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AGLOS NEWS



上智大学21世紀COEプログラム  
地域立脚型グローバル・スタディーズの構築  
SOPHIA AGLOS  
Towards Area-Based Global Studies (AGLOS)  
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# Islam and Refugees in a Globalized World

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Islam is a religion and a way of life. In Islamic communities, Islamic law

regulates the private relations of Moslem individuals and of public life and administration, notably the relations between Moslems and non-Moslems and the protection of foreigners, including refugees and asylum-seekers. The word "Islam" comes linguistically from the Arabic verb *aslama*, meaning submission to Allah (God). Islam was revealed to the Prophet Mohammed who lived from 570 to 632 in the city of Mecca (in present-day Saudi Arabia). Islam also refers to the Moslem world. This Moslem world is composed of all Moslem States and of all the Moslem minorities living in the non-Moslem States.

The Moslem States are gathered today in an international organization known as the Organization of the Islamic Conference (OIC), which was set up by the kings and heads of state and government of the Islamic States in 1969. At present, there are 57 Moslem States located in Africa, Asia and Europe. But Moslems are found all over the world and in most states. (See map)

The division of Islam into the two main sects, the Sunni and the Shia, goes back to the issue of the succession of the caliphs (the successors of Prophet Mohammed) in the first century of the Islamic calendar. Shiites believe that the true authority and leadership of Moslems after Mohammed's cousin and son-in-law, Ali, continued through the line of imams or religious teachers. Sunnis, however, believe in the supremacy of the caliphs, who are the rulers elected by the people and mandated to guard the prophetic traditions in the administration of community affairs.

Statistics show that Islam is a growing religion. There are approximately 1.3 billion Moslems in the world. More than 85 percent of Moslems belong to the Sunni Sect. The Shiite minority is concentrated in Iran and Iraq. Almost half of all Moslems live in South or Southeast Asia and less than 20 percent are Arab. There are some 6 million Moslems in the

United States, 3 million in France, 2.5 million in Germany, 1.5 million in the United Kingdom and half a million in Canada.

There is no reliable estimate of the Moslem population in Japan. Claims of thirty thousand are without doubt exaggerated. Some claim that there are only a few hundred. This latter estimate probably corresponds to the number openly practicing Islam. Some Japanese become Moslems for a single purpose, such as marriage, and do not continue to practice. The slow growth of Moslem belief in Japan is due partly to external circumstances, but the Japanese traditional religious atmosphere and highly developed materialistic tendencies must also be taken into consideration.

In this era of globalization (the "global village"), the Moslem world is a world of wars and forced migrants (*Dar al harb wa al mohajirin*). Forced migrants are refugees, asylum-seekers, and internally displaced persons (IDPs). While displaced persons move involuntarily within the national borders of a country, refugees and asylum-seekers move involuntarily from one country to another seeking protection from persecution or fleeing insecurity and violence. They are quite different from people who migrate by choice and move freely to settle within their own country or in another country. Refugees are governed by migrant law in general but by refugee law in particular.

Asylum and refuge-seeking are two important themes in Islamic history, and Islamic theory and teachings relating to refugees and forced migration under what is known as *hijra* law is quite different from modern refugee law. *Hijra* law gives more protection to asylum-seekers and refugees (*mustaminoun*). However, *hijra* law is rarely referred to or invoked today. If it were taken into consideration, it could contribute greatly to the protection of forced migrants. It might also reduce the numerous problems refugees all over the globe and particularly in the Moslem world are facing. Islam could then be understood and considered differently. This might both reduce growing "Islamophobia" and lead to the amelioration and globalization of migrants' rights.

First we will look at Islamic teachings relating to forced migration (including refugees) and compare it with the theory of modern international law on refugees. After examining the situation of Moslem refugees today, we will examine how Islamic law on forced migration could contribute to the advancement of migration law in a world becoming more and more a world of "the uprooted." Uprooted persons are very often lacking comprehensive and effective protection.

## **Hijra and Modern Law on Asylum and Refugees**

The Islamic concepts of *hijra* (migration/forced migration) and *mohajirin* (migrants/refugees) are taken from both the Judaic and Christian laws regarding "sojourners" and "aliens" and from pre-Islamic