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[Introduction to] Unjust Borders: Individuals and the Ethics of Immigration

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Unjust Borders

Individuals and the Ethics of Immigration

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Introduction

1. A Story

I'm going to start with a true story. This story will illustrate themes in this book.

During the 1980s, there was a refugee crisis on the United States' southern border. Tens of thousands of refugees were trying to cross. They were fleeing civil war in Guatemala and El Salvador. The governments of Guatemala and El Salvador had launched military campaigns against citizens who opposed their rule. These campaigns were brutal. Paramilitary death squads in El Salvador and the military in Guatemala targeted human rights activists, union leaders, students, indigenous populations, and the members of other opposition groups.[1]

Over 100,000 people were killed in these conflicts. A priest in El Salvador described the horrific violence: "People were not just killed by death squads . . . they are decapitated and their heads are placed on pikes and used to dot the landscape. . . . It is not enough to kill children; they are dragged over barbed wire until the flesh falls from their bones while parents are forced to watch."[2] The priest tells the story of a woman he knows, Tonita, who returned to her home one day to find her young children along with her mother and sister butchered by soldiers for no apparent reason. Many citizens of El Salvador and Guatemala decided to escape the violence by fleeing their countries. Some of them showed up at the United States–Mexico border. With the aid of smugglers, a large number of refugees crossed the border into American territory.

Yet the United States government refused to recognize these people as refugees. Why? The reasons are complex. This was the 1980s. The United States government wanted to prevent the spread of communism in the Americas. Many of the opposition groups in El Salvador and Guatemala were leftist. Government officials feared that they would align with the Soviet Union and communist Cuba if they toppled the right-wing governments of El Salvador and Nicaragua. So, the Carter and the Reagan administrations provided military aid to these governments. American officials thought that these governments were reliable allies in the fight against communism.

But there was a problem. Congress prohibited foreign aid to countries that violated human rights. If the United States granted asylum to fleeing refugees who were the victims of government violence, this would be acknowledging that the Salvadorian and Nicaraguan governments were engaged in systematic human rights violations. So, American officials argued that the people from El Salvador and Nicaragua were economic migrants, not refugees. The government thus barred most of them from asylum and deported them. The deported people often met a grisly fate. For example, one refugee, Santana Chirino Amaya, was deported from Texas and found decapitated in El Salvador two months later. Perhaps 5 to 10 percent of these refugees were killed upon their return.[3]

Some American citizens were outraged by this policy toward Central American refugees. One of them was Jim Corbett. Corbett was a Quaker and he had once taught philosophy at Cochise College. He later became a goat herder in Arizona. Corbett had a strong anti-authoritarian streak. He'd been an opponent of the Vietnam war and had helped organized efforts against it, and he was dismissed from his philosophy job for protesting the college's censorship of an instructor's syllabus and the work of a visiting artist. Corbett was an advocate of a kind of nomadic pastoralism. He wanted to escape modern society and live in the wilderness with his goats, which he occasionally did. By chance, Corbett learned about the plight of Salvadorian and Nicaraguan refugees. After realizing how unjust their treatment was, Corbett decided to help them.

In a letter to his fellow Quakers, Corbett wrote:

> Speaking only for myself, I can see that if Central American refugees' rights to political asylum are decisively rejected by the U.S. government or if the U.S. legal system insists on ransom that exceeds our ability to pay, active resistance will be the only alternative to abandoning the refugees to their fate. The creation of a network of actively concerned, mutually supportive people in the U.S. and Mexico may be the best preparation for an adequate response.[4]

Corbett was serious. He began to smuggle refugees across the border and housed two dozen of them in his home. He taught Central Americans to convince the border patrol that they were Mexicans so that they would be deported back to Mexico, not Guatemala or El Salvador. Corbett would even lead groups of Guatemalans all the way from the Guatemalan border to Arizona.[5] Corbett recounted: "I traveled throughout Mexico to . . . accompany those who most urgently needed help." He also "spread information about routes and roadblocks [and] methods and risks" among refugees to aid them in evading border patrols.[6] Corbett might have helped hundreds of people to across the border without authorization.

Corbett was not alone. Corbett enlisted the aid of John Fife, a Presbyterian minister. Fife's congregation in Tucson helped shelter and hide more refugees. Other congregations in Tucson and eventually across the country started to aid the refugees and hide them from the authorities. They formed a kind of underground railroad to shield refugees from the American government. This would grow into the sanctuary movement. Corbett, Fife, and several other members of the sanctuary movement were ultimately prosecuted for their law-breaking. But Corbett was found not guilty and the other defendants only received probation and no jail time. Meanwhile, they had successfully rescued many refugees and their movement attracted sympathetic media attention. Eventually the U.S. government extended protection to a large number of Central American refugees. In some ways, the sanctuary movement never ended. Religious organizations continue to shelter refugees and evoke the movement in the 1980s to justify their conduct.[7]

Why start this book with the story of the sanctuary movement? Because it casts into stark relief the individualistic dimension of immigration policy. Migrants, smugglers, disobedients, and government officials are, of course, individual people who make moral choices. The story of the sanctuary movement illustrates how the choices of individual people matter. We can also evaluate these choices. Let's focus on a few of the actors in this story:

1. *Government officials.* State officials tried to prevent refugees from El Salvador and Guatemala from immigrating and deported many of those who reached the United States back to their countries of origin.
2. *Refugees and migrants.* Desperate to reach a safe place, refugees from El Salvador and Guatemala crossed borders without authorization and deceived and evaded immigration agents.
3. *Smugglers.* Various third-parties helped refugees cross borders without authorization and hide from the authorities. Some of these people were people smugglers—they aided refugees in return for compensation. Others, like Jim Corbett, smuggled the refugees for free.
4. *Citizens.* Ordinary citizens in the United States refused to turn over the refugees to the authorities, hid them, obstructed efforts to catch them, and publicly advocated for their rights.

How should we evaluate the actions of these different actors from a moral perspective? Were each of them doing something good or bad, or right or wrong?

My description of the story probably reveals my answers to these questions. Notice though that there's nothing really special about this episode in history. Sure enough, the story of the sanctuary movement is a dramatic one. But similar things happen all of the time. Let me describe some

events that are taking place as I write this book. There's a refugee crisis in the Middle East and Europe. Millions of Syrians have fled violence in their country and sought refuge in neighboring societies. A large number of people from Central America and Sub-Saharan Africa continue to escape violence and grinding poverty by moving abroad. The governments of affluent democracies are trying to stop most of these refugees and migrants from entering their territories. They're busy building walls, deploying more border agents to hunt down and capture unauthorized entrants, and detaining thousands of migrants in jails and camps.

Yet many people immigrate anyway. Migrants continue to cross borders illegally by evading border agents and through deception and subterfuge. Smugglers often help migrants to escape detection and reach their destinations, although some smugglers abuse and betray migrants. The citizens of states that enforce immigration restrictions are also making choices about how to interact with immigration laws. For instance, the Trump administration has made it a priority to strictly enforce immigration laws and deport more unauthorized migrants. Many citizens have decided to refuse compliance with these efforts. Local officials have implemented sanctuary policies that forbid cooperation with immigration agents. Ordinary citizens have engaged in protests and public civil disobedience to oppose what they see as unjust deportation policies. We can evaluate the choices that these actors make from a moral perspective. This book sketches a framework for doing this.

This book has a more radical agenda as well. You might judge that it was wrong for the United States to deport refugees from Central America because they were escaping civil war. In these desperate circumstances, maybe it's okay for foreigners to cross borders unimpeded, for people smugglers to aid them, and for people like Jim Corbett to defy the law. But you may still think that it's *normally* fine for states to exclude foreigners and that it's wrong for people to immigrate without permission and for others to help them to do so. I disagree. I think that *most* immigration restrictions are unjust. Furthermore, I'll argue in this book that resistance to immigration law is usually permissible and even obligatory. You may say that this disobedience and resistance is only justified during humanitarian emergencies. I say that the emergency is still happening as long as states continue to massively restrict immigration.