

**RECONCEPTUALIZING PEACE THROUGH FIQH AL-TA'AYUSH:
LESSONS FROM ISLAMIC COSMOPOLITANISM FOR
CONTEMPORARY POLITICAL AND MORAL UNCERTAINTY**Asilatul Hanaa Abdullah^{1*}¹College of Creative Arts, UiTM Shah Alam, 40450 Shah Alam, Selangor*asilatul1983@gmail.com (Corresponding Author)DOI: <https://doi.org/10.24191/ejitu.v8i2.9054>**Abstract****E-JITU**Acceptance date:
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This paper explores Fiqh al-Ta'ayush (jurisprudence of coexistence) as an Islamic response to extremism and a framework for pluralistic governance. Rooted in Qur'anic principles of justice ('adl), compassion (rahmah), reconciliation (sulh), and diversity (ta'aruf), Fiqh al-Ta'ayush offers a normative paradigm for peacebuilding and intercultural engagement. Using a qualitative approach, this study employs textual analysis of classical Islamic sources, contemporary scholarship, and historical case studies to examine how coexistence was institutionalized in Islamic governance through models such as the Medina Charter, the Ottoman Millet system, and the Kapitan Cina institution in Malacca. Malaysia is presented as a contemporary case study, demonstrating partial institutionalization of Fiqh al-Ta'ayush through policies of moderation (Wasatiyyah), interfaith dialogue, and constitutional guarantees, while also highlighting tensions with legal dualism and ethnic politics. Findings show that Fiqh al-Ta'ayush functions both as a normative Qur'anic imperative and a partially realized governance framework. Comparative analysis further situates Fiqh al-Ta'ayush alongside liberal multiculturalism, realism, and Just War Theory, underscoring its global relevance as an ethically grounded model of peace and diplomacy. The paper concludes that while its application remains uneven, systematic integration of Fiqh al-Ta'ayush into law, education, and policy could strengthen its role as a cosmopolitan paradigm for coexistence in an increasingly polarized world.

Keywords: *Fiqh al-Ta'ayush; Islamic governance; pluralism; Wasatiyyah; Malaysia; peacebuilding*

Abstrak

Makalah ini meneliti Fiqh al-Ta'ayush (fiqh kewujudan bersama) sebagai respons Islam terhadap ekstremisme dan sebagai kerangka tadbir urus berbilang budaya. Berteraskan prinsip al-Qur'an tentang keadilan ('adl), kasih sayang (rahmah), perdamaian (sulh),

dan kepelbagaian (ta'aruf), Fiqh al-Ta'ayush menawarkan paradigma normatif bagi pembinaan keamanan dan keterlibatan antara budaya. Kajian ini menggunakan pendekatan kualitatif melalui analisis tekstual terhadap sumber Islam klasik, wacana sarjana kontemporari, serta kajian kes sejarah untuk meneliti bagaimana kewujudan bersama telah diinstitusikan dalam pemerintahan Islam, antaranya melalui Piagam Madinah, sistem Millet Uthmaniyyah, dan institusi Kapitan Cina di Melaka. Malaysia dibentangkan sebagai kajian kes kontemporari, yang memperlihatkan penginstitutionan separa Fiqh al-Ta'ayush melalui dasar Wasatiyyah, dialog antara agama, dan jaminan perlembagaan, di samping mendedahkan ketegangan dengan dwisistem perundangan dan politik etnik. Dapatan kajian menunjukkan bahawa Fiqh al-Ta'ayush berfungsi sebagai paradigma normatif al-Qur'an dan juga sebagai kerangka tadbir urus yang hanya direalisasikan secara separa. Analisis perbandingan turut meletakkan Fiqh al-Ta'ayush seiring dengan teori multikulturalisme liberal, realisme, dan Teori Perang Adil, sekali gus menekankan kerelevanannya di peringkat global sebagai model keamanan dan diplomasi berteraskan etika. Makalah ini menyimpulkan bahawa walaupun pelaksanaannya masih tidak sekata, pengintegrasian sistematik Fiqh al-Ta'ayush dalam undang-undang, pendidikan, dan dasar awam mampu memperkukuh peranannya sebagai paradigma kosmopolitan untuk kewujudan bersama dalam dunia yang semakin berpolar.

Kata Kunci: *Fiqh al-Ta'ayush; tadbir urus Islam; pluralisme; Wasatiyyah; Malaysia; pembinaan keamanan*

INTRODUCTION

The modern world faces unprecedented religious polarization, increasing extremist violence, and a general moral fog. Secular peace frameworks have valuable lessons but also reveal clear limitations: liberal multiculturalism is challenged by its inability to balance individual rights with cultural difference; realism privileges power over justice; while Just War Theory, although normative, is bound to specifically conflict based scenarios rather than ongoing and sustained coexistence. These limitations open up opportunities for renewed engagement with Islamic intellectual traditions, which offer minimally explored resources for pluralistic peacebuilding.

Fiqh al-Ta'ayush, which can be translated as the jurisprudence of coexistence, is rooted in Qur'ānic human values of justice ('adl, Q.4:58), compassion (rahmah, Q.21:107), mutual recognition (ta'aruf, Q.49:13), and reconciliation (sulh, Q.49:9–10). It is framed in terms of the paradigmatic value of Wasatiyyah (moderation) and explicitly seeks durable coexistence as a way of living - not episodic conflict resolution that assumes disengagement is possible - in which values and spiritual ethics become part of legal and political practice.

Fiqh al-Ta'ayush is understood as an Islamic model of ethics and jurisprudence for peaceful, just, and inclusive community relations. It is not strictly one of the legal schools (*madhhab*) in the classical tradition, yet it remains a model derived from Islamic



theology, ethics, and jurisprudence to address religious diversity and sociopolitical pluralism in contemporary society (Naqib et al., 2018; Hussain, 2015).). It is therefore characteristically a product of the contemporary era, responding to challenges such as extremism, Islamophobia, international conflict, and the pressures globalization imposes on Muslim societies (Pulungan, 2024; Sule et al., 2018). Conceptually, it falls between moral theology and jurisprudential practicality. It not only codifies intercommunal relations in legal terms but also seeks to ensure moral dispositions based on Qur'anic ethics. Anchored in the paradigm of *Wasatiyyah* (moderation)—balance, justice, and compassion in social and political interactions—it emphasizes coexistence as both legal principle and moral duty (Naqib et al., 2018).

Islamic governance has a rich history and establishes a structured pluralism through legal and administrative methods. The Medina Charter created an early constitutional order with limited power. It promoted mutual respect and security, along with freedom of belief and action. The Ottoman Millet system let minorities handle their own needs and issues. In Malacca, the Kapitan Cina institution defined how locally acknowledged Chinese leaders served as recognized traditional authority within an Islamic state. These arrangements show that coexistence was a guiding principle in Islamic governance, not just a convenience.

PROBLEM STATEMENT

Modern scholars including Talal Asad, Abdullahi An-Na'im, and Tariq Modood note that Islamic jurisprudence could productively enter the global debates regarding human rights, multiculturalism, and a secular state apparatus. Yet, Fiqh al-Ta'āyush is often expressed defensively, idealistically, or symbolically. There is a scarcity of literature on systematic policy or governance exercise of Fiqh al-Ta'āyush, which leaves a great deal of practical potential undeveloped. This article therefore seeks to illustrate the potential of Fiqh al-Ta'āyush as both a normative tradition and a practical methodology for peacebuilding. The article provides clarity on the theological bases for this tradition, examine its historical exemplifications of peaceful coexistence, and install these into the field of comparative political theory.

Through the case study of Malaysia, we show how Fiqh al-Ta'āyush exists as a settlement in contemporary governance while also revealing its institutional potential and symbolic limits. At the same time, we are able to critically think about this jurisprudence in comparison with secular political theories of peace—liberal multiculturalism, realism and Just War Theory—and identify points they converge with, and diverge from, Fiqh al-Ta'āyush. This article positions Fiqh al-Ta'āyush not as merely a defensive or tonal discourse, but as a plausible Islamic paradigm to frame and engage a corporatized, decoupled, rational Islamic approach to counteract marginalization, unsustainable cultural fragmentation, and ethical deficits in contemporary statecraft.



LITERATURE REVIEW

Qur'anic and Theological Foundations

The jurisprudence of coexistence, or *Fiqh al-Ta'āyush*, is grounded in Qur'anic ethics that view diversity as divinely intended and justice as a universal duty. Key values include *'adl* (justice, Q.4:58), *rahmah* (compassion, Q.21:107), *ta'āruf* (mutual recognition, Q.49:13), and *ṣulḥ* (reconciliation, Q.49:9–10). These principles provide a theological foundation for living together across different religions and cultures. Scholars like Hussain (2015) note that peaceful coexistence is not just a practical need; it is a Qur'anic requirement based on the teachings of the Prophet.

Historical Precedents in Islamic Governance

Islamic history offers clear examples of institutionalized pluralism. The *Ṣaḥīfat al-Madīna* (Medina Charter) established a proto-constitutional framework for Muslims, Jews, and polytheist tribes to coexist under common security and justice (Abdullah & Fathil, 2021). The Ottoman Millet system allowed Christian, Jewish, and other communities to have autonomy while preserving their unique identities. In Southeast Asia, the *Kapitan Cina* institution of the Malacca Sultanate enabled Chinese communities to self-govern while still under Islamic rule. These models show that pluralism and inclusivity were essential to Islamic governance, not just exceptions.

Contemporary Islamic Scholarship

Modern scholars have reinterpreted Islamic law to address globalization, secularism, and pluralism. Talal Asad (2003) points out the historical and political factors that shape religious coexistence. Abdullahi An-Na'im (2008) calls for reinterpretation (*ijtihād*) to bring Islamic law in line with constitutional democracy and human rights. Tariq Modood (2013) advocates for “multicultural secularism,” where religion has a positive role in public life. Together, these contributions present *Fiqh al-Ta'āyush* as a developing framework that can tackle contemporary political and ethical issues.

Comparative Theoretical Engagement

Scholarly debates often compare *Fiqh al-Ta'āyush* with secular ideas of peace and governance. Liberal multiculturalism (Kymlicka, 1995; Rawls, 1999) focuses on protecting cultural rights within secular democratic systems. Realist international relations theory (Morgenthau, 1948; Mearsheimer, 2001) emphasizes state interests and power dynamics over moral values. Just War Theory (Aquinas, 1274; Walzer, 1977) sets moral limits in warfare, highlighting proportionality and civilian safety. While *Fiqh al-Ta'āyush* connects with these traditions—especially regarding minority protections and ethical limits to conflict—it differs by basing peace on spiritual and moral duties rather than secular reasoning.

Identified Gaps

Despite these contributions, existing studies often portray *Fiqh al-Ta'āyush* in defensive or overly idealistic ways, with little translation into governance practices. Few works systematically compare it with secular peace theories or evaluate its implementation in modern Muslim-majority countries. This gap highlights the need for a critical, comparative, and practice-focused study of *Fiqh al-Ta'āyush*, which this article seeks to address.

RESEARCH METHODOLOGY

This study adopts a historical-comparative and textual analysis to reconceptualize *Fiqh al-Ta'āyush* as a normative and practical framework for peacebuilding. Rather than an empirical survey, it is a qualitative inquiry that synthesizes scriptural, historical, and contemporary sources within a comparative political theory lens.

Sources of Data

The analysis draws on three categories of sources:

1. Primary Islamic texts – Qur'ān, Hadith, and early Islamic documents such as the *Ṣaḥīfat al-Madīna* (Medina Charter).
2. Historical records and precedents – institutional models of coexistence including the Ottoman Millet system and the *Kapitan Cina* institution of the Malacca Sultanate.
3. Contemporary scholarship and policy documents – writings of classical and modern scholars (e.g., Asad, An-Na'im, Modood), alongside Malaysian state policies, constitutional provisions, and interfaith initiatives.

Analytical Framework

The study employs a comparative political theory framework, situating *Fiqh al-Ta'āyush* alongside secular models of governance and peace: liberal multiculturalism, realism, and Just War Theory. This enables identification of both convergences (e.g., minority protections, ethical restraint in conflict) and divergences (e.g., integration of spiritual ethics into political order).

Case Study Approach

Malaysia serves as a contextual case study for examining how *Fiqh al-Ta'āyush* is articulated in a contemporary, multicultural society. This includes an analysis of its institutional expressions—through Article 153 of the Federal Constitution, policies of *Wasatiyyah*, and programs of interfaith dialogue—as well as its limitations when reduced to symbolic discourse. Through this layered methodology, the article clarifies the theological foundations of *Fiqh al-Ta'āyush*, assesses its historical practice, and evaluates its contemporary and global relevance.

FINDINGS

Historical Models of Coexistence

The Ṣaḥīfat al-Madīna (Medina Charter) established a system of legal pluralism and mutual protection among Muslims, Jews, and polytheist tribes (Abdullah & Fathil, 2021). The Ottoman Millet system later offered religious freedom and independence to minorities within the empire (Abdullah & Fathil, 2021). The Kapitan Cina system in the Malacca Sultanate introduced intergroup leadership by appointing Chinese representatives in state governance (Abdullah & Fathil, 2021). Together, these historical examples show that Islamic governance traditionally supported coexistence, justice, and inclusivity.

Malaysia as a Case Study

In modern Malaysia, *Fiqh al-Ta'āyush* has some institutional expression. Article 153 of the Federal Constitution and state policies of moderation (*Wasatiyyah*) reflect efforts to balance Islamic leadership with multicultural coexistence (Naqib, Ibrahim, & Shayuty, 2018). National curricula include lessons on comparative religion and multicultural education. Interfaith forums, neighborhood programs, and outreach initiatives led by YADIM promote coexistence. The National Fatwa Council has also issued fatwas that encourage tolerance and dialogue (Fatwa Council of Malaysia, 2016). However, these efforts face challenges. Implementation is often symbolic rather than structural, as institutions such as JAKIM emphasize harmony rhetorically while legal dualism and ethno-religious stratification limit full institutionalization (Noor & Kassim, 2016; Lee, 2020). As a result, *Fiqh al-Ta'āyush* in Malaysia remains an evolving framework, applied unevenly across governance, education, and policy.

DISCUSSION

Normative and Empirical Aspects

While the historical record vindicates the institutionalization of coexistence within Islamic governance, the Malaysian example highlights a gap between discursive claims and practice. Thus, *Fiqh al-Ta'āyush* operates both as a normative Qur'anic model of governance and as a framework only partially realized in much of the world. The Qur'an emphasizes diversity as part of God's creation (Qur'an 49:13), justice (*'adl*; Qur'an 4:58), compassion (*rahmah*; Qur'an 21:107), and reconciliation (*ṣulḥ*; Qur'an 49:9–10), thereby presenting coexistence as an obligation of faith (Hussain, 2015; Khambali, 2020). Theologically, peaceful coexistence is not merely optional but fundamental to Islam's moral vision.

Radicalism and Jihad

The urgency of *Fiqh al-Ta'āyush* is evident in radicalist misinterpretations of jihad. In Islamic sources, jihad derives from *jahada* ("to strive") and is almost exclusively defensive, governed by moral limitations (Esposito, 2002; Bonney, 2004). The Qur'an distinguishes a just defensive war (*al-ḥarb al-mashrū'*) from aggression (*'udwān*), explicitly forbidding attacks on civilians or non-combatants (Halliday, 2002; Hussain, 2015). These rules of engagement parallel Just War Theory's emphasis on proportionality and the protection of civilians (Walzer, 1977), while embedding spiritual accountability within Islamic law, under which legitimacy is derived.

Comparative Theoretical Engagement

Fiqh al-Ta'āyush shares convergences and divergences with secular theories. It aligns with liberal multiculturalism in protecting minority rights (Kymlicka, 1995; Rawls, 1999) but frames these rights within divine accountability rather than secular neutrality. In contrast to realism, which emphasizes strategic interests and power balance (Morgenthau, 1948; Mearsheimer, 2001), *Fiqh al-Ta'āyush* emphasizes ethical diplomacy and moral obligations. Historical precedents, such as the Medina Charter, illustrate a model of diplomacy based on shared responsibility, offering an ethical alternative to power politics (Abdullah & Fathil, 2021).

Global Implications

In a globalized yet polarized world, *Fiqh al-Ta'āyush* functions as a cosmopolitan Islamic paradigm for peacebuilding. Rooted in *Wasatiyyah* (moderation), it advocates justice, non-aggression, and dialogue as guiding principles for international relations (Naqib et al., 2018; Sule et al., 2018). Its core values—recognition (*ta'āruf*), tolerance (*tasāmuḥ*), solidarity (*takaful*), and compassion (*maḥabbah*)—form a moral foundation for intercultural dialogue and engagement with human rights discourse (Khambali, 2020; An-Na'im, 2008; Modood, 2013). Nonetheless, the application of *Fiqh al-Ta'āyush* is context-dependent. In secular democracies, it may serve as a moral-ethical discourse rather than legal code, while in authoritarian contexts it risks being co-opted as legitimizing rhetoric (Asad, 2003; Abou El Fadl, 2001).

RECOMMENDATIONS

To improve the role of *Fiqh al-Ta'āyush* as an ethical and functional model of peaceful coexistence there are a number of recommended actions.

Institutional Integration

Governments in Muslim-majority contexts must include the principles of *Fiqh al-Ta'āyush*, specifically justice (*'adl*), compassion (*raḥmah*), reconciliation (*ṣulḥ*) and mutual recognition (*ta'āruf*), into the design of policies, implemented by judicial systems and statutory authorities. Making the leap to a sustained functional model of coexistence and interreligious harmony has to go beyond just rhetoric, but also needs public



authorities with legal frameworks and policy instruments that can practically guarantee and regularise aspects of coexistence.

Education and public awareness

Education systems should incorporate Fiqh al-Ta'āyush in its educational curricula, for example as part of civics, religious studies and comparative ethics as well as incorporating the concept that diversity, debates on their respective rights, responsibilities, and specific needs, does have divine sanction (Qur'an 49:13), thus assisting the development of a culture where mutual respect can become normative practice. Funded public awareness campaigns and community-based programs could further help to raise awareness of what Islamic principles teach us about non-violent conduct, minority protections and the need to engage in public dialogue with all citizens, thus helping to address radicalist views of jihad that advocate violence as discordance and attacking on one's own community instead of its underlying structural injustices.

Engagement in and across faiths and discourses of Islam

Religious institutions can create non-competitive, additive platforms for interfaith and intra Muslim dialogue that includes further engagement with future generations. Fiqh al-Ta'āyush must be able to function as a bridge, in harmony with pluralism, in multiethnic and multireligious societies and communities. Inclusion must not be symbolic but has to permit opportunities for all to discuss and speak about, as well as critique and reconstruct, a dialogue of layers of structural inequalities that separated Canadians began in the level sense of accepting pluralism and coexistence.

Scholarly Development and Comparative Engagement

Contemporary Islamic scholarship could enhance Fiqh al-Ta'āyush through the multidisciplinary engagement with the global theories of peace such as liberal multiculturalism, realism, and Just War Theory. The critical engagement with both the classical Islamic categories of the dār al-Islām and dār al-'ahd and the modern discourses of human rights and multicultural secularism to develop a jurisprudence is vital if we are to adapt our jurisprudence as we navigate contemporary realities.

Global Peacebuilding and Ethical Diplomacy

At the global level, Fiqh al-Ta'āyush could be articulated as a tool for ethical diplomacy. There is an extensive opportunity for Muslim states and organizations, to operationalize non-aggression, dialogue, and cooperation as a frame of reference in dealing with the global agenda that could provide alternatives to the dominance of power politics. This could involve building partnerships with international organizations and NGOs as well as inter-cultural and inter-faith networks to support its positioning as a tool for de-escalating conflicts and building an intercultural understanding.



By engaging self-proposed engagement, we finally properly place Fiqh al-Ta'āyush to move from symbols of discourse and symbols of realization to affirming Islam's role in both locally and globally contributing to peace, justice, and pluralism.

CONCLUSION

Fiqh al-Ta'āyush represents one of Islam's most compelling contributions to contemporary discourses on peace, pluralism, and governance. Rooted in Qur'anic injunctions of justice (*'adl*), compassion (*rahmah*), reconciliation (*ṣulh*), and diversity (*ta'āruḥ*), it positions coexistence not as an optional virtue but as a theological and moral imperative. Historically, models such as the Medina Charter, the Ottoman Millet system, and the Kapitan Cina institution in Malacca provide evidence that coexistence was institutionally embedded within Islamic governance.

In contemporary Malaysia, *Fiqh al-Ta'āyush* offers a framework for interreligious harmony and moderation (*Wasatiyyah*), though its application often remains discursive rather than fully institutionalized. The contrast between its normative ideals and uneven implementation highlights the need for systematic integration into law, education, and governance.

Theologically, *Fiqh al-Ta'āyush* also serves as a corrective to radicalist misinterpretations of jihad, reaffirming the Qur'anic vision of defensive struggle bounded by morality, proportionality, and the protection of civilians. Comparatively, it enriches global peace theory by dialoguing with liberal multiculturalism, realism, and Just War Theory, offering an ethically grounded alternative to power politics.

Ultimately, *Fiqh al-Ta'āyush* is both a normative and empirical paradigm: it reflects Islam's moral vision while providing a practical framework for coexistence in plural societies. To fulfill its promise, it must move beyond rhetoric into tangible policies, education, and international diplomacy. In doing so, it stands as a distinctly Islamic yet universally resonant model for cultivating justice, compassion, and peace in an increasingly divided world.

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