



Sanctuary

A Forgotten Buddhist Tradition

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Sanctuary: A Forgotten Buddhist Tradition

When in 2017 President Donald Trump announced that he was intended to deport illegal immigrants, mainly those from Mexico, the mayors of several US cities and some religious bodies designated themselves 'sanctuary cities' and 'sanctuary churches' in defiance of the president. By this they meant that they would provide shelter to those threatened with deportation from immigration authorities and police. In doing this they are reviving a very old tradition.

The ancient Greeks and Romans recognized a religious right of asylum, temporarily protecting criminals from an angry mob or from the law. To be eligible for sanctuary a suspect or an accused had to embrace the altar in a temple or chapel, or sometimes just seize the statue of a god. This did not mean that they inevitably escaped from punishment. Sooner or later they would have to leave the temple or let go of the statue. But in the meantime they would have the possibility to defend themselves or perhaps more evidence might be forthcoming which showed that they were innocent.

The Saxon king of England Dunvallo Molmutius (4th/5th century BCE) is known to have enacted sanctuary laws. The practice was adopted by the early Christian church, and gradually various rules developed for what the person had to do to qualify for protection and just how much protection it was. The earliest reference to the Christian adoption of the right of sanctuary in churches comes from the Council of Orleans in 511 CE. In about 600 CE the English King Ethelbert made laws regulating sanctuary. After the Norman invasion there had come to be two kinds of sanctuary; all churches had the lower-level kind, but only the churches the king licensed had the broader version. The medieval system of asylum was finally abolished entirely in England by James I in 1623. The European tradition of sanctuary is well-known by those interested in the history of ancient and medieval Christianity. The Buddhist tradition is much less well-known, even by Buddhists.

The Pali terms equivalent to sanctuary would be *abhayatthana* or *pujjatthana*. Sanctuary in Buddhist monasteries had a long history in Sri Lanka lasting for at least 1,000 years. Royal officers or those who believed a crime had been committed could easily be infuriated, jump to conclusions and dish out swift justice to whoever seemed to be the most likely offender. This sometimes led to innocent parties being punished and of course the real culprit remaining free and undetected. An accused who was able to flee to the nearest monastery would be protected from such mob justice. Sanctuary would give the person an opportunity to explain himself and allow his accusers to calm down so the facts could be examined more objectively. The monks in the monastery would also be able to adjudicate on his or her behalf.

Numerous documents from ancient Sri Lanka show that royal officers and others were forbidden to enter certain monasteries, or sometimes even monastic estates, to apprehend offenders without permission from the monks. The rules of sanctuary varied at different times and in different places but usually a person was given sanctuary for five days or until the next *uposatha*. If the monks decided the person seeking refuge was guilty, they would expel him or allow royal officers to enter the monastery to arrest him. On other occasions, they might negotiate a settlement between the accused, his victim and the judicial authorities.

Sanctuary was usually given to those accused of committing what were called 'the five grave offences' (*panca maha paradha*), although it is unclear what these were. It might have been breaking the five Precepts or committing five of the six 'acts of immediate retribution' (*panca nantariya kamma*, *Milindapanha* 25) i.e. murdering one's mother, one's father, an *arahat*, injuring a Buddha or causing a schism in the Sangha (Atthasalini 358). In the above context, injuring a Buddha was understood as stealing or desecrating a Buddha statue or other sacred objects. Other versions of the five grave offences included assault, killing cattle, banditry and rape.

Violating the right of sanctuary could have very serious consequences for those who did it. The *Mahavamsa* records several examples of this, one particularly striking one. During political upheaval in the reign of King Udaya III (934-937), several court officials fled to the monastery of some monks revered for their simplicity and holiness. The king and his soldiers pushed their way into the monastery and summarily executed the officials. As a protest against this violation of the right of sanctuary and the shedding of blood in the monastery, the monks rose in a body and left the capital for the forest. Incensed by this, riots broke out in the capital, sections of the army rebelled in sympathy with the population, and the very life of the king himself was threatened. To calm the situation, the king had to send his senior ministers after the monks to beg for their forgiveness and plea with them to return to their monastery. The disorder subsided and the humiliated and chastened king had to promise never to violate the right of sanctuary again.

When the right to sanctuary in Sri Lanka began and how long it lasted is unclear because the records are too sparse. There is actually nothing in the Tipitaka, the Buddhist scriptures, suggesting monasteries could offer sanctuary. The custom may have developed from the idea that monks could be exempt from certain laws (e.g. D.I,60). It may also have been the result of taking some of the things the Buddha said to their logical conclusion. In verses 256 and 257 of the Dhammapada he said: "To make a quick judgement does not make one right. The wise person looks at both sides of the matter, with fairness, impartiality, watchful of the truth, wisely and without haste. Such a person is called righteous."