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Editorial Note:

The 2025 issue of *Al-Wasatiyyah: IPSA Journal of Islamic and Arabic Studies* compiles research that critically engage Islamic jurisprudence, maqāṣid al-sharīʿah, South Africa's diverse legal system, public health and medical ethics, and multilingual education. These articles investigate how Islamic intellectual traditions can stay rooted in texts while responding modern constitutional, social, and educational challenges.

In opening the issue, Waajeda Blommetjie's article compares South African and Islamic succession laws, with a particular focus on the gender-based 2:1 inheritance ratio. Through legal and juristic analysis, she examines how this ratio is interpreted, debated, and potentially re-envisioned in a constitutional democracy. Her study highlights ongoing concerns around gender justice, legal pluralism, and reform.

This concern with the normative foundations of legal and ethical reasoning is addressed at a more conceptual level in Muhammad Wahīb Abdul-Jabbar's contribution, "A Conceptual Analysis of the Relationship Between *Wasaṭiyyah* and *Maqāṣid al-Sharīʿah*." The article examines the relationship between *wasaṭiyyah* (moderation) and the higher objectives of Islamic law with philosophical and theological precision. Abdul-Jabbar clarifies that moderation is not a vague midpoint but an ethical equilibrium essential for safeguarding human interests. This conceptual framing establishes a normative foundation that informs subsequent discussions of socio-economic justice and public harm.

Within this *maqāṣid*-centred normative horizon, the article by Nontobeko Aisha Mkhwanazi, Nomfundo Amina Magwaza, Waajeda Blommetjie, and In'am Davids examines *zakāh* as a tool for socio-economic upliftment through the lived experiences of 30 beneficiaries in Cape Town. The authors show how educational empowerment functions as a form of *zakāh* distribution linked to *ḥifẓ al-ʿaql* (preservation of intellect) and human dignity. Their study reframes *zakāh* as a means to address structural inequality and enhance human capability.

Questions of harm, vulnerability, and communal well-being reappear in a different empirical register in Iekram Alli's article, "Exploring Unnatural Death Incidents among Muslims in the West-Metropole of Cape Town: A *Maqāṣid al-Sharīʿah*-Based Retrospective Study." Analysing 4,205 autopsy reports from 2019, focusing on 313 Muslim deaths, 241 of which were

unnatural. The findings underscore the need for recording religious affiliation in medico-legal documentation and support a *maqāṣid*-informed model for preventing unnatural deaths. Read alongside the *zakāh* study, this study broadens the issue's exploration of how Islamic norms can guide institutional responses to harm and vulnerability.

The protection of life and the navigation of modern risk environments are also central to Yusha Salie's article, "Medical Ethics in the Western Cape of South Africa: An Islamic Clerical Perspective." Focusing on the reasoning of Islamic clerics in the Western Cape, the study identifies reactive traditionalism, fragmented authority, and a need for a more coherent Islamic bioethical framework to address modern health dilemmas. Salie's analysis complements Alli's findings by highlighting how interpretive authority shapes community responses to medical and ethical challenges.

The final contribution shifts the focus from legal and bioethical questions to pedagogy and multilingual education, while retaining the issue's concern with lived experience and institutional practice. In "Language Biographies as a Multimodal Pedagogical Tool in Additional Language Teaching and Learning," Intisar Etbaigha and Khadijah Moloi examine the use of multimodal language biographies in classrooms where Arabic is the first language and English the target language. Their findings show that language biographies illuminate learners' identities, attitudes, and agency, supporting more context-responsive teaching practices.

This issue, as a thematic whole, highlights the vitality of contextualised Islamic scholarship and the value of multidisciplinary approaches in addressing contemporary challenges. Across legal, socio-economic, medical, and pedagogical domains, the contributions invite reflection on how Islamic legal theory, ethics, and educational thought may be brought into constructive conversation with lived experience, institutional arrangements, and public policy in South Africa and beyond.

A Comparative Analysis of South African and Islamic Succession Laws: Assessing Gender Implications and the Relevance of the 2:1 Ratio in Contemporary Times

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Abstract

This study offers a doctrinal comparison of South African inheritance law and Islamic succession law, focusing on gender implications, legal pluralism, and prospects for reform. It contrasts the gender-neutral framework of the Intestate Succession Act 81 of 1987, read with section 9 of the 1996 Constitution, with Qur'anic and Prophetic provisions that distribute inheritance on an equitable basis, under which certain male heirs receive twice the share of comparable female heirs (the 2:1 rule). Informed by gender theory and legal pluralism, and drawing on qualitative, statutory, and textual analysis, the study examines how these systems construct gender roles and the tensions that arise when they are required to operate within a single constitutional order. It concludes that although a persistent tension remains between formal equality and the equity logic of Islamic law, there are doctrinal and legislative avenues for partial harmonisation that speak to broader debates on gender justice in multicultural democracies.

Keywords: 2:1 Gender Ratio, Gender Equity, Inheritance Laws, Legal Pluralism, Legal Reform, South African Islamic Laws of Succession

1. Introduction

South Africa, as a pluralistic society, embodies a rich tapestry of cultural, religious, and legal diversity. This coexistence, while enriching, often presents challenges, particularly in areas where secular and religious laws intersect. Inheritance laws are a prime example of this complexity. South Africa's secular inheritance framework, governed by the Intestate Succession Act 81 of 1987, upholds principles of gender equality, ensuring equal distribution among heirs regardless of gender. Conversely, Islamic laws of succession, grounded in the Qur'an and Sunnah, prescribe a fixed 2:1 gender ratio in inheritance distribution, favouring male heirs (Qur'an 4:11-12, 176). This inherent difference highlights a conflict between the secular legal system's commitment to non-discrimination and the religious obligations upheld by Islamic law.

The absence of legislative recognition for Muslim personal law (MPL) within the South African legal system intensifies this issue, leaving Muslim families in an uncertain position of navigating inheritance matters without formal legal guidance. Furthermore, the evolving socio-cultural norms in contemporary South Africa, where gender roles are increasingly fluid and dynamic, raise questions about the relevance and applicability of traditional Islamic inheritance laws. This study seeks to address these pressing issues by examining the alignment – or misalignment – of South African and Islamic laws of succession, with particular focus on the gender implications and the potential for legal reform.

Although scholars have long noted the tension between South Africa's equality-based Intestate Succession Act and the Qur'anic 2:1 rule (e.g., Gabru 2005; Abduroaf 2018; Sungay 2022), no work has yet tested that ratio against the South African Constitutional Courts's recent Section 9 unfair-discrimination ruling – particularly Women's Legal Centre Trust v President of the RSA (2020) – or against the changes introduced by the Judicial Matters Amendment Act of 2023, which broadened the statutory concept of "spouse". South African literature has yet to engage with contemporary Islamic reform proposals such as Shahrur's "limits theory" or Indonesia's *maslahah* (public interest)-driven inheritance adjustments. This mini thesis fills that gap by situating the 2:1 inheritance ratio within the

evolving South African legal framework and analysing it through the lenses of gender theory and legal pluralism Theory. It offers the first post-2023 doctrinal roadmap for reconciling Islamic succession norms with South Africa's constitutional commitment to gender equality.

Focusing on gender implications and the potential for legal reform, this study seeks to answer the following questions:

1.1. How do South African succession statutes express formal equality and how do Qur'anic inheritance rules express distributive equity in gender shares, and to what extent do these systems align or misalign?

1.2. Given the current gender-based disparities, what mechanisms can enable the implementation of Islamic succession rules within the South African constitutional framework?

1.3. Taking into account the historical socio-economic rationale for the 2:1 share, what is the contemporary relevance of the 2:1 gender ratio in contemporary times?

2. Literature Review

The intersection of South African inheritance laws and Islamic laws of succession presents significant legal, social, and gender-related challenges. This literature review explores existing research on this topic, focusing on the principles underlying these legal systems, their gender implications, and the potential for reform in contemporary contexts. By synthesising studies that analyse these frameworks in South Africa and beyond, this review identifies critical gaps and establishes a foundation for examining the alignment – or misalignment – of these laws in a pluralistic society.

2.1 Principles of South African and Islamic Inheritance Laws

South African inheritance laws, primarily governed by the Intestate Succession Act 81 of 1987, emphasise equality and prohibit gender-based discrimination, as upheld in Section 9(3) of the Constitution of the Republic of South Africa (1996). This framework ensures equal inheritance rights for male and female heirs, reflecting the country's commitment to modern human rights standards (Himonga, 2015). However, communities adhering to religious norms often find these provisions misaligned with their cultural and religious practices.

In contrast, Islamic inheritance laws, derived from the Qur'an and Sunnah, prioritise equity over equality. The 2:1 gender ratio, as stipulated in Qur'an 4:11-12, grants male heirs twice the share of female heirs. This distribution reflects the financial responsibilities traditionally placed on men, such as providing dowries and family support (Gabru, 2005). While these laws were revolutionary in granting inheritance rights to women in pre-Islamic times, their application in a contemporary secular legal system like South Africa's often appears incompatible with constitutional mandates for gender equality.

Authors like Abduroaf (2018, 2020) argue that implementing Islamic laws through mechanisms like valid Islamic wills can bridge this gap. However, Matsemela (2015) highlights the potential conflicts between religious clauses in wills and constitutional principles, emphasising the legal challenges Muslim families face when navigating these overlapping systems. Additionally, Sungay (2022) explores the implication of the overlap between secular and Islamic laws, highlighting the manner in which Islamic laws of succession provisions may be constitutionally legitimised by way of a valid will following the principles highlighted within the South African constitution, focusing on the law of freedom of testation. This study aims to harmonise the two law systems in terms of equality, envisioning the reformation and reconciliation of both systems. This brings forth a key feature of legal pluralism theory, or the ways in which peaceful coexistence is sought across different legal systems within a single jurisdiction (Swenson, 2018).

2.2 Gender and Inheritance: Balancing Tradition and Modernity

The gender implications of Islamic inheritance laws have been a central focus of scholarly debate. While the 2:1 ratio is often defended as equitable, considering the socio-economic structures of early Islamic society, modern gender roles have evolved significantly. Kamali (2008) highlights that these laws were groundbreaking in their historical context, offering women inheritance rights when none existed. However, the socio-cultural dynamics of contemporary societies, including South Africa, raise questions about the relevance of these rules.

Firdawaty et al. (2022) and Ridwan (2022) advocate for reinterpreting Islamic inheritance laws through *ijtihad* (independent

reasoning). They emphasise the importance of aligning these laws with contemporary gender roles and socio-economic realities, especially in societies that constitutionally mandate gender equality. Similarly, Hussein (2019) and Tajuddin (2021) provide insights into the historical rationale for Islamic inheritance laws, underscoring their fairness in their original context. However, both studies acknowledge the need for a contemporary lens to assess their applicability in modern, pluralistic societies. Sungay (2023) investigates the implications of Islamic laws of succession in terms of women's inheritance by highlighting the 2:1 gender ratio which is known to be controversial. This study highlights the vast nature of the 2:1 gender ratio and its controversy. This study highlights the flexibility of the 2:1 rule and emphasises the root causes of gender discrimination, which largely stem from cultural and patriarchal practices as opposed to Islamic law. This study advocates for the need of education and the establishment of shariah courts so as to harmonise Islamic inheritance implications (Sungay, 2023).

Despite these contributions, there remains a shortage of research specifically addressing how Islamic inheritance laws could evolve to meet the needs of South African Muslims while still adhering to constitutional principles.

2.3 Legal Pluralism and its Implications in South Africa

Legal pluralism, a theory defined as the coexistence of multiple legal systems within a single jurisdiction, is a defining feature of South Africa's legal landscape. Swenson (2018) and Himonga (2015) explore the complexities of this pluralistic framework, highlighting the unresolved conflicts between secular and religious laws. The absence of formal recognition for MPL exacerbates these tensions, particularly in inheritance matters.

Gabru (2005) emphasises the need for integrating Islamic laws into South Africa's legal framework through mechanisms like arbitration and the recognition of religious wills. Such integration could protect the rights of minority communities while upholding the constitutional principles of equality. However, existing studies highlight the lack of practical solutions for addressing these conflicts, underscoring the need for further research on effective implementation strategies.

2.4 Reformation of Islamic Inheritance Laws

The debate over reforming Islamic inheritance laws reflects a broader tension between traditional jurisprudence and contemporary societal values. Classical scholars maintain the immutability of Qur'anic injunctions, arguing that divine laws are not subject to reinterpretation. However, modern thinkers like Shahrur (2009) and Ridwan (2022) advocate for contextual approaches, emphasising *maslahah* to ensure the relevance of these laws in changing times.

Razy (2023) and Zulfikar & Windani (2024) examine reform efforts in Indonesia, where socio-cultural shifts have prompted calls for more gender-equitable inheritance laws. Their findings underscore the potential for reconciling Islamic principles with modern demands for equality. While these studies provide valuable insights, their focus on Indonesian contexts highlights a significant gap in addressing similar issues within South Africa.

Shamsuddin (2022) explores gender parity in Islamic inheritance law in the United Arab Emirates (UAE), investigating ways of balancing Islamic tradition with modernity in terms of equality. It highlights the gender ratio of 2:1 in Islamic inheritance laws introducing possible means of reformation as it highlights how the gap between tradition and modernity may be linked by reconciling legal tactics with the objectives of Islamic law. This study emphasises the need to reinterpret Islamic law while maintaining its values; however, immediate application in countries fostering systems of legal pluralism like South Africa remains a challenge (Shamsuddin, 2022).

In South Africa, the lack of research on practical pathways for reforming Islamic inheritance laws limits the ability to harmonise these laws with constitutional principles. This gap underscores the importance of further studies that explore how reform can balance religious adherence with the socio-economic realities of modern Muslim families.

This literature review reveals a rich body of research on the principles, gender implications, and challenges of applying Islamic inheritance laws in South Africa. However, notable gaps remain, particularly in the areas of practical implementation and the potential for legal reform. By synthesising existing studies and identifying

areas for further exploration, this review lays the groundwork for a critical analysis of the alignment – or misalignment – of South African and Islamic inheritance laws in a pluralistic legal system.

3. Theoretical Framework

The theoretical framework for this study incorporates two complementary theories: gender theory and legal pluralism theory. Gender theory examines how gender is socially constructed and organised within legal and societal contexts (Gerish, 2005). This study used gender theory to analyse the gender-neutral stance of South African inheritance laws, which treat all heirs equally in line with constitutional principles of equality (Constitution of the Republic of South Africa, 1996). In contrast, Islamic inheritance laws follow a specific gendered approach, where males generally inherit twice the share of females (Gabru, 2005). Using gender theory, this research evaluated the implications of these approaches, investigating whether the gendered provisions in Islamic law align with South Africa's constitutional commitment to equality.

Legal pluralism theory focuses on the coexistence of multiple legal systems within a single geographical or societal context (Swenson, 2018). This study used legal pluralism theory to examine how South African and Islamic law systems interact, overlap, and potentially conflict, particularly concerning gendered inheritance provisions. The theory also provided insights into how individuals navigate these coexisting systems and how the principle of equality is upheld (or challenged) within the broader framework of pluralistic governance. Legal pluralism theory was instrumental in evaluating the broader implications of aligning religious laws with constitutional values in a multicultural society. The integration of gender theory and legal pluralism theory offers a dual lens for analysing inheritance laws. Gender theory highlights the role of societal and legal constructs of gender, while legal pluralism situates these constructs within the broader context of coexisting legal systems. This theoretical integration ensured a comprehensive approach which enabled this study to address both societal and systematic factors influencing inheritance laws.

4. Methodology

This study is designed as a qualitative comparative legal analysis. This approach facilitates a critical examination of South African inheritance laws, governed by the Intestate Succession Act 81 of 1987, alongside Islamic inheritance laws derived from the Qur'an and Sunnah. By comparing these legal systems, this study aimed to identify points of convergence and divergence, particularly in terms of gender provisions and the foundational principle of justice.

4.1 Data Sources

The research relied solely on publicly available primary and secondary sources. Primary sources, which provided a direct link to legal and religious mandates, included South African legal texts such as the Constitution (1996) and the Intestate Succession Act 81 of 1987. Islamic religious texts, such as Qur'anic verses and classical and contemporary jurisprudence on inheritance, were also utilised to understand the principles of Islamic law. Secondary sources, including scholarly articles, legal commentaries, books, and case studies, were consulted to provide scholarly analysis and commentary on these primary texts. These included works by key authors such as Abduroaf (2018, 2020), Husein (2019), Matsemela (2015), and Sungay (2022, 2023), among others, to gain foundational insights into the legal and gender dynamics under review.

4.2 Analytical Approach

The analytical approach for this study was a qualitative, comparative legal analysis. The process began with thematic categorisation, where data from legal and religious texts were grouped into key themes such as legal principles, gender implications (including the 2:1 ratio), legal pluralism, and pathways for reform. These themes were then used to evaluate the gender provisions of both South African and Islamic inheritance laws, identifying points of alignment and misalignment. The analysis was interpreted through the lenses of gender theory and legal pluralism theory, which allowed for a deeper examination of how legal systems construct gender roles and interact within a single, pluralistic jurisdiction. Finally, a critical evaluation was performed by cross-referencing legal, religious, and scholarly

texts to assess the contemporary relevance of the 2:1 gender ratio and the potential for legal reform.

5. Discussion

5.1 Conceptualizing Equality and Justice in Inheritance Distribution

5.1.1 South African Laws of Succession

In South Africa, the distribution of an estate is governed primarily by the Intestate Succession Act 81 of 1987, and the Wills Act 7 of 1953. These legislative frameworks are grounded in the principles of gender equality and non-discrimination, as mandated by the Constitution of the Republic of South Africa (1996). In the absence of a valid will, these laws ensure that an estate is distributed equally among beneficiaries, regardless of gender.

Section 1(1) of the Intestate Succession Act outlines a specific order of distribution for an intestate estate. It specifies that if the deceased is survived by a spouse but no descendants, the spouse will inherit the entire intestate estate. Conversely, if the deceased is survived by a descendant but not a spouse, the descendant inherits the entire estate. In the absence of a spouse or descendant, the estate is inherited by both surviving parents in equal shares.

Furthermore, sections 1(1) (e-f) stipulate that descendants of deceased parents are to divide the estate into two equal shares. Those related through the mother to receive one half of the estate and those related through the father receive the other half. However, in the instance of no surviving parents or descendants, the estate is to be divided equally among other blood relatives that are closest in degree to the deceased.

Key terminologies utilised in this section of the Succession Act, such as "spouse," "descendant," and "parents," underscore the principle of non-discrimination by employing gender-neutral terms. The absence of gender specific terms in these provisions alludes to the principle of equality upheld within South African laws of succession among beneficiaries. As a result, the surviving spouse of the deceased shall inherit their share regardless of them being a widow or widower. Similarly, the descendant(s) of the deceased shall inherit their share equally regardless of them being the son or the daughter.

Furthermore, the parents of the deceased shall inherit their share regardless of them being the mother or the father. In the instance of the deceased not being survived by parents, the descendants of the deceased parents- in other words siblings- shall inherit their share regardless of them being a brother or sister or whether they are paternally or maternally related, each inherits equally (Abduroaf, 2018).

5.1.2 Gender Equality in South African Law

South African law places significant emphasis on equality and non-discrimination across all spheres which includes sex, race, religion, ethnicity etc. The Constitution of the Republic of South Africa (1996, p. 1247) clearly enshrines these principles of equality to protect and uplift the rights of all people. This principle is furthermore elaborated upon in Chapter 2 Section 9, which articulates the principle of equality. It stipulates:

> Everyone is equal before the law and has the right to equal protection and benefit of the law… The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, etc…

These provisions unequivocally prohibit unfair discrimination, thereby underpinning the impermissibility of any form of gender-based discrimination within the South African legal framework.

Furthermore, international human rights structures, such as the Universal Declaration of Human Rights (UDHR), provide additional foundational support for non-discrimination and gender equality. The principles of non-discrimination and gender equality are further reinforced by several legal instruments that indirectly support the non-discriminatory nature of South African inheritance provisions. These include:

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1995), specifically Article 16(1)(h).

- The African Charter on Human and Peoples' Rights (ACHPR) (1996), specifically Article 18(3).

- The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Republic of South Africa, 2000).

Ultimately, the legal structures governing South African laws of succession explicitly support gender equality provisions, ensuring that inheritance is based on familial relation to the deceased rather than being determined solely by gender.

5.1.3 Legal Basis of Islamic Laws of Succession and its Principles

Islamic law is primarily derived from Divine law, as inscribed within the Qur'an and Sunnah. The general principles governing inheritance is clearly established in the Qur'an as articulated in Chapter 4:

> For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave—whether it is little or much. ˹These are˺ obligatory shares. (Qur'an 4:7)

The Qur'an establishes the fundamental principle that both men and women are entitled to specific shares of an inheritance, a directive binding for all Muslims (Gabru, 2005). This instruction is not confined to a single verse; rather, it is extensively detailed across several Qur'anic verses that offer comprehensive guidance on the distribution of a deceased person's estate (Gabru, 2005). The key verses that outline inheritance provisions are found in Chapter 4, specifically verses 11, 12 and 176. These verses provide a precisely outlined distribution among beneficiaries.

A critical examination of these verses shows that Islamic inheritance laws distinguish between males and females in their shares, which is unlike South African law, as the latter does not specify any gender-based disparity in its intestate laws. In Islamic inheritance laws, inheritance provisions vary among sons and daughters, mothers and fathers, and different types of siblings, with each being prescribed a specific share. This suggests a legal framework founded on gender and familial ties. In contrast, South African law's inheritance proportions are gender neutral in order to uphold the country's dedication to modern gender rights and standards within society (Himonga, 2015).

5.1.4 Justice vs Equality in Islamic Law

To fully grasp the gender specific provisions in Islamic inheritance law it requires distinguishing between two concepts: namely, justice (equity) and equality. Justice (*'adl*) in the Islamic legal viewpoint, does not in all instances equate to equality (*musāwāt*); instead, it is

the equitable distribution of responsibilities and rights imposed upon an individual based upon their circumstances and unique social roles within society. Islamic inheritance law reinforces the principle of distributive justice, highlighting equity over equality and fairness over uniformity. Therefore, shares are assigned in proportion to one's individual legal and financial obligations (Mohamed, 2020).

Through the lens of gender theory, it can be understood that gender roles are not seen as neutral, as opposed to South African inheritance laws (Himonga, 2015). In Islamic law, equality is conceptualised through the foundational principle of justice, rather than in a merely numerical sense. This basis ensures that inheritance rights of males and females are distinct to mirror their unique legal and financial obligations, indicating the specific societal roles ascribed to them within Muslim communities.

5.1.5 Alignment and Misalignment: A Comparative Analysis of Gender Provisions

A complex legal predicament arises from the intersection of South African constitutional provisions, specifically those pertaining to gender equality, and Islamic inheritance laws. A key focus point is the Qur'anic inheritance decree that males are entitled to double the share of females, which, when taken at face value, appears to contradict Section 9 of the Constitution, which strictly prohibits discrimination upon any grounds, including sex. This differentiation between male and female heirs raises significant concerns regarding equality as protected in the Constitution (Sungay, 2022).

A fundamental legal question arises when freedom of testation, a right possessed by all, conflicts with the Constitution's core principles of non-discrimination and equality. The prioritisation of the equality clause would result in depriving rightful beneficiaries of their inheritance rights under Islamic law. Conversely, prioritising freedom of testation might undermine the non-discrimination clause and the Constitution's dedication to gender equality. This legal dilemma is further complicated by the right to religious freedom as protected within the Constitution.

The tension between constitutional oversight and individual independence is exemplified in *De Lange v Presiding Bishop of the Methodist Church of Southern Africa for the Time Being and Another* (2016 2 SA 1 (CC) 79), where it was stated:

It is one thing to say that the Constitution with its values and rights reaches everywhere, but quite another to expect the courts to make rulings and orders regarding people's private lives and personal preference (as cited in Abduroaf, 2019).

This statement highlights the innate challenges that arise when different legal systems, governed by distinct principles, coexist within a single domain, which is a key characteristic of the South African legal landscape.

5.1.6 The Legal Predicament and Pathways for Resolution

The Qur'anic ruling of the 2:1 gender ratio, often argued to be disadvantaging females, is not merely based on gender but rather a socio-economic framework. Therefore, understanding the rationale and conditions behind this gender provision is crucial when scrutinising its compatibility with constitutional principles.

Sungay (2022) examines this issue by posing a fundamental question:

Which of the two competing rights i.e. freedom of testation in electing to follow Sharia law, distribution of one's estate or the various other rights infringed (particularly the equality clause) would prevail and why?

Sungay (2022) argues that human dignity and personal freedom are upheld when individuals have the power to draft wills that align with their own religious beliefs.

Based on the Constitution, an Islamic will is established in accordance with both freedom of testation and freedom of religion (Abduroaf, 2018). However, the Constitution is the supreme law in South Africa, and any will's clause that conflicts with its provisions may be deemed invalid. According to Section 8(2-4) in the Constitution (1996), common law may be developed to limit a right, provided that the limitation is in accordance with Section 36(1). This means that common law may be amended if it means the upholding and protection of clauses within the Bill of Rights (Sungay, 2022). This raises the question of whether prioritising gender equality over Islamic inheritance laws would violate the right to religious freedom, as enshrined in the Bill of Rights.

The Constitution's limitation clause, Section 36, states that rights may be limited only if the limitation is "reasonable and justifiable in

an open and democratic society based on human dignity, equality and freedom" (pg.1261). This means that any gender-based differentiation in Islamic inheritance laws must be scrutinised through the lens of Section 36 to determine if it constitutes "unfair discrimination".

A statement made in the President of the Republic of South Africa and Another v Hugo case (1997) provides insight into this, explaining that "unfair discrimination" involves more than just a disadvantage; it is about protecting an individual's dignity and respect. Thus,

> ...it is necessary to look not only at the group who has been disadvantaged but at the nature of the power in terms of which the discrimination was affected and, also at the nature of the interests which have been affected by the discrimination (Paragraph 92, 1997).

Section 36 in the Constitution (1996) further supports this by placing the onus on the party to prove that there is discrimination. Therefore, the resolution of this legal dilemma within a will lies in whether Islamic inheritance provisions, even if seemingly discriminatory on the surface, can meet this constitutional standard.

5.2 Implementing Islamic Succession Law within the South African Constitutional Framework

5.2.1 Recognition of Religious Laws in South Africa

A prominent feature in the South African legal framework is legal pluralism which acknowledges the coexistence of traditional, customary, and religious laws. The country's strong commitment to the advancement of multiculturalism is evident in its efforts to incorporate religious legal systems into its wider legal structure.

Regardless of these constitutional protections, Muslim personal law remains unofficially implemented through what Domingo (2011) describes as "state-controlled pluralism", a system that functionally integrates different legal systems within a broader legal framework (Domingo, 2011).

5.2.2 Islamic Laws of Succession in South Africa

Islamic inheritance laws are vital in governing the lives of Muslims, thus, to ensure their estate is distributed in accordance with Islamic principles, Muslims are encouraged to draft a will (Sungay, 2022).

This practice is supported by the Qur'an as expressed in Chapter 2, verse 180:

> It is prescribed that when death approaches any of you, if they leave something of value, a will should be made in favour of parents and immediate family with fairness. (This is) an obligation on those who are mindful (of Allah). (Qur'an 2:180)

Prophet Muhammad also emphasised the importance of having a will readily available. On this subject, it was reported that he said:

> It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him. (Sahih al-Bukhari, 2738, Book 55, Hadith 1)

This religious mandate can be legitimately implemented within the South African legal framework through the principle of freedom of testation, which allows individuals to determine the distribution of their estate. In the absence of a legally established will, the estate is subject to the Intestate Succession Act 81 of 1987, whose principles are often inconsistent with Islamic inheritance laws (Gabru, 2005).

Initially, the Act acknowledged the term "spouse" to include a "husband or wife married in accordance with Muslims in a de facto monogamous union." (section 1(4)(g) as cited in Gabru, 2005). However, an amendment under Section 1A of the Judicial Matters Amendment Act (2023) whereby the term "spouse" was redefined to include "a partner in a permanent life partnership in which the partners have undertaken reciprocal duties of support." (Section 1(1A) inserted by section 1(4) of the judicial Matters Amendment Act, 2023). However, despite the change in definition, the protection afforded to Muslims remains insufficient as the provisions provided remain inconsistent with Islamic inheritance laws (Gabru, 2005).

Ultimately, South Africa is a constitutional democracy where all laws and legal provisions must align with the Constitution's core values, such as equality and non-discrimination (Abduroaf, 2020). Section 2 of the Constitution (1996) stipulates that it is the supreme law and any law that conflicts with it will be invalid. Therefore, while the Constitution provides for freedoms like religion and testation, the extent to which religious principles can be implemented is subject to constitutional scrutiny (Abduroaf, 2020).

5.2.3 Approaches to Implementation Amidst Disparity

As noted, in South Africa the distribution of a deceased person's estate is governed by the Intestate Succession Act 81 of 1987 if no valid will exists. To ensure greater autonomy in this process, citizens are encouraged to draft a will. This is enabled by the principle of freedom of testation, a foundational principle of testate succession that grants people the right to distribute their estate freely as per their personal desires. While this right may not be explicitly stated in a single statutory provision, its principle is expressed through various constitutional and legislative ratifications. The Wills Act 7 of 1953, which provides a legal framework for drafting and executing wills, reinforces this right (Matsemela, 2015). This Act allows for individuals as young as 16 to draft a will as articulated in Section 4 (1953).

The right to freedom of testation is also tacitly upheld by Section 25(1) of the Constitution (1996), which affirms an individual's right to private property (pg.1253). This clause guarantees an individual's right to own and ultimately dispose of their private property according to their personal wishes (Abduroaf, 2019). However, despite its legal recognition, freedom of testation is not absolute and remains subordinate to the Constitution, which is the supreme law of the country (Constitution of the Republic of South Africa 1(1)(c), 1996). When a will's clauses conflict with constitutional provisions, the latter prevails. This is essential for administering discriminatory provisions in wills that may be deemed unconstitutional (Abduroaf, 2019). The right to testate freedom is not unrestricted but is limited under Section 36(1) of the South African Constitution as mentioned in earlier (1996).

This raises a critical legal question regarding the extent to which a court may enforce or annul a clause within a will that contradicts the very Constitution that establishes these rights. Matsemela (2015) critically assesses this issue, maintaining that the principle is restricted by common law, statute law, and constitutional provisions. A clause in a will that is considered *contra boni mores,* or results in unfair discrimination in violation of Section 9 of the Constitution (1996), can be deemed unconstitutional, which may lead to the court declaring it invalid (Matsemela, 2015). This conflict creates a

complex issue for the judicial framework, balancing an individual's right to freedom against the constitutional commitment to uphold principles like non-discrimination and equality.

5.3 The Relevance of the 2:1 Gender Ratio in Modern Times

5.3.1 Women's Inheritance Rights in the Pre-Islamic Period

Understanding the nature of Islamic laws of inheritance requires the contextualisation of the prevailing socio-legal conditions of women during the pre-Islamic Arabian period. In that era, women were often excluded from inheriting from their fathers and husbands and were treated as property themselves, subject to be inherited by their male relatives (Sahih Muslim). Many tribes were governed by the inheritance maxim "he alone is entitled to inherit who wields the sword" (Sahih Muslim). This generally excluded women and children, as well as the weak and sick (Husein, 2019). Therefore, this injustice was justified by claiming that women were denied financial rights, which included inheritance from their fathers and husbands, because they did not participate in warfare.

The advent of Islam afforded inheritance rights to previously marginalised individuals, including women and children, whereby fixed shares were mandated to various heirs. This divine regulation reflects the sacred wisdom of Allah, avoiding subjective and unjust distribution by the hands of humans (Husein, 2019).

However, despite these reforms in Islamic inheritance, it still faced some resistance. According to Tafsir a-Tabari, concern was expressed by some of the companions of the Prophet over granting women and children a share in inheritance with their lack of participation in fighting the enemy. They questioned,

> Are we going to give the young lady half of her father's legacy when she does not ride the horse, and does not fight the enemy, we give the young boy a share, when he does not add up to anything in the family? (Tafsir al-Tabari as cited in Husein, 2019).

These critiques in the early Islamic era resonate in objections in the modern era that claim gender-based discrimination against women in Islamic law.

Islamic law elevated the status of women by granting them their right and entitlement to inheritance. Despite the fact that the share of women is of lesser value than that of their male counterparts, it is a

system based on the principles of justice and responsibility instead of numerical equality (Husein, 2019; Mohamed, 2020).

5.3.2 Justifications in Classical Islamic Law

As stated previously, the 2:1 provision, which grants males twice the share of females (Qur'an 4:11), has been a subject of misinterpretation and critique, which claim the different proportions contradict the Islamic principles of justice and equality. However, it becomes necessary to understand that this distribution reflects the financial responsibilities imposed on men in Islamic law.

Islamic inheritance law is governed by the principle of equity (Mohamed, 2020). The financial responsibilities assigned to men include supporting themselves and their families, including their wives and children. This support may sometimes even include extended relatives. By contrast, the financial obligations prescribed for women are not as much whereby anything they inherit remains solely their own (Husein, 2019). Shaykh Abdul Hamid Kishk, an Islamic scholar and activist, mentions that the wisdom behind the provision of males receiving a larger share is that they must provide for others, while the female's share is exclusive to her alone (Kishk as cited in Husein, 2019).

This rationale is echoed in the Qur'anic verse:

Men are the protectors and caretakers of women, as men have been provisioned by Allah (God) over women and tasked with supporting them from their means… (Qur'an 4:34).

Before marriage, the woman is supported by her father or brother. When she marries, she becomes the financial responsibility of her husband, making her financial obligations minimal (Husein, 2019; Sungay, 2023).

This notion of increased responsibility means increased needs is a concept not unique to Islam. It is a moral and legal concept that is reinforced across times and traditions. For example, the Biblical verse in Luke 12:48 states,

From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked. (Luke 12:48, New Testament).

A similar concept can be found in the hadith: "Every one of you is a shepherd, and every one of you will be questioned about those under

his rule…" (Bukhari, Muslim). In secular culture the phrase, "Where there is great power, there is great responsibility." (Winston Churchill (1904), with this same phrase being popularised by the Spider-Man comics in popular culture as, "With great power comes great responsibility" (Stan Lee, 1962), all reflect the same principle of more responsibility warrants more obligations and in return more is given.

Hence, in Islamic laws of succession, men are granted more because they are entrusted to do more (Husein, 2019). According to the same logic, 2:1 provision is a framework grounded in socio-economic justice and is not gender biased. It harmonises rights and duties that promote social justice and equality within the family unit of society (Razy, 2023).

5.3.3 The relevance of the 2:1 Gender Ratio in Modern Times

In contemporary times, debates have arisen concerning gendered provisions within Islamic inheritance law, more specifically the 2:1 gender distribution ratio, which intensified amid the rise in global movements supporting women's rights and gender equality. The socio-economic roles of women in society, particularly Muslim society, have significantly changed as a result of the arrival of feminist discourse, gender-based violence awareness, and women's incorporation into traditionally male-dominated spaces (Razy, 2023).

Compared to the early Islamic period, the family structure in the modern period has evolved considerably. Women are no longer confined to the domestic domain; more women possess a formal education, have professional careers in the public sphere, and contribute – sometimes exclusively – to the household income. Ramli and others (2023) observed that in modern times, Muslim women are participating actively in the financial transactions and contributing toward the household maintenance, possessing roles historically assigned to men. Similarly, Megannon (2020) notes in his study that in Cape Town, Muslim women enjoy economic independence and play a crucial role in the finances of their families, especially concerning child support.

These shifts within the socio-cultural roles in Muslim societies have increased calls for the reform of Islamic inheritance laws. Some critics claim the traditional provision of 2:1 is no longer relevant as it fails to reflect the lived realities in contemporary societies of many

Muslim families and consequently fails to safeguard justice for women (Ramli et.al., 2023). Thus, calls to harmonise Islamic law with modern socio-cultural changing aspects have increased, which raises significant questions about the extent to which Islamic laws of inheritance can or should be changed to adapt to the modern world.

5.3.4 Calls for Reform within Islamic Jurisprudence

As established earlier, the achievement of social justice as mirrored in the assigned socio-economic roles of individuals within the family structure forms the foundational aim of Islamic inheritance law. Razy (2023) contends that these laws were established to safeguard the rights of all heirs, including women and children, and to ensure that wealth is equally distributed among heirs. In his study Razy (2023) outlines four vital objectives of Islamic inheritance law, namely: (1) the achievement of social justice; (2) the protection of heirs' rights to inherit; (3) safeguarding of family stability through proportionate allocations of inheritance; (4) upholding religious obligation and the preservation of societal harmony.

Many classical scholars have argued that the gender ratio of 2:1 is innately just, based upon Qur'anic rulings. Al-Tabari, Muhammad Abduh, and Rashid Rida, notable Islamic scholars, contended that the proportionate allocation is based upon the concept of *Qawāma* – the male responsibility to inherently support the female relatives under his care (Ramli et.al., 2023). However, the precise meaning and implications of *Qawāma* are debated in modern scholarship. While some traditional translators render the term simply as "protector", some contemporary scholars, including Mashood Baderin (2003), Asma Barlas (2002), and Salman Al-Awdah (2014), emphatically reframes the term as a conditional financial responsibility and management duty rather than a unilateral claim to authority or male superiority over women (Al-Awdah, 2014; Cheema, 2014).

In contrast, many contemporary scholars have expressed more flexible views. A feminist scholar, Amina Wadud, who advocated for a more gender-inclusive interpretation, emphasises justice for beneficiaries rather than fixed ratios. Muhammad Shahrur, a contemporary Islamic thinker, developed the "theory of limits", also known as his "boundary theory", whereby he proposed that the gender ratio of 2:1 reflects the maximum and minimum share a male

and female may receive. This entails that one is the minimum share a female may receive, whereas two is the maximum share a male may receive, and this depends on the prevailing economic realities of the time. This model allows for Islamic inheritance laws to be adaptable to the diverse socio-economic contexts while still upholding its ethical and traditional foundations (Ridwan, 2022; Ramli et.al., 2023).

5.3.5 Can Inheritance Laws be Reformed?

In contemporary Islamic legal discourse, a significant debate surrounds whether inheritance law is final or whether it is subject to *ijtihād* (independent reasoning). Some scholars, like Muhammad Shahrur, contend that since inheritance law is found under the *mu'āmalah* (transactional law) domain, it therefore is open to reinterpretation through *ijtihād* because of changing circumstances (Ridwan, 2022).

In Islamic law, rulings are organised into two major categories: absolute rulings, which are those based upon the clear texts of the Qur'an and Sunnah, and those adaptable to changing contexts. Although some scholars uphold Islamic inheritance to be the domain of the latter, the position adopted in this study is that of the traditionalist view which holds that the fixed shares of inheritance as outlined in the Qur'an and Sunnah are absolute and therefore not open to *ijtihād* for reinterpretation. These provisions which are grounded in Qur'anic verses and thus are considered explicit must be maintained irrespective of changing social norms (Ramli et.al., 2023).

Hence, the question should be shifted from the reformation of Islamic inheritance ratios to, instead, whether male heirs actually uphold the responsibilities assigned to them – particularly their financial duties – in supporting and maintaining their female relatives. Men who fail in these responsibilities imposed upon them are at fault and the injustice therefore lies within its application rather than the law itself (Ramli et.al., 2023).

Furthermore, to address contemporary challenges, Islamic inheritance law provides internal instruments. These mechanisms within the legal sphere, include *wasiyya* (testate bequest), *hībah* (*inter vivos* gifting), and the creation of a trust fund. These all form supplements to the distribution of wealth without altering divine

injunctions (Sungay, 2020). For instance, in a study done by Jones-Pauly and Tuqan (2011, as cited in Megannon, 2020) it was found that the practice of *hībah* has been frequently utilised among South African Muslim families to equally distribute wealth among heirs.

6. Conclusion

This research aimed to extensively analyse South African laws of succession, concentrating on gender implications and the intricacies of legal pluralism between secular and religious laws within the South African legal framework. The analysis suggests that fundamental misalignment exists between the two systems. South African law upholds formal equality with gender-neutral inheritance provisions, warranting equal shares regardless of gender. Conversely, Islamic inheritance laws express distributive equity by prescribing gender-differentiated shares based on the unique socio-economic responsibilities of males and females, not numerical equality. This divergence, particularly the 2:1 gender ratio in Islamic law, creates a legal dilemma and tension within South Africa's pluralistic society.

The primary mechanism for implementing Islamic inheritance laws within the South African constitutional framework is the strategic drafting of a valid will, grounded in the principle of freedom of testation. However, this freedom is not absolute and is therefore subject to constitutional scrutiny. This study indicates that the resolution to this conflict is centred on whether the gender-based differentiation in a will may be deemed as "fair discrimination" and be regarded as justifiable under the Section 36 limitation clause in the Constitution (1996).

Lastly, the analysis indicates that the relevance of the 2:1 ratio is an issue of longstanding debate. While historically justified by the socio-economic gender roles of men as the providers, this rationale presents tension in contemporary realities where women increasingly contribute to household finances and hold professional careers. Although this has led to ongoing calls for reform, internal Islamic legal mechanisms such as *wasiyyah* (testate bequest) and *hībah* (*inter vivos* gifting) provide solutions for flexible distribution that can be adapted to contemporary challenges without altering the prescribed shares.

This study makes a significant contribution by providing a doctrinal roadmap for reconciling Islamic succession norms with South Africa's constitutional commitment to gender equality. It fills a gap in existing research by offering the first post-2023 doctrinal comparison of the 2:1 inheritance ratio against Section 9 and the principle of freedom of testation, and by practically mapping sharia-compliant wills and gifts within the constitutional framework. The research highlights the need for legislative reform to address the legal vacuum caused by the non-recognition of Muslim personal law, contributing to a broader discourse on legal pluralism and the reconciliation of religious obligations with constitutional rights.

Key takeaways for policy and practice:

- Internal Islamic mechanisms: Legal instruments like *wasiyyah* and *hība* are alternatives for equitable distribution that can be adapted to solve contemporary challenges without altering the prescribed shares.

- Sharia-compliant wills and trusts: Muslim families can draft wills that can effectively implement their inheritance wishes utilising the principles of freedom of testation and freedom of religion to align with South Africa's constitutional framework and the Wills Act 7 of 1953.

- Establish practical guidance: A critical need arises for guidance in Muslim communities with the alignment of valid Islamic wills with constitutional provisions. This will help in diminishing conflict with clauses such as the Section 9 equality clause and the Section 36 limitation clause.

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A Conceptual Analysis of the Relationship Between *Wasaṭiyyah* and *Maqāṣid al-Sharī'ah*

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Abstract

This study explores the intricate relationship between *wasaṭiyyah* (moderation) and *maqāṣid al-sharī'ah* (the objectives of Islamic law) within Islamic epistemology. It begins by examining the meaning of *wasaṭiyyah* as interpreted from the Qur'anic concept of *wasaṭ* by prominent Islamic scholars, highlighting its essence as not merely a middle ground but a state of excellence characterised by fairness and justice. This study analyses the implementation of *wasaṭiyyah* in various aspects of life, including worship, social interactions, economics, politics, and education. It further delves into how *wasaṭiyyah* serves as a fundamental guiding principle for achieving *maqāṣid al-sharī'ah*, specifically the preservation of religion, life, intellect, lineage, and wealth. This study argues that adherence to *wasaṭiyyah* is crucial for the well-being of the Muslim `*ummah* and for navigating the complexities of the modern world while upholding the core tenets of Islam. The study concludes with emphasis that *wasaṭiyyah*, as the inherent path of moderation within Islam, necessitates a balanced approach in all aspects of life, guided by *sharī'ah* and aimed at spiritual purification and closeness to Allāh ﷻ.

Keywords: Extremism, Islamic Ethics, Islamic Epistemology, Islamic Scholarship, *Maqāṣid al-Sharī'ah*, Law.

1. Introduction

The concept of *wasaṭiyyah* (moderation, centrism) is a fundamental principle in Islamic jurisprudence (Hassan, 2015), often cited as a means to navigate the complexities of life and avoid extremism. This principle advocates for balance and justice in all human endeavours, aligning with the inherent equilibrium of creation. In an increasingly interconnected and diverse world, marked by rapid globalisation and the proliferation of information, the principle of *wasaṭiyyah* takes on heightened significance in this domain. This is particularly true as societies grapple with a spectrum of ideologies, where polarised viewpoints and extremist narratives often find fertile ground, leading to social fragmentation, segregation, and conflict. In such a landscape, *wasaṭiyyah* offers a vital ethical and intellectual framework for fostering mutual understanding, promoting tolerance, and encouraging constructive dialogue and engagement across cultural, religious, and political divides. By emphasising the importance of the middle path, it provides a means to avoid the pitfalls of extremism, its ideologies, and promotes harmonious coexistence within diverse communities. Moreover, within academic discourse and particularly in the context of Islamic studies in South Africa (Mohamed, 2018), a deeper understanding of *wasaṭiyyah* is essential for addressing the various social and intellectual challenges prevalent in the country's diverse religious landscape. Central to the realisation of a just and balanced society envisioned by Islamic teachings, *wasaṭiyyah* serves as a crucial methodological lens through which the objectives of *maqāṣid al-sharī'ah* (the objectives of Islamic law) can be effectively understood and implemented in diverse contexts within South African society (Auda, 2008). However, despite the recognised importance of *wasaṭiyyah* in fostering balance and preventing extremism, its application and understanding remain contested within contemporary Muslim discourse. This study identifies several approaches to the concept, ranging from those potentially seeking worldly gain to those sincerely pursuing divine pleasure, as well as individuals who may lack a comprehensive understanding of its nuances. This ambiguity underscores the necessity of a thorough examination of *wasaṭiyyah* within its Islamic epistemological framework.

Firstly, this study aims to define the concept of *wasaṭiyyah* within Islamic epistemology, drawing primarily from the Qur'ān and the *ḥadīth*, and elucidate its intricate relationship with the objectives of *maqāṣid al-sharī'ah*. Secondly, this study will analyse the implementation of *wasaṭiyyah*, particularly within Muslim societies, given its foundational role in Islamic teachings. The study argues that *wasaṭiyyah* in Islamic epistemology transcends a simplistic notion of a mere middle ground. Instead, it embodies a proactive pursuit of excellence, righteousness, steadfastness, and the consistent avoidance of all forms of harmful excess or deficiency (Hassan, 2015). This approach ultimately reflects a holistic balance in striving for spiritual closeness to Allāh ﷻ and adherence to the teachings of Raṣūl-Allāh (the Prophet) ﷺ.

Throughout history, various movements and ideologies have manifested extremism, leading to conflict and societal upheaval. In response, various efforts, including those grounded in religious principles, have sought to combat extremist ideologies by promoting moderation. This study explores how the Islamic concept of *wasaṭiyyah* offers a framework for addressing such challenges.

The discussions in this study are structured around three key areas. First, an examination of the *wasaṭiyyah* concept as presented in Islamic epistemological sources, namely the Qur'ān and *ḥadīth*. Second, an analysis of the implementation of *wasaṭiyyah* in contemporary contexts. Third, a discussion on the parallelism between *wasaṭiyyah* as articulated in these foundational sources and *maqāṣid al-sharī'ah* in practical application.

2. Rationale

The rationale for this study stems from the foundational importance of *wasaṭiyyah* as a guiding principle in Islam, advocating for balance and justice in all aspects of life, while recognising that this concept is often misunderstood. By exploring the intrinsic link between *wasaṭiyyah* and *maqāṣid al-sharī'ah*, this research aims to provide a clearer theoretical framework for understanding and implementing this principle (Mohamed, 2018). This is particularly relevant in contemporary times marked by the challenges of extremism, where a robust understanding of *wasaṭiyyah* can offer a vital framework for promoting a balanced approach to religious and worldly affairs (H. Ibrahim, 2018). Ultimately, this paper seeks to clarify a core Islamic

concept and underscore its significance in achieving the wisdom and goals of Islamic law.

3. Theoretical Framework

This study operates within the theoretical framework of Islamic epistemology, drawing primarily from the foundational sources of Islam, the Qur'ān and the Sunnah (Prophetic traditions). It centres on two core Islamic concepts.

3.1 *Wasaṭiyyah*

The first concept, *wasaṭiyyah*, is examined through the lens of classical and contemporary interpretations of the Qur'anic term *wasaṭ*. The framework posits that *wasaṭiyyah* is not merely a midpoint between extremes but rather an active pursuit of balance, justice, excellence, and adherence to divine guidance in all aspects of life. This concept serves as a central analytical tool for understanding and evaluating actions and principles within an Islamic context (Jr, 2012).

3.2 *Maqāṣid Al-Sharī'ah*

The second concept, *maqāṣid al-sharī'ah* framework, focuses on the higher purposes and wisdom behind Islamic legislation. This study explores the intrinsic link between *wasaṭiyyah* and the realisation of these objectives, particularly the preservation of the five essentials: religion, life, intellect, lineage, and wealth. The theoretical framework suggests that *wasaṭiyyah* is not just a desirable attribute but a guiding principle for understanding and implementing the aims of Islamic law in a just and balanced manner (Ibrahim, 2018).

This article utilises a method of textual analysis and conceptual exploration, drawing upon interpretations of the Qur'ān and the views of various Islamic scholars (*mufassirīn*). It aims to establish a theoretical understanding of *wasaṭiyyah* within Islamic thought and to demonstrate its practical relevance as a framework for achieving the objectives of the *sharī'ah* in individual and communal life. The context of contemporary challenges, such as extremism, further informs the exploration of *wasaṭiyyah* as a means to uphold Islamic values while engaging with the modern world.

4. Research Methodology

This study adopts a qualitative approach grounded in classical Islamic methodologies, aiming to elucidate the relationship between *wasaṭiyyah* and *maqāṣid al-sharī'ah* within an epistemological framework. The following analytical tools are employed.

4.1 Conceptual analysis

This paper uses conceptual analysis in a detailed examination of the key concepts of *wasaṭiyyah* and *maqāṣid al-sharī'ah*. It explores their meanings, nuances, and interrelationships as understood within Islamic thought.

4.2 Primary Islamic sources

It draws heavily on primary Islamic sources, namely the Qur'ān and the Sunnah. As a textual analysis, it examines specific verses and references, considering their linguistic and contextual significance in relation to the concepts under investigation (Aswadi et al., 2022).

4.3 Interpretive analysis

An interpretive analysis that incorporates the interpretations and views of various *mufassirīn* from classical and contemporary periods to understand the meaning of *wasaṭ* and the broader principles of Islamic law. This involves reviewing and synthesising different scholarly perspectives to arrive at a comprehensive understanding.

4.4 Philosophical inquiry

This study employs philosophical inquiry to engage with the philosophical underpinnings of *wasaṭiyyah* as a guiding principle in Islam and its connection to the wisdom and objectives of *sharī'ah*.

4.5 Analytical reasoning

Finally, an analytical reasoning that uses logic and deduction to connect the concepts of *wasaṭiyyah* and *maqāṣid al-sharī'ah*, demonstrating how the former serves as a methodology for achieving the latter (Qiyas, 2025).

This study's research methodology is characterised by a reliance on scriptural and scholarly sources, interpretive analysis, and conceptual exploration to elucidate the relationship between

wasaṭiyyah and *maqāṣid al-sharī'ah* within the framework of Islamic epistemology. It does not involve the collection of empirical data or statistical analysis.

5. The Concept of *Wasaṭ* in Qur'anic Exegesis

To understand the meaning of *wasaṭiyyah* as derived from the Qur'ān, it is crucial to examine the interpretations of the term *wasaṭ* in the verse:

> *Thus, have We made of you an `ummah justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves…* (Qur'ān 2:143)

Mufassirīn have offered various insights into the meaning of *wasaṭ* in this verse. Al-Ṭabarī (1992), Ibn Kathīr (1992), and Al-Qurṭubī (1993) concur that *wasaṭ* signifies being "chosen," "the best," and "fair." They highlight that this balanced approach distinguishes the Muslim community from the extremes of other religious traditions, such as the Christian belief in God having a son and the Jewish alteration of holy scriptures and rejection of prophets (Ali & Rafeeque, 2018; Kamali, 2015). Similarly, Al-Rāzī (1990) elaborates on four meanings: fairness (impartiality), being the best, humility and perfection, and avoiding extremism in religious matters.

Further interpretations reinforce these themes. Al-Nasafī (1996) and Al-Zamakhsharī (1995) emphasise the sense of being "best" and "most fair," often associating this with a central position that offers protection from the dangers of extremes. Al-Maḥallī and al-Suyūṭī (n.d.), and Ḥijāzī (1992) echo these sentiments, highlighting the chosen nature, goodness, humility, moderation, and avoidance of extremism in both worldly and afterlife matters. Ashimi (2020) and Al-Zuhaylī (1991) succinctly capture this understanding by stating that *wasaṭ* means being fair, obedient to Islamic teachings, and distanced from the two extremes.

Collectively, these interpretations suggest that *wasaṭ*, and by extension *wasaṭiyyah*, in the Islamic context does not merely denote a position midway between two extremes. Rather, it signifies a state of excellence, characterised by fairness, justice, and adherence to divine guidance, while actively avoiding both excessive (*ifrāṭ*) and negligent (*tafrīṭ*) approaches. As Al-Zuhaylī (1991) emphasises, it is about obedience to the teachings of Islam, staying clear of extremes,

such as the example of the Christians in their veneration of the Prophet Jesus and the Jews in their treatment of prophets as deities. Furthermore, being fair in this context does not necessitate a literal fifty-fifty division but rather entails taking appropriate action within the boundaries of *sharī'ah*. This understanding underscores that *wasaṭiyyah* is not a passive balancing act but an active commitment to the best and most just path as illuminated by Islamic epistemology.

Expanding on these interpretations, other definitions of *wasaṭiyyah* emphasise its comprehensive nature. *Wasaṭiyyah* signifies taking the middle path, being just, moderate, excellent, and professional, and positioning oneself at the centre, thus embodying equilibrium (Biplob & Abdullah, 2021). It adjusts without ignoring any rulings of *maqāṣid al-sharī'ah*. This suggests that *wasaṭiyyah* is a balanced approach, aligning with the goals of *sharī'ah*. It has been acknowledged that *wasaṭiyyah* is a core Islamic principle that should permeate every Muslim's life; aiming to avoid extremism and embracing balance in all aspects of life (Mohdali et al., 2019a) It offers a comprehensive notion that integrates and moderates the requisites and delights of this world and the hereafter, as well as the physical and spiritual domains of existence, contributing to unity amongst the `*ummah* (Jr, 2012; Mohdali et al., 2019b). Indeed, *al-wasaṭiyyah* calls on followers of Islam to practice their faith in a balanced and comprehensive manner across all dimensions of life and society, including improving the quality of human life, developing knowledge, fostering human development, establishing sound economic and financial systems, developing just political systems, strengthening nationhood, ensuring effective defence, promoting unity, and upholding equality among races.

Having established the foundational understanding of *wasaṭiyyah* from Islamic epistemological sources, it is crucial to consider its implications for the future. The effective implementation and future relevance of *wasaṭiyyah* hinges on the extent to which policies are grounded in a clear understanding of Islamic principles, coupled with a willingness to address the evolving demands of modern society, both material and immaterial. The Muslim `*ummah*, embodying the morals of *wasaṭiyyah*, is seen as a role model for other nations, guiding them through life's challenges (Idrus et al.,

2015). For *wasaṭiyyah* to exert a strong and widespread influence within the community at large and effectively address people's problems, it needs to be adopted as a comprehensive and integrated approach. This necessitates the practice of religious teachings in all facets of individual and communal life, focusing on enhancing faith and piety, fostering unity, and promoting the pursuit of knowledge. *Al-wasaṭiyyah* is a fundamental trait of a Muslim personality and the Muslim community, shaping their activities in a balanced manner in this world and the hereafter by avoiding exaggeration and excessiveness (Ashimi, 2020). It is also a key characteristic of Islam that should be manifested in all spheres of life, including social, political, economic, and educational. Islamic *wasaṭiyyah* is increasingly discussed as Islam is sometimes linked to violence; however, the root causes of violence are often political, social, and economic, not generally stemming from Islam itself, which is a religion of mercy and justice (Ibrahim et al., 2013).

It is important to note Mohd Rumaizuddin's (2011) statement regarding "a willingness to meet the requirements of modern society and their various demands." (Ibrahim et al., 2013, p. 10). This phrase is ambiguous if it implies compromising core Islamic values for perceived modern needs. True *wasaṭiyyah*, while engaging with contemporary issues, must maintain fidelity to the principles of *sharī'ah*. Introducing new practices that could potentially weaken the foundations of the *dīn* (religion), even under the guise of moderation, might not align with the true essence of *wasaṭiyyah*. For example, the emergence of female "Imams" in some contexts, presented under the banner of equality and moderation, raises discussions about adherence to traditional Islamic legal interpretations.

6. Historical Context of *Wasaṭiyyah*

The concept of *wasaṭiyyah* is not a recent innovation but is deeply rooted in the primary sources of Islam (Ramadhan et al., 2024). The term itself originates from the Arabic word *wasat*, which implies the middle, fair, just, or moderate path; its various forms are used frequently in the Qur'ān (Gani, 2019). Notably, the Qur'anic verse (2:143) describes the Muslim community as *ummatan wasaṭan*, a justly balanced nation chosen to be witnesses over humankind. This designation in the Qur'ān establishes *wasaṭiyyah* as a fundamental

characteristic of the Muslim community from its very inception. Furthermore, the Sunnah includes extensive literature illustrating the meaning and application of a just and balanced approach in all aspects of life (Ramadhan et al., 2024). Classical and contemporary Muslim jurists have elaborated on this concept, understanding *ummatan wasaṭan* to embody principles of social justice, individual freedom, equality, and inherent rights (Bakir & Othman, 2016). Therefore, the emphasis on moderation and balance has been an integral part of Islamic teachings and thought since the earliest period of Islam.

7. Aspects of *Wasaṭiyyah*

7.1 *Wasaṭiyyah* in All Affairs

Moderation in Islam comprises all matters of religion, this worldly life, and the hereafter. This is doubtless a manifestation of Islam's inimitability and validity for all times and places. The concept of *wasaṭiyyah* extends beyond just personal worship and encompasses the entirety of a Muslim's life, shaping their interactions and conduct in social, economic, and political spheres ("Moderation Is the Way of Islam," 2014). It promotes engaging with life in a balanced manner, pursuing benefits, and avoiding extremism in all its forms (Safei, 2021a).

Wasaṭiyyah in social life encourages fairness, justice, and the establishment of harmonious relationships within the community. It emphasises the importance of treating others equitably and avoiding biases or prejudices that could lead to discord (Arif & Ismael, 2016). In economic dealings, *wasaṭiyyah* advocates for moderation in earning and spending, discouraging both extravagance and miserliness. It promotes just and ethical practices in trade and finance, ensuring that individuals and the community benefit in a balanced way (Zikwan, 2024).

In the political sphere, *wasaṭiyyah* calls for just governance, emphasising the importance of *shūrā* (consultation) and the fair treatment of all citizens. It encourages leaders to adopt a moderate approach in policymaking, avoiding both authoritarianism and anarchy (Safei, 2021b). The principle of balance is crucial in maintaining social order and ensuring the well-being of the entire society. Islam, as a religion of moderation, provides guidance for all people at all times and in all places, meeting human needs with a

balanced approach that avoids rigidity and carelessness in both action and giving ("Moderation Is the Way of Islam," 2014).

7.2 *Wasaṭiyyah* in Worship and Personal Conduct

One of the evident aspects of Islamic moderation, or *wasaṭiyyah*, is in the realm of worship. Islam acknowledges the inherent needs of human beings, striking a balance between the requirements of the soul and the body. This principle is underscored by the rejection of both extreme asceticism and excessive materialism. Instead, Islam encourages a harmonious coexistence between the physical and spiritual aspects of life, guided by the teachings of the Qur'ān. This balanced approach is a defining characteristic of good character in Islam (Elias, 2016). The Prophet ﷺ himself emphasised this balance in worship, advising against both excessive loudness and excessive softness in prayer, advocating for a middle path (Sūrah al-Isrā 17:110; Sunan an-Nasāʾī 5034, n.d.).

The Sunnah of the Prophet Muhammad ﷺ further exemplifies this balance. For instance, his refutation of ʿUthmān bin Mazʾhūn's overly ascetic lifestyle and his disapproval of those who prohibited lawful worldly pleasures for themselves illustrate this moderate path. The Prophet ﷺ stated,

Amongst you, I am the one who fears Allāh ﷺ most and I am the most pious; but yet I fast and I eat, I pray, and I sleep, and I marry women. So, whoever turns away from my way is not of my `ummah (Ṣaḥīḥ Al-Bukhārī 5063, n.d.).

This *ḥadīth* highlights the importance of a balanced approach in religious practice, emphasising that even in devotion, moderation is key. The Prophet ﷺ also emphasised the ease of this religion, saying, "This religion is easy. So, practice it gently. No one is harshened by this religion except that it overpowers him." This encourages a sustainable and balanced engagement with religious duties (al-ʿAwdah, n.d.).

Moreover, *wasaṭiyyah* in worship also involves avoiding extremism. High levels of religious devotion should not lead to the neglect of other responsibilities or harm to oneself or others. Islam encourages a balance where individuals dedicate time to worship, connect with Allāh, and fulfil their worldly obligations, including family responsibilities, work commitments, and personal pursuits

(Abu Amina Elias, n.d.). The Prophet ﷺ, being the most devout servant of Allāh, was also actively involved in his community as a merchant, husband, father, and statesman, demonstrating this ideal balance between *dīn* (religion) and *dunyā* (worldly life) (Islam 365, n.d.).

7.3 *Wasaṭiyyah* as the Guiding Principle of *Sharī'ah*

The *sharī'ah* itself is designed to bring benefit and well-being to humanity in this life and the hereafter. Its fundamental purpose is to uphold the objectives of creation, and anything deviating from this path is considered injustice and without benefit in this *dīn*. The ultimate aim of *sharī'ah* is to guide individuals towards moderation in Islam, steering them away from the two extremes. This moderation is often referred to as *ahl ṣirāṭ al-mustaqīm* (people of the straight path), signifying the balanced and righteous way of life. While extremes may exist, the most virtuous are those who adhere to this middle path.

Indeed, the principle of *wasaṭiyyah* is not merely an aspect of *sharī'ah*; it serves as a fundamental *maqṣad* (objective) guiding its formulation, execution, and evaluation (Ismail et al., 2016). This means that the overarching aims of Islamic law, such as the preservation of life, religion, intellect, progeny, and wealth, are to be achieved through a balanced and moderate approach. *Wasaṭiyyah* acts as a lens through which these objectives are understood and implemented in various contexts (Zikwan, 2024).

The concept of *wasaṭiyyah* is comprehensive and integrated, capable of resolving the demands and issues faced by society by striking a balance in various aspects of life (Muhammad & Hanapi, 2018). This balance avoids the pitfalls of extremism (*ifrāṭ* and *ghulūw*) that can erode the true understanding and values of Islam (Muhammad & Hanapi, 2018). By adhering to the principle of *wasaṭiyyah*, the `ummah can fulfil its role as a "justly balanced community" (Qur'ān 2:143; Kamali, 2020), acting as witnesses to humankind with moderation, balance, and fairness.

7.4 *Wasaṭiyyah* in Education

Following the discussion on the broader understanding and implications of *wasaṭiyyah*, it is pertinent to examine its application within specific domains, particularly education. The concept of

wasaṭiyyah is increasingly recognised as crucial in shaping educational systems that aim for a balanced approach, moving beyond the mere transmission of information and superficial skills to encompass a holistic transformation of individuals and the system itself. The underlying intention is to cultivate individuals who possess both strong religious convictions and refined moral character, achieved through an educational framework that integrates intellectual, physical, and spiritual development. This balanced quality is particularly relevant in contemporary times (Muqowim et al., 2022).

However, many educational systems face the challenge of effectively integrating these different dimensions. A lack of a truly integrated education system can lead to an imbalance, where spiritual development might be emphasised at the expense of knowledge and skills necessary for managing modern systems and resources, especially in fields like science and technology. This can leave individuals with a strong spiritual grounding but limited practical capabilities, potentially making them vulnerable in a competitive global landscape.

Therefore, an educational approach grounded in *wasaṭiyyah* seeks to consciously integrate mental and physical development with religious education, encompassing both individual and societal well-being. However, the successful consolidation of *wasaṭiyyah* in education often faces obstacles. For instance, if religious studies are not given the same level of importance as other subjects in national examination systems, it can hinder efforts to achieve a genuine balance between intellectual and spiritual strength. If academic assessments prioritise certain subjects over religious knowledge, students might focus solely on those areas deemed necessary for passing examinations, potentially neglecting the spiritual dimension of their education.

In conclusion, the concept of *wasaṭiyyah* plays a vital role in shaping a generation that is well-rounded and balanced across intellectual, physical, and spiritual domains. This holistic development is crucial for effectively navigating the complexities and challenges of the modern world (Asmawi, Tahir, & Idhan, 2024).

7.5 Perspectives on a *Wasaṭiyyah*-Based Educational Model

The implementation of *wasaṭiyyah* within a national education system can be conceptualised through a framework that emphasises balanced character development through a well-adjusted curriculum encompassing spiritual, intellectual, and physical aspects. This theoretical model can be viewed from two primary perspectives.

Firstly, there is the perspective of fulfilling obligatory duties within Islam to attain salvation. This is based on the understanding conveyed in a tradition where a man inquired of the Messenger of Allāh ﷺ: "If I perform the required *farḍ ṣalāh*, fast during the month of *Ramaḍān*, establish what is *ḥalāl* and prohibit that which is *ḥarām*, and do not implement more than that, will I enter Jannah?" The Messenger of Allāh ﷺ replied: "Yes." (An-Nawawī, n.d., Hadith 22).

أَنَّ رَجُلًا سَأَلَ رَسُولَ اللهِ صَلَّى اللَّهُ عليه وسلَّمَ، فقالَ: أَرَأَيْتَ إذا صَلَّيْتُ الصَّلَواتِ المَكْتُوباتِ، وصُمْتُ رَمَضانَ، وأَحْلَلْتُ الحَلالَ، وحَرَّمْتُ الحَرامَ، ولَمْ أزِدْ على ذلكَ شيئًا، أَأَدْخُلُ الجَنَّةَ؟ قالَ: نَعَمْ، قالَ: واللَّهِ لا أزِيدُ على ذلكَ شيئًا.

Secondly, there is the perspective of striving for *iḥsān* (excellence), which entails going beyond the obligatory acts of worship to seek greater proximity to Allāh through *nawāfil* (voluntary acts). This is supported by a *Ḥadīth Qudsi* which states:

> ...there is nothing more beloved to Me than when My servant draws closer to Me in proximity than that which I have made compulsory upon him, and My servant continues to draw nearer to Me through supererogatory works until I love him... (An-Nawawī, n.d., Hadith 48).

In considering the true essence of *wasaṭiyyah*, which aligns with the *maqāṣid al-sharī'ah*, the aim is to implement practices that foster closeness to Allāh ﷻ and love for His Messenger ﷺ. It has been observed that environments with restricted non-essential interactions between genders are perceived by some as having remarkable positive effects on the spiritual state of individuals and potentially reducing *fitnah*. This viewpoint is held within certain Islamic traditions and should be understood within that context. It relates to the interpretation of the Qur'anic verses: *"Do not go near to zinā (unlawful sex); surely it is a shameful deed and an evil way"* (*Sūrah*

al-Isrā, 17:32), and, *"Enjoin the believing men to lower their gaze and guard their modesty; that is purer for them… Likewise, enjoin the believing women to lower their gaze and guard their modesty, not to display their beauty except what normally appears thereof"* (*Sūrah al-Nūr*, 24:30-31).

7.6 *Wasaṭiyyah* and *Maqāṣid al-sharī'ah*

The field of *maqāṣid al-sharī'ah* illuminates the benefits and harms inherent in various actions and rulings, guiding jurists to establish equilibrium in *sharī'ah* (Abdul Saied et al., 2024). Historically, the Muslim `ummah experienced periods of honour, power, and respect precisely when it adhered to the moderate path of Islam, while times of decline often coincided with neglecting this balance (Bakar & Yasin, 2017). Thus, *wasaṭiyyah* is intrinsically linked to the realisation and preservation of *maqāṣid al-sharī'ah*, functioning as the lens through which Islamic law fulfils its objectives in practice (e.g., banking ethics) (Bakar & Yasin, 2017).

7.7 Preservation of Religion (*Ḥifdh al-Dīn*)

Wasaṭiyyah is fundamental to the preservation of religion. Religion serves as a unifying force for any nation. The necessity of *sharī'ah* is paramount, as its absence can lead to spiritual and moral decay, ultimately affecting the well-being of individuals and societies. Acquainting oneself with the life of the Prophet Muhammad ﷺ, who exemplified perfect character and a balanced lifestyle, is essential in understanding this. As Wahb bin Manda said, to have a balanced life:

> Indeed, for everything there are two sides and a middle. If you should take hold of one side, the other will lean, but if you should take hold of the middle, the two sides will balance, so then it is upon you to hold on to the middle path.

Good character is having the correct *ādāb* (manners) not to incline to any of the two extremes; by maintaining the middle ground and being heedless or negligent with the laws of *sharī'ah*, this is pleasing to Allāh ﷻ (Meinhegemon, 2020; 'Moderation in Islam', 2025).

7.8 Preservation of Life (*Ḥifdh al-Nafs*)

Sharī'ah places great emphasis on the preservation of life, a

principle deeply connected to *wasaṭiyyah*. Islamic law includes regulations that identify what is beneficial and harmful to human life, as reflected in the interpretation of the verse: "*And slay not the life which Allāh has forbidden save with right*" (*Sūrah al-Isrā*, 17:33). The sanctity of life is underscored by the Qur'anic statement that killing an innocent person is akin to killing all humankind, while saving a life is like saving all humankind (*Sūrah al-Mā-idah*, 5:32). To maintain moderation in this regard, *sharī'ah* prohibits not only unlawful killing but also actions leading to it, such as cursing and slander. Furthermore, *wasaṭiyyah* dictates that one must not stray into the extreme of taking one's own life, as explained in a tradition of Rasul-Allāh ﷺ when he says:

> Should he throw himself from a mountain, or drink poison, or kill himself with a metal object, he will be raised with it and spend everlasting life in hellfire, killing himself in the same manner over and over again (Sahih al-Bukhārī 5778, n.d.).

7.9 Preservation of Intellect (*Ḥifdh al-ʿAql*)

The preservation of the intellect through moderation is also a key objective of *sharī'ah*. The intellect enables individuals to distinguish right from wrong. In Islam, *taklīf* (accountability) is contingent upon *mukallaf* (being of sound mind). Extremes such as prioritising intellect over divine guidance or, conversely, neglecting intellectual reasoning are contrary to *wasaṭiyyah*. The Qur'ān frequently encourages reflection and the pursuit of beneficial knowledge, which is obligatory in Islam. It is within itself the means to empowerment, growth, and protection from extremism. The prohibition of intoxicants in Islam serves the purpose of safeguarding the intellect (Abdul Rahman & Rahman, 2021), which may lead to many harms found within society.

7.10 Preservation of Lineage (*Ḥifdh al-Nasl*)

Moderation in the preservation of lineage and honour is encouraged in Islam through the institution of marriage. Marriage is promoted, and polygamy is permitted under specific conditions to protect families and ensure the continuity of generations (Ghafoor & Elatrash, 2021), and to protect society from the ills commonly seen, such as family segregation, fornication, children born out of

wedlock, etc. Conversely, *sharīʿah* prohibits fornication and encourages the growth of one's progeny within the bounds of marriage. As Imām al-Shāṭibī says in Al-Muwāfaqāt: "The objective in increasing offspring is the preservation of humanity" ('*Maqasid*', 2024).

7.11 Preservation of Wealth (*Ḥifdh al-Māl*)

Wasaṭiyyah also guides the preservation of wealth. Islam emphasises the necessity of earning and maintaining sufficient wealth to provide for oneself and one's family in a moderate manner, ensuring their health, sustenance, shelter, and clothing. This economic well-being facilitates worship, reflection, and gratitude towards Allāh ﷻ. Neglecting this aspect can lead to systemic corruption. Rasūl-Allāh ﷺ said: "For indeed your blood, your money, your dignity is *ḥarām* upon you (it is *ḥarām* for the next individual to transgress and harm the other) (Sahih Muslim 1679b, n.d.).

8. Conclusion

In reflecting on the concept of *wasaṭiyyah*, this paper underscores its essence as the inherent moderation within the *dīn* of Islam. Acting upon this principle correctly illuminates its reality, as understood and articulated by one of the author's teachers. This involves firmly adhering to the teachings of the Messenger of Allāh ﷺ in a balanced and proportionate manner, upholding Islamic laws appropriately in all interactions, including worship, and abstaining from the disliked extremes of extravagance and stinginess, as well as negligence and heedlessness.

Establishing *wasaṭiyyah* necessitates *khuluq al-ḥasan* (beautiful and non-blameworthy character) and the restraint of one's desires and anger, which are part of *fiṭrah* (natural human inclinations). It is the unchecked pursuit of these inclinations that often leads to problems and destruction in the world. However, by applying the guidance of *sharīʿah* and intellect, individuals can cultivate their souls, transform negative traits, and honour the path of righteousness.

This cultivation, or *tazkiyah* (purification), was entrusted to the Prophet Muhammad ﷺ, as highlighted in several Qur'anic verses. Allāh ﷻ states, *"It is He who has sent among the unlettered a Messenger from themselves reciting to them His verses and purifying*

them and teaching them the Book and wisdom, although they were before in clear error" (*Sūrah al-Jumu'ah*, 62:2). Furthermore, Allāh ﷻ states, *"Just as We have sent among you a messenger from yourselves reciting to you Our verses and purifying you and teaching you the Book and wisdom and teaching you that which you did not know"* (*Sūrah al-Baqarah*, 2:151). Lastly Allāh ﷻ states, *"Certainly, did Allāh confer [great] favour upon the believers when He sent among them a Messenger from themselves, reciting to them His verses and purifying them and teaching them the Book and wisdom, although they had been before in manifest error"* (*Sūrah āli-`Imrān*, 3:164).

Ultimately, success lies in purifying the soul, as Allāh ﷻ declares: "*He has succeeded who purifies it, and he has failed who instils it [with corruption]*" (*Sūrah al-Shams*, 91:9-10). Therefore, regardless of the apparent magnitude of one's actions, if they are not in accordance with *sharī'ah* in a moderate and balanced way, one may be considered a loser. This understanding aligns with the work of scholars such as *Ḥabīb* `Umar bin Ḥafīdh, who emphasises the importance of *wasatiyyah* in a Muslim's life.

While closely related, *wasaṭiyyah* and *maqāṣid al-sharī'ah* serve distinct roles. *Maqāṣid* represent the overarching objectives and higher purposes of Islamic law, such as preserving religion, life, intellect, lineage, and wealth, the "what" of Islamic legislation. *Wasaṭiyyah*, on the other hand, embodies the principles of moderation and balance, representing the "how", the methodology, and the straight path for Muslims to effectively realise these objectives in a just and righteous manner. *Wasaṭiyyah* guides the implementation of *sharī'ah* to ensure its goals are met without resorting to extremes or imbalances.

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Zakāh as a Tool for Tackling Socio-Economic Issues: A Case Study of Educational Empowerment through the Lived Realities of 30 *Zakāh* Beneficiaries in Cape Town

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Abstract

This study investigates how *zakāh*, as an obligatory charitable levy in Islam, can be used to address socio-economic inequality through educational empowerment in Cape Town, South Africa. Drawing on a qualitative case study of 30 IPSA beneficiaries (15 students and 15 alumni), and framed by *maqāṣid al-sharīʿah*, it examines how *zakāh*-funded education contributes to the preservation of intellect, life, and dignity. The findings indicate that *zakāh* support extends beyond financial assistance by nurturing intellectual confidence, moral purpose, and social responsibility, yet structural barriers, including limited access to food, transport, digital resources, and psychosocial care, constrain its impact. The study argues that *zakāh* should be reimagined as a model for holistic student development and recommends that faith-based institutions integrate mentorship, material support, and psychosocial services into *zakāh* administration to enhance its role in promoting justice and socio-economic transformation.

1. Introduction

Cape Town's deep inequality continues to shape the opportunities available to youth, such as poverty, unemployment, and violence which persist as daily realities (Seekings & Nattrass, 2015; Stats SA, 2022). Young Cape Town Muslims from disadvantaged backgrounds often find their educational aspirations constrained by financial hardship and limited institutional support. For such students, *zakāh* (the obligatory charitable levy in Islam) frequently becomes the only bridge to continue their studies.

Although *zakāh* is widely recognized as a means of social relief, its potential to support long-term human development remains significantly underutilized. The term itself, derived from the Arabic root *z-k-w (ز-ك-و)* signifies purification, growth and increase, reflecting its dual role in spiritual and socio-economic renewal. Yet, *zakāh* is often administered as short-term relief rather than a strategic instrument for sustainable empowerment. This narrow approach limits its capacity to address structural poverty, particularly in Muslim minority settings like South Africa, where the need for self-reliance and dignity is profound.

This study focuses on how *zakāh*-funded education can serve as a pathway out of dependency for young Muslims in Cape Town. Drawing from the experiences of 30 *zakāh* -beneficiaries at the International Peace College South Africa (IPSA), it examines how financial support derived from *zakāh* affects students' intellectual growth, spiritual resilience, and socio-economic mobility during the years 2022, 2023, and 2024. Using a qualitative case study method framed by the notion of *maqāṣid al-sharīʿah* (the higher objectives of Islamic law), this research aims to determine how such aid fulfils the preservation of intellect (*ḥifẓ al-ʿaql*), life (*ḥifẓ al-nafs*), and dignity (*ḥifẓ al-ʿirḍ*).

The social context that frames this study underscores its significance. Many of the participants come from areas affected by gangsterism, high unemployment, and trauma-related stress (Pinnock, 2016; Moses & Seedat, 2014). For them, *zakāh*-funded education offers more than mere financial assistance. It provides a sense of stability, belonging, and renewed purpose, transforming recipients from passive beneficiaries into active contributors who can, in time,

become *zakāh* contributors themselves.

This approach is also motivated by the Qur'ān (49:13), wherein Allah states the purpose of human diversity as *li taʿārafū* (so that people may learn from one another). In line with this verse, this study situates *zakāh* within an ethical framework of solidarity and justice. It argues that when *zakāh* is linked to education, it transcends charity and functions as a robust, developmental mechanism for empowerment and social transformation.

1.1 Research Questions

1.1.1 What role does *zakāh* play in financially supporting underprivileged Muslim students in Cape Town?

1.1.2 How does *zakāh*-funded financial aid assist students in achieving educational and socio-economic upliftment?

2. Literature Review

The role of *zakāh* in addressing socio-economic challenges through education remains a neglected subject within South African Islamic scholarship. Existing literature largely focuses on institutional mechanisms and compliance, often overlooking the transformative experience of the recipient. To address this, the following review synthesizes three major strands of scholarly discussion relevant to this study: the conceptualization of *zakāh* models, its application for educational upliftment, and its contextualization within South Africa's socio-economic landscape.

2.1 Theoretical and Contemporary *Zakāh* Governance and Distribution Models

A growing body of literature positions *zakāh* not merely as an act of worship but as a formal economic and financial mechanism. This approach is evident in Muslim-majority countries like Malaysia and Indonesia, which have integrated *zakāh* within state structures as a fiscal tool for social security and welfare (Bayraktar & Sencal, 2022). This modern positioning advocates for a productive, rather than a consumptive approach to *zakāh*, framing it as a tool that provides long-term relief leading to financial independence, instead of short-term assistance (Lufti et.al., 2023). This paradigm is considered more efficient and sustainable, aiming to restore human dignity by helping recipients become self-sufficient contributors to

society (Utami et.al., 2021).

However, this strategic shift carries risks, notably that state control may lead to the prioritization of economically productive recipients over the most vulnerable (Bayraktar & Sencal, 2022). This concern necessitates a critical focus on the governance of modern *zakāh* institutions, as a lack of public confidence in transparency and fairness could lead to a decrease in compliance with *zakāh* payments (Tajuddin & Takril, 2023). Consequently, institutions are encouraged to demonstrate robust structures to build trust, which in turn leads to greater compliance and a more profound social impact (Malik et.al., 2024).

The scholarly discourse around *zakāh* confirms a global trend towards leveraging it as a productive, state-level financial mechanism aimed at long-term independence and poverty reduction. While studies highlight the benefits of modern governance, existing literature is predominantly rooted in Muslim-majority contexts where *zakāh* is state-managed. A significant gap exists in understanding how the principles of productive, transparent governance are applied or how their absence is experienced in Muslim-minority settings like South Africa, where *zakāh* institutions operate outside state oversight (Khan, 2011; SANZAF, 2022).

2.2 Zakah for Educational Empowerment in Islamic Scholarship

The contemporary application of *zakāh* for educational purposes is rooted in the objectives of Islamic law (*maqāṣid al-sharīʿah*) and the interpretation of the recipient category *fī sabīlillāh* (in the cause of Allah). Jurists such as Al-Qarafi (1994) and Al-Qaradawi (2011) have interpreted this category to include those engaged in learning and teaching for communal benefit, particularly students of religious knowledge. This aligns the financial support of students from disadvantaged backgrounds with the preservation of intellect (*ḥifẓ al-ʿaql*) and faith (*ḥifẓ al-dīn*), positioning it within the domain of fundamental necessities (*darūriyyāt*).

Scholarly consensus views education as one of the most effective ways to eliminate intergenerational poverty, making educational funding a strategic intervention that contributes to long-term societal wellbeing (Utami et.al., 2021). This perspective advocates for a model that moves beyond mere ritual fulfilment to one that

facilitates an eventual shift in identity, enabling recipients to become future knowledge and wealth contributors. This is an essential component of *zakāt's* ability to achieve justice (*'adl*) and equity (*musāwah*).

Islamic jurisprudence establishes a clear ethical and legal mandate for directing *zakāh* towards educational empowerment, linking it explicitly to the higher objectives of preserving intellect and faith. However, this mandate is generally framed at a macro-theoretical level, focusing on the legal permissibility or institutional necessity. The literature lacks empirical evidence detailing the real-world impact of *zakāh*-funded education, specifically, how this financial intervention translates into holistic intellectual, spiritual, and psycho-social transformation as experienced and articulated by the beneficiaries themselves.

2.3 The South African Context: Literature on *Zakāh* and Socio-Economic Disparities

Within South Africa, the literature on *zakāh* has historically focused on its role as an act of worship, the mechanisms and effectiveness of its redistribution through non-governmental organizations (NGOs), and the need for improved *zakāh* literacy among givers (Maya, 2022; Soudani, 2012). The potential of *zakāh* to alleviate poverty in the country is widely acknowledged within broader debates on faith-based interventions (Ahmed, 2004; Mohammed, 2023).

Despite the acknowledgement of *zakāh's* developmental potential, a recurring critique in the local context is that implementations remain "disbursement-oriented" and lack the long-term strategic vision required for structural transformation (Gabralla, 2009). Scholars have also considered the responsiveness of *zakāh* to humanitarian crises (Swandaru & Mohsin, 2022) and have highlighted the need for improved *zakāh* literacy (Pandie, 2024; SANZAF, 2025). These studies argue that local *zakāh* frameworks often operate with limited oversight and fragmented coordination, diluting their effectiveness in addressing deep-rooted inequality and marginalization (Khan, 2011; SANZAF, 2022). Furthermore, the existing literature is largely focused on the perspectives of the *muzakkīn* (givers) or the institutional mechanisms, with the lived experiences of recipients continuing to receive limited scholarly attention (Jabaar, 2022;

Mokgabudi, 2024).

Zakāh scholarship identifies as a core challenge the systemic failure to transition from short-term charity to long-term structural transformation, noting fragmented systems and a lack of data on poverty metrics (Gabralla, 2009). While this literature clearly pinpoints a need to re-engage the ethical and transformative roots of *zakāh*, it remains largely descriptive and policy focused. This study addresses the explicit contextual gap by providing the first empirical, qualitative data from the perspectives of *zakāh* recipients in Cape Town, testing the efficacy of existing educational *zakāh* models against the lived realities of socio-economic exclusion and the ethical imperatives of dignity (*karāmah*) and justice (*ʿadl*) (Jabaar, 2022).

3. *Maqāsid Al- Sharīʿah* Framework

The concept of *maqāṣid al-sharīʿah* is deeply rooted in the principles of intention (*qaṣd*) and purpose. The framework provides a way of understanding Islamic law that emphasizes not only its legal dimensions but also its ethical and functional purposes. At the heart of this framework lies the conviction that divine rulings are directed towards the protection and advancement of fundamental human interests. Early jurists such as Imām al-Ghazālī (d. 1111) and Imām al-Shāṭibī (d. 1388) outlined the central objectives of *al-sharīʿah* in terms of the preservation of essential goods (*al-ḍarūriyyāt*), namely faith (*dīn*), life (*nafs*), intellect (*ʿaql*), progeny (*nasl*), and wealth (*māl*) (al-Ghazālī, 1993; al-Shāṭibī, 1997). Later scholars extended these to include honor and dignity (*ʿirḍ*), thereby broadening the ethical and social reach of the framework.

Al Ghazali's contribution in *al Mustasfā* is also significant in this regard. It is in this body of work that he that explains that neglecting any of the five necessities, namely the protection of religion, life, intellect, lineage and property, undermines the purpose of divine law, while their protection supports justice, prosperity and stability in society (Kamali, 2012, pp. 17–18). The systematic treatment of the concept of *maqāṣid* by al-Shāṭibī in his book *al-Muwāfaqāt* represented a decisive moment in its theorisation. His insistence that the spirit of the *sharīʿah* is not found in rigid literalism but in the pursuit of benefit (*maṣlaḥah*) and the avoidance of *mafsadah* (harm)

established an enduring interpretative principle. This perspective opened the door for contextualist and reformist approaches, ensuring that Islamic law remains relevant to the needs of changing societies (Opwis, 2010; Laldin & Furqani, 2013).

Contemporary scholarship has further developed the legacy of *maqāṣid*. Kamali (2008, 2012) argues that this concept provides an indispensable lens for advancing human dignity, ensuring social justice, and safeguarding holistic welfare, especially in contexts where communities face poverty, marginalization, and inequality. Auda (2008, 2010) reconceptualises *maqāṣid* as a dynamic and systems-oriented paradigm, describing it as the "living spirit" of Islamic law. His approach highlights the capacity of *maqāṣid* to integrate legal reasoning with ethical vision, thereby ensuring that Islamic law remains both principled and responsive to human realities. Dusuki and Abdullah (2007) also demonstrate how *maqāṣid* may be applied to socio-economic challenges, particularly in aligning *zakāh* and other financial practices with principles of equity, social responsibility, and communal well-being.

In this study, the *maqāṣid* framework has been operationalized through a structured analytical matrix that directly connects classical objectives with the lived realities of za*kāh* beneficiaries. Each *maqṣad* (objective) was mapped onto thematic indicators that emerged from the participant interviews, with exemplar narratives assigned to specific beneficiaries. This process ensured that the analysis was conceptually grounded while remaining responsive to lived experiences.

Maqṣad (Objective)	Thematic Indicator	Beneficiary responses
Ḥifẓ al-Dīn (Protection of Faith)	Strengthened religious identity; resilience in practising Islam under poverty and youth pressures.	Beneficiary 1: "It is hard to keep strong in my faith when I am young and struggling with poverty. Sometimes I feel ashamed that I cannot afford even basic needs. This support reminded me that Allah has not forgotten me." Beneficiary 7:

		"When you grow up poor, it is easy to lose hope. Being able to study and still practise my religion gave me strength to hold onto my faith."
Ḥifẓ al-ʿAql (Protection of Intellect)	Access to quality education; ability to focus on learning despite hardship.	Beneficiary 2: "Without the bursary I would have dropped out. I wanted to use my mind and study. The stress of not having fees was breaking me." Beneficiary 8: "Education gave me a new way of thinking. Before, I only thought about surviving day to day. Now I can plan for the future."
Ḥifẓ al-Nafs (Protection of Life)	Food, health, transport, and psychological well-being.	Beneficiary 3: "There were days when I did not eat properly. It made it hard to learn. Having meals and transport covered gave me back my strength and peace of mind." Beneficiary 9: "I used to walk long distances because I had no taxi money. Now I travel safely and arrive ready to learn."
Ḥifẓ al-Nasl (Protection of Progeny)	Intergenerational upliftment; hope for family's future.	Beneficiary 4: "My success will change the story of my family. I do not want my younger siblings to suffer the same struggles I faced. I want them to go further than me." Beneficiary 10: "If I succeed, I know my children will not face the same hunger and struggles. This chance is not just for me, it is for them too."

Table 1: Operationalization of the *Maqāṣid al-Sharīʿah* through Beneficiary Narratives

Table 1 illustrates how each of the essential objectives of Islamic law *(maqāṣid al-sharīʿah)* was applied in this study. The thematic indicators highlight the dimensions of faith, intellect, life, progeny, wealth, and dignity, while quotations from beneficiaries demonstrate how *zakāh* support shaped their lived realities. The integration of these perspectives' grounds the theoretical framework in empirical data and shows the relevance of the *maqāṣid* approach in addressing socio-economic challenges in contemporary Cape Town.

The inclusion of this matrix demonstrates how classical objectives can be translated into practical research categories. In this context, *ḥifẓ al-dīn* was reflected in participants' accounts of enhanced religious identity and resilience nurtured by educational empowerment. *hifẓ al-ʿaql* was observed in increased access to education and development of cognitive skills. *Ḥifẓ al-nafs* emerged in testimonies about improved physical wellbeing, reduced financial stress, and greater psychosocial stability. *Ḥifẓ al-nasl* was visible in aspirations for intergenerational mobility and continuity of education. *Ḥifẓ al-māl* was connected to improved employability and income generation. Finally, *ḥifẓ al-ʿirḍ* was evident in experiences of self-worth, restored confidence, and strengthened social agency.

By situating *zakāh* within the paradigm of *maqāṣid*, this study ensures that its analysis moves beyond surface level accounts of distribution and engages critically with whether interventions are fulfilling their transformative potential. The framework functions simultaneously as a theoretical scaffold and an interpretive tool, guiding coding, theme development, and interpretation. It thereby demonstrates that the ethical underpinnings of Islamic law can serve as a rigorous analytical lens for social research. Furthermore, it aligns Islamic ethical principles with global discourses on justice, human rights, and sustainable development, rendering the research contextually appropriate for South Africa and globally relevant for evaluating the impact of *zakāh* as a tool of social transformation.

4. Methodology

This is a qualitative case study designed to conduct an in-depth investigation into the role of *zakāh* as a tool for educational empowerment and socio-economic transformation. This approach was selected for its strength in exploring a complex phenomenon

within its natural context, allowing for a rich, holistic understanding of the lived realities of *zakāh* beneficiaries. The "case" is defined as the cohort of students receiving *zakāh* funding at IPSA in Cape Town. The analysis is anchored in the *maqāṣid al-sharīʿah* theoretical framework. This framework was not only used as an interpretive lens but also to evaluate how educational support contributes to fulfilling the higher objectives of Islamic law.

4.1 Sample Size

From the population of current and alumni students receiving *zakāh* funding at IPSA, a sample of 30 participants was selected via non-probability random sampling. This approach was employed to ensure a representative and unbiased selection. Once selected, each student was notified about the voluntary nature of participation and the confidentiality protocols. This method was chosen to provide a broad cross-section of experiences, enhancing the credibility of the findings by minimizing potential researcher bias in the selection process.

4.2 Data Collection

Primary data were generated through in-depth, semi-structured interviews, with each session lasting approximately 45 to 60 minutes and conducted in English. The researcher captured the data by taking extensive notes during each conversation. This approach was selected for its capacity to provide thematic structure while allowing the flexibility to explore emergent lines of inquiry through open-ended questions. These questions were structured around key domains, including the participants' background, the impact of *zakāh* on their academic and personal lives, the challenges they faced, and their aspirations for the future.

4.3 Data Analysis

The data was subjected to a rigorous thematic analysis conducted by the lead researcher, following the six-phase procedural framework outlined by Braun and Clarke (2006). A hybrid inductive and deductive approach was employed. Inductively, themes were gleaned directly from the participants' accounts, ensuring the findings remained grounded in their experiences. Deductively, the core principles of *maqāsid al-sharī'ah* served as a theoretical framework to organize and interpret these emergent themes. The

lead researcher subsequently utilized a peer-debriefing process, wherein a colleague reviewed the thematic analysis to ensure interpretative coherence.

4.4 Participant Consent and Confidentiality

Ethical conduct was central to the research process. Before each interview, the study's purpose, procedures, and voluntary nature were explained to every participant. Verbal informed consent was subsequently obtained from each individual. Participants were also made aware of their right to withdraw from the study at any point without consequence. To protect participants' anonymity, all identifying information was removed from the research notes, and pseudonyms were assigned to each participant.

5. Analysis and Discussion

This section discusses the findings in relation to Cape Town's socio-economic realities and the framework of the *maqāṣid al-sharīʿah*. It shows how *zakāh* bursaries intersect with poverty, inequality, and educational exclusion, and how they contribute to dignity, justice, and empowerment.

The analysis begins with the socio-economic challenges shaping young people's lives in Cape Town. It then considers *zakāh* as both a legal duty and a tool of social transformation, drawing on beneficiary narratives.

5.1 Cape Town Landscape of Socio-Economic Issues

Findings from this study reveal that 24 out of 30 beneficiaries (80%) explicitly connected their lived experiences to the structural socio-economic challenges that shape life in Cape Town. Poverty, unemployment, violence, and educational exclusion emerged as recurring themes in their narratives. Beneficiary (1) explained that "where I live, shootings happen almost every night. Even walking to class is a risk. Without bursary support, I would be stuck in that cycle." Beneficiary (9) similarly highlighted the pervasiveness of crime and instability, noting that "there are no safe spaces in my community. Schools are over-crowded, drugs are everywhere. Studying gave me another world to live in." Their testimonies demonstrate the extent to which violence and inequality disrupt opportunities for young people, and how education functions as a

buffer against these risks.

Beneficiaries also highlighted the intergenerational nature of poverty. Beneficiary (7) stated, "we grew up knowing poverty as normal. My parents told me to work after matric because university was impossible. *Zakāh* changed that story." Beneficiary (19) added that he had seen many peers join gangs in the absence of opportunities, observing, "I watched friends join gangs because there was nothing else. Education gave me a reason to say no." These reflections show that *zakāh*-funded education operates not only as financial support but also as a method that disrupts inherited cycles of deprivation and exclusion.

These lived realities resonate with the notion of *maqāṣid al-sharīʿah*, which establishes the protection of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), dignity *(ḥifẓ al-ʿirḍ*), and religion (*ḥifẓ al-dīn*) as core objectives. In a context where poverty and violence threaten life and dignity, education emerges as a means of preserving both. In households where access to schooling may have been previously unattainable, the opportunity to study represents the fulfilment of *ḥifẓ al-ʿaql*. Narratives such as those of Beneficiaries (7) and (19) illustrate how *zakāh*-based interventions restore these objectives by providing safety, dignity, and the possibility of a different future.

The findings also support an understanding of education as empowerment. For the majority of participants, studying was not experienced as a narrow act of acquiring qualifications but as a broader form of self-assertion, security, and hope. Access to higher education allowed them to resist immediate pressures to leave school for low-paying work, avoid the dangers of crime, and claim dignity within their families and communities. Beneficiary (7)'s claim that education changed the story of his family exemplifies this sense of empowerment, where access to education becomes a tool to challenge structural inequalities.

This study is framed within a critical transformative paradigm that draws attention to structural injustice and centres the voices of those who experience it. The beneficiaries' narratives show not only the depth of exclusion in Cape Town but also how interventions rooted in *zakāh* challenge those structures by enabling social mobility and reclaiming human dignity. Their accounts highlight education as an

ethical responsibility that aligns with social justice, offering a pathway to transform entrenched patterns of marginalization in one of South Africa's most unequal cities.

5.2 *Zakāh*

The findings indicate that *zakāh* was widely perceived by beneficiaries as a source of dignity and empowerment. 26 out of 30 participants (87%) emphasized that it did not feel like charity but rather a recognition of their worth and potential. Beneficiary (3) reflected, "It was not charity. It felt like a right. They trusted me with it, and that trust gave me responsibility." Beneficiary (11) explained, "I never saw it as a handout. It was an investment in me, and I wanted to prove worthy of it." These voices suggest that *zakāh*, when directed towards education, reshaped self-perceptions and provided a sense of responsibility and belonging. Such experiences resonate with al-Qaradāwī's (1999) view that *zakāh* is not a favor from the wealthy but a divinely mandated right of the poor.

15 participants (50%) also highlighted limitations in the way *zakāh* was administered. While bursaries ensured access to study, they often did not extend to basic needs such as food, transport, or mentorship. Beneficiary (8) stated, "It paid for my fees, but it did not feed me or get me safely to campus." Beneficiary (22) added, "There is little planning for the long-term. Once you graduate, you are on your own, even if you still struggle." These reflections point to a disjuncture between the theological and ethical intent of *zakāh* and its partial implementation in practice. This concern is echoed by Gabralla (2009), who critiques contemporary *zakāh* practice for being overly transactional and insufficiently transformative, and by Khan (2011), who emphasizes that fragmented institutional frameworks dilute *zakāh's* potential as a structural tool for justice.

The testimonies correspond closely with the objectives of *maqāṣid al-sharīʿah*. The support safeguarded intellect (*ḥifẓ al-ʿaql*) by enabling academic pursuit, preserved dignity (*ḥifẓ al-ʿirḍ*) by affirming individual worth, and protected life (*ḥifẓ al-nafs*) by stabilizing conditions in environments of poverty and violence. The Qur'ānic principle that wealth should not circulate only among the wealthy (Qur'ān 59:7) found concrete expression in this redistribution. Beneficiaries described *zakāh* as justice rather than

pity, reflecting its capacity to function as an instrument of equity. This echoes Chapra's (2000) argument that *zakāh* is central to Islam's economic ethos, which is grounded in distributive justice and human dignity.

The conceptual framework of this study situates education as empowerment, and the voices of beneficiaries reinforce this understanding. Chapra's (2000) study was described not only as an academic advancement but also as an affirmation of agency and identity. Beneficiary (16) observed, "Someone paying for me to learn Islam reminded me that my community believes knowledge is worth everything." This aligns with al-Qarāfī's (1994) position, later expanded by al-Qaradāwī (1999), that the category of *fī sabīlillāh* includes support for learners and teachers of knowledge for the public good. In this sense, *zakāh* is both a means of preserving intellect and a vehicle for sustaining faith (*ḥifẓ al-dīn*).

Framed within a critical transformative paradigm, the findings underscore *zakāh's* potential to operate as a tool of social justice. Beneficiaries located in communities marked by exclusion experienced it as a mechanism of dignity, agency, and inclusion. Yet their concerns about the absence of holistic support reveal the need to realign practice with the ethical intent of *zakāh*. (Abdul-Jabaar, 2022) argues that *zakāh* must be reconceptualized through a justice lens that restores *karāmah* (dignity) and agency, shifting from a vertical transfer of wealth to a participatory mechanism of equity. When implemented in ways that address structural inequality and sustainability, *zakāh* becomes not only a ritual obligation but also a transformative resource capable of advancing justice and equity in unequal contexts.

5.3 Thematic Analysis

A thematic analysis was conducted to identify recurring patterns in participants' narratives while remaining firmly grounded in their lived experiences. Braun and Clarke's (2006) six-phase framework guided the systematic process of familiarization, coding, theme development, and interpretation, ensuring methodological and analytical depth. Qualitative research of this kind values trustworthiness, authenticity, and participant voices in meaning-making.

Themes were generated both inductively from the data and deductively through the conceptual lens of *maqāṣid al-sharīʿah*. As al-Shāṭibī (1997) and Auda (2008) argue, these objectives focus on the preservation of essential human needs and the advancement of justice, equity, and dignity. This dual approach allowed the researcher to capture participant realities while situating them within a normative Islamic framework.

The analysis revealed that *zakāh* was not only a financial mechanism but also a multidimensional intervention that influenced life trajectories. Participants described how it created pathways out of poverty, disrupted intergenerational cycles of exclusion, and fostered aspirations to reinvest in their communities. Such outcomes align with Chapra's (2000) view of *zakāh* as a divinely mandated instrument of empowerment and social solidarity.

Percentages were used to reflect the prevalence of key experiences across the 30 interviews. More than 90% of participants linked *zakāh* directly to their ability to pursue higher education, while over three-quarters spoke of its role in affirming dignity and self-worth. This participant-centred analysis reflects an interpretive paradigm that privileges lived experience and ethical imperatives embedded within Islamic thought (Kamali, 2012).

Theme	Description	% of Participants (n=30)	Beneficiary Quotation	Linked *Maqāṣid* Objective
Access to Education as Preservation of Intellect	*Zakāh* enabled participants to pursue higher education which would have been inaccessible otherwise.	87%	"Without the bursary, I would never have studied. It gave me a chance to think and grow." (Beneficiary 7)	*Ḥifẓ al-ʿaql* (preservation of intellect)
Transformation of Mentality:	Students shifted from	83%	"Someone believed I was	*Ḥifẓ al-nafs* (preservation

From Helplessness to Agency	internalized poverty to dignity and self-worth.		worth investing in. That changed how I saw myself." (Beneficiary 12)	of life), *ḥifẓ al-ʿird* (preservation of dignity)
Strengthening of Faith and Values	Engagement in Islamic studies deepened identity and religious commitment.	80%	"Before IPSA, I didn't know what Islam really meant in my life. Now it guides my decisions." (Beneficiary 3)	*Ḥifẓ al-dīn* (preservation of faith)
Aspiration to Become Zakāh Givers	Beneficiaries expressed the desire to give *zakāh* in the future, continuing the cycle.	73%	"I want to be the one giving *zakāh*, not taking it." (Beneficiary 18)	*Ḥifẓ al-māl* (preservation of wealth)
Disrupting Intergenerational Poverty	Access to education inspired siblings and communities, breaking cycles of exclusion.	77%	"Nobody in my family studied. Now my younger brother also wants to go to college." (Beneficiary 21)	*Maṣlaḥah* (public good), justice and equity
***Zakāh* as a Lifeline**	*Zakāh* support saved students from hunger, despair, and street risks.	60%	"There were nights I had nothing to eat. This bursary gave me a future." (Beneficiary 9)	*Ḥifẓ al-nafs* (preservation of life)

Table 2: Themes Emerging from Beneficiaries' Narratives on the Impact of *Zakāh*-Funded Education

It is important to note that the percentages present in Table 2 reflect the proportion of participants (N = 30) who raised each theme. Furthermore, the beneficiary quotations illustrate lived experiences, while the themes are linked to the objectives of *maqāṣid al-sharīʿah*.

5.3.1 Access to Education as a Manifestation of *Hifẓ al-ʿAql*

93% of participants affirmed that *zakāh* was the decisive factor enabling them to pursue tertiary education. Without such support, higher education in Islamic studies would have been financially out of reach. As Beneficiary 7 noted, "If it was not for zakāh, I would never have seen the inside of a university classroom. It opened a door that my family could not have opened." This illustrates the *maqāṣid* principle of *ḥifẓ al-ʿaql*, which views the nurturing of knowledge as both a sacred trust and a social obligation.

Participants consistently connected their educational opportunities to protection from harmful environments. Beneficiary (19) remarked, "Studying saved me from the streets. Without IPSA I would probably be with the wrong crowd, maybe even in a gang." Such accounts highlight that *zakāh* is not only a financial tool but a preventive mechanism that redirects individuals away from social decay and toward constructive intellectual growth. This aligns with al-Ghazālī's statement that "the intellect is the basis of legal responsibility; without it, obligations are meaningless" (*al-Mustaṣfā*, v.1, p. 70).

From a paradigmatic perspective, this theme is grounded in *maqāṣid al-sharīʿah*, which emphasizes the preservation of intellect as one of the five higher objectives of Islamic law. Education is, therefore, not incidental but central to fulfilling divine imperatives.

Within the conceptual framework, *zakāh* was understood as a redistributive system that advances social justice by equalizing access to knowledge. By enabling disadvantaged students to pursue higher education, it disrupted cycles of exclusion and created pathways for mobility. As Beneficiary (1) explained, "In my area, nobody studies. When I got the chance to, it gave my siblings hope too."

The theoretical framework, informed by both classical and contemporary scholarship, underscores that *maqāṣid al-sharīʿah* is justice-oriented and people-centered (Auda, 2008; Kamali, 2012).

The narratives show how *zakāh* operationalizes this framework: it safeguarded the intellectual capacity of students, affirmed their dignity and allowed them to participate meaningfully in society. Thus, access to education through *zakāh* emerges not merely as charity but as a structured fulfilment of the higher objective of *ḥifẓ al-ʿaql*. In doing so, it transforms the lives of individuals and their communities, while also affirming the ethical and justice-oriented ethos of Islamic law.

5.3.2 Transformation of Mentality: From Helplessness to Agency

A total of 87% of participants described experiencing a profound shift in their mentality after receiving *zakāh* bursaries, which allowed them to move from a sense of helplessness and marginalization to renewed dignity and agency. Beneficiary (12) explained, "Before, I felt worthless, like I had nothing to give. Someone believing in me enough to fund my studies made me believe I was capable." Beneficiary (5) echoed this, stating, "*Zakāh* was not only about money; it told me that I mattered and that I had potential."

This transformation was not limited to individual confidence but extended to aspirations for leadership and social contribution. Beneficiary (9) reflected, "I was raised to think we are poor and will always stay that way. Now I see myself as someone who can lead and inspire others." Similarly, Beneficiary (17) shared, "I stopped thinking of myself as a victim and started thinking about how I could contribute to others. It gave me back control over my life."

The findings align with two of the *maqāṣid al-sharīʿah* principles, namely *ḥifẓ al-nafs* and *ḥifẓ al-ʿird*. *Zakāh* acted as both financial relief and psychological empowerment, affirming participants' humanity while restoring their sense of worth. As Auda (2008) argues, the *maqāṣid al-sharīʿah* framework seeks to remove barriers that suppress human flourishing, while Chapra (2000) highlights that Islamic economic principles are designed to secure both material wellbeing and moral elevation. These accounts also reflect Quṭb's (2000) notion that faith liberates individuals from structural servitude and situates them within a framework of divine dignity.

In this way, *zakāh* was not received as a passive handout by participants, but as a transformative intervention that rebuilt

confidence, cultivated resilience, and restored the ability to imagine a purposeful future. In doing so, it fulfilled key objectives of Islamic law and contributed to broader processes of social justice.

5.3.3 Inculcation of Values and Strengthening of *Dīn* (faith)

A total of 80% of participants highlighted that their studies, supported by *zakāh*, deepened their connection to Islam and strengthened their religious identity. Many described the environment of Islamic learning as one that not only offered academic growth but also cultivated discipline, spirituality and moral awareness. Beneficiary (3) explained, "Before IPSA, Islam was just culture for me. Now I understand it as a way of life that guides every decision." Similarly, Beneficiary (15) shared, "Being in an environment of Qur'ān and *ṣalāh* every day shaped my character and gave me purpose."

The inculcation of values and strengthening of *dīn* (faith) as a recurring theme among the participants also reflects that *zakāh* when invested into Islamic education has the ability not only to be a tool that addresses socio-economic issues but that preserves and strengthens dīn. Participants noted that daily engagement with Islamic texts, structured prayer, and supportive peers nurtured their sense of belonging and spiritual resilience. Beneficiary (21) remarked, "Studying here saved my faith. I was on the edge of losing it, but now I feel grounded and strong."

The findings show that *zakāh* not only removed financial barriers but created conditions for spiritual growth. Education became a means of internalizing values and embedding Islamic ethics into everyday life. As al-Shāṭibī (1997) emphasizes in his book *al-Muwāfaqāt*, religion is the foundation upon which all other objectives rest, making its preservation essential. This aligns with Auda's (2008) view that the *maqāṣid al-sharīʿah* framework is holistic, aiming not just at material justice but also at moral and spiritual well-being.

By enabling students to study in an environment steeped in Islamic practice, *zakāh* strengthened identity and resilience against secular and social pressures. It fostered graduates who see themselves not only as professionals but as faith-driven contributors to their communities. As Beneficiary (11) expressed, "I don't just want a job. I want to serve with my *dīn* intact, because that is what will

guide my choices and give meaning to my work."

In this way, *zakāh* fulfilled a dual role, facilitating access to higher education while simultaneously preserving and strengthening religious values. This outcome demonstrates how protecting faith as an objective of the *sharīʿah* is realized through material support that enables moral and spiritual transformation.

5.3.4 Aspiration and Becoming *Zakāh* Givers

Among the participants, 73% expressed a strong aspiration to transition from being *zakāh* recipients to future contributors. Rather than remaining dependent, they envisioned themselves as active givers who would sustain the same system that had once supported them. Beneficiary (12) stated, "I want to be in a position where I'm the one giving *zakāh*, not taking it. That will be my way of giving back." Similarly, Beneficiary (8) shared, "The bursary gave me dignity and education. One day, I want to give the same chance to others."

This theme directly reflects the *maqāṣid al-sharīʿah*, principle of *ḥifẓ al-māl* and embodies the cyclical logic of *zakāh*, where recipients are empowered to eventually become contributors themselves. The findings also reveal the broader societal impact of this aspiration. Alumni, who comprise 50% of the study sample, are now engaged in diverse professional sectors. Among them, 15% serve on masjid committees, 10% are imams, and the remainder are involved in initiatives such as feeding schemes, anti-drug campaigns, youth mentorship, and community upliftment projects. Others contribute as teachers, lawyers, academics, court translators, doctors and biochemists, many of whom collaborate with non-profit organizations.

Beneficiary (5) explained, "We don't want to just survive on *zakāh*. We want to grow and reach a point where our earnings benefit the next generation of students." This sentiment resonates with Ibn Khaldūn's (1967, p.190) assertion that "the strength of the state depends on the strength of its people." By nurturing empowered graduates who reinvest in society, *zakāh* fulfils its transformative role beyond immediate relief and fosters sustainable cycles of empowerment.

The aspiration to become givers also demonstrates how *zakāh*, when

guided by the objectives of *maqāṣid al-sharīʿah*, disrupts cycles of dependency and cultivates agency, dignity and intergenerational solidarity. It repositions beneficiaries not as passive recipients of charity but as future leaders and contributors to both their faith communities and wider society.

5.3.5 Social Justice, Equity, and Disrupting Intergenerational Poverty

77% of participants recognized that access to *zakāh*-funded education disrupted inherited cycles of poverty and marginalization. Beneficiary (9) explained, "I come from a place where nobody studies. Getting into IPSA gave my siblings hope too." Similarly, Beneficiary (14) stated, "When one of us succeeds, it changes the way the whole family thinks about what is possible." These accounts illustrate how individual empowerment reverberates across households and communities, creating ripples of aspiration and opportunity.

The transformative potential of *zakāh* aligns with the *maqāṣid al-sharīʿah* emphasis on justice, equity, and dignity. As Auda (2008) highlights, the *maqāṣid* principles are inherently justice-oriented, rejecting stagnation and insisting on serving the public good (*maṣlaḥah*). In a context such as Cape Town, where poverty, violence, and exclusion intersect, *zakāh* assumes the role of an instrument of intergenerational justice, challenging structural inequality and seeding pathways for long-term change.

Beneficiary (19) reinforced this by noting, "Studying gave me a way out, but more than that, it showed my younger cousins that education is possible for us. They now want to follow the same path." Such testimonies reveal how *zakāh* does not merely alleviate immediate hardship but contributes to social reordering by dismantling entrenched barriers and promoting equity.

This theme reflects the overarching paradigm of *maqāṣid al-sharīʿah*, which situates justice and dignity at the heart of social transformation. By enabling educational access and social mobility, *zakāh* becomes a practical expression of *ḥifẓ al-ʿaql* and *ḥifẓ al-ʿird*, safeguarding not only individuals but also the integrity of families and communities across generations.

5.3.6 Saving Lives Through Meaningful Choices

For 60% of the participants, *zakāh* support was highlighted as both a literal and symbolic lifeline. Participants emphasized how the bursary sustained them through periods of food insecurity, unstable housing, and emotional strain. Beneficiary (3) noted, "There were nights I had nothing to eat. This bursary gave me a future." Similarly, Beneficiary (12) stressed, "If not for the support, I would have dropped out. It kept me alive, not just in body but in spirit."

Such narratives directly point to the *maqāṣid al-sharīʿah*, principle of *ḥifẓ al-nafs*. According to al-Rāzī's discussion of *ḥifẓ al-nafs* in his *tafsīr*, modern scholars have inferred that any system of law failing to protect life and dignity cannot be regarded as truly divine (Kamali, 2025). Within this interpretive lens, *zakāh* should not be understood solely as material relief, but as a multidimensional safeguard that redirects lives from despair towards resilience and contribution. Beneficiary (27) highlighted, "I was saved from depression and hopelessness. With the bursary, I found a reason to keep going."

This finding also connects with broader South African realities. Statistics South Africa (2022) reports that more than half of South Africans live below the upper-bound poverty line, with food insecurity disproportionately affecting Black and Coloured communities in Cape Town. In such contexts, *zakāh* addresses not only educational exclusion but also basic survival. It thus disrupts vulnerabilities that threaten both life and dignity (Seekings, 2021).

Through the lens of *maqāṣid al-sharīʿah*, the preservation of life extends beyond physical survival to include psychological stability, dignity, and hope. By meeting immediate needs while sustaining long-term educational goals, *zakāh* fulfilled its role as an instrument of holistic preservation and justice.

5.4 Challenges Faced by *Zakāh* Students

While *zakāh* proved instrumental in facilitating access to higher Islamic education, particularly within contexts of socio-economic exclusion, access alone did not guarantee ease of integration or sustainability. Many participants highlighted persistent challenges that shaped their learning journeys. These challenges reveal the

complex interplay between *ḥifẓ al-ʿaql*, *ḥifẓ al-nafs,* and *ḥifẓ al-ʿird*.

5.4.1 Food Insecurity and Transport Deprivation

A total of 73% of participants reported food insecurity and difficulties with transport. Beneficiary (11) explained, "I often sat in lectures without eating the whole day. The bursary paid my fees but could not fill my stomach." Beneficiary (18) added, "Sometimes I missed classes because I had no taxi fare, even though my fees were covered."

Such struggles compromised both physical and intellectual performance. Hunger and fatigue undermined concentration and learning, thereby weakening *ḥifẓ al-ʿaql*. From a *maqāṣid* perspective, true preservation of intellect cannot be separated from bodily well-being. As Kamali (2008) notes, the higher objectives of the law are integrative, requiring protection of the human person in both material and moral terms.

5.4.2 Invisible Exclusion and Educational Dignity

65% of participants reported lacking essential study tools such as laptops, textbooks, or mobile data packages. Many concealed these needs due to shame. Beneficiary (4) shared, "I took pictures of my friend's textbook to keep up, because I could not afford my own." Beneficiary (9) reflected, "I felt embarrassed to say I had no laptop. So, I stayed quiet and fell behind."

This invisible exclusion compromised students' dignity, directly undermining *ḥifẓ al-ʿird*. Although physically present in classrooms, they were unable to fully participate. This aligns with Auda's (2008) argument that justice within the *maqāṣid* framework demands not only access but equity. To deny dignity in the learning process is to reduce *zakāh* to a transactional act, rather than a comprehensive system of upliftment.

5.4.3 Strained Perseverance and Moral Exhaustion

48% of participants admitted to moments of moral exhaustion where they contemplated abandoning their studies. Beneficiary (25) stated, "I thought about quitting to find work, but then I reminded myself why I started." Similarly, Beneficiary (16) noted, "I was carrying too much. Some days, I prayed just for strength to continue."

These struggles highlight the fragility of *ḥifẓ al-nafs*. While

resilience was evident, it came at a significant emotional and psychological cost. Al-Shāṭibī (1997) explains that the *maqāṣid al-sharīʿah* principles are not fulfilled if human wellbeing is compromised, for the law seeks to preserve both survival and flourishing. Thus, *zakāh* must provide structures that sustain perseverance without moral exhaustion, ensuring that learning is both possible and dignified.

5.4.4 Gaps in Holistic Educational Support

57% of participants indicated that while tuition was covered, but more intangible forms of support were absent. Beneficiary (7) reflected, "The bursary helped me get in, but surviving the semester was another struggle." Beneficiary (21) added, "There was no one to turn to when I was stressed. We needed guidance, not just money."

Lack of mentorship, counselling, and access to resources limited the transformative potential of *zakāh*. Educational equity, particularly under *ḥifẓ al-ʿaql* and *ḥifẓ al-nafs*, requires more than covering fees; it demands an ecosystem of support. Chapra (2000) stresses that sustainable development in Muslim societies rests on integrating material, intellectual, and moral well-being. Without such integration, *zakāh* risks fulfilling only the legal minimum rather than the higher objectives of the law.

5.5 Discussion

The challenges identified across food insecurity, hidden exclusion, perseverance, and lack of holistic support demonstrate that access to education is insufficient. From a *maqāṣid al-sharīʿah* perspective, *ḥifẓ al-ʿaql* is inseparable from *ḥifẓ al-nafs* and *ḥifẓ al-ʿird*. As Auda (2008) and Kamali (2008) argue, the objectives of Islamic law are justice-oriented and demand that interventions address both material survival and moral dignity. Sustainable educational empowerment must therefore be conceived holistically, ensuring that *zakāh*-funded opportunities support not only access to education but also long-term resilience, wellbeing and social equity.

5.5.1 Adopt-a-Student Initiative

One of the key structural recommendations arising from this research is the introduction of an "Adopt-a-Student" program. Under this model, private individuals, professional bodies, and faith-based organizations would be matched with *zakāh*-funded students on a

semi-personalized basis. These patrons would not only contribute financially but would also offer mentorship, career guidance, and emotional support. This initiative aligns with the prophetic tradition of holistic *tarbīyah* (intellectual and spiritual development) and would allow students to feel seen, supported, and accountable. The Prophet (peace and blessings be upon him) said, "The best of people are those most beneficial to others" (al-Muʿjam al-Awsaṭ, 5787).

By developing direct relationships between benefactors and students, *zakāh* agencies could foster a culture of mutual trust and intergenerational solidarity. More importantly, this model humanizes the act of giving, restoring *karāmah* (dignity) to the recipient and transforming the giver into an invested partner in human development.

5.5.2 Structured Job Shadowing and Vocational Exposure

To ensure that educational empowerment translates into meaningful economic integration, *zakāh* bursary institutions should create a structured job shadowing pathway for beneficiaries. These placements would occur during term breaks or academic off-seasons and would be tailored to the student's field of interest—be it law, education, media, community work, or religious leadership. This corresponds directly with *ḥifẓ al-māl* and *ḥifẓ al-nafs*, as it prepares recipients to participate meaningfully in the economy, thereby reducing the likelihood of unemployment, economic marginalization, and related social vulnerabilities.

Furthermore, these opportunities promote social mobility and confidence, especially for first-generation students navigating professional spaces. As the Qur'ān reminds us, "Say: Are those who know equal to those who do not know?" (Qur'ān 39:9). Exposure to knowledge and its application are part of cultivating the next generation of *zakāh* benefactors and social reformers.

5.6 Provision of Educational Tools and Resources

5.6.1 Operationalizing *Ḥifẓ al-ʿaql* in Educational *Zakāh* Disbursement

In light of the lived realities documented in this study, where students reported challenges such as food insecurity, transport limitations, and lack of access to laptops and essential learning

materials, it becomes evident that *zakāh* disbursement towards tuition alone is insufficient. These structural deficits, if left unaddressed, compromise the very aim of *ḥifẓ al-ʿaql* that underpins educational investment in Islamic jurisprudence. A reimagined framework that provides a more holistic ecosystem of support is therefore necessary. It is within this context that this study proposes the establishment of a *Zakāh* Academic Support and Resource Hub.

The proposed hub would operate as an auxiliary center within institutions that offer Islamic studies in order to offer *zakāh*-funded students a range of academic, material, and psychosocial resources. At its core, the hub reflects a practical interpretation of *zakāh* as *taʿāwun ʿalā al-birr wa al-taqwā* (cooperation in goodness and piety) as stated in the Qur'ān (5:2) and seeks to uphold *maṣlaḥah* while mitigating *mafsadah* through concrete intervention.

Functionally, the hub would house key services such as:

- **A digital equity program**, offering students laptops, mobile data packages, and access to printers, ensuring parity in a digitized academic environment.

- **A subsidized textbook and stationery bank**, allowing students to borrow or acquire essential materials without the burden of cost.

- **Daily or weekly meal vouchers** targeting food-insecure students, particularly those who report having no breakfast or dinner at home, a concern expressed by more than 40% of participants in this study.

- **Transport assistance schemes**, including monthly stipends or partnerships with rideshare and public transport systems, designed to reduce issues of absenteeism due to travel costs.

- **Mental health and counselling services**, structured according to an Islamic framework, offering workshops on stress management, trauma recovery, and academic resilience.

- **Peer tutoring and writing centers**, staffed by trained alumni or senior students, aimed at bridging academic gaps and promoting peer solidarity.

Each of these offerings corresponds directly with *maqāṣid*-based obligations and addresses *ḥifẓ al-ʿaql* by facilitating knowledge

acquisition; the food and mental health services preserve *ḥifẓ al-nafs*; and the counselling component contributes to *ḥifẓ al-ʿirḍ*, ensuring students are not ashamed or made to feel inferior due to their socio-economic standing.

Furthermore, the hub should have an integrated monitoring and evaluation framework. Regular needs assessments, feedback loops, and performance tracking would ensure that the support remains relevant, responsive, and effective. It is not sufficient for institutions to rely on informal charity or sporadic staff goodwill; this support must be systematic, professionalized, and anchored in Islamic ethical commitments.

Importantly, the hub should not be viewed as a charitable afterthought but as a core investment in the *zakāh* recipient's *istiqāmah* (stability) and *ṭalab al-ʿilm* (pursuit of knowledge). The Prophet said, "Whoever takes a path upon which he seeks knowledge, Allah makes the path to Paradise easy for him" (Ṣaḥīḥ Muslim, 2699). Thus, any roadblock to accessing that path, whether digital, nutritional, financial, or psychological becomes a failure of the wider community to fulfil its *farḍ kifāyah* (collective obligation).

This speaks directly to *ḥifẓ al-ʿaql* as the preservation of intellect must include the means by which intellectual activity can be pursued. The Prophet said, "When Allah wishes good for someone, He grants them understanding of the religion" (Ṣaḥīḥ al-Bukhārī, 71; Muslim, 1037). That understanding must be supported materially, not merely spiritually. Denying a student access to study materials undercuts the very goal of *zakāh* intervention.

5.6.2 Integrated Mentorship and Moral Support Framework

In addition to financial and academic support, students, especially those from marginalized backgrounds, require structured psychosocial mentorship. Feelings of alienation, imposter syndrome, and moral conflict in balancing spiritual values with educational pressures were frequently mentioned in the study. To address this, bursary structures should incorporate regular sessions facilitated by alumni, professionals, and chaplains who can offer pastoral care and moral guidance.

These measures respond to the higher aims of *ḥifẓ al-nafs* and *ḥifẓ*

al-dīn, recognizing that intellectual development without spiritual or emotional grounding is incomplete. Islamic educational institutions should not only aim to produce technically qualified graduates but also spiritually oriented ones.

6. Limitations and Future Research

This study employed a qualitative case study design focused exclusively on 30 students from a single institution (IPSA) in Cape Town. This provided rich, contextual insight into beneficiaries' lived experiences. It also successfully grounded the findings in the *maqāṣid al-sharīʿah* framework. However, it presents limitations regarding transferability and the generalizability of the findings to the broader South African Muslim community. The data relied on self-reporting and may be subject to selection bias, as participants were recruited from a single institutional context.

In light of these limitations, future research should include institutional comparative studies to include *zakāh*-funded students across multiple, geographically diverse educational institutions to test the transferability of the proposed holistic support model in varied minority contexts. Moreover, future research could analyze funding models to assess sustainability and efficacy and explore the mechanisms and impact of dedicated private funding models in educational upliftment compared to *zakāh*-based funding. Specifically, more research is needed to determine how effective private funding is on its own, and whether a direct comparison can be made to *zakāh* funding in terms of holistic student support. Ultimately, an investigation into how *zakāh* and private funding can be strategically combined to maximize impact and reach across different institutions is warranted.

7. Conclusion

This study has shown that *zakāh*, when guided by the higher objectives of Islamic law and applied in a context-sensitive manner, can serve as a powerful tool for educational empowerment and social transformation. Through the voices of 30 *zakāh*-funded students and alumni in Cape Town, it is clear that access to Islamic higher education enabled by *zakāh* not only preserved intellect and faith but also instilled dignity and a sense of agency. Participants described

how the opportunity to study gave them hope, kept them away from destructive environments, and positioned them to contribute meaningfully to their communities.

However, the findings also reveal that access to tuition alone is not enough. Many students reported facing material hardship, hunger, poor access to transport, and emotional strain, which affected their academic progress and well-being. These challenges point to a need for *zakāh* models that go beyond financial disbursement and address the broader realities of student life. Without this, the preservation of intellect and life, as envisioned in the *maqāṣid* framework, remains incomplete.

To respond to these gaps, *zakāh* institutions should adopt a more comprehensive approach that includes mentorship, academic resources, food support, and mental health services. This is not only an administrative concern but a moral one rooted in the Islamic values of justice, dignity, and care for the vulnerable. When *zakāh* is implemented with this vision, it moves beyond charity. It becomes a means of nurturing individuals who are not only beneficiaries but also future leaders, educators, and agents of change. In the South African context of inequality and exclusion, this transformative potential is both urgent and necessary.

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Exploring Unnatural Death Incidents among Muslims in the West-Metropole of Cape Town: A *Maqāṣid Al-Sharīʿah*-Based Retrospective Study

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Abstract

This study explores patterns of unnatural fatalities among Muslims in the West Metropole of Cape Town, South Africa, in 2019. Analysis of 4,205 autopsy reports, focusing on 313 Muslim deaths of which 241 were classified as unnatural, provides insight into an under-researched field. Using a qualitative *maqāṣid al-sharīʿah* (objectives of Islamic law) framework, the study examines gender distribution, age profiles, manners of death, and selected self-inflicted deaths. Key findings highlight distinctive demographic and circumstantial trends, with no significant difference between males and females in mechanisms of self-harm. The analysis integrates basic descriptive statistics with contextual interpretation of medico-legal case records and community realities. The prevalence of unnatural deaths underscores the need for further research to identify long-term patterns and underlying causes. The study also stresses the importance of documenting religious affiliation in medico-legal records and recommends adopting a *maqāṣid al-sharīʿah* perspective when formulating future community-based and policy responses to unnatural deaths within the Muslim population.

Keywords: autopsy reports, Cape Town, causes, *maqāṣid al-sharīʿah*, Muslims, unnatural death.

1. Introduction

When a disease is the cause of death, this is considered natural, whereas accidents, adverse healthcare events, suicides, and homicides are considered unnatural. Unnatural deaths are largely preventable and may affect young individuals, resulting in a significant loss of potential life. This study discusses unnatural deaths in Africa and specifically focuses on unnatural deaths in South Africa. The focus then turns to incidents of unnatural deaths in four countries with Muslim-majority populations, where accidents and homicides were the leading causes of death, with males outnumbering females.

The objectives, problem statement, and limitations of the study are explored in the following.

1.1 Islam's Sanctity of Life

Islam emphasises the sanctity of life and ranks the protection and preservation of life second only to the preservation and protection of religion. Many times, throughout the Qurʾān and in the *ḥadīth* of the Prophet Muhammad (peace be upon him), the sacredness of life is mentioned and highlighted. Allah asserts that life and death are His sole prerogatives and that life cannot be taken without His permission.

1) "No soul can die without Allah's consent." (Qurʾān 3:145)

2) "And it is impossible to die unless with Allah's permission and according to His decree." (Qurʾān 3:145)

In the Qurʾān, the sanctity of life and the gravity of the sin of taking a life, whether one's own or another's, are emphasised.

(1) "Do not take life, which Allah has made sacred, unless in accordance with justice." (Qurʾān 6:151)

1.2 Offences in Islam

The psychological characteristics of drug users and their surrounding communities, the economy, and even the safety and well-being of people and nations are negatively impacted by drug abuse. In many cases, drug abuse has a negative impact on the country's development efforts. In Cape Town, South Africa, it is a prevalent factor of moral concern and considered a source of social

deterioration among the Muslim population. As a result, protecting against drug abuse is equivalent to protection in the five general pillars of *maqāṣid*.

1.3 Suicide

According to the Qurʾān, nothing is more valuable than life. A believer has no right to commit suicide. In the Qurʾān, it is said, "And do not murder yourselves (nor kill one another). Allah is indeed most gracious to you." (Qurʾān 4:29).

Mental illnesses, such as depression and personality disorders, and alcohol and drug abuse-related behavioural issues, are the leading causes of suicide in South Africa.

It is useful to adopt the *maqāṣid al-sharīʿah* approach when addressing instances of suicide among the Muslim population in Cape Town, as these cases encroach on the respect for life enshrined in Islam and have become a menace to societal welfare among the Muslim community.

1.4 Road Traffic Accidents

Allah prohibits self-harm in *Sūrah al-Baqarah* (2:195): "And do not voluntarily bring about your own destruction. And do well, for Allah likes those who do good." Similarly, the Qurʾān states in *Sūrah al-An ʿām* (6: 151): "And kill not the life which Allah has forbidden except with justice". This is His command to humankind. Consequently, it may be argued from the passages that reckless behaviour, such as driving recklessly and dangerously, is forbidden for Muslims, and is considered a severe sin if it results in death.

Inconsiderate family members, irresponsible parents, and other family members are major contributors to social deprivation among adolescents. Some parents disregard both the obligation to love their children and their children's social well-being. Children require parental attention and affection. However, many parents who are, for instance, overly focused on their careers may neglect their children over time. As a result of parental neglect, youngsters who crave affection and attention may be inclined to engage in dangerous or deviant activities to alleviate boredom. Some children may even purposely engage in delinquency to attract their parents' attention. In light of these potential reasons that often lead to socioeconomic deprivation, the application of a *maqāṣid* approach in terms of the

protection of health, religion, and dignity becomes vital.

1.5 Burden of Unnatural Deaths in South Africa

South Africa has the highest number of unnatural deaths in Africa, with 59,935 injury-related deaths in 2018 and an overall death rate of 157.8 per 100,000 inhabitants. This rate exceeds the African continental average of 139.5 per 100,000 and is nearly double the global average of 86.9 per 100,000 ([Centres for Disease Control and Prevention [CDC], 2023]). Between 2010 and 2018, the proportion of deaths attributable to unnatural causes in South Africa increased steadily from 9% in 2010 to 11.9% in 2018 (Dougan, 2005).

The "Mortality and causes of death in South Africa" study conducted by Stats South Africa provides the distribution of unnatural causes of death by province in 2017. The Western Cape (13%) and KwaZulu-Natal (12%) had the highest rates of deaths due to unnatural causes. Northwest (9%) and Limpopo (8%) recorded the lowest percentage of deaths due to unnatural causes.

Over 1.5 million people die annually from preventable acts of violence, including 800,000 suicides, 50,000 homicides, and 300,000 deaths due to war. In 2018, 9% of the world's deaths were due to injury. Globally, more than 90% of these deaths occur in low and middle-income nations (CDC, 2006). Road traffic accidents account for the highest injury-related fatality rates.

The Western Cape Injury Mortality Profile for 2010-2016 illustrates changes in the age and gender specific injury mortality profiles for the Western Cape and its subdistricts between 2010 and 2016. Injuries accounted for 14% of all fatalities in the Western Cape in 2016, with over 80% affecting men aged 20–39 and children under the age of 5. In 2016, homicides accounted for 51% of all injury-related deaths. The homicide rate rose from 38 per 100,000 in 2010 to 52 per 100,000 in 2016 (Western Cape Injury Mortality Profile, n.d.).

 Discussion of unnatural fatalities among religious minority groups in the Western Cape is often a taboo subject. Death, as the event that signifies the irreversible end of a person's life, plays an essential role in the life of a Muslim and the health surveillance of the community. The systematic collecting, analysis, and dissemination of mortality and cause of death data enable the monitoring of societal trends and

inform public health decision-making (CDC, 2006). The cause of death not only identifies the sickness or damage responsible for the fatality, but it is also a source for future prevention of similar deaths.

1.6 Objectives of the Study

The main objective of this study is to determine the nature of unnatural fatalities in 2019 among the Muslim community in the West Metropolis of the City of Cape Town, South Africa. Additionally, this study seeks to provide a detailed analysis of the specific attributes and features associated with these unnatural deaths.

1.7 Problem Statement

This study seeks to answer the question of how the minority Muslim population in the Cape Town West Metropolis area contributes to mortality statistics in South Africa. In simple terms, how, when, why, and who dies in this specific Muslim community.

Because few qualified Muslim forensic pathologists in the Western Province would be interested in such research, to date, there have been no similar studies carried out, and this has led to a lack of research on this topic. This study sheds light on the causes of death in the Cape Muslim community, explores the factors underlying these causes, and aims to determine how these causes may be dealt with and implement lifestyle changes to reduce mortality rates. The first step in developing targeted interventions to prevent unnatural deaths is to collect accurate statistics.

1.8 Limitations of the Study

To date, there has been no recorded study on the mortality rate of Muslims in non-Muslim majority nations, including South Africa. This is a retrospective study of Muslims whose deaths at the Salt River Mortuary in Cape Town were deemed unnatural from January 2019 to December 2019. The Salt River Forensic Mortuary is an N6-grade facility that performs between 3,500 and 4,500 medico-legal postmortems annually. This facility provides forensic pathology services to the entire West Metropolis of Cape Town, which is the most densely populated region in the Western Cape Province and is also home to the majority of South Africa's Muslim population.

This study's data was collected from the South African Division of Forensic Medicine's database using a Microsoft Excel spreadsheet.

The data was analysed by age, gender, and by time, manner, place, and cause of death. The lack of data regarding unnatural Muslim deaths in South Africa hinders its quantification and extrapolation for clinical and administrative applications, such as intervention and prevention planning within the Muslim community.

1.9 Research Questions

This study attempts to answer the following questions:

1. How has a minority Muslim population contributed to the mortality rate in the West Metropolis area of Cape Town in 2019?

2. What are the leading causes of unnatural death in the Muslim community in Cape Town?

3. What role does *maqāṣid al-sharīʿah* play in protecting Muslims' lives in cases of unnatural deaths?

2. Literature Review

In studies on unnatural causes of death, there is a clear absence of research on unnatural deaths among Muslims in South Africa. Because of this, a review of studies that focused on unnatural deaths in other contexts were necessary to locate this study.

2.1 Studies on Unnatural Deaths in Muslim-Majority Countries

Khan & Hossain (1970) conducted a study of the pattern of unnatural deaths in Bangladesh, which revealed that autopsies were performed by the Department of Forensic Medicine at Dhaka Medical College between January 1, 1996, and December 31, 2000. The ages, sexes, etc. of 10,436 recorded deaths were investigated. The study revealed that the total number of unnatural deaths was 9,413, with a higher proportion of males than females. According to the results, 77.22% of deaths were due to accidents, 14.02% to homicides, and 10.76% to suicide. Males were more susceptible to accidental and homicidal deaths, whereas females were more susceptible to suicide. The study concluded that a comprehensive strategy to prevent unnatural deaths among the Muslim population is necessary to reduce the number of such deaths.

In 2017, 119 medico-legal autopsies were performed over the course of the year in the city of Mardan in Pakistan. There were 97 men (81.51%) and 22 women (18.48%). Accidental deaths significantly

outnumbered homicidal and suicide deaths, at 58 (48.73%), 36 (30.25%) and 22 (18.48%), respectively. Most accidental deaths were caused by motor vehicle collisions, followed by firearms, and blunt or sharp weapons. Most victims, 72 (60.50%), were urban residents, followed by 47 (39.49%) rural residents (Aghamohammadi et al., 2017).

Another study of autopsy records from unnatural deaths conducted in January 2009 in Peshawar, Pakistan, revealed that firearms were the leading cause of death in 2,370 cases, followed by blunt force trauma (279 cases) and bomb blasts/explosives (167 cases). The study determined that the rate of unnatural deaths in Peshawar was extremely high. At the time of the study, the most common cause of death was homicide, and firearms were the most common weapon used. Implementing stringent laws to restrict illegal weapons was one of the study's recommendations. To further prevent the loss of life, the study also recommended increased surveillance in all areas of the city.

A cross-sectional study from Tehran, Iran, was performed on graduate students and deaths in their families from February to March 2014 (Kazemi et al., 2022). 11,315 (50.4% male) subjects were studied. The results regarding the death of relatives revealed that 360 deaths occurred (66.9% male) during the study period. 95 cases (26.4%) were cardiovascular disease, 64 (17.8%) were motor vehicle accidents, 41 (11.4%) were due to various cancers, 23 (6.4%) were unintentional injuries, and 22 (6.1%) were intentional injuries. Based on the study's findings, cardiovascular disease, motor vehicle accidents, various cancers, and injuries are among the leading causes of death in the sample population (Mortality in Middle East, 2022).

Intentional homicides (per 100,000 people) vary by country in Muslim-majority contexts. The country with the highest rate in the region is Iraq, at 10.07%. Other countries include Yemen (6.77%), Afghanistan (6.66%), and Pakistan (3.88%). The country with the lowest value among Muslim majority nations is Oman, with a value of 0.27%. The second lowest rate is in Saudi Arabia, at 1.27%. (Nunes, 2012).

2.2 Studies on Unnatural Death in South African Communities

Homicide is the second largest cause of unnatural deaths in the city of Cape Town (Duflou et al., 1988). The rate of 66,86 deaths per

100,000 people makes Cape Town the 19th deadliest city in the world (Ming & Carol Camp, 2018). Previous research has shown that sharp force trauma and weapons account for the bulk of homicides in Cape Town.

To date, there are no known studies that have examined unnatural deaths in the Cape Muslim community. On average, the literature on trauma-related deaths in South Africa emphasises the age and gender of the injured, the location of injuries, the location of the crime scene, and additional toxicological analysis of the victim's tissues. No mention of religious analysis appears in relevant studies. Similarly, there are no national studies that target specific demographic populations, such as the Muslim community in Cape Town.

A study by Lerer (1994) examined statistics of deaths caused by violence and injury in a South African metropolis to illustrate the value of secondary data sources in identifying injury reduction priorities. It was a cross-sectional investigation of police, forensic, and medico-legal laboratory (state mortuary) data. The study was conducted in Cape Town's metropolitan area in 1994. Almost 4,000 deaths were attributed to unnatural causes, including homicide, suicide, accidents, and other unknown causes. This study did not address religious or ethnic groups in the Cape Town metropolitan area.

Another study from The NIMSS (National Injury Mortality Surveillance System) is also a source of data, although it is limited to metropolitan regions like Cape Town, Johannesburg, Durban, and Port Elizabeth. The rate of accidental fatalities increased from 153 per 100,000 per year in 1996 to 260 per 100,000 per year in 2015. Estimates place the yearly number of unnatural fatalities in South Africa between 70,000 and 80,000, which accounts for between 12 and 15% of the total mortality rate (Matzopoulos, 2016). Between 2010 and 2018, the proportion of fatalities attributable to unnatural causes increased steadily from 9% in 2010 to 11.9% in 2018.

Alternatively, studies have sought to measure the presence of deaths across populations that experienced both natural and unnatural deaths, focusing on the differences between the two and identifying differences based on quantitative data.

The first nationally representative sample (52,493 cases) of injury-

related mortality in South Africa was in 2009. Using postmortem reports, the study found more than three times as many deaths from homicide and traffic injuries than other deaths recorded by vital registration for this period. The homicide rate was similar to the estimate for South Africa from global analysis, but road traffic and suicide rates were almost fourfold higher. The sample provides more accurate estimates and cause-specific profiles that are not available from other research (Matzopoulos et al., 2015).

One of the studies identified in the literature focused on the cause of death and premature mortality in Cape Town between 2001-2006. The study found that injuries, particularly homicide, are extremely high in the city of Cape Town. Injury mortality rates, particularly homicide and road traffic injuries, remain among the highest in the world. The homicide rates are significantly higher for men. Of particular concern are the high homicide and road traffic injury fatality rates among male youth and children aged 10-14. The study concluded that urgent attention needs to be given to identifying the risk factors involved in and developing strategies to prevent fatal injuries. In comparison, this study focused on deriving the risk factors in the Muslim population in Cape Town (Groenewald et al., 2017).

Other studies have explored unnatural causes of death in the general population or focused on a particular section of the population, like infants. Examples include "Retrospective study of the sudden unexpected death of infants in the Garden Route and Central Karoo districts of South Africa: Causes of death and epidemiological factors" (Winterbach et al., 2021), and "The medico-legal investigation of sudden, unexpected and/or unexplained infant deaths in South Africa: Where are we, and where are we going?" (Du Toit-Prinsloo et al., 2010).

South Africa has injury mortality rates that are more than double the world average, and in the Western Cape, murders and traffic accidents are among the top ten primary causes of premature death (SAPS, n.d.). Injury surveillance permits the tracking of temporal and demographic patterns, as well as the leading causes of mortality and disability resulting from violence and injuries. While information is accessible through national vital statistics, only the overall injury rate is given.

The strength of this study lies in its novel approach, which aimed to investigate the occurrences of common, unnatural deaths within the Muslim population in the West Metropolis of Cape Town. It is the first study of its kind conducted in South Africa.

3. Theoretical Framework and Methodology

The theoretical framework for this study includes the objectives of Islamic law, the sanctity of life in Islam, and approaches to various offences in Islam. This section describes the retrospective study design and elaborates on the population sampling and method used in the data collection.

3.1 Theoretical Framework: *Maqāṣid al-Sharīʿah*

Ibn Ashur Muhammed al-Tahir (Bulutlu, 2022) asserted that the general *maqāṣid* of Islamic law is to preserve "orderliness, equality, freedom, facilitation, and the maintenance of a pure natural disposition".

According to al-Tahir, internal or external issues such as the harmful effects of mass media, a lack of religious and moral education among society members, irresponsible family members, poverty, sexual promiscuity, and an individualistic culture contribute to social deprivation. Social well-being must be fostered and defended against factors that can be disruptive, such as social deprivation.

This study is based on *maqāṣid al-sharīʿah* as an analytical approach which draws on the ideas of scholars such as Auda (2021) and Kamali (2017) who offered an understanding of the preservation of religion, and *maṣlaḥah* (public interest) as fundamental organising principles of the *sharīʿah*.

The *sharī'ah* has five *maqāṣid*: the protection of life, property, health, religion, and dignity. In general, these goals fall into three categories: general *maqāṣid*, specialised *maqāṣid*, and partial *maqāṣid*. *Maqāṣid al-sharīʿah* refers to the objective established by Allah (Glory to Him, the Exalted) in each specified law, which is to achieve wealth and happiness in this life and the Hereafter.

3.1.1 General Maqāṣid (Overall Objectives)

The first dimension, general *maqāṣid*, refers to the fundamental and overarching objectives of Islamic law that apply to all aspects of human life. These objectives serve as the primary guiding principles

for the entire Islamic legal system and form the basis for the development and interpretation of Islamic laws. The five general *maqāṣid* are commonly known as the "Five Essentials" or "Five Necessities," and they are:

a. Preservation of religion (*hifz al-dīn*): Ensuring the protection and preservation of the Islamic faith, beliefs, and practices.

b. Preservation of life (*hifz al-nafs*): Safeguarding human life and promoting its wellbeing, as the sanctity of life is of utmost importance in Islam.

c. Preservation of intellect (*hifz al-ʿaql*): Nurturing and protecting human intellect and mental faculties to facilitate sound decision-making and understanding.

d. Preservation of lineage (*hifz al-nasl*): Ensuring the protection and preservation of family and societal structures.

e. Preservation of property (*hifz al-māl*): Safeguarding individual and communal property, ensuring economic stability and justice.
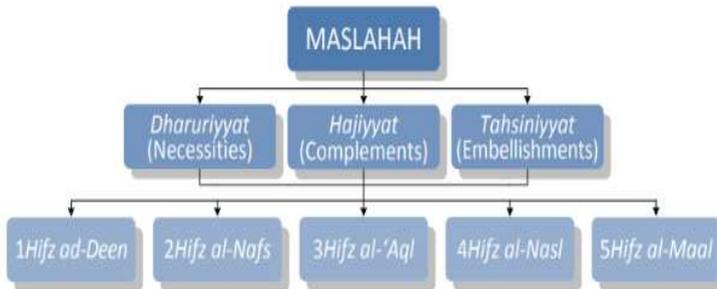
Classification of *Maṣlaḥah* (2016)

3.1.2 Partial *Maqāṣid* (Secondary Objectives)

The second dimension, partial *maqāṣid*, refers to specific objectives that are subsidiary to the general *maqāṣid* but still contribute to the overall welfare of society. These objectives are diverse and context-dependent, and they are derived from the general *maqāṣid* to address particular issues and challenges. Partial *maqāṣid* may vary across different times, places, and circumstances, and they play a vital role in facilitating flexibility and adaptability within Islamic law.

3.1.3 Specific *Maqāṣid* (Specialised Objectives)

The third dimension, specific *maqāṣid*, delves into the finer details of the law and focuses on the objectives of individual legal rulings

(*ahkām*). These objectives are specific to particular laws and regulations within Islamic jurisprudence, aiming to fulfil the broader objectives of the general *maqāṣid*. Understanding the specific *maqāṣid* helps to contextualise and apply Islamic legal rulings effectively.

Dr. Jasser Auda's multidimensional approach provides a comprehensive framework for grasping the principles of *maqāṣid al-sharīʿah*. It acknowledges the dynamic nature of Islamic law, its adaptability, and its commitment to promoting human welfare and preserving essential values across various dimensions of life. The approach highlights the interconnectedness of the general, partial, and specific *maqāṣid*, thereby enriching the philosophy of Islamic law and its practical applications in contemporary contexts.

3.2 Methodology

This study utilised a mixed methods approach, incorporating both qualitative and quantitative methods to investigate the issue of unnatural deaths within the Muslim community in Cape Town. The qualitative aspect involved content analysis of data extracted from the Western Cape Forensic Pathology Service database. All Muslim cases presented at the Salt River Mortuary from January 1, 2019, to December 31, 2019, were identified through the database and the computer administration system. The data set for this study, designed as an Excel sheet, captured essential information, including demographic details, religion of the deceased, date of death, manner of death (accident, suicide, homicide, etc.), and circumstances of the injury or death. Ancillary documentation, such as postmortem reports, police reports, and hospital folders, further complemented the primary data source to confirm the religious affiliation of the deceased. A qualitative content analysis allowed for a comprehensive understanding of the cases and their contextual factors in relation to *maqāṣid al-sharīʿah*. The latter emphasises the importance of preserving and protecting human life.

The quantitative phase of this study involved analysing the data obtained from the Western Cape Forensic Pathology's database using the STATA 13 software. Frequency distributions were generated for categorical data, facilitating a comprehensive examination of variable distributions. To assess the significance of differences within variables, Pearson's Goodness of Fit test was

employed. Proportions among multiple groups were compared using Pearson's Chi-squared test, and when necessary, Fischer's exact test was applied. For numerical data, the Shapiro-Wilk test was utilised to determine normality. Non-parametric tests like the Wilcoxon Rank Sum test and the Kruskal Wallis test were employed to analyse differences among groups. The study's statistical objectives encompassed evaluating the prevalence of Muslim deaths in Cape Town, conducting a demographic analysis in relation to total mortuary intake and total unnatural deaths, and providing descriptive statistics regarding unnatural Muslim deaths. By integrating qualitative content analysis and quantitative statistical analysis, this study aimed to gain comprehensive insights into the occurrences of unnatural deaths within the Cape Muslim community, while also exploring the findings according to the ethical framework of *maqāṣid al-sharīʿah*, which emphasises the significance of preserving life in accordance with Islamic principles.

3.2.1 Study Design

This was a retrospective, qualitative study conducted in 2019, in the West Metropole area of Cape Town, serviced by the Salt River Mortuary. The mortuary is located at 34 Durham Avenue, Salt River, Cape Town, and is one of the largest mortuaries due to its high number of postmortems, which is rivalled only by the Tygerberg mortuary, which services the East Metropole of Cape Town. The Salt River Mortuary keeps accurate, up-to-date, and comprehensive coverage of medico-legal autopsies by utilising an Office Autopsy Database (OAD). The OAD was thoroughly scrutinised as part of this study to determine the number of Muslims who died in unnatural deaths in 2019.

3.2.2 Study Population

The sample population was all Muslim persons who died of unnatural causes in 2019 and had legally required a post-mortem examination at a medico-legal mortuary. This mortuary is maintained by the Western Cape Forensic Pathology Services as part of the provincial health department. Fetuses and Muslim deaths from natural causes were excluded once basic demographic information was captured. The data for this study was collated from the list of all medico-legal autopsies carried out in the Salt River Mortuary in 2019.
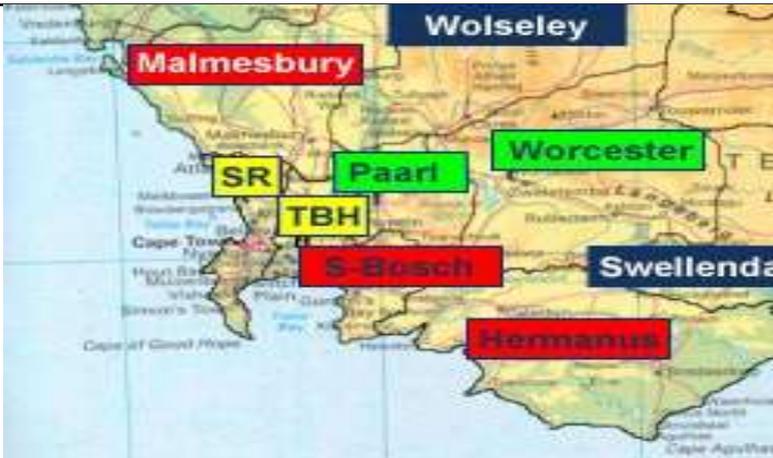
Salt River Academic Centre (SR) (M6 Academic) location
Picture 1, (List of Charts, Tables, and Pictures)

3.2.3 Sampling

The data for this study was drawn from the archives of the Salt River Mortuary, the University of Cape Town's Division of Forensic Medicine and Toxicology, and the Western Cape Forensic Pathology database. The collection frame was limited to a single year, 2019, and limited to the geographic area of the West Metropole of Cape Town in the Western Cape Province of South Africa. The Salt River Mortuary is classified as an academic institution due in part to the number of postmortem examinations performed, which ranges from 3,500 to 4,500 annually. The West Metropole area of Cape Town includes suburbs as far as Simonstown and Atlantis. The use of the Salt River Mortuary for the data collection frame was ideal, as it happens to service a significant Muslim population in South Africa. Christoph Haferburg (2000), in his study of Muslims in South Africa from the 1996 South African census database, indicated a total number of 553,717 Muslims in South Africa, which represents roughly 1.36% of the total population. In the Western Cape, the proportion of Muslims in relation to the provincial population is the highest, at 6.6%, followed by KwaZulu-Natal and Gauteng, both around 1.5%. In all the other provinces, the percentage is below 1% (Haferburg, 2000).

The justification for focusing on the Salt River Mortuary is that the area it serves contains the largest Muslim population in the Western Province, and it performs the largest number of postmortem

examinations in the Province. As noted, fetuses and Muslim deaths from natural causes were excluded once basic demographic information was captured.

3.2.4 Ethics and Human Subjects

This study did not involve any animal or human testing. There was an application to obtain ethics clearance made to the International Peace College of South Africa's Research Ethics Committee. Permission was granted by the Head of the Department of Forensic Medicine at the University of Cape Town's (UCT) Faculty of Health Sciences to use their private autopsy database for the study. (Please see the Appendix). UCT's Division of Forensic Medicine and Toxicology database (reference number HREC R036/2014) adheres to all ethical standards required by the South African National Department of Health. Due to the study's retrospective design, UCT's ethics committee was asked to waive the requirement for individual patient consent.

3.2.5 Data Collection

At the Salt River Mortuary, all Muslim cases were identified from their database. Data were collected for all Muslim cases that were presented at the mortuary from 00:00 on January 1, 2019, to 23:59 on 31 December 31, 2019. The data capture system that was used was an Excel spreadsheets. Relevant data was compiled by qualified, trained forensic medical practitioners who are authorised and qualified to complete the required paperwork following a postmortem examination.

The use of Excel spreadsheets captures the required data that is collected as part of routine post-mortem investigation procedures (Appendix 5). This includes recording demographic information (age, race, sex, religion) of the deceased, the date of death, manner of death (accident, suicide, homicide, etc.), and circumstances of the injury or death.

Mortuary records include register numbers that are collected as identifiers for administrative reference in the event of data capture errors. The primary source of the data for this study was the Western Cape Forensic Pathology database. The ancillary documentation included postmortem reports, police reports, and hospital records citing the manner of death, and confirmation that the deceased were

Muslims.

3.2.6 Two-Phase Data Collection

The research for this study was completed in two phases. In the first phase, the data from the OAD at the Salt River Mortuary for the year 2019 were assessed. All the cases admitted to the Salt River Mortuary in the year 2019 were scrutinised, and useful information for determining the unnatural deaths of Muslims was identified. Subsequently, in the second phase, all Muslim unnatural cases of death with identifiable demographics were extracted. The age categories for this study included neonate (less than 1 year), 1-9 years, 10 -19 years, 20 -29 years, 30 -39 years, 40 -49 years, 50 -59 years, 60 years, and above. I am an authorised user of the Salt River Mortuary's OAD and was well acquainted with the use of it and its information, so I did not need any special training.

3.2.7 Data Management and Quality Control

Data checks were incorporated into the data capture application. For example, consistency between the manner and cause of death, and accuracy of capturing the deceased's registration number. Data was collated into a Microsoft Excel 13 spreadsheet (Microsoft, USA) titled, "Office Autopsies 2019 - Muslim Deaths" for the purpose of descriptive analysis. There were no names recorded in the data capture; only the postmortem admission numbers were used as identification to maintain confidentiality.

4. Data Analysis

After refining the data obtained from the Salt River Mortuary's OAD, which was done by identifying the unnatural cases of death among Muslims, it was exported as an Excel spreadsheet and then analysed. I was the only data collector, extracting data from the information on the same day it was collected to minimise any discrepancies.

The data was analysed using the statistical package STATA 13 (Stata. Corp, TX, USA). Frequency distributions were developed for all categorical data. Differences in proportions within a variable were analysed for significance using Pearson's Goodness of Fit test. Proportions among multiple groups were analysed using Pearson's Chi-squared test, except where expected frequencies were less than five in 20% of cells, then Fischer's exact test was applied.

Numerical data were analysed with the Shapiro-Wilk test to determine if the distribution was normal. No data showed a normal distribution; therefore, differences between groups were analysed using the Wilcoxon Rank Sum test for two-group comparison and the Kruskal Wallis test for multiple-group comparison.

4.1 Statistical Objectives

1. Evaluate the prevalence of Muslim deaths in Cape Town according to the records at Salt River Mortuary between 1 January 2019 and 31 December 2019.

2. Provide demographic analysis in relation to total mortuary intake and total unnatural deaths.

3. Provide descriptive statistics of unnatural deaths of Muslims.

4.2 Results

A total of 4,205 autopsies were conducted at Salt River Mortuary in 2019. Of these, 1,020 (24.26%) were natural deaths; 2,625 (62.43%) were unnatural deaths, and 560 (13.32%) were undetermined or under investigation. A total of 313 autopsies were conducted on Muslim individuals in 2019. Of these, 72 (23%) were natural deaths and 241 (77%) were unnatural. The prevalence in terms of mortuary intake and unnatural death is shown in Table 1.

Table 1. Prevalence of Muslim deaths in 2019			
Year	**N**	**Prevalence (% unnatural death)**	**Prevalence (% mortuary intake)**
Total Muslim deaths	313	11.92%	7.44%
Unnatural Muslim deaths	241	9.18%	5.73%

All further analysis is conducted on unnatural deaths only.

4.2.1   Demographics

4.2.1.1 Age and Sex

Overall mean age ± standard deviation: 34.64 ± 17.42

Overall median age: 31

Overall age range: 0 – 84 years

Table 2. Summary statistics for age by sex						
Sex	**N**	**Mean**	**SD**	**Med**	**Min**	**Max**
Female	36	41.67	23.49	37	0.17	84
Male	205	33.08	15.85	31	0	82

Age according to sex is not normally distributed; therefore, differences between sexes were assessed using the Wilcoxon Rank sum test. There is no significant difference between the median age of males and females (p=0.0526).
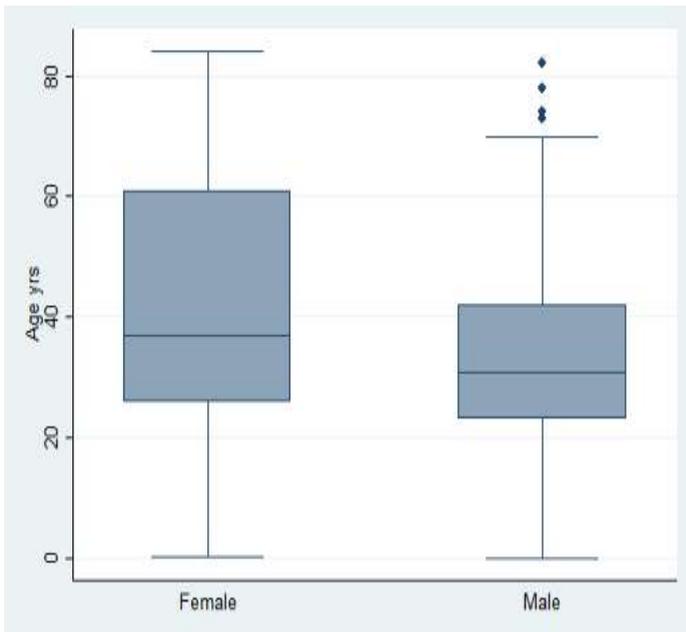

Fig 1. Box plot of age distribution between males and females

4.2.1.2 Age categories

Overall, a significant difference exists between the number of deceased individuals in each age group (p<0.001). The majority, 74 (30.71%), were aged 21-30 years.
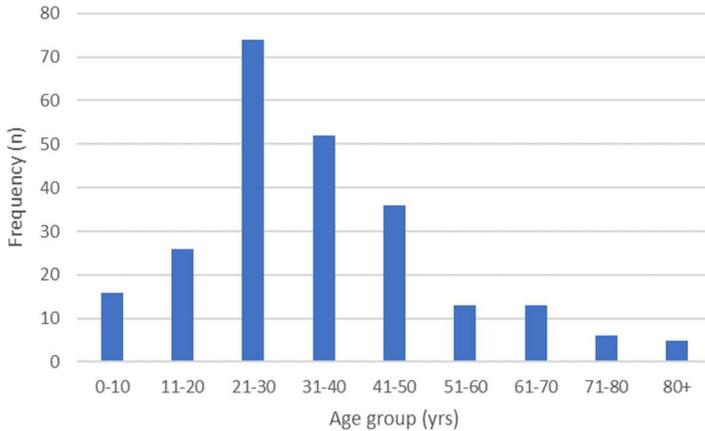
Fig 2. Frequency distribution of age groups

Table 3. Distribution of age groups by sex			
AGE (YEARS)	**Female** **N (%)**	**Male** **N (%)**	**Total** **N (%)**
< 10	3 (8.33%)	13 (6.34%)	16 (6.64%)
11-20	3 (8.33%)	23 (11.22%)	26 (10.79%)
21-30	8 (22.22%)	66 (32.2%)	74 (30.71%)
31-40	5 (13.89%)	47 (22.93%)	52 (21.58%)
41-50	5 (13.89%)	31 (15.12%)	36 (14.94%)
51-60	3 (8.33%)	10 (4.88%)	13 (5.39%)
61-70	3 (8.33%)	10 (4.88%)	13 (5.39%)
71-80	3 (8.33%)	3 (1.46%)	6 (2.49%)
>80	3 (8.33%)	2 (0.98%)	5 (2.07%)
Total	36	205	241

A significant difference exists between the distribution of age groups according to sex (p=0.023). Females were more evenly distributed across the age groups compared to males. The majority of males were between the ages of 21 and 40. While the majority of females were also between the ages of 21-30, a greater proportion of females were older than 61 compared to males.
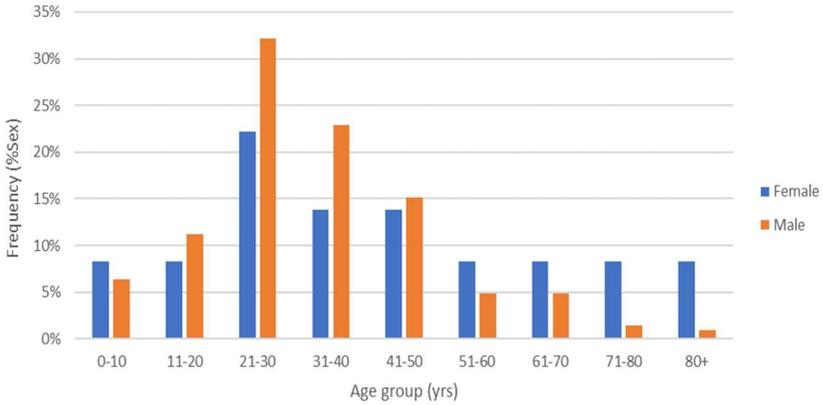
Fig 3. Percentage distribution of age groups by sex

4.2.2 Manner of death

Overall, the majority of deaths were caused by homicide (142; 58.92%). A significant difference exists in the distribution of the manner of death between sexes ($p < 0.001$). A significantly greater proportion of males were involved in homicides compared to females. However, females were more likely to die from accidents or procedure-related deaths.

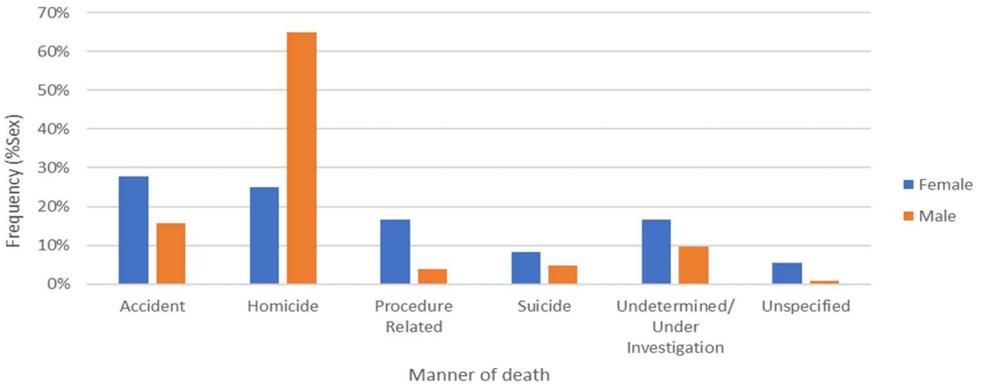| Table 4. Distribution of manner of death by sex			
Manner of death	**Female** **N (%)**	**Male** **N (%)**	**Total** **N (%)**
Accident	10 (27.78%)	32 (15.61%)	42 (17.43%)
Homicide	9 (25.0%)	133 (64.88%)	142 (58.92%)
Procedure-related	6 (16.67%)	8 (3.90%)	14 (5.81%)
Suicide	3 (8.33%)	10 (4.88%)	13 (5.39%)
Undetermined/ Under Investigation	6 (16.67%)	20 (9.76%)	26 (10.79%)
Unknown	2 (5.56%)	2 (0.98%)	4 (1.66%)

Fig 4. Percentage distribution of manner of death by sex

Significant differences were also noted in the age distribution among the different manners of death (p<0.001). Individuals who died in procedure-related deaths had a greater median age compared to other manners of death.
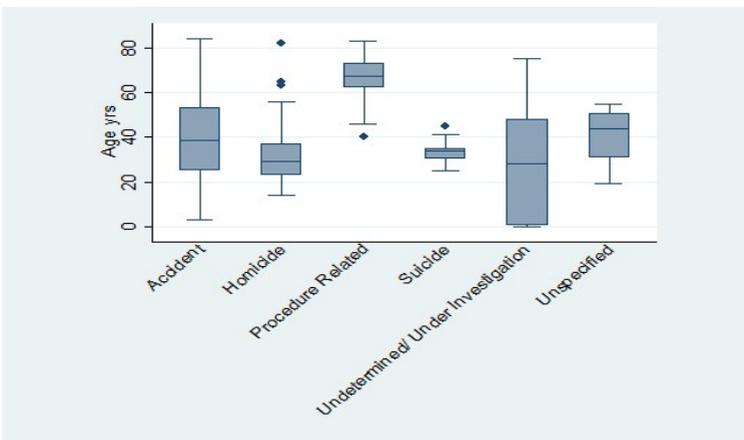

Fig 5. Box plot of age distribution among manner of death

Table 5. Summary statistics for age by the manner of death						
Manner of death	N	Mean	SD	Med	Min	Max
Accident	42	38.45	21.05	38.5	3	84
Homicide	142	31.33	11.51	29	14	82
Procedure Related	14	65.93	11.91	67.5	40	83
Suicide	13	33.08	5.81	34	25	45
Undetermined/ Under investigation	26	27.03	24.87	28	0	75
Not specified	4	40.5	15.33	44	19	55

4.2.3 Mechanism of death

Overall, the majority of deaths occurred as a result of road traffic accidents. A significant difference exists in the distribution of the mechanism of death between males and females (p<0.001). The majority of females died in fall-related accidents, followed by accidental burns. Men predominantly died in road traffic accidents.

For homicides, most victims suffered gunshots. A significant difference exists in the distribution of the mechanism of death between males and females (p=0.038). A significantly greater proportion of females were strangled compared to males.

For suicides, the majority of individuals died by hanging. No significant difference exists in the distribution of the mechanism of suicide between males and females (p = 0.423).

Table 6. Distribution of mechanism of death by manner of death and sex			
Mechanism of death	Female N (%)	Male N (%)	Total N (%)
Accident			
Burns	3 (33.33%)	2 (6.25%)	5 (12.2%)
Drowning	-	1 (3.13%)	1 (2.44%)
Electrocution	-	1 (3.13%)	1 (2.44%)
Fall	5 (55.56%)	2 (6.25%)	7 (17.07%)
Freak	-	1 (3.13%)	1 (2.44%)

RTA	1 (11.11%)	24 (75%)	25 (60.98%)
Shot	-	1 (3.13%)	1 (2.44%)
Homicide			
Strangulation	2 (22.22%)	1 (0.75%)	3 (2.11%)
Blunt Assault	-	4 (3.01%)	4 (2.82%)
Shot	6 (66.67%)	102 (76.69%)	108 (76.06%)
Stabbed	1 (11.11%)	24 (18.05%)	25 (17.61%)
Shot and stabbed	-	1 (0.75%)	1 (0.7%)
Under Investigation	2 (22.22%)	1 (0.75%)	3 (2.11%)
Suicide			
Hanging	2 (66.67%)	9 (90.0 %)	11 (84.62%)
Overdose	1 (33.33%)	1 (10.0%)	2 (15.38%)

4.3 Role of *Maqāṣid Sharīʿah* in Preserving Muslims' Lives

The objectives of the *maqāṣid al-sharīʿah* and the purpose of this research are intrinsically linked. The principles of *maqāṣid al-sharīʿah* are intended to prevent harm and increase benefits. Similarly, the fundamental purpose of this study is to identify and thus reduce harm; therefore, "harm reduction" is an inherently shared goal between *maqāṣid al-sharīʿah* and this study. The former accomplishes this by establishing laws of well-being, including laws of life preservation and mental health.

As noted, a significant number of Muslim fatalities in Cape Town are regularly due to unnatural causes, with road traffic accidents and homicides being the leading causes of death. Islam places great importance on the protection and preservation of life, and it considers the intentional killing of a believer as one of the gravest sins.

In cases of homicide, Islam retains the death penalty but also provides for an exceptional form of punishment in specific circumstances by considering the welfare of the deceased's family. This reflects Islam's emphasis on creating a society built on the spirit of true solidarity, where shedding the blood of a Muslim by another Muslim is forbidden.

Suicide is another alarming issue addressed in this study. Islam clearly prohibits suicide; the Qurʾān emphasises the sanctity of life, declaring that saving a life is akin to saving all of humanity. Nevertheless, the likelihood of suicide has increased in recent years,

including in the Muslim community, making it crucial to highlight *maqāṣid al-sharīʿah* and concern for life when addressing such cases to protect societal well-being.

Islam emphasises the sanctity of life and ranks the protection and preservation of life second only to the preservation and protection of religion. Throughout the Qurʾān and in the ḥadīth of the Prophet Muhammad (PBUH), the sacredness of life is repeatedly mentioned and emphasised. Allah asserts that life and death are His sole prerogative and that life cannot be stolen without His permission.

The general, specialised, and partial objectives of *maqāṣid al-sharīʿah* contribute to the preservation of life. Islam places a strong emphasis on promoting safety, caution, and responsible behaviour to prevent harm and protect individuals and communities.

4.3.1 General Maqāṣid (Overall Objectives)

One of the primary objectives of *maqāṣid al-sharīʿah* is to protect and promote essential human values. Related to this, the preservation of life is considered paramount. This principle is emphasised in the Qurʾān, where Allah places great importance on the sanctity of human life. One of the key verses that highlights this concept is found in *Sūrah al-Ma'idah* (5:32):

"Whoever kills a soul unless for a soul or corruption [done] in the land, it is as if he had slain mankind entirely. And whoever saves one, it is as if he had saved mankind entirely."

This verse underscores the gravity of taking a life unjustly and the profound virtue of saving even a single life; the latter is considered to be the same as if one has saved all of humanity. By emphasising the value of life, Islam provides a strong foundation for the protection and preservation of human life in all circumstances.

4.3.2 Specialised Maqāṣid (Specific Objectives)

Within the specialised objectives of *maqāṣid al-sharīʿah*, preservation of life is recognised as a primary objective. These specialised objectives aim to prevent harm and promote well-being. In cases of unnatural death, these objectives highlight the significance of avoiding actions or behaviours that may lead to fatal consequences, such as accidents or homicides.

The Islamic legal tradition places a strong emphasis on promoting safety, caution, and responsible behaviour to protect individuals and

communities from harm. For instance, Islam encourages things like adhering to traffic rules to prevent road accidents and observing measures to prevent violence and conflict, ultimately reducing the risk of unnatural deaths.

4.3.3 Partial Maqāṣid (Secondary Objectives)

The partial or secondary objectives of *maqāṣid al-sharīʿah* are subsidiary to the primary, general, and specialised objectives, but they still contribute to the overall preservation of life. For example, measures to ensure safety and security within a community, such as adequate infrastructure and law enforcement, are emphasised to reduce the risk of harm or death caused by violence, negligence, or unsafe conditions.

As noted, the sanctity of life in Islam is reiterated throughout the Qurʾān and the ḥadīth of the Prophet Muhammad. Life and death are considered Allah's prerogative, and taking a life unjustly is severely condemned.

Furthermore, this study addresses issues like drug misuse and social deprivation among adolescents, which also impact the preservation of life. *Maqāṣid al-sharīʿah* aims to protect health, religion, and dignity, thereby addressing these concerns within the Islamic framework.

Overall, by adhering to the principles of *maqāṣid al-sharīʿah* and emphasising the sanctity of life, Muslims can work towards reducing instances of unnatural deaths and promote a society based on compassion, care, and respect for all individuals.

5. Conclusion

Unnatural causes of death reflect the prevalence of crime, violence, and safety in South Africa. Because these are acts related to interpersonal and other forms of violence, the findings of this study help inform Cape Town's Muslim population about the consequences of violent acts committed in their community. Mortality from unnatural causes has fluctuated over time among South Africa's Muslim community. Homicides accounted for the vast majority of fatalities in this study. The distribution of causes of death between the sexes differs significantly. Males were involved in far more killings than females, but females were more likely to die in accidents or during medical treatments.

There were also considerable differences in age. The distribution of mortality is according to various causes. Procedure-related deaths were shown to have a greater median age than other causes of mortality. Many people were killed as a result of traffic accidents. The distribution of causes of death also differs significantly between males and females. The leading cause of mortality for women is falling, followed by accidental burning, whereas the leading cause of death for males is road traffic accidents.

The vast majority of homicide victims were killed by gunshot wounds. Among homicides, the distribution of causes of death differs significantly between males and females. Women were strangled at a far higher rate than men. In cases of suicide, the majority of people died by hanging. There is no discernible difference in the distribution of suicide methods between males and females, nor is there a significant disparity between males and females who died of suicide.

More than three times as many instances in the study died of unnatural causes, showing a huge need for greater research and examination of unnatural deaths in the Cape Muslim community. The report underlines the high rate of intimate relationship violence and violent homicide in the Muslim population.

To avoid further rises in mortality, sex-specific programs and interventions should be developed. Finally, because unnatural causes of mortality are largely preventable through the promotion of healthy lifestyle and behavioural habits, these should be priority areas of concern, as should further investigation into the *maqāṣid al-sharīʿah* approach as a potential remedy for unnatural deaths.

In conclusion, it can be stated that if *qiyas* (reasoning by analogy) is diligently used according to the *Sharīʿah*, it has the potential to reduce the incidence of murder and other crimes, thereby maintaining the stability of society by enforcing reform of the offender in the form of forgiveness or reconciliation. A heart that fears Allah will most likely refrain from violence.

6. Recommendation

Future studies should strive to uncover the causes of unnatural deaths to aid in the development of interventions and preventive efforts. The disproportionately high mortality rate of males in their 20s should be prioritised. It will also be fascinating in the future to evaluate the Muslim population's death patterns over 10 years.

Additional analysis is required to account for rural versus urban contexts, socioeconomic characteristics, level of education, and poverty for such a study to be useful.

Maqāṣid al-sharīʿah could play an essential role in non-Islamic states' public policy by preserving people's lives, property, health, religion, and dignity. State governments could also include *maqāṣid al-sharīʿah*-based outlooks in their policy-making processes.

The goal of a policy-making process based on *maqāṣid al-sharīʿah* is to eradicate and regulate community issues. Social well-being is a concerted effort to address community needs and expand social mobility opportunities.

(1) The formation of an Islamic society in which members contribute to a designated fund to generate cash to repay the debts of those who were killed.

(2) The Muslim community's establishment of a special fund to assist drivers renewing their licenses. This fund may also contribute to the families of those who were killed as a result of motorist negligence.

3) Establishment of a social committee or financial group whose sole purpose is to pay the *diyah* (financial compensation paid to the families of victims of murder) on behalf of the poor.

4) Future in-depth studies of the various causes of morbidity of Muslims in Cape Town and South Africa.

Taking a human life without justification is the most heinous form of violent crime in Islam. The Islamic countermeasures against various forms of violence are effective and pragmatic and embody the qualities of flexibility and enduring applicability that can be implemented today.

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Medical Ethics in the Western Cape of South Africa: An Islamic Clerical Perspective

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Abstract

This study examines how Islamic clerics in the Western Cape conceptualise and address contemporary medical-ethical questions. It situates their reasoning against the limits of the four-principle framework of biomedical ethics when applied to Islamic moral thought grounded in fiqh (Islamic jurisprudence) and Sufi ethical cultivation. Using qualitative content and discourse analysis, the study applies a critical framework that combines Al-Zuhayli's neo-traditional usūlī paradigm with Auda's maqāṣid-based reformist approach to analyse primary data from local clerics and archived fatāwā from regional judicial bodies. The findings indicate no single dominant methodological tendency: while many clerics consult medical experts and engage contemporary realities, their final rulings frequently revert to traditional patterns that prioritise preservation of life. Proactive notions of well-being and medical-ethical reform remain underdeveloped. The diversity and inconsistency across verdicts highlight the absence of a coherent medical-ethical framework in the Western Cape and the need for structured collaboration between jurists, clinicians, and scholars of Islamic legal theory.

Keywords: Clerical perspective, Islamic, jurists, legal verdicts, *maqāsid* approach, medical ethics, *usūli* paradigm

1. Introduction

Medical ethics has been defined as "the analytical activity in which the concepts, assumptions, beliefs, attitudes, emotions, reasons and arguments underlying medico-moral decision making are examined critically" (Macnair, 1999, p. 2). Contemporary medical ethics, as used today, uses descriptive principles such as autonomy and beneficence, amongst others, to ethically reason why a certain medical procedure for a particular profile of patient is ethically sound or not. Amongst the Islamic sciences, traditionally, the science of *fiqh* engages with issues of ethics in the form of a consequentialist approach by issuing Islamic legal rulings (i.e. compulsory, disliked, etc) towards the ethically questionable behaviour.

Previous literature on Islamic medical ethics has focused on investigating the current four abovementioned ethical principles used by medical professionals to demonstrate their compatibility with Islamic legal frameworks. Other studies often focused on describing Islamic research and rulings related to a particular medical procedure, such as organ transplantation, whereas others have compared ethical approaches towards medical ethics, as that which is shared and found in other religions, especially those of the Abrahamic faiths. The majority of previous studies and articles were also carried out internationally, with limited local representation in the Western Cape, South Africa. Thus, a gap exists in the literature, especially in South African academic literature, regarding the current Islamic juristic approach to medical ethics.

This is an exploratory, descriptive study where primary and secondary data were collected from Islamic clerics and Islamic judicial organisations in the Western Cape province of South Africa. This study had the following objectives: to investigate the approach used by Islamic clerics to medical ethics, to analyse the collected data on medical procedures, and to investigate the objectives of Islamic clerics on medical ethics and procedures when issuing legal verdicts. This study also analysed data sets collected via questionnaires comprising five questions. The secondary data were legal verdicts issued by judicial organisations, which were collected from their archives.

The data were analysed using a qualitative content and discourse

analysis method, drawing on an eclectic Islamic critical discourse analysis. This approach comprised Al-Zuhayli's neo-traditionalist *usūli* paradigm (2015) and Auda's modernist *maqāsid*-based reformist approach (2008).

This research contributes to the sparse existing literature on bioethics in South Africa. Furthermore, this research serves as a potential clinical tool for clinicians to aid their understanding of Islamic medical ethics and thus provide culturally sensitive healthcare to their Muslim patients. Finally, this research provides data for future research to build on possible alternative systematic or functional approaches towards Islamic medical ethics.

2. Literature Review

2.1 The Global Landscape of Islamic Medical Ethics

The literature on Islamic medical ethics is abundant internationally, with a focus on increasing healthcare providers' knowledge when delivering culturally sensitive care (Mustafa, 2014). Scholars have sought to demonstrate the alignment of the Islamic paradigm with the four traditional principles of medical ethics: autonomy, beneficence, non-maleficence, and justice (Mustafa, 2014). As the Muslim population grows in various democracies, the need for inter-religious dialogue has also increased, leading to studies that showcase shared medical principles as well as those unique to various religions (Ahmed, 2016; Paris et al., 2018). A number of descriptive studies have analysed legal verdicts from regions like North America, focusing on specific medical procedures, such as organ transplantation (Padela, 2020). However, it is important to note that some of these studies, like Padela's, focused on the rulings and *ijtihād* (research) rather than the underlying Islamic medical ethics. In contrast, progressive research from Iran has described the medical ethical framework practised by their healthcare professionals (Larijani & Zahedi, 2008). Another comparative study also explored the Sunni-Shi'ite divide on organ transplantation, explaining the views of various scholars (Golmakani et al., 2005). However, the latter study was selective in its presentation of Sunni views, quoting only Saudi Arabian scholars and focusing more on a descriptive history of contemporary legislation rather than a holistic

discussion of medical ethics (Golmakani et al., 2005).

The distinction between Western and Islamic approaches to medical ethics has also been a subject of research. Professor Syed Awais (2008) highlights that Western medical ethics take a "rights-based" approach, emphasising individual rights, whereas Islamic medical ethics are eclectic, based on a duty-bound approach and rights related to Allah (SWT) and the community. While Awais' editorial was progressive, it lacked specific details and instead mentioned broad themes related to the formulation of medical ethics, such as the preservation of life within the broader *maqāsid* (objectives of the *sharī'ah*) framework (Awais, 2008).

An article published in 1997 by Siddiqui made a distinction between morality and ethics and proposed that the science of *fiqh* should be related to medical ethics (Siddiqui, 1997). The author addressed the dilemma of contemporary times: a divide between jurists who studied in traditional seminaries but lacked modern scientific knowledge and those who studied in secular institutions but lacked an understanding of the Islamic tradition. The author proposed that both types of scholars should jointly discuss new modern medical challenges, which was a progressive thought for its time (Siddiqui, 1997). However, the author did not involve a professional with medical knowledge in the discussion, focusing instead on the divide among Islamic scholars themselves.

2.1.1 Progressive and Neo-Traditionalist Approaches

Various organisations and scholars have developed progressive frameworks to address modern medical ethical dilemmas. The Centre for Islamic Legislation and Ethics (CILE) has proposed an Islamic bio-ethical framework that uses an eclectic approach of *qawā'id* (legal maxims) and *maqāsid* (objectives of the *sharī'ah*) (Ghaly & Salah, 2020). The CILE's methodology is progressive as it involves joint discussions with medical professionals in the decision-making process, aligning with the principles of *fiqh* of citizenship. Dr.Yusuf Al-Qaradhāwi is a significant figure who has paved the way for such organisations. His approach is a great example of a jurist who interacts with traditional knowledge, primary sources, the objectives of the *sharī'ah*, and the complexities of modern medical procedures. He issues legal verdicts that are reactive in response to

contemporary issues while also prescribing proactive principles from primary sources (Al-Qaradhāwi, 2005). This approach can be seen as a neo-traditionalist one, which is essential for the present day (Auda, 2010). Another contemporary scholar, Dr. Hāzim Yusuf, has also adopted a neo-traditionalist approach in his book on *fiqh*, where he discusses a range of medical rulings, such as using medicinal drugs for medical response, exemptions for doctors from congregational Friday prayer, and organ donation (Abu Dhayf, 2021). His methodology involves adapting views from the legacies of Islamic scholarship and using legal maxims to provide rulings on issues not previously discussed by classical scholars (Abu Dhayf, 2021).

2.2 The Local South African Context

In contrast to the international arena, there appears to be a scarcity of literature on Islamic medical ethics from South Africa, with only isolated *fatāwā* or legal verdicts from judiciary or *fatwa* committees addressing modern medical practices. However, there are notable progressive developments from local scholars. A local scholar, Sheikh Abdurraghiem Sallie, included an article dedicated to menstruation and contraception in the preface of his book on *talāq* (divorce) (Sallie, 1993). This was a progressive academic approach at the time, as the author consulted with a medical doctor, Dr. Pandy, before issuing an authoritative *fatwa* (Sallie, 1993). This practice of consulting medical practitioners before providing a legal ruling was, at the time, a significant departure from traditional methods.

While there is a wealth of international literature on Islamic medical ethics, with some researchers focusing on culturally sensitive healthcare and others on descriptive legal analysis, there is a significant lack of local South African literature focusing on the South African context. Entities and individuals like the CILE, Al-Qaradhāwi, and the local scholar Sheikh Abdurraghiem Sallie have demonstrated progressive and nuanced approaches to legal verdicts related to medicine. However, a significant gap remains in the literature: to date, there is no in-depth description or analysis of the specific approaches of local jurists and judicial organisations in the Western Cape to medical ethics. This study aims to address this gap by analysing the approaches of Islamic jurists and the legal verdicts of judicial organisations related to medical ethics in the Western Cape, South Africa.

3. Conceptual Framework

The classical framework of medical ethics, as elaborated by Beauchamp and Childress, rests on four principles: beneficence, non-maleficence, justice, and autonomy (Mustafa, 2014). Applying traditional Islamic sciences to medical ethics is complex, as beliefs fall under *aqīdah* (theology), moral decision-making under *fiqh*, and behavioural and cognitive change under *tasawwuf*. Linguistically, "ethics" (from Greek "ethos") relates to appropriateness and rationality, unlike "morals" (from Latin "mores"), which concern common feelings and actions (Siddiqui, 1997).

In this study, "jurists" refer to *aʾimmah* of those adhering to serving the *ahlu-sunnah wal-jamāʾah* (people of the sunnah and the community of Muslims) in the Western Cape. As noted, a *fatwa* (pl. *fatāwā)* is an Islamic legal verdict by a qualified jurist, and a *hukm* (pl. *ahkām*) also refers to an Islamic legal ruling but connotes the general address of Allah (SWT) derived from sources like the Qur'an and Sunnah, which relates to the actions of the duty-bound (Zidān, 1996). The "primary sources" in the study's questionnaires are the legally independent sources agreed upon by the four *Sunni* schools. This study's "secondary sources" are juristic rulings derived from primary sources, upon which the four *Sunni* schools may differ, and include *maqāsid al-sharī'ah* and Islamic legal maxims. A medical procedure is defined as an invasive service by a healthcare practitioner.

4. Theoretical Framework

This study employs a descriptive analysis of questionnaires from Islamic clergy across various organisations to investigate their approach to medical ethics, procedures, and *fatāwā* issuance in this domain. The critical analytical framework is an eclectic combination of Auda's *maqāsid* approach and Al-Zuhayli's traditionalist *usūli* (principles of Islamic jurisprudence) paradigm. This study utilises Auda's "*maqāsid al-sharī'ah* as philosophy of Islamic law" (representing a modernist reformist perspective) and Al-Zuhayli's *"usūl al-fiqh al-Islāmi"* (representing a neo-traditionalist *usūli* perspective). *Usūl al-fiqh* is defined as the science of maxims and

proofs leading to the extraction of *fiqh* (Zīdān, 1996). Classical *usūl al-fiqh* had two schools: the theologian's path (*Mālikīyyah, Shāfi'iyyah, Hanbaliyyah*) and the jurist's path (*Hanafīiyyah*) (Zīdān, 1996). Neo-traditionalism, unlike strict adherence to one classical school, allows openness to multiple schools (Auda, 2008), which characterises Al-Zuhayli's approach. *Maqāsid al-sharī'ah* aims to ensure human utility and prevent harm (Zīdān, 1996), with *Al-Shātibi's* influential framework (Auda, 2008), leading some scholars like Al-Zuhayli (2008) to see it as a means for *usūl al-fiqh* renewal. Islamic modernism seeks to reconcile Islamic faith with modern values, with "usūli revisionists" attempting to reform Islamic legal theory, often facing resistance from some traditionalists and neo-traditionalists (Auda, 2008). Auda's objective-based approach, as presented in his work, represents this *usūli* revisionist modernist perspective and will be used alongside Al-Zuhayli's approach to analyse the collected data. For a summary of the above, see Table 1 summarising differences between the key concepts of the eclectic theoretical framework used for critical analysis.

Concept	Auda's Approach (Modernist Reformist)	Al-Zuhayli's Approach (Neo-Traditionalist *Usuli*)
Primary Framework	*Maqāsid al-sharī'ah* as a philosophy of Islamic law.	*Usūl al-fiqh al-Islāmi* (principles of Islamic jurisprudence).
Perspective	Modernist reformist / u*suli* revisionist.	Neo-traditionalist.
Objective of *Sharī'ah*	Aims to ensure human utility and prevent harm.	Sees m*aqāsid* as a means for *Usūl al-fiqh* renewal.

Relationship to Schools of Thought	Open to multiple schools of thought, challenging strict adherence.	Openness to multiple schools of thought, which is a characteristic of neo-traditionalism.
Source of Legal Theory	Based on his work, "*maqāsid al-sharī'ah* as philosophy of Islamic law."	Based on his work, *"usūl al-fiqh al-Islāmi"*.
Focus	An objective-based approach, representing a reformist perspective.	A traditionalist approach, but with openness to various classical schools.
Position on Modernism	Seeks to reconcile Islamic faith with modern values, part of the "*usūli* revisionists" attempting to reform Islamic legal theory.	Represents a more traditional stance, but not in strict opposition to modernist ideas; rather, he sees *maqāsid* as a tool for renewal.

Table 1: A Comparison of Key Concepts between Auda and Al-Zuhayli

5. Methodology

This study's research design is an exploratory and descriptive study. The primary data source was *fuqahā* (jurists), *aʾimmah* on independent mosque boards and *shuyūkh* (Muslim Clerics) on *fatwa* boards in judicial organisations; the primary source of data can be described as Muslim clerics. The secondary data source was *fatāwā* that are from the archives of Islamic judicial organisations. The information for the primary data was obtained through distribution of questionnaires with consent forms via electronic platforms such as e-mail, WhatsApp and social media during the months from December 2021 until January 2022. Questionnaires that were given to Islamic clerics were used to inform from Islamic clerics the research study questions. Secondary data sources that were taken included use of the archives. The *fatāwā* gleaned from the archived

verdicts were used because the scholars who issued them had a great impact in forming Islamic judicio-social organisations, for example Sheikh Muhammad Shakir Gamieldien was a founding member of the Muslim Judicial Council (MJC), who thereafter, along with other scholars, separated and formed the halal certifying body and non-profit organisation Majlisush Shura al-Islami (Behardien, 2014). Another example is that of the former Mufti Yusuf Karaan who was instrumental in spreading the *Deobandi* thought in South Africa and was a founding member of the United Ulama Council of South Africa (UUCSA) (Cii radio, 2015).

As mentioned above, this study adopts a critical Islamic discourse made up of Al-Zuhayli's and Auda's approaches. This was used to analyse the primary and secondary data sources. Thus, a qualitative content and discourse analysis was used in this study. The primary and secondary data sources' content was summarised and then compared and further scrutinised according to the eclectic critical Islamic discourse used. The scrutiny of the primary and secondary data sources was done by cross-referencing them with the responses found in the data set, with Auda's and Al-Zuhayli's understanding of the responses found in the data set. Their understanding was then recorded. This was followed by discussing reasons for possible discrepancies between responses in the primary data set.

6. Limitations of the study

This study does not make any analytical propositions and is purely descriptive in essence, as previously mentioned. Furthermore, one limitation of using archived data sources was that there is the possibility that the archive content would be unrelated to the study questions and thus irrelevant when analysing the data.

7. Interview results

From the primary data source, six participants replied and consented to participate in this study. They can be described as representatives of the following organisations: the Muslim Judicial Council, *Dār al-Iftā* Western Cape, the Claremont Main Road mosque independent mosque board, *Majlisush Shura Al-Islami* and The Tennyson Street *Masjid*. The secondary data sources obtained were legal rulings

issued by the MJC and *Majlisush Shura Al-Islami*.

The results discussion below is based on the appendices as numbered below (Salie, 2021). They are summarised in the following list:

- Appendix 1: Claremont Main Road Mosque Independent Mosque Board.

- Appendix 2: The Tennyson Street masjid

- Appendix 3: Dār al-Iftā Western Cape

- Appendix 4: MJC Fatwa Committee

- Appendix 5: MJC Fatwa Committee

- Appendix 6: Majlisush Shura Al-Islami

- Appendix 7: MJC Fatwa Committee archives

- Appendix 8: MJC Fatwa Committee archives

- Appendix 9: Majlisush Shura Al-Islami archives

8. Discussion and Analysis

8.1 Primary Data Analysis

8.1.1 Primary Sources for Legal Verdicts Related to Medical Procedures and Medical Ethics

In response to question one and two, the analysis of the primary data revealed a divergence in how religious authorities approach the foundational sources for medical ethical dilemmas.

Amongst ethical dilemmas are foundational epistemological sources which participants differed. One participant (*Appendix 5*) stated that the Qur'an and Sunnah are the primary sources for medical procedures, which aligns with Al-Zuhayli's *usūli* approach that recognises these as the agreed-upon sources for legislation (Al-Zuhayli, 2015). Auda, too, refers to these as the fundamental sources of Islamic law (Auda, 2008). Whilst the Qur'an and Sunnah are Islamic legal sources, they do not have detailed knowledge regarding most medical procedures, everything from simple, minimally invasive intravenous insertions to invasive organ transplantation surgery. Therefore, the aforementioned approach could form a basis for health-seeking behaviour that is counter to modern medicine and therefore lead to more barriers of maintaining health, especially if

followers of this Islamic cleric would adopt these views built on this approach. This could also serve as a possible explanation for the low vaccination rate in certain areas of Cape Town like Mitchell's Plain, which is known to have a predominantly *Muslim* population (Kamqa, 2021).

The majority of participants (*Appendices 1, 2, 3, and 6*) listed medical practitioners and websites as their primary sources of information. This aligns with Auda's modernist perspective, which emphasises the need for Islamic law to be open to self-renewal and to consult specialists in natural and social sciences, including medicine (Auda, 2008). This approach reflects a progressive stance, as opposed to certain organisations that are often perceived as traditionalists.

One participant (*Appendix 4*) indicated that the objectives of the religion (*maqāsid*) were their primary source of guidance. Al-Zuhayli recognises the *maqāsid* approach as "observable meanings or significations" related to the rulings of the *sharī'ah* (Al-Zuhayli, 2015). Auda highlights that for many jurists, these objectives are synonymous with people's interests and advocates for a purposeful approach to these sources (Auda, 2008). This recognition of *maqāsid* as a legal evidence for Islamic legislation reflects the evolution of jurisprudence amongst Islamic jurists within the Western Cape. This could potentially translate to the preparatory understanding of *maqāsid* amongst both scholars and amongst the general Muslim population. This creates a significant precedent within legal theory and specifically proponents of *maqāsid* to increase education and awareness regarding the *maqāsid* approach to Islamic law.

8.1.2 Secondary Sources used for Medical Ethics

In response to question three, the discussion on secondary sources and methodologies reveals an even greater variety of approaches.

The responses regarding secondary sources for medical ethics reveal a diverse range of approaches among participants. Several participants cited traditional Islamic scholarly opinions, both classical and contemporary, a practice that aligns with Al-Zuhayli's (2015) analysis of legal sources. One participant noted works that frequently referenced classical scholars like Imam Al-Shāfi'i, Imam Al-Shawkānī, and Imam Al-Ghazālī, while also allowing for

opinions outside the four traditional legal schools, which conforms to the views held by Al-Zuhayli (2015). This participant also mentioned online research, a source not directly addressed by Al-Zuhayli but which Auda (2008) implies is a necessary consideration for jurists in a modern context.

8.1.3 Secondary Legal Sources: A Detailed Breakdown

A comprehensive list of sources is provided in Appendix 5, including several that Al-Zuhayli (2015) categorises as either primary or secondary. These included *qiyās* (analogy) and *ijmā'* (scholarly consensus), which Al-Zuhayli considers primary, as well as a host of secondary sources.

Istihsān (juristic preference) is favoured by the Hanafi, Māliki, and Hanbali schools but rejected by Imam Al-Shāfi'i (Al-Zuhayli, 2015). Auda (2008) calls for a purposeful approach to *istihsān* beyond simple analogy. This contrasts with *urf* (customs), which is used as an independent source by some schools (*hanafiyyah* and *mālikiyyah)* within legal maxims by others (Al-Zuhayli, 2015). Auda (2008) adopts Ibn Ashur's view of using custom to reinterpret texts based on their objectives. *Masālih al-mursalah* (unrestricted interests) is a famous juristic concept held by the *Māliki* school, which involves a relevant characteristic not explicitly included as part of the *sharī'ah* (Al-Zuhayli, 2015). Auda (2008) advocates for merging unrestricted and considered interests into a single category coherent with the purposes of Islamic law. *Shar' man qabalana* (previous legislation) which is a legal concept and proof held across all four schools of law, as they consider previous divine laws binding if they were not proscribed or abrogated in Islamic law (Al-Zuhayli, 2015). Auda (2008) notes the varying acceptance among classical schools but does not discuss it within his systems-purposeful approach. *Sadd' al-dharāi'* (blocking the means) aims to prevent harm and facilitate benefit (Al-Zuhayli, 2015). Auda (2008) highlights its consequentialist ethics and advocates for a purposeful approach to opening means to good ends as historically advocated by Al-Qaraffi. *Qawl al-sahābah* (view of the companions) used as an independent legal source has four distinct views, ranging from outright rejection to conditional acceptance (Al-Zuhayli, 2015). Auda (2008) implicitly includes it in his purposeful approach. *Istishāb* (presumption of continuity) refers to the continuation of a ruling

based on its past status (Al-Zuhayli, 2015). Auda (2008) advocates for a "wide presumption of continuity" based on values like justice. *Qawāid al-fiqhiyyah* (legal maxims) as per Al-Zuhayli (2015) considers knowledge of legal maxims a prerequisite for a *mujtahid* (a scholar qualified to perform *ijtihad*), and Auda (2008) briefly studies their classical use. *Maqāsid al-sharī'ah* (higher objectives of the law) according to Al-Zuhayli (2015) adopts Ibn Ashūr's conditions for considering *maqāsid*, while Auda (2008) advocates for a systemic approach using a purposeful methodology for all legal evidences.

8.1.4 The Role of *Ijtihād* and *Maqāsid*

Appendix six specifically advocated for *ijtihād* guided by *maqāsid* as a secondary source. This approach aligns with both Al-Zuhayli's and Auda's methodologies, emphasising a systematic research process that consults the Qur'an, Sunnah, *ijmā'*, and *qiyās* (Al-Zuhayli, 2015). Auda (2008) describes this as a "systems perspective" and a purposeful approach to legal sources, moving beyond reductionist and binary thinking. The participant's emphasis on *ijtihād* suggests a dynamic, research-oriented method for addressing contemporary ethical dilemmas.

In summary, the analysis reveals that while there was a shared adherence to the fundamental principles of Islamic law, a clear difference exists in the practical application of these principles. The majority of participants demonstrate a progressive and at times a modernist, approach by actively consulting with medical professionals. The objectives of their verdicts, while centred on the core Islamic principle of preserving life, are increasingly incorporating more proactive and holistic concepts like well-being, reflecting a contemporary shift in understanding medical ethics.

This diversity in views indicates a growing need for an agreed-upon framework for medical ethics within the contemporary sphere. Interestingly, for secondary sources related to Islamic medical ethics, no single participant mentioned principilism which is the dominant and leading Western Medical Ethics framework used and taught in South Africa (Moodley, 2017). This shows the disconnect between Islamic clerics and people in real-life situations, such as Muslim medical professionals and the realities that they face.

8.1.5 The Objectives when Issuing a Legal Verdict Related to Medical Ethics and Medical Procedures

In response to question four and five, majority of participants stated that their legal verdicts must conform to the *maqāsid al- sharī'ah*, with the notable exceptions of appendices two and six. Appendix one highlighted the preservation of life and the facilitation of health and well-being as key objectives. This contrasts with Al-Zuhayli's (2015) prioritisation of religion over life. Al-Zuhayli also categorises the facilitation of well-being under the concepts of need and *tahsīniyāt* (Embellishment or beautification), which serve to perfect the primary objective of preserving life.

Appendix two, in contrast, stated a preference for deferring to expert *muftūn* (sing. *mufti;* jurists) for legal verdicts, raising the issue of *taqlīd* (blind following within Islamic jurisprudence). Al-Zuhayli (2015) discusses the unconditional permissibility of a scholar following another in a specific case if they are unable to perform their own research, a view held by scholars like Ahmad and Ishāq.

8.1.6 Diverse Interpretations of Legal Principles

Several participants provided nuanced perspectives on legal principles. Appendix one, along with appendix three, reflects those responses focused on participants' objectives regarding the use of permissible procedures. Al-Zuhayli (2015) details the five commissionable rulings (*hukum taklīfiyy*), from compulsory to prohibited, while the *Hanafi* school distinguishes eight. Auda (2008) also notes this difference, explaining that classical approaches often use a binary, consequentialist method to derive these rulings.

Appendix six implicitly mentions *maqāsid* by focusing on preserving life, ensuring that procedures align with the Qur'an and Sunnah, and considering the overall benefit for the patient, family, and *dīn* (religion). This aligns closely with Auda's (2008) systems approach, which calls for interests to be coherent with the purposes of the *sharī'ah*, thereby resulting in "considered interests" that agree with the objectives of primary sources. This participant also emphasised the *dharūrāh* (necessity) of questionable medical procedures, a concept Al-Zuhayli (2015) discusses under *al-rukhsah* (special license), where forbidden acts may be permitted when necessary.

8.1.7 Evolving *Maqāsid* frameworks

The responses collectively suggest a shift from a reactive, preservationist framework to a more proactive and holistic one. The appearance of "facilitation of health and well-being" in Appendix One as an objective is particularly noteworthy, as it moves beyond a purely biomedical definition of health. This aligns with Auda's (2008) discussion of a contemporary shift among some jurists from a focus on "protection" and "preservation" to "development" and "rights," despite some jurists rejecting this "contemporising" of *maqāsid* terminology. This proactive, holistic approach also resonates with the biopsychosocial model found in modern family medicine (Borrell-Carrio, 2004).

The responses also highlight the importance of expert consultation. The objective of ensuring that Muslim medical professionals follow Islamic guidelines through consultation with expert scholars, as appears in Appendix Three, underscores this point. Al-Zuhayli (2015) outlines the qualifications for a *mufti*, including being knowledgeable and just, while Auda (2008) emphasises the importance of "multi-disciplinary," arguing that a "disciplinisation" that monopolises sources can hinder creativity and new ideas.

The discussions on the objectives of medical ethics used by the participants reveal a lack of a standardised approach among participants. The absence of a common trend in responses suggests why various judicial organisations issue different rulings on ethically unclear procedures, such as organ transplantation and mandatory COVID-19 vaccinations. The themes can be summarised in three main areas.

Firstly, most responses were reactive, focusing on the preservation of life in specific situations (e.g., "saving lives"). This focus on the text often neglects the broader needs of patients, such as women's sexual and mental health. This contrasts with a more proactive approach, which would aim to facilitate well-being and align with modern medical models like the biopsychosocial approach.

Secondly, none of the participants explicitly advocated for changing the existing medical ethical frameworks used by hospitals and their ethics committees. This reactive approach, which focuses on

providing rulings rather than influencing policy, does not align with the concept of *fiqh* of citizenship, despite the large historically relevant and important Muslim population in the Western Cape.

Thirdly using Auda's understanding of moving away from "disciplinisation" of one science and the results of this question, sciences such as perhaps Islamic medical ethics could be more thoroughly researched by individuals working in the industry, such as medical professionals, to synthesise an appropriate context-relevant proactive approach to reform healthcare decision making. The results of this study emphasised this as the participants, whilst only having a reactive approach, are not in those realities and could perhaps not accurately conceive of the importance of policy and medical ethical reform.

8.2 Analysis of Secondary Data Sources

Three legal verdicts from prominent South African religious figures and organisations were analysed to understand their underlying methodologies.

8.2.1 Analysis of Legal Verdicts from the Former Mufti of the MJC

Regarding primary sources of medical ethics the verdicts issued by the deceased participants were likely used non-*sharī'ah* sources, such as websites and health professionals, as evidenced by the use of biomedical jargon (see appendices 7 & 8). This aligns with Auda's concept of "multi-disciplinarity" and the self-renewal of Islamic law through engagement with modern sciences (Auda, 2008). The verdicts also drew on the Qur'an and Sunnah, which both Al-Zuhayli and Auda agree are fundamental sources (Al-Zuhayli, 2015; Auda, 2008).

Regarding secondary sources of medical ethics the previous Mufti referenced "modern day *ulamā*", indicating a neo-traditionalist approach that is open to views from outside the four main Sunni schools of jurisprudence (Auda, 2008).

However related to the objectives of rulings related to medical procedures and medical ethics. The rulings were reactive, providing a "commissional ruling" (e.g., stating certain forms of surrogacy are "wrong"). This aligns with a traditionalist-binary approach to legal

rulings (Auda, 2008). The verdicts implicitly used the traditional *maqāsid* paradigm, specifically the preservation of paternal lineage, a core principle within the *dharūriyāt al-khams* or the five main objectives of the *sharī'ah* (Al-Zuhayli, 2015).

8.2.2 Analysis of Legal Verdicts from a Founding Member of Majlisush Shura Al-Islāmi

In relation to the primary sources used for medical ethics and medical procedures (see appendix 9) the archived verdict likely also utilised the perspectives of health professionals, demonstrating a "multi-disciplinary" approach similar to that of the former Mufti (Auda, 2008). The Qur'an and Sunnah were also used as primary sources, with a verse on necessity being quoted (Al-Zuhayli, 2015; Auda, 2008).

Interestingly in relation to the primary sources used for medical ethics and medical procedures the archived verdict explicitly used legal maxims and the objective of the preservation of life as secondary sources. Al-Zuhayli considers knowledge of legal maxims a prerequisite for a *mufti* (Al-Zuhayli, 2015).

Whilst related to the objectives when issuing a legal verdict related to medical procedures and medical ethics; the ruling provided was a commissioned ruling on the permissibility of alcohol-based medication when no alternative exists. This approach diverges from a strictly traditionalist view of necessity (which limits it to the preservation of life), advocating for a broader understanding that includes enhancing life or its quality. This aligns with the call from scholars like Al-Qaradhāwi (2001) for a return to textual evidence rather than a rigid adherence to past scholarly opinions. Table 2 provides a comparison of these positions.

Feature	Former mufti of the MJC (Neo-traditionalist with modernist tendencies)	Founder of Majlis Al-Shura Al-Islāmi (modernist with neo-salafi tendencies)
Approach Characterization	Neo-traditionalist with modernist tendencies.	Modernist with neo-salafi tendencies.

Use of Non-*Sharī'ah* Sources	Used to define the medical procedure, showing engagement with modern advances.	Used to understand the medical procedure (e.g., various uses of alcohol in medication).
Reference to Scholars	References "modern-day '*Ulama*", showing an openness to views outside of the four traditional Sunni schools.	Aims to return directly to textual evidence without explicitly citing various schools of thought.
Application of *Maqāsid*	Implicitly used a traditionalist *maqāsid* paradigm, emphasizing the preservation of paternal lineage.	Utilised the concept of necessity/*dharurah* for the preservation of life, but with a broader scope to include enhancing life's quality.
Stance on Legal Rulings	Reactive, providing a "commissional ruling" based on a specific situation.	Reactive, providing a commissional ruling but with a broader, more flexible interpretation of necessity.
Underlying Methodology	Non-restrictive approach to *usūli* evidences and schools of thought, referencing contemporary rulings.	Utilised legal maxims and the concept of necessity directly from primary sources, aligning with Al-Qaradhāwi's call to return to textual evidence (Al-Qaradhāwi, 2001).

Table 2: Results of the Secondary Data Sources

9. Conclusion

This study showed that the approaches relating to medical ethics used by various judicial organisations, as represented by the primary and secondary data sources, cannot purely be described by one particular tendency or theoretical stream. This is evidenced by Al-

Zuhayli's neo-traditionalist and Auda's modernist analyses used in this study. Furthermore, the approaches used by the representative judicial organisations in this study were not standardised or common, generally tending towards a reactive, consequentialist and random approach with certain participant exceptions. The study further showed that most organisations in this study have modernist tendencies relating to investigating medical procedures. Finally, the objectives for issuing a legal verdict from the data sources showed a very traditionalist approach, with only providing legal rulings reactively to ethically unclear medical procedures. This approach is further emphasised as none of the participants explicitly stated an integrative approach with proactive tendencies to improve or academically challenge the current medical ethical paradigm used by medical professionals in South Africa.

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Appendices

PERSONAL INFORMATION & QUESTIONNAIRE (Appendix 1)

Questions: (list your questions here)

1. What are your primary sources used to investigate medical procedures?

Medical Experts in the field of the medical procedure

2. What are your primary sources used for medical ethics?

Quran and Hadith

3. What are your secondary sources/juristic tools used for medical ethics?

Muslim Scholarly Opinions both classical and contemporary

4. What are your objectives when issuing a legal verdict/*fatwa* relating to medical procedures?

Protection and Preservation of Life and Facilitation of the Health, Well-Being of the Patient

5. What are your objectives when issuing a legal verdict/*fatwa* relating to medical ethics?

Same as above

PERSONAL INFORMATION & QUESTIONNAIRE Appendix 2

Questions: (list your questions here)

1. What are your primary sources used to investigate medical procedures?

I don't investigate medical procedures, I refer them to those who are equipped to investigate them.

2. What are your primary sources used for medical ethics?

The Medical Scholars.

3. What are your secondary sources/juristic tools used for medical ethics?

Online, reading up on medical ethics

4. What are your objectives when issuing a legal verdict/*fatwa* relating to medical procedures?

I don't issue a Fatwa relating to medical procedures, I let the experts in this specific field do that.

5. What are your objectives when issuing a legal verdict/*fatwa* relating to medical ethics?

As a result of the fact that I don't issue a Fatwa relating to medical procedures and as a result of me letting the experts in this specific field do that, I receive and inspect the objectives of the one (body) issuing the verdict/fatwa.

Questions: (list your questions here)

1. What are your primary sources used to investigate medical procedures?

Consultation with medical professionals and reputable medical websites including allopathic or traditional practitioners.

2. What are your primary sources used for medical ethics?

The Quran, Hadith Legal Maxims, Jurisprudence based on the 4 agreed upon Schools of Thought.

3. What are your secondary sources/juristic tools used for medical ethics?

Same as number 2.

4. What are your objectives when issuing a legal verdict/fatwa relating to medical procedures?

Protection of life. Procedures should be known to expedite recovery. Should be permissible forms of procedures.

5. What are your objectives when issuing a legal verdict/fatwa relating to medical ethics?

Ensuring Muslim medical professionals adhere to Islamic guidelines sourced from agreed upon sources with due consultation with expert Islamic scholars.

-

Questions: (list your questions here)

1. What are your primary sources used to investigate medical procedures?
   Any medical procedures must adhere to the following primary sources and objectives of beautiful religion - which are - preservation of religion, lineage, mind, wealth and life - which can be called ' the higher objectives of medicine.

2. What are your primary sources used for medical ethics?

   The research also includes the basic tools usul/aḥkām recognized that ethics cannot be separated from Sharia. Islamic law is a compendium of ethics and its legal rules. Thus, the purpose of Sharia is to encompass jurisprudence and its rules, to be the foundation of good ethics/d for ethical rules in Islam be derived from five principles and objectives of Sharia - intent, certainty, harm, hardships and customs. Muslim should return to their legislative inheritance as a source of moral norms.

3. What are your secondary sources/juristic tools used for medical ethics?

   Islam recognized that ethics cannot be separated from Sharia. Islamic law is a compendium of ethics and its legal rules. Thus, the purpose of Sharia is to encompass jurisprudence and its rules, to be the foundation of good ethics.

4. What are your objectives when issuing a legal verdict/fatwa relating to medical procedures?

   The purpose and objective of any legal verdicts (-including medical)- is to facilitate ease upon people and create a sense of confidence in the questioner/mind, that the verdict given is in line with the Quran, sunnah and higher objectives of our deen.

5. What are your objectives when issuing a legal verdict/fatwa relating to medical ethics?
   That it's given on the premise of saving lives, in full consideration of the well-being of the patient - with the utmost of integrity, truthfulness, compassionate, tolerance and etc. In the early development of Islamic medicine- most issues were resolved by direct interaction with the text. Later, medicine started to progress and scholars used the tools of قياس، إجماع and استحسان. However, in our current development and modern technology Era- we need to develop broader concepts and do more research in the مقاصد of sharia

PERSONAL INFORMATION & QUESTIONNAIRE Appendix 5

Questions: (list your questions here)

1. What are your primary sources used to investigate medical procedures?

The two primary sources would be the Quran and Sunnah, e.g. Kitaabut Tibb of Imaam Bukhaari. Amongst the Secondary sources would be Kitaab Al Jaraahah At Tibbiyah Wa Aathaar Almutaratibah Alayhaa by Imaam Muhammad Shinqiti, Fiqhul Islaam Wa Adilatuhu by Wahbatu Zuhaili, Tibbun Nabawiyy by Ibn Qayyim, Arrahma fi Tibbi wal Hikmah by Imaam Suyuti. Tertiary sources would be various Fatawa websites, e.g. IslamQA, Fatatwa Misriya etc.

2. What are your primary sources used for medical ethics?

The same as above the Quran and Sunnah.

3. What are your secondary sources/juristic tools used for medical ethics?

Ijmaa'. Qiyaas, Istihsaan, Urf, Masaalihul Mursala, Shar' Man Qablana, Qawl al-Sahaabi, Sad al-Tharaai'. Istishaab,

Qawaa'idul Fiqhiyah, Maqaasid Shari'a.

4. What are your objectives when issuing a legal verdict/*fatwa* relating to medical procedures?

The objectives of the Shari'a.- Hifthul Aqal, Hifthud Deen, Hifthun Nasl, Hifthun Nafs, Hifthul Maal. As well as Qawaa idul Fiqhiyyah.- Al Mashaqah Tajlibut Tayseer, Addarar Yazaal, Addaruraat Tubeehul Mahthuraat

5. What are your objectives when issuing a legal verdict/*fatwa* relating to medical ethics?

The same as the above

PERSONAL INFORMATION & QUESTIONNAIRE Appendix 6

Questions: (list your questions here)

1. What are your primary sources used to investigate medical procedures?

I would research and consult relevant medical sites concerning the procedure in order to learn more about the subject. I would also consult various doctors in order to obtain there input .

2. What are your primary sources used for medical ethics?

The Holy Quran. The Sunnah of the Holy Prophet p.b.u.h. Ijmaa and Qiyaas. These are the four sources of legislation in Islam. Also consulting the four Sunni Schools of thought and sometimes beyond these four. This would be in order to check that the procedures applied and the way it is applied is acceptable to us as Muslims In accordance with our beliefs and law.

3. What are your secondary sources/juristic tools used for medical ethics?

Ijtihad or research to make sure that the procedures satisfies the basic guiding principles of Islamic law.

Ie life, belief, integrity , intellect, protection of wealth.

Also checking if ethically there is any clash with the aims and objectives of the Shariah.

4. What are your objectives when issuing a legal verdict/*fatwa* relating to medical procedures?

To make sure that it is in conformity with the Shariah according to the Quran and Sunnah.
Preservation of life.

To see where the benefit lies for the patient as well as the family and for Allah's Deen.
Making sure the procedure is a necessity if it is of a questionable nature.

5. What are your objectives when issuing a legal verdict/*fatwa* relating to medical ethics?

To make sure that the procedures adopted by the doctors are acceptable and is not harmful or problematic to us as Muslims. The saying of the Prophet p.b.u.h. that "no one should harm another and that no one should be harmed."

Appendix 7

Dear brother ▮▮▮▮▮▮▮

Wa alaykum Assalaam !!

We have looked at the description given by yourself of the procedure involved in IVF and our response is that this type of procedure is permissible for Muslims on condition that in the process there is certainty that only the egg-cells of the wife and the sperms of her husband are utilised. We make dua that inshallah there will be success in the procedure to the satisfaction of all parties. Remember that Allah sometimes acts in a manner known only to Him. Wassalaam.

(FOR MJC FATWA COMMITTEE)

From: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮
Sent: Tuesday, April 29, 2014 11:09 AM
To: fatwa@mjc.org.za
Subject: IVF and GIFT procedures for Infertility

وَبَرَكاتُ اللهِ وَرَحْمَةُ عَلَيْكُمُ السَّلامُ

Dear ▮▮▮▮▮▮▮

My wife and I urgently need to know if IVF and GIFT procedures to assist for fertility is allowed. Our infertility is unexplained. It would be my sperm and my wife's egg:

What is IVF?

In vitro fertilisation **(IVF)** is the most commonly used of the **assisted reproductive technologies**

(ART). IVF literally means "fertilisation in glass" (referring to the test tube, which is where the term **"test**

tube baby" comes from).

During this process, eggs are collected from the ovaries and fertilised in the laboratory with sperm. After

a number of days, the **fertilised eggs (embryos)** are transferred to the female patient's womb to

develop and grow.

What is GIFT?

Gamete intra-fallopian transfer (GIFT) is a form of assisted reproduction technique that involves the

same first, second and third steps as **IVF**, namely boosting the development of eggs, monitoring the

growth of the eggs using ultrasound, and then administering the medication to ensure that the **eggs**

mature.

A **laparoscopy** is performed, and after the eggs have been collected, they are placed together with the

sperm sample in a catheter (tube). The eggs and sperm are injected into the **fallopian tube** through

this catheter. **Fertilisation** may then take place in the body, and not in the laboratory as with **IVF**.

Would be appreciated if you could respond today as we have an appointment with the specialists.

Shukran.

المن ١

Appendix 8

Islamic verdict on Surrogate Motherhood

- 1.

Question: What is the Islamic verdict upon *Surrogate Motherhood?*

Answer: By surrogate motherhood, we understand that the ova of a woman is taken and fertilized outside the body with the sperms of a man and the fertilized egg is then implanted into the womb of another woman to carry and be developed throughout the gestation period up to the birth of the child.

If this fertilized egg is implanted into the womb of the same woman who supplied the ova and this woman is married to the man who supplied the sperms for fertilization, the process would be permissible. However, if it is implanted into the body of another woman not married to him, the Shariah of Islam considers it not permissible for various reasons.

In the first place the implanting of an egg fertilized by sperms from a man who is a stranger to the woman is wrong because it resembles introducing the sperms of a man into woman who is not his wife. This resembles the act of **Zina** and does not establish fatherhood of the male to the intended baby to be born.

Secondly the mother of the child will be the one who gives birth to it and not the one whose egg was fertilized. The Quran categorically states.

"None can be their mothers except those who gave them birth." (58.2)

Hence the surrogate mother in Shariah will be considered the mother of the child for the above reasons such a child will be considered an illegitimate child with no established fatherhood.

In the opinion of some of our modern day Ulema surrogate motherhood will only be acceptable if the surrogate mother is a co-wife of the fertilizing father, with the ova coning from a co-wife. In this case the egg is supplied by one wife and the other wife, married to the same husband carries the fertilized throughout the gestation person till birth. In this case the child will be legitimate and fatherhood of the child will be established, the child being born of a father and a mother.

Signed: Dated: 21 May 2004

Appendix 9

-5-

the preservation of life is the ultimate criteria by which such an act is judged.

3. ADMINISTRATION OF MEDICINES CONTAINING ALCOHOL

If alcohol is placed in medicines for reasons such as the preservation of the medicines or even for its own value as a medicine then this is permissible if alternative medicines or alternative means of preservation are not available.
Therefore if it is placed in medicines not for purposes of preservation or for its own value as a medicine then it is not permissible to use such medicines.

Allah say in the Holy Quran [Surah Ma-idah; Verse 3]

But if any is forced [by hunger]
With no inclination of transgression
Then Allah is indeed oft-forgiving Most merciful.

Hence, the use of alcohol becomes permissible only because of the non availability of non-alcoholic alternatives and the Shariah then regards it as lawful on the grounds of DAROORAH [necessity], in the same way as the eating of HARAAM [forbidden] food becomes permissible under such conditions.

4. ADMINISTRATION OF MEDICINE DERIVED FROM PIGS

This has the same decree as the one above,viz. that if necessity is the criterion then things normally forbidden becomes lawful.

This is structured on the golden rule in jurisprudence that forbidden things are permissible when necessity rules.

5. THE IMPLANTATION OF PIG VALVES

If it is the only way of enhancing a life or causing a human being to live a better quality life and if no other part of human beings or other animals other than that of a pig can be used or is available to be used, then it is necessary with no inclination of transgression to use the valve of the pig.
Again the rule quoted above will apply, viz. that when necessity is the order of the day, then it is permissible.

And Allah knows best.

WALHAMDULILAHI RABIEL AALAMEEN

SIGNED

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Language Biographies as a Multimodal Pedagogical Tool in Additional Language Teaching and Learning

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Abstract

This article argues that multimodal language biographies are an effective tool for learning additional languages, especially where Arabic is the first language and English the target language. By examining how Arabic-speaking students position themselves in multilingual environments, the study shows how language biographies illuminate learners' attitudes toward acquiring English. Based on data from 12 adult Arabic-speaking learners of English in South Africa, the findings reveal how students construct their linguistic identities and negotiate the relationship between Arabic and English. The results support the claim that multimodal language biographies function as valuable pedagogical and assessment tools for both teachers and students. As a phenomenological approach, they help participants interpret their linguistic life worlds and articulate their positioning within diverse multimodal contexts. The study highlights the importance of valuing students' full linguistic repertoires-Arabic, English, and dialectal varieties- as instructional resources. It recommends using language biographies for student self-assessment and for teacher assessment practices that extend beyond verbal interaction in bilingual learning spaces.

Keywords: Additional language learning, Language biographies, linguistic repertoire, multimodality, pedagogical tools, phenomenological approach.

1. Introduction

This study investigates language biographies as a multimodal pedagogical tool for Arabic-speaking learners of English[1] as an additional language in South Africa. Busch (2015) defines language biographies as a personal account of an individual's experience with language, emphasising their role in tracing the lived dimensions of language use. Research by Cannon and Marx (2024); Motamedi, Murgiano, Grzyb, Gu, Kewenig, Brieke and Donnellan (2024); Crisfield (2022); Crowe and Guiberson (2022); Ndiribe and Aboh (2022); Kusters, De Meulder and Napier (2021); Kusters and Hou (2020) and Kusters and De Meulder (2019) indicates that in additional language teaching and learning, language biographies, viewed as a multimodal pedagogical tool, encourage students to reflect on their language learning journeys through multiple modes, fostering critical engagement with their experiences and identities, and promotes deeper understanding of language and culture. International and national studies on language biographies as a multimodal pedagogical tool in additional language teaching and learning have been conducted in a variety of contexts. For example, Cannon and Marx's (2024) study provides a wide review of research methodologies across language studies with deaf and hard-of-hearing multilingual students. Crisfield's (2022) study, "Context-Driven Research on and for Multilingual Students", provides a similar overview. The projects described explore different facets of second language acquisition (SLA) from the perspective of teachers, school leaders, and parents. Crowe and Guiberson (2022) conducted a study on language development, assessment, and intervention for d/Deaf and hard-of-hearing multilingual students. Kusters and De Meulder (2019) researched how language portraits embody multilingual and multimodal repertoires, discussing the use of language portraits (LP) as a research method to investigate the

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[1] The term "Arabic-speaking learners" designates participants whose L1 is Arabic and whose language biographies reflect their Arabic linguistic backgrounds, dialectal repertoires, and prior schooling experiences. Arabic is prominently featured in the study because it serves as the foundation from which participants engage with English as an additional language.

embodied multilingual repertoires of people who use both spoken and signed languages. The authors argue that the multimodal language biography is an effective tool for learning additional languages. By examining students' attitudes toward language learning, this study proposes that language autobiographies can enhance teachers' understanding of how students position themselves in multilingual environments.

This study is grounded in the theoretical assumption that an individual's first language (L1) serves as a practical resource for learning an additional language, based on Cummins' (2008) theory of linguistic interdependence. Cummins' (2008) theory proposes that cognitively and academically beneficial forms of bilingualism can be achieved with adequately developed first-language (L1) skills. Two hypotheses are formulated and combined to reach this conclusion. The "developmental interdependence" hypothesis proposes that the development of competence in a second language (L2) is partially a function of the type of competence already developed in L1 at the time when intensive exposure to L2 begins. The "threshold" hypothesis proposes that there may be levels of linguistic competence that a bilingual child must attain, both to avoid cognitive disadvantages and allow the potentially beneficial aspects of bilingualism to influence their cognitive and academic functioning. These hypotheses are integrated into a model of bilingual education in which educational outcomes are explained as a function of the interaction among background, child input, and educational treatment factors. Considering that teaching and learning are human activities that occur in real-world social and cultural contexts, this study combines Cummins' theory with the concept of scaffolding in Vygotsky's activity theory (1978), which posits that language is learned using tools. The theoretical framework of Vygotsky's theory is an integrated system of conceptual tools and theoretical approaches, providing a conceptual model for analysing the relationship between humans as subjects and the external environment (Bake, 2018). This study also draws from Kress and Van Leeuwen's (2001) conceptual ideas on multimodality, which affirm the multiple ways in which language is expressed and insight is gained. These were used to construct the theoretical framework. In

their 2001 work, Gunther Kress and Theo van Leeuwen's (2001) conceptual ideas on multimodality, particularly their focus on the interplay of different modes of communication and their social semiotic approach, were incorporated into the field of discourse analysis and communication studies.

Ndiribe and Aboh (2022) focused their research on multilingualism and marginalisation in a Nigerian context, contending that multilingualism is not a new phenomenon, but rather a relatively widespread one around the world. The field of language education needs to consider and adapt to this reality, as multilingualism presents both opportunities and challenges for all educational systems. In fields such as linguistics, psycholinguistics, sociolinguistics, and education, multilingualism should be researched from various angles because it is a multifaceted phenomenon. The research aim, to investigate how language biographies serve as scaffolds for language teaching and learning, focused on the teachers' and the students' use of language biographies to reflect on the process of language teaching and learning.

This study aims to enhance language teaching activities by utilising students' L1 as a tool in communicative teaching. It questions the monolingual teaching central to the communicative language teaching (CLT) approach by showing that integrating a student's L1 does not contradict the central concept of the CLT. Instead, integrating the L1 with other language teaching methods can enhance interaction, engagement, and participation. Students are more capable of meaningful communication in a relaxed atmosphere. Such bilingual strategies can be a powerful resource in promoting more cognitively engaged learning (Cummins, 2008; MacSwan, 2017). This can maintain fluidity and interdependence between L1 and L2, creating an *Ubuntu* translanguaging teaching and learning model (Makalela, 2015), where languages blend into one another and multilingual social, linguistic, and capital resources at the learner's disposal are acknowledged and utilised (Makalela, 2014). The significance of this study lies in its contribution to the discussion on language portraits and their importance as a research tool in language teaching and learning, as well as teacher training.

This study is guided by the following research questions, which focus on the pedagogical and experiential value of multimodal language biographies for Arabic-speaking learners of English.

1.1 To what extent can language biographies scaffold language teaching and learning?

1.2 How do Arabic-speaking learners of English construct and represent their linguistic identities through multimodal language biographies?

1.3 What insights do multimodal language biographies provide into learners' attitudes, motivations, and emotional experiences in learning English as an additional language?

2. Theoretical Framework

Three linguistic theories underpin this study. First, the concept of interdependence in L1 and L2 development originates from Skutnabb-Kangas and Toukomaa's (1976) work based on the language development of Finnish immigrant children in Sweden, where they found that "the degree of L1 development had a significant influence on L2 development" (Verhoeven, 1994, p. 382). Later, Cummins (1978, 1979) conceptualised this assumption in a theory known as the linguistic interdependence hypothesis and proposed a pair of correlated hypotheses. Similarly, the central argument of the developmental interdependence hypothesis is that the L1 is a potential resource for scaffolding and overcoming difficulties faced by students in their collaborative L2 learning (Ferguson, 2003) and that "the level of L2 competence which a bilingual child attains is partially a function of the type of competence the child has developed in L1 at the time when intensive exposure to L2 begins" (Cummins, 1979, p. 233). Cummins discussed language and literacy skills that can be transferred from one language to another. Then, in 1981, Cummins elaborated upon the interdependence hypothesis, stating that the relationship between L1 and L2 is not unidirectional. He argued that the transfer is not only from L1 to L2, but reciprocal, and that the transfer of skills and cognitive development can also occur in the other direction (Cummins, 2008). He critiqued the assumption inherent in the idea of two solitudes in bilingual education. His criticism is directed at

the presumption that foreign language classrooms should be taught exclusively in the target language and that bilingual programs should maintain a rigid separation between the two languages to ensure successful L2 learning (Cummins, 2008; Cummins, 2017). A key aspect of developing language and literacy is to keep students active, value their motivation and learning abilities, and position them as "contributing to knowledge making" (Lundgren, 2015, p. 6; Cummins, 2014). Connecting curricula to students' lives, drawing on their prior knowledge and experiences, and valuing the linguistic and cultural capital students bring to the classroom can be identity-affirming (Cummins & Early, 2011).

Secondly, the scaffolding metaphor, coined by Wood, Bruner, and Ross (1976), which is also an important sociocultural concept, is involved in and operates within Vygotsky's zone of proximal development (ZPD). The latter is embedded in interactions between a novice (student) and an expert (teacher) (Khaliliaqdam, 2014). According to Vygotsky (1978), scaffolding can help students reach their full developmental potential during interaction with a more knowledgeable other when learning an additional language. Scaffolding requires a knowledgeable person to use tools to assist the novice in more complex problem-solving, which the novice may not be able to achieve independently (Rambe, 2012).

Thirdly, the concept of multimodality was introduced in Halliday's (1978) social semiotics theory of communication, which shifts the focus from linguistics to semiotics. In other words, language is not the only mode of communication; rather, it should be understood as a communicative resource through which interaction takes place and meaning is made, distributed, and interpreted (Kress & Van Leeuwen, 2001). Communication and meaning-making sources include gestures, pictures, and movement. Therefore, discussing and enforcing the concept of monomodality in multilingual and multicultural schools and higher education institutions may not be rational or realistic (Kendrick & Potts, 2015; Stille & Prasad, 2015). Drawing on the theory of multimodality, the study explored the potential contribution of language biographies as a mode of communication and a resource for meaning-making in language teaching and learning.

These theories, when combined, constitute the theoretical and analytical framework for this study. This study claims that language biographies can play a role in scaffolding (Vygotsky, 1978) of additional language teaching and learning (Cummins, 2008). These biographies can provide teachers and students with alternative semiotic resources to reflect on the process of language teaching and learning of additional languages using multimodality (Kress & Van Leeuwen, 2001). Using language biographies as a reflective, diagnostic tool may help teachers and students articulate personal narratives about themselves and their learning experiences. For instance, students may better understand how they position themselves in a multimodal context. Similarly, teachers may identify challenges and problems that might impact students' academic engagement and performance and suggest possible solutions.

3. Literature review

Research on language autobiographies aims to illuminate language learning trajectories and enhance the visibility of linguistic diversity in education (Potolia, 2024). This approach facilitates understanding of language acquisition mechanisms and plurilingual awareness, informing the development of teaching materials and strategies (Oikonomakou, Kokkinos & Potolia, 2024). A qualitative study by Oikonomakou, Kokkinos, and Potolia (2024) demonstrated how language autobiographies as a reflective practice foster critical linguistic awareness among students regarding language ideologies and stereotypes, contributing to teacher professional development in European multicultural classrooms. Furthermore, integrating multilingual and multimodal approaches expands upon traditional monolingual and unimodal language-learning paradigms, enriching our understanding of communicative repertoires within diverse cultural contexts (Swanwick et al., 2024). The richness of knowledge gained by critiquing and extending such processes can be harnessed to underpin the development of more meaningful assessments and intervention programs that currently tend to be rooted in Western epistemologies, which fall short of capturing the multifaceted nature of language development in different contexts.

Combining visual (drawing, colouring, etc.) and narrative elements,

language biographies offer a multimodal approach to understanding language learning (Kusters & De Meulder, 2019). The educational value of these approaches in multilingual contexts stems from determining students' self-positioning within a multimodal representation and its impact on their learning (Norton, 2010; Bock & Mheta, 2013). Language portraits allow students to graphically visualise their linguistic repertoire, encompassing their "lived bodily and emotional experience of language", and their "ideologically informed ideas about, attitudes to, and stance-taking towards particular languages or modes of speaking" (Busch, 2018, p. 4). Crisfield's (2022) research on international schools revealed that language approaches were often driven by either ideology or practicality, frequently adapting methods developed in other contexts for different purposes. The study explored SLA from the perspectives of teachers, school leaders, and parents, finding that student linguistic and cultural development was often prioritised through Western, English-centric curricula and pedagogies, frequently viewing student diversity as a challenge rather than an asset. The project subsequently profiled schools that actively prioritised support for linguistic diversity (Crisfield, 2022).

In many linguistic studies, language portraits were initially employed as a language awareness tool within educational settings (Busch, 2018). Originating in the early 1990s, their use was prompted by the increasing multilingualism of European classrooms, a development largely driven by immigration and demand for migrant labour (Busch, 2006). Although initially designed for use with children, the application of language portraits expanded in 2002 when Busch, working within a diverse, multinational, and multilingual team of language educators, introduced language portraits as an icebreaker activity for adult participants (Busch, 2006). Since then, the tool has been adapted in various educational contexts, including additional language learning and teacher training (Kusters & De Meulder, 2019).

Recent research positions language biographies as a valuable multimodal pedagogical tool in additional language teaching and learning. They offer insight into learners' beliefs, experiences, and sense of agency, thereby supporting a more holistic, personalised

approach to language education (Potolia, 2024). Busch (2015) contends that using tools such as language portraits and biographies yields essential understandings of multilingualism and linguistic diversity, and that their integration into educational settings may support the development of reflective and contextually appropriate language practices.

Swanwick *et al*. (2024) employed multilingual and multimodal methodologies to investigate the situated communication practices between d/Deaf children and their caregivers. Their study demonstrates that such approaches go beyond traditional monolingual and unimodal research and assessment tools, but still often fall short in inclusivity, analytical depth, and contextual sensitivity. These limitations are particularly significant when designing early intervention strategies for multilingual and migrant deaf learners. Nevertheless, the multilingual and multimodal frameworks adopted in their research offer a more nuanced and equitable lens through which to understand and support the communicative experiences of these learners (Swanwick *et al*., 2024).

Hautemo and van der Merwe (2022) explored the multimodal nature of the Wikipedia platform as a pedagogical tool that engages students—through translation activities—with authentic digital materials, thereby fostering innovative language teaching methodologies aligned with 21st-century skills. In their study, Wikipedia was used by pre-service language teachers at a tertiary institution in Namibia to translate content from English (the source language) into Oshikwanyama and Oshindonga (the target languages). The researchers employed activity theory as the guiding theoretical framework to examine how language mediation occurs within this context. A qualitative research approach was adopted, grounded in a case study design. The findings indicate that the Wikipedia translation task addresses the educational imperatives of the Fourth Industrial Revolution and contributes to the development and elevation of local languages at the tertiary level. Furthermore, the study demonstrated that Wikipedia translation serves as an authentic language learning activity within a CLT framework, effectively leveraging a technology-rich environment to support

holistic language acquisition (Hautemo & van der Merwe, 2022).

Language biographies were used as scaffolding tools to explore how students position and shape themselves within the language framework and reflect on their language learning experiences. The intention was to determine the meanings that students attribute to their linguistic repertoires. Cannon and Marx (2024) suggest that research interest in multilingual students and, more specifically, immigrant populations has increased in recent years.

This is equally true for students who are d/Deaf and hard of hearing (d/Dhh) and come from families that do not use the spoken or signed languages of the wider community at home — referred to as d/Dhh multilingual learners (DML). This group may also include recent immigrants navigating linguistic and cultural transitions in a new country, commonly identified as immigrant DML (IDML) (Cannon & Marx, 2024). Cannon and Marx highlighted significant gaps in the current literature concerning the educational needs of these learners, underscoring the necessity of more inclusive research to better support their complex linguistic and academic development. Similarly, Ortega (2020), in her research on heritage language development from the perspective of bilingualism and social justice, addresses key conceptual and methodological challenges associated with studying the linguistic trajectories of heritage language speakers. Using a bilingual-social justice lens, Ortega contributes to a more equitable understanding of language learning processes among linguistically marginalised populations. Ortega (2020) examined themes including the early but varying timing of heritage language learning; the surrounding linguistic environment, including the link between parental input and linguistic outcomes and heritage language speakers' bilingualism, multilingualism. and multi-lectalism; the framing of literacy in the minority language; and the unique and language-shaping experiences of minoritisation, many of which are often outcomes of immigration.

Salö's (2018) research on social theory in the language sciences presents Pierre Bourdieu's sociological gaze, agenda, and approach to scholars of language, offering a social theoretical framework within which sociolinguistic questions may be fruitfully investigated. The research outlines Bourdieu's dual conception of social life and

presents key thinking tools, namely, field and habitus, with which this dualism may be explored empirically. In addition, it locates work produced at the nexus of sociolinguistics and linguistic anthropology, where Bourdieuian insights have been productively employed. Salö (2018) argues that Bourdieu's gaze and approach import a solid social theoretical base for comprehending human practice, including linguistic practice, which offers a plausible framework to help account for the relationship between the market side of language and its embodied manifestations.

4. Research Design and Methodology

A qualitative action-based research approach was applied in the design of this study. The research employed ethnographic methodology, which was conducted over an extended period (six months) in a classroom setting. Language biographies formed the primary data for collection. This study includes elements of both interpretivist and critical paradigms (Bertram & Christiansen, 2014). It instantiates the interpretivist paradigm by describing how research participants position themselves (an emic perspective) and attempts to explore students' perceptions and understanding of language and identity. This study aims to improve teaching practices and empower students by recognising the value of their linguistic and cultural capital (funds of knowledge). This study was conducted in an English language school in central Cape Town. Twelve Arabic-speaking students were chosen as the research participants to address the research questions.

Before the data collection phase, a meeting was held with the participants, during which they were provided with a general understanding of the research's nature, enabling them to make an informed decision about whether to participate (Leedy & Ormrod, 2010). In the consent letter, participants were explicitly informed that their participation would be voluntary and that they had the right to withdraw at any time (Leedy & Ormrod, 2010). Confidentiality was ensured using pseudonyms instead of participants' real names (Leedy & Ormrod, 2010). The interviews conveyed questions and concepts explicitly "within the grasp of the respondents" (Cohen et al., 2010, p. 322). All interviews were conducted in Arabic, allowing

students to express their thoughts and feelings in the language with which they are most comfortable. Moreover, participants were not obliged to answer any questions they preferred not to.

The idea for this study stemmed from the first author's 2018 PhD study, which was conducted on Arabic-speaking students learning English in South Africa. Due to the nature of the topic, a qualitative research approach was applied in the design of this study. The research was conducted at an English language school in central Cape Town. To ensure "the issue of fitness for purpose" (Cohen et al., 2010, p. 361), the sampling strategy was based upon the research question(s) (Leedy & Ormrod, 2010). Accordingly, a group of twelve Arabic-speaking students was selected as the research participants. Their ages ranged from 25 to 40, with five males and seven females. Each interview was approximately 40 minutes, and each participant was interviewed only once.

Language biographies and semi-structured interviews were the methods of data collection, selected to enhance an understanding of the pedagogical value of language biographies and gain further insight into how students frame their linguistic repertoires. Each student was given a blank full-body silhouette and asked to colour it in with different colours to represent the languages and dialects that play a role in their lives. The body may be perceived as a container for language (Coffey, 2015). Participants were asked to consider the languages they believed might contribute to their identity. This includes the languages they know, which form part of their past experiences, and even those they do not know, which might be part of their future expectations. Kusters and De Meulder (2019) state that language biographies can include languages that participants could not learn or have stopped using. In other words, the language biography became a mode where students could display their relationship to various languages they know and perhaps want to learn (Kusters & De Meulder, 2019). The analysis of the portraits and the narratives respondents provided followed a systematic process to make their voices heard and identify the critical factors that have influenced their experiences in language learning. This can be achieved by analysing and interpreting the meanings the participants associate with particular colours and body parts.

An initial meeting was held to explain to participants how to colour in the blank human silhouette. Participants had the opportunity to ask questions and articulate their language learning trajectories and linguistic practices. After completing the colouring exercise, students were asked to reflect on their linguistic histories. The linguistic histories were conducted orally to trigger their memories by asking the research participants questions such as, "Why are you studying English?"; "When were you first introduced to English as a subject, and at what stage?"; "How was your first experience of learning English?"; "Moreover, how has this [first] experience influenced your intention to learn English?" Students were then asked to record the histories in writing and email them to the first author of this study. After completing the intervention in which students' first language was acknowledged (Cummins, 2008) and used as a tool and resource to scaffold their learning (Vygotsky, 1978), students were asked to reflect on their experience of learning English using a language biography (Kress & Van Leeuwen, 2001).

5. Data Analysis and Discussion
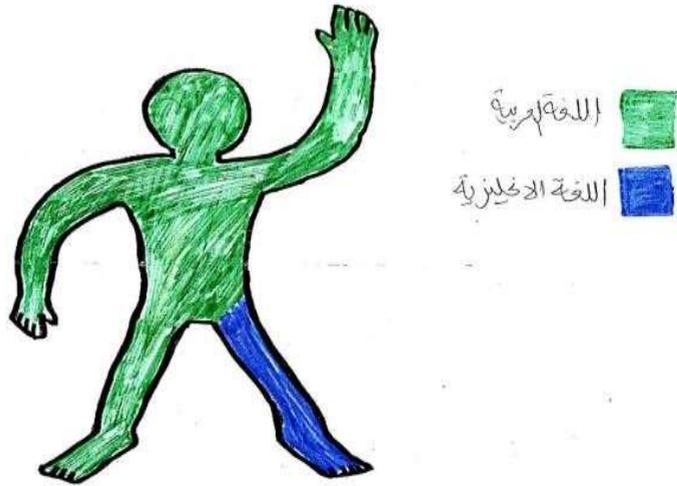

Fig.1 Hadeel's narrative

Fig. 2 Hadeel's Portrait [green = Arabic; blue = English]

Hadeel is a Libyan in her mid-thirties. She was born and raised in Libya, where Arabic is her first language and mother tongue. She came to South Africa in 2012 to pursue higher education. She was studying for her master's degree in physiotherapy at the University of the Western Cape when the data for this study was collected. Her first encounter with the English language was in preparatory school (i.e., grades 7, 8, and 9), where she learned basic English grammar.

Hadeel's portrait will be examined first. This study contends that although she presents herself as bilingual, most of Hadeel's portrait is coloured in green, which represents Arabic. She only coloured one leg blue to represent English. She explained that Arabic is her first language and the language of the Qur'an. She sees her first language as a strength and takes pride in it, stating that she has had no learning difficulties in her home country because Arabic is the medium of instruction and learning, which she "used to hear all the time at school, mosque and when watching TV". Drawing from Hadeel's biography, as an example, she and other students were in a similar situation (as gleaned from their coloured-in silhouettes), where students were permitted to use their native language when they

struggled to find the correct term in their English classes. In this way, using language biographies to understand students' expressions of their diverse perspectives may facilitate the development of alternative learning strategies (Busch, 2006).

For Hadeel, her left leg, coloured in blue, signifies her ability to function and interact with English speakers, which she considers a universal language. Her narrative of the coloured portrait emphasised Hadeel's goal of learning English. Her statement illustrates this: "learning languages is imperative as it keeps you updated with the latest, allows you to learn more, and facilitates communication with others." This allowed the first author to utilise the student's desire to study English as a motivation to help her continue to improve her English language skills.

Analysing Hadeel's narrative, she explained that her anxiety about learning English originated from her previous experience studying it back home in Libya:

I felt overwhelmed and did not belong in that classroom. Even though I told the lecturer I did not understand what he was saying in English, he ignored my words.

According to her account, Hadeel's teacher employed a monolingual approach, which she found difficult and excluded her linguistic capital (i.e., her first language). Hadeel's reflections on her first experience learning English in her biography highlighted a potential downside of teaching additional languages using the monolingual approach. These insights, derived from Hadeel's language biography, aided in developing the intervention and selecting materials and resources that the first author has incorporated into her classroom.

In her narrative, Hadeel framed herself as a powerless individual who felt isolated due to her inability to master the new language (English), and she held her university teacher accountable for this. This study contends that Hadeel may have felt that a monolingual teaching pedagogy "effectively prevented" her from learning a particular literacy (Kaschula & Anthonissen, 1997, p. 86). Hadeel stated,

...because the teacher ignored that I did not understand English,

and he did not understand how I felt. Because of my disappointment, ... I quit my studies for one year.

One salient factor in Hadeel's biography is teachers' ignorance of students' psychological and emotional state and its impact on students' lives, which may result from the exclusion of linguistic and cultural capital they bring to the classroom when taking a monolingual approach. If Hadeel's instructor had used a language biography, he might have been able to pick up Hadeel's frustrations and language-learning inhibitions.

Unlike the monolingual approach, bilingual teaching provided Hadeel with a comfortable environment and the opportunity to succeed in learning English. This is evident from her narrative, when she described a different experience with learning English from a bilingual approach:

> The English teacher was considerate and aware that we had just started learning English. He helped us and explained the lessons so that we could understand. His teaching style inspired me and allowed me to see the beauty of learning English, which was the motive that triggered my desire to learn the language.

Prior to this study, the first author was already familiar with Cummins' (2008) arguments and subscribed to Vygotsky's scaffolded approach to learning (Vygotsky, 1978); however, she only realised the depth of the challenge set out in this study when she had the students colour in the silhouettes and articulate their narratives. The first author realised, due to the coloured silhouettes, that she had to acknowledge and include the students' linguistic and cultural capital. This was further emphasised in Hadeel's reflection on her learning experience when she stated,

> I enjoyed it [learning English] because I felt I belonged to the class. The fact that you [the teacher] allowed us to use our language [Arabic] made me feel at ease. I was excited as I could see the progress I had made… I no longer need my Sudanese friend to attend meetings with my supervisor to translate for us. I can communicate with her [the supervisor] without anyone to help me...

In conclusion, using the language biography as a multimodal

pedagogical tool enabled the teacher to reflect on the students' current level of understanding. In addition, it allowed students to reflect on their English learning experiences, which was a powerful aid for utilising students' first language as a resource to assist them in learning the English language, as well as improving teaching practices in the classroom.

Fig. 3 Ahmed's portrait [green = Arabic; blue = English; orange = Arabic dialects; red = French]

Like Hadeel, Ahmed is also Libyan and in his mid-thirties. He came to South Africa in 2013 to accompany his wife while she pursued higher education. He then decided also to pursue an honours degree in social work.

When analysing his portrait, Ahmed describes Arabic, which he colours in green, as the language of the Qur'an, and the repertoire of

hope, giving, and comfort. He pictures English, which he colours in blue, as the register of knowledge, communication, and ambition through which he can satisfactorily express himself. Ahmed identified Arabic dialects as part of his linguistic resources and repertoire. Ahmed chose orange to represent these dialects, which he depicts as the repertoire of joy, giving, and role-modelling. In Ahmed's portrait, French appears in red; it is the language he also perceives as symbolic of ambition and his wish to learn.

Ahmed sees himself as multilingual. Interestingly, he allocated almost the same amount of space to each of his languages on his language portrait, indicating equal importance for all of them as part of his identity and the translanguaging between them. In Ahmed's case, the monolingual approach would also not have been practical, as his perception of languages is fluid and not rigidly separated (Cummins, 2008; Cummins, 2015).

Ahmed begins his narrative by describing himself as a privileged Arabic-speaking person. As he states, "We had never had any problems communicating with each other because we all speak and understand the same language." He then mentions a change in his attitude when English was introduced to him as a subject in grade 7. He identified two factors that contributed to his negative attitude towards the English language: unfamiliarity with the language and dissatisfaction with its teaching methods:

> My problems started at preparatory school when I was supposed to start studying English as a school subject. I did not like English at that time because I was not used to hearing it. It was strange to me. What made it even worse was my English teacher. He was so strict, and I was so afraid of him that I forced myself to memorise words without understanding them. He used to punish us if he heard us speaking Arabic in class.

This highlights a downside of the monolingual approach: prohibiting the use of students' first language and perceiving it as a hindrance to learning rather than a resource (García & Wei, 2014; McKinney, 2015). According to Ahmed's account, using one's first language (i.e., Arabic) in the English classroom was an action that required punishment from the teacher. The significant themes that emerged

from this extract are the teaching method and the limitations of a monolingual approach. In other words, the teaching method used by Ahmed's English teacher generated his negative attitude towards the English language. Limitations of monolingualism refer to Ahmed's feeling of exclusion because of his inability to communicate in English, as he only spoke Arabic at the time; a feeling that made Ahmed think of abandoning English as a school subject, which he said would have felt like a blessing at the time:

> My suffering lasted only for one year because, in the following year, English was banned as a school subject in my country. I was so happy to hear this that I did not think about the consequences then.

The background of Ahmed's narrative is that teaching English as a foreign language in Libya went through various stages. One of the important stages was Act No. 195/1986, created by the Minister of Education at the time, which stated that teaching English had been stopped. This halt occurred due to the decline in political relations between Libya and the West (Giaber, 2014; Mohsen, 2014). This ban persisted until the 1990s, when the Lockerbie case was resolved, and political relations with the West were restored.

In his narrative, Ahmed also mentioned two incidents that triggered his desire to learn English: one was an article he read, and the other was a child he admired for speaking the language.

In 1999, I was reading an article in a newspaper about computers and English. In summary, the article stated that by the year 2000 anyone who could not speak English and who could not use a computer [would be seen as] illiterate… in 2005 when I was attending the Tripoli International Fair,... a Korean exhibitor was talking in English to the audience, most of whom did not understand what he was saying except for a young girl who was able to communicate with that Korean exhibitor.

Ahmed reported that these two incidents generated mixed feelings in him. One was the sadness and disappointment that he did not speak English, and the other was a renewed determination and motivation to learn English:

> I felt so bad and disappointed when reading the article [about

English and technology]. That feeling generated a desire within me to learn English. As a result of that incident at the Tripoli Fair, I decided to start learning English.

Regardless of his willingness and motivation, Ahmed was only able to study English after he came to South Africa in 2013 to accompany his wife while she pursued higher education. Ahmed reported that the first year was not easy. Moving to a new country with a different culture can be challenging, especially if there is also a language barrier. Ahmad described how they felt at that time:

At the beginning, it was challenging for us to live in the new society, to the point that sometimes we felt quite hopeless. We faced problems in our first months [in South Africa] because it was challenging for us to communicate with people.

However, Ahmed's feelings were overcome by the support his family and friends provided. The value of support and understanding is evident in Ahmed's narrative, indicating how this support facilitated his adaptation to the new social environment of South Africa and generated a strong motivation to communicate with others and learn about their culture:

The support of my family and friends helped me continue [to learn English]. I tried to adapt to the new society, and things gradually improved. I became keen to communicate with people and learn about their culture.

According to Hibbert and Walt's classification (2014: 190), Ahmed may be considered a self-driven learner whose enthusiasm and dedication gave him the confidence to overcome challenges in his journey to learn English.

These language biographies provided several insights to the first author, which she later implemented in her own classroom. Firstly, students' first language should be valued and utilised as a resource. Secondly, students' reflections on their learning may be used as feedback on how teaching can be adapted and improved. Finally, motivation is a vital factor that should be instilled and strengthened in both teachers and students.

Based on the details of their biographies, we can consider Hadeel and Ahmed resilient students who survived despite unfavourable

circumstances, and who developed coping strategies that helped them reach their literacy goals, including learning English (Hibbert & Walt, 2014, p. 194).

From the language portraits, we can deduce that, except for Hadeel, all the students see themselves as multilingual, or at least this is what they want themselves to be in their 'imagined communities'. However, 'under certain circumstances and for certain purposes, one identity will be more important to the individual than another' (Alexander, 2002, p. 104).

The portraits suggest that these students' identities are closely tied to their L1. At the same time, they perceive learning an additional language as a valuable addition that can enrich their linguistic repertoire and add another dimension to their identity. Therefore, allocating different spaces and colours to represent different languages does not mean perceiving languages as "separate identities" but rather as a variety of resources that underpin one's linguistic repertoire (Busch, 2012, p. 515).

6. Findings

6.1 Insights from Language Portraits and Narratives

The language portraits created by participants revealed complex linguistic identities shaped by their individual experiences, cultural backgrounds, and aspirations. The use of colours and body parts in these portraits symbolised participants' emotional affiliations with various languages, underscoring the necessity of recognising and valuing students' linguistic competencies (Coffey, 2015). Furthermore, the narratives provided a nuanced understanding of participants' motivations, challenges, and perspectives concerning language acquisition, thus offering a reasonably objective lens through which to view their experiences.

6.2 Pedagogical Implications

Language biographies have been shown to support identity-affirming pedagogical practices. This aligns with Cummins' (2008) assertion that curricula should be connected to students' lived experiences. Educators who integrate students' first language (L1) into second

language (L2) instruction create a comfortable and intellectually stimulating environment, thereby facilitating meaningful communication. This approach challenges the monolingual biases inherent in CLT and advocates for translanguaging as a valuable pedagogical resource (Makalela, 2015).

6.3 Multimodal Learning

The multimodal characteristics of language biographies encourage a holistic approach to student engagement, combining cognitive, emotional, and creative dimensions of the learning process. Participants reported increased self-awareness and motivation, emphasising multimodal resources' critical role in language education (Stille & Prasad, 2015). This finding suggests that incorporating diverse modes of expression may lead to reasonably objective assessments of student engagement and learning outcomes.

7. Conclusion

This study underscores the pedagogical significance of multimodal language biographies in the context of additional language teaching and learning. By integrating students' L1 and employing various multimodal tools, educators may cultivate inclusive, identity-affirming environments that promote enhanced engagement and meaningful communication. Language biographies serve as a medium through which life stories, personal experiences, and perceptions are articulated, enabling educators to better understand how students perceive, position, and reflect upon themselves and how they derive meaning from their experiences.

Consequently, language biographies can be conceptualised as:

> …situational and context-bound productions created through interaction among participants, framed by specifications (such as silhouettes, drawing prompts, and colour ranges) and the educational setting" (Busch, 2018, p. 7).

Students often view themselves as bilingual, recognising that their understanding of language transcends mere linguistic utility; it is also a social practice through which individuals interact with and negotiate their identities. From the students' perspectives, it became evident in this study that identity encompasses various factors,

including linguistic repertoire, personal experiences, environment, attitudes, beliefs, morals, and ideologies—all represented in their L1. This aligns with Childs' (2016) argument that excluding students' L1 may lead to dehumanisation, as well as Cummins' (2008) assertion that disregarding students' first language equates to disregarding their culture, life experiences, and linguistic resources. Such exclusion fosters uncertainty, intimidation, and alienation, adversely affecting language learning.

The importance of a multimodal approach lies in its potential to empower students by giving them a voice in their learning journey. Tools such as language biographies yield critical insights into multilingualism and linguistic diversity, enhancing students' awareness of their actual language practices. Understanding how students articulate their own positions and attitudes through language biographies may inform the development of alternative learning strategies. Recognising the meanings students ascribe to their linguistic repertoire and their role in their education may significantly contribute to their knowledge growth by allowing them to leverage their existing knowledge and appreciate the linguistic and cultural capital they bring to the classroom. Connecting curricula to students' lives, drawing upon their prior knowledge and experiences, and valuing the linguistic and cultural capital they contribute can be identity-affirming. This approach may potentially scaffold students' participation and lead to successful learning outcomes (Cummins, 2015; Lundgren, 2015).

In conclusion, to enhance the utility of language biographies as a resource for capturing the richness of past experiences and informing a deeper understanding of the teaching and learning process, teachers are encouraged to utilise this approach not only with their students but also for self-reflection. This practice will enable teachers to evaluate how their learning experiences have shaped their own epistemology and teaching practices and consider potential avenues for improvement. Biography may also serve as a lens through which students can articulate their positioning within multimodal contexts, their challenges in additional language learning, and the implications for their educational experiences. Reflecting on these aspects from an African perspective may even facilitate the decolonisation of

curricula in many contexts, rendering teaching and learning more meaningful and impactful.

8. Limitations and Recommendations

The limitations of this study primarily relate to its restricted generalizability due to a small sample size of twelve adult Arabic-speaking learners of English in South Africa. This limitation affects the applicability of the findings to broader populations with diverse linguistic and cultural backgrounds. Additionally, the cultural context of the South African classroom imposes further constraints on the results, as existing norms and sociolinguistic factors may significantly influence learning outcomes, thus limiting their transferability to different settings. Therefore, it is recommended that future research build on this study by incorporating larger and more diverse samples. This would strengthen the findings and make them more applicable to other learner groups and cultural environments.

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