



40 Hadiths on Social Justice

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Lecture Notes

Chapter 31: Islamic Ethics Regarding Asylum, Refugees, and Migration

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Abu Hurairah (ra) reported: The Messenger of Allah (ﷺ) said, "He who gives respite to someone who is in straitened circumstances, or grants him remission, Allah will shelter him in the shade of His Throne, on the Day of Resurrection, when there will be no shade except its shade."

[Sunan at-Tirmidhi]

وعن أبي هريرة رضي الله عنه قال:
قال رسول الله صلى الله عليه وسلم:
"من أنظر معسراً أو وضع له، أظله الله
يوم القيامة تحت ظل عرشه يوم لا ظل
إلا ظله"

[سنن الترمذي]

Introduction

- We will focus on the Islamic perspective so as not to get too lost in modern debate.
- There has never been a refugee crisis worse than the crisis we have today.
 - Documentary: "Human Flow"
- When we look at the tribal system before Islam, we are repulsed by it because a person was only given social and economic rights if they were part of the tribe. Outsiders or those from a lower tribe wouldn't be treated properly.
 - The situation we have today is worse than that. Just because someone is born in a certain country or has a certain passport, doesn't mean they should be entitled to more freedom and rights. What makes that person less valuable?
- As human rights are constantly invoked in our modern day discourse through liberal paradigms, they are almost always invoked in the context of freedom of expression and the pursuit of life, liberty, and happiness. The focus is on people's individualistic rights to express themselves or live in a certain way. These terms are often hijacked for a privileged population.
 - In Islam, human rights starts with the right to a dignified life/existence. We should view the refugee/migrant crisis within the context of the right to life.

- Surah Nisa Ayah 66: **وَلَوْ أَنَّا كَتَبْنَا عَلَيْهِمْ أَنْ اقْتُلُوا أَنْفُسَكُمْ أَوْ اخْرَجُوا مِنْ دِيَارِكُمْ مَا فَعَلُوهُ إِلَّا قَلِيلٌ مِنْهُمْ وَلَوْ أَنَّهُمْ فَعَلُوا مَا يُوعَظُونَ بِهِ لَكَانَ خَيْرًا لَهُمْ وَأَشَدَّ تَثْبِيثًا**
 - “And if We had decreed upon them, "Kill yourselves" or "Leave your homes," they would not have done it, except for a few of them. But if they had done what they were instructed, it would have been better for them and a firmer position [for them in faith].”
 - Allah (swt) likens people forced from your home to death. Asking someone to leave their home would be like asking them to kill themselves.
- The main Hadith tells promises the reward of shade on the day of judgment. This is the ultimate form of protection and is given to the one who gave protection in the Dunya.
- We previously covered a Hadith: **لَيْسَ لِابْنِ آدَمَ حَقٌّ فِي سِوَى هَذِهِ الْخِصَالِ بَيْتٌ يَسْكُنُهُ وَثَوْبٌ يُوَارِي عَوْرَتَهُ وَجِلْفُ الْخُبْزِ وَالْمَاءُ**
 - The prophet (ﷺ) said: “There is no right for the son of Adam except in these things: a house in which he lives, a garment to cover his nakedness, a piece of bread and water.”

Hijrah to Abyssinia

- The prophet (ﷺ) sent Muslims to Abyssinia to live in safety twice. The prophet (ﷺ) knew that Najashi would be too just of a person to send back people facing persecution. The prophet (ﷺ) praised this quality because it was Islamic.
 - Even when ‘Amr ibn Aas came to demand Najashi return the Muslims, he didn’t let him take them.
- The first group of refugees to Abyssinia included Ruqayyah (ra), the daughter of the prophet (ﷺ).
- When Abu Bakr (ra) was on his way to Abyssinia, he was stopped by a chief from the outskirts of Makkah named Ibn ad-Daghinah. He asked Abu Bakr why he was going. Abu Bakr (ra) replied: **أَخْرَجَنِي قَوْمِي، فَأُرِيدُ أَنْ أَسِيحَ فِي الْأَرْضِ وَأَعْبُدَ رَبِّي**. “My people kicked me out so I desire to explore the earth and worship by load.” This shows that he

believed he had a right to travel in the earth of Allah to where he pleased and worship Allah. Then Ibn ad-Daghinah replied saying that a person like you should not be forced out or leave. He was saying that it was unjust and that Abu Bakr (ra) was valuable to the people of Makakh.

- The right to migration is embedded in Islam. It's not just about the value or lack of value brought by refugees.
- Ayah: فسبحوا في الأرض. "So travel in the land..."

The Treatment of Refugees

- Hadith: هل تنصرون وترزقون إلا بضعفائكم:
 - "Are you given victory and sustenance except by the way you treat the most vulnerable?"
- Hadith: مَا مِنْ إِمَامٍ يُغْلِقُ بَابَهُ دُونَ ذَوِي الْحَاجَةِ وَالْخَلَّةِ وَالْمُسْكِنَةِ إِلَّا أَغْلَقَ اللَّهُ أَبْوَابَ السَّمَاءِ دُونَ خَلَّتِهِ وَحَاجَتِهِ وَمَسْكِنَتِهِ
 - The prophet (ﷺ) said: "There is no leader who closes the door to someone in need, one suffering in poverty, except that Allah closes the gates of the heavens for him when he is suffering in poverty."
 - When you turn someone away, Allah (swt) will turn you away.
 - When a nation shuts its doors on those in need, that will lead to the loss of their safety and blessings.
 - Umar ibn Abdul Aziz would grant asylum to everyone. When he was the governor of Madinah, he would take in Muslim refugees fleeing from Hajjaj ibn Yusuf. He didn't set up refugee camps but rather placed it on the citizens of Madinah to take care of them.
 - The time of Umar ibn Abdul Aziz was one of the greatest times in Islamic history.
- Surah Hashr Ayah 9: وَالَّذِينَ نَبَّؤُوا الدَّارَ وَالْإِيمَانَ مِنْ قَبْلِهِمْ يُحِبُّونَ مَنْ هَاجَرَ إِلَيْهِمْ وَلَا يَجِدُونَ فِي صُدُورِهِمْ حَاجَةً مِّمَّا أُوتُوا وَيُؤْتُونَ عَلَى أَنْفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ وَمَنْ يُوقِ شُحَّ نَفْسِهِ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ

- And [also for] those who were settled in al-Madinah and [adopted] the faith before them. They love those who emigrated to them and find not any want in their breasts of what the emigrants were given but give [them] preference over themselves, even though they are in privation. And whoever is protected from the stinginess of his soul - it is those who will be the successful.
 - The rights of refugees include emotional rights.
 - The Ayah says that the Ansar loved those who migrated to them. This is something that cannot happen except with faith.
 - Generally, once people feel the burden on society from the refugees, they start to resent them. For example, people will blame refugees for taking jobs.
 - The Ansar didn't know the Muhajiroon but they still loved them because they knew that they were earning the pleasure of Allah by taking care of them.
 - Then the Ayah continues to say that they have no ill feelings for what the immigrants were given. And they prefer the immigrants over themselves even if it puts them in hardship.
- The Quran tells us that the traveller who is discounted from his wealth is deserving of Zakah.

What about non-Muslims?

- Ayah: **وَإِنْ أَحَدٌ مِّنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّىٰ يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ۚ ذَٰلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ**
- "And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah . Then deliver him to his place of safety. That is because they are a people who do not know."
- Imam Awza'i was once asked about this verse: "And where is his place of security; do you think if he says my place of security is in Constantinople, we should take him there?" Awza'i answered, "If he reaches one of their fortresses or one of their strongholds, this would be his place of security." He was then asked, "What if the polythesists are met by a Muslim patrol in their country before they reach their place of security?" He answered, "The patrol should not stand in their way." He was then asked about the enemy who enters Muslim land under a safe conduct which is valid

until his return and, on the way back to his country, climbs a mountain within his own territory but is forced by strong winds to return to Muslim land. If the enemy then says, "I am here under safe conduct, what should be done?" Awzai'i answered, I am of the opinion that he is entitled to remain protected by the safe conducts."

Conclusion

- Istijara or Talab al-Jiwar (asylum) is a human right in Islam. The refugee has the same rights/responsibilities as a national once they're granted asylum. Modern refugee law doesn't assume the right to asylum or any permanent and livable condition.
- Ibrahim (as) and his family were refugees. Musa (as) was a refugee. The prophet Muhammad (ﷺ) was a refugee.
- Not giving someone their right of knowing they will be safe in their home tomorrow just because of their paperwork is a crime in Islam
- After Najashi took in the Muslim refugees, there was a revolt against Najashi (for other reasons). But Najashi stayed in power and Allah (swt) blessed his rule and blessed Abyssinia as a result of them accepting those refugees.