

Hijrah, Asylum and the Moral Limits of Borders: Re-reading Islamic Migration Doctrine in the Age of the Nation-State

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ABSTRACT

This article re-examines the Islamic doctrine of Hijrah in relation to modern borders, asylum, forced migration and the treatment of displaced persons. It is guided by the central question: How can the Islamic doctrine of Hijrah be understood as an ethical and legal framework for evaluating modern borders, asylum, forced migration and the treatment of displaced persons? Existing discussions of Hijrah often treat it as a historical event, a legal rule concerning residence in non-Muslim territory, or a spiritual metaphor for leaving sin. Modern migration studies, by contrast, usually discuss borders, refugee status, statelessness and citizenship without sustained engagement with Islamic legal and ethical resources. This article bridges these concepts by using a historical-textual and maqaasid-oriented method. It analyses Qur'anic references to Hijrah, Prophetic precedents, such as the migrations to Abyssinia and Madinah, classical juristic debates on the continuing obligation of Hijrah, and contemporary scholarship on asylum, citizenship and border control. It argues that Hijrah should not be reduced either to unrestricted movement or to a past Prophetic episode. Rather, it is best understood as a context-sensitive doctrine that protects religion, life, dignity, family, moral agency and justice when these values are threatened by persecution, displacement or forced immobility. The article further contends that Hijrah places ethical limits on exclusionary border regimes, especially when such regimes deny sanctuary, return people to danger, produce statelessness, or make human dignity conditional on nationality. The contribution of the article is to reconstruct Hijrah as an Islamic ethical-legal framework for asylum, protection and humane mobility in the modern nation-state system.



Introduction

Migration is one of the defining moral and political questions of the present age. The modern world is organized through territorial states, passports, visas, border posts, detention centres, deportation regimes and citizenship laws. These institutions determine who may move, who may enter, who may remain and who may belong. At the same time, millions of people continue to move because of persecution, war, authoritarian rule, religious discrimination, economic dispossession, ecological stress, family separation and the search for safety. According to the International Organization for Migration, approximately 304 million people were living outside their country of birth by mid-2024, about 3.7 percent of the global population (IOM, 2026, ch. 2). UNHCR reported that forced displacement remained at a historically high level at the end of 2025, with 117.8 million people forcibly displaced by persecution, conflict, violence, human rights violations and events seriously disturbing public order (UNHCR, 2026, pp. 2-6). These figures do not themselves answer normative questions, but they show why migration cannot be discussed only as a historical or administrative matter.

The central ethical problem is not simply that people move. It is that the right to seek safety is increasingly mediated by legal status, nationality, documentation and border control. Political theorists have therefore asked whether the modern state possesses an unlimited moral right to exclude outsiders, especially when exclusion exposes them to serious harm. Benhabib frames this problem in terms of the boundaries of political membership and the incorporation of aliens, refugees and asylum-seekers into existing polities (Benhabib, 2004, pp. 1-24). Carens argues that immigration raises deep questions about citizenship, belonging, freedom and equality, and he famously begins his discussion of border enforcement by observing that borders are not mere lines but coercive institutions backed by force (Carens, 2013, pp. 225-229). Shachar, in turn, shows that contemporary borders increasingly shift outward through visa systems, carrier sanctions, offshore processing, surveillance and externalized controls, so that the border is no longer located only at the territorial edge of the state (Shachar, 2020, pp. 4-7).

Islamic thought has its own vocabulary for evaluating movement, sanctuary and oppression. The most important term is *Hijrah*. In its most familiar historical sense, *Hijrah* refers to the Prophet Muhammad's migration from Makkah to Madinah in 622 CE and to the earlier migration of Muslims to Abyssinia. In Islamic memory, these migrations signify sacrifice, faith, protection, communal formation and the refusal to submit to persecution. In a broader ethical and legal sense, however, *Hijrah* refers to movement away from conditions that prevent faithful, dignified and just life toward conditions in which worship, moral agency and security become possible. This includes physical relocation from persecution, spiritual movement away from sin, and political-ethical withdrawal from structures of oppression.

This article is guided by the following research question: How can the Islamic doctrine of *Hijrah* be understood as an ethical and legal framework for evaluating modern borders, asylum, forced migration, and the treatment of displaced persons? The question is deliberately framed in evaluative rather than merely descriptive terms. It does not ask only what *Hijrah* meant in early Islamic history or how classical jurists classified territories. It asks what kind of moral and legal reasoning *Hijrah* can generate in a world governed by nation-state borders, refugee law, citizenship, statelessness and detention.

The article argues that *Hijrah* should be reconstructed as a context-sensitive Islamic ethical-legal doctrine. It is ethical because it concerns dignity, agency, sincerity, protection, solidarity and resistance to oppression. It is legal because it generated juristic rules about residence, obligation, exemption, safe-conduct, territory, treaties and the duty to preserve faith and life. Yet *Hijrah* is not reducible to a mechanical rule requiring migration from

every non-Muslim polity to a Muslim polity. The migration to Abyssinia itself complicates such a reading, because the first Muslim asylum was sought under a just Christian ruler rather than under Muslim sovereignty. The better criterion is not the formal religious identity of territory but the availability of justice, safety, religious freedom and protection from oppression.

The article proceeds in eight steps. First, it reviews the relevant literature and identifies the gap. Second, it explains the method and conceptual distinctions. Third, it analyses the semantic field of Hijrah in Arabic and the Qur'an. Fourth, it studies the Prophetic precedents of Abyssinia and Madinah. Fifth, it examines classical juristic debates on the obligation of Hijrah and the categories of Dar al-Islam, Dar al-Harb and Dar al-Aman. Sixth, it clarifies the relationship between Hijrah, jihad and resistance without collapsing Hijrah into militarized struggle. Seventh, it applies Hijrah to modern borders, asylum, non-refoulement, statelessness, deportation and citizenship. Finally, it proposes an Islamic ethical-legal framework for the treatment of displaced persons.

Method

This article uses a historical-textual and maqasid-oriented method. The historical-textual dimension reads Qur'anic verses, Hadith, sira, tafsir and juristic discussions in their historical and interpretive contexts. The maqasid dimension asks how these materials protect the higher purposes of Shari'ah, especially religion, life, dignity, family, property, intellect and justice. Maqasid scholarship is useful here because it prevents the discussion from becoming a mechanical application of pre-modern territorial categories to a modern nation-state system. Kamali explains maqasid as the higher objectives and wisdoms behind legal rulings, while Ibn Ashur treats maqasid as a methodology for renewal in Islamic legal thought (Kamali, 2008, pp. 4-25; Ibn Ashur, 2006, pp. 165-194). Auda's systems approach further supports reading Islamic law in a way that considers purpose, context, consequence and interdependence rather than isolated literalism (Auda, 2008, pp. 227-255).

The method does not claim to issue a fatwa on when specific individuals must migrate. Nor does it claim that the modern refugee regime is identical with classical Islamic law. Rather, it reconstructs Hijrah as a normative resource. It asks what principles Hijrah generates for thinking about asylum, sanctuary, forced immobility, deportation, statelessness and citizenship. It therefore treats Islamic sources as legal-ethical materials and modern migration theory as an analytical vocabulary.

Several conceptual distinctions are necessary. Migration is the general movement of people from one place to another. Hijrah is migration charged with religious, moral and legal significance. Asylum is the act of seeking protection from persecution. Refugeehood is a modern legal status defined by international law, especially the 1951 Convention's definition of a person outside the country of nationality who is unable or unwilling to return because of a well-founded fear of persecution on specified grounds (UN General Assembly, 1951, art. 1A(2)). Exile is removal or compelled absence from one's homeland. Deportation is state-imposed expulsion. Statelessness is the absence of nationality under the operation of any state's law. Spiritual Hijrah is the moral movement away from sin toward obedience. Economic migration is movement for livelihood. These categories overlap in practice, but they should not be collapsed analytically.

The article therefore defines Hijrah as religiously and ethically meaningful movement from a condition that obstructs faith, life, dignity, moral agency or justice toward a condition in which these values can be preserved. This definition does not make every form of migration into Hijrah. It also does not confine Hijrah to one historical journey. It identifies a normative pattern: when a place becomes a site of persecution, forced moral compromise or structural vulnerability, movement toward safety and justice may become not only

permissible but morally required, if it is possible and does not produce greater harm.

Results and Discussion

1. The Semantic Field of Hijrah in Arabic and the Qur'an

Results and Discussion may be presented in subheadings. This section clearly discusses the main topics in accordance with the research problem, research objectives, and the theories used. The root h-j-r carries meanings of separation, leaving, abandonment and withdrawal. Classical lexicography associates Hijrah with leaving one place for another and with abandoning what should be left. The term therefore contains both spatial and moral meanings. Al-Firuzabadi records the lexical meaning in terms of separation and departure (al-Firuzabadi, 1998, pp. 495-496), while Hamidullah notes that older usages could also relate to the movement from desert life to settled urban life, thereby connecting Hijrah to the search for a more secure social environment (Hamidullah, 1940, pp. 358-360).

The Qur'anic usage of the root is broader than the technical meaning later attached to the Prophet's migration to Madinah. The Qur'an uses h-j-r for leaving, abandoning, avoiding and separating. It also uses Hijrah in contexts of persecution, expulsion, divine reward and striving in God's path. Qur'an 4:97 is especially important because it censures those who wrong themselves by remaining in a condition of oppression when migration was possible; the angels ask whether God's earth was not vast enough for them to migrate. Qur'an 4:100 promises that whoever migrates in the path of God will find many places of refuge and abundance, and that one who dies after setting out for God and His Messenger receives divine reward. Qur'an 16:41 speaks of those who migrate after being wronged, while Qur'an 29:56 declares that God's earth is spacious and worship should be directed to Him alone.

These verses show that Hijrah is not mere relocation. It is movement in response to injustice, persecution and the inability to live faithfully. Abou El Fadl reads Qur'an 17:70, which speaks of human dignity and movement across land and sea, together with migration verses in Surat al-Nisa' to argue that mobility can be understood as a constituent element of human dignity (Abou El Fadl, 2020, pp. 13-18). This reading is important because it links Hijrah to dignity rather than reducing it to communal boundary maintenance.

At the same time, the Qur'an recognizes incapacity. The criticism in Qur'an 4:97 is followed by an exception for those who are genuinely weak and unable to devise a plan or find a way. This exception has significant contemporary implications. Many displaced persons today are not free agents choosing immobility; they are trapped by poverty, documentation regimes, closed borders, detention, disability, family vulnerability, surveillance or violence. A Hijrah-based ethics must therefore avoid blaming the forcibly immobile. It must distinguish between morally blameworthy acquiescence in oppression and genuine inability to move.

The semantic field of Hijrah thus has three dimensions. The first is physical-territorial: leaving an oppressive place for a safer one. The second is spiritual-moral: leaving sin, corruption and disobedience. The third is political-ethical: refusing to normalize structures that destroy dignity and freedom. The hadith that the true migrant is one who abandons what God has forbidden confirms the spiritual dimension (Sahih al-Bukhari, Kitab al-Iman, hadith no. 10). But the Prophetic migrations to Abyssinia and Madinah confirm that spiritual Hijrah does not abolish physical Hijrah. The two belong together: inward reform requires outward conditions in which faithful and dignified life can be sustained.

2. Prophetic Precedents: Abyssinia, Madinah and the Ethics of Sanctuary

Abyssinia and the legitimacy of asylum under a just non-Muslim ruler

The migration to Abyssinia is central to any contemporary theory of Hijrah. It occurred before the establishment of the Muslim polity in Madinah and before Muslims had territorial sovereignty. The early Muslims were vulnerable in Makkah; they faced social pressure, violence and restrictions on religious expression. The Prophet directed some of them to seek refuge in Abyssinia because there was a king there under whom no one was wronged. The significance of this event is not only that Muslims migrated. It is that they migrated to a non-Muslim polity because it offered justice and protection.

This precedent complicates the later binary of Dar al-Islam and Dar al-Harb. If the first Muslim asylum was found under a Christian ruler, the decisive criterion cannot be the formal religious identity of the ruler alone. The criterion is whether a political space allows safety, justice and religious freedom. In modern terms, Abyssinia is an Islamic model of asylum. It shows that protection may be morally valid even outside Muslim sovereignty, and that Muslims may seek safety from a non-Muslim authority when that authority acts justly. This point supports Abou El Fadl's broader argument that classical Muslim minority discourse was more complex than a simple prohibition on residence in non-Muslim lands (Abou El Fadl, 1994, pp. 141-187).

Abyssinia also introduces the ethical obligation of the host. Najashi is remembered not as a Muslim border officer applying nationality law but as a just ruler who refused to surrender vulnerable persons to persecutors. This memory resonates with the modern principle of non-refoulement, which prohibits returning a refugee to a territory where life or freedom would be threatened (UN General Assembly, 1951, art. 33). The concepts are not identical, because the Convention is a modern legal instrument and Abyssinia belongs to Prophetic history. Yet the ethical affinity is strong: a person fleeing persecution should not be handed back to the persecutor.

Madinah and the formation of a just political community

The migration to Madinah had a different function. It was not only an escape from persecution but the formation of a new community. The Hijrah transformed Muslims from a persecuted group into a community capable of law, worship, defence, solidarity and social order. The Charter of Madinah is frequently discussed as an early model of political community that included Muslims and non-Muslim groups within a shared civic framework. Hamidullah's work on the Madinan constitution emphasizes the political importance of this community-forming dimension (Hamidullah, 1940, pp. 362-364; Hamidullah, 1975, pp. 13-26).

The Madinan precedent contributes to contemporary migration ethics in two ways. First, it shows that migration is not only about leaving danger; it is also about building institutions of protection. Second, it shows that the receiving community has obligations toward newcomers. The bond between the Muhajirun and the Ansar was not a minimal arrangement of temporary tolerance. It was a form of social incorporation, economic support and moral fraternity. Jureidini and Hassan identify Islamic ethical concepts such as mu'akhah, diyafah, ijara, aman, jiwar, sutra and kafala as resources for rethinking the treatment of migrants and displaced persons (Jureidini and Hassan, 2020, pp. 1-12).

Madinah therefore prevents a purely individualistic reading of Hijrah. The migrant is not merely someone who crosses a border. The migrant is someone whose movement creates duties for the self, the host and the community. A Hijrah-based framework must ask not only whether a person may flee but also whether the receiving society offers security, fair treatment, family protection, religious freedom and social participation.

3. The Legal Status of Hijrah: Obligation, Exemption and Territorial Categories

The apparent tension in the sources

Classical discussions of Hijrah often begin with an apparent tension. On the one hand, a well-known hadith states, "There is no Hijrah after the conquest," which many scholars understood as ending the specific obligation to migrate to Madinah after the conquest of Makkah (Sahih al-Bukhari, hadith no. 3078). On the other hand, other reports state that Hijrah will not cease as long as repentance remains possible or as long as struggle in the path of God continues. Qur'anic verses such as 4:97 and 4:100 also appear to give Hijrah continuing normative significance.

The most coherent resolution is to distinguish between the historically specific Hijrah to Madinah and the continuing moral-legal duty to leave conditions of persecution when one can do so. Hamidullah argues that the early requirement for new Muslims to join the Muslim community had a training and security rationale and that this specific form of obligation changed after Makkah entered Islam (Hamidullah, 1940, pp. 362-364). Masud, however, shows that the broader doctrine continued to be debated and reactivated in later contexts, especially when Muslims judged a political order hostile to religious life (Masud, 1990, pp. 29-49).

Classical juristic positions

The juristic positions may be classified into three broad tendencies. The first treats the special Hijrah to Madinah as historically complete. This tendency emphasizes the hadith "no Hijrah after the conquest" and limits the original obligation to the Prophetic period. The second treats Hijrah as conditionally continuing. According to this view, migration remains obligatory when a Muslim is unable to practice religion or preserve life and dignity in a given place and has the ability to move to a safer place. Ibn Kathir's reading of Qur'an 4:97 is often cited in this direction, especially where he speaks of the obligation of leaving a place in which proper religious practice is impossible (Ibn Kathir, 1966, vol. 2, p. 369). The third tendency spiritualizes Hijrah as the perpetual duty to abandon sin, although this does not necessarily deny physical migration in conditions of persecution.

The diversity of these positions matters. It shows that Hijrah cannot be reduced to one simple rule. Al-Tabari treats the failure to migrate under persecution as morally grave when ability exists (al-Tabari, 2003, vol. 7, pp. 379-381). Al-Zamakhshari emphasizes the high obligation of leaving conditions hostile to faith (al-Zamakhshari, 1924, vol. 1, pp. 222-223). Ibn al-Arabi describes migration from Dar al-Harb to safer territory as a continuing legal issue, while al-Razi gives greater weight to the historical limitation after the conquest of Makkah (Ibn al-Arabi, 1926, vol. 1, pp. 610-615; al-Razi, n.d., vol. 3, p. 417). Zafarul Islam Khan's survey of later scholarship confirms that consensus was not simple, and that political conditions often shaped legal interpretation (Khan, 1997, pp. 53-58, 132-147).

Conditions and exemptions

Because Hijrah can be morally serious, jurists also discussed conditions. The most important are intention, ability, genuine threat, possibility of a safer destination, and the avoidance of greater harm. Intention matters because the famous opening hadith of Sahih al-Bukhari states that actions are judged by intentions and that one's migration is for what one migrated for (Sahih al-Bukhari, Kitab Bad' al-Wahy, hadith no. 1). Ability matters because Qur'an 4:98-99 exempts those who are weak and unable to find a way. Threat matters because migration does not become obligatory simply because one prefers a different place; it becomes urgent when faith, life, dignity or moral agency are seriously obstructed. Destination matters because migration to a place of greater danger may not

serve the purposes of Shari'ah.

These conditions are directly relevant to modern forced migration. A refugee trapped at a closed border, a stateless person without documents, a detained asylum-seeker, a disabled person unable to travel, or a family separated by visa regimes may be physically unable to perform Hijrah even when danger is clear. A humane Islamic legal ethics must therefore shift some attention from the duty of the oppressed to move toward the duty of political communities not to obstruct rescue. The Qur'anic exception for incapacity should become a principle for evaluating forced immobility.

Dar al-Islam, Dar al-Harb and Dar al-Aman in the modern world

Classical jurists developed territorial categories such as Dar al-Islam, Dar al-Harb, Dar al-Aman and Dar al-Isti'man. These categories were attempts to describe security, law, sovereignty and religious possibility in a pre-modern world. They should not be mapped mechanically onto modern states. The modern nation-state is not identical to the medieval political order. A Muslim-majority state may fail to protect religion, life or dignity. A non-Muslim-majority state may offer security, religious freedom and legal equality. The migration to Abyssinia already demonstrates that justice and protection may exist outside Muslim sovereignty.

Abou El Fadl's work is especially helpful here because it shows that classical jurists did not produce a single inflexible rule for Muslims living under non-Muslim authority. Their discussions included questions of safety, capacity to perform religious duties, loyalty, public manifestation of religion and relations with the host polity (Abou El Fadl, 1994, pp. 141-187). Shavit's study of Muslim minority jurisprudence likewise shows that modern fiqh al-aqalliyyat has shifted attention from obligatory departure to questions of residence, citizenship and participation in plural societies (Shavit, 2015, pp. 1-32).

A reconstructed doctrine of Hijrah should therefore evaluate territory by ethical criteria: whether it protects life, permits worship, secures family, respects dignity, prevents persecution and offers justice. This does not abolish the distinction between just and unjust political orders. It refines it. The most relevant contemporary category may not be Dar al-Harb but Dar al-Aman: a place of safety and protection, even when Muslims do not rule it. Conversely, a nominally Muslim space that persecutes, tortures, expels or denies dignity cannot claim ethical superiority merely through identity.

4. Hijrah, Jihad and Resistance to Oppression

Hijrah is often mentioned in Qur'anic verses alongside iman and jihad, especially in verses that praise those who believed, migrated and strove with their wealth and lives. This connection must be interpreted carefully. It does not mean that Hijrah is reducible to armed struggle. Rather, both Hijrah and jihad involve sacrifice, moral seriousness and refusal to submit to injustice. Jihad, in its broader Qur'anic and ethical sense, is striving in the path of God; it can include moral, spiritual, intellectual, social and political struggle. Hijrah is one form of such striving when remaining in a place would mean surrendering faith, dignity or justice.

The migration to Abyssinia is particularly important because it represents a nonviolent form of resistance. The early Muslims did not respond to persecution by attempting to seize power in Makkah. They withdrew to a place of protection, preserved their community and refused to let oppression define their future. Hijrah can therefore be understood as a moral exit from tyranny. It exposes the injustice of the persecuting order by demonstrating that people must leave in order to live with dignity.

This reading also prevents the misuse of Hijrah by extremist or separatist movements. Masud notes that the doctrine of Hijrah has sometimes been invoked in modern political contexts to justify withdrawal from existing societies on the claim that they are

insufficiently Islamic (Masud, 1990, pp. 29-49). A maqasid-based interpretation resists such misuse by asking whether migration actually protects religion, life, dignity, family and justice, or whether it produces greater harm, sectarian isolation and violence. The ethical content of Hijrah is not hatred of the other but liberation from oppression and movement toward moral responsibility.

Hijrah thus functions as resistance in at least four ways. First, it refuses forced assimilation into injustice. Second, it preserves the agency of the oppressed. Third, it creates alternative communities of protection. Fourth, it imposes moral duties on hosts and bystanders. It is therefore a doctrine of ethical movement, not a doctrine of indiscriminate rupture.

5. Hijrah and the Modern Border Regime

Borders, sovereignty and the denial of mobility

Modern borders are not neutral administrative lines. They are legal and coercive instruments that distribute safety, opportunity and vulnerability. Shachar's analysis of the shifting border shows that wealthy states increasingly move border control away from their territorial edges through visa restrictions, pre-clearance, carrier sanctions, interdiction, offshore processing and international cooperation with transit states (Shachar, 2020, pp. 4-7). This means that many displaced persons are prevented from even reaching the place where they could claim asylum. The border becomes mobile, selective and anticipatory.

Hijrah challenges this structure at the level of moral principle. If God's earth is spacious, and if persons under oppression have a moral claim to seek a place where they can worship and live with dignity, then state sovereignty cannot be absolute. This does not mean that Islam requires the abolition of all borders. Rather, it means that borders must be judged by higher ethical criteria. A border regime that blocks flight from persecution, returns people to danger, separates families without necessity, or produces stateless vulnerability fails those criteria.

Asylum and the right to seek sanctuary

The migration to Abyssinia provides an Islamic paradigm of asylum. Muslims fled persecution and found protection under a ruler known for justice. Modern asylum law similarly recognizes that persons facing persecution may need protection outside their country of origin. The 1951 Refugee Convention defines a refugee through well-founded fear of persecution on grounds such as race, religion, nationality, membership of a particular social group or political opinion (UN General Assembly, 1951, art. 1A(2)). Elmadmad argues that Islamic teachings on asylum and forced displacement, often discussed under Hijrah, can offer meaningful protection to refugees and asylum-seekers and should not remain absent from contemporary Muslim legal and policy discourse (Elmadmad, 2008, pp. 51-63).

A Hijrah-based framework strengthens asylum in two ways. It affirms the moral legitimacy of the person seeking refuge, and it imposes ethical responsibility on the host. The asylum-seeker is not an illegal intruder by nature; the asylum-seeker may be a person exercising a morally serious claim to safety. The host is not merely a sovereign gatekeeper; the host may be an actor accountable before God for the treatment of the vulnerable.

Non-refoulement and protection from return to danger

Non-refoulement is the principle that a person should not be returned to a place where life or freedom would be threatened. It is central to modern refugee law (UN General Assembly, 1951, art. 33). A Hijrah-based Islamic ethics does not need to copy international law in order to affirm this principle. It can ground the same moral concern in the protection of life, religion and dignity; the prohibition of assisting oppression; the duty of aman; and

the Prophetic precedent of sanctuary. If Najashi had returned the early Muslims to Quraysh, the moral meaning of Abyssinia would have been destroyed. His refusal to surrender them is precisely what makes the event an asylum precedent.

The principle also has implications for Muslim-majority states. It is not enough to criticize Western border regimes while ignoring the deportation, detention or exploitation of vulnerable migrants in Muslim societies. If Hijrah is an Islamic ethical doctrine, it applies to all political communities. A Muslim-majority state violates the spirit of Hijrah when it returns people to danger, denies due process, exploits migrant labour, or treats non-citizens as disposable.

Statelessness, citizenship and documentary exclusion

Statelessness exposes the fragility of a world in which legal personality is mediated by nationality. A stateless person may lack the documents required to move, work, marry, study, access health care or claim protection. Shachar's argument that birthright citizenship operates like an inherited privilege helps explain why nationality is not merely a legal technicality but a distributive institution that shapes life chances (Shachar, 2009, pp. 1-18). Benhabib's discussion of the right to have rights similarly shows that persons outside secure membership may be deprived of effective rights even when moral rights are proclaimed in universal language (Benhabib, 2004, pp. 49-70).

Hijrah speaks to this problem because it refuses to make dignity dependent on territorial belonging alone. The Qur'anic migrant is addressed as a moral subject before God, not as a passport-holder. The Muhajir is honoured because of intention, sacrifice and commitment, not because of nationality. An Islamic ethics of Hijrah therefore challenges any legal order in which lack of citizenship becomes a reason to deny basic protection. It does not deny the practical role of nationality, but it rejects the conversion of nationality into the measure of human worth.

Detention, deportation and forced immobility

Modern migration control often immobilizes people through detention, reporting requirements, encampment, offshore processing, biometric surveillance and visa dependency. Forced immobility is not the opposite of migration; it is part of the same border regime. Many people who need Hijrah cannot move because the legal architecture of movement prevents them. This is where Qur'an 4:98-99 becomes particularly relevant. The Qur'an recognizes that some people are unable to devise a plan or find a way. A contemporary Islamic legal ethics should therefore ask whether states create conditions of incapacity and then punish people for being unable to move legally.

Deportation must also be evaluated ethically. Some removals may be lawful under domestic law, but legality alone is not sufficient. A Hijrah framework asks whether deportation separates families, returns people to persecution, denies religious freedom, exposes persons to torture or treats long-term residents as permanent outsiders. Carens argues that long residence generates moral claims to membership, even where initial entry may have been unauthorized (Carens, 2013, pp. 129-156). This argument can be placed in conversation with Islamic ideas of aman, neighborliness and social responsibility. Time, relationship and vulnerability matter.

Labour migration and kafala

The article's main focus is asylum and forced migration, but economic migration cannot be ignored. Many migrants move for livelihood because economic structures leave them with few real choices. In the Gulf and other regions, migrant workers may face dependency, debt, passport confiscation, contract substitution and restrictions on exit. Jureidini and Hassan's study of kafala shows both the continuity of Islamic concepts of care and the need

for reform where sponsorship systems produce domination rather than protection (Jureidini and Hassan, 2020, pp. 92-109).

Hijrah does not make every labour migration sacred, but it does provide ethical criteria for evaluating it. Does the system preserve dignity? Does it allow lawful work without exploitation? Does it protect family, wages and mobility? Does sponsorship become care or control? These questions show why Hijrah is relevant not only to refugees but also to migrant workers whose mobility is legally permitted yet morally constrained.

6. Toward an Islamic Ethical-Legal Framework for Displaced Persons

The preceding analysis allows the construction of an Islamic ethical-legal framework based on Hijrah. This framework is not a codified statute but a set of normative criteria derived from Qur'anic language, Prophetic precedent, juristic reasoning, maqasid and contemporary migration ethics.

First, oppression cannot be normalized. When a place prevents people from preserving faith, life, dignity or moral agency, leaving it may become an act of obedience rather than disloyalty. Qur'an 4:97 condemns avoidable acquiescence in oppression, while Qur'an 4:100 promises divine reward to those who migrate for God. The principle is that human beings should not be forced to remain in places where they are denied the conditions of faithful and dignified life.

Second, sanctuary is a moral duty. The Abyssinian precedent shows that receiving the persecuted is an act of justice. The Madinan precedent shows that reception should move beyond bare admission toward protection, fraternity and social incorporation. Zaman's *jiwar* model is useful because it shifts the focus from temporary hospitality to neighbourhood and belonging (Zaman, 2020, pp. 47-66).

Third, borders are morally limited. Political communities may regulate entry, but regulation is not absolute. A border policy is ethically deficient when it blocks escape from persecution, externalizes responsibility to unsafe transit states, denies asylum procedures, separates families without necessity, or returns people to danger. Hijrah therefore provides an Islamic basis for criticizing exclusionary sovereignty.

Fourth, citizenship cannot be the final measure of dignity. Nationality may organize legal membership, but the absence of nationality cannot erase God-given dignity. Benhabib's concern with aliens, refugees and asylum-seekers and Shachar's critique of birthright privilege help clarify the modern version of a problem that Islamic ethics must address: how to protect persons whose lives are made precarious by the boundaries of membership (Benhabib, 2004, pp. 1-24, 49-70; Shachar, 2009, pp. 1-18).

Fifth, intention and conduct remain important. Hijrah is not morally meaningful simply because movement occurs. The hadith on intention insists that migration is judged by its purpose. Migrants also have ethical duties: honesty, respect for agreements, avoidance of harm, pursuit of lawful livelihood and contribution to the host society where possible. These duties, however, must not be weaponized to deny protection to vulnerable persons.

Sixth, host societies have obligations. These include protection of life, religious freedom, fair procedure, humane reception, family unity, non-discrimination, access to basic needs, and protection from exploitation. Islamic concepts such as *aman*, *jiwar*, *diyafah*, *ijara* and *kafala* can be interpreted as ethical resources for these obligations (Jureidini and Hassan, 2020, pp. 1-12; Zaman, 2020, pp. 47-66).

Seventh, Muslim-majority societies must apply Hijrah self-critically. It is inadequate to invoke Hijrah against Western borders while tolerating abusive labour systems, arbitrary detention, mass deportation or denial of citizenship in Muslim contexts. The measure is not identity but justice. The Qur'anic and Prophetic logic of Hijrah demands protection of the oppressed wherever they seek safety.

Conclusion

This article has asked how the Islamic doctrine of Hijrah can be understood as an ethical and legal framework for evaluating modern borders, asylum, forced migration and the treatment of displaced persons. It has argued that Hijrah is not merely a past event, a general synonym for migration, or a spiritual metaphor detached from political life. It is a context-sensitive doctrine of movement from oppression to protection, from forced vulnerability to moral agency, and from exclusion to just community.

The analysis has shown that Hijrah contains lexical, Qur'anic, Prophetic, juristic and ethical dimensions. The Qur'an links Hijrah to oppression, divine reward, spaciousness of the earth and accountability, while also recognizing the incapacity of those who cannot move. The migration to Abyssinia demonstrates the legitimacy of asylum under a just non-Muslim ruler and challenges simplistic territorial binaries. The migration to Madinah shows that Hijrah also creates duties of community formation, solidarity and protection. Classical juristic debates demonstrate that the obligation of Hijrah was never a single unqualified rule; it depended on context, ability, threat and the possibility of preserving religion and life. Modern migration theory and refugee law reveal why this doctrine remains relevant in a world of shifting borders, citizenship exclusion, statelessness, detention and deportation.

A Hijrah-based framework does not require the abolition of every border, nor does it make all movement religiously obligatory. It does, however, place ethical limits on borders. It rejects any political order that makes safety dependent entirely on nationality, blocks the persecuted from seeking sanctuary, returns people to danger, traps the vulnerable in forced immobility, or treats migrants and refugees as morally inferior outsiders. It also demands self-critique from Muslim societies, which must protect refugees, migrant workers, stateless persons and asylum-seekers if they are to honour the ethical legacy of Hijrah.

In its deepest sense, Hijrah is movement toward a place where obedience to God, human dignity and justice become possible. In the modern age, that meaning makes Hijrah a powerful Islamic concept for rethinking asylum, citizenship and the moral limits of borders. It calls political communities to transform the treatment of displaced persons from suspicion and exclusion to protection, responsibility and shared human dignity.

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