

The Rule of One-Third
("One-third is a lot")
and Its Jurisprudential Applications

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The rule of one-third (and the saying "one-third is a lot") is one of the fundamental jurisprudential principles in Islamic law, which pertains to the organization of wealth distribution, especially in matters of inheritance, bequests, and endowments (waqf). This rule allocates one-third of the estate to non-heirs, such as for charitable causes or endowments, with the condition that the heirs approve if this limit is exceeded. The rule is based on the Prophetic hadith: "One-third, and one-third is a lot" (narrated by Bukhari), meaning that one-third is the maximum that can be allocated to non-heirs without harming the rights of the legal heirs.

The definition of the rule of one-third is a legal principle that sets the maximum amount that can be allocated in a will or endowment to non-heirs. Based on the noble hadith "One-third, and one-third is a lot," as narrated by Bukhari, one-third is the maximum that can be designated for other purposes, such as charitable work or endowment, without exceeding this limit and infringing upon the rights of the legal heirs. This rule is considered one of the jurisprudential tools that ensure financial justice and protect the rights of legal heirs.

One of the key issues addressed in this article regarding this rule is: Is one-third the appropriate limit for wealth distribution, or are there cases where this limit should be exceeded? And how does that affect the legal rights of the heirs? In this context, scholars have discussed the applications of the rule of "one-third is a lot" in inheritance and wills. One-third is considered the maximum amount

that can be allocated in a will without affecting the rights of the legal heirs. If this limit is exceeded, the heirs' approval is required to protect their rights.

Regarding the will, the testator has the right to allocate one-third of their estate to non-heirs, provided that this one-third is not exceeded unless the heirs approve. This allocation is considered one of the most important tools for fair distribution of the estate in Islamic law. If the will exceeds this limit, it is deemed invalid unless the heirs consent, thereby ensuring the protection of their legal rights.

In inheritance, one-third of the estate is the amount that can be allocated for specific purposes by the testator, such as charitable causes or endowment. Any allocation beyond this one-third requires the approval of the heirs, ensuring that their rights are not harmed. This allocation is a tool for ensuring fair distribution of the inheritance and providing space for charitable or endowment contributions without affecting the legal shares of the heirs.

In this context, scholars point out that one-third is the maximum amount that can be allocated in a will, and any excess beyond this requires the consent of all the heirs. This position reflects a balanced jurisprudential approach that ensures no party is wronged. Increasing the one-third may harm the legal rights of the heirs, which necessitates agreement between the testator and the heirs to ensure justice.

On the other hand, the rule of one-third contributes to maintaining a balance between the rights of the heirs and charitable interests. Although the testator may wish to allocate part of their estate to charitable causes or endowments, Islamic law has set one-third as the maximum limit to prevent encroaching on the heirs' rights. This rule is one of the effective jurisprudential tools that protect legal rights and ensure justice in the distribution of wealth after death.

In the modern era, the rule of one-third remains active in regulating wills and inheritance according to Islamic legal systems. With the development of judicial systems, some issues related to exceeding the one-third limit have emerged, requiring careful jurisprudential study to ensure the protection of the heirs' rights. Therefore, applying this rule in the contemporary era is an important tool for organizing the fair distribution of wealth in line with the needs of contemporary society, while maintaining legal justice.

In conclusion, the rule of one-third and "one-third is a lot" is one of the essential jurisprudential principles that contributes to achieving justice and protecting the rights of heirs in Islamic law. By applying this rule, a balance can be maintained between the rights of heirs and charitable interests, ensuring fair wealth distribution and protecting everyone's rights in the context of inheritance and wills.

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