

## Comparative Analysis of the Status and Rights of Women and Slaves in Pre-Islamic Arabia and During the Era of Prophet Muhammad (PBUH)

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### Abstract

A society, where women and slaves were often little more than commodities, emerged a revolutionary wave of change that would alter their destinies forever. Such was the fate of the Arab world where women who were considered passive members of the society were used and seen by men as their servants or even worse- unwanted elements of the society. This ingrained sense of domination and oppression led to mass female infanticide, burying baby girls alive, no right to claim any right and their existence was at the sweet will of men. Slaves on the other hand were treated no less inhumanly and were bound to their masters with no hope of emancipation. But if one was a female and a slave, “inhumanity” would be a toned-down way to describe their fate. This was the Arab world before the advent of Islam or to better put it down as the “Jahiliya” period. With the advent of Islam and the teachings of Prophet Muhammad (PBUH) the Jahiliya period came to an end and began the era of civilization where women and slaves found an elevated status in the society. This paper provides a critical analysis of both the periods focussing primarily on these two segments of the society and will lay out a comparative analysis examining individually the social, cultural, political, economic and legal aspects that played an important role in determining the conditions of the women and slaves in both the eras. Furthermore, it explores the contemporary implications of these teachings and their impact on the lives of women in today’s world.

**Key words:** *women, slaves, Islam, Arab, conditions, rights*

### Introduction

Society is shaped by the interaction of various forces—a concept understood through hardship by many ancient societies, yet often overlooked even today. A strong foundation of a society is built when all of its pillars are of equal strength, not that each pillar will perform identical function but that the importance is shared equally in its respective area. Such is the structure of the natural society, a society consisting of men and wom-

en. Both the genders are the pillars and serve their respective functions that assist in the growth of a healthy society. To say it more correctly, one cannot run the society without the existence of the other and thus are codependent on each other. Yet the women have been facing a never-ending challenge in realizing their full potential as an important pillar of the society since time immemorial. The patriarchal structure of society was the major factor contributing to the oppression of women and those weaker than men, rooted in the notion that ‘power corrupts, and absolute power corrupts absolutely’ In the absence of regulation or a structured system guaranteeing rights and dignity for all, pre-Islamic Arabia experienced one of the most brutal periods in its history. During the Jahiliya period, no formal legal system existed. Judgments were often made based on personal discretion, with favouritism and corruption frequently influencing decisions. In tribal councils, cases were often resolved in Favor of those with stronger connections or influence. As a result the system rested in the hands of the powerful men and emerged a society where women and slaves were considered to be on the lowest rung of the society and were treated according to their liking without any considerations for their rights, dignity.

The Arabian society before the advent of the Islam was mainly nomadic, thus there were numerous tribes that existed during that time and each tribe could be considered as a separate nation in itself with its own rules and regulations own customary practices own social structure hierarchy norms obligations values etcetera the way these people would treat their women also depended upon the customs and the practices of the tribes certain developed tribes would treat their women a little better than the tribes that would consider women as an economic burden or a potential source of embarrassment with the advent of Islam there was a system of unified law and each of these tribes were now governed by a single law where every woman had an elevated status regardless of her marital status would have her inheritance rights right to divorce and there would be no differences amongst the women of different tribes. Arabian society became governed by a unified legal system based on Islamic values, with the teachings of Prophet Muhammad offering a path toward civilization.

### **Condition of women before the advent of Islam and the Islamic revolution**

Among the Arabs women were just like commodities which could be bought and sold, even worse was the status of rights of the women- they had no social or individual right and so had no right to inherit property. The reason could be traced down to the morbid desire of men to never let women get at par with them and make them submissive and weak. Had

they been in possession of some property or social right the sense of independence would never allow women to serve men.

### **Infanticide**

Usually on account of fear of famine and occasionally dreading embarrassment they beheaded their daughters on the very first day of their birth or hurled them down from a high mountain into a deep valley or, at times, drowned them in water. There is however a difference of opinion as to whether this practice was widespread or was anecdotal or occasional though it is usually considered that different tribes had different customs and practices and so different ways of perceiving the status of women. In pre-Islamic Arabian society there have been instances where male infants were also killed due to fear of famine or poverty, for which the Quran provides this verse:

► Surah Al-Isra Chapter 17, Verse 31 (17:31).

*“Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin.”*

However, the comparative probability of being killed was more for the female infants. The practice of female infanticide in pre-Islamic Arabian society is discussed in the holy Quran as:

► Surah Al-Takvir Chapter 81, Verses 8 and 9 (81: 8-9)

*“When the female (infant), buried alive, is questioned, for what crime she was killed.” (17:31), (6:15)*

► Surah Al-Nahl (Chapter 16), Verses 58 and 59 (16:58-59)

*“When news is brought to one of them of (the birth of) a female (child), his face darkens, and he is filled with inward grief!*

*With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance) the choice they decide on?”*

► Holy Prophet (PBUH) said:

*“Allah has forbidden for you to bury your daughters alive.”*

► When Mu’awiyah asked Mugairah to write him important things Allah’s messenger taught him, he wrote to him and one of those important things were

*“Holy Prophet used to forbid burying girls alive.”*

► The Prophet (PBUH) said

*“The midwife burying and by whom the midwife used to go and bury the*

*baby (The mother) are both from Hell.”*

► It is narrated on the account of Abdullah ibn Abbas (R.A) that Holy Prophet (PBUH) said emphasizing virtues of nurturing daughters, *“Whoever has two daughters and treats them kindly as long as they are with him, or if he stays with them, they will take him to Paradise.”*

► Abdullah ibn Abbas (may Allah be pleased with him) said: The Messenger of Allah (peace and blessings of Allah be upon him) said: *“Whoever has a daughter, and he does not bury her alive, nor does he despise her, nor does he give the boy superiority over her, then Allah will grant him Paradise.*

Since most of the tasks deemed to be important for the sustenance of a tribe of nomads like ability to attack animals, fight as warriors, collect food, was better done by men. Women usually would take care of the house and were vulnerable to attacks and becoming captives which could lead to humiliation of the tribe, the necessities of the time and survival led to weakened social status of women

There were certain tribes that practiced infanticide relatively more frequently than the other tribes. The reason for which could be different for each tribe. However, the tribes that were warriors such as Tamim practiced more female infanticide out of fear of being enslaved.

Qais ibn Asim, one of the chiefs of Banu Tamim, buried his eight daughters by his hand, as it is narrated that once came to the Messenger of Allah (PBUH) and said: Messenger of Allah! I buried my eight daughters alive in pre-Islamic times. The Prophet (PBUH) said: Free a slave for each of them. He said: I am a camel man. The Prophet (PBUH) said: If you want it, then sacrifice a camel one by one.

It could be that the tribes that were in continuous conflict or lived in harsh terrain were more likely to kill the female infants since women were vulnerable and were not as good as men in matters such as warfare, earning etc. Kindah was a tribe that used to kill female infants out of fear of poverty and insecurity.

It would be incorrect to say that all Arabs practiced female infanticide. This practice varied from tribe to tribe depending upon their conditions or tribal customs. Generally, the father had the full authority over his child including the authority to take his/her life, thus in most cases infanticide was not punished. However, there have been more progressive tribes in pre-Islamic era that considered this practice inhumane. These tribes would generally be the settled and peaceful ones.

## **The Marriage System In Pre-Islamic Arabia**

Since the pre-Islamic Arabian society was largely composed of nomadic tribes which in some way or the other would be at war with each other or involved in petty conflicts, the idea of making one's tribe powerful was of major concern. Increasing the tribe in honour and resources was of primary importance. Men would attack other tribes, protect theirs, collect resources mainly all those tasks which would directly serve the purpose of increasing the power of tribe. Women's role would thus naturally be boiled down to increasing the members of the tribe, reproduce, and increase the power of the tribe. Thus, the family was overshadowed by the tribe, and its formation was left to personal discretion, unless a marriage might hurt the tribe in one way or another. Because of the emphasis on the tribe and the variation of customs, marriage was a flexible, loose institution with no strict, uniformed rules. There would be no restriction on the number of women a man could marry, how he divorced his wife, who would take the responsibility of the woman after the death of the husband etc.

### **These were the forms of marriages that were prevalent in the pre-Islamic Arabia:**

#### **1. Al-Istibda**

A man would say to his wife after she had become clean from her period. "Send for so-and-so and have sexual intercourse with him." Her husband would then keep away from her and would never sleep with her till she got pregnant from the other man with whom she was sleeping. When her pregnancy became evident, he husband would sleep with her if he wished. Her husband did so (i.e. let his wife sleep with some other man) so that he might have a child of noble breed.

This type of marriage shows that a woman was important only for reproducing strong offsprings or more correctly strong tribe members.

#### **2. Marriage by Consent**

This type was like that of the present day, i.e. a man asks the hand of a woman from her guardian or her father, and he gives Mahr (dowry) to her and then he marries her. This was usually an agreement between the man and the woman's family. If the husband was from another tribe, the woman often left her family and found a permanent home in her husband's tribe. The tribe which received the woman kept her children, unless there was a special contract to restore the offspring of the marriage to the mother's people. The children were, therefore, of the tribe's kin and not of the mother's. In some other tribes, it was customary that the woman did not leave her own tribe but either married someone within the tribe or a married a stranger who agreed to stay with her family. In this case, the

children belonged to the mother's tribe and grew up under their protection. The women of these tribes enjoyed more freedom and had the right to dismiss their husbands at will.

3. Another type of marriage was that a group of less than ten men would assemble and enter upon a woman, and all of them would have sexual relation with her. If she became pregnant and delivered a child and some days had passed after delivery, she would send for all of them and none of them would refuse to come, and when they all gathered before her, she would say to them, "You (all) know what you have done, and now I have given birth to a child. So, it is your child O so-and-so!" naming whoever she liked, and her child would be attributed to him, and he could not deny him.

4. The fourth type of marriage was that many people would enter upon a woman, and she would never refuse anyone who came to her. Those were the prostitutes who used to fix banners at their doors as a sign [that they are prostitutes], and he who would wish, could have sexual intercourse with them. If anyone of them got pregnant and delivered a child, then all those men would be gathered for her and they would call the Qaa'if (some person skilled in recognizing the likeness of a child to his father) to them and would let the child be attributed to the man (whom they recognized as his father) and she would let him adhere to him and be called his son. The man would not refuse all that.

### **5. Marriage by inheritance**

This was a widespread custom throughout Arabia, including Medina and Mecca, whereby the heir of the deceased inherited his wife. He could then keep her as a wife, give her away in marriage for a dowry or forbid her from remarriage altogether. It is related in Tabari's commentary: "In the Jahiliya when a man's father or brother or son died and left a widow, the dead man's heir, if he came at once and threw his garment over her, had the right to marry her under the dowry of her deceased husband or to give her in marriage and take her dowry. But if she anticipated him and went off to her own people, then the disposal of her hand belonged to herself." (Smith, 105) The marital rights, therefore, were rights of property which could then be inherited and sold, if the heir so pleased. This type of marriage, which was abolished under Islam, was also common among the Semites.

### **6. Marriage by purchase**

where the woman's family gave her away in exchange for a price, often

referred to as the dowry (mahr). This payment typically included valuable items such as camels and horses. This practice evolved from the earlier custom of marriage by capture, as tribes began to establish friendlier relations. However, it still subjected women to conditions similar to those faced by captive wives, lacking autonomy and freedom.

The introduction of this marriage type is thought to have contributed to the decline of female infanticide, as families began to view selling a daughter for a substantial dowry as more advantageous than ending her life. Financial gain from dowries became preferable to the loss incurred through infanticide. Additionally, it was a matter of honour not to marry off a woman in an unequal match, reflecting societal norms that valued parity in marital arrangements. As noted, "If you cannot find an equal match, the best marriage for them is the grave." Consequently, Arab families were not inclined to part with their daughters for a low price, often demanding significant compensation to offset the perceived loss.

The marriage system was such that allowed men to marry unlimited number of women since there was no established system that could regulate the institution of marriage. And the most disgraceful of all were these following customs: -

- ▶ Circumstances where the person died or divorced his wife, it was lawful for his son to marry the woman who was not his mother
- ▶ In case a woman obtained divorce from her husband, her right of second marriage was dependent upon the permission of the first husband and that too on the condition of her surrendering her dowry.
- ▶ Where a person died his successors would claim possession of the woman like other household chattels

Thus, it won't be incorrect to say that the marriage conditions were such that it was detrimental for women. Increasing population was of prime importance for the tribe since for them it means being strong as compared to other tribes. The institution of marriage was not of importance and so there was no codification, no rules and regulations.

### **Marriage Under Islam**

It's a well-known fact that exploitation exists where no rules are made. When it comes to the institution of marriage after the advent of Islam, we see a codified law and a well-established structure of rules and regulations which governs both the husband and the wife. In recent times it's been something heard quite often that Islam considers marriage as a contract-Which is not altogether wrong but also not completely true. Islam considers marriage as a sacrament in terms of the way it describes

marriage in the holy Quran and contract in terms of the way it has established a clear path with rules and regulations to enter the system of marriage. These are some ideas about marriage as proposed by Prophet Muhammad (PBUH)

▶ It was narrated from Ibn Abbas that:

*the Messenger of Allah said: "There is nothing like marriage, for two who love one another."*

▶ It was narrated from Hakim bin Muawiyah, from his father, that:

*a man asked the Prophet (ﷺ): "What are the right of the woman over her husband?" He said: "That he should feed her as he feeds himself and clothe her as he clothes himself; he should not strike her on the face nor disfigure her, and he should not abandon her except in the house (as a form of discipline)." (Hassan)*

▶ The Prophet, sallallaahu `alayhi wa sallam ( may Allah exalt his mention), himself said:

*"The best amongst you are those who treat their wives the best, and indeed, I am the best amongst you in treating my wives." [Ibn Hibbaan]*

▶ The Prophet, sallallaahu `alayhi wa sallam ( may Allah exalt his mention),

*would treat his wives kindly, always smiling at them, joking with them, spending on them generously and entertaining them. He, sallallaahu `alayhi wa sallam ( may Allah exalt his mention ) would meet all his wives every night in the house of the one with whom he would spend that night. He would eat dinner with them all, and then each of them would go back to her apartment. He would return home after the 'Ishaa` prayer and converse with his wife before going to sleep. Indeed, he was as Allah The Almighty described him, Saying (what means): {There has certainly been for you in the Messenger of Allah an excellent pattern for anyone whose hope is in Allah and the Last Day and [who] remembers Allah often.} [Quran, 33: 21]*

▶ It was narrated from Abu Hurairah that:

*the Messenger of Allah said: "A previously-married woman should not be married until she is consulted, and a virgin should not be married until her consent is sought, and her consent is her silence."*

▶ Abdur Rahman bin Yazid Al-Ansari and Mujamma bin Yazid Al-Ansari said:

*that a man among them who was called Khidam arranged a marriage*

*for his daughter, and she did not like the marriage arranged by her father. She went to the Messenger of Allah and told him about that, and he annulled the marriage arranged by her father. Then she married Abu Lubabah bin Abdul-Mundhir.*

Aisha – May Allah be pleased with her – was asked about the manners of the Prophet in his home? She replied: He was helping in doing the family duties and when he hears the call of prayer he goes out.

### **Women As Crowd Pleasers In Pre-Islamic Arabia**

Ahmed in her book “women and the origins of Islam” discusses how women in pre-Islamic Arabia were often forced into prostitution, especially those from enslaved or lower social backgrounds. Prostitution was a widespread means of exploiting women, who had little protection or rights. The men were controlled by the men who would often use them for profiting through making these women work as prostitutes, since these women had no economic independence this profession would earn them a livelihood and also it was a form of a duty that they were bound by because of their owners.

Enslaved women were the most vulnerable and commonly exploited group in prostitution. They were considered the property of their owners, who could force them into prostitution to generate income. These women had no legal rights or autonomy and were entirely at the mercy of their owners. Unmarried women, especially those without male guardians, often faced economic hardship. With few opportunities for employment or support, some were forced into prostitution as a means of survival. This included widows, orphans, or women whose families could not support them.

The only group of women that was protected from this practice was the married woman only because of the hold of the husband on his wife’s actions. Thus, women were exploited by men and could be protected only by the men, showing the deep-rooted patriarchal nature of the society and dominance of men.

In certain tribes the sexual honor of a woman was more important than her life and thus it was the primary duty of the man to protect the sexual honor of his wife. It was considered a very prestigious thing for a man to protect his women from the foes and protect her honor.

One role of women was that of an entertainer. She was a familiar feature at male wine feasts:

the drinking of luxurious wine and the voice of a sweet singer and:

the musician by whose delicate fingers the strings are plucked. Its Her skill at singing and playing the lute that is mostly spoken of but there are also hints of more sensual attractions:

*My friends in the feast are youth, bright as stars, singing girls  
Who come to us in their striped robes and saffron cloaked gear.  
Their vests openings are wide above their delicate breasts,  
Through which inflamed youths touch their breasts, soft, exquisite  
and bare  
When we say to one, "let us hear a song," she steps to us in an  
easy grace and begins with soft notes, in a voice not austere.*

Women entertainers, especially qiyān, could achieve a level of economic independence through their performances. Some were able to accumulate wealth and buy their freedom, though their societal position remained complex due to associations with sexual availability and slavery. women entertainers in the pre-Islamic Arabia however had a pretty wider influence on the society because of their roles they would have certain level of economic independence because of the earnings from this sort of a profession. However, it is important to note that despite their talents and the recognition they received, women entertainers were often viewed through the lens of their utility to male patrons and were not necessarily granted equal social status.

### **Slaves In Pre-Islamic Arabia**

‘Most of the slaves in pre- and early Islamic times seem to have been Arab prisoners of war, victims of intertribal warfare reminiscent of the ayām al-‘arab (the battle days of the Arabs in pre-Islamic Arabia).’

Culture of having slaves widespread. This class was not equal to the free-men and so could not live like freemen. Fate of a slave was decided on how the master wanted to treat him/her. Slaves were like properties to those who owned them and thus the owners had the full authority to decide on their behalf. And like mentioned earlier “where there is no established system of rules and regulations exploitation will exist”. Slaves in pre-Islamic Arabian society were primarily acquired through warfare, debt servitude, or as captives from raids and conquests. Free persons could sell their offspring, or even themselves, into slavery.

A purchased slave, and a slave born in the master’s home. In the case of the latter, the master had complete rights of ownership, though these slaves were unlikely to be sold or disposed of by the master.

Female slaves were at times forced into prostitution for the benefit of

their masters, in accordance with Near Eastern customs. They would have a very horrible condition since they were forced into prostitution by their masters for their economic gains the men of the society would use these women for the satisfaction of their needs and since there was no particular rule or law that could regulate the conditions of this class the atrocities that they would face would almost often go under checked and ignored. And since prostitution was not a crime then it was not frowned upon until Islam came and banned the system of prostitution.

‘The marriages to captive women do not seem to have been equal to marriages with free women. For example, when the children of a Ghifari captive, Salma, were insulted as “children of a prisoner,” her husband, ‘Urwa b. al-Ward, returned to her family so that they would marry her back to him as an equal woman’. Native Arab slaves had also existed, a prime example being Zayd ibn Harithah, later to become Muhammad’s adopted son.

A slave is always under pressure and is not psychologically free enough to testify against any one because he acts upon his master’s will in every single action he undertakes. Hence, his testimony is not acceptable and not regarded as strong as that of a free man.

In the pre-Islamic Arabian society the slavery class would face a lot of atrocities since they were not equal to the freeman. They had no rights, and their fate would be decided on how their masters would treat them, this would usually be very uncertain since the owners of the slaves would often brutally beat them or put a lot of workloads over them. In the next section we shall see how even though the slavery was not abolished but the slavery class would have rights and treated with kindness with the advent of Islam.

### **Slaves After The Advent Of Islam**

Islam came to ban the system of prostitution in the Arabian society a practice that was prevalent and widespread. The prophet came to advise the people to treat the slaves with kindness And to provide them with food clothing and shelter similar to what they would use for themselves thus he would discourage the inhumane treatment of the slaves and made the society realize that like any other freeman they would also have certain rights.

The affronting names of `abd and amah by which slave men and women were called, were abrogated so that people should stop regarding them as slaves. In their place, the words fata (boy) and fatat (girl) were introduced Slaves had always been punished; masters were never punished for any

kind of offence against slaves, be it great or minor. Islam is the first religion which holds a master accountable for an offence against the slave. Hence, the shame of being punished for a slave was great enough to stop a master from being offensive towards the slave.

The holy Quran states: -

And if any of those 'bondspeople' in your possession desires a contract 'to buy their own freedom', make it possible for them, if you find goodness in them. And give them some of Allah's wealth which He has granted you. Do not force your 'slave' girls into prostitution for your own worldly gains while they wish to remain chaste. And if someone coerces them, then after such a coercion Allah is certainly All-Forgiving, Most Merciful 'to them'.

This verse of the holy Quran provides that the slave girls should not be forced into the profession of prostitution which would lead to sexual immorality in this society and would also strip them of their rights of having liberty and autonomy over their bodies and reproductive choices.

One notable hadith is the saying of the Prophet: "Your slaves are your brethren upon whom Allah has given you authority. So, if one has one's brethren under one's control, one should feed them with the like of what one eats and clothe them with the like of what one wears. You should not overburden them with what they cannot bear, and if you do so, help them (in their hard job)." (Sahih al-Bukhari)

This verse from the holy Quran it's a perfect example of how Islam supports the idea of equality and humanity. By suggesting the people of this society to feed and clothe the slaves with the like of what they wear and suggesting them to help them out in some difficult task so as to not overburden them. Thereby discouraging the people to treat the slaves unfairly and inhumanely.

"He who slaps his slave or beats him, the expiation for it is that he should set him free." (Sahih Muslim)

this piece of information from the hadith discourages the physical abuse done by the owners and if they however do so then it suggests them to set the slaves free to wash off their sins. Which also indirectly suggests that physical abuse of the slaves is a sinful act thereby discouraging the people from doing so.

"Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbour, the neighbour farther away, the companion at your side, the traveller, and those whom your right hands possess. Indeed, Allah does not like those who are self-delud-

ing and boastful.”

This comparative analysis of conditions of women and slaves in pre-Islamic Arabia and after the advent of Islam shows that how Islam brought a revolution and introduced to a society of nomads an established system of rules and regulations that improved the conditions of both classes quite dramatically. After the advent of Islam, the humble land of Arabia saw heights of its success with emerging caliphates and a civilised society. Today we see how the emerging western culture has come to raise questions of concern regarding the rights of women in Islam. However, it's a matter of understanding the relation of history and context. In pre-Islamic Arabia the condition of woman was such that brought them to the level of commodities, a sexual object or a reproducing machine. Islam raised the status of women and introduced the system of hijab for all women irrespective of their background which was then reserved for the women of high society and banned prostitution thus guiding the society out of the system of sexual immorality. The 20th century can be called somewhat a replica of pre-Islamic Arabia but with a notion of letting people decide on their behalf aka “my life my rules”. It's however my opinion which I state here that this world has been cleverly slaved by men who for their satisfaction promote the idea of nudity and immorality and conceal it within the invisible sheet of “rights”. People fail to understand the message given by Prophet Muhammad (PBUH) about the dignity of women and how an ideal society should function and consequently terming it as conservative and encroaching upon the rights of women as free members of the society. A society with no guiding rules and regulations does not necessarily make an egalitarian society, it only provides a clear path to the strong amongst the equals to abuse the power they have like we have seen in the society of pre-Islamic Arabia, which was later tackled by developed law and rules introduced by Islam and by the teachings of prophet Muhammad (PBUH).

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