

Witnessing

The next issue of inequality, or “bull of inequity” so to speak, has to do with the witnessing of financial transactions. This issue, like that of men being in charge, has a solid Quranic basis, so it was not something I could just chalk up to cultural interpretation. However, after the input of a number of people, I feel comfortable that the issue is not one of discrimination against women, but rather one of protection in a potentially difficult situation.

The verse that deals with handling financial transactions is the longest verse in the Quran. I will not quote the entire verse, just enough to give you the sense of its meaning, and the portions we are concerned with:

*O you who believe, when you transact a loan
for any period, you shall write it down.
An impartial scribe shall do the writing....
He shall write while the debtor dictates the terms....
Two men shall serve as witnesses;
if not two men, then a man and two women
whose testimony is acceptable to all.
Thus, if one woman becomes biased,
the other will remind her.
It is the obligation of the witnesses to testify
when called upon to do so....
No scribe or witness shall be harmed
on account of his services.
If you harm them, it would be wickedness on your part.
You shall observe God, and God will teach you.
God is Omniscient.
(Quran: The Final Testament 2:282)*

There is no question here. In this case, the testimony of one man is equivalent to that of two women. The reason for this unequal treatment is explained within the verse: *"Thus, if one woman becomes biased, the other will remind her."* I have taken part in a number of discussions about exactly what this may mean. Why is the possibility of bias on the part of women such a concern?

Some have suggested that in cultures where women are more secluded than in the West, they may be inexperienced in worldly matters. Thus, they might be more prone to bias. Others have suggested that one of the men involved in the transaction might try to influence one woman, but it would be more difficult to influence two. The issue of education also has come up. In most of the Muslim world, men are more likely to be formally educated than women and therefore their testimony more acceptable.

Rashad Khalifa alludes to what I think is the most important reason in his footnote for this verse. This has to do with the nature of the relationship between the two sexes:

Financial transactions are the ONLY situations where two women may substitute for one man as witness. This is to guard against the real possibility that one witness may marry the other witness, and thus cause her to be biased. It is a recognized fact that women are more emotionally vulnerable than men.

Though some may dispute that women are more emotionally vulnerable than men, if a male and female witness marry the woman would be in a very vulnerable position should the husband knowingly give untruthful testimony. In the United States, a woman is protected from having to testify against her husband. That is not true if one is following the Quran. In the verse below, the Quran describes withholding testimony as sinful:

*If you are traveling, and no scribe is available,
a bond shall be posted to guarantee repayment.
If one is trusted in this manner,
he shall return the bond when due,*

*and he shall observe God his Lord.
Do not withhold any testimony
by concealing what you had witnessed.
Anyone who withholds a testimony is sinful at heart.
God is fully aware of everything you do.
(Quran: The Final Testament 2:283)*

Thus, if a woman were asked to testify, she would have no choice but to do so. The Quran also requires the testimony to be totally truthful:

*O you who believe, you shall be absolutely equitable,
and observe God, when you serve as witnesses,
even against yourselves, or your parents, or your relatives.
Whether the accused is rich or poor,
God takes care of both.
Therefore, do not be biased by your personal wishes.
If you deviate or disregard (this commandment),
then God is fully Cognizant of everything you do.
(Quran: The Final Testament 4:135)*

The husband, after consulting with his wife, is captain of the ship in a marriage, as we discussed in Chapter 5. A man who will knowingly give untruthful testimony will expect his wife to back him up, and will probably pressure her to do so. However, if there is another woman he also has to coerce into supporting his lie, the whole situation is unlikely to arise in the first place.

In the situation where the man is not married to one of the women, he would need to be quite a Don Juan to win the hearts of both of them to the point that they would lie for him, or he would need to apply a great deal of some other kind of pressure.

To be fair, the same situation could arise with one of the women deciding to give untruthful testimony. In this situation, the same principle applies, it is much more difficult to coerce two others into supporting a lie. A woman might use her fem-

inine wives on a man, but they would not work on another woman.

Rashad Khalifa's footnote points out another important fact: this is the *only* situation where two women substitute for one man. In all other situations requiring witnesses, the sex of the witnesses is immaterial. For example, the witnesses to the punishment of adultery can be male or female (as we saw in Chapter 1). Likewise, the witnesses for a divorce agreement or a will can be either sex, as we saw in Chapters 7 and 8. It is interesting to note that in these cases it is much less likely that an unscrupulous witness could benefit from an untruthful testimony.

Given these other examples where men and women are treated equally as witnesses, the problem cannot be that women are considered unreliable witnesses. If two women substituted for one man in all witnessing situations, then we certainly could say that we were dealing with another "bull of inequity." Fortunately, that is not the case.