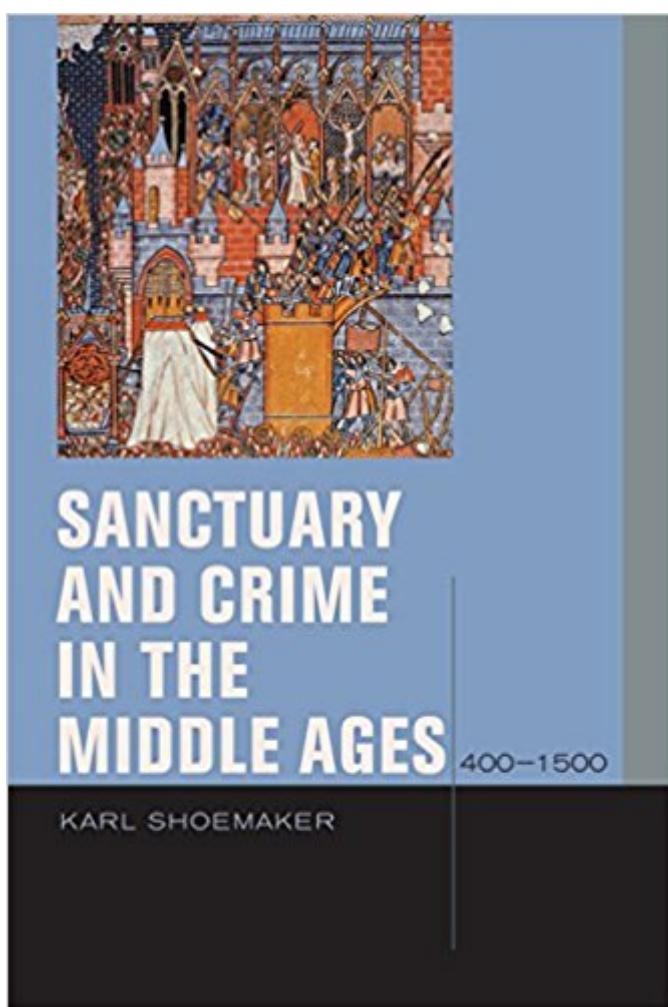


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Sanctuary And Crime In The Middle Ages, 400–1500 (Just Ideas)



Synopsis

Sanctuary and Crime rethinks the history of sanctuary protections in the Western legal tradition. Until the sixteenth century, every major medieval legal tradition afforded protections to fugitive criminals who took sanctuary in churches. Sanctuary-seeking criminals might have been required to perform penance or go into exile, but they were guaranteed, at least in principle, immunity from corporal and capital punishment. In the sixteenth century, sanctuary protections were abolished throughout Europe, uprooting an ancient tradition and raising a new set of juridical arguments about law, crime and the power to punish. Sanctuary law has not received very much scholarly attention. According to the prevailing explanation among earlier generations of legal historians, sanctuary was an impediment to effective criminal law and social control, but was made necessary by rampant violence and weak political order in the medieval world. Contrary to the conclusions of the relatively scant literature on the topic, *Sanctuary and Crime* argues that the practice of sanctuary was not simply an instrumental device intended as a response to weak and splintered medieval political authority. Nor can sanctuary laws be explained as simple ameliorative responses to harsh medieval punishments and the specter of uncontrolled blood-feuds. This book seeks to integrate the history of sanctuary law with the history of criminal law in medieval Europe. It does so by first situating sanctuary law within the early Christian traditions of intercession and penance as well as late-imperial Roman law. The book then traces the transmission of Romano-Christian sanctuary legislation into the feuding traditions of early medieval Europe, showing how sanctuary law was an important emblem of Christian kingship and was integrated into a broad range of social, legal, ecclesiastical and political practices. By the late twelfth-century, sanctuary had been domesticated within the procedures of royal law in England. Unmoored from its taproots in penitential and intercessory practices, sanctuary became a central feature of the emergent law of felony in the early English common law. While sanctuary was widely recognized throughout late medieval Europe, medieval English records provide rich accounts of sanctuary in everyday medieval life and the book reflects the prominence of the English sources. The book concludes by examining the legal arguments in both English and Roman-canonical legal traditions that led to the restriction and abolition of sanctuary privileges in the sixteenth-century and which ushered in a new age of criminal law grounded in deterrence and a state-centered view of punishment and social control.

Book Information

Series: Just Ideas

Hardcover: 292 pages

Publisher: Fordham University Press; 1 edition (April 1, 2011)

Language: English

ISBN-10: 0823232689

ISBN-13: 978-0823232680

Product Dimensions: 8.9 x 1.1 x 6.3 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: 5.0 out of 5 stars 1 customer review

Best Sellers Rank: #1,039,951 in Books (See Top 100 in Books) #115 in Christian Books & Bibles > Churches & Church Leadership > Canon Law #1557 in Books > Textbooks > Law > Criminal Law #3109 in Books > Textbooks > Humanities > Religious Studies > Christianity

Customer Reviews

This excellent monograph provides a long-needed reinterpretation of sanctuary laws. Shoemaker's study shows remarkable range, covering over 1000 years and a variety of legal traditions. His work dovetails with other recent scholarship that explores the political logic of non-centralized governments. (Martha Newman University of Texas) Shoemaker's excellent study elucidates the origins and successive transformations of sanctuary as a central institution of premodern criminal justice. A work of great sweep and acuity, *Sanctuary and Crime* effectively bridges the history of values, ideas and practices--legal, political, religious and social. Focusing first on early Continental developments and then on the Anglo-Saxon implementation and later English domestication and eventual abolition of sanctuary, Shoemaker has fashioned an intelligent analysis of the institution itself and an original and challenging argument regarding the evolution of criminal justice across a millennium and more. (Thomas A. Green University of Michigan) Shoemaker's manuscript provides an impressive reconsideration of a longneglected but very important topic in medieval history, the sanctuary given to criminals (and debtors) in churches. (Thomas Hughes University of Miami)

Karl Shoemaker is Associate Professor of History and Law at the University of Wisconsin-Madison.

By examining the role of sanctuary in the culture and society of the Middle Ages, we are able to gain new insights into changing ideas about law and punishment, treatment of criminals, and the role of

church and government in the administration of justice. In taking one aspect of medieval society - sanctuary protections - and tracing how it was understood across the entire sweep of Late Antiquity and the Middle Ages, Shoemaker shows how a concept that seems relatively straightforward actually was a complex part of an evolving worldview. Shoemaker's clear prose makes this scholarly work an accessible and enjoyable read, and anyone interested in the Middle Ages will appreciate this book. If you want an additional recommendation, the British journal "History Today" has published a formal review, stating in close that "This is a fine study which should be read not only by legal historians but by anyone interested in state and society in the Middle Ages." [...]

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