



*An Islamic Perspective on  
Legislation for Women*

**Part Two**

**Dr. Magda Amer**

**Al-Falah Foundation**

**2006**



© All rights reserved. No part of this publication may be reproduced, stored in retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the author.

Author: **Magda Amer**

Prepared and edited by: **Al-Falah Foundation**

Technical supervisor: **Abdulhamid Eliwa**

General director: **Sheikh Muhammad `Abdu**

*Published by:*

**Al-Falah Foundation** for Translation, Publication & Distribution

24 At-Tayaran st., Nasr City, Cairo, Egypt.

Tel.: (+2) 02-2622838 Fax: (+2) 02-4039169

E-mail: [info@falahonline.com](mailto:info@falahonline.com)

Web site: [www.falahonline.com](http://www.falahonline.com)

*An Islamic Perspective on Legislation for Women* is catalogued in  
The National Library and Archives of Egypt, Cairo.

Deposit No.: 9911/2005

I.S.B.N.: 977-363-041-2

## *Dedication*

I dedicate this humble effort to my grandfather Shaykh **`Abd ar-Rahman `Ilish**, a prominent scholar of al-Azhar and his father Shaykh **Muhammad `Ilish**, Shaykh of the Maliki School of Fiqh at al-Azhar and his father the venerable Shaykh **Mahmoud `Ilish**.

*May Allah have mercy on them  
and on us.*

*Magda Amer*

<b>Preface</b> .....	IX
<b>Chapter One: Woman’s Rights</b> .....	1
The Right to Choose Her Husband.....	3
The Right to Own Her Dowry .....	9
The Right to Preserve Her Property and to Be Well-Maintained.....	18
The Right to Have Assistance in Household Chores.....	29
The Right to Express Her Affection .....	33
The Right to Be Treated Kindly .....	38
Misconceptions.....	45
The Right to Pursue Her Education After Marriage.....	56
The Right to Advise Her Husband .....	58
Conjugal (Sexual) Rights .....	61
Manners of Intercourse According to the Qur’an and the <i>Sunnah</i> .....	69
Misconceptions Surrounding Lawful Sexual Intercourse.....	76
How Does Islam View the Physical Relationships Between Husbands and Wives?.....	82
Refusal of the Spouse to Performing the Intercourse .....	84
Her Rights as a Widow .....	87
<b>Chapter Two: Parenthood</b> .....	91
Parents’ Obligations .....	93
Parents’ Rights.....	97
Kindness to Parents .....	99
Woman’s Rights and Role as a Mother .....	105
Children Are Divine Gifts .....	112

---

Rulings on Children From Birth to Adolescence .....	114
Breastfeeding.....	122
Foster Mother Breastfeeding: A Cure to Some Diseases .....	124
Adoption.....	129
Advice for Parents: How to Treat Your Offspring? .....	131
Advice for Stepmothers and Stepfathers .....	134
Family Planning.....	135
<b>Chapter Three: Woman in Paradise</b> .....	141
Good Believing Women Excel the Houris of Paradise .....	143
Are Women the Major Inhabitants of Hellfire or of Paradise? .....	147
The Status of Women in Paradise .....	148
Houris of Paradise (Women Created in Paradise).....	152
Who Shall Win the Houris of Paradise?.....	160
<b>Chapter Four: Polygamy</b> .....	167
Polygamy as Viewed by the Three Religions.....	169
Earlier Prophets and Polygamy .....	177
Why Is polygamy Permissible in Islam? .....	181
The Legal Status of Polygamy in Islam.....	188
Islam Limits the Abuse of Polygamy .....	191
Fairness in Polygamy .....	193
Time Division Among Wives.....	197
Time Rights of a New (Second) Wife .....	199
Making up Time .....	200
Residence Rights of Wives.....	203
Spending Rights.....	205

A Polygamous Female! .....	207
Polygamy or Promiscuity? .....	209
Islam Limits Promiscuity .....	210
The Wisdom Behind Prophet Muhammad's (pbuh) Polygamous State .....	213
Was the Prophet's Polygamous State Out of Lust?.....	220
Characteristics of Prophet Muhammad's Polygamous State .....	222
<b>Chapter Five: Divorce</b> .....	225
Divorce as Viewed by the Three Religions .....	227
Why does Islam Legislate Divorce? .....	235
Methods of Divorce before Islam.....	236
Islam Limits the Cycle of Divorce .....	238
Steps Before Divorce.....	241
Conditions for a Correct Divorce .....	246
Woman's Right to Ask for Divorce.....	250
Initiating Divorce.....	253
Different Types of Divorce in Islam.....	256
Types of Waiting Period and Their Benefits .....	258
The Waiting Period for Christian and Jewish Women .....	262
The Husband's Waiting Period .....	265
Relationship Between Ex-spouses After Divorce .....	268
Child Custody After Divorce.....	271
Divorce Compensation ( <i>Mut`ah</i> ) According to Egyptian Laws.....	273
Divorce in the Light of Jurisprudence & Egyptian Judiciary Views.....	277
Advice for Divorcees.....	287

---

<b>Chapter Six: <i>Hijab</i> (Veil)</b> .....	289
<i>Hijab</i> (Veil) as Viewed by the Three Religions .....	291
Was <i>Hijab</i> Made Obligatory on the Prophet's Wives Only? .....	294
<i>Hijab</i> in Islam .....	298
Modesty for Men .....	304
Requirements of Muslim Woman's Dress .....	306
Requirements of Muslim Man's Dress .....	312
The Virtues of the Islamic <i>Hijab</i> .....	314
<i>Hijab</i> and Science .....	320
Tight Clothes Cause Sterility and Uterine Inflammation .....	324
<b>References:</b> .....	327

## **Preface**

The issue of women's rights has been a cause of much debate for centuries. Women have been fighting for their rights against a tidal wave of oppression and suppression. More recently, the rise of 'Islamic Feminism' versus Western Feminism has triggered off the rage of many westerners. Fourteen Centuries ago, Islam has, in fact, granted women all the rights that the West has, only recently, acknowledged.

A further dilemma is the widespread lack of awareness within some Muslim communities. Many Muslims, men and women, are quite unaware of the considerable rights Islam has awarded women. Those people are still bound by the confines of traditions, rather than Islamic values. Concerning the principles of Islam, traditional practices continue to represent the model behavior, imposing a heavy burden on women.

In order to confront such a problem, Muslim men and women need to expound the teachings of Islam regarding women and to acknowledge the principle of equality between men and women, which is highly stressed in the Glorious Qur'an,

*[O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honorable of you with Allah is that (believer) who has piety]*

(Al-Hujurat: 13)

The only criterion of judging people is not their gender, race, nor even their color; piety is the sole basis. Thus, Islam places man and woman on equal footing, as neither is superior to the other. With this in mind, we will realize that men and women complement and mutually benefit each other.

This series, "*An Islamic Perspective on the Legislation for Women*", is a call for both Muslims and non-Muslims to discover the priceless jewels of Islamic legislation towards women. The series discusses a number of issues and clears up misconceptions that are of great benefit to the Muslim women life regarding rights and duties, engagement, marriage, polygamy, divorce, veil, etc. It's true that some of these subjects have been tackled before by many authors, but what makes this series special is that the author, as a woman, will be better understanding and experienced regarding women's concerns and sensitive issues. In addition, the series occasionally came across some comparative studies elaborating the status of women in Judaism, Christianity and Islam. It is noteworthy that the series uses the term 'Allah' and not 'God' since 'Allah' means the Holy name of the universal God of all religions and not the God of Arab Muslims alone as some people may think. Energy wise, when you repeat the name 'Allah', you actually charge your spiritual energy especially when you pronounce it while stressing on every letter of it: A L L A H. Here is the first production of our series under the title of "*An Islamic Perspective on the Legislation for Women*". May Allah make it of great benefit for all; Muslims and non-Muslims.

Al-Falah Foundation feels indebted to Dr. Magda Amer for her contribution to the issue and for giving it the chance to publish this valuable work to its dear readers. We hope that

this series may open the way for a fair appraisal of Islam's attitude towards women. A special thanks is due to *Rasha Ragab* for her efforts assisting the author in collecting and organizing the data needed for this series. Thanks should also be extended to *Hala Ali* and *Hazem Hamdy* for their translation contributions. Great appreciation is due to *Talaat Farouq* and *Naseema Mall* for revising and editing the present work.

We Ask Allah that this book will be a source of guidance to all people; we implore Allah to make this humble effort beneficial to Islam, Muslims and people in general. Verily, He is the only One Who is able to grant such favors.

Finally, all praise and thanks are due to Allah, the Almighty, without Whose Help and Guidance nothing can be accomplished.

General Director

*Sheikh Muhammad `Abdu*