



Q U A R T E R L Y

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## Islam and Human Rights

- The Rights of Women in Muslim Societies
- The Conception of Humanitarian Law and the Islamic Legal System
- Asylum in Islam, Judaism and Christianity
- Islam and Human Rights?
- Islam & Gender Justice - Beyond Simplistic Apologia
- Human Rights and Islam



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Editor:  
Evelyn A. Ankumah

Legal Researcher:  
Antenor Hallo de Wolf

Cover design by:  
Guus van Eck, in co-operation with City of Maastricht

Press:  
MTB-drukkerij  
Watermolen 1  
P.O. Box 1585  
6201 BN Maastricht  
The Netherlands  
Tel.: +31 43 382 4444

Letters can be sent to:  
The Editor  
AFLA Quarterly  
Minderbroedersberg 6A  
P.O. Box 616  
6200 MD Maastricht  
The Netherlands

Fax: +31 43 326 2250

Tel.: +31 43 388 2523  
+31 43 388 2532

E-mail:  
EA.Ankumah@ALA.Unimaas.nl

Internet:  
<http://www.unimaas.nl/~ala>

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## ASYLUM IN ISLAM, JUDAISM AND CHRISTIANITY

BY Prof. KHADIJA ELMADMAD  
Faculty of Law, Economics and Social Sciences  
University of Casablanca, Morocco



Prof. Khadija Elmadmad

### Introduction

Asylum is an age-old concept. It is literally the Latin form of a Greek word "asylos" which means "something not subject to seizure". It was first used to mean a sacred place where a fugitive could seek refuge. It means today "the protection accorded by a State in its territory or at some other places, subject to certain of its organs, to an individual who came to seek it".<sup>1</sup>

The practice of asylum originated among all the human communities in sanctuaries offered by the holy places in ancient time. The institution has developed in a way that it moved from the stage when individuals were involved in asylum, to a stage where they became spectators.

There are three types of asylum: religious, territorial and diplomatic. Each type is closely

<sup>1</sup> The Bath session of the Institute of International Law in 1950.

<sup>2</sup> When a person seeks refuge in a sacred or religious place, the protection that a person gets at that place is known as religious asylum. Territorial asylum is linked with the sovereignty of a country and is granted by a state outside its national territory, in embassies and legations abroad and in its military planes and ships. See Mario BETTATI, *L'asile politique en question*, Presses Universitaires de France, Paris 1985, pp. 7-35; Borhan AMRALLAH, (in Arabic) *The Right to Political Asylum*, Dar

associated with the place where protection is granted.<sup>2</sup> From ancient times to the XVIIIth century, religious asylum was quite prevalent in many parts of the world but it has almost disappeared today. Diplomatic asylum exists now only in Latin America, where it is regulated by specific conventions. Territorial asylum has evolved as a more organized, internationalized and institutionalized concept with clear limits on its scope and applicability.

Asylum has a specific importance in all the three monotheist religions: Judaism, Christianity and Islam. All the three Prophets, Moses, Jesus Christ and Muhammad, experienced exile and sought asylum in foreign communities.

Islam has its origin in both Judaism and Christianity and very often, the Islamic sacred book refers to these two religions as the basis of Islam.<sup>3</sup> The concept of asylum in Islam is not different from that of "sanctuary" in the other two missionary religions.<sup>4</sup>

In Judaism, Christianity and Islam, asylum represents an act of love to one's neighbour and help to needy people. But, the protection granted in Judaism and Christianity to refugees lacks a proper legal status and is limited in scope, when compared to that offered in Islam.<sup>5</sup>

An-Nahda Al-Arabya, Cairo, 1983, pp. 8-25.

<sup>3</sup> For example, it is said about the Jews and the Christians in the Quran, verse 46, Chapter XXIX (The Spider): "We believe in that which was revealed to you. Our God and your God is one. To Him we surrender ourselves."

<sup>4</sup> For more details on the concept of sanctuary, see Refugee Issues vol. 2, No. 4; Gary Mac Eoin (Ed), *Sanctuary: A Resource Guide for Understanding and Participating in the Central American Refugee Struggle*, Harper and Row Publishers, San Francisco, 1985; See also Elizabeth Ferris, "The Churches, Refugees and Politics" in Gil Loescher and Laial Monahan (Eds), *Refugee and International Relations*, Oxford University Press, 1989, pp. 159-178.

<sup>5</sup> See Khadija Elmadmad, (in French) *L'asile dans les pays afro-arabes avec une référence spéciale au Soudan*, Doctorat d'Etat thesis, Faculty of Law, University of Casablanca, 1993, pp. 72-100.