

Dear Editor,

Professor John Baker concludes his informative article on the English law of sanctuary ((1990) 2 Ecc. L.J. 8-13) with a passing reference to modern Roman Catholic canon law. I should like to expand a little on what he says, and bring out the present resurgence of the right. This will interest Christians of many denominations.

Canon 1179 of the 1917 Code of Canon Law did indeed embody the right of sanctuary (*ius asyli*), giving modern legal expression to an ancient tradition. When the Code came to be revised, however, this venerable right was not preserved and as a consequence it does not appear in the 1983 Code.

One might speculate on the reasons for this change, but there is a certain irony about its timing. The giving of sanctuary has become widespread. In recent years there has developed a 'sanctuary movement' among Christians of various denominations in the United States, with numerous parishes declaring themselves sanctuaries for refugees especially. In Europe, on the other hand, it appears that Christians have been offering sanctuary to migrant workers and racial minorities under threat of deportation. There have been cases of sanctuary in this country too.

Needless to say, as the right of sanctuary has such good moral foundations its disappearance from the Code of Canon Law does not mean its extinction from Church life. The 1988 report on 'Migrants and Settlers' published by a working party linked to the Roman Catholic Bishops of England and Wales (*Briefing*, 22nd January 1988, pp. 31-39) was forthright. It recognised that since unjust law is in principle not binding, the 'illegal immigrant' is an anomalous and ambiguous figure – violator of the law and possible victim of injustice at the same time. The report went on to say:

“... illegal immigrants may often be the victims of unjust law. They may be morally justified in evading the repercussions of their illegality and others may be morally justified, or even obliged, to assist them. In such a context the increasing phenomenon of sanctuary can be understood as an authentic expression of morality and Christian principle.”

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