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| RESEARCH ARTICLE

Women's Rights to Vote in Islam and Dealing with it in Afghan Society

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ABSTRACT

Women have the same right to vote and express opinions as men. Islamic law has given this right to women. Women can use this right in various aspects of life, including in choosing the spouse, choosing the ruler of the country, choosing a job, and so on. Undeniably, moving forward with life, dealing with problems, overcoming difficulties, fulfilling social, political, and economic responsibilities also depend on having freedom in the use of vote and the expression of opinion, and women need to have the right to vote and exercise their freedom in order to achieve the above-mentioned goals as well as their highest goals of life, and to freely express their views and opinions when needed. This article discusses this topic from various aspects. The article first provides some examples of the early Islamic era in proving women's right to vote and their freedom to exercise this right and then discusses women's need for this right, and finally, the traditional approach of the Afghan people with granting women the right to vote is discussed.

KEYWORDS

Women's Rights, Vote and Opinion, Islamic Law, Afghan Culture.

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1. Introduction

Women make up half of human society and play an important role in the growth and development of society, as human society and social and family order have an undeniable need for women.

In the same way, women in their lives and in meeting their human needs need to enjoy the same rights as men. Therefore, women, as human beings, have different rights from the perspective of Islam, including the right to vote and express an opinion and the free use of their vote and opinion in various social, political, and cultural areas.

1.1 Problem Statement

The fundamental problem in Afghan society is the lack of respect for women's right to vote and express an opinion; even some people believe that Islam has not given women the right to vote and express an opinion, as the deprivation of women of this right has led to many social, economic, political and cultural problems in this society.

1.2 Significance of the Research

The significance and necessity of this research lie in the fact that the Afghan society does not give women the right to vote, and women are deprived of freedom of expression and opinion, leading to various problems and difficulties facing women in this society. Women do not have the freedom to contribute to the formation of their family, to play a role in their political destiny, and to decide freely about their human needs. Therefore, it is necessary to discuss this issue from the perspective of Islam in order to make it clear that Islam has given women the right to vote and freedom in its use and to explain that the dealings and attitudes of some people in depriving women of the right to vote and express an opinion is considered an unpleasant and wrong act from the point of view of Islamic teachings.

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1.3 Research Questions

Main question:

- Does Islam give women the right to vote and express opinions?

Sub-questions:

- Do women have the freedom to use their votes and express opinions?
- Is the attitude and dealing of some people about not giving women the right to vote compatible with Islamic teachings?

1.4 Purposes of the Research

Overall purpose: The purpose of this study is to prove that women have the same right to vote and express their opinion as men.

Minor purpose: Proving the inaccuracy and illegitimacy of the way most Afghan people believe in depriving women of the right to vote and express opinions freely in areas where they are needed.

2. Research Methodology

This research is an applied type that has been done in the form of a library. The statistical part consists of the Holy Quran and authentic books of hadiths and customs of Afghan society. The technique used for data collection in this research is the note-taking technique, in which note-taking has been done methodically and systematically.

2.1 Definition of Vote

A vote means a personal opinion that arises as a result of using the mind.

A vote means the verdict issued by a judge.

Voting means the free use of opinion on various social, political and religious grounds.

2.2 Similar Words

The words and phrases that are used to mean the vote and express the meaning of the vote and are used instead of each other in the social and political spheres are; Bay at or pledge of allegiance, protest, and comment.

Allegiance or bay at is more applicable in politics and elections, meaning that a person puts his hand in the hand of the ruler to show that he is satisfied with his rule and leadership, enters into a loyalty contract, and commits to obey his system and rules.

Protest or objection means that the behaviors of the other side, including the ruler, judge, commander, etc., are not appropriate and do not conform to the facts; their orders and regulations are in conflict with the interests of society and the masses, have dire consequences and is against the national interests. Therefore, individuals or groups freely oppose them and raise their voices. Their voices will not be stifled by the relevant authority, and they will be given the opportunity to raise their voices.

Commenting refers to the expression of what a person has in mind, or the positive and negative stance in a case, which is expressed freely and without restriction and is a sign of satisfaction and dissatisfaction

Both men and women are in need of the right to vote and to exercise it; Just as the fulfillment of a man's needs and the fulfillment of his desires depend on having the right to vote, the fulfillment of the needs and desires of women, and the fulfillment of their religious and human obligations, also depends on having the right to vote and freedom to use it when needed.

3. Reasons Proving Women's Right to Vote and Express Opinion

The main topic of this article is the discussion on proving women's right to vote; we need to pause more on this discussion.

That being said, women need the same right to vote and the freedom to exercise it as men. Islam believes in this right of women and has practically given them the opportunity to use their votes and express their opinions, and raise their voices when needed. Evidence from religious texts is provided here to prove this right of women.

• Women's Right to Vote in the Formation of Family

In the field of family formation and marriage, a woman has the right to vote, and the freedom to exercise it, and this right has been given to her by Islam, as it is narrated that a woman expresses her opinion about her marriage to the Messenger of Allah (ﷺ): [عَنْ الله عليه وسلم- فَرَدَّ يَكَاحَهُ. "Narrated Khansa bint Khidam الله عليه وسلم- فَرَدَّ يَكَاحَهُ. Al-Ansariya: that her father gave her in marriage when she was a matron, and she disliked that marriage. So she went to Allah's

¹ Umdat al-Qari Sharh Sahih al-Bukhari: Vol 20. Page 129

Apostle, and he declared that marriage invalid." However, in the narration of al-Thawri, it is stated that her father gave her in marriage while she was a virgin.

اً الله عليه وسلم- فَأَخْبَرْتُهُ فَأَرْسَلَ إِلَى أَبِيهِا فَدَعَاهُ فَجَعَلَ الأَمْرَ إِلَيْهَا فَقَالَتْ يَا رَسُولُ اللهِ عليه وسلم- فَجَاءَ عَلَيْهَا فَقَالَتْ إِنَّ أَبِى وَوَجِنِى ابْنَ أَخِيهِ لِيَرْفَعَ بِى خَسِيسَتَهُ وَأَنَا كَارِهَةٌ. قَالَتِ اجْلِسِى حَتَّى يَأْثِينَ اللهِ عَليه وسلم- فَأَخْبَرْتُهُ فَأَرْسَلَ إِلَى أَبِيهَا فَدَعَاهُ فَجَعَلَ الأَمْرَ إِلَيْهَا فَقَالَتْ يَا رَسُولُ اللّهِ عَدْ أَجَرْتُ مَا صَنَعَ أَبِى وَلَكِنْ أَرَدْتُ أَنْ أَعْلَمَ وَسُولُ اللّهِ عَدْ أَجَرْتُ مَا صَنَعَ أَبِى وَلَكِنْ أَرَدْتُ أَنْ أَعْلَمَ وَسُولُ اللّهِ عليه وسلم- فَأَخْبَرَتُهُ فَأَرْسَلَ إِلَى أَبِيهَا فَدَعَاهُ فَجَعَلَ الأَمْرِ إِلَيْهَا فَقَالَتْ يَا رَسُولُ اللّهِ عَدْ أَجَرْتُ مَا صَنَعَ أَبِى وَلَكِنْ أَرَدْتُ أَنْ أَعْلَمَ لِسَيْعَ وَسِلم- فَأَخْبَرَتُهُ فَأَرْسَلَ إِلَى أَبِيهَا فَدَعَاهُ وَمَعَلَى اللهِ عَدْ أَجَرْتُ مَا اللهِ عَدْ أَجَرْتُ مَا صَنَعَ أَبِى وَلَكِنْ أَرَدْتُ أَنْ أَعْلَمَ لَا اللّهِ عَلَيه وسلم- فَأَخْبَرَتُهُ فَأَرْسَلَ إِلَى أَبِيهَا فَدَعَاهُ وَمَعَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهِ عَدْ أَجَرْتُ مَا اللهِ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهِ عَلَيه وسلم- فَأَخْبَرَتُهُ فَأَرْسَلَ إِلَى أَبِيهَا فَدَالَتْ يَا رَسُولُ اللّهِ عَدْ أَجَرْتُ مَا اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَيهُ اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلْمَ اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَيْهِ اللّهُ عَلَى اللّهِ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ اللّهُ عَلَيْهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَى اللّهُ عَلَيْهُ عَلَى اللّهُ عَلَى اللّهُ عَلَ

Women's Right to Express their Opinion in Criticizing the Anomalies of Society and Protesting against Undesirable Customs

Women have the right to criticize and object to unjust customs and traditions of the society and the anomalies and inappropriate situations that have unpleasant consequences for the human society.

Also, it is mentioned in Tafsir Ibn Kathir that Aisha (RA) recounts a story: "I heard some of the words of Khawlah bint Tha'labah, but some of her words were not clear to me when she complained to the Messenger of Allah (ﷺ) about her husband and said: 'O Messenger of Allah, (ﷺ) he has consumed my youth and I split my belly for him (i.e., bore him many children), but when I grew old and could no longer bear children he declared Zihar upon me; O Allah, I complain to You.' She continued to complain until Jibra'il brought down these Verses: [قَد سَمِعُ ٱللَّهُ قَولَ ٱللَّهِ سَمِعُ ٱللَّهُ قَولَ ٱللَّهِ عَلَى رَوْجِهَا وَتَشتَكِي إِلَى ٱللَّهِ وَٱللَّهُ يَسمَعُ تَعَاوُرَكُما إِنَّ ٱللَّهُ عَلِي رَوْجِهَا وَتَشتَكِي إِلَى ٱللَّهِ وَٱللَّهُ يَسمَعُ تَعَاوُرَكُما إِنَّ ٱللَّهُ عَلَى رَوْجِهَا وَتَشتَكِي إِلَى ٱللَّهِ وَٱللَّهُ يَسمَعُ تَعَاوُرَكُما إِنَّ ٱللَّهُ عَلَى اللهِ عَلَى اللهُ عَلَى اللّهُ عَلَى اللهُ ع

Alusi's commentary on the verse (تُجدلُكَ فِي رَوجِهَا) states: She had referred to the Prophet (PBUH) about her problem, and what had happened to her from her husband, that was Zihar.

This event is a decisive and obvious sign of the right of a Muslim woman to express her opinion in defense of what is related to her, and she believes in that so that its religious ruling can be clarified because, after the issuance of the verdict, there is nothing left but obedience and execution of the verdict of Allah.⁴

• A Woman's Vote in Delaying Allegiance to the Prophet of Islam

عَنْ أُمِّ عَطِيَّةً ـ رضى الله عنها ـ قَالَتْ: بَايَعْنَا رَسُولَ اللَّهِ صلى الله عليه وسلم فَقَرَأَ عَلَيْنَا {أَنْ لاَ يُشْرِكْنَ بِاللَّهِ شَيْئًا} وَنَهَانَا عَنِ النِّيَاحَةِ، فَقَبَضَتِ امْرَأَةٌ يَدَهَا فَقَالَتْ أَسْعَدَتْنِي فُلاَنَةُ أَرِيدُ أَنْ أَجْزِيَهَا. فَمَا قَالَ لَهَا النَّبِيُّ صلى الله عليه وسلم شَيْئًا فَانْطَلَقَتْ وَرَجَعَتْ فَبَايَعَهَا َ.

Imam Bukhari narrated from Um Atiya that she said: We took the oath of allegiance to Allah's Apostle (ﷺ), and he recited to us: 'They will not associate anything in worship with Allah,' and forbade us to bewail the dead. Thereupon a lady withdrew her hand (refrained from taking the oath of allegiance) and said, "But such-and-such lady lamented over one of my relatives, so I must reward (do the same over the dead relatives of) hers." The Prophet did not object to that, so she went (there) and returned to the Prophet, so he accepted her pledge of allegiance. (Niaha or bewailing the dead means crying over the dead and counting his good deeds; and it is said that "Niaha" is a melodic and rhythmic cry).

It can be deduced from this hadith that women have pledged allegiance to the Messenger of Allah (ﷺ) of their own free will and opinion, and they have even delayed their allegiance, and this delay was due to the freedom of opinion of women themselves. This is a clear sign that Muslim women enjoy the right to vote and can defend it in accordance with Islam.

(The permission given to Um Atiya or others in bewailing the dead was due to the fact that this act was Makroh-e-Tanzihi at that time, not Makroh-e-Tahrimi meaning that omitting that was more preferable than doing that. After that, bewailing the dead was strictly forbidden in the hadiths).⁶

• Expression of Opinion by One Woman on Behalf of Other Women

² Sunan an-Nasa'i: Vol 6. Page 83

³ Surat Al-Mujadilah Ayat 1

⁴ Tafsir al-Alusi: Vol 20. Page 359

⁵ Sahih Al-Bukhari: Vol 4. Page 1856

⁶ Fathul-Bari - Sharah Sahih Al-Bukhari: Vol 6. Page 639

Women, on behalf of other women, can convey their message to the higher authorities and make representations on their behalf, make their voices heard, and defend their rights. This representation of women is, in fact, having the right to vote and represent the right of other women to vote and express their opinion. If a woman does not have the right to vote and express her opinion, how can she be the representative of the voice and opinion of other women? An official also addresses a few women on behalf of all women and obliges them to convey this message to other women. It is narrated in a hadith:

[عن أسماء بنت يزيد أن رسول الله صلى الله عليه و سلم خرج إلى النساء وأنا معهن فقال يا معشر النساء إنكن أكثر حطب جهنم فناديت رسول الله صلى الله عليه و سلم وكنت عليه جريئة لم يا رسول الله قال لأنكن تكثرن اللعن وتكفرن العشير⁷]

Asma bint Yazid narrated that the Messenger of Allah (ﷺ) went out to the women while I was with them and said: "O women! the majority of the dwellers of Hell-Fire were you (women)." I asked, "O Allah's Apostle! What is the reason for it?" He replied, "You curse frequently and are ungrateful to your husbands."

This hadith clearly proves that women can appoint a representative to express their opinion and convey their message and voice to the authorities and protect their rights.

• A Woman Interjecting and Correcting Umar ibn al-Khattab

Hazrat Umar ibn al-Khattab (RA) once criticized excessive dowries of women during a sermon to the people and said: "Do not exaggerate in the dowries of women. If doing so was honorable in this world or Taqwa before Allah, then Allah's Prophet would have been the first of you to do it. I do not know of the Messenger of Allah marrying any of his women nor giving any of his daughters in marriage for more than twelve Uqiyah.⁸." A woman objected to this and said: "Have you not heard Allah's statement: وَاقِيْنُ أَرِدُتُمُ السَّتِيْدَالَ رَوْحٍ مَكَانَ رَوْحٍ وَٱتَيْتُمْ إِخْدَاهُنَّ قِنْطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْنًا أَتَأْخُذُونَهُ بُهُتَانًا وَإِنْمًا مُبِينًا.] Allah said, "If you desire to replace a wife with another and you have given the former (even) a stack of gold or a great amount (as a dowry), do not take any of it back. Would you (still) take it unjustly and very sinfully?"

When the woman objected to him by quoting a verse from the Qur'an, Umar ibn al-Khattab said: "Indeed, a woman has disputed Umar, and she has defeated him." In another narration, Umar said, "The woman is right, and the man is wrong." ¹⁰

This story is a definite sign that a Muslim woman has the freedom to vote and can express her opinion in the presence of the ruler or reject his statement and express his mistake in public.

Also, When the statement or views of the ruler is criticized, it is obligatory for him to hear the opinion of the other side and, if it is correct, to declare its correctness and take back his word, and if it is incorrect, to declare that it is incorrect.

• Harassment of Human Beings for the Sake of Voting is Not Permissible

Women have the right to freedom of opinion and expression and use it when necessary. They can express their views in the presence of parents, rulers and judges, and ordinary people, as they can use their vote to assert their rights and to protect and defend their position. This freedom of opinion is given and supported by Islam; no individual or institution has the right to silence and stifle a woman's voice and harass her for voting. As mentioned, women have used their votes in all areas and have clearly stated their position; In the presence of the Prophet of Islam, in the presence of the Muslim caliph and ruler, in the presence of their father, etc., no one has harassed or silenced them for that. Therefore, if the voice of truth is raised by everyone, including women, and they express their opinion and take a position on a political or social issue, their voice and opinion must be respected, and their correct and sound words and views must be accepted.

Women have this freedom of opinion as long as they observe the limits and rules of freedom of voting, and if they go beyond the sharia rules and Islamic and human principles and the use of their free vote causes sedition (Fitna) and crisis, then in order to ensure the expediency and prevent the emergence of Fasad or social corruption, such as freedom of opinion to harass others or create sedition or violation of religious rights or mock the religion and devalue its rules or call for war etc... Because by doing so, the rights of others will be violated and chaos will appear, and the peace and comfort of the society will be disturbed.

Women's Need for Having the Right to Vote

⁷ Fathul-Bari: Vol 2. Page 468

⁸ Ounce: A unit of weight equal to 437.5 grains or 1/16 pound (28.35 grams) avoirdupois.

⁹ Surah An-Nisa: Verse 20

¹⁰ Tafsir al-Qurtubi: Vol 5. Page 99

What is important in human society are social interactions, business dealings, choosing political leadership, choosing a desired job, forming family life, and making independent decisions in various areas of life. The realization of all these values depends on having the right to vote and freedom in the use of votes and opinions. As long as a person does not enjoy the privilege of freedom of opinion and expression, s/he cannot do anything in these areas according to her/his own will.

4. Giving Consultation

One of the most important things for Muslims, whether men or women, is giving accurate consultations to each other, as Allah Almighty has said: [وَأَمُوهُم شُورَى بَينَهُم]. "Conduct their affairs by mutual consultation."

Allah (swt) also commanded His Messenger (ﷺ) to consult with his followers: [وَشَاوِرهُم فِي ٱللَّمر] "And consult with them in conducting matters."

Allah's Apostle (ﷺ) consulted with his wife Umm Salama during the event of the Treaty of Hudaybiyyah, listened to her and acted on that, and this consultation and opinion of Umm Salama solved the relevant problem.

Therefore, consultation is a religious obligation and doing that requires the freedom of Muslims to exercise their vote and express their opinion.

5. Acquisition and Delivery of Knowledge

Acquiring knowledge of religious matters is one of the Islamic duties, and the right understanding of religion and ijtihad in the issues that fall within the scope of ijtihad requires the mujtahid to express his ijtihadi opinion on these issues. If a religious scholar does not have the freedom to vote and express his opinion, he will not be able to practice ijtihad and inference in Islamic matters, and a process such as ijtihad depends on having the right to vote.

Like men, women are also obliged to deliver their knowledge to others and state the facts and realities and stand by men in the field of enlightenment and the development of virtues. The realization of such things also requires having opinions and freedom of expression. Similarly, testifying in cases where there is a need to testify requires having the right to vote and express an opinion.

6. Women's Role in Leadership Selection

Today, a sensible and efficient way to determine a country's leadership is the elections.

The selection of the head of state and the ruler of a country through this method depends on the use of votes. Individuals of nations, both men and women, go to the polls, and all use their votes to determine their country's leadership. In this process, men and women have equal rights. If women's vote is not valued and they do not have the right to vote in determining the leadership of their country, how can the head of government be elected and represent his/her people properly and feel responsible for them?

Similarly, other areas of life depend on having the right to vote and freedom in its use, and women in all these areas, like men, need to have a vote and to freely use that.

7. The Status of Voting Rights for Women in Afghan Society

The people of Afghanistan are Muslims and, according to Islam, are obliged to follow Islamic teachings in all areas of life, particularly in dealing with women and believing in and respecting their rights. However, the treatment of women in Afghan society varies according to regional differences. Women are not treated the same in all areas, as in many rural and suburban areas, women are not given the opportunity to participate in elections and use their vote in electing the president as well as members of parliament and provincial councils.

This is while Islam gives women the right to use their vote in this process, just as women in the early days of Islam pledged allegiance directly to the Messenger of Allah.

Also, most families do not seek the opinion of girls when their suitor comes to them, and their opinions are not valued at all. The decision of the family, particularly the father and big brother, is the final word in this case, whether the daughter is satisfied or not. Overall, women are not given the opportunity to vote and express their opinion on family matters necessarily, and they are not consulted at all.

¹¹ Surah Ash-Shura, Verse-38

¹² Surah Al Imran, Verse-159

On the other hand, if a woman is constantly oppressed and deprived of her human rights in her husband's house, according to local custom and culture, she does not give herself the right to raise her voice against oppression and demand her rights and free herself from oppression. While Islam has given her this right, as mentioned earlier.

However, this treatment or deprivation of women and girls of the right to vote and opinion is not the same in rural areas, there are many families who treat married girls and women like urban families, and the votes and opinions of married girls and women are valued. In urban areas, dealing with women is more appropriate and logical than in rural areas and relatively compatible with Islam. In most urban families, married girls and women are given the opportunity to participate in elections and use their votes. Girls are also given the opportunity, directly or indirectly, to choose and express their opinion during courtship. Therefore, unlike in rural areas, in most urban families, women's and girls' opinions and positions are respected and taken into consideration in social and family issues.

While the people of Afghanistan are Muslims and their social and family attitudes and approaches must necessarily be subject to Islamic teachings, the customs and traditions of the past have remained in this land and have been passed down from one generation to another, as it has become so valuable to many people to the degree that they do not value the teachings of Islamic law against it, and even consider the behavior and treatment resulting from their traditions as Islamic, and consider opposition to it as even opposition and disobedience to Islam.

8. Conclusion

After studying the early days of Islam regarding this issue and the guidance of the Prophet Muhammad (PBUH) and studying the customs and traditions of the Afghan society regarding women's right to vote and express an opinion and its use by them in various fields, we can conclude the following results:

- ✓ Islam has given women the right to vote and express an opinion, and they can exercise it freely when needed.
- ✓ In the early days of Islam, women practically used their votes and opinions.
- ✓ The Prophet Muhammad (PBUH) consulted women, and women expressed their opinions in the presence of the Messenger of Allah (PBUH), as their views and opinions were respected.
- ✓ The companions of the Messenger of Allah, following the actions of the Prophet (PBUH), gave women the right to vote and express an opinion, respected their views and did not stifle their voices.
- ✓ Women, like men, need to have a voice and be free to use it to meet their needs, address problems, and fulfill their responsibilities.
- ✓ The treatment of this right is different in Afghan society; in many rural areas, women do not have the right to vote and express an opinion, as women cannot freely use their votes and views. But in most Afghan cities, women are allowed to vote and have the right to vote.

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