

Background Notes on the History of Sanctuary:

by Ashley Turner and Irene Vautour

Les auteures se penchent sur l'historique du mouvement des réfugié(e)s en

At first, the number of slaves entering Canada was small but the number increased with each decade, reaching the greatest volume after the passage of the Fugitive Slave Law of 1850. It is reported that 1,200 refugees reached the Toronto area every year.

Amérique du Nord examinant plus particulièrement l'attitude du Canada envers ces hommes, ces femmes et ces enfants.

Sanctuary is a sacred place, and particularly one that affords refuge, protection, or right of asylum. Virtually the world's first "grassroots" movement, the offer of sanctuary is an ancient tradition of helping people in need of a safe place. It is grounded in a common faith that empowers us to act in accordance with our conscience. Since secrecy suppresses the opportunity to maintain a consensus of conscience that will openly defy unjust laws, the sanctuary movement advocates openness.

Sanctuaries existed among many peoples at different stages of civilization, among tribal people as well as among Phoenicians, Syrians, Egyptians, and Greeks. Sanctuary provisions may be found in Hebrew, Roman, Germanic, Irish, canon, common, and civil law.

Sacred trees, altars, temples, and churches have represented sanctuary. The quality of sanctuary sometimes adhered to a person rather than a place, to priests or priestesses (for example, the Vestal Virgins in Rome), or even, in some cultures, to all

women, owing to belief in our magical qualities.

The ancient Hebrews allowed entire cities to declare themselves places of refuge for persons accused of a crime, a practice that allowed those

wrongfully accused to escape swift and harsh retribution. In the late Roman Empire fugitives were harboured within Christian churches. Later, during the medieval period, when canon law rivalled secular

authority, churches in England were recognized sanctuaries, for a temporary period, to accused wrongdoers. In Europe, the right of sanctuary, although much restricted in the sixteenth century, survived until the French Revolution.¹

Whatever its origin, the institution of sanctuary is a very old and useful political tool. It guards against capital punishment, uncontrolled blood vengeance, and provides some protection for fugitives facing unjust laws.

The Underground Railroad and the Canadian Anti-Slavery Society

Although it could be argued that the North American continent—the new "promised land"—offered sanctuary to the early settlers who were often poor and oppressed, this privilege was never formally acknowledged in American common law or statutes. The first practical provision of sanctuary in North America occurred in the years before the Civil War when the Underground Railroad came into being to help slaves flee the southern United States. In direct violation of the Fugitive Slave Law of 1850, which explicitly prohibited harbouring or assisting runaway slaves, members of

the clergy, Quakers, and slave abolitionists set up a network of way stations where slaves could hide. Prior to 1850, any slave who had made it into the northern states was safe and free, however, the passage of the Fugitive Slave Law in 1850 meant that there was no longer any safe haven in the United States (Blockson).

As early as 1820, Charles Stewart, secretary of the Canadian Anti-Slavery Society, set aside some town lots for the accommodation of escaped slaves. During the same year the Underground Railroad is reported to have established definite routes into Canada from all parts of the United States. At first, the number of slaves entering Canada was small but the number increased with each decade, reaching the greatest volume after the passage of the Fugitive Slave Law of 1850. It is reported that 1,200 refugees reached the Toronto area every year. No less than 3,000 arrived there within three months after 1850 (Blockson 287). Many Canadians were "underground" agents who made countless excursions into the deep South to guide men, women, and children to freedom in Canada. Henry Bibb, a Kentucky slave who moved to Canada, went on to publish Canada's anti-slavery newspaper, *Voice of the Fugitive*, and organized the Refugee Home Colony which purchased 1,300 acres of land in Canada for fugitive slaves (Blockson 83). Dr. Alexander Ross was an agent in Toronto. A distinguished ornithologist, he moved freely without suspicion wandering into fields and wood to spread the word. He would speak to secret meetings, explain how the underground worked, give slaves a few dollars, a pocket compass, a knife, a pistol, as much food as he could carry, and careful instructions. His initial efforts in assisting slaves to Canada were successful and he eventually travelled deeper and deeper

Studies in Compassion, Courage, and Defiance

south (Blockson 289). Several agents paid a very high price for their civil disobedience. Charles Torrey, a New England minister, died in prison after helping some 400 slaves escape. The Presbyterian minister, John Rankin, maintained a sanctuary in Ohio across the river from the slave state of Kentucky. Slave-owners offered rewards of as high as \$2,500 for Rankin's assassination.

North American involvement in the Vietnam War (1965-1975)

It was not until the Vietnam War that sanctuary was explicitly (although still not officially) invoked in North America. Numerous churches and campuses all over the continent sheltered those seeking to avoid military service. It was seen as an act of civil disobedience, rooted in moral opposition to an unjust war, a political protest, and a conflict between community, conscience, and government. Those who did not escape were arrested—many within the sanctuaries themselves—or surrendered voluntarily. All were prosecuted by American civil or military courts. The concept of sanctuary was never tested in court, for all the defendants accepted their sentences as consequences of their actions. None of the sanctuaries was ever directly prosecuted (Bau).

During the Vietnam conflict, Quakers² from around the world ran one of the most effective relief programs in South Vietnam. The medical aid program of the Canadian Friends Service Committee aided non-combatants in North as well as South Vietnam. The United States government had decreed that Americans who contributed to the Canadian program would be in violation of American laws and could be imprisoned for up to ten years as well as fined as much as \$10,000. Nevertheless, funds continued to be openly

collected throughout the war at rallies for the Canadian medical aid program (Crittenden 38).

Refugees from Central America (1980-1986)

The sanctuary movement publicly mobilized once again when political refugees sought legal guidance and physical protection from the civil war in Central America. In early 1981 independent investigations found widespread abuse of refugees' rights.³ In the summer of 1981, Canada stopped deporting Salvadorans (Crittenden 355).

The office of the United Nations High Commissioner for Refugees (UNHCR), whose mandate is the protection of refugees everywhere, joined the protesters after conducting investigations in 1981. The UNHCR began to help Salvadorans arrested in the United States find a safe haven in Canada. The UNHCR representative sent a letter to immigration lawyers around the country, reminding them of the international definition of "refugee" and how that legal standard might apply to their clients. Infuriated, the

whole communities openly resisted the government (see Crittenden).

The children's "underground railroad"

In 1988, the *Boston Globe* reported that, although there does not yet appear to be a national "underground railroad" comparable to the ones that hid slaves before the Civil War or Central American refugees in recent years, regional networks are evolving out of local support groups, rape crisis centres, and battered women's shelters offering sanctuary to children who need protection that is not being provided by the courts. Otherwise law-abiding citizens are not only acting as foster parents for child fugitives but also disguising them with hair dye and false identification papers. Around the country, judicial disregard for allegations of child sexual abuse is driving mothers to hide their offspring. And a movement, composed primarily of adults who were sexually abused as children, is emerging to shelter them (Golden).

Today the "children's underground" is a strong global movement,

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State Department refused to grant access to its files, thereby effectively preventing UNHCR from exercising its function. Clergy and lay community members, together with human rights groups throughout North America, responded with their conscience. Refugees were smuggled across borders, unjust laws were broken, and

grounded in the sacred and ancient trust of sanctuary, as well as a belief in non-territorial, collective child-rearing that always puts the needs of the child first. The "children's underground" is often a mother's only option. Regretfully, the sanctuary historically provided by the "North" to slaves escaping the United States

is currently not available to women and children. Canada has, in fact, incarcerated a woman who sought to protect her child from potential abuse⁴ and further endangers the lives of many women by controlling battered women's shelters through government funding. While the ideals of sanctuary are benign, the risk for women who are forced to come out of hiding are great.

had to stay with Loyalist military regiments. Unlike Native women, white women were not allowed to fight and were given no role in military decision-making. British officials refused to take responsibility for women not attached to men. In 1778, the British reluctantly agreed to take some responsibility; however, they insisted that mothers and children live in supervised camp-like settings

founded fear of persecution because of their race, religion, nationality, political opinion, or membership in a particular social group, are outside of their country of nationality and are unable or unwilling to return (see Kaprielian-Churchill and Churchill). The Protocol of 1967 broadened the original scope of the Convention by ensuring that protection was extended not only to people displaced by World



Canada's record in protecting men, women, and children

Little has been written⁵ about the refugee camps from Quebec City to Sorel, established to house Loyalist women and children who fled the frontiers of the American colonies in the 1770s. Over 85 per cent of Loyalists now settled around Cataraqui (present day Kingston) spent their refugee years in Quebec. With no *habeas corpus* or trial by jury, people, and especially "disobedient" women, could be subjected to indefinite imprisonment. In 1777, the Governor of Quebec ordered that all refugees⁶

to control their activities and minimize expense. Stress, depression, poverty, poor diet, illness, and death was common (Potter-McKinnon 118).

The Geneva Convention

The 1951 Geneva Convention clarified the legal status of displaced peoples in Europe after World War II, establishing the status of refugee and the principle of non-refoulement, or the obligation to offer an individual protection from life-threatening situations. The Convention was applied globally and defined refugees as people who, by reason of a well-

War II, but to all those who became refugees after 1951.

In 1986, Canada was awarded the United Nations' Nansen Prize, an award that best exemplifies compassion to refugees in its immigration policies. Canada did take in more than 60,000 Vietnamese, Kampuchean, and Laotian boat people in 1980.⁷ But, have Canadian policies really been as compassionate as this award suggests? From our treatment of refugees from Hitler's Germany to our own witch hunts for "undesirables" (Whitaker 103-105), our "compassion" has been limited. Secret files, only recently made avail-

able under the Access to Information Act, are so shocking that even the Deschenes Commission, created specifically to investigate claims that Nazi war criminals were residing in Canada, suppressed details (see Whitaker; Avery).

Examples of Canada's "compassionate policies" are sometimes quite contradictory. On one hand, Khadra Hassan Farrah was the first woman in Canada to be granted refugee status because she feared genital mutilation. Farrah did not want to take her daughter back to Somalia where she would undergo the ritual. She was prepared to give up her daughter for adoption in Canada if her case was rejected (see Fennell; Monsebraaten; Miller). On the other hand, federal Immigration Minister, Sergio Marchi, recently rejected a plea from the Quebec government and deported a battered Trinidadian woman. Bernard Landry, Quebec's Immigration Minister, had asked Marchi to suspend Taramatie Ramsuhag's deportation so Landry could examine her application for sanctuary. However, three federal immigration "police" swooped down on Ramsuhag's three children and took them to Immigration Canada's detention centre in Montreal. They were put on a plane with their mother and deported to Trinidad (Norris 1).

Bill C-86

The National Organization of Immigrant and Visible Minority Women of Canada (NOIVMW), founded in Winnipeg in 1986, notes that one-third of the 33,000 refugee claimants for 1991 in Canada were women. Bill C-86 was introduced by the Minister of Employment and Immigration in 1992. This Bill called for important changes in Canadian immigration priorities. Criticism of Bill C-86 was extensive and well organized. Flaws were highlighted in the testimony of NOIVMW which concentrated its attack on the failure to recognize "the realities of women who have experienced persecution in the form of sexual assault." NOIVMW called

on the government to broaden the definition of "refugee" to include sex as grounds for persecution for which a person can be recognized as a refugee (see Avery).

Although Bill C-86 passed virtually intact, the Mulroney government did make one major concession. On March 9, 1993, the Immigration and Refugee Board issued its *Guidelines for Women Refugees Facing Gender-Related Persecution*, which acknowledged some of the arguments sent forth in the NOIVMW brief.

Putting Gender on the Agenda: A Guide to Participating in UN World Conferences is one positive result of the work that Canadian women have made to the gender issue. Gender Equality Measure (GEM) is clearly defined in the United Nations' *Human Development Report 1995*. Gender is finally not only on the agenda but it could be central to all development programs before the year 2000.

Sanctuary as civil disobedience: JEWELS International

The members of JEWELS International—which stands for Justice, Equality, and Equity for Women Everywhere, Legally, Lawlessly, and Shamelessly—describe sanctuary as civil disobedience against unjust laws. The sanctuary movement remains a political protest of women against laws which uphold the status quo. We consider civil disobedience to be an inalienable right. Women's shelters and rape crisis centres have lost their ability to take risks and offer sanctuary to all women and children. JEWELS has been actively offering sanctuary since 1992 to women and children⁸ who are in hiding, in prison, and in contempt of court for refusing to disclose the location of the children they are protecting against violence. In order to ensure that JEWELS remains accountable to the interests of the women and children we serve, we refuse to accept government funding. We will continue to offer sanctuary as often and—as passionately—as necessary. We will actively network with as many women around the

world who will help us, legally or lawlessly, to stem the tide of male violence against our children and us. *Ashley Turner is a founding member of JEWELS International (Justice, Equality, and Equity for Women Everywhere Legally, Lawlessly and Shamelessly), an underground sanctuary organization for women and children. A mother of two teen-aged daughters and one teen-age foster son, her current passion is how to survive and resist the lying about the global economy. She manages to keep her cool in her luscious, albeit miniature, medicinal and edible woodland garden in an inner city housing co-op.*

Freed from a 30-year old marriage, Irene Vautour is a co-founder of JEWELS. When not volunteering for the underground she is an Acadian mother of six children and six grandchildren. She has worn many hats in her life: chief cook and bottle washer, truck driver, city and school bus driver, university graduate, seamstress, security guard, rape crisis centre and shelter worker, gardener, globe trotter, feminist to name a few.

¹For an excellent description of the history and legal ramifications of sanctuary, see Bau.

²Quakers believe that every individual—and community of individuals—must act as if the good already prevailed. That is the only way the world can be perfected—through acts of conscience.

³For example, in Guatemala, a country terrorized by a series of governments whose record for human rights abuses is among the worst in Latin America, Beatriz Eugenia Barrios, a 26 year old mother and law student, had been receiving death threats. At least 35,000 people have "disappeared" in Guatemala since the late '60s. Beatriz Eugenia Barrios applied to the Canadian Embassy for a visa. The Embassy eventually agreed but would not allow her to leave for two weeks. She was kidnapped the night before her scheduled departure. When her body was found, her hands had been cut off and her face mutilated (Whitaker 1-2).

⁴See CBC, for the custody battle be-

tween Jocelyne Champagne and Andre Caron. Jocelyne spent 21 months in a Quebec prison for contempt of court for refusing to disclose the location of her daughter, Carolyne, who she claimed was sexually abused by Caron. Jocelyne has now lost custody of Carolyne, can only see her under security, and cannot communicate with her directly.

⁵*While the Women Only Wept: Loyalist Refugee Women in Eastern Ontario* by Potter-MacKinnon is the first account of these women and their children whose experiences have been overlooked for over 200 years by male historians.

⁶"Émigré" ("exile," and more specifically as religious or political exiles) was commonly used instead of "refugee," together with "displaced, dislocated, dispossessed, uprooted and fugitive."

⁷With the exception of Marion Dewar, then the Mayor of Ottawa (and still unofficially involved in JEWELS), who initiated an ambitious strategy of sponsoring 4,000 refugees into the Ottawa area, the majority of leaders did not begin with a goal of organizing mass support for private sponsorship; most of them were also ignorant of the existing community organizations already involved with helping refugees. See Adelman.

⁸Most of our original members arranged sanctuary for Carolyne Champagne and her grandmother, whose daughter, Jocelyne Champagne, spent 21 months in a Quebec prison for protecting Carolyne from further abuse by her father. JEWELS is still fighting alongside Jocelyne Champagne to help get custody of her young daughter, Carolyne.

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