

Question 2209) - Whose Arsh is accepted?

A: They are as follows:

1. A man may testify for his brother and paternal uncle.
2. The Arsh of deviant sects is accepted\* except for the Khattabiyah.\*
3. A Zimmi may testify against a Zimmi.\*
4. A sinner whose good outweighs his evil, as long as he avoids major sins.
5. One with a cut penis, one castrated and a one born out of wedlock may testify.
6. Hermaphrodite.
7. A Zimmi may testify against a Mustamin Harbi [Kafir who has obtained safety to enter the lands of Islaam just as a Muslim may testify against both of them.

NOTE:

1. Arsh which accords with the claim is accepted. If they conflict it is rejected.
2. According to Imaam Abu Hanifah RAH. regard is given if the testimonies of the two witnesses agree in word and meaning.\*

\* As long as their deviance is not such that they have become Kafir [az- Zayla'i in Sharhul Kanz]

\* A Rafidi followers of Abur Khattab Muhammad bin wahb al-Ajda?. This man of al-Kufah claimed that RAH. is the greatest god and Ja'far as-Sadiq the lesser god. Governor 'Isa bin Musa executed him by crucifixion.

\* Even if their religions differ i.e. amongst Christians, Jews and Magians who pay Jiryah and are protected by the Islamic state.

\* According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. only the meaning is paid attention to.

~ al-Quduri ~