DOCUMENT FOUR
DISSOCIATION FROM BLOOD GROUP’S LIABILITY ON INDIVIDUAL’S INITIATIVE (1963)

Introduction

This document records two distinct cases in which members of a blood group (ʿāʾila) publicly announce, on their own initiative, their decision to dissociate themselves from the blood group. In consequence of this act, they are henceforth not bound in any way by liability to their blood group. In the absence of an explicit statement as to the motives underlying this unilateral act, it is reasonable to surmise that the blood group may have found itself entangled in disputes entailing heavy financial outlays or, alternatively, in situations exposing the blood group to acts of blood vengeance on what appeared to some members to be an intolerable scale.

In the first case, the death of the minors’ father may have had some bearing on the act of dissociation; thus the uncle of the minor sons may have been motivated by a concern to shield them from a cycle of vengeance. Alternatively, he may have felt constrained by his blood group’s retreat from the vengeance option to seek affiliation to another blood group. Here, too, monetary considerations may have played a significant role in the act of dissociation. Under the sharīʿa, blood money is due in its entirety to the victim’s sharʿī legal heirs, whereas, under tribal customary law a mere portion (usually one-third) of it is allocated to the victim’s close relatives, the bulk (two-thirds) being assigned to the members of the blood group according to specific criteria.\(^1\)

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2. See doc. 3 above.
Tuesday, November 19, 1963

Mahmūd al-Hasan Ismāʿīl appears as the representative of (biʿl-niyāba ʿan) his brother’s sons, at the house of Mūsā al-Muhammad al-ʿAwdat Allāh dissociating (qad ʿalaʿa) [himself and his nephews] from ʿĀʾilat Ismāʿīl, by declaring:

[As from today] every individual will be held accountable for his own evil deeds (sharr) [lit. liability will be hanging on his neck] (fi ʿunuqīhi) while [members of the ʿāʾila] will be free from liability for him (bariʿahu); if [the evil deed] was done in relation to absent persons [that is, a third party outside the blood group] before today’s date, then he [on behalf of the minor nephews] will be bound (to bear the amends (makhāṣīr) together with them [i.e., the members of ʿĀʾilat Ismāʿīl], but should it transpire some time in the future, everyone’s amends will be on his own neck [i.e., everyone will be accountable for his own deeds].

Drawn up in the presence of eyewitnesses (shuhūd al-hāl).

Signatures and fingerprints of ʿIwad Jadī, Ḥusayn Jadū, Muhammad Ahmad al-Dīk, Muhammad ʿAlī Salām, Muḥammad Maḥmūd Fahhār [Fakhkhār], Darwish Saʿāda, Idrīs ʿAlī Muhammad, Muḥammad Khalīl, ʿAlī al-Khamīs Abū Haniyya.

ʿAlī Ahmad al-Dīk appears [on the same date] dissociating himself (wa-qad tabarraʿa) entirely from his brothers and ʿĀʾilat Ismāʿīl, [declaring] that he will be accountable for any deed, be it evil (sharr) or good (khayr), [that will be committed by him in future; however, the consequences of] any evil deed committed in the past should be shared by all [the members of the ʿāʾila] (mushtarak mā bayn al-ʿumūm), “as from today, every individual is accountable for his own evil deeds [lit. everyone’s evil is on one’s own neck] (al-kull sharruhu fi ʿunuqīhi).”

[Done as] complete dissociation (tulūʿ).

Drawn up in the presence of eyewitnesses.


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3 The children were apparently minors.
4 In other words, everyone will be responsible for his own actions, and Maḥmūd, on behalf of the nephews, will not be bound by the blood-group liability.
5 The presence of a great number of witnesses indicates that the act of dissociation was given due publicity, as required by tribal customary law.
6 It seems that some of ʿAlī’s brothers were involved in a severe blood dispute. ʿAlī’s brother, Muḥammad, signed as a witness on the first document of dissociation.