

250296 - Studying fiqh according to a particular madhhab, and advanced books about tafseer and fiqh

the question

What are the Advanced Books to be referred for fiqh, tafsir etc. (english translation) I have referred the books you answered in many other questions but you said to keep in touch for advanced books!

Please name them with their specialties. Also please don't name a book on a particular madhhab rather it be from authentic Hadith.

The place I live in doesn't even have a single masjid of people of hadith. They are either hanafi (namesake) with wrong aqeedah! but Alhamdulillah we are trying to seek knowledge through authentic sources and striving to get a platform. Please pray for us. May Allah have mercy on you for this site work you are doing for ummah.

Detailed answer

Firstly:

We ask Allah, may He be exalted, to enable you to acquire beneficial knowledge and do righteous deeds.

You should understand that studying fiqh through the books of the madhhabs is something that is very common and there is nothing wrong with it, rather it is something that should be done, for no one can learn fiqh without doing that. This is the way of our scholars and shaykhs. So whoever wants to start his study in fiqh, let him choose one of the madhhabs – and what is preferable is for him to choose the one that is most common in his country – and memorise a brief text on that madhhab, then learn the commentary thereon from a well-versed shaykh. Then after that he

can broaden his study of fiqh little by little, until he is able to read the books that talk about the madhhabs and their evidence and the examination thereof, which is known as “comparative fiqh (al-fiqh al-muqaaran),” such as al-Mughni by Ibn Qudaamah, and al-Majmoo’ by an-Nawawi. In this manner he will be able to learn fiqh.

Shaykh Saalih al-Fawzaan (may Allah preserve him) was asked:

Is it permissible to adhere fanatically to the madhhab that a person follows with regard to any Islamic ruling, even if it is contrary to the right view? Or is it permissible for him to ignore it and follow the right view in some cases? What is the ruling on adhering to only one madhhab?

Answer:

There is nothing wrong with following one of the four well-known madhhabs of Ahl as-Sunnah wa’l-Jamaa’ah that have survived and been preserved and are common among the Muslims, and claiming to belong to one of them. So it may be said that So and so is Shaafa’i, or Hanbali, or Hanafi, or Maaliki.

These titles have been extant since classical times among the scholars, even senior scholars. So it may be said that so and so is Hanbali. It may be said, for example that Ibn Taymiyah was Hanbali, Ibn al-Qayyim was Hanbali, and so on. There is nothing wrong with that.

There is nothing wrong with simply claiming to belong to a madhhab, but that is on condition that one is not restricted to that madhhab and accept everything in it, whether it is true or false, whether it is right or wrong. Rather he should take from it whatever is right, but whatever he comes to know is wrong, it is not permissible for him to act upon it. If the correct view becomes clear to him, then he must follow it,

whether it is found in the madhhab to which he belongs or in another madhhab, because once the Sunnah of the Messenger of Allah is clear to a person, he does not have the right to ignore it in favour of the view of anyone else. The example to be followed is the Messenger of Allah (blessings and peace of Allah be upon him).

So we may follow the madhhab so long as it does not contradict the words of the Messenger (blessings and peace of Allah be upon him), but if it does contradict his words, then this is a mistake on the part of the scholar of that madhhab, and we must ignore it and follow the Sunnah, and we should follow the more correct view that is in accordance with the Sunnah, no matter which of the madhhabs of the mujtahid scholars it is from.

As for one who follows the view of the imam (of his madhhab) in all cases, whether it is right or wrong, this is regarded as blind following.

End quote from Majmoo' Fataawa ash-Shaykh al-Fawzaan
(2/ 701)

He was also asked:

I read in a religious book about following madhhabs, and I understood from my reading that the mujtahid (one who has sufficient knowledge to work out a ruling directly from the texts) should not follow one of the four famous madhhabs. Praise be to Allah, with regard to fiqh matters I try to work out the answers to various fiqh issues that a manner that does not contradict the Qur'an and Sunnah. Does what I read mean that I am not obliged to follow one of those four famous madhhabs, or not?

Answer:

What is meant by the mujtahid that you have read about in some books is the one who has attained the level of ijtihaad, meaning that he has met the conditions of being able to engage in ijtihaad (i.e., examining the religious texts in order to determine the correct ruling on an issue), such as the four imams and other great scholars of this ummah.

There are conditions which must be fulfilled by the mujtahid in order to become qualified to work out rulings and issue fatwas. This means that he has attained good general knowledge of the Book of Allah, the Sunnah of His Messenger (blessings and peace of Allah be upon him), and the views of the early generations, namely the Sahaabah and Taabi'een; and that he has knowledge of the basic principles of deriving rulings, meaning that he knows what abrogates and what is abrogated, what is general in meaning and what is specific, what is mentioned in broad terms and what is restricted, what is mentioned in brief and what is explained in more detail, and other principles of deriving rulings, in addition to having knowledge of the rules of the Arabic language which is the language of the religious texts of the Qur'an and Sunnah, and of the styles of Arabic and various ways of expressing ideas in Arabic.

But if a person is simply a reader, as you mention, then it is haraam for him to engage in ijtihaad, because he is likely to fall into error and cause others to fall into error. Ordinary Muslims and those who are beginners in the pursuit of knowledge should follow scholars whose religious commitment and knowledge they trust, and follow their views so long as it is not clear to them that their views are contrary to the evidence. So they should follow scholarly views that are based on evidence, if they are able to distinguish between what is more likely to be correct and what is less likely to be so. And Allah knows best.

End quote from Majmoo' Fataawa ash-Shaykh al-Fawzaan
(2/702)

Secondly:

With regard to books in the field of tafseer by earlier scholars, there are many of them. Among the most beneficial of them are the Tafseer of Ibn Jareer at-Tabari, the Tafseer of al-Baghawi, and the Tafseer of Ibn 'Atiyyah, then the Tafseer of Ibn Katheer. These tafseers all pay attention to what was narrated from the Prophet (blessings and peace of Allah be upon him), the Sahaabah and the Taabi'een.

With regard to early books of fiqh that pay attention to the reports and narrate the views of the Sahaabah and Taabi'een, they include: the Musannaf of Ibn Abi Shaybah, the Musannaf of 'Abd ar-Razzaaq as-San'aani, al-Awsat by Ibn al-Mundhir, and the chapters on fiqh in Saheeh al-Bukhaari and the Sunans of an-Nasaa'i, at-Tirmidhi and Abu Dawood.

One who is a beginner in the pursuit of knowledge will not benefit greatly from these books until he has studied fiqh in the manner referred to above.

And Allah knows best.