

Contents

<i>Preface</i>	<i>page</i> ix
<i>Acknowledgments</i>	xvii
Part I The Contribution of Islamic Values	1
Introduction	1
1 The Modern Perspective and the Islamic Perspective, and Their Application to the Law of Homicide	5
2 Major Modifications of the Islamic Law of Homicide	10
2.1 Restricting the Liability for Blood Revenge to the Perpetrator	11
2.2 Distinguishing between Accidental and Intentional Homicide	14
3 The <i>‘Āqila</i> ’s Liability for Homicide Restricted and Justified	18
3.1 Accidental Homicide	18
3.2 Minor Blood-Money Payments	25
3.3 Denying the Incompatibility with the Individual Responsibility Principle	27
Part II The Contribution of the State Administration	33
Introduction	33
4 The <i>Dīwān</i> Innovation in Umayyad Practice	44
5 From Umayyad Practice to Ḥanafī Law	51
5.1 The <i>Dīwān</i> Innovation in <i>Ḥadīth</i>	52

viii	Contents	
	5.1.1 <i>Ḥadīth ‘Umar</i>	53
	5.1.2 <i>The Three Installments Ḥadīth</i>	56
	5.2 Justifications Other Than <i>Ḥadīth</i>	61
6	The <i>Dīwān</i> Innovation in Ḥanafī Law	63
	6.1 Those on Whose Behalf Blood Money Is Paid by the <i>Dīwān</i>	63
	6.1.1 <i>The Sawād Dwellers</i>	66
	6.1.2 <i>The Townsmen</i>	69
	6.2 Those Who Pay on Behalf of Others: The Recipients of <i>Rizq</i>	71
	6.3 Adjusting the ‘ <i>Āqila</i>	75
	Part III The Contribution of the Persians	85
	Introduction	85
7	The Eastern Iranian Ḥanafī Views on the ‘ <i>Āqila</i> : A Presentation	87
	7.1 The ‘ <i>Āqila</i> of Those Who Have a <i>Dīwān</i>	89
	7.2 The ‘ <i>Āqila</i> of Those Who Do Not Have a <i>Dīwān</i> (the Earlier Balkhī View)	90
	7.3 The Persians Have No ‘ <i>Āqila</i> (the Later Balkhī View)	92
8	The Eastern Iranian Ḥanafī Views: The General Context	95
	8.1 The Historical Context	95
	8.2 The Literary Context	109
9	The Eastern Iranian Ḥanafī Views on the ‘ <i>Āqila</i> : An Examination	119
	9.1 The ‘ <i>Āqila</i> of Those Who Have a <i>Dīwān</i>	119
	9.1.1 <i>The Literary Context</i>	119
	9.1.2 <i>The Historical Context</i>	120
	9.2 The ‘ <i>Āqila</i> of Those Who Do Not Have a <i>Dīwān</i> (the Earlier Balkhī View)	123
	9.2.1 <i>The Literary Context</i>	123
	9.2.2 <i>The Historical Context</i>	127
	9.3 The Persians Have No ‘ <i>Āqila</i> (the Later Balkhī View)	137
	9.3.1 <i>The Literary Context</i>	138
	9.3.2 <i>The Historical Context</i>	139
	Conclusion	145
	<i>Bibliography</i>	149
	<i>Index</i>	163