



Is the Distribution of Inheritance in the Quran Final? An Epistemological Analysis of the Concept of Gender Justice in *Fiqh Mawārith*

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Abstract

The debate regarding the finality of inheritance distribution in the Quran has emerged in contemporary Islamic jurisprudence discourse, particularly when confronted with demands for gender justice. Although inheritance verses are often understood as *qat'ī* (definite) provisions, few studies have systematically distinguished between the text's normative finality and the epistemological dynamics of Islamic jurisprudence as a product of *ijtihād*. This study aims to analyze the epistemological status of inheritance verses by examining the concept of *qat'iyyat al-Dalālah* (definite *naṣṣ*) in *uṣūl al-Fiqh* and evaluating the construction of gender justice in classical and contemporary *mawārith* fiqh arguments. This study is qualitative with an epistemological-critical approach, using conceptual analysis and argumentative criticism of the *istidlāl* structure in *uṣūl al-Fiqh* literature and works of Islamic jurisprudence across schools of thought, as well as critical dialogue with current academic discourse on gender. The results of this study indicate that the finality of the inheritance verses lies in the normative authority of the text as a primary source, not in the overall construction of distribution built through the process of *ijtihād*. Analysis of the categories of *qat'ī* and *ẓannī* (presumption) indicates the existence of interpretive space in the rationalization of *'illah*, the determination of social context, and the formulation of distributive justice. Within this framework, gender justice is formulated as an internal

epistemic principle that tests the coherence, consistency, and relevance of legal arguments without negating the authority of revelation. These findings offer a model of epistemological distinction between text and fiqh and emphasize the openness of the development of *fiqh mawārīth* methodologically and reflectively within the framework of Islamic legal epistemology.

Keywords: *Fiqh Mawārīth*; Finality of Text; Islamic Law; Gender Justice; *Ijtihād*

Abstrak

Perdebatan mengenai finalitas pembagian waris dalam Al-Quran mengemuka dalam diskursus *fiqh* kontemporer, terutama ketika berhadapan dengan tuntutan keadilan gender. Meskipun ayat-ayat waris sering dipahami sebagai ketentuan yang bersifat *qat'ī* (pasti), belum banyak kajian yang secara sistematis membedakan antara finalitas normatif teks dan dinamika epistemologis *fiqh* sebagai produk *ijtihād*. Penelitian ini bertujuan menganalisis status epistemologis ayat-ayat waris dengan menelaah konsep *qat'īyyat al-Dalālah* (naṣṣ yang bersifat pasti) dalam *uṣūl al-Fiqh* serta mengevaluasi konstruksi keadilan gender dalam argumentasi *fiqh mawārīth* klasik dan kontemporer. Penelitian ini bersifat kualitatif dengan pendekatan epistemologis-kritis, menggunakan analisis konseptual dan kritik argumentatif terhadap struktur istidlāl dalam literatur *uṣūl al-Fiqh* dan karya *fiqh* lintas mazhab, serta dialog kritis dengan wacana akademik mutakhir tentang gender. Hasil penelitian menunjukkan bahwa finalitas ayat waris terletak pada otoritas normatif teks sebagai sumber primer, bukan pada keseluruhan konstruksi distribusi yang dibangun melalui proses *ijtihād*. Analisis terhadap kategori *qat'ī* dan *ẓannī* (dugaan) mengindikasikan adanya ruang interpretatif dalam aspek rasionalisasi *'illah*, penentuan konteks sosial, dan formulasi keadilan distributif. Dalam kerangka ini, keadilan gender dirumuskan sebagai prinsip epistemik internal yang menguji koherensi, konsistensi, dan relevansi argumentasi hukum tanpa menegasikan otoritas wahyu. Temuan ini menawarkan model perbedaan epistemologis antara teks dan *fiqh* serta menegaskan keterbukaan pengembangan *fiqh mawārīth* secara metodologis dan reflektif dalam kerangka epistemologi hukum Islam.

Kata Kunci: *Fiqh Mawārīth*; Finalitas Teks; Hukum Islam; Keadilan Gender; *Ijtihād*

Introduction

Fiqh mawārīth occupies a unique position as the most detailed branch of Islamic law because the inheritance verses explicitly and systematically stipulate distribution proportions (Zenrif & Bachri, 2023). This textual character reinforces the dominant assumption that inheritance law is final and closed to reinterpretation, thus limiting the space for *ijtihād*. This view rests on the understanding that clarity of wording (*ṣarīḥ al-Dalālah*) is synonymous with certainty of meaning and certainty of application. However, this construction raises epistemological issues when the claim of the text's finality is equated with that of *fiqh* interpretation. Tension arises between the authority of revelation as a *qat'ī* (certain) norm and the dynamics of *ijtihād* as a process of *ẓannī* (conjecture) that always interacts with social reality. This problem is crucial because the conception of justice constructed by *fiqh mawārīth* is not only normative but also influences the distribution of economic resources and gender power relations in Muslim families (Ja'far & Hermanto, 2021).

Changes in contemporary social structures have led to significant shifts in family economic relations. Data from the International Labour Organization (2025)

shows an increase in women's workforce participation worldwide, accompanied by significant contributions to household income. Meanwhile, the World Economic Forum's Global Gender Gap Report (2025) notes that the gap in asset ownership and economic access remains high, particularly in the dimension of control over productive resources. This fact demonstrates that the distribution of economic responsibility no longer corresponds to the classical construct that assigns men the sole role of breadwinners. When inheritance provisions are understood literally without considering changing livelihood relationships, practices of legal evasion through gifts or bequests, and perceptions of substantive injustice at the family level, these practices emerge. This condition indicates that the issue of inheritance is not merely textual, but concerns the epistemic legitimacy of the concept of justice claimed by Islamic jurisprudence.

Previous studies have examined the relationship between inheritance and gender justice through various approaches, but have not comprehensively addressed its epistemological dimensions. Aniroh, Nasution, and Sodikin (2024) emphasized the two-to-one ratio as proportional justice based on men's maintenance obligations; this study is normatively sound but lacks an examination of the changing social context that shapes the rationality of distribution. Nabilah, Rizal, and Warman (2021) use the *maqāṣid al-sharī'ah* approach and conclude that inheritance provisions aim to safeguard family property and stability; their limitation lies in the lack of an articulated epistemic boundary between normative objectives and the form of numerical distribution. Nurfauziah, Zulaiha, and Fadli (2023) place the inheritance verse within an early Arab historical context rife with structural inequalities; this historical approach explains the verse's corrective dimensions but fails to elaborate on its methodological implications for theories of legal change. Hasan (2023) critiques the dominance of masculine interpretations and encourages gender-sensitive readings. His argument opens up space for reinterpretation, but has not yet formulated a systematic epistemological framework for *uṣūl al-Fiqh*. Saifnazarov et al. (2025) highlighted practical adaptations through gifts and wills as a response to demands for social justice; this study demonstrates practical flexibility but does not examine the epistemic status of the inheritance text itself. The fragmentation of this approach reveals the absence of studies that integratively examine the final status of inheritance verses, the construction of *fiqh* knowledge, and the conceptualization of gender justice within a coherent epistemological framework.

Based on this framework, this study formulates three main questions: whether the distribution of inheritance in the Quran is epistemologically final or open to methodological reinterpretation; how does the *fiqh mawārīth* construct the concept of gender justice through the relationship between text (*naṣṣ*), reason (*ijtihād*), and social context; and to what extent can these justice claims be justified normatively and scientifically in the context of changing contemporary livelihood

structures? This study aims to analyze the epistemological status of inheritance verses through the tools of classical *uṣūl al-Fiqh* and the hermeneutic approach of contemporary Islamic law, affirming the boundary between the decree of revelation and the product of *ijtihād*, and formulating a framework of gender justice consistent with the principle of *maqāṣid al-Sharī'ah*. The basic argument of this study states that the finality of revelation is not identical to the finality of *fiqh* formulations; inheritance distribution figures are expressions of contextual justice that arise from specific social configurations and therefore require careful methodological reading when the context changes. The contribution of this research lies in strengthening the epistemology of Islamic law by mapping the relationships among texts, interpretive authority, and the construction of gender justice.

Method

This research is a qualitative, normative-doctrinal study with a hermeneutic-critical paradigm, oriented towards the analysis of Islamic legal epistemology, aiming to distinguish between the finality of the revealed text and the historicity of the construction of the *fiqh mawārīth*. The epistemological-critical approach is operationalized through examining the sources of legal legitimacy (*naṣṣ*, *ijmā'*, *ijtihād*) and analyzing the relationship between the structure of textual authority and the formulation of inheritance law within the *madhhab* trajectory. Primary data is strictly limited to the Quran Surahs 4:11–12 and 176, as well as representative exegetical works (*bi al-Ma'thūr*, *fiqhī*, *maqāṣidī*, and contextual-modern), and *fiqh* literature of the four *madhhabs*, selected based on methodological representativeness and historical period. Secondary data include works on Islamic legal epistemology and gender justice theories grounded in distributive and substantive justice, which are relevant as analytical tools. Data collection was conducted through a systematic textual review with procedures for identification, classification, and argument extraction, followed by a comparative mapping of the scholars' reasoning patterns. The analysis was conducted in stages: textual analysis of the normative structure of verses, historical analysis of the socio-epistemic context of the formation of *fiqh*, conceptual analysis of the construction of justice, and critical evaluation using indicators of finality claims (*qaṭ'ī al-Dalālah*, *ijmā'*, and rationalization of *maqāṣidī*). The integration of these stages resulted in an analytical model that systematically and argumentatively assesses the boundaries between textual authority and the dynamics of *ijtihād*.

Results and Discussion

The Epistemological Status of the Verses of Inheritance: Between *Qaṭ'ī* Text and *Zannī* Understanding

The epistemological status of the inheritance verses demands a conceptual separation between the ontological authority of revelation and the cognitive construction of law resulting from *ijtihād*. The analytical framework rests on the

theory of Islamic legal epistemology, which distinguishes between divine law and juristic law, as formulated by Wael B. Hallaq (2009), as well as on the theory of interpretive authority by Khaled Abou El Fadl (2014). Revelation has normative finality because it originates from the absolute divine will (Farahat, 2019), while *fiqh* represents a human endeavor bound by a specific historical horizon and methodological tools (Demircigil, 2025). This distinction is not a simplistic dichotomy, but rather a differentiation of levels of epistemic certainty. *Qaṭʿiyyat al-Naṣṣ* refers to the certainty of the source and structure of textual meaning, while *ẓanniyyat al-Fahm* refers to the probability of legal reasoning (Kamali, 2008). The claim of total finality regarding the inheritance system requires methodological proof that the entire *fiqh* construction reaches a degree of certainty identical to the text. This claim is not supported by the classical *uṣūl al-Fiqh* tradition or by contemporary studies of Islamic legal theory.

The concepts of *qaṭʿī* and *ẓannī* function as instruments for regulating truth claims, not merely terminological categories. Al-Ghazālī (1993) in *al-Mustaṣfā* distinguishes the evidence that produces the knowledge of *yaqīn* from that which produces *ẓann rājiḥ*, while al-Āmidī (1983) in *al-Iḥkām* clarifies the distinction between *qaṭʿiyyat al-Thubūt* and *qaṭʿiyyat al-Dalālah*. The transmission of the Quran is *mutawātir*, as in *qaṭʿī al-Thubūt*, but the *dalālah* of the text depends on linguistic structure, semantic context, and the possibility of *takhṣīṣ* and *taqyīd*. Ibn al-Ḥāḥib (2004) asserts that the certainty of *dalālah* requires the exclusion of all alternative possible meanings. This framework demonstrates that the numerical nature of the inheritance verses does not automatically exclude all possible legal interpretations. Textual structures may be determinative, but the process of *istinbāṭ* involves conceptual categorization, identification of *ʿillah*, and intertextual relations. Without operationalizing the concept of *qaṭʿī-ẓannī* at the methodological level, claims of total certainty become normative assumptions without adequate epistemic justification.

A microanalysis of Surah 4:11 reveals the boundary between textual certainty and legal construction. The phrase “*li al-dhakari mithlu ḥaẓẓ al-Unthayayn*” establishes a specific numerical ratio that is linguistically clear and leaves open alternative meanings regarding the ratio of two to one. This certainty operates on the unit of proportional meaning, not on the entire distribution system. The verse does not specify the category of *ʿaṣabah*, the mechanism of *ʿawl* when the total share exceeds one, or *radd* when there is a remainder. Classical literature indicates that the resolution of these issues emerged through *ijtihād* by the Companions and jurists of the Islamic school. Felicitas Opwis (2010) asserts that Islamic legal reasoning always moves between text and normative rationalization. This analysis shows that the *qaṭʿiyyat al-Dalālah* of the inheritance verses is partial, limited to explicit numerical propositions. At the same time, the operational system of wealth distribution is the result of methodological elaboration of *ẓannī* nature.

The genealogy of the *mawārīth* system's formation reinforces this differentiation. The concept of *'awl* developed when the case of 'Umar ibn al-Khaṭṭāb faced a total of parts that exceeded a unity, so that proportional reconstruction was necessary to maintain mathematical consistency (Al-Sarakhsī, 1993). The Ḥanafī and ash-Shāfi'ī schools accepted this mechanism, while debates arose regarding its calculation technique (Al-Nawawī, 1926; Al-Syaybānī, 1999). The case of *radd* gave rise to differences between the Mālikī and Ḥanbalī schools regarding the distribution of the remainder to the *dhawī al-Furūd* (Al-Dasūqī, 2002; Qudāmah, 1997). The issue of the status of grandfathers and siblings has given rise to methodological variations regarding the application of *qiyās* and *istihsān*. Sherman Jackson (1996) demonstrates that legal plurality is not an anomaly but rather a consequence of *fiqh*'s probabilistic epistemology. This plurality does not relativize the text, but rather emphasizes the limitations of human understanding of the totality of divine will. This historical fact demonstrates that the inheritance system was never understood as a single, closed structure, closed to the elaboration of *ijtihādī*.

The plurality of schools of thought cannot be reduced to technical variations; rather, it reflects differences in epistemic assumptions about the authority of evidence and methods of inference. *Qiyās*, *istiṣhāb*, and *ta'līl* serve to determine the scope of application of numerical verses. Ash-Shāṭibī (1997) emphasizes that the application of texts requires an understanding of *maqāṣid* and the identification of relevant benefits. When schools of thought differ regarding *'illah* or the priority of evidence, the legal outcomes differ even when referring to the same verse. This logic rejects the claim that numericality automatically produces complete legal certainty. Textual certainty stops at semantic structure, while normative certainty demands a methodological consensus that is never absolutely achieved. This epistemological analysis demonstrates that *fiqh mawārīth* operates through a synthesis of revelation, the rationality of *uṣūl*, and social reality, thereby ensuring that its results remain open to correction as long as the methodological argument remains valid.

Positions asserting the total finality of inheritance law generally rest on the assumption that explicit numbers preclude all possibility of reinterpretation. This approach ignores the distinction between textual propositions and systemic configurations. Jasser Auda (2010) emphasizes the importance of reading Islamic law through the frameworks of the system and *the maqāṣid* to avoid being trapped in narrow literalism. Critiques of finalism are not attempts to relativize revelation, but rather clarify the epistemic boundaries of *fiqh*. The legal constructions that developed in classical patriarchal societies are not identical to universal normative intent. Analysis must examine whether the two-to-one ratio consistently reflects the same distribution of economic responsibilities across different social contexts. Without such examination, claims of closure become a naturalization of historical structures that are not necessarily transhistorical.

Integrating the dimensions of gender justice requires methodological consistency with the *qaṭʿī-ẓannī* framework. Certain numerical ratios can be understood as contextual responses to the seventh-century structure of livelihood and financial responsibility. The epistemology of *maqāṣid* opens the possibility of reevaluating the application of law when social structures change significantly. Khaled Abou El Fadl (2015) emphasizes that interpretive authority demands moral integrity and contextual awareness. Gender analysis should not proceed without the basis of *uṣūl*, but *uṣūl* itself provides room for *ijtihād* as long as it does not negate explicit textual propositions. Such a reading maintains a balance between respect for the *qaṭʿiyyat al-Naṣṣ* and recognition of *ẓanniyyat al-Fahm*. This framework rejects relativism while avoiding methodological absolutism, allowing inheritance discourse to move within the corridors of argumentative and reflective orthodoxy.

The overall analysis confirms that the finality of revelation is not identical to the finality of *fiqh mawārīth*. The *qaṭʿiyyat al-Thubūt* guarantees the authority of the text, while the *qaṭʿiyyat al-Dalālah* is limited to explicit numerical propositions. The entire expansion of the wealth distribution system, including the categorization of heirs and the mechanism for resolving division conflicts, is a product of probabilistic *ijtihād*. Classical and contemporary literature agree that the results of *ijtihād* do not reach the level of *ʿilm yaqīn* (certain knowledge). This argument does not simplify the finalist position, but rather tests it through the same *uṣūl* tools. Thus, the space for reinterpretation does not contradict the sanctity of revelation, but is rooted in the epistemology of Islamic law itself. This framework provides a solid methodological foundation for critically evaluating inheritance constructions without blurring the lines between divine text and human intellectual elaboration.

The Construction of Gender Justice in Classical *Fiqh Mawārīth*

The construction of gender justice in classical Islamic jurisprudence (*mawārīth*) rests on the ontology of legal subjects, who are not understood as autonomous individuals, but rather as *mukallaf* bound by normative family relations. The concept of *mukallaf* and *ahliyah al-Adaʾ* in *uṣūl al-Fiqh* places legal capacity in line with the assumed stable structure of social responsibility. Al-Sarakhsī (1993), al-Nawawī (1926), and Ibn Qudāmah (1997) demonstrate that inheritance distribution is understood as part of a system of reciprocal obligations, not merely isolated numerical provisions. This formulation reflects a relational ontology, namely that kinship relations and maintenance obligations determine legal identity. This epistemic framework avoids an individualistic reading of inheritance rights. Justice is positioned as the correspondence between normative status and the allocation of rights, not equality of outcomes between subjects. This approach marks a fundamental difference between the modern concept of equality and classical normative proportionality.

The proportionality argument is rooted in the *uṣūliyyah* distinction between divine will and wisdom. The obligation of maintenance, dowry, and men's financial

responsibility are constructed as rational grounds for distribution. However, the majority of jurists do not establish these as divine will that permits *qiyās* or legal change. Al-Kāsānī (1986) asserts that the share of the inheritance follows the *naṣṣ qatʿī*, while the rationality of maintenance is understood as wisdom that explains the wisdom of the sharia. This distinction is epistemologically important because it shows that the distinction of shares is not constructed through open analogy, but through authoritative acceptance of the text. Contemporary literature, such as the analyses by Mohammad Fadel (2023) and Baber Johansen (2013), confirms that Islamic family law combines strong textual authority and limited moral rationality. The structural compensation often reconstructed by modern authors should be understood as a hermeneutic reading rather than an explicit formulation by classical jurists.

While pre-modern Arab social structures influenced the articulation of law, *fiqh* does not simply reflect empirical reality. Wael Hallaq (2009) asserts that Islamic law operates through an autonomous normative discourse with its own internal logic. The gender-based division of labor serves as an assumptive framework, but legal legitimacy rests on the systematic construction of evidence, consensus, and *istidlāl*. Distinguishing between social facts and normative validity is crucial to avoid the fallacy of sociological reductionism. *Mawārīth fiqh* builds coherence through a network of mutually supporting norms of sustenance, *qiwāmah*, and *wilāyah*. This relationship produces a model of relational justice that links inheritance rights to the structure of family responsibilities. This perspective demonstrates that law does not simply stabilize the social order but structures it through normative language assumed to reflect divine will (Saifnazarov et al., 2025).

This relational justice differs from the modern substantive equality paradigm, which emphasizes individual-based distribution. Ziba Mir-Hosseini (2012) and Kecia Ali (2016) critique the hierarchical assumptions of classical *fiqh* but also acknowledge its internal consistency. *Fiqh* defines equality as adherence to a theologically legitimate division of functions (Arifinsyah, Dalimunthe, & Riza, 2025). The resulting closed rationality does not imply total stagnation, but rather a strong attachment to *qatʿī* texts and a limited *istidlāl* methodology. An analysis of the concept of *mukallaḥ* shows that legal subjects are assessed through relationships of responsibility, not abstract autonomous rights. This distinction explains why the concept of substantive egalitarianism did not develop within the classical framework. The legal system constructs legitimacy through the correspondence between normative social position and the distribution of economic rights, thus understanding proportionality as an adequate form of justice according to its internal logic.

The transformation of modern gender relations raises questions about the explanatory power of classical models. Women's economic participation and changing family structures challenge the assumption of stability in maintenance

responsibilities. Critics of *fiqh mawārīth* need to distinguish between the *qat'ī* text and the methodological apparatus surrounding it. Contemporary discourse on *maqāṣid al-Sharī'ah* suggests the possibility of a more dynamic reading of the normative objectives of justice without denying the authority of *naṣṣ* (Auda, 2010). Sherman Jackson (1996) emphasizes that social change can trigger reinterpretation by expanding the concept of *maslahah*. This perspective opens up space for epistemic dialogue without reducing classical law to a completely static state. The limitations of *fiqh mawārīth* lie in its ontological assumptions, which generalize specific social structures into normative ideals. When these assumptions change, the tension between wisdom and empirical reality becomes increasingly apparent.

A synthesis of ontological, methodological, and historical analyses demonstrates that the justice of classical Islamic jurisprudence (*mawārīth*) is relational and contextual. Internal consistency is established through the integration of *qat'ī* texts, assumptions of maintenance responsibilities, and hierarchical family structures. Justice is not formulated as a transhistorical egalitarian principle, but rather as a correspondence between normative rights and obligations. As social structures change, the rational wisdom that accompanies the texts comes under pressure to be reinterpreted. A critical reading does not negate the validity of the classics, but reveals that their universality depends on the continuity of certain ontological assumptions. This evaluation avoids the generalization that *fiqh* is static and rejects the romanticization of infinite adaptability. This epistemic framework provides an important foundation for understanding the debate over the finality of inheritance law. It opens up a space for constructive dialogue between tradition and contemporary demands for gender justice.

Gender Justice as an Epistemic Principle in Contemporary *Fiqh Mawārīth* Discourse

The shift from gender justice to epistemic principles requires a clear operational definition to avoid being reduced to normative ethical values. Epistemic principles are defined as rules of reasoning that influence the structure of *istidlāl*, the mechanism of *tarjīh*, and the validation of legal conclusions through criteria of rational coherence and methodological sustainability. This position does not treat gender justice as an independent proposition, but rather as a guiding principle for evaluating legal arguments that operate within the realm of *ẓannī* understanding without disrupting the *qat'ī* structure of the text. This framework aligns with the epistemological theories of Islamic law proposed by Wael Hallaq (2001) and Mohammad Fadel (2023) regarding the relationship between the authority of revelation and the construction of *ijtihād*. Contemporary social transformations—changing family economic relations, women's participation in production, and the restructuring of livelihood responsibilities—are positioned as empirical variables that test the correspondence of legal rationality, rather than as sources of new normative legitimacy. Through this framework, gender justice functions as an

internal evaluative indicator that maintains the relevance of law while maintaining the epistemic integrity of tradition.

The *maqāṣid al-Sharī'ah* approach gains legitimacy as an epistemic instrument as long as it functions as a reasoning methodology, not an autonomous source of law that rivals the *naṣṣ*. The evolution of *maqāṣid* theory—from the formulations of al-Juwaynī and al-Ghazālī, the systematization of ash-Shāṭibī, to the reformulation of Ibn 'Āshūr and the systemic approach of Jasser Auda—demonstrates a shift toward an integrative paradigm of legal objectives. This framework allows for the evaluation of inheritance distribution through *maqāṣid kulliyah*, such as *ḥifẓ al-Māl*, *ḥifẓ al-Nafs*, and social justice, without erasing the verse's normative structure. Its epistemic validity lies in the consistency of the methodological *sanad* of *uṣūlī* and its coherence with the hierarchy of evidence. When *maqāṣid* is understood as an interpretive horizon that operates post-textually, it expands legal rationality without displacing the authority of revelation. Tensions arise only when *maqāṣid* is reduced to a final goal that dictates interpretation through purely utilitarian logic (Güney, 2024). This limit of legitimacy confirms that gender justice legitimately operates as an indicator of the law's success in achieving the goals of sharia, not as an independent normative legislator.

Contemporary hermeneutics enriches discourse through acknowledging the interpreter's historicity and pre-understanding. Ricoeur's (1967) analysis of symbols and meaning opens up space for critical reflection on the patriarchal assumptions of classical interpretation. This contribution is relevant as long as it distinguishes between critique of the interpretive process and the negation of the text's normative structure. Nasr Abu Zayd (2002) demonstrates that hermeneutics can strengthen the interpreter's moral responsibility without negating the authority of revelation. Epistemological distinction lies in the continuity of the *uṣūlī* apparatus and the verifiability of arguments through the consistency of the propositions. Normative deconstruction occurs when historical awareness turns into relativism, breaking methodological continuity. Gender justice attains legitimate epistemic status when it serves as a reflective lens to uncover interpretive bias, rather than as a single horizon of meaning that monopolizes interpretation. This framework maintains a balance between contextual awareness and normative commitment.

Substantive justice theory broadens the evaluation of inheritance law by emphasizing the real impact of property distribution on women's well-being and agency. Rawls's (1999) approach to fairness, Amartya Sen's (1999) notion of capability, and Martha Nussbaum's (1997) analysis of human dignity offer relevant empirical evaluative tools. Integrating these theories does not aim to replace epistemic sources, but rather to enrich the analysis of legal implementation. Its epistemic function lies in testing whether normative differentiation produces actual benefits or creates structural inequalities. Validation mechanisms remain contingent on the consistency of *uṣūlī* and its connection to *maqāṣid*. Substitution of

epistemic sources occurs only when modern justice theory serves as the basis for independent legislation, without methodological reference to tradition. The integrative formulation positions substantive theory as a tool for corrective evaluation of legal application, not as a substitute for the normative structure of the text. This approach ensures a productive dialogue between global ethics and Islamic legal epistemology.

The distinction between methodological reinterpretation and normative deconstruction requires measurable verification parameters. Legitimate reinterpretation is characterized by consistency of evidence, continuity of the chain of argumentation, and coherence with the *maqāṣid kullīyyah*. This process operates by optimizing *uṣūlī qawā'id*, such as *istihsān*, *maslahah mursalah*, and consideration of *'urf*, without abandoning the boundaries of *qat'ī*. Normative deconstruction is identified when argumentation breaks with the hierarchy of evidence and replaces it with an absolute external standard. Ronald Dworkin's (1986) legal philosophy framework on integrity and Robert Alexy's (2002) argumentation theory help formulate criteria for rationality and proportionality. These parameters allow for an objective evaluation of claims of reform. Gender justice gains epistemic legitimacy when it operates through testable *tarjih* mechanisms, rather than through unverified moral claims. This formulation closes the space for epistemic ambiguity while maintaining the dynamics of *ijtihād*.

Methodological coherence demands a systemic relationship between texts, methods, evaluative principles, and epistemic validation. An integrative conceptual model can be formulated as follows: normative texts provide the foundation for *qat'ī*; *uṣūlī* methods govern the realm of *ẓannī*; principles of gender justice serve as reflective indicators; final validation depends on rational coherence and conformity with *maqāṣid*. This structure prevents reducing law to a mathematical formula while avoiding interpretive relativism. Epistemic ambiguity arises when one element dominates without an internal control mechanism. The consistency of this framework allows for a critical evaluation of contemporary inheritance law reforms through clear methodological measures. The integration of gender justice is not an ideological project, but rather a structured process of reasoning subject to scientific discipline. This scheme demonstrates that epistemic principles operate as mechanisms guiding argumentation, not as new normative authorities.

The conceptual synthesis shows that gender justice can be positioned as a legitimate epistemic principle if it meets three cumulative requirements: methodological coherence, rational accountability, and the limitations of normative legitimacy. Methodological coherence ensures the continuity of the *uṣūlī* tradition; rational accountability demands verifiable arguments; and the limitations of legitimacy prevent the transformation of principles into normative ideology. This framework allows for the renewal of the *fiqh mawārith* in a way that is responsive to social change without causing epistemic erosion. Contemporary discourse moves

between the need for relevance and the obligation to maintain the integrity of revelation. A critical evaluation of *maqāṣid*, hermeneutics, and substantive justice theory demonstrates that legitimate renewal requires a high level of scientific discipline and open global dialogue. Through this integrative approach, gender justice functions not merely as a moral value but as a principle of reflective reasoning that enriches the epistemology of Islamic law while maintaining its normative foundations.

Finality or Dynamics: An Epistemological Evaluation of the Claim of the Closedness of Inheritance Law

The finality of Islamic inheritance law can only be understood through an ontological distinction between revelation as an absolute normative source and *fiqh* as an inferential knowledge construct. Inheritance verses have the status of *qaṭʿī al-Wurūd*, while *qaṭʿī al-Dalālah* is limited to explicit numerical limits, not the entire rationalization of the law. The literature of classical to contemporary *uṣūl al-Fiqh* shows that the certainty of the text does not automatically close the space for *ijtihād* in the areas of *taʿlīl*, *takhrīj al-Manāṭ*, and *tanzīl al-Aḥkām*. Wael Hallaq (2009) asserts that Islamic legal authority operates through interpretive continuity rather than normative freezing, while Sherman Jackson (1996) emphasizes the rational dimension in the formation of legal authority. The claim of total finality arises from the expansion of epistemic categories that generalize textual certainty to the entire structure of inheritance law, including its methodology and socio-economic justification. This expansion is inconsistent with the hierarchy of evidence and the theory of *istidlāl*, which recognizes different levels of certainty between text, interpretation, and application.

The construction of classical Islamic jurisprudence (*mawārīth*) exhibits internal dynamics that emphasize the interpretive nature of *ẓannī*. The differences between the schools of thought regarding *ʿawl* and *radd* demonstrate that even the technical issue of division is not entirely singular. The Ḥanafī, Mālikī, ash-Shafīʿī, and Ḥanbalī schools present argumentative variations regarding the distribution of the remaining assets and the relationship between the *aṣḥāb al-Furūd* and *ʿaṣabah*. These variations demonstrate that legal reasoning operates through the mechanisms of *tarjīḥ* and *qiyās*, not through absolute textual determinism. The rationale for the two-for-one division is rooted in the assumption of male responsibility for maintenance in pre-modern social structures, an anthropological premise accepted as legal *manāṭ* at the time. Historical analysis shows that this premise is contextual, not ontological. The categorical fallacy arises when historical formulations are treated as final representations of the will of revelation, so that the products of *ijtihād* are equated with texts that have different ontological authority.

Epistemological evaluation demands clarification of the corrective limits of the *maqāṣid al-Sharīʿah* on the technical formulation of inheritance law. Al-Juwaynī (1998) and al-Ghazālī (1993) position justice and welfare as universal goals, while

concrete implementation is subject to changes in the *manāṭ*. Fazlur Rahman (1980), through his theory of double movement, emphasizes the importance of reconstructing the universal moral principles of the text to ensure their relevance across contexts. Abdullah Saeed (2006) develops a framework for negotiating text and context to maintain a balance between normative fidelity and social responsiveness. This perspective demonstrates that the *maqāṣid* does not invalidate the explicit numerical part but can evaluate social rationalization and derived distribution patterns that depend on the structure of economic responsibility. The mechanism of *takhrīj al-Manāṭ* allows for the re-identification of the divine law when social configurations change. This approach maintains the integrity of textual boundaries while opening up space for controlled rational dynamics.

The articulation of gender justice as an epistemic principle requires a normative foundation that avoids value relativism. Gender justice is not positioned as an external ideology, but rather as an elaboration of the *maqṣad al-ʿAdl* recognized by the *uṣūl al-Fiqh* tradition. Khaled Abou El Fadl (2015) emphasizes that interpretive authority requires moral coherence and argumentative rationality, so that every legal claim must be tested through its ethical consistency. Gender justice serves as an evaluative parameter for the adequacy of *fiqh* arguments in addressing the transformation of modern family economic relations. This principle does not challenge the numerical part of the *qaṭʿī al-Dalālah*. However, it assesses whether the rationalization of derivative distribution continues to fulfill the *maqṣad* of justice when the structure of livelihood undergoes significant changes. This epistemic approach distinguishes between interpretive revision and normative disobedience, so that dynamics remain within the hierarchy of evidence and the methodological discipline.

An analysis of inheritance legislation across several Muslim countries reveals limited adaptation practices that do not negate textual boundaries. Tunisian and Moroccan family law reforms demonstrate the use of mandatory wills and the expansion of the scope of gifts to address social inequality (Hauser, 2025; Ouchelh, 2025). These practices do not alter the explicit numerical component but modify distribution through secondary legal mechanisms. This phenomenon confirms that the Islamic legal system recognizes strategies for reconciling textual norms with contemporary demands for justice. The theoretical framework of legal closure in modern legal studies distinguishes between normatively closed systems and interpretatively open systems (Orzeck & Hae, 2020). Islamic inheritance law is more accurately understood as a system with limited ontological finality and controlled epistemological openness. This model aligns with Hallaq’s theory of interpretive continuity and Jackson’s concept of rational authority, so its dynamics are not identical to those of normative deconstruction.

The categorical fallacy associated with claims of total finality can be analyzed using Gilbert Ryle’s (1973) concept of category mistake, which equates entities at

different ontological levels. Revelation has a normative-transcendent status, while *fiqh* is an inference-based discursive construct. Equating the two creates the illusion of epistemic closure and blurs the distinction between *qaṭʿī al-Wurūd* and *ẓannī al-Dalālah*. This meta-theoretical analysis strengthens the argument that extending finality to encompass socio-economic rationalization is an invalid generalization. The *uṣūl al-Fiqh* framework provides a control mechanism through the principles of *tarjīḥ*, *istishlāḥ*, and *sadd al-Dharāʾiʿ* to ensure that dynamics remain under control (Masʿud, Fahmi, & Saputra, 2025). The affirmation of the hierarchy of evidence and methodological discipline prevents interpretive relativism. A mature epistemological evaluation requires the recognition of these ontological differences so that the discourse of finality does not fall into the trap of methodological absolutism.

The proposed conceptual model can be formulated as limited ontological finality with epistemic dynamism. Limited finality applies to the existence of revelation and explicit numerical limits, while epistemological dynamism applies to *ʿillah* reasoning, social rationalization, and derived distribution instruments. This model rejects total finality while simultaneously rejecting unlimited relativism. The theoretical contribution of this approach lies in the clear mapping between normative ontology and legal epistemology, so that the debate no longer revolves around the conservative-progressive dichotomy, but rather on the analysis of the degree of certainty of evidence. This synthesis broadens the contemporary discourse on *fiqh mawārith* by integrating *maqāṣid*, modern hermeneutic theory, and classical Islamic legal epistemology.

The overall argument emphasizes that Islamic inheritance law is not epistemically closed, but has clear normative boundaries rooted in revelation. Interpretive dynamics arise from the limited and historical nature of human knowledge, not as a threat to the authority of the text. The ontological-epistemological distinction protects the discourse of inheritance law from both dogmatism and uncontrolled liberalization. This evaluation demonstrates that claims of total finality lack methodological consistency when tested within the framework of *uṣūl al-Fiqh* and legal epistemological theory. The proposed approach maintains the integrity of the *qaṭʿī al-Wurūd* and the *qaṭʿī al-Dalālah* while allowing for rational corrections to contextual rationalizations. Thus, the tradition of *ijtihād* remains alive as an internal mechanism for maintaining coherence between the text, the ethical objectives of sharia, and the ever-changing social reality.

Conclusion

The discourse on the finality of inheritance distribution in the Quran shows that inheritance provisions are final at the normative-principle level—namely, the recognition of heirs' rights, kinship structures, and distributive justice orientation—but are open at the epistemological-methodological level through *ijtihād* on the rationality of proportion and its social context. The main finding confirms that

inheritance figures cannot be understood apart from the assumption of maintenance responsibilities, patriarchal family structures, and the underlying construction of *maslahat*; therefore, the claim of finality that absolutizes the form of distribution arises from a textual reduction of the relationship between *naṣṣ*, *maqāṣid*, and reality. In contrast, an integrative epistemological framework allows articulating gender justice without negating the authority of the text by positioning *maqāṣid* as the normative horizon and the *istinbāṭ* method as an adaptive instrument. The theoretical implications reinforce the repositioning of *fiqh mawārīth* toward a non-literalist model rooted in *uṣūl al-Fiqh*. In contrast, the practical implications provide methodological references for religious court judges and Muslim family policymakers. The study's limitations lie in its conceptual-normative approach, lacking a systematic comparison of schools of thought and an analysis of court decisions. Further research is needed to develop cross-school comparative studies, jurisprudential analysis, and the integration of contemporary justice theories through an interdisciplinary approach grounded in social data.

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Author Contribution Statement

AO contributed to the conceptualization of the study, formulation of the theoretical framework, coordination of the writing, and final editing of the manuscript. ME contributed to data collection, the literature review, and the preparation of the methodology section. ES contributed to data analysis and interpretation of the research findings. AN was involved in preparing the results and discussion and in strengthening the academic argumentation. HM played a role in data validation, critical review of the manuscript content, and improvement of linguistic aspects. All authors were involved in the final review and approved the final version of the manuscript.

Conflict of Interest

The authors declare that this manuscript was prepared without any conflict of interest. The entire research, analysis, and writing process was conducted independently, without influence from any third parties with personal, commercial, or institutional interests. There are no financial relationships, affiliations, or other involvements that could affect the objectivity and integrity of the manuscript. All data and findings are presented honestly, transparently, and responsibly in accordance with applicable scientific principles.

AI Usage Statement

The authors declare that the use of artificial intelligence (AI) in the preparation of this manuscript was limited to technical aspects, including language enhancement, grammar correction, and assistance with formatting. All scientific material contained in this manuscript, including research results, findings, concepts,

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