
Social Status of Transgenders in Prophetic Period

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Abstract

This paper presented a thorough review of social status of transgenders in prophetic period in the light of especially Hadith and generally in the light of Quran and Islam. Muslim jurists and scholars say that there is never any such thing as a third gender and that transgender people are either male or female. There is nothing more to this than a medical disability, just like other disabilities. Islam has given transgenders, many rights, honor and prestige. The Ahadith proves the last Prophet Muhammad (PBUH) did not forbid transgenders from engaging in ceremonies related to faith. Today, need is there to understand that transgender people should be treated with respect and they must be allowed to participate in religious practices and acts. Many significant details regarding transgender people are acquired from the Ahaadith source, including the many kinds of transgender people, which ones were permitted entry into homes and which ones weren't, and numerous other similar details. We discuss it in this paper from Quran that transgender person are a creation of Allah Almighty, Ahaadith contains instructions and advice on how to interact with transgender persons. In the religion of Islam, they are not less than anyone else and are simply people with normal human disability. They can contract marriages, own properties and businesses, inherit from their ancestors, job of their own choice, offer prayers and other religious rituals etc. Throughout Islamic history, transgender people have played a very active role and were given honor and respect. In Islamic communities, transgender people served as guardians, instructors, administrators, soldiers, and managers as opposed to engaging in dancing, singing, begging, and prostitution.

Keywords: Transgender, Hadith, Mukhannas, Intersex, Social Status, Prophetic period

I. Introduction

The term "transgender" describes a gender identity issue. It describes the situation where a person identifies as gender and identity distinct from their biological sex. It is brought on by the body and soul's incompatibility and discontent. Although transgender is a term that is becoming more and more common in Pakistan, some refer to transgender persons as "KhawajaSira," "Hijraa," "Kinnar," or "Khusraa." Although there are numerous meanings for the term "transgender," the one used in this study is derived from the Transgender Persons (Protection of Rights) Act of 2018, which says that "a person who is

- (i) Intersex (Khunsa)
- (ii) Eunuch assigned male at birth, but undergoes genital excision or castration; or
- (iii) A Transgender Man, Transgender Woman, KhawajaSira or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth."¹

Being transgender is a sexual disorder or impairment, but it does not imply that the person experiencing it is less human. As human beings, transgender people are entitled to all the legal protections that society and the government grant to regular people. A transgender person's rights cannot be taken away from them because to their gender identity handicap. These people are very sharp with great physical strength and have been appreciated by the religious texts of Islam. Because of their extreme dedication to their relationships, these people are well-liked and incredibly trustworthy. Our ancestors had utilized the skills of transgender people and got many benefits.

TRANSGENDERS IDEOLOGY IN ISLAMIC

Allah Almighty created every human being equal and there is no discrimination at all on the basis of gender or sex in Islam. All the people have equal opportunities and different fundamental rights in Islam, regardless of their religion, age, creed, gender, affiliation, profession or class. Violence has no space in Islam and supremacy of one is only on the basis of taqwa (having fear and conscious of Allah). Allah says in Holy Quran that, "O mankind, indeed, We have created you from male and female and made you people and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted². Quran 49:13" In his last sermon Prophet PBUH said, "All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over a white except by piety and good action."³ The holy texts from the

Quran and the prophetic words of the Prophet PBUH both witness to the fact that there is absolutely no discrimination based on any kind of distinction. There is only one ground and only one standard which makes a person superior and that is to what degree pious he is.

In fact, transgender people are common in all human societies, and they were present in Madina and Makkah as well⁴. At that time they were slaves, guards or army personals and they were not honored and regarded humanly. Following the introduction of Islam, it became necessary to comprehend the responsibilities, position, and rights of these individuals. The process and criteria used to ascertain the gender of such individuals were crucial to comprehend in order to assess their status and define their individual rights. Islamic jurists have distinguished between three categories of transgender people. Their details and procedure to determine their gender is given under

(i) **Transgender Male:**

A male transgender is one of these people who identifies as transgender but who is biologically male. Out of a thousand transgender people, there is only one male transgender. These individuals are extremely uncommon. Such transgenders have very small genitals or sometimes there is no genital at all and because of this reason, these people are not able to marry.

(ii) **Transgender Female:**

A person who is transgender by birth and who possesses Physical characteristics of a woman is considered feminine transgender even though her reproductive system is incomplete. These transsexual people now have feminine features and breasts.

(iii) **Intersex or Khunsa:**

Literally, "khunsa" means "soft" or "flexible." A person who is born with both male and female genitalia or without any genitalia is referred to as a Khunsa. A khunsa's gender is extremely difficult for anyone to determine because he has two genitals.

Transgender individuals can be found in practically every human community. These people were living in Arab cities and communities before the advent of Islam, and they were present in the state of Madina. They were viewed as slaves in Arab countries, as that was their main status in society at the time. Transgender persons just like other weak segments of the society were given their true status by Islam and history of Islam is evident of it. Transgender people are viewed as the curse of God in various countries, cultures, and civilizations around the world. However, Islam teaches us that, unlike normal males and females, transgender people are created by Allah Almighty. Islam has given transgenders, many rights, honor and prestige. According to Islam, they are not less than anyone else and are just like regular people with with some disabilities and not inferior to anybody at all.

They can contract marriages, own properties and businesses, inherit from their ancestors, job of their own choice, offer prayers and other religious rituals etc. Transgenders had enjoyed a very active status in Islamic history and they were treated with respect and prestige. In Islamic communities, transgender people served as guardians, instructors, administrators, soldiers, and managers as opposed to engaging in dancing, singing, begging, and prostitution.

Transgenders Status in Islamic History

During the period of Holy Prophet (PBUH), Transgenders were given the title “Guardians of Harem”⁵ and they used to guard the harems (the place where women and children reside) of the Muslim elites. They were later granted control over Masjid e Nabvi and Masjid Al Haram, and only they were permitted to spend the night in both mosques. In Islam, people who identify as transgender are treated as either male or female and are not seen as belonging to a third gender. These people have the same rights as other people, regardless of gender, and they are obligated to follow the rules and guidelines that apply to both male and female Muslims. Scholars and jurists of Islam have demonstrated in their writings that transgender individuals are either male or female, and that there is no such thing as a third gender. There is nothing more to this than a medical disability, just like any other disabilities.

In many other societies, civilizations and religions of the world, transgender persons have been deprived of their true status and have been humiliated. It is the uniqueness of Islam that it has given a very practicable and effective approach on this issue. Transgender persons enjoyed high positions and ranks in the Muslim religious institutions and they were considered people of utmost trust. They had a very influential and very vibrant role and sometimes they influenced the state decisions, as some of them were very close to the crown and queens. In the book named *Eunuchs and Sacred Boundaries in Islamic Society* written by Shaun Marmon, the writer writes about the visit of a British traveler Eldon Rutter to Madina⁶. Rutter was very surprised to see that how transgender persons were guarding the tomb of Prophet (PBUH). Marmon wrote that transgenders had a very special relation with the tomb of Prophet (PBUH) and this relation was sacred. Rutter in his book named *‘The Holy cities of Arabia’* writes that the reason to appoint transgender persons at the holy place was a religious one. On all the sacred places in the twin holy cities of Islam, women visitors were also gathered and in Islam it is forbidden for a Muslim male to touch any other female who was not his Mahram (a person with whom one cannot marry at all because of their relation e.g. mother and son cannot marry, a female cannot marry another female etc.). This was the reason that

transgenders were appointed on the Mataf, Holy Kaba, and on the tomb of the Prophet (PBUH) to control and administer the women visitors as well as the male Muslim visitors⁷. Carsten Niebuhr wrote that Prophet (PBUH) had many treasures and to guard them, forty transgenders were employed, as transgenders did not have any greed or temptation to steal anything from the treasures, as they did not had any decedents⁸. The trend to employ transgenders for the protection of administration of sacred places became very popular and the same practice was done on the other sacred places and these places included the tomb of Hazrat Ali (RA) in Najaf, the Dome of Rock in Jerusalem, Aqsa Mosque in Jerusalem, the tomb of Imam Hussain (RA) and other martyrs of Karbala in Iraq. During the reign of Mamluk Sultanate, transgenders were employed to protect the tombs of Hazrab Abu Bakkar (RA) and Hazrat Umar (RA)⁹. Mamluk Sultanate sat another trend by appointing transgenders in the imperial court of Cairo¹⁰. Previously this practice was found only in the imperial courts of Ming Dynasty of China¹¹.

SOCIAL STATUS OF TRANSGENDERS IN QURAN O HADITH

Transgenders in Context of Holy Quran

The Quran is the holy book of Allah Ta'ala, delivered to the last prophet Muhammad (PBUH). Not a single word in the Quran has been altered or lost; it is the exact words of Allah. In order to understand the fundamentals of Islam, the Quran is the most crucial source. It is also the most vital source to take into account when attempting to comprehend Allah Almighty's directives and instructions. The quran is special and beautiful because it is a book that can be read by men and women, young and old, literate and illiterate, and in short, it is a book of instruction for all people, wherever in the world, at all times. As stated above, Islam has given rights to every living being and living creature. The principles underlying Islamic law are very clear about human rights. Transgender people have undoubtedly received numerous rights indirectly from Islam. They are entitled to all the same rights in society as other regular Muslims. They can become teachers, trade, conduct prayers, perform the Hajj, and more. Islam accepts transgender people as normal human beings, not as a cursed creature, in contrast to other nations and cultures. Six thousand, six hundred and sixty-six verses make up the Holy Quran, but not a single one of them specifically addresses the rights and status of transgender people. This is not a drawback of The Holy Quran in fact and it is irrational to criticize it on this ground. The way that transgender people are treated in Islamic teachings is the same way that regular men and women are treated. Being a transgender is not a curse but a disability just like any other disability. It is important to remember that while children are born with visual and hearing impairments, the Quran does not mention these conditions particularly since persons with disabilities are still

considered to be human beings with all the rights to respect and dignity in society. The same analogy holds true for transgender individuals. Although there are some verses from The Holy Quran, which reflects some implied guidelines related to transgenders. Some of them are the following. Allah says in Chapter 3, Verse 6, of The Holy Quran,

“It is He who forms you in the wombs however He wills. There is no deity except Him, the Exalted in Might, the Wise.”¹²

The verse above makes it extremely evident that Allah Almighty is the one who shapes and determines a person's gender while they are still in their mothers' wombs. He is the one for whom all humans are created. Transgenders are the creation of Allah Almighty and not a cursed creation. All the qualities, defects, physical characteristics, and intellectual capabilities are the blessings from Allah. Almighty Allah says, in chapter 42, verse 49 and 50, of The Holy Quran,

“To Allah belongs the dominion of the heavens and the earth; He creates what he wills. He gives to whom He wills female [children], and He gives to whom He wills males or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent.”¹³

Allah says in the above verse that it is the will of Him only to select the gender of a living thing. It is not the sins of parents or the transgender baby that he is a transgender. The concept is present there even in the modern societies that birth of transgender person is because of sinful activities or a previous sin of his or her parents and such birth is a mode of punishment and curse over them. In Surah Al Noor (chapter 24 verse 31 of Quran) Allah says,

“And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears there of and to wrap [a portion of] their head covers over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women.”¹⁴

This verse directs the Muslim women to make sure their veil and clothing of private parts and other parts of the body, which may arise attraction. In the same verse, exceptions are also given and women are not bound to veil their adornments before above said male relations. In the above verse the words “or those male attendants having no physical desire” are interpreted and understood as transgender people by Muslim jurists (“Fuqahaa”).

Interpretation of Quranic Verse

Interpretation of Quran has been so challenging for the jurists and scholars of Shariah law. As mentioned above that there is no explicit verse

available in Quran, which discusses anything, related to transgender people. All the major school of thoughts are agreed that reason for not discussing the issues of transgender is that Islam does not treat them as a third gender, but Islam treats transgender persons as an ordinary male or ordinary female. The word 'both' in the line, "*or He makes them [both]*" of Verse 49 of surah Al Shurah is interpreted by majority of the Islamic scholars that this word i.e. 'both' in this verse means male and female. By saying this, we get an interpretation that Allah gives female child to whom He wills and he gives male child to whom He wills and it is Allah who gives both male and female children to whom He wills. Although some modern jurists present the other side of the picture and say that the word 'both' means that Allah combines male and female i.e. a transgender. Although this interpretation is not accepted by the majority of Muslim scholars. Similarly, in the fifth verse of Surah Al Haj, an explanation of different stages of sperm and genes in the woman's body is given i.e.

"O People, if you should be in doubt about the Resurrection, then [consider that] indeed, we created you from dust, then from a sperm-drop, then from a clinging clot, and then from a lump of flesh, formed and unformed - that we may show you."¹⁵

In this verse the words formed and unformed must ne be taken literally, but essence of these words should be considered. The Arabic word used for word 'formed' is 'Mukhalaqa' and it means complete and for word, 'unformed' Arabic word 'Ghair Mukhalaqa' is used. 'Ghair Mukhalaqa' means incomplete. It means that 'lump of flesh' has two types, first is complete and second is incomplete and it is Allah Almighty certainly who decides that a flush should be complete or incomplete. An incomplete flush results into a transgender person. All the verses from Quran only gives one meaning that all the children, male, female or transgender are born with the will of Allah but Quran does not contain any verse which expressly states the rights and status of transgender persons. Some of their rights are found in the Ahadith of Prophet (PBUH) and in the interpretation of Muslim jurists.

Transgenders in Context of Ahadith

Hadith means the things that are related to Prophet (PBUH). Ahadith are very important source of Shariah Law and it is impossible to understand and extend the Shariah law without having the knowledge of Ahadith.¹⁶ Quran contains the very words of Allah Almighty. Allah has guided the human beings through Quran and there are many commands and directions present in the Quran for the human beings. It was very difficult to understand the directions and commands of Allah Almighty and that is why Allah sent his messengers to teach the human beings. For Muslims Prophet PBUH was a practical form of Quran. Prophet PBUH taught his companions the directions

and commands of Allah Almighty by practically obeying and following those commands and directions. It is obvious and certain for a human being to feel it difficult to understand Quran but reading Ahadith, makes the job easy.

Hadith has following three kinds,

- 1) **Hadith Qauli**
- 2) Means the sayings and speeches of The Holy Prophet Muhammad PBUH.
- 3) **Hadith Fayili**
- 4) Means the actions and deeds done or performed by The Holy Prophet Muhammad (PBUH).
- 5) **Hadith Taqreeri**
- 6) Means the actions or sayings, which were done before or in the presence of Prophet Muhammad PBUH, but Prophet PBUH did not show any disgrace or displeasure to them and by doing this gave an implied consent and validate such sayings or actions.

Ahaadith related to transgenders

The text of Quran is in both implied and express narration. Normally implied narration needs interpretation but in case of Quran, express narration needs to be interpreted oftenly. Holy Prophet PBUH was a practical form of The Holy Quran as his whole life was according to the directions, teachings and commands of The Holy Quran. Therefore, Ahaadith are the second most important source and tool to understand the Islam and teachings of Quran particularly. Without Ahaadith, one cannot access the spirit behind the text of Quran and it is very difficult to understand its true meanings. Fortunately, there are some Ahaadith, related to transgender persons, found in different books of Ahaadith.

From Sunan Abi Dawud, Hadith number 4928, it is reported that the companions brought a person before Prophet PBUH. They told Prophet PBUH that captured person was in similitude of women. Companions asked Prophet PBUH the permission to kill him, but Prophet PBUH refused and ordered the captured man to leave Madina. When companion asked again, Prophet replied that he could not kill a worshiper of Allah. This event from the life of Prophet PBUH shows that how much Islam is sensitive when it comes to humanity.¹⁷

From Sahih Al-Bukhari, Hadith number 5887, it is reported from Umme Salma (RA), wife of Prophet PBUH that I was sitting with my husband Muhammad PBUH. A transgender, who used to work in our home, was explaining with joy to my brother Abdullah the beauty and attractive physique of the women of Ta'if. On listening this, Prophet PBUH directed us to abstain that transgender to enter in our house again as he had a desire

towards women. The name of that transgender was Haiy'yet and according to some, his name was Mughees and he was banished from Madina city. Later during the period of Hazrat Umar (RA), he requested Hazrat Umar (RA) to let him enter in the city of Madina, as he became very old and weak. Upon his request, and his weak financial and physical condition, Hazrat Umar (RA) allowed to enter in the city of Madina.¹⁸

The transgender people were very loyal and trustable slaves and servants during the period of Muhammad PBUH, but the people who had desire towards women were not allowed to serve or enter in the houses and even Muslim women were directed to take veil in front of them.

From Ibn e Maja, Hadith number 2613, it is reported that a person named Umro Bin Mara visits Prophet PBUH. Umro seek permission from the Prophet to sing and dance to earn livelihood. He requested that he would sing and dance in a way that would not be in appropriated. In that time some men used to wear female clothes for dancing. Prophet PBUH restrained Umro Bin Mara strictly to do such an act.¹⁹

From Sunan Abi Dawud, Book 42, Number 4910, it is reported that a man from Madina colored his hands and feet with henna (an herb that leaves red color) was brought to the Prophet by the companions. Prophet PBUH asked from the companions that what was the matter with that man. He was told: Prophet of Allah, he had adopted women's get-up. Prophet PBUH ordered to banish that transgender to An-Naqi' (a place outside Madina). The companions asked: Prophet of Allah, should we not kill him? He said, "I have been prohibited from killing people who pray". Abu Usamah said, "Naq is a region near Madina and not a Baqi (in other words not referring to Jannat al-Baqi' graveyard).²⁰

The above hadith shows that the last Prophet Muhammad PBUH, has prohibited even the killing of those men who imposter themselves and express themselves as women. Prophet Muhammad PBUH does not restrain him from religious practices and rituals rather Prophet PBUH canceled his sentence only because he was a worshiper of Allah. Today, need is there to understand that transgender people should be treated with respect and they must be allowed to participate in religious practices and acts. There religious freedom must be guaranteed. From the source of Ahaadith, a number of important things related to transgender persons are gathered e.g. types of transgender, how to determine their gender, which transgenders were allowed to enter into houses and which were not and many other similar things. As we discuss it already that from Quran, we only reach to a unanimous conclusion that transgender person are a creation of Allah Almighty. Now it is concluded that directions and guidelines to treat with transgender people are found in Ahaadith. The third most important source

to understand Islam is Ijma. Ijma is the consensus to Muslim jurists over a question of law which cannot be found in Quran and Ahaadith expressly. There are many ijmahs related to transgender persons and these ijmahs played a key role to determine and to improve the rights and status of transgenders in the Muslim societies. Ijmah is the third primary source of Islamic Law and all the Sunni and Shia schools are agreed on this source.

CONCLUSION

According to Islamic point of view, transgender person is either a male or a female and there is no concept of third gender at all. This is a medical disability just like any other disability and nothing else. Islam has given transgenders, many rights, honor and prestige. The Ahaadith shows that the last Prophet Muhammad PBUH does not restrain them from religious practices. Today, need is there to understand that transgender people should be treated with respect and they must be allowed to participate in religious practices and acts. From the source of Ahaadith, a number of important things related to transgender persons are gathered e.g. types of transgender, which transgenders were allowed to enter into houses and which were not and many other similar things. As we discuss it already that from Quran, we only reach to a conclusion that transgender person are a creation of Allah Almighty. Directions and guidelines to treat with transgender people are found in Ahaadith. In Islam, they are just like ordinary human beings with some disabilities and not inferior to anybody at all. They can contract marriages, own properties and businesses, inherit from their ancestors, job of their own choice, offer prayers and other religious rituals etc. Transgenders had enjoyed a very active status in Islamic history and they were treated with respect and prestige. Unlike dancing, singing, begging and prostitution, in Islamic societies transgenders were protectors, tutors, administrators, soldiers and managers.

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