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Underground Railroads and coyote conductors: brokering clandestine passages, then and now

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Abstract: This article juxtaposes the Underground Railroad with contemporary Central American smuggling practices. Activists in the US Sanctuary Movement, seeking to provide safe passage to the USA for Central American refugees, summon the legacy of the Underground Railroad as a normative frame for understanding their mission. In the original Underground Railroad, a loose network of ‘conductors’ ushered escaped slaves north to freedom. In contrast to immigrant rights activists and slavery abolitionists, for-profit smugglers have been vilified as violent predators. Nevertheless, surprising similarities in social practices and relationships that underpin such dramatically different cases of migration brokerage point to the contingencies, complexities and ambiguous roles of smugglers. A counterintuitive comparison between the contemporary smuggling route and the historical freedom trail shows how normative imaginaries reshape social boundaries and territorial borders in North America.

Keywords: smuggling; trafficking; humanitarian aid; narratives; migration routes.

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1 Introduction

The smuggler tolerated no disobedience in her travel party, and she was quick to threaten violence at any sign of wavering commitment to move forward. At the outset of the journey, she would explain to her charges that “times were very critical and therefore no foolishness would be indulged in on the road,” and “they had to go through or die” [quoted in Still, (2007), p.157]. At gunpoint, she would make clear that dead men told no

tales, and she would as soon leave a body behind than a witness [Siebert, (2016[1898]), p.116; Still, (2007), p.157].

Along the clandestine road from Central America across Mexico and into the USA, smugglers' harsh treatment of their charges is notorious (Brigden, 2015; Vogt, 2013). Smugglers frequently abandon their clients in inhospitable terrain, leaving them to die from exposure. Smugglers rape female migrants. Smugglers may neglect their clients' basic needs in breach of their contracts. They may attempt to coercively renegotiate fees en route, and periodically deprive their charges of liberty. Smugglers may even sell Central American migrants to traffickers or kidnappers (Brigden, 2018).

However, the female smuggler of the anecdote is not guiding Central Americans across Mexico and into the USA. Nor is she working for profit. She is the venerable Harriet Tubman, who became known as the 'Moses of her people'. The point of the anecdote is not to vilify the honourable and dangerous work of Ms. Tubman, who facilitated the migration of hundreds of escaped slaves to safety in free states and Canada. Instead, the point is to demonstrate how a violent context structures relations between smuggler and client, even when the most noble and altruistic motives inspire a guide to undertake the expedition. A violence of necessity emerges within these life and death situations.

Intrigued by striking parallels between forms of migration brokerage across such different historical epochs, this article juxtaposes the Underground Railroad with contemporary smuggling practices. A small group of activists in the US Sanctuary Movement, seeking to provide safe passage to the USA for Central American refugees in the 1980s, summoned the legacy of the Underground Railroad as a normative frame for understanding their mission (e.g., Golden and McConnell 1986).¹ In the original Underground Railroad, a loose network of 'conductors' ushered escaped slaves north to freedom. The recent reinvigoration of immigrant sanctuary movements and activism in the post-Trump era notwithstanding, organised crime plays a highly publicised, though perhaps overstated, role in present-day clandestine human mobility. Nevertheless, surprising similarities in social practices and relationships that underpin these cases of migration brokerage point to the contingencies, complexities and ambiguous roles of smugglers.

These social roles bear the imprint of the state violence that calls them into existence. By exploring a shared imprint of state violence in the social roles and practices of migration brokerage across different epochs and modes of mobility, I argue in favour of a critical approach to smuggling studies that deconstructs state-produced and popular racialised categories and the dominant rhetoric of organised crime.² In this way, a counterintuitive comparison between the contemporary smuggling route and the historical freedom trail shows how normative imaginaries reshape social boundaries and territorial borders in North America.

Thus, this exploration is an invitation to make systematic the juxtaposition between the Underground Railroad and contemporary border crossing practices, and to ask what this juxtaposition can tell us about the politics of clandestine brokerage and human migration. To do so, I will first introduce smugglers as the villains and conductors as the heroes of their respective stories, and how the State and racism have structured these stories. I will then discuss three aspects of clandestine journeys that those individual-centred narratives have obscured: the role of the State, the diffuse spontaneity of migration brokerage, and the mixed-motives for participation in that brokerage. I

conclude with a call to re-imagine contemporary border crossing and challenge the moral discourse surrounding the smuggler.

2 Heroes and villains

Narratives surrounding the Underground Railroad and contemporary border crossing practices both centre on a key figure. The hero of the conductor often drives the plot of slave escape stories, obscuring the emancipatory roles of the slaves themselves, as well as the larger context of social acquiescence and support of slavery. In the contemporary period of migration, the villain of the smuggler evokes a collective hysteria about border security, obscuring the agency of migrants themselves, as well as the push factors that drive people from their homelands [Zhang et al., (2018), p.8]. Indeed, we could say that the State summons a peculiar cast of heroes and villains, dedicated to clandestine brokerage of human migration. The conductor and the smuggler represent mirror images, discursively positioned in opposition around the morality of their role: hero vs. villain. Nevertheless, both characters do normative work for the State in their respective dramas, concealing how the scene is set by the legal restriction of human liberty and mobility.

Popular, official and some academic discourses vilify contemporary for-profit smugglers as violent predators. Spener (2011) describes the key discursive elements that have characterised both official and public narratives of contemporary smuggling into the USA. First, smugglers are frequently depicted as traffickers, rather than service providers, and linked to slavery (Spener, 2011). The legal distinction between smuggling and trafficking in the Palermo protocols hinges on whether the migrants voluntarily participate as paying customers, or have been coerced, abducted or tricked into the relationship [Baird and Van Liempt, (2016), p.402]. In practice, the reality is often ambiguous, and complicated by debt, personal relations or the physical demands required for passage [Baird and Van Liempt, (2016), p.402; Brigden and Mainwaring, 2016; O'Connell Davidson, 2013, 2016]. Binary notions of voluntary/forced migration cannot accurately characterise such conditions of vulnerability (O'Connell Davidson, 2013). Despite the messy reality of migrant agency, X-ray images of bodies crammed into the hidden compartments of trucks eerily recall the image of the slave ship the *Brooks*, which caused an abolitionist outcry in the 18th century [Walters, (2015), p.475]. On both sides of the Atlantic, these images of containment and narratives of trafficked migrants' victimhood justify ostensibly humanitarian interventions that in reality undermine the safety and agency of the individuals they purport to protect [Brigden and Mainwaring, 2016; Walters, (2015), p.475].

The analogy between smuggling and slavery not only obscures the role of the State in producing the precarity that forces people into such vulnerable situations; it also provides a convenient language of 'rescue' that states co-opt for the purpose of border control, cloaking patrols and raids in the language of humanitarianism (Brigden and Mainwaring, 2016; O'Connell Davidson, 2016). Humanitarianism becomes a state discourse that justifies further border control.

The NGO community also harnesses the language of humanitarianism, sometimes veiling self-serving motives for intervening with migrants. Rescue organisations, for example, may earn donations resulting from the publicity of their actions.³ More broadly, the increasing professionalisation, bureaucratisation and donor-led financial imperatives

of humanitarian work have led some observers to take a critical position vis-à-vis these ‘merchants of morality’ (Bob, 2002). In his critique of ostensibly humanitarian concerns for contemporary Africa, Cole (2012) coined the term ‘the white saviour industrial complex’ to describe a larger system of ‘protection’ and ‘charity’ that provides whites with ethical cover for the global racial and economic disparities reproduced by neoliberal policies. Thus, through their acts of ‘protection’ and ‘charity’, white philanthropists and volunteers cast themselves humanitarian heroes, thereby erasing post-colonial relationships from view. Underground Railroads, past and present, cross this complex ideational terrain, in which good intentions and narratives of heroic sacrifice may sometimes obscure self-serving motives of humanitarians, racialised structures of inequality, and living legacies of colonialism that create vulnerabilities for migrants from the Global South.

While a variety of humanitarian actors may pursue publicity, profit and other bureaucratic benefits through their engagement with migrants, smugglers have been prototypically (and sometimes incorrectly) depicted as motivated by greed and profit [Baird and Van Liempt, 2016; Sanchez, (2017a), p.9; Spener, 2011]. Even when smugglers act on profit motives, many of them remain “subject to the control or influence of moral and social obligations toward the families and communities of those who rely on their services” [Zhang et al., (2018), p.19]. Along the North American route, social reputation, not just market reputation, motivates some Salvadoran smugglers to comply with their contracts with migrants (Brigden, 2015). Along the Balkan route, smuggler-migrant contracts often remain grounded in solidarity, reciprocity and moral codes (Achilli, 2018). The ‘social embeddedness’ of for-profit smuggling challenges a firm distinction between community/humanitarian migration facilitation and for-profit smuggling (Spener, 2009).

Stories of increased organisation and criminal conspiracy circulate widely in media, contributing to the vilification of smugglers [Baird and Van Liempt, 2016; Sanchez, (2017a), p.11, 2017b; Spener, 2011]. Smuggling has been portrayed as an imminent national security threat [Sanchez, (2017a), p.12, (2017b); Spener, 2011]. As described by Sanchez (2017b, p.47):

“The smuggler [according to popular and state narratives] is the inherently evil, violent and predatory male from the Global South who driven by greed alone does not think twice about exploiting his fellow nationals or raping child-like migrant women; the criminal who delivers drugs, terrorists, and nuclear weapons into the pristine safe capital cities of the Global North. Constructed as a threat not only to others but to the very security of the nation-state, the smuggler is a monster to be contained.”

Thus, Sanchez (2017b) analyses the racialised and gendered narratives that underpin the construction of smugglers as perceived threats, and she juxtaposes this discourse to the lived reality of migration as a community survival strategy. Human smugglers at the US-Mexico border have been racialised, stereotyped as Latino in media and profiled by police in the USA (Sanchez, 2017a, 2017b).⁴ The Latino community, a long-time target of a racialised migration policing regime, organises to keep its families together, to access jobs and resources, and to bring refugees to safety. However, the State criminalises such transnational resistance and solidarity, even when smuggling is a consensual process (Sanchez, 2017b). Racial profiling shapes policing practices, and the criminalisation of smuggling disproportionately impacts the Latino community.

South of the US border, a similar racialisation and securitisation of Central American smugglers crossing Mexico unfolds, influenced by the USA policing strategies and binational efforts to apprehend migrants before they arrive on US soil (Galemba, 2018). Mexican citizens living among Central Americans along the route through Mexico have come to fear the stigma of involvement in migration brokerage, potential prosecution for smuggling, or even false accusations of being a migrant (Brigden, 2016; Galemba, 2018). Occasional police harassment of humanitarian workers hinders some efforts to assist migrants, despite the fact that non-profit aid to migrants has been legal in Mexico since 2008 (Brigden, 2018).⁵ As a result of this policing and political pressure, humanitarian workers at Catholic shelters must discursively distance themselves from criminalised activities and implement routines such as admission interviews to demonstrate their anti-smuggling commitment (Doering-White, 2018). In practice, however, shelters along the route through Mexico must also acknowledge the necessity of smuggling for migrant survival and occasionally overlook its pervasiveness in humanitarian spaces (Doering-White, 2018).

On the US-side of the border, the legal distinction between humanitarian aid, family support and smuggling remains contested. Humanitarian workers in the desert have a series of informally negotiated arrangements with US Border Patrol, in order to be able to engage in life-saving medical interventions and water drops. In 2017, US Border Patrol raided a medical camp, breaking the informal protocol they had established (Boodman, 2017). One Arizona-based volunteer with the organisation *No More Deaths* currently faces federal charges of conspiracy to transport and harbour undocumented immigrants (Devereaux, 2018). He had been dispensing food and water (Devereaux, 2018). In language from reports used to justify the arrest, such as references to a 'stash house' and a volunteer's role as a so-called 'recruiter', the US Government conflates humanitarian work and smuggling (Devereaux, 2018). In fact, the Trump administration has threatened to prosecute any support to undocumented migrants, potentially criminalising humanitarian aid work, sanctuary movements, and traditional family support networks. Even parents who pay smugglers to reunite with their non-citizen children, many of whom leave homes in Central America under threat of violence, could face criminal penalty (Devereaux, 2018). In both Mexico and the USA, the State is pushing against the ephemeral boundary between humanitarian aid and smuggling, blurring the distinction in the name of border security and attempting to reframe would-be heroes (and mothers and fathers) into criminals.

This contemporary discourse is not limited to the US-Mexico border, but instead pervades a global border regime. Similar attributes have been ascribed to the figure of the smuggler in the Mediterranean and Eastern Europe. Increased border enforcement is, in part, justified by the vilification of smugglers (and its mirror image, the infantilisation of migrants as victims), and also deeply implicated in the increasingly violent, dangerous migration routes into Europe as well as to the USA (Mainwaring, 2016). In fact, approximately three-fourths of European Union member states criminalise humanitarian assistance to undocumented migrants, thereby failing to distinguish between for-profit smuggling and altruistic aid in their national laws (Van Liempt, 2016). At the time of writing, the most publicly acclaimed humanitarian 'conductor' of Syrian refugees sits in a Greek prison (Smith, 2018). Sara Mardini, a 23-year old Syrian refugee, rose to fame by rescuing 18 of her co-nationals during their crossing. She and her sister pulled their unseaworthy boat to safety in 2015 (Smith, 2018). Ms. Mardini later joined the Olympic

refugee team as a swimmer (Smith, 2018). As part of a larger crackdown on refugee rescue efforts, the Greek government claims that Mardini, who has volunteered since 2016 with the Emergency Response Center International on the island of Lesbos, collaborated with smugglers (Smith, 2018). Such discourse, legal codes, and policing practice foreclose the possibility of the hero-smuggler.

In contrast, the discourse surrounding the Underground Railroad is a national identity story over a century in the making (Schultz, 2016). In this national identity story, most migration brokers have been racialised as white, Quaker men, with the notable exception of Harriet Tubman. The narrative discursively constructs migration brokers as religiously or altruistically motivated. It also portrays the coordination among conductors as a tightly organised conspiracy. This agency-centred discourse provides, “the ability to frame suffering through the lens of agency and the availability of these experiences to the common man” which “makes them ideal fodder for national mythmaking projects” (Brigden and Vogt, 2015). As a discourse centred on the conductor as the primary engine of escape plots, the Underground Railroad refocuses on the potential for noble action by individual citizens, rather than highlighting the overriding and systematic oppression that the State engaged in, or the fact that the vast majority of white Americans acquiesced to and benefited from it (Schultz, 2016).

2.1 Enforced immobility: fugitive slave law and contemporary border policing

A narrative structured around heroes and villains obscures the role of the State in the enforced immobility of both the past and present. In the era of the Underground Railroad, the State provided the legal infrastructure for slavery, including the right to capture and return runaway slaves. Protection of the institutions of slavery, policing and the legal empowerment of bounty hunters, even in free states, necessitated such long dangerous treks under a veil of secrecy. In the present era of border crossing, the State imposes restrictions to legal mobility, thereby generating the need for long dangerous treks under a veil of secrecy. In both time periods, clandestine brokerage facilitates human migration *because of* the State, as well as *despite* the State (Mainwaring and Brigden, 2016).

Despite their admittedly different historical and political contexts, the violence that structured the escape routes that later became known as the ‘Underground Railroad’ bears some resemblance to the violence that structures contemporary routes travelled by migrants fleeing poverty and insecurity in Central America. The Fugitive Slave Bill of 1850 imposed strict legal penalties for any assistance to runaway slaves, pushing the activities of conductors farther into secrecy [Foner, (2015), pp.125–126]. Since the 1990s, the USA has increasingly criminalised clandestine migration brokerage and fortified the US-Mexico border, pushing the activities of smugglers farther into secrecy (Andreas, 2000). A similar process of securitisation and increased secrecy of smuggling activities is underway in Mexico, targeting people who broker passage for Central Americans en route to the USA (Galemba, 2018).

In this context of criminalisation and securitisation, contemporary smugglers have been equated with traffickers, because of their real and often abhorrent exploitation of their clients, who sometimes find themselves trapped in varying levels of vulnerability and even bondage. However, the larger political economy of migration suggests that smugglers may, in some sense, have more in common with Harriet Tubman than they have in common with slave owners. While popular narratives of violence against migrants in transit focus on smugglers, Vogt (2013) traces the exploitation experienced

by Central American migrants during these journeys to the structures of global capitalism, the militarisation of borders, and legacies of war. These economic and political logics transform migrant bodies into commodities to be smuggled and contribute to the violence experienced by migrants in passage (Vogt, 2013). The State calls the *coyote* into existence, triggering a spiral of policing and smuggling across the USA-Mexico divide (Andreas, 2000). The smuggler does not create human cargo or migrant vulnerability; commodification of migrants occurs within a larger political economy generated by the collision of borders, militarised state interventions in society, and human necessity.

Indeed, for migrants and refugees fleeing the violence and economic precarity of the Global South, the route north may be perceived as a path to freedom. As explained by a Salvadoran migrant en route to the USA, “El Salvador is like a prison. The only way to gain liberty is to escape” (quoted in Brigden and Vogt, 2015; Vogt, 2013). People from the Global South frequently participate in contemporary clandestine migration to cope with conditions of structural and direct violence generated by neoliberal governance (Andrijasevic and Mai, 2016; Brigden and Vogt, 2015). Recent scholarship has demonstrated that the criminalisation of smuggling restricts the capacity of refugees to reach safe destinations [Baird and Van Liempt, (2016), p.410]. In fact, clandestine migration brokerage can save the lives of refugees. As explained by a human rights activist in El Salvador, “*coyotes* [human smugglers] are usually the good guys. Thank God they do what they do... Human smuggling is not a crime against humanity” [quoted in Brigden, (2015), p.7]. Across the globe, migrants themselves often view smugglers as necessary, or sometimes even as ‘saviours’ or ‘friends’ with whom they form active give-and-take partnerships before, during and after their journey (Maher, 2018; Mengiste, 2018). Thus, to the extent that Spener (2011) is correct that this system of borders and racialised global economic inequality constitutes a ‘global apartheid’, the comparison between contemporary smugglers and Underground Railroad conductors may not be as counterintuitive as at first glance. Conditions of ambiguity and precarity undermine the simple analogy between smuggling and slave trade, and we could recast smugglers in the role of conductors, rather than slavers.

In a linked discursive move, we might more readily equate the contemporary actions of the deportation-state with those of slavers. Indeed, such parallels have not been lost on contemporary immigrant and refugee rights’ activists. Recent artwork caused controversy by overlaying an image of the slave ship the *Brooks* and the shape of an airplane to draw attention to the plight of deportees from the UK [Mainwaring and Brigden, (2016), p.249; Miller and Youssef, 2013]. O’Connell Davidson (2016, p.67) likens immigrant detention to trafficking, “Immigration detainees are people moved against their will into a situation in which they are controlled by means of violence or its threat, and exploited for economic gain.” The State frequently forcibly detains and moves people across borders, while smugglers often assist people who hope to flee exploitation and violence.

2.2 Social dynamics of mobility: activists and criminals

Popular lore constructs both the smuggler and the conductor as masterminds in clandestine conspiracies. In both past and present, there are powerful political incentives to overstate the level of organisational coherence that underpins clandestine migration brokerage. Andreas (2000) traces the bureaucratic and political incentives to portray

smuggling operations as conspiracies that threaten US national interest, thereby justifying an escalation of policing and government spending at the US-Mexico border. During the era of the Underground Railroad, slave owners and politicians in southern states would portray slave escapes as conspiracies by northerners, in part, because such escapes undermined claims that blacks needed or enjoyed their bondage [Foner, (2015), p.215]. Thus, in southern newspapers, the Underground Railroad became a nefarious and well-organised plot that demanded action from federal policy makers. Looking in hindsight, the mythmaking continues, but now as a moral salve; many Americans would like to believe that a coherent, widespread and systematic effort from within the white community confronted slavery, when in reality, conductors represented a small minority even among active abolitionists [Foner, (2015), p.176]. Furthermore, in southern states, most support for runaways had no relationship with a well-organised social movement of whites, but instead emerged spontaneously from individuals, largely from the black community [Foner, (2015), p.158].

The prototypical image of the Underground Railroad as a complex and well-established social and physical infrastructure, replete with secret communiqués hidden everywhere from quilts to lanterns in windows, is a myth (Schultz, 2016). Recent work on the Underground Railroad dispels the image of tightly knit, highly organised and institutionalised networks, in favour of what Schultz (2016) calls an ‘emergent system.’ As explained by Foner (2015, p.15):

“The picture that emerges from recent studies is not of the highly organized system with tunnels, codes, and clearly defined routes and stations of popular lore, but of an interlocking series of local networks, each of whose fortunes rose and fell over time, but which together helped a substantial number of fugitives reach safety in the free states and Canada...the ‘Underground Railroad’ should be understood not as a single entity but as an umbrella term for local groups that employed numerous methods to assist fugitives, some public and entirely legal, some flagrant violations of the law.”

Similarly, recent work on contemporary smuggling also dispels images of carefully woven criminal conspiracy. Despite the periodic discovery of tunnels under borders and popular mafia lore, the picture that emerges from recent studies of contemporary human smuggling practices is not one of the tightly organised system [Baird and Van Liempt, (2016), p.406; Sanchez, 2017a]. Spener (2011) finds the survival of a diverse smuggling market on the US-Mexico border despite intensified policing. Conflict frequently erupts between Central American smugglers and Mexican criminal territory bosses, and the relationships that underpin the social terrain of the migration route are ephemeral and shifting (Brigden, 2018). To paraphrase Foner, the picture that emerges is “of an interlocking series of local networks, each with fortunes that rise and fall over time”. Just as the Underground Railroad should not be understood as a single entity, nor should organised crime. Smugglers are often local groups that employ numerous methods to assist, and exploit, migrants, with varying degrees of legality and secrecy. In both periods, the social networks that underpin clandestine brokerage are often fleeting.

2.3 *Mixed motives*

Of course, at first glance, the network of abolitionists who facilitated migration of fugitive slaves and the criminal groups that dominate contemporary undocumented migration have little in common. However, more for-profit activity took place in the

migration brokerage of escaped slaves than popular narratives of the underground generally reveal. Alongside and often working with abolitionist activists, many people played for-profit roles in the Underground Railroad, charging slaves and activists for passage aboard ships or other forms of collaboration. In 1850, a newspaper published in Norfolk lamented that the escape of slaves had become a widespread profit making activity [Foner, (2015), p.152]. Indeed, around that time period, ship captains like William D. Bayliss and Albert Fountain took fees up to \$100 per slave for passage in hidden compartments on their vessels [Foner, (2015), p.154]. Fountain went so far as to offer expensive for-profit rescue attempts, marketed to desperate family members of slaves [Foner, (2015), p.154].

Activists in the Underground Railroad often paid these fees, but some slaves had the means to do so themselves. For example, Jacob Bigelow hired a white man to guide groups of slaves on a weekly basis, and thought that a reliable man could ‘make a good living at it’ [Foner, (2015), p.154]. In the Upper South states, which bordered the northern free states, many slaves worked independently and turned their wages over to their owners [Foner, (2015), p.196]. These slaves had greater access to material and informational resources to fund and arrange their own escapes [Foner, (2015), p.196]. A for-profit humanitarianism and white-saviour industrial complex emerged early in US history, and the boundary between altruism and selfish motives has always been blurred.

Similarly, in the contemporary period, humanitarian corridors, spaces where human rights activists, immigrant and refugee advocates and religious groups support people during their journey, have become superimposed upon contemporary for-profit smuggling routes. Across Mexico, over 50 Catholic shelters line the route most commonly traversed by the poorest and most desperate Central American migrants, providing food, shelter, information, and legal support (Brigden, 2018). Co-ethnic communities of immigrants across North America provide humanitarian assistance in the form of transportation, fund-raising to pay smugglers, lawyers or kidnappers, shelter and information flows to at-risk migrants, on the basis of family relationships, and sometimes, solidarity. In El Salvador, even for-profit smugglers’ incentives for good behaviour toward their clients can be rooted in social reputation, rather than market reputation (Brigden, 2015). As explained by a family member of a small town smuggler (quoted in Brigden, 2015):

“He makes sure his clients have food, shoes, clothing. Sometimes he even takes them as many times as they need, not just the three tries. He makes no money off those people, because it costs money every time they try. He’ll guarantee them. Why?...He doesn’t want to hide his face in town. This is his town.”

Other smugglers go farther, occasionally motivated to help some clients out of pity or good will, rather than full payment. Sometimes friends simply charge their travel companions a fee to help fund their own journey, unwittingly becoming smugglers. Men and women may form mutually beneficial gendered and sexual partnerships of convenience, turning smuggling into an ‘intimate labour’ (Vogt, 2016).

Such complex social relations between smugglers and clients are not only a Central American phenomenon. Recent scholarship on smuggling from around the globe highlights the continuing important role of family and friends that facilitate unauthorised migration [Herman, (2006), p.217; Baird and Van Liempt, (2016), p.408; Sanchez, (2017a), p.13]. Criminal groups do not facilitate contemporary migration alone, communities do too [Sanchez, (2017a), p.10]. As a smuggler explained to Sanchez

(2017b) in her research at the US-Mexico border, “I am just paying the favor forward.” There is more altruism shaping contemporary migration brokerage than implied by the conventional public discourse of smuggling.

Smugglers along the route across Mexico are sometimes Central American migrants who turn to the profession in desperation or do so only temporarily in order to continue their own journeys (Brigden, 2018; Frank-Vitale, 2017). These low ranking smugglers remain extraordinarily vulnerable to both criminal violence and state prosecution within the migration corridor. Mexican and Central American smugglers sometimes find themselves in greater danger than their migrant clients (Brigden, 2018; Frank-Vitale, 2017; Spener, 2009). In the turbulent context of the Mexican drug war, smugglers face death at the hands of competing gangs (Brigden, 2018). Given the high levels of criminal predation along the route and the long potential prison sentences faced by contemporary smugglers, it should be no surprise that their actions en route do not always prioritise the wellbeing of their clients.

Arguably, the punitive risks to contemporary Mexican and Central American smugglers outweigh the likelihood of prosecution faced by the majority of white participants in the Underground Railroad. Prosecutions of white conductors occasionally occurred, and the 1850 Fugitive Slave Act created the possibility of their activity being construed as treason. However, the most severe punishments for participating in the Underground Railroad were largely born by free blacks and captured runaways, who suffered torture, mutilation and/or death upon capture. With much more active law enforcement, today’s Mexican and Central American smugglers generally risk more to facilitate clandestine migration than the white Quakers of the Underground Railroad did. In comparison to the handful of prosecutions of white Underground Railroad conductors (some of whom paid fines rather than serve prison time), the US Government convicted and sentenced to prison 2,241 smugglers in fiscal year 2014 alone (USSC, 2014). Meanwhile, like their slave predecessors, contemporary migrants confront terrible risk, potentially charged with illegal re-entry or, in the case of rejected asylum seekers, sent home to persecution, torture and/or death.

Furthermore, like the captain of a ship, part of the smugglers’ job is to protect his/her migrant clients from other migrants within the travel group, and to settle disputes within the travel party during transit (Brigden, 2015; Spener, 2009). Smugglers’ decisions in the performance of such duties and disciplinary roles can harm individual migrants while privileging the survival of the group. For example, Mexican smugglers’ have been vilified for their willingness to abandon weak migrants during the desert border crossing, nearly a death sentence, rather than risk apprehension by authorities. Such decisions require moral judgments about the collective good and individual safety that can be harmful to migrants, even without abuse of power or smuggler self-interest.

As the anecdote about Harriet Tubman reveals during the introduction to this paper, even during the Underground Railroad, the interests of conductors and runaways did not always neatly align. Conductors had a responsibility to protect the larger liberation network and viability of clandestine practices under conditions of government suppression, while runaways might have sought their own survival as individuals. During the journey itself, success of the collective required some obedience on the part of the runaway. If the travel party were captured, the continued viability of survival strategies and the route required silence despite torture during questioning. Furthermore, the potential for imposters, posing as runaway slaves in an effort to receive humanitarian support from conductors, drove some Underground Railroad activists to interrogate and

turn away some individuals [Foner, (2015), p.106]. Such tensions can produce conflict between smugglers and migrants, even when smugglers have altruistic motives.

3 Conclusions

The figures of the smuggler-villain and the conductor-hero structure public and official understandings of clandestine brokerage and human migration. False binaries of altruism/profit and good/evil underpin these racialised villain-hero figures. Recent critiques of both the discourse surrounding contemporary for-profit smuggling and the legacy of the Underground Railroad have called these images into question. The myopic focus on the contemporary smuggler as the perpetrator of violence obscures the role of states in shaping the conditions that push migrants from home and generate their vulnerability as subjects in a liminal legal space during their journeys. The myopic focus on the conductor obscures the role of the federal government, as well as northern free states, in creating and maintaining the institution of slavery and in generating the runaway's vulnerability as subjects in a liminal legal space during their attempt at freedom.

Nevertheless, the Underground Railroad conductor, as a discursive focal point, also serves an important purpose, humanising and making possible transgressions of the law when a broader vision of justice calls upon citizens to do so. Without wishing to obscure the brutality of contemporary *coyote*-migrant relationships, the conductor-hero may provide a precedent for rethinking the role of the smuggler in an age of refugee crises. The time is right to re-imagine contemporary border crossing, and the normative frames of the Underground Railroad, for all their faults, may provide a way forward.

In April 2016, the US Treasury announced that Harriet Tubman would soon grace the 20 dollar bill. The redesign would represent a much-overdue celebration of her work and a subtle condemnation of slave owners, like former President Andrew Jackson, who previously decorated the front of the currency. Underground Railroad conductors constituted a small minority of abolitionists, who themselves were a small minority of US society. And yet, these conductors have come to symbolise our collective revulsion at the past. While histories that focus on heroes obscure the complex political economy of slavery managed by the State and benefiting northern whites, as well as southern slave owners, the Underground Railroad's contemporary prominence and acceptance as a national narrative demonstrate the possibilities for surprising and sweeping normative change. In her recent analysis of its literary re-emergence, Kathryn Schultz argues that:

“One of the biases of retrospection is to believe that the moral crises of the past were clearer than our own – that, had we been alive at the time, we would have recognized them, known what to do about them, and known when the time had come to do so. That is a fantasy. Iniquity is always coercive and insidious and intimidating, and lived reality is always a muddle, and the kind of clarity that leads to action comes not from without but from within. The great virtue of a figurative railroad is that, when someone needs it – and someone always needs it – we don't have to build it. We *are* it, if we choose.” (Schultz, 2016)

That said, the Underground Railroad's past remains contested in the present, linked with the ongoing identity construction of the US nation. On the heels of the Tubman bill announcement, the 2016 elections forcefully demonstrated the continued resonance of racism in national identity politics (Eckhouse, 2018). It is no coincidence that the Trump

administration, chosen by a minority of the electorate and overwhelmingly championed by white voters who disdain claims that ‘black lives matter’, has equivocated on its commitment to Tubman’s memorialisation, rendering the fate of the symbolic gesture uncertain. The current US Secretary of the Treasury Steve Mnuchin stated only that he has no immediate plans to redesign the currency (Ang, 2018). To paraphrase Schultz, as the face of collective cold indifference to the police murders of black men and women deepens, the moment of moral clarity that Tubman’s image represents is again at stake.

It is also no coincidence that the Trump administration’s ethnonationalist campaign rhetoric targeted Mexican and Salvadoran immigrants and focused on their alleged criminality. The historical Underground Railroad is one battlefield for the reinterpretation of race relations and white national identity, while contemporary smuggling routes are another. Again, to paraphrase Schultz, given the lived experience of refugees and migrants today and a collective, cold indifference to their plight, iniquity does seem so insidious that we lack the clarity to recognise contemporaneous moral crises. Few present-day heroes have emerged to champion refugee and migrant mobility, and for-profit smugglers that facilitate clandestine migration are vilified. Perhaps, a century from now, we may be swept by a normative revolution that renders border enforcement as morally repugnant as the Fugitive Slave Act. If so, maybe our great-grandchildren will welcome the face of a Mexican smuggler on a 20-dollar bill. What sort of political transformation would be necessary to imagine a collective celebration of smuggling and a discursive reconfiguration of smugglers as heroes? The preliminary analysis of this article suggests that the political, economic, social and cultural conditions that contributed to the emergence of the narrative of Underground conductors as heroes might offer clues as to how such a radical, seemingly unthinkable change could be realised.

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Notes

- 1 It is worth noting that not all sanctuary activists embraced the analogy with the Underground Railroad. While the analogy captures their moral objection to extraordinary injustice, many sanctuary activists did not view their work as civil disobedience, outside the law, but instead argued that their actions were legal in the context of the government’s illegal denial of status to legitimate refugees [Coutin, (1993), p.63, footnote 2]. Within the political movement to abolish slavery, some activist groups also focused on using the law to protect fugitives and free blacks, viewing their work as a reinterpretation of just laws unjustly applied. Other groups

focused on subverting what they viewed as an unjust law. Often individual activists switched strategies depending on the context and case.

- 2 See also Sanchez (2017a, 2017b), Spener (2009, 2011) and Zhang et al. (2018) for work in this vein.
- 3 I thank an anonymous reviewer for reminding me of this.
- 4 On the racialisation, gendering and dehumanisation of alleged trafficking victims at the US-Mexico border, see Sanchez (2016).
- 5 For this reason, the involvement of the Catholic Church in such altruistic activities is particularly important; with Catholic moral authority in an overwhelmingly Catholic country, Mexican priests and nuns can rise above such allegations and stigma, thereby limiting (though not entirely eliminating) the likelihood of false for-profit smuggling allegations by authorities (Brigden, 2018).