Understanding 'Sanctuary': Faith and Traditions of Asylum

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Sanctuary movements emerged in North America in the 1980s as a means of providing support, advocacy and protection for refugees and other vulnerable migrants. In recent years they have grown quickly in Europe, animated largely by faith activists who invoke moral principles associated with religious traditions. This article examines ancient and modern histories of sanctuary and the implications for understanding contemporary ideas about protection, refuge and asylum.

Keywords: sanctuary, sanctuary movement, religion, faith, faith-based organizations, asylum, refuge, church history

Introduction

In 1681 King Charles II of England offered 'an asylum' to the persecuted Calvinist minority of France. This may have been the first occasion on which authorities in a modern state formally extended protection to people associated with another state; according to some scholars, it marked the birth of the refugee as a category of persons later to be recognized in international law (see Zolberg *et al.* 1989; Adelman 1999). It also revised an ancient tradition whereby religious authorities had guaranteed refuge: in place of the Church, the state now provided protection for certain groups of people. The institution of sanctuary had in effect been appropriated by secular (or at least 'civil') forces:[1] it was no longer associated with specific local sites in which protection was an expression of Godly or saintly authority but with the entire territory of the nation-state. As King Charles declared, if France continued its repression of the Calvinists, 'I offer them an Asylum in ... England'.[2]

The Church's entitlement to grant sanctuary had been abolished by Charles' grandfather, James I, in 1623. This brought to an end a tradition that had lasted for over 1,000 years, since Canon Law formalized practices central to both pre-Roman society and to the Roman imperial order in Britain. The Church had disseminated ideas about refuge across Europe, so

that one of the most consistent features of religious observance throughout the medieval period was acceptance of the special status of cathedrals, abbeys, monasteries, shrines and local places of worship as sanctuaries in which fugitives, victims of war and local conflict, and certain people deemed outside the law could secure protection. Abolition of 'church' sanctuary in the seventeenth century marked a significant weakening of the religious establishment—a change consistent with the emergence of national state formations which claimed exclusive rights to define regimes of protection.

The tradition of sanctuary remained, however. In popular consciousness religious sites were places in which vulnerable people could seek refuge, and they continued to do so (albeit in diminishing numbers) in England and across Europe over the next 300 years. In Germany *Asylrecht* remained until the late eighteenth century; in France *le droit d'asile* was abolished during the revolution of 1789. It was not until the late twentieth century that states intervened with full authority to enter churches and evict those seeking refuge.[3] At this point, however, new movements had emerged in the form of faith-based campaigns which championed the idea of sanctuary and aimed to generalize the idea that society as a whole should protect certain groups of vulnerable people. These campaigns have since grown rapidly in the form of grassroots ecumenical (and sometimes inter-faith) initiatives which challenge the state and the religious establishment. This article examines traditions of sanctuary, the new 'sanctuarian' movements and the extent to which contemporary activists are revitalizing old beliefs and practices. It mobilizes materials from ancient, classical and medieval history together with insights from contemporary history, sociology of religion and refugee studies, aiming to identify continuities and changes in approaches to sanctuary as an institution and as an aspect of popular culture. In addressing a number of historic themes across some five millennia, it risks generalization that may not please some historians, 'disembedding' important developments more fully understood in their specific contexts. The aim is to raise key issues relating to ideas about protection and security, and to prompt further discussion about the significance of historic precedents for contemporary sanctuary activism.

Sanctuaries and Cities

Some anthropologists and scholars of religion have argued that sanctuary is a universal institution (see e.g. Lincoln 1992, Doniger 1990, Rabben 2011). The historical records they mobilize are particularly rich in relation to the Middle East and the Mediterranean—partly because of the availability of written materials and of a mass of archaeological evidence, and also because of the importance of these regions to modern European narratives of cultural continuity and authenticity vis-à-vis the Abrahamic religions and Greco-Roman cultures.[4] The ancient Jewish scripts are a key point of reference. They name six cities of refuge[5] in the region of the Jordan River, where

fugitives, including people alleged to be guilty of manslaughter, could find protection while they agreed means of atonement; acts of vengeance within the city were forbidden. This approach seems to have been common to societies across the region. Burnside (2010) associates such references with beliefs and practices in Egypt during the Pharaonic era; the account of Jewish flight from Egypt to Palestine, he suggests, is itself an account of 'a large-scale example of asylum-seeking'. Here the implication is that Egyptian culture also supported ideas about protection and the identification of certain sites as inviolable. In Pharaonic society sanctuaries were associated directly with the gods. They were specific spaces in the inner area of temples which contained representations of the deities—statues, engravings and paintings—and were used for rituals including offerings and sacrifices. They were 'sacred spaces' in the sense identified by Eliade (1987): using the terms *sacer* and *profanus* he describes certain locations in which the space itself, together with the people and objects within it, are distinguished from the profane by means of ritual acts and processes; this he calls *hierophany* or 'manifestation of the sacred' (Eliade 1987: 11). In such places people are made aware of the sacred because it is there, in the *sacrum*, that '[sacredness] manifests itself, shows itself, as something wholly different from the profane' (Eliade 1987: 11).[6] As Hamilton and Spicer (2005: 4) observe, quoting Brereton (1987), sacred spaces are 'foci for the religious identity of communities, acting as a "lens", focusing "attention on the forms, objects and actions" in [them]'.

In these spaces, protective power emanates from the deities; those who violate the *sacrum* challenge godly authority and subvert values associated with its guardians and the entire community, risking severe punishment (Swan 1991). These principles are also evident in Greece, where ancient sites have been subject to intensive research based on archaeological evidence and on written sources, both epigraphic and literary. The Greek sanctuary was a sacred space located within or outside city walls or in the countryside near springs, rivers, caves, hilltops, woods ('sacred groves') and other natural phenomena. The most important, which accommodated numerous temples, altars and statues, had huge significance for local communities, especially the *polis*, or city-state. Associated with key deities and foundational values of the city, they were at the centre of ritual, commercial and political life. In the case of pan-Hellenic sites such as Olympia and Delphi, sanctuaries held representations of the entire pantheon and expressed (albeit more loosely) the integrity of Greek culture as a whole.

For de Polignac (1994: 3) the territory of the *polis* was 'the space of its citizens' and city sanctuaries 'manifest particularly openly the authority whose exercise over this space each city determinedly reserved to itself'. Each state endorsed *asylon* ('asylum', from *asylos*, invulnerable), an institution associated with physical spaces which were 'unplunderable', from which nothing could be taken and in which no one could be violated. Divinities kept watch over the community and its institutions. Within their view citizens

organized processions, undertook purification, offered sacrifices and conducted rituals associated with rites of passage. Some sanctuaries included treasuries which housed the most valuable offerings of local citizens, making a demonstrative statement about the status and authority of the deities. All ranks and social classes participated in cult ceremonies, binding citizens through reciprocal acts in which the gods played their role by asserting shared communal values. Pedley (2005: 11) comments that 'a system of exchange was in place that implied partnership between gods and mortals' in celebration of the *polis* itself. Sanctuaries were 'symbols of an integrated political unit' (Pedley 2005: 12).

Boundaries of the sanctuary marked out an area in which nothing should be damaged and no one harmed—although the effectiveness of prohibition varied, usually in accordance with the importance of the site. Fugitives including alleged offenders, social outcasts and runaway slaves, together with citizens of other states (including those exiled by a rival *polis*) found security by sitting near a statue or altar, or taking up residence in the *naos*, the innermost part of a temple in which statues of the gods were usually placed. In some cases the sacred area extended outside the sanctuary proper: this too was hallowed ground which was inviolable and those who broke the taboo were likely to suffer serious punishment. Even if principles of inviolability were sometimes breached,[7] *asylon* was a powerful institution broadly respected across Greece and its colonies, which by 300 BC extended to the Levant and to North Africa, including Egypt. It provided security for 'outlaws and refugees of all sorts' (Pedley 2005: 97).

Ryan (1987) suggests that in the wider context *asylon* had a specific function: to save the lives of those defeated in war. Among numerous city states engaged in continuing conflict it provided reciprocal arrangements whereby each could be sure that even in defeat some of its citizens would be protected. Soldiers could claim the protection of deities of the rival *polis*; by so doing they acknowledged the latter's authority and the power of its gods. So too with those exiled by other city-states, who often sought protection as outsiders, their presence embellishing the status of local deities and the values of the *polis*. When *asylon* was effective the integrity of the community was asserted publicly—the more so if those claiming protection were associated with other gods and alternative political and civic values. The state itself drew strength from its ability to guarantee the safety of those who, formally, were its enemies.

Rome, Exile and the Sanctuary

Roman society took a broadly similar approach. Brown (1961) comments that, 'The architecture of the Romans was, from first to last, an art of shaping space around ritual' (quoted in Richardson 2002: 23). In temples the deities observed and protected citizens. Statues of the gods were placed in the *cella*, the innermost and most sacred area, which was *sanctum*

sanctorum—the most sacred, or 'Holy of Holies'. Many temples contained dining rooms for family celebrations and major sites held huge halls in which the gods were honoured by banquets which also confirmed local and imperial solidarities. A wide range of deities was honoured in various parts of the empire: these included established figures from the Greek tradition; divinities of Arabia and of the Levant, including the single god of the Jews; and specifically Roman figures, including emperors who became part of the imperial cult (Richardson 2002). Under their authority there should be *pax in templo*, inviolability which guaranteed the security of precious artefacts and of people, including those who sought security.

There was broad recognition of entitlement to protection of individuals in the sanctuary until judgement on their alleged crime, a release from slavery, or resolution of familial or other disputes. Roman attitudes differed from those of Greece, however. Sacred sites were less often associated with specific forms of protection and some classes of offenders were specifically excluded by imperial edict (Ryan 1987: 214). The encompassing nature of the empire, into which vast regions were integrated as provinces subordinate to the centre, meant that the state did not require reciprocal arrangements for protection like those recognized by the numerous *poleis* of Greece. Roman attitudes towards exile nevertheless ensured that ideas about protection and godly authority remained strong. Claasen (1999: 9) observes that: 'Exile in the ancient world was, as today, a major political tool and as such was often employed by the powerful to reduce the power of their most feared opponents'. In the case of Rome, where the imperial city dominated political life, removal from the hub of political activity was a potent threat used routinely by those in authority to disable rivals' careers and to neutralize writers and others deemed hostile or unhelpful. In a society without an extensive prison system, law provided only two punishments for major crimes—exile or death—and these two were often closely associated, for exile was widely viewed as an extreme form of punishment or persecution. The Roman *exsul* was often banished to a specific location outside the empire, where those in power were obliged to accept his presence. When there was risk of capital punishment, voluntary exile might be the only option—those in danger fled the empire, anticipating that the power of Rome guaranteed their safety abroad, even though by leaving the city they surrendered Roman citizenship. (In an echo of Greek traditions, foreigners in Rome could receive citizenship if they were under Roman patronage.)

Like the Greeks, the Romans identified exile as a painful and disabling separation from the gods—their images, sacred places and special powers, and social aspects of their presence in relation to ritual, family and community life. When citizens were displaced from Rome, they were excluded from its sanctuaries and all they represented, including divine protection. Distance from the sacred places implied heightened exposure to the profane. A literature of exile associated with some of the great names of the Classical era—

Ovid, Cicero, Boethius—is replete with references to the deities, their powers and the consequences for those no longer in their embrace. In the case of Ovid, exile implied the 'terrible here'—'the vast gulf between two worlds' (Claasen 1999: 185, 187).

Canon Law

In the fourth century AD imperial authorities adopted Christianity as the religion of Rome. In 313 Emperor Constantine decreed that Christians should be free to express their beliefs publicly and began a programme of official patronage of the Church, supporting endowments, building basilicas and appointing Christians to high offices of state. In 380 Emperor Theodosius issued his Code or Constitution, declaring that Nicene Christianity was the legitimate religion of the empire and formally ending the association of the state with traditional deities and cults. A lengthy and complex process followed, during which aspects of the Roman legal system were fused with principles of Christian councils and the rulings of successive popes, eventually producing Canon Law (from the Greek *kanon*, a rule or standard). Refuge was an important matter, touching directly on relationships between imperial and ecclesiastical authorities in the context of the latters' entitlement to define where and how people could legitimately seek protection (see Gorman 1993 on asylum themes in early Church history). Hallebeek (2003) follows complex early debates about whether asylum was a privilege conceded by the emperor (the state) or a 'competence' of the Church. The association of protection and sacred space was not at issue, however, and was confirmed by a series of imperial rulings, most importantly those issued in the fifth century. These affirmed sanctuary and at the same time defined (and limited) places in which claims for protection could be made. Codex Theodosianus assured sanctuary for 'persons in fear' and 'those who take refuge' and identified protected areas in Church buildings and adjacent houses, gardens, baths and squares belonging to religious institutions (Hallebeek 2003: 172). This reflected the growing influence of Christian clerics in determining authenticity of claims for protection. When in the mid-fifth century Pope Leo I confirmed imperial decrees, he added that 'the steward and advocate' of the Church should consider claims and act accordingly as an intercessor (Trenholme 1903: 8). The priesthood was now more explicitly part of the regime of protection, with the result that the palaces of bishops and homes of priests were also viewed as inviolable.

Ancient and ecclesiastical historians have examined in detail the relationship between specific Christian teachings and Roman legal provisions: the key issue in the wider historical context is the continuity between pre-Christian traditions and those established in Canon Law. As Christianity spread across Southern Europe and the Mediterranean, disseminated at first by the dual empires of Rome (Western, and Eastern or Byzantine), refuge was recognized more and more widely as an entitlement to protection under the authority of

the priesthood and, with the spread of monasticism, of devotional orders of monks, nuns and friars. In Northern and Western Europe, both 'pagan' and Christian practices spread rapidly as the empire retreated.[8] As Christianity consolidated, its churches, monasteries, hermitages, shrines and cemeteries took on new significance as key features of the settlement landscape. The early Church adopted established sacred sites: Blair comments that: 'the pagan past…was being recycled—for the Christian future' (2005: 57). At the same time new sites were established, notably at the tombs of martyrs and others with special status. Tombs became places of devotion, not only because of their historical associations but as places in which the saints continued to reside in spirit. Earthly sites were 'empowered' by saintly remains, becoming centres of cult practice including monastic and popular veneration. Wickham (2009: 55) comments that the 'positive power' associated with a saintly presence encouraged other burials, especially those of bishops and local aristocrats, so that shrines gradually accrued special status. Some became centres of pilgrimage, served by roads which were also sanctified together with chapels along the route—in effect, the 'pilgrims' way' became a semi-sacred space in its own right.

Increasingly elaborate rules of protection specified boundaries within which claims for sanctuary would be legitimate. In the case of England, by the eleventh century sanctuary at the most important sites extended up to a mile from the church—*frith* (peace) was to be observed within this area and those who offended were punished on a scale that varied with the location of their crime, on the basis of an ascending schedule of punishment measured from the periphery to the centre. At several English minsters, a *fridstole* or *grythstole* ('frith-stool') stood in or near the sanctum: when fugitives reached the stool they were said to enjoy complete safety (Kirby 1982). Such sanctuaries offered specific immunities. Fugitives could remain on the site for a certain period (30 or 40 days were commonly specified in England) and would be fed and assisted by the Church authorities; if a pardon for alleged crimes was not obtained, however, they might face expulsion, designation as an 'outlaw' or even banishment (Kirby 1982: 12).

The ninth to eleventh centuries saw a 'feudal revolution' across Western Europe, with consolidation of landed aristocracies and lordly power, construction of local military strongholds and intensified exploitation of the population by those in control of taxation, tolls and the sale of privileges. Conflict among barons and local princes was endemic, one reason why the Church was of special importance in providing support for the sick, the orphaned and the old, and security for fugitives from feuds and vendettas. In the absence of an over-arching legal system, the Church had a mediatory role in which sanctuary was of central importance. It did not stand above local disputes: some institutions of the Church were closely associated with the local aristocracy; some were in fact created by them and dedicated to them, so that certain families or clan groups had direct influence over Church affairs. At the same time, the ideas of sacred space, protection and

inviolability or immunity of ordinary people in distress were powerful ideas with popular currency, so that all manner of people (but overwhelmingly men) made use of sanctuaries. Some were victims of persecution, of over-bearing landlords or local quarrels; others were debtors, alleged murderers, felons and fraudsters. Beverley Minster in England recorded an increasing number of 'sanctuary rascals' (Kirby 1982: 13).

From Church to Nation-state

The exercise of power has long been intimately associated with control of population: with jurisdiction over routes and boundaries, and with regulation of those who pass along and across them. The authority of the Church in relation to sanctuary was certain to bring conflict with other emerging institutions of medieval society, most importantly the monarchies. This was clear at an early stage in England, where the Crown was the focal point of an incipient 'national' entity. For English kings the Church was not merely an institution of great standing but one with a key role in processes affecting the entire society, especially in the areas of trade, commerce and settlement: ecclesiastical authorities and the state were on a collision course.[9] Bax (1991) comments that expansion and consolidation of the ecclesiastical regime 'ultimately contributed to the very conditions that undermined its own powers' (quoted in Cunningham 1995: 79). Religious orders opened up new lands and transformed them into settlements. Churches and monastic orders taught laymen to read and write—a condition for the emergence of rival lay elites. At the same time the Church contributed significantly to trade, especially by offering safety and shelter to merchants and itinerant tradesmen. Religious institutions became increasingly attractive targets for power-hungry princes.

Successive English kings attempted to limit ecclesiastical authority, including the authority of the Church in relation to sanctuary. In response the clergy insisted on the sacred nature of religious sites and on traditions of inviolability: Bau (1985: 141) comments on their claim that sanctuary privilege 'was rooted in the sanctity of the place, irrevocable by the monarch'. The Crown nonetheless progressively eroded their powers, notably by introducing 'charter' sanctuary—a restriction on the number of sites at which claims for protection could be made and which moved the sanctuary seeker from the orbit of the clergy towards civil authority. Cunningham (1995: 80) comments that in the late medieval period the monarchy 'progressively absorbed ecclesial sanctuary into the criminal law system by bureaucratizing the procedure for claiming church asylum'. By the fifteenth century those seeking protection from the Church were compelled to submit themselves to the civil courts (usually within 40 days, during which they could remain within a sanctuary); if they would not do so they were compelled to 'abjure the realm', forfeiting all property to the Crown and leaving the kingdom under compulsion.[10]

In the sixteenth century Henry VIII's confrontation with the Church, and his break with Roman Catholicism, all but ended ecclesiastical authority in relation to sanctuary in England. In 1536 he determined that all sanctuary seekers must wear a distinctive badge and clothing, or lose entitlements to protection. He imposed a night-time curfew within the sanctuary which, if violated, resulted in loss of protection—effectively placing sanctuary seekers under house arrest. In 1540 the English Parliament, then essentially a monarchical institution, abolished all privileges of chartered sanctuary except at cathedrals, hospitals and certain parish churches, chapels and churchyards. There was to be no protection for those alleged to have committed murder, rape, burglary, robbery, arson or sacrilege. Eight sanctuary towns were designated as sanctuary sites; nowhere else could fugitives claim protection.

In 1603 Parliament repealed remaining provisions for sanctuary; in 1623 it agreed that, 'no Sanctuarie or Priviledge of Sanctuary shal be hereafter admitted or Allowed in any case', bringing to an end—at least formally— over 1,000 years of church sanctuary in England (Cox 1911: 329). Parliament was now shaping laws that challenged the Church on many fronts. In the mid-seventeenth century it also challenged the monarchy, the English Revolution declaring that 'the People' stood above the Crown. When the issue of sanctuary soon re-emerged in the form of appeals for protection of persecuted Calvinists from France, it was the national collective in the form of the state which offered 'asylum'. A proclamation in the name of Charles II welcomed the Huguenots, with a specific guarantee of their rights set out as privileges which would permit commercial and entrepreneurial activities (usually carefully controlled by the state). His offer included, 'letters of denization under the great seal [of the Crown] without any charge whatsoever, and likewise such further privileges and immunities as are consistent with the laws for the free exercise of... trades and handicrafts' (quoted in Cottret 1991: 185). For centuries foreigners had been able to buy rights to become a denizen (a status intermediate between subject and alien); now the king offered free denizenship to the refugees. Collections on behalf of the refugees were authorized in the churches and Parliament made generous grants for their support. Large sums of money were raised and a group of Huguenot aristocrats, known as the French Committee, was established to administer the fund.

The idea of protection remained but the practice of providing security had changed profoundly. The territory of the national state now defined the boundaries of refuge: the state itself had in effect been sacralized and provided space within which fugitives might find protection. They must be aliens, however: subjects of another state authority and ready to submit themselves to English Law, determined by Parliament and administered by officers of the Crown. For centuries clerics had regulated the institution of church sanctuary; now they were entirely excluded. The state determined claims for protection, accepting some, like the appeals of the Huguenots;

rejecting others, such those of as the Rhineland Palatines (for a brief account of the British state's policy on asylum at this period see Marfleet 2006 chapter 5). It now operated by evaluating claims for asylum on a contingent basis.

These developments anticipated changes across Western Europe. As nation-states emerged, formed initially around the absolutist monarchies, they focused more and more intently upon regulation of the population. Borders became increasingly important and movements across them and within the territory of state were closely observed. State authorities demanded statistics, registers and reports, as surveillance became integral to what Soguk (1999) calls the 'statecraft' of population control. Enclaves controlled by non-state authorities, like the Church properties of the earlier era, violated this regime and were not tolerated. The Church attempted to protect its interests: in 1725 Pope Benedict XIII threatened state officials with excommunication if they violated ecclesiastical principles of sanctuary but as political upheavals continued religious authorities were forced to retreat. In the case of France, the revolution of 1789 brought an end to traditional provisions for sanctuary. By the nineteenth century, with state-centric movements prompting radical change across Europe, sanctuary as an institution guaranteed by the Church was at an end. Although the Canon Law Code of 1919 upheld sanctuary it no longer punished violation with the earlier severe penalties.

New Movements

Ideas about protection and communal responsibility to assist vulnerable or endangered people are widespread, probably universal.[11] All social organization both includes and excludes, so that everywhere and at all times some people stand outside kin, community or national collectives. Their access to refuge affirms social solidarities, so that protection of the Other serves integration of the receiving community. The sanctuary or asylum identifies and celebrates authority: of the gods, the priests, the clan, the community, the *polis*, the empire, the Church, the nation-state, and combinations of these. It confirms the importance of key values: divine or charismatic power, clerical authority, 'rights', entitlements, national or nationalist sentiments. It has popular currency: writing of the Huguenot experience in England, Cottret (1991: 11) suggests that the success of the English state in accommodating migrants from France depended in part upon 'social recognition' of their status. In this case, a Parliament that had earlier assaulted Church traditions of sanctuary refurbished them as part of a *national* project (Marfleet 2006).

Ideologues of the emerging English state sought to reshape traditions that were, in Ryan's words, 'part of the Volksgeist'—ideas that had popular currency and supported specific local practices (Ryan 1987: 213). Cunningham (1995: 223) points out that in England's American colonies some communities defied prohibition on church asylum by giving tacit support to fugitives, even

to enemies of the Crown. She calls this 'nonexplicit use of sanctuary'—mobilization of popular support for protection outside formal arrangements such as ecclesiastical regimes or systems of state-based law (Cunningham 1995: 223). This became much more important in the nineteenth century with the emergence of the Underground Railroad—the extensive network of safe houses and routes which protected escaped slaves, facilitating their journeys from southern regions of the United States to Free States of the north and to Canada and Mexico. Churches played an important role, with Quakers and members of reformed Protestant denominations particularly active. Rabben (2011: 83) describes this as 'asylum outside the law'. Such was the scale and impact of the movement, she suggests, that the Railroad 'was the forerunner of the labor, civil rights, antiwar, sanctuary and women's movements of the late 19th and 20th centuries' (Rabben 2011: 96). Similar initiatives were undertaken in Europe in the twentieth century, notably by those who provided clandestine means of protection for victims of fascist movements and governments (see e.g. Marchione 1997 for the role of certain Catholic orders in protecting Jews).

Sanctuary movements as focused public initiatives are, however, a much more recent development. In the 1960s the idea of church sanctuary was revitalized by attempts to protect young Americans resisting military conscription and involvement in the Vietnam War. In 1966 Rev. William Sloane Coffin Jr, chaplain at Yale University, preached on the theme of 'sanctuary of conscience'. He argued:

> Now if in the Middle Ages churches could offer sanctuary to the most common of criminals, could they not do the same today for the most conscientious among us? And if the Middle Ages they could offer forty days to a man who had committed a sin and a crime, could they not today offer an indefinite period to one who had committed no sin? (quoted in Bau 1985: 161).

He proposed that churches should decide whether objectors to conscription were genuinely conscientious and should act accordingly, declaring themselves on behalf of genuine objectors as 'sanctuaries for conscience' (Bau 1985: 162). Coffin was subsequently arrested, charged and convicted for conspiring to counsel, aid and abet those refusing induction in the armed services. Churches in a series of cities nonetheless announced that they would be sanctuaries for draft resisters—holy places at which the individual conscience would be served by a local regime of protection. They invoked ideas about liberty and freedom of expression which had been inscribed in the American Constitution; at the same time they mobilized 'powerful and widely recognized cultural traditions within US society' (Cunningham 1995: 95). Aware of a historic continuity of ideas about refuge, they attempted to formalize and to direct these as part of a mass movement of resistance to the military agendas of the state. Consciously confronting the authorities, for whom there was no jurisdiction apart from that of the state itself, a series of churches offered sanctuary. Police and FBI officers forced entry, arresting resisters and

protestors, some of whom were sentenced to long terms in prison. Church leaders recognized their difficulty: one observed that, although it was his aim to renew 'this historical concept', an 'invocation of sanctuary can have no legal force' (Victor Jokel, executive director of Arlington Street Unitarian Church, Boston, quoted in Bau 1985: 163).

These activists did not succeed in disseminating new or revived models of sanctuary; they did, however, generate popular support and attempts at solidarity and imitation, including in some universities, where there were efforts to protect individual draft resisters (see Bau 1985: 165). They also raised issues which soon took on greater significance when a much wider movement emerged in the United States to assist refugees from Central America. This, the contemporary sanctuary movement 'proper', produced a new approach to sanctuary which drew on historic precedents in Europe and North America, and upon Liberation Theology, which had had a profound impact in Latin America during the 1970s, emphasizing the responsibility of church communities as a whole to protect the poor and vulnerable by means of an activist agenda. Here Christians were to confront oppression and to stand with and for the poor (see Smith 1991). Now 'sanctuary communities' undertook to confront the US state when its immigration policies or intolerance of marginal people violated community principles. In 1985 the Chicago Religious Taskforce declared:

> Authentic solidarity goes beyond remembering the suffering of our brothers and sisters. It embodies the biblical call to universal brotherhood and sisterhood. It lays upon us a new sense of kinship. We as North Americans are called to claim our family to the south (quoted in Cunningham 1995: 100).

These initiatives had begun with legal advice and help with asylum applications. Soon activists were undertaking 'evasion services', assisting irregular migrants from Central America by facilitating movements into and across the United States. Providing shelter in homes and churches, they formed 'a new underground railroad' (Hondagneu-Sotelo 2008: 145). In 1982 a small group of churches openly defied the state by declaring themselves part of a co-sanctuary group committed to protection of migrants. One minister informed the US attorney general:

> We are writing to inform you that Southside United Presbyterian Church [in Tucson] will publicly violate the Immigration and Nationality Act, Section 274 (A). We have declared our church as a 'sanctuary' for undocumented refugees from Central America...we believe the administration of the law to be immoral as well as illegal...(*ibid.*).

The movement took on a national character, with many homes and churches made available to migrants. It encompassed Quakers, Presbyterians, Catholics and Jews, referencing its agenda to both Christian and Jewish scriptures and to 'historic precedent', running many risks of prosecution

but also—by virtue of the scale of the movement—causing consternation among state and federal officials as how to react. By the 1990s it had produced the multi-faith organization Posada sin Fronteras.[12] Hondagneu-Sotelo (2008: 168) comments on its 'faith-based ideals and rituals [which offer] promising routes both for challenging unilateral nation-state immigration and border policies and for reaffirming unity and diverse identities'.

Among initiatives of the American movement is the declaration of Cities of Sanctuary, in which local authorities adopt 'sanctuary ordinances' which inhibit intrusive investigation by police and others into the status of immigrants. There have been intense debates, including in the US Congress, about the legitimacy of these arrangements. These continue; meanwhile, the American movement has influenced developments in Europe, notably in Britain, where a City of Sanctuary movement has been growing steadily, mainly under the influence of Christian activists; in France and Belgium in relation to *sans-papiers*; and in Germany, where an Ecumenical Committee on Church Asylum advocates for irregular migrants.[13] All face the challenge of confronting state powers intolerant of claims to create 'protected' space and suspicious of efforts to decide autonomously who should benefit from asylum and who can be deemed welcome within the national collective.[14] In an age of 'securitization' and in an increasingly exclusionary political climate the debate is more and more vigorous and highly charged.

Conclusion

Since the 1980s, governments worldwide have retreated from formal commitments to protection. Most have erected legal barriers to the entry of vulnerable migrants; some have created physical obstacles to movement which include fences, walls and militarized zones that Brown (2010: 29) describes as 'architectural instruments of separation'. They are challenged by campaigns which contest these measures and within which some activists seek to create new spaces in which protection is associated with moral authority. Bau (1985: 2) comments that such initiatives are 'shocking' to those who assume that all forms of protection must be associated with laws determined by the state. However, he observes, 'Religious history teaches otherwise' (Bau 1985: 2). Divine authority was integral to powerful institutions which once regulated most forms of human conduct; now it is the basis for activisms which maintain that, in some areas of social and political life, moral agendas must be determined from below. Contemporary sanctuary activists draw on ancient traditions: they also engage with a continuous history of protection which suggests that empathy and solidarity are indeed integral to all forms of social organization.

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1. The English state of the late seventeenth century was not secular as such, having a definite religious (Protestant) colouring. It did, however, identify strongly against ecclesiastical interests as independent sources of authority within the nation-state.
2. Charles wrote to his relative King Louis XIV of France: 'I conjure you in the name of the great [King] Henry, whose precious blood circulates in both our veins, to respect the Protestants who he looked upon as his children. If, as is reported, you wish to compel them to renounce their religion under pain of banishment from your Kingdom I offer them an Asylum in that of England' (quoted in Lee 1936: 11–12.)
3. In the United States, police entered numerous churches to arrest draft resisters in the late 1960s—see below. In Britain, it was not until the 1980s that government intervened forcibly to deny entitlement to protection on church property. In 1989 police removed a Sri Lankan refugee, Viraj Mendis, from the Church of the Ascension in Manchester, where he had been protected by the Rector and congregation for three years. In 2002, police were instructed to enter a mosque in Lye, Staffordshire, to remove an Afghan family also seeking protection—the first case in which an Islamic site in Britain had been entered forcibly. In France, police evicted 300 *sans-papiers* (undocumented migrants) from St Bernard's Church in Paris in 1996.
4. This article focuses on Ancient and European traditions of sanctuary in order to address recent developments in North America and Europe. Islamic traditions are of great importance, however, not least because refuge and asylum can be regarded as foundational ideas in the history of the religion. The journey of the Prophet Muhammed from Mecca to Medina, the *hijra* or emigration, is associated with the idea of protection from persecution, and during the Prophetic period anyone who sought protection in a mosque or among the Companions of the Prophet was assured of security. The *Qur'an* and the *shari'a* affirmed the practice, identifying certain places, notably the Ka'aba in Mecca, as inviolable. Later the medieval theologian Ibn al-Arabi specified the offer of protection as obligatory upon Muslims in the face of injustice and intolerance (Arnaout 1987; Eickelman and Piscatori 1990). Various notions of sanctuary have since been integral to Islamic policy and practice. On Hindu sanctuary traditions see Doniger 1990.
5. Golan, Ramoth, Bosor, Kedesh, Shechem and Hebron: see the Book of Numbers (35: 6–34), Joshua (20: 1–9) and Deuteronomy (4: 41–43).
6. Eliade and subsequent analysts of religious beliefs and practices as socio-cultural phenomena draw on Durkheim's insights, notably his interest in 'collective effervescence' through ritual engagement in sacred spaces. See Durkheim 1995.
7. Regarding contemporary attacks on churches offering sanctuary to displaced populations in Kenya, see Parsitau 2011.
8. Pre-Roman society had long embraced traditions of protection on sacred sites: encountering Celtic practices in Britain in the first century BC, the invading Roman commander Caesar noted severe penalties imposed upon those who violated principles of sanctuary. He wrote: 'When a private person or a tribe disobeys their ruling (the Druids [priests]) ban them from attending at sacrifices. This is the harshest penalty. Men placed under this ban are treated as impious wretches; all

avoid them, fleeing their company and conversation, lest their contact bring misfortune upon them' (quoted in Ross 1992: 46).

9. There has been considerable debate among medieval historians as to the importance of religious sites in the formation of urban centres. It seems likely that they were integral to the formation of 'proto-towns' which grew around churches, monasteries and shrines, stimulated by pilgrimage, trade and artisanal activity, and by opportunities to receive charity or education. Here, traditions of sanctuary have a key role in a profoundly importance historical process: see Blair 2005: chapter 5 for discussion of these developments across Europe.

10. They were escorted to a port where they might attempt to find a ship bound out of England. If unsuccessful they were returned to the sanctuary for 40 days and then compelled again to attempt exit (see Cox 1911: chapter 1).

11. Rabben (2011) argues the case for universality of sanctuary in the context of reciprocity, emphasizing anthropological perspectives.

12. *Posada*—'inn', 'guest house' or 'shelter' in Spanish; but *Posada sin Fronteras* is usually translated as Refuge without Borders.

13. In the case of Britain see: http://www.cityofsanctuary.org/ (and, more broadly, Snyder 2011); for Germany see Mittermaier 2007.

14. See Snyder 2011, Wilson 2011 and Eby *et al.* 2011 with regard to faith-based organizations' attempts to encourage the development of more humane state policies in the contexts of the UK, Australia and the USA respectively.

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