

Invoking and Constructing Legitimacy: Rebels in the Late Medieval European and Islamic Worlds

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I

Tyranny was a matter of concern to protesters and rebels in many urban societies around the late medieval Mediterranean world. To the minds of many city-dwellers, it was not only expedient, but also right to oppose tyrants. This was as much true in late medieval Bologna, Northern Italy, as it was in the far-away city of Damascus, Syria.

In May 1459, a visit by Pope Pius II to Bologna, a subject city of the Papal State, took an unusual turn. In his oration to the pope, the city's official orator, Bornio da Sala, did not celebrate the city government, as was expected of him, but instead used this opportunity to denounce it. A famous jurist at Bologna's university, Bornio proclaimed, with an unmistakable allusion to the city's ruling elite, that it was more appropriate to say that Bologna was governed by a tyranny than to claim that it was free. The city government certainly got the message, and stripped Bornio of all his offices. The pope, whose relationship with Bologna was often fractious, was less displeased. He rewarded Bornio with a place on his delegation.¹

Far away from Bologna, the inhabitants of al-Salihiyya, a suburb north of Damascus, held a banquet on 10 Jumada II 899/19 March 1494 to celebrate the dismissal of two particularly oppressive officials of the Mamluk regime, under whose rule Damascus had been since 658/1260. As the local chronicler informs us, inhabitants of this suburb had themselves only just killed an aide of tyrants (*zalama*, sing. *zalim*)—quite possibly another official of the regime. They had been threatened with a heavy punishment by the city's Mamluk governor, but another cause for celebration at the banquet was that Ibn al-Furfur, one of the city's chief

judges and a descendant of one of the most illustrious families of Damascus, had successfully intervened to prevent this penalty from being imposed.²

In both cases, city dwellers were not only concerned about tyranny, but they felt at liberty to act on their complaints. In Bologna, Bornio da Sala critiqued the regime headed by the Bentivoglio family who stood accused of ruling the city like tyrants and found themselves threatened by plots in 1449, 1488, and 1501. However, it took until 1506 for the Bentivoglio to be ousted in the wake of warfare and internal revolt.³ In the final decades of Mamluk rule in Damascus, accusations of tyranny and oppression against numerous Mamluk officials led to murders, protests, and riots. In 903/1497, the urban population of Damascus was embroiled in a full-scale civil war over which Mamluk faction to support, and in 907/1501 three of the city's suburbs were involved in battles with the governor's troops over Mamluk fiscal policies.⁴

Situated in highly urbanized regions and of roughly equal size at the end of the fifteenth century, Bologna and Damascus are two interesting cities to compare because they saw an especially marked density of revolts and wars. In spite of the fact that they represented mostly un-connected historical realities, tyranny and the organization of political activities against it constituted an important part of public life in both cities. Protesters and rebels frequently made claims and engaged in actions which suggested that they thought of their activities as legitimate. In both cities, such ideas were deeply embedded in the fragmentation of their respective political arenas. This fragmentation manifested itself on two levels: it concerned the organizational structures of urban life as much as the legal frameworks of cities. I have argued elsewhere that Bologna and Damascus were the sites of multiple units of political organization around which continuous negotiations of political alliances took place.⁵ In the context of this article, I will especially focus on the legal frameworks which crystallized around the fragmented organizational structures of urban life, and in whose context protesters and rebels were able to construct their own rationalities of political action.

The complexity of the legal frameworks of Bologna and Damascus is clearly apparent in these cities' structures of governance. Bologna, like other central and later medieval Italian cities, was governed by a communal government which was itself fragmented into different

jurisdictional agencies. At the same time, guilds and guild-like organizations, neighbourhoods, ecclesiastical bodies, or even factions and parties were directly or indirectly involved in regulating, policing, and competing for control over different aspects of public life. Although the commune was progressively able to assert its power over the city and the *contado* (the hinterland under the city's jurisdictional control), communal governments rarely stood above political competition in the city: they often were the coveted prize for rival political coalitions that did not shy away from revolt to plot their way to power. External political players also played important jurisdictional roles. For most of the late Middle Ages, Bologna was subject to popes, their legates, and other instruments of papal rule, although the degree to which these interfered in urban governance varied considerably. For particular periods, Bologna slipped out of papal control and was instead ruled by independent communal governments, the lordships (*signorie*) of powerful families, or by the state of Milan and its governors.⁶

Mamluk Damascus, like other cities in the Near East, did not have an Italian-style urban government. However, a multiplicity of other political units were involved in the organization of public life. The city's administration was headed by the Mamluk governor (*na'ib*) who belonged to the Turkoman-Circassian elite of slave origin that ruled the Mamluk state, whose capital was Cairo. In practice, there was a sprawling number of Mamluk jurisdictional agencies in Damascus, which were headed by rival Mamluk military commanders (*amirs*) and had varying judicial, fiscal, or military powers. Most prominent was the *muhtasib*, the state-appointed official in charge of public spaces, and the *wali*, the city's police chief. Other units of political organization were more firmly grounded in the city's own structures. This could be said for the city's suburbs whose fighting bands were involved in negotiations with governors and military confrontations, or the city's religious scholars (*ulama*) who played an important role in judicial and legal administration. Many of the city's chief judges (sing. *qadi*) were drawn from major Damascene families and part of the patronage networks that developed around endowed religious institutions (*waqf*).⁷

The multiple centres of governance in Bologna and Damascus themselves existed in the context of plural systems of law, an issue of relevance to protesters and rebels who were

eager to claim legitimacy for their actions. Both our cities were major centres for the systematic study of specific legal systems that were of critical importance in respectively Latin Europe and the Islamic world: Roman and canon law in Bologna, and Islamic law in Damascus.⁸ At the same time, other forms of law existed alongside these highly systematized and scholarly legal systems. Bologna's pacts (*capitula*) with the Papal State enjoyed an important legal status, as did the statutes of the commune and the guilds. Moreover, canon law in Bologna regulated not only the Church and issues pertaining to the Church, but was also the law of the Papal State.⁹ In Damascus, the equity-based jurisdiction (*siyasa*) of state agencies extended into a large area of social life that was not or only insufficiently covered by Islamic law, but was at the same time closely informed by it. Recent research into *siyasa* jurisdiction suggests that the absence of codification should not suggest that it was arbitrary and unsystematic.¹⁰ Moreover, in both later medieval Europe and the Near East other legal sources, such as legal opinions or custom, could be said to enjoy a particular legal status and were also often recognized as such by official law.¹¹

The fragmented political landscapes of Bologna and Damascus provided entirely the right substrate for rebels. As we know from recent studies of late medieval revolts in both European¹² and Near Eastern cities¹³, rebels were eager to develop a wide range of strategies to justify and legitimate their actions. This article considers how the fragmented legal frameworks of Bologna and Damascus allowed rebels to carve out their own rationalities of legitimation. Accusations against tyranny, and actions based on them, revealed precisely such a process. On the one hand, city dwellers drew on existing ideas about justice and the law which condemned tyrannical rule, but, on the other hand, city dwellers also developed their own rationales which could include notions of tyrannicide or rebellion in spite of the fact that much of the political theory of Latin Europe and the Islamic world rejected acts of political disobedience. This is a trend well-known to scholars of legal anthropology. Earlier interpretative frameworks often viewed the law as a static force which existed autonomously from social processes, and which actors either aspired to or broke. Scholars now prefer to speak of how a variety of actors created their own 'legal cultures'. They acted on the basis of an amalgam of existing legal norms,

practices, and institutions, but at the same time created their own rules and rationalities.¹⁴ Such processes have often been seen as disjointed from how political and intellectual elites understood the law, but in the fragmented political frameworks of Bologna and Damascus no such rigid lines can be drawn.¹⁵

In this light, when protesters and rebels claimed legitimacy for their actions, they appropriated and transformed a mixture of explicit or implicit rules that were recognized as regulating public life and that thereby provided a framework for argumentation. Anthropologists and legal scholars disagree profoundly on whether to apply the epithet ‘legal’ to a vast variety of rules emanating from different sources, but it seems defensible to do so in the fragmented context of medieval European and Islamic cities where the boundaries between ‘official’ and other kinds of rules were fluid.¹⁶ Section II on Bologna and Section III on Damascus will show a variety of ways in which rebels invoked legitimacy for their actions within the complex legal frameworks of their cities: they showed an understanding of the current political and legal system, often acted in close co-operation with legal professionals, and adopted practices which were closely related to legal procedures. Their opponents could, of course, argue that such appropriations were illicit and amounted to acts of disobedience. Rebels, however, rarely admitted to or even viewed themselves as guilty of disobedience. It is in this respect that it becomes clear how rebels were constructing their own legal spheres. What is interesting is that there was a certain regularity and continuity to such constructions: the cases here chosen for both Bologna and Damascus show continuities that ran over more than one hundred years, and suggest that it was possible to invoke and construct rationales of political action according to which protest and rebellion could be understood as legitimate. As Section IV argues, even jurists in both Europe and the Islamic world, perhaps in response to the political realities that surrounded them, developed various rationales to legitimate, or at least mitigate punishments for, rebellion.

II

A concern with the law has always permeated the political culture of late medieval Bologna, as recent work by Giuliano Milani, Sarah Blanshei, Angela De Benedictis, and myself has suggested.¹⁷ Much of this was, of course, a reflection of Bologna's status as a major centre for the study of law. In her study of Bologna's revolt of 1506, on which this article also draws, De Benedictis has shown in great detail how juristic theories of just war and licit resistance framed the argumentation of the major players.¹⁸ Such conceived notions of legality did not only inform the activities of legal professionals. A comparison between the revolt of 1506 and another episode of intense political conflict one hundred years earlier, in 1376, suggest that rebels from many different walks of life were keen on operating, or be seen as operating, within existing legal frameworks whose particular institutions, structures of obedience, and underlying legal traditions they did not want to disrupt.

On the night of 19 to 20 March 1376, amidst a disastrous war that affected the entire Papal State, a coalition of Bologna's guilds, its university, and its two main parties rebelled against papal overlordship. Many of the actions of the rebels suggested that they were themselves fighting a war: they carried a banner with the inscription 'Libertà', the troops of major families in the city's *contado* occupied strategic points in the city, and the papal legate, who had been deprived of his ring by one of the rebels, was effectively forced to flee the city. At the same time, the rebels were concerned to take actions which suggested continuity with known legal arrangements. First and foremost, they re-established the city's commune whose powers had been greatly reduced in the preceding period, but whose history reached back more than two hundred years. Not only communal institutions benefited from the revolt. Guilds, which had been potent organizations in the thirteenth century, saw their powers boosted through the creation of a new governmental college for guild leaders and the redaction of new guild statutes.¹⁹

The rebels were also keen on stressing that their aim was not disobedience to their overlord. One month after the revolt, the urban government despatched a lawyer, Giacomo Preunti, to argue Bologna's case before a court that the papal legate had set up in neighbouring Ferrara. Preunti argued that, amidst the terrible war that was ravaging around Bologna, the

Bolognese simply had to act in this way, in order to prevent the city from falling ‘into the hands of tyrants’.²⁰ Rumours had, in fact, been circulating that the pope was willing to deliver Bologna to the marquis of Ferrara and it is presumably to him that Preunti was referring.²¹ As so often, tyranny was presented as a legitimate cause for even as drastic a political act as the *de facto* overthrow of the papal regime in Bologna. The very concept of tyranny was itself closely bound up with ideas of law and justice. In the most famous medieval treatise on this subject, the contemporary jurist Bartolo da Sassoferrato (d. c.1357) had defined a tyrant, in a formulation borrowed from Pope Gregory the Great, as someone who ‘does not rule by law (*non iure principatur*)’.²² On the basis of a long tradition of thought in which diverse strands of Roman and canon law, theology, and Aristotelian philosophy intersected, Bartolo distinguished between two types of tyrant: first, tyrants ‘by defect of title (*ex defectu tituli*)’ who had usurped their office and had no legal entitlement to it; secondly, tyrants ‘by conduct (*ex parte exercitii*)’ whose actions, instead of serving the common good, only benefit the tyrant himself. By acting unfairly, the tyrant kept the city in a state of permanent division and this, according to Bartolo, prevented him from delivering fair judgements, thus leading to a breach of the *Lex Iulia de vi publica*.²³ It is unlikely that the Bolognese only had the marquis of Ferrara in mind when they were concerned about tyranny. In the previous decade, Bologna had seen the heavy-handed rule of Cardinal-Legate Gil Albornoz who had streamlined papal rule in Central Italy. Many of the rebels, particularly the *contado*-based families that played such an important role in the revolt, bore grudges against the papal regime.²⁴ In fact, they also attacked one of the city’s principal judicial officers, the *podestà*—not, as one of the chroniclers explained, because he was a man with a particularly evil disposition, but because governments that do not let their officers exercise justice bring about harm in the city.²⁵

The rebel coalition, in any case, rapidly broke apart. By July 1377, a splinter group negotiated a peace treaty with Pope Gregory XI which, in return for the city’s ‘perpetual’ subjection to papal rule, foresaw a wide-ranging administrative, fiscal, and judicial autonomy for the commune of Bologna.²⁶ This did not stop further revolts from happening over the coming decades.²⁷ Indeed, a more lasting settlement was only achieved in 1447 when Pope

Nicholas V established shared rule by the papal legate and the *Sedici Riformatori della Libertà*, an exclusive college which existed largely outside the complex jurisdictional structures of communal government in Bologna and which was manned by members of Bologna's elite. This was a clever move, if one that showed less regard for legal traditions than many rebels did. The *Sedici Riformatori* had existed intermittently since 1393, ostensibly to protect Bologna's liberty, but in practice became a quasi-government in the city that undermined ancient communal institutions and political procedures that had been prescribed in the city's statutes. Since the college was increasingly the preserve of a faction around the Bentivoglio family, their behaviour was somewhat easier to predict and, perhaps, to control. Although at times rocky, it was the partnership between the pope and the Bentivoglio faction which somewhat calmed down the turbulent politics of Bologna for the following decades.²⁸

However, this agreement, too, broke apart in 1506—the second episode of revolt in Bologna that is discussed here.²⁹ This year saw two distinct moments of intense political conflict. The first was between Pope Julius II and the Bentivoglio faction, and lasted from summer to early November.³⁰ Himself formerly a bishop of Bologna, Julius had become concerned about the Bentivoglio family's overweening power. After a failed attempt at achieving a negotiated solution, Julius took the drastic step of putting Bologna under interdict and mobilized his troops to take over the city with the help of allied French troops. Bologna defied papal orders to deliver the Bentivoglio to the pope and also mobilized its own troops for war. Accusations of tyranny were, again, at the centre of this confrontation, and were made by both sides. According to Niccolò Machiavelli, then present at the papal court, Julius claimed that he wanted to free Bologna from the tyranny of the Bentivoglio, thereby echoing accusations which had again and again been made from within Bologna throughout the second half of the fifteenth century.³¹ Bologna again mobilized one of its jurists against the pope. In a legal opinion, the Bolognese law lecturer Giovanni Crotto argued that it was Julius II who operated against the law: Julius acted against the settlement of 1447 and disturbed the city's order, he created fear and suspicion and damaged the Papal State as a whole, and he associated himself with men who wanted to destroy Bologna. In Crotto's view, all this justified Bologna's

resistance to papal orders—indeed, he even argued that the Bolognese could legitimately appeal to a general church council about the pope’s reprehensible conduct.³² Such accusations were themselves linked to the Europe-wide unpopularity of Julius II who was famously ridiculed by Erasmus as ‘a tyrant worse than worldly, an enemy of Christ, the bane of the Church’.³³

The second conflict erupted after 2 November when, to everyone’s surprise, the Bentivoglio fled the city with their closest associates.³⁴ In an even more surprising volteface, the *Sedici Riformatori*, manned by associates of the Bentivoglio, promptly declared their intention to submit to the pope and rumours circulated that they came to an agreement with the French troops which had besieged Bologna in the name of the pope. Between 3 and 4 November, the *popolo* of Bologna, apparently led by minor guildsmen, stormed the city’s central square, forced the *Sedici* and all other communal office-holders to leave the governmental palace, appointed their own government, and coordinated attacks against the French troops. This clearly was a revolt which was aimed at the Bentivoglio faction, but the degree to which the rebels were in favour of or hostile to the pope is not fully clear. At any rate, they had little choice. As early as 6 November, they let the pope and his troops into his city against guarantees that promised the withdrawal of the French. It is unlikely, however, that the pope, who later confirmed the terms of the 1447 settlement, was held in particularly high regard. In the following years, two statues that had been erected in Julius’s honour were destroyed, as was the citadel which Julius built in order to exercise better control over the city. As early as 1511 the Bentivoglio returned to Bologna, this time with the help of French troops.³⁵

One of the ways in which rebels invoked and constructed their own ideas of legitimacy was their slogan for greater ‘liberty’ (*libertas, libertà*), something that was also characteristic of revolts in other European cities.³⁶ The insurgents of March 1376 proclaimed ‘the state of the *popolo* and of liberty (*stato popolare e di libertà*)’, and carried a banner with the inscription *Libertà* which had been handed to them by the famously independent city-state of Florence.³⁷ In the crisis of 1506, both sides claimed to act in the name of liberty. Christoph Scheurl, a German law student in Bologna and a supporter of the Bentivoglio, wrote to his uncle that the Bolognese wanted to preserve the ‘sweetest liberty (*libertatem dulcissimam*)’ which they had

enjoyed for years under the Bentivoglio rather than succumb to ‘the papal yoke (*iugum pontificium*)’.³⁸ By contrast, in a meeting of the papal consistory on 17 August, Pope Julius II declared his intention to go to Bologna ‘to reform or liberate the city and the *popolo* from the yoke of the Bentivoglio (*pro reformatione, seu liberatione ipsius Civitatis et Populi a iugo Bentivolorum*)’.³⁹ ‘Liberty’ was, of course, a term with many meanings, but it was closely associated with the polycentric landscape of medieval cities like Bologna. Communes, guilds, and other jurisdictional institutions all possessed specific ‘liberties’ alongside other ‘franchises’ and ‘privileges’ which were enshrined in numerous medieval charters and characteristic of the legal language which rebels invoked. In both 1376 and 1506, rebels framed their demands in such ways as to increase or reduce the positive ‘liberties’ held by specific institutions, such as powers of the commune, the guilds, or external powers to pass statutes, elect officials, or fulfil particular judicial roles.⁴⁰

Another meaning of liberty was much less important in the revolts of 1376 and 1506, and perhaps in many other urban revolts: the complete independence from a superior jurisdiction. In 1376, the rebels did throw out the papal legate and did also not seek papal permission for their re-establishment of the commune, but they were careful not to claim independence from the Papal State—nor was this even the primary aim of most rebels, as their willingness to return under papal overlordship only one year later demonstrates. When arguing before the legatine court, Giacomo Preunti even denied that the Bolognese had rebelled and argued that they had been constrained to form their own government in order to safeguard peace when the papal legate had left the city.⁴¹ In 1506, not even Julius II’s wildest accusations mentioned any ambitions for independence on the part of Bologna. In fact, the stated objective of the Bolognese, to have the settlement of 1447 reaffirmed, foresaw joint sovereignty between the papal legate and the *Sedici Riformatori di Libertà*. It was on the basis of this settlement that they justified their resistance. As Crotto argued in his legal opinion, the pope’s disrespect for the settlement and his attempt to wholly appropriate power over the city entitled the Bolognese to resist his demands, even though the pope needed justly to be recognized as its ruler.⁴²

Rebels in 1376 and 1506 were also concerned to follow procedures that were connected with the legal and jurisdictional framework of Bologna. At different moments in these revolts, rebels rung the commune's bells to assemble the *popolo*—a type of legal action identified by contemporary jurists as indicating corporate responsibility, whether this was through 'ordinary' councils or 'extraordinary' assemblies. This, too, was the invocation of an established political identity: a large part of Bologna's ruling elite in the fourteenth and fifteenth centuries had emerged from the *popolo*, a political force which had its origins in legal corporations composed by artisans and merchants and which had come to control the commune in the course of the thirteenth century.⁴³ Immediately after the revolt of March 1376, bells were rung to convene the commune and the *popolo* of the city of Bologna.⁴⁴ A famous lawyer, Riccardo da Saliceto, explained to this assembly in both Latin and Italian that, in the absence of a governor, the Bolognese needed to make their own provisions. Stating that the jurisdictional rights of other parties would not be infringed, the assembly charged Riccardo with the defence of the city and elected sixteen officials to whom it delegated full legal authority, jointly to be held with other communal institutions created by them, for the months of March and April. In the following months, this led to thorough institutional reforms, such as an overhaul of the colleges and councils of the commune as well as the redaction of new statutes for the city.⁴⁵ Similarly, on 3 November 1506, rebels, led by the carpenter Salvestro, stormed the palace of the *podestà*, climbed its turret, and rung the bells. Within half an hour, the *popolo* assembled in arms on Bologna's square and forcibly entered the Palazzo dei Signori where the *Sedici Riformatori* had been meeting. In an act that was presumably designed to mock their opponents, but also to reaffirm Bologna's peculiar legal identity, they caused the current office-holders to mount horses, carry the banner of the Church and other banners, and shout 'Church, Church, *popolo*, *popolo* (*Ghiexia, Ghiexia, populo, populo*)'. Their opponents were then ordered to confront the French enemy troops alongside the militias of the *popolo*.⁴⁶ On the following day, the rebels elected a provisional government of twenty men which were to hold full legal authority and replaced the *Sedici Riformatori*. The rebels respected the customary practice to divide up the

new government's membership equally between Bologna's four large neighbourhood districts (*quartieri*).⁴⁷

Of course, it was not just legal practices, but also violence that characterized the revolts of 1376 and 1506. Rebels were also concerned about the legal dimensions of such activities. Giacomo Preunti, speaking before the legatine court at Ferrara, was keen to point out that any abuses against the legate and his personnel during the revolt of March 1376 would be investigated by the commune.⁴⁸ As a matter of fact, there had been transgressions, such as lootings, but a popular assembly condemned such episodes already five days after the uprising, and the *podestà* investigated more than twenty individuals for robbery in the wake of the revolt.⁴⁹ There were also types of violence which it was possible to view as licit. Rebels often imitated official judicial procedures or appropriated the city's judicial apparatus to punish or execute opponents in ways that frequently exceeded levels of violence or death tolls in actual street fighting.⁵⁰ One type of violence that rebels fell back on with particular frequency was connected with practices reminiscent of warfare. As has been seen, the revolt of 1376 itself took place amidst external war and in subsequent developments the troops of major families in the Bolognese contado also played an important role. In 1506, the Bolognese swiftly reacted to the pope's threats by mobilizing for war. They appointed a war committee (*Cinque Savij della Guerra*), mobilized the militia of the *popolo*, and made them swear oaths. By preparing for war, Bologna's city government also made claims concerning its own political status. Its militia were, in fact, organized on the basis of neighbourhood structures that were closely associated with communal self-government: the *quartieri* as well as another smaller neighbourhood unit, the *gonfalon*, both of which had traditionally fulfilled important roles in the organization of communal government, fiscal administration, and policing.⁵¹

According to the medieval legal theory of war, formulated most powerfully by the theologians Raymond of Peñafort (d. 1275) and Thomas Aquinas (d. 1274), wars were licit if they were fought for a just cause (*iusta causa*), righteous intention (*recta intentio*), and authority (*auctoritas*).⁵² Ironically, it was Pope Julius II who was arguing in his bull of excommunication, on the basis of these very principles, that he was embarking on a just war against the

Bolognese.⁵³ Many political theorists denied that subjects could legitimately embark on wars against their superiors, since such forms of violence should be seen as acts of rebellion, and not of just war. However, in one tradition of interpretation, formulated by the Bolognese canon lawyer Giovanni da Legnano (d. 1383) and relevant throughout the early modern period, it was possible to fight a defensive war against one's superior if he acted 'against the law (*contra ius*)'. As a papal supporter, Giovanni himself opposed the revolt of 1376, but his ideas were again echoed by jurists in the 1506 conflict.⁵⁴ The rebels themselves drew on practices that were closely associated with just war, such as the unfurled banners of sovereign powers which signified the declaration of public war.⁵⁵ During a parade on 28 October 1506, the urban militia carried the banners of the *popolo* as well as of particular *quartieri* and *gonfaloni*. While shouting 'War, war (*Guera, guera*)', they were undoubtedly once again invoking Bologna's past as an independent commune. After the revolt of the *popolo*, as we have seen, they forced their enemies, not without some irony, to carry the banners of the Church in whose true interest the rebels could claim to be acting.⁵⁶ The banner with the inscription *Libertas*, which the Bolognese rebels of 1376 were waving, itself had a connection with external warfare. The banner had been handed to Bologna by the sovereign commune of Florence which was, at this point, fighting a year-long war against the papacy. In 1378, a similar banner was to be used in the Ciompi revolt in Florence itself.⁵⁷

Rebels in Bologna could fall back on an ample repertoire of slogans and practices that they could deploy in innovative ways. Many of these were connected to wider ideas that belonged to an amalgam of medieval interpretations of Roman law, Christian theology, and Aristotelian philosophy—links that were often made explicit by the legal professionals who were themselves part of or at least co-operated with rebel coalitions. In complex ways, such ideas underlay the multi-jurisdictional environment which ultimately directly inspired many of the rebels' slogans and practices: their concern with enhancing or reducing the liberties of particular institutions, their interest in legal procedures that were enshrined in decades or centuries of urban political life, and their appropriation of a military vocabulary in the name of their fight against tyranny.

III

Two episodes of political conflict in Damascus, in respectively 791/1389 and 907/1501, also suggest that complaints against tyranny and demands for greater justice were closely tied up with the political and legal arrangements which regulated public life in that city. The fact that rebels were not concerned with the powers held by a communal government represents a critical difference with patterns of conflict in Bologna, but should also not be exaggerated, since rebels in Bologna did not only focus on the commune. Rebels in Damascus were just as concerned about numerous political agencies that governed political life in the city. Often these were agencies associated with the Mamluk regime, but urban centres of power, such as neighbourhoods, were also at stake in situations of protest and revolt. The Islamic framework of justice and Islamic law played an important role in framing the actions of city dwellers, but their interest in various urban political units suggests that rebels also invoked and constructed rationales of legitimation that were embedded in customary legal arrangements or *siyasa*.

Damascenes were concerned about who ruled them, as their involvement in the frequent episodes of warfare between rival Mamluk factions suggests. A well-documented case is the civil war between Sultan Barquq and the Mamluk amir Mintash, governor of Malatya, which affected urban politics in Damascus, as well as virtually the entire Mamluk state, between 791/1389 and 795/1393. Initially a war between Mamluk factions, Damascenes themselves got embroiled once Mintash conquered Damascus in Rabi‘ II 791/April 1389 and ruled the city until Rajab 792/June 1390. Mintash’s attempt to regain Damascus in Rajab 793/June 1391 again led to the involvement of various urban groups.⁵⁸ As is all too often the case, chroniclers identified such city dwellers rather indiscriminately as ‘inhabitants of Damascus (*ahl Dimashq*)’ or ‘the people (*al-‘amma*)’, but there is mention of particular factions, markets, and neighbourhoods.⁵⁹ Three outlying suburbs of Damascus in particular, Maydan al-Hasa, al-Shuwayka, and al-Salihiyya, were identified as supporters of Mintash.⁶⁰ The crowds that supported Mintash brought grievances of their own to this conflict. Upon his conquest of Damascus, they not only stormed and plundered the houses of the Mamluk governor Turuntay,

but also of al-Haydabani and Ibn al-‘Ala’i, two officials that were closely associated with the fiscal system of the Mamluk regime in Damascus. Grievances about fiscal exactions often directly turned against officials who were assigned the collection of specific taxes, confiscations, or the enforcement of forced purchases as part of their payment. Al-Haydabani was a high-ranking amir who stood accused of accumulating wealth through his fiscal oppression, and Ibn al-‘Ala’i was one of the government’s highest ranking officials (*ustadar*).⁶¹ As they left al-Haydabani’s house, carrying clothing, money, and furnishings in their hands, the crowds were chanting: ‘The house of the tyrant (*zalim*) is destroyed, albeit at the right time’.⁶²

As in Bologna, legal experts took a keen interest in such conflicts. The most extensive contemporary chronicler of these events, Ibn Sasra, was himself a prominent member of the city’s ulama and, therefore, almost certainly well-versed in Islamic law. Ibn Sasra left little doubt that just governance was at the heart of these conflicts. Initially, he welcomed Mintash’s takeover, bemoaning the injustice reigning in Damascus and citing a barrage of passages in the Quran and Hadith, but also the Torah and the Bible, about the punishments awaiting tyrants.⁶³ Soon disappointed by the new regime, Ibn Sasra then came to denounce Mintash as a tyrant about whose fall the people rejoiced.⁶⁴ This, however, did not stop Ibn Sasra from applying the same epithet to Sudun Baq, the governor appointed by Barquq after Mintash’s fall.⁶⁵ Drawing on a long tradition of Islamic political thought, Ibn Sasra repeatedly invoked the duty of rulers to provide justice. In one lengthy digression, in which he relied heavily on a political tract by the Andalusian-born scholar al-Turtushi (d. 520/1126 or 525/1131), Ibn Sasra warned:

When the sultan acts justly, justice spreads out among his subjects . . . But when the sultan is unjust, injustice spreads in the land and the people become weak; rights are suppressed; they become addicted to wrongdoing and they pervert weights and measures. Thereupon blessing is withheld and the heavens are prevented from giving rain; the seeds dry up and cattle perish, because of their withholding charity and because false oaths have spread among them. Cunning and stratagems increase in their midst and shame grows amongst them.⁶⁶

Ibn Sasra was unwilling to condone rebellion in explicit terms and left it rather unclear how the collapse of unjustly governed polities would come about. However, he was clearly aware that resistance was one option. Rather approvingly, he cited the case of one ‘Abbasid governor of

Damascus, Salim ibn Hamid, whose injustice cost him his life in a rebellion of the city's inhabitants.⁶⁷

Rebels and their supporters were highly concerned about how they were ruled. This became especially evident in another violent conflict in Jumada I 907/November 1501, when battles erupted between the Mamluk regime and city dwellers. The rebel coalition was mainly composed by the people (*ahl*) of the outlying suburbs al-Shaghur and Maydan al-Hasa—later to be joined by inhabitants of the suburb al-Qubaybat—who had agreed to proceed against the newly arrived governor, Qansuh al-Burj, and his entourage. In the words of the principal chronicler of these events, the religious scholar Ibn Tulun, their alliance was aimed at the 'tyranny (*zulm*)' of the regime.⁶⁸ Again, the rebels associated particular officials with bad rule. Initially at least, they rejected to negotiate with Qansuh until he did not hand over the *ustadar* 'Abd al-'Aziz who was hated for the spiralling fiscal exactions that he had imposed on Maydan al-Hasa, one of the suburbs which played a leading role in the uprising. A similar demand was made concerning an official associated with the entourage of the *muhtasib*.⁶⁹ The grievances of the rebels were closely associated with their expectations of just government. The rebels especially hated a penalty tax which governors routinely imposed on neighbourhoods where a murder had been committed by an unknown killer. This tax had developed out of the payment of blood money (*diya*) which according to Islamic law was owed in such cases by the inhabitants of the quarter, the owner of the house, or the passenger and crew of the boat where a dead body was found. In late ninth- and early tenth-/late fifteenth- and early sixteenth-century Damascus, however, governors had drastically increased the frequency and remit of such penalties whose revenues seem to have disappeared in their coffers.⁷⁰ Sultan al-'Adil al-Tumanbay had actually banned such fines only one year before the outbreak of hostilities, as was confirmed across Damascus by inscriptions that survived into the twentieth century. It was, in fact, only Qansuh's promised abolition of this penalty which, at least temporarily, halted the hostilities in early Jumada II 907/December 1501.⁷¹

The penalties did, in fact, not only provoke such hostility because they violated the urban population's understanding of right, but because they touched on important structures of

urban governance. The target of these fiscal exactions often were the major suburbs of Damascus which had their own forms of political organization and which were threatened to be undermined by intrusive Mamluk officials. Most important among these forms of organization were fighting bands known as *zu'ra*, semi-permanent groups of youths whose activities ranged from enforcing local economic monopolies to conducting negotiations with, as well as organizing violent attacks on, the Mamluk regime.⁷² The murder fines were themselves a device of suppressing the violent activities of the *zu'ra* who retaliated in the name of their neighbourhoods by killing the officials that were supposed to collect them.⁷³ It is not surprising that the *zu'ra* also played a fundamental role in the bloody conflict of 907/1501. In their negotiations with the governor's representatives it was the *zu'ra* who were identified as doing the fighting, and it was their leaders who put forward the rebels' demands which included the execution of tax collectors. True to their role as political players, it was also the *zu'ra* leader of al-Shaghur, Ibn al-Tabbakh, who struck the deal with the governor, and it was the *zu'ra* who invited one of the governor's officials to celebrate this agreement over a dinner.⁷⁴ The legitimacy of the *zu'ra* was much-contested, and many of their suburbs' inhabitants were deeply aggrieved by the violence which they unleashed.⁷⁵ Nevertheless, some city dwellers undoubtedly supported the *zu'ra* and indeed benefited from their activities. Even the ulama were engaged in a debate on whether the violence of the *zu'ra* could be justified as licit when they acted against the subordinates of tyrants.⁷⁶ The stance of the Mamluk regime itself remained ambiguous: although Qansuh and his troops brutally suppressed the *zu'ra* half a year after the peace, Mamluk governors and amirs continued to hire *zu'ra* as military forces in the years to come.⁷⁷

Rebels' concerns about the political agencies of the Mamluk state or neighbourhoods showed that they were acutely aware of and concerned about the distribution of power in their city. Shifts in the structures of power also prompted shifts in the patterns of conflict: in the wake of political reforms during the Ottoman period, popular protest particularly targeted the chief qadi of the Hanafi school of Islamic law, who had become one of the Ottoman regime's most powerful figures in Damascus.⁷⁸ Their interest in the distribution of power between

different organizational structures was, however, not the only way in which protesters and rebels showed a concern with legal arrangements, whether they were officially sanctioned or just recognized as legitimate by many of the city dwellers. An important role in their actions was also played by their understanding of practices that were closely associated with Islam and its provision of justice. One of Islam's fundamental tenets was that it prescribed a divine or revealed law (shari'a) which promised justice as much in this world as in the next. This law preceded all human political formations and it was the duty of every Muslim to obey it.⁷⁹ There was much debate among Islamic scholars, including legal circles of Damascus in the later Middle Ages, on who should enforce this law, and more specifically who should enforce the Quranic prescription to 'command right and forbid wrong' (Q. 3:104). Most, though not all, scholars agreed that the state should play the main role, but many also accorded this duty to legally competent ordinary believers. Indeed, the term *muhtasib* was occasionally not only used for the state official in charge of public order, but for anyone who exercised this duty.⁸⁰

Two important caveats are necessary before describing the behaviour of rebels in this respect. In developing their arguments and practices, rebels were not only drawing upon an existing Islamic framework of justice, but also constructing what Islamic law meant to them. As recent scholarship, including scholarship on the Mamluk period, has pointed out, Islamic law was not a monolithic block, but subject to constant evolution, continuous disputes, and ongoing reinterpretation in the wake of its appropriation by numerous political actors. In invoking and constructing an Islamic framework of justice, rebels mirrored the behaviour of other powerful players, such as state agencies whose jurisdiction was often closely informed by and itself further developed the Islamic framework of justice. Muhtasibs, as Karen Stilt has shown, were not only involved in the regulation of markets and the policing of the public order, but also the supervision of public devotional practices from the organization of mandatory prayer lessons to the enforcement of fasting.⁸¹ The other important caveat is that the rhetoric and practices associated with the Islamic framework of justice were, of course, not the only vocabulary of legitimation which protesters and rebels could draw on. Amina Elbendary, Konrad Hirschler, Boaz Shoshan, and James Grehan have studied a whole range of possible

vocabularies, such as shutting shops or rioting out of a sense of ‘moral economy’ about the unfair distribution of food supplies, or using state courts to petition the sultan or other officials about their grievances in the context of the Mamluk state’s own promise to deliver justice.⁸² As far as the latter is concerned it is interesting that towards the end of the Mamluk period the availability of such courts also drastically increased, often precisely in order to respond to the growing numbers of petitions from disgruntled commoners about supposedly tyrannical officers. As Yossef Rapoport has recently suggested, such courts, although ostensibly based on the authority of *siyasa*, also took account of, invoked, and even transformed the application of Islamic law.⁸³ The Islamic framework of justice was therefore not the only relevant framework, but it offered a crucial point of orientation. As far as the rebels of Damascus were concerned, this manifested itself in two ways: first, religious leaders often played an important role in conflict; second, protesters and rebels frequently invoked slogans and practices that were associated with Islam.

Protesters were often keen to associate themselves with or accept the intercession of ulama or other religious leaders, such as Sufi shaykhs. Religious scholars often disapproved of disobedience and rebellion, but their behaviour in actual situations of political conflict was complex. Amina Elbendary has argued that many ulama were often surprisingly ambiguous about whether they condemned protesters, also because many of them were more directly involved in conflicts than meets the eye.⁸⁴ An interesting example is Taqi al-Din Ibn Qadi ‘Ajlun, a prominent scholar at several madrasas in late ninth-/fifteenth-century Damascus who for a while was also one of the city’s chief qadis. In the rebellion of 907/1501, it was Taqi al-Din who acted as a mediator between the Mamluk authorities and the protesters—a role which he had taken on again and again since the mid-880s/mid-1480s, when he helped broker agreements between protesters and the authorities over the exchange rate of silver and a forced sale of sugar. In 891/1486, when protest broke out over extraordinary taxes, the Mamluk governor asked Taqi al-Din to legitimate the tax and convey his opinion to the influential people of each neighbourhood. At the same time, Taqi al-Din also actively participated in collective

action, such as when he was, directly or indirectly, involved in campaigns to seize and destroy alcohol.⁸⁵

There were two areas of political conflict in which ulama and other religious leaders were involved with particular frequency. One of these was the policing of the public order in the name of Islam and their involvement in activities that came close to the responsibility of the muhtasib, such as in public campaigns against drinking.⁸⁶ Sometimes such actions were not necessarily hostile, but complementary to state power. In Dhu al-Hijja 885/February 1481, Taqi al-Din acted with the Mamluk grand chamberlain (*hajib al-hujjab*) Yashbak al-'Alay, although their target was a drinking place by the residence of another Mamluk amir. However, on other occasions, religious leaders did act against state authorities which they accused of tolerance and collusion. In Muharram 890/February 1485, Shaykh 'Abd al-Qadir was imprisoned and threatened with a fine because his followers had seized and burned hashish that they had found in the city. After an unsuccessful appeal to one of the chief qadis, the protesters stormed the Umayyad Mosque before prayers, carrying banners, and chanting 'Allahu akbar'. They intimidated the governor so much that he chose to pray elsewhere and eventually gave in.⁸⁷

Another area of conflict in which religious leaders became embroiled were the relatively frequent periods when the Mamluk regime broke down during factional warfare.⁸⁸ During a Mamluk civil war in 903/1497, the *muhaddith* (scholar of Prophetic traditions) Jamal al-Din ibn al-Mabrad al-Salihi acted as a leader for the suburb of al-Salihiyya. Jamal al-Din apparently favoured neither side: in a statement reported by Ibn Tulun, he spoke badly of the rebels, but also added that the most treacherous men of all was one of the amirs on the sultan's side. Perhaps favouring a position in which al-Salihiyya would remain neutral, and enjoy greater autonomy, he persuaded the inhabitants to desist from directly fighting the rebel Mamluk faction. At the request of the suburb's inhabitants, he then authored a letter to turn down the cooperation offered to the suburb by one of the rebel leaders.⁸⁹ This was not the position of other ulama. When the Mamluk rebels made progress in capturing important sites in the town, Taqi al-Din and another shaykh, Shibab al-Din al-Mahwajab, actually met with the rebels, who told these representatives that they were not engaging in any act of rebellion at all.⁹⁰

The support, or at least connivance, of the ulama and other religious leaders certainly went some way towards lending legitimacy to protests. Another way in which the Islamic framework of justice mattered were some of the slogans and practices which rebels adopted.⁹¹ The slogan that they were most commonly reported to have shouted was ‘Allahu akbar (God is greatest)’, the so-called *takbir*—a pious exclamation constantly used in daily life, but one that unequivocally declared the shouter’s affinity with Islam.⁹² Protesters also had a predilection for Fridays, the day on which communal prayers took place.⁹³ Since masses of people met on this day, this was an obvious moment for rebels to organize, but it also was a highly symbolic one, since communal prayers had always been as much an occasion for the gathering of the Muslim community as it had been one in which political authority was displayed. Occasionally, rebels also disrupted the holding of communal prayers: they stopped muezzins from issuing the call to prayer, or they refused to attend such prayers outright.⁹⁴ Protest in Damascus did not only take place before the residences of Mamluk officials or in the neighbourhoods whose place in public life was at stake. The most frequent site of protest was the Umayyad Mosque whose minaret protesters sometimes also climbed to proclaim their aims. The Umayyad Mosque was not only the city’s prominent Friday Mosque, but also an important gathering place for other public activities, such as reading sessions.⁹⁵ Mosques also sometimes played an important role in protest in other ways, such as when, in Muharram 897/November 1491, silk weavers from different neighbourhoods of Damascus protested against a tax on looms by waving the banners of their local mosques in front of the governor’s residence.⁹⁶

The interrelationship between Islamic and other practices of conflict is usefully illustrated in two days of protest in Jumada II 885/April 1490 which were described in great detail by Ibn Tulun and Ibn Tawq, a Damascene notary.⁹⁷ The regime viewed these events as so dangerous that it stopped their investigation only one month later out of a fear that this might provoke strife (*fitna*), a term which itself had strong Islamic connotations, as it referred to conflict within the Muslim community.⁹⁸ Protest erupted at the Umayyad Mosque after Friday prayer, while worshippers were delivering their individual supplications. A pious man from Maydan al-Hasa, Yusuf al-Bahlul, shouted: ‘Woe to Islam! Where is the Islamic sense of

honour (*al-ghayra al-islamiyya*) when this official from the entourage of the sultan (*al-khassaki*) oppresses the people through his confiscations?’ Qarqamas⁹⁹, the official in question, had arrived in Damascus to enforce confiscations and had attended Friday prayer with other Mamluk dignitaries. However, as he was hearing Yusuf’s cry, he fled to his lodgings, while the other Mamluks took refuge inside the mosque. The crowds also began to shout the takbir, and Yusuf, crying out for succour, was helped to flee by a group around one Shaykh Faraj, perhaps a Sufi leader. In a turn of fortune, Faraj, who might have acted as a spokesperson for the protesters, found himself imprisoned and beaten by Mamluks. The fact that the protesters had used Islamic rhetoric against them was a matter of concern to the Mamluk dignitaries. One of them, the grand chamberlain, asked Faraj in the prison: ‘Did you pronounce the *takbir* against me?’ Faraj responded provocatively: ‘I seek succour with Allah (*a‘udhu bi-Allah*)’.¹⁰⁰ A similar pattern was unfolding on the following day. This time, Shaykh Ibrahim al-Naji led a group of protesters from Maydan al-Hasa back to the city centre, where they staged further protests against Shaykh Faraj’s imprisonment while shouting the *takbir* and waving banners at the Umayyad Mosque and in front of Qarqamas’s lodgings. The protesters only dispersed after the intercession of Mamluk dignitaries, the qadi, and the merchant ‘Isa al-Qari, and with the promise that there would be no further mistreatment of the population.

The involvement of religious leaders, and the keenness of participants to employ a rhetoric and practices clearly associated with Islam, suggest that they were invoking the Islamic framework of justice to frame their actions—actions which, when viewed from a different angle, could be construed as amounting to disobedience and rebellion. Most of the protesters did not question the legality and authority of the Mamluk state or its particular agencies, but they constructed their own sense of where to draw the line between legitimate government and tyranny.

IV

Patterns of conflict in other cities did not necessarily resemble the political cultures of Damascus or Bologna. In Cairo, the capital of the Mamluk state, protest took place much more

frequently around the centres of Mamluk power, such as the space around the citadel which was not only the headquarters of the sultan and the Mamluk military, but also the site of the sultan's court of equity jurisdiction (*mazalim*). The killings of officials were somewhat rarer—instead, protest often took different forms: such as various modes of petitioning, perhaps stimulated by the profusion of Mamluk jurisdictional agencies in the city, or concealed forms of contestation, such as the mocking of Mamluk amirs during the annual feast of Nawruz, which was pre-Islamic in origin.¹⁰¹ Florence, a famously factious city-state, was the site of Europe's most prominent revolt, the Ciompi uprising of July 1378 in which wool-workers, guilds, and a faction around the Medici took over the city's centres of authority in a quasi-military operation involving material, banners, and other symbols of war. However, outside that dramatic confrontation, conflict usually took different forms: it either centred on attempts of political factions to gain control over and subvert electoral procedures, communal councils, and the judicial apparatus through manipulation, or on concerted episodes of protest which could include the targeted assassination of opponents, but fell short of full-blown urban war.¹⁰²

Because of the sheer variation between cities, it is not easy, and perhaps not even desirable, to make generalizations about the Near East and Italy as a whole. Indeed, some oft-repeated generalizations are not true. Rebels in Damascus were concerned about the balance and organization of power in their city, even though their demands were not framed in terms of communes or corporations. Likewise, rebels in Bologna did not necessarily contest superior jurisdictions and were, in fact, often happy to find accommodation with external powers. It may be truer to say in that in Damascus rebels were ultimately more concerned about how power was *exercised* than how it was *distributed*: of course, it mattered which Mamluk faction was in power, or what role neighbourhoods were supposed to play in the urban arena, but such questions were arguably less central than the rebels' aspiration to principles that they derived from a complex framework of justice that was also, but not exclusively, influenced by Islam. Bolognese rebels were arguably much more directly obsessed with the precise jurisdictional and constitutional powers of external agencies, cities, and other institutions on which hinged

the language of liberty, legal procedures, and military practices through which they expressed themselves in situations of protest and revolt.

It is striking that in Bologna no single legal framework played as central a role as that of Islam did in Damascus, even if we accept that the Islamic framework of justice was itself multi-dimensional and fraught with internal tensions. Indirectly, of course, Christian ideas of justice permeated theories of just war and city dwellers' expectations of just rule. However, for the most part, the protagonists of political conflicts in Bologna, a subject city of the Papal State, were often careful about dragging an *explicitly* religious dimension into their conflicts. There were, of course, exceptions. In 1506, the pope did put the city under interdict—a punishment which, among other sanctions, foresaw the suspension of most church services—, while the pope's Bolognese enemies threatened to appeal against the pope to a general council of the church. On both sides, such a religious language of conflict was, however, generally avoided and there are remarkably few references to the direct invocation of Christian ideas and practices by rival political coalitions to justify their engagement in conflict.¹⁰³ The Christian religion was no less important to the city dwellers of Bologna than Islam was to the inhabitants of Damascus, and there were multiple ways in which the urban politics of Bologna and that of other Italian communes were deeply affected by the ideas, practices, and elites connected with the religious system of Christianity.¹⁰⁴ A major difference with the Islamic world was, however, that in addition to being a framework of ideas and practices, Christianity also had its own well-defined institutional apparatus: the Church, which itself was an active political player in many different ways. The rebels of 1506 were, after all, invoking the pope not as their spiritual head, but as their overlord when they screamed 'Church, Church'.¹⁰⁵ Any mistaken application of such rhetoric could have terrible consequences. As was found by 'heretics' in many Italian cities, some of whom also had political ambitions, the invocation of Christian ideas and practices outside the parameters laid down by Church authorities could result in bitter repression by both secular and ecclesiastical bodies.¹⁰⁶

In spite of such differences it is remarkable that, in both cities, city dwellers were able to construct particular rationales for the legitimation of protest and rebellion. It is tempting to

speculate about possible links that might explain this convergence in the urban political cultures of two areas that were so distant from each other. Common to both Latin Europe and the Islamic world were ideas about the so-called circle of justice according to which the king at the top of society was dependent on the peasants at the bottom: they could only provide him with revenue if he was able to provide justice. Possibly originating in ancient Greek philosophy or with even earlier roots, the idea of the circle of justice circulated amply in both the Islamic world and Europe through texts such as the *Sirr al-asrar* or the *Secretum secretorum*, its Latin rendering.¹⁰⁷ More tangible than any direct ideological links was, however, the urban environment in which city dwellers operated. Bologna and Damascus were deeply fragmented into multiple units of political organization and were characterized by a fragmented legal framework in ways that made cities of either region much more similar to each other than to the more monolithic and streamlined political entities of the modern Western world. Unlike the latter, the complex urban political arenas of Bologna and Damascus of the later Middle Ages offered a particular substrate on whose basis city-dwellers were able to construct legal cultures that made it not only possible, but also legitimate to fight tyranny.

In the fragmented urban arenas of Bologna and Damascus, the legitimacy of any particular action was, of course, itself controversial. As such, it is not surprising that in both Italy and the Near East jurists of this period developed legal doctrines that condemned any disobedience to rulers as acts of rebellion. At the same time, it may be no coincidence that jurists—most of whom lived in cities and were no doubt themselves exposed to political conflict—also hotly debated the question of legitimate resistance. In his above-mentioned defence of wars against superiors, Giovanni da Legnano drew on two passages of the Justinianic Code of Roman Law which jurists of the later Middle Ages and the early modern period continued to use in theories of legitimate resistance. In commenting on these passages, Bartolo da Sassoferrato, perhaps the most famous late medieval jurist, specifically allowed the rejection of governmental authority if an official carried out his duties against the interests of justice (*iniuste*), or if soldiers committed acts of injustice by, for instance, breaking agreements on billeting or by defiling property. Bartolo was as much concerned with legal theory as he was

with political practice: he explained the circumstances under which friends and neighbours could be called for support, and even specified the words (*Succurrite, succurrite*) to shout in such a situation.¹⁰⁸ However, it should also be pointed out that in other writings, Bartolo was much less inclined to take such a position and instead extolled the importance of political obedience.¹⁰⁹ It must be wondered to what extent such apparent inconsistencies were related to the fact that such thinkers, particularly jurists, were themselves involved in political conflicts and developed their views accordingly.¹¹⁰

Islamic legal thinkers were somewhat less willing to justify resistance. However, they also developed a substantial body of laws, known as *ahkam al-bughat*, which mitigated punishments for rebellion if, among other conditions, the rebels' cause was based on the interpretation of recognized Islamic sources (*ijtihad*). Violence against rebels was only to be used as an absolute last resort, captured rebels were not to be killed, their property could not be confiscated, and all imprisoned rebels needed to be released as soon as the rebellion had ended.¹¹¹ In any case, the above-mentioned Islamic duty to command right and forbid wrong also provided legitimating rationales for the actions of protesters. Most Islamic lawyers agreed that legally competent Muslims could exercise it, although by our period few endorsed the exercise of this duty against the interests of state authorities. However, in practice, it may have been difficult to draw a line between acceptable and transgressive actions: state authority itself was often fractious, and rebels rarely saw themselves as such and openly questioned the authority of the state. Even chroniclers who were themselves trained in the religious sciences, as we have seen, often refrained from open criticism or even sympathized with protesters.¹¹²

Urban rebels were certainly aware of such debates, but their legal cultures existed and developed semi-autonomously from them. Theirs was, of course, not an understanding of 'legitimacy' that would necessarily have been recognizable even to those jurists who were sympathetic to them. However, the very difficulty of knowing where legitimacy lay in a web of intersecting normative rules, and of tying it to any of numerous political institutions, was the very stuff of urban politics and conflict. Ultimately, it was on the basis of this complex political and legal framework that rebels constructed their understanding of legitimacy and their

particular legal spheres. It is remarkable that they were able to do so, over a sustained period of time, in two cities at opposite ends of the Mediterranean world.

This article follows a simplified version of the transliteration system used by the *International Journal of Middle East Studies*: diacritical markings have been omitted, and commonly used terms are given in their anglicized form. I gratefully acknowledge the assistance of Nikola Dukas Sardelis and Wahid Amin with certain of the Arabic texts cited in this article.

¹ Cherubino Ghirardacci, *Della historia di Bologna: Parte Terza*, ed. A. Sorbelli, *Rerum Italicarum Scriptores*, new ser., 33/1, Città di Castello: Lapi, 1915–32, p. 170 ('chiamando più tosto tirannia, che libertà, che la città haveva'). See also Girolamo de' Borselli, *Cronica gestorum ac factorum memorabilium civitatis Bononie*, ed. A. Sorbelli, *Rerum Italicarum Scriptores*, new ser., 23/2, Città di Castello: Lapi, 1912–29, pp. 94–5; Fileno Dalla Tuata, *Istoria di Bologna*, ed. B. Fortunato, 3 vols, Bologna: Costa, 2005, 1: 321.

² Ibn Tulun, *Mufakahat al-khillan fi hawadith al-zaman*, ed. M. Mustafa, 2 vols, Cairo: Wizara al-Thaqafa, 1962–4, 1: 160.

³ Borselli, *Cronica*, pp. 89, 109–10; Ghirardacci, *Della historia*, pp. 130–7, 247–53, 303–6; Dalla Tuata, *Istoria*, 1: 321; *Corpus chronicorum bononiensium*, ed. A. Sorbelli, 4 vols, *Rerum Italicarum Scriptores*, 18/1, Città di Castello: Lapi, 1906–40, 4: 164–6, 173–5, 495–6, 505–8. For 1506, see below.

⁴ Ibn Tulun, *Mufakahat*, 1: 185–96, 199–200, 250–2; Ibn Tulun, *I'lam al-wara bi-man wulliya na'iban min al-atrak bi-Dimashq al-Sham al-kubra*, ed. M.A. Duhman, Damascus: Al-Matb'at al-Jarida al-Rasmiyya, 1964, pp. 82–7, 141–5; Ibn Tawq, *Al-Ta'liq: yawmiyyat Shihab al-Din Ahmad ibn Tawq*, ed. J. al-Muhajir, 4 vols, Damascus: Institut français de Damas, 2000–2007, 4: 1541–72.

⁵ P. Lantschner, 'Fragmented Cities in the Later Middle Ages: Italy and the Near East Compared', *English Historical Review*, 130, 2015, pp. 546–82.

⁶ For introductions to late medieval Bologna with extensive bibliographies, see R. Donarini, *Bologna medievale nella storia della città*, Bologna: Pàtron, 2000; O. Capitani (ed.), *Bologna nel Medioevo*, Bologna: Bononia University Press, 2007. For an introduction to Italian cities and political formations in this period, see P. J. Jones, *The Italian City-State: From Commune to Signoria*, Oxford: Oxford University Press, 1997, 521–83; A. Gamberini and I. Lazzarini (eds), *The Italian Renaissance State*, Cambridge: Cambridge University Press, 2012.

⁷ For introductions to Damascus and other Mamluk cities, see especially T. Miura, 'Urban Society in Damascus as the Mamluk Era was Ending', *Mamluk Studies Review*, 10, 2006, 157–193; I. Lapidus, *Muslim Cities in the Later Middle Ages*, Cambridge, MA: Harvard University Press, 1967; R. van Leeuwen, *Waqfs and Urban Structures: The Case of Ottoman Damascus*, Leiden: Brill, 1999; K. Stilt, *Islamic Law in Action: Authority, Discretion, and Everyday Experiences in Mamluk Egypt*, Oxford: Oxford University Press, 2012.

⁸ For Bologna, A. Sorbelli, *Storia dell'Università di Bologna: il medioevo*, Bologna: Zanichelli, 1940; O. Capitani (ed.), *Cultura universitaria e pubblici poteri a Bologna dal XII al XV secolo*, Bologna: Istituto per la storia di Bologna, 1990. For Damascus, L. Pouzet, *Damas au VIIIe/XIIIe siècle: vie et structures religieuses dans une métropole islamique*, Beirut: Dar al-Machreq, 1991; M. Chamberlain,

Knowledge and Social Practice in Medieval Damascus, Cambridge: Cambridge University Press, 1994; van Leeuwen, *Waqfs and Urban Structures*.

⁹ A. De Benedictis, *Repubblica per contratto: Bologna: una città europea nello Stato della Chiesa*, Bologna: Il Mulino, 1995; the editors' introductions to *Gli statuti del comune di Bologna degli anni 1352, 1357, 1376 e 1389*, ed. V. Braidì, Bologna: Forni, 2002 and *Haec sunt statuta: le corporazioni medievali nelle miniature bolognesi*, ed. M. Medica, Modena: Panini, 1999. For the complex legal order in later medieval Europe and Italy, see P. Grossi, *L'ordine giuridico medievale*, Bari: Laterza, 1995; M. Sbriccoli, 'Legislation, Justice and Political Power in Italian Cities, 1200–1400', in A. Padoa Schioppa (ed.), *Legislation and Justice*, Oxford: Clarendon Press, 1997, 37–55.

¹⁰ Y. Rapoport, 'Legal Diversity in the Age of Taqlid: The Four Chief Qadis under the Mamluks', *Islamic Law and Society*, 10, 2003, pp. 210–28; id., 'Royal Justice and Religious Law: Siyasa and Shari'ah under the Mamluks', *Mamluk Studies Review*, 16, 2012, pp. 71–102; Stilt, *Islamic Law*. For a historical and conceptual introduction to Islamic law, see W. B. Hallaq, *Shari'a: Theory, Practice, Transformations*, Cambridge: Cambridge University Press, 2009.

¹¹ For the Islamic world, see M. K. Masud et al. (eds), *Islamic Legal Interpretation: Muftis and their Fatwas*, Cambridge, MA: Harvard University Press, 1996; R. Shaham (ed.), *Law, Custom, and Statute in the Muslim World*, Leiden: Brill, 2007. For medieval Europe, see M. Sbriccoli, *L'interpretazione dello statuto: contributo allo studio della funzione dei giuristi nell'età comunale*, Milan: Giuffrè, 1969; E. Cohen, *The Crossroads of Justice: Law and Culture in Later Medieval France*, pp. 28–42.

¹² See the contributions by Hartrich [please add other relevant names] in this volume. See also the contributions in J. Dumolyn et al. (eds), *The Voices of the People in Late Medieval Europe*, Turnhout: Brepols, 2014; J. Dumolyn and J. Haemers, "'A Bad Chicken was Brooding": Subversive Speech in Late Medieval Flanders', *Past&Present*, 214, 2012, pp. 45–86; C. Liddy and J. Haemers, 'Popular Politics in the Late Medieval City: York and Bruges', *The English Historical Review*, 128, 2013, pp. 771–805; P. Lantschner, *The Logic of Political Conflict in Medieval Cities: Italy and the Southern Low Countries, 1370–1440*, Oxford: Oxford University Press, 2015, 21–39.

¹³ A. Elbendary, *Faces in the Crowd: Urban Protest in Late Medieval Egypt and Syria*, University of Cambridge: PhD thesis, 2007; K. Hirschler, 'Riten der Gewalt: Protest und Aufruhr in Kairo und Damaskus', in S. Conermann and S. van Hees (eds), *Islamwissenschaft als Kulturwissenschaft*, Schenefeld: EB-Verlag, 2007, pp. 205–33; J. Grehan, 'Violence and Social Imagination in Late-Mamluk and Ottoman Damascus', *The International Journal of Middle East Studies*, 35, 2003, pp. 215–36; D. Beaumont, 'Political Violence and Ideology in Mamluk Society', *Mamluk Studies Review*, 8, 2004, pp. 201–25; B. Shoshan, 'Grain Riots and the "Moral Economy": Cairo, 1350–1517', *Journal of Interdisciplinary History*, 10, 1980, pp. 459–78.

¹⁴ For the concept of legal culture, see L. M. Friedman, 'The Place of Legal Culture in the Sociology of Law' and D. Nelken, 'Rethinking Legal Culture', in M. Freeman (ed.), *Law and Sociology*, Oxford: Oxford University Press, 2006, pp. 185–99, 200–24.

¹⁵ A similar point was made by L. Benton in her *Law and Colonial Cultures: Legal Regimes in World History*, Cambridge: Cambridge University Press, 2002, pp. 8–9.

¹⁶ See, for instance, Simon Roberts's argument for a distinction between government-backed 'law' and other kinds of rules: S. Roberts, 'After Government: On Representing Law Without the State', *Modern Law Review*, 68, 2005, pp. 1–24. For overviews on this debate, G. R. Woodman, 'Ideological Combat and Social Observation: Recent Debate about Legal Pluralism', *Journal of Legal Pluralism and Unofficial Law*, 42, 1998, pp. 21–59; P. S. Berman, 'The New Legal Pluralism', *Annual Review of Law and Social Science*, 5, 2009, pp. 225–42. For interesting contributions to the subject of 'legalism' from both a historical and anthropological perspective, see P. Dresch and H. Skoda (eds), *Legalism: Anthropology and History*, Oxford: Oxford University Press, 2012; F. Pirie and J. Scheele (eds), *Legalism: Community and Justice*, Oxford: Oxford University Press, 2014.

¹⁷ G. Milani, *L'esclusione dal comune: conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo*, Rome: Istituto storico italiano per il Medio Evo, 2003; S. Blanshei, *Politics and Justice in Late Medieval Bologna*, Leiden: Brill, 2010; A. De Benedictis, 'Lo "stato popolare di libertà": pratica di governo e cultura di governo', in Capitani, *Bologna nel Medioevo*, pp. 899–950; ead., *Repubblica per contratto*; P. Lantschner, 'Justice Contested and Affirmed: Jurisdiction and Conflict in Late Medieval Italian Cities', in Pirie and Scheele, *Legalism*, 77–96.

¹⁸ A. De Benedictis, *Una guerra d'Italia, una resistenza di Bologna: Bologna 1506*, Bologna: Il Mulino, 2004. For a similar argument concerning early modern Italy more broadly, see her recent *Tumulti: moltitudini ribelli in età moderna*, Bologna: Il Mulino, 2013.

¹⁹ *Corpus chronicorum bononiensium*, 3: 309–18; Matteo Griffoni, *Memoriale historicum de rebus bononiensium*, ed. L. Frati and A. Sorbelli, *Rerum Italicarum Scriptores*, 18/1, Città di Castello: Forni,

1902, pp. 72–3. For this revolt, see O. Vancini, *La rivolta dei bolognesi al governo dei vicari della Chiesa*, Bologna: Zanichelli, 1906.

²⁰ Published in Vancini, *La rivolta*, pp. 79–83.

²¹ *Corpus chronicorum bononiensium*, 3: 307–8.

²² Bartolo da Sassoferrato, ‘Tractatus de Tyranno’, in D. Quaglioni, *Politica e diritto nel Trecento italiano: il ‘De tyranno’ di Bartolo da Sassoferrato*, Florence: Olschki, 1983, pp. 175–213, at 184.

²³ Bartolo, ‘Tractatus de tyranno’, pp. 185–202.

²⁴ Lantschner, *Logic of Conflict*, pp. 122–3; O. Vancini, ‘Bologna della Chiesa’, *Atti e memorie della R. Deputazione di storia patria per le provincie di Romagna*, 3rd ser., 24, 1906, pp. 239–320, 508–552; 25, 1907, pp. 16–108.

²⁵ *Corpus chronicorum bononiensium*, 3: 313.

²⁶ *Codex diplomaticus dominii temporalis S. Sedis*, ed. A. Theiner, 3 vols, Rome: Imprimerie du Vatican, 1861–2, 2: 599.

²⁷ Lantschner, *The Logic of Political Conflict*, pp. 95–130.

²⁸ On 1447, see De Benedictis, *Repubblica per contratto*, 107–36. For the Bentivoglio regime, see also I. Robertson, *Tyranny under the Mantle of St Peter: Pope Paul II and Bologna*, Turnhout: Brepols, 2002; C. Ady, *The Bentivoglio of Bologna: A Study in Despotism*, Oxford: Oxford University Press, 1937.

²⁹ In my analysis I have greatly learnt from and relied on Angela De Benedictis’s study and interpretation of this revolt, *Una guerra d’Italia*, and followed her guidance on the principal sources.

³⁰ Dalla Tuata, *Istoria*, 2: 470–81; Ghirardacci, *Della historia*, pp. 343–8.

³¹ Niccolò Machiavelli, *Opere*, ed. C. Vivanti, 3 vols, Turin: Einaudi, 1997–2005, 2 (*Lettere: Legazioni e Commissarie*): 1028–9, 1038–40.

³² Quoted and discussed in De Benedictis, *Una guerra*, pp. 116–22.

³³ Erasmus, *The Julius Exclusus*, tr. P. Pascal, ed. J. Kelley Sowards, Bloomington: Indiana University Press, 1968, p. 83.

³⁴ Dalla Tuata, *Istoria*, 2: 481–7; Ghirardacci, *Della historia*, pp. 348–53.

³⁵ De Benedictis, *Una guerra*, pp. 158–60.

³⁶ S. K. Cohn Jr., *Lust for Liberty: The Politics of Social Revolt in Medieval Europe, 1200–1425*, Cambridge, MA: 2006, pp. 236–42; S. Ferente, ‘Guelphs! Factions, Liberty and Sovereignty’, *History of Political Thought*, 28, 2007, pp. 571–98; De Benedictis, ‘Lo “stato popolare”’.

³⁷ *Corpus chronicorum bononiensium*, 3: 314.

³⁸ *Christoph Scheurl’s Briefbuch*, ed. F. von Soden und J. K. F. Knaake, Potsdam: Gropius’sche Bunchhandlung, 1867, p. 24. For Scheurl and an interpretation of this passage, see De Benedictis, *Una guerra*, pp. 26–9, 49–50.

³⁹ *Le due spedizioni militari di Giulio II tratte dal Diario di Paride Grassi bolognese*, ed. L. Frati, Bologna: Tipografia Regia, 1886, p. 4.

⁴⁰ Lantschner, *Logic of Political Conflict*, pp. 29–33.

⁴¹ Published in Vancini, *La rivolta*, pp. 81–2.

⁴² Machiavelli, *Opere*, 2: 1039; for an analysis of Crotto’s views on the settlement, De Benedictis, *Una guerra*, pp. 115–17.

⁴³ W. Ullmann, ‘The Delictal Responsibility of Medieval Corporations’, *Law Quarterly Review*, 64, 1948, pp. 77–96. For the *popolo* movements, see A. Zorzi, ‘The Popolo’, in J. M. Najemy (ed.), *Italy in the Age of the Renaissance*, Oxford: Oxford University Press, 2004, pp. 145–64.

⁴⁴ Archivio di Stato, Bologna, Provvigioni in Capreto, 1, fos. 1r–3v; published in *Gli statuti del comune di Bologna*, pp. lxxi–lxxviii.

⁴⁵ *Gli statuti del comune di Bologna*, pp. lxxxix–cxxiv; G. Bosdari, ‘Il comune di Bologna alla fine del secolo XIV’, *Atti e memorie della R. Deputazione di storia patria per le provincie di Romagna*, 4th ser., 4, 1914, pp. 123–88.

⁴⁶ Dalla Tuata, *Istoria*, 2: 483–4.

⁴⁷ Dalla Tuata, *Istoria*, 2: 484–5; Ghirardacci, *Della historia*, pp. 351–2.

⁴⁸ Published in Vancini, *La rivolta*, p. 81.

⁴⁹ Archivio di Stato Bologna, Curia del Podestà, Libri Inquisitionum et Testium, 224, no. 1, fos. 1r–3v, 5r–9r, 17r–18r, 88r–89r; Vancini, *La rivolta*, pp. 71–6.

⁵⁰ H. Skoda, *Medieval Violence: Physical Brutality in Northern France 1270–1330*, Oxford: Oxford University Press, 2013, pp. 159–92; Lantschner, *The Logic of Political Conflict*, pp. 52–9.

⁵¹ Dalla Tuata, *Istoria*, 2: 475, 478; Ghirardacci, *Della historia*, p. 345. For the roots of these topographical structures, see A. I. Pini, *Le ripartizioni territoriali urbane di Bologna medievale*, Bologna: Atesa, 1977; for *gonfalon*, see *Gli statuti del comune di Bologna*, pp. 415–27.

⁵² Raymond of Peñafort, *Summa de poenitentia et matrimonio cum glossis I. de Friburgo*, Rome: Tallini, 1603, pp. 184–5; S. *Thomae Aquinatis doctoris angelici opera omnia iussu impensaue Leonis XIII. P.*

M. edita, 50 vols, Rome: Typographia Polyglotta, 1882–, 8: 312–4 (*Summa theologiae*, 2a 2ae 40.1). See also M. Keen, *The Laws of War in the Late Middle Ages*, London: Routledge&Kegan Paul, 1965, pp. 63–81.

⁵³ De Benedictis, *Una guerra*, pp. 101–11.

⁵⁴ Giovanni da Legnano, *Tractatus de bello, de represaliis et de duello*, ed. T. E. Holland, trans. J. L. Brierly, Oxford: Oxford University Press, 1917, pp. 130, 140. For this tradition of interpretation, see n. 108 below; for 1506, see De Benedictis, *Una guerra*, pp. 121–2, 134.

⁵⁵ Keen, *Laws of War*, pp. 106–8. For banners in the context of revolts, Cohn, *Lust for Liberty*, pp. 177–88.

⁵⁶ Dalla Tuata, *Istoria*, 2: 480–1; Ghirardacci, *Della historia*, pp. 347–8.

⁵⁷ *Corpus chronicorum bononiensium*, 3: 314; R. C. Trexler, 'Follow the Flag: The Ciompi Revolt Seen from the Streets', *Bibliothèque d'humanisme et Renaissance*, 46, 1984, pp. 357–92.

⁵⁸ The principal source is Ibn Sasra, *al-Durra al-mudi'a fi al-dawla al-Zahiriyya / A Chronicle of Damascus, 1389–1397*, ed. and trans. W. Brinner, 2 vols, Berkeley: University of California Press, 1963, 2: 13–141. See also Bertrando de' Mignanelli, *Ascensus Baroch*, ed. W. Fischel, *Arabica*, 6, 1959, pp. 57–74, 152–72; Ibn Shuhba, *Ta'rikh Ibn Qadi Shuhba*, ed. A. Darwish, 4 vols, Damascus: Institut français de Damas, 1977–97, 1: 263–387.

⁵⁹ Ibn Sasra, 2: 82.

⁶⁰ Ibn Sasra, 2: 33–5, 59–60, 78–9, 82–3.

⁶¹ Ibn Sasra, 2: 13–16. Also attacked was the house of Ibn al-Saradara, who could not be identified. See also J. L. Meloy, 'The Privatization of Protection: Extortion and the State in the Circassian Mamluk Period', *Journal of the Economic and Social History of the Orient*, 47, 2004, pp. 195–212.

⁶² Ibn Sasra, 2: 13. This is also among the proverbs collected by Burckhardt in the nineteenth century: John Lewis Burckhardt, *Arabic Proverbs*, London: Murray, 1830, p. 82.

⁶³ Ibn Sasra, 2: 14–15.

⁶⁴ Ibn Sasra, 2: 59, 63.

⁶⁵ Ibn Sasra, 2: 99.

⁶⁶ Ibn Sasra, 2: 142–44, at 143; trans. in 1: 191–2; Al-Turtushi, *Siraj al-muluk*, London: Riad El-Rayyes, 1990, pp. 146–7.

⁶⁷ Ibn Sasra, 2: 149. Like most other thinkers, Ibn Sasra also warned against warfare between Muslims: *ibid.*, 2: 37–8.

⁶⁸ Ibn Tulun, *Mufakahat*, 1: 250–2; *id.*, *I'lam*, pp. 141–5. I gratefully acknowledge the assistance of Nikola Dukas Sardelis and Wahid Amin with the texts of Ibn Tulun and Ibn Tawq.

⁶⁹ The rebels also demanded the handover of one Ibn al-Fuqaha'i, but I was not able to identify him.

⁷⁰ For such cases, see Miura, 'Urban Society', pp. 171–3. On the position of Islamic law, see J. Schacht, *An Introduction to Islamic Law*, Oxford: Oxford University Press, 1964, pp. 184–5.

⁷¹ 'Décrets mamelouks de Syrie', ed. J. Sauvaget, *Bulletin d'études orientales*, 2, 1932, pp. 1–52, at 44–6.

⁷² Lantschner, 'Fragmented Cities', pp. 571–4. See also Lapidus, *Muslim Cities*, pp. 173–77; A. al-'Ulabi, *Dimashq bayna 'asr al-mamalik wa-al-'uthmaniyyin*, Damascus: Al-Sharika al-Muttahida, 1982, pp. 95–110; Miura, 'Urban Society', pp. 177–88.

⁷³ See, for instance, the case in Ibn Tulun, *Mufakahat*, i. 279–80.

⁷⁴ Ibn Tulun, *Mufakahat*, 1: 251–2; *id.*, *I'lam*, pp. 144–5.

⁷⁵ Ibn Tulun, *Mufakahat*, 1: 185, 195; *id.*, *I'lam*, pp. 91, 178; Ibn Tawq, *Al-Ta'liq*, 4: 1555, 1566–7.

⁷⁶ Ibn Tulun, *Mufakahat*, 1: 181–2 presents the negative view of the Hanbali jurist Ibn al-Mibrad. Miura has located the positive view in the National Asad Library of Syria, MS. 3243: Miura, 'Urban Society', n. 156.

⁷⁷ Ibn Tulun, *Mufakahat*, 1: 259–60; *I'lam*, pp. 149–50. On the *zu'r* as Mamluk mercenaries, Ibn Tulun, *Mufakahat*, 1: 92, 269, 283, 295, 330; *id.*, *I'lam*, pp. 83, 118, 158.

⁷⁸ Grehan, 'Street Violence', pp. 224–8.

⁷⁹ A. Lambton, *State and Government in Medieval Islam*, Oxford: Oxford University Press, 1981, p. xiv; P. Crone, *Medieval Islamic Political Thought*, Edinburgh: Edinburgh University Press, 2005, pp. 4–10; W. B. Hallaq, *Shari'a*, pp. 72–124.

⁸⁰ M. Cook, *Commanding Right and Forbidding Wrong in Islamic Law*, Cambridge: Cambridge University Press, 2000, pp. 470–9, at 475, n. 33. For this debate in Damascus, see *ibid.*, pp. 145–64.

⁸¹ Stilt, *Islamic Law*, pp. 24–34; Rapoport, 'Legal Diversity'; *id.*, 'Royal Justice'.

⁸² Elbendary, *Faces in the Crowd*, pp. 54–106; Hirschler, 'Riten der Gewalt', pp. 210–15, 226–9; B. Shoshan, *Popular Culture in Medieval Cairo*, Cambridge: Cambridge University Press, 1993, pp. 40–66; Grehan, 'Street Violence', pp. 221–4.

- ⁸³ Rapoport, 'Royal Justice'; Elbendary, *Faces in the Crowd*, pp. 54–62; A. Fuess, 'Zulm or Mazalim? The Political Implications of the Use of Mazalim Jurisdiction by the Mamluk Sultans', *Mamluk Studies Review*, 13, 2009, pp. 121–47.
- ⁸⁴ Elbendary, *Faces in the Crowd*, pp. 182–3, 110–18, 130–43.
- ⁸⁵ Ibn Tulun, *Mufakahat*, 1: 30, 41, 251; id., *I'lam*, 76–7, 143–4; Ibn Tawq, *Al-Ta'liq*, 1: 27, 62, 63, 66, 275, 431; 2: 673. See T. Wollina, *Zwanzig Jahre Alltag: Lebens-, Welt- und Selbstbild im Journal des Ahmad Ibn Tawq*, Bonn: Bonn University Press, 2014, pp. 9, 46, 119, 128, 180.
- ⁸⁶ Wollina, *Zwanzig Jahre Alltag*, pp. 176–83; Lapidus, *Muslim Cities*, p. 106; Elbendary, *Faces in the Crowd*, pp. 77–8; Cook, *Commanding Right*, pp. 494–501.
- ⁸⁷ Ibn Tulun, *Mufakahat*, 1: 32, 65; Ibn Tawq, *Al-Ta'liq*, 1: 36–7, 431–2.
- ⁸⁸ Members of the ulama also played an important role during the Mongol, Timurid, and Ottoman takeovers in 699/1299–1300, 803/1400, and 922/1516: Lapidus, *Muslim Cities*, pp. 131–4.
- ⁸⁹ Ibn Tulun, *Mufakahat*, 1: 199–200.
- ⁹⁰ Ibn Tulun, *Mufakahat*, 1: 187; id., *I'lam*, p. 96.
- ⁹¹ On this question, see also Hirschler, 'Riten der Gewalt', pp. 210–18; Elbendary, *Faces in the Crowd*, pp. 92–6.
- ⁹² Ibn Tulun, *Mufakahat*, 1: 65, 124–5, 146, 147; Ibn Tawq, *Al-Ta'liq*, 1: 431–2; 2: 951–2.
- ⁹³ Ibn Tulun, *Mufakahat*, 1: 124–5, 250, 303; Ibn Tawq, *Al-Ta'liq*, 1: 26–7; 2: 951–2.
- ⁹⁴ Ibn Tulun, *Mufakahat*, 1: 153–4, 251.
- ⁹⁵ Ibn Tulun, *Mufakahat*, 1: 65, 124–5, 147, 153–4, 299; Ibn Tawq, *Al-Ta'liq*, 1: 431–2; 2: 951–2.
- ⁹⁶ Ibn Tulun, *Mufakahat*, 1: 146; Ibn Tawq, *Al-Ta'liq*, 3: 1085.
- ⁹⁷ Ibn Tulun, *Mufakahat*, 1: 124–5; Ibn Tawq, *Al-Ta'liq*, 2: 951–2.
- ⁹⁸ Ibn Tulun, *Mufakahat*, 1: 132.
- ⁹⁹ According to Ibn Tawq, the official in question was called Ghanam, but see the editor's remark: Ibn Tawq, *Al-Ta'liq*, 2: 951, n. 1.
- ¹⁰⁰ This episode is only reported by Ibn Tawq.
- ¹⁰¹ Hirschler, 'Riten der Gewalt', pp. 212–14, 226–9; Lapidus, *Muslim Cities*, pp. 143–53, 170–83; Shoshan, *Popular Culture*, pp. 40–51.
- ¹⁰² Lantschner, *Logic of Political Conflict*, pp. 131–68.
- ¹⁰³ Dalla Tuata, *Istoria*, 2: 477; De Benedictis, *Una guerra*, pp. 119–22.
- ¹⁰⁴ For Bologna, see especially A. I. Pini, *Città, chiesa e culti civici in Bologna medievale*, Bologna: Clueb, 1999; N. Terpstra, *Lay Confraternities and Civic Religion in Renaissance Bologna*, Cambridge: Cambridge University Press, 1995. For the broader Italian picture, see A. Thompson, *Cities of God: The Religion of the Italian Communes*, University Park, PA: Pennsylvania State University Press, 2005.
- ¹⁰⁵ Dalla Tuata, *Istoria*, 2: 482, 484.
- ¹⁰⁶ The historiography is vast, but a good starting point is C. Lansing, *Power and Purity: Cathar Heresy in Medieval Italy*, New York: Oxford University Press, 1998. For heresy in Bologna, see L. Paolini and R. Orioli (eds), *L'eresia a Bologna fra XIII e XVI secolo*, 2 vols, Rome: Istituto storico italiano per il Medio Evo, 1975.
- ¹⁰⁷ L. Darling, *A History of Social Justice and Political Power in the Middle East*, New York: Routledge, 2013, pp. 3–8, 74–7.
- ¹⁰⁸ A. De Benedictis, 'Rebellion – Widerstand: Politische Kommunikation als Normenkonflikt in der frühen Neuzeit', in A. De Benedictis et al. (eds), *Die Sprache des Politischen in actu*, Göttingen: V&R, 2009, pp. 113–38; Lantschner, *Logic of Political Conflict*, pp. 33–9.
- ¹⁰⁹ D. Quaglioni, "'Rebellare idem est quam resistere": obéissance et résistance dans les glosses de Bartole à la constitution "Quoniam Nuper" d'Henri VII (1355)', in J.-C. Zancarini (ed.), *Le droit de résistance, XII–XXe siècle*, Fontenay-aux-Roses: Imprimerie ENS, 1999, pp. 39–46.
- ¹¹⁰ M. Ryan, 'Bartolus of Sassoferrato and Free Cities', *Transactions of the Royal Historical Society*, 6th ser., 10, 2000, pp. 65–89.
- ¹¹¹ K. Abou El Fadl, *Rebellion and Violence in Islamic Law*, Cambridge: Cambridge University Press, 2001, pp. 234–94, 321–42.
- ¹¹² Cook, *Commanding Right*, pp. 476–8, 582–4; see, for instance, the complex position of the famous fourteenth-century Damascene jurist Ibn Taymiyya (d. 728/1328): *ibid.*, pp. 149–57; Y. Rapoport and S. Ahmed (eds), *Ibn Taymiyya and His Times*, Karachi: Oxford University Press, 2010. On the problems of juristic theory and political practice, see also Elbendary, *Faces in the Crowd*, pp. 162–89.