

Polygamy Practice of Bangkok Muslims: Rationality of Islamic Law, Problems and Solutions

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Abstract— The purposes of this study are 1) to study the principles and interpretation of Islamic law that allows husbands to have more than one wife (polygamy) 2) to study the difficulties and consequences of having more than one wife of Muslims in Bangkok, as well as finding solutions to the problems following Islamic doctrines. This qualitative research collected data by using documentary research and in-depth interview. The participants were five Muslim families with more than one wife in Bangkok being intensively interviewed.

The results revealed that

1) Islam is a religion that defines various provisions to humans based on reason and wisdom. This also includes the reason of Islamic law that has been allowing the husbands to have more than one wife. In which humans can comprehend and grasp the true essence of those reasons. However, to apply them accurately, they must rely on a thorough study of religious principles and objectives.

2) Five difficulties facing by Muslim men who are polygyny in Bangkok are 1) the problem of the wife's complaint towards the husband, e.g. the complaint about justice, paying maintenance (nafaqah), housing, having private time, and caring for children 2) the problem of jealousy of wife 3) The problem of the quarrel between children born with a different wife and 4) financial and economic problems in the family.

Keywords— Having more than one wife (polygamy), problems in the Muslim family, rationality in Islamic law.

I. INTRODUCTION

All praise and thanks are Allah's, the Lord of the Worlds, who lays the foundations of Islamic jurisprudence as a way of living for humanity, who creates all things on this earth in pairs, who stipulates a marriage between a man and a woman to preserve the human races and Islamic nation, who allows husbands to have more than one wife to solve problems occurred among humans and in the society. As He says in the Qur'an:

"Then marry (other) woman of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly (with them), then [marry only] one or (the slaves) that your right hands possess. That is nearer to prevent you

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from doing injustice"

(An-nisa: 3)

In addition, aside from the scriptures that have been mentioned about allowing a husband to have more than one wife, Prophet Muhammad (peace be upon him) also said:

"In truth, part of the signs of the Hour is that the religious knowledge is taken away. Ignorance will prevail. Fornication (zina) shall occur in great numbers. Drinking alcohol is abundant in society. The number of men will decrease, whilst the number of women will increase, until for every man there are 50 women. (Narrated by Al-Bukhārī: 3/389)

Such Islamic principles make the researchers interested in conducting the study on this issue which is "Having More Than One Wife: Rationality of Islamic Law, Problems and Solutions." Hence, several Muslim men in Bangkok were selected to be participants for this case study. Since in Bangkok, people, in general, consider them (polygamies) as a person who has been very self-gratification and seize on their sexual desire without really emphasizing the actual reasons for Islamic law. Besides, plenty of family issues of Muslims in Bangkok are regarding this matter as well. These all promote the researchers to be more attracted to conducting the research, describing the principles and rationalities of having more than a wife in Islamic law, as well as learning deeply about their problems and suggesting them to solve the problems following the Islamic law. The results will give the society a full understanding of the issue and this study can be used as a framework for solving the problems correctly..

II. RESEARCH OBJECTIVES

1. To study the principles and rationalities of Islamic law in allowing the men to have more than one wife.

2. To study the problems and consequences of being a polygamist of Muslims in Bangkok, as well as finding the solutions to the problems following the principles and the methods of Islamic Law.

A. Research Methodology

This qualitative study gained the data by using documentary research and in-depth interview by choosing to interview Muslims from five families in Bangkok whose researchers are familiar with to acknowledge about their complications.

1. Documentary research: The various verses are compiled

from the Holy Qur'an, and the Qur'an with translations and traditions of Prophet Muhammad in the Book of Al-Hadith related to polygamy was also compiled. Besides, the information was gathered from books on Islamic jurisprudence and the objectives of Islamic provisions relating to the families and including related research.

2. In-depth interview: The researchers chose to interview Bangkok Muslim families with more than one wife whose researchers have been intimate relationships. To bring accurate insights, the interviews and data collections are separated into two parts. Part one is an interview with the husbands and the second part is an interview with the wives. Afterward, compile the five most common problems in those families and continue to find a solution to the occurred problems.

III. RESULT AND DISCUSSION

A. Findings

Having more than one wife under Islamic law is that the husband marries another wife, all of which are under the supervision and care of the husband during the same period. Therefore, if the husband remarried after the divorce or the death of the first wife, it will not be counted as having more than one wife, according to the principles of Islamic jurisprudence (Khālēl: 9). Islam considers having more than one wife as permissible under the principles of Islamic law as the evidence could be seen in the Qur'an and Al-Hadith. In the Qur'an, there are only two verses stated about this matter (Ali wānēēs: 5); the third verse in Surah An-nisa.

“Then marry (other) woman of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly (with them), then [marry only] one or (the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.”

(An-nisa: 3)

And 129th verse in the same Surah.

“You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much (to one of provision) so as to leave (the other) hanging (i.e. neither divorced nor married). And if you do justice, and do all that is right and fear Allah (s.w.t), then Allah (s.w.t) is ever oft-forgiving, most of merciful.”

(Annisa: 129)

Besides, it has been also a tradition of Prophet Muhammad (pbuh) has mentioned regarding this matter.

“From Giz bin Al-Harith, he said to me ‘I have converted to Islam and I have eight wives’ I, therefore, told this story to Rasulullah S.W. Then he said, ‘Choose only four of them.’” (Narrated by Abū Dāwūd: 2/272)

According to the verses from either Al-Qur'an or the Prophet's tradition, it shows that having more than one wife (polygamy) is allowed in Islamic law.

IV. THE RATIONALITIES IN ISLAMIC LAW OF ALLOWING FOR POLYGAMY PRACTICE

The reasons that allow husbands to have more than one wife in Islamic law can be divided into two main reasons (Abdūllāh: 516), including,

1. The reason that is directly related to a husband and wife, without outside involvement.

2. Reasons related to social conditions.

1) The reason that is directly related to the husband and wife, which is not related to other conditions are:

1.1) Having more than one wife to have the descendants: Having the offspring is the primary purpose of marriage. Without any doubt, having more than one wife to have a child will appear when the first wife is sterile or there is a prohibition for a wife not being able to be pregnant due to her health condition. Islamic law does not allow adoption since it is considered a theft of other's descent and doing unjustly towards a child's parents. For this reason, Islam allows husbands to have more than one wife as a solution to the problem of having children in the offspring. The pearls of wisdom (*hikmah*) behind this prohibiting by the Islamic law associated with the adoption are the following (Al-shāmē: 59):

1. Adoption brings forbidden (*haram*) to what permitted (*halal*): including looking at the ornament (*aurah*) of a person who can be married, such as looking between an adoptive mother and an adopted son.

2. Adoption leads to a prohibition on religious permits: such as the marriage between an adopted child and the adoptive parent.

3. Adopting children is unjust in terms of heritage ratio for an heir apparent of the guardian: That is if the adoptive parent passes away, the inheritance will be divided for an adopted child which is unjust in terms of ratio for the heir apparent of the guardian.

1.2) Having more than one wife (polygamy), due to the inability to divorce the first wife who is a close relative to himself: Among several Muslim families that already have a harmonious relationship to each other have preferred to arrange a marriage between their son and their daughter. Some people have been thinking that by doing this, they can strengthen the relationship between two families or to preserve the inheritance of the family. “if dating or marrying among the relatives, the money will not go anywhere else”. However, this causes a problem when the parents arrange the marriage without asking the voluntarily from their son or their daughter. If after marriage, the husband has no love or has not dated with the arranged wife before, he is also not being able to divorce his wife because it will lead to quarrels among the relatives. Therefore, in this case, Islamic law allows a man to practice polygamy for compensating divorce and for maintaining the relationship among the relatives either.

1.3 Having more than one wife due to the reason that the husband is in love with another woman. However, he is unable to divorce the first wife because it (the divorce) might affect

the children: At the beginning of the marriage, the relationship goes smoothly. But after a certain period, their relationship might have changed. In which, the husband develops a love for another woman and is unable to divorce his first wife. It might be because he is afraid that the divorce would directly impact their children; they might become a child without a father, and lacking warmth. Hence, Islam permits husbands to have more than one wife to avoid further consequences that may affect the children's mentality.

1.4 Having more than one wife to fulfill sexual pleasure: To seek happiness is one of the first goals of marriage. Naturally, sexual intercourse is one of the top priorities of living with a partner. So, a wife must meet her husband's needs when it comes to this matter. But when a husband is a person with a high sexual desire, the wife is unable to meet the needs of the husband. For instance, the husband cannot tolerate during a wife's menstrual period; the normal period that most women have menstruation is between 3-7 days (Al-sārtāwē: 342). If a husband is unable to endure during that time, it can be led to commit an offense which is against the religious principles, such as fornication. Then, Islam allows a husband to have more than one wife to fill himself in the pursuit of sexual pleasure.

1.5 Having more than one wife with the reason that the wife is unable to perform the duties that should be done to the husband: When the wife loses the ability to perform the duties that should be done to the husband. For example, having an illness that cannot serve her husband or even being sick and not ready to respond and treat the husband beautifully. Then, how will the husband solve the problem? If he divorces his wife, he will be blamed as selfish. The society will consider him refusing to share the sufferings with the wife. Therefore, Islam permits a husband to have more than one wife to ease the obligations of the first wife (Abdū al-nāsīr: 24).

2) Reasons related to social conditions

2.1) Having more than one wife due to economic and security reasons: Some Muslim societies and families have many businesses, either movable property or real estate. Therefore, it is necessary to employ a lot of personnel to manage those works, especially when the husband does not trust any person except the family members. For this reason, Islam permits the husband to practice polygamy because having more than one wife results in having many children. Consequently, the husband can order his wives and his children to run their family affairs (Al-yāsīn: 440).

2.2 Having more than one wife to help and solve problems for humankind: It can be seen clearly as a role model from an action of Prophet Muhammad (pbuh) that he had married Saudah Binti Zam'ah and the reason for marriage was because her husband named Sakran Al-ansori had passed away. Plus, she had no relatives left except her father while her father was *Mushrik* (one who associated partners with Allah (s.w.t)). Therefore, the Prophet (pbuh) married her because he was afraid of enemies, on the *Mushrik* side, would harm her. Henceforward, having more than one wife due to this

condition is called marriage for the sake of helping and solving the problem for mankind (Abdū al-nāsīr : 60).

2.3) Having more than one wife to balance the male and female population: Considering the present situation, it is found that the number of women is considerably greater than the number of men. And this phenomenon is under the words of the prophet (pbuh) which had expressed more than 1400 years ago. He uttered that:

"In truth, part of the signs of the Hour is that religious knowledge is taken away. Ignorance will prevail. Fornication (*zina*) shall occur in great numbers. Drinking alcohol is abundant in society. The number of men will decrease, whilst the number of women will increase, until for every man, there are 50 women (Narrated by Al-Bukhārī: 3/389).

Hence, Islam permits a husband to have more than one wife to balance the female and male inhabitants as well as increasing the population of the Islamic nation.

V.CONDITIONS OF HAVING MORE THAN ONE WIFE (POLYGAMY)

Islamic law scholars have divided the conditions of having more than one wife into only two main conditions (Al-sābīāē: 114).

1) Justice for wives: Islamic law scholars have analyzed the following two verses from the Qur'an: the first verse is stated in Surah An-nisa in which Allah (s.w.t) says that:

"...But if you fear that you shall not be able to deal justly (with them), then [marry only] one..."

(An-nisa: 3)

And the second verse is the 129th in Surah An-nisa as well, Allah (s.w.t) reveals that

"And you will never be able to do perfect practice between wives, even if it is your ardent desire, so do not incline too much (to one of them) so as to leave the other hanging, and if you reconcile and have piety, then surely Allah is Oft-Forgiving, Most Merciful."

(An-nisa: 129)

From the verses above, Islamic law scholars have concluded that justice towards wives can be divided into two categories (Abdū al-sālām: 320).

1.1) Justice caused by external factors: The husband must be doing justly towards the wives for all external factors that are tangible and touchable such as paying maintenance (*nafaqah*), housing, care, and so forth since the external factors are the responsibilities every husband being able to do fairly. Therefore, if a husband who has more than one wife cannot comply with this condition, Islamic law scholars consider that as sinful.

1.2) Justice caused by internal factors: Internal factors refer to every psychological matter that cannot be seen and touched such as love, exultation, fascination, and so on. For these internal factors, Allah (s.w.t) grants forgiveness. To support, Tabri, who is an academic in the interpretation of the Qur'an explained the second verse above as "there is no definite possibility that a man will be able to impart justice to his wives

in his heart, even if he cares and tries greatly” (Al-Ṭābrī: 4: 312). If a man can maintain justice internally, definitely the best human being like the Messenger of Allah (s.w.t) would probably love his wives equally. The prophet Muhammad (pbuh) asked Allah (s.w.t) for this matter by saying:

“Oh Allah, this is my division of what I have (external factors that can be divided), thus, please do not blame me for dividing (love), which only you can control it”.

(Narrated by Al-dārimī: 3/1416).

2) The ability to take care of the wives and children: Husband with more than one wife is necessary for him to be able to look after his wife and the children. One of them is paying an adequate amount of maintenance (*nafaqah*) to them since it is their right to receive it from the husband and the father according to Islamic law. For maintenance (*nafaqah*), Islamic jurists have divided into two main categories (Abdūllā: 5).

2.1 *Nafaqah* in terms of materials: It is such as money, clothing, apparel, shelter, and other things that are physically touched.

2.2 *Nafaqah* in terms of treating wives and children: Husbands must advise and teach their wives and children to live their lives in the way of Islam properly since those wives and children are directly the duty of the husband to take responsibility for them.

Therefore, if the husband is defective and neglects the wives and children towards *nafaqah* as mentioned, it is considered that the husband is guilty according to Islamic law.

VI. PROBLEMS OCCURRED IN MUSLIMS POLYGAMOUS FAMILIES IN BANGKOK AND THE SOLUTIONS ACCORDING TO ISLAMIC PRINCIPLES

Based on the interviewing session of Muslim families in Bangkok that have been practicing polygamy, the researchers found as follow:

1) Arguments between the wives and their husbands: This is happening in almost every Muslim family if their husband is practicing polygamy. Parts of the common issues in the families are complaining about the justice of the husband, paying *nafaqah*, accommodation, having private time, and taking care of their children.

VII. SOLUTION TO THIS PROBLEM ACCORDING TO ISLAMIC PRINCIPLES

When a quarrel between wives and husbands happens, the main reason that the researchers discovered is lacking communication between the wives and husbands and not trying to adjust their attitudes towards each other. Each person has their ideas and has high self-confidence. Hence, Islam has, therefore, laid out a way to solve those problems that is “Syura” (a discussion based on the correctness of the Islamic principles), Allah (s.w.t) states in the Qur’an that:

“...And they gather amongst each other to conduct their affairs by mutual consultation...”

(Assyura: 38)

According to the above verse, Allah (s.w.t) commands his servants to have discussions in various affairs, regardless of what affair, especially family matters. This is because family discussions reflect on showing respect towards each other, which is the most excellent and the best way to solve problems. It is something that leads all parties in the family to understand each other. Therefore, families with only one or more wives should adhere to these principles as a precaution in preventing and solving family problems. For instance, a direct discussion on how to pay the suitable amount of *nafaqah* to each wife, how to provide the accommodation to each wife properly, how to manage the time to each wife if there is one of them is on her period, and how to take care of the children born with different wife to eliminate the quarrel between the wives and the husband. This is because those matters are one of the major family problems, it might lead to a bigger problem in the future (Fāyḍūl hāq: 102).

2) Jealousy problems among wives: Having more than one wife has a huge impact in terms of jealousy among wives because having more than one wife is equal to a blaze of fire in the middle of the wives’ hearts. This is because the husband has shared his love with other women. Hence, it is vital for the husband to learn and understand the wives. Wives’ jealousy is normal. It indicates their love, care, and desire toward their husband. Islamic jurists have divided jealousy into two types: 1) Jealousy which allowed by Islam: is normal and non-extreme jealousy which does not cause any issues within the family, 2) Jealousy which is not allowed by Islam: is abnormal and extreme jealousy which can lead to family problems and can cause harms to the family (Al-Shahawi: 87). The husband needs to observe their wives whether their jealousy falls under which category of jealousy. If it falls under the second category, the husband needs to find a solution and solves the problems for his wives.

VIII. SOLUTION TO THIS PROBLEM ACCORDING TO ISLAMIC PRINCIPLES

The researchers have interviewed five families within Muslim society in Bangkok that the husbands have more than one wife. The interviews show that there is a matter of jealousy among their wives which is the first category of jealousy. For instance, the wives have feelings of being neglected by their husband, sad, and they do not want their husband to visit and spend overnight with another wife. All those symptoms of jealousy are understandable and have no harm to others. According to Islam, when jealousy happens in the heart, it leads to sadness. Therefore, Islam encourages people to eradicate their desire in both body and heart by turning back to Allah (s.w.t) such as reciting Al Qur’an, praying Sunat (commendable praying) in the night time, learning about ethics and learning on the way to satisfy husband according to principles of Islamic law. Turning to Allah (s.w.t) can cure the heart from jealousy and enviousness (Faydul haq: 42).

3) Quarrels among children who are born with different mothers: when the husband has children who are born with different wives and when the children grew up until they know and understand life, those children are going to compete with each other so that it benefits their mother and to be the most beloved child in the eyes of their father.

IX. SOLUTION TO THIS PROBLEM ACCORDING TO ISLAMIC PRINCIPLES

When disputes among children who are born with different mothers happen, the first thing the husband needs to solve is trying to understand the mother of the children since most children receive information and thought from their mother. Besides, the children seem to obey their mother rather than others. As the researchers, we think that the husband should start to solve the first problem which is the mother, and the next which is the children. Once the first problem is solved, the second one will be solved too. Islamic jurists stated that everything determined by Islam is the most comprehensive and secured. In the light of having more than one wife, if the husband follows conditions which determined by Islam, in which the husband giving equal justice to all wives and children as well as taking care of them by teaching and advising them, all the problems are surely not going to happen (Albikti:114).

4) Financial and economic problems in the family: the financial problem is a big issue in Muslim families in Bangkok, no matter the husband of each family has one wife or more than one wife (polygamy). One of the families that have been interviewed said that "In the beginning, he thought that finance is not important, and it is not everything to live a life as husband and wife. It is only a fragment of life. Instead, the love which husband and wife have to each other is important." However, once he has more than one wife (polygamy) and has more children, he found that asset is one of the keys which will lead the family to happiness in the future. Among the five families that have been interviewed, there are three families in which the husbands have more than one wife. And the financial condition of those three families is not that good. The husbands work so hard to find some income for their wives and children. The result is that income is not enough until the wives need to borrow some money from their parents.

X.SOLUTION TO THIS PROBLEM ACCORDING TO ISLAMIC PRINCIPLES

Mostly, the financial problem of a family whose husband has more than one wife been a result of being careless in spending money and having no plan to prioritize the spending. Therefore, Islamic jurists encourage people to make financial planning to prioritize family spending as following (Al-yubee: 304).

1) Al-Daruriyat means all important things in life which are relevant to four requisites such as food, clothes, shelter, medicine, and so on. All families give their priority to all these

things since they are directly relevant to their daily life.

2) Al-Hajiyat means all important things after Al-Daruriyat. However, things are not relevant to four requisites such as vehicles. It is important but not at the same level as the first one (Al Daruriyat). It might mostly be used in daily life.

3) Al-Tahsiniyat means everything which fulfills Al-Daruriyat and Al-Hajiyat such as having delicious foods, wearing brand clothes, staying in beautiful and luxury places, etc. On the other hand, all the mentioned items are not necessary for daily life. Above is the way to prioritize spending according to Islamic jurists. Comparing those priority orders from Islamic jurists to Muslim families that have more than one wife in Bangkok, it is found that they have no right plan to prioritize their expenses. Some families give their priority to the third one rather than the first one in order to keep their social image, etc. Besides, Allah (s.w.t) has warned His servants on this matter in the Al-Quran as the following:

"...and do not spend wastefully. Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful."

(Al-Isra: 26-27)

If the family which has more than one wife has complied with the above methods but they still have insufficient income, it is allowed for the wives and children to work to help their husband/ father to increase the family income since the family is a group of people who share not only happiness but also sadness in every stage of life (Al-qadi: 199).

XI. DISCUSSION ON RESULTS

According to the finding of this research concerning Islamic principles and provisions on permission to have more than one wife, by using in-depth interview asking about problems that occur to the Muslim families in Bangkok, the finding can be discussed as the following:

1. Islam is the religion which determined several provisions for human with reason and wisdom, including reason in the light of Islamic law which allows a male to have more than one wife (polygamy), whether reasons which is directly relevant to the husband and wife or which is relevant to the environment. However, in practice, the reason for those husbands who want to have more than one wife is always to fulfill their desire, without any consideration of Islamic law and the consequences in the future.

2. Islam has determined comprehensive conditions for those who want to have more than one wife. The conditions are having the ability to provide his wives with justice and the ability to take care of the wives as well as children. On the other hand, in real practice, the husband is unable to provide his wives with justice on both external and internal factors. Moreover, the husband is unable to take care of his wives as well as his children, especially on the matter of finance and economy of the family. However, most of the wives have given their compliance with this matter. Besides, the wives and their children work together to assist the husband to sustain the

family expenditures.

3. The problems that happen due to having more than one wife (polygamy) among Muslims in Bangkok are the result of the husband's inability to comply with conditions which determined by Islam including having no effort to learn and understand any details about it. For instance, providing materials and taking care of certain wives and children whom he feels well with only considering that he is the family leader. He has the right and freedom in governing his wives and children. All of these will lead to a huge problem in the future, especially the impact on children. Although the family is the smallest social institution, it is the most important institution in society. If the family institution is good, this will bring to a good society as well since a society consists of many families. And a good society will lead to a good nation in the future.

XII. SUGGESTIONS

1) A male who would like to have more than one wife should ponder before making a decision. He should think carefully about whether he has any reason in the light of Islamic law or not. Moreover, he should ponder about his ability whether he is able and ready to comply with relevant conditions determined by Islam.

2) If those who have more than one wife experience family problems. It is encouraged for them to solve the problems by using Islamic principles. This is because Islam has laid down several provisions, preventions, and solutions. It depends on humans whether to use their wisdom in thinking or not.

3) Relevant Islamic leaders or organizations are encouraged to organize training or arrange seminars to analyze family problems and emphasize suitable solutions by specialized experts.

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