

# Sanctuary – Critical Legal Conference

## 2023 Call for Streams

*Yet well I love thy mixed and massive piles  
Half church of god half castle 'gainst the Scot  
And long to roam these Venerable aisles  
With records stored of deeds long since forgot*  
- Walter Scott, *Harold The Dauntless*

### Finding sanctuary



Figure 1: Lindisfarne Stone, also known as Viking Raider Doomsday Stone, Anglo-Saxon carved gravestone, 9th century, found in Lindisfarne. The stone shows a group of armed warriors, perhaps Viking raiders. Photograph in the public domain.

On the small tidal island of Lindisfarne, 70 miles north of Durham, Celtic monks had founded a monastery, which became one of the most important centres of early English Christianity. In 793 CE, the monks of Lindisfarne witnessed the ransacking and destruction of their monastery by invading Vikings:

*dreadful forewarnings over the land of Northumbria, terrifying the people most woefully: these were immense sheets of lightning and whirlwinds, and fiery dragons were seen flying through the sky. A great famine soon followed these signs and not long after in the same year, on the sixth day before the ides of January, the harrowing inroads of heathen men destroyed the church of God in Lindisfarne by robbery and slaughter. (Anglo-Saxon Chronicles)*

By 875 CE, the monks had abandoned the monastery on Lindisfarne and travelled as an itinerant community, carrying with them the incorrupt body of St. Cuthbert.



*Figure 2: The body of St Cuthbert being carried by six monks, eventually to Durham. Sculpture by Fenwick Lawson carved in wood then cast in bronze. Photograph authors' own.*



*Figure 3: The story of the dun cow carved in stone on Durham Cathedral. The carving shows a woman with a cow advising a monk on where to go. Photograph authors' own.*

After over a century of itinerance, the coffin became unmoveable. The monks fasted and prayed, then followed a dun cow to a rocky outcrop on a bend in the River Wear. At this place, the original White Church was built in the centre of what would become the City of Durham. Here, the *haliwerfolc*, the people of the Saint, created the Palatinate of Durham bordered by the river Tyne in the north and the river Tees in the south, wherein the Prince-Bishops held powers almost equivalent to those of the King.



*Figure 4: The Sanctuary Ring, Durham Cathedral. Photograph authors' own.*

## Offering sanctuary

In Durham, the monks of St. Cuthbert not only found sanctuary but also offered it. At the centre of Durham is a large Norman cathedral. On the door of this cathedral is attached an unusual bronze figure. It depicts the head of a lion with a person hanging out of its mouth, the head and feet of this person being bitten by a double-headed snake. The body of the snake forms a ring. This is the Sanctuary Ring. According to Baker (2007, 513), late medieval common law provided for a fixed sentence of death for nearly all felonies. Those who were accused could use the Sanctuary Ring to knock on the cathedral door and were offered sanctuary within. The origins of sanctuary law in medieval England are unclear, but most authorities agree that it was established around 600CE. In Hall's account (1989, 430), King Alfred the Great confirmed to Durham the right of sanctuary for thirty-seven days. How should we view this right? Baker, for one, calls it an 'evil,' the greatest of which was present at large monastic communities like Durham that had a substantial community of people living within it under sanctuary right up to the abolition of sanctuary in 1624 under King Henry VIII.

## Negotiating sanctuary



*Figure 5: Durham Castle, formerly the Bishop's Palace, now University College. Photograph authors' own.*

Opposite Durham Cathedral lies Durham Castle. Its strategic position high on a rock surrounded by a river provided an excellent defensive position for a community which had been repeatedly attacked for over a century. Whilst this region was historically part of the powerful and influential Kingdom of Northumbria, it came to represent the power of the new Norman kings over this region. Built at the end of the Harrying of the North, the castle's primary purpose was to subdue the rebellious Northumbrians under Norman rule, while its secondary purpose was to provide a defence against Scotland. From 1075, the Prince-Bishops of Durham were granted the power to raise armies, mint coins and levy taxes. In exchange for near autonomy, they were responsible for defending England's northern frontier. Prince-Bishops regularly led armies against the Scottish, such as at Falkirk in 1298 and the Battle of Neville's Cross in 1346. During the later Middle Ages, Durham Castle became much more of a palace than a military fortification. During the English civil wars, it was used as a hospital and then a prison. It is now part of Durham University, housing one of its colleges.

## Denying sanctuary

In 1650, after an English army led by Oliver Cromwell defeated a Scottish army supporting the future King Charles II, around 3,000 young men were taken prisoner and marched to Durham. They were imprisoned in the cathedral. They ate, slept and defecated there. Many died of dysentery. In 2013, Durham archaeologists discovered a mass grave within the cathedral walls, containing an estimated 1,500 bodies. This event profoundly changes the idea of the cathedral as a place of sanctuary.



Figure 6: Durham Cathedral. Photograph authors' own.

## Institutionalising the absence of sanctuary



Figure 8: HMP Durham viewed from the top of the cathedral tower. John Illingworth, Durham Prison, [CC BY-SA 2.0](#)

Part of the Palatinate status of Durham was a large measure of legal independence. Writs were issued in the Bishop's name for actions in the Bishop's Court. Durham had its own equitable jurisdiction, and the Durham Chancery courts operated until the 1970s. Justices appointed in the County Palatinate kept not just the King's but also the Bishop's Peace. Records of the court are dated by pontifical years, not regnal, giving the Palatinate law its own separate chronology as well as jurisdiction.

The Chancery building also included a jail, and until today Durham remains home to a large prison in the city centre, below the castle and cathedral. Built in 1810, it is notorious for housing some of the UK's most high-profile prisoners. Here, executions were carried out up until 1958.

In more recent times, Durham has extended its connection to the absence of sanctuary through the new asylum detention facilities in Hassockfield, using buildings which were once part of an abusive detention centre for young men. This has replaced Yarl's Wood as the largest immigration removal



centre for women. The Janus-like figure of the asylum seeker, victim for some, source of danger for others, harkens back to the figure of the accused who was once offered sanctuary in Durham Cathedral.



*Figure 9: Protest against the new asylum detention centre at Derwentside. Photograph authors' own.*

## Building sanctuary



*Figure 10: Durham Miners' Hall, Redhills, Durham. The main meeting room, with a seat for every colliery represented, is known as the Miners' Parliament. Photograph authors' own.*

Over history, the shrine of St. Cuthbert, and later St. Bede, made Durham an important site of pilgrimage. Revenue from coal mining, shipping and fisheries made the county wealthy. These industries were notoriously hard and dangerous, but such conditions also gave rise to strong communities and solidarity, and these industries were some of the first to organise. Indeed, the word 'strike' has its origins in a 1768 seamen's strike at Sunderland. There were major strikes of coal miners in 1830 and 1844. In 1869, The Durham Miners' Association was founded. Representing miners across the Durham coalfield, it quickly grew to be the biggest miners' union in the UK. The Redhills Miners' Parliament is currently being refurbished and will reopen as a community resource – not just as a museum to industrial organisation but also as a place to think and organise today.

Since 1871, the Durham Miners' Association has organised the Miners' Gala on the second Saturday in July. Today, the gala attracts about 250,000 people to a parade of colliery banners and performing brass bands. It is one of the largest celebrations of socialism, trade unionism, and working-class culture in the world. This legacy of organising and community represents a continued form of sanctuary found by working people in and around Durham.



Figure 11: Durham Miners' Gala. Photo - photo by paul-simpson.org - <https://www.flickr.com/photos/paulsimpson1976/2669552570/>

## Breaking down sanctuary



Figure 12: The Spanish Gallery in Bishop Auckland, part of The Auckland Project working in partnership with the Zurbaran Centre at Durham University. Photograph authors' own.

The University of Durham, founded in 1832 on a gift of land, buildings and income from the Bishop's estate is generally regarded as the first university founded in England since Oxford and Cambridge. Explicitly intended as a more affordable option for the education of clergy, over half the students in the initial student body were financially supported by the university. This connection to the local community continued into the late 20<sup>th</sup> century, with Durham University providing summer courses specifically for the education of coal miners. It was broken, at Durham University as elsewhere, first with the destruction of the coal mining industry and its communities, then with the increasing

commercialisation and internationalisation of higher education. Today, however, numerous partnerships with local projects, such as The Auckland Project in Bishop Auckland, establish new community links that seek to break down barriers and encourage exchange between the university and its surrounding communities.

*I wait for the six-five Plymouth train  
Glowing in Durham. First rain, then hail, like teeth spit from a skull,  
Then fog obliterate it. As we pull  
Out of the station through the dusk and fog,  
There, lighting up, is Durham, dog  
Chasing its own cropped tail,  
University, Cathedral, Jail.  
- Tony Harrison, Durham*