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Sanctuaries as Anachronism and Anticipation

Massimiliano Tomba

Jürgen Quantz, pastor at the Heilig-Kreuz-Kirche in Berlin and founder of the German movement *BAG Asyl in der Kirche*, in an interview in November 2016, recounted his experience with migrants who told him what he had to do.¹

They asked us what can we do? I was a priest here since 1980. They asked, Can't you help us? I said, Yes, what should we do? They said, You have an old right—asylum in the church. It is from the medieval period. In the Bible you can find stories—come into the sanctuary. This is your tradition, you should do it. I initially said No. I said, Here we have modern laws and rights. But they said, We think you should. I said Okay, I'll discuss it with my members of council. I lived with my family here—one night they knocked. I opened the door and the young people came and said it had to happen now. So I let them in.²

The sanctuary movement reached a certain degree of popularity in the U.S. in the 1980s, when President Ronald Reagan began deporting refugees to their countries of origin. More than five hundred churches (and not only Christian churches) established themselves as sanctuaries for political asylum. From the 1980s to the present, this movement has continued its work, often away from the media's spotlight and the attention of political groups. In the U.S. the sanctuary movement is once again receiving attention due to Donald Trump's anti-immigrant policies. In Italy, the mayors of some cities have decided not to apply the restrictive legal provisions required by the decree on security and immigration of 2018 drafted by Minister Salvini. Similar phenomena are taking place in Belgium, France, Poland, and other states.

It is easy to understand the practice of sanctuaries in moral terms, as a general benevolence towards migrants. But in an apparently opposite sense, sanctuaries can also be understood as complementary to neoliberal policies that operate on the basis of exclusionary criteria, distinguishing between migrants who are legal or illegal and those who are worthy or not of being

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helped. In this case, sanctuaries take the place of the state in providing care and making distinctions between worthy and unworthy migrants.³ However, these perspectives—sanctuary as moral shelters or as appendages of neo-liberal governmentality—are locked in a binary opposition between morals and politics both of which are inadequate for exploring the field of possibilities that sanctuary practice can disclose. Nevertheless, even if a sanctuary can come with risks of being a new kind of containment and refuge left to the host's discretion, I want to argue that we need to treat sanctuaries as practice and institution, based on theoretical and conceptual foundations of their own. Sanctuaries are neither solely about serving “victims,” nor are they instances of mere opposition to state anti-immigration policies.

Pastor Jürgen Quantz began the sanctuary movement in Germany in 1983. There are some points in the interview he gave that are worth examining more closely. The first concerns the *ancient right of asylum* which refers to the *medieval tradition* of sanctuaries. Another interesting element is the *tension between that tradition and modern laws and rights*, a tension that initially led Pastor Quantz to say no. But the migrants, and this is a third noteworthy point, replied that it was “his” tradition, the *tradition of the church* as an alternative to that of the law of the modern state. Again in Germany, a pastor engaged in the sanctuary movement declared that “the Bible is full of stories of refugees [. . .] The passage from Exodus in the Old Testament was transposed to our community—‘because you were strangers in the land of Egypt’.”⁴ He is echoed by another pastor who claims to have practiced sanctuary “not from the so-called ‘neighbourly love,’ but from such recognition, as it is said in the Old Testament, ‘Because you were strangers.’”⁵ The reference to the tradition of the First Testament is important because it is the text shared by Judaism, Christianity, and Islam. But it should also be emphasized that this reference does not serve to locate the practice of sanctuaries entirely in religion; it is rather a call to an authority other than that of the state. An authority, one could say, far more ancient and universal than that of the nation-state.

If we want to grasp the element of novelty in the practice of sanctuaries, we must pay attention to the placement of this experience beyond the binary opposition of religion/secularism. This is an important displacement, especially since secularism has become a force for exclusion, a sort of secular religion, as, for example, in France where *laïcité* has become a political weapon used by the right and the left against Muslim migrants.⁶ Secularism is collapsing under the individual freedom it would like to support. It is no

longer about state neutrality; instead, it has become a political weapon, a device of exclusion and a source of new conflict. This is one of the many symptoms of a slow process of erosion of the nation-state.

When Pastor Quantz points to the incommensurability between the ancient right of asylum and modern law, what emerges is a tension between different trajectories or temporal layers. This tension opens up unprecedented political possibilities in which the anachronistic medieval tradition of sanctuaries presents itself not as a rigid repetition of the past, but as something dynamic and capable of new configurations that go beyond the secular/religious pairing. This reactivation of the medieval tradition of sanctuaries encloses a rich field of experimentation with institutional forms and non-state authorities. But to grasp this field of possibilities it is necessary, first of all, to free oneself from the teleological conception of history according to which the Middle Ages represent the pre-modern—a dark era finally overcome by modernity. According to this conception there is only one trajectory that leads from the pre-state and pre-capitalist forms of the Middle Ages to the state in its democratic and capitalist forms of modernity. This particular conception of history was elaborated by the post-Hegelians and for a long time it even invalidated a substantial part of Marxism. But above all, teleology is a normative view of history that, *ex post*, traces a progressive line in which *non-modern* political, economic, and juridical configurations are defined as *pre-modern*, worthy of being abandoned and overcome. If they survive in modernity it is only as remnants and delays.

When we abandon this teleological conception of history, the Middle Ages appear as a rich arsenal of juridical and political forms, with possibilities left unexplored or violently repressed, as happened in the case of the German peasant revolt of 1525. The Hegelian philosophy of history considers Luther a fundamental step in the progress of the consciousness of freedom and neglects Thomas Müntzer since he was defeated by “history.” From this perspective, Müntzer is worthy of neglect because he is a deviation from the established course of the unilinear conception of history that culminates in European modernity. Abandoning this teleological vision, the Middle Ages do not find a necessary outcome in capitalist and state modernity, but appear as an arsenal of possibilities, a clump of roads not taken and historical layers that continue to run alongside the dominant trajectory of Western modernity. The tradition of sanctuaries is one of these layers. If we can speak of the practice and tradition of sanctuaries as *anachronism* it is

only in the sense of a temporal friction between different historical layers. Not an opposition, but a field of possibilities.

The point is to avoid the dead-end of the contrast between the law of the church and that of the state, and instead to direct one's sights and practice towards other possibilities. These possibilities are constantly hidden by the juridical mechanism of the modern state and by the synchronization of each institution to the temporality of modern political sovereignty.

Sanctuary as illegality

"Within a country's borders there should be no place which is outside the law. Its power should follow every citizen like a shadow. [...] To increase the number of asylums is to create so many little sovereign states, because where the laws do not run, there new laws can be framed opposed to the common ones and there can arise a spirit opposed to that of the whole body of society. The whole of history shows that great revolutions, both in states and in the views of men, have issued forth from places of asylum."⁷ Cesare Beccaria's discourse has fascinated liberals who typically see only one side of his claim for unitary sovereignty, i.e. that no one be outside the law or above the law. What liberals do not see is what a state can do in the name "of the whole body of society," when it follows every citizen like a shadow follows the body.

Beccaria's discourse against asylum (sanctuaries) is symptomatic of a way of understanding the relationship between state power and the rights of the individual. Beccaria's name is commonly associated with the criticism of torture in the name of the defense of individual rights as the basis of the legitimacy of the state. The crucial issue is that the "progressive" side of Beccaria's discourse on individual rights is made one with his critique of asylum which, by shattering sovereignty, would constitute an attack against the dogma of unity of the nation-state, the monopoly of state power, the depoliticization of the social. It is a typically liberal way of understanding the relationship between freedom and power: the former is individual, the latter monopolized by the state. The dominant political modernity is characterized by an enormous process of singularization and synchronization in which the different *libertates* of groups and associations are atomized into the singular freedom of the individual; the numerous corporative and collective *auctoritates* are shattered and subsumed in the state monopoly of power. In historical terms, this process can be described as the original accumulation of political power.

Beccaria's enlightenment expresses a way of understanding the relationship between society and state totally befitting this process: starting here, sovereignty is concentrated in the hands of the state and society is individualized and deprived of political power. State power finds no real counterpower existing within society but, according to what will become a liberal dogma, limits itself through procedural and constitutional mechanisms of the rule of law. But the history of the last two and a half centuries has repeatedly shown that the limit that power places on itself can be continually redefined or even suspended in the name of real or presumed emergencies. This is what happens repeatedly in many states today: from the state's point of view, migrants constitute an emergency against which physical walls and legal barriers are built. Other states turn into authoritarian states without a formal constitutional break. Almost everywhere, executive power bullies the other powers and takes the place to which the legislative body is rightfully entitled. The current situation shows the bankruptcy of a worn-out regulatory package built on a vaguely liberal-democratic conception of the state. It is not a question of issuing an updated normative package from above. Rather, it is a matter of extracting a sort of exemplary normativity from contemporary events—a normativity that takes shape in the practices and risks of politics. It is with this perspective that, in these pages, I intend to look at sanctuaries.

Beccaria and his liberal followers, including the attorney prosecuting the Tucson activists, subscribe to the same discourse: "Within a country's borders there should be no place which is outside the law."⁸ This is echoed by the prosecutor: "if this Government is going to represent *all the people of this nation*, it cannot favor those which commit criminal acts and contend that they are immune from prosecution, because they are motivated by a *higher authority*."⁹ Sovereignty is one and indivisible. This logic can be traced back through the history of political thought up to Hobbes. If this is the case, then from the point of view of the state, something that is far more subversive than giving shelter to undocumented migrants lurks around the term "sanctuaries" and their tradition. From the point of view of the state, religious freedom is a private freedom and must remain so. Religious freedom is guaranteed within the category of fundamental rights; cults can freely proliferate only in the private sphere of individual liberties. Sanctuaries, be they churches, practice, or tradition, go beyond the private sphere in which the modern state has confined religion and claim an authority that, from the point of view of

the state, they should not have. The prosecutor, in order to deny any reference to a “higher authority,” unwittingly put himself in a difficult position when he “told jurors that there was nothing in the Bible that told believers to break the law.”¹⁰ In this way the prosecutor affirmed the state monopoly of the exact interpretation of the Bible and, to demarcate the separation between church and state, he himself violated that separation, transforming the state’s representative into a theologian. The practice of sanctuaries, their reference to a “higher authority,” had rendered that demarcation fluid, together with that of public and private, legal and illegal. Let’s see what this opposition consists of.

In one of the last chapters of *Discipline and Punish*, Michel Foucault deals with the relationship between illegalities and delinquency. The penalty here is represented as a way of dealing with illegalities that often intersect social conflicts and struggles against political regimes. Mainly interested in the production of the criteria of exclusion, discipline, and transformation of illegalism (*illégalisme*) into delinquency, Foucault characterizes illegalism in oppositional terms, such as French peasants’ *refusal* to pay taxes, *refusal* of conscription, or *refusal* of a new proprietary regime. It is about “illegal practices” *against* the “law itself and the justice whose task it was to apply it; *against* local landowners who introduced new rights; *against* employers who worked together, but forbade workers’ coalitions; *against* entrepreneurs who introduced more machines.”¹¹ In essence, according to Foucault, it is *against* the new forms of law and the rigors of regulations, as well as *against* the new regime of land ownership and legal exploitation of labor, that the opportunities for infractions multiply and illegalities develop. With the notion of illegalism, Foucault wants to highlight the multiple practices of differentiation, categorization, hierarchization, and social management of behaviors defined as undisciplined.¹² Foucault’s remarkable contribution lies in having shown how the penal system, imposed beginning in the eighteenth century and affirmed by the French Revolution, tends not merely to repress illegalisms, but rather to differentiate them. Foucault traces this history by analyzing the legal categories and institutions designed to control and sanction illegalism.

But the category has a limit. It takes shape and makes sense only when a multiplicity of practices is subsumed in what is prescribed or forbidden by the legal code; that is, when the code system has already replaced another right, such as a pre-existing common law. From the point of view of those

who practice common law, not only is there no illegalism, but the same category of resistance is inadequate. These are not individuals who act against the new forms of law and the rigors of regulations, but rather communities that operate under a different legal regime. The clash is between two legal orders or, in other words, between two or more distinct political and juridical temporalities in conflict with each other. This has happened repeatedly during the nineteenth century in France, the twentieth century in Russia, and today in Chiapas, Mexico, and Bolivia. Those who *disobey* the legal regime of modern property relations do so not simply against it, but because they *obey* a different order of duties and rights based on different customs and traditions.

History written by Foucault, however brilliant, is a history written from the point of view of the new legal order that recodes, disciplines, and controls practices that the order itself defines as illicit, but which for a long time coexisted alongside the code, not as illegalisms, but as customs, traditions, and different legal systems. What interests Foucault is how these practices are punished; their tradition and autonomous life, interest him less. For Foucault, they become objects of interest only when they are already caged in the new legal system, which encodes them in terms of illegalism.

Things appear differently as soon as we consider the practice of sanctuaries in light of traditions and customs that have an autonomous life, independent of the grasp of penal institutions and the state. They constitute an anachronism open to innovative political outcomes. If state rationality tends to synchronize them until they become either its appendices or forms of illegalism, the challenge begins when this binary logic is called into question. From the point of view of the state, when non-legal practices are inscribed in a binary code that recodes them as illegal, there may be removals, resistances, conflicts, but not real alternatives, which instead may emerge when a different authority is evoked. This is what the migrants remind Pastor Jürgen Quantz of. Instead of opposition or disobedience to state laws, a friction takes place between political temporalities and trajectories characterized by different, incommensurable juridical grammars.

It can be instructive to see the encounter/clash of these distinct grammars in a courtroom. Here are the facts: in the 1980s, in the U.S., activists of the sanctuary movement organized a network of congregations which, proclaiming themselves to be sanctuaries, hosted undocumented migrants from Central America. In doing so they violated the existing legislation on

asylum and immigration rights. From the point of view of the state, these were illegal practices. The activists were accused of plotting against the U.S. government and the sentences reached up to five years in prison and various fines. The state's response, according to the prosecutor, was that a country, as sovereign, "has the absolute power to control their borders;"¹³ that only the state has the authority to apply the law and the responsibility to punish criminals; that private citizens, in this case activists, have no right to host "undocumented migrants" and, even less, the authority to determine the legal status of immigrants.

This was the outcome of the trial—unexceptional, from the point of view of state legality. But if we rewind the tape, we can review the facts from the point of view of the Tucson activists. They defined their practice as a "civil initiative," emphasizing that it was not "civil disobedience."¹⁴ This distinction was not just terminology or a legal ploy to avoid tougher penalties. For the activists it was not a question of disobeying unjust laws, but of giving effectiveness to just laws that the government was ignoring. In other words, the words of the activists, their *civil initiative*, unlike civil disobedience, become law by practicing natural rights.¹⁵ *Civil initiative* is neither resistance to injustice nor a petition for justice to be done: "*civil initiative* means doing justice."¹⁶ It is a practice based on the "powers of the community rather than the government."¹⁷ In this regard, the civil initiative forecasts a third possible political trajectory beyond the dichotomy of legality/illegality.

Two different legal grammars were facing each other. The state coherently expressed its own point of view. The public prosecution reaffirmed the monopoly of state power to determine and control the borders, to punish illegalisms and to repress the attempt by private subjects to claim for themselves some authority not granted and legitimized by the state. In other words, the state reiterated its binary grammar based on private/public, legal/illegal, citizen/foreign, friend/enemy pairings. Reaffirming, as the prosecution did, that the activists were *private* citizens and therefore lacking the authority to act as they had, meant, on the one hand, redefining their activity as *illegal* and, on the other, accusing them of having challenged the monopoly of state power. The state could, at best, understand the language of *civil disobedience*, but it could not, in any way, recognize in the practice of the activists any kind of *legal activity*. The binary logic of state legality had been challenged by a third political temporality, beyond the dualism of obedience/disobedience. Referring to their own practice in terms of *legal activity*, the Tucson activists

implicitly referred to another legal discourse and to another authority: the *authority* to intervene in the legal field of asylum law and immigration legislation. In essence, by making their position towards the state even more difficult, they claimed a different authority as the source of legitimization for their *legal practice*. Along with the medieval tradition of sanctuaries, there is the tradition of natural rights that emerges in the practices and discourses of the activists. That tradition re-emerged countless times in French revolutionary assemblies in 1793 and in the program of a universal Republic during the Paris Commune. We are talking about those authentic natural rights that are understood, not as they have already been incorporated in a code, but as rights still to be gained.

Sanctuaries of democratic practice

“We believe Sanctuary is a vision continuously created through decades of struggle, through thousands of years of struggle.” Thus, begins the *Statement on Sanctuary* published in 2017 by the New Sanctuary Movement of Philadelphia.¹⁸ This sentence is important because, on the one hand, it recalls a tradition of sanctuaries that dates back thousands of years and, on the other, it recalls a history of struggles that from time to time redefined the political space of the sanctuary. It is a non-static, museum tradition, yet it is alive and articulated through conflicts that keep the space of democracy open. Because this is precisely what is at stake: the inseparability between conflict and democratic practice. In this connection the sanctuary takes shape as “a vision:” “We are working, organizing, reaching and yearning towards that vision—a vision of collective and personal transformation.” Where democracy is actually experienced, a political miracle that fuses together individual and collective transformation takes place. This is an ancient political position that poses the question of change as a primary issue of politics.

Ontario Sanctuary Coalition activists, in contact with those in Tucson, have gone so far as to define their practice as “a state within the state,” questioning the state monopoly of power and acting as a public authority.¹⁹ It should be emphasized here that the practice of *civil initiative* does not reproduce the state, but brings out a conception of politics in which the constitutive barriers of modern political configuration, such as inclusion and exclusion, friends and enemies, citizens and foreigners, are eroded together with the separation between spiritual and temporal. The spiritual dimension acts as a bond (*religio*), as a link based on the practices that define the

space-time of the sanctuary. These practices are directed neither against the state nor to make the state do something for migrants. Rather, they are guided by an idea of justice that goes beyond the borders of the state. The idea of brotherhood, which from biblical texts goes on to constitute the incandescent core of the French Revolution and the Declaration of the Rights of Man and of the Citizen, is here reactivated to fuse together the particular and universal in the practice of sanctuaries. This fusion is not intellectual. It does not work, nor can it be built, in the laboratories of political theory. It is realized in the practice of brotherhood.

This notion should not be channeled solely into the small-minded trajectory of nationalism, as has often been done by modern political theory. The nation-state was only one of the possible outcomes of the Revolution. An outcome that established itself by blocking, with exceptional state violence, other possible trajectories. However, these have not disappeared without leaving traces. The call to brotherhood formed the emblem of the workers' movement in 1848, in 1871 and in numerous other events. It re-emerges in the movement of sanctuaries because if human beings are brothers, the fundamental political question is not, in a Schmittian way, to divide them between friends and enemies. One can choose friends, *not* brothers and sisters. With brothers and sisters, we must learn not only to live together, but to live together in the *right* way.

From this perspective, disagreement and conflict are always possible—we only need to learn how to handle them in a mature way. This is perhaps the most important task of sanctuaries as practice: the coincidence between changes in external circumstances and human activity as self-education for self-transformation. In the practice of sanctuaries, activists and refugees test new forms of social bonds and subjectivation. The refugees are not victims here, passive and vulnerable, but common brothers, sisters and actors in experiments in which the state is kept at a distance without opposing them. It is through these secondary roads that a revolutionary practice, which has stopped mimicking the state, takes shape.

The modern state has established itself as a powerful mechanism for neutralizing conflict. It has made its own subjects *infantile* because they are unable to resolve disputes, *fearful* because they are frightened of the risk of a violent death, *anxious* because they are unable to face the instability that derives from conflict. In other words, the state produces perfect Hobbesian individuals. They are the *result* of the state mechanism that Hobbes astutely

elevated to an anthropological *prerequisite* by building a circularity that legitimizes the state while at the same time places it outside of history. The way out of a state of minority that Kant placed at the center of his enlightenment plan must be updated in these terms: immaturity is the inability to face conflict and instability; the need for the state to be guarantor in every social relationship. The way out of a state of minority is a mature practice of politics that includes conflict and is capable of dealing with the anxiety that comes from instability and change.

If the paradigms of resistance, revolution, and disobedience are still determined by their subordination to the grammar of the state, *civil initiative* is an experiment that tries to speak, perhaps still stuttering, a different language. We must, modestly, try to extract a new conceptual grammar from this language.²⁰

On the political use of anachronisms

*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 in 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?*²¹

In these terms, in 1966, the Reverend William Sloane Coffin Jr., revitalized the tradition of sanctuaries to give hospitality to young people who refused to go to war in Vietnam. For his actions, the Reverend Coffin was arrested and convicted of conspiring against the United States.

In an essay on the notion of authority, Myriam Revault d'Allones showed that if space is the matrix of power, in the sense that power determines boundaries and exclusions, time is the matrix of authority, in the sense that it concerns the link between the past and the present, the tension between continuity and discontinuity.²² The anachronism of sanctuaries, their reference to the Middle Ages and to an even older tradition, serves as an anticipation of new political configurations. The reference to the medieval tradition of sanctuaries is not romantic; it is anachronistic in the sense that it interrupts the temporality of the state and opens up a field of possibilities for new juridical and political configurations.

Tradition is never something static. Referring to it as an alternative to the present has, or may have, subversive traits. The practice of sanctuaries encompasses some of these subversive possibilities. Reference to a medieval

tradition emerged in the assemblies of the sans-culottes during the French Revolution, in the associations of the Paris Commune, in the soviets and the councils of the twentieth-century revolutions. These were the local freedoms of the communes and the imperative mandate as a democratic institution founded on a plurality of local authorities against the state monopoly of power. In a constitutional draft written in November 1918 during the revolution in Bavaria, we read that the “revolution has already begun to return (*zurückkehren*) to the true democracy that we can find in the medieval constitutions of municipalities and provinces, in Norway and Switzerland, and especially in the sectional assemblies of the French Revolution.”²³ This return (*zurückkehren*) to the “true democracy” of the Middle Ages is far from nostalgic. It is an alternative political tradition, at the base of which there are no “atomized voters who have abdicated from their power” but “municipalities, corporations and associations that determine their destiny in assemblies.”²⁴ In this sense, the Middle Ages appear not as a *pre-modern* configuration, as they would appear from the perspective of a teleological conception of history, but as an enormous arsenal of *non-modern* juridical, economic, and political concepts and practices. This is what the practice of sanctuaries and the alternative tradition of insurgent universality have in common: both make reference to possibilities that have remained blocked in the past.²⁵

The tradition of sanctuaries, far older than Christianity, re-emerged in the Middle Ages. In the thirteenth century the number of sanctuary churches in England and northern France exceeded 30,000.²⁶ The end of this tradition retrospectively illuminates the sense of the practice of sanctuaries. Well before Beccaria, in the sixteenth century the attack on sanctuaries took place in the clash between the plurality of coexisting authorities and legal systems and the (proto)modern sovereign attempt to impose a new homogeneous and synchronized territorial space together with a new conception of punishment. An attack that, in the sixteenth century, saw the nascent sovereign state and Lutheranism as allies.²⁷

The conception of punishment offers a privileged point of view for understanding the medieval practice of sanctuaries, but it must be looked at not only from the point of view of punishment, but also from that of the regulation of conflict. Keep in mind that medieval English law was not worried about the fact that refugees in a sanctuary could avoid punishment.²⁸ In fact, the roots of the practice of sanctuaries are found in the practice of

intercessio which, in Roman society, corresponded to an institutional procedure of reciprocal limitation of powers and intervention of a third party in a dispute in order to avoid injustice.²⁹ In the late fourth century, this Romanist tradition intersected with ecclesiastical tradition and was given over to the authority of the bishops. For a fixed period of time, generally forty days, the sanctuary churches housed subjects who had violated a law in order to reach an agreement between the parties and allow for reconciliation. It was a crucial institution in a society characterized by a plurality of authorities, where a wrongdoing, a reparation, or an act of revenge could easily give rise to a feud. Using and mixing different traditions, the medieval juridical order had internally created an institution capable of preventing the escalation of conflicts through another way of understanding punishment and regulating conflicts. If the practice of sanctuaries was not widespread in Italy, one reason for its absence can be traced to the fact that the local governments, at least until the fourteenth century, had as their primary purpose a reconciliation between the criminal and the victim, and not the punishment of the offender.³⁰ In other words, sanctuaries were not present in Italy, not because of the weakness of the church, but because they were not necessary.

Looking at things from a modern Western point of view, it is easy to highlight the instability of the medieval order in which the plurality of authorities and legal systems, including sanctuaries, was always on the verge of producing conflicts and feuds. This is the perspective of Cesare Beccaria. However, if we change our perspective, the practice of sanctuaries shows rather a way to deal with conflict in the presence of a plurality of authorities or, in modern terms, in the absence of the state monopoly of power. Against the modern paradigm of the neutralization of conflict through the singularization and monopolization of public power in the hands of the state, sanctuaries present a non-modern alternative to the regulation of conflict, and not only because of the religious dimension to which they refer. The practice of sanctuaries should not be read through the moralizing lenses of the benevolence of the church, ready to give hospitality to criminals, but as the anomaly, in modern terms, of *intercessio*, of a suspension of space and sovereign time by means of another authority. It is this anomaly that lurks in the anachronism of the medieval tradition of sanctuary.

Anachronism, in political terms, is the gateway to *tertium datur*, the third possible way which interrupts the unilinear vision of historical time. As suggested earlier, what emerges from the practice of the sanctuary movement

is something more profound than civil disobedience to laws judged morally unjust. It is a challenge to the binary logic of the state through the practice of an extra-state authority, which some activists named civil initiative. If the activists define their practice as “legal activity,” the question concerns the nature of the *authority* based on which their activity can be defined as legitimate within a legal regime that does not coincide with that of the state. We can begin to shed light on this authority, as a practice, if we abandon the vision of the vulnerability of refugees and migrants as victims. We need to look at the practice of sanctuaries not so much as places where one escapes *from* a danger, but as places *to which* one runs to seek alternative human, social, and political relations.³¹ These are institutions that, if placed outside the legality of the state, are at the same time characterized by their intrinsic legality. In fact, if one can speak of the legality of the practice of sanctuaries, as the Tucson activists have, it is pursuant to an authority that has a non-state origin and is not defined in opposition to the state, but as another tradition and alternative political trajectory to that of the modern nation-state. These are archaic, or anachronistic, institutions that represent a “democratic counterthrust to statism.”³² In the reactivation of sanctuaries today, one can see not only the need to give hospitality to migrants, but above all a need for democracy that exceeds not just this or that particular state law, but the logic of the modern state as such—its monopoly of power and its binary logic built on exclusion and depoliticization.

Perhaps new institutional figures are emerging in the crisis of the state and some of its fundamental categories. Perhaps the practice and tradition of sanctuaries emerges not as a response to a strong state, but to a state scaled down by neoliberal policies which reacts by activating its primordial sovereign functions: exclusion, borders, security.

It is in this way that now, in the present situation, the “revolutionary practice” of sanctuaries can be thought of. To do this it is good to go back to the *Statement on Sanctuary* of 2017: “This disastrous political moment is also the birth of something big and beautiful and powerful. It is the birth of an expanded Sanctuary for everyone. [. . .] This is a vision defined and organized by undocumented people who have lived in the urgency all along. [. . .] This is the moment to build bridges with different communities and join forces. We see Sanctuary as the umbrella that covers all of us from the storm, and the womb to birth a new world. We are committed to the work of building not just a Sanctuary City, but a Sanctuary world.” Sanctuaries can constitute

a virtuous anachronism that anticipates a different, non-state, political way of being together.

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Notes

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