



A Contemporary Theology of Sanctuary as It Relates to Undocumented and Displaced People

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Current events throughout the world have highlighted the plights of millions of people who find themselves displaced, either voluntarily or not, and often far removed from the geography of their families of origin. Many of these people have left places of violence, war, and other oppressions in hopes of finding security and safety for themselves and their families. This movement can come at the price of losing one's "official" documentation and can result in the risk of not only physical violence but also unjust retribution often done under the guise of legality.

This essay seeks to address these issues by developing a theology of sanctuary and offering ideas for application in the American church. Ultimately, the essay will argue that humans are intrinsically holy and therefore worthy of sanctuary regardless of legal or geographic status and that the church can and should be a community offering sanctuary to all people. In order to develop this theology, the essay will first look at the concept of sanctuary in the Hebrew Bible followed by a similar development in the Newer Testament and will finally suggest ways in which the contemporary church might theologically define sanctuary today.

The term sanctuary as a designation for seeking refuge in a holy site has a long history tracing back to the Bible. But the historical connotations of sanctuary for the contemporary situation may not be completely helpful, and the authors argue for an updating of this concept.

Churches will often cite passages from the Hebrew Bible about the so-called “cities of refuge” and suggest that the church now serves in this capacity as a place of refuge. This claim, although well intentioned, has the potential to backfire in light of careful biblical interpretation. This interpretation also lacks a robust theological basis that can be compelling to those who feel that churches should not work in opposition to the law. The reason for this is because these “cities of refuge” did not function within the legal code of Ancient Israel in the same way that the churches are describing their sanctuary today. The biblical city of refuge was established to delay a familial blood avenger from committing an honor killing before the offender had the opportunity to claim innocence.

In the Hebrew Bible, there are several references or allusions to the establishment of cities or places of refuge. Three of these references occur in the Pentateuch (Exod 21:12–14; Deut 19:1–13; Num 35:9–34), and one occurs in Josh 20:1–9.¹ In Exod 21:13–14, which is part of the Covenant Code and likely the oldest reference to a place of asylum in the Hebrew Bible, there is a vague reference to the appointment of a place for those having committed involuntary manslaughter (that is, the unintentional killing of a human) to flee. Verse 14 indicates that “the place” referred to in verse 13 must be the altar in the sanctuary.² Durham, whose dating of Exodus is somewhat questionable, suggests helpfully that one need not think of this altar as the altar in the tabernacle or temple, but any altar to Yahweh.³ Deuteronomy refines, develops, and broadens the Exodus prescription of sanctuary, Stackert argues, from the altar to cities with a “larger program of cultic centralization.”⁴ Thus, Deuteronomy’s call for the establishment of three cities with the possibility of three more offers more protection to the innocent person.⁵ In the case of Deuteronomy, the offender would be tried by the village elders and if found innocent, be allowed to live in the city.

Numbers 35 outlines the priestly view of these city locations and their significance, likely being dependent on Joshua 20 and its historical description of these cities.⁶ The cities of refuge in Numbers were to coincide with six Levitical cities. The procedure for handling these cases of accidental manslaughter was not exactly clear, but apparently the person would flee to one of the designated cities, and the city was required to protect the offender until a trial could occur. The trial was to be before the congregation (the location is not specified—whether in the

¹ For a nice summary of the biblical references to the cities of refuge, see John R. Spencer, “Cities of Refuge,” in *Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 5:657–58.

² See A. Graeme Auld, “Cities of Refuge in Israelite Tradition,” *Journal for the Study of the Old Testament* 4, no. 10 (1979): 26. So too Jeffrey Stackert, “Why Does Deuteronomy Legislate Cities of Refuge?” *Journal of Biblical Literature* 125, no. 1 (2006): 23–29. Stackert argues convincingly that this is a reference not to a city of refuge but to a place of refuge—that is, the sanctuary altar.

³ John I. Durham, *Exodus*, Word Biblical Commentary 3 (Waco, TX: Word Books, 1987), 322.

⁴ Stackert, “Why Does Deuteronomy Legislate,” 30.

⁵ Stackert, “Why Does Deuteronomy Legislate,” 30. So too Richard D. Nelson, *Deuteronomy: A Commentary*, Old Testament Library (Louisville: Westminster John Knox, 2002), 239.

⁶ See Martin Noth, *Numbers: A Commentary*, Old Testament Library (Philadelphia: Westminster, 1968), 254.

city of refuge or not), and if the defendant was found innocent, they were confined to the city of refuge until the death of the high priest.⁷ So although the defendant avoided capital punishment, they were still subject to confinement within the city. Whether these cities ever actually functioned in this way or whether any person utilized their provisions is simply not known.⁸ That being said, these cities seemed to “balance the interests of family honor and reprisal with the communal interest in fairness . . . and provide a fair chance for the elders of the city of the accused to act (or not act) based on a determination of guilt.”⁹

This is where the analogy between the sheltering of undocumented people by churches and the Hebrew cities of refuge really breaks down. Those seeking refuge in the city were given immediate refugee status pending trial. After the trial, the protected status guaranteed by the city depended on the innocence of the defendant. In the current situation regarding persons without documentation, those seeking refuge are often clearly in violation of the current law. This statement is not to defend unjust laws but simply an acknowledgement that the “cities of refuge” standard applied to current undocumented people would result in the need for trials, after which many would likely be deported regardless of concern for the person’s well-being, especially within the current political climate.¹⁰ As a result, a better theological metaphor and analogy is needed.

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For the purposes of this particular argument, only one aspect of the Hebrew covenant, one that is often overlooked, needs to be discussed. The issue is that of participation within a covenant. In the ancient Near East, covenants were always only between two parties.¹¹ The idea of three (or more) parties being involved in

⁷ Robert I. Vasholz suggests that remaining until the time of the high priest’s death demonstrated the innocent’s willingness to “submit to the proper authority” and thus show a lack of further threat to the community. Robert I. Vasholz, “Israel’s Cities of Refuge,” *Presbyterion* 19 (1993): 117–18.

⁸ In 1 Kings 1 and 2, there are narratives of two separate instances of traitors to the newly crowned Solomon grasping the horns of the altar as a means to gain clemency for their crimes. In one of these cases, Adonijah, Solomon’s older brother who had hopes of being king, is initially spared but then later killed in a separate incident as a traitor. Adonijah’s military leader, Joab, however, is not spared and is presumably killed while holding the horns of the altar having been declared guilty by the king.

⁹ Nelson, *Deuteronomy*, 240.

¹⁰ This, of course, does not consider those who do have various legal justifications for being in a particular country and need an advocate to help present their cases to the authorities.

¹¹ See, for example, Moshe Weinfeld, “Covenant” in *Encyclopedia Judaica*, ed. Fred Skolnik and Michael Berenbaum, 2nd ed. (Detroit: Macmillan Reference, 2007), 249. So to in his thorough survey of ANE covenants,

a covenant was apparently nonexistent. Thus, if an individual was to be part of a covenant, this individual was completely one party (representing one's self in the covenant) or was an individual within a larger group collectively considered one party. The second of these two options was obviously more common. The representative of oneself in covenantal parties was almost always either a king or deity in a vassal covenant.¹² For example, in a covenant between two battling kingdoms, the victorious side of the covenant might simply be the victorious king. On the losing side, the king, all the people, and perhaps even the defeated patron god might be included. The point here is that each of these groups did not function separately from each other, but together as two, and only two, groups.¹³ Individual people of either group did not have a separate voice and could only advocate change of the covenant through the king (which was unlikely in an autocratic society). In other words, the covenant defined the relationship between the two parties in covenant and not necessarily the relationship between those on one side or the other of the covenant.¹⁴ The significance of this reality in ANE covenants for the contemporary conversation about sanctuary is immense.

The contemporary implication of this understanding of covenant, one that is often missed and not fully appreciated in the individualistically leaning Western culture, is that to be in covenant with God is not an individual option. God is in covenant with the collective people, assuming here, of course, that God operates covenants in the same way today. Thus, in order to maintain the requirements of the covenant, those people in the covenant must abide by the requirements set out by God. In looking through many examples of covenantal requirements of the Hebrew Bible, one sees that most (certainly not all) of these requirements describe how individuals and communities are to be in relationship with others. In other words, the stipulations for maintaining the covenant with God are less about how one "treats" God and more about how one is in relationship with their human neighbors. Erhard Gerstenberger makes this point strongly when he writes, "The commandments thus do not express the doings of a community assembled in worship nor the spirit of religious functionaries. They reflect the life of civil bodies, of society at large, or of particular groupings within that society."¹⁵ Perhaps one of the best examples of this is found in Jeremiah 31:31–34, where Jeremiah initiates a new set of covenantal regulations. One can immediately notice that the language is

including those in the Bible, Paul Kalluveettil (*Declaration and Covenant: A Comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East*, *analecta biblica* 88 [Rome: Biblical Institute, 1982]) does not give a single example of a three-party covenant. Note also, for example, that while Tiberius Rata claims that covenants can be between "two or more parties," he does not give a single example of a three-party covenant. Tiberius Rata, "Covenant" in *Dictionary of the Old Testament: Prophets*, ed. Mark J. Boda and J. Gordon McConville (Downers Grove, IL: IVP Academic, 2012), 99.

¹² See Kalluveettil, *Declaration and Covenant*, chapter 4.

¹³ See George E. Mendenhall and Gary A. Herion, "Covenant," in Freedman, *Anchor Bible Dictionary*, 1180–81.

¹⁴ See Erhard S. Gerstenberger, "Covenant and Commandment," *Journal of Biblical Literature* 84, no. 1 (1965): 41–42.

¹⁵ Gerstenberger, "Covenant and Commandment," 48.

communal. The covenant is with the houses of Israel and Judah (not individuals).¹⁶ The old covenant is with ancestors (plural). More importantly, the way in which the covenant is explained is communal conversation.¹⁷ Similarly, in Isaiah 56 those individuals who are generally excluded from the community of Israel can voluntarily join the covenant by joining the community.¹⁸ The point here is that the theology of covenant explains that all people as a community must work together to maintain the covenant. Individuals are unable alone to maintain or fulfill the covenant, but interestingly, how individuals treat other people on the same side of the covenant does, in fact, matter for maintaining the covenant.

When using the biblical covenant as the model for how churches and communities should relate to undocumented residents, the covenantal reality becomes that all humans are on one side of the covenant and God, as the second party of the covenant, is on the other side. It is with this correct understanding of the way in which covenants function that one can then assert with confidence that all humans are intrinsically holy. In making this assertion, it suggests that humans are not only eligible to participate in the sanctuary by virtue of their holiness but are, in fact, what creates the very sanctuary in which they participate. The Bible is filled with references and examples of locations being sacred, and in most of these cases the location is made holy as a result of God's presence. Rare localized holiness due to the presence of God should not, generally speaking, eclipse the reality of human holiness. In his short definition of holiness, Karl Vladimir Truhlar in *Sacramentum Mundi* argues that a human's holiness is defined by their relationship with the Trinitarian God.¹⁹ It is important to note that Truhlar's definition of holy is inaccurate in its individualistic approach. This, however, should not be detrimental to our broader point. Truhlar starts by noting that the "ultimate source of all holiness is the holiness of god."²⁰ For Truhlar, the holiness of God is what makes God "wholly Other" in relationship to humans. Truhlar then says that God draws humans by grace to participation in this holiness of God because of God's "self-communication."²¹ This holiness, for Truhlar is demonstrated in love. First, in love for God: a human is only "fully" human when they "turn in love to the Other."²²

¹⁶ H. D. Potter argues that the "new" in the new covenant that Jeremiah announces is not a radical reversal of some provisions of the covenant but rather a removal of the administration of the covenant from the priestly and ruling elite and conferral to the people. This reinforces the argument that the covenant was not ever conceived as individualistic (new or old) but was always communal. See H. D. Potter, "The New Covenant in Jeremiah 31:31-34," *Vetus Testamentum* 33 (1983): 347-57.

¹⁷ A careful reading of the Newer Testament's use of this idea (about ten instances depending on the commentator's count) shows that *covenant* is still understood within its communal context. Those Christian groups that reinterpret this idea as personal salvation have misrepresented the biblical concept of covenant.

¹⁸ Although he is not arguing this point, Brevard Childs indirectly supports this argument. Brevard S. Childs, *Isaiah: A Commentary*, Old Testament Library (Louisville: Westminster John Knox, 2001), 457-58.

¹⁹ Karl Vladimir Truhlar, "Holiness," in *Sacramentum Mundi: An Encyclopedia of Theology*, ed. Karl Rahner (New York: Herder & Herder, 1968), 47-50.

²⁰ Truhlar, "Holiness," 47.

²¹ Truhlar, "Holiness," 47.

²² Truhlar, "Holiness," 48.

This love is manifest in various ways, including justice and love of the neighbor.²³ Thus, Truhlar concludes that “the Christian who really loves God also necessarily participates in God’s love of the world.”²⁴ Truhlar explains:

Since true love cannot remain inward only but strives to express itself in action, to embody itself, as it were (*carita efectiva*), true love of the world will also try to act visibly in an effort to order human society with regard to things and things among themselves. Thus love is exercised in “profane” action in the world as well as in the “cultic” action of the liturgy in its various sacramental forms.²⁵

This holiness, then, is active in the world, “Hence holiness is not rejection of the world but, of necessity, holy action on the world.”²⁶ So the designation of holy to humanity is the result of God’s gracious acts toward humans to which the humans respond with holy action in the world as an extension of that holiness. Since this holiness is given to all humans, all humans are to participate in this holiness. For Christians, this holy action in the world is defined as various acts described in the Newer Testament.

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In the Newer Testament, the theology of human holiness is affirmed. It is out of this intrinsic holiness that holy action is required. The author of 1 Peter, echoing the words of Leviticus, says, “Be holy in all you do.” For the Newer Testament authors, it is through Christ, that God’s holiness becomes human holiness. In other words, it is in Christ that humans are already holy. For Christians, the concept of holiness is further developed in the Newer Testament by defining several actions that demonstrate the inherent holiness of humans. One of these actions is radical hospitality. The narrative of Zacchaeus in the book of Luke illustrates this radical hospitality as a sign of holiness. Zacchaeus was looked down upon because he was a tax collector, someone who was working for Rome; he was part of the empire.²⁷ In Luke’s narrative, Jesus knows who Zacchaeus is, what his profession is, but chooses to ignore that in favor of radical hospitality. Demonstrated in the narrative is the Lukan pattern of unexpected reversal where Jesus, the visitor,

²³ Truhlar, “Holiness,” 48.

²⁴ Truhlar, “Holiness,” 48.

²⁵ Truhlar, “Holiness,” 48.

²⁶ Truhlar, “Holiness,” 49.

²⁷ See Joseph A. Fitzmyer, *The Gospel According to Luke (X–XXIV)*, Anchor Bible 28a (New York: Doubleday, 1985), 1218–20.

shows hospitality in spite of being Zacchaeus's guest.²⁸ Brendan Byrne writes, "one of the marginalized despite his wealth, provides hospitality to Jesus and finds in return the hospitality of God: a welcome into the community of salvation."²⁹ For Luke, this is a clear demonstration by Jesus to the community that everyone is welcome; one and all should receive sanctuary. In this radical offering of hospitality by both Zacchaeus and Jesus, Zacchaeus is initiated into the community and "his dignity and decency are defended."³⁰ Zacchaeus shows Jesus hospitality, and in return Jesus accepts him into the community. Then, in an act of solidarity with the very community that has previously rejected him, Zacchaeus "embarks on a new moral existence."³¹ Gosbert Byamungu says that Jesus "annuls the stigma of social marginalization," and Jesus "slept at Zacchaeus's house to reconcile him with the community that casts him out."³² One implication of Jesus's action for current policy might be that as churches choose to invite the undocumented into community, the stigma of lack of documentation may be reduced and perhaps, more importantly, the real plight of these people humanized. O'Hanlon notes that this response and Zacchaeus returning his ill-gotten money should be read in contrast to Luke's rich young ruler whose status prevents him from repentance.³³ Note the analogous relationship between economic status in the Lukan narrative and social status in the immigration question. This narrative in Luke is pointing the way to the community of God, and it is found in understanding and living out holiness as hospitality.

Byrne notes that "the exchange of hospitality that occurs between [Zacchaeus] and Jesus . . . enlarges the sphere of God's hospitality."³⁴ Luke, says Byrne, teaches that "lost human beings can find welcome and new life in the grasp of a hospitable God."³⁵ This hospitality is, according to I. Howard Marshall, "an attitude which expresses itself in generosity to one another and the creation of a community in which there is communal care and the sharing of resources for the benefit of the poor."³⁶ This dual exchange of hospitality demonstrated between Jesus and Zacchaeus is a requisite for entry into the kingdom of God. The people of God must be marked by the holiness of radical hospitality.

The Newer Testament describes a person who is holy as one who practices fellowship. Marshall notes that the "word [fellowship] is notoriously hard to define,"

²⁸ John T. Carroll, *Luke: A Commentary*, New Testament Library (Louisville: Westminster John Knox, 2012), 372.

²⁹ Brendan Byrne, *The Hospitality of God: A Reading of Luke's Gospel* (Collegetown, MN: Liturgical Press, 2015), 167.

³⁰ Byrne, *Hospitality of God*, 167.

³¹ John O'Hanlon, "The Story of Zacchaeus and the Lukan Ethic," *Journal for the Study of the New Testament* 4, no. 12 (1981): 16.

³² Gosbert Byamungu, "Grace as Subversive Surprise: A Reading of Psalm 130 and Luke 19:1-10," *The Ecumenical Review* 56, no. 3 (2004): 338.

³³ O'Hanlon, "Story of Zacchaeus," 16. So too, Byamungu, "Grace as Subversive Surprise," 336.

³⁴ Byrne, *Hospitality of God*, 167.

³⁵ Byrne, *Hospitality of God*, 167.

³⁶ I. Howard Marshall, "Holiness in the Book of Acts," in *Holiness and Ecclesiology in the New Testament*, ed. Kent E. Brower and Andy Johnson (Grand Rapids: Eerdmans, 2007), 125.

but “whatever the precise meaning of the word, fellowship expresses itself in mutual support.”³⁷ Fellowship is expressed by holy humans not to just a select group but rather to everyone. Luke, in the book of Acts, describes this fellowship in regards to holy acts. Byrne summarizes this fellowship as a “picture of a people who are to be wholly devoted to the Lord, expressing that devotion in prayer and praise, and living together in communities characterized by unity and mutual generosity.”³⁸ This unity and generosity were not limited to those within the community but were extended to all people. Thus fellowship, and therefore also holiness, is defined not just by being a member of the community but in how one treats those outside the community.

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One specific way in which the church demonstrates this fellowship is through the ritual of the Eucharist. Luke describes the last meal Jesus shared with his disciples in very symbolic terms.³⁹ Jesus’s disciples were a ragtag group who were not the typical people one would dine with or be seen with. In typical Lukan reversal, “Jesus redefined the Jewish concept of holiness that functioned to distinguish the community from others.”⁴⁰ Whereas Luke portrays the Jewish community as one that understands distinguishing “the holy from the unholy, the faithful from the faithless, and the insider from the outsider,”⁴¹ Jesus institutes a definition of holiness as anyone who chooses to participate in the community through a shared meal.⁴² In this thoughtful look into this Lukan perspective, we see that Jesus went against these commonly held beliefs on holiness.⁴³ Churches all throughout the world practice the sacrament of Eucharist, but they often forget the deepest meaning of all in partaking in the Eucharist. The Eucharist is a declaration that all are accepted at the table of God.⁴⁴ Whether you are Jew or gentile, man or woman, all are welcome at the table and community of God. The story of the Last Supper demonstrates that extending fellowship through the act of the Eucharist is an

³⁷ Marshall, “Holiness,” 125–26.

³⁸ Marshall, “Holiness,” 127.

³⁹ Carroll, *Luke*, 432.

⁴⁰ Richard P. Thompson, “Gathered at the Table: Holiness and Ecclesiology in the Gospel of Luke,” in Brower and Johnson, *Holiness and Ecclesiology*, 92.

⁴¹ Thompson, “Gathered at the Table,” 92.

⁴² See Lewis R. Rambo, *Understanding Religious Conversion* (New Haven: Yale University Press, 1995).

⁴³ See Carroll, *Luke*, 11.

⁴⁴ See Scotty J. Williams, “The New Reformed Pastor: Zwinglian Wisdom for Modern Ministers” (DMin thesis, Bethel University, 2015), 100, also available online at Bethel University: Theses and Dissertations: <http://tinyurl.com/y3xmlnrh>.

expectation of Christ for the church. “Luke’s gospel presents an alternative understanding of holiness defined by the inclusive nature of God’s salvific work rather than by the exclusive nature of God’s people.”⁴⁵

The word *sanctuary*, of course, comes from the Latin word for holiness, and thus, a sanctuary is a space dedicated to holiness. Biblically holiness, however, is understood as an inherent characteristic of all people. Thus, by logical extension, the inherent holiness of gathered people form communities that are sacred and holy. This includes, of course, churches, which are specifically constructed for communities to physically represent the holiness of not only God but the community that gathers there. A church is not holy because it is a church; a church is holy because of the community that gathers there.

When developing a contemporary theology of sanctuary for churches in response to the current issues regarding refugees and people who do not have certain types of documentation, one should start with the understanding that each person is holy. Holy by virtue of being human. Holy by virtue of being in relationship with the Creator of the universe. This holiness extends covenantally to all believers. Our holiness as communities of faith is not judged on the basis of our types of services, the size of our congregation, or our political ideology. Our holiness is rather demonstrated by our keeping of the covenant and understanding that violence of any sort done to any person is violence done to myself as a member of the community and by extension to the community as a whole. Failure to protect individuals based on arbitrary papers, lines drawn on maps, and the lack of resources is simply a violation of the covenant we as humans have with all other humans. We must be marked by holiness. In response to the reality that all humans are holy and churches are places of that sanctuary, one can then develop a pointed response to the church’s role in protecting all people regardless of status. Jim Corbett writes, “Sanctuary has to do with church-state relations. It presupposes that the church has come to occupy an institutional place within society that permits it to limit and even challenge the state’s use of violence [against immigrants and refugees].”⁴⁶

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Thus, the term *sanctuary* should be used in reference to our churches not as a description of space or a throwback to medieval theologies but rather as an acknowledgement that all humans are inherently holy and thus are a part of our

⁴⁵ Thompson, “Gathered at the Table,” 93.

⁴⁶ Jim Corbett, *The Sanctuary Church*, Pendle Hill Pamphlet 270 (Wallingford, PA: Pendle Hill, 1986),

covenantal responsibility to protect. In doing so, protecting and validating humanity, we then create the very sanctuary we desire. ☩

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