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### McSheffrey, Shannon. Seeking Sanctuary: Crime, Mercy, and Politics in English Courts, 1400–1550

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of nationalism from Plethon's use of certain political terms in his *Laws*. The last essay, by Jacek Raszewski of the University of Warsaw, examines the use of the heretic philosopher as a fictional figure in modern Greek literature, particularly in two Greek novels of the Generation of 1880: Alexandros Papdiamandis's *Gypsy Girl* and Kostis Palamas's *Dodecalogue of a Gypsy*.

Because of the abstruse and esoteric quality of the subject matter and the uncertain English of the authors, this collection does not make for easy reading, but it is a useful introduction to "the last Hellene."

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**McSheffrey, Shannon.**

***Seeking Sanctuary: Crime, Mercy, and Politics in English Courts, 1400–1550.***

Oxford: Oxford University Press, 2017. Pp. viii, 219. ISBN 978-0-1987-9814-9 (hardcover) US\$80.

Shannon McSheffrey's *Seeking Sanctuary* strives to fill a void that has remained a persistent feature of scholarship on the practice of sanctuary-seeking in England: the need for a single-volume study spanning the formative years of sanctuary's development and decline within the late-medieval and early-Tudor period. Indeed, despite an increasing awareness among historians of the fifteenth and early-sixteenth centuries that the practice of sanctuary provides a valuable insight into some of the most prevalent legal, cultural, and religious issues of the period, the impetus and events throughout the years covered by McSheffrey's study that shaped sanctuary's peculiar "English" character have, until now, been denied a comprehensive revision. In particular, this work demonstrates sanctuary's flexibility as part of—rather than antithetical to—the legal machinery in which it operated. Indeed, the notion that sanctuary remained a medieval anachronism until the "modernizing" Tudors served the *coup de grâce* in the mid-sixteenth century, McSheffrey argues, stubbornly endures.

McSheffrey commences her study at the turn of the fifteenth century, when the nature of seeking sanctuary in England underwent a significant change. In a number of the great religious houses throughout the realm, the medieval law of asylum that permitted an individual accused or guilty of felony to take

refuge in a church, ecclesiastical precinct, or other place specified by royal or papal grant, evolved from the previously understood forty-day limit to one that was potentially unlimited in time. These special, or “chartered,” sanctuaries have received particular attention from scholars, who have variously portrayed them as mutilating the previous practice, whereby asylum seekers would either face the legal consequences of their crimes or enter permanent exile on the Continent following the expiration of their forty-day limit (“abjuring the realm”), into an institution that permanently denied the proper exercise of the common law over such privileged spaces. For these historians, forty-day sanctuary as temperance to the severity of the medieval legal code was an acceptable, if still imperfect, part of the legal topography of medieval England; permanent escape from justice was, however, not.

While the dichotomy between common and canon law (and, later, church and “state”) to which this premise inevitably gave rise has been considerably nuanced since its prevalence throughout much of the early and mid-twentieth century, McSheffrey’s systematic exploration of recent literature on sanctuary reveals that the monopoly it enjoyed has not yet been broken. Studies into sanctuary’s role in the exercise and dispensation of royal mercy and its position within the changing relationship between canon law and common law, for example, have made considerable progress in freeing the practice of sanctuary from the stranglehold of Whig Protestant historiography in which it was characterized as a “canker” to the application of the common law. And yet, as components of much larger studies into legal development and discourse more generally throughout this period, these insights arguably lack the scope required to significantly re-establish the foundation upon which future scholarship on sanctuary can be constructed. These shortcomings are most evident, according to McSheffrey, in the scant attention scholars have devoted to an exploration of the extent and complexity of the legal regimes of which sanctuary was part.

These multifarious legal codes—the law of the royal courts, both criminal and civil, statute law, and local and customary jurisdictions of manor, town, and city—are concurrently explored by McSheffrey. Key junctures between these codes are impressively interpreted through carefully chosen case studies, which open each chapter and illustrate contemporary understanding of sanctuary’s position in these various spheres of fifteenth- and early-sixteenth-century legal thought. The discussions that arose between both canonists and common law judges surrounding the development of chartered sanctuaries (ch.

2), the scope of the liberties, franchises, and jurisdictions of asylums in towns and cities alongside the independent rights enjoyed by civic authorities (ch. 3), and sanctuary's perceived role within the context of the formation of the Tudor "state" (ch. 8) are all explored. Consequently, McSheffrey demonstrates sanctuary's ability to successfully adapt to current political and legal exigencies over a much broader period than previously investigated, critically undermining the notion that sanctuary was an obsolete and reactionary institution by the mid-sixteenth century.

Indeed, the statistics that accompany this study evidence the contrary. McSheffrey's accumulation of over eighteen hundred cases of sanctuary-seeking between 1400 and 1550 is a particular strength of this work. Through a search of the King's Bench indictment files, many of the controlment rolls and *coram rege* rolls, Chancery petitions, State Papers, Star Chamber records, Exchequer rolls, the surviving sanctuary registers of Beverley and Durham, as well as the calendars of patent and close rolls, McSheffrey demonstrates that sanctuary enjoyed greater, and longer-lasting, popularity than previous scholars have been able to exhibit; her work thus makes a unique contribution in shifting the point in time at which sanctuary's "heyday" can be assigned: from the late fifteenth century and turn of the sixteenth (which have been invariably proposed by other sanctuary scholars) right up until the date traditionally held to denote sanctuary's demise, at the close of the 1530s.

*Seeking Sanctuary's* principal contribution is its ability to intertwine the rather haphazard approaches to sanctuary in recent literature, in a way that opens up new and exciting dialogues between the legal, social, political, and religious developments they identified. The footnotes are extensive and the bibliography impressive, attesting to *Seeking Sanctuary's* position as arguably the most comprehensive treatment of sanctuary-seeking in England for a century. And in undertaking this multidisciplinary approach, the complexity of the institution of sanctuary in early modern England is fully realized, in a way that much of the previous literature on the subject—in reducing sanctuary to a zealously guarded, and fundamentally medieval, prerogative of the church—had left wanting. *Seeking Sanctuary* will thus, no doubt, establish itself as the pathfinder for much of the subsequent scholarship on the subject.

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