

Investigating the Experience of Muslim Widows in Cape Town: *A Maqāṣid al-Sharī'ah Approach*

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Abstract

Injustice and violence are rife in Cape Town, particularly against women who are disproportionately impacted by such issues. The present study investigates the experiences of Muslim widows living in Cape Town and highlights the unfair treatment this group often receives, indicating a critical need for social interventions. This study is qualitative in nature which involved face-to-face interviews with ten Muslim widows. It adopts the *Maqāṣid al-Sharī'ah* approach in navigating the experiences of these ten Capetonian widows and draws on the ideas of Al-Ghazālī (1998); Al-Shāṭibī (1992) and Al-Qarāḍawī (2005) who offer an understanding of the *maṣlahah* as a fundamental organising principle of the *Sharī'ah* in all aspects of life. This study concludes that none of the participants received fair treatment, as outlined by the objectives of the *Sharī'ah*.

Keywords: Cape Town, injustice, *Maqāṣid al-Sharī'ah*, Muslim widows

1. Introduction

The suffering of widows is a worldwide phenomenon and is well-documented. These women face many challenges wrought by oppression, widowhood rites, and previous exclusion from socio-economic and political activities (Dube 2016:1; Pemunta & Alubafi 2016). Widowhood rites, community attitudes (perceiving widows as having a lesser status), and traditional practices in different cultures have received

increased global attention highlighted in recent years, especially from the perspective of human rights, coupled with the rise in the understanding that gender-based violence is unacceptable. These factors have become increasingly evident in a wide range of international, regional, and national conventions (Pemunta & Alubafi 2016: p.2).

In South Africa, the circumstances that many widows are compelled to live in due to societal expectations and economic norms are viewed as a humanitarian crisis and a violation of their human rights (“World Widows Report”, 2015: p.9). It is crucial to note that South African widows experience unique hardships compared to widowers around the world (Cebekhulu 2015: p.1). Although the difficulties faced by widows in South Africa share some similarities with other societies, there are some unique differences that need to be investigated in order to effectively assist widows in a particular context (Anzaa, Udu & Gbari 2018: p.133). According to the findings of the Commission on Gender Equality’s survey on widowhood in South Africa, which covered all the provinces, widowhood was identified as a serious challenge in the province of Limpopo, where “cultural and traditional practices are the norm.” Although there are no specific targeted programs offered by the Department of Health and Social Development for these vulnerable women, there are supportive services available (Commission on Gender Equality 2013: p.6).

Islamic law clearly stipulates many rights of women. However, these are not always sufficiently executed due to unawareness or lack of knowledge. Many husbands also often exploit this unawareness. Working wives commonly contribute freely, and of their own accord and kindness, towards living costs and the financial needs of their families. Abu Al Fadl (2005) explains that in Muslim marriages, while support is entirely the husbands’ responsibility, if the wife wants to share her earnings, the matter remains her decision. Abu Al Fadl (2005) adds that Islam came and demonstrated the path to fairness. Divine laws replace all human-made laws and Islamic law includes measures to avoid family members from becoming enemies. Islamic law also prohibits malice and deprivation of basic human rights and dignity. In Islamic laws of inheritance, there are stipulated portions provided for the husband and wife upon the demise of either. The law of inheritance

applies to all members without exception or preference. Sallie (2000) states that when it was revealed, it was necessary for the final religion of Allah , to introduce new rules and order, including the order that distributes a deceased's estate with justice, equitability, and respect, and provides all heirs their rightful share.

Women experienced discrimination long before Islam came to the Western Cape in the 17th century. The South African constitution of 1996 also placed women at a disadvantage. During the period of apartheid in South Africa, all Muslims who resided in the Western Cape were denied full citizenship and property ownership based on racist classifications, such as "Asian" or "coloured". Islamic inheritance laws were fixed, but were soon politicised, often being challenged by male descendants. Muslim families depended on a practice called "gifting while alive with reciprocity" as the main motivation. Families conceptualized inheritance of property between generations as a settlement of goods or services rendered (Megannon, 2020).

Islam abolished many of the social practices of polytheistic Arabs and pre-Islamic societies which deprived women and children from inheriting. Furthermore, these customary laws of inheritance were abolished with the advent of Islam (Sallie, 2000). A Muslim wife is in no way compelled to work. The religious responsibility is that Muslim men should take care of women through inheritance shares. This is widely known but little empirical evidence exists as to whether it is commonly implemented (Megannon, 2020). Megannon (2020) discusses that Muslim personal law and Muslim marriages are not legally recognized by the South African state, unlike civil and customary marriages. Therefore, Islamic inheritance practices are often not properly followed as stated in Islamic law, which results in unfairness and injustice.

In the South African Muslim community, as well as globally, it is common to ignore widows and the emotional and financial challenges they endure. Widows often find themselves in an unkind, unsympathetic world of creditors, insensitive friends, and overbearing, indifferent relatives. Family and friends commonly consider widows to be an extra burden on them. Society should therefore be made aware of the humiliation, struggles, and challenges of widows.

A spouse's death is very traumatic. A widow undergoing the *'iddah* must seclude herself at home, and only leave when necessary. In addition, during this time a widow must not adorn herself. This is intended as a sign of respect for her deceased husband. Unfortunately, there exists little concern for the wellbeing of widows and their children during this time, not only in Cape Town, but globally as well (Sallie, 2005).

The Muslim community in Cape Town often fails to focus on the ongoing unfair treatment of widows following the demise of their husbands. The community is often unsympathetic and even aversive to the injustices endured by widows, which is in contradiction to Islamic law.

The aim of this study is to explore and examine the experiences of Muslim widows in Cape Town, South Africa, following the death of their husbands. It investigates to what extent widows are socially and economically disadvantaged, and the impact of the death of their spouses on their well-being and psychological state.

This study seeks to answer the following questions: (1) How does the death of a husband impact the well-being of Capetonian Muslim widow? (2) Is Muslim society cognisant of the difficulties endured by female widows in Cape Town? (3) How do Muslim widows in Cape Town adapt to their new lifestyles after the demise of their husbands?

The purpose of this study is to highlight injustices suffered by Muslim widows and other marginalised women within their society. The main reason for exploring this subject is to understand how Muslim widows in Cape Town deal with widowhood in light of common, sometimes prevailing Muslim societal behaviours that deprive them of their welfare, self-worth, and human rights.

Women are disproportionately impacted by issues such as those mentioned above. One of the issues that is particularly troubling, is the economic, social, and psychological hardships endured by Muslim widows in Cape Town. Following the demise of their spouses, these women are often unable to sustain themselves and their children, and their standard of living commonly worsens. Widows in general are also known to be economically vulnerable and sometimes unable to earn a sufficient income to meet their living expenses.

2. Literature Review

A considerable number of studies deal with the life of widows after the death of their husbands. Some of these studies are briefly surveyed here. Goodkin et.al. (2002) state that women who become widows often suffer from depression and experience significant levels of psychiatric symptoms, especially anxiety and depression within the first two years of bereavement (Jacobs, 1997). They also often suffer from diminishing income, increasing isolation, and loneliness. These injustices often accompany diminished social support in the form of loss of friendships of the couple, as well as family contacts. Such widows are also more likely to be physically abused. Utz et.al. (2002) add that increased physical seclusion, social isolation, and reduction in social activities during bereavement have been found to severely distort perceptions of self-worth and self-esteem.

Eboh and Boye (2005) concentrate on those African customs and habits that are considered by many to be inhumane and shameful to women following the death of their husbands. It is common that women suffer physical, emotional, and spiritual problems when they become widows. For instance, Nigerian widows are known to fear widowhood due to threatening penalties meted out to them by the community. Such practices include things like shaving a widow's head, forcing her to drink the water which was used to wash her husband's corpse, and an enforced period mourning of the husband for three to twelve months, depending on the culture of the community. In some Nigerian cultures, women are not allowed to inherit land or property, nor are they allowed to bathe or cleanse their surroundings while in mourning.

Kristiansen et.al. (2012) expound on a widow's success when dealing with the loss of her husband. They contend that a widow creates meaning from her loss, which enables her to incorporate this loss into her life history. She typically has a large audience who hears her story about overcoming the loss of her husband, and how her religious beliefs continue to shape her life following this loss. Similarly, Assous (2013) states that a widow's understanding in accepting death and expressing emotions can make grief easier. For example, the Algerian custom of speaking about death and the deceased following their passing may assist the bereaved in accepting death and overcoming the loss of a loved one. Algerians are known to prepare for death per Islamic religion and culture.

In a similar vein, Al-Rub'iy (2015) identifies social problems faced by Iraqi widows that threaten social harmony and place them at risk of immediate and future challenges. The repercussions of these volatile situations victimise not only widows themselves, but also their children and their families. The study shows that widows are commonly unable to manage household affairs due to a shortage of food, essential supplies, and weak kinship relations. Because of these factors, widows and their children are often unable to obtain material and immaterial assistance from relatives, which puts widows at greater risk of severe psychological and social crises.

Van de Walle (2017) analyses the experiences and wellbeing of widows, focusing on the treatment of widows in Africa where women undergo unique challenges. In many African countries, property is commonly owned and passed along by men. Female widows and divorcees rarely inherit in these contexts. They are also commonly deprived of sufficient access to nutritious food, especially in East and West Africa, the areas most impacted with HIV/AIDS. For example, Senegalese widows typically do not remarry, because they are usually not fully compensated for the economic loss affiliated with widowhood. In Nigeria, Muslim widows are commonly persuaded to remarry, often presented with favourable inheritance rulings and less maltreatment (Van de Walle, 2017).

Megannon (2020) studies the issue of inheritance for Muslim widows and interprets how these experiences relate to the governing principles of equality and diversity in the South African Constitution. He finds that fairness and reciprocity commonly serve as guiding principles of inheritance practices in middle class Muslim families in Cape Town. The findings indicate that the experiences of inheritance practices for Muslim women are generally aligned with the principles of equality and diversity outlined in the South African Constitution. Megannon's study contributes to the developing body of literature on Muslim family practices in South Africa, providing a lens through which the links between family history and established social and institutional systems can be viewed. This ultimately allows for an evaluation of the role of transformative justice in the context of widowhood.

Ugwu et.al (2020) investigates how childless widowers often experience substantial distress that possibly transcends widowhood in general. They are often more alienated and secluded from society than widows with children, especially in resource-scarce regions, as demonstrated by the widows in this study. Instead of sympathy and empathy, childless widows often receive harsh treatments from relatives and experience a variety of difficulties in their communities. Cultural beliefs and practices that vilify childless widows are still common in many cultures, despite government laws proscribing them. The study suggests that there is a need to provide additional protective measures for childless widows. These widows often identify religious groups as playing significant roles in supporting them. Studies about these groups could be useful for educating communities to become more supportive and accepting of widows.

Dube (2022) explores how women's lives change shortly after their husbands die. Following the loss of their husbands, widows face tremendous isolation, which may prevent them from participating in critical socio-economic decisions. Dube examines how widows in low-resource communities in Zimbabwe's Binga District are separated and excluded from relevant socioeconomic sectors, as well as actions that have detrimental impacts on their lives, and the lives of their children. The study, which employed a qualitative research approach, a phenomenological research design, and a purposive sample strategy, included 24 widows. Ten widows took part in individual interviews, while fourteen participated in two different focus group interviews, each with seven widows, to provide insights into how they were isolated after their husbands died. Susceptible to isolation, thematic data analysis findings reveal that widows are vulnerable to exclusion from crucial decisions related to accumulating money, socioeconomic amenities, and activities required for their optimal well-being and the welfare of their children following the loss of their husbands. The findings highlight the importance of organized and integrated negotiated professional and community social interventions.

The present study differs from the above studies in the sense that it is limited to the application of the principle of *maqāṣid al-sharī'ah* and the impact of this approach on the contemporary Muslim community widows of Cape Town.

3. Conceptual Framework

Maqāsid al-sharī'ah is used in this study as an analytical framework, drawing on the approaches of some scholars such as Imam Al-Ghazālī (1994); Ibrahīm Al-Shāṭibī (1992); and Yusuf Al-Qarāḍawī (2005). They provide insight into the importance of *maṣlahah* (public interest) and the preservation of religion as among the *sharī'ah*'s fundamental organizing tenets. According to Al-Shāṭibī, “essential *maṣaliḥ* are those on which the lives of people depend, whose neglect leads to total disruption and chaos” (Kamali, n.d.,p 61).

The goal of Islamic rulings is to protect and preserve public interests (*maṣlahah*) in all aspects and segments of life. A comprehensive and careful examination of *sharī'ah* rulings on any subject entails an understanding of this objective. According to Al-Ghazālī (1998), everything that leads to the preservation of the five principles is *maṣlahah*, and everything that leads to the disruption of these principles is *mafsadah*. Auda (2008: p.40) states that “a purpose is not valid unless it leads to the fulfilment of some good (*maṣlahah*) or the avoidance of some mischief (*mafsadah*)”.

A detailed analysis on the concept of *maṣlahah* and *maqāsid al-sharī'ah* principles reveals that the two concepts are complementary and interdependent. *Sharī'ah* principles are related to the protection of basic human rights, while *maṣlahah* is the level of protection of those rights. It is notable that Islamic legal experts have agreed on the role of these concepts as a common factor where all *sharī'ah* rulings are directed in a coherent manner (Jalil, 2006: p.6). Figure (1) illustrates the relationship between the two concepts.

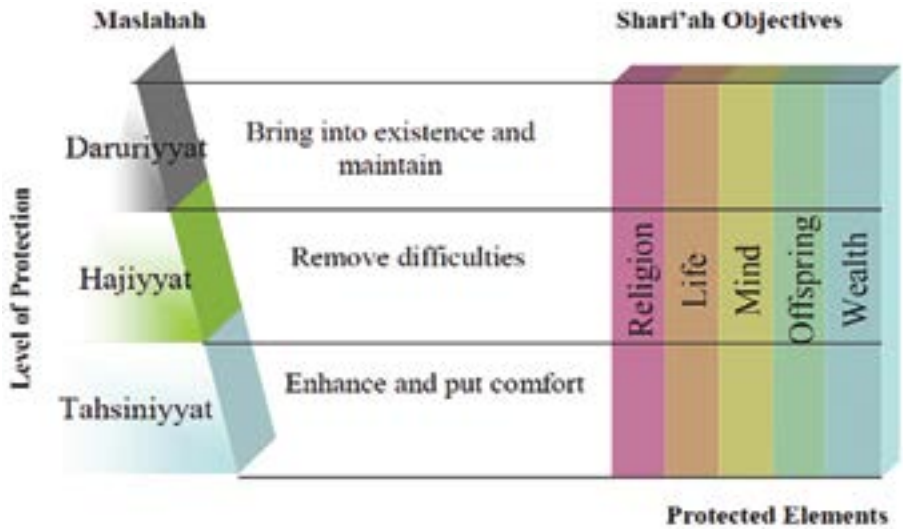


Figure 1: The relationship between the principles of *maṣlahah* and *maqāṣid al-sharī'ah* (2006).

The purposes or *maqāṣid* are divided into three levels; necessities (*darūrāt*), needs (*hājīyāt*), and luxuries (*taḥsīniyyāt*). Necessities are further classified as the preservation of religion, life, wealth, mind, and offspring. Human life is threatened if the minds of people are threatened. Thus, alcohol and intoxicants are strictly banned. Human life is endangered if no system is devised to protect the human soul, health, and environment; because of this, starting from the time of Prophet Muhammad (peace be upon him), a variety of things were deemed as *ḥarām* (forbidden), to all humans, animals, and even plants. He was simply delivering Allah's message to sustain human life in this world as well as in the afterlife.

Life in Islam is viewed as a journey of which one part is earthly and the remainder is the hereafter. A goal of the *sharī'ah* is to promote the wellbeing of all humankind, which lies in safeguarding *al-kuliyyāt al-kbamsah*: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-aql*), offspring (*ḥifẓ al-nasl*) and wealth (*ḥifẓ al-māl*). Whatever safeguards these five principles and serves public interest is considered desirable (Auda, 2008).

Safeguarding these five principles is of the utmost importance when considering the welfare of the people and the country. These principles must be carried out in accordance with the priorities within the *maqāṣid al-sharī'ah* (Al-Ghazālī, 1998; Auda, 2008).

3.1 *Maqāsid* Principles

3.1.1 Religion (*ḥifẓ al-dīn*)

The protection of religion (*al-dīn*) at the level of *darūriyyāt* prevents anything from intruding upon and destroying its essential tenets and status. Islam is a religion which instructs its followers to practice tolerance towards other religions, and to remain nonviolent and pleasant towards non-Muslims. It is a belief within Islam that the government of a country should place religion at the highest level. Within this context, safeguarding the faith of Muslims should be the primary focus, because piety and faith in Allah and His messenger are priorities related to loyalty to the ruling authorities.

3.1.2 Life (*ḥifẓ al-nafs*)

The protection of life at the level of *darūriyyāt* involves the prohibition against anything that threatens and damages human life, such as suicide or murder. Included in this is the legislation of *qiṣāṣ* (retaliation) in cases of murder. Governments should ensure peace and stability and prevent violence developing from unfair and unjust causes. Injustice and inequality in any country towards the health, wellbeing, wealth, property, environment, etc., of its citizens have the potential to result in undesirable consequences such as collapse, or damage to peace and security.

3.1.3 Intellect (*ḥifẓ al-‘aql*)

The human mind must be safeguarded at the level of *darūriyyāt* against anything that is harmful. The mind should be protected and tended to with noble values and beneficial knowledge. Everything that influences the loss and destruction of the mind and reason (alcohol, drugs, intoxicants, etc.) must be annihilated and banned. Quality education and mastery of knowledge should form the foundation for advancement and a civilised society.

3.1.4 Offspring (*ḥifẓ al-nasl*)

This concept requires the defence and protection of family descendants. Offspring contribute to a healthy, productive, and successful society. Lineage must be protected in order to safeguard the social systems of society. When a lineage is damaged or corrupted, traditions are put at risk of becoming chaotic or even destroyed.

3.1.5 Wealth (*ḥifẓ al-māl*)

Protecting the wealth of society from destruction and theft, as well as preventing injustice and negation of rights, is the responsibility of the government. Similarly, it is also the government's responsibility to protect against and forbid all forms of persecution, usury, embezzlement, corruption, violation of intellectual rights, and all matters that are unjust and cause financial damage.

The purpose of these principles is for protection and advancement of essential human rights, and to justify all courses of action required for their continuation and safeguarding. Muslim families of female widows, as well as society in general, should adhere to all these principles. Supporting and safeguarding the rights of women provides a special opportunity to maintain and improve strategic planning for the protection of society and human rights.

An additional goal of this study is to investigate whether these five Islamic principles i.e., religion, life, mind, offspring, and wealth, have been maintained and achieved while investigating the experiences of the widows who were interviewed. This study also highlights the need to protect these five principles from destruction.

4. Methodology

The present study employed a qualitative method that involved in-depth face-to-face interviews with ten female widows in Cape Town, South Africa. This approach includes exploring and interpreting the experiences of the widows who were interviewed. Langellier (2001) stated that narrative style is appropriate for examining the experiences of marginalised and oppressed people. In order to identify Capetonian Muslim widows' rights and address the causes and driving forces behind the injustices committed against them, this study adopts a *maqāṣid al-sharī'ah* approach.

4.1 Sampling Technique

In-depth interviews with ten female widows were conducted in 2020 using a homogeneous purposive sampling strategy. This was the most effective sampling strategy for ensuring that only female widows took part in the study. Respondents were chosen using this method, based on their shared expertise and ability to provide relevant data (Padgett, 2017, Yegidis et al, 2012). Although this study's intended participants numbered fifteen, data saturation occurred at ten participants only, leading to the inclusion of information from ten widows. Subjects were selected based on shared characteristics (e.g., race, gender, educational attainment, etc). Table (1) shows the distinct characteristics of the sample for the study:

Pseudonym	Age	Race	Religion	Education	Occupation
Mrs A	35	Coloured	Islam	Matric	Teacher
Mrs B	70	Coloured	Islam	Grade 8	Tea lady
Mrs. C	64	Coloured	Islam	Matric	Shop assistant
Mrs. D	58	Coloured	Islam	Matric	Bank clerk
Mrs. E	60	Coloured	Islam	Matric	Admin clerk
Mrs. F	62	Coloured	Islam	Grade 8	Maid
Mrs. G	65	Coloured	Islam	Matric	Shop assistant
Mrs. H	55	Coloured	Islam	Matric	Shop assistant
Mrs. I	50	Coloured	Islam	Matric	Kitchen assistant
Mrs. J	49	Coloured	Islam	Honours	Teacher

Table (1): Widows' Socio Demographic Characteristics

4.2 Ethical Considerations

Research ethics are important for scientific integrity, human rights and dignity, and science-society collaboration. The set of principles that direct research designs and procedures are known as "ethical considerations" in this study. Voluntary participation, informed consent, anonymity, confidentiality, disclosure of possible risk of harm, and communication of results are some of these guiding principles.

Most of the participants did not want to be recorded but agreed to a

face-to-face interview. Face-to-face is best used to assemble high quality data and is generally the preferred method for gathering information about delicate, or sensitive matters (Fox, 2009). In this study, Muslim female widows between the age of 30-75 who reside in Cape Town were chosen as participants. The participants were required to provide consent in the form of a signed document in order to participate. The consent form outlined the purpose of the study, and stipulated that participation was completely voluntary. The questionnaire that was distributed to the participants was reviewed and approved by the International Peace College South Africa (IPSA) to ensure that there were no risks involved in participating in this study. Fox (2009) explains that an interviewer must assure the respondents of concealment and anonymity in the findings, should they not wish to be identified.

4.3 Research Procedure

Participants of this study were interviewed about their experiences as widows. The aim in conducting interviews was to establish a clearer understanding of any hostile or unfair treatment of widows, and to evaluate potential ways in which Capetonian Muslim widows' social status may have been influenced by or related to their experience of widowhood. They were encouraged to talk with minimal interruption. Verbal probes and prompts were occasionally used to elicit deeper responses and additional information from the interviewees. Some participants believed it to be improper to divulge information about their struggles, as their way of honouring their deceased spouses. Others willingly responded to the questions posed by the interviewer, and generally responded positively.

Interview questions were designed and phrased to establish rapport, but also to address the research questions (Mohammed, 2018). Each interview was followed by a survey questionnaire that consisted of twenty open-ended questions. Questions were simple, yet structured to avoid cross-examination, affording the interviewees greater opportunity to relate their experience.

5. Data Analysis

Data was analysed using the qualitative method, by examining the transcripts of all the interviews. Thereafter, the transcribed details were thematically and systematically categorised by identifying the main concepts which emanated from the interviews. These were then analysed and developed into common themes (Fox, 2009).

As mentioned, interviews with ten Muslim widows were conducted. The interview questions were planned in such a way that enabled the widows to reveal their experiences and convey their opinions about the experiences, as well as cultural and inheritance practices related to widowhood.

5.1 Interview Results

The participants were divided into groups based on the similarity of problem areas as shown in Table (2). All widows pointed out that they underwent the *'iddah* period as prescribed in the *Qur'ān* by staying indoors for a period of four months and ten days. This study also revealed the widows' viewpoints and feelings about education and research. Most of the widows completed high school and well-educated in Islamic knowledge. They reported that it was their knowledge of Islam which strengthened their potential for resilience. The widows were enthusiastic to participate in the research so that it might raise the awareness of others.

5.2 Discussion of Results

This study investigates the experiences of Muslim widows regarding financial and emotional support, and rules of inheritance as part of Muslim cultural mourning practices following the death of their spouse. This study argues that there should be just treatment of widowers according to *maqāṣid al-sharī'ah* which includes mutually beneficial outcomes when determining inheritance, as well as culturally and emotionally supportive mourning practices among Muslim families in Cape Town. The experience of inheritance for many Muslim widows is line with the principles of equality according to the South African constitution. Megannon (2020) states that weak legal protection for Muslim widows in occurrences of unjust inheritance practices is the

consequence of the deficiency in transformative direction in the public sphere. This study adds to the body of literature regarding Muslim family customs in South Africa; this inquiry mainly provides information which contributes to the scarce research focusing on the experiences, viewpoints, and perceptions of Muslim women in South Africa in general. Concerning inheritance in contemporary South Africa, this study reinforces the meagre understandings about how Muslim men care for their families, particularly their wives, while they are alive, as well as in event of their demise.

This section explores the responses of the participants and examines whether they were treated according to the principles of *maqāṣid al-sharī'ah* as stated by Al-Ghazālī (1994); Al-Shāṭibī (1992); Auda (2008); and Kamali (2008). The laws of the *Qur'ān* and the Sunnah are intended to instil justice, abolish prejudice, grant ease in the face of difficulties, and foster collaboration and social support in the family and the community. Empathy (*rahmah*) is displayed in the awareness of benefit (*maṣlahah*) which jurists have ruled to be a common value and purpose of the *sharī'ah* and is similar to compassion. Education (*taḥdīb al-fard*) is another vital purpose which takes precedence even over justice and benefit. The search for knowledge guarantees its expansion and ensures that one lives a stimulating and successful life. These benefits personify the main purposes of the *sharī'ah* (Kamali, 2008).

The interviewees' answers to the interview questions showed that all participants suffered severe financial implications upon entering widowhood to such an extent that they were compelled to seek employment. They became the sole providers for their children, suddenly burdened with financial responsibilities such as paying school tuition fees, providing food, clothing, and sufficient living conditions. These are financial responsibilities which ought to be agreed upon at the start of any marriage. The social life of interviewees upon entering widowhood was also affected; many preferred to stay away from social gatherings due to feeling uncomfortable. This was reflected in their responses, where they often reported feelings of oppression and distress.

Five interviewees reported that religion had a positive impact as they entered widowhood. These widows were able to endure despite their difficult circumstances. They reported that their belief in God, and

how being educated helped them to cope with their challenges and find motivation. Fortunately, participants who had the lowest level of education (grade 8), were nevertheless the most knowledgeable about Islam. In all the responses, interviewees reported that the demise of their spouse seemed to strengthen their belief and foster greater resilience. This indicates that religious beliefs have an impact on how grief is displayed and among the bereaved (Kristiansen & Sheikh 2012).

Mrs. A, F and J shared the common experience of being forced to return to live with their mothers and families when their husbands unexpectedly passed away. In these cases, their families and close friends were the widows' main support because their children were very young at the time. Although Mrs. A and Mrs. J were supported by their families and close friends, they both reported feeling marginalized in society, and did not receive support from other ladies due to their young ages. They all reported needing a lot of help taking care of their children. One of the children of Mrs. A was sick and had to depend on her mother for assistance. Mrs. A claimed that her daughter became withdrawn and failed to adequately develop communication skills. Mrs A also mentioned that her husband's death was unexpected and therefore, at the time of the interview she had not yet overcome the shock. Mrs. A also indicated she would have preferred to be knowledgeable of the unexpected death, even though her husband was ill before he died. Mrs. A, F and J claimed that the death of their husbands was an extremely traumatic experience, finding their husband's demise exceedingly difficult to accept. Although there was a clear psychological impact on all the participants, this group claimed that their spirituality helped them to cope with the situation in a relatively short period of time.

Both of Mrs. F and J experienced confiscation of their husbands' property and were forced to leave their houses as a result. In these cases, the principles of *maqāṣid al-sharī'ah*, *ḥifẓ al-māl*, *ḥifẓ al-aql* and *ḥifẓ al-nasl* were not met. Promoting these objectives would have influenced the purpose of both *māl* (wealth) and *nasl* (posterity), which are endorsed by the approach of *maqāṣid al-sharī'ah*. The economic wellbeing of people is expected to promote social wellbeing. If people receive an income which is fixed, they are more likely to have access to

nutritious food and sufficient living conditions for their family. This often results in a more favourable situation to pursue education and maintain good health.

Both Mrs. B and Mrs. G reported that their spirituality and their strong belief in God helped them to cope and accept their husband's demise easily. Mrs. B experienced a short period of depression until after her *'iddah*, whereafter she was supported and guided by her in-laws moving forward. Similarly, Mrs. G fell ill for two months after the death of her husband, but her steadfast faith enabled her to recover. Both Mrs. B and Mrs. G stated that if they had experienced this loss at a younger age, they might have been better able to cope. However, they claimed they found new direction more quickly through their strong belief in God. Mrs. B confirmed that one's treatment by others has an impact on one's resilience. Finally, Mrs. B alluded to the significance of how educated people and the *a'ulamā* convey knowledge of Islam, saying; "Life is a gift and we as parents must also teach our children the value of the lives of others." (Mrs.B, 2020)

Mrs. B and Mrs. G shared similar experiences. Both reported that they were treated with dignity and respect by their in-laws. Mrs. B was an orphan when she married, and therefore did not have an option besides moving in with her husband's parents after his death. In this case, the principles of *maqāṣid al-sharī'ah* were partly met, except for the principle of *ḥifẓ al-māl*.

Mrs. I, C and H reported being deprived of everything, following the death of their husbands. Irrespective of their education level, both academically and religiously, they were still subjected to some of the more negative and damaging cultural practices of widowhood. They were left with no inheritance and did not contest the matter. Mrs. C endured her *'iddah* alone, during which no one spoke to her, or was allowed to visit her until after her mourning period ended. Nevertheless, she reported having no guilty feelings, nor any feelings of hostility toward God. The three widows claimed that their husbands' demise was difficult to accept. They stated that their husbands' families mistreated them, and that they did not care for them.

In their cases, it can be noted that none of the *maqāṣid al-sharī'ah* principles were followed. Even though Mrs. C had already experienced the death of her own parents, she claimed that her husband's demise was completely different. At the time of their husbands' deaths, Mrs. C, H, and I felt that they were mature enough to cope with mourning and grieving and therefore, did not suffer much depression. Mrs. C suggested that everyone should be knowledgeable about death and follow the proper procedures of completing the deceased's last will. All the participants indicated that matters regarding inheritance, debts, distribution of property, and most importantly, treatment of the family who are left behind, should be clearly outlined in the will.

In the same vein, Mrs. D who identified as being of Indian descent, reported that an important cultural practice for a female widow is to remain indoors for a designated period and wear black for a certain period. However, she also specifically mentioned how she was not required to participate in these practices as they are no longer commonly practiced. Mrs. D claimed to have suffered severe shock and could not control her emotions. She attended therapy sessions with two different psychologists to help her overcome her trauma. Her marriage spanned thirty-four years, which she explained she was appreciative of, and reported no feelings of guilt or hostility against anyone or God. Her main support was her family. Following her husband's death, she occupied herself with online gatherings, *dhikr* (remembrance of Allah) prayers, *Qur'ānic* recitation, and helping the poor. She agreed that her spirituality assisted her greatly with grieving, mourning, and anxiety. According to Mrs. D, death is not a choice; it happens when God wills it. Life and death, she claimed, are consistent with the will of Allah , as also mentioned by Kristiansen and Sheikh (2012).

Mrs. D reported that she was treated with respect and dignity by her family, and she underwent a peaceful *'iddah*. Her family's compassionate treatment indicated how the family was generally supportive to its members. She went back to work to support her children, who still lived in the family home. Mrs. D claimed that in other contexts outside of the home, she was treated unfairly, such as by her colleagues at work and those with whom she socialised. They felt threatened by her presence because as a widow (and thus unmarried), she was free to

marry again. It was also for this reason that Mrs. D rarely socialised after her husband's death, instead immersing herself in religion and spending time with her family. Another reason was also because she inherited the house she shared with her husband, so she claimed that her friends felt envious of her and did not treat her according to the Islamic principles of *sharī'ah*. *Sharī'ah* instructs Muslims to be just to each other, promote wellbeing (*ḥifẓ al-nafs*) and virtue of humankind, and maintain the social order in the community to ensure its healthy progress. However, other principles including *ḥifẓ al-dīn*, *ḥifẓ al-'aql*, and *ḥifẓ al-māl* were upheld in the case of Mrs. D.

Achieving *maqāsid al-sharī'ah* creates a harmonious, constructively competitive society whereby every member participates in achieving their own success and obtaining happiness in life.

Mrs. E and Mrs. I reported being treated poorly by their in-laws. Following their deaths, their husbands' property was removed from the houses they shared with them. Both were expelled from their family home because they did not have any official inheritance documents. Mrs. E reported being verbally abused by her in-laws outside her home during her period of *'iddah*. Islam urges preservation of human dignity by refraining from verbal or physical violence in all its forms, especially with one's family, and orders Muslims to protect their souls and forbid transgressions upon them. Mrs. E mentioned that her daughters' performances declined at school and went into a state of depression for a long time following the death of their father. Similarly, Mrs. I's son, was unable to cope with the loss of his father and developed depression, visiting several specialists for a year after his father died. Mrs. E claimed that the shock of her husband's demise might have been easier if she and her children had been treated with compassion, respect and consideration. Nevertheless, she reported that such ill treatment did not provoke anger in her because she believed that her spirituality contributed toward her mourning and grieving. Despite going through depression, she claimed that her spiritual maturity, and the knowledge that death occurs by the will of Allah was comforting and assisted her in coping with her grief. Both widows also mentioned the stigma which their in-laws attached to them upon entering widowhood, having claimed that they were responsible for their husbands' demise. In such

cases, all the *maqāṣid al-sharī'ah* principles were not upheld. It is the aim of *maqāṣid al-sharī'ah* to achieve good, happiness, and benefits, to protect people from evil, damage, and *ḥarām* things, and to enjoy the advantages not only in this world but also in the hereafter.

Based on the interview questions, this study addresses the following problem areas as shown in Table (2):

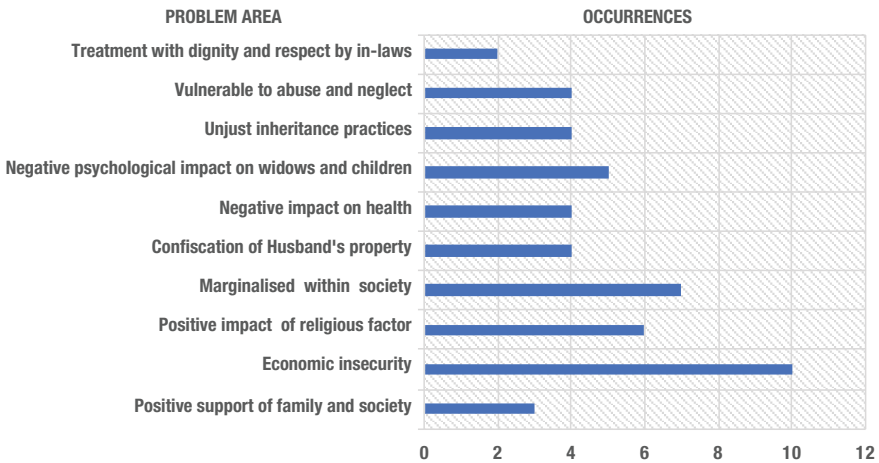


Table (2): Results of the Interview by Similarity in Problem Areas

Based on the widows' answers, often several of the principles of *maqāṣid al-sharī'ah* were not met. In some cases, only a few of the principles were met, but sometimes only partially. According to Auda (2008), a high level of importance is given to the care and safeguarding of progeny. Furthermore, Kamali (2008) explains that the laws are designed to safeguard and to promote advancement and betterment in human existence. The *Qur'ānic* directives and the Sunnah mainly encourage cooperation and mutual support within the family and society. As noted, educating humanity is another significant purpose of the *sharī'ah* which takes precedence over benefit (*maṣlahah*) and justice.

Three of the widows reported receiving no closure due to the circumstances of the Covid-19 pandemic, sudden death, and illness. Everyone reacts differently to loss, but Muslims should be consoled by knowing that Allah is aware of their suffering and that distress and sorrow are indications

of love. The bereaved are also consoled by the lasting connection which is preserved through prayers (*du'ā*) and their willingness to move on. Bereavement is considered a time to contemplate social and spiritual associations and the values steering one's life and to bring about change. The unpleasant experiences in life, such as the demise of loved ones, are all meant to revert us to humility, weakness, and the essential longing that brings us closer to our creator. During periods of great loss, Allah extends His mercy which provides consolation and understanding to the living (Kristiansen & Sheikh, 2012).

Widows should be able to continue residing in their family home if they so choose and be treated with love and compassion. Families should be obligated to ensure that a widow is financially stable and provide support where necessary. The significance of social support for the bereaved and their relatives is important. Professionals in healthcare centres should be knowledgeable regarding the end-of-life practices of various religious groups and be aware of any potential involvement required to supply a service. Deprivation and loss extend beyond the family affected by the loss; it involves the community that is expected to provide support to those left behind. Support such as aiding the bereaved in coping with their loss, preparing food, and caring for their children are all forms of emotional and tangible support. Such support enables relatives to focus on their grief and bereavement (Kristiansen & Sheikh, 2012).

In Islam, it is believed that life on earth is a test and life in the hereafter is where one will reap the benefits. Death must be accepted and not be fought against. Moreover, death is not a topic that must be avoided, instead one should contemplate it often (Sheikh, 1998).

A major aim of this study is to implore for the alleviation of the hardships and plights of female widows, and to enhance the economic empowerment of women and encourage men to write their wills early in their marriage. Public, community, and family support, health awareness campaigns, and other organizations that support women should enlighten the masses about the plight of female widows. Raising awareness may help in reducing the dehumanising traditional practices and unjust treatment of widows in Cape Town and lead the way towards concrete changes in the unequal power dynamics between men and women.

6. Conclusion

This study explored the experiences of Muslim female widows in Cape Town from the perspective of *maqāṣid al-sharī'ah*. The results showed that none of the participants were treated according to the principles of *sharī'ah*. In some cases, one principle was upheld but others were not.

Giving special importance to the religious characteristics sometimes associated with the oppression of Muslim women, this study proves the essential significance of *maqāṣid* for the survival and wellbeing of humankind in this world and their success in the hereafter. Neglect of these principles will lead to disruption and disorder and could lead to an undesirable end.

This research highlights the importance of Capetonian female widows to be self-sufficient despite their position within patriarchal systems. Various academics highlight how females perform special tasks that benefit others by which they can become empowered and be in control of their lives. The opinion of social psychologists Campbell and Mannell (2016), state that women's actions which are self-motivated is a means of bringing about social change. They view the idea of marginalised women as being ostracized from social connections inclusive of family, friends, colleagues, and siblings. The interviews conducted in this study illustrate that widows often depend on their social acquaintances to assist them in coping with their deprivation and grief. This study has also shown that widows can cultivate self-sufficiency and resilience. In this way, the role of resilience is to adapt and recover quickly when faced with adversity, trauma, and tragedy. In addition, every married couple should have a conversation about death. This strategy will guarantee that, in the event of death, the deceased's last will and other pertinent records will be easily accessible (Stockton, 2015).

This study indicates that there is a need to provide protective measures for widows. Organizing widows into small associations could be a way of educating communities to become more supportive of widowers and proactively pursue their well-being. Future research could identify and offer ways to challenge belief systems that uphold dehumanizing practices against widows. Findings of such studies will undoubtedly help in developing intervention strategies to advocate for and design programmes that will target the specific needs of female Muslim widows in Cape Town.

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