III. JURIDICAL AND INTELLECTUAL HISTORY
The 'āqila, or blood-money group, is a group of adult men who are collectively liable for the payment of diya (or 'aql, money due as compensation for homicide or bodily harm) on behalf of any one of them.\(^1\) This legal institution found its way from pre-Islamic Arab customary law into Muslim law, although the principle that underlies it, namely, joint liability, is at odds with the Muslim notion of individual responsibility that is based on the Qur'ān.\(^2\) In the transition from Arab custom to Muslim law, the institution of the 'āqila and rulings connected with it underwent significant changes. One such change, introduced by the Ḥanafīs, relates to the composition of the 'āqila. Unlike the Shāfī’is, Ḥanbalīs, and some of the Mālikīs who rule, in line with pre-Islamic law, that a man’s 'āqila is made up of his agnatic relatives,\(^3\) the Ḥanafīs follow an opinion according to which the 'āqila is composed of the warriors (muqāṭila) of a man’s military division, who are registered on the same payroll of the dīwān. The diya is to be deducted from their annual stipends (aṭiya or aṭiyāt, sing. 'atā) and paid to the victim or

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\(^1\) The question of whether the man on whose behalf the diya is paid participates in the payment is disputed (for example, Marghinānī, Hidāya, 4:1714–15; Ibn Qudāma, Mughnī, 12:22).

\(^2\) EI², art. "'Ākila" (Brunschvig), 1:338a. For the relevant Qur’ānic verses, see Māwardī, al-Hāwī l-kabīr, 12:341; for the contradiction, and for attempts to explain it away and to justify the institution of the 'āqila see, for example, Jaṣṣās, Ahkām al-Qur’ān, 2:272–3; Ṣarakhbī, Mabsūt, 27:125; Marghinānī, Hidāya, 4:1711; Ibn Rushd, Bidāyat al-mujtahid, 4:1678; Juwainī, Nihāyat al-matlab, 16:503–4.

\(^3\) Mālikīs: Ibn Rushd, Bidāyat al-mujtahid, 4:1679–80. Ḥanbalīs: Ibn Qudāma, Mughnī, 12:39–40. According to the Shāfī’is, a man’s ascendants and descendants are excluded from his 'āqila (Peters, Crime and Punishment, 50; Māwardī, al-Hāwī l-kabīr, 12:344; Ģirāžī, al-Muhadhdhab, 5:169). This is also one of the opinions ascribed to Ibn Hanbal (Ibn Qudāma, Mughnī, 12:40). For the joint liability of agnates for payment of blood money in pre-Islamic society see Landau-Tasseron, "Alliances among the Arabs," 144.