When People’s Needs Are Greater than Their Fears


I. DESCRIPTION

Enforcement of the border between the United States and Mexico is one of the most contentious issues in immigration today. In *Dying to Live*, author Joseph Nevins explains the dynamics that inform the current debate over border enforcement. Nevins uses a contemporary case study in conjunction with historical analysis to argue against what he sees as a move toward global apartheid as evidenced by U.S. immigration policy. Nevins is mostly effective in convincing his readers that enforcement of the U.S. border with Mexico is a new form of apartheid and that the enforcement policy is necessarily ineffective in achieving its purported goals, but the impact of this argument is decreased by his tendency to editorialize and “preach to the choir.”

Nevins targets the U.S. citizen populace as he attempts to convince this audience of fatal flaws in the United States’ immigration policy by providing historical analysis of immigration controls and border enforcement as well as specific illustrations of the deadly consequences of this policy. This analysis is divided into five chapters focusing separately on specific stories behind immigrant bodies found in the desert along the border; the desert environment itself; the border and policing of it; the relationship between related towns on either side of the border; and political issues and arguments regarding the boundary between the United States and Mexico.

The current, and perhaps perpetual, focus of the debate over immigration is the oft-cited need for security. Legislators think the U.S. will be more secure—by decreasing the amount of
Unauthorized immigration across the Mexican border—if fences are built and the ranks of the Border Patrol are increased. Using the story of the life and death of Julio Cesar Gallegos, one unauthorized immigrant, Nevins convincingly demonstrates that border enforcement alone will not quell unauthorized immigration unless the underlying reasons for cross-border migration are addressed and cured.

II. CRITICAL ANALYSIS

Within the field of immigration and nationality law, Dying to Live addresses issues of enforcement of the border between the United States and Mexico. Nevins focuses much of his efforts at examining the economic motivations, and their historical development, for unauthorized immigration across this boundary. The most significant points that Nevins makes are that the current U.S. policy approach to unauthorized immigration at the Mexican border is ineffective; that the responsibility for the problem of unauthorized immigration is the border itself; and that we are living in an age of global apartheid, and the United States’ approach to immigration is a symptom of this phenomenon.

Nevins draws from a number of sources, including federal and state laws (both current and historical), statistics, the history of business and labor movements in the border area, period literature about the development of the Imperial Valley desert area, theorists on apartheid and global power relations, and to illustrate the effects of immigration policy on immigrants Nevins tells the story of Julio Cesar Gallegos and his family.

Nevins’ research is thorough and comprehensive, as evidenced by the broad range of resources that he draws from. By supporting his arguments not only with law, but with such things as excerpts from John Steinbeck’s The Grapes of Wrath, contemporary anecdotes from both sides of the immigration debate, and most particularly with the specifics of the Gallegos
family tragedy, Nevins carves out a new direction for the debate to travel in as well as providing space in the discussion for the contributions of immigrants themselves. For instance, Nevins juxtaposes the image of a pro-border enforcement sign reading, “1848: You lost, we won. Get over it,” (p198) with the statement of an unauthorized immigrant to a reporter that, “Our needs are greater than our fears.” (p189).

For the most part, Nevins does not take a position regarding his sources. Instead, he lets them speak for themselves, such as when he describes a law and provides historical references and contemporary statistics to illustrate the effects of the law. The exception, and one of the most persuasive elements of the book, is when Nevins employs the tale of Julio Gallegos and his family to make the argument against increased border enforcement rather than making the argument from his own standpoint.

In 1998, Julio Gallegos was found dead in the desert (California’s Imperial Valley) along with six other individuals attempting to make their way to Los Angeles. Julio was what many in the U.S. would call an “illegal alien,” having no authorization from immigration officials to be present in the country. Julio’s wife and child were U.S. citizens and he was on his way to rejoin them after having made a brief trip back to Mexico to visit family. This was not Julio’s first trip across the border. His first journey to the U.S. was in 1993, a time when enforcement at the border was less stringent. Immigration law and practice at the border changed dramatically in the intervening years, and Nevins effectively uses the Gallegos family story to show the tragic effects of these changes.

The strongest points in the book are that the United States’ current approach to regulating the U.S.-Mexico border are fatally ineffective and that responsibility for the problem of unauthorized immigration and immigrant deaths in the boundary area is the border itself. Every
page of *Dying to Live* provides another reason or fact that illustrates just how ineffective the current approach to regulating illegal border crossings is. Whether it is the fact of Julio’s party’s deaths during their attempted entry or statistics showing the increase in the number of Border Patrol agents and the continued, overt reliance of agribusiness on an illegal immigrant labor force, Nevins leaves open no possibility that current border policy is effective in dealing with unauthorized immigration.

By focusing on the historical interconnectedness of people in the border region through historical depictions of the area’s social geography, Nevins makes a strong point that the militarization of the border and other government policies are the cause of continued problems with unauthorized immigration at the Mexican border. Nevins convincingly shows that no other answer to the question of who bears responsibility for immigrant deaths at the border quite resolves the entire issue. It is not the *coyotes* (paid people-smugglers), for their livelihood depends on successful border crossings. It is not the immigrants themselves, because their motivations for and means of crossing are dictated by both the Mexican and U.S. governments. Rather, it is the power relations that divided the physical geography and the conflict that division created that are the source of this migration and the immigrant deaths that occur along the way.

Nevins’ weakest point is also one of his most important ones; alas, it is part of the book’s title. He argues that we live in an age of global apartheid and that U.S. immigration policy reinforces this unofficial worldwide regime. He describes global apartheid as a system in which the relatively rich and largely white of the world are generally free to travel and live wherever they would like and to access the resources they ‘need.’ Meanwhile the relatively poor and largely nonwhite are typically forced to subsist in places where there are not enough resources to provide sufficient livelihood or, in order to overcome their deprivation and insecurity, to risk their lives trying to overcome ever-stronger boundary controls put into place by rich countries that reject them. (p184).
Yet, I fear that by dedicating fewer than ten pages to the discussion of apartheid and any similarities this immigration situation bears to the South African apartheid regime Nevins fails to make a strong enough showing to be effectively convincing. Nevins calls the decision by a national government whether to allow entrance and residence based foremost on “the would-be immigrant’s national citizenship and socio-economic situation” a form of discrimination which functions in an apartheid-like manner. (p184-85). Nevins allows that “perfect” separation between groups does not occur here, but neither did it in South Africa where black people were a necessary source of labor for white people both domestically and industrially. However, because the concept of apartheid is so loaded with particular meaning in the popular imagination, Nevins needed to provide a more rigorous analysis in order to convince Americans that we are perpetuating a system of apartheid.

III. EVALUATION

Dying to Live is a valuable contribution to the field of immigration law because it refocuses the discussion on the real effects of political decisions regarding the border. Debates over immigration and enforcement of the U.S.-Mexico border too often ignore the human reality of the situation, and Nevins forces his readers to see the faces of the people affected by these immigration policies.

By making such a radical argument—that the United States is perpetuating a system of global apartheid—Nevins alienates a portion of his potential audience. However, given that he states this proposition within the title of his book, his goal clearly is not to convince each and every American that this is so. Provided that his audience is thereby limited to a group of readers already more open to accepting this premise, Nevins has the opportunity to convince his
audience, and does so, that U.S. immigration policy is, at the very least, ineffective in halting unauthorized immigration across the border it shares with Mexico.

The efficacy of the book is based on the broad range of sources used to outline arguments and more particularly the emphasis placed on showing the human consequences of government policy. Nevins’ arguments are successful on the whole because he frames the debate in a way that arouses compassion for immigrants who feel driven to make such a dangerous journey and humanizes the discussion in a way that makes it possible to understand why some immigrants choose to cross the border clandestinely. This is the primary reason Dying to Live is such a valuable contribution. It reframes a debate that is usually discussed in cold terms of the law, defining any person who crosses the border without authorization as a criminal, and gives life and agency to the subjects of the discussion.

IV. PERSONAL OPINION

I agree strongly with Nevins’ argument that we are living in an age of global apartheid; that the U.S. government’s immigration policies contribute to this phenomenon; and that the debate regarding the Mexican border needs to be refocused on the root causes of unauthorized immigration. I also think that this book is a highly valuable contribution to the field because it presents a progressive and alternative approach to the United States’ relatively static stance on border enforcement.

However, while I agree with the author, the strength of his arguments is less than I would have hoped for. For instance, the entire book rests on the premise that we are actually living in an age of global apartheid. While I am a progressive thinker this is the first time I have encountered the idea of global apartheid, so it is even more doubtful the average reader will have encountered this idea, either. Nevins relies too strongly on the persuasiveness of immigrants’
individual stories when he should focus more energy on arguing that U.S. immigration policy is racist and reminiscent of an apartheid regime.

Particularly in a society that generally denies the continued existence of racism, either *de facto* or *de jure*, he needs to do more than state historical facts and make bald assertions that current laws regarding unauthorized immigration from Mexico are racist. Nevins’ definition of racism—“the fatal coupling of power and difference—fatal in the sense that it shapes one’s life (and death) circumstances”—is integral to understanding his argument that we live in an age of global apartheid. (p184).

In the second chapter Nevins notes that border states passed anti-vagrancy laws, such as California’s “Greaser Act” in 1855, that defined vagrants as “all persons who [were] commonly known as ‘Greasers’ or the issue of Spanish or Indian blood.” (p42). He later argues, in the final chapter, that the essence of racism can be found in the level of disparity that exists between the United States and Mexico, where:

> [w]hich side of a boundary one is born on—something that is permanent and that one cannot change—profoundly shapes the resources to which one has access, the amount of political power on the international stage one has, where one can go, and thus how one lives and dies.

(p186).

This is only one illustration of the way in which Nevins has formulated his argument. In the end I am left wishing *Dying to Live* were directed less at “the choir” and more toward the people across the aisle. After all, those are the people, the legislators and their constituents, proponents of the border fence and the very individuals he calls racist, who really need to hear this story. Immigrants’ lives depend on it.