله وآخره وله سباق من
أول الكلام: ليس.
(2) زاد في (ص) بالجزية.
(3) من (ص).
(4) نبست في (ص).
(5) نبست في (د).
(6) في (ص) شيء.
(7) من (ص).
(8) في (ص) ناشئة.
(قال تعالى: «إذا أردت أن تُهلك قَرْبَىٰ أَمْرِنَا مَنْ يُقَّسِمُونَهَا فَهَيْنَا فَقَسَّمُوا فِيهَا فَحَقَّ عليهما القول قَدْ مَرَّتا هُمَا تَدْمِيرًا») (١) ; فأي سبب أُخفِق من اتخاذ أهل الذمة كتابًا وعملاً من دون المؤمنين) (٢) ; (قال رسول الله ﷺ) (٣) : "لا تسلموا على اليهود والنصارى وإذا لقيتموه في طريق فاستلقوه إلى أضيقه" . (٤) .

قال المفسرون: لأن الكفار ليسوا أهلاً للإكراه ، بل للإذلال والهوان ، فهذا كله تحذير عن مواليهم و الاختلاط بهم وعدم الألفة بيننا وبينهم ، فوجب على كل من آمن بالله [واليوم الآخر] (٥) أتباع أمره ونهبه ، وتقريب من قرب ، وإبعاد من أبعد ، ومناهمتهم [ومباعدتهم] (٦) والإعراض عنهم امتناعًا لأوامر الله تعالى وحذرًا من عقابه وحلول سخطه كما قال عز من قائل: "فَلِيَحْذَرُ الذِينَ يُخَالَفُونَ عن أمره أن يُصِيبُهم فتنة أو يُصِيبُهم عذاب اليم" . (٧) .

(قال تعالى: «فَمَنْ بَدَّلَهُ بَعْدَ ما سَمِعَهُ إِلَّا بِهَا إِلَّمَهُ عَلَى الْذِينَ يُبَذِّلُونَهُ إِنَّ اللَّهَ سَمِيعُ عَلِيمٌ») (٨) ; فليبادر ولي الأمر أن عانه الله إلى عزل كل ذمي عن ولايته واستخدام غيره من المسلمين ، فقد قامت حجة الله تعالى على من ونداه واستكبتهم وأدناهم أو ولاهم عملاً من أعمال المسلمين ، أو قربهم ، أو استكفاهم بهم على المسلمين .

١ سورة الأسراء ، آية رقم (١٦) .
٢ ليست في (٤) ، (ص) .
٣ فقد ورد عنه صلى الله عليه وسلم أن قال:
٤ ليست في (ص) ، والحديث أخرجه مسلم (٢١٦٧) ، كتاب السلام ، باب النبي عن إبادة أهل الكتاب بالسلام وكيف يبرد عليهم.
٥ ليست في (ص) .
٦ من (ص) .
٧ سورة النور ، آية رقم (٣٤) .
٨ سورة البقرة ، آية رقم (١٨١) .
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
فن (1) في كتاب "منهج الصواب وقبيح (استثناء)" (2) أهل الكتاب. (3) ليث

شاعر－ أي شيء أغلب [من] (4) ولاة الأمور حتى نُريد كتاب الله، وأعرضوا عماد

ورد في ذلك عن سيد المرسلين، وسلكوا هذا المسلك الدميم من تقرب أعداء الله

[ละغة] (5) وإعزازهم على المسلمين، وتعظيمهم (واستثناء أقوالهم) (6)،

واستثناءهم (7)، [على المسلمين] (8)، مع أنهم خانوا الله، رب العالمين

[رسوله محمد الصادق الأمين] (9)، وجعلت قلوبهم على بعض الإسلام ومعادات

سيد الأئم، فلو أنهم ببطوا لأرباب الدولة، في كل يوم وزن جبل من المال، ما

استحقوا أن يعاملوا بهذه الفعال، فقد تكوينوهم من المسلمين، فأهايتهم أهل الدين

بجلوسهم في تعاطى كتاباتهم، والمسلمون بين أبيديهم على أقدامهم قائمين، فما

أقيح هذه السيرة في هذه الديار؟! وما أشيع عصمة(10) هذا الفضيحة في سائر

الأقطار؟! وهم يأخذون أموال الرعايا بمصادعة ورشا [وبطء] (11) بسورة

أموال خاصة، فقد ذهب مال من أبناء منهم، وخبا وخصوص الله من

استخدامهم، فلو سلكت أذن قبيح أفعالهم لضاقت المجداد، ولو استقصيت مكرهم

(1) القائل هو: علي بن محمد بن عبد العزيز بن فتحي الشافعي، ناجي الدين، المعروف

بابن الريدة وابن أبي الخبير، ولد سنة 712 هـ، وتوفي سنة 762 هـ. ترجم له ابن حجر

في الدرر الكامنة (2: 101،) والشوكي في البحرين الطالع (1: 677) والكتاب ذكره في

كشف الطفون (1882/2).

(2) في (ص) اكتتاب.
(3) من (ص).
(4) من (ص).
(5) نسب في (ص).
(6) نسب في (ص).
(7) من (ص)
(8) من (ص).
(9) نسب في (ص).
(10) من (ص).
 المسلمين لسكبت العبرات، (قيقهم الله من طائفة تمكنوا في بلاد الإسلام، وأهتموا أهل الأرض، وولادة الأمور عن أفعالهم القبيحة غافلون، وعن آثارهم الأثر في الملأ، مما تغلغل، فإنما من مصيبة وأي مصيبة، فإنما الله وإن إله
}

قال رسول الله ﷺ: "من وقر صاحب بدعوة فقد أعان على هدم الإسلام" (1) هذا فيمن ينخره له كان مسلماً فكيف بمجلسه على المسلمين؟ مع أنه من (القوم الكفارين) (2) فلقد وقعت أذى حريمة الإسلام وأذى أمة محمد عليه أفضل الصلاة والسلام (3).

ففيج على ولاة أمور المسلمين المبادرة برفع [أيدي] (4) هؤلاء الكفارين عن القوم المؤمنين، ومنهم أن يليوا كتابة وعملً في ديوان من الدواوين، فمن ولاهم شيئاً من ذلك ولم يعمل بأوامر الله تعالى فيخشى عليه أن يبتى في غضب من الله (فيصير كمن زالت به القدم) (5) وينبغي جالب نفعه الندم، فقد قامت الحجج على من خالف الأوامر، وتحقيق الوعيد على من والاهم أن تدور عليه الدواوين، وليس العجب ممن وقف على هذا الكتاب وما حواه وعمل بما فيه، ونابذ أعداء الله وأهاليهم، (وبعدهم) (6) وعزلهم عن ديوانه، وطردهم، وإنما

(1) أخرجه الطبراني في الأوسط (272) ، حدثنا محمد بن أبي زرعة نا هشام بن خالد نا الحسن بن يحيى الخشتي عن هشام بن عروة عن أبيه عن عائشة قالت: قال رسول الله ﷺ: "من وقر صاحب بدعوة فقد أعان على هدم الإسلام".

(2) وهذا الحديث لا يصح، فانحسن بن يحيى الخشتي، قال النسائي: ليس بثقة.

(3) وهو مرسلاً أيضاً، فإن رأه بن ميسرة من التابعين لم يدرك النبي ﷺ. انظر ترجمته في تهذيب الكمال (2/211)

(4) في (صن) أهل النزعة والخيانة في الدين.

(5) ليس في (ص).

(6) ليس في (ص).
انعُجب ممن وقّع عليه ولم يمنعهم، وأُقرّهم على ما هو عليه من سوء الحالة وقبح الأفعال، واتخذهم كتاباً، وتقلدهم غالب الأعمال)۱(، فمن أعرض عن العمل بما ورد في حقهم من هذه الآيات القرآنية، ولم يعمل بما جاء في حقهم من الأحاديث الصحيحة فسبيله سبيل المعاند (الكتاب الله)۲(، المعضد عن سنة رسول الله (ص)۳، (المؤثر هواء على رضي مولاه)۴، بل ربما يكون هو المراد يقول الله العزيز الحكيم: فِلْيُحْذِرُ الْذُّنُونِ يُخَالَفُونَ عَنْ أُمْرِهِ أَنْ نُصْبِيْنَهُمْ فِتْنَةً أَوْ يُصِبِّيْنَهُمْ عَذَابَ الْلَّغِيِّ)۵، فينيغي الأعراض عنه كما قال الله عز وجل: فَأُعْرِضْ عَنْ مَنْ تَوَلَّى عَنْ ذِكْرِنَا وَلَمْ يُرِدْ إِلَّا الْحَيَاةَ الدُّنْيَا)۶، فحينئذ يخف عليه حلول غضب الله تعالى، وشدة انتقامه، ونّزول سخطه وبلائه، أيّفظنا الله من سنة الغفلة، وجنبنا ما يورث المقت والذلة، إنه على ما يشاء قدير وبالإجابة جدير، وعاباده لطيف خبير)۷.

روي [أن]۸ أمير المؤمنين عمر بن الخطاب رضي الله عنه قال إلى [أبي]۹:

موسى الأشعري ۱۰ وكان عاملاً له على بعض الأعمال:

۱( ليست في (د) ، (ص).
۲( في (د) للكتاب المبين.
۳( في (د) سيد المرسلين.
۴( ليست في (د) ، (ص).
۵( سورة النور، آية رقم (۲۴۳).
۶( في (د) ، (ص).
۷( ليست في (د).
۸( من (د).
۹( تقدمت ترجمته ، ص ۷۷.
۱۰( من (د) و(ص).
۱۱( من كبار صحابة الرسول ﷺ ومن أشاد صوتا بالقرآن، انظر ترجمته في تهذيب الكمال.

(۵/۱۴۴۱).
أما بعد فإن أسعد الولاة من سعده الفراعة، وأشقاه من شقيته الفراعة(1)... وقال في آخر مكتوبة: إذا قرأ كتابي هذا فأقدم على بكتابك لعمل الحساب.

فلما قرأ الكتاب بادر بالوصول إلى حضرة أمير المؤمنين عمر بن الخطاب، فوالده في مسجد النبي فدخل فسلم، فرد عليه السلام فرأى عمر بركاً عظيماً وحمالاً كثيراً تتبع أبي موسى فقال: ما هذا، ألم أمرك أن لا تنقل من أحد شيئاً؟ وقد بلغنني أنه [قد](2) فشلت لك فاشية من إبل وبقر وغم، ولا أعلم لك ذلك قبل اليوم.

قال: يا أمير المؤمنين، والله أني منذ ولدت لم أخن الله ولا رسوله ولا بيت مال المسلمين، ولكنني أعاني من الزراعة والتجارة ما تحصل منه ماقد رأيت، وإن الذي أهدي إلي لم أقبل منه (شيئاً)(3) إلا من أهدي إلي قبل دخول المدينة.

قال: فلم لا (أهدي)(4) إليك وأنت في [بيت](5) أمك، أنا لا أعرف ذلك.

ثم أمر بجميع ما (قدم)(6) به وأدخل بيت مال المسلمين، ثم جلسا لعمل الحساب فقال له أمير المؤمنين: ادع كتابك.

قال: إنه لا يدخل المسجد.

قال: أجنبي هو؟

(1) ليست في (ص).
(2) من (ص).
(3) ليس في (ص).
(4) في (ص) أهدها.
(5) من (ص).
(6) في (ص) تقدم.
قال: لا، ولكنه دمي.

فلما سمع ذلك أمير المؤمنين غضب [(1)] (غضبًا شديدًا) [(2)] وقال:

اتخذت لك بطانة من دون المؤمنين، أما قد نهيكم عن استعمال أهل الكتب،
اختلفون وقد أبعدهم الله، وتركموه وقد أهانهم الله، وصدقوهم وقد كذبوا على
الله؟ وتستأمنوه وفق خانوا الله؟ تولونهم على المسلمين بعد قول الله (عز
وجل) [(3): { ومن ينولهم منكم فانه منهم [(4)]، وبحك الله ويحك أن يحل بك
غضب الله وسطه، يا أخي ألا تستحي من الله رب العالمين، فكأنك مالك وقد
أذكى الزبانية سحبًا على وجهك إلى النار] [(5).

فانتظر هذا الزجر العظيم الشديد، والتهييد والوعيد (علي من
استكثبهم) [(6)، فالواجب المتعين على ولاة الأمور أن لا (يولوه) [(7)] عملاً من
الأعمال، ولا يتخذوه (عمالاً) [(8) على شيء من (الأموال) [(9)] فمن اتعظ

(1) من (ص).
(2) ليست في (د)، (ص).
(3) في (ص) تعالي.
(4) سورة المائدة، آية رقم (61).
(5) إذا ساقه المستضعف مطلبًا، وقد أخرجه منصرًا ابن أبي شيبة في مصنفه (844:3)، وأبو
نعم في الحلية (50:3) ممن حديث سعد بن أبي بكر قال: كتب عمر إلى أبي موسى ...
ذكره مختصراً، وهو مرسلاً لأن سعد بن أبي بكر لم يلقه عمر، لأن العلماء قد نصوا
علي أنه لم يدرك الحكم بن عتبة وهو تابع، فمن باب أولى أن لا يلقح عمر، وأنظر
ترجمته في تهذيب الكمال (345/10).
(6) ليست في (د)، (ص).
(7) في (ص) يولوه.
(8) في (ص) كتابًا.
(9) في (ص) الأمور.
(10) ليست في (د).
بما سمع من هذه الآيات (البيئات) (١) فقد فاز من الله عز وجل بأرفع الدرجات،
ومن تساهل في ذلك (ولم يعمل بكتاب الله) (٢) فقد باء بغضب من الله (تعالى) (١) واستوجب العذاب الأليم، كما ورد في الكتاب المكون، (٥) وَمَا كَانَ اللَّهُ لِيُضَلِّـ(٥) قُوَّمًا بَعْدَ اِذٍّ هَذَا هُمُ الَّذِينَ يُبَيِّنُ بِهِمْ مَا يَنْتَقُونَ) (١) .

(١) نيست في (ص)
(٢) نيست في (د)
(٣) نيست في (ص)
(٤) سورة نبوهة، آية رقم (١١٥)
فصل
في الحث على عدم التحجب

[إن مما] (1) يجب وينعين على ولي الأمر أن لا يتحجب عن الرعايا فربما جاء [معلوم] (2) في وقت من الأوقات، فيجد ولي الأمر محجبًا، فين ضفر بمراده (3) ويعود منكسر الخاطر ساخنًا، فإنه ليس شيء أضيع للملك ولا أفسد لأحوال الرعايا من التحجب، وتعذر الإذن في الدخول على ولي الأمر، وليس شيء أطيب في قلوب العمال والرعايا من سهولة الحجاب، فإذا كان الملك سهل الحجاب لم يكن للعمال أن يجوروا (4) على الرعايا، وخاف الرعايا أن يجور بعضهم على بعض (لسهولة حجاب الملك؛ لأنه يكون له اطلاعًا على سائر أحوال العمال) (5)، ف ينبغي أن يأمر الحجاب أن لا يحجبوا عنه متطلماً، ولا يمنعوا عنه ذو حاجة (ولا شاكياً) (6).

فقد كان الممالكة العادلون لا يغلون عن مثل (هؤلاء الأحوال إنما شغلهم
ودأبهم) (7) الجلوس في تعاطي مصالح المسلمين بالغدو والأصال.

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(1) في (الأصل) وإنما، والمشتت من (د).
(2) من (د)، (ص).
(3) في (د) ولا يبلغ حاجة.
(4) في (الأصل) يجور، والمشتت من (د).
(5) ليست في (د).
(6) ليست في (د).
(7) في (د) هذا وإنما كان شغلهم ودأبهم.
وكان [أمير (1) المؤمنين عمر بن الخطاب (2) يوصي عماله: [أن (3)]
(4) تجنوا) (5) ولا تغفروا أبواكم دون ذوي الحاجات، فإنه يجب علي أن أسافر
[في أقطار الأرض] (6) لأنظر في أحوال الرعايا فإن فيهم الضعيف والعاجز الذي
لا يستطيع الوصول إلى شكوى ظلمته (7).

ولما قلد معاوية (8) ولده يزيد (9) عملاً من الأعمال اتخذ حجاباً بحجبون
الناس. وكان لا يخرج للحكومات إلا أحياناً (الحجبة)، وربما لتعاطفه أشياء أدته
إلى الحجاب) (10) فشكا الناس [والده] (11) معاوية أمير المؤمنين فكتب إليه يقول له
هذه الأبيات) (11) :

شعر:

1) في (الأصل)، الأمير أمير، والمثبت من (د) و (ص).
2) تقدمت ترجمته، ص 77.
3) من (د).
4) ليست في (د) و (ص).
5) من (د) و (ص).
6) أخرجه عبد الزوازن في المصنيف (1/324/6/11) ومن طريقه البهلي في الشهاب (6/24).
7) حديث عن معاصر عن أصمه بن أبي النجود أن عمر بن الخطاب، فذكره، وعاصم لم يلهف
عمراً في الحديث مرسل، وانظر ترجمته في تهذيب الكمال (13/1973).
8) تقدمت ترجمته.
9) هو يزيد بن معاوية، ولي الخلافة بعد وفاة أبيه معاوية، تليته سنة 62 هـ.
10) انظر ترجمته في: المعارف (1/51)، وجمهرة الألساب (1/11) وغيرها.
11) ليست في (د).
12) في (الأصل) نولد، والمثبت من (د).
13) ليست في (د) و (ص).
أنصب نهاراً في طلب العلا
حتى إذا الله أتى مقيماً
فبادر الليل بما تشبهه
كم من فتى تحسه ناسكاً
ولذا الأحمق مكشوفة

فلما وصل الكتاب إليه أقنع عما كان فيه من الحجاب، وكان يجلس لتعاطي
مصالح المسلمين (1) من شروق الشمس إلى (الغياب) (2).
ولما آلت الخلافة إلى أبي جعفر المنصور (3) أخي السفاح (4) احتج عن
الناس، واتخذ على أبوابه حجاباً وحراساً بالسلاح، وأبواب الحديد، فشق

(1) في (الأصل) طلاب، والمنت من (د)، (ص).
(2) في (د) الرعايا.
(3) في (د) غزوة.
(4) هند أخذ تلك القصة مسندة.
(5) هو عبد الله بن محمد بن علي العباسي الهاشمي الخليفي الثاني في الفترة العباسية، توفي سنة
158 هـ، وانظر ترجمته في: المعارف (377)، وتاريخ الطبري (6/7/1960)، ومروج الذهب.
(6) هو عبد الله بن محمد بن علي أبو العباسي الهاشمي العباسي، الملقب بالسفاح، لكنه مكر أرقي
من دم في عهده، أول الخلفاء العباسيين، توفي سنة 136 هـ، وانظر ترجمته في: السمر
17/5، وصفات خليفة (99)، وتاريخ بغداد (10/6/1929)، وفوات الوفيات (2/15).
ذلك على الرعايا، وحصل لهم (بسبب التحجب) (١) غاية الضيق (والنكال) (٢)،
وتم تجاسر عليه أحد يذكر [له] (٣) ذلك.
فلما حج البيت فبينما هو طائف ذات (يوم) (٤) بالبيت إذ سمع قائلًا
يقول: اللهم أشكو إليك ظهور البغي والفساد، وما يحاول بين المرء والحق.
فلما سمعه المنصور أمر بوضع الكرسي فجلس عليه، وطلب القائل
فأحضر بين يديه فقال له:
ما الذي (سمعتك تقول)؟
cال: وللأمان يا أمير المؤمنين؟
cال: وللأمان.
فقال الرجل: يا أمير المؤمنين إن الله [ تعالى] (٥) قد استرعاك أمر عباده
وأموالهم ودمانهم، فجعلت بينك وبينهم حجاباً وحرصاً بالسلاح وأبواب الحديد،
(جعلت) (٦) عمالاً في جبابة الأموال وجمعها لك، وحجبت عنك المظلوم،
ووليت [أمره] (٧) غيرك، فلما رأت عمالك منك ذلك قالوا: هذا (خان) (٨) الله
تعالى فنخونه، فتأمروا أن لا يصل إليك من أمور الناس إلا ما أحبوه لأنفسهم.

(١) ليست في (د).
(٢) ليست في (د).
(٣) من (ص).
(٤) في (د) ليلة.
(٥) زاد في (د) طاناً.
(٦) في (د) سمعته تقوله.
(٧) من (د) (ص).
(٨) في (د) عبت.
(٩) في (ب) من (د) (ص).
(١٠) في (د) (ص) خوان.
فلما انتشر ذلك عنك (وعنهم) (١) هابتهم الناس، وصانعوهم بالهدايا والأموال،
وإن طلبك الناس أو المظلم حيل ببنك وبينهم وإذا للح المظلم في طلبك ضرب
بين يدهك ضرباً مبرحاً وأنت ترى وما تتكر، فما أبقى المسلمون على هذا يا أمير
المؤمنين! وقد رأيت في ملك صبر عدلاً ما رأيته في المسلمين، وهو أنه
أصبع بسموعه فدخلت عليه يوماً فوجدته بيك فقلت: ما يبيكك يا الملك؟
قال: لست أبكي لما نزل بي من هذه المصيبة - يعني الصمم - ولكني
كنت أسمع صرخ المظلم ببابي فآزال مظلمته وآن بصرخ ببابي فلا أسمعه،
ولكن نادوا في الناس: كل من كان مظلمنا فليليس ثوباً أحمر، ثم [صار] (١)
يترقب أمور الناس أداء الله وطراف النهار، إن رأى مظلمنا أزال ظالته،
هذا وهو كافر بالله تعالى بلغت رأفتاه بالكافرين، فكيف وأنت مؤمن بالله تعالى لا
رأفة لك بالمؤمنين؟
قال: فيكي المنصر حتى غشي عليه، فلما أفاق طلب الرجل فلم يجد
قال المنصر:
لعل هذا ملك من الملائكة أرسله الله تعالى إلي ليوظقي به، فأمر برفع
الحجاب ولزم الجلوس من حينه من أول النهار إلى آخره (٢).
ولما ولى أحمد بن طولون (٣) نيابة الديار المصرية حصل منه من الظلماً
لم يعهد قبل.

(١) ليسفي (ص)
(٢) من (٤) (ص)
(٣) أورده الألفي في أخبار البرمكة (٢٠١٩).
(٤) هو سلطان مصر: أحمد بن طولون التركي في عهد الخلافة العباسية، وكان بطلاً شجاعاً
مقاماً مهماً سنتاً حداداً ممدحاً من دعاة الملك، وكان فيه عدل غير أنه كان سفاحاً سفاكاً
تدمراً، وتوثب في مصر في شهر ذي القعدة سنة سبعين ومئتين.
وبحر ترجمته في: سير أعلام النبلاء (١٣/١٤٤)، وتاريخ الطبري (٢٦٣/٩)، والممنتظم
تنهى (٧١/٧) والكامل لأبي الأثير (١٥٠٨) وغيرها.
فمنا أتى الأمر على الرعايا أتت إلى السيدة نفيسة (1) بسكونه إليها فقالت:

نبد : متى يركب؟

فالوا : في غد.

فكتب رقاء ووقفت في طريقه ونادته: يا أحمد.

فلمه رأها ترجل عن فرسه وأخذ الرقة من يده وقرأها وإذا فيها مكتوب:
ملكت فأمرت، وقدرت فقهرتم، وردت إليكم الأزرق فقطعتم (ومنعتهم) (2)، هذا
وقد علمتم أن سهام الأحجار (نافذة) (3) غير مخطئة، لا سيما من قلوب
أوجعتموها، وأكباد جوعتموها، وأجسام عريتموها، فحال أن يموت المظلم
ويبقى الظالم، ولكن اعملوا ما شئتم فإنا صُحابون وجوهروا فإنا إلى الله
مستجرين، وسيعلم الذين ظلوا أي منقلب ينقلبون.

فلمه قرأها غيتش عليه، [فلمه أفاق من غشيته] (4) ألقع عن جميع ما [أحدث]
(3) في زمانه من البدع والمظلم، وعدل في (ريعه) (5) حتى (كانت الذئب) (6)
مع الغنم تسرح فلا يحصل منها ضرر مطلقاً (7).

(1) هي السيدة الطيبة المباركة : نفيسة بنت الحسين بن زيد بن سبط النبي ﷺ الحسن بن علي
رضي الله عنيهم جميعاً ورفع قدرهم، كانت بمصر، وتوفي في سنة 208 هـ، حفظاً.
(2) ترجمتها في : وفوات الأعيان (2/243)، والعبر (1/350)، والبداية والنهائية (10/262).
(3) وحسن المحاضرة (1/51)، وشذرات الذهب (2/21).
(4) ليست في (د) (ص).
(5) في (ب) مصير.
(6) من (ب).
(7) في (ب) حدث.
(8) في (ب) الرعية.
(9) في (ب) كان الطنب.
(10) لم أحد تلك الحكاية، وهي كتب، فإن السيدة نفيسة رحمها الله تعالى توفي في سنة 208 هـ،
وأحمد بن طولون توفي سنة 260 هـ فلا يتنافيان.
فأفضل يا ملك الزمان بسلوك طريق هؤلاء (الملوك الذين [يحسن]) السيرة تقدمون (1) فقد كان لأبهم التبقيظ لأحوال العباد، والنظر في عمران القرية والبلد، فانظر في أحوال من تقدم من الخلفاء الراشدين والأنفس المهتمين، الذي قضاوا بالحق ويهبوا أعداؤهم فلأقل أن تتستر بعدنكم (كرسي أوشروا) (2) فقد أتصف بالعدل إلى آخر دهر الدهر، مع أنه كان من بعده أن رسول الله ﷺ قال أو كما قال القائل: بعثت في زمن الملك العادل، فلما سمع الصديق ذلك من رسول الله ﷺ قال: يا رسول الله إنني رأيت منه عجبًا أحببت أن أذكره لك، قال قائل: مضبت تاجراً إلى بلاده في زمن الجاهلية وكان معي أربعمائة حمل فاشتراها مني وبرنامج ولم ينفذ إلى السهمن ومطلبني أينما، وسار أصحابي وخللته عنهم ولم يعني مراحي، وكوى بالمطل فؤادي، فقصدت صيرفيًّا وحدثته خفياً فقال لي: أصدق كسري في ديوانه، ولم يردني أحد من أعوانه، فلما أصرنني الوزير دعا الترجمان وأوصاه أن لا يوجد شكيتي أنو شروان، فلما وقفت بين يدي كسري قال للترجمان: ما الذي يريد هذا؟

قال: خلعه فقد جاء من مكان بعيد.

قال: أعطوه قطانًا وألف درهم.

فرجعت للصيرفي وأخبرته بذلك، فقال: لم يفسح الترجمان له عن حالك، ولكن عد إليه من الغد، فعدت إليه، فقال بي كما فعل أولاً إلى أن تكرر وعواسي له ثلاث مرات، وهو يعطيك في كل مرة خلعه وألف درهم، فأتيت في اليوم الرابع فإذا ترجمان غير ذلك الترجمان وكان له سبع ترجمان لكل يوم واحد.

(1) في الأصل "يحسن"، والمثبت من (د)، و(ص).
(2) نست في (د).
(3) نقدم التعريف به.
وكان لكسرى أبو شروان جارية عربية يميل إليها فقال لها: إن أعرابي
ورد على فرآيته منه عجبًا قد تكرر وقوفه على وأنا أعطيه كل مرة خلوعه وألف
درهم. فرآيته عندئذ زيادة طمع المركب في الخليفة.
فلما أتيت في اليوم الرابع جاءت إلى الجارية واستخبرت مني فأخبرتها
بخصوص ورجعت ولم أشعر أنها جارية الملك، فلما أصبحت أتيته وجدت الوزير
والترجمان الثلاثة مصلوبين على باب القلعة، فلما أبرزنا الملك ناداني فجرى
إليه وأعطاني حتى وألف درهم زيادة عما كان لي وقلت: أعذرنا.
فلما سمع رسول الله ﷺ ذلك عجب من عده مع كفره (1).

فانظر يا ملك الزمان هذا كافر بالله تعالى بلغ في الكافرين أفلا ترضى أن
تكون من العادلين، قال الله تعالى: {فَوَرَّبِكَ لَسَّنَّا لَهُمْ أَجْمَعِينَ عَمَا كَانُوا
يُعْمَلُونَ} (2).

وقال عليه السلام: "أشد الناس حساباً يوم القيامة الأمراء" (3) "(4).

فليكن دأبك أيها الملك المشي على سنتهم واتباع منهجهم" (5)، وعليك
بالاهتمام (التام) (1) (بأمر) (6) دينك، وأداء ما فرض الله عليك، (وافتناب ما-

(1) هذا حدث موضوع لا أصل له، قال الصناعي في كتابه المصنوع في معرفة الحديث
الموضوع (390): حدث ولد في زمن الملك العادل، قال الحفاظ: لا أصل له.
(2) سورة الحجر، آية رقم (42)، (93).
(3) ما بين المعكوفين ليس في (د).
(4) لم أجد به هذا الفظ، والحديث أخرجه فظ آخر عند الزركاز في المصنف (11/231)، ومن
طريقه البهائي في الشعب (7467)
(5) ما بين قولين ليست في (د).
(6) ليس في (ص).
(1) في (ص) دأبّور.
نهب عنه (1) ، فإنك لن تقدر على إصلاح رعاياك ما لم تبدأ بإصلاح نفسك ،
فذاك الحذر أن تفقدك حيث أمرك ، أو براك حيث نهلك ، فإنك إن فعلت ذلك أعانك الله على إصلاح ولايتك (2) ، وعليك بالاجتهاد في إعدام الخلق ،
والنقاء ببرونق الحق ، وعدم الخروج عن قواعد الشرع الشريف (قواعد نظام
المنف) (3) ، لحمد سرتك ، وخشى سطوتك ، وتقع (رهبتاك) (4) في
قنبر (5) المسلمين ، فإن ذلك أعذر لك عند رب العالمين .
وعليك باحترام الصالحين ، وإكرام العلماء العاملين ، وملزمة الفعل
الجمل ، والاجتهاد الفعل (الردي) (6) الويل .
واعبد ما استطعت فإنك مجتز بالعدل عدلاً وبالجور جوراً ، فإن عدل
السلطان خير من خصبه الزمان .
واعلم أن طباع الرعية نتيجة طباع الملك ، واقتضاء الرعية في
كل زمان بالسلطان ، لا ترى أنه إذا وصف بعض [البلاد] (7) بالعمار وإن أهلها في خصب وأمان ، كان ذلك دليلاً (على عدل السلطان وكماله) (8) واستقامته
مع الله تعالى في السر والإعلان ، فقد صح قول القائل : الناس (بملوكهم) (9) .

(1) ليس في (ص) .
(2) ليس في (د) .
(3) ليس في (د) ، وفي (ص) قوام الملك المنف .
(4) ليس في (د) ، هبتك .
(5) ليس في (د) .
(6) ليس في (د) .
(7) في الأصل : الزمان والمنف (ص) .
(8) في (د) ، (ص) على خصال عقل السلطان .
(9) في (د) بمكمهم .
أنبى منهم [يزمانهم] (1) ، قال سيد ولد عدنان : "[و] (2) كما تدين تدان " (3).

وحاشل الأمر أن العدل في كل شيء محدود فالأولى أن لا يتعدى الحدود ، فإن قوانين قاعدة الملة المحمدية مؤسسة على القوانين العدلية ، إذ فيهما من الحكم الإلهي ما يعجز عن إدراكها القوي (العلية) (4).

قال الله تعالى في محكم البينات : « إن الله يأمر بالعدل والأحسان » (5).

فمن العدل الشفقة ولين الجانب في الأقارب والاجانب ، والحكم المتوسط بين الغضب والصمت (6).

واعلم يا ملك الزمان أنك أمانة الله قد لها الله تعالى في عندك ، فإن عملت (بما أنزل الله تعالى فيها) (7) أثبتت وأجرت وفازت مع الفائزين ، وإن [حدث] (8) على الحق واتبعه الهوي وغرض النفس ، ولم تعمل بما أمرك الله تعالى به ورسله (9) خبرت وخسرت [وختفت اللهم ورسوله] (10) ، وكنت من الهاكين.

واعلم أنها الأمانة التي عرضت على السماوات والأرض والجبال فأي أن يحملها وأشغقل منها وحماها الإنسان [إنه كان ظلوماً جهولاً] (11) ، قال

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(1) في "الأصل "يزمانه ، والثبوت من (د) ، (ص) وهو الأول للسياق .
(2) من (د) ، (ص) ، (ص) .
(3) أخرجه عبد الرزاق في المصنف (2/2026) ، من حديث أبي قلابة عن النبي ﷺ ، أبو قلابة تابعي ، فالحديث مرسول . وانظر تهذيب الكمال (12/421/5) .
(4) ليست في (ص) ، (ص) .
(5) سورة النحل ، آية رقم (90) ، (90) .
(6) ليست في (د) ، (ص) .
(7) في (د) بما أمرك الله ورسوله .
(8) في "الأصل "جررت ، والثبوت من (د) ، (ص) وهو الموقفي للسياق .
(9) ليست في (د) ، (ص) ، (ص) ، (ص) من (د) .
(10) من (ص) ، (ص) .
(11) من (ص) .
رسول الله ﷺ: "لتوذن الحقوق إلى أهلها يوم القيامة حتى يقاد للشاة الجلساء من الشاة القرناء". (1)

فلأجل هذا الخطر العظيم تورع من هذا المقام الزاهدون وشمر عن النتوء بالدنيا دليل العابدين] (2), (قال الله تعالى) 'ولا تحسب الله عفافاً عمّا يعمل العلماء' (الظالمون) (3). (4).

روى أبو ذر (5) قال: قلت: يا رسول الله ألا تستعملني على عمل؟

فضرب بيده على منكبه قال: يا أبا ذر إنك ضعيف وإنها أمانة ، (وإنها) (6) يوم القيامة خزي وندامة إلا من أخذها بحقه وأدى الذي عليه فيها. (7).

ومنه يجب ويتبعين على وظة الأمور بذل الجد والاجتهاد في النظر في أحوال المسائي والجسور فإن ذلك من أهم المهام وأضر الضرورات ، إذ هي من أعظم المواد التي يستقيم بها نظام الملك وعمران البلاد ، فبنغبي (للملك) (8) المبايرة لأحوالها والفحص عنها ، وأن يندب لها من الجند من يثق به [وبدينه] (9) وأمانة ومعرفته واستقامته ، بشرط أن لا يكون عنده طمع ولا النفاق إلى الدنيا.

(1) أخرجه مسلم في صحيحه (2582) ، كتاب البر والصلة ، باب تحريم الظلم.

(2) في الأصل وشمر عن دليل الدنيا العابدين ، والمنت من (د) ، (ص).

(3) ليست في (س).

(4) سورة إبراهيم ، آية رقم (42).

(5) صحابي جليل اسمه : جندب بن جنادة الغفاري من كبار الصحابة وخبرهم ، الزاهد المشهور.

(6) الصادق اللهجة ، انظر الإصابة في معرفة الصحابة لأبان حجر (145/7).

(7) في (س) وهي.

(8) أخرجه مسلم في صحيحه (1825) ، كتاب الإمارة ، باب كرامة الإمارة بغير ضرورة.

(9) ليست في (د).

(10) من (ص).
فبندب لها في (بدر) (1) الوقت حال كون الأرض رطبة والعمل سهل،
(ويصاحب معه من أهل المعرفة والخبرة من يثق به ويدربه) (2) ، يقوم عليها،
ويعطفى مصالحها بإصلاح (جرافتها) (3) ، وصحة أخلاقها ، واستحسان
أنوارها .

ولكن الأشوار قادرة على العمل صالحة لذلك ، ولبسلما لخولة
(مدينين) (4) مستقيمين ، ويجعل عليهم أمنا يحضر (علف دواب البهائم) (5)
[ويعطي كل] (6) منها حقه في العلف كاملاً ، ولبيمارها إلى [أكل] (7) أن يتم
علفها) (8) . وليكن الصرف عليها من بيت المال ، وكذا على عمالها ، (و عند أوان
العمل وتعلق الجرافيف لا يغفل عن العمل في إتفاق الجرف وإحكامه) (9) .

وليتبع مع وارد [قوة] (10) الماء في الماء عند طغيانها ، فيحكم عمله (حتى
يكون الجسر مانعا حابساً للمياه ، ويشدد على العمال ويتوعدهم إذا حصل منهم
نقص) (11) ، فإن معظم الخراب من التهانون في أمر الجسور .

وكذا ينبغي الإمعان في أمر القناطر والمساقي الخراجية إذ القناطر من
جملة (الثغور) (12) ، فكل قطرة تغير من تغور الإسلام ، وقد أحكمها الملوك

(1) في (صر) يرو .
(2) ليست في (د) .
(3) في (صر) جرافتها .
(4) في (د) مندوبين
(5) في (صر) علفهم .
(6) من (د) .
(7) من (صر) .
(8) ليست في (د) . (صر) .
(9) ليست في (د) . (صر) .
(10) من (د) وفي (صر) دفق .
(11) ليست في (د) . (صر) .
(12) في (صر) الصور .
المتقدمون وأمعنوا في إحكامها، وجعلوا لها قوائين يجب الفحص عنها (والتبقيت
لأحكامها) (1). وعدم انغلفة عنها.
روى أن عبد الله بن عمر (5) رأى والده في النوم بعد سنين فقال: يَا
أبتي ما رأيتك (من منذ كذا وكذا) (3).
فقال: يا ولدي إن الأمر عظيم ليبت أمه عمر لم تكن ولدت عمر (فقط) (4).
طيب وي ولدي لمن لم يكن ولايأ ولا حاكماً.
فقال: يا أبيتي أخبرني ماذا لقيت من ربك؟
فقال: خيراً يا ولدي، قد أوققني الله تعالى بين يديه فعاينتي فكذت أهلك،
فمن بعض م crt طالبي به بأن قال لي: يا عمر فنطرة بالعراق لم تحكم لناها
وقعت فيها شاة فانكرت [رجلها] (6).
فقلت: يا رب أين عمر وأين العراق؟
فقيل لي: أمر لم تقدر أن تحكمه فلم وليته (7).
فانظر (با ملك الزمان) (8)، هذا عمر بن الخطاب مع تيقظه (وعدم

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(1) ليست فيه (3). (صر).
(2) هو الصحابي الجليل الذاهد الخاطر العالم عبد الله بن عمر بن الخطاب رضي الله عنه وعـ.
أبيه، توفي سنة 24 هـ.
(3) انظر ترجمته في: طبقات ابن سعد (2/737)، وطبقات خليفة (120)، وحياة الأولياء
(292)، ووفيات الأعيان (347) وغيرها كثير.
(4) في (صر) بعد سنين مكذا وكذا.
(5) ليست فيه (3). (صر).
(6) من (3).
(7) لم أجد.
(8) في (3) بعد المالك.
غفلته (1) وبذله الجهد والجهد في العدل ، وهو أعدل (الأنمة) (2) بعد أبي بكر
الصديق رضي الله عنه (3) (عوتب في ذلك) (4) حتى كاد أن يهلك ، مع جلائه
فقره وانتهاع الحق في سائر أفعاله ، وحرصه على (ملازمة الحق) (5) والعدل ،
والعمل (بهم) (6) في ولايته ، نوقش في غفلته عن الاهتمام بعمل تلك القنطرة ،
(7) هي (تغور) (8) من ثغور الإسلام فكاد أن يهلك [سببها] (9) ، فكيف بك (بما
ملك الزمان) (10) ، وفي (ملكك) (11) من القنطر والمتساق والجسور (12) التي لم تحكم
أمرها ولم تنقى بناءها شيء كثير) (13) ، وأنت عنه من العاقلين ، فتنبى لـ ذلك وإذا
خبث وخررت وهكنت (و كنت من الأهل) (14) .

(15) وبا geli اً faً ًaً من تبقيح الحكام للحث على صرف الجسور البلديّة قبل
الجسور السلطانية ، فإن الجسور البلدية يتساهل فيها من هي عليه ولا يعمل على
حرفها عملاً منتهناً. لعله أن الحكام لا نفتات لهم بها كالجسور السلطانية ، فيجب
التبقيح لها والحث على عمالها في بدرى الوقت ، فإن كل جرّف لم يكن شتوياً إلا

(1) ليست في (د) .
(2) في (د) : الأمة .
(3) في (ص) عنهما .
(4) ليست في (د) .
(5) ليست في (د) .
(6) في (د) بـ.
(7) ليست في (ص) .
(8) في (الأصل : ثغور) والثبت من (د) وهو الصواب .
(9) في (د) ، (ص) .
(10) ليست في (د) .
(11) في (د) ، (ص) ملكك .
(12) ليست في (د) .
(13) ليست في (د) ، وفي (ص) مع من ذلك .
(14) ليست في (د) .
(15) ليست في (د) .
فهو كلا شيء؛ لأن المياه لا يحبها إلا الجرّف زمن الشتاء حتى يكون الطين رطبًا.

فيعلم ونّي الأمر ذلك لأن هذه المصلحة في الإلتفات إليها والحث عليها
عمران سائر البلاد (1) فإن تنبعث لها وأحكمت أمورها وأتقنت جرّفها وصرفت
(عزم هملك) (2) إليها، حبست المياه، وأروت ما تحتها من البلاد، وأطمأن بذلك
العذاب، وخصب الزراعات، ونمت الغلال، وكثّرت الأموال (3) فقد كان الملوك
(ذين هم بالحكم تقدموك) (4) معظم اهتمامهم في أحكام الثغور، وإيقان الجسور،
والذب عن الرعى، والعمل بالعدل في كل قضية.

[وقد] (5) روي أن كسرى أسو شروان (المسمى بالملك العادل بتسمية سيد
ولد عدنان) (6)
ظهر ذات يوم (أوله) (7) مريض، وأن الطبيب وصف له بنة قديمة من بلد
خراب فأتفجّر رجلاه وطافوا أقطار (الأرض) (8) ثم عادوا فلم يجدوا قريبة خراباً
يأتيه بنئة منها، فأنوه خائفين ذاهلين لعجزهم أن يأتيه بنئة من بلد خراب فأتوه
(معترفين) (9) أنها الملك تلك المعذرة، فلقين أقطار مملكتكم فلم نجد بلدًا
خرابًا نأتيك منها بنئة ففرح بذلك وقال: إنا أردت أن أختبر [حال] (10) مملكتي.

(1) في (ص) حمائي.
(2) في (ص) حمائي.
(3) ليست في (ص).
(4) ليست في (ص).
(5) من (ص).
(6) ليست في (ص).
(7) في (ص) ووه.
(8) ليست في (ص).
(9) في (ص) معدورين.
(10) من (ص).
فلمما قرأ كسرى كتاب ملك (الهندوستان) (1) أمر بإزالة الرسول منزلاً ثم أحضره (2) بالعد بالديوان.  
ثم دعا بصندوق فتحه (فأخرج منه صندوقاً آخر ففتحه) (3) فأخبر منه قبضة من حلفاً (4) فناوله إياها وقال له: هل في مملكتكم مثل هذا؟ قال [الرسول] (5): شيء كثير.

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(1) من (د) ، (ص).
(2) في (د) وأرسل إليه ملك هندوستان.
(3) من (د).
(4) في (د) آثار.
(5) من (د) ، (ص).
(6) في (د) الهند.
(7) في "الأصل" إلى الغريم والمعتبر من (د).
(8) ليست في (د) ، (ص).
(9) نوع من النبات وفي تهذيب اللغة (د/15) وقال الليث الحفاظة نبات حمله قصب النشاع الواحدة حلفة، والجميع الحفاظة تتبث أطراف مخزودة كأنهم أطراف سعفة النخل والخوص يتبث في مغابض الماء والنزور الواحدة حلفة مثل قصبة وقصبة وطرفة وطرفة وشحرة وشحرة، وقد بجع حذاء وشحرة وقصبة، و أنا الأصمعي يقول الواحدة حلفة.
(10) من (ب) ، (ص).
فقال كسرى: ارجع إلى صاحبك وقل له: يجب عليك أن تعمر ولايتك فإنها خرب، كيف تطمع في ولاية عامة فإنك لو طفت (قطار) (1) ملكتي لا تجد فيها أصلا من حلفا، ولو بلغني أن في مملكتي عودا واحدا من حلفا لصلبت عام$view_item" width="300" height="300" src="https://example.com/image.png"/></noscript></p>

فانظر (يا ملك الزمن) (2) كيف كان اهتمام من تقدمك من الملوك في عمران البلاد وتوطين العباد وأمن السبيل وحفظ الأراضي أن لا يحصل فيها (3) شيء من الشرقي، أو أدني بقعة (4) فيها غير ما (5) توزعون (6).

ففيجب عليك (يا ملك الزمن) (7) أن تسكل طريق (الملوك) (8) الذين ينشر عدلهم في الرعايا (فمثلي لم تعمل بالعدل في مثل هذه الأمور، وإلا فأنت غني مغزور) (8).

(وإن مما يجب) (9) ويتعين على ولاية الأمور أن يصرفوا همهم فيما يتعلق بمنصب الاحساب [وهو منصب أمير المؤمنين عمر بن الخطاب (10)] فقد تولاه بنفسه فعدلت السوقة خوفاً من سطوته (وبأسه) (11)، فقد كانت سبته أهيب

(1) في (5) أقطار  
(2) في (5) أبدا الملك  
(3) من (ص)  
(4) في (د) ص يدبت  
(5) يزعر  
(6) في (د) أبدا الملك  
(7) ليست في (د)  
(8) ليست في (د)  
(9) في (د) (ص) وما يجب  
(10) من (د)  
(11) ليست في (د)
من سيف (الحجاج) (1) فإن هذا الأمر كل إله محتاج كبيراً كان أو صغيراً،
(فقرأ كنأ أو أمرأ) (2)، فإن سوقة هذا الزمان لا أحداً أطغى ولا أظلم منهم،
وقد ورد: "حاسيوا السوقة فإنه لا ذمة لهم" (3).

(فيجب ويتبع على ولي الأمر أن ينظر في أمر رعاياه إذا وقعت في نائبة
من نواب الدهر كضيغ معيشة، أو جح زمان، أو غلو أسعار، فليبادر للتبقيظ
لذلك، وفحص بنفسه عما هناك، ولا يكل ذلك إلى غيره، فإن محتمي هذا
الزمن كل منهم خبيث (نبيث) (1) خوان (6).

و هذا (الباب) (5) من الأمور المهمة التي لا ينبغي أن يغفل عنها، (ولا
يتساهل فيها)، فإن كل أحد محتاج إليها، فيأمر بإحضار أرباب الخبرة، وتأخذ
الأشياء من أُنسيا وبضائع من موادها، ويتساهل عن [أصل] (4) كل شيء
ومادته، ومن أين يحصل ذلك، كل حرفة بأرباب حرفتها، ولا يثق بأحد إلا بم
اختيار دينه وأمانته واستقامته، فإذا تضح وظهر له خيانة من أحد قابله بما هو
يستحقه، والبطش فيه ليرتد ع وغيرها، ويلزم كل أحد الاستقامة وعدم الخيانة، هذا
في شأن أرباب الخبرة إن خان منهم أحد وأخبر بالخلاف الواقع (8).

(1) تقدمت ترجمته.
(2) ليست في (د).
(3) في كشف الخفاء (93) قال الحافظ ابن حجر: ورد بن سدري ضعيف لكن بلغه ما كمسوا
نبوءة فإنه لا خلق لهم.
(4) في (ص) نبيت البطل، ونثبات من البث والبروت، أي أنه على بثه على خبيثه لا يتحرك
واضح ناحية العروض في مرح القدوس للزبيدي (ص/39).
(5) ليست في (د).
(6) ليست في (د).
(7) مات (ص).
(8) ليست في (د).
ولا يتمتع ولي الأمر في هذه المواد على متوالي الاحتساب فقد انخر نظام
الاحتساب وصار المحاسب (عاملاً) (1) مكاساً ليس عنه استقامة، وليس في قلبه
من خوف انسية، (2) وقد شهد منهم الخبرة الفاحشة وهـأن كـل بضاعة
ورتبت إلى انتيار المصرية حكرواها، وحجزوا على أهاليها أن لا يبيعوها إلا
بمبلغ كبير وأرضوه بذلك، إذا أرضوه وقضواه حصل منهم الإجازة لهم في
نبيع حين ذلك، فعند ذلك أمنوا شر المحاسب فيتقالوا في بيع تلك البضاعة، وهو
أنهم يخزنوها فلا (ينظرها) (3) أحد حتى يشوقوا الناس إليها، فيخرجونها شيئاً
فشيلاً حتى يبيعونها بأغلى الثمن.
(وقد شهد منهم ذلك في بيع القلقاس والعجوة والسمن وغير ذلك من
البضائع، مصروا يخزنوها يطلبو فيها الأسعار من عدم النفاذ الحكام إليهم، وقد
كان في الزمن السابق لهم قواعد وقوانين، ولا يمكن أحد أن يتعداه، ولا يجور
في بيعه، ولا يطلب غلو سعرها.
وأما الحبوب التي هي معظمها فقد انتشرت إليها جماعات يشترونها
وبذرونها، ويستغلوا الحكام ويسافروا بها إلى بلاد النصارى يبيعونها لهم بأغلى
الأسعار، فقد عانوه بها على المسلمين وهذا من أعظم المنكرات في يجب منهم
من ذلك) (4) (وقد كان المحاسبون كلهم من كلام ولاة الأمور، ولا يجوز
مخالفتهم في أمر من الأمور حتى إن المحاسب سابقاً من أصحاب أمير المؤمنين
عمر بن الخطاب) (5) .

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(1) في (د) معملاً.
(2) كنتهما في (الأسلاخ) بلغ مقاولة.
(3) كذا في الأصول الثلاثة.
(4) ما بين استوشرين ليس في (رس).
(5) ليست في (رس).
روى أنه مر يوماً بمجلس القاضي فوجدته يتخلف عن الجلوس وأرباب
الحوالج ينتظرونها، فلعل ذلك على مجلس حكمه بعد أن أدرك عليه [ذلك] 
(1) يعني أن لم يتكرر بالجلوس لتعاطي مصالح الرعايا وإلا فجزاؤك المصفع بهذه
الحالة (2).

فانظر انقلاب الدهر حتى صار المحتمل (عاملاً) (3) مكاساً فاسقاً، فبينيغر
لولي الأمر (أن يتقرب إلى الله تعالى) (4) بإعان النظر في هذا الباب بنفسه فإن
كل أحد متاح إليه والرعايا أحوج الخلق (إلى الإعان في النظر في ذلك) (5)
(خصوصاً فيما يتعلق في [الأقوال] (6) فإن في حلق الله تعالى من الرعايا من
هو قليل النكسب ( جداً) (7) لا يتجاوز عمله في اليوم (والليلة) (8) (نصيفين) (9)
فماذا يقوم بأيده (10) حلال غلو (الأعفار) (11) خصوصاً إذا كان كثير العيال [قلقد
مات غالب الرعايا من شدة الحال فلقد شوهد والله البعض من الرعايا يصبح
بالجوع إلى أن وقع فتات، وكل ولاة الأمر عن هذا غافلون فإننا والله إنا إليه
راجعون) (12).

(1) من (صرف).
(2) لم أخرج.
(3) ليست في (د).
(4) ليست في (د).
(5) في (د) إلى ذلك، وفي (صر).
(6) في الأصل الأقوال، والمست من (د) وهو الصواب.
(7) ليست في (صر).
(8) من (د)، (صر).
(9) في (د) وثلاثة أصف.
(10) ذاود أي الكفيدة.
(11) في (د) الأقوال.
(12) من (د) (صر).
(فعلم الأسعار تؤدي الرعايا إلى ارتكاب المحرمات وما لا يجوز
فعنه) (1) ، فإذا فحص ولي الأمر عن هذه المواد وألزم (على السوقة عدم) 1 الجور ، فذلك المراد ، فقد ذهب الإنصاف من الناس فلم يبق عند أحد
إنصاف) (4) ، ولقد تواصل بعض السوقة على اعتماد الجور (والإيجاف)
[واعتمدوا] (5) غلو الأسعار وتواصلوا (1) على أخذ أموال الناس بالباطل ،
[وقل] (6 ) إيمانهم (بالله) (8) (واليوم) (6) الآخر .

وأما الحنة التي تخرج من الشون الشرفة لدفع الرعايا ، فيتصرف فيها
المحسب تصرف الملك ، ولا يعطي رواتبها إلا لمن يرشيه وما يرضيه ، ولقد
انضح أن بعض المحتمبين رتبت على طابونة (1) يبيع الخيز فيها دراهم كل شهر
وقيل كل أسبوع ، فانظر كم طابونة في مصر ، وأيضاً جعل على كل طابونة
بطة تبع نصفها ، وأما الطاحون فيجعلون الدقيق أصنافاً فأخذون القلب فيبيعونه
لاليهود والوضايفية (11) ، وما عدا ذلك من النخيل والرداد والشعير يضمه لبعضه
بعضاً ، وجعله للرعاية خلياً يبيع في الأسواق بأعلى الأسعار ، ولا يخفى على
ولي الأمر أعينه الله تعالى إن في مصر من الجماعات الأجناد أشروا أمواتهم ،

______________________________
(1) ليست في (د).
(2) في (د) كل منهم عدم.
(3) ليست في (د).
(4) ليست في (د).
(5) من (ص).
(6) من (د) (ص).
(7) في (الأصل) وعلى عدم ، والمثبت من (د) (ص).
(8) ليست في (د).
(9) في (د) (اليوم).
(10) الطابونة : هو السكان المخصص لبيع الخيز ، بلسان أهل مصر.
(11) لم أستطيع معرفة معنى تلك الكلمة ، ولعلها كلمة عامة مصرية تعني: أضيف البلد أو المارين

بها .
وجعلوا أنفسهم سوقًا بـشترين البضائع ويبيعونها للرعايا بالجور في الأسعار، ولا
يقدر أحد أن يكلمهم من الـرـعايا، ولا يقدر أحد يقول لهم: أعطوني حقني تماماً أو
أنتم وزنتم لي بحساً، ومثلي قبل ذلك ضرب وسب.
وأن شاهد إلى الكثير فلا يحكم فيها، والقاضي لا يسمع عليهم
دعاة، فنينبغي لولي الأمر إمعان النظر في ذلك، وطلب هؤلاء الأطراف إما أن
يمنعهم من ذلك، أو يأمرهم بالمشي على الاستقامة أو [أغاوتهم] (1) يمنعهم عن
ذلك، وكن من جار في بيعه أو حاف، أدبه وجزره عن ذلك، وقابلله بما
يستحقه (2).
ولبد البتة من تقتين قوانين (البضائع وتسعير أسعارها ويسجل) (3) ذلك في
السجل الشرعي، وإجهاض البدع بسهر كل بضاعة في أوانها.
(ولكن [البداية] (1) في الحبوب أولاً ثم بسائر الأصناف، وكل بضاعة
بعرفة أرباب الخبرة فيها، وليجعل في كل محلة (6) شخصاً من أهلها متدين
يرفع أهل تلك المحلة إذا جار أحد في بيعه، ولا يصلح لذلك إلا الحاكم الشرعي
الذي في تلك المحلة.
وكل حاكم شرعي يلزم بأهل محلة أن ينظر في أحوالهم وأفعالهم وبيعهم
وشراهم (1)، وليجعل في كل محلة معرفاً متديناً، يرفع القاضي إلى معرفته
بالأسلوب السابق الذي كان عليه الحكام السابقون، فإذا علم من ذلك السوق في

_____________________
(1) في الأصل: بأعوانتهم، والمثبت من (ص).
(2) ما بين الفسّن بعينه في (د)، (ص) وإن لم يتفق في الألفاظ.
(3) في (د) وتسعيراً وتسجيل.
(4) في الأصل: البضاعة، والمثبت من (ص).
(5) في موقع ومكان.
(6) نسخت في (د).
سأر تلك البضاعة رجع إلى ولي الأمر أده وزجره واستخلص لِذلك المُشترى

حقه، قال رسول الله ﷺ: "إذا وزنت فارجعوا". (1)

وَقَالَ الَّذِي تَعَاوَنَ: فَأَوْفُوا الْكِيلَ وَالْمِيزَانَ. (2)

وَقَالَ: فَأَوْفُوا الْكِيلَ إِذَا كَلُّتمْ وَزُنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ ذَلِكَ خَيْرٌ

وَاحْضِنْ تَأْوِيلاً. (3)

وَقَالَ: "لَا تَأْكُلُوا أَمْوَالَكُمْ بِالْبَاطِلِ". (4)

فهذ المواد ينبغي أن لا يغفل عنها ولي الأمر، قال رسول الله ﷺ: "ما

من عيد ولاً الله تعالى أمر رعيته فغشهم ولم ينصح لهم ولم يشفق عليهم إلا

حَرِمَ اللَّهُ عِلَيْهِ الْجَنَّةَ". (5)

فَيَقُولُنَّ عَلَى وَلِيِّ الْأَمَرِ الْنَّصِيَّةَ لِرَعَايَاهُ فَلَا يُغْفِلُهُ، وَلَا يَدْعُ إِلَّا بِضَعْفِهِمْ يَأْكُلُونَ

مال بعض في صورة البيع والشراء، وهو خوف وظلم وغلو في الأسعار، فلابد

أَنْ يَلِزَمْ كُلْ أُحْدَمِنْهُ بِالْبَقُولِ عِنْدَ الْحَدِّ الْمَحْدُودِ لِهَا، وَالقَانُوْنِ الَّذِي قَوْعُ عَلَى

القُرآن، فَمَنْ رَأَى تَجاوِزَ الْحَدِّ وَمَشى عَلَى غَيْرِ الْاسْتَقَامَةِ أَدْبِهِ وَزُجِّرَهُ فَإِنَّ

تَسَاهَلَ فِي ذلِكّ وَتَغَافِلَ عَنْهَا". (6) فَيَقُولُ مَسِيءٌ مَالِ عَلَى الحق خَائِنٌ لِرَعِيَّهُ، غَيْر

نَاصِحِ لَهُمْ.

(قَالَ رَسُولُ اللَّهِ ﷺ: "مَنْ غُشِّ لِيْسَ مِنَ؟". (7)

(1) أَخْرِجَهُ ابْنُ مَاجِحُ (٢٢٢٢) كَتَابُ الْبِنَاءَاتٍ، بَابُ الرَّجَحَانِ فِي الْوَزْنِ، وَإِسْتَنادَهَ صَحِيحٌ

كَمَا قَالَ الشِّرْيَانِيُّ فِي صَحِيحِ الْجَامِعِ (٧٥).

(2) سُورَةَ الْعَدْوَةِ، آيَةُ رَقْمِ (١٥٢).

(3) سُورَةَ اسْلَامَةٍ، آيَةُ رَقْمِ (٧٣).

(4) سُورَةَ الْبِقَراءَةِ، آيَةُ رَقْمِ (١٨٨).

(5) جَزَيْهُ مَسْلَمُ فِي صَحِيحِهِ (١٤٢٨) كَتَابُ الْإِيمَانِ، بَابُ اسْتَحْقَاقِ الْوَالِيِّ الغَيْشِ لِرَعِيَّهُ الْنَّارِ.

(6) مِنْ (١٢٩). لَبِسَ فِي (صِ). (٧) أَخْرِجَهُ مَسْلَمُ فِي صَحِيحِهِ (١٠٢٠) كَتَابُ الْإِيمَانِ. بَابُ فُوْلَ النُّبِيِّ ﷺ: "مَنْ غُشَّنَا فَلَيْسَ مِنَا".
قال رسول الله ﷺ: "والذي نفس محمد بيدله لا يؤمن أحد حتى يؤمن بالله ومحب لأخاه ما يحب لنفسه". 

معنى والله أعلم أن تعامل الناس بما عاملوك به، واعترف لنفسك، وقيل: 
إن تنظر إلى الفقراء [عين التواضع] (1)، وللأغنياء عين النصيدة، وأن تكون حالتلك للناس لو كانت عليك رضيتك بها، فإن أم المعاصي ثلاثة: الكبر، الحراس والحسد، وإن هلاك الملوك في ثلاثة: المعصية، والبغي، والانفراد بالرأي، فحينئذ لا بد أن يصرف همته لهذه المواد المتعلقة بأحوال السوافة من العبد، والفحص عن أحوالهم فأن سوقه هذا الزمان ليس في قلوبهم رفعة ولا رحمة، بل ولي خوف من الله تعالى في توفيق الكيل والميزان.

قال رسول الله ﷺ: "لنؤدن الحقوق يوم القيامة إلى أهلها حتى يقاد للشاة الجلفاء من الشاة القرناء". (2)

فالحذر كل الحذر من المساهلة في هذه الأمور فلا يصدنك عنها يا ملك الزمان تشاغل الملك، فإن تعاطي هذه الأمور والخدمة واجبة عليك، وإن كنت مسئول عن ذلك يوم سأل كل راع عن رعيته، وإن معظم عذاب وراء الأمور، إنما هو من تساهم ورغبتهم عن هذه الأمور، وتقليدهم لمن لا استقامة عنده ولا صدق ولا دين ولا إيمان.

فلا خلاص لك أيها الملك عند الله إلاأ (1) إن توليت ذلك بنفسك وتعاطيته بذلكك، أو بمن تعمد على صدقه وورده وأمانته واستقامته.

(1) أخرجه البخاري في صحيحه (132). كتاب الإيمان. باب من الإيمان أن يجب لأخي ما يجب لنفسه. ومسلم (624). كتاب الإيمان. باب الدليل على أن من خصال الإيمان أن يجب لأخيه المسلم ما يجب لنفسه من الخير.

(2) في: الأصل: بن التوضيع. المثبت من (ص). 

(3) عند تخرجه: ص 25. 

(4) من (ص).
واذ رفع الى الكشوف ولف في حزمة بقل فتأمر بإحضار بالعسا، وتفضح عن أمره، وتستخبر عن قضيته، وإذا رأيته جار في بيعه، واتضح لك حوزه، وتتجاوز الحد وتعدها، وجار في الأسعار، فإذ لم تأديبه وزجره ورده، فإن السوق غيره، فإن السوق لا ذمة لهم ولا إنصاف عندهم، فيجب منعهم عن أخذ أموال المسلمين باطلًا.

واعلم أن هذه النصيحة قد انتدب لتعاطيها بنفسه (من هو أعظم قدرًا منك عند الله) (1)، حضرة أمير المؤمنين عمر بن الخطاب (2)، (فقد كان بنفسه يدور في الأسواق بتعاطي ذلك بذاته، وكانت دره أهب من سيف الحجاج) (3).

واعلم يا ملك الزمان إن من جملة العدل الذي يجب على ولاة الأمور النظر فيما يتعلق بمتبولي الشرطة الذي يمونه الصوباشي (4)، وإعانة النظر في اتباع أحواله ورحالة ومقدميه، والتفقد لأفعالهم، وعدم الغفلة عنهم، ولا يمكن من الوقوف ببابه إلا من يكون على الاستقامة، وفي قليبه الخوف من الله تعالى، فإن فقههم من يتخذ تحت يده المفسدين يحميهم ويذهب عنهم، فهم في النهاية محافظين، وفي الليل خائفين مفسدين، وربما والسوا مع بعض المحافظين الذين يسمونهم خبراء، فغالب ضرر الرعايا من سرقة وقتل ونحو ذلك، إنما هو ملح هؤلاء واتباعهم، ف ينبغي التفقد لأحوالهم والكشف عليهم كل حين، وعلى أفعالهم وعرضهم، وإعانة النظر في ذاتهم، والفحص على مستقيمين من مفسدين، فكل من اتضح منه الاستقامة أفره وأوصاه (بالمسلمين) (5)، خيراً، ومن اتضح له عـدـم

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(1) ليست في (د).
(2) ليست في (د).
(3) تتمت ترجمته، ص 77.
(4) في (د) فقد كان يدور بنفسه في الأسواق والله أعلم.
(5) تتمت ترجمته.
(6) لد أعرف معنى تلك الكلمة، ولعلها رتبة أو مسمي لوظيفة ما عند الأثراء في هذا العصر.
(7) في (ب) على المسلمين.
لا يقر الواحد منهم على خدمته إلا إن أقام كفالة يكفيه فيما هو به، لعله
إن صدرت منه منقصة أو فسدة يطلب حين ذلك من كفالة أو (كافالتة) (1)، وإذا
علم ذلك [الناس] (2) لزم كل منهم مكانه ومشيه على الاستقامة انتهى.

إن من جملة أفعال رجاله نوبة الصواباشي إن في بعض الأحيان يبرز
ولي الأمر بارسال بريد لأمر من المهام فيما يتعلق بالسلطة، فيؤمر له تمسك
دابته يسير عليها، فينبد الصواباشي أعوانه لتمسك دابة كل بر وفاجر، وينبنا
بها باب الصواباشي مع أن المطلوب إنما هو دابة واحدة، فجتمع عندهم دواب
كثيرة، ومن أرجوهم أطلقوا دابته، وبالجملة فلا يؤخذ للبريد من هذه الدواب إلا
دابة واحدة، والباقي لا يطلقونه إلا بالرشوة، فأي ضرر يحصل على الرعايا
بسبب ذلك.

ومثل هذه الفعال كثيرة خصوصاً عند خروج العسكر [بالغزاة] (3) أو الجهه
من الجهات، فمنهم من يتعدى على الرعايا يمسك دوابهم، وإن كان راكب الدابة
وجيهاً أو عليها شيء (محمل) (4) فيلقونه عنها، ويخذونه ظلماً (وعداً وتعدياً
باليد القوية العادية) (5)، فأي ضرر يحصل بسبب ذلك.
فيجب على ولي الأمر التبقيق لمثل ذلك، ومنع هؤلاء المذكورين وزجرهم
وردعهم حسب الإمكاني وبان الله سبحانه وتعالى المستعان) (6).

(1) في (ص) لغالية. كذا.
(2) من (ص).
(3) في الأدنى للغارات، والمثبت من (ص).
(4) في (ص) مجهول.
(5) ليس في (ص).
(6) ليس في (ص).
الباب الثالث

يشمل على أخبار وآثار ونصائح ورغائب
وما وقع لبعض الملوك السابقين من الأحكام
وما ينبغي لولاة الأمور العامل به اقتداء بهم
الباب الثالث
يشمل على أخبار [وآثر] (1) ونصائح ورغائب
وما وقع لبعض الملوك السابقين من الأحكام
وما ينبغي لولاية الأمور العمل به [اقتداء بما] (2)

قال الله تعالى (3) : « فَلا وَرَبِّكَ لَا يُؤْمِنُونْ حَتَّى يُحَكِّمُوا فِيهِ شَجَرَ بَيْنَهُمْ 
لَمْ لَا يَجِدَا فِي أَنْفُسِهِمْ حَرَجًا مَّا قَضَّيْتَ وَسَلَّمْتُوا تَسْلِيمًا. » (4)

وقال تعالى : « (لا تَجِلَّلْوا دُعَاعَ الرَّسُولِ بِبَيْنَكُمْ كَدَعَاءُ بَعْضِكَمْ بَعْضٌ فَدُّمِّ أَلْلَهَ الَّذِينَ يَتَسَلَّلُونَ مِنْكُمْ لَوَآذًا) (5) فَلَبِحَّذَرُ الَّذِينَ يَخَافُونَ عَنْ أَمْرِهِ أَنْ 
تَسِيحُهُمْ فَقَتْنَهُ أوْ يُصِيبُهُمْ عَذَابَ الْيَمِّ » (1)

فَتَبَيَّنَ (أَيَا) (6) الأُمَيْرِ لِهذَا الْوَعْدِ الْشَّدِيدِ ، (وَاعْلَمَ إنَّكَ) (7) لَا عَذَر لَك أَنَّ 
اللَّهُ تَعَالَى (8) مَقْبُولٌ إِن لَّمْ تَعْمَلَ بِمَا جَاءَ بِهِ الرَّسُولُ [عَلِيَّهِ الصَّلَاةَ وَالسَّلاَمَ] (9)
[فقد قال الله تعالى : (وَمَا آتَكُمْ الرَّسُولُ فَخَذُوهُ وَمَا نَهَاكُمْ عَنْهَا فَاتَّنَهَا) (10)]

(1) سورة النساء ، آية رقم (25).
(2) سورة النور ، آية رقم (63).
(3) نس في (ص).
(4) نس في (ص).
(5) في (ص) فإنه وفق (ص) وقال.
(6) من (ص).
(7) من (ص).
(8) سورة الحشر ، آية رقم (7).

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وقل: "عندما تؤمن أحدكم حتى يحب أخيه ما يحب لنفسه"، فأبى ما يحب على (ولي الأمر ويعين عليه) أن يكون عالما بكل فن وحده في كل علم، قال الله تعالى في كتابه المكون: "هؤلاء يس(xi) تو السُّدِين يعزمون وَالذُّين لا يعزمون " (9).

(دخل شقيق البلخي) - رحمة الله تعالى - على ملك زمانه، فقال له:

الملك: عيني يا شقيق.

فقال له: عليك بالشكر والعدل، والجد بيا بنيك، والكف عما في أيدي الناس. ثم تل تقوله تعالى: "في يأبَي بني آدم لا يفتنكم الشياطين كما أخرج أبو يَك فم الجنة" (6)، وفي الحقيقة لا سلطانة (في الدنيا)، إلا للسِيف والقلم، فإنهما قوام العالم ونظار بي آدم، فما وجدت من شر محا سطوة سيف الملك، وما وجدت من خير [أثتَب قلم] (8) الإشراد والسلوك، فمن ملك هاتين الطريقتين فقد حاز الفضيلتين (3)، ومدار الكون على (الحكام) (1) القضاء.

(1) من (1) (ص)، والحديث أخرجه البخاري (13)، كتاب الإيمان، باب من الإيمان أن يحب الإنسان أخيه ما يحب لنفسه من الخبر.

(2) ليست في (2) (ص).

(3) سورة الزمر، آية رقم (9).

(4) هو العالم الذاهب شقيق بن إبراهيم البلخي، المتوفى سنة 194 هـ، ونظر ترجمته في: تاريخ ابن معين (259)، والجرح والتعديل (423/4)، وطبقات السيوخية (11)، وحلبة الأولياء (428/2)، والعبر (431)، ووفيات الأعيان (275/2).

(5) ليست في (5) (ص).

(6) سورة الأعراف، آية رقم (27).

(7) ليست في (7).

(8) في: الأسرام، أثتَبَه عنه ووالشت من (7).

(9) ليست في (9) (ص).

(10) ليس في (10) (ص).
تقصية بشريعة [سيد] (1) الأئمة، فإنهم كالمحل في الطعام، إذ يصالحهم تصلح الأشياء وفسادهم تفسد [الدنيا] (2)؛ لأنهم لأزالة الفساد وصلاح العباد بمنزه نصون للأوضار (3)، والاستغفار للأوزار، فمتى حصل في أحكامهم خيانة [يتنبت] (4) الحقوق (والأمانة)، وإذا استعملوا الإهانة وجدت قلة الديانة، وإذا

ستعملوا الغفل والإنصاف تركت الأوصاف (5)، وقد أشد بعضهم شعراً:

إذا خلوت الأميiez وكابباه
وقاضي الأرض [داهن] (1) في القضاء
لقاضي الأرض من قاضي السماء
فويز شم ويل شم ويل
إن كان القضاء سمير عدل
بесك بالعطاء
(إذا ولي القضاء بلال عدلة)

فكن عادأً في الحكم تعطى
قاصورة عاليات بلال عناء
وإن بعلام قاهر بلا خفاء (6)

(1) في "الأصول" إسلام، والمثبط من (د)، (ص).
(2) في "الأصول" النبات، والمثبط من (د)، (ص).
(3) الأوصار: هي القزوين والنسم. ابن سيده: الوضر وسخ الدم واللبن وغسلة السقاء والقصيدة، واتخاذهما. نظر للأسمر العرب (د/5)، (ص).
(4) في "الأصول" النبات، والمثبط من (د).
(5) للمثبط من (د)، (ص).
(6) كذا في "الأصول".
(7) للمثبط من (د)، (ص).
وأيّده في الأمّر أن لا أحد يغني عنك من الله شيئاً ما لم تحكم بالعدل، إذ لا يخفك ما جاء في الكتب المكتوبَة: "وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأَوَلَّئِكَ هُدًىٰ الْكَافِرِينَ" (1). (فإن كنت أميراً ومأموراً فوالله ما ينفعك إلا ما قدمت من العدل في رعايتك) (2).

(ولتعبد (إنك) (3) إن كنت تائباً تخلي عنك سيدك الذي قلتك أمور الرعايا. فإنه يخاصمنك يوم القيامة بين يدي رب العالمين فيقول: يا رب وعزتك وجلالك نم ألقده إمرة إلا أن يعمل فيها بما يرضيك، ولم أمره بالجور، ولا بما فيه أدنى ضرر لأحد من خلقك، فيلزمك الحجة فتتلتفت بميناً وشمالاً، فلا تجد لك ناصراً ولا معيناً غير عملك الذي (قدمته به على ربك) (4)، فإن يك خيراً فأت من الفانين (الناجين) (5)، وإن كان غير ذلك فقد خبت وخسرت (وكنت مع الهاكين) (6).

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(1) سورة المائدة، آية رقم (44).
(2) ليست فيه (ص).
(3) ليست في (ص).
(4) في (ص) نفر المعنى ولكن سندات أخرى.
(5) في (ص) قدمته.
(6) من (ص).
(7) في (ص) ونذكر مع الهاكين.
دخل بعض (الصالحين) (1) على المهدي أمير المؤمنين (2) فقال: يا أمير المؤمنين إن الله تعالى (3) أعطاك من الملك (خبرًا) (4) كثيرًا (وأجراً كبيرًا) (5)
فأعط رعايتك منه جزاء يسيرًا.

قل: فما الذي ينبغي أن نعطي الرعايا؟

قل: أنجل يا أمير المؤمنين، فإن رعايتك إذا نامت في عدل نمت أمنا في قبرك، فاعلم ما استطعت فإنيك مجري بالعدل عدلًا وبالجور [عقابا] (6) وكما تدين تدان، لكن أنا أنبهك على أمر إن أنت عملت بها مخلصًا فيها رب العالمين. كانت سما لناجك وفوزك مع الفائزين، وهي: أن تتظر في أحكام من تقدمك من الخلفاء الراشدين فإن استطعت المشي على سنهم [بأكله] في أحكام من بعدهم من الخلفاء العادلين (7) كعمر بن عبد العزيز أمير المؤمنين (8) فتتبع العمل في أحكامه حسب الطاقة والاستطاعة (9)، فإن لم يكن فالأقل أن تعمل

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(1) في (د) (ص) الصلاحاء.
(2) هو محمد بن المنصور بن محمد بن علي الهاشمي، أبو عبد الله الملقب بالمهندس، وكان كريماً غيابًا حتى قبل ما ولي من الخلفاء أكرم منه، وكان قاضيًا للزنايدة، توفي سنة 129 هـ، ونظر ترجمته في: المعرف (379)، وتاريخ الطبري (172)، ومصروح الدهر (242)، وتاريخ بغداد (5/291)، وتاريخ الخلفاء (271).
(3) من (ب)، (ص).
(4) في (أ)، جزءًا.
(5) ليست في (ب)، (ص).
(6) في الأصل: جزءًا وألمت من (د).
(7) من (ب)، (ص).
(8) هو الإمام الزاهد تعالى الخلفة العادل، عمر بن عبد العزيز بن مروان بن الحكم انشق بني أمية، وهو أشهر من أن ينظف له أو يدق عليه، توفي سنة 101 هـ، ونظر ترجمته في:
كتب سبعة عمر بن عبد العزيز لابن عبد الحكم، ومناقب عمر بن عبد العزيز لابن الجوزي، غيرها.
(9) ليست في (ب).
يُعتبر كسرى أنو شروان أحد الملوك العادلين، (فقد انتشر ذكره بالعدل مع أنه كان من القوم الكافرين، فلا يزال حكمة منسوَّبة بالعدل إلى آخر دهر الدهر) (1)، وكان معظم اهتمامه النظر في أحوال العباد، وعمران القرى والبلد، وأحكام الزوج، واتفاق الجسور، والذبح عن الرعية، والعمل بالعدل في كل قضية. ولكن شعور الخوف من رب العالمين.

(واعلم أنه) (1) مراقب وكيل عليك وعلى أقوالك وأفعالك وأحكامك، فاعمل عملًا يسرك يوم المعاد، [واعلم] (2) أن ربك للمرصاد، (قال) (3): أصعب الناس حسابًا يوم القيامة حساب الملوك (4).

كل راغب يستن عقبيه، حتى لو أن واحدًا من جنده دخل دار واحد من الرعايا فأخذ منها إمرة لفل يردها، فإن السلطان يسأل عنها يوم القيامة، وبقي في ذلتها سنة معاقبًا عليها.

فاستعدوا للجواب يا سلطان الدين، فإنه لم يكون من الدنيا أعدل من عمر بن الخطاب (5)، ما ليس حريعاً قط، ولا نام عليه، ولا ارتكب ظلماً، ولا مال إليه. وعند موته أوصى ولده قال: إذا أنا مات فاعสม بي إلى قبر رسول الله ﷺ، وقل: يا رسول الله هذا قد جاءك وهو خائف من هذه الطريق فأدركه وإلا هلك (6).

(1) ليست في (د).
(2) في (د) فإنه.
(3) من (د).
(4) نقص ترجمته، ص. 77.
(5) لم أجد في الحديث فيه تكرة ظاهرة، فهذا أن عمر توصل بالرسول ﷺ، بعد موته، وهذا لابغوز وهو الذي توصل بدعا العباس عم الرسول ﷺ، لما خطب المطر، وقطع الشجرة التي باب الناس تحتها حسباً لباب الشرك، وترك بالمخلوقات من إنسان أو ممر أو حجر.
(6) وقد انفصل أهل السنة والجماعة إلى أنه يجعل التوسل بثلاثة شيء لا غيرها:
قالت عائشة رضي الله عنها (1): "رأيت رسول الله ﷺ في المنام ينهرع، فقلت: ما حالك يا رسول الله؟
قال: أريد أن أدرك عمر قبل الحساب (2)
فلما انظر يا أخي هذا عمر بن الخطاب إذا كان حاله هكذا، فاطلب أنت من الله الرحمة عند الحساب.
فإذا كنت عادلاً تقول: يا رب إني قد عذلت في خلقك، وأشفقت على عبادك، فقيل: صدقت فضرب لك سرادق من الذهب والعقيان (3)، وحباله من التوسل بالصلاة.

= 1 - التوسل بأسماء الله تعالى وصفاته الحسن، قال الله عز وجل: "وذكر الأسماء الحسن.
فادعو بها ".

= 2 - التوسل بالإيمان والأعمال الصالحة، قال تعالى: "ربنا إني السمعة مثابًا ندانى لعباد الله أن أمنوا بربكم فاستامنوا رابطًا فاستمانتي لنا ذنوبنا وكمرت عن فانبذت وتوفقت مع الأبرار ", وحدثت الثلاثة الذين تغلق عليهم الغفل في البخاري ومسلم مشهور في جوام التوسل بالأعمال الصالحة.

= 3 - الدعاء بدعاء الصالحين، فعن أبي هريرة قال: سمعت رسول الله ﷺ يقول: "بدخل الجنة من أمتى زمرة هو سبعون ألفا تضيء ووجههم إضاءة الفجر، قدم عكاشة بن محصن... قال: ودع الله لي يا رسول الله أن يجعلني منهم، فقال: اللهم اجعله منهم... وحدث عمر في التوسل بدعاء العباس مشهور.
راجع كتب التوسل والوسيلة للإمام ابن تيمية رحمه الله تعالى، والتوسل للشيخ الألباني.

رحمة الله تعالى.

(1) هي السيدة المباركة المطهية المنزل طهرها من فوق سبع سموعات أم المؤمنين عائشة بنت أبي بكر الصديق، بنت الصديق، زوج النبي ﷺ وأحد زوجاته إليه، وهي من توفي رسول الله ﷺ في بيتها ورآسه على صدرها رضي الله تعالى عنها، توفيت سنة 58 هـ، وانظر ترجمتها في : طبقات ابن سعد (135)، وسير أعلام النبلاء (2/135)، وطفاقيات خليفة (22/135)، وآداب الغابة (32/135)، وتاريخ الإسلام (2/29)، والإصابة في معرفة الصحابة (3/28).
(2) لم أجد.
(3) تعبيران: من التعقيد وهو من الأحجار الكريمة، وقيل: هو الذهب، وانظر لسان العرب.
(4) 1/388
نبنو والمرجان، رأس الصرادق تحت العرش، وأذنائه عند شجرة طوبي في ظل عرش الرحمن: لأنه كان ظل الله في أرضه (١).

روي أن أبا بكر الصديق ﺑُنْسَلَ، لما ألت إليه الخلافة صعد المنبر (فقال) (٢): "يا] (٣) أبا الناس إنما أنا متبوع ولست بمبدع فإن أحستت فيكم الحكم فأعينوني، وإن زغت فقوموني (٤).

فكان إذا وردت عليه الحكومة نظر في كتاب الله، فإن نظر ووجد ما يقضي به قضى به، وإلا نظر في سنة رسول الله ﷺ، وتأمل في أحكامه فإن وجد فيها ما يقضي به قضى، وإلا خرج يسأل الصحابة فيدلهو فيقول: الحمد لله الذي جعل فينا من يحفظ علينا ديننا.

و [٥] قال ابن عباس ﺑُنْسَلَ (١): لما مرض أبو بكر ﷺ (٦) قال: انظروا ما زاد في مالي منذ دخلت الإمارة فابتعثوا به إلى الخليفة من بعد.

(١) ليست في (٦)، (ص).
(٢) في (٦) ثم قال.
(٣) من (٦).
(٤) أخرجه ابن سعد في طبقاته (٢/١٨٢).
(٥) من (٦).
(٦) تقدمت ترجمته، ص ١٤.
(٧) هم الصحابي الجليل الصديق خليفة رسول الله ﷺ أبو بكر عبد الله بن أبي أحمد عنثمان بن عامر بن عمسرو، توفي في السنة الثانية من الهجرة، واتنظر ترجمته في: السير جزء الصحابة (٦).
[نال: فنظروا (1) فإذا (2) هو (3) عبد (2) نوبي (7) يحمل صبيانه، قالت عائشة رضي الله عنها (4): فبعثاه إلى عمر فقال عمر: رحمة الله على أبي بكر لقد أتعب من بعدة تعباً شديدًا (4). (6) (6).

وأما عمر (6). فقد هبه الناس هيبة عظيمة، حين تولى [الخلافة] (7)، حتى إنهم تركوا الجلوس بالأفنية وقالوا: كان شديد البأس علينا ورسول الله (6) بين أظهرنا. فكيف وقد صار الأمر إليه؟ فبلغه ذلك، فصعد المنبر فحمد الله تعالى وآتي عليه [صلى صلى النبي (6) (6)] ثم قال: يا أيها الناس أعلموا إن تلك الشدة إنما هي على أهل الظلم والمبتدين، وأما أهل السلمة والذين فأتنا آلين لهم من بعضهم بعضًا.

وعلما أن لا أدع أحداً يتعدى على أحد يظلمه حتى أضع خده بالأرض، وأضع قدمي على خده الآخر حتى يذعن للحق، ولكم علي أن لا أطمع في المهالك، وإذا غبتهم في البعوث فأنا أب للعيال حتى ترجعوا.

(1) من (5).
(2) من (5)، والعبد النوبي نسبة إلى بلاد النوبة، وأهلها سود البشرة واللون، ويعتنون في أعلى صعيد مصر، انظر معجم البلدان (4: 246).
(3) في (الأصل) و (4) تولى، والثبت من (صن).
(4) تقدمت ترجمتها.
(5) ليست في (د).
(6) آخر مهدي (6) في السنن الكبرى (1287)، كتاب جماع أوراف تقريب الخمس، باب ما يكون إلى الأعضم وأولي الإقليم من مال الله وما جاء في رزق القضاء وأجر سائر الولاية، وإسناد رجله ثابت.
(7) في (الأصل) ص (صن) أمير المؤمنين، والثبت من (د).
(8) من (د).
قال أبو سلمة (ر) : فوفى والله عمر بما قال ، وزاد في الشدة في موضعها واتهم في موضعه ، ولقد كان (ع) إلى (ب) اللاتي غاب عنهن أزواجهن فيسنن : أن هناك حاجة (فاستر لكن) (ب) .

فيسألن معه جوار لهن فيدخل السوق (وان معه من جوارهن) ووراءهم من جواري الناس وخدمهن ما لا يحصى (عدداً) ، فيستري لهن ما يحتاجن بيه . ومن ليس لها خادم حمل حاجتها على عاتقه .

قال أوفي (ر) : (كان عمر رف) يقول لعماله : لا تغلقوا أبواكم دون أرباب الحوائج (ة) .

وكان يقول : يجب علي أن أسافر إلى أقطار الأرض لأشهد أفعال العمال ، حتى أعرف سببهم في الرعايا (ك) .

وكان يبيكي ليلًا ونهارًا فأقبل له : لم (تيكي) (ه) ، وما هذا البكاء يا أمير المؤمنين (ه) ؟

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(1) أبو سلمة هو : ابن عبد الرحمن بن عوف ، الإمام ، أحد الفقهاء السبعة المشهورين ، انظر ترجمته في : سير أعلام النبلاء (287) .
(2) في (د) يدور على .
(3) ليست في (د) .
(4) ليست في (د) .
(5) ليست في (د) .
(6) لم أعثر على ترجمته ولم أعرفه .
(7) تقدم تدخيله .
(8) ليست في (د) .
(9) ليست في (د) .
(10) من (د) .
قال: وليت أمرًا إذا أعدل أحاسب، وإن أظلم أعقاب، وإن نمت نهارًا

أُضعت الرعية، وإن نمت ليلة [أضعفت] (1) نفسي.

قال: وكان [يُعَس] (2) ليلةً فصحةبه ذات ليلة، فبينما نحن سائرين إذ رأينا

نارًا على بعد نضيء مرة وتنطفيء أخرى فقصدنها، فلما دنونا منها وإذا أمرًا.

وبين يديها قدر، وعندها أطفال يهبون وهي تقول: اللهم احكم بيني وبين عمر.

فلم سمع عمر ذلك دهش عقله وقال: يا أمة الله أراك تذكرى عمر.

(قالت: يحكم الله بيني وبين عمر.

قال: وماذا صنع معك عمر؟ (3).

قالت: بعث والد هؤلاء إلى الغزو، فقتل وبقي هؤلاء جياعًا كما تراهم.

قال: وبحكم ومن أين يعرفكم عمر؟

قالت: وما ظننت أن رجلاً يتوثى أمور المسلمين ويخفى عليه أمرهم، أو

ما علمت أن عمر مسؤول عنهم يوم القيامة، يوم يسأل كل راع عن رعيته

فارتعدت فرائصه.

وقال: كل الناس أفقه منك يا عمر، ثم قال لها: ما في هذا العهد؟

قالت: ماء أعلهم به حتى يناموا.

فقام عمر من عنه [ذكر العقل] (4) على الفور حتى دخل دار الإمارة

فأخرج منه عدلًا من دقيق وجراب شحم وتمر وقال: شل علي يا أوفي.

(1) في الأصل: «ضيعت، والمثبت من (د)»، (ص) وهو المواقف للسياق.
(2) في الأصل: «بعش، والمثبت من (د)»، (العرس هو: المثلي في الطرق ليلة، وانظر لسان
العرب (139/1090)، وكان: بعرف أحوال رعيته بذلك.
(3) ليست في (د).
(4) من (ص).
فاقت : أحمل عنك يا أمير المؤمنين.

قال : شمل على كتبتي يا أوفي لا أم لك. إذا أنت حملت عنى اليوم فمن

يحمل عنى غداً؟

فرعت معه العدل حتى وضعته على عاتقه فقال : أطرح الجرائب فوقه

فضرحته، فصار بشك تارة ويصرب أخرى، حتى طرح العدل والجرائب بين

أيديهم. فأخرج منه دقيقاً ولته برسم، ووضعه في القدر، وصار بنفخ والدخان

يخرج من خلاله حتى يضح فأكيظ الأطفال، وغرف لهم وأطعمهم. ثم قام من

عندهم فخرج ومضى قليلاً، وصار يبحثون على ركبتيه ويبكي، فقال له أوفي :

أصلحك الله يا أمير المؤمنين لقد وفيت.

قال : يا أوفي لقد (تغدع) (1) والله قلبي لما رأيت من حالهم.

وكان يطفو السوق وعليه جبة من صوف فيها أثني عشر رقعه، والدرع

علي كتبته، ولما حملت إليه خزان كسرى رأى مالاً عظيماً، فقال له (خازن بيت

المال) (2) : أفلا تدخل هذا بيت المال?

قال : لا. بل اعمل فيه بما أمر الله تعالى به ورسوله لقوله

 تعالى: (وأعلمنا أثنا عشر مثمن من شيء) فأن لله خمسة والله رسول (3) الآية.

وكان شديد البأس على (ولاته) (4) يصدر لهم الوضوء كل يوم: أعقوا الله.

وانتقوا دعوة المظلوم، وأن لا تعلقوا أبواكم دون الناس (وحاجاتهم) (5) (6).

(1) في (ص) صدع.
(2) في (س) خازن، وفي (ص) خازن ذلك المال.
(3) سورة الأنفال. آية رقماً (41).
(4) في (س) ألمأ،.
(5) ليست في (س).
(6) عدم تحرجه.
وكان من جملة عماله على الكوفة سعد بن أبي وقاص (1) لينبي
داراً يسكنها. فكتب إليه [ابن] (2) بقدر يقيك من الحر ويسترك من المطر، ولا
تعرد على ذلك.

ولما أهم قيصر عظيم الروم أمر أمير المؤمنين عمر بن الخطاب (3) أرسل
رسولًا ينظر أحواله ويشاهد أفعاله، فلما دخل المدينة سأل بعض أهلها: أين
ملكم؟
قالوا: ليس لنا ملك إلنا لنا أمير.
قال: أين هو؟
قالوا: خرج إلى ظاهر المدينة، فخرج في طليبه فدل عليه، فرأى رجلاً
nائماً فوق الرمل في حز الشمس، وقد وضع درته تحت رأسه كالوسادة، فلما رأه
على تلك الحالة وضع الخوف في قلبه، وقال (في نفسه) (4): رجل تهابه ملوك
الأرض لا يقر لهم قرار من هيبته تكون هذه حالته، لكنك يا عمر عدلت فامتنت
فتمنت، وألمنا جار فلم يزل ساهراً خائفاً، أشهد أن دينكم خير الأديان.

(5) ليلًا فمر ذات ليلة فإذا امرأة تقول لأبنتها:
قومي (فامريقي) (6) اللبن بالماء.

(1) هو سعد بن أبي وقاص الزهري، وأحد من فداء النبي ﷺ بقوله: ارم فداك أبي وأمي. وأخذ
تشرذم البقرة بالجنة، توفي سنة 45 هـ، وهو آخرهم موتًا رضي الله عنهم جميعًا.

(2) في (ب) أرسل إليه يسأله.

(3) من (ب).

(4) نسيت في (د).

(5) في (أ) الأصل يعيش، والمثبت من (ب).

(6) في (ب) فامريقي، وفي (ص) فامريقي.
فقالت: ويحك، يا أمه أما تسمعي منادي عمر الآن: لا (يمرقن) (1) أحدٌ

نادين بلذاء.

فقالت: ويحك، وأين أنت وأين عمر في هذا الوقت.

فقالت: لا إلا الله، أطيعه نهاراً وأعصيه ليلًاً، والله لا (فعلت) (2).

فلما سمع عمر ذلك (أعجب) (3) (من كلامها ثم علم الباب بإشارة) (4)، فلما
أصبح طلب البنية فعقد لها على ولده، فكان من نسلها عمر بن عبد العزيز (5)
الولي الصالح الذي يضرب بعدله الأمثال (6).

وأما علي بن أبي طالب (7) لما تولى الخلافة أنهاء أمرأة شاكية، فوجدته
قائماً يصلي فلما احس بها، سلم من صلاته والنفت إليها برائفة ورفق فقال: ألك
حاجة؟

فقالت: يا أمير المؤمنين إن الذي وليته الصدقات قد جار علينا ولم يعمل
بما أمرت.

1. في (ب) يمرقن.
2. في (د) أفعل هذا.
3. في (ع) عجب.
4. نسيب في (د).
5. في (ب) نسيب.
6. في (د) نسيب.
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فيكي ثم رفع رأسه إلى السماء وقال: اللهم أنت الشاهد أنى لم
( أمره ) 1 بظلم حلفك، ولا بترك حلفك، ثم أخذ قطعة من رق فكتب فيها ] 2 ]
بسم الله الرحمن الرحيم 3 قد جاءكم بئينه من ركب فأوقوا الكيل والميزان ولا تبخروا الناس أشياءهم ] 3 ] إذا قرأت كتابي هذا فحافظ ما في يدك من عمل
حتى ( برد عليك ) 4 من يقبضه منك والسلام .
فعله لوقته ( وولي عليهم أميراً غيره عادلاً أميناً) 5 .
وأما معاوية 1 أمير المؤمنين، بينما هو ذات يوم ينظر من منظرة عالية
وهي جالس ينظر إلى الصحراء، وكان يوم [ صائفة ] 6 شديد الحر وقد نفخ
الهجيرة، فإذا رجل مقبل من البادية وسط النهار، وكان في شدة الحر فقال
معاوية لجلسائه: انظروا هل رأيتم رجلاً أشقي من هذا الرجل الذي خرج في مثل
هذا الوقت ؟، [ فقالوا ] 4 : لعله ملهوف عاقصدا أمير المؤمنين، فقال معاوية: لن
ورد علي هذا سائل لأعطنيه، أو مستجرا لأجيروه، أو مظلماً لأنصرفه، ثم
انتقل إلى غلام كان واقفاً بين يديه قال: قف بالباب حتى يرد هذا الأعرابي فإن
طلب الدخول علي فأدخله. فوقف الأعرابي بالباب فقال له الغلام: ألك حاجة؟

____________________________
(1) في (د) أمرهم.
(2) من (ب) ، (ص) .
(3) سورة الأعراف ، آية رقم (186) .
(4) في (د) يأتك .
(5) ليست في (د) ، (ص) .
(6) تقدمت ترجمته .
(7) من (د) .
(8) في الأصل "فقال بعضهم لبعض، والمثبت من (د) " .
فقال: اطلب أمير المؤمنين. فأدخله، فلما دخل أنشد وجعل يقول هذه الآبيات شعراً:

معذوبي يا ذا العلم (والفضل) (1) والنبل
أنت لما ضاق في الأرض مذهبي
وقد لي فينصح من الجائر الذي
ساني سعدى وانشي لخصومتي
وهجم بقلتي غير أن نبيتي (2)
(ما أنني) (4) ولم استكمل الرزق من أجل

فلما سمع معاوية إنشاده وال녀ر تتوقد من (فواده) (5) قال: مهلاً يا أعرابي

تذكر لي قصتك وأفصحك عن قولك؟

قال: يا أمير المؤمنين كان لي زوجة تدعى سعدى، وكانت بها محبة وبها
كلفاً، وأنا بها قرر العين طيب العيش، وكان لي (صرامة) (6) من الإبل استعين
بها على قيام أودي وكفاف حالي، فأصببتنا سنة شديدة (الحطم) (7) أذهب الخف
والظلمف، وصرت لا أملك شيئاً، فلما قل مالي وساء حالي علم أبوها ما أنا فيه
من القلة، أخذها أبوها من عندي، وجحدني وطردني (وأغفل علي) (8)ถนنت

(1) في (د) والمعلم وفي (ص) والحلم.
(2) في (د) والفضل.
(3) في (د) وعادشي.
(4) في (ص) طبق.
(5) في (ص) فيه.
(6) في (ص) فيه.
(7) في (ص) الحطب.
(8) من (د) (ص).
إلى عامت ميوان بن الحكم (1) مستصرخاً به راجياً لنصرته، فأحضر أبوها
وبعده عن حالي فقال: لا أعرفه قبل اليوم.
فقال: أصلح الله الأمير إن أقتضى رأيه أن يرسل إليها فيحضرها ويسألها
عن قول أبيها فليفعل.
فأرسل إليها مروان فأحضرتها، فلما (حضرت) (2) بين يديه وقعت منه
موضوع الإعجاب، فصار لي خصماً وعليّ ضرباً، وأظهر لي الغضب، وبعث
بي إلى السجن. فصرنا خررت من السماء إلى مكان سحمي، ثم دفع لأبيها
بclaً، وقال له وعليه خلاصها من هذا الأمر، فرغب أبوها في
البدل وأجابه لذلك. فلما أصح طلب من السجن، فلما وقفت بين يديه نظر إلى
كالأسد الغضبان وقال لي: طلق سعدي. فقالت: لا أطلق زوجتي.
فأسلمني لجماعة من غمانه فتنوعوا إلى أنواع الغذاء، فلم يجد بدً من
طلاقها فاقبلتني. فأعداني إلى السجن إلى أن أقتضت عدتها، ودخل بها، وقد أتبت
مستجرأً بك وإليك ملتهناً. ثم ألقى نفسه بالأرض وأخذ ينتهي كالأبحاء المقتولة.
فلم رأها معاوية على هذا الحال قال: لقد تعدد وظلم ابن الحكم، وجاء
في حدود الدين (وتعدى) (3) على حرم المسلمين، ثم دعا بدواة وقرطاس فكتب
إلى مروان أما بعد:
فاني قد بلغني إنك قد تعددت على رعيتك، وانتهكت حرم من حرم
المسلمين. وتعددت على حدود الدين. وبينغوي ويعين على كل وال أن يغض

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(1) هو مروان بن الحكم بن أبي العاص القرشي، توفي سنة 69 هـ، والنشر ترجمته في السير
(2) في (٣) (ص) وقت.
(3) في (ص) وقت. واحترأ.
كما (١) عن شهواته، ويزجر نفسه عن الذات إذا، ثم كتب إليه يقول هذه الأبيات،
قال الشاعر رحمه الله تعالى:

فاستغفر الله من فعل أمرئي راني
فخذوا إليهما بثين وأحزاني
أيضاً وأبأء من ديني ودنياي
لأجعلك لهما بين عقباني
مع الكيما ومع نصر بن ديناري

ثم طوي الكتاب وطعبه بخاتمة وناوله الكيما ومع نصر بن دينار وقال لهما: اذهبوا إلى هذا الخبيث فإن هوا أجاب وأتبا وإلا فأضربوا عنه، فخرج أبو أمير المؤمنين معاوية إلى أن دخلا على [مروان بن الحكم فلما أبعدها تغير لونه فناوله الكتاب وكل منهما مقلب بسيفه، فلم يقرأ الكتاب لم يرمه إلا أنه أضرح المجازة على الفور وأبانها من عصمه وأسلمها إليه، ثم دعا بهدوه وقرطاس.
وكتب إلى أمير المؤمنين يقول شعراء:

لا تعجل أمير المؤمنين فقد
يمهد جراما حين أعجبته
عذر فإليك لو أبعدتها لجرت
وسوف تأتيك في نسي بعدلها
أوفي بندرك في رفق وإحسان
فكيف ادعى باسم الخالتين الرزان
منك الأماني على تمثال إنسان
عند الخليفة من إس ومن جان

ثم طوي الكتاب وناوله إليه، ثم إلى أن دخلا على [محسن] (٣) في الطاعة وأطنب معاوية بالجارية، فتناوله الكتاب فلما قرأه قال: لقد [محسن] (٣) في الطاعة وأطنب.
في ذكر الجارية، ثم أمر بإحضارها، فرأى صورة لم ير مثلها جمالاً وكمالاً، فخاضبها فوجهها من أصح النساء، فقال: على بالأعرابي، فأحضر وهو في غيّة من سوء الحال، قال: يا أعرابي هذه سعدي؟ فقال: بلى يا أمير المؤمنين جبر الله بك صدع الدين، وألم بك شعر المسنين.

فقال له أمير المؤمنين: هل لك عن سعدي من رغبة يا أعرابي وأوعضك عن ثلاث جوار بنات أبيك مع كل واحدة منهن ألف درهم، وأقسم لك من بيت المال ما يكفيك وينيتك ويعينك على صحبتهن.

قال: (1) فلما سمع كلام معاوية صرخ صرخة عظيمة ظناؤ الحاضرون أنه قد خرج روحه، قال معاوية: ما حالك يا أعرابي؟

فقال: بش بال وأسوه حال، قد استجرت بعد ذلك من جور ابن الحكم فإلى من أستجر من جورك؟

قال: (معاوية): يا أعرابي أنت مقر بأثرك طلقتها، وأما مروان فقد أبانها، ونحنا الآن نخبرها فإن اختارت سواك زوجناها (ه) (2)، ثم قال لها أمير المؤمنين: يا سعدي أيها أحب إليك أمير المؤمنين بعزة وشرفه وسلطنته، أو مروان في عشقة ووجوره، أو هذا الأعرابي في فقره وسوء حاله؟ فسكنكت طويلاً.

فقال نيأ أمير المؤمنين: ما تقولين يا سعدي أيها أحب إليك؟ فأعاد إليها ما قالت أولاً، وثانياً، فأتت بتقول هذه الأبيات شعرًا:

(1) من (3).
(2) من (5).
(3) من (2).
أعز عنيى من أهلي ومن جارى
وكل ذي درهم عنيى ودينار
أيضاً فبقى بطول الدهر والأعصار.[1]
[وهو عنيى أعزم الناس أجمعهم]

ثم قالت : والله يا أمير المؤمنين ما أنا [بخاذلته] [2] الزمان ،
ولا لغدرات الأيام [واني] [3] [لي معه صحبة لا تنسى ، ومحبة لا تبلى ، وأنا أحق من صبر] [4] ، وإنى معه في الضراء كما تنعمت معه في السراء .

فلما سمع معاوية كلامها اهتز طربا لما رأى من عقلها وعظم مروعتها ،
فأمر لها وله بعضرة آلاف درهم ، وأعادا للأعرابي بعقد جديد .


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[1] ليست في (د) ، (ص) ، والبيت فيه كسر ظاهر .
[2] في "الأصل "بخاذلته "، والمثبت من (د) .
[6] أورد هذا الإجتهاد في أخبار البرامكة (٤٤) ، وما أظن هذا يصح عن معاوية ، وهو صحبي جليل ، ولم أر هذه القصة في شيء من كتب أهل العلم إلا ما أشرت إليه ، وعلل المؤلف أخذها من كتب الأدب فنها من هذه الأكاذيب الشيء الكثير ولا تفرق بين الغث والسمين .
[8] هو الصحابي الجليل ابن حواري رسول الله ﷺ ، عبد الله بن الزبير بن العوام القرشي الهندي ، فقهه الخضر السير الحجاج بن يوسف سنة ٣٣ هـ ، وصلبه في خلافة =
فجار عبيد معاوية على قطعة أرض من أرض عبد الله بن الزبير، فكلموهم في ذلك فنصح عبيد معاوية في عبد الله بن الزبير، فبلغ سديهم فساء ذلك كتب إلى معاوية:

أما بعد يا معاوية إن لك عبيداً فعلوا بعبيدي واغتصاباً جنباً من أرضي [ولقد أقسمت إن لم ترد عبيديك عن ما فعلوا بعبيدي وأرضي] (1)، إلا كان بيئي وبينكم شأن، فلما وصل الكتاب إلى معاوية أمر المؤمنين وقرأه، ناول له ولده يزيد (1) فقرأه، فلما قرأه يزيد تغير لونه فقال له والده: ما ترى؟

فقال: أرى أن ترسل جيشاً أولهم عنده وأخرهم عنديك أقره برأيتي.

فسكت معاوية ثم قال ولده: أرى أرى غير ذلك ثم دعى بدوار وقرطاس فكتب إلى عبد الله بن الزبير: سلاماً، أما بعد فقد وصل إلى كتابك يا ابن حواري رسول الله ﷺ فقرأته وفهمته معناه، ووأخله لقد سأعتي ما سأعتي والدنيا وما فيها هنيئة في جنب رضاءك.

ولقد كتب على نفسي كتاباً أشهدت الله فيه على نفسي وأشهدت من حضرني من جميع المسلمين أن الأرض التي ملكتها لك، والعبد التي بها ملكتهم لك، فضمن الأرض إلى أرضك، والعبد إلى عبيدك، والسلام عليك ورحمة الله وبركاته.

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(1) من (د) (ص).
(2) نقمت ترجمته.
فإنما وَصَلَ الكتاب إلى عبد الله بن الزبير وقرأه وفهم معناه تهلل وجهه فرحاً، وكتب إليه: لا أعدمك الله بقاء حسن أمير المؤمنين، ولا أعدمه هذا الرأي الذاcone أهله هذا المخل (العظيم) (1).

فانظر (يا الملك الزمان) (2) حكم الملوك السابقين كيف أحيا الله به ذكرهم حتى صاروا يمتحنوا به إلى آخر (دير الدهرين) (3)، فعليك (يا الملك الزمان) (4) بتشنيع على من ينضموا واقتفاء أثرهم، لتصير عند الله من الفائزين، وعند رعايتك من المستحين المشكورين (ما دمت حياً) (5).

دخل الأحقن بن قيس (6) على معاوية يوماً من الأيام فقال لـه معاوية: كيف الزمان يا (أبا بكر) (7)؟

قال: يا أمير المؤمنين أنت الزمان إن صلحت صلح (الزمان) (8)، وإن فسدت (فشد) (9) الزمان، لأنك في رعايaku بمنزلة القلب الذي هو المضغة في الجسد، فإن صلحت صلح الجسد، وإن فسدت فسد الجسد.

وأما آل التحافرة إلى عمر بن عبد العزيز (10)، رقى المنبر فقال: أباك الناس قد ابتليت بهذا الأمر من غير رأي مني ولا رغبة لي ولا طلبية، وأنى قد

(1) من (د)، (ص).
(2) في (د)، (أبا الملك إلى).
(3) في (د)، (دير).
(4) ليست في (د).
(5) ليست في (د).
(6) الآلاف من قيس التميمي.
(7) من (ك)، (أنا) (أنا) ثم (من (د) وهو صحيح).
(8) ليست في (د).
(9) ليست في (د).
(10) تقدمت (تكرحه)، ص (2)
[خلعت] (1) ما في أعناكم من بيعتني فاختاروا لأنفسكم [غيري] (2) فصباح المسلمون: قد اختارنا يا أمير المؤمنين ورضيناك وضحوا ضجة واحدة، فلما سكتوا محمد صلى الله عليه وسلم على نبيه محمد تفاصيل ثم قال: أوصيكم بتقوى الله عز وجل، وأعمالكم الآخرتك، وأذكروا الموت، وأصلحوا سراً بسراً، يصبح الله تعالى عليكم، وإنه والله لا أعطي أحداً منكم بطلًا، ولا أمنع أحداً حقًا، وعمنا عادب الله أنه من أطاع الله تعالى وجبت إطاعته، ومن عصى الله تعالى فلا ضعة له. أطيعوني ما أطعت الله تعالى، فإن عصيته (بارتكاب غير ما أمر الله تعالى به) (3) فلا طاعة لي عليه، ثم نزل فدخل منزله وأزهى.storu فقال له ولده: (4) مما تريد أن تصنع يا أمير المؤمنين؟
قال: كنت أمس ساهراً فأريد أن أقبل.
قال: يا أبت أتمنى عن قد المظلم؟
قال: إذا استيقظت بعد الظهر إن شاء الله جلست أرد المظلم.
قال: من أين لك يا أبت أن تعيش إلى الظهر فترد المظلم.

(1) في (الأصل) جعلت، والمشتت من (د).
(2) من (د)، (ص).
(3) نست في (ب).
(4) من (د)، (ص).
(5) من (ص).
(6) من (ص).
عصبي أرضي، فاتفقت إليه أمير المؤمنين وقال: ما يقول؟ [فقال: يا أمير المؤمنين أقطعنيها الوليد حين كان أمير المؤمنين] (1).

فقال الدمى: أسألك كتاب الله.

فقال عمر: [كتاب الله] (2) أحق اتباعاً من كتاب أمير المؤمنين الوليد، أريد عليه أرضه يا عباس، فردها ثم صار لا يدع شيئاً مما في أيدي أهل بيته من المظالم إلا ردته لمستحقها.

قال مالك بن دينار (3): لما ولي عمر بن عبد العزيز قالت رعاة الشاة:

هذا الرجل الصالح الذي تولى (الخلافة) (4) على المسلمين، قيل: وما علمك به؟ قالوا: إن السباع والذئاب كفت [عن] (5) شاهينا ولا يكون هذا إلا من عدل الإمام.

قال (محسن) (1) القصاب: لقد مررت بيها نحو ثلاثين وحشاً أحسبهم كلاب فقلت لرعايتها: لقد أكثرتم من الكلاب في شياكم.

قالوا: إنما هي ذئاب.

قلت: إن هذا لعجب.

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(1) من (3).
(2) من (3).
(3) هو مالك بن دينار البلخي الزاهد العابد، توفي سنة 131 هـ، وانظر ترجمته في: السير (5/36/2) وطفيات ابن سعد (3/433/7)، وطفيات خليفة (216) وشذرات الذهاب (17/4/1).
(4) في (ص) خليفة.
(5) من (ص).
(6) في (ص) حسن.
قال الرعاة: أو ما علمت أن [الحاكم كالقلب] (1)، والرعاية بمنزلة
الجسد. فالقلب إذا صلح صلح الجسد وبالعكس.

وروبي الزهري (2) قال: دخلت على أمير المؤمنين عمر بن عبد
العزيز وهو يقسم بيت مال الفيء، وله ولد صغير بجانبه، فمد الويل يده فتنبأ
(دنيار) (3) فانتزعه عنف وألقاه على الفيء، فقام الويل من عنده يبكي فقدت: (لو
تركت له) (4) يا أمير المؤمنين؟

قال: ذكرت قول رب العالمين: ﴿ما أفاء الله على رسوله من أهل
القرى (قلبه وقلبه)﴾ (5) الآية.

فمن أجل هذا لقي الظالم تورع عن الدنيا الزاهدة وشّعر عن
التلوث (6) بما ذيل الخائبين، لم يرضى عمر بن عبد العزيز أن [تبكيك] (7) لوده
(فلسا) (8) واحدا، مما جعله الله تعالى للبياني والمساكين.

فانظر يا ملك الزمان كيف تورع عمر بن عبد العزيز أن يدع الدينار لوده
الصغير، وهو من مال خراج القرى الذي جعله الله للفقري الذي درهزهم الله في
كتابه العزيز، فكيف الجواب غداً عند الله حين يسأل كل راع عن رعيته، لكن

(1) في [الأصل] ، (د) جاءكم الوقت كالظلمات، والامتثال من (ص) وهو الموافق للسياق.
(2) في [الأصل] ، (ص) الفهري، وهو تحريف، والامتثال من (د) ، وهو الصواب.
(3) هو محمد بن مسلم بن عبد الله بن عبد الله بن شهاب الزهري، الإمام العلم الحافظ الفذ، توفي
سنة ١٢٥ هـ. وإنظر ترجمه في: السير (٣٢٦/٥) ، وطبقات خليفة (٢١١) ، وطبقات
الأولى (٣/٤) وغيرها.
(4) في (د) ، (ص) درهما.
(5) في (د) ، (ص) درهما.
(6) في (د) ، (ص) درهما.
(7) في (د) ، (ص) درهما.
(8) في (د) ، (ص) درهما.
سبب هذا الزهد العظيم وحرصه أن يتعاطى لولده أو لنفسه (فلاسا) (1) واحداً من بيت مال المسلمين، الذي جعله الله تعالى للفقراء واليتامى والمحتاجين، وعد السعادة الأبدية، وحظي عند سيد المرسلين عليه الصلاة والسلام (2).

روي أنه رؤي في المنام جالساً بجانب النبي صلى الله عليه وسلم بخمر (3).

فقال: يا رسول الله أجلس هذا الليل (مقدم) (4) على أبي بكر وعمر.

قال: لأنه حكم بالعدل في زمن الجوار وأما حكماً بالعدل في زمن العدل (5).

فانظر (يا ملك الزمان) (6) إلى استعمال العدل كيف يقرب صاحبه إلى غاية القرب من حضرة [صاحب] (7) الجناب الزياني محمد (سيد المرسلين) (8) (ليرشاه فضلاً وشفاءً لديه) (9)، فهنيئاً له من إمام ما كان أعدله، وسياً ما كان أكمله وأخوته من رب العالمين (10).

روي أنه أصبح ذات يوم جالساً لتعاطي الحكومات إذ (دخلت عليه) (11).

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(1) في (6). (ص) درهماً.
(2) هذا المقاطع في (د) بتقديم وتأخير في الألفاظ.
(3) تقدمت تزوجتهما، ص 118، ص 77.
(4) في (د) مقدمًا.
(5) من (د).
(6) أوردها العزي في: تهذيب الكمال (238/32) عن يعقوب بن شيبة في تاريخه.
(7) في (د) أبه الملك.
(8) من (د).
(9) نست في (د).
(10) نست في (ص).
(11) نست في (د).
(12) في (د) ست إليه.
أمرت: فقالت: رأيت لك الليلة مناماً يا أمير المؤمنين [وأريد أن] أقصيه عليك؟

قال: ما رأيت في منائك أيتها المرأة؟

قالت: رأيت كأن القيامة قد قامت - فاصفر لونه - وحشر الناس

نحسب، ونصب الميزان، ومد الصرءة على متن جهنم - فجعل عمر على

ركبيه.

فقالت: وإذا المنادي ينادي: أين مروان بن الحكم (3) أمير المؤمنين؟

فأتى به (ويبعد مغولتان إلى عنقه) (4) يرفف في قيوده، فأمر به فصعد

الصرءة فارتتج به فخر على أم رأسه في النار.

ثم نادى المنادي: أين (فلان بن فلان) (5) فأتى به ويبعد مغولتان إلى عنقه

يرفف في قيوده فأمر به فصعد على الصرءة فارتتج به فخر على أم رأسه في

النار] (6) ثم نادى المنادي] (7) .

ثم نادى المنادي: أين عمر بن عبد العزيز أمير المؤمنين فأتى بك -

(فسخر عمر بن عبد العزيز) (8) وخر مغشاً عليه لا يفيق - فنصارت المرأة

تصرخ في أذنها وتقول: والله رأيتك قد نجوت، وهو لا يفيق إلى الليل (9) .

(1) من (د).
(2) تقدمت ترجمته، ص 138.
(3) ليست في (د).
(4) في (د) ابن عبد الملك بن مروان أمير المؤمنين، وطمست في (ص) عمداً.
(5) من (د).
(6) من (ص).
(7) في (د) فلما سمع ذلك عمر.
(8) في (د) هذا قصة مسندة.
فانظر (يا ملك الزمان) (١) شدة هذا الخوف الذي كاد ينفطر منه قلب الإنسان، (هذا) (٢) وهو أعدل خليفة بعد الخلفاء الراشدين، فماذا يكون حالك غداً؟

أنت عند رب العالمين؟

ولما أنت الخليفة إلى [هارون] (٣) الرشيد (٤) وقد العلماء إليه ينهزوه بالخلافة إلا سفيان الثوري (٥)، وكان مصاحباً له قبل الخلافة، فلما ولى الخلافة تباعد عنه سفيان لما علم فيها من الخسات [عند مخالطة السلطان] (٦) فكتب إليه الرشيد: من عبد الله هارون إلى أخيه سفيان أما بعد:

يا أخي فقد علمت أن الله تعالى أخى بين المؤمنين فقد أخيناك مؤاخذةً لم أصرم منها حبلاً، ولا قطعت لك منها وداً، وإنى من توكل على أفضل ما تعهد مني من المحبة والموهبة، ولولا هذه القلاطة التي قصدنيها الله تعالى لأنتك ولد حبواء، لما أجد لك في قلبي من الابتعاد، ولم يبق أحد من إخواني وإخوانك إلا زارني وقد استبطنك، (ولا) (٧) يخفك (في حق المؤمنين وزيارتهم إخوانهم)، فإذا ورد عليك كتابي فاعجل إلي لترى ما تقرر عينك متي والسلام.

(١) في (د) أيها الملك.
(٢) ليست في (د) من (د).
(٣) هو هارون بن محمد بن المنصور الخليفة العادل الملقب بالرشيد، كان محبًا للسنين والعلماء موضوعاً لهم، وكان يحج عامًا ويغزو عامًا، وكان قصصًا للزناندة، توفي سنة ١٩٣ هـ.
(٤) انظر ترجمت في: السير (١٨٧/٦)، والمعرف (١٨٧/٦) ، وتاريخ الطبري (٢٣/٠)، وتاريخ بغداد (٤١/٤)، وشدرات الطيب (٣٢/٤)
(٥) هو الإمام العالم الازدهر الحافظ أمير المؤمنين في الحديث سفيان بن سعيد الثوري، توفي سنة ١٦١ هـ . وانظر ترجمته في: السير (٢٢٧/٧) ، وظائف ابن سعد (٢٧١/٦) ، وظائف حنفية (١٦٨/٤) ، وحلية الأولياء (٢٥٥/٦) وغيرها كثير.
(٦) من (د) من (د).
(٧) ليست في (د) من (د).

- ١٣٨ -
ثم طوى الكتاب ودعا عباد الطالقاني وناوله الكتاب وقال: (أوصله)⁴ إلى سفيان [النوري].⁵

قال: فأخذ عباد الطالقاني ودخل الكوفة وسأل عن سفيان.⁶ فقيل إنه بالمسجد فأتااه فلم رآه سفيان. قال: أعوذ بالله من الشطان الرجيم، ثم قام مستقبلًا يصلي ولم يكن وقت صلاة.

قال عباد: فنزلت عن دابتي وربطتها بباب المسجد فدخلت وسلمت، فرد علي السلام من (في مجلسه)⁷، وقفت طويلاً (وكلهم)⁸ باهتون ساكتون ما منهم أحد بعرض علي الجلوس ولا يسألني ممن أتيت، فلحقني عدة من هبتهما.

فلما سلم سفيان من صلاته ناولته الكتاب فلم يدهيه فتباعد عنه كأنه حيّة. ثم قال (الأخير)⁹ من عند: إقرأ ما فيه.

فلما قرأه سمع سفيان ما فيه تبسم كالمتجمع، ثم قال للذي قرأه: ارد له الجواب في ظهر كتابه.

فقلت: يا أبا عبد الله إن حليفة فلما كتبت له في قرطاس؟

قال: يا عباد، بل في ظهر مكتوبه ليعود مكتوبه إليه، فإن كان اكتسبه من حل فسيجزي به، وإن كان اكتسبه من حرام فسيصلبه به في الآخرة تكتب إليه: الحمد لله، أما بعد فليعلم أمير المؤمنين أي قد صرمت حبلا وقطعته ودته، فكأن أنت يا أمير المؤمنين على حذر فيما وليت، واعلم أنك ستفق قدأ بين يدي

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⁴ في (6) أوصل هذا الكتاب.
⁵ من (6) (ص).
⁶ من (6).
⁷ است فت (6).
⁸ است فت (6).
⁹ في (6) لا أحد.

وأنه يا أمير المؤمنين إن قدمي عليك لا يعني عنك من الله شيئاً، فلا يقربك إلى الجنة ولا يباعدك عن النار، فكأني بك يا هارون وقد بلغت بك الروح التراقة، وفي رق من راق، وظن أنه الفراق، فلم تشعر إلا وقد أخذت بضيق الخناق، وودت المشقق، وأنت ترى حسانتك في ميزان غيرك، وسنين غيرك في ميزانك (على سبئاتك) [5] بلا على بلاء، وظلمة على ظلمة.

إذا أمسيك بقتوى الله عز وجل، فائق الله في رعايتك، واحفظ محمدًا في أمته. واعلم أن هذا الأمن لم يصر إليك إلا وهو صائر إلى غيرك، هكذا الدنيا تفعل بأهلها واحدها بعد واحد، فمنهم من يزود زاداً أنفقه في أخرى، ومنهم من خسر دينه ودنياه، ثم ناولن الكتب من غير طى فأقبلت به وقد نالني به من الموظفة ما أيقظني مما كنت فيه من الغفلة، فصرمت جبل [6] أمير المؤمنين، وألقبي ما كان عليك من ملبوس كنت (أجالسه به) [7]، وليست جبة من صوف، وأقبلت أقود البدن الذل الذي كنت راكبًا.

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فلما رأوني الحجاب أنتوني لما (رأوني على تلك الحالة) (1) فهى ترب منه عنى
وضردونى. فعرفنا بعضهم فأخذني، فلما رأني أمير المؤمنين تغيرت عيناه
بندموع وقفة: إنا الله وإنا إليه راجعون، وقد سعد الرسول وخباب المرسل،
فنابلته الكتب فصار قرأه ودموه تتحذى وقى: لقد جعل الله [تعالى] (2) سفيان
أمة وحده. ولد ينزل الكتاب عنده لا يفقرته ويقرأه عند كل صلاة .
روي أن الإمام أبا جعفر (3) دخل على (الرشيد) (4) يوما ووجده في أنداد
(الولي) (5) والغضب (والصفح) (6)، فقال: يا أمير المؤمنين إن كان غضبك
نرب العالمين فلا تصرف في غضبك، ولا تغضب أكثر من غضبه لنفسه
سبحانه) (7)، فقد حد [سبحانه] (8) لكل شيء حدا فلا تتبدد حدوده، فقد ملك عيبده
فعامله فيهم بالعفو والحكم، واقتدي بقول الرسليين في العلم، وذكر حاول (ووقفهم
بين يديك و (9) ووقفك بين يديه، (وسؤال عنهم) (10) عند قومك عليه، فسكن
غضب أمير المؤمنين.

(1) في (ال)” رأو من حالي.
(2) من (د).
(3) لا تستمع معرفته، وإن كان الظاهر أن هذا اللقب لا بلى إلا للباقر محمد بن علي بن الحسين
بن علي بن أبي طالب، ولكنه توفي سنة 118 هـ، وهارون مات سنة 193 هـ، فقد مات
فبن هارون، فإن كان هو هذا خطأ من المصنف وإن كان غيره فاتحأ أهميه.
(4) في (ال)” المتصور.
(5) ليست في (د) ، (صر).
(6) ليست في (د) ، (صر).
(7) ليست في (د) ، (صر).
(8) من (د).
(9) ليست في (د) ، (صر).
(10) في (الأصفر)؛ أندمت منيد سؤالك، والمثبت من (د) و(صر).
قُدِّم النبى ﷺ: "إن الله لياملي للظالم حتى إذا أخذه لم يفلتنه".(١)

فوجد النبي ﷺ، أميرًا كبيرًا، رحم الصغير، واعف عن الكبير، وعامل راعيًا-
 بما تجب أن يعملي اللطيف الخبير، فإن العمر قصير، والنافذ بصير، والحساب-
 عسير [والميزان على الذرة يثير، والناس فريقان فريق في الجنة وفريق في-
 المسرع] (٢)، وإنها لا طاقة لك ببحر نار السعير.

قال رسول الله ﷺ: "إن أهون الناس عذابًا يوم القيامة رجل توضع تحت-
 أخصمته جمرتان يغلي منهما دماغه، لا يرى أن أحدًا أشد عذابًا منه، وإنه-
 لأهون الناس عذابًا يوم القيامة." (٣).

فيا ملك الزمان كن على حذر، وتمسك بهذه الأحاديث الشريفة الدالة على-
 عذاب من لا يعدل في رعبه (٣)، وقد أشد بعضهم هذه الأبيات شعرًا:

من ذا الذي قد حاز راحة سرح
في (عسره) (٤) إن كان أو في (يسره) (٣)
فرأيت أكثرها يصاد بوكره
إلى رأيت الطير في (طير أنها) (٤)
ما يلقي ممن نواب دهره
أبوه الوزارة لم يزل متجرفاً

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(١) أخرجه البخاري في صحيحه (١٠٤٩)، كتاب التفسير، باب قوله: (وذلك أخذ ربك إذا أخذ
 الفرى وهي ظالمة إن أخذ أليم شديد). ومسلم (١٥٨٣)، كتاب البر والصلاة، باب تحريم
 النظل.
(٢) من (٢). (ص).
(٣) أخرجه البخاري في صحيحه (٢٥٦٢)، كتاب الرفائق، باب صفقة الجننة وال Länder. ومسلم
(١٦٣)، كتاب الإيمان، باب أهون أهل النار عذابًا بنحو حدث المصنف.
(٤) نسخ في (د). (ص).
(٥) في (د). (ص).
(٦) في (د). (ص).
(٧) في (د). (ص). أوطَرْهَا.
وكان نسيّل الرسول ﷺ السلطان في أحكامه
مجمعين جميعهم في قصره
حتى تكامل عزة مع فخره [1]
وقد مهد الأرض تنزيل طاعة
بُهْذَا إِذْ يَكْفَحُهُ فِي يَدِهِ
وأَنْهَوْا عَرَضَ الفَتْقِ مَنْ عَمِّره
وَمِيلَ أَنَّ الأَعْوَامَ مَالِكَ أَمْرَهُ [2]
وَمَنْ تَمَتَّدَّ فِيهَا مَآَرَبٌ (أَمْرَهُ) [3]
كَلاً وَلَا تَجْرِي الْهَمْمُ بِفَكْرِهِ
بِمِلْيَتِ أَوَلِ لِيْلَةِ فِي قَرْبِهِ
ما كان ذلك كله ممّا يفي [4]

بيبك ناراً تألج قد أضرّها حجابك وأنت مسؤول عن ذلك، فاتق الله يا أمير
المؤمنين ولا تصصح دنياك بفساد آخرين.

يا أمير المؤمنين إن عمالك قد اتخذوك سلماً للتوصل إلى شهواتهم [6]
وأنت كالماسبك (حبل) [6] الشاة [وجهم الحاليون]، وإنهم لن يغنو عنك من الله
هيناك.

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[5] هو تواضع ابن السمك أبو العباس محمد بن صبحي الكوفي الزاهد مولى في عجل، توفي سنة
183 هـ، وترجم ترجمته في: شمائل الذهاب (1/151).
يا أمير المؤمنين [وَاللَّهُ] (1) لو أن قميصاً من ملبس أهل النار ألقى في الأرض لصارت الأرض وما فيها من جبال وبحار وأشجار جمرة حراء، فكيف بمن بس ذلك القميص.

يا أمير المؤمنين والله لو ظهر من النار مقدار أنف ثور بالمشرق ورجل بالمغرب نسج قيامة من شدة حرا.

يا أمير المؤمنين إن جنده لتزفّر يوم القيامة زفرة فلا يبقى ملك قريب ولا نبي مرسى إلا جنى على ركبتينه.

يا أمير المؤمنين إن أشد الناس عذاباً يوم القيامة رجل آتاه الله حكماً فجدار في حكمه ولم يعدل في رعيته.

يا أمير المؤمنين أين من سبلك من الملوك الذين لم يكّن (همستهم) (2) إلا نشر العدل في الرعايا واقتضاء المحامد وسد النغور وإنفان (القناطر) (3) (و الجسور وأمن السبل) (4) والتقرب إلى الله تعالى بفعل الخيرات وإزالة المنكرات (بما آثاره بقية إلى الآن) (5).

أين الملوك الذين بنوا المدائن (وحصنوها وعمرو القصور وزخرفوها) فبأوا بعد القصور قبولاً وتجمدوا بعد الأسرة سخراً قد سالت والله منهم الحدق، السود على صفحات الخدوء، وتمزق منهم المفاصل وفنيت الجلود، وעיון في نفس الأحشاء معظم الدود، مسوا والله متنديم على عدم الازدياد من فعل

(1) رأى في (الأصل) سنة، وهي زيادة مفمحية.
التخريات ليوم المعاذ (١)، (فواحة إنهم) (٢) أصبوا رهن أعمالهم في ظلمات
القبر إلى يوم البعث والنشور، مت Bíضين على ما فرضوا في هذا الدار، وتحققوا
بما في دار البور، (فلا تغتر بصدقات الحياة الدنيا فإنها دار غيور، والمراكز
نبياء من غير بصيرة فهو غني مغرور) (٣)، فظوبي لمن نظر فيها بعين
الاعتبار.

فتفكر [يا] (٤) أمير المؤمنين فيما حل ممن سبقك من ملوك الأقطار، (ولا
تغتر بصحتك فإنها مهولة لهم على الآثار، فاستعذ بالله ممن ارتكب بيبيه
وجوه منهم معظم الأوزار، فأولك لهم جهبن يصلوها فيلس القرار.
فاردع لنفسك يا أمير المؤمنين) (٥) [وتقف لنفسك] (٦) واحذر عواقب
انتبعت (واستحلل من استطعت مما أقرب من المظلوم الموقات) (٧)، وعامل
روعات بما ترجو أن يعاملك به جبار الأرض والسماوات.

واعلم أن [ورأك] (٨) طلب حديثك (٩) سيدركك لا محالة، وأنت سائر إليه
(لا تشعر) (١٠)، فالفائز (كل الحائر) (١١) من ارتكاب البغي والضلالة، فرءبك في

١: ليست في (د)، (ص).
٢: في (د) قد أصبحوا.
٣: ليست في (د)، (ص).
٤: من (د)، (ص).
٥: ليست في (د)، (ص).
٦: من (د)، (ص).
٧: ليست في (د)، (ص).
٨: في (الأصل) وراء، والمتلبض من (د).
٩: في (الأصل) طلب حديث، والمتلبض من (ص).
١٠: ليست في (د)، (ص).
١١: ليست في (د)، (ص).
أنعمت (وأوامر) (١) ديان يوم (الدين) (٢) ، واجتهد أن تكون (يوم القيامة) (٣) من
الذينين ، فمن الله تعالى في محكم القرآن المبين : " تلك الدار الآخرة نجعلها
لِذَٰلِكَ الْجَاهِلِيَّةَ نَجْعَلُهَا لِكُلِّ ذَٰلِكَ الْجَاهِلِٰٓيَّةَ نَجْعَلُهَا
(٤) (٥) (٦) (٧) (٨) (٩) (١٠) (١١) (١٢)
قال رسول الله ﷺ : " من أخذ حظه من (المعوضة) (١) [فقد] (١) هدى إلى
صرار مستقيم ، ومن لم يقبل النصيحة فليستعد للعذاب الأليم " (١٢) .
دخل عالم اسمه إلياس (١) على ملك خراسان ، فذكر عنده كلمة فغضب
 منها الملك ، فأمر بحبسه ، فبقي مدة ، فبينما الملك ذات يوم تذكَّره فأمر
بأحضره . فلما أحضره قال : لقد ركبت الخطر العظيم حين كلمتني ذلك الكلام ،
أو ما علمت أن من تجراً على السلطان فقد عرض نفسه إلى الهواء .
قله له العابد : أو ما علمت أن جور السلطان يجزه على وجهه إلى
النيران .
قال : فلم لا يقول العلماء مثل قولك ؟
قال : يخشون سطوتك وبطشك ، وأنا لا أطعم في عصيانك ، ولا أخشى
من بالانك .
قال الملك : اطلب مني حاجة ؟

(١) في (د) وقوالفك ـ
(٢) في (د) القيامة ـ
(٣) في (د) في ذلك اليوم ـ
(٤) ليست في (د) ـ
(٥) سورة التخصص ، أية رقم (١٣) ـ
(٦) في (د) شواطع ـ
(٧) من (٦) ـ
(٨) لا يوجد ـ
(٩) لم أعرف ـ
قال: إنى قد كبرت وأسألك أن ترزق على شبابي.
قال: لا أقدر على ذلك.
قلت: فأعتني من النار.
قال: ليس لي على ذلك اقتناء.
قال: فدعني على باب من يقدر على ذلك.
قال: أقسمت لا تخرج من قسري حتى تطلب مني حاجة أفوذ بقضائها.
لك.
قال: فالفت الشيخ فرأى مملوكاً أسود واقف عند الملك قال: إن يكن ولا بد فأطلبه من هذا.
قال: فما تستحي مني تطلب من أقل عبدي ولا تطلب مني؟!
قال: فأحمل لي أردباً حلبة إلى منزلتي.
قال: ما أطيق ذلك ولا فعلت.
قال: فإذا لم تطق ذلك كيف تطبيق تحمل أقال الناس؟!
فغشي على الملك، فلما أفاق طلب العالم فلم يجد، فأمر بعتق أرقة وبدل ما كان يملك من دنياه، وقال: يا من لا يزول ملكه أرحم من قد ترك ملكه، وخرج الملك عن ملكه، وخرج هائماً على وجهه.
فواجب على العلماء قول الحق عند ملوك الدنيا، كما أن العدل واجب على السلاطين. قال رب العالمين: " وأقضِّوا إن اللّه يُحبُّ المُقَضِّبِينَ" (1).

(1) سورة الحج، آية رقم (42).
تبنى في حق العلماء : "يُوْمِي الْحُكْمَةَ مِنْ يَشَاءٍ" (1) ، وقال تعالى في حق السلاطين : "يُوْمِي الْمَلِكَ مِنْ يَشَاءٍ" (2).

أيما العالم احفظ دينك ، إذا صلح العلماء والملوك صلح الخلق ، وإذا فسدوا فساد الخلق ، فالعالم يحفظ على الناس دينهم ، والسلطان يحفظ عليهم دنياهم ، فجميع ما يحصل في الأرض من فساد لهما هو من فساد العلماء ، والله سبحانه أمر العلماء يقول الحق ، فقال تعالى : "وَقَلِ الْحَقَّ مِنْ رَبِّكُمْ" (3) ، وأمر السلاطين بالعدل ، فإذا عمل السلطان بالعدل استوجب من الله الرضوان والفضل.

كتب ملك الإسلام إلى ملك الروم : أريد منك ثلاثة :

الإسلام ، والخروج ، والأسرى ، وإلا أحرَب ببلادك .

فلمَ وصله الكتاب قال : أما الإسلام فلا أترك دين أبي وأدخل دينكم وهو دين لا أعرفه ، وأما الأسرى والخروج فأنى لست باعزال عن المحاربة ، وأما قوله مخرب بلادي ، فلا يقدر : لأنه ظالم أليس قرأ في كتابه : "وَمَا لِلظَّالِمِينَ مِنْ أُصْلَاءٍ " (1) فلمَ وصل الجواب لملك الإسلام بكي وقال : هذا توبيخ ملك قادر فخرج عن ظلمه واجتهد في العدل إلى أن مات رحمه الله (5).

فكأنى بك يا ملك الزمان وقد قدمت على ربك ووردت الموقف العظيم ، ودراك مغولت كان إلى عنفك فلا يفكهما إلا عدلك وإنصافك ، والإحبات وخسرت

(1) سورة البقرة ، آية رقم (۲۲۹).
(2) سورة آل عمران ، آية رقم (۲۶).
(3) سورة الكوف ، آية رقم (۲۹).
(4) سورة البقرة ، آية رقم (۲۷۰).
(5) نسب في (۵) ، (ص).
وهنك مع الهلكين، (فانتبه من غفلتك) (١) يا سلطان الإسلام، وعليك بمرافقة
نملك العبد، فلا تدخل في الدنيا دخولاً نفسك (الآخرة) (٢).

واعلم أن العدل محمدًا في الديرين (٣)، ولتعلمن أن هذه الولاية ما وصلت
بيك إلا بموت من كان قبلك، وستصل إلى غيرك بمومك، فلا تتركت في نفسك،
[وعلى أن يدخل في الدنيا دخولاً نفسك آخرك] (٤) وتلومن من (دنياك) (٥) آخرك.
[واعلم أن العدل محمدًا في الديرين] (١) ففتح لراعيكم باب (رحمه وعهد) (٦)
ليبدوا من حسن سياسك نوع راحة وفضل، وملاك الأمر كله [المشي] (٧) على
النفوذ، فمن تمسك بها (فقد) (٨) تمسك بالأقوى. قال بعضهم شعراً:

فإنك مسؤول وربك عالم
فرحمته ذخراً لمن هو راحم
فإن زال عليك الأمر فالأجر دائم
ومنا أن مظلم وماسد ظالم

إلى درجات الجر والخير غانم
وصار إمام الناس بالفكر راقم
حمايته قريب من الله دائم
فتكفي ظنون السوء قد يصدم

عليك بتكوى الله سراً وجهرة
ولا تخشى إلا الله وارحم عباده
وأحسن إلى من قد وعزم أمره
فما صاع معروف وما خاب محسن

(فغيرك قد ساد بالعز وارتقي)
وكان عزيز القوم بالله واقساً
فإن كان ذو عدل على الناس كلهم
وكن مستعيناً بالله وحكمه

(١) نس في (ص).
(٢) في (ص) آخرك.
(٣) نس في (د) و (ص).
(٤) من (د).
(٥) نسست في (د) و (ص).
(٦) من (د).
(٧) في (د) الرحمة والشفقة والعدل.
(٨) من (د).
(٩) نسست في (د) و (ص).
فنسنك الجنة فيها الغنائم
وكن ماضيًا بالقدر خيره وشره
على خير خلق الله عرضاً وعاجم
وصن إنبي دايمةً ومؤيداً
كذا الآن والأصحاب ما هبت الصبا
قال رسول الله ﷺ : "إن الله سبحانه وتعالى لم ينعي للظلم يوماً إذا أخذه لم يفلته (1).

شعر : (وقال بعض البلغاء) (2):

ف—is دنياك ممستعمرة
فإنها تجارى وتجارى
تجده ممن أرضح التجارة
وقدها الناس والجحارة
إن دمت في الظلم والخسارة
فالخير في العدل حيث داره
لا تستعمل العدل فدوام
فحكمة الله في البرايا
فحافظ على العدل في حياة
فهذا يرضي عيني عباده
ففاحظ على هذه النصائح

(1) نسخة في (6) .
(2) نقد تحريحة . ص 147 .
(3) من (1) .
(4) نسخة في (6) .
(5) نسخة في (6) .
(6) نسخة في (6) .
واعلم يا ملك الزمان أن الدنيا وإن كانت فانية فإنها مز
ولتعلم أن الله سبحانه وتعالى ولاك هذه المرزعة، وعلق بأوسرة — ب — س
ضرر ومنفعة، وحكمك في [البلد] (1)، وملكك رقاب العباد.
فإياك والخلل بنظام هذه [المرزعة] (2)، أو تسلم زمام تدبيرها لمن يقابل
أوامرك فيها (3) بالإضافة، فإن مصالح عساكرك بها منوطة، ونظام أحوال
ملكك بالعساكر مربوطة، فإذا عمرت [البلد] (4)، أخصبت غلة البلاد والباقع،
(فاستراح) (5) الأجاند والرعية ، (واستمرت مواطن الملك رعية) (6) ، وقلت
المظالم وكفت أكف الظلم) (7).

وملك الآمر كله العدل (والاستواء) (8) ومجانية الأغراض الفاسدة، والميل
إلى الهوى، ( فهو الذي يقضي عليه مقامك، ويتم به مرامك، فإن الملك إنما هو ملك
الأجاند، والنظر في مصالح العباد، وعليك بتقليد أحكام الشرع الشرف،
وتغويض أمورها لحكم الدين المنيفس، ومهم ثبت فيها بموجب الشرع الشرف،
وعليك النفاد فذلذلك [أسرع] (9) إلى نجاتك غداً بين يدي رب الأرباب) (10) (11).

____________________
(1) في (الأصل) البلد، والمثبت من (د) و (مص).
(2) في (الأصل) المزارعة، وفي (مص) الزراعة، والمثبت من (د).
(3) في (د)، (مص) أمرك.
(4) في (مص) الضباع.
(5) في (مص) واستراح.
(6) ليس في (مص).
(7) ليست في (د).
(8) ليست في (د).
(9) في (الأصل) الشرع، والمثبت من (مص).
(10) في (مص) العالمين.
(11) ليست في (د).
فالواجب على ولاة الأنام ومالكي أزمة الأحكام أن يراع
سلطان السلاطين ، واستخلاص (1) حقوق عباده المستضعفين
يعرضون على رب (العباد) (2) يوم يسأل كل راع عن رعيته ، وينكشف لكل
امرئ (عما) (3) كان في طويته ، فالامر كله الله ، ولا حول ولا قوة إلا بالله (العلي
العظيم والحمد لله وحده) (4)

(1) زاد في الأصل : آداء ، وهي زيادة لا معنى لها ، والمثبت من (د) ، (ص).
(2) في (د) ، (ص) العالمين
(3) في (د) ما
(4) ليست في (د)
فصل
(فيما ينبغي اتخاذه من الوزراء) (1)

(أعلم أن الملك لا يد له من اتخاذ وزراء عقلاء فصحاء نصحاء صلى الله عليه وسلم، فإن موسى صلى الله عليه وسلم) : "(وَجَعَلَنَا مَعَهُ أَخًا هَارُونَ وَزِيرًا)" (2).

قال موسى صلوات الله عليه وسلم عليه: "(وَاتَّقُ مَلِكَ لِي وَزَيَّرًا مَنْ أَحْلَسْ) هَارُونَ أَخُي إِسْلَامُ بْنِ أَزْرِي وَأَشْرَكُهُ فِي أُمَرِي)" (3) فالفلك لا يد له من الوزير، ولا يد وزراء في الرجل يشاركون في الرأي والتدبير، بشرط أن يكونوا عقلاء ناسقين متدينين مستقيمين، ليس بينهم شحناء ولا تبغض ولا تحاسب ولا تبان، كلهم في قلب رجل واحد، فقد كان النبي ﷺ يشار أصحابه أبا بكر وعمر وعثمان وعلي، وكانوا من منزلة وزراء، وكان يقول لهم: "(وَأَمَّرَهُمْ شَيْبَى بِيَتَنِّهِمْ)" (4) فوجب على والي الأمر أن يتخذ وزراء عقلاء (5) نصحاء فصحاء دأبهم الدين والقعلى، متصرفين بحسن التدبير، لا ينفرد واحد منهم يقول ولا فعل إلا بعد المشاورة مع بعضهم البعض، فإذا تشاروا في ذلك وافق رأيهم على ذلك الفعل، فلا يقدم

(1) ليست في (د) (ص).
(2) سورة الفرقان، آية رقم (35).
(3) سورة طه، آية رقم (29 - 32).
(4) تقدم تجربته، ص 46.
(5) سورة الأعراف، آية رقم (38).
(6) ليست في (د) (ص).
(7) من (د).
لا يكون منهم عن عرض ذلك على الملك) (1) إلا بعد الاستخارة أيضاً، فإنّه ما جرب من استخارة، ولا تجد من استشار، والحذر أن يكون بينهم (تباغض أو تحاسم وشحناة) (2)، فإنّهم إذا كانوا بهذه الصفات أدى ذلك إلى إصلاح الملك، فإنّه فينفع أن لا يخرج الملك عن رأيهم ولا ينفذ أمرًا إذا لم يعرفهم، ولا (ينفرد) (3) برأيه دونهم (فعل رسول الله ﷺ): "ما من رجل من المسلمين أعظم أجرًا من وزير صالح مع إمام يطيعه في أمره بدين الله تعالى" (4).

وقال القاضيون بالله تعالى: أمن الوزير للسultan كالجناح للطائر.

وقال بعض الملوك: إذا كان الوزير محباً للعدل فلا اعتبار بعدلي لأتي إذا أردت الجور على الظلم عدلني وعلى الحق ميلني، وإذا أردت الحق وهو العدل فنحن الضلال عدلني، وعلى الحق حملني وبالصدق حملني.

ب巡航 هذا قول سادات الخليفة: "إذا أراد الله تعالى بالأمير خيراً جعل له وزيراً صادقاً، إن نسي ذكره وإن ذكره أعانه، وإذا أراد به غير ذلك جعل له الوزير سوء، إن نسي لم ذكره، وإن ذكر لم يعنه" (5).

(1) نسب في (2).
(2) في (2) تباغض أو تحاسم.
(3) في (2) ينفرد.
(4) أخرجه الفضعي في مسنود الشهاب، باب من ولي من أمر المسلمين فأراد الله به خيراً جعل معه وزيراً صادقاً، فإنّ نسي ذكره وإن ذكره أعانه (6/225). والخطيب في تاريخ بغداد (21/100)، إسناده ضعيف، فقد يرجح بن فضالة هو أبو فضالة الشامي الحمصي، ضعيف الحديث، والنظر الصعب، والمتروكين لابن الجوزي (4/35).
(5) أخرجه أبو داود (6/1432)، كتاب الخراج والفي، الإمارة، باب في اتخاذ الوزير، وابن حبان في صحيحه (96/395)، وإسناده صحيح، كما قال الألباني (6/1432).
فالوزير العادل من أمر سلطاته بالعدل في رعاياه، وخوفه من الله، ويجب على الملك أن لا يقدم على فعل شيء إلا بعد المشاورة في رعاياه مع وزيره)

قال بعض الحكمة: إن من القواعد الكسرية (1) [ال دائرة] (2) بين البرمة (ما وضعه بعض الملوك وجب فيه من بعد على السلاوك) (3) أن يكون للملك وزراء عقلاء فصحاء أتقياء، متصفين بزارة الدين، والعفة، وعدم الطيش والخفة.

وينبغي أن يكون الوزير صحة ملكه أحب إليه من صحة جسمه، وأن يقدم مراد الملك على مراده بصحة التدبير وحسن السياسة، وأن يتعهد الرعايا كتعهده إمالة فضائل نفسه، وليحرص أن يقع في مملكة أستاذه أدري خلل، أو يظهر فيها أدري عيب، وليحذر مصادقة أعداء الملك أو معايدة أصدقائه، ويجهد في صيانة عرض ملكه ولا يدخه عنه نصيحة) (4)، فإذا كانوا بهذه الصفات فلا يخرج الملك عن رأيه.

قال الحكمة: من ظن من الملوك أن له فطنة تزيد على فطنة وزيره فقد غلط، وإذا أضاف لذلك الغلط مخالفته الوزير في رأيه لم يفصح، هذا إذا كان الوزير (نقياً) (5) نقياً عاقلاً عفيفاً عارفاً فاضلاً مدبرًا سيويساً.

قال العارفون: يستدل على إدار الملك بأشياء:

(1) ليست في (د) ، (ص).
(2) يعني التي منها كسر ملك الفرس.
(3) في (الأصل) الدالة، والمثبت من (د) ، (ص).
(4) ليست في (د).
(5) ليست في (د) ، (ص).
(6) ليست في (د) ، (ص).

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أحدها : بتقليد الوزراء الأحداث ، ومن لا خبرة له بـ ـموسر ، وبسم الثأر في عواقب الأمور.

ثانيها : أن يقصد أهل مودته (بالإذاء) (1).

ثالثها : استهانته بنصائح العقلاء.

رابعها : أن يكون تقيبه وإبعاده بالهوى.

خامسها : [أن ينقص خره عن مؤنة اتباعه]. (2)

قال الحكماء العارفون : الرأي يفسده ثلاثة أشياء : أن يكون الوزير متحاسدون أو يعدل الملك عن رأيهم مع انتصافهم بالصفات الحميدة ، ويسد برأيهم دونهم ، أو يملك التدبير من كان غانباً وأيوا أن لا ينتظرونهم.

والحذر أن يكون الوزير قصده من منصب الوزارة جميع المال يغتنمه ، فإن ذلك سبب الشقاء ، بل يكون همته بذل الجد والجهد في إدامة نعمة ملكه التي هي سبب دوم نعمة الوزير. (3).

وينبغي للوزير أن لا يخفي عن أستاذته نصيحة وأن يساعد عينه على الحق (المحض) (4) بما يصل إليه قدرته ولو في حق عدوه ، فما أتيح من يكون له قول نافذ عند ولي أمر ورأى مظلوماً يستغيث ، فقام يصلي وترك المظلم يتخبط لا يجد له منتجاً ولا معيناً ، فذاك الذي صلاته وبال عليه ، وهو مطلب يوم القيامة بعدم مناصرته (الذين المظلم) (5) ، سواء قبل منه أم لا ، فإذا ناصره ولم يقبل منه.
ذلك ، كان أعذر له عند الله تعالى ، (وكان مثاباً على ذلك) (1) ، وبريء من المطالبة (في الآخرة) (2) ، وقد قال رسول الله ﷺ : "أنصَر أخاك ظالماً" (3) ، ومعنى [ذلك] (4) إن كان ظالماً يرده عن ظلمه .

قال أبو شروان لولده : أكرم وزيرك ، وإياك أن تخرج عن رأيه ، فإنه إذا رأك على ما لا يجوز لا يوافقك عليه .

هذا إذا كان الوزير منصفاً بتلك الصفات الحميدة فلا يجوز مخالفته (البتهة) (5) . والله سبحانه وتعالى أعلم .

(1) ليست في (د) ، (ص) .
(2) ليست في (د) ، (ص) .
(3) أخرج البخاري في صحيحه (1211) ، كتاب المظالم ، باب عن أخيك ظالماً أو ظالماً .
(4) من (د) ، (ص) .
(5) في (ص) إليه ، وهو تصحيف .

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الباب الرابع
في فوائد ومنافع وخصائص صحت بالتجربة
الباب الرابع
في فوائد ومنافع وخواص صحت بالتجربة

جمعته: من كتب الإمام الجليل أحمد البوني أبي العباس رضي الله عنه تعالى

وغيره يحتج الناس إليها، وأشد الناس إليها احتمالاً ولاة الأمور [فأقول وباشر

التوافق] (١): 

[فأول] (١) فائدة:

قال الإمام أحمد البوني [رحمة الله] (٣): أربع آيات من أربع سور متواليات
في كل آية منها [تقرأ] (١) عشر [مرات] (٣)، فيها من الأسرار ما لا يكد أن

يحسى.

الأولى: في سوة البقرة قوله تعالى: ﴿أَلَمْ تَرَ إِلَى النَّمَالَةَ مِن بَنِي إِسْرَائِيلَ مِن بَعْدِ مُوسَى إِذْ قَالُوا لِلَّهِ لَمْ يَبِعْنَا لَنَا مَلِكًا فَقَالَلَهَ ﻏَسْبُنَ أُنَفِّيَ عَلَيْكُمُ الْقَتَالُ أَلَا تَقَتَّلُوا قَالُوا وَمَا لَنَا أَلَّا نَقَتَلُ فِي سَبِيلِ اللَّهِ وَقَدْ أَخَرَجْنَا مِن دِيَارَنَا وَأَيْتَانَا فَلَمَّا كَتَبَ عَلَيْهِمُ الْقَتَالَ تُولُوَّوا إِلَّا قَلِيلًا مِّنْهُمْ وَاللَّهُ عَلِيمًا بِالظَّالِمِينَ﴾ (١).

الثانية: في سورة آل عمران قوله تعالى: ﴿لَقَدْ سَمَعْ اللَّهُ الْقَوْلَ الَّذِينَ قَالُوا إِنَّ اللَّهَ فَقِيرٌ وَنَحْنُ أَغْنِيَاءٌ سَنَكْتُبُهُم مَا قَالُوا وَقَتَلُهُمُ الَّذِينَ الْقُدُّسُ بِغَيْرِ حَقٍّ وَنَقُولُ﴾ (٣).

(١) من (١١٠).
(٢) من (١١٠).
(٣) من (١١٠).
(٤) من (١١٠).
(٥) في (١٠٨) قرط، والبيت من (١٠٨)، (١٠٨).
(٦) سورة البقرة: الآية ٧٢ (١٢٥).
دُوِّنَوا عَذَابٌ الْخَرِيقِ ذَلِكَ بِما قَدْ مِنَّاهُ أَنَّكُمْ وَأَنَّ الْمَلِكُ
للْقَبِيدِ (۱).

نَسْجَةً: في سورة النساء قوله تعالى: "إِنَّمَا تَرْجِعُ إِلَى الْذُّنُبِّيْنَ قَلِيلٌ لَّهُمُ كَفَّرَاً أَيْضًاَكُمْ
وَقَيْلَاءُ الصَّلَاةِ وَقُلُوبُ الزَّكَاةِ فَلَمْ كَبِّرُوا عَلَيْهِمُ الْقَتَالُ إِذَا فَرَيقٌ مِنْهُمْ
يَخَشُونُ الْقُرْءَانَ كَخَشِيَّةٍ اللَّهِ أَوْ أَشْدَدْ خَشْيَةً وَقَالُوا رَبِّا لَنَكُمْ عَلَيْهِ
الْقَتَالُ لَوْلَا أَخَذْتُمُ الْمَلِكَ إِلَى أَعْجَلٍ قَلِيلٌ الْذَّيْنَ قَلِيلٌ وَالأَخَرَةُ خَيْرٌ لِمَنْ
انتَقَى وَلَا نُظَمِّمُونَ قَبِيلًا" (۲).

بِرَبَّي: في سورة المنفِّقين قوله تعالى: "وَأَتِلُّ عَلَيْهِمْ نَبِيَّ أَنْيَهُ آدَمَ بَالْحَقِّ إِذْ قَرَبَ الْمَجْمُوعُ عَلَيْهِمْ
فَانَفِكَلَ مِنْ أَحَدٍ حَيَّا وَلَا يَنْفَكَلُ مِنْ الأَخَرَ قَالَ إِنَّمَا يُفْتَنُّكُمُ اللَّهُ
مِنَ الْمَنْفِّقِينَ" (۳).

۱) فِي الْإِجْمَاعِ [أَحْمَد]: (١) البُيْنِيُّ رَجْحَمُهُ. اِلْهُمَّ إِنَّ أَحْدَهُمْ مِنْ وَلَائِهِ الأمُورَ أَن
یَقَاتِلَ قَوْمًا. وَإِنَّ وَاقِعًا دُخَلَهُ فِي الْحَرَبِ وَقَصْدَهُ الْظَّفْرُ عَلَيْهِمْ بِمَعْوَةِ اَلْحَمْلِ,
فِي مَثَلَّةٍ وَهُوَ إِلَى رَكْعَتَيْنَ، ثُمَّ يَنْفَجُرُ مِنَ الْأَرْضِ سِبْعَ حَصَائِبٍ بَيْنَ الْحَمْصِ، كَلِ
حَصَائِبٍ يُنْفِقُوا بِحَرَفٍ مِنْ حُرُفِ "فَقَ وَمَحْمَدَ " ثُمَّ يَضْعَفُهَا فِي رَاحَةٍ (كَفَّ) (۴)
یَدِهِ الْبَيْسِرِي، وَيَأْخُذُ مِنْهَا حَصَائِبٍ وَاحِدَةَ بِبَيْدِ الْيَمْنِيِّ، فِيَلْتَوْا عَلَيْهَا الْلَّيْلَةُ
عَشَرَ مَراتَ ثُمَّ يُرْفَعُ يِدَهُ (الْيَمْنِي) (۵) بِالْمَحْصَائِبِ (الْوَاحِدَةَ) (۶) الَّتِي قَرَأَ عَلَيْهَا
فِي قُولٍ: "قُمْ بِكُمْ عِمْنَى فَهُمُ لا" (۷) وَيَحْذِفُهَا أَمَامَهُ، ثُمَّ يَأْخُذُ بِبَيْدِ الْيَمْنِي

(۱) سُورَةَ الْأَلْوَامَ، آيَةٌ رقمٌ (۱۱۹).
(۲) سُورَةَ الْإِسْرَاءَ، آيَةٌ رقمٌ (۱۷۱).
(۳) سُورَةَ الْمَهْدِ، آيَةٌ رقمٌ (۱۷۱).
(۴) من (صَرْيُ). ۶) فِي (۵) كَفَّهُ فِي، وَفِي (صَرْيُ) كَفَّهُ.
(۷) ثُمَّ قُرِئَ فِي (صَرْيُ).
(۸) من (صَرْيُ).
(۹) سُورَةَ الْبُرَاءَةُ، آيَةٌ رقمٌ (۱۱۹).
hausta (أخرى) (١) من كف بده اليسرى (٢) فيتبنا عليها الآية الـ١٢ أي عشر مرات (٣) ثم يرفع يده بالhausta (٤) فقال: أنصا خلقناكم بَعْثنا واتسم إلينا لا (٥) ثم يحذفها خلفه.

ثم يأخذ يده اليمنى حبصة رابعة (١) أخرى فيتبنا عليها الآية الثلاثة عشر ثم يرفع يده وقال: وجعلنا من بين أيديهم سداً ومن خلفهم سداً فأغشيهم فهم لا (٦) ويحذف الحبصة عن يمينه.

ثم يأخذ يمينه من يساره حبصة فيتبنا عليها الآية الرابعة عشر مرات ثم يقول: يا مُعْشِرُ الجن والأنس إن استطعتم أن تنغزوا من أقطار السماوات والأرض فانغزون إلا إذا (٧) ثم يحذفها عن يساره فيتأخر في يساره ثلاث حبصات (ثم يضعها) (٨) في رأسه ويدخل المعركة [وخرج ] (٩) فلا يناله (سواء مطلقًا) (١٠) [ياذن الله تعالى] (١١).

(١) في (د) الثالثة.
(٢) من (ص).
(٣) ليست في (د).
(٤) من (ص).
(٥) سورة المؤمنون، آية رقم (١٥).
(٦) من (ب)، (ص).
(٧) سورة يوسف، آية رقم (٩).
(٨) سورة الرحمن، آية رقم (٣٣).
(٩) في (د) بصيف.
(١٠) من (د)، (ص).
(١١) في (د) شيء من المكرره مطلقًا بعون الله تعالى.
(١٢) من (ص).
(فائدة أخرى):

تلقيتها عن الشيخ إبراهيم الحاوي [رحمه الله تعالى] (1)، وهي رقية إذا رقي بها أحد سبع مرات فلا يبالوا بلد الغلوك، ولو لدغه أعظم ثعبان في الأرض لا يبالوا به ولا يسرني فيه شيء، حتى ولو دس عليه السم من أحد وأكل طعاما مسموما لا يضره. إن الله تعالى، وهي هذه: أصفا ضمير أغتال اصطرار أغتال حاشا بيد و أغتال صبكي كورا صاحري أغتال صب سركسي أغتال صب يغنس أغتال صرب أكوبي أغتال سرب كسد بدي أغتال مرقرمان أغتلال نون صاد بدين أغتال أردهريرو روسون وأوف هربردار أغتال شرس كح مشتحاديس أغتال سربور أغتال شرش كلح أبدران أغتال كيس كوره وزاوصه وزكار كار هرمان مرستينه داران اصطرارا (2).

[فائدة أخرى]:

وهي هذه: إذا كتبت بهذا الشكل في أربع حيطان الدار، ثم تكتب بجانب الشكل: شرمت مكررت حتى تصل بها إلى الشكل الآخر في أربع حيطان الدار. فكل عقرب كانت في تلك الدار لا تضر أحدا وإذا مرت في الدار فلا ترفع زبانيها ابذاً. وهذا صفة الشكل:
فائدته أخرى:

وهو وفق مربع عندي وهو أربعين في أربعين إذا علق على شخص كبيراً أو صغيراً فلا يطرح بجدي ولا حصبة وإذا بدأ الجدري اطلع وعلق عليه الومق فعلي يوضع عبر نذي ضع وبدأ فقط.

أن تعلِّم الله حاجة وتوسلت إليه برجال الغيب ساعدوك في السؤال فلا يردهم الله تعالى خلدين، وأغلم أنهم في كل يوم من الشهر في جمعة من الجمعات، فانظر أي يوم من الشهر في جمعة من الجمعات واستقبله بوجهك، وادع بعدهن فستجيبنك. وعدد دائرة رجال الغيب كما سترى [1] :
تم ذلك بحمد الله وعونه وحسن توفيقه وهديته، ولا حول ولا قوة إلا بالله العلي العظيم، وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم، على يد
العبد الفقير إلى مولاه الفقيه أحمد بن الشيخ محمد أبي خير المرحومي (1)، غفر
الله له ولوالديه، وعمن دعا له بالمغفرة والرحمة والمسلمين أجمعين، آمين، سنة
110 هـ.

(1) هو الناشق، ولم أعثر له على ترجمة.
الفهارس العلمية

أولاً: فهرس الآيات.
ثانياً: فهرس الأحاديث والآثار.
ثالثاً: فهرس الأعلام.
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(1) اكتفينا بنذكر البيت الأول فقط.
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