

Reconciliation through *Fiqh al-Aqalliyat*: A Sri Lankan Perspective

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Abstract

Reconciliation activities are essential in Sri Lanka, which has a racially and religiously pluralistic environment. The doctrine of *Fiqh al-Aqalliyat* (Minority Jurisprudence) introduced by modern Islamic scholars to formulate the life of minority Muslims includes many guidelines for reconciliation among those living in a pluralistic environment. Hence, the study aimed at finding the necessary guidelines that would be put forward through this doctrine for racial and religious harmony especially in the Sri Lankan context. Based on the review of the literature, the findings reveal that the theory contained proper guidelines for reconciliation, such as playing dual role in the plural context namely members of the race or religion they belong to, and citizens of the country they live in, maintaining flexibility in particular circumstance although each group has its own traditions with respect to the public interest in the plural context, accepting other traditions and avoiding being radical in maintaining individuality. This study could be a reference for future studies on reconciliation and plural circumstances.

Keywords: *Fiqh al-Aqalliyat*, Harmony, Race, Religion, Reconciliation, Islam, Islamic Jurisprudence, Minority

Background of the Study

Sri Lanka is a multi-ethnic country. The major ethnic groups living here are Sinhalese, Tamils, and Moors (Muslims) with a long history. In that sense, many reconciliation activities have been carried out for a long time by people of all religions with the aim of ensuring unity and understanding among the nations (Habeebullah, 2019). These reconciliation activities are not limited to races but also include the religions practiced by these races, including Buddhism, Hinduism, and Islam. The ultimate goal of these efforts is for all living in this country to forget racial and religious differences and unite as Sri Lankans to build the country. However, a decade after the end of the Sri Lankan civil war, ethnic and religious harmony remains in question (Silva, 2018).

Generally, all communities living in Sri Lanka are found to be very closely associated with religion and are more concerned with following their religious guidelines. In that sense, Sri Lankan Muslims are also influenced by the guidelines of Islam in their way of life.

As far as considering Islam as a universal religion, its teachings and guidance are applicable worldwide regardless of a particular country, ethnic group, or religion (Yazdani, 2020) which emphasizes the fact that Islam is a complete way of life with guidelines and legislation for all Muslims, both minorities and majorities around the world (Habeebullah et al., 2016). And these guidelines are not for Muslims only to follow. These apply to all religions and races of mankind (Al-Kahtany, 2009).

Accordingly, the guidelines of Islam extend to all aspects of human life, such as beliefs, moral values, and practical schemes. Hence, modern Islamic scholars are paying close attention to the concept of “*Fiqh al-Aqalliyat*” so that minority Muslims can live in harmony with other communities within the limits of their religion (Parray, 2012).

This concept provides proper guidelines for minority Muslims to live in harmony with other ethnic and religious groups (Mustafa & Agbaria, 2016). These guidelines which have been developed with the help of Islamic sources are practicable by all nations in countries where many races and religions live together with the aim of living in unity and mutual understanding with other races and religions. Hence, these guidelines are essential for the racial and religious reconciliation that should take place on the basis of understanding in countries like Sri Lanka.

Research Problem

Sri Lanka is home to diverse and multi-religious people. Therefore, it is essential for the stability of this country that everyone preserve their respective cultures, traditions, and identities and accept and respect the identities and cultures of others. However, in recent times racial and religious disputes and suspicions have been spreading among Sri Lankans. Racial and religious reconciliation activities are being carried out by a wide range of people to eliminate such disputes. Accordingly, the doctrine of “*Fiqh al-Aqalliyat*”, a widely held theory by contemporary scholars of modern Islamic jurisprudence which includes guidelines on how to preserve the identity of the Muslim minority and set up their practices in the countries where they live, would be containing guidelines that are some effective ways for everyone to live together in unity, regardless of race or religion.

Research objective

This study aims to identify the guidelines that the concept of *Fiqh al-Aqalliyat* contains in terms of its characteristics with regard to the ethnic and religious harmony in the pluralistic society with special reference to the Sri Lankan context.

Research methodology

This research acquired data on characteristics of the modern concept “*Fiqh al-Aqalliyat*” (minority jurisprudence), which was subsequently examined using the content analysis method. The data collecting method in the form of documentation is accurate due to the textual character of data in documents related to the characteristics of the concept. Indeed, this research is limited to a concept discussion.

Findings and discussions

The concept of *Fiqh al-Aqalliyat* which focused on the Muslim minority based on Islamic sources has provided efficient guidelines to all aspects of human life as it could be argued that the concept includes effective guidelines that lead towards ethnic harmony in a multi-religious or cultural society. Thus, by focusing on its characteristics, this part seeks to identify such kind guidelines based on the Sri Lankan context.

The Origination of the Concept

Fiqh al-Aqalliyat (Minority Jurisprudence) is a legal approach to Muslims living as a minority religious group regarding the issues, focusing on time, place, and litigation (Fakeehudeen, 2016). The concept of minority *fiqh* arose in response to the growing number of Muslim immigrants arriving in European countries, as well as on the continent of America (Kasdi et al., 2021). *Fiqh al-Aqalliyat*, according to Parray (2012), is the Arabic term for the study of this *fiqh* minority. The term "minority" refers to communal groups in a country that are distinct from the majority of the people. Differences in religion, sect, children, language, and other circumstances that distinguish between a group of humans and other humans are examples of such differences (Kasdi et al., 2021).

Hence, the concept was introduced in the Islamic jurisdiction as a set of guidelines for minority Muslims living in a pluralistic society, to approach their problems in accordance with Islamic *Shari'ah*, by considering their circumstances, to live in harmony (Mahmood, 2011). So one of the achievements of *Fiqh al-Aqalliyat* can be mentioned as the formation of social bonds between the whole nation by eliminating all forms of discrimination such as race, religion, and language (Mansoor, 2015).

Although this legal framework is formulated focusing on the lives of Minority Muslims, it applies to anyone who wants to live in harmony with other communities while maintaining their individuality. That is to say, in an environment where ethnic, religious, linguistic, and cultural diversity prevails, everyone is given the guidance they need to preserve their identities and build coexistence based on mutual understanding among them.

In general, socio-economic, cultural, and political contexts vary from country to country, in whole or in part. Therefore, any community living in a pluralistic environment that seeks to preserve its values and uniqueness should refrain from formulating its policies with its own people living in other countries. Only by knowing the religious and linguistic characteristics of their religion and the deep understanding of the environment in which they live and its practices can they maintain their existence and fulfill their aspirations without alienation (Zain, 2018). When these are not noticed, contradictions in the plural environment are inevitable.

In that sense, Sri Lanka is a country with a multi-ethnic and multi-cultural background. Many religious groups are living in this country, Buddhists, Hindus, Muslims, and Christians. Among these, the main ones are the conflicts between the Sinhala-Tamil, Sinhala-Muslim, and Tamil-Muslim communities (Jeyasangar, n.d.). Although such racial and religious

conflicts cannot be completely eliminated, efforts can be made to reduce them to some extent and to promote inter-religious harmony.

Although the concept of *Fiqh al-Aqalliyat* which focused on the Muslim minority based on Islamic sources that have provided efficient guidelines to all aspects of human life, focuses on its legal terms and values as a part of Islamic jurisprudence, focuses on situations and social practices in countries where Muslims are a minority (Mustafa & Agbaria, 2016). Through the concept, other ethnic and religious groups living in Sri Lanka would understand these guidelines and set up their activities which will greatly contribute to ethnic harmony. Hence, Al-Qaradawi (2001) describes *Fiqh al-Aqalliyat's* relevance and need for clarity in the plural context in relation to its characteristics and its role in inter-ethnic and religious reconciliation.

The Dual Role

Silva (2018) finds that inter-ethnic nationalism plays a significant role in the continued failure of vital reconciliation efforts in Sri Lanka. In contrast, the concept of *Fiqh al-Aqalliyat* gives a Muslim dual role at once that all people living in a pluralistic environment are at once members of the society they belong to and citizens of the country they live in (Al-Alwani, 1999).

That characteristic of *Fiqh al-Aqalliyat* in that sense is applicable not only to Muslims but to all living in the Sri Lankan community. This will guarantee the freedom of all living in the Sri Lankan context to reflect their cultures and as citizens of this country, it also gives them the motivation and awareness to set up their activities with other religious groups and their cultures in mind.

The Consideration of the Prevailing Circumstance

The concept of *Fiqh al-Aqalliyat* is subject to change according to changes in time, place, and circumstances (Mahmood, 2011). Therefore, the Muslim minority living in a country should try to find solutions to multiple aspects of Islamic jurisprudence, taking into account the circumstances prevailing in the country. Although those solutions contradict religious rulings (*fatwas*) issued in countries where the majority of Muslims live or in other areas where Muslims live, they are subject to *Shari'ah* if they are obtained with the help of Islamic sources in consideration of the flexibility of Islamic *Shari'ah* (Fishman, 2006).

This view is of deep concern to the Muslim minority. That is, it is possible to give up the nonobligatory (*ghayr wajib*) area. Obligatory (*wajib*) can come to the position of commendable (*Mandub*) or desirable (*Mustahab*) if there is weaker evidence in the area where there is a disagreement exists over whether *wajib* or *sunnah*. For instance, in the Sri Lankan context, Muslim women may be given religious rulings (*fatwas*) such as avoiding covering their faces and wearing black. Because covering the face is not obligatory for most Islamic scholars (*imams*) and wearing black is not *wajib* or *sunnah* (Mansoor, 2015).

This rule also applies to reconciliation in the pluralistic environment prevailing in Sri Lanka. Each religion has its own set of regulations, cultures, and identities. In a pluralistic

environment, unity between races and religions is built by manipulating the flexibility of the public interest or the national interest according to the circumstances and the necessity. Consequently, there is an opportunity to create an environment based on mutual understanding and tolerance.

Mutual respect and acceptance of Multiculturalism

Similarly, one of the characteristics of *Fiqh al-Aqalliyat* is to respect and accept the cultures of other races and religions (Mahmood, 2011). The fact that inter-ethnic or religious unity and participation in the cultures of other religions are enhanced through the Islamic guidelines could be understood through the guidance of the Prophet (PBUH) that, for example, during his time, Ethiopians used to play with spears and dance in the courtyard of the *Masjid Nabawi* in Medina to reflect their culture. (Bukhari 2735).

This guidance is also one of the most important aspects of co-existence. Inadequate knowledge of other communities is a major factor in the failure of reconciliation efforts in Sri Lanka (silva 2018). Accordingly, in the Sri Lankan context, everyone can move towards the next step of reconciliation by adhering to their own policies and cultures while adopting the policies and cultures of others and developing a participatory attitude towards them, if possible.

Furthermore, all ethnic groups living in Sri Lanka should try to inculcate in them a culture of respect for other cultures by making them aware of their respective cultures. For example, if you are a Muslim, you can give them a formal understanding of your cultural issues and distinctive features through open discussions on Islam, its guidelines, and conducting programs for other ethnic groups through question-and-answer sessions and clarifications on the *masjid* activities.

Avoidance of radical approach

One of the ancillary aspects of adopting these norms is the avoidance of taking a radical approach to preserving a Muslim identity. The result of this extreme trend is a closed social status (Mansoor, 2015). Significant influence is also shown on the racial and religious tensions in Sri Lanka and the intense commitment shown to protect their cultures from other communities (Orjuela, 2011).

One of the leading Islamic scholars Ibn Taymiyyah (2018) points out that Muslims living in other countries as a minority can avoid any harm by adhering to outward appearances that distinguish them from non-Muslims. This suggests that harm due to the adherence to a radical approach in maintaining individuality in appearances can be avoided.

This is something that everyone living in Sri Lanka should pay attention to. This tendency to appear as a result of extreme racial or religious affiliation, regardless of social circumstances or nature, can lead to the emergence of inter-ethnic or religious conflict, hatred, and prejudice. Ethnic and religious conflicts, unrest, domination, oppression, encroachments, etc. in Sri Lanka in the past are an echo of the extreme tendency towards race or religion or language and their culture and the transgression of their protection and hatred towards others

cultures. Therefore, in the Sri Lankan context of different races and religions, although everyone has their own distinct obvious identities, the inter-ethnic bond and understanding can be strengthened only by being aware of expressing them and by completely avoiding the forcible imposition of them on others.

Conclusion

Fiqh al-Aqalliyat as part of Islamic jurisprudence was introduced to the Muslim minorities. The law focuses on the dual role of Muslim minorities as members of the global Muslim Ummah and citizens of the country in which they live. The law is a set of guidelines for a Muslim living in a minority context to find appropriate solutions to sectarian practical issues in the field of Islamic law that are subject to multiple opinions, adapting to changes in his or her country, circumstances, and time, to preserve his uniqueness, and to adapt his daily activities in accordance with Islamic *Shari'ah*. Although this concept, is based on the Muslim minority, it provides guidelines for Muslims to live with compassion and understanding towards non-Muslims, its characteristics would apply to all followers of the religions in the Sri Lankan context. When these guidelines are properly understood and followed, everyone will be able to maintain their individuality and accept other ethnicities, religions, and cultures as citizens of one country. Through these characteristics, the racial and inter-religious harmony will be strengthened and a strong Sri Lanka can be built through the cohesive building of solidarity that includes all races as citizens of the same country without any deviation or discrimination.

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