

NEGOTIATING BETWEEN HEALTH-BASED CONTRACEPTIVE  
CONCERNS AND PIETY: THE EXPERIENCES OF MUSLIM  
WIVES IN THE GREATER DURBAN AREA

By

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## DECLARATION

Submitted in fulfilment / partial fulfilment of the requirements for the degree of  
Master of Arts, in the Graduate Programme in Gender and Religion,  
University of KwaZulu-Natal, Pietermaritzburg, South Africa.

I, Mariam Bibi Khan declare that

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2. This thesis has not been submitted for any degree or examination at any other university.
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**Certification**

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This is to certify that the abovementioned thesis has been language edited by M. Zakaria Asmal, Researcher at the University of Cape Town's Network for Religion Education, and PHD candidate at the Department of Religious Studies, University of Cape Town

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*Hazrath Khwaja Sayed Sharief Ahmed Ali Shah Chisthi Nizami Habibi Faquiri Al Qadri  
Ahmednagari Radi Allahu Anhu*

and

*Hazrath Ghulam Muhyuddeen Kazi Siddiqui Chisthi Nizami Habibi Radi Allahu Anhu*

who have both taught me to find peace.

## **Dedication**

*This thesis is dedicated to my daughter, Zeba.*

*I aspire to be everything she believes I am.*

## **Abstract**

This qualitative, empirical study was located within a feminist research paradigm employing a phenomenological research design. The purpose was to understand the „lived experiences“ of South African Muslim women in the Greater Durban area negotiating between their health-based contraceptive concerns and their pietistic concerns to observe God’s will through the course of being good wives.

The application of both phenomenological and feminist critical theoretical frameworks was beneficial to understand the forms of analyses applied to these negotiations that occurred within the gendered space of marriage. The conscious and goal-directed decisions to use contraception and to cultivate piety prompted the use of the theory of planned behaviour as the conceptual framework.

Data was produced through in-depth, face-to-face interviews guided by open ended questions. This was followed by a reading task and guided written narrative to explore the impact of the discursive construct of gender and agency in popular Islamic literature. Data was analysed within a thematic framework.

The findings of this study indicate that these South African Muslim wives do not perceive themselves to be negotiating between health-based contraceptive concerns and piety. Contraception is viewed in terms of the practical considerations of health and is unrelated to their pietistic concerns to observe God’s will. Instead, these South African Muslim women face moral conflicts by prioritising domestic responsibility and sexual availability to their spouses irrespective of personal desire. These considerations more than contraceptive concerns are determined by the need to acquire God’s favour through the observance of divine commands.

Motivated by their desire to please God, though not oblivious to the deliberate choice to comply with normative prescriptions of women’s roles which perpetuate androcentric norms and patriarchal structures, the women negotiate and renegotiate their living conditions as an assertion of their agentic positions in the process of pietistic self-making. This continuous process is fuelled by their ultimate desire for peace in their homes, the overall objective of marriage, and their pietistic aspirations of acquiring Heaven.

## **Key Terms**

Contraception, Islam, Negotiation, Piety, Woman

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## **Chapter 1: Introducing the study**

*'I need that peace at home because I need to live in peace and harmony. I don't want all this unnecessary conflicts anymore. If it means now and then, even if I know I am right, I have to just overlook certain things, I do that because I've come to that point in my life where I just want that peace.'*

Maymunah (participant in this study)

## 1.1 Introduction

This chapter introduces the background to the research problem which is South African Muslim women's negotiations between health-based contraceptive concerns and their pietistic concerns to observe God's will, through the course of being good wives. The rationale behind selecting two theoretical frameworks as well as my choice of conceptual and analytical frameworks will be discussed. I will explain my positionality as the researcher followed by a brief discussion on the critical questions and the objectives of the study.

## 1.2 Background to the problematique

My study emerged from a gendered reading of a case study by a Durban-based scholar in a book published by the Islamic Medical Association of South Africa titled *„Reproductive Health and Islamic Values – Ethical and Legal Insights“* (Ebrahim, 2011) (Appendix 3). This case study revolves around a newly married couple consisting of a 16 year old female and a 25 year old male. The wife, whilst being examined for a routine physical examination, informs her family physician who also happens to be a friend of her husband's family that she would prefer to delay getting pregnant. This preference was despite her husband and his family preferring that she have a child as soon as possible. On examination the physician discovers the patient is malnourished and has an underdeveloped pelvis.

Employing a combination of *„ethical principles‘* (Ebrahim, 2011:3), selected *„goals of Shari`ah<sup>1</sup>‘* (Ebrahim, 2011:3) and Islamic legal discourse to the case study, the scholar Ebrahim (2011: 41-49) suggests the physician inform and advise the patient's husband against her conceiving until she is of better health. The scholar rationalises this by asserting that *„this approach would gain legitimacy within the ambit of Islamic*

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<sup>1</sup> *Shari`ah*, comprises of primary and secondary sources. The first two strictly textual, Qur`an and *Hadith*, are accepted by all schools of Islamic jurisprudence, even though they may differ in terms of acceptable *Hadith* compilations. Secondary sources such as analogy and consensus of Muslim jurists are not accepted by all schools (Roudi-Fahimi, 2004: 3; Musallam, 1981: 182).

*Jurisprudence rather than condoning HP's<sup>2</sup> secret access to contraception* (Ebrahim, 2011: 44).

In my view, while the legal case study produces guidelines for Islamic practices that Ebrahim considers acceptable, it may also be read as denying a woman her individual right to make decisions with respect to her health as well as her reproductive aspirations. Furthermore, Ebrahim's suggestion encroaches on rights to protection of patient information within healthcare ethics. This legal case study, in prioritising and privileging the husband's decision, functions in the same milieu as popular religious literature which privileges the status of husbands and implies a wife will be unable to please God unless she has pleased her husband (Kandhelwi, 2013: 89) (Appendix 3).

Doctrinally, when a particular situation occurs within the domain of Islamic law, one way to seek clarification is to solicit the opinion of Muslim jurists (Brockopp, 2008: 4). The pronouncement emanating from such an opinion occurs in the form of a *fatwa*<sup>3</sup>. Brockopp (2008: 5) argues that Muslim jurists in contemporary society find themselves having to compete with non-jurists who may be qualified to articulate an opinion, albeit not a *fatwa*, but which may inevitably appear as an extension of or as a *fatwa* itself.

While it is commonplace to issue a *fatwa* as a legal opinion, analogising Islamic law to western legal paradigms, the parallel is not so easily established (Brockopp, 2008: 8). In light of this Brockopp (2008: 8) argues the inappropriateness of the term *Shari'ah* being used interchangeably with Islamic law. Law, he argues, implies a structured *„legislation, codification and enforcement*“ that does not exist with the *Shari'ah* (Brockopp, 2008: 8). The *Shari'ah* is dependent on the jurists' intent and commitment to adhere to divine command, which in this context can be read as the most authentic manner in which to resolve an issue (Brockopp, 2008: 8). Drawing on the work of Manfred Sing, Brockopp (2008: 8) foregrounds the ethical aspects of the decision over the necessity of a definitive solution. In the context of this study, this refers to the tools Ebrahim utilises, the *„ethical principles*’ (Ebrahim, 2011: 3) and *„specific legal maxims*“ (Ebrahim, 2011: 4) to reach his suggestion that the doctor should disclose the patient's request to her husband.

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<sup>2</sup> The patient in the case study

<sup>3</sup> A response from a qualified Muslim jurist, to a legal question (Brockopp, 2008: 5)

At the risk of overshadowing the impact the legal text may have on *health students, practitioners and the Ulama*<sup>4</sup> whom Ebrahim (2011: 4) suggests it may appeal to, I was interested in understanding how the discursive construct of gender and agency present in Ebrahim's (2011) legal text and other literature with similar popular appeal, impacts the contraceptive decisions of Muslim wives. My intention was to interview Muslim wives to understand what forms of analyses women use when reading such literature and negotiating their health-based contraceptive needs with their ideas of piety.

### 1.3 Theoretical framework

I chose to work within two theoretical frameworks. My initial decision was to work within a feminist critical paradigm. The hallmark of feminism is the understanding that subjugation and discrimination disrupts the dynamics between men and women (Macey, 2000: 122). Diverse theoretical understandings of the origins of this subjugation and discrimination necessitate an understanding of feminist theories when conducting feminist research, as different interpretations will yield different outcomes (Burns and Walker, 2005: 66). Feminist theories aim to challenge the socially constructed, heteronormative roles of the sexes with gender analysis being the driving force of this form of inquiry (Burns and Walker, 2005: 66). Feminist criticism is an expansion of this theoretical approach, drawing on analytic mechanisms which promote deconstruction, and focus on ambiguity in language and its influence on individual interpretation (Macey, 2000: 124). I apply the feminist critical lens through the framework of Islamic Feminism through which I also locate my ontological and epistemological positioning, both of which I explain further in this section below.

The second theoretical framework I utilised was a phenomenological framework. To employ phenomenology is to study the manner in which humans experience phenomena in their daily living, thus understanding these from their point of view and within the social milieu that these phenomena occur (Titchen and Hobson, 2005: 121). My focus is on women's lived experiences, for which I draw on Beste's (2006: 54) rebuttal of Sheila Greeve Davaney's (1987) critique of the reliability of women's lived experiences as a source of information in feminist theology. Expanding on scholars like Margaret Farley

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<sup>4</sup> This refers to Muslim scholars (Ebrahim, 2011: 4) and would include Muslim jurists.

and Martha Nussbaum, Beste argues that lived experience offers theological and moral knowledge (Beste, 2006: 67). Beste's (2006: 69) argument is that experience teaches and hence can be shared so that the microcosmic is identified and acknowledged as creating inroads for the macrocosmic social transformation. This is also the essence of Hiba Ra'uf's argument that the *„private is political“* (McLarney, 2010: 129), itself an adaptation of the well-known feminist adage *„the personal is political“* (Mir-Hosseini, 2011: 72; Saulnier, 2000: 20).

Feminists' questioning of the causes of generalised female subjugation in societies (Stone, 2007: 57) resulted in adoption of Foucault's theory of power relational to the body to gain understanding of the diverse forms in which female subordination may manifest (McNay, 1992: 3). A key point in Foucault's theory is the relational aspect of power, indicating that one person possesses power only in relation to another which is maintained so long as the latter participates in the dynamic of power (Stone, 2007: 59). Foucault's theory proposed that resistance is always an option (Stone, 2007: 59). Later we observe Mahmood's (2005: 17-18) adaptation of Foucault's theory, in explicating the process whereby Muslim women remake the self through submission as opposed to resistance, in the process suggesting they also exercise agency. Mahmood's study has contributed new understandings of non-liberal forms of agency which offer valuable insights into Muslim women's pietistic practices, and potentially the women of this study too.

Relating the feminist debate to Islamic law and women's rights in Islam, I draw on Tonnesson's (2011: 28) differentiation between Islamist women and Islamic feminists. The former advocate for women's rights in Islam predominantly in the public domain, whilst Islamic feminists seek to penetrate the pedagogical practices in Islamic communities within public and private domains; emphasizing on the need to maintain the integrity of the family unit as the building block of society (Tonnesson, 2011: 29). However, I would like to highlight Mir-Hosseini's (2011: 67) argument that the term Islamic Feminism seems more like a forced and convenient convergence of Islam and feminism, which unfortunately holds little value in any form of descriptive or analytical sense due to the controversies that arise from its myriad meanings and interpretations.

Influenced by Mahmood's (2005: 154) exploration of piety and the various forms of agency, I identify with Wadud's (2006: 23) concept of Islam as „*engaged surrender*“ and the understanding of God holding the highest moral point. Following her argument that there is no gender hierarchy in terms of piety and morality, ideally women and men have equal opportunities in terms of earning God's favour. The insights of Tonnesson, Mir-Hosseini, Mahmood and Wadud gathered together may suggest that for Islamic feminists, cultivating a sense of piety in earning God's favour is a significant aspect of realising a relationship with God and therefore sufficient incentive for Muslim wives to sacrifice their contraceptive health needs.

Applying both the phenomenological and the feminist critical theoretical frameworks enabled me to not only gain a greater understanding of the manner in which Muslim wives negotiate their health-based contraceptive needs with their pietistic concerns to observe God's will, but it also enabled me to apply a feminist critical lens to how these negotiations occurred within the gendered space of Muslim marriages.

#### 1.4 Conceptual framework

I was inspired by Libbus' (1997) use of the theory of planned behaviours in studying contraceptive decision-making in Jordanian women. Libbus' (1997) contends that the feasibility of this theory rests on contraception being a conscious action to avoid unplanned pregnancy. It is my contention that the theory applies to the pietistic component of this research as well, since the women make conscious choices after definite intentions. Human behaviour is largely goal-directed and initiated by intention, although intention alone is insufficient for the execution of behaviour (Ajzen, 1985: 11). Ajzen (1985: 12) argues on the presumption that behaviour is executed out of free will, and failure to execute the behaviour may be a result of a change of intention or an inability to achieve the desired result as a result of failure in the performance. Libbus (1997) argues that this is appropriate for studies involving women's health issues. We observe in Chapters Four and Five how the women in this study make goal-directed decisions through determining and negotiating their health-based contraceptive concerns and their pietistic requirements to observe God's will.

### 1.5 Analytical framework

The researcher conducting qualitative analysis is required to give meaning to raw data (Patton, 2002: 432). I chose to work within the framework of thematic analysis, which is suitable for qualitative data (Patton, 2002: 452-53) and gave me the liberty of developing a strategy that would be most suitable to my study. This is further explained in Chapter Three.

### 1.6 Positionality of the researcher

I position myself as a Doctor in integrative medicine with a belief in preserving a person's right to information, access to healthcare and overall health maintenance on a mental, emotional, physical and spiritual level. I have a pro-choice stance on Muslims negotiating the pietistic challenges of contemporary living. I also have my own experience as a Muslim wife negotiating my very own health-based contraceptive concerns with my personal need to earn God's favour. Health, in my view, is a „trust“ from God for which we are individually accountable to Him.

I enter the field as a believer of the Islamic faith. A *Mureed*<sup>5</sup> of a *Sufi*<sup>6</sup> *Murshid*<sup>7</sup> since the age of eight, my own beliefs and path to God is deeply rooted in Sufi philosophy.

New to feminist research, I do not have a specific epistemological position within feminism though I do find myself, to a certain degree, relating to Mir-Hosseini's self-positioning as a Muslim feminist who whilst firmly stating and asserting her religious beliefs simultaneously advocates gender justice in Islamic praxis (Mir-Hosseini, 2011: 74). I acknowledge having strong views regarding the need for the emancipation of women from the limitations of culture and in the following chapter within the section of validity and trustworthiness, I expand on employing the concepts of bracketing and intuiting to prevent my ideas from influencing or affecting the data collection and data analysis process.

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<sup>5</sup> A „disciple“ (De Soudy, 2015: 158)

<sup>6</sup> *Sufism* is a mystical branch of the Islamic faith that foregrounds submission to God with love being the main principle and equating to a path in constant reflection of God (De Soudy: 2015, 153-4).

<sup>7</sup> A „Master“ one who takes the responsibility of guiding the „disciple“ (De Soudy: 2015, 158).

### 1.7 Research questions

The purpose of my study is to understand the lived experiences of Muslim women negotiating between their health-based contraceptive concerns and their pietistic concerns to observe God's will through the course of being good wives. This is informed by the following key question of the research:

How do South African Muslim wives negotiate between their health-based contraceptive concerns and their pietistic concerns to do God's will?

To achieve this understanding the key question has been explored further to reveal sub-questions as follows:

1. What are South African Muslim wives' experiences in determining and negotiating their health-based contraceptive concerns?
2. What are South African Muslim wives' experiences in determining and negotiating the pietistic requirement to observe God's will?
3. What are South African Muslim wives' experiences of negotiating between their health-based contraceptive concerns and their pietistic concerns to observe God's will?

### 1.8 Research objectives

Subsequent to identifying the purpose of the study and the questions articulated to achieve this purpose, the following objectives summarize what I intend to contribute to the existing body of knowledge of Muslim wives' experiences within a pietistic realm:

1. To understand the experiences of South African Muslim wives' in determining and negotiating their health-based contraceptive concerns.
2. To understand the experiences of South African Muslim wives' in determining and negotiating the pietistic requirement to observe God's will.
3. To determine the experiences of South African Muslim wives' negotiating between their health-based contraceptive concerns and their pietistic concerns to observe God's will.

### 1.9 Structure of the dissertation

This study has been organised into the following six chapters: Chapter One (the current chapter) introduces the study by highlighting the background of the real problem, the

theoretical, conceptual and analytical frameworks and the positionality of the researcher. The chapter closes with the research question and subsequent objectives. Chapter Two focuses on the ongoing scholarly debates regarding the phenomena of contraception and piety in the context of Islam. Chapter Three addresses the research paradigm and design of this study. This chapter also explicates the sampling technique, selection criteria and the location of the study. The rationale for the data production strategy as well as the instruments will be addressed.

Chapters Four, Five and Six are the analytical chapters of this study and are organised as follows: Chapter Four will thematically present the analysis and interpretation pertaining to the first objective of the study; namely, the experiences of South African Muslim wives“ in determining and negotiating their health-based contraceptive concerns. Chapter Five will thematically present the analysis and interpretation pertaining to the second objective of the study; namely, the experiences of South African Muslim wives“ in determining and negotiating the pietistic requirement to observe God’s will. Chapter Six will address the final objective of the study; namely, to determine the experiences of South African Muslim wives“ negotiating between their health-based contraceptive concerns and their pietistic concerns. Chapter Six will also address any additional developments in the study and concludes this dissertation.

## **Chapter 2: Literature review**

In the previous chapter I illustrated the background to the research problem as well as the rationale behind selecting a feminist critical paradigm and a phenomenological perspective as my theoretical frameworks. I illustrated my reasoning for theory of planned behaviour as my conceptual framework, announced my ontological position and discussed the critical questions and objectives of this study.

In this chapter I thematically present the current knowledge and on-going debates regarding the phenomena of contraception<sup>8</sup> and piety in Islam within the framework of Islamic feminism.

The major world religions namely, Christianity, Judaism, Islam, Hinduism, Sikhism and Buddhism each have a variety of positions with regard to reproduction and the control thereof (Christopher, 2006: 192). These positions follow classical teachings and contemporary trends (Christopher, 2006; Srikanthan and Reid, 2008). In general the pronatalist stance of classical theological teachings is frequently presented as opposing the idea of contraception (Christopher, 2006: 192). The influence of religion on personal values and beliefs, its impact on a woman's contraception decisions, the availability of contraception and the efficient use thereof has been well documented (Srikanthan and Reid, 2008: 129; Tober, Taghdisi and Jalali, 2006: 68; Iyer, 2002: 712).

Research indicates a dissonance in how religious teachings translate into praxis as a result of various external factors such as socioeconomic status that may impact the quality of life of an individual or a couple (Christopher, 2006: 192). Financial strain is a motivating factor toward ideational shifts that endorse smaller families (Gayen and Raeside, 2010: 1591). Shifts in understanding or change in thought as a result of a woman's lived experience with previous pregnancies or childbirths may also influence or change a decision previously taken by a woman or a couple (Tober et al, 2006: 68; Christopher, 2006: 192). Previous experience with difficult pregnancies, life threatening situations for mother and foetus or complications as a result of a non-obstetric conditions may influence a woman's or a couple's decision to have more children. Medical factors predictably impact the decision to prevent pregnancy (Beers, Porter, Jones, Kaplan and

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<sup>8</sup> My understanding of the field of contraception in the context of Islam, is premised largely on Omran's (1992) and Christopher's (2006) presentation of it.

Berkwitts, 2006: 2131). Non-obstetric and gestational illnesses may complicate pregnancies and be detrimental to the health of mother and foetus (Beers et al, 2006: 2167-2212).

Healthcare providers also have an influential role in contraceptive decision-making; therefore it is important that healthcare providers have a certain level of self-awareness to prevent projecting their own stereotypes and/or beliefs onto the woman or the couple making the decision (Christopher, 2006: 193). Healthcare providers should be particularly careful when practicing in areas that display cultural diversity, to be *au fait* with a broad range of contraceptive methods to accommodate for the differences in beliefs of different people (Srikanthan and Reid, 2008: 130) and to inform them of any possible drawbacks to prevent discontinuation and promote effective use (Shah, Shah, Chowdhury and Menon, 2007: 260). Whilst it is clear there are several factors implicated in the decision to prevent pregnancy, the consensus appears to be that it is ultimately left to individual choice depending on each person's or each couple's unique circumstances (Christopher, 2006: 192; Srikanthan and Reid, 2008: 130).

The revelation of the Qur'an as guidance for humankind across all aspects of life is a belief held by Muslims globally (Toda and Morimoto, 2001: 131). By emphasizing the reciprocal need for love and mercy between husband and wife, research illustrates how Islamic doctrine romanticises the principles of marriage without diminishing its procreative purpose (Omran, 1992: 13-14). The communal nature of Islamic teaching, with family as the atomic unit, is well documented (Bahar, Okcay, Ozbicakci, Beser, Ustun and Ozturk, 2005: 559; Dhami and Sheikh, 2000: 352; Omran, 1992: 13-14). Prioritising tranquillity as the general goal of marriage, Omran (1992: 14) argues realistically that whilst every couple can attain tranquillity not every couple can conceive. This, he suggests, implies that marriage in Islam is not solely to fulfil or pursue the reproductive aspirations Islamic teachings instil within Muslims, but that tranquillity should be the prevailing objective in the presence or absence of children (Roudi-Fahimi, 2004: 2; Omran, 1992: 15). Subsequently it can be inferred that intention to procreate is not a necessity for sexual intimacy (Omran, 1992: 15).

Islamic law offers two legal avenues for sex, concubinage and marriage (Engineer, 1992: 104). In the absence of the former in contemporary society, sex is primarily referred to as

within the context of marriage, with premarital or extramarital sex strictly forbidden (Srikanthan and Reid, 2008: 132; Christopher 2006: 194; Bowen 1981: 326). Marriage (and sex), though not obligatory, is an anticipated life phase for most Muslims (Ali, 2006: 6, Christopher, 2006: 194) and not only is sex acknowledged for procreation and sexual satisfaction (Christopher, 2006: 194; Shaikh, 2003: 114) , but it is also equated to „*an act of worship that is deserving of Allah’s reward*“ (Dhami and Sheikh, 2000: 353). Whilst classical debates around sex centre on sexual fulfilment foregrounding male sexual access (Ali, 2006: 6), contemporary scholars“ like Shaikh (2003: 114) assert that since marriage in Islam is independent of procreation emphasis on women’s sexual rights is a necessity (Ali, 2006: 6). Scholars demonstrate that Islam is not only theology but a law as well and for that reason a woman’s life is legislated (Bahar et al, 2005: 558).

The presumption that all women have childbearing aspirations and the view that *`azl*<sup>9</sup> (also known as withdrawal or *„coitus interruptus*’) was an infringement thereof, coupled with the rights of a woman to procreate and to sexual fulfilment led Muslim jurists“ to a closer examination of the legal implications of withdrawal (Bowen, 1981: 323). This progressive action enables us to draw inferences on the significance of a woman’s role in the family (Bowen, 1981: 323), her position in society and the need to promote peaceful family relationships preserving the social aspect of Islamic teaching (Syed, 2008: 247-249; Omran, 1992: 13-14). Hence all debates covering permissibility of withdrawal were synonymous with discussions on women’s sexual and procreative rights. To illustrate, Al-Ghazali, indicated how different schools of jurisprudence debated over whether a woman was a wife or a slave and whether withdrawal, an act carried out by men, necessitated a woman’s consent (Bowen, 1981: 324). With no direct mention of the word contraception in the Qur’an, Muslim jurists used analogy and consensus drawn from *hadith*<sup>10</sup> to settle any debates around the permissibility of withdrawal and elaborated on its conditions of permissibility (Musallam, 1981: 181; Bowen, 1981: 323; Sachedina, 1990: 108).

Establishing the permissibility of contraception, scholarly debates arose around the practice of seeking a wife’s permission prior to implementation of withdrawal (Roudi-

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<sup>9</sup> *`azl* will henceforth be referred to as „withdrawal“.

<sup>10</sup> *Hadith* refers to narrations of the teachings and conduct of the Prophet Muhammad (peace be upon him), including that of his companions (Huq and Rashid, 2008: 8).

Fahimi, 2004: 3; Musallam, 1981: 181; Bowen, 1981: 324-6). Sachedina (1990: 108) argues that women's permission was the norm from the onset, until medieval jurists overlooked the necessity thereof by making claims to supposed *bad times*, giving men the power to make decisions, indicative of the patriarchal, hegemonic influence of the jurists of the time. Bowen (1981: 325) argues controversially, that given that there is no definition as to what constitutes *bad times*, this led to the understanding that social context could determine women's rights. Engineer (1992: 6) argues that the greater concern arose when the social context became a theological norm, remaining such even when the former changed.

Al-Ghazzali, a twelfth century jurist referenced a number of times in this field, suggests contraception may be used within certain conditions which include health and economic factors, the preservation of a woman's health and beauty for her husband, to avoid fathering children who would become slaves, though not for preventing the birth of female children, neither preservation of a woman's beauty for herself, nor to avoid pregnancy completely (Sachedina 1990: 108). My early reflection notes the paradox here, and the possibility for research, where contraception may be used for the preservation of a woman's beauty for her husband but not for herself. Omran (1992: 170) notes that this, as motivated by some scholars, was for the purpose of assisting her husband to *stay faithful*. This argument essentialises women's roles to a child-bearing and child-rearing one whilst simultaneously objectifying them almost exclusively for sexual fulfilment. Shaikh (2011: 348) argues that this *might characterize a patriarchal emphasis on the primacy of the wife's appearance to the enjoyment of marriage.*"

Reflecting the evolutionary nature of Islamic law, following upon the argument of scholars such as Ghazali; plausible conditions were added with changing times. This specifically refers to individual reasons justified within an ethico-legal framework (Christopher, 2006: 195; Omran, 1992: 39, 168-83), acknowledging the uniqueness of people's situations and granting them personal autonomy to make contraceptive decisions suitable to their lives.

In the context of reproductive health with a wider variety of contraception options granting women more autonomy, women exercise greater freedom in terms of their right to spacing, one of the conditions under which contraception is allowed (Sachedina, 1990:

108; Keefe, 2006: 420; Tober et al, 2006: 68). Muslim jurists, through consensus, were able to draw analogies between withdrawal and more modern<sup>11</sup> forms of contraception that were also temporary (Christopher, 2006: 195). Thus debates by jurists were centred on temporary and permanent forms of contraception; the latter of which was prohibited unless temporary options were exhausted and there was an impending health risk (Christopher, 2006: 195). Muslims, it appears, are more concerned about the general legal ruling regarding contraception and a particular contraceptive agent than the efficacy thereof or the permissible duration of use (Schenker, 2000: 80).

Inspired by previous scholars' findings that Muslim women have atypical reproductive behaviour, Mahler's (1999: 52-53) study suggests that the practice of Islam neither stunted nor promoted the global fertility decline. Women's awareness of what contraception is, its different forms as well as their own willingness to actively prevent pregnancy is influenced by their geographical location in terms of proximity to urban areas, their level of education and how accessible they were to mass media (Mahler, 2009: 52). The extent to which women's contraceptive choices were impacted by these factors varied in each country, alluding that religion itself is not the single most influential factor (Mahler, 2009: 52; Burton and Bosek, 2000: 98).

Ali (2006: xxii) echoes this sentiment of a substantial difference in the practice of Islam as religion between and within Muslim communities and populations suggesting that in the context of their daily lives Muslims may not necessarily follow doctrine vigilantly. Ali suggests Muslims are influenced by factors other than exegetical literature and teachings, and early jurists were no exception (Ali, 2006: xxvi). This is further reinforced by Keefe's (2006: 420) ethnographic study that confirms that people are influenced by their social and cultural backgrounds too. It also explains Mahler's findings

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<sup>11</sup> Modern forms of temporary methods refer to oral contraceptives, intra-uterine devices, diaphragms and condoms (Christopher, 2006: 195). Permanent methods refer to male and female sterilisation which is more likely to be irreversible (Beers et al, 2006: 2136). Female sterilization is preferred to male sterilisation when pregnancy is considered to be detrimental to a women's physical or mental health (Christopher, 2006: 195). One may speculate this serves to preserve a man's reproductive ability in the event of other marriages.

and supports other scholarship that has documented women's knowledge and a voice in contraceptive decision-making (Belenky, Clinchy, Goldberger and Tarule, 1986).

A key component to the advancement of feminist thought is the differentiation between sex and gender (Stone, 2007: 30). This encompassed highlighting sex as biological and gender as a social construct (Stone, 2007: 30). Furthermore, gender is understood to consist of socially constructed norms regarding what conduct, mannerisms and characteristics are apt for male and female as well as their insights into their own psyche that are formulated as a result of these social norms (Stone, 2007: 30).

Feminist scholars aim to penetrate that barrier to the progression of women in society and allow women to reclaim their position and independence (Exum, 1995: 69; Walters, 1990: 14-15; Perelberg, 1990: 34). Religion plays a role in the creation and maintenance of patriarchy (Exum, 1995: 66). Patriarchy may persist when women contribute to it by not contesting the roles handed down to them by men in positions of power (Exum, 1995: 79-80). Muslim women in the nineties revisited gender and sex equality, associating the worldwide decline of Muslim women's rights with the patriarchal, androcentric norms of early Muslim communities (Seedat, 2013a: 405). This analysis highlights an important debate in Muslim feminist circles that is illustrated in Hidayatullah's (2014: 12) reflection on feminist scholar Azizah al-Hibri's reaffirmation of her faith, which distinguishes between Muslim communities as patriarchal on the one hand, and Islam as a religion that resists gender hierarchy on the other.

First generation Muslim feminist scholar Wadud-Muhsin's (1992: 1) writing was initiated by the need for an understanding and interpretation of the Qur'an that would make its application feasible and meaningful to women in contemporary times. Exegetes cannot give meaning to a text without their interpretation being influenced by their own ideas, thought processes, life experiences and the context in which they live (Esack, 1997:62). Whilst this is understood, Wadud-Muhsin (1992: 1) argues that no effort is made to distinguish between text and interpretation. Highlighting the different ways in which the term „woman“ is interpreted in the Qur'an, Wadud-Muhsin (1992: 1-7) argues that the mainstream interpretation was not a reflection of women's experiences but of men's perceptions and expectations of women as a representation of their social and cultural context.

Prescriptions on the role of men and women, and stereotypes of men's and women's work, to a large extent have a cultural origin and influence. It is not uncommon for society to see women as being subordinate to men with a primarily domestic role and Wadud-Muhsin (1992: 7) contends that this has had an impact on the interpretation of the position of women in the Qur'an.

Shaikh (2007:70-4) exposes how medieval interpreters of the Qur'an moulded and shaped exegesis to suit their socio-political milieu and contends this cannot be applied in a universal context, certainly not for contemporary Muslims. Her study shows contemporary Muslim women's negotiations and reconciliations in many ways such as their identity as Muslims, beliefs of a merciful and just God, Islam's patriarchal history and traditions, and belief that the Qur'an encapsulates and propagates ideas of peace, justice, moral agency and gender equality (Shaikh, 2007). Contrary to this Huq and Rashid (2008: 17-18) find the women in their study do not challenge but rather subscribe to the traditional gender roles they understand to be advocated by interpretations of the Qur'an and negotiate their positions in terms of their fulfilment of the assigned essentialised roles.

The negotiations undertaken by Muslim women in creating agentic positions for themselves is depicted in various contexts (Schulz, 2011; Huq and Rashid, 2008; Foley, 2004; Brenner, 1996). An example of this is the Malaysian Muslim women's struggle in the dichotomous debate of equity and equality (Foley, 2004: 59). The patriarchal state of Malaysia threatens imprisonment of women who pose a threat to national developmental objectives (Foley, 2004: 58) and is more receptive to the equity approach to women's rights, the supporters of which concede women and men have essential roles though also possessing equal value (Foley, 2004: 59). Foley (2004: 60) argues the equity approach as opposed to the equality approach that demands absolute equal rights, is more beneficial for the progress of Muslim women in Malaysia as they are better suited to gain the support of their male counterparts as a result of an apparent submission opposed to resistance of the state norm.

Working from within patriarchal structures, these supposedly subservient women in the preservation of their domestic and maternal roles are able to demand the fulfilment of

male obligation as per Qur'an and *hadith*, with respect to their maintenance (Foley, 2004: 61). Foley (2004: 61) argues that this acceptance of "patriarchal bargaining"<sup>12</sup> is a small sacrifice when viewed in light of their subsequent ability to negotiate employment outside the home space provided that their domestic and maternal duties are not neglected, using the examples of women in Islamic history to support their argument.

Hence, gaining confidence in the rights allocated to them in Islam, scholarship shows that Muslim women have become more proactive in gaining understanding and knowledge of their religion, using it as a means of reclaiming freedom and power that has always been present but misrepresented (Rabinovich, 2013; Shaikh, 2007; Keefe, 2006). Wadud-Muhsin (1992: 36-37) interpreting the Qur'anic verse which translates as men and women being graded by God for their level and depth of *taqwa*<sup>13</sup> or piety, asserts that on condition that piety be understood as a culmination of conduct and mindset, the Qur'an advocates equal opportunities for men and women with respect to pietistic aspirations.

In his work of Islamic masculinities, De Sondy (2015) focuses on a *Sufi* case study and questions the possibility of egalitarianism within *Sufism*. Despite the absence of gender hierarchy which potentially promotes such a conceptual possibility, there nonetheless lies a practical dissonance. Men, it seems, may be at a greater advantage to pursue the path to God (De Sondy, 2015: 154). De Sondy (2015: 155) questions the creation narrative expressed by *Sufi* commentators. Sufi narratives have understood the creation narrative by viewing Adam as a singular divine being. Within this ontology, Eve is viewed as a mere extension and disconnect from Adam, with her creation signalling the collapse of the single truth that Adam represented (De Sondy, 2015: 155). Despite Sufi narratives of divine love, the actual schema rests on the patriarchy of the male Adam being more original and more in the image of the divine than the female Eve (De Sondy, 2015: 155). De Sondy asks how this impacts the path and the connection to God, one's spirituality and the essence of *Sufism* (De Sondy, 2015: 155). Does this give Adam and subsequently men, a spiritual privilege? Would this prioritise men's spirituality (De Sondy, 2015:

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<sup>12</sup> The concept of "patriarchal bargain" was introduced by Deniz Kandiyote (1988: 282-283).

<sup>13</sup> *taqwa* is often referred to as piety but Wadud (2006: 40-41) expands this into moral consciousness and the notion of conducting one's self as if one's actions are transparent to God.

155)? The undercurrents of gender hierarchy are apparent as a pietistic hierarchy.

Wadud's (2006: 24-31) concept of the *Tawhidic*<sup>14</sup> paradigm suggests that the only hierarchy that exists is between God and the believer. Anything else is likened to associating partners with God, what is known as „*shirk*‘, considered the single unforgivable sin in Islam (Wadud, 2006: 29) and is succinctly represented in Shaikh's (2004: 99) usage of the „*shirk of patriarchy*“. Wadud (2006: 23) makes a conscious shift from the idea of „*Islam means submission to God's will*“ to the idea of Islam as „*engaged surrender*“ where one is not completely deprived of power. Thematic and conceptual similarity can be drawn between Wadud and Foucault in terms of power within the context of contemporary societies. Where Wadud (2006: 23) contends that in „*engaged surrender*“ one is not completely devoid of power, Foucault likewise asserted that the subjugated is not entirely powerless (Stone, 2007: 58).

Relating Wadud to *Sufi* writings of the acquisition of God and piety through submission and worship of God and the notion that women's time-consuming domestic responsibilities would prevent this, raises a question: If the Sufi requirement is submission, would the stereotype of women being the docile sex not rank them higher than men by default (De Soudy, 2013: 156)? Reflecting on the seven stages<sup>15</sup> that lead one to God and spiritual heights, can we imagine a more nuanced approach to the understanding of each of those stages? Would the path to God be entirely dependent on ritualistic acts as devotional exercise? If there is no fixed path for all, would women's work in the homestead not constitute what may be represented within those stages?

Studying Muslim women in urban Mali, Schulz (2011: 99-100) documents the contestation of these women who believe that as opposed to evaluating piety through the performance of acts of worship, women's piety should be extended to other forms inclusive of but not limited to virtues such as patience and endurance, as seen in the *Sufism* stages, which are reflective of the social aspect of Islamic teaching.

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<sup>14</sup> *Tawhid* refers to the Oneness of God and that no one or nothing can be likened to Him (Wadud, 2006: 29)

<sup>15</sup> These stages include „*repentance, abstinence, renunciation, poverty, patience, trust in God and satisfaction*“ (De Soudy, 2013: 154).

Much reform in contemporary Islam has occurred through female pietistic movements (Tong and Turner, 2008). From the donning of the veil (Brenner, 1996; Bilge, 2010), the prioritization of timeous and mindful prayer (Simon, 2009) to contraceptive decision making (Sahu and Hutter, 2012; Schenker, 2000), various scholars employing Mahmood's (2005) concept of Muslim women choosing to embody religious doctrine, illustrate how these women are not abdicating agency; rather, they are exercising a different form of agency by making a conscious choice to please God.

The concept of women actively pursuing piety calls for a more nuanced approach and understanding of women's choices as opposed to the dichotomy of submission to, or rejection of, religion (Haq, 2010: 100). Mahmood (2005: 175) illustrates how women in the Egyptian mosque movements use pietistic agency as not just a matter of resistance but for self-making and autonomy. Mahmood challenges Foucault's idea that „*power always provokes resistance*“ (Stone, 2007: 59) by elucidating the process whereby women acquire agency outside of the delineations of liberal feminist concepts of agency, thus extending normative concepts of resistance and subversion (Rozario: 2011: 285-6; Bilge, 2010: 14, 18-21).

For the women engaged in pietistic practice<sup>16</sup>, it is not their piety that motivates these decisions; it is their commitment to the consistent and repetitive acts of religiosity that leads to the development of their piety (Karimova, 2014: 334). In so doing contrary to the notion of agency being one that promotes change by opposition, agency manifests in upholding expected religious norms (Aslam, 2010: 422-423). In this pietistic context, agency is defined:

*‘Not as the freedom to do what she wanted but the freedom to do what was right, where what was right for her was the voice of God (Mack, 2003 cited in Aslam, 2010: 422-23).’*

This review characterises the ongoing debates in scholarship around the phenomena of

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<sup>16</sup> Pietistic practice for the purpose of this study will refer to ritualistic acts of religious observance that include, but are not limited to, prayer (*namaaz/salaah*), fasting, recitation of the Holy Qur'an, meditation and attire.

contraception and piety in the context of Islam. Establishing the permissibility of contraception and outlining the legitimate factors supporting the use of contraception, I illustrated internal and external factors that may influence or affect the use thereof. The discussion also included the ongoing debates centred on the rights of Muslim women as well as the different forms of agency exercised by Muslim women in their active and deliberate steps toward piety.

Finally, influenced by Sahu and Hutter's (2012) study of Indian women exercising agency by negotiating temporary and permanent methods of contraception with ideas of pleasing or displeasing God; working from within the pedagogical practices of Islamic communities I attempt to understand how South African Muslim wives negotiate health-based contraceptive concerns with their pietistic concerns to observe God's will.

In the following chapter I will discuss the methodology of this study. I draw attention to the research paradigm and design of this study, whilst explicating the sampling technique, selection criteria and the location of the study. The rationale for the data production strategy as well as the instruments will be addressed.

## **Chapter 3: Methodology**

### 3.1 Introduction

In this chapter I focus on the research paradigm and design of this study. This chapter will also explicate the sampling technique, selection criteria and the location of the study. The rationale for the data production strategy, the instruments and data analysis will be addressed.

### 3.2 Research paradigm

This qualitative, empirical study was located within a feminist research paradigm. The qualitative design was appropriate as my aim was to understand the way Muslim women negotiate their health-based contraceptive concerns with their pietistic concerns (Brink, 2006: 113).

Similar to any other methodology, feminist methodology also connects a very specific ontology to an epistemology (Ramazanoglu and Holland, 2002: 11). This is done to create and stipulate guidelines that may shape the production of knowledge of „*social reality*“ (Ramazanoglu and Holland, 2002: 16). Whilst there may not exist any one particular methodology, it is understood that *feminist methodology is distinctive to the extent that it is shaped by feminist theory, politics and ethics and grounded in women’s experience*“ (Ramazanoglu and Holland, 2002: 16). Ramazanoglu and Holland (2002: 15) note the reluctance of feminists to concede any one methodology as characteristically feminist because of diverse moral or political positions in feminisms. However, we do find that central to feminist inquiry is the ontological understanding of the social construction of gender and a general awareness of the dichotomous underpinnings of society in general (Burns and Walker, 2005: 66). Whilst there may exist a multitude of feminist methodologies, the thread that ties them all together is the application of an awareness of gender differences to the research process (Burns and Walker, 2005: 66). In this study, in the process of producing and analysing data I was constantly aware of the gender differences present in the women’s lives. We observe this in the following three analytical chapters.

### 3.3 Research design

A phenomenological research design and approach was used to produce the data required. This was appropriate as phenomenological studies focus on an individual's „*lived experiences*“, their interpretation of their experiences and what significance it holds for them (Brink, 2006: 113). The phenomenon of South African Muslim wives negotiating between their health-based contraceptive concerns and their piety was explored. To produce such data I initially conducted face-to-face, in-depth interviews with women who have directly experienced these phenomena. Asking the women to write a response to questions on a reading stimulus followed the interviews. This will be explained in added detail further in this chapter.

In phenomenology it is important that the researcher is cognisant of the intimate relationship between experience and interpretation (Patton, 2002: 106). To understand the experience, interpretation is vital (Patton, 2002: 106). Yet the experience itself is not independent of interpretation (Patton, 2002: 106). In this process the researcher begins to understand how the participant develops a worldview of the phenomena and how their experience is in fact their reality (Patton, 2002: 106). In order to achieve this the researcher would need to experience the phenomena as if it were their own, placing emphasis then not only on in-depth interviews that would yield as much information as possible, but also on vigilant observation of the participant for visual cues and body language (Patton, 2002: 106). Ultimately, a phenomenological study is characterised by the „*essence*“ of a shared experience (Patton, 2002: 106). Whilst each person has their individual experience which becomes their reality, there exists amidst the different experiences a common thread tying them together—the essence of the phenomena—and this is what the researcher of phenomenological studies must be rigorous about finding (Patton, 2002: 106-7).

To meet these requirements, I had developed an interview schedule (Appendix 1) consisting of questions that would inform me of the ways Muslim women reconcile their health-based contraceptive concerns with their pietistic concerns to observe God's will. The interview schedule was semi-structured with open-ended questions that allowed room for flexibility depending on the responses of the participants and the need to gain better understanding of their interpretations of any concept. The questions included

demographic information and questions focused on health, contraception, Islam and piety.

I developed a second list of questions (Appendix 2) for their response after introduction of the reading stimulus (Appendix 3).

This allowed for a narrative inquiry which refers to the process whereby data is produced, analysed and subsequently showcased in a manner that encapsulates the „*lived experience*“ of the narrator (Shackloch and Thorpe, 2005: 156). Thus narrative analysis may be employed in phenomenological studies, as the aim is to represent the narrator’s experience in a manner that reflects reality as closely as possible (Patton, 2002: 115). Narratives enable the researcher to identify social and cultural norms and expectations (Patton, 2002: 116). This is particularly beneficial in this study to allow the researcher to identify and address themes that may not have emerged in the initial interview, but more importantly it allows participants the privilege of formulating their ideas over time as opposed to the spontaneous expectation of a response when conducting a face-to-face interview.

### 3.4 Sampling strategy

Purposive sampling (sometimes referred to as judgement sampling) is beneficial to focus on specific issues in detail and allows for the researcher to use personal judgement when selecting participants (Patton, 2002: 230). I used a purposive sampling strategy, which allowed me to use my personal judgement to identify women in the community as potential participants based on their individual engagement in the community, independent of any organisation.

Bernard (2000: 176) as cited in Patton (2002: 230) states that in judgement sampling the researcher decides the purpose informants (or communities) may serve, and enters the field to find suitable informants. Being an active member of the community where the research was to be conducted there was little need for a key informant. I personally identified women in the community and also asked them to suggest potential participants. Thereafter I employed snowball sampling, which is useful to yield data in great depth (Patton, 2002: 237). I asked the initial potential participants to suggest other women. Of those, I selected the names that appear most frequently to be interviewed.

### 3.5 Selection criteria

The selection criteria were women residing in the selected area who were, at that time, making contraceptive choices within Muslim marriages. Therefore I had not delimited an age category. Participants were adult woman who were selected independent of their affiliation to any organisation, negating the need for gatekeeper permission. Informed consent (Appendix 4) from participants was obtained.

### 3.6 Number of participants

I conducted face-to-face interviews with 6 women.

### 3.7 Location of study and researcher

The study was conducted in a community in the greater Durban area, known to be an active Muslim community.

### 3.8 Ethical considerations

For my analysis, participants were given pseudonyms, and original names were omitted throughout the process, except for my personal record. I chose to give each woman a pseudonym of the wives of the Prophet Muhammad (peace be upon him) as it was established during the interviews that all of these women view the Prophets' wives as role models.

Whilst snowball sampling would imply that some potential participant may be aware of other potential participants, ultimately the participants interviewed are only known to me, further ensuring anonymity.

The area will be referred to as „a community in the greater Durban area“ to ensure anonymity of participants, avoid any possibility of their identities being revealed and protect against the potential repercussions thereof.

Participants were informed of the required level of participation. All participants were provided with an information sheet (Appendix 5) informing them of the purpose of the study, the title and the process of data collection. It was made clear that with the exception of the time required for the interview and for writing the narrative, the research

would neither involve any fees to be paid by them nor would there be any payment made to them.

Participants were informed about voluntary participation and they were further made aware of their right to withdraw from the study at any point, at no disadvantage to them. Participants were given the opportunity to do so via telephone or email. All participants confirmed having good command of the English language and a fair understanding of the explanations as well as what was expected of them. They confirmed being given the opportunity to ask questions that they may not have understood correctly and that any questions posed by them were adequately answered. Participants were reassured that names and details of counsellors or psychologists would be made available to them in the event that they may require such as a result of the study.

All participants had agreed to undergo the audio-recorded interview related to their health-based contraceptive concerns and piety. An agreement was undertaken with all participants that these recordings may only be heard by female members of the review committee as these women are of the belief that their voices should not be heard by males. Arrangements regarding day and time of interviews were made telephonically. Participants were given the opportunity to choose a time and venue of their convenience. Participants were informed of the availability of transcripts of the interviews as well as a copy of the final report and the option of making a telephonic enquiry regarding the outcome of the study. Participants were also informed of their rights to contact the ethics committee at University of Kwa-Zulu Natal should they have any concerns regarding the study, the researcher or their rights as a participant. Details of the University of Kwa-Zulu Natal's ethics committee were made available to them.

Raw data in the form of recordings, as well as transcripts of interviews have been stored in a safe place as by arrangement with my supervisor. If after a period of 5 years, it is established that this data will no longer be required or be of use, recordings will be deleted, and paper will be shredded and put into recycling.

A non-disclosure agreement (Appendix 6) was signed with a transcriber. However the contract was cancelled as a result of failure to deliver within the agreed time period. The

conditions of the agreement are still applicable and enforceable despite the cancellation of contract.

A report of the findings was submitted at the School of Religion, Philosophy and Classics. This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Ethics Committee with Protocol reference number: HSS/1255/015M (Appendix 7).

### 3.9 Validity and trustworthiness

Brink (2006: 118) suggests the use of the term *„trustworthiness‘*, amongst other terms suggested by qualitative researchers, as opposed to reliability and rigour. Brink (2006: 118) believes the latter to be more suitable to quantitative approaches (Brink, 2006: 118).

Trustworthiness in sampling for this project was ensured by using snowball sampling, which looks at participants who will allow you to yield in-depth information valuable to qualitative sampling (Patton, 2002: 230). Trustworthiness in data production was ensured by interviewing each participant using the same interview schedule and pursuing the interview until data saturation. Explaining to and informing the participant of the research process and its objectives achieved transparency.

Within quantitative research rigour depends largely on the instrument itself to ensure it measures what it is meant to measure (Patton, 2002: 14). In qualitative research, *„the researcher is the instrument“* (Patton, 2002: 14). Whilst the researcher may use instruments such as an interview schedule, the actual trustworthiness of a qualitative study is dependent on the aptitude and expertise of the researcher herself to not only be thorough in her inquiry, but to try as much as possible to adopt a standardised approach and format (Patton, 2002: 14).

Being a phenomenological study, bracketing and intuiting would be required of the researcher. Bracketing entails the removal of any preconceived ideas of the phenomenon, allowing the researcher to take all perspectives into consideration without pre-empting any particular outcome (Brink, 2006: 113). Bracketing ensured that as the researcher I prevented my own ideas of health, contraception and piety from influencing the

interview process. It was a conscious step to identify my positionality as the researcher and reduce or eliminate its hindrance to the production of data.

Intuiting involves having an increased awareness of the participants' experience and their description thereof, to a point where the researcher becomes engrossed in the data, analysing it repeatedly until all possible avenues are saturated with respect to information that emerges from the data (Brink, 2006: 113). To fulfil this requirement, I analysed the data from different perspectives repeatedly for possible themes until theme saturation was achieved and no new themes emerged from the data.

### 3.10 Data production strategy

I conducted phenomenological interviews guided by an interview schedule. The production of data was dependent on answering critical questions as stated above. Interviews were conducted over one week. Each participant was interviewed individually in a single, face-to-face session which lasted approximately one hour. Three participants chose to be interviewed in their homes. The remaining participants requested to be interviewed at my home where they believed they would experience minimum interruptions. The interviews were followed by a reading task using two stimuli that I had chosen. The first stimulus was a case study presented in a book written by a Durban-based scholar and published by the Islamic Medical Association of South Africa on ethical and legal insights into contraception (Ebrahim, 2011: 41). The second stimulus was a selection from a popular religious text that is well known and regularly cited within the local community (Kandhelwi, 2013: 88). Both stimuli are attached. The reading task was followed by a narrative written by each participant, guided by questions I had provided. Participants were given one week to write their narratives. My interest lay in whether reflection on the stimuli impacted the women's ideas and their negotiations.

### 3.11 Data analysis strategy

I performed a content analysis (Patton, 2002: 452) of women's personal experience negotiating their health-based contraceptive concerns and pietistic concerns, guided by themes emerging from the data. Content analysis is suitable for qualitative data and is usually used in the analysis of texts like transcripts or narratives allowing themes to emerge (Patton, 2002: 453).

Within content analysis, I had developed my own strategy of analysing the data by initially grouping the responses according to the main fields that I had used to formulate the questionnaires. Thereafter I analysed the data continuously until I had saturated all possible themes within each field. I then ranked the themes in order of the frequency with which they emerged from the data, followed by searching for the common shared essence that is the hallmark of phenomenology (Patton, 2002: 106).

The arduous process confirmed the characteristics of research which include the need for a systematic process with the goal of seeking information that will contribute to current information or create new information (Brink, 2006: 2-3).

In the next chapter I will thematically present the analysis and interpretation pertaining to the first objective of the study, namely the experiences of South African Muslim wives“ in determining and negotiating their health-based contraceptive concerns.

**Chapter 4: What are the experiences of South African Muslim wives' in determining and negotiating health-based contraceptive concerns?**

#### 4.1 Introduction

This chapter will thematically present the analysis and interpretation pertaining to the first objective of the study; namely, understanding South African Muslim wives' experiences in determining and negotiating their health-based contraceptive concerns.

The conclusion of this chapter will confirm health as a motivating factor in determining and negotiating contraception. Whilst South African Muslim wives who are the focus of this study conceded not possessing substantial knowledge on contraception, they nonetheless formulated independent understandings of Islamic teachings on contraception, negotiated these understandings with their partners and exercised agency to secure outcomes that would be favourable to them.

#### Demographic analysis

To gain insight into the women's lives and identify factors that may influence their „ways of knowing“<sup>17</sup> and cognitive behaviour (Belenky et al, 1986: 3), I began the interviews by enquiring about basic demographic information, keeping in mind that some researchers have found demographic data as being inadequate in providing explanatory information with regard to family planning behaviour (Fishbein, Jaccard, Davidson, Ajzen and Loken, 1980: 133).

There were at least two reasons for my interest in demographics. The first reason was to establish whether demographics impacted their ways of gaining knowledge or the ways in which they applied the knowledge gained when exercising agency. I was also interested in exploring the potential impact of the way in which marriage is initiated on the dynamics of marital life. I refer to whether these women had arranged marriages<sup>18</sup> or non-

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<sup>17</sup> „*Women's ways of knowing*‘ uncovers how women draw inferences about truth, knowledge and authority from different standpoints (Belenky et al, 1986: 3).

<sup>18</sup> Arranged marriages for the purpose of this dissertation, refers to the process whereby a family member or family friend identifies a suitable spouse for a person. What follows is a meeting facilitated by elders to establish suitability of the union. It is understood that love will develop gradually.

arranged marriages<sup>19</sup>. The probable deeper relevance of this seemingly basic information emerged through analysis of data produced during the interviews and will resurface when I discuss the understandings and negotiations these women experience.

The second significance of demographics is aligned with the principles of phenomenology; requiring the researcher to become so engrossed in the data while exploring and being receptive to all possible avenues, thereby increasing the likelihood of understanding and experiencing the phenomenon in as close a manner to the participant's experience as possible (Brink, 2006: 113).

In this and the following two chapters, whilst editing their words to avoid ambiguity and pooling their thoughts to indicate unicity, I have remained as close to the transcripts as possible, selecting specific excerpts that are a reflection and representation of the general ideas of the participants.

Focusing on demographics, in Table 4-1 below we see the age difference between spouses ranges from a two-year gap to a fifteen-year gap. From a total of six women, four had arranged marriages. The ladies reported that arranged marriages were a fairly common practice in their families and their community. The duration of their marriages ranged from nineteen years to thirty-three years. Two of the women had 4 children each and the remaining women had 3 children each.

As a matter of interest only one woman's husband had not completed secondary school and he was also the only one who, as we observe later, chose to limit their number of children specifically for financial reasons. Whilst it is not the scope of this study we can speculate, with good reason, the greater employment opportunities a higher level of education may offer. Three of the women and the husbands of five women had received tertiary education.

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<sup>19</sup> Non-arranged marriages for the purpose of this dissertation will refer to the phenomenon of a male and female marrying after pursuing a relationship that was initiated by themselves.

Table 4 - 1: Demographics: Marriage and Education

|            | Age | Spouse Age | Marriage            | No. of Children | Education | Spouse Education |
|------------|-----|------------|---------------------|-----------------|-----------|------------------|
| Aisha      | 41  | 43         | Love - 21 years     | 4               | Tertiary  | Tertiary         |
| Hafsa      | 52  | 57         | Love - 30 years     | 3               | Tertiary  | Tertiary         |
| Khadija    | 41  | 56         | Arranged - 23 years | 3               | Grade 8   | Tertiary         |
| Juwairiyah | 37  | 45         | Arranged - 19 years | 3               | Matric    | Tertiary         |
| Maymunah   | 52  | 58         | Arranged - 33 years | 4               | Tertiary  | Tertiary         |
| Zaynab     | 45  | 51         | Arranged - 20 years | 3               | Matric    | Grade 11         |

In Table 4-2 below we see four women have their own source of income. Of this four, three of the women are employed out of their homes. In Chapter five we observe the compromises they make to adjust maintaining employment outside the home and fulfilling their responsibilities at home.

Of the study sample all women own a smart phone though one woman reported not knowing how to operate the phone. Three of the six women owned a television set but reported not watching television due to lack of time or interest. If they did watch, it would be wildlife, cooking and décor shows.

Table 4 - 2: Demographics: Income, Media and Vehicular Access

|            | Own Source of Income | Smart Phone | Owens TV | Drives |
|------------|----------------------|-------------|----------|--------|
| Aisha      | No                   | Yes         | No       | No     |
| Hafsa      | Yes                  | Yes         | Yes      | No     |
| Khadija    | Yes                  | Yes         | No       | No     |
| Juwairiyah | No                   | Yes         | No       | Yes    |
| Maymunah   | Yes                  | Yes         | Yes      | Yes    |
| Zaynab     | Yes                  | Yes         | Yes      | Yes    |

#### 4.2 Health

To understand the phenomena of South African Muslim wives determining and negotiating their health-based contraceptive concerns, I began by exploring what health means to these women and its significance in their lives. The analysis shows firstly that women give significance to their health and that health is understood in terms of body image, physical activity, ideas of disease, well-being and accountability.

Of the six participants, five verbalised health as being „very important“ to them. This was expressed in different forms, with reference to the context of each participant’s life and associated with the ability to function at an optimum, or to complete a desired number of tasks as reflected in the following statement:

It’s very important because if you’re not healthy you can’t do a lot of things.

Asked whether she was conscious of and proactive about her health, the same woman responded in the negative. Whilst all participants acknowledge the significance of health, they may not necessarily be proactive about it. Contextualising „very important“ may reveal vastly different ideas of health. Though three of the participants did indicate taking active steps toward a healthier life in terms of diet and lifestyle, the scope of this study did not include probing further to explore their ideas of being proactive or taking preventative measures for good or better health. The women identified several factors that

shape their understanding of health, namely; diet and body image, physical activity, presence or lack of disease, and wellbeing and accountability.

Four women's descriptions of health were centred on regulating food intake in terms of quantity and quality, „eating less“ and choosing „healthier options.“ Speaking about what health means to her, one woman said:

I started thinking now let's just slow down on the eating. Think of healthier options.

Better eating habits and subsequent lower weight were associated with self-contentment. Participants referred to body size or body image when explaining their understanding of health. This is reflected in the following statement of one woman:

I'm getting a little fat ... I need to go on a diet ... If I had thought like this long ago, I'd be much happier with myself weight wise.

Dissatisfaction with body size and shape, and preconceived ideas about eating are two sides of the same coin (Park, 2005: 594). Discussing the impact of media on body-size dissatisfaction, Prieler and Choi (2014: 378-80), while confirming that traditional media such as television and print media have long been championing the cause of the idealised thin body, suggest taking into account the advent of social media. This may be particularly relevant in this study where the women report not watching television. The barrage of thin models by advertisers marketing a product creates a perception that thinner bodies are ideal (D'Alessandro and Chitty, 2011: 844). Creating the notion that people in general revere thinner bodies“ buttresses the impact the marketing ploy of the ideal thin body has on any one person despite their own ideals (Park, 2005: 606). Holmstrom's (2004: 210) finding however, does not support this idea and she argues, within reason, that the constant onslaught of thin bodies in media may have desensitised women. Holstrom (2004: 211) also uses social comparison theory to hypothesise the use of downward comparison<sup>20</sup> by women, comparing themselves to women with a larger body size to maintain body satisfaction.

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<sup>20</sup> Holstrom (2004: 211) explains this as maintaining self-satisfaction by comparing one's self to those less advantaged than you.

One may speculate, with good reason, that dissatisfaction with body size may negatively affect their sexual experience; however, whilst the women in this study may articulate a dissatisfaction in body size, their reluctance to engage in sexual activity that we will observe later, occurs as a result of practical considerations such as being „tired or lazy“ due to their domestic responsibilities. Their practical approach to health, as we will observe later, also extends to their contraceptive decision-making.

### Physical activity

Physical activity surfaced as another theme linked to the participants“ understanding of health. Three of the six women sample reported regular and consistent physical activity as a representation of health. One woman related a healthy lifestyle to „doing exercise“. The common idea was to achieve and maintain a level of physical activity suitable for your individual need, as reflected in the following statement in response:

You can do the things ... able for you to do and you [are] comfortable doing. Not extreme exercise.

The above two themes, particularly eating and exercise, exist among other health-related behaviours linked to the development and aetiology of disease (Ioannou, 2005: 263). Their potential influence on the development of disease has an impact on one“s health (Ioannou, 2005: 264), though most people may only consider dietary changes or physical exercise after diagnosis of an illness. Thus health may be evaluated by the presence or lack of disease.

### Presence or lack of disease

As cited in Sturmberg (2009: 766), the World Health Organisation defines health as:

*‘A state of complete physical, mental and social wellbeing and not merely the absence of disease and infirmity.’*

Three of the six participants associated health with the presence or lack of illness. This is reflected in Hafsah“s attention being brought to health only when she „started going into menopause“ and from having to handle the symptoms thereof. She articulated this as follows:

It's only since I started maybe going into menopause ... have I started focusing on health.

Given that the condition Hafsah refers to is menopause, which is part of the natural aging process of a woman, Hafsah is nonetheless referring to the discomfort of the physiological and physical signs and symptoms of menopause (Beers et al, 2006: 1081). It is my contention that in the event of a more sinister condition, one of the dangers of assuming a state of health is the possibility of the damage being irreversible by the time of diagnosis. The women's apparent lack of serious concern for health in the absence of illness may stem from the notion that a certain comfort exists in the advancement of medicine and medical technology resulting in her labouring under the assumption that most conditions are curable.

#### Wellbeing and accountability

Within a holistic and comprehensive understanding of health two of the participants expressed health as total wellbeing, inclusive of „mental and emotional“ health. This understanding of health transcends the notion of health being restricted to an anatomical and physiological dimension. The rationale of the importance of „mental and emotional health“ is underpinned by a comparison between the demands of contemporary living experienced currently, and the general simplistic life experienced by the previous generation. One woman said:

In today's time ... our daily routine's not as our parents used to be, where they used to be at home and they were just looking after the children. Now we have so much more ... that mental capacity has to be, I think, a priority today.

Whilst acknowledging the significance of mental and emotional health, the argument that our lives are more demanding ignores the simultaneous mechanisation of many tasks. Appliances like microwaves, dishwashers, washing machines and geysers remove the manual labour involved two or three decades ago. It is my contention that by breaking the stereotypes of women's work and women's subsequent increased entry into the workplace whilst still wanting or needing to play the traditional role of women may be a contributing factor to mental and emotional strain. Referring to her employment outside the home as well as fulfilling the traditional role of a wife at home, one woman said:

I could juggle and do everything but I had to make sure that everything that I had to do, I did.

The same two women prioritised their responsibility toward their health and wellbeing. They indicated learning with age and experience the significance of prioritising their health to function at an optimum to fulfil their responsibilities as a wife and a mother, amongst other things. One woman said:

Sometimes we do neglect [ourselves], thinking about yourself when you have children and your husband, you just get lost into that ... I think with age comes a lot of wisdom and now I also put my health in front and I do everything to have optimum health so I can give off better of myself\*.

This indicates a shift from the idea of putting others before yourself at your own expense, to one where you put your health first in order to give others the best you can offer. She acknowledges her value as an individual is proportional to her state of health.

McAuley, Pecchioni and Grant (2000: 14) argue that the way many people perceive and respond to health is largely influenced by religion. By contrast the analysis above indicates that the women in this study have a practical rather than a religious approach to health and, as we will observe later, these practical considerations of health also that drive their contraceptive decision making.

### 4.3 Contraception

Analysis of the transcripts revealed three major themes that emerged within the phenomenon of contraception, namely; understanding Islamic teachings, negotiating health-based contraceptive concerns and agency in reproductive ability.

#### 4.3.1 Understanding Islamic teachings

In their understanding of contraception within Islamic law the women identified concerns regarding permissibility of contraceptive use and conditions wherein it would be permissible. This is illustrated below.

#### 4.3.1.1 Is contraception permissible in Islam?

On enquiring their understanding of the permissibility of contraception in Islam the women articulated two positions; namely, a lack of definite knowledge on the Islamic rulings or a pronatalist position.

##### Lack of Islamic knowledge

The general understanding amongst all participants echoed the following two sentiments:

- a. „Islamically they say don’t take it at all“
- b. „In my understanding, in strict Islamic rulings they (*sic*) should be no contraception but you can use contraception to space out your children.“

Whilst reporting contraception to be prohibited in Islam, the women acknowledge certain circumstances may permit its use. In articulating their understanding of the Islamic rulings on contraception the women confirmed having no definite knowledge on the Islamic teachings. Scholarship has previously noted that the lack of knowledge regarding the *Shari`ah* position on contraception is not an unfamiliar occurrence in Middle Eastern societies (Hasna, 2003: 189). However, this is contrary to Shaikh, Hoel and Kagee’s (2011: 109) findings of South African Muslim women having a mixed response regarding the permissibility of contraception in Islam, ranging from a definite yes to a definite no. Given that the women in this study sample all attend programs to improve their Islamic knowledge how is it none have a definite idea about the Islamic ruling on contraception?

Giving an indication of one of the ways in which they are educated on Islamic teachings, one woman said:

I’ve never really researched it Islamically.

The above statement indicates one of the ways that these women gain Islamic knowledge and illustrates that they value having read on a topic to speak confidently about it. The association of reading literature with the ability to confidently speak about the Islamic teaching on contraception illustrates „*ways of knowing*“ (Belenky et al, 1986: 3) that prioritise interest and trust in the authority of an author. The woman also said:

We have a library here at home, we go now and then to the Islamic bookstores ... we have the *Fazaail-e-Aa`mal*<sup>21</sup> here at home as well. I generally read books that are prescribed by friends or on the radio<sup>22</sup> ... I'm particular about where the information comes from. I'd read it but ...analyse it ... you get a lot of stuff ... published where there is no truth in it. Sometime people say it's part of Hadith and it's not ... you have to be careful of those things but I'm quite moderate in my thinking and if there's something to be read ... I'll read it and then make up my mind.

It is evident the women exercise some caution in the literary material consumed whilst simultaneously using their discretion to „analyse“ texts for authenticity as well as contextual relevance. Reading may very well be selective. Given that childbearing is considered an important part of Muslim marriages, it is interesting to note none of the women have made a concerted effort to enquire the precise Islamic rulings on contraception.

#### The Pronatalist Position

The pronatalist approach adopted by religious teachings has been linked to the argument that contraception is prohibited in Islam (Christopher, 2006: 192). The contingent nature of Islamic law leaves room for a variety of exegetical interpretations arising out of the lack of specificity on contraception in the Qur`an (Sachedina, 1990: 107-8). This extends to rulings on procreation and sexual pleasure as well (Sachedina, 1990: 107-8).

On the pronatalist position, some of the participants voiced ideas of having „as many children as possible“. Reflecting this understanding Aisha said:

In our religion we say that we have to vie with everybody... to see who has the most children. The more children you produce the bigger the Islamic community becomes and the better for the *din* (religion).

Echoing a similar sentiment in her interview, Maymunah added further:

...but in the times that we live in today, we have to look at it, the realistic point of view ... we are living not in a Muslim country. We live in a Western society and our thoughts are not completely Islamic.

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<sup>21</sup> The *Fazaail-e-'Aamaal* (2013) is one of the sources of the stimuli given to the participants.

<sup>22</sup> This is a reference to the Islamic radio stations available in South Africa. This study group listens to two stations in particular: Channel Islam International and Radio Al-Ansaar.

We observe the internal conflicts and negotiations beginning when she alludes to external factors that influence one's comprehension as a result of living in a „Western society“. Sargent (2006) documents the influence education and exposures to different discourses have on people's understanding, acceptance and resistance with respect to hierarchical incongruencies. Sargent (2006) explicates the process of Malian migrant women in France questioning established gender roles within Muslim Malian families, subsequent to being exposed to discourse on women's rights by French social workers in the context of contraceptive health rights. This is reflected in the citation above when the woman suggests that ideally Islamic teachings promote pronatalist ideas but looking at the challenges they face living in a western country with western beliefs filtering through the education and the media these women reframe their understandings of Islamic teachings to accommodate the reality of their lives.

There is a belief amongst Muslims that Islamic teachings requires them to have as many children as God wishes for them to have, thus placing their resolve at the behest of the belief that God will decide (Beyeza-Kashesya, Neema, Ekstrom, Kaharuza, Mirembe and Kulane, 2010: 76). Shaikh (2003: 113-4) resists this idea arguing whilst it is understood that ultimately God has complete control over all things in the Universe this does not detract from the fact that as individuals we all have ‚*khilafa*.‘ Each individual has a sense of responsibility and ownership of her or his life (Shaikh, 2003: 110). By acknowledging God's power we do not by default, relinquish all responsibility as trustees on this Earth (Shaikh, 2003: 110). We will observe later that the women in this study confirm having such ideas of an individual responsibility or accountability for their actions when they challenge pronatalist ideas in diverse ways to preserve their health and subsequently the integrity of the family as a whole.

Despite the discrepancies evident amongst Muslim jurists (Christopher, 2006: 194), scholarly works document that the majority of Muslim jurists are in agreement that contraception is not forbidden in Islam (Srikanthan and Reid, 2008: 132). This appears to be the consensus that the women in this study adhere to as well. We observe later in the chapter how the women in this study, taking responsibility for their lives, implement their own reasoning in contraceptive health decisions and concerns.

#### 4.3.1.2 Under what circumstances is contraception allowed?

In spite of an overt claim that contraception is not permissible in Islam, the women understand certain circumstances may allow for compromise. Three particular circumstances emerged that may permit contraception; namely, health, spacing and personal reasons. The latter two reasons we learn are also framed in terms associated with health. The implications of this we see unfold below.

##### Health

The idea of health being a valid reason was unanimous. Elaborating on the idea of health, Hafsah stated:

The health of the mother or the safety of the mother or the child ... I'm sure they can make an exception there.

We recall Hafsah's statement earlier of not having researched contraception and not having definite knowledge of the Islamic ruling on the permissibility thereof. However, we witness her negotiating an exception by questioning the feasibility and practicality of health reasons permitting the use of contraception. Later we will also observe how she contemplates the permissibility of contraception to restrict the number of children one has.

##### Spacing

Two of the participants reported „spacing“ or having a „good gap“ between one's children as a valid reason to use contraception. One woman stated that for her it „makes sense“ to „give the one child the attention they need.“

One woman's statement reflected her need to adhere to *Shari`ah* which in her understanding does not sanction contraception in the strict sense of avoiding pregnancy but makes allowance for spacing of pregnancies. She said:

To me, to stick to *Shari`ah* is the most important ... in strict Islamic rulings there should be no contraception but you can use contraception to space out your children, yes.

Expanding on what conditions would warrant spacing in her opinion, the woman said:

In my personal opinion ... depends how your health is actually... I don't know whether it's right or wrong but that's the measure stick that I use, whether I can cope....I would say that I used contraceptives because mentally I don't think I could have handled (it) and I don't think Islam would actually see what I did was wrong.

### Personal Reasons

Discussing the boundaries within which contraception is permissible in Islam, Christopher (2006: 195) includes personal reasons that may be guided and directed by one's morality. This can be likened to Shaikh's (2003: 110) argument of *'khalifa'* as moral agency which grants each individual the power and capacity to make a decision based on their lived experience and their reality. The following woman's understanding of one having a choice reflects this interplay of choice and obligation:

Like everything we do in our religion ... certain things are compulsory, but it's your choice too ... It's left to the individual. Everybody's entitled to ... use it if they want or they don't want.

Similarly we observe how Hafsah argues for her rights as an individual and rationalises that surely one must have some „say in the matter“ over one's personal situation irrespective of what „Islamic teaching“ may suggest. Hafsah said:

Also, I mean if you've got five kids and you don't want the sixth you know, should we have a right to say “No, I'm going on to contraception now.” I don't know what the Islamic teaching is on that but I would think maybe then we have some kind of say in the matter.

The participants above both echo a similar sentiment that contraception is a very personal choice sensitive to one's unique situation. Drawing from the Islamic teaching that God does not wish hardship on anyone (Keefe, 2006: 420) we can see Hafsah's rationalisation as valid especially if that „hardship“ is interpreted as a health risk to the woman having had five children or to the children being subsequently disadvantaged by an ailing mother, financial constraints or inadequate attention. Evidence of these ongoing negotiations and agency comes through consistently in conversation with the participants.

The negotiations between personal needs and health of these South African Muslim women, reflect a study of Muslim women's practise of sterilisation in Tanzania, where Keefe (2006: 420) indicates how each sector of the community *„interpret and*

*understand*“ both religious doctrine and contraception, differently. In doing so Keefe elucidates the process whereby the existence of *„multiple ideologies’*, reflects each person’s reality or lived experience to, *„allow women to make pragmatic choices based on their own life circumstances, without feeling that they are violating Islamic moral code’* (Keefe, 2006: 420). The choices made by the women in this study are indicative of their exercise of agency and result from the continuous negotiations they undergo to secure favourable conditions.

#### 4.3.2 Negotiating health-based contraceptive concerns

Adapting or creating new meanings using one’s own knowledge or power or influencing the meanings that another person holds is known as negotiation (Angin and Shorter, 1998: 557). The new meanings constructed develop gradually and become evident through *„actions and practices’* (Angin and Shorter, 1998: 557). Negotiation, we learn, is not restricted to being vocal or to a discussion between two people (Angin and Shorter, 1998: 557). Foucault (1982: 220) as cited in Angin and Shorter (1998: 557) explains,

*„It is a total structure of actions brought to bear upon possible actions; it incites, it seduces, it makes easier or more difficult; in the extreme it constrains or forbids absolutely; it is nevertheless always a way of acting upon an acting subject or acting subjects by virtue of their being or being capable of action.”*

The objective was to establish whether the women negotiate their health-based contraceptive concerns or not. Furthermore I hoped to establish whether that negotiation consisted of a discussion with their spouse, and if so, whether that discussion was prior to marriage or later on, or, whether the negotiation was an individual, internal process that did not materialise in any discussion. I also hoped to discover whether they would use contraceptives secretly after their husbands have expressed desire for more children. I discovered there were situations of negotiations and no negotiations. The negotiations were either in the form of discussion between partners, tacit agreement between spouses or an internal negotiation that entailed personal rationalisation and which, for diverse reasons, did not materialise into a discussion between partners. No negotiations as we will observe below, implied subscription to the natural course of life where, as one woman says, one would *„get married”* and *„have babies.”*

### Negotiation in the form of discussion

Two of the participants experienced negotiations in the form of discussion prior to marriage though the circumstances were different for each. Aisha's discussions were with her husband-to-be at that time. Aisha stated:

Before marriage we also spoke about what kinds of contraceptive, how many kids we'd like to have and all that yes.

Maymunah, who had hoped to begin a family immediately after marriage, had also engaged in discussions prior to her marriage but her negotiations were with her mother who was concerned for Maymunah due to her personal difficulties conceiving. Her mother, she said:

... fell pregnant after 12 years. So she was absolutely terrified ... her daughters might have the same problem ... she was adamant that we weren't gonna do any contraceptive (*sic*) before marriage which I wanted to.

All the participants experienced discussions after marriage and these discussions remain ongoing. We will see in the next major theme of agency the determinants for ongoing discussion.

### Tacit agreement between spouses

Negotiations also occurred in the absence of discussion. This is reflected in the following woman's statement:

Too many times I would have probably liked to but my husband would have probably not wanted to because I would have known why he won't want to because of financial issues ... The men will probably prefer not to have more than three because of finance and I would probably prefer to have more.

Here she refers to their tacit agreement that due to financial reasons, they would not exceed three children. Zaynab's perception of men generally being conservative with the number of children and her verbalisation of her desire for more children, suggests some women want more children than their spouses. This is a phenomenon confirmed in Angin

and Shorters'' (1998: 559) study where they disprove the assumption that men desire more children.

### Prioritising personal choice

One woman reported personal choice in the following way:

No, there was no discussion because I had already decided on my own (laughs) and I planned to have babies early ... because I was already losing [age].

At twenty-four, when she got married, she had felt very old and that she „was losing'' age.

Another form of personal choice was reflected in the question posed to participants regarding secret use of contraception. Three women reported they would use contraception secretly if necessary. Regarding this, one woman said:

Yes I would for my sanity. It's my decision, it's my life, my body ... it might sound harsh but I feel everyone's gonna (*sic*) live in their own grave so you have to answer for whatever you do ... if I have a child against my will and I treat that child badly ... I'm gonna (*sic*) answer for it (nervous giggle). So I feel if I can't, I know I can't handle it I rather avoid it.

Reflecting the dynamics involved in privately negotiating personal priorities, one woman said:

I feel the choice should be on the woman ... how many children she would like to have. She is the one who is going to fall pregnant. She is going to go through the pregnancy, she is going to have the child ... she has the most responsibility in bringing up that child. And if she is not mentally, physically and emotionally balanced to carry out all that, the children are going to have a difficult time and I feel that it is important for her to make that decision. . Although it is good to [discuss] with your husband, I mean that is important...

The excerpts of the two women above indicate that they not only recognise their individual capacity for decision-making but also acknowledge accountability for their decision-making. The latter arises later in the study as well.

The remaining participants reported secret use of contraception would be deceitful. Explaining her reluctance one woman stated:

I won't do it alone ... it would be lying and cheating in the marriage. It will be fair on him to know what's happening.

Another woman explains why she would not use contraception secretly:

I know ladies that do but I wouldn't have felt any need to do such a serious thing behind his back, no. I would say if I want to go on contraception I'm gonna (*sic*) tell you and I'm doing it.

There is a stark difference in the discourse of the two women above. Whilst one has a sense of accountability toward her husband, the other while acknowledging the need for consultation on such decisions adopts an agentic position that locates the decision within herself.

Whilst many Muslims may have a pronatalist approach, the responsibilities assigned to parents toward their children within Islamic discourse may not be easily fulfilled by parents. Hence premodern Hanafi jurists, such as Ibn Nujaim writing in the 16<sup>th</sup> century (Sheik, 1996: 40), sanctioned secret use of contraception where it would benefit families, and where children would be raised as suggested by the teachings of the Prophet Muhammad (peace be upon him) (Schenker, 2000: 84; Omran, 1992: 39). In her study of Malian Muslims in France, Sargent (2006) found that secret use of contraception was not uncommon amongst migrant Malian women. Those women, similar to the participants in this study, rationalised their use of contraception secretly after much deliberation over Islamic principles, their desire to obey their husbands, and their personal interests with respect to health, peace of mind, and a comfortable life which included but was not limited to financial comfort.

#### No negotiation

52 year old Hafsa's experience prior to marriage was different. She said:

Before it didn't cross our mind ... That was the understanding when you got married in those days. You know you get married and you have babies. We didn't think of contraception at that stage. It was like that was the course of life.

Here we see a different approach to marriage and life which may reflect the period some thirty years ago when Hafsah married. Then the prescriptions about women's roles and women's work were considered differently. We see that even though Hafsah began her marriage without negotiating contraception a change in circumstances led to her rethinking her position. She went on to say,

But then it was after my son [her second child] and I saw what a rough time you go through with children ... and I said two is more than enough.

In this section of negotiations we observed that all participants experience negotiations determining their health-based contraceptive concerns. This negotiation was often in the form of discussion and also took the form of tacit agreement. Decisions were also revisited depending on the change of circumstances as a result of their personal experiences with childbirth, the demands of motherhood, family responsibilities or finance. We observe that women exercise agency whilst they negotiate the permissibility of contraception within the context of health and that all other „valid reasons“ steer back to health in some form.

#### 4.3.3 Agency in reproductive ability

With an intention to uncover these women's agentic positions my focus was on their personal choices regarding contraception, their method of choice as well as what informed their decision to initiate use, change to different methods and maintain their current method.

In their ethnographic study focusing on the impact of culture on gender and reproduction in Turkey, Angin and Shorter (1998: 560) argue that the form of contraception used may not necessarily stem from the decision to use contraception. It may simply be a culmination of „*negotiated conduct*“ (Angin and Shorter, 1998: 557) that results in the simultaneous processing and coming together of both the form of contraception used and the decision to use contraception (Angin and Shorter, 1998: 560). This is in essence the ongoing negotiation we witnessed in the previous section. As the circumstances are constantly changing and being influenced by internal and external factors no final decision is made, and the couple or one partner may find the need to revisit a decision.

We see evidence of this later when participants share their experiences of changing from one form of contraception to another to suit their needs as it unfolds.

The table below represents the forms of contraception used by the women.

Table 4 - 3: Forms of Contraception Used

| Method Used                  | Current Use    | Previous Use   |
|------------------------------|----------------|----------------|
| Temporary Methods            |                |                |
| Oral Contraceptives          | None           | 5 participants |
| Withdrawal                   | 3 participants | 1 participant  |
| Barrier Method (Male condom) | 2 participants | 2 participants |
| Intra-Uterine Device         |                | 1 participant  |
| Permanent Methods            |                |                |
| Female Sterilisation         | 1 participant  |                |

In the table above we gather that from the study sample of six women, five had reported using oral contraception at some point in their marriage. One woman reported using an intra-uterine device for a short period of time. Two of the women reported currently using the barrier method in the form of a male condom. Five women stated they had used withdrawal as a form of contraception. Of the five, three currently use the withdrawal method. One woman reported being sterilised in the form of a ligation.

There was a varied response received with respect to the decision to use contraception and as seen above, most participants had tried more than one form of contraception.

The table below indicates the reasons for method of choice and its subsequent discontinuation.

Table 4 - 4: Reasons for use and discontinuation of chosen methods

| Method Used                  | Reason for method of choice  | Reason for Discontinuation                 |
|------------------------------|--|--|
| Temporary Methods            |  |  |
| Oral Contraceptives (ocp)    | Seemed most convenient;<br>Conceived whilst on OCP                         | Side effects                               |
| Withdrawal                   | Side effects of oral contraceptive   | Fear of pregnancy;<br>decrease in pleasure |
| Barrier Method (Male condom) | Fear of pregnancy with withdrawal;<br>Decrease in pleasure with withdrawal | Discomfort and decrease in pleasure        |
| Intra-Uterine Device         | Seemed convenient  | Desire for more children and health reason |
| Permanent Methods            |  |  |
| Female Sterilisation         | Health reason  |  |

Three of the participants clearly articulated health, physical and mental health, as the initial reason for contraceptive use. We see the significance of this in chapter 6 when we discuss negotiations between their health-based contraceptive concerns and the pietistic requirement to observe God's will.

Speaking about her use of contraception one woman, who had her first child at eighteen, stated her decision was influenced by the health care provider at the hospital and whilst she was scared to have taken this step without consulting with her husband, her decision was strengthened by the health care provider's explanation of it being beneficial for her health considering her young age. The role of the health care provider surfaces, as has been discussed in the literature review. She said:

The hospital said ... you have to take it now after you give birth ... Like you don't fall pregnant say quickly you know ... you just had a baby ... but for my understanding I was scared. But ... I understood ... you telling me I'm ... to take it for health reasons. So I took it.

Reflecting on not being coerced or influenced to use contraception, one woman articulated her personal decision-making as follows:

From young I just didn't like children (nervous giggle) ... so I think that was my main reason but I was [also] young, I felt I needed to settle down, get to know my husband nicely, the family and only when I felt ready [mentally] after 2 years I said ok, let's go for it... but it was my decision totally. My husband didn't force me into it.

The women who had used an oral contraceptive reported discontinuation due to side effects. Referring to her experience with oral contraception, one woman said:

I was finding a lot of side effects of the pill when I was taking it and it's caused a lot of damage to my body so I wouldn't take it again.

Commenting on her use of withdrawal as contraception, also the current method of choice for three of the women, one woman said:

The *azl* concept? That's what we have practiced ... I feel it hasn't compromised our sexuality in any way. It's just as exciting, it's maybe even more so. So you're still having the same feelings and excitement and it is safe.

Withdrawal, classified as a traditional method of contraception, is generally used following negative experiences with most modern methods (Bulut, Filippi, Marshall, Nalbant, Yolsal and Graham, 1997: 38), particularly oral contraception (Ortayli, Bulut, Ozugurlu and Cokar, 2005: 169). Research in Turkey with an all-male study sample indicated a decrease in sexual pleasure with withdrawal but adherence to the method out of respect for their wives (Ortayli et al, 2005: 171). The women currently using withdrawal as the contraceptive method of choice all express no change in sexual pleasure. What would have been interesting to explore is whether their husbands share their ideas of having „the same feelings and excitement“, comparing a woman's experience to a man's.

A noteworthy point on the discontinuation of withdrawal, Maymunah reported:

I suppose he has to [use a condom] because there's no other way. Islamically, we did try withdrawal a few times ... but I'm still a bit more comfortable using the condom... I think it's the fear because at the back of my mind I've had 2 miscarriages so it's a stress for me because I don't want children now ... and you are not free as you're supposed to be [sexually].

Three rather interesting ideas develop from Maymunah's excerpt. The first is that 52-year-old Maymunah fears pregnancy from her distrust in the efficacy of withdrawal as a method of contraception. Aytekin, Pala, Irgil and Aytekin, (2001: 446) report that the inefficiency of withdrawal as a method of contraception is a given fact. Challenging that statement, three of the participants report using withdrawal as the method of choice and from their reproductive histories it can be presumed that withdrawal is efficient for them. This brings me to the second idea of communication. Ortayli et al (2005: 170) report finding withdrawal as a method was probably most effective when the couple had good communication. We see later how Maymunah reports a lack of communication between her husband and herself. When interpreted in this manner, whilst she has fears of conceiving for health related reasons, the distrust she has in the efficacy of the method may read as distrust in her husband's ability to prevent an unplanned pregnancy.

Lastly, considering her older age and her fears of pregnancy are very real, we compare this to Piccinino and Mosher's (1998) study where women over the age of thirty-five doubted their fertility and as a result were not as vigilant about contraceptive use. In this study we note five of the six South African Muslim wives are over the age of 40 yet they have fears and concerns of unplanned pregnancies and are vigilant about contraceptive use.

Maymunah's fear of a pregnancy resulting from withdrawal is also documented in other studies (Ortayli et al, 2005: 170) as a reason why condoms are preferred to withdrawal. Notwithstanding her fear, I take a moment to reflect on Maymunah's admission of a decrease in sexual pleasure with withdrawal and compare the responses of the women in this study indicating sexual pleasure as being important to them, with Angin and Shorter's (1998: 561) study in Turkey where only men discussed the pleasure factor and not women. We consider the seventeen-year gap between the studies and the current

„modern“ context the women in this study live in, in spite of the cultural and religious influences, to be possible reasons for the women in this study being more vocal about sexual pleasure. To support this argument we observe the candid responses Shaikh et al (2011) receive in their study of South African Muslim women articulating their experiences and ideas of the sexual dynamics within the gendered space of marriage.

We gather from the experiences of these women that their sexual health is linked to their reproductive health and motivated by diverse factors, they confidently exercise agency in both aspects. Building on the suggestion of previous scholarships that women’s reproductive choices are neither entirely influenced by their own reasoning nor completely restricted by the choices of their husbands, Browner (2000: 784) affirms this and calls for „more nuanced conceptualisations of “agency”. This is even more so when the aim is to comprehend the manner in which women rationalise and make life choices and adjustments. It is evident that each woman exercises some form of agency in the context of her own reality as a wife and further, at times this includes her husband as well.

#### 4.4 Key findings

A brief overview of the findings of this chapter reminds us that the women in this study have used and are currently using some form of contraception in spite of saying that contraception is impermissible according to Islamic teachings. On further enquiry, the women explained they were uncertain and lacked of knowledge of the actual Islamic rulings on contraception. Nonetheless, the women also articulated arguments for the permissibility of contraception and further defined this permissibility within the parameters of their health concerns.

Understanding the selective process whereby the women gather information amidst the authoritative influence of the local jurist, in their decision-making, it is my contention that the understanding of contraception not being permissible unless for spacing or health reasons may stem from the manner in which information is relayed to and understood by them. We may articulate the permissibility of contraception in two different ways: „contraception is not permissible in Islam unless one has a valid reason“ may also be read as „contraception is permissible in Islam provided one has a valid reason.“ The former may be more discouraging and the latter more accommodating. It is my contention that

the use of the former by the local jurists referred to by women in this study may be prompted by their pronatalist beliefs. We do observe though that the women in the study are able to reason through jurists' pronouncements to negotiate what they view as „valid reasons.“

Hence, we observed women using health, defined in broad terms such as body image, physical activity, and ideas of disease, well-being and accountability as a motivating factor to justify their use of contraception. Motivated by the practical considerations of health alongside the notion of individual responsibility and accountability for one's choices and actions, these South African Muslim women exercise agency in their decision to use contraception, whether in mutual consultation or privately negotiating personal priorities. Further, they also assert their agentic positions on the form of contraception used. The women negotiated and renegotiated their understandings and exercised agency in ways that ensured favourable conditions for themselves, their husbands, as well as their families in general.

Interpretation of the verses in the Qur'an regarding Islamic marriages reflects tranquillity as the overall objective of marriage (Omran, 1992: 13-14) and it is evident that these women, despite not having comprehensive knowledge of the Islamic teachings on contraception, manage to negotiate their health-based contraceptive concerns with the intention of simultaneously maintaining their agentic positions in preserving peaceful relations in their homes. The need for peace is pervasive throughout conversation with the women and we observe this further in the chapters to follow.

In the next chapter we see how these South African Muslim women experience negotiating and determining the pietistic requirement to observe God's will.

**Chapter 5: What are the experiences of South African Muslim wives' in determining and negotiating the pietistic requirement to observe Allah's will?**

„I'm looking for something very special in terms of piety in a Muslim and it's very hard to find, so in the meantime I rather panel beat myself and try to be that person for myself.“

(Hafsah, participant in this study)

## 5.1 Introduction

In the previous chapter I presented the analysis and interpretation of South African Muslim wives' experiences in determining and negotiating their health-based contraceptive concerns. While health was a motivating factor, conceding not having substantial knowledge on contraception, South African Muslim wives in this study formulated independent understandings of Islamic teachings, negotiated these understandings with their partners and exercised agency to secure outcomes that would be favourable to them.

This chapter will thematically present the analysis and interpretation pertaining to the second objective of the study, namely the experiences of South African Muslim wives' in determining and negotiating the pietistic requirement to observe God's will. The conclusions of this chapter will confirm that the women in this study have definite ideas of what is entailed in being Muslim. It is through the course of being good Muslim wives that they see their observance of God's will. They therefore negotiate their positions in their marriages and exercise agency in ways that meet the pietistic requirement expected of them within their understandings of divine command and the conditions of marriage.

Placing the women in the study sample within their context helps in understanding their experiences. The selection process of the study sample sought to identify the women in the community from whom it would be possible to yield the most information and though unintentional, all the women in the study are identifiably Muslim by virtue of their attire. Of the six women, two wear a *niqab*<sup>23</sup> and *abaaya*<sup>24</sup> and the remaining women wear a *hijab*,<sup>25</sup> in public spaces and in the presence of men who are not considered immediate family and therefore permissible for marriage. All the women interviewed also participate in the programs of the *Tabligh Jama'at* promoting Islamic education referred to as

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<sup>23</sup> *Niqab* refers to a veil that covers a woman's face leaving sufficient gap for only her eyes to be exposed. Sometimes even this is covered with a netted piece of fabric.

<sup>24</sup> *Abaaya* refers to a long cloak worn over regular clothes that generally hides the shape of a woman's body

<sup>25</sup> *Hijab* refers to the headscarf worn by Muslim women. In the given context it is worn such that only the face is exposed.

*Ta'lim*.<sup>26</sup> Some women attend weekly and are actively involved in the facilitation of these programs, whilst others attend when convenient but are still influenced by the teachings and activities of the *Tabligh Jama'at*.<sup>27</sup> Accordingly, the influence of the teachings of the *Tabligh jama'at* on the women in the sample cannot be ignored, particularly in the analysis and interpretation of data. The significance of religious organisations will be addressed in the following subsection discussing Islamic identity.

## 5.2 Islamic identity

In addition to presenting a true reflection of the Muslim's idea of Islam, when assembling Muslim identity for research purposes, scholars should be cognisant that the representation put forward is as much influenced by their perception of Islam as that of the Muslim being researched (Bectovic, 2011: 1122). This is significant to my phenomenological study where phenomenology requires for the researcher to represent the participants' experiences and understanding as close as possible whilst isolating one's own bias.

Whilst Muslims worldwide may have religious doctrine and pietistic practice as a common foundation they are not unaffected by factors like culture or language (Bectovic, 2011: 1123). Muslims, it seems, have a need to belong to some form of organised representation of Islam, possibly as a means to safeguard their identity (Bectovic, 2011: 1123). Islamic revivalist movements are commonly understood to be a response to Western imperialism, resisting secularism's apparent threat to morality and social structure (Ali, 2011: 226-9). Contrary to this, the *Tabligh Jama'at* appears to have originated as a result of civil unrest in India and an apparent decline of Islam (Ali, 2011: 230). The aim of the *Tabligh Jama'at* was to renew and restore the faith of current Muslims of the time, creating better Muslims as examples to humankind and not to actively proselytize non-Muslims (Anwarul Haq, 1972: 45).

Whilst some of the women in this study are actively involved in the practices of the

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<sup>26</sup> *Ta'lim* refers to Islamic education offered by the *Tabligh Jama'at* in the form of structured, weekly classes. The classes are 30 minutes long and are facilitated and attended by women only.

<sup>27</sup> *Tabligh jama'at*: Founded in India in 1927 by Muhammad Ilyas (Ali, 2011)

*Tabligh Jama'at*, others are not a part of the *Jama'at* but attend their programs for „spiritual benefits“. When questioned about the structure and content of the *Ta'lim*, the women spoke about the „6 points“<sup>28</sup> and mentioned the *Fazaail-e-Aa`maal*<sup>29</sup> which, as explained by one woman, is a compilation of *hadith*.

Whilst I do not explore the structure and content of the *Ta'lim* classes further, I am constantly aware of the influence of the *Ta'lim* classes throughout the research process, particularly when looking for meaning whilst analysing the data produced. Whilst the women who are key players in the facilitation of the *Ta'lim* classes may exercise some form of agency with respect to the „mundane functionality“<sup>30</sup> of the programs, ultimately the content is overseen by a male jurist. The women do not question the literature prescribed by the local jurist. They compare their functional independence as a „privilege“ they have of being „free“ to make these decisions as opposed to other *Tabligh* communities where the local jurist makes every decision; the venue, time, and which women should read what *hadith* for the day. This „downward comparison“ (Holstrom 2004: 211) enables them to be satisfied with their arrangement.

In this manner the male jurists regulate the literature these women are exposed to, subtly reinforcing male domination though the women may not perceive it as such. It should be noted that these women do not see any flaw in the inability to suggest or introduce new literature into the *Ta'lim*. They view their roles as facilitators as a privilege and are content with the structure in place. Their lack of interest or desire to question the choice of literature or suggest other literature may be related to the manner in which male jurists“

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<sup>28</sup> This refers to the 6 points that form the groundwork of piety in the *Tablighi* worldview.

These include proclaiming your faith by accepting there is no God but Allah and Prophet Muhammad is the final Messenger, offering the five daily prayers, having knowledge of and remaining in the remembrance of God, maintaining respect for all Muslims (can be extended to humankind), having good intentions and being sincere and finally sacrificing free time in the learning about religion and imparting knowledge learned (Anwarul Haq, 1972: 143-47).

<sup>29</sup> The *Fazaail-e-Aa`maal* is the prescribed *Tablighi* text for *Ta'lim* programmes and in general (Ali, 2011: 239).

<sup>30</sup> The women may make adjustments to timing, venue and which excerpts of the prescribed books are read.

knowledge and authority is revered.

Commenting on the authority of the jurist, one woman said:

Our pious Moulanas ... they are trained ... however insignificant you think your question ... you're still gonna (*sic*) get the right answer because they're men, they're learned. They're schooled to give you the proper answers. So anything that you do, you're going to ask them first.

The women have a clear belief in the jurists' knowledge in Islamic law and even more so in their ability to guide them in the right direction and in the best way possible. Behind the veil of religion, patriarchal norms and structures are reinforced and the ideal society with man as the gatekeeper is maintained (Gerami and Lehnerer, 2001: 557). Whilst I acknowledge the preservation of patriarchy I am hesitant to conclude prematurely that this also represents female subordination. I indicate in the subsections to follow that these women are evidently aware of their rights as women in Islam, of the dynamics of power in their homes, families and communities, and consciously exercise agency whilst negotiating their positions to not simply accommodate their husbands. Their choices are informed by the desire to ultimately please God which they believe they achieve through the course of being „obedient“ and thus good wives.

To gain insight into the women's perceptions of religion and its significance in their lives I began by exploring their ideas of Islamic identity and of being God-conscious or pious, terms which are used interchangeably. I explore how the women define what or who is a Muslim and further how the women view themselves as pious individuals.

#### 5.2.1 What or who is a Muslim?

The women identified three ways in which they determined what or who is a Muslim, namely, personal conduct, belief in one God and the Prophet Muhammad (peace be upon him), and pietistic practice.

##### Personal Conduct

Lifestyle defined as good conduct, dominated the discussion in terms of what or who is a Muslim. Islamic doctrine is holistic in nature and functions as a directive for life and society in general (Toda and Morimoto, 2001: 131). Making reference to what constitutes

a specifically Muslim lifestyle, one woman explained it as: „A way of life of our Prophet.“ The Prophetic example as explained by four women encompasses good character. In her explanation one woman said:

It’s not only about doing your prayer or doing meditation, it’s also about the rights of others ... it’s no use you’re doing all your prayers ... but you’re hurting somebody. A Muslim is someone that really sets a great example. I think someone that’s really wholesome. It’s like the Rabia Al-Basri concept: not for fear of *Jahannam* (Hellfire) or desire for *Jannah* (Paradise) but to do what’s good inherently ... that is a good Muslim to me ... somebody who cares about others, who has a good character.

It was clear amongst all participants“ that in as much as ritualistic practice is crucial to their identity as Muslims, it is equally important to embody a certain positive character which has much to do with good morals. The notion of having a „good character“ and of being „kind, compassionate and understanding“ echoes throughout the conversation with each woman. This is consistent with the six points that form the basis of teaching on piety in the *Tabligh Jama’at* (Ali, 2011: 231) and mirrors Mahmood’s (2005: 123-4) argument that cultivation of piety transcends religious observance via ritualistic acts and is equally dependent on consistently seeking to conduct yourself in a manner that befits the acquisition of good deeds. These women called these good deeds “*aa`mals*”<sup>31</sup>, a practice prioritised by the *Tabligh Jama’at* (Ali, 2011: 241, 245).

#### Belief in one God and the Prophet Muhammad (peace be upon him)

The participants expressed belief in one God and in Prophet Muhammad (peace be upon him) as a significant determinant for who is a Muslim. As voiced by one woman:

A Muslim is someone that [says] you believe in Allah and the Prophet SAW, you believe in your *deen*.

The belief in Allah as God and the subsequent belief in Muhammad (peace be upon him) as the final prophet is the universal understanding and belief amongst Muslims

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<sup>31</sup> Refers to the colloquial term for „good deeds“, including but not limited to good character and good conduct. Mahmood (2005: 124) makes reference to the proper Arabic term „*al-a`mal al-saliha*“ which translates to good deeds.

(Ali, 2011: 231) and the participants confirm this is the generic definition and minimum requirement to identify yourself as a Muslim (Fatima, 2011: 349).

### Pietistic Practice

The women also identified the performance of ritual obligations as definitive of being a Muslim. The performance of the normative acts of religiosity is a means of gaining spiritual benefit and developing piety (Tong and Turner, 2008: 47). This is the idea underpinning Mahmood's study (2005: 123-4) in Egypt involving women's mosque movements where she shows how women cultivate piety through ritual performances.

However, one woman also said: „We're all born Muslims ... even the ones that practice or don't practice.“ This is in contrast with others who referred to Muslims who do not appear to practice the religion as: „Just a Muslim by name.“ Mahmood (2005: 123) confirms the debate regarding identification of one's self as a Muslim through one's regular practice of ritual acts, is not unfamiliar amongst Muslim jurists as well.

The participants in this study demonstrate the challenges in defining Muslim identity. Saba Fatima (2011: 341) argues that in categorising ourselves to establish identity, we risk being ‚agents of oppression‘ ourselves by promoting the notion that there can only be one correct way of being Muslim. Taking into account the geographical, cultural and traditional differences and influences on Muslims worldwide, De Soudy (2015: 2) challenges the notion of a single, uniform Islam. From the different responses we may infer that amongst the participants there are some definitive understandings of what it is to be a Muslim but also some variance in what level or form of ritual practice might confirm Muslim identity.

The responses confirm that identity or belonging to any group is determined by specific criteria (Fatima, 2011: 342). Saba Fatima (2011: 342) argues that the religious nature of the concept of being Muslim creates the presumption of a theological framework undergirding any plausible criteria for being a Muslim. This is in contrast with Bilgrami's (1992: 823) argument that the discourse of Islamic identity functions even where an individual fails to identify with a common theological framework. For Bilgrami (1992: 822-3) Muslim identity is negotiable even in terms of theological criteria. Yet for the women in the study the criteria are specific. They confirm

Karomova's (2014: 334) arguments that commitment to the consistent and repetitive acts of religiosity, act as criteria that Muslim women use to perceive themselves as „good Muslims“ and „God conscious“ or pious.

### 5.2.2 How do they see themselves in terms of being God conscious or pious?

In gauging the women's ideas of piety, whether they consider themselves as pious, and what yardstick these South African Muslim women use to quantify their piety two themes emerged; first, to be striving Muslims and second, to live a simple life.

#### To be striving Muslims

Two words surface consistently in conversation with all the women. These are „trying“ and „striving“. All the participants see themselves as „striving“ and „trying their utmost.“ As one woman stated:

I slip up here and there but I make a lot of effort and the times when I'm not making effort I'm always conscious I should be making effort. I'm ... definitely always striving. We're often told to find ourselves in the company of the pious and ... I still haven't found them. I'm looking for something very special in terms of piety in a Muslim and it's very hard to find, so in the meantime I rather panel-beat myself and try to be that person for myself.

This is an indication of the transformative process they see themselves undergoing in the quest for piety. Whilst acknowledging they are not where they hope to be in pietistic terms, their current state of piety is acceptable to them because they consider the process of refining themselves as continuous in nature.

#### To live a simple life

Khadija refers to a friend who she considers to be „staunch“ or „pious“. When I asked her what was it that made her friend seem so pious to her, she mentioned the simplicity of her life, detachment from material things and avoidance of „extravagance“. This is in line with *Tablighi* teachings which avoid overindulgence in worldly or material pleasures as the contentment found in them is temporary and superficial (Ali, 2011: 226), and do not offer the deeper level of contentment that piety and internal purification provide (Rozario, 2011: 286).

Gonzalez (2011: 348-9) suggests a more comprehensive approach in measuring religiosity inclusive of factors like „gender, religious socialisation and religious school of thought“. This is particularly appropriate in this study where most of the women are affiliated with the *Tabligh Jama'at* which has very distinct ideas about piety. The *Tabligh Jama'at* emphasises piety in the path of Allah (Ali, 2011: 226). Though Ali (2011: 226) contends that when deployed among *Tabligh* women, piety is Islamic revivalism's tool for the subversion of modernism. The scope of this study does not extend to the *Tabligh Jama'ats'* motives for propagation or revival of traditional Islam. However I challenge Ali's argument by emphasising the global shift of Muslim women, *Tabligh* or not, towards the acquisition of piety (Tong and Turner, 2008: 43) through the „conscious and deliberate“ (Rozario, 2011: 285) choices to adhere to the tenets of Islam which in turn has the potential to subvert discourses centred on a binary of subservience and resistance (Mahmood, 2005; Jacobsen, 2011: 66). Ali's argument makes *Tablighi* women's pietistic efforts seem involuntary and puppeteered by the *Tabligh Jama'at* who strip them of agency, whereas Mahmood offers an agential interpretation of the same revivalism.

### 5.3 The pietistic requirement to observe God's will

To gain insight into the women's experiences with respect to observing the will of God, I began by exploring their ideas of the pietistic requirement to please God. I explore three questions here: What or who is a good Muslim wife? Do they negotiate the pietistic requirement to observe God's will? Do they exercise agency whilst observing God's will?

#### 5.3.1 What or who is a good Muslim wife?

In representing their understanding of the Islamic requirement of a good wife, the women prioritise two aspects of being a good Muslim wife, namely, to serve and support one's husband and, to emulate the Prophets' wives in character and conduct.

##### To serve and support your husband

Of the six participants, five reported a good Muslim wife is one with whom her husband is pleased. Ironically, to be able to please one's husband seemed as clear as it was obscure.

The following is a diagrammatical representation of what is understood by serving one's husband:

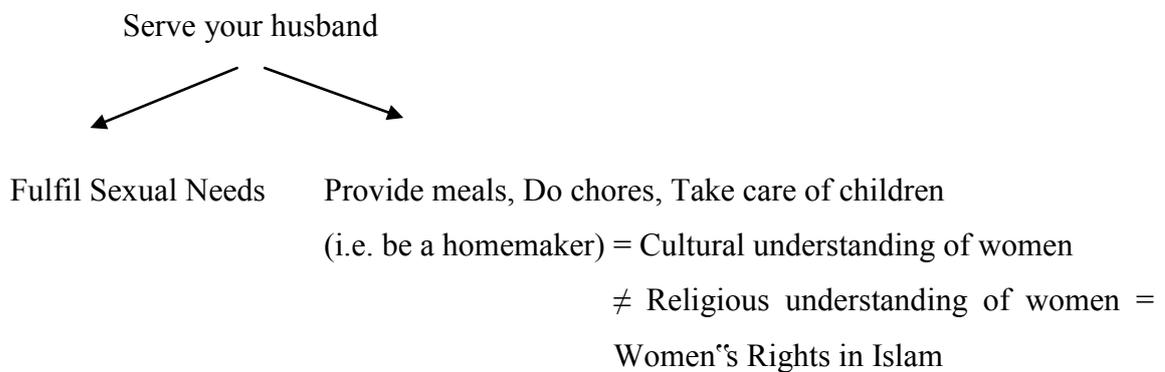


Figure 5 - 1: Diagrammatic representation of what is understood by serving one's husband

The women reported being raised with ideas of a good wife as fulfilling your husband's sexual needs and being a homemaker. The latter entails having regular meals prepared, the household chores complete and the children taken care of. The women stated that the ideology of a woman being the homemaker stems from Indian culture as opposed to Islam as a religion. According to these women, Islamic teaching does not expect for a women to have to cook, or do the chores or take care of the children. We see in the excerpts below how this is expressed.

#### Homemaker

As discussed above, being a homemaker is defined by having regular meals prepared, the household chores complete and the children taken care of. Only one third of the women expressed contentment with what was expected of them by being a homemaker. Interestingly these women are also the two who do not have arranged marriages. At this point we may speculate within reason about the function of traditional gender roles in love marriages and arranged marriages. Studies suggest that traditional or arranged marriages present with higher levels of disharmony (Douki, Zineb, Nacef and Halbreich, 2007: 183).

The women in arranged marriages appear to have more traditional roles in their marriages whilst taking certain liberties. These liberties as we see them are more a

form of patriarchal bargaining that may occur in the gendered space of marriage. For example, Maymunah trades her ability and right to express herself in her home with the opportunity to be educated and allowed to work out of the home. Whilst unable to negotiate her needs satisfactorily in her own home, she settles for the privilege of being educated and allowed to seek employment out of the home.

With reference to these forms of family dynamics, Urry (1990: 104) argues that families do exist within a gendered hierarchy, a result of disparity in the public world that filters down into the private world. She further adds that deviations do occur within societies or communities dependent on each family's conscious choice to adopt the societal norms or adapt them to the suitability of their family's needs (Urry, 1990: 104-105).

Having just completed a one year „survival skills course“<sup>32</sup> which focused on Muslim women's rights, when questioned on what makes a good Muslim wife, one woman said the following:

In Islam it is to serve your husband. But ... a lot of culture and tradition has come into our lives. Islamically we shouldn't have to do house chores ... our husbands [are] supposed to provide everything for us. He's supposed to even give you food, have your food cooked if you can't cook and ... he's supposed to organise help for you for the kids and ... even if whatever little you have to do for your husband you wouldn't squeal about it. If we really had our rights fulfilled as Muslim women our lives would be very different.

Gender analysis of Islamic law suggests the value of domestic work by agreeing that *„if men earn, women do domestic work and both are complementary to each other“* (Engineer, 1992: 45). The women in the study confirm that it is incumbent upon a man

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<sup>32</sup> The course the woman attended is referred to as a „survival skills course“ that local Muslim women attend to educate themselves about their Islamic rights as per the Qur'an. To me, it would seem the word „survivor“ paints images of a person who continues to live after having overcome some trauma of which one usually has no control. Perhaps women are being empowered with skills to overcome the trauma that results from the inability of their husbands to fulfill their maintenance rights.

to take complete responsibility for his wife in terms of her upkeep, which includes but is not limited to sustenance, housing and clothing (Engineer, 1992: 115-7).

I reflect on the words of two women:

I would like a full time maid but it's not within my means.

Being a good wife I don't feel really good about it because you feel a slave doing everybody's chores. But after my survival skills course, I feel a bit better because I realise while we doing that we can be becoming a better Muslim as well.

Most women feel run down from having to perform the household chores, prepare meals and attend to the children in addition to anything else that may arise. The inability to employ a domestic worker appears to be due to financial constraints. However this can also be read as selective prioritisation of responsibilities as it is clear that these women have comfortable homes, nutritious meals and the children are well taken care of. Referring to the disparity in decision-making competencies that occur in different families, Urry (1990: 105) asserts that this may be associated with the locus of power within each family. The power dynamics is proportionate to the access of resources, of which financial resources features highly (Urry, 1990: 105). We will observe in the theme of negotiations how for women in this study who do not have their own source of income, decision-making with respect to financial obligations are dependent on the husband.

Exploring the compromises the women make in terms of knowledge of their Islamic rights yet simultaneously displaying patience and acceptance of their circumstances, I reflected on what one woman said of the *Ta'lim* lessons:

the sacrifices that the women made in Islam ... things were hard for them also ... they were satisfied with whatever little they had ... and generally being helpful to the menfolk in whichever way it was.

The women are educated to accept that their involvement in these tasks or chores; whilst taking its toll on them physically, mentally and emotionally, is a means of cultivating themselves to exercise virtues like patience, and in the process they

become better Muslims. This is in keeping with Mahmood's analysis of the women's mosque movement in Egypt.

### Sexual Needs

Responding on her understanding of the Islamic expectation of a good Muslim wife, one woman explained she was required to: „fulfill his needs, sexual needs ... [and] cook the food that he wants.“

Whilst I have addressed the preparation of meals in the discussion on being a homemaker above, it is noteworthy that the general consensus with regard to pleasing your husband revolved around sex and food. This reflects historical associations between what Al-Ghazali (1992) calls „*the two appetites*“<sup>33</sup>. The women reported a prioritisation of both sex and food by their husbands and in their desire to please their husbands (thereby earning God's favour) most of the women feel compelled to meet their husband's requirements.

One woman explained sexual intimacy in terms of it being a man's right as follows:

Sometimes I'm not in the mood, honestly. But he'll [quote] the *hadith* ... That's the rights of the husband over the wife.

This can be read as a form of intimidation and emotional blackmail by the male partner, playing on the pietistic aspirations of the spouse. Boonzaier (2005: 102) studying violence against women in South Africa discovered a sense of male entitlement existing in heterosexual relationships including marriage where it was not uncommon for men to demand sexual access. Expanding on the idea of being intimate with one's husband as a means of pleasing him in spite of having no desire oneself, one woman said:

To be a good Muslim wife ... there's these conditions that if you abide to, then you are guaranteed heaven.

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<sup>33</sup> Al-Ghazali (1992: 21) argues that the desire of the stomach and the genitals in excess leads to the destruction of man and deviation from the path to God; and he subsequently suggests exercising moderation in the indulgence of both.

Both the participants quoted above confirm sex as their husband's right and a means of earning God's favour and acquiring Heaven, which we will observe in Chapter six as of importance to the women in this study. The findings of this study regarding the understanding of Islamic teachings with respect to sexual access is supported by Shaikh et al (2011: 111-14) in their study of South African Muslim women. These Muslim women articulate ideas of sexual availability to their husbands as not only prescribed by Islamic teachings but also a means of earning God's favour.

Islamic teaching that promotes sexual relations in a positive light requires certain criteria to be met to ensure mutual fulfilment (Kadri, Berrada, Mchichi Alam, Manoudi, Rachidi, Maftouh and Halbreich, 2007: 200). This includes but is not restricted to the idea that sex is a charitable act toward one's spouse, which necessitates certain amount of intimacy (Kadri et al, 2007: 200). Scholars have shown how the principle that *„sex is a need which has to be satisfied'* encourages a sense of male entitlement and the popular idea that men are *„not able to abstain from sexual activity'* (Kadri et al, 2007: 200-201). The inferences that can be drawn from this are that men's behaviours are involuntary, they have no control over their desires, and every sexual urge must manifest in physical gratification.

Referring to the conditions a woman must abide by to attain the promise of heaven in the hereafter and requirement that wives are sexually available to their husbands, the second participant also said:

What are they? I can't even remember, I read it all the time ... I think if a man expects you to be intimate when you're upset, he's not much of a man. So I think that whole thing maybe can just fall away in certain circumstances.

The woman acknowledges that her sexuality is conditioned, but also argues against a form of masculinity that presumes male sexual entitlement.

The question of a wife's sexual availability and male sexual entitlement is contentious. In their Moroccan study Kadri et al (2007: 201) stated 30 per cent of women reported no foreplay. Some scholars argue from the understanding that Islamic doctrine advocates mutual fulfilment (Christopher, 2006: 194; Shaikh, 2003: 114; Dhami and

Sheikh, 2000: 353); therefore, should a man approach his wife with a certain level of intimacy in the absence of factors that may diminish her desire, a wife would not have reason to decline her husband's advances.

Kecia Ali (2006: 10-12) highlights hadiths popularly cited to imply earning God's pleasure is dependent upon, and directly related to, pleasing one's husband. The permissibility of a husband to forcefully gain sexual access, Ali (2006: 12) clarifies is a *Hanafi* perspective that is considered as immoral, albeit lawful. Omran (1992: 14) argues it is inconsistent that such practice may arise from an Islamic doctrine of moral consciousness and tranquillity. The woman cited here is clearly also negotiating the various opinions on the matter.

Studies establishing the connections between women's sexuality and mental health alongside other studies on the diverse factors affecting sexuality calls for a multidisciplinary approach to women's healthcare (Kadri et al, 2007: 199). As an example, oral contraceptives may produce negative effects such as changes in mood and libido and even vaginal dryness in some women (Gibbon, 2005: 220). Any one or all of these side effects may result in a woman declining her husband's advances. A woman who is unaware of the possible side effects of oral contraception may also be unaware that her decrease in libido has a pharmacological aetiology. How then does one determine what is a valid reason for refusal of sexual access? Responding to this question, it is my contention that the field of sexuality is an area for future research. For the purpose of this study however we observe that these women view sex as their husband's right and a means of earning God's favour and acquiring Heaven.

#### To emulate the Prophet's wives in character and conduct.

Muslims worldwide look to emulate figures from Islamic history as an essential component of conceptualising ideas of morality and piety (Deeb, 2009: 242). When asked a gender neutral question such as „what is a good Muslim?“ the women easily responded patterning their conduct to the character and conduct of the Prophet Muhammad (peace be upon him). When questioned regarding their understanding of a

good Muslim wife, the response was „Any of Prophet Muhammad’s (peace be upon him) wives [as an example].“

In her study of Shi’i<sup>34</sup> Muslims in Lebanon, Deeb (2009: 251-2) explored the possibility of women having difficulty emulating a male figure and questioned the possible hindrance this may cause in their path to God. Her findings reflect the understanding that women have equal opportunities to observe God’s will or ‚*embody religiosity*’ (Deeb, 2009: 251), though she is quick to point that this is not a reflection of the norm in ‚*contemporary Shi’i Jurisprudence*“ (Deeb, 2009: 252). Similarly, in this study whilst valuing the character and conduct of the Prophet Muhammad (peace be upon him), the women are also able to value the same in his wives“ with no overt indication of separate ideas of piety based on gender roles.

Whilst the women in this study do not speak of the *hijab* or *abaaya* as a means of transforming themselves, they have other challenges. Scholarship at large reports of women in various communities who prioritise *hijab* or attire in the process of self-making (Brenner, 1996; Mahmood, 2005; Tong and Turner, 2008; Bilge, 2010; Jacobsen, 2011). Other scholars whilst agreeing with this concept, even more so after Mahmood’s work in Egypt, critique the affective power of Islamic attire in communities where this is normative (Haniffa, 2008: 357), still others claim it no longer holds merit as a symbol of the wearer’s piety (Jones, 2010: 621). The lack of mention of the normative act of wearing a *hijab* or even *niqab* among these women does not detract from it being part of their pietistic journey to God, but rather highlights that they view their greater struggle lying in conduct, character and detachment from worldly desire.

Scholarship indicates Muslim women globally experience different moral conflicts and as a result pave their paths to piety in ways relevant to their lived experiences

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<sup>34</sup> After Muhammad (peace be upon him) passed away the Muslims were divided with respect to whom to follow (Deeb, 2009: 246). Shi’i Islam became those Muslims who believed that leadership was hereditary, hence belonged to the Prophet’s cousin and son-in-law Ali whereas Sunni Islam represents those who rejecting this view followed the companions of the Prophet (peace be upon him) (Deeb, 2009: 246).

(Sahu and Hutter, 2012; Simon, 2009; Keefe, 2006; Foley, 2004; Brenner, 1996). Whilst using the Qur'an and *hadith* as a guideline for everyday life situations, this group of South African Muslim women are not unaware of the influence culture and tradition have in their lives. It is in their desire to please God that they find the need to negotiate their conditions thus securing a pleasant atmosphere in their lives and in their homes.

### 5.3.2 Negotiating the pietistic requirement to observe God's will

I discovered, similar to the phenomenon of contraception itself, when the discussion related to the pietistic requirement to observe God's will, that there were both instances of negotiations and instances of non-overt negotiations. The negotiations were either in the form of discussion or an internal negotiation that entailed personal rationalisation depending on the circumstances and did not materialise into a discussion for diverse reasons. An interesting occurrence was negotiations in spite of definite prior knowledge that the end result would not be in the women's favour.

#### Negotiation in the form of discussion

All the women negotiate their responsibilities, duties and their needs though only four women experienced negotiations in the form of discussion from the outset. Hafsa articulates her „concern as a woman“ to ensure she also has „her way in this marriage“ and was not going to be „bullied“. She said:

I noticed initially he wanted to have his way. So I thought immediately I have to show that I'm not going to be a pushover ... whatever I heard from him I gave him back. It evened the playing fields right at the inception ... just a concern as a woman ... I respect him and his ways but he must give me my way too.

Two of the women only began challenging decisions later on in the marriage. When asked what brought about this change in attitude from early in the marriage when she „always thought what he was saying was right, so it never really made a difference“, one woman said:

Maybe I felt I was being taken for granted ... I must wash, cook, clean, see to the house, see to the children and accept it now. Now I find sometimes when I get cross and I get tired I say I'm

not washing the dishes. Then I'll even tell him but isn't Nabi (peace be upon him) used to help his wife to do the housework? I only throw him the *hadith* sometimes now and then (laughs).

Her reference to the *hadith* is in relation to him using the same approach for sexual access as was discussed in the previous subsection. Her reflections raise the irony of a man who although remembers the *hadith* related to his sexual rights and fulfilment of his desires, may conveniently forget *hadith* advocating lessening of the burden of household chores from his wife. On a positive note we observe her exercising agency through her knowledge of the Prophetic example as a means of having her rights fulfilled.

Four participants reported most discussions result in mutual compromise. Referring to her husband's acknowledgement of her request, Juwariyah said:

He'll always try and meet me halfway.

This was the general response among these women. In their study of the experiences of South African Muslim women Shaikh et al (2011: 105) found most women reported a similar occurrence of joint decision making in their homes.

All the participants reported times they continue to articulate their opinions whilst fully cognisant that the end decision will remain unchanged. One woman mentioned that her husband says the following:

You might think I'm not listening but I do listen to what you saying, I just don't give in to whatever you say.

She seems to be appreciative of this notion that she is being heard irrespective of whether a decision is made in her favour or not. With a similar understanding another woman said:

If there's something that he totally won't do, then he'll tell me so. Maybe we'll have an argument about it and thrash it out, might just remain the same but at least he knows my feelings towards it.

#### Personal negotiation in the form of an individual decision

From the study sample of 6 women, 5 women reported making minor decisions by themselves. When asked what factors determine whether a decision should be made in mutual consultation one woman said:

I suppose something where there's a lot of money involved or time. Where I won't be able to be around the children when they need you at that time.

Shaikh et al (2011: 105) also found decision-making with respect to financial obligations dependent on the husband and the discoveries of both their study and this study, confirms Urry's (1990: 105) argument that the power dynamics is proportionate to the access of resources, of which financial resources features highly.

#### Negotiation that involves trusting their husband's judgement over their own

Questioned on the possible dismissal of their husband's decision if they feel strongly about their own, four of the participants reported that whilst they may feel strongly about their own decision they have learned from experience that their husbands make better decisions from being „wiser, more sensible, less emotional“. This would result in them rather settling with their husband's decision than „blame myself“ if it's an unfavourable outcome. One woman said:

If I truly feel very strongly about it, I might just go against it ... it's my life and I have the choice to do what I want to but ... Sometimes men's thinking is different and the way we think is different.

Mason and Mason (1990: 212) argue that men are no less emotional than women, rather they often perpetuate this misconception by playing on women's conditioning. The internalisation of persistent messages received through society regarding expectations of men's and women's roles and behaviours contribute to this conditioning (Mason and Mason, 1990: 212) which as we observe amongst the women here too can result in women believing that men by default, think better and therefore make better decisions.

#### No negotiations prior to marriage

None of the women negotiated marriage roles and expectations prior to marriage. Yet being raised in the same or similar community and exposed to the gender roles

assigned within these communities, the women were likely not oblivious to what may have been expected of them within their marriages. However, as we have observed even with no negotiations prior to marriage the women subsequently negotiated and renegotiated their positions after marriage to establish conditions that were favourable to them and the family as a whole.

With the exception of prescribed acts of religiosity, taking into consideration the understanding that pleasing one's husband and being a successful homemaker will earn God's favour, the inferences that may be drawn are that whilst each woman's pietistic concern is similar, the dynamics of each woman's pietistic requirement is dependent on the context of her life in relation to that of her husband's, their family's and the community among other factors.

Since these requirements are not immutable and fluctuate as a result of internal and external factors, we observed that in all cases decisions were revisited depending on the change of circumstances as a result of their lived experiences. We also observed that situations exist whereby the women may undertake negotiations in spite of a firm knowledge that the outcome will remain unchanged. This is a firm agentic move on their behalf and in the following subsection we observe how these South African women exercise agency in being a good Muslim and a good wife.

### 5.3.3 Agency in the pietistic requirement to observe God's will

The objective was to ascertain the experiences of these women in terms of what acts of worship they perform or what responsibilities or duties they fulfil in the home or toward their husband to realise their ideas of being a good Muslim and good wife. In essence what acts do these women do through which they see themselves as observing God's will? The themes that emerged here were very similar and closely linked to ideas of being a good Muslim and a good Muslim wife, namely; observing ritual practices and pleasing your husband

#### Observing ritual practices

All participants unequivocally expressed prayer as being a crucial part of their day and a sense of feeling „restless“ or „uncomfortable“ if they had not accomplished their daily routine. Speaking on this the women said:

Your 5 daily prayers are extremely important; on time ... I think it gives us a better sense of who we are. It gives us a better sense of calm. It makes our day worthwhile. You feel if you have that, that can infiltrate in all aspects of your life ... reading of my Qur'an is very important ... I feel when I read my *Yaseen*<sup>35</sup>, it gives me an easier day. I've also found that what I think of doing in the morning gets done. Basically it's done even quicker than I could have imagined.

Their pietistic practice rejuvenates them, not just spiritually but on a more holistic level. We observe the women's choice to perform prayer punctually as well as their recitation of the Qur'an, is not mechanistic as much as it may be a ritualistic act. It is a conscious and deliberate choice for the attainment of spiritual benefits. They do not view themselves as solely worshipping God out of obligation, but express a definite desire to do so. They gain a sense of self in the process and therefore identify themselves through these performative acts. Contrary to the idea that a developed moral self leads one to pray, we observe, as Mahmood (2005) did, that the choice to pray is part of the process of developing the moral self.

Simon (2009: 259) found the notion of prayer to be the single Islamic practice that was consistently linked to ideas of morality. His interviewees reflect a sense of calm and an elimination of problems similar to the women in this study. Simon finds their understanding of prayer extends beyond an act of worship and is a choice cultivating a moral self (2009: 267). Engaging with Mahmood (2005) whilst agreeing with her theory of development of the moral-self arising from the interplay between exercising agency in prayer and the requirement to fulfil a divine command, Simon (2009: 267) does not see a clear convergence of the two concepts, the former indicating intentionality whilst the latter appearing mechanistic. For the women in this study, as Mahmood (2005) found in the mosque movements, there is a convergence of exercising agency in prayer and the requirement to fulfil a divine command.

#### Pleasing your husband

All participants reported pleasing their husbands was paramount to their idea of observing God's will. As already established in subsection 5.3.1 the idea of pleasing

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<sup>35</sup> *Yaseen* refers to a chapter in the Qur'an, namely, chapter 36.

your husband encapsulated his sexual needs alongside a woman's immediate and extended family responsibilities. Being direct about the concept of pleasing your husband, one woman said:

To please your husband is to please Allah and the curse is on a woman who is disobedient to her husband. And we read the *hadith*, we go for *Ta`lim*, the *hadith* are all authentic hadith. So the *hadith* that we are reading, it's a lesson for us.

This is a clear indication of the influence the *Ta`lim* programs have on these women. The content, as explained by one woman as being „*hadith* pertaining to the life of the Prophet (peace be upon him) and the sacrifices of the women of his time“ prompts us to consider the selection process of the *hadiths* that have been compiled into the particular book used in *Ta`lim* (examples of which may be found in Appendix 3, pages 115 and 116). We may well speculate that the chosen *hadiths* lend themselves to an interpretation which ensures that women please their husbands, thereby perpetuating and preserving patriarchy.

Managing their homes and seeing to the children is a priority for all the women. For some, this included taking care of their extended families as well. Being a working woman it seems, does not lessen one's responsibility at home and can actually exacerbate one's workload. Referring to her maintenance of a smoothly run home whilst being employed, as seen in Chapter Four, one woman said:

So I could juggle and do everything but I had to make sure that everything that I had to do ... because I didn't want to be told that you doing that but you neglecting the other things.

Writing on the roles allocated to men and women in Islamic marriages, Mahajan, Pimple, Palsetia, Dave and De Sousa, (2013: 258) state whilst women are granted the privilege of seeking employment outside of their homes, they should not compromise their „*primary duties*‘ as wife or daughter. Acknowledgment and execution of these duties is viewed as the mark of a „*real Muslim woman*‘ (Bahar et al, 2005: 559). We observed Malaysian women's struggles for gender justice within a state that prescribes traditional interpretations of exegesis, which in turn creates an essentialist division between men and women's roles (Foley, 2004: 59). Similar to the women employed outside of their homes in this study, Malaysian women who employ the Islamic equity

strategy to claim their rights, choose to maintain their wifely and motherly responsibilities for the opportunity to seek outside employment (Foley, 2004: 59-60).

When probed further as to what would entail pleasing their husbands, four of the participants reported „fulfilling his sexual need“ and providing „good meals“. Elaborating on the significance of pleasing her husband one woman said:

I think it's very important, especially in the bedroom (giggle) that's basically what our husbands need ... sometimes we are tired or lazy. I'm not prepared to wake up 4 o'clock in the morning to *ghusl*<sup>36</sup>. We put it off or we tell them no but I think that their perspective of it ... Islamically it's not allowed. You should give it to him whether you're happy or not because at the end of the day he's gonna (*sic*) be happy with you and you gonna (*sic*) have a happy relationship.

There is a definite choice to engage in sexual activity irrespective of desire. In this case it is informed by the desire to maintain a „happy relationship“ or in other words a peaceful environment. Commenting on the phenomena of women exercising agency relational to their lived experiences, Brenner (1996: 691) cautions that this does not detract from the fact that these women's choices are still never entirely their choices. She argues their choices are influenced by social and political factors, but even more importantly, their choices may have unintended ramifications both socially and in their personal lives. It is my contention that this argument may hold true in all circumstances; social and political factors may influence any choice, and so women are not particular in this regard. As Browner (2000: 784) explains, we are always exercising agency which reinforces the need to formulate more nuanced ideas of agency. In this study the women exercise agency driven by a need to meet their pietistic concerns to observe God's will.

#### 5.4 Key Findings

In this chapter we observed that the women take pride in achieving and maintaining a certain Islamic identity. It is through the course of being good Muslim wives that they

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<sup>36</sup> *Ghusl* refers to a ritual bath necessary for prayer to be valid. Sexual intercourse is one of the conditions that necessitate *ghusl*. The participant is particularly referring to having to wash and dry long hair prior to *fajr*, the dawn prayer.

consider themselves observing God's will. The idea of being a good Muslim wife and pleasing one's husband encompassed fulfilling their husband's sexual needs and being a homemaker. Whilst acknowledging the latter to be a result of cultural understandings of women's roles and not Islamic teachings which emphasise women's maintenance rights to financial maintenance from her husband suggesting she would not need outside employment, even the women employed outside their homes choose to live up to traditional home-making roles alongside their outside employment. The women also made conscious choices to meet their husbands' sexual needs irrespective of their own desire based upon their understanding that doing so fulfils their husband's Islamic right, pleases their husbands, and therefore earns them God's favour.

Reflecting on women's rights and gender roles, I draw on and relate to Mir-Husseini's (1999: 6) ontological declaration regarding feminism in Islam, where the:

*'initial premise is that gender roles and relations, and women's rights, are not fixed, not given, not absolute. They are negotiated and changing cultural constructs, produced in response to lived realities, through debates that are now going on all over the Muslim world, through the voices of men and women who want either to retain or to change the present situation.'*

The women in this study did not simply submit to traditional roles or male domination. They negotiated their positions in ways that fulfilled their need and desire to meet the pietistic requirements they understood to be required of them as Muslims by the conditions of their marriage. The pietistic requirements to please one's husband depended largely on the power dynamics within their homes and they executed negotiations and exercised agency accordingly.

A key point in understanding the women's choice to engage in sexual relations irrespective of desire, or to uphold traditional prescriptions on women's roles even whilst maintaining employment outside their homes, is the equal importance they allocate to pietistic practice beyond ritual practice. In emulating female figures in Islamic history and practicing qualities like patience they see themselves in a fluid state of transformation, cultivating piety for the acquisition of God's pleasure. While the women in this study may not necessarily be consciously challenging patriarchy we observe how they negotiate and renegotiate their positions in the face of blatant

androcentric norms whilst constantly upholding the need to meet their own pietistic concerns to observe God's will.

In the following chapter I will address the final objective of the study, to understand how these women negotiate between health-based contraceptive concerns and the pietistic requirement to observe God's will.

**Chapter 6: What are the experiences of South African Muslim women in negotiating between health-based contraceptive concerns and piety?**

„Contraception is not an issue that can alter my piety either way. It is a side, and unrelated issue to me in terms of piety.“

(Hafsah, Participant in this study)

## 6.1 Introduction

In the previous chapter we observed how with ideas of what constitutes a Muslim, working within a framework of their ideas of a good Muslim wife, these women negotiate the pietistic requirements to observe God's will through the course of being good wives. Exercising agency in ways that often reinforce androcentric norms and patriarchal structures they embrace an ongoing moral self-making process in their journey to God.

As explained in Chapter Three, after the interview, the women were introduced to two reading stimuli; an extract from the *Fazaail-e-Aa`maal* (Kandhelwi, 2013) and the case study of secret contraception (Ebrahim, 2011) referred to in Chapter One. This chapter will thematically present the analysis and interpretation, through the introduction of the reading stimulus, of the main concerns of this study; namely, shifts in understanding or influence by external factors. It addresses the third objective of the study, namely the experiences of South African Muslim wives' in negotiating between health-based contraceptive concerns and piety. This chapter will also address the concern of healthcare ethics presented in Chapter One and any unexpected developments from this study

## 6.2 Shifts in understanding or influence by external factors

Schulz (2011: 109) studying Malian women's self-making journeys found that Muslim women are influenced by a multiplicity of factors whilst on their journey to God. Subsequently their understanding of the pietistic requirements to observe God's will, shifts with time and may be influenced by the dynamics of their personal lives (Schulz, 2011: 109). This is reflected in Maymunah's statement:

Concepts shift and change as we get older and our maturity level also changes. We also change our minds and thinking as life changes around us. It's a shifting process but our piety carries us through our circumstances.

With respect to factors that influence their thinking we have observed in Chapter Five that the women are certainly influenced by the content of the *Ta`lim* programs, opinions of local jurists and information sourced from popular Islamic literature.

Subsequent to reading the stimuli, five of the six participants reported no change in their beliefs or understanding of their piety in terms of being a good wife because they had prior knowledge of the selected *hadith*. The only woman who had not had prior knowledge of a specific *hadith* said:

I learnt that I should control my tongue and my anger. Although my husband might be wrong in some cases I should control myself, situations get worse if I don't. Many times I refuse my husband in bed. I have learnt not to refuse [him] because the angels will curse me.

This is an indication of the manner in which a text may be read literally as opposed to the context in which it may have been revealed. Schulz (2011: 99) suggests that as a result of not formulating their own interpretations of texts, by remaining faithful to that of the jurist, women's understanding of the text is representative of the education received by the jurists themselves. In this manner, the patriarchal structures are reinforced and gender hierarchy is preserved.

The challenge in studying women's agency lies in the argument that the Qur'an and *hadith* simultaneously promote gender equality and gender hierarchy (Hashmi, 2010: 591-2). Yet women actively involved in Islamic revivalism movements preserve androcentric norms and patriarchal structures (Hashmi, 2010: 592; Gerami and Lehnerer, 2001: 557). This is illustrated in Huq and Rashid's (2008) study of Bangladeshi women who attend Qur'an reading classes in their attempt to cultivate piety. The women's literal reading of the Qur'an, under the guidance of scholars, leads to their understanding and acceptance of the traditional roles of man and woman as explained by the scholars (Huq and Rashid, 2010). Similar to some Malaysian women's struggles (Foley, 2004), these Bangladeshi women (Huq and Rashid, 2010) find ways of exercising agency through the acceptance of traditional gender roles. Their adherence to traditional roles reinforces the dislike of divorce and even removes the notion of the possibility of divorce (Huq and Rashid, 2010: 17).

Similarly the women in this South African study are not unaware of the dynamics of power in their homes, families and communities. By perpetuating essentialised gender roles for men and women they are not the architects of their own manipulation in the name of religion as veiled women are often perceived to be (Bilge, 2010: 17). They do

not abdicate personal autonomy; their choices are informed by the desire to ultimately please God which they believe they achieve through the course of being „obedient“ and hence, good wives.

### 6.3 Negotiating between health-based contraceptive concerns and piety

Reflecting on the third objective of this study, the women were very clear that they did not see a link between the use of contraception and their piety. One woman said:

Contraception is not an issue that can alter my piety either way. It is a side, and unrelated issue to me in terms of piety.

The women articulated that contraceptive decisions, both the choice to use contraception and the method of choice, did not translate as going against God’s will. Hence the choice and method did not raise feelings of guilt nor questions regarding disobeying the command of God. The women in this study negotiated their contraceptive choices around the practical considerations of personal health and physical, mental or sexual health. I noticed that even when their immediate reason for the use of contraception was not health, they had managed to understand their reasons within the framework of health. It is possible this stems from the legal provisions made for contraception based on health concerns. Hence contraceptive choices had no bearing on their piety and did not impact on their pietistic requirement to observe God’s will.

Further, in this chapter we observe how one woman explains her ability to manage the challenges she faces in her marriage by reporting that it does not „affect her health.“ Hence, she can „manage.“ We can infer from this that the women in this study do prioritise health; importantly, they are motivated by practical considerations of health and not pietistic considerations.

The findings of this study differs from Sahu and Hutter’s study (2012: 532) of women in India and Bangladesh, where women in Bangladesh with a firm belief in contraception being against the plan and will of God, negotiate between temporary and permanent methods in terms of being a „lesser sin“ or „greater sin“ to overcome feelings of guilt. In their study there is a clear connection between contraceptive

concerns and the pietistic requirement to observe God's will. The women in this South African study, influenced by the teachings of the *Tabligh Jama'at*, have very definite ideas of piety and the pietistic requirement to observe God's will which are inclusive of ritualistic practices, pleasing their husbands and achieving the Prophetic way of life in terms of conduct and character. Contraceptive decisions, be it the choice to use contraceptive or the method of choice, in their understanding is unrelated to their piety.

Hence with regard to the third objective of this study I conclude that South African Muslim women do not negotiate between their health-based contraceptive concerns through a pietistic lens. Instead, they have established the permissibility of contraception as a matter of good health and exercise their contraceptive options in the pursuit of the same goal.

#### 6.4 Ethics in healthcare

Reflecting on the legal case study and the suggestion in the reading stimulus that the doctor inform the patient's spouse of her wish to use contraception *„rather than condoning HP's secret access to contraception"* (Ebrahim, 2011: 44), the women all articulated their right to confidentiality. One woman said:

The doctor should not disclose the wife's request. The wife's right to privacy must be preserved. Unless she has no fear of her husband forcefully imposing to the contrary of medical consultation. A patient goes to a doctor with the intention of expecting confidentiality ... same should be procured as a patient's privacy should be an essential right ... As a patient it is my right to be respected, it is my right to be given all the facts regarding my health and my condition. It is also my right to make my own decisions as I so deem fit.

The National Health Act (Act No. 61 of 2003) stipulates every patient's right to confidentiality which is in keeping with the right to privacy in the South African Constitution (Act No. 108 of 1996) (HPCSA<sup>37</sup>, 2008a). The National Patients' Rights Charter asserts that with the exception of an order of the court or requirement of the law, disclosure of a patient's health or treatment may not occur in the absence of

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<sup>37</sup> Refers to The Health Professions Council of South Africa. Further details are in the reference.

informed consent (HPCSA, 2008b). The Health Professions Council of South Africa's (HPCSA) General Ethical Guidelines for Reproductive Health confirms a woman has the right to reproductive choice (HPCSA, 2008c). Within the parameters of South African law, Ebrahim's (2001) suggestion is in breach of ethics in healthcare, antithetical to confidentiality guidelines and an invasion of the patient's basic rights. Furthermore it prioritises a husband's decision and authority over his wife and undermines the wife's ability to make decisions beneficial to her own health.

Ebrahim's argument (2011: 44) of the decision to inform the husband being lawful within Islamic jurisprudence is challenged by Omran's argument (1992: 39) that the later Hanafi jurists sanctioned secret use of contraception in circumstances that may compromise the raising of children as suggested by the Prophet Muhammad (peace be upon him). The women in the study appear to agree; given the involvement and effort required by women in child-bearing and child-rearing, more so in the early days of infancy, the physical, mental, emotional and spiritual health of the mother should be considered and she be given the basic right to make decisions in her best interest.

Taking this into consideration, we can infer that Ebrahim's argument (2011) may not hold weight within an approach to Islamic jurisprudence that prioritises the autonomy of the individual. Islamic marriage, however, is established as dominion where a wife contracts to sexual availability to her husband. Some jurists may expand a husband's domain over a wife to include her decision to use contraception to the degree that it also affects his capacity for children (Ali, 2006: xxv). To that extent, Ebrahim's arguments meet the parameters of classical understandings of Islamic marriage, even though they may not meet the standards of the Muslim wives in this study.

An area that presents for further exploration is the negotiation between Islamic law and South African constitutional law. How can Muslim women, despite acquiescing to Islamic legal regimes in terms of marriage, cite secular law regarding rights to privacy amongst other rights? Furthermore, the effects of class and education in the South African context as opposed to other countries, as well as Muslim's dual acceptance of elements of both secular and religious law are fruitful avenues for further research.

## 6.5 Why do South African Muslim women negotiate their pietistic concerns to observe God's will in the way that they do?

It is important that we understand what drives the negotiations the women undertake to fulfil their pietistic concerns to observe God's will in the manner that they do. Two themes emerged consistently both during the interviews and in the narratives; namely, care for maintaining peace in the home via pleasing one's husband and a desire to achieve Heaven.

### 6.5.1 Maintaining peace in the home through pleasing one's husband

Peace in their homes was presented in the form of securing a „happy relationship“ by pleasing their husbands. The women identified two ways of maintaining peace, namely; remaining sexually available to their husband regardless of desire and prioritising their husband's decisions at the risk of the appearance of „relinquishing“ agency.

#### Voluntarily engaging in involuntary sexual relations

As previously all the women reported their husband's prioritisation of sexual intimacy. Hence, this was a primary means of pleasing their husbands. On engaging in sexual intimacy despite lack of personal interest, the general idea is reflected in this woman's words:

Sometimes I'm not in the mood, honestly. I'm ... reluctant ... If I say no, he becomes aggressive, angry. It's just gonna (*sic*) cause unnecessary problems, it's just gonna (*sic*) make everybody miserable ... it's not a happy environment so [we] probably just have to give in, whether we like it or not. Not everyone is like this ... That's the way I am, not brave enough to say "I can't take this marriage anymore. There's too much issues with the in-laws ... with you and [so how could I say] I wanna (*sic*) go and stand on my own. Maybe because I'm not brave enough. Some women say, "I'm gonna (*sic*) live on my own, I can't take this anymore. I need, I want my freedom." No, I'm fine with the way I am. It doesn't really affect me [to the point] where my marriage is such a problem that I can't live in my marriage. It's like more an acceptance now. That's part of my life. I can sing and knock my head, what I want is not gonna (*sic*) happen so [I] might as well just get over with it. And *shukr* [thankfully], I manage. It's not like I can't manage at all or it's hampering me or my health in any way.

Several ideas present in this one response. There is a conscious choice to engage in sexual activity irrespective of her lack of desire. Again, in this case it is informed by

the desire to maintain a „happy environment“ which may be read as a peaceful environment. Furthermore, the woman undermines her own authority by referring to herself as „not brave enough“. She seems uncertain of her capabilities. She passes definitive judgement over her capacity or lack thereof to take care of herself. She shares her body with her husband against her will and diminishes the gravity of the act by a measure of her capacity to „manage it“. Her argument that it does not affect her health brings us full circle to health being a motivating factor in sexual decisions. It also begs the question: If she considered her health to be at risk, would she leave? Another consideration would be to examine if she is referring to physical or mental/emotional health? In the previous chapter we established that sexuality is a major determinant of women’s mental health (Kadri et al, 2007: 199). Studies indicate that mental health is impacted by gender related differences (WHO, 1998: 6; Douki et al, 2007: 178).

Referring to the consistent barrage of patriarchal messages that lead women to question their ability and capacity to function as individuals, Walters (1990: 17-18) argues that not only does it influence the manner in which women perceive themselves and other women, it also affects a women’s psychological and intellectual health. In the following subsection we observe how one woman refers to the significance of preserving one’s „intellectual mind.“

#### Exercising agency by „relinquishing“ agency

In the previous chapter we observed how the women may choose their husband’s decision over their own, albeit still feeling strongly about their own. Below I illustrate how the women seem to „relinquish“ agency by choosing to „overlook certain things“, whilst remaining convinced of their own decisions. It can be read as exercising a different form of agency, one that prioritises „peace and harmony“. This is reflected as follows:

At that young age I went through so much. Now I am mature. I am at this age where there should be things for myself and I need that peace at home because I need to live in peace and harmony. I don’t want all this unnecessary conflicts anymore. Even if it means if I know I am right but I have to just overlook certain things, I do that. I just like to say that it’s important for us as women not to forget ourselves, not to forget who we are, what we think, our personal thoughts and ideas. Don’t lose that independence although you have to, 90% of the time, please

your husband but don't lose that independent thinking, that intellectual mind that you have. You've gotta (*sic*) stimulate it all the time.

In the excerpt above, we observe that in overlooking what she knows to be wrong, it does not detract from her knowledge that she is right. There is also a definite compartmentalisation of ideas enabling her to maintain her agency and sense of self whilst seemingly relinquishing agency.

Omran (1992: 13-14) asserts that interpretation of the verses relating to marriage in the Qur'an reinforces the social nature of Islamic teachings by promoting Islamic marriage as a space of tranquillity within which qualities of love and mercy exist. The maintenance of peace for the women in this study is often associated with prioritising their husband's demands. From the above excerpts we gather that peace in the home and, more so, a more personal peace of mind is paramount to the women in this study.

#### 6.5.2 Desire for Jannah

A pervasive theme through all interviews and narratives was the desire to achieve Heaven. Heaven in the afterlife is a pietistic aspiration that is not equated to the desire for death but is the motivating factor to acquire more good deeds (Deeb, 2009: 251). Two themes emerged consistently; namely, reciprocal positive influence between spouses and individual accountability

#### Reciprocal positive influence between spouses

Masculinity and femininity are socially constructed roles<sup>38</sup> where each role is defined by socially accepted expectations and is relational to other roles (Stone, 2007: 55). What is considered feminine does not exist except in the presence of what is thought to be masculine, perpetuating the dichotomous thinking that plagues issues of sex and gender. As we have witnessed, in performing these „duties“ or in fulfilling these „roles“ and responsibilities to please their husbands the women believe themselves to be observing God's will.

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<sup>38</sup> „According to sociologists, a role is a position within society' (Stone, 2007: 55)

In their understanding this does not diminish their agency or their value. To the contrary, in as much as the women have a need to observe God's will, they perceive themselves as having an equal responsibility to „guide“ their husbands as well. This is reflected in Aisha's statement:

A good Muslim wife is somebody that will guide her husband to Paradise so that we [are] always saying [to] each other ... that our ultimate purpose is Paradise. Pleasing our God is what makes a righteous wife and doing it together with her husband.

Much like the women in this study, Dr. Rufaydah al-Habash, a Syrian female preacher, draws on examples from female figures in Islamic history where women work alongside their husbands, encouraging contemporary Muslim females to do the same (Rabinovich, 2013: 822). This is a conscious move indicating the significance of women's roles in the formation and maintenance of moral and just social systems (Rabinovich, 2013: 822), as the family is the microcosmic representation of the macrocosm. It complements the representation of women in the *Ta`lim* programs where the emphasis is placed more on women being supportive of their husbands, even though they perform essentialised and „menial“ tasks.

#### Individual accountability

The women acknowledge they perceive they are pleasing God through the course of being good wives but add that it does not diminish or remove their individual allegiance to God. This is reflected in one woman's statement:

It's my life, my decisions. It might sound harsh but I feel everyone's gonna (*sic*) live in their own grave. So you have to answer for whatever you do.

Women with pietistic aspirations are mindful of the individual accountability of their actions in this life which they understand to have implications in the afterlife (Brenner, 1996: 684). This may be the impetus championing their need to pave their own paths to God (Brenner, 1996: 684). Brenner cautions that their ability to perceive themselves as individuals in the grand scheme of life is not synonymous with the individualism of Western modernity. Rather, it is an awareness of themselves relational to divine command and the path necessary to reach their spiritual zenith (Brenner, 1996: 684).

## 6.6 Conclusion

Earlier I suggested that cultivating piety in earning God's favour is a significant aspect of realising a relationship with God and therefore sufficient incentive for Muslim wives to sacrifice their contraceptive health needs. The findings emphasise that the women in this study do not perceive themselves to be negotiating between health-based contraceptive concerns and piety. Whilst they conceded not having substantial knowledge on contraception, using health as a motivating factor South African Muslim wives in this study formulated independent understandings of Islamic teachings, negotiated these understandings with their partners, and exercised agency to secure outcomes that would be favourable to them. Hence, exercising their right to use contraception is viewed in terms of the practical considerations of health and is unrelated to their pietistic concerns to observe God's will.

The latter they achieve through ritual practice, adoption of the Prophetic conduct and character, and largely through the course of making themselves to be good wives. Often being a good Muslim wife involves domestic responsibility—which they consider a cultural but not religious expectation—and sexual availability to the demands of their spouses even in the absence of personal desire. There is a definite prioritisation of their husbands' needs and the preservation of essentialised roles of men and women perpetuating androcentric norms and patriarchal structures. However, they also challenge these norms and structures when they use their Islamic knowledge and the Prophetic example to acquire their husband's assistance to do chores considered as women's work.

The multidimensional influence on the women's lives is reflected in Nina Hoel's (2013: 33) reflection during her interviews with South Africa Muslim women exploring the sexual dynamics of their marital experiences (2013: 33). Hoel (2013: 33) adds that *„the experience of being a South African Muslim can never be identical for any two women“*. I agree with Hoel, as observed in this study, and I add that this may hold true not just for women but all people of any faith in any country. I also remind myself that phenomenology focuses on the meaning given to the experience and not the experience itself (Patton, 2002: 104). The women's pietistic concerns to observe God's will with respect to fulfilling their duties as a wife hold similar meaning for all.

While each woman arrives at this concern in distinctive ways, the essence of the women's concerns pertain to achieving a peaceful home and achieving Heaven.

The women's lives reflect a complex interplay of choice and obligation in their path to God. From the outside, it appears to be mostly contradictory. The process of self-making alongside the observance of ritual acts also involves virtues such as patience (Mahmood, 2005; Schulz, 2011: 99-100) that foreground the inward journey of self-reformation, a distinct feature of *Tablighi* teaching (Ali, 2011: 234). Hence we can infer that these women perceive qualities such as maintaining a peaceful home, even more so through patience; as the means to a successful marriage and as an equally important measure of their faith. Their objective may be to achieve an inner sense of calm in the midst of the ordinary challenges of marriage.

In the context of their understanding of their individual responsibility and accountability for their actions and choices amidst asserting agency in apparently paradoxical forms, the women in the study demonstrate a complex intersection of pietistic conformity or observance, and health-based decision. Does this reflect the form of agency that Mahmood (2005) prioritises or does it reflect Wadud's concept (2006: 23) of *engaged surrender*, where the subject is not unwillingly submitting to God or His command. Rather, behaviour is intentional and a result of choice; this is engaged intention in the sense that it is active or planned (Wadud, 2006: 23)<sup>39</sup>.

In other words, how does Mahmood's (2005) arguments in favour of Muslim women acquiring agency outside of the delineations of liberal feminist concepts of agency thus extending normative concepts of resistance and subversion (Rozario: 2011: 285-6; Bilge, 2010: 14, 18-21) reflect Wadud's (2006: 23) concept of *engaged surrender* and the idea of *khilafa* strongly promoted by both Wadud (2006: 32-33) and Shaikh (2003: 110), if at all? If the requirements of being a good wife are contingent on

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<sup>39</sup> The idea of behaviour being goal-directed and initiated by intention is what prompted the use of the theory of planned behaviour as the conceptual framework of this study (Ajzen, 1985: 11).

satisfying men's demands, in choosing not to surrender to ideas of acquiring Heaven through the course of being a „good wife“, are these women by default disobeying the will of God?

This brings us full circle to Wadud's prioritisation of interpretation of divine command. The study suggests that to a large extent the women in the study trust God's ability to discern right from wrong and to understand the intention that drives their behaviour. If Islamic teachings advocate peace and social justice, surely the same rules would apply for men and women, they reason. Between Islamic revivalist attempts to save Muslims in general from Western imperialism and moral degeneration on the one hand, and Muslim feminists attempt to distinguish Islamic feminism from Western feminism on the other, understanding and theorising Muslim women's agency has become contentious.

Studies of Muslim women globally confirm that they face their different moral conflicts by paving a path to piety in ways relevant to their lived experiences (Sahu and Hutter, 2012; Simon, 2009; Keefe, 2006; Foley, 2004; Brenner, 1996).

The women are not unaware of their actions perpetuating androcentric norms and patriarchal structures. They consider this a small sacrifice for a greater reward. Motivated by their desire to please God through the observance of divine command, which they see as separated between the observances of ritual practice and being a good Muslim wife, their actions are a deliberate choice and an assertion of their agentic positions in the process of pietistic self-making. This continuous process of self-making is fuelled by the desire for domestic and internal peace, which is their understanding of the overall objective of marriage, and a symbol of the social nature of the Islamic faith with family as its basic unit (Omran, 1992: 13). Together these fulfill the pietistic aspiration of acquiring Heaven reflected, in conclusion, in one woman's statement:

Successful is the person who gains entry into Jannah and [the] only way you can see this is to do the right things. If a husband is pleased with his wife when she dies, she goes direct to Jannah. Who doesn't want that? ... One time he was very pleased with me and he said "I'm

happy with you” and he thanked me. I said, “I can die because you [are] pleased with me, I can die now. That’s what I live for, is for the *aakhirah*<sup>40</sup>.”

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<sup>40</sup> *Aakhirah* refers to the Hereafter or the afterlife and in this context is specific to Heaven.

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## Appendices

### Appendix 1: Interview Schedule for First Interview

University of the Kwa-Zulu Natal

Pietermaritzburg Campus

College of Humanities

School of Religion, Philosophy and Classics

Student: Mariam B. Khan (Student Number: 215067646)

Interviewee Code: \_\_\_\_\_

### Demographic information

1. How old are you?
2. How old is your husband?
3. How long have you been married? How did you meet your husband?
4. Do you have children? If yes, how many?
5. What language do you speak at home?
6. What is your highest level of education?
7. What is your husband's highest level of education?
8. Do you work for an income?
9. If not, what is your source of income?

### General Information

1. What kind of mobile phone do you have? Do you have internet access?
2. Do you own a television? Do you watch television? What would you generally watch on tv?
3. Do you have a driver's license? Do you drive on your own? Do you have your own vehicle?
4. Do you go to the library?
5. What kind of readings do you get from the library?

6. When you want to know about anything, where do you look for information?
7. Do you read much Islamic literature? What kind of literature and where do you get it from?
8. Do you attend any classes/activities?

#### Research-based questions

#### Health-based questions

1. Explain what health means to you.
2. Describe how important health is to you.
3. Who is your family doctor?
4. Do you have a gynaecologist?
5. Do you prefer going by yourself or do you go with your husband? What are you comfortable with?
6. What do you know about birth control in general?
7. What do you understand is the Islamic ruling on contraception?
8. How do you feel about using contraception? (When do you think it is ok to use contraception?)
9. Have you discussed family planning? Was it before marriage or after, and what did you decide?
10. Can you tell me how you feel about that decision?
11. Do you think you would use contraception without telling your husband?
12. If yes, in what situation would you do that? How do you feel about that? How would you understand your decision for yourself?
13. In general, how are decisions made in your family?
14. Can you tell me how you feel about that?

15. If you disagree with a decision your husband makes, or his idea about an issue, would you go against the decision if you feel strongly about your idea, or would you accept his decision. How do you make that understanding for yourself?

Pietistic-based questions

1. To you, what is a Muslim, or who is a Muslim?
2. Explain what you think is a good Muslim?
3. Explain how you see yourself in terms of being God conscious.
4. What is your understanding of a wife's role in Islam?
5. What do you think makes a good Muslim wife?
6. What are the responsibilities expected of you as a wife?
7. What do you think should be your level of involvement in your home?
8. What acts (of worship or duties in the home or duties toward your husband) do you do to fulfil your ideas of being a good Muslim and a good wife?
9. How does this make you feel?
10. What do you understand a man's role to be in a marriage and in the home?
11. What opinion has your husband expressed with respect to the above 2 questions?
12. Describe how you feel about your husband's stance on these issues
13. Have you ever questioned any role or responsibility that you are not entirely happy with or comfortable about? How do you feel about that? How do you explain it to yourself?

Appendix 2: Question Guide for Narrative

University of the Kwa-Zulu Natal

Pietermaritzburg Campus

College of Humanities

School of Religion, Philosophy and Classics

Student: Mariam B. Khan (Student Number: 215067646)

Interviewee Code: \_\_\_\_\_

1. What do you think about the idea of the Doctor disclosing the wife's request to the husband? What are your ideas about confidentiality between you and your doctor? What do you think are your rights as a patient?
2. If any, what changes have occurred in the way you understand your piety and your need to be a good wife after reading the literature I provided?
3. Would that have an impact on your health-based contraceptive decisions?
4. (In your life) have you previously noticed your understanding of concepts shift or change? If yes, what possible factors may have influenced your shift in understanding?

### Appendix 3: Reading Stimuli

University of the Kwa-Zulu Natal

Pietermaritzburg Campus

College of Humanities

School of Religion, Philosophy and Classics

Student: Mariam B. Khan (Student Number: 215067646)

Source: Reproductive Health and Islamic Values - Ethical and Legal Insights

Author: Abul Fadl Mohsin Ebrahim

Publisher: Islamic Medical Association of South Africa, Durban, South Africa

Year: 2011

Pages: 41-45

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As follows:

#### Contraception

##### Case Study 8: Young bride and secret access to contraception

HP, aged 16, was married six months ago according to Islamic rites to a 25-year-old man whom she hardly knows since their marriage was arranged by her parents. Her husband brought her to Dr SR who is a family friend and his family's physician for a routine health examination. While her husband sits in the waiting room, Dr. SR finds her to be petite, malnourished and with an underdeveloped pelvis. HP informs Dr. SR that she would like to delay falling pregnant until she turns 19, but points out that her husband and his family want her to have a child as soon as possible. She solicits the advice of Dr. SR on the type of contraceptive she could use.

#### Questions

1. What is Dr. SR primary ethical responsibility in this case?
2. Should Dr. SR disclose to HP's husband about her request?
3. Are Muslims allowed to opt for contraception?

#### Review

There is no medical evidence that an underweight pregnant woman is likely not to cope well during pregnancy. The danger is that the primary causes of their underweight pregnancy can become complicated and could even get worse. As far as her baby is concerned, there is increased possibility of restricted fetal growth and birth of an underweight baby, irrespective of the gestation at delivery. An underweight baby is susceptible to several early life complications such as *hypothermia, low blood-sugar, feeding difficulties and viral infections*. There is even the risk of an underweight woman losing her baby during perinatal period. Insofar as a pregnant woman with underdeveloped pelvis is concerned, there is strong evidence that she would be exposed to difficulties during the childbirth process and although her predicament can be resolved with the C-section procedure, it may invariably expose her to certain complications.

### Ethical Considerations

#### *Respect for persons and Beneficence*

Dr SK is morally bound to *respect* HP's *autonomy* not to fall pregnant within the foreseeable future after examining her and finding out that she is petite, malnourished and has an underdeveloped pelvis. It would certainly be *beneficence* on the part of Dr SK to assist her by advising her about the contraceptives that she may use to prevent her falling pregnant.

#### *Nonmaleficence - "Do no harm"*

Dr SK has to explain to HP that certain contraceptives do have side effects and every caution must be taken when opting for one form of contraceptive or another.

#### *Justice*

Although Dr SK is not legally bound to inform HP's husband of his wife's request to delay pregnancy, the principle of *justice* entails that Dr SK should call in HP's husband and make him aware that it would be unwise that she falls pregnant at this moment in time. He could then suggest to both of them on the type of reversible contraceptives with the least side effects that either of them could make use of as a temporary measure. After all, decision to start a family or not should be mutually negotiated between husband and wife.

### LEGAL DISCOURSE

There are some Muslim scholars who hold the view that it is permissible for Muslims to space the birth of their children and infer that from the following Qur'anic verse:

*"The mothers shall give suck to their offspring for two whole years" (AlBaqarah, 2:233)*

It is believed that hormonal changes that go along with breastfeeding make it less likely for the suckling mother to fall pregnant.

However, the issue of whether Muslims are allowed to opt for contraception hinges on whether the underlying reasons (sing. *'udhar*) are acceptable or not. Among the traditional scholars, the illustrious scholar, *Imám* al-Ghazáli (d. 1111 C.E), has put forth some of the acceptable reasons for practising contraception as follows:

- (a) To preserve the woman's beauty and health for her husband's continued enjoyment.
- (b) To protect the wife's health and life from the danger of labour (*talq*).
- (c) To avoid excessive hardship (*kathrat al-haraj*) because of an excess of children.
- (d) To avoid genuine financial difficulty.

*Imám* al-Ghazáli also lists two unacceptable reasons for practising contraception which he terms as being motivated by *niyyah fásidah* (unsound intention) and they are:

- (a) To avoid begetting female children.
- (b) To avoid maternity altogether out of an exaggerated sense of cleanliness.

Turning to recent times, among the modern scholars who have laid down genuine reasons for contraception is *Shaykh* Dr. Ahmed al Sharabassi of Al-Azhar University, Cairo, Egypt. He states that contraception is valid in the following circumstances:

- (a) To give the woman a chance to rest between pregnancies.
- (b) If either or both partners have a disease which can be transmitted.
- (c) To safeguard the woman's health. For instance if a woman is already suckling an infant, it would be harmful both for herself and her child if she became pregnant.
- (d) If the husband's finances are insufficient to support more children.

*Preservation of health and life (hifz al-nafs) and preservation of progeny (hifz al-nasl)*

It would be justified for Dr SK to advise HP on contraceptive use as a result of his assessment that she is malnourished with an underdeveloped pelvis. These conditions could negatively impact on her health and that of her baby. On the basis of two goals of *Shar'iah*, namely, *preservation of health and life (hifz al-nafs) and preservation of progeny (hifz al-nasl)*, it would be in order for her to postpone falling pregnant.

### Lesser of two "evils" (akhaff al-dararayn)

HP's wish to postpone falling pregnant can be misconstrued as an "evil" for it would lead to non-fulfilment of one of the primary goals of marriage, namely, procreation. However, the legal maxim *lesser of two "evils" (akhaff al-dararayn)* entails evaluating the apparent "harms" that two human actions may pose and the problem should be resolved by opting for the one that would result in a lesser "harm". HP's wish is not to frustrate pregnancy altogether, but rather to use contraceptive as an interim measure and that is certainly a lesser "harm" than to allow herself to fall pregnant and place her life and that of her baby at risk.

### Disclosure versus secret access to contraception

According to the *Imám* al-Kásáni, a scholar of Hanafi School of Islamic Jurisprudence, it is undesirable (*makrúh*) for the husband to practise '*azl* (coitus interruptus) with his wife (free woman) without her permission, because intercourse that results in ejaculation is the cause for procreation, and she has the right to have children. If a husband practices '*azl* it would result in the non-procreation of a child, thus negating the wife's right to procreate. However, if '*azl* were to be practised with the wife's approval, then that would not be undesirable for the fact that she would then have willingly consented to her losing the right to procreate. On the basis of this, it would be advisable for Dr SK to inform HP's husband of his assessment of his wife's physical condition and to suggest that it would be in her health interest to be placed on contraceptive as an interim measure. This approach would gain legitimacy within the ambit of Islamic Jurisprudence rather than condoning HP's secret access to contraception.

### CONCLUSION

Muslims are allowed to practice contraception, but that would depend on acceptable reasons as enunciated by *Imám* al-Ghazali and others. HP's request to gain access to contraception is plausible bearing in mind her vulnerable physical condition. However, it is imperative that Dr SK informs HP's husband that it would be in the interest of his wife's health that she be placed on contraceptive as an interim measure in accordance with the view articulated by *Imám* al-Kásáni of the Hanafi School of Islamic Jurisprudence which suggests that the married couple's decision not to procreate should be mutually negotiated. Moreover, since mutual trust is the hallmark of a successful marriage, it is imperative that Dr SK informs HP's husband of the merit of facilitating HP's access to contraception rather than condoning HP's secret access to it.

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Source: Abridged Fazaa'īl-e-Aa'īmaal

Author: Sheikhul Hadeeth, Hadhrat Moulana Muhammad Zakariya Kandhelwi (RA)

Publisher: Jamiatul Ulama (KZN) Talimi Board, Durban, South Africa

Year: 2013

Pages: 88-90

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As follows:

Hadhrat Asma (Radhiyallahu anha's) discussion with the Nabi (Sallallahu alaihe wasallam) regarding the reward for Women.

Hadhrat Asma (Radhiyallahu anha) came to Nabi (Sallallahu alaihe wasallam) and said: "O, Nabi of Allah! I love you more than my parents. The Muslim women have sent me to talk to you because you are the Nabi of Allah Ta'ala for both men and women. We remain most of the time inside our homes. We do our housework and look after the children and our homes. Despite all this, the men beat us in getting rewards for actions which we are not able to do.

They read their daily Salaat and weekly Jumu'ah in the Masjid, visit the sick, attend the funerals, perform Hajj after Hajj and above all, fight in the way of Allah Ta'ala. When they go for Hajj or Jihad, we look after their belongings, bring up their children and weave cloth for them. Do we have a share in their rewards?"

Nabi (Sallallahu alaihe wasallam) said to the Sahabah (Radhiyallahu anhum) sitting around him:

"Did you ever hear a woman asking a better question?"

The Sahabah (Radhiyallahu anhum) replied: "O, Nabi of Allah! We never thought that a woman could ever ask such a question."

Then Nabi (Sallallahu alaihe wasallam) said to Asma:

"Listen carefully and then go and inform the ladies that when a woman is kind to her husband, keeps him happy and does the housework happily, then she gets the same reward as the men for all their *ibaadat* to Allah Ta'ala."

Hadhrat Asma (Radhiyallahu anha) returned very happily after getting this reply to her question. Obedience and good behaviour towards the husbands are very valuable for the women.

The Sahabah (Radhiyallahu anhum) once said to Nabi (Sallallahu alaihe wasallam): “In other countries, people bow down before their kings and chiefs. You deserve much more respect so allow us to bow before you.”

Nabi (Sallallahu alaihe wasallam) said, “No. If it were allowed to bow down (make sajdah) before anybody besides Allah Ta'ala, then I would ask the woman to bow down before their husbands.”

He then said, “By him Who has my life in His hand (by Allah), a woman cannot do what she owes to Allah Ta'ala until she has done what she owes to her husband.”

It is reported in a Hadith that once a camel made sajdah before Nabi (Sallallahu alaihe wasallam). The Sahabah (Radhiyallahu anhum) said: “When this animal makes sajdah before you, why should we also not make sajdah to you?”

He replied: “Never! If I could ask somebody to make sajdah to anybody besides Allah, I would ask the wives to make sajdah to their husbands.

The following is reported to have been said by Nabi (Sallallahu alaihe wasallam):

- “A woman whose husband is pleased with her at the time of her death goes straight into Paradise.”
- “A woman who is angry with her husband and she stays away from him in anger for the night, is cursed by the angels.”
- “The Salaat of two persons hardly rises beyond their heads in its journey to the skies. These two people are a run-away slave and a disobedient wife.”

Appendix 4: Consent Form for the Participant

University of Kwa-Zulu Natal

Pietermaritzburg Campus

College of Humanities

School of Religion, Philosophy and Classics

Student: Mariam B. Khan (Student Number: 215067646)

Interviewee Code: \_\_\_\_\_

I, the undersigned, ....., have been fully informed of the purpose of this study and that my participation is voluntary. I understand the procedure of the study, what is expected of me and that I may withdraw at any time without being disadvantaged in any way.

The information on this document was explained to me by ..... the primary researcher in the study entitled *Negotiating between health-based contraceptive concerns and piety: The experiences of Muslim wives*, in ..... (language) and I confirm that I have a good command of this language and understand the explanations as well as what is expected of me. I confirm being given the opportunity to ask questions that I did not understand correctly and my questions have been adequately answered.

I have been informed that names and details of counselors or psychologists will be made available to me in the event that I may require such.

I have been informed that should I have any concerns regarding the study, the researcher or my rights as a participant I may contact:

Humanities and Social Sciences Research Ethics Administration

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

Kwa-Zulu Natal, South Africa

I hereby:

- Consent to answer questions regarding my contraceptive health concerns and my ideas on piety
- Consent to audio-record my interview
- Request that the university review committee who may listen to the recording consist of females only, as I am veiled
- Consent to provide the researcher with a narrative guided by questions provided subsequent to the reading stimulus

I, the participant, ..... hereby agree voluntarily to participate in this study.

Signed at ..... on .....2015.

Participant's signature: .....

Researcher's signature: .....

University of the Kwa-Zulu Natal

University of the Kwa-Zulu Natal

Appendix 5: Information Sheet

University of the Kwa-Zulu Natal

Pietermaritzburg Campus

College of Humanities

School of Religion, Philosophy and Classics

Student: Mariam B. Khan (Student Number: 215067646)

Date: \_\_\_\_\_

Respected Mrs. \_\_\_\_\_

You are being invited to consider participating in a study that involves research.

What is the study about?

I, Mariam B. Khan, student at the School of Religion, Philosophy and Classics, at University of Kwa-Zulu Natal (Pietermaritzburg) am conducting research within which I aim to understand Muslim women's lived experience of negotiating their health-based contraceptive concerns and their pietistic concerns as wives.

Below is an overview of the study

Project Title : Negotiating between health-based contraceptive concerns and piety: The experiences of Muslim wives.

Purpose : The purpose of my study is to understand lived experiences of Muslim women negotiating between their health-based contraceptive concerns and their desire to be a pious wife.

Main Question: How do South African wives negotiate between their health-based contraceptive concerns and their pietistic concerns to do God's will.

Additional details regarding the study

- I intend on interviewing 6 women for this study followed by a narrative inquiry guided by questions provided (or a second interview), after a reading task.
- I hope that the study will meet its objectives and purpose of to understand lived experiences of Muslim women negotiating between their health-based contraceptive concerns and their desire to be a pious wife.
- With the exception of your time required for the completion of the interviews, participation in this research will not cost you anything nor will you be paid.

### What is required of you?

Should you agree to participate in this research:

- You will be required to undergo a non-invasive interview, related to your health-based and pietistic-based contraceptive concerns which will be audio-recorded.
- Time and location of the interview will be at your convenience.
- You will be required to read some literature that I will provide, relevant to the topic.
- The first interview will last approximately 60 minutes
- You will then be required to provide a narrative that will be guided by questions provided. You may choose to undergo a second interview instead (approx. 30 minutes)

### How will your confidentiality be maintained?

All information will be kept strictly confidential and you will be assigned code names to maintain anonymity.

Because the area within which the study is conducted is a small potentially identifiable community, the final write-up will refer to it as “a greater Durban area”. This will grant further anonymity to you, avoid any possibility of your identity being revealed and protect against the potential repercussions thereof.

### Is participation voluntary?

You may refuse to participate in the study or withdraw at any stage. If you choose to do this, you will not be disadvantaged in any way, nor will it be held against you. You may notify me of your choice to withdraw either telephonically or via email. My details are available at the end of this form.

### What will be done with the data?

You will be given a copy of the transcript after each interview. All audio-recordings and transcripts will be kept at the School of Religion, Philosophy and Classics for a minimum of 5 years after which, should it not be required it will be disposed of.

### Any questions?

- In the event that you require the service of counsellors or psychologists I will provide the names and contact details of suitable counsellors and psychologists.
- A report of the findings will be submitted at the School of Religion, Philosophy and Classics.
- This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Ethics Committee (approval number HSS/1255/015M )

You will be able to contact the researcher (myself) should you be interested in reading the final report or should you need any more information regarding the study you may contact any of the following:

Researcher: Dr. Mariam Khan  
Mobile: 079 380 8449  
Email: [dr.mariam.b.khan@gmail.com](mailto:dr.mariam.b.khan@gmail.com)

#### Alternate Contact Persons

Research Supervisor: Dr. Fatima Seedat  
Mobile: 079 193 8618  
Email: [seedatf@ukzn.ac.za](mailto:seedatf@ukzn.ac.za)  
Ms. P. Ximba (UKZN Research Officer)  
Mobile: 031-2603557  
Email: [ximbap@ukzn.ac.za](mailto:ximbap@ukzn.ac.za)

You may also contact the UKZN Humanities and Social Sciences Research Ethics Committee, contact details as follows:

Humanities and Social Sciences Research Ethics Administration  
Research Office, Westville Campus  
Govan Mbeki Building  
Private Bag X 54001  
Durban  
4000  
Kwa-Zulu Natal, South Africa  
Tel: 27 31 260 4557  
Fax: 27 31 260 4609  
Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Appendix 6: Non-disclosure Agreement



**COLLEGE OF HUMANITIES**

**SCHOOL OF RELIGION, PHILOSOPHY AND CLASSICS**

**NON-DISCLOSURE AGREEMENT**

This Non-Disclosure Agreement (the “Agreement”) is made and entered into as of the later of the two signature dates below by and between Dr. Mariam B. Khan ("Disclosing Party"), student at UKZN, student number 215067646 and Ms. \_\_\_\_\_ (“Receiving Party”).

This Agreement is related to data collected by Dr. Mariam B. Khan toward the completion of a Master of Arts: Gender and Religion.

Project title: Negotiating between health-based contraceptive concerns and piety: The experiences of Muslim wives.

Research Supervisor: Dr. Fatima Seedat

Telephone: 079 193 8618

Email: seedatf@gmail.com

Master’s Student: Dr. Mariam Khan

Telephone: 079 380 8449

Email: dr.mariam.b.khan@gmail.com

IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS CONTAINED IN THIS AGREEMENT AND THE MUTUAL DISCLOSURE OF CONFIDENTIAL INFORMATION, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Definition of Confidential Information and Exclusions.

(a) “Confidential Information” means nonpublic information that a party to this Agreement (“Disclosing Party”) designates as being confidential to the party that receives such information (“Receiving Party”) or which, under the circumstances surrounding disclosure ought to be treated as confidential by the Receiving Party.

“Confidential Information” includes, without limitation, information in tangible or intangible form relating to and/or including audio recordings of interviews conducted by the Disclosing Party and information received from others that Disclosing Party is obligated to treat as confidential.

Except as otherwise indicated in this Agreement, the term “Disclosing Party” refers to the researcher Dr. Mariam Khan and, except as otherwise indicated, the term “Receiving Party” is strictly limited to Ms.\_\_\_\_\_.

(b) Confidential Information shall not include any information, however designated, that:

(i) is or subsequently becomes publicly available without Receiving Party’s breach of any obligation owed Disclosing Party;

(ii) became known to Receiving Party prior to Disclosing Party’s disclosure of such information to Receiving Party pursuant to the terms of this Agreement;

(iii) became known to Receiving Party from a source other than Disclosing Party other than by the breach of an obligation of confidentiality owed to Disclosing Party;

(iv) is independently developed by Receiving Party; or

(v) constitutes Feedback (as defined in Section 5 of this Agreement).

2. Obligations Regarding Confidential Information

(a) Receiving Party shall:

(i) Refrain from disclosing any Confidential Information of the Disclosing Party to third parties from the date that Disclosing Party first discloses such Confidential Information to Receiving Party, for any reason whatsoever.

(ii) Take reasonable security precautions, at least as great as the precautions it takes to protect its own Confidential Information, but no less than reasonable care, to keep confidential the Confidential Information of the Disclosing Party;

(iii) Refrain from disclosing, reproducing, summarizing and/or distributing Confidential Information of the Disclosing Party except in pursuance of Receiving Party's business relationship with Disclosing Party, and only as otherwise provided hereunder; and

(iv) Refrain from keeping any copies of Confidential Information be it in audio or text format disclosed by Disclosing Party to Receiving Party under the terms of this Agreement.

(b) Receiving Party shall notify the undersigned Disclosing Party immediately upon discovery of any unauthorized use or disclosure of Confidential Information or any other breach of this Agreement by Receiving Party, and will cooperate with Disclosing Party in every reasonable way to help Disclosing Party regain possession of the Confidential Information and prevent its further unauthorized use or disclosure.

(c) Receiving Party shall, at Disclosing Party's request, return all originals, copies, reproductions and summaries of Confidential Information and all other tangible materials and devices provided to the Receiving Party as Confidential Information, or at Disclosing Party's option, certify destruction of the same.

### 3. Rights and Remedies

(a) Receiving Party shall notify the undersigned Disclosing Party immediately upon discovery of any unauthorized use or disclosure of Confidential Information or any other breach of this Agreement by Receiving Party and its employees and consultants, and will cooperate with Disclosing Party in every reasonable way to help Disclosing Party regain possession of the Confidential Information and prevent its further unauthorized use or disclosure.

(b) Receiving Party shall, at Disclosing Party's request, return all originals, copies, reproductions and summaries of Confidential Information and all other tangible materials and

devices provided to the Receiving Party as Confidential Information, or at Disclosing Party's option, certify destruction of the same.

(c) The parties acknowledge that monetary damages may not be a sufficient remedy for unauthorized disclosure of Confidential Information and that Disclosing Party shall be entitled, without waiving any other rights or remedies, to such injunctive or equitable relief as may be deemed proper by a court of competent jurisdiction.

#### 4. Miscellaneous

(a) All Confidential Information is and shall remain the property of Disclosing Party. By disclosing Confidential Information to Receiving Party, Disclosing Party does not grant any express or implied right to Receiving Party to trade secret information except as otherwise provided herein. Disclosing Party reserves without prejudice the ability to protect its rights or trade secrets except as otherwise provided herein.

(c) The parties agree to comply with all applicable international and national laws that apply to any Confidential Information.

(d) The Receiving Party shall not use for any purpose the residuals resulting from access to or work with the Confidential Information of the Disclosing Party. The term "residuals" means information in intangible form, which is retained in memory by persons who have had access to the Confidential Information, including ideas, concepts, know-how or techniques contained therein.

(e) This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. It shall not be modified except by a written agreement dated subsequent to the date of this Agreement and signed by both parties. None of the provisions of this Agreement shall be deemed to have been waived by any act or acquiescence on the part of Disclosing Party or the Receiving Party. No waiver of any provision of this Agreement shall constitute a waiver of any other provision(s) or of the same provision on another occasion.

(f) If either the Disclosing Party or the Receiving Party employs attorneys to enforce any rights arising out of or relating to this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees.

(g) This Agreement shall be binding upon and inure to the benefit of each party's respective successors and lawful assigns; provided, however, that neither party may assign this Agreement, in whole or in part, without the prior written approval of the other party.

(h) If any provision of this Agreement shall be held by a court of competent jurisdiction to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

(i) If any Confidential Information is disclosed to any other party the Receiving Party shall be deemed to be responsible for the consequences of such disclosure.

(j) Either party may terminate this Agreement with or without cause. All sections of this Agreement relating to the rights and obligations of the parties concerning Confidential Information disclosed during the term of the Agreement shall survive any such termination.

5. Feedback

The Receiving Party may from time to time provide suggestions, comments or other feedback ("Feedback") to the Disclosing Party with respect to Confidential Information provided originally by the Disclosing Party. Both parties agree that all Feedback is and shall be given entirely voluntarily and will be in keeping with the terms of this Agreement.

The parties hereto execute this Agreement:

\_\_\_\_\_  
Dr. Mariam Khan (Researcher)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Transcriber)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

## Appendix 7: Ethical Clearance Letter



12 November 2015

**Dr Mariam Bibi Khan (215067646)**  
School of Religion, Philosophy & Classics  
Pietermaritzburg Campus

Dear Dr Khan,

**Protocol reference number: HSS/1255/015M**

**Project title:** Negotiating between health-based contraceptive concerns and piety: The experiences of Muslim wives

### Approval – Full Committee Reviewed Protocol

With regards to your response received on 08 October 2015 to our letter of 01 October 2015, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted **FULL APPROVAL**.

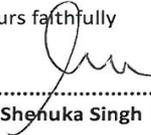
Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

  
.....  
**Dr Shenuka Singh (Chair)**

/ms

cc Supervisor: Dr Fatima Seedat  
cc Academic Leader Research: Professor P Denis  
cc School Administrator: Ms Catherine Murugan

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Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

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