

ULRICH HAARMANN

Regicide and the „Law of the Turks“

6

ULRICH HAARMANN

Albert-Ludwigs-Universität, Freiburg im Breisgau
Federal Republic of Germany

Regicide and the “Law of the Turks”

WE OWE Martin Dickson important insights into the rules and dynamics of Turkish statecraft. In the introduction to his 1958 Princeton dissertation on “Shah Tahmasb and the Uzbeks” (which to our greatest regret was never published) as well as in his concise contribution to the 25th International Congress of Orientalists in Moscow¹ on “Uzbek Dynastic Theory in the Sixteenth Century,” he studied the modes of distributing and legitimizing power in a post-Chingizid, specifically Turkish polity: the Uzbek confederacy that was to dominate Transoxania and Turkestan in the sixteenth century barred Safawid expansion to the northeast, and provided the framework for the silver age revival of orthodox Islam in Bukhara and Samarqand.

I

In this connection it may not be inappropriate to turn one’s attention to a so-called “law (or custom, in Arabic: *asa[t]* = *Yasa*) of the Turks” to be encountered in the very first phase of Mamluk history. This *asat al-Turk* entails the following norm: He who kills the king will be king himself.

This “law” is mentioned within the context of the assassination of Sultan al-Malik al-Muzaffar Qutuz after his triumphal victory over the Mongol army led by Ketbogha Noyon at ‘Ayn Jalut in October 1260. The amir Rukn al-din Baybars al-Bunduqdari, who had fought with exceptional bravery in this decisive battle against the Tatars, had the feeling that Qutuz

would not duly recompense him for his achievement and, preempting a similar fate for himself, slew Qutuz during a hunting expedition at Qusayr al-Salihiyya, on the road from Damascus to Cairo on the fringe of the desert, at the time when the victorious army was slowly returning to Egypt.² Baybars was now declared new sultan and received the homage of the assembled great amirs.

There are two closely related reports on these events that are of particular interest to us. One is by Muhyi al-din Ibn ʿAbd al-Zahir (1223/620–1292/692) and forms part of his *vita* of Baybars, *al-Rawd al-zahir fi sirat al-Malik al-Zahir*.³ This work was written during Baybars’s lifetime and is correspondingly uncritical toward the more problematic and sinister chapters in his biography. The other historian is Ibn ʿAbd al-Zahir’s maternal nephew Shafiʿ b. ʿAli (1252/649–1330/730), who very deliberately tries to bring light to all those passages in which his uncle and respected master (*al-sabib Muhyi al-din*⁴) had preferred not to be explicit or even to manipulate historical truth.⁵ So we learn from Shafiʿ b. ʿAli⁶ that Baybars had by no means, as Ibn ʿAbd al-Zahir maintains, killed Qutuz single-handedly, but rather had schemed his assassination in collusion with Qutuz’s sword-bearer, a certain ʿAla’ al-din Anaṣ⁷ (or Qanaṣ?⁸), by luring the sultan, a passionate hunter, insidiously away from the camp. And it was Anaṣ, not Baybars, who seems to have struck the first blow; Baybars only completed the gruesome deed. Qutuz was buried ignominiously on the spot still in his clothes; “until today no one knows exactly where his grave is.”⁹

Also in another respect that is of direct relevance to our subject, Shafiʿ b. ʿAli provides important additional detail and a picture somewhat different from the one given by Ibn ʿAbd al-Zahir: The consensus of the assembled grandees who had to choose a successor for Qutuz had been—on this point both chroniclers agree—to elect Sayf al-din Balaban al-Rashidi al-Salihi, “the most venerable”: (*akbaruhum qadran wa-ʿatlahum dbikran*)¹⁰ candidate from among their own ranks. Al-Rashidi had only recently been released from prison by Qutuz. Suddenly, however, the *atabak* Faris ad-din Aqtay al-Mustaʿrib intervened and interrupted the process of nominating al-Rashidi by asking:

“What are you about to do with him?” Pointing at al-Rashidi, they answered: “We are making him sultan.” He then retorted: “What does *the law of the Turks* say?” They answered: “That kingship should go to him who has killed.” He then replied: “And who is the one who has killed?” “He,” they answered, pointing at al-Malik al-Zahir [Baybars]. He (= Faris ad-din) then took him by his hand and made him sit as king [on the royal cushion].¹¹

In an earlier passage of his work Shafi^c replaces this dialogue (fictitious as it is likely to have been) between Faris al-din al-Atabak and the magnates by a brief speech delivered by Faris al-din: "Amirs, if al-Malik al-Muzaffar [Qutuz] had left a son I would be the first to fight for his installation [as new sultan]. But now this has happened [and cannot be remedied] *and the law of the Turks says that he who kills the king shall be king himself*. Why else should he who killed this king personally have taken this risk—[only to see] that kingship should go to someone else? You all know that it was this amir Rukn al-din [Baybars] who killed him.' Thereupon he took [Baybars] by his hand, seated him on the royal cushion (*tarraba*), and he received the royal title, *laqab* [al-Malik] al-Qahir, which was then changed to [al-Malik] al-Zahir."¹²

In Ibn ^cAbd al-Zahir's version, the basis of the two texts just quoted, there is a statement made by Faris al-din al-Atabak which is not in the form of a conversation between him and the Mamluk grandees. Addressing those present he said, "Listen, my friends! By God, if al-Malik al-Muzaffar [Qutuz] was still alive, or if he had left a son, we would owe fealty to him (*labu fi ^cunuqina yamin*) and I would be the first to fight [even] you with my sword [to support his claim]. But as things are now (*as-sa^ca*) this matter has happened, and there is no doubt that he who killed him and put his life at stake and carried out this grave act did not do it to the benefit of someone else. He did not risk his life (*wa-la badhala nafsahu wa-khatara biba*) only to see that the rule (*al-amr wa'l-nahy*) goes to another person. For he who killed him has the first claim for his position.' The sultan replied: 'It was me who committed this deed.' The assembly agreed upon this, and the sultan stood up and took his seat on the royal cushion."¹³

The "law of the Turks" is not explicitly mentioned in Ibn ^cAbd al-Zahir's rendering of this event.

Numerous questions are raised by this text, some of them very specific (was Faris al-din's initiative masterminded by Baybars?), others rather general. What role did the *asat al-Turk* play in Mamluk history? There is, indeed, another implicit reference to this Turkish convention in early Mamluk history. When Sultan al-Ashraf Khalil, the son of Sultan Qalawun and conqueror of ^cAkka, was assassinated by a group of rebellious amirs around Baydara and Lajin (the future sultan al-Malik al-Mansur), the following gruesome scene took place: Baydara hit his defenseless victim with the sword yet only managed to cut off his hand. Now Lajin, in collusion with Baydara, sarcastically asked his fellow conspirator: "Is this the blow of someone who wants to be king?" (*man yuridu 'l-mulk takunu badhibi darbatubu?*)¹⁴ Thereupon Baydara hit Khalil a second time, again not strongly enough to kill him. In the end the chief of the guard, a certain Sayf al-din Bahadur, brutally pierced the throat of the poor sultan.

In this context one will note that both Baybars and Baydara, both gaining the sultanate as successful regicides (even though this triumph lasted only a few hours in Baydara's case) adopted the regnal title al-Malik al-Qahir. Did Baybars relinquish it and change it to the less martial al-Malik al-Zahir after his power was consolidated? Or was the renunciation of this title not rather, as the contemporary historian Ibn Wasil maintains,¹⁵ caused by Baybars's fear from a bad omen that was associated with this very name?

Both Ibn ʿAbd al-Zahir and Shafiʿ b. ʿAli agree, if only rhetorically, on the primacy of the dynastic principle, familiar from the Ayyubids, over the *asat al-Turk*. However, this priority of hereditary succession over usurpatory practices did not last into later Mamluk history. It was rather reversed in the course of time. Gradually succession by sons and brothers—so natural and acceptable to fourteenth-century observers¹⁶—was replaced by the rigorous application of a new motto: *al-mulk ʿaqim*, “kingship has no progeny,”¹⁷ a nonspecific formula that no longer necessitated the “ceremonial” assassination of the ruler by his would-be successor. This was first mentioned in the early fourteenth century in connection with Baybars (II) al-Jashnkir's brief sultanate. It began to fully assert itself in the Circassian period, at the latest after the demise of Barquq's son Faraj and the humiliating abdication of the sultan-caliph al-Mustaʿin in 1412. Were the Circassian Mamluks (also Baybars II had been a Circassian) particularly adamant about this norm? Certainly, by the end of the fifteenth century, the succession of the son (instead of a genuine, i.e., first-generation Mamluk) was generally regarded as illegitimate.¹⁸

II

There is a historical precedent to the invocation of this *asat al-Turk*, in which, however, no Turks are explicitly mentioned. It goes back to the late tenth/fourth century and takes us to Upper Mesopotamia during the period of the Hamdanid (Arab)-Marwanid (Kurdish) contest over the control of Diyar Bakr.

In 990–91/380 Badh, the Kurdish tribal ruler of Diyar Bakr and former Buyid vassal, perished in his fight against the ʿUqaylids, then the allies of the Hamdanids, in the vicinity of Mosul.¹⁹ Badh's nephew (through his sister), Abu ʿAli al-Hasan b. Marwan, who had failed to rescue his uncle during the decisive battle,²⁰ entered the fortress of Mayyafariqin held by Badh's wife, informed her of the death of her husband, and contrived to marry her in his stead.²¹ Within a short period he furthermore managed to regain the territories formerly held by Badh, to take revenge on the Hamdanid princes (one of whom is rescued only at the intervention of

the Fatimids²²), and to stand up successfully against the Byzantines between the Upper Euphrates and Lake Van with whom he concludes an honorable truce for ten years in 992/382.²³

In his internal politics Abu ʿAli was, however, less fortunate. In his residence at Mayyafariqin he had to face an insubordinate citizenry, headed by the *shaykh al-balad*, a certain Muhammad b. Abi 'l-Saqr.²⁴ The people of the city still seem to have cherished loyalties to the vanquished Hamdanids.²⁵ His orders were not obeyed. Without his consent heavy punishment was meted out to some of his own men (*jundi aw kurdi*).²⁶ Much to the dismay of his loyal counsel, the chamberlain Mammā (Mamma), his prestige as a ruler was in jeopardy. At Mamma's advice, in 994–95/384, he used the opportunity of the absence of many inhabitants from the town on the occasion of one of the two feasts—the chronicler of Mayyafariqin, Ibn Azraq al-Fariqi, leaves open whether it was the *ʿId al-Adha* (January 15, 995) or the *ʿId al-Fitr* (November 8, 994)²⁷—and threw the unruly *shaykh al-balad*, the paragon of urban resistance and pro-Hamdanid sentiment, from the wall of the city, killing him and also many others. An exodus from Mayyafariqin begins. Many citizens were never to return to their hometown for fear of Abu ʿAli, who by now had gained full control of the city.

In order to further enhance his position in the region to the north of the Buyid domains Abu ʿAli contracted his marriage with Sitt al-nas bint Saʿd al-Dawla, a Hamdanid princess. That this liaison could also be seen as an effort on the part of the Hamdanids to regain control over the lost province of Diyar Bakr becomes evident from an anecdote in which the young bride, on her way from Aleppo to Edessa and Amid, was forewarned of a horseman who would make her a widow even before the nuptial night, whereupon one of her companions, a granddaughter of the celebrated *adib* al-Khatib ibn Nubata (946/335–984/374, who was born and died in Mayyafariqin),²⁸ cheered her up reminding her that “you are about to take the lands of your father and your grandfather back into possession.”²⁹

In 997/387 Abu ʿAli left Mayyafariqin to meet his future wife halfway in Amid—foolishly, as it turned out, leaving his chamberlain Mamma behind. In his company were his brothers and, in Mamma's lieu, his son Sharwa as *bajib*. Eager to seat his personal protector Abu Mansur Saʿid b. Marwan on the throne in Abu ʿAli's place, Sharwa sought contact with the *shaykh al-balad* of Amid, ʿAbd al-Barr, head of the market of victuals in the city. He warned him treacherously that he and persons like him would suffer from the Marwanid ruler—who might be looking benevolent yet in reality was cunning and brutal—the same fate that had happened to Muhammad b. Abi 'l-Saqr and the people of Mayyafariqin “who were, after all, less partisan against him [Abu ʿAli] than you and more ready to

suffer.”³⁰ All taken by fright, ‘Abd al-Barr, who had been prepared to serve Abu ‘Ali loyally, confronted the people of Amid, who in full alarm now gave him a free hand to act. ‘Abd al-Barr suggested the following stratagem:³¹ “When [Abu ‘Ali] enters the gate, I shall make him unaware of you by pouring money over him (*bi-’l-nithar*) [as the common token of welcome]. In this moment [when he lifts his arm to ward off the coins] you shall hit him with your swords. We shall close the gate and thus seal his fate. *And whoever kills him first shall be the prince of the city (wa-man basharabu minkum bi-’l-qatl kana amir al-madina).*”

This plan was indeed successfully carried out. Abu ‘Ali’s brother Abu Mansur Sa‘id Mumahhid al-dawla—the first Marwanid to adopt a *laqab* (Buyid style, as one should add) as Ibn Azraq al-Fariqi makes us aware³²—succeeded as a ruler³³ in Mayyafariqin, although, as Ibn al-Athir is eager to point out, initially only as figurehead without any effective power (*wa-lam yakun labu fibi illa ’l-sikka wa-’l-kbutba*).³⁴ This lack of political ambition in no way impeded (or even rather may have furthered) the rise of Mumahhid al-dawla to become one of the most luminous patrons of medicine in medieval Islam; Jibril b. ‘Ubaydallah, a descendant of Bukh-tishu^c, Yahya b. Jarir and Mansur b. ‘Isa, they all sought the proximity of this Marwanid ruler.³⁵

In Amid, however, the regicide, a certain Abu Tahir Yusuf b. Damna (was he a Kurd, a Turcoman, or an Arab?) was indeed to triumph, if only after he had assassinated ‘Abd al-Barr, whose daughter he had been given in marriage and who had initially taken over the command of the city after Abu ‘Ali’s death. To what degree Ibn Damna asserted his rights, on the basis of the “Turkish law,” by killing ‘Abd al-Barr, cannot be determined. Ibn Damna then, to quote Ibn al-Athir, “brought his relations with Mumahhid al-dawla (who married the Hamdanid princess in his brother’s stead) in order, concluded an armistice with the king of the Byzantines and the lord (*sabib*) of Egypt (this was the derogatory term customary for the heretic-Isma‘ili Fatimids) as well as with other rulers, and his fame spread around.”³⁶

III

Is there any common denominator for the two contexts in which we have heard explicitly of the application of the “law of the Turks”? Evidently it was a custom not limited to ethnic, Turkish, quarters. The Marwanids were Kurds, and Abu ‘Ali’s murderer may even have been an Arab. If we keep in mind that the term “Turk”—at least in the Mamluk period—was often understood to encompass ethnic groups that were not Turkish strictly speaking yet in their life-style and certainly in the perception of outside observers closely assimilated to Turkdom—such as Kurds and

outside observers closely assimilated to Turkdom—such as Kurds and Circassians—one is tempted to suggest that we rather face a custom of nomadic tribesmen of the vast regions to the North (the Dasht-i Qipchaq, the homeland of the Bahri Mamluks) and to the South (Eastern Anatolia, Armenia and Adharbayjan, the Kurdish territories) of the Caucasus. The term *asa*, derived from Mongol *yasa*, might even point to an origin further to the East in Central Asia. Direct connections between the two episodes will, however, be as difficult to establish as it will be desirable to find a broader and more representative documentation on the "law of the Turks."

One may nevertheless recall in this connection that the first, albeit abortive, application of the "law of the Turks" in Mamluk history may well not have been the killing of Qutuz by Baybars, but rather the murder of Turanshah, the son of al-Salih Ayyub, by al-Faris Aqtay (not to be confused with al-Faris Aqtay al-Musta^crib mentioned above), the leader of the Bahri Mamluks who, however, did not succeed in gaining the sultanate for himself, because—in this early stage of Mamluk history—one evidently preferred not to put the strongest of the oligarchs on the throne.³⁷ This murder, on May 2, 1250/28 Muharram 648, four weeks after Turanshah's triumphant victory over the French king Louis IX at al-Mansura, marked the effective termination of Ayyubid sway over Egypt. The unfortunate Turanshah may well have understood what was at stake when al-Faris Aqtay approached him brandishing his sword in the shallow waters of the Nile. Before he had been summoned to the Nile to take the place of his deceased father in a period of grave peril for Ayyubid Egypt and Islam altogether, he had held the remote fief of Hisn Kayfa right in the Ayyubid-Kurdish heartland on the Upper Tigris (i.e., exactly the region in which also the Marwanids had flourished). But, for the time being, this connection cannot be more than speculation.

Notes

¹ In *Trudy 25-ogo Mezhdunarodnogo Kongressa Vostokovedov* (Moscow, 1963), 3:208–17.

² al-Maqrizi, *Kitab al-Suluk li-ma^crifat duwal al-muluk*, ed. Muhammad Mustafa Ziyada (Cairo, 1936), 1:330, 4–6; see also the reference in Shafi^c b. ^cAli b. ^cAbbas al-Katib: *Husn al-manaqib al-sirriyya al-muntaza^ca min al-sira al-zabiriyya*, ed. ^cAbd al-^cAziz b. ^cAbdallah al-Khuwaytir, al-Riyad (1976/1396), 31n1.

³ Ed. by ^cAbd al-^cAziz al-Khuwaytir, al-Riyad (Beirut, 1976/1396); see also a précis of Baybars's career based on this source compiled by the editor: Abdul-Aziz Khowaiter, *Baibars the First: His Endeavours and Achievements* (London, 1978).

⁴ Cf., e.g., *Husn al-manaqib*, 31, 18.

⁵ On Shafi^c's chronicle see note 2 above; for his criticism of his uncle and model see Ulrich Haarmann, *Quellenstudien zur frühen Mamlukenzeit* (Freiburg, 1970), 145–47; Baybars used to sit with Ibn ^cAbd al-Zahir and listen to what his secretary had written on him since their last meeting. In the end Ibn ^cAbd al-Zahir was regularly remunerated for his pleasant and complimentary writing—no wonder that such a relationship did not allow for the presentation of the unvarnished truth! On this subject we now have also Peter M. Holt, “Three Biographies of al-Zahir Baybars,” in D. O. Morgan, ed., *Medieval Historical Writing in the Christian and Islamic Worlds* (London: School of Oriental and African Studies, 1982), 19–29, esp. 26f; and Peter M. Holt, “Succession in the Early Mamluk Sultanate,” in *Zeitschrift der Deutschen Morgenländischen Gesellschaft*. Supplement VII: XXIII. *Deutscher Orientalistentag vom 16. bis 20. September 1985 in Würzburg*. Ausgewählte Vorträge. (Stuttgart, 1989), 144–48, esp. 145. In the latter article, Holt ends the relevant passage by writing: “Furthermore one wonders if there is any evidence of a Turkish tribal custom of regicide or chief-killing such as is alleged in this passage”; my article here is intended to turn the attention to this question and to show possible parallels inside and outside of Turkish quarters.

⁶ *Husn al-manāqib*, 31, 21: Ibn ^cAbd al-Zahir states that “al-Malik al-Zahir grabbed the hand of Qutuz and killed him with nobody participating in the murder.”

⁷ *Ibid.*, 31, 12. This form (one also reads Anas) is given in most of the Mamluk sources describing these events; cf. the different reports by other contemporary as well as later chroniclers as they are presented in Peter Thorau, *Sultan Baibars I. von Ägypten. Ein Beitrag zur Geschichte des Vorderen Orients im 13. Jahrhundert* (Wiesbaden, 1987), 99–101. See also the remarks in Robert Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate 1250–1382* (London and Sydney, 1986), 37.

⁸ *Husn al-manāqib*, 155, 6.

⁹ *Ibid.*, 31, 14–15.

¹⁰ *Ibid.*, 31, 26–32, 1.

¹¹ *Ibid.*, 155, 12–22.

¹² *Ibid.*, 32, 4–9.

¹³ *al-Rawd al-zahir*, 69, 2–8.

¹⁴ Khalil b. Aybak al-Safadi: *al-Wafi bi-l-wafayat*, vol. 13, ed., Muhammad al-Hujayri (Wiesbaden, Beirut, 1984/1404), 400, lines 6–10 (biography of Sultan al-Ashraf Khalil).

¹⁵ See his *Mufarrij al-kurub fi akhbār bani Ayyub*, MS Paris No. 1703, f. 164r-v; see the reference in Thorau, *Sultan Baibars*, 104n60.

¹⁶ Cf. the remark by the Mamluk grandee Tashtamur Hummus Akhdar after al-Malik al-Nasir Muhammad's death when one of the later sultan's sons was about to be stripped of some of his privileges in Khalil b. Aybak al-Safadi's *al-Wafi bi-l-wafayat*, ed. Wadad al-Qadi (Wiesbaden/Beirut, 1982/1402), 16:440, 16f.

¹⁷ See Peter M. Holt, “Some Observations on the ^cAbbasid Caliphate of Cairo,” in *BSOAS* 47.3 (1984); Ulrich Haarmann, “Der arabische Osten im späten Mittelalter,” in U. Haarmann, ed., *Geschichte der arabischen Welt* (Munich, 1987),

229; Jean-Claude Garcin, "The Mamluk Military System and the Blocking of Medieval Moslem Society," in Jean Baechler, John A. Hall, and Michael Mann, eds., *Europe and the Rise of Capitalism* (Oxford, 1988), 120.

¹⁸ Arnold von Harff, *The Pilgrimage of Arnold von Harff, Knight from Cologne . . . in the Years 1496 to 1499*, trans. and ed. Malcolm Letts (The Hakluyt Society. 2d series, vol. 94), Nendeln/Liechtenstein² (1967), 104n1, 121; Haarmann, "Der arabische Osten," 229.

¹⁹ See H. F. Amedroz, "The Marwanid Dynasty of Mayyafariqin in the Tenth and Eleventh Centuries A.D.," in *JRAS* (January 1903): 123–54, here 124; Heribert Busse, *Chalif und Grosskönig. Die Buyiden im Irak (945–1055)* (Beirut, 1969), 73. Badh figures prominently in the writings of Abu Ishaq al-Sabi' and, as a corollary, even of al-Qalqashandi, cf. *Subh al-a'sha fi sina'at al-insba* (Cairo 1913/1331–1919/1338), 7:104, 14f. and 8:347, 10f.; see also Walther Björkman, *Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten* (Hamburg, 1928), 125, 138. I owe this reference to Dr. Ludger Ilisch, Basel.

²⁰ Ibn al-Athir, *al-Kamil fi 'l-tarikh*² (Beirut 1979/1399), 9:71, 8–9.

²¹ Ibn Azraq al-Fariqi, *Tarikh al-Fariqi*², ed. Badawi 'Abd al-Latif 'Awad (Cairo, 1959, Beirut, 1974), 60, 12; *Kamil*, 71, 18.

²² *Kamil*, 72, 4–5.

²³ *Tarikh al-Fariqi*, 61; *Kamil*, 94, 17–19.

²⁴ *Tarikh al-Fariqi*, 68, 6.

²⁵ See the remark by Amedroz, "The Marwanid Dynasty," 124.

²⁶ *Tarikh al-Fariqi*, 67, 6–8.

²⁷ *Ibid.*, 68, 1–2. See also *Kamil*, 72, 10–11.

²⁸ See Carl Brockelmann, *Geschichte der arabischen Litteratur* (Leiden, 1943), 1:92; Ibn Nubata spent most of his life as preacher at the Hamdanid court in Aleppo. He personalizes the close ties between Mayyafariqin and the Hamdanid capital.

²⁹ *Tarikh al-Fariqi*, 73, 10–11.

³⁰ *Ibid.*, 76, 5.

³¹ *Ibid.*, 76, 9–11. See also *Kamil*, 72, 15–21 (without the crucial quotation) and Haarmann, *Quellenstudien*, 146n6.

³² *Tarikh al-Fariqi*, 77, 11.

³³ See the brief sketch on his rule (and sad end) by Amedroz, "Marwanid Dynasty," 126–31.

³⁴ *Kamil*, 9:73, 6–8.

³⁵ Busse, *Chalif und Grosskönig*, 517–18.

³⁶ *Kamil*, 9:73, 11–12.

³⁷ The event is described in detail (with indication of the relevant sources) in R. Stephen Humphrey's, *From Saladin to the Mongols: The Ayyubids of Damascus 1193–1260* (Albany, N.Y., 1977), 302–3.