

UC Irvine

UC Irvine Previously Published Works

Title

The Oppressed, the Suspect, and the Citizen: Subjectivity in Competing Accounts of Political Violence

Permalink

<https://escholarship.org/uc/item/6sk9j26w>

Journal

Law and Social Inquiry, 26(1)

Author

Coutin, SCB

Publication Date

2001

Copyright Information

This work is made available under the terms of a Creative Commons Attribution License, available at

<https://creativecommons.org/licenses/by/4.0/>

Peer reviewed

The Oppressed, the Suspect, and the Citizen: Subjectivity in Competing Accounts of Political Violence

Susan Bibler Coutin

By juxtaposing religious, legal, and victims' accounts of political violence, this essay identifies and critiques assumptions about agency, the individual, and the state that derive from liberal theory and that underlie U.S. asylum law. In the United States, asylum is available to aliens whose governments fail to protect them from persecution on the basis of their race, religion, political opinion, nationality, or social group membership. Salvadoran and Guatemalan immigrants have challenged this definition of persecution with their two-decade-long struggle for asylum in the United States. During the 1980s, U.S. religious advocates and solidarity workers took legal action on behalf of what they characterized as victims of oppression in Central America. The asylum claims narrated by the beneficiaries of these legal efforts suggest that repressive practices rendered entire populations politically

Susan Bibler Coutin is assistant professor in the Department of Criminal Justice at California State University, Los Angeles. She is grateful to Susan Gooding for organizing the session for which this paper was first written; to Frank Reynolds for his interest in the manuscript; to Carol Greenhouse, Bill Maurer, Eve Darian-Smith, and Sally Merry for their comments on the manuscript; to Debbie Smith and Dan Kesselbrenner for providing material about the ABC lawsuit; and to Robert Foss for clarifying particular points of law. The research on which this article is based was supported by a 1987-88 American Fellowship from the American Association of University Women and a 1995-97 grant (SBR-9423023) from the Law and Social Science Program of the National Science Foundation. This paper was written while the author was a visiting professor at the University of California, Irvine, and was revised while the author was at the Center for Multiethnic and Transnational Studies at the University of Southern California. The author is grateful to both institutions for their support. The author is also indebted to the many groups and individuals who participated in this research project; in particular, to the East Bay Sanctuary Covenant, the Tucson Ecumenical Task Force on Central America, the Tucson refugee support group, the Central American Resource Center in Los Angeles, *El Rescate*, the Association of Salvadorans of Los Angeles, the *Coalición Centroamericana*, and the many individuals who agreed to be interviewed by the author. Pseudonyms have been used for interviewees throughout.

suspect. To prevail in immigration court, however, victims had to prove that they were individually targeted because of being somehow "different" from the population at large. In other words, to obtain asylum, persecution victims had to explain how and why their actions had placed them at risk, even though persecution obscured the reasons that particular individuals were targeted and thus rendered all politically suspect.

As a political ideal, liberalism has been subjected to heavy criticism. Some have noted that the belief in universal human capacities that is at the heart of liberalism contradicts the political realities that impede or facilitate the utilization of these capacities (Mehta 1997). Others have pointed out that focusing political struggles around liberal notions of "rights" merely reinforces hegemonic systems in which rights have meaning (Jaggar 1983). Still others draw attention to the relationship between liberalism and capitalist definitions of persons and properties (Collier, Maurer, and Suárez-Navaz 1995; Macpherson 1962). Nonetheless, liberalism provides the rationale for institutions that are designed to protect some of the most marginalized individuals: refugees and the politically persecuted. Political asylum and international refugee law are grounded in liberal notions of agency (as the means of realizing individual capacities), the individual (as someone who has the right to realize these capacities), and the state (as the guarantor of citizens' rights). According to liberal theory, states are only legitimate if they respect the rights of their citizens.¹ Individuals whose rights are not protected become, in a sense, "stateless" and are forced to seek the protection of the international community. Do the contradictions within liberal theory compromise systems that are designed to protect refugees? Or do liberal ideals of equality and human rights guarantee a measure of safety for the politically vulnerable? To address these questions, I analyze the notions of political subjectivity that have informed Salvadoran immigrants' two-decade-long effort to obtain political asylum or another form of legal status in the United States. I argue that this struggle reveals both the limitations of the political subject that is imagined within refugee law *and* (somewhat paradoxically) the centrality of asylum law to Central Americans' efforts to obtain U.S. residency.

The substantive issues at stake in the contest over Central Americans' legal status make this an ideal case through which to explore limitations in the political subject of liberal law. Three "cleavages" or contradictions have

1. Collier et al. note that on the "one hand, bourgeois law grants all 'men' equal rights to life and property while, on the other, it allocates enforcement of these rights to nation states, which are allowed to restrict protection to citizens," (1995, 17; see also Kristeva 1991). The link between state legitimacy and respect for citizens' rights is enshrined in key political documents of the eighteenth century. For instance, the French Declaration of the Rights of Man and Citizen declares that the "aim of every political association is the preservation of the natural and inalienable rights of man; these rights are liberty, property, security, and resistance to oppression" (quoted in Ishay 1997, 138).

been central to this contest: (1) the cold war definition of politics as a struggle between “communism” and “democracy;” (2) the gap between legal definitions of persecution and the repressive tactics that are directed at suspect populations; and (3) the differences between legal and other forms of political advocacy.

Regarding the first cleavage, U.S. asylum law originally defined *refugee* as an individual who was fleeing communism or the Middle East (Churgin 1996). The 1980 Refugee Act removed this anti-communist bias and thus brought U.S. asylum law into conformity with both international law and the principles of liberalism (Kennedy 1981). Asylum was to be available to all who were persecuted by their governments or by groups that their governments could not control, not only to those who were persecuted by a particular *type* of government. Shortly after the act’s passage, the U.S. government’s commitment to the new asylum standard was tested by an influx of Salvadorans and Guatemalans who had fled non-communist governments that, with financial and military support from the United States, were fighting guerrilla insurgents. How would the United States respond to these refugees?

Regarding the second cleavage, many of these new arrivals fled death squads, political violence, and scorched-earth policies that destroyed entire villages (see Byrne 1996). Yet asylum was available only to those who could prove that they had been “singled out” for persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion (Anker 1992). Could these war victims prove that they had been *individually* targeted for one of these reasons?²

Regarding the third cleavage, a powerful Central America solidarity movement arose during the 1980s in the United States and elsewhere (Coutin 1993b; Smith 1996). This movement, which was politically and organizationally diverse, pursued a variety of tactics including giving “sanctuary” to Central American refugees, sending delegations to Central America, lobbying the U.S. Congress, holding demonstrations, and filing class action suits on behalf of Central American asylum seekers. Some of these tactics depended more on legal definitions of individual rights than did others.³

2. I do not mean to imply that the limitations of asylum law are alone responsible for the difficulty of these cases. Obviously, Salvadoran and Guatemalan asylum seekers also confronted the institutional skepticism of a system that had, for decades, limited asylum to those who were fleeing communist countries. See Anker 1992, Churgin 1996, Coutin 1993b and 1998, Ferris 1987, Fiederlein 1991, Pirie 1990, and Zolberg 1990 for discussions of the presumption that Salvadorans and Guatemalans were “economic” refugees who sought jobs rather than safety from political persecution.

3. Analyses of the legal profession have discussed and critiqued distinctions between legal and political advocacy (Halliday and Karpik 1997). Courts have also characterized their role as legal rather than political. For example, when a Texas sanctuary worker who had been indicted for unlawfully transporting undocumented aliens argued that Salvadorans were entitled to refugee status in the United States, a U.S. district court judge responded, “The court cannot interfere with political decisions which the United States as a sovereign nation

To analyze the political utility of liberal notions of human rights, I juxtapose the notions of political subjectivity formulated in three interrelated contexts: (1) the religious solidarity movement that eventually secured Central Americans' rights to fair asylum hearings; (2) the political repression that led Central Americans to flee to the United States and that is recounted in their asylum claims; and (3) the asylum interviews and court hearings at which Central Americans' asylum cases are decided. Each of these contexts is critical to Central Americans' legal claims, and each informs and is informed by the cleavages listed above. As Garth notes, a dispute is not a singular entity "that changes shape by 'going through' the legal system"; rather, multiple forms of the "same" dispute are articulated simultaneously in different settings and interact with each other in complex ways (1992, 239). Examining these three settings enables me to follow disputes over Central American immigrants' legal status from the domain of social activism to the legal offices where asylum claims were formulated to the court hearings that decide these claims. Each of these contexts creates and/or exposes different notions of political subjectivity. In their political advocacy on behalf of Central American asylum seekers, solidarity workers defined Central Americans as an oppressed group. When this advocacy took legal form, the "rights-bearing citizen" (see Merry 1995) had to replace "the oppressed who suffer" as the subject of advocates' claims. Yet, to claim rights—specifically, asylum—Central American persecution victims had to match legal prototypes that differed from the political subjects created by repression in Central America. Examining the differences between the way religious activists, persecution victims, and asylum officials understood persecution therefore reveals the benefits and deficiencies of liberalism as a rationale for protecting refugees.

To explicate the notions of political subjectivity formulated in these three contexts, I rely on fieldwork conducted within California and Arizona sanctuary communities in 1987 and 1988, interviews with and fieldwork among Salvadoran and Guatemalan asylum applicants in Los Angeles from 1995 to 1997, and observations of asylum hearings in Los Angeles immigration courts between 1995 and 1997. My fieldwork within sanctuary communities entailed observing the sanctuary activities of three congregations, interviewing 100 movement members, and participating in communitywide sanctuary events.⁴ Interviews and fieldwork enabled me to identify the theological interpretations, political commitments, and social experiences that shaped movement members' understandings of oppression. To identify the political subjects created by repression in Central America, I rely on

chooses to make in the interpretation, enforcement, or rejection of treaty commitments which affect immigration" (*United States of America v. John B. Elder*, 601 F. Supp. 1581 [S.D. Tex. 1985]).

4. In addition, I studied the transcripts and press coverage of the 1985-86 Tucson sanctuary trial (see Coutin 1995).

victims' accounts of their experiences. I assume that when they lived through political repression, persecution victims actually became the subjects of state terrorism. In other words, passing through roadblocks, seeing dismembered bodies, and hearing about abductions taught victims the "logic" of political repression. Victims' accounts of such experiences reveal the assumptions about "politics" that are part of this logic. Finally, I use court hearings, asylum interviews, and attorneys' instructions to clients to reveal the logic of asylum law. I focus particularly on disjunctures—moments when the difference between the logic of state terrorism and the logic of asylum law are exposed. Disjunctures arise when those who are versed in the assumptions of liberal law encounter the rather different understandings of reality held by Central American persecution victims. Focusing on disjunctures reveals assumptions about agency, personhood, and legitimacy on which liberal notions of human rights are based. The disjunctures between legal and victims' understandings also expose the hurdles that asylum applicants face in trying to make their experiences fit legal definitions. The promise yet limitations of legal rights make law both a powerful and potentially debilitating force within religious-based social activism.

THE OPPRESSED

The legal remedies that were created for Central American asylum seekers in the 1990s grew out of activism in the 1980s in solidarity with victims of oppression in Central America. Among the strongest and best-publicized components of this solidarity effort were congregations that declared themselves "sanctuaries" for Central American refugees. The sanctuary movement—as it came to be known—was grounded in liberation theology, the social gospel, and other traditions that required religious believers to counter social injustice. These traditions influenced activists' understandings of oppression in Central America. Though their thinking was not uniform, movement members tended to define oppression as a societal process in which some groups (such as elite families, U.S. corporations, military leaders) took advantage of others (poor farmers, populations of countries where U.S. corporations operated, victims of human rights abuses). To seek justice for victims who fled to the United States, religious activists used U.S. refugee law. Activists, for example, helped Central Americans apply for political asylum, treated undocumented Central Americans as bona fide refugees, and eventually filed a class action suit on behalf of Salvadoran and Guatemalan asylum seekers. Although legal definitions of *persecution* were more narrow than movement members' analyses of oppression in Central America, activists (and their attorneys) devised legally compelling criticisms of U.S. refugee policy. These criticisms resulted in a legal settlement that granted Salvadorans and Guatemalans the right to de novo asylum

interviews. Although it was rooted in the social and religious activism that had made this lawsuit possible, this remedy prioritized legal definitions of persecution over other understandings of oppression. The sanctuary movement's dispute with the U.S. government over the treatment of Central American asylum seekers thus took multiple and sometimes contradictory forms.

Cleavages between left and right, individual and group, and law and activism entered solidarity work in particular ways. The sanctuary movement was, in part, a product of cold war geopolitical strategies. The U.S. government interpreted civil wars in Central America as East-West conflicts and argued that U.S. intervention was necessary to prevent the spread of communism in the Western hemisphere (Pastor 1984). In contrast, activists who were involved in the solidarity movement insisted that revolutionary movements were indigenous efforts to counter decades of social injustice, and that U.S. intervention *prolonged* rather than prevented political violence. For example, one of the earliest books produced by sanctuary activists described civil war in Guatemala as follows: The "majority of the people have been struggling in one way or another against their government since 1956. The reason that the will of the majority cannot prevail is that the minority in power is always able to obtain outside support, . . . specifically from the United States" (MacLeod 1985, 83-84). These understandings of the Salvadoran and Guatemalan civil wars were linked to competing views of Central American immigrants. The Reagan administration downplayed human rights abuses committed by the Salvadoran and Guatemalan governments and defined Salvadorans and Guatemalans as economic rather than political immigrants (Bach 1990; Churgin 1996; Coutin 1995; Jenkins 1991). Solidarity workers, on the other hand, characterized the Salvadoran and Guatemalan governments as repressive and considered Central American immigrants to be political refugees (Coutin 1993b; Smith 1996). Upon learning that 98% of the asylum applications filed by Salvadorans and Guatemalans were being denied by U.S. immigration officials (USCR 1986), activists resolved to aid these refugees. Though their efforts were occasioned by the cold war, some activists sought to avoid reproducing cold war dichotomies in their own work. For example, Tucson sanctuary workers deliberately assisted refugees who were fleeing the guerrillas as well as those who were fleeing the Salvadoran government (Coutin 1983b; Smith 1996). Nonetheless, the movement's decision to aid refugees from Central America, rather than other marginalized groups, was not fortuitous.⁵

5. As I have argued elsewhere, "When participants claimed to be acting in solidarity with 'the oppressed,' they actually meant 'persecuted and impoverished Salvadorans and Guatemalans. . . .' [T]he movement's construction of subjugation was implicated within its Orientalist representation of Central Americans. . . . Though their attempts to share the reality of the Central American poor enabled participants to oppose structures of power, this

In addition to the cold war cleavage, solidarity work was influenced by cleavages between religious activism on behalf of the oppressed *as a group*, and legal remedies that require *individuals* to prove that their rights as citizens have been violated.⁶ Sanctuary was a product of religious traditions—such as the social gospel (McGuire-King 1982; White and Hopkins 1976), liberation theology (Berryman 1984; Cardenal 1976; Gutierrez 1973; Lernoux 1982), and the Catholic church's preferential option for the poor (O'Brien and Shannon 1992)—that encouraged adherents to counter “injustice” and that thus aligned practitioners with the oppressed. These traditions based rights not on individuals' citizenship (Christiansen 1996), but rather on their humanity. According to these theologies, God granted rights, and the state existed only by God's grace. As a nationally known Tucson minister who was active in the movement told me, “Israel had some very clear obligations to care for the poor and the widows and to free the captives and to do justice and to see that covenant was pervasive in the whole life of the people of Israel.” If the state violated God's covenant with humanity, adherents asserted, then the faithful were called to challenge the state, much as the Old Testament prophets denounced the injustices of their day (Bercovitch 1978; Bellah 1975; Bellah et al. 1985). Activists saw both their own efforts to challenge U.S. Central American policies and Central Americans' efforts to counter injustice in their own countries as examples of the prophetic tradition. For example, one monk who was active in the movement compared the suffering of Central Americans to Christ's martyrdom, saying, “For me, by helping a refugee, it's my way of helping the church—the martyred church in Central America. . . . It's where I see the Lord crucified—*El Salvador* [which is Spanish for] the Savior—being crucified.” Citing the example of the Old Testament cities of refuge, sanctuary workers stressed their religious commitments to “the stranger who sojourns with you” (Leviticus 19:33-34; see also Plaut 1996). A California minister explained that the Hebrew word for “sojourner” is sometimes translated as “the people.” She commented, “It reminds me of the way that Salvadorans talk about ‘the people.’ It's everybody who's oppressed. It's the 80%, the 95%. They say, ‘the people in El Salvador’—it's *us*, it's the ones on behalf of whom God exercises God's preferential option, as they say in theology today. It's the ones that God really cares about.”

act of resistance simultaneously reproduced culturally ingrained Orientalist tendencies to know, define, and create representations of non-Western peoples” (Coutin 1993b, 186-87).

6. Shapiro (1994, 496) draws attention to the individuality of human rights law, noting, “Those using the discourse of rights to extend recognition to nonstate peoples find that it restricts recognition to states and individuals. Groups seeking recognition continually fail to achieve normativity.” Similarly, Merry (1995, 20) notes that in domestic abuse cases, “wife battering is defined as a matter of individual rights not to be hit rather than a violation of a collective community need for peace.”

Their commitment to the oppressed exposed sanctuary activists directly and vicariously to repressive practices that terrorized Central American populations. Throughout the 1980s, the Central American solidarity movement sponsored delegations to refugee camps in Honduras, villages in El Salvador, and other communities that were threatened by military or paramilitary violence. A minister in Northern California explained that assuming such risks was theologically necessary: “accompaniment, for me, is a way of saying, ‘We will be with you.’ And that means *with* you! That doesn’t mean ‘above you’ or ‘bring our goodies to give to you.’ That means ‘we will somehow join you in the struggle . . . put our lot in with yours.’ Which is what Jesus did with the poor. Which is what the prophets did with the oppressed.” Delegation members learned firsthand of the terror that pervaded everyday activities in Central America. For instance, in an interview, one delegate who visited a Honduran refugee camp told me he was present when a group of men who had gone to gather firewood were questioned by an army official:

The soldier would call out names, and the people would identify themselves and show their papers. And somehow in the dark, they had gotten to the end of the list, and there were still five people standing there. So, they asked the people their names and looked at the list to try to find where the name was crossed off. And there was this real young guy, who looked like he was about fifteen, who—either he was too frightened, or he was deaf, because he couldn’t talk when they asked him his name. He was just kind of choking. So the other people were saying, “Oh, he’s just too frightened.” But it was just a real, for me, frightening experience, and the feeling I had was like, this is bizarre, this is like being in a movie. What am I doing here seeing this? It can’t really be happening—to be around these perfectly mature adult men who moments before seemed real calm and relatively happy and concerned about cutting wood, and now were totally frightened.

By—however briefly and vicariously—experiencing a reality in which fear and death were pervasive, sanctuary activists momentarily became subjects of political violence.

Sanctuary workers’ advocacy on behalf of persecution victims was also informed by their conclusion that they were morally accountable for the consequences of the U.S. government’s military aid to the Salvadoran government. A Tucson sanctuary worker said that she was helping Central Americans enter the United States “because our government is perpetuating this horror that’s happening.” This sense of moral accountability was also promoted by Central Americans themselves, such as a Salvadoran man who suggested to California activists that through solidarity work with Central Americans, U.S. citizens could “address the sin of sending the bombs that this government sends to El Salvador to kill us.” To the degree that

sanctuary work was meant to oppose not only U.S. refugee policy but also U.S. intervention in Central America in general and U.S. military aid to El Salvador in particular, movement members advocated on behalf of all who were affected by the war. For example, civilians who were wounded in battles and who had subsequently fled to the United States could be regarded by movement members as refugees, even if these civilians had not been singled out for persecution in their home countries.

Due to their religious commitment to the oppressed and their political opposition to U.S. intervention in Central America, the object of sanctuary activists' solidarity was a broad category: "el pueblo," the Central American people. Because any common person in El Salvador could have been subjected to the violence of civil war, the threat of persecution, and other forms of political and economic injustice, activists reasoned that anyone who had come to the United States from El Salvador or Guatemala since the onset of civil war was a refugee. There *were* contexts within the movement where the distinction between "economic" and "political" motivations for immigrating were important, such as when screening Central Americans to determine whether they really needed to come to the United States or whether they had a testimony that would educate religious workers about Central American reality. Nonetheless, most of the movement's assistance, and certainly its calls for solidarity, were made on behalf of Salvadorans and Guatemalans in general rather than only those individuals who could meet legal definitions of "refugee." Within the movement, the terms "Central American" and "refugee" were used interchangeably.

Although theological and political commitments to an oppressed people informed their social activism, sanctuary workers successfully invoked somewhat narrower legal definitions of refugees and of persecution within their advocacy work (Coutin 1993b, 1994). In Tucson, Arizona, and in the San Francisco East Bay—the sites of my research regarding the sanctuary movement—religious activists who met persecution victims began their solidarity work by helping Central Americans apply for political asylum. When these applications were denied, activists resorted to helping Central Americans avoid INS officials. To do so, they brought Central Americans into the United States, sheltered them in their homes and congregations, and transported them to "safe houses" around the country. Though the press characterized such practices as civil disobedience, movement members argued that their actions were legal. In fact, sanctuary workers in Tucson, Arizona, used U.S. and international refugee law to decide which Central Americans merited the movement's assistance in crossing the U.S.-Mexico border. In addition, sanctuary activists around the country publicized Central Americans' "testimonies" or accounts of persecution. By publicly recounting the information that forms the basis of an asylum application, refugee testimonies articulated legal claims. These testimonies also drew on

the Latin American tradition of using a single account to represent the experiences of many (see Menchú and Burgos-Debray 1984; Taylor 1997). Some movement members had misgivings about the possible tensions between making a religious commitment to the oppressed and allowing U.S. asylum law to shape movement practices, particularly border crossings. For example, one Tucson border worker commented, "By adhering to [legal] standards [in deciding who to cross], we're playing a role in trying to change refugee law. . . . [But] what do you do when an economic refugee comes to you and says that their children are dying?" Most movement members, however, saw no incompatibility between their legal and religious goals.

In January 1985, sanctuary activists' interpretations of U.S. refugee law were challenged by the indictment of 16 movement participants in Tucson on conspiracy and alien-smuggling charges. Though defendants sought to argue that they could not be guilty of transporting "aliens" because the individuals whom they had assisted were "refugees," the trial judge prohibited evidence about conditions in Central America and the defendants' motives and beliefs. These prohibitions defined asylum as a benefit that governments can provide at their discretion rather than as an intrinsic right of a persecution victim. After a lengthy and dramatic trial, 8 of the 11 activists who stood trial were convicted (see Coutin 1993a, 1993b, 1995).

Solidarity workers responded to the Tucson sanctuary trial by filing a class action lawsuit against the U.S. attorney general and INS commissioner.⁷ This lawsuit came to be known as the ABC case after American Baptist Churches, USA, the lead plaintiff. Plaintiffs, who consisted of religious and refugee service organizations, later joined by two individual Central Americans, sought to bar future prosecutions of religious workers for transporting and harboring illegal aliens, prohibit deportations of Salvadorans and Guatemalans until conditions in their home countries improved, and obtain temporary legal status for Salvadorans and Guatemalans in the United States. Defendants in the lawsuit moved for dismissal on the grounds that the plaintiffs lacked standing to assert these claims. In two decisions, dated 30 March 1987 and 24 March 1989, the trial judge determined which of the plaintiffs' claims could be litigated. After initially ruling that religious groups had standing to assert that the prosecution of sanctuary activists violated their right to the free practice of religion, the judge decided that since the harboring statute had changed during the course of the lawsuit and since no prosecutions of sanctuary activists were pending, an injunction against future prosecutions was unnecessary. The judge also ruled that as the relevant international treaties were not "self-

7. This action provides a striking contrast to the legal consciousness of the Southern Baptists studied by Greenhouse (1986; see also Greenhouse, Yngvesson, and Engel 1994). Greenhouse found that Baptists in the city of Hopewell associated litigation with worldliness, personal and religious failure, and human rather than divine authority. They were therefore reluctant to initiate legal actions against others.

executing," he could not grant temporary legal status to Salvadorans and Guatemalans.⁸ Like the verdict in the Tucson sanctuary trial, this decision defined asylum as a discretionary government action rather than a right of persecution victims. The judge did agree that "The Executive's allegedly chronic failure to abide by its Congressional mandate could constitute a denial of the equal protection of the laws" (*American Baptist Churches v. Meese and Nelson*, 712 F. Supp. 756, 774 [N.D. Cal. 1989]). Thus, Central American refugees were deemed to have a right to equal protection, though not to asylum itself. Litigation regarding the fairness of the asylum process moved forward.

In 1991, the defendants in the ABC case settled out of court, granting Salvadorans and Guatemalans the right to de novo asylum hearings under rules designed to ensure fair proceedings (see *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 [N.D. Cal. 1991]). The agreement did not admit past discrimination but did stipulate that foreign policy, border enforcement, and the U.S. government's attitude regarding an applicant's ideology, politics, and country of origin are irrelevant to the adjudication of an asylum claim. The settlement reversed the INS's previously restrictive policy regarding Salvadorans and Guatemalans, and plaintiffs regarded it as a victory (Blum 1991). Explanations for the government's willingness to settle remain somewhat speculative. In 1990, Congress granted Salvadorans 18 months of temporary protected status, which meant that some of the individuals affected by the lawsuit would have remained in the United States temporarily, regardless of the suit's outcome. Also in 1990, the INS responded to heavy criticism of its asylum policy by revising its asylum procedures. As one of the plaintiffs' attorneys noted, "the trial in this case would have put the INS in the awkward position of defending in the courtroom old procedures which it had effectively renounced in current practice" (Blum 1991, 356). Discovery proceedings were becoming economically burdensome and could also have proven embarrassing (Blum 1991). Although the settlement agreement did not define Salvadorans and Guatemalans as refugees, it did, in the words of the plaintiffs' counsel, give them "a meaningful opportunity to put forward their claims for asylum in the United States" (Blum 1991, 356). The legal efforts undertaken by religious and other solidarity workers had succeeded. As the settlement agreement was implemented, however, the argument about Central Americans' status as refugees was taken up primarily by individual Salvadoran and Guatemalan asylum applicants, rather than the religious and solidarity workers who had

8. The courts have generally deemed immigration policy to be "political," a matter of national sovereignty and something best handled by the legislative and/or executive branches of government. See, for example, *Kleindienst v. Mandel*, 408 U.S. 753, 765 (1972); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Oceanic Navigation Co. v. Stranahan*, 214 U.S. 320, 339 (1909); *The Chinese Exclusion Case*, 130 U.S. 581 (1889); *Boteller v. Dominguez*, 130 U.S. 238, 247 (1889), *U.S. v. Elder*, 601 F. Supp. 1574 (S.D. Texas 1985).

filed the lawsuit itself.⁹ Applicants' accounts of persecution shed light on the political subject that was created by repression in Central America.

THE SUSPECT

Like solidarity workers' activism on behalf of Central Americans as a group, Salvadorans' and Guatemalans' accounts of political violence describe a politicization of daily life that rendered entire populations politically suspect. I heard these accounts of political violence between 1995 and 1997 as I did fieldwork within Central American community organizations in Los Angeles. To claim benefits under the terms of the ABC settlement agreement, eligible Salvadorans and Guatemalans had to submit individual applications for political asylum before October 1991, in the case of Guatemalans, and before January 31, 1996, in the case of Salvadorans. In Los Angeles, Central American community organizations that had formed during the solidarity movement devoted considerable resources to preparing these applications. Between June 1995 and November 1997, I conducted 18 months of research among three such organizations: the Association of Salvadorans of Los Angeles (ASOSAL), the Central American Resource Center (CARECEN) and *El Rescate* (Spanish for *the Rescue*). At these organizations, I observed interviews between clients and legal works, participated in the preparation of ABC and non-ABC asylum applications, and interviewed clients regarding their legal and immigration histories. The amounts I describe below were drawn from these experiences¹⁰ and can be used to identify the nature of repressive tactics used by Central American authorities, and the political subjectivity that such tactics produced. I do not mean to suggest that these accounts are unmediated, or that they are not informed by speakers' knowledge of U.S. asylum law, other narratives, the particular context in which they were recounted, and the time that had passed since the experiences being narrated. Although such influences exist, if repression and civil war actually constituted Central Americans as the subjects of political violence, then the narratives that such subjects recount will shed light on both this subject position and the practices that produced

9. Of course, this was not the first moment that Central Americans—whether as activists or asylum applicants—had made this argument. Central Americans were at the forefront of the solidarity movement. My point is that after the big push to establish Central Americans' need for asylum, it fell to individual ABC class members, who may not have been involved in solidarity work, to articulate their asylum claims.

10. The narratives recounted to me during interviews were volunteered by speakers. I never asked people directly about their experiences of the war, as I deemed this sensitive and painful information. In contrast, when I was volunteering with community organizations as part of the ABC asylum application effort, my questions to asylum applicants elicited the narratives of persecution that I then edited and transferred to their asylum applications.

it.¹¹ Analyzing these narratives suggests that during the Salvadoran and Guatemalan civil wars, continual violence, surveillance, and interrogation made the causes of persecution unclear and defined average people as potentially subversive. In the words of one exiled Guatemalan who struggled to convey the deadly ambiguity of repression in his country, “No one is a victim, and all are victims. That is, one is and isn’t at the same time.”¹²

The cold war cleavage that gave rise to the sanctuary movement also shaped political repression in Central America. Victims reported that soldiers and death squad members had accused them of being communists, subversives, or guerrillas. For example, one ABC applicant told me that in the area where he lived, commanders had told everyone to leave, saying that those who didn’t leave would be considered guerrilla supporters. He said that he knew of one family that, because it supported neither side in the conflict, had refused to leave. The members of this family, he reported, were lined up and killed, even the youngest, who was only three years old. This applicant added that the death squads in El Salvador did not only assassinate people who were politically active, but also such people’s families, in order to “*acabar de todo*” (finish off everything).¹³ This either/or mentality left no room for neutrality and defined seemingly innocuous actions as politically suspect. Another ABC applicant, for example, told me that the consent form that I had just asked her to sign would have been enough to have caused my death if I had tried to do my research in El Salvador. She said that the very words, “I am investigating,” with which my consent form began, would have endangered a person’s life during the civil war. Similarly, a Guatemalan woman who consulted CARECEN attorneys about her case explained how everyday actions could be interpreted as expressing sympathy with insurgent forces: “Suppose that a guerrilla member asks you for a glass of water. You give it to him, because you don’t know

11. In his study of Irish hunger strikers, Feldman notes that the narrating subject does not exist outside the narration: “The narrator speaks because this agent is already the recipient of narratives in which he or she has been inserted as a political subject. The narrator writes himself into an oral history because the narrator has already been written and subjected to powerful inscriptions” (1991,13). To clarify how this political subject and these practices differ from the understanding of persecution that informs U.S. asylum law, I include narratives of individuals who do not have what attorneys and legal workers would call a “strong” asylum case—that is, a history of having been singled out for directly administered persecution due to one’s race, religion, nationality, social group, or political opinion. During a community presentation on immigration law, one attorney described a strong case as follows: “Suppose that I’m a member of party X—it doesn’t matter what party—and I’m active. I’m dedicated for a number of years. I pass out flyers, and eventually I’m a candidate for political office. Suppose that the government doesn’t like this party. I begin to receive threats, then I see that there are people following me, then there is a shooting and I flee for my life. That is political asylum.” This understanding of persecution derives from the United Nations Protocol Relating to the Status of Refugees (see Fiederlein 1991).

12. Similarly, Jenkins (1996) notes the simultaneity of the mundane and the extreme within Salvadoran refugees’ accounts of political violence.

13. See Ugalde and Vega 1989 regarding the effects of state terrorism on victims’ families. Suarez-Orozco 1987 describes the use of children in political torture.

what type of person he is. And suppose that another person sees you, then [that person] can denounce you. . . . One doesn't know from night to day if one is going to survive."

The cleavage between legal remedies available to individuals and repressive practices that terrorize groups is evident in these accounts as well. Victims report that death squads' efforts to identify and eliminate guerrilla support depended on overt and covert surveillance of the *population as a whole*. Arturo Pineda, a Salvadoran ABC applicant, recalled that "the government in that period had paid individuals who would listen and watch whatever a student or anyone else was doing that was suspicious." Arturo also recounted his fear at having to pass through roadblocks where people "would be stopped, interviewed, and at times in a fairly rough, fairly violent manner." Extensive surveillance made it difficult for suspects to avoid their persecutors. A CARECEN client who had witnessed the assassination of his uncle explained: "El Salvador is a small county; people there know each other. The people who killed my uncle are sort of relatives. They'll be able to find me. They're still in power. They know that I was a witness to this killing. They don't want me to declare anything against them." Another CARECEN client who drove a delivery truck described the impossibility of carrying out his job without continually being questioned, robbed, and threatened by both the guerrillas and the Salvadoran military. Eventually, the army detained him because he had forgotten to carry his identity documents. After his employer secured his release, he left for the United States.

Sanctuary activists' contention that all Salvadorans and Guatemalans were at risk was echoed by Salvadoran and Guatemalan asylum applicants who suggested that death squads' selection of victims was often arbitrary. Victims were named as communists or guerrillas by their persecutors, but according to many narratives, it was not clear *why* particular individuals had been so named. As Taussig notes, "What distinguishes cultures of terror is that the epistemological, ontological, and otherwise purely philosophical problem of reality-and-illusion, certainty-and-doubt, become infinitely more than a 'merely' philosophical problem. It becomes a high-powered tool for domination and a principal medium of political practice" (1984, 492; see also Green 1994). Their inability to know what placed one at risk particularly terrified potential victims. As one Salvadoran woman whose childhood friend had been brutally assassinated told me, "Maritza did nothing and she was killed, so I thought that I who had done nothing could be next." Similarly, an ASOSAL ABC applicant wrote that one of her best friends was decapitated and then abandoned with a note that read "you will be next" in his teeth. Despite this warning, the applicant did not want to leave El Salvador, reasoning that she was not in danger because she was not involved in anything. Her family, however, insisted that she leave, pointing

out that “people who do these things don’t go around verifying who’s involved in what.”

Just as the reason that individuals were targeted was unclear in certain narratives, so too was the source of a victim’s danger. Whether written or verbal, many ABC applicants’ accounts of persecution attributed threats and violence to a mysterious “they” (see Anker 1992). An ASOSAL applicant’s statement—“I realized that they were still looking for me”—is typical. One CARECEN applicant told me that when she was 16 her father disappeared, and she and her family did not know who was responsible. Her father’s body was eventually found, and she had to go to the morgue to identify him, but the assailants were never identified. Another ABC applicant related that she had been in her house when men whom she could not identify arrived, decapitated her father, and killed her uncles. When applicants could not identify their persecutors, legal workers at community organizations resorted to writing that applicants were threatened, beaten, or searched by “unknown persons.”

The audible and visible horror of death-squad killings also led witnesses to conclude that, regardless of their own actions or inactions, they risked sharing victims’ fate (see also Jenkins 1996). As Malamud-Goti notes, “Terror requires that the populace be paralyzed by the evidence of brutality” (1996, 103). Arturo Pineda, quoted above, told me of hearing “shots, right, in the countryside, or you would hear when they arrived to take away people, or people crying or shouting, or because of the things that they were doing. So, well, as I say, one didn’t sleep due to this situation.” Arturo added that he had seen “those lakes of blood that remained in the street where they were tortured.” Arturo’s account was echoed by an ASOSAL ABC applicant, who recounted living through terrible years in which people were constantly being killed. Her written testimony described awakening at night to hear the steps of those who were being taken away to be tortured, hearing the cries of people who were going to be killed, and not knowing whether she and her family would live through the night.

Like the cleavages between “legitimacy” and “communism,” and between individual and group, the cleavage between law and politics was also evident in repressive practices. The brutality of assassinations exceeded legal means of punishment and thus placed victims outside the social order (Jenkins 1998). During an interview, one ABC applicant recalled that in the early 1980s, two of his neighbors were taken out of their homes in the middle of the night and were found the following day “strangled, massacred, that is, tortured.” Teresa Maldonado, another ABC applicant, related to me that she “lived through the killings *en carne propia* [in my own flesh].¹⁴ . . . I

14. Jenkins develops the concept of political ethos to refer to “the culturally standardized organization of feeling and sentiment pertaining to the social domains of power and interest” (1991, 140). Her research among Salvadoran refugees draws attention to the bodily

saw how they buried people in the fields, the people who they took out at night. They killed children, pregnant women, everyone." Jorge Medina, an ABC applicant I met at CARECEN, recalled this: "When they killed my sister's brothers-in-law, they shot their chest full of bullets. . . . They had also removed the eyes from the other body, and this was in an area where they raised cows, so the eye sockets were full of flies. In the case of my friend [who was assassinated], the only thing that they did to him was that they knocked a bar into his head." Jorge removed the bar from his deceased friend's head, an experience that he said was "in my mind like a photograph that I'll never forget." Another interviewee described how her cousin was killed by soldiers who broke his arms, put out his eyes, skinned his hair, cut his throat, and took out his tongue. Other ABC applicants described finding the decapitated bodies of parents and friends. In a written testimony submitted as part of his asylum application, an ASOSAL client described the terror occasioned by continually encountering bodies without heads, bodies without hands, bodies without feet, bodies of women with sticks in their genitals. Another ASOSAL client wrote of being forced to carry the bodies of ranch hands who had been killed by soldiers. "When we touched their skin, it came off in our hands," the client recalled. Some asylum applicants drew attention to the dehumanizing nature of assassination, pointing out that victims were literally slaughtered "like animals."

Such brutal means of assassination were so prevalent that survivors found it noteworthy when victims were simply killed and not tortured or dismembered. Arturo Pineda, for example, described the assassination of a person who had been an informer for the National Guard: "Him, they only wanted to kill, because all they did was shoot him." Similarly, Teresa Maldonado recounted the assassination of a friend who had rejected the advances of a death-squad member.

One of the people they killed was a 16-year-old girl. She was very pretty, and she was studying. We were good friends. She would always come see me and say, "Teresa, do you know what happened?" And I would give her advice. She told me that a man from the death squads had said that he wanted her to be his girlfriend, but she wasn't interested. He began to follow her, and he told her, "If you're not going to be for me, then you're not going to be for anyone." She told me not to tell her mother, and I said, "No, you have to tell your mother." So she did. And her mother was going to send her to her grandmother's. But before she could, men came to her house. They took her out, with no shoes on, just her nightshirt. She had told me that she was afraid to go to bed at night, because she had a premonition that they were going to abduct her. She was brought out in a pick-up, and she escaped, so they

experience of terror, as in the phrase *en carne propia*. See Daniel 1996 regarding the individualization of embodied terror.

followed her. I couldn't believe that they took her. In the morning, I went to look for her. And when I got to her house, her mother told me that they'd taken her in the night, and I couldn't believe it! Not her! The police looked for her and the National Guard, and they saw nothing. The father arrived in the afternoon, and he began to look. . . . Finally, in the afternoon, they found her in the garbage. She had been shot in the head and in the heart. They had just killed her. They hadn't done anything else to her. And that is when I left El Salvador.

Like sanctuary activists who asserted that anyone who left El Salvador or Guatemala after the onset of civil war was a refugee, survivors noted how violence had permanently marked their bodies and psyches. Arturo Pineda told me he had been chased by soldiers who hit him with their rifles as he jumped into a river to escape. Pulling up his pants leg and motioning to his calf, Arturo showed me a scar, saying, "This is part of the war." Arturo's comment suggested that he carried part of the war as an ongoing physical impression on his body—a particularly vivid description of the unending nature of persecution (see Green 1994; Jenkins 1991; Jenkins and Valiente 1994). Similarly, Luis Alfaro, a Salvadoran union organizer, answered my question about why he'd left El Salvador by saying, "I was the victim of tortures. Do you see these scars?" Luis motioned to his chin, where I saw a thin scar running across his neck. "They tried to decapitate me," Luis told me. In addition to his scar, Luis described the indelible fear that the war had created. Luis told me that even after arriving in Los Angeles, he wanted to run whenever he saw helicopters, he feared anyone wearing a uniform, and he awoke at night, thinking that someone was about to knock on his door and take him away. Similarly, an ASOSAL client whose mother had been assassinated during the funeral of Archbishop Romero and who had herself been detained and threatened by military officers, described the constant fear she experienced when she returned to El Salvador: "I was still traumatized. I heard footsteps; I heard shouts; I lived with the same fear." Other applicants described the losses caused by the war, such as separation from family members, homes to which they could never return in case persecutors sought them there, belongings they left behind, marriages that had fallen apart during long separations, educations that were left unfinished, and plans that could not be fulfilled. Such applicants' grief was ongoing.

Taken together, Salvadorans' accounts of the civil war suggest that such practices as interrogation, roadblocks, searches, ID checks, surveillance, torture, assassination, dismemberment, and the visibility of tortured bodies politicized daily life, making all individuals potentially suspect. One former political prisoner told me, "The logic of the government was that if you did not actively support them, you were an enemy." The arbitrary nature of detention and assassination, the fact that death squads often dressed

in civilian clothing and worked at night, and widespread surveillance terrorized the populace, leading many to conclude it was impossible to know how to remain safe. The brutal and dehumanizing nature of assassinations that literally butchered people like animals made the pervasiveness and horror of the violence inescapable. As Jenkins notes, "The systematic deployment of terror as a means of coercion defies distinction between actual violence and the threat of immanent violence. Is not the display of mutilated bodies more than the result of violence or the threat of violence, but a form of violence itself?" (1998, 124). Knowledge and connections became dangerous, as any relationship to a suspected person could make one a death-squad target, and as angering an *oreja* (informer, literally *ear*) could lead to being denounced. Bombings and battles, which I have not focused on in the above accounts, only increased people's fears. Violence and fear were in many cases transformative (Feldman 1991), marking people's bodies and shaping their psyches. The repressive tactics practiced in El Salvador during the civil war constituted the Salvadoran populace as politically suspect, though these tactics did not conform to the model of persecution that informs U.S. asylum law.

THE CITIZEN

Although solidarity work was performed on behalf of persecution victims as a group and although repressive practices in El Salvador and Guatemala were directed against entire populations, Salvadoran and Guatemalan asylum seekers had to prove individually that their governments had denied or failed to protect civil and human rights to which they were entitled as citizens. The legal definition of refugee describes the situation that asylum law is designated to remedy:

any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. (Immigration and Nationality Act § 101[a][42], 8 U.S.C. § 1101[a][42] [1994])

This definition implies that it is the responsibility of citizens' *governments* to protect their rights. Only if such protection is not forthcoming is a citizen of one country entitled to seek the protection (i.e., asylum) of another. Moreover, the definition of refugee enumerates the rights to be protected, which are the ability to be of a particular race, religion, nationality, social

group, or political persuasion without having to fear persecution. By articulating specific grounds on which asylum claims can be based, this definition asserts that refugees are somehow “different” from their compatriotes.¹⁵

To further delineate the notions of personhood, citizenship, and political association that underlie asylum law, I focus on disjunctures or gulfs in understanding that arose during the asylum proceedings that I observed between 1995 and 1997 as part of my fieldwork in Los Angeles.¹⁶ Disjunctures occurred when a judge, official, or attorney failed to understand an applicant’s narrative of persecution; questioned an applicant’s reasoning; instructed an applicant in U.S. asylum law; or told an applicant that his or her testimony wasn’t legally relevant. The statements that individuals who are immersed in asylum law made during such disjunctures shed light on the workings of asylum law “on the ground,” in proceedings that decide individuals’ cases. These statements also make explicit the notions of political subjectivity that officials use in their assessments.

The cold war politics that informed public debate over U.S. Central America policy and that entered into Salvadoran authorities’ denunciations of insurgents also influenced asylum determinations in the United States. As noted in the ABC settlement agreement, such considerations are not supposed to affect the asylum process. Nonetheless, individual accounts of persecution are embedded in national narratives whose plausibility rests in part on officials’ assessments of “country conditions” (Pirie 1990). Historically, the United States has applied different standards to different countries (Bach 1990; Dominguez 1990; Ferris 1987; Zolberg 1990). Communist states have been presumed guilty of human rights violations, such that anyone who flees such a country is a “defector.” So called friendly nations, such as Haiti and El Salvador, have been presumed “legitimate,” and therefore not habitual human rights violators. Officials’ conclusion that a country is at peace or under democratic rule can render asylum applicants’ fears of persecution implausible in officials’ eyes. For example, one immigration judge explained her decision to deny a Guatemalan man’s motion to reassert his previously waived asylum claim with the question, “There *was* a peace accord [in Guatemala] in December of 1996, was there not?” This question

15. Liisa Malkki also notes that refugees have been deemed “an anomaly” rather than “ordinary people” (1992, 33).

16. Asylum interviews are informal and nonadversarial but nonetheless official proceedings during which an INS asylum officer questions an asylum applicant regarding his or her claim. If the officer does not recommend a grant of asylum, then the case is referred to an immigration court, where the applicant may reassert his or her asylum claim before an immigration judge. Court hearings are adversarial proceedings during which the applicant—who may be represented by counsel—asserts an asylum claim, and a trial attorney represents the U.S. government in opposing a grant of asylum. At the interview stage, applicants, rather than the U.S. government, are responsible for providing interpreters when these are needed. As part of my fieldwork within community organizations, I sometimes volunteered to interpret during clients’ asylum interviews. Information from these interviews is used only with applicants’ consent.

implied that human rights violations had ended with the signing of the peace accord, eliminating the rationale for seeking asylum from Guatemala. In contrast, in approving the case of a Nicaraguan immigrant who was seeking U.S. residency via suspension of deportation, a judge stated, "I certainly understand the respondent's concerns about the unstable conditions in Nicaragua." The distinction between "communist" and "noncommunist" countries is reinforced by the most recent legislation regarding Central American asylum seekers. The 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA, originally termed the Victims of Communism Relief Act) creates a relatively automatic "amnesty" for eligible Nicaraguans but requires eligible Salvadorans and Guatemalans (including most ABC class members) to prove seven years of continual residency, good moral character, and that deportation would be an extreme hardship (Pub. L. No. 105-100 § 201, 111 Stat. 2160 [1997]).¹⁷

In addition to the legacy of cold war politics, Salvadoran and Guatemalan asylum applicants confront the cleavage between the generalized repression that politicized daily life in their home countries and the legal requirement of proving that they were "singled out" for persecution. As states intrinsically possess a degree of legitimacy (Anker 1992), including a monopoly on the legitimate use of force (Feldman 1991; Shapiro 1994; Wagner-Pacifci 1994), human rights violations by the state are envisioned within asylum law as an aberration rather than an ongoing state of affairs. The normal citizen-state relationship established and recognized by U.S. law is that between an individual who acquires rights by virtue of his or her membership in the social pact (Bosniak 1996; Brubaker 1992) and a state that exists to guarantee those rights (Bhabha 1996; Shapiro 1994). By suggesting that only those who are singled out deserve asylum, asylum law implies that most citizens are not singled out or unprotected by their governments and that only those who are somehow distinctive could be endangered. In essence, individuals can seek asylum if their rights to be "different"—to have particular beliefs, to be an ethnic minority, to denounce injustice, to practice a religion—jeopardize their claim to such universal rights as life, liberty, security, and freedom from torture. As a judge instructed one asylum applicant, "Fear of bombing is not enough to qualify for refugee status. Rather, one has to be singled out for persecution." In response to this instruction, the applicant testified that he in fact could be singled out for persecution by the Salvadoran army due to his connection to guerrilla groups. A complex and partially generalized fear—of bombings, soldiers, death squads—had to be transformed and individualized in order to be legally recognizable.

17. Note that INS regulations grant a presumption of hardship to certain NACARA beneficiaries.

Although asylum law constitutes individuals as intrinsically different, in that each has particular characteristics with whose expression states must not interfere, there is also a sense in which asylum law *denies* difference. Asylum law, like liberal legal theory, presumes the existence of a generic or universal personhood that is essentially devoid of cultural, class, ethnic, or other content. Thus, the judge who assesses an asylum application and the individual asylum applicant are presumed to share basic assumptions about risk, reality, and fear. As an attorney explained during a presentation on U.S. asylum law, “the [applicant’s] fear has to be *rational* This means that a reasonable person in the same situation would also feel afraid.” Yet, the fact that people who have not experienced state repression cannot be in the “same” situation as those who have creates multiple standards of “reasonableness” (Anker 1992).¹⁸ The usually unremarked gap between these standards was made explicit during one deportation hearing. When the applicant—an FMLN sympathizer who had been tortured in El Salvador—stated that the Salvadoran death squads and the Salvadoran military were connected, the judge asked how the applicant knew that this was the case. The applicant responded: “80% of the Salvadoran population knows this, with the exception of very young children.” To this statement the judge replied, “Well, perhaps I’m like a baby, but since I’m the person who is going to decide where you’ll spend your future, perhaps it would be best if you humoured me and answered my question. I don’t care about the other 80% of the population. How do you know that the death squads and the military are connected?” The applicant explained that he had seen dead bodies in the streets with the letters *EM* and *FAS* emblazoned on their chests. *EM*, the applicant related, stood for *esquadrones de la muerte*, or death squads, and *FAS* stood for *Fuerzas Armadas Salvadoreñas*, or Salvadoran Armed Forces. The judge found this answer satisfactory and, in his decision to approve the applicant’s request for asylum, noted the responsiveness of the applicant’s testimony. In order for his fears to be reasonable, the applicant had to prove truths that were to him simply obvious.

To demonstrate why they believe themselves likely to be singled out for persecution, asylum applicants must create a logically coherent account with recognizable characters whose motives are clear. This account must explain why applicants would be persecuted, who would persecute them, how their persecutors would know their identities, why they could not simply move to a different part of the country, and why their rights are not protected by their government. As asylum officers sometimes put it, there

18. The fact that multiple social realities exist is denied by the notion that legal decisions, in immigration courts as elsewhere, simply apply law to facts. As Bourdieu notes (1987, 823), judges and other legal interpreters take “refuge behind the appearance of a simple application of the law,” preferring to dissimulate their “work of judicial creation.” See also Schirmer 1985 for a discussion of the difference between the realities of immigration attorneys and those of their Central American clients.

has to be a “nexus” between the events applicants describe, the applicants’ fear of persecution, and their reasons for leaving the country. Establishing such a nexus can be difficult given that *terrorism works by making the reasons for and sources of persecution unclear* (see Suarez-Orozco 1987). Roberto Mendez, a Guatemalan asylum applicant who was represented by El Rescate, confronted this problem. At his deportation hearing, which I attended, Roberto described being detained by Guatemalan soldiers, beaten, forced to sign a statement admitting that he was a subversive, and then released. Under cross-examination by the INS attorney, the following exchange occurred:

INS attorney: And did they let you go? Why didn’t they kill you?

Roberto: If they killed me, my [agricultural] association would know that they killed me.

INS attorney: But they had the confession. Why would they come after you?

Roberto: Because they had the paper.

Judge (to Roberto): I think I can help to clarify what she’s asking you. You were already under arrest. You signed a document. Then they released you. If they released you once, why would they arrest you again?

Roberto: Because they wanted to arrest me according to the law in Guatemala.

Judge (to INS attorney): I think you’d better just move on.

Roberto was unable to account for his persecutors’ motives in releasing him after forcing him to sign an incriminating statement. From the judge’s perspective, this created a *plot hole*¹⁹ in his asylum narrative: Why would Roberto fear being persecuted in Guatemala if the authorities had the opportunity to kill him, but instead released him? Did this not indicate that the authorities in fact had obtained what they wanted (the signed confession), and had no further interest in harming him? During an interview several weeks after his application was denied, Roberto’s wife, Alicia, described the difficulty she and her husband had faced in conveying their fear to the judge: “You have to live it to know it. We’ve lived this. It’s different to simply tell it.”²⁰ Such differences of interpretation can have drastic consequences on the lives of asylum applicants.

19. I use the term *plot hole* to draw attention to the reasoning of asylum judges and the fact that successful asylum narratives do follow a prototypical plot line. Immigration hearings therefore are sites of domination and contest, places where there is a “struggle over the linguistic premises upon which the legitimacy of accounts will be judged” (Molotch and Boden 1985, 273).

20. Scarry notes that the difficulty of articulating pain situates those who experience pain and those who do not in different realities. This leads the latter to doubt the suffering of the former:

In addition to being logically coherent, asylum applicants' claims must link applicants' fear of persecution to one of the five grounds mentioned in the definition of refugee: race, religion, nationality, membership in a particular social group or political opinion. In the case of Salvadorans, the most common bases for requesting political asylum are membership in a particular social group and political opinion. Establishing this basis usually requires demonstrating that one has taken some sort of action. For instance, it is helpful if applicants can show that they *expressed* a political opinion, in word or deed, that led them to be targeted. Alternatively, they can attempt to demonstrate that they did something that led others to impute a political opinion to them. Applicants must therefore exhibit *agency* if they are to obtain the protection to which citizens are entitled. Exhibiting agency is particularly problematic for individuals who are at risk due not to their own actions, but rather to their relationships with others.²¹

For example, Patricia Castro, a Salvadoran woman who based her asylum claim on the fact that her husband was in the Salvadoran military, had the following experience. During her asylum interview—at which I interpreted—Patricia recounted an incident that had occurred when her husband was home on leave. According to Patricia, men dressed in fatigues and stating that they were from the FMLN came to her in-laws' house, beat her father-in-law, raped her sister-in-law, tore her clothing, pointed an M-16 at her stomach (she was pregnant), threatened to kill her, hit and kicked her, and stole her in-laws' money. Her husband managed to escape unharmed through a back window. To evaluate Patricia's asylum narrative, the asylum officer asked Patricia about the severity of the beating, whether her in-laws (who were still in El Salvador) were currently having problems with the guerrillas, and whom she feared. To this last question, Patricia replied that she feared "the situation" (see Jenkins 1991, 1996; Jenkins and Valiente 1994) in El Salvador, and that if she had to return to her country, she would have no work, nowhere to live, and no way to feed her children. Patricia's statement did not articulate a legally recognizable right, given that under current law, asylum is not available to those with a well-founded fear of poverty or of unemployment. The official pressed, again asking, "And is

Physical pain happens . . . within the bodies of persons who inhabit the world through which we each day make our way, and who may at any moment be separated from us by only a space of several inches. The very temptation to invoke analogies to remote cosmologies . . . is itself a sign of pain's triumph, for it achieves its aversiveness in part by bringing about, even within the radius of several feet, this absolute split between one's sense of one's own reality and the reality of other persons. . . . So, for the person in pain, so incontestably and unnegotiably present is it that "having pain" may come to be thought of as the most vibrant example of what it is to "have certainty," while for the other person it is so elusive that "hearing about pain" may exist as the primary model of what it is "to have doubt" (1985, 4).

21. Women and children are particularly disadvantaged in this respect, though note that many women were active in political struggles in Central America (see Schirmer 1988; Stephen 1994, 1995).

there anyone in El Salvador who you fear?" Patricia repeated that she feared "the situation," explaining that those who killed during the war could be responsible for less obviously political killings that continue. Patricia's claim was denied.

In addition to demonstrating that their membership in a social group or their political opinion placed them at risk, asylum applicants must demonstrate that they were *actually targeted*. As one judge put it during an asylum hearing, "I don't want to know what happens to 'one'; I want to know what happened to 'you.'" This requirement is a strange twist on the liberal logic that excludes through the gap between notions of universal human capacities and "the specific cultural and psychological conditions woven in as preconditions for the actualization of these capacities" (Mehta 1997, 61).²² In essence, potential persecution victims can only be recognized as such if *their persecutors* realize their capacity to persecute. Persecution is considered to be an *action* (which requires actors) rather than a condition, such as poverty. Persecution that is *physical* in nature, such as torture, rape, or attempted assassination, is more likely to "count" as a basis for asylum than mere death threats, harassment, or psychological suffering (see Merry 1994). One immigration attorney confessed to me with some chagrin that she had come to see torture and beatings as "good" for clients' asylum cases.²³ The need to demonstrate an actual risk can *decontextualize* persecution.²⁴ During one asylum interview at which I interpreted, the applicant, who was a student and a member of an indigenous community, attempted to explain to the asylum officer how Guatemalan authorities treated students and indigenous Guatemalans. The asylum official interrupted this narrative, saying, "I have information about Guatemala in my computer. I can check on that after you leave. What I need from you today is for you to tell me what happened to you." The asylum officer wanted to know why this particular indigenous student was at risk of persecution, not why all students and all indigenous Guatemalans were at risk, whereas to the applicant, these two issues were inseparable.

22. Martha Minow notes that trials of those accused of human rights violations also decontextualize action: "The premise of individual responsibility portrays defendants as separate people capable of autonomous choice—when the phenomena of mass atrocities render that assumption at best problematic" (1998, 46).

23. The distinction between one's own treatment and the treatment of similarly situated individuals is sometimes difficult to draw. One attorney who represented a deaf Guatemalan asylum applicant tried to define him as a member of a social group without making this group so broad as to be meaningless. The attorney told the judge that the attorney was not claiming that "any deaf person faces persecution in Guatemala, but rather that *this* deaf person *was* persecuted on the basis of his social group and his imputed political opinion."

24. Witnesses in other sorts of legal proceedings experience decontextualization as well (Merry 1994; Molotch and Boden 1985). Matoesian (1997) notes that in the William Kennedy Smith rape trial, the defense attorney used decontextualization to suggest that the victim's behavior was inconsistent with that of a someone who had been raped.

In establishing their risk of future persecution, Salvadoran and Guatemalan asylum applicants also confront notions of temporality that deny the possibility of embodied persecution and continual risk. Judges, asylum officials, and attorneys frequently ask asylum applicants, "Why would you fear persecution *today*?" Such questions define persecution as a discrete temporal event that has a clear beginning and ending, and whose effects lessen with time.²⁵ In other words, officials usually depict persecution as something that happened in the past and is now over, not as an experience that can be continually relived and that permanently marks individuals. Luis Alfaro confronted this difficulty. Luis, a Salvadoran union activist, based his asylum claim on having been shot at during demonstrations, narrowly surviving an assassination attempt, and being warned by a Salvadoran official that he was about to be silenced. One problem that Luis faced in depicting his fear of persecution as reasonable was the temporal connection between these events. The assassination attempt, which Luis barely survived, occurred during the early 1980s, after which time Luis continued to participate in union activities and suffered only harassment by the authorities. The death threat that led Luis to abandon his country did not occur until the early 1990s. Despite expert testimony about the effects of living with fear for more than a decade, the judge found it implausible that after surviving an assassination attempt and enduring years of harassment, a mere death threat was enough to cause Luis to leave his country. According to Luis's attorney, the judge denied the asylum petition on the grounds that his story was not credible²⁶ and that even if it were, Luis's experiences did not rise to the level of persecution.²⁷ Like rape trials (Matoesian 1993), such judgments transform victims' experiences of terror into something more benign. The fact that the Salvadoran government and the Salvadoran guerrilla forces signed peace accords in 1992 was another factor in the judge's decision, whereas from Luis's perspective, the men who harassed, threatened, and tried to kill him before were still in power and therefore could harm him again. As Roberto Mendez, whose hearing I described above told me, "It doesn't matter how long you've been out of the country, whether it's five years or ten years. If you're against the government and they know it, then when you return to Guatemala you are killed. People disappeared there. And the ones who are responsible for this are the army. The army that is supposed to protect you actually kills you." Such notions

25. My analysis is indebted to Carol Greenhouse's (1996) discussion of legal temporalities.

26. Another problem in Luis's case was that he had applied for asylum through a notary service and had failed to fully recount his experiences in his asylum application, his asylum interview, or a rebuttal letter submitted in response to the denial of asylum.

27. An asylum applicant who demonstrates past persecution is assumed to have demonstrated a well-founded fear of future persecution. See *Matter of Chen*, Interim Decision #3104 (Board of Immigration Appeals 1989).

of continual risk, long memory, inextricable connectedness, and institutionalized repression are absent in the model of persecution that forms the basis of U.S. asylum law.

In short, the suffering that U.S. asylum officials recognize as political persecution is not the same sort of suffering that led religious activists to argue that Central Americans were refugees who deserved safe haven in the United States. U.S. asylum law addresses individuals' rights *as citizens*. In contrast, religious activism focused on people who suffered as *victims of oppression*. Consider the way an East Bay sanctuary worker summarized a refugee testimony during a 1987 interview: "A [Central American] woman passed around a picture of her son and then described how he's been captured, tortured, and finally killed. You could hear the shock in the room! That's when people are won over in an instant." This activist's summary of the Central American woman's talk did not focus on the risk to the woman, as would the asylum process, but rather on the suffering that a mother would experience due to the torture and assassination of her son. It was activists' awareness of this suffering, more than their conclusion that Central Americans met legal definitions of *refugee*, that compelled activists to form the sanctuary movement and seek legal redress for Salvadoran and Guatemalan immigrants. U.S. asylum law both enables and compromises such advocacy work.

CONCLUSION

While the bias against refugees from noncommunist countries is probably the most significant cause of the widespread denial of Salvadorans' and Guatemalans' asylum applications during the 1980s, the differences between the logics of asylum law and persecution create additional hurdles for asylum seekers. In order to obtain asylum, individuals must make their lives and experiences conform to legal definitions. Salvadoran and Guatemalan asylum seekers' experiences of repression differed from legal definitions in key respects. During the Salvadoran and Guatemalan civil wars, repressive tactics were aimed not only at the politically, religiously, socially, or ethnically "different," but also at populations as a whole. Paramilitary squads horrified the civilians by discarding dismembered bodies where they would be found by potential dissidents. Those who had not yet been targeted could only guess how targets were selected. The widespread use of informers, roadblocks, searches, forced recruitment, forced displacement, and forced requisitioning of foodstuffs and other supplies made civilians aware that they were being watched. Those who had "done nothing" could indeed be apprehended and assassinated, as "examples" to others or to resolve a vendetta (Paul and Demarest 1988). The literal butchering of alleged subversives dehumanized both victim and assassin (see Taussig 1984), producing

widespread and lasting terror. When victims' asylum claims are denied because victims cannot distinguish themselves from the population, explain why or from whom they are in danger, or account for their continuing terror, the realities created by political repression are themselves denied.

The contrasts between the notions of political subjectivity produced through political repression, religious activism, and legal proceedings derive at least in part from contradictions in liberal theory. In denying asylum to Salvadorans and Guatemalans, U.S. judges and asylum officials have stated that these applicants have not been singled out for persecution, did not distinguish themselves from the rest of the population, and do not face future risks. In denying asylum on these particular grounds, U.S. officials are reading most cases of political repression in El Salvador and Guatemala as instances of governments treating their citizens equally, as typical of what occurs during civil strife, and as falling outside the category of suffering that can be remedied through political asylum. Obviously, border-control considerations are relevant to such assessments in that acknowledging the human rights abuses committed during the Salvadoran and Guatemalan civil wars could permit the immigration of large numbers of people (see Bhabha 1996). Moreover, as the ABC case indicated, foreign-policy concerns have played a part in officials' evaluation of these claims. In addition, however, these rationales for denying asylum are grounded in liberal theory. The conclusion that instances of political violence are tragic but routine aspects of civil war and that the victims of this violence are not distinctive suggests that the Salvadoran and Guatemalan governments did not violate the pacts that legitimate governments make with their citizens. U.S. officials thus redefined the political subjects created by the Salvadoran and Guatemalan civil wars as "rights-bearing citizens," as apolitical victims of "generalized violence," and as undifferentiated "masses." If U.S. asylum officials had granted most Salvadoran and Guatemalan asylum cases, they would have had to define the Salvadoran and Guatemalan states as illegitimate and the Salvadoran and Guatemalan populaces as unavoidably "different," that is, as politically suspect in their governments' eyes. U.S. officials rationalized their failure to do so in terms provided by liberal theory.

Although liberalism and asylum law have limitations, they still hold out a promise of justice that has been crucial for advocates who are seeking to protect persecution victims. Religious activists drew on this promise of justice when they created the sanctuary movement in the 1980s. Human rights law condemns torture, persecution, arbitrary assassination, and other repressive tactics, and therefore lends legal authority to those who oppose these forms of oppression and injustice. The 1980 Refugee Act gave Salvadorans and Guatemalans an avenue through which to seek legal redress when threatened with deportation. The Central American solidarity movement derived moral force from these legal rights, which in turn

mobilized additional support for the movement's cause. Large numbers of Central American asylum applications clogged the U.S. asylum process, leading to lengthy delays in certain parts of the United States (see Mahler 1995). Even if their cases were denied, the asylum process postponed deportation, buying applicants temporary refuge from the violence of civil war. By applying for asylum, Salvadorans and Guatemalans became a temporarily protected group and carved out a distinct category ("asylum applicants") among the immigrants who were in the United States without authorization. The ABC case, which secured additional rights for Salvadoran and Guatemalan immigrants, was grounded in asylum law. Although the solidarity movement eventually declined in strength, ABC class members could still avail themselves of the protection afforded by their pending asylum applications. As they created lives in this country, some asylum applicants were able to qualify for other means of legalization. In 1997, NACARA recognized Salvadorans and Guatemalans as victims of political violence whose lengthy stay in the United States created compelling grounds for exempting them from the more restrictive immigration laws adopted in 1996. The continued public debates about Central Americans' legal status have cited persecution victims' need to avoid the site of their persecution—an argument that derives from asylum law.

This case also demonstrates the importance of situating legal contests within a broad context. The legal battle that has provided at least temporary relief for hundreds of thousands of Central American immigrants was waged both within and outside the courts. Sanctuary workers' actions were informed not only by their understanding of U.S. asylum law but also by their politics and religious traditions. Religious activists' efforts to counter social injustice aligned them with the oppressed as a group rather than only with those who met legal definitions of refugee. Activists therefore defined rights through an analysis and critique of social structures rather than through such legal constructs as "citizenship." Although their efforts were rooted in other discourses, solidarity workers and Central Americans were able to take legal action on behalf of Salvadoran and Guatemalan immigrants. Legal action resulted in the right to *de novo* asylum hearings, a remedy that prioritized individual notions of rights over the collective nature of persecution. Though U.S. asylum law requires the individual adjudication of cases, the ABC lawsuit also created the protected category of ABC class members. This protected class has become the focus of further activism, as advocates have held marches, organized vigils, and lobbied Congress for an outright grant of residency to *all* ABC class members. Though a blanket grant of residency has not been forthcoming, advocates' demands for parity in the treatment of the Salvadorans, Guatemalans, and Nicaraguans who are eligible for NACARA benefits have resulted in unprecedented

concessions from the INS.²⁸ The struggle over Central Americans' legal status and over the frames that will be used to determine this status continues.

REFERENCES

- Anker, Deborah E. 1992. Determining Asylum Claims in the United States: A Case Study on the Implementation of Legal Norms in an Unstructured Adjudicatory Environment. *New York University Review of Law and Social Change* 19(3):433–528.
- Bach, Robert L. 1990. *Immigration and U.S. Foreign Policy in Latin America and the Caribbean*. In Tucker et al. 1990.
- Bellah, Robert N. 1975. *The Broken Covenant: American Civil Religion in Time of Trial*. New York: Seabury.
- Bellah, Robert N., Richard Madsen, William N. Sullivan, Ann Swidler, and Steven M. Tipton. 1985. *Habits of the Heart: Individualism and Commitment in American Life*. New York: Harper and Row.
- Bercovitch, Sacvan. 1978. *The American Jeremiad*. Madison: University of Wisconsin Press.
- Berryman, Phillip. 1984. *The Religious Roots of Rebellion*. New York: Maryknoll.
- Bhabha, Jacqueline. 1996. Embodied Rights: Gender Persecution, State Sovereignty, and Refugees. *Public Culture* 9:3–32.
- Blum, Carolyn Patty. 1991. The Settlement of *American Baptist Churches v. Thornburgh*: Landmark Victory for Central American Asylum-Seekers. *International Journal of Refugee Law* 3(2):347–56.
- Bosniak, Linda S. 1996. Opposing Prop. 187: Undocumented Immigrants and the National Imagination. *Connecticut Law Review*. 28(3):555–619.
- Bourdieu, Pierre. 1987. The Force of Law: Toward a Sociology of the Juridical Field, trans. Richard Terdiman. *Hastings Law Journal* 38:805-53.
- Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, Mass.: Harvard University Press.
- Byrne, Hugh. 1996. *El Salvador's Civil War: A Study of Revolution*. Boulder, Colo. Lynne Rienner.
- Cardenal, Ernesto. 1976. *The Gospel in Soletiname*. Maryknoll, N.Y.: Orbis Books.
- Christiansen, Drew, S. J. 1996. Movement, Asylum, Borders: Christian Perspectives. *International Migration Review* 30(1):7-17.
- Churgin, Michael J. 1996. Mass Exoduses: The Response of the United States. *International Migration Review* 30(1):310-25.
- Collier, Jane, Bill Maurer, and Liliana Suárez-Navaz. 1995. Sanctioned Identities: Legal Constructions of Modern Personhood. *Identities* 2(1-2):1-28.

28. In regulations published in May 1999 (Immigration and Naturalization Service 1999), the INS agreed to streamline NACARA procedures. Asylum officers are being trained to hear the suspension of deportation cases of Salvadorans and Guatemalans who are eligible for NACARA benefits. In addition, the INS has granted a presumption of hardship to certain NACARA beneficiaries, which means that many applicants will only have to demonstrate that they have good moral character and seven years of continuous residency in the United States. In the end, asylum and the ABC lawsuit have been a vehicle for certain Central Americans to apply for other immigration remedies.

- Coutin, Susan Bibler. 1993a. The Chicago Seven and the Sanctuary Eleven: Conspiracy and Spectacle within U.S. Courts. *PoLAR: Political and Legal Anthropology Review* 16(3):19-28.
- . 1993b. *The Culture of Protest: Religious Activism and the U.S. Sanctuary Movement*. Boulder, Colo.: Westview Press.
- . 1994. Enacting Law as Social Practice: The U.S. Sanctuary Movement as a Mode of Resistance. In *Contested States: Law, Hegemony, and Resistance*, ed. Susan Hirsch and Mindie Lazarus-Black. New York: Routledge.
- . 1995. Smugglers or Samaritans in Tucson, Arizona: Producing and Contesting Legal Truth. *American Ethnologist* 22(3):549-71.
- . 1998. From Refugees to Immigrants: The Legalization Strategies of Salvadoran Immigrants and Activists. *International Migration Review* 32(4):901-25.
- Daniel, E. Valentine. 1996. *Charred Lullabies: Chapters in an Anthropography of Violence*. Princeton, N.J.: Princeton University Press.
- Dominguez, Jorge I. 1990. *Immigration as Foreign Policy in U.S.-Latin American Relations*. In Tucker et al. 1990.
- Feldman, Allen. 1991. *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland*. Chicago: University of Chicago Press.
- Ferris, Elizabeth G. 1987. *The Central American Refugees*. New York: Praeger.
- Fiederlein, Suzanne L. 1991. Interpreting International and Domestic Law Concerning Refugees: The U.S. Government vs. the Sanctuary Movement. *Journal of Borderlands Studies* 6(1):23-50.
- Garth, Bryant G. 1992. Power and Legal Artifice: The Federal Class Action. *Law and Society Review* 26(2):237-72.
- Green, Linda. 1994. Fear As a Way of Life. *Cultural Anthropology* 9(2):227-56.
- Greenhouse, Carol. 1986. *Praying for Justice: Faith, Order, and Community in an American Town*. Ithaca, N.Y.: Cornell University Press.
- . 1996. *A Moment's Notice: Time Politics Across Cultures*. Ithaca, N.Y.: Cornell University Press.
- Greenhouse, Carol, Barbara Yngvesson, and David M. Engel. 1994. *Law and Community in Three American Towns*. Ithaca, N.Y.: Cornell University Press.
- Gutierrez, Gustavo. 1973. *A Theology of Liberation: History, Politics, and Salvation*, trans. Sister Caridad Inda and John Eagleson. Maryknoll, N.Y.: Orbis Books.
- Halliday, Terence C., and Lucien Karpik, eds. 1997. *Lawyers and the Rise of Western Political Liberalism: Europe and North America from the Eighteenth to Twentieth Centuries*. New York: Oxford University Press.
- Immigration and Naturalization Service. Department of Justice. 1999. Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nations of Guatemala, El Salvador, and Former Soviet Bloc Countries. 64 *Federal Register* 27,855-82.
- Ishay, Micheline R. 1997. *The Human Rights Reader: Major Political Essays, Speeches, and Documents from the Bible to the Present*. New York: Routledge.
- Jaggar, Alison M. 1983. *Feminist Politics and Human Nature*. Totowa, N.J.: Rowman and Allanheld.
- Jenkins, Janis H. 1991. The State Construction of Affect: Political Ethos and Mental Health among Salvadoran refugees. *Culture, Medicine, and Psychiatry* 15:139-65.
- . 1996. The Impress of Extremity: Women's Experience of Trauma and Political Violence. In *Gender and Health: An International Perspective*, ed. Carolyn F. Sargent and Caroline B. Brettell. Upper Saddle River, N.J.: Prentice Hall.
- . 1998. The Medical Anthropology of Political Violence: A Cultural and Feminist Agenda. *Medical Anthropology Quarterly* 12(1):122-31.

- Jenkins, Janis H., and Martha Valiente. 1994. Bodily Transactions of the Passions: *El Calor* among Salvadoran Women Refugees. In *Embodiment and Experience: The Existential Ground of Culture and Self*, ed. Thomas J. Scordas. Cambridge: Cambridge University Press.
- Kennedy, Edward M. 1981. Refugee Act of 1980. *International Migration Review* 15(1-2):141-56.
- Kristeva, Julia. 1991. *Strangers to Ourselves*, trans. Leon S. Roudiez. New York: Columbia University Press.
- Lernoux, Penny. 1982. *Cry of the People*. New York: Doubleday.
- Macpherson, C. B. 1962. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford, G.B.: Clarendon Press.
- MacLeod, Murdo J. 1985. A Historical View of Central America. In *Sanctuary: A Resource Guide for Understanding and Participating in the Central American Refugees' Struggle*, ed. Gary MacEoin. San Francisco: Harper and Row.
- Mahler, Sara J. 1995. *American Dreaming: Immigrant Life on the Margins*. Princeton, N.J.: Princeton University Press.
- Malamud-Goti, Jaime. 1996. *Game without End: State Terror and the Politics of Justice*. Norman: University of Oklahoma Press.
- Malkki, Liisa. 1992. National Geographic: The Rooting of Peoples and the Territorialization of National Identity Among Scholars and Refugees. *Cultural Anthropology* 7(1):24-44.
- Matoesian, Gregory M. 1993. *Reproducing Rape: Domination through Talk in the Courtroom*. Chicago: University of Chicago Press.
- . 1997. "You Were Interested in Him as a Person?": Rhythms of Domination in the Kennedy Smith Rape Trial. *Law and Social Inquiry* 22(1):55-93.
- McGuire-King, William. 1982. The Biblical Base of the Social Gospel. In *The Bible and Social Reform*, ed. Ernest R. Sandeen. Philadelphia: Fortress Press.
- Mehta, Uday S. 1997. Liberal Strategies of Exclusion. In *Tensions of Empire: Colonial Cultures in a Bourgeois World* ed. Frederick Cooper and Ann Laura Stoler. Berkeley and Los Angeles: University of California Press.
- Menchú, Rigoberta, and Elisabeth Burgos-Debray. 1984. *I . . . Rigoberta Menchú*, trans. Ann Wright. London: Verso.
- Merry, Sally Engle. 1994. Narrating Domestic Violence: Producing the "Truth" of Violence in 19th- and 20th-Century Hawaiian Courts. *Law and Social Inquiry* 19(4):967-94.
- . 1995. Resistance and the Cultural Power of Law. *Law and Society Review* 29(1):11-26.
- Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press.
- Molotch, Harvey L., and Deirdre Boden. 1985. Talking Social Structure: Discourse, Domination, and the Watergate Hearings. *American Sociological Review* 50:273-88.
- O'Brien, D. J. and T. A. Shannon, eds. 1992. *Renewing the Earth: Catholic Documents on Peace, Justice, and Liberation*. Garden City, N.Y.: Image Books.
- Pastor, Robert A. 1984. Continuity and Change in U.S. Foreign Policy: Carter and Reagan on El Salvador. *Journal of Policy Analysis and Management* 3(1):175-90.
- Paul, Benjamin D., and William J. Demarest. 1988. The Operation of a Death Squad in San Pedro la Laguna. In *Harvest of Violence: The Maya Indians and the Guatemalan Crisis*, ed. Robert M. Carmack. Norman: University of Oklahoma Press.
- Pirie, Sophie H. 1990. The Origins of a Political Trial: The Sanctuary Movement and Political Justice. *Yale Journal of Law and the Humanities*. 2(2):381-416.

- Plaut, W. Gunther. 1996. Jewish Ethics and International Migrations. *International Migration Review* 30(1):18–26.
- Scarry, Elaine. 1985. *The Body in Pain: The Making and Unmaking of the World*. New York: Oxford University Press.
- Schirmer, Jennifer G. 1985. A Different Reality: The Central American Refugee and the Lawyer. *Immigration Newsletter* 14(5):6–9.
- . 1988. “Those Who Die for Life Cannot be Called Dead”: Women and Human Rights Protest in Latin America. *Human Rights Yearbook* 1:41–76.
- Shapiro, Michael J. 1994. Moral Geographies and the Ethics of Post-Sovereignty. *Public Culture* 6:479–502.
- Smith, Christian. 1996. *Resisting Reagan: The U.S. Central America Peace Movement*. Chicago: University of Chicago Press.
- Stephen, Lynn. 1994. *Hear My Testimony: Maria Teresa Tula, Human Rights Activist of El Salvador*. Boston: South End Press.
- . 1995. Women’s Rights are Human Rights: The Merging of Feminine and Feminist Interests among El Salvador’s Mothers of the Disappeared (CO-MADRES). *American Ethnologist* 22(4):807–27.
- Suarez-Orozco, Marcelo M. 1987. The Treatment of Children in the “Dirty War”: Ideology, State Terrorism, and the Abuse of Children in Argentina. In *Child Survival: Anthropological Perspectives on the Treatment and Maltreatment of Children*, ed. Nancy Scheper-Hughes. Boston: D. Reidel.
- Taylor, Diana. 1997. *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina’s “Dirty War.”* Durham, N.C.: Duke University Press.
- Taussig, Michael. 1984. Culture of Terror—Space of Death. Roger Casement’s Putumayo Report and the Explanation of Torture. *Comparative Studies in Society and History*. 26(3):467–97.
- Tucker, Robert W., Charles B. Keely, and Linda Wrigley, eds. 1990. *Immigration and U.S. Foreign Policy*. Boulder, Colo.: Westview Press.
- Ugalde, Antonio, and Rodolfo R. Vega. 1989. Review Essay: State Terrorism, Torture, and Health in the Southern Cone. *Social Science and Medicine* 28(7):759–67.
- USCR (United States Committee on Refugees). 1986. *Despite a Generous Spirit*. Washington, D.C.: American Council for Nationalities Service.
- Wagner-Pacifici, Robin. 1994. *Discourse and Destruction: The City of Philadelphia versus MOVE*. Chicago: University of Chicago Press.
- White, Ronald C. Jr., and C. Howard Hopkins. 1976. *The Social Gospel: Religion and Reform in Changing America*. Philadelphia: Temple University Press.
- Zolberg, Aristide R. 1990. *The Roots of U.S. Refugee Policy*. In Tucker et al. 1990.