

Third paper (3)

The Opening of Pretexts and its Contemporary Jurisprudential Applications

A fundamentalist jurisprudential study

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**Research published in the Faculty of Arts Journal - Fayoum University -
Volume (15) - Issue (2) - July 2023**

Abstract:

Many researchers have been interested in studying the blocking of pretexts, and I have seen that the issue of opening pretexts is of great importance no less than the idea of blocking them, and from here came the idea of this research, and I approached it from two aspects: The first is the fundamental, theoretical aspect: in it I talked about the definition of opening pretexts, its validity, and its controls. And its relationship to the purposes of Sharia, and the second is the practical aspect: in it I talked about a number of contemporary jurisprudential issues in application to opening pretexts, such as: investing zakat funds, dissecting dead bodies for the public interest, donating human organs after death, and medical examination before marriage.

In this research, I have reached several results, the most important of which are: that what is meant by opening pretexts is the desirability of opening means that lead to a prevailing interest that is governed by the controls and objectives of Sharia law, and that the statement of opening pretexts does not mean working by opening pretexts that have been blocked because they lead to something prohibited, but rather what is meant by it. Opening the means leading to what is obligatory, permissible, or recommended, and that working to open the means according to the established legal controls opens the door to many jurisprudence, which indicates the flexibility of Islamic law, and its keeping pace with every era.

As for the most important recommendations of the research: there should be mediation and moderation in stating pretexts, both open and closed, so that the door should not be completely closed, nor should it be opened wide.

Keywords: opening the means, applications, jurisprudence, contemporary, fundamentalism, objectives