

Border Crossing as a Form of Resistance

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Abstract: In this paper, I will argue that border crossing can be a form of resistance by conscientious citizens in a democratic society. I will frame the right to leave one's country on the philosophical musings of John Locke regarding the state of nature and the natural rights of the citizens. To balance the classical liberalist disposition of his thoughts, I will appropriate Stanley Aronowitz's and Henry Giroux's distinction between oppositional behavior and resistance. Hopefully, what emerges is a border crosser who is not only concerned with their personal rights, security, and pursuit of happiness but also a critical citizen who resists undemocratic social arrangements, remains rooted in their original community, and retains their hope for meaningful societal changes.

Keywords: Aronowitz, Giroux, Locke, border crossing

Migratory birds cutting across the sky in perfect formations are a fascinating sight to behold. The website of *World Migratory Bird Day* describes avian migration as a natural wonder. "Migratory birds fly hundreds and thousands of kilometres to find the best ecological conditions and habitats for feeding, breeding, and raising their young. When conditions at breeding sites become unfavourable, it is time to fly to regions where conditions are better."¹ As to the reasons why they travel, Priyanka Runwal, an Indian science journalist, reports in *National Geographic* that "[f]inding food is generally believed to be the main driver. Additional motivations could include escaping from inclement weather and reducing exposure to predators or parasites, especially during breeding season."² Birds migrate as an instinctive act of survival. But this is not a guarantee of safety and subsistence. Migration is a precarious expedition with unending threats

¹ "Why Migratory Birds," World Migratory Bird Day, <<https://www.worldmigratorybirdday.org/migratory#:~:text=Migratory%20birds%20fly%20hundreds%20and,regions%20where%20conditions%20are%20better>>.

² Priyanka Runwal, "Bird Migration Is One of Nature's Great Wonders. Here's How They Do It," in *National Geographic* (5 May 2021), <<https://www.nationalgeographic.com/animals/article/bird-migration-one-of-natures-wonders-heres-how-they-do-it>>.

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along the way and at the destination. “Migration is a perilous journey and involves a wide range of threats, often caused by human activities. And as diverse as people and their habits in different countries are, so are the threats the birds face. As migratory birds depend on a range of sites along their distribution area, the loss of wintering and stopover sites could have a dramatic impact on the birds’ chances of survival.”³

This paper is not about the flight of birds. Rather, it reflects on the deeper meaning of border crossing as a human act. Avian migration is a phenomenon that may prompt us to think about human beings as migrants and border crossers. Just like birds travelling long distances to survive and prolong their species, humans may also cross borders in search of more hospitable conditions for nourishment and flourishing. However, unlike birds that simply follow the imperative of the natural world’s rhythms and necessities, human migration may not simply be an escape for biological survival but a conscious reclaiming of agency and the right to imagine a different life.

In this paper, I will argue that border crossing can be a form of resistance by conscientious citizens in a democratic society. I will frame the right to leave one’s country on the philosophical musings of John Locke regarding the state of nature and the natural rights of the citizens. To balance the classical liberalist disposition of his thoughts, I will appropriate Stanley Aronowitz’s and Henry Giroux’s distinction between oppositional behavior and resistance. Hopefully, what emerges is a border crosser who is not only concerned with their personal rights, security, and pursuit of happiness but also a critical citizen who resists undemocratic social arrangements, remains rooted in their original community, and retains their hope for meaningful societal changes.

What Is Border Crossing?

On the website of the *European Commission*, border crossing is formally defined as “the physical act of crossing a border either at a border crossing point or another point along the border.” The context of the Commission’s definition is a situation of crossing the border between two independent, adjacent states. But “[i]n a literal sense, border crossing relates to movement across the geographical and physical borders that define our world.”⁴ Taken at its face value, its definition contemplates a general happening when a person crosses any boundary, may it be between two

³ “Why Migratory Birds,” World Migratory Bird Day.

⁴ Louise Townsin, “Border Crossing,” in *Key Concepts in Intercultural Dialogue*, 109 (2024), <<https://centerforinterculturaldialogue.org/wp-content/uploads/2024/01/kc109-border-crossing.pdf>>.

barangays, two municipalities, two cities, two provinces, two regions, two countries, or even two continents. In this paper, I use the term to refer to the instance when a person leaves their home country for another country, whether adjacent to their country or not. Furthermore, I use border crossing as a generic term to refer to emigration, immigration, expatriation, voluntary exile, and the flight of refugees. It may be noted that there are historical and political issues behind these English lexicons. For example, Mawuna Koutonin, the editor of *SiliconAfrica.com*, wrote a brief article for *The Guardian*, validly raising the politics behind the conventional labelling of Western white border crossers as expatriates and Blacks, Arabs, and Asians as immigrants.⁵ This is an interesting matter, but we can reserve this topic for another day.

Perhaps a few examples may further contextualize how we should understand border crossing in this paper. A young Filipina by the name of Pauline Araki wrote an interesting article for the Youngblood column of the *Philippine Daily Inquirer*, expressing the mainly biological-survival reason why many Filipinos go abroad. She says that “[r]unning away from the *Perlas ng Silanganan* has become inevitable. We really can’t blame these people, can we? Philippines, you left us no choice. Your people need to survive. Your people need to send their children to school, and feed their families, and give them the lives they deserve – and I’m sorry, but your pesos can’t do that for them.”⁶ In 2016, it was reported by *The Guardian* that when Donald Trump was elected as president of the United States, there was an observable increase in online searches like “move to Canada” and “immigrate to Canada,” indicating how some Americans were responding to the election result. This urged various American media outlets to publish articles advising how to relocate to Canada.⁷ Or consider a similar sentiment of Filipino voters disillusioned with Philippine electoral processes when Leni Robredo lost to President Ferdinand “Bongbong” Marcos, Jr. in the May 2022 presidential elections. Through social media, they expressed their desire to leave the country. The Filipino political analyst and legal luminary, Antonio La Viña, agreed but encouraged them to return.⁸

⁵ See Mawuna Remarque Koutonin, “Why are white people expats when the rest of us are immigrants?,” in *The Guardian* (13 March 2015), <<https://www.theguardian.com/global-development-professionals-network/2015/mar/13/white-people-expats-immigrants-migration>>.

⁶ Pauline Araki, “This Is Why We Leave You,” in *Philippine Daily Inquirer* (29 November 2016), <<https://opinion.inquirer.net/99603/this-is-why-we-leave-you>>.

⁷ Ashifa Kassam, “‘Move to Canada’ threats return – but actually emigrating there is difficult,” in *The Guardian* (9 November 2016), <<https://www.theguardian.com/world/2016/nov/09/move-to-canada-trump-election-immigration>>.

⁸ Jaehwa Bernardo, “Planning to Migrate Post-elections? ‘Go Out and Come back,’ Analyst Says,” in *ABS-CBN News* (10 May 2022), <<https://www.abs-cbn.com/spotlight/05/10/22/analyst-to-young-people-ok-to-leave-ph-but-come-back>>.

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The parallel responses of many Americans expressing a desire to leave the United States following Donald Trump's victory, and of Filipinos contemplating migration after Ferdinand Marcos Jr.'s electoral win, prompted me to reflect more deeply on the meaning of border crossing – not merely as a mode of biological survival, but as a political act arising from disillusionment and the perpetual yearning for freedom. Border crossing is reflective of the deeper questions of agency, resistance, and the longing of rational individuals for a more livable political community.

As a final point in this section, it must also be noted that I do not intend to engage with the established field of migration studies across disciplines such as sociology, economics, international law, and policy studies. I am more concerned with the initial act of leaving as a withdrawal of consent, an act of resistance, and an exercise of autonomy and agency. This narrower sense of border crossing is not meant to redescribe migration as a legitimate field of inquiry, but an attempt to contribute in the critical investigation of various forms of resistance by focusing on the legitimacy of exit as a deliberate political act.

A Lockean Basis of the Right to Border Crossing

At the outset, let it be said that the English philosopher John Locke (1632-1704) did not explicitly mention and discuss a specific right of an individual to leave their country. However, I argue that this right can be logically deduced from his foundational account of human beings' natural rights and their consent to establish a political society.

In Locke's *Second Treatise of Government*, he says: "The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which, in the state of nature, there are many things wanting."⁹ By property, he means everything that is proper to humans. So, Locke does not refer only to material possessions such as land, house, animals, and money. Property also includes life and liberty.¹⁰ As regards the state of nature, Locke conjectures an original condition without a civil authority when all humans are completely free and equal. By freedom, he means that in the state of nature, every person is free to determine their actions and regulate their possessions and persons according to their own volition, but within the limits

⁹ John Locke, *Second Treatise of Government*, in *Two Treatises of Government and A Letter Concerning Toleration*, ed. by Ian Shapiro (New Haven: Yale University Press, 2003), §124 and 155.

¹⁰ *Ibid.*, §123, 155. See also John Locke, *A Letter Concerning Toleration*, in *Two Treatises of Government and A Letter Concerning Toleration*, 218.

of the law of nature. And by equality, he thinks that in the natural condition, no one has more power or authority over another.¹¹

But Locke is quick to point out that even without a civil society with its laws and government, this natural condition is not a free-for-all, anarchic world. As he says, “it is not a state of license”¹² because “[t]he state of nature has a law of nature to govern it, which obliges everyone”¹³ This natural law, according to him, is reason itself commanding everyone “that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions”¹⁴

Granted that there is natural law in the state of nature, Locke points out that it still lacks organized systems to enforce justice successfully, administer judgment impartially, and protect property effectively. Thus, even if there is no utter chaos in the natural condition, it is characterized by several inconveniences that may lead to constant uncertainty of life and persistent insecurity of living.¹⁵ First, it is inconvenient because there are no established and settled laws that would serve as the basis of right and wrong, leading to probable biased interpretations and uninformed judgment. Second, the state of nature is inconvenient because there are no impartial judges to settle disagreements, leaving judgments to everyone, who may be governed by their emotions or be negligent and indifferent to true justice. Third, it is inconvenient because there is often no reliable authority to support and execute the right decisions, so offenders may violently defy punishment, making justice dangerous or even fatal for those who try to uphold it.¹⁶

Given the insecurity and inconveniences of the state of nature, people choose to enter political society, consent to relinquish their basic freedom and equality in the natural condition and agree to be governed by civil laws and civil authorities. Reasonable individuals choose to negotiate and concede some of the rights enjoyed in the state of nature so that, in a political society governed by civil laws that they voluntarily impose upon themselves, they will continually enjoy and ensure their rights to life, liberty, and possessions. The natural right of executing the law of nature and punishing the offenders of that law is relinquished to secure fundamental freedoms and rights under a more stable political society. Individuals consent to “unfreedoms” to gain

¹¹ Locke, *Second Treatise of Government*, §4, 101.

¹² *Ibid.*, §6, 102.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ “But variety in manner and method of the enforcement of justice inevitably causes confusion and uncertainty in life, and there is need of a known and certain rule in accordance with which the rights of individuals are to be protected and maintained. It is to secure such a rule that civil society is instituted.” Wm. A. Dunning, “The Political Philosophy of John Locke,” in *Political Science Quarterly*, 20:2 (June 1905), 232.

¹⁶ Locke, *Two Treatises of Government*, §§124–126, 55.

more protection of their property (life, liberties, possessions) inside a more secure, safe, and stable civil society with laws and government. As Locke says: “The only way whereby anyone divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community, for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it.”¹⁷

Now, what if the government does not fulfill its end of the bargain? What if it violates the trust conferred upon it by the people? What if the rulers are corrupt, undermining the rule of law and perpetrating a culture of impunity? What if the systems that are supposed to protect the people’s property (life, liberty, possessions) do not function to advance the overall public interest but serve only the few who are in power? What if the people start to feel helpless and hopeless in a government that belittles their rights, makes a mockery of their freedoms, and puts to waste their efforts, contributions, talents, and skills? What if they no longer consent to this presumed authority? What if the government is, in Lockean language, in a state of war with the members? Locke thinks that at a certain point, people would sense if their leaders consistently and constantly undermine the law and public trust. And when this happens, they will recognize the danger and prepare to resist.¹⁸ In various instances in the *Second Treatise*, Locke hints at different forms of resistance, the most obvious of which is the use of force. Less obvious are what I would call, following the nomenclature of the German economist Albert Otto Hirschman, voice and exit.¹⁹

Regarding the use of force, Locke allows for the people’s right to violent revolution against a tyrannical authority. For him, tyranny happens when a ruler exercises power for their own selfish interests instead of advancing the welfare and protection of the people and their property.²⁰ Because governmental authority is a public trust conferred by the people to preserve their property, they always retain the supreme authority to suppress or supplant a perverted legislature that breaches that trust, since no one can legitimately relinquish their fundamental right to self-preservation and liberty.²¹ Furthermore, Locke contends that if the executive branch abuses its authority by hindering the legislative branch from fulfilling the latter’s function, the executive declares a state of war against the people. In such a situation, the people may use force to restore a legitimate government and

¹⁷ *Ibid.*, §95, 141–142.

¹⁸ *Ibid.*, §210, 192–193.

¹⁹ Albert O. Hirschman, “Exit, Voice, and the State,” in *World Politics*, 31:1 (October 1978).

²⁰ Locke, *Two Treatises of Government*, §§199, 200, and 188.

²¹ *Ibid.*, §149, 166.

ensure their safety.²² In another instance, Locke hints at the legitimacy of resistance when oppression becomes systematic, pervasive, and unbearable so that the oppressive condition endangers the people's lives, liberties, or even religious freedom.²³ Just like any common criminal whose unlawful act may be resisted, those who are in authority who exceed in their exercise of power must also be opposed because even kings and highest authorities are limited by law. In fact, their abuse is worse than that of the common criminal because they are supposed to know the law, have more material possessions, and hold greater trust from the people.²⁴

Granted that the people have the right to reclaim their power, even by means of force, from an abusive government, Locke acknowledges its concomitant inconveniences and harm so that people would rather endure oppression and injustices until such time that they can no longer tolerate their sufferings.²⁵ Hence, he is also quick to point out that the people's right to use force against their government is a last resort when all other nonviolent means have been exhausted.²⁶ In the words of Ian Shapiro, explaining Locke's position, "not every illegal act of the government leaders justifies resistance or rebellion."²⁷ And as Ruth Grant rightly adds, "Locke needs to assure his readers that revolutions are justified only rarely, and not in response to every government that falls short of perfect justice."²⁸ And this is rightly so, because if every grievance of an individual were met by resistance to the authority, Locke says it "will unhinge and overturn all politics, and, instead of government and order, leave nothing but anarchy and confusion."²⁹

Short of a forceful and frequently fatal revolution that leads to the dissolution of the government or society, Locke hints at other, less extreme forms of resistance in confronting government authority that exceeds their power, betrays public trust, and breaks the fundamental contract with the people. The people can also exercise the power of their voice to effect meaningful changes. Premised on the principle of popular sovereignty (*salus populi suprema lex*), he recognizes the supreme authority of the people "to remove or alter the legislative"³⁰ and, at their pleasure, change and displace

²² *Ibid.*, §155, 168–169.

²³ *Ibid.*, §§209–210, 225, and 229, in 192–193, 199, and 201.

²⁴ *Ibid.*, §202, 189–190.

²⁵ *Ibid.*, §§225 and 230 in 199 and 201.

²⁶ *Ibid.*, §230, 201.

²⁷ Ian Shapiro, "John Locke's Democratic Theory," in Locke, *Two Treatises of Government*, 325.

²⁸ Ruth W. Grant, "John Locke on Women and the Family," in Locke, *Two Treatises of Government*, 298.

²⁹ Locke, *Two Treatises of Government*, §203, 190.

³⁰ *Ibid.*, §149, 166.

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the executive.³¹ Admittedly, he does not contemplate here periodic democratic elections as we understand them today,³² but he approves of electoral processes for choosing representatives serving for a limited time,³³ thus giving voice and power to the people by exercising their right to replace or change their representatives through non-violent means.³⁴ Locke also says that this power to peacefully replace corrupt rulers is the best fence against rebellion because it deters rulers from turning into tyrants and makes violent revolution less likely.³⁵

Can the people's voice also be expressed and heard through peaceful protests and demonstrations? Again, Locke's 17th century vocabulary does not explicitly include these specific terms or modern practices of peaceful resistance. However, considering his belief that violent revolution is a last resort, it is not far-fetched that he would prefer alternative means of voicing the people's discontent, lack of consent, and loss of trust in a government that violates their personal and property rights. In an essay on Locke's views on taxation and suffrage, Martin Hughes says:

[t]he belief that government can degenerate into mere unjust violence is a belief which matters not only when we ask how to react in moments of crisis but also when we attempt to design the regular and constitutional political order: it is absurd to give people the right to resist violently when evils have been carried to extremes and yet to deny them access to constitutional politics, which they would naturally use to prevent any government from going to those extremes where violent resistance is needed.³⁶

Besides, the natural rights of the people were not totally relinquished when they agreed to enter civil society. "But the rights surrendered to the government were only those rights which could be exercised better collectively for the benefit of society. All other rights were retained by the

³¹ *Ibid.*, §152, 167.

³² For attempts to relate Locke's understanding of suffrage with the current practices of democratic elections, see the ff: James A. Gardner. "Consent, Legitimacy, and Elections: Implementing Popular Sovereignty Under the Lockean Constitution," in *University of Pittsburgh Law Review*, 52:189 (1990).

³³ Locke, *Two Treatises of Government*, §154, 168.

³⁴ *Ibid.*, §240, 208.

³⁵ *Ibid.*, §226, 199-200.

³⁶ Martin Hughes, "Locke on Taxation and Suffrage," in *History of Political Thought*, 11:3 (Autumn 1990), 434.

individual.”³⁷ This includes their fundamental liberties. Therefore, the rights that we call now freedom of assembly and expression are also consistent with Locke’s insistence on the right of the people to resist an unjust and oppressive government.

If force and voice are alternatives for people who were betrayed by their rulers, what about exit? Can they withdraw their consent to the government through emigration, or what I call in this article as border crossing? I argue that Locke allows for this option as well. Exit is a demonstration of one’s fundamental freedom, a natural right in the state of nature that Locke consistently describes and defends. It may be recalled that by freedom in the state of nature, he pertains to every individual’s power “to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave or depending upon the will of any other man.”³⁸ According to Daniel Layman, Locke’s notion of freedom is commonly interpreted as when “a person enjoys social freedom to the extent that no one interferes with her capacity to enjoy her rights in accordance with her own choices.”³⁹ Therefore, leaving society is an exercise of autonomy that Locke holds sacred. It is an act of reclaiming one’s natural liberty by going out of the boundaries of a society that no longer honors the original agreement.

Another way of explaining the legitimacy of border crossing from a Lockean perspective is through the related doctrine of consent. In an oft-cited passage, Locke says:

Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his consent. The only way whereby anyone divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community, for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it.⁴⁰

³⁷ Robin Handley, “Public Order, Petitioning and Freedom of Assembly,” in *The Journal of Legal History*, 7:2 (1986), 123, <<https://www.doi.org/10.1080/01440368608530861>>.

³⁸ Locke, *Two Treatises of Government*, §4, 101.

³⁹ Daniel M. Layman, “Two Concepts of Consent in Locke’s Political Theory,” in *Etica & Politica / Ethics & Politics*, XVIII:2 (2016), 114.

⁴⁰ Locke, *Two Treatises of Government*, §95, 141–142.

Consent is grounded on everyone's natural freedom, equality, and sovereignty.⁴¹ It is one's conscious, deliberate, and willful choice to agree with other individuals to enter the civil society with its limitations, laws, and leaders for the sake of the protection of property, the security of person, and the enjoyment of living. A. John Simmons explains Lockean consent doctrine by saying that "no man is obligated to support or comply with any political power unless he has personally consented to its authority over him."⁴² Put another way, a government legitimately governs only when the governed consents to be governed. From here, reason dictates that when a particular society generally endangers one's property (life, liberty, possessions), engenders various insecurities, and makes one's life a living hell, then the individual can withdraw their consent, leave that society, form another one, or enter another community that embodies their original ideals.

To be clear, Locke does not approve that an individual will simply leave every time they have a disagreement with laws, policies, and decisions of the rulers. According to Locke, when one consents to the political society, they also consent to the rule of the will of the majority because it assures the possibility of corporate action⁴³ and does not render the original compact empty and pointless.⁴⁴ Therefore, freedom is not negated by yielding to the will of the majority. In fact, it is this concession between the minority and the majority that legitimizes politics and makes collective living possible. And it is not an unquestioning conformity but a form of reasonable compromise to assure the protection of property and the security of persons.

Equally important is his often-discussed distinction between express consent and tacit consent to membership in any society. Express consent may happen when individuals explicitly participate in the formation of the original society.⁴⁵ It may also be given by those who make an overt promise or sign a contract.⁴⁶ It denotes a verbal or a written declaration of membership in a political community.⁴⁷ In other words, it is a consent signified by an explicit physical act. Lockean commentators usually exemplify the modern-day oath of allegiance given by a subject or a citizen to a particular state, where the individual explicitly (verbally or in writing) expresses their membership in the state. Moreover, Locke denies the right to leave society to express consenters unless the government is dissolved or they are removed

⁴¹ Layman, "Two Concepts of Consent in Locke's Political Theory," 111.

⁴² A. John Simmons, Tacit Consent and Political Obligation," in *Philosophy and Public Affairs*, 5:3 (Spring 1976), 274.

⁴³ Locke, *Two Treatises of Government*, §96, 142.

⁴⁴ *Ibid.*,

⁴⁵ *Ibid.*, §119, 152.

⁴⁶ *Ibid.*, §122, 154.

⁴⁷ Theodore Waldman, "A Note on John Locke's Concept of Consent," in *Ethics*, 68:1 (1957), 46.

through a public act.⁴⁸ This restriction is “not so much a constraint on one’s right to relocate as it is the best way to empower citizens to take ownership of their political community.”⁴⁹ But this right does not exclude the right to emigrate. The express consenters may still live abroad, but they must retain their membership in the original society. They can “live outside their own political community for all their remaining life even after they have become members of their own community.”⁵⁰ Therefore, exit as a form of resistance, even for express consenters, is a permissible route for Locke, notwithstanding a restricted one.

Tacit consent is consent without directly saying so, where the tacit consenters “has made no expressions of it at all.”⁵¹ It is a silent approval, a “consent given without words,”⁵² and is simply “inferred from the actions of an individual within the state.”⁵³ For Locke, these actions may involve inheriting and acquiring possessions, enjoyment of the properties and services of the society, such as freely travelling on its roads and renting its lodges. He gives the example of foreigners visiting a particular jurisdiction and enjoying its facilities and services, and thus, tacitly consenting to follow the laws of the said jurisdiction.⁵⁴ If they do not like to follow the law, then they can leave. If they choose to stay and enjoy the benefits of a commonwealth’s domain, then they also consent tacitly to follow its laws. They owe obedience to the laws of the political community, but not allegiance to its government.⁵⁵

But it is not only foreigners and guests who can be considered as tacit consenters of the laws of a particular commonwealth. In fact, for most members of any community, even during the time of Locke, political obligation is more likely to be based on tacit consent than on an explicit one.⁵⁶ For one, Locke says that children are not subjects or citizens of any

⁴⁸ Locke, *Two Treatises of Government*, §121, 153–154.

⁴⁹ Brian Smith, “Hands, Not Lands: John Locke, Immigration and the Great Art of Government,” in *History of Political Thought*, 39:3 (Autumn 2018), 483.

⁵⁰ JK Numao, “Locke on Consent, Membership and Emigration: A Reconsideration,” in *European Journal of Political Theory* (2019), 13. For a contrary view that Locke’s view is that an express consenters cannot anymore emigrate, see John Dunn, “Consent in the Political Theory of John Locke,” in *Political Obligation in its Historical Context: Essays in Political Theory* (New York: 1980), 42. Also, Brian Smith, “Hands, Not Lands: John Locke, Immigration and the Great Art of Government,” 482. Also, Julian H. Franklin, “Allegiance and Jurisdiction in Locke’s Doctrine of Tacit Consent,” in *Political Theory*, 24:3 (August 1996), 407.

⁵¹ Locke, *Two Treatises of Government*, §119, 152.

⁵² John G. Bennett, “A Note on Locke’s Theory of Tacit Consent,” in *The Philosophical Review*, 88:2 (April 1979), 227.

⁵³ Waldman, “A Note on John Locke’s Concept of Consent,” 46.

⁵⁴ Locke, *Two Treatises of Government*, §119, 153.

⁵⁵ Franklin, “Allegiance and Jurisdiction in Locke’s Doctrine of Tacit Consent,” 408.

⁵⁶ *Ibid.*, 407. See also Bowen Greenwood, “Tacit Consent: A Quiet Tyranny,” *Foundation for Economic Education* (1 January 1995), <<https://fee.org/articles/tacit-consent-a-quiet-tyranny/>>.

government or country. Originally, they were under complete paternal authority. When they reach the age of discretion, they are emancipated from their parents, and they can choose the political community they want to be a member of.⁵⁷ Political obligation is not inherited; rather, it is thought out and freely consented to when one reaches the age of discretion. But notice that most of those who reach this age do not expressly consent to be governed, that is, they do not consent either verbally or in writing their allegiance to the government. Obviously, they did not actively participate in the original formation of the political community. They have only tacitly consented through some actions such as the acquisition of properties, participation in political and civic life, undertaking of economic enterprises, payment of taxes, enjoyment of public amenities, or simply deciding to stay and live in the community. Thus, it is not only foreigners or guests but even many citizens and subjects who may be considered as tacit consenters. And it is to the tacit consenters that Locke allows the unconditional right of free movement and opens the path for an exit with the possibility of not returning anymore.⁵⁸ Border crossing is a genuine prospect for an individual to show disgust and dissent. Following Locke, exit is warranted by the consistent failure of the state to fulfill its end of the contract, that is, the provision of freedom, security, well-being, and a flourishing life to its citizens. By exiting from their motherland, resistant citizens defy an oppressive regime and stand up to reclaim their rights.

To conclude this section, the right of border crossing can be deduced from Locke's foundational doctrines of natural liberty, consent, and the legitimacy of political authority. For him, political legitimacy arises only from the free and rational consent of people who opt to give up some natural freedoms to ensure the security of their property, understood broadly as life, liberty, and possessions. When a government fails to uphold this objective, when it betrays the trust of the people, or puts its selfish agenda ahead at the expense of the public good, individuals are not obliged to stay within that political society. Locke's doctrine sanctions the withdrawal of consent through border crossing, especially for those who have only tacitly consented. In this sense, exit becomes an expression of the same natural liberty that legitimizes political obligation in the first place. Even for those who have expressly consented, Locke does not deny the right to live outside their political society, though they may still retain membership. Therefore, Locke's liberal philosophy grants the right of exit as a form of resistance, offering it as an alternative to force or voice, and affirming that true political

⁵⁷ Locke, *Two Treatises of Government*, §118, 152.

⁵⁸ *Ibid.*, §121, 153.

obligation must always rest on the continuing, voluntary consent of the governed.

From Oppositional Behavior to Resistance

John Locke's political philosophy certainly offers a potent grounding for border crossing as a form of dissent, making it a political act and not just purely within the realm of the personal and the mode of biological survival. But his theory seems to presuppose that the border crosser's political obligation to the original society ends upon exit. Thus, it may overlook both the personal and political entanglements that persist between the border crosser on the one hand, and the family and community that they leave behind on the other hand. To fill this gap, I suggest an exploration of Stanley Aronowitz and Henry Giroux's distinction between "oppositional behavior" and "resistance" in their book *Education under Siege: The Conservative, Liberal and Radical Debate about Schooling* (1985), particularly in a chapter titled "Reproduction and Resistance in Radical Theories of Schooling."⁵⁹ Making this important distinction leads to the insight that border crossing, in order to become an authentic form of resistance, has to retain its emancipatory character, that is, it must be critical, hopeful, and remain relational, rooted, and responsible towards the community left behind. In fact, it is this critical and emancipatory spirit that safeguards the Lockean border crosser from a possible accusation of atomistic and rugged individualism.⁶⁰

The book mentioned above is mainly a critical investigation of political and ideological issues concerning public education in the United States and other industrialized societies. Aronowitz and Giroux credit the radical educators for stressing the reality that schools in general are instruments of reproduction, that is, they mainly reproduce the dominant ideologies that help perpetrate and perpetuate oppressive and unjust societal structures. But they also accuse these radical educators of failing to consider the potentialities and realities of educational agents and instrumentalities to critique, challenge, and resist oppression and domination. An overemphasis on reproduction theories holds back the emergence of resistance theories. Preoccupied with the fact that education is the dominator's tool to maintain domination, radical educators overlook that education is also the dominated

⁵⁹ I am indebted to sociologist Gerry Lanuza of the University of the Philippines (Diliman, Quezon City) for leading me to this important distinction between oppositional behavior and resistance in the thoughts of Aronowitz and Giroux.

⁶⁰ For more elaborate defense of Locke's theory against the charge of atomism and rugged individualism, see the following: Ruth W. Grant, "Locke's Political Anthropology and Lockean Individualism," in *The Journal of Politics*, 50:1 (February 1988); Jerome Huyler, "Was Locke a Liberal?" in *The Independent Review*, 1:4 (Spring 1997); Henry Moulds, "John Locke and Rugged Individualism," in *The American Journal of Economics and Sociology*, 24:1 (January 1965).

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people's tool to resist domination. Education is not only an apparatus for the reproduction of dominant ideologies but also a space for human agency, conflict, struggle, and resistance, offering an opportunity and hope "to challenge and change the repressive features of schooling."⁶¹ In other words, domination is not complete, and opposition is completely possible inside "complex and creative fields of resistance."⁶² According to Aronowitz and Giroux:

By downplaying the importance of human agency and the notion of resistance, reproduction theories offer little hope for challenging and changing the repressive features of schooling. By ignoring the contradictions and struggles that exist in schools, these theories not only dissolve human agency, they unknowingly provide a rationale for not examining teachers and students in concrete school settings.⁶³

The two authors criticize both conservative and radical educators for misunderstanding the phenomenon of oppositional behavior in the school setting, such as students' defiant and disruptive behavior, truancy, waywardness, apathy, detachment from academic life, rebelliousness, preoccupation with peer ethos, and others. The conservatives see these misconducts as psychological problems (deviance and inferiority) to be blamed on the individual who exhibits them. On the other hand, the radicals who are too focused on structural problems such as capitalism, class conflict, and hegemony neglect the micro-level practices and the lived experiences of students and teachers. For Aronowitz and Giroux, what is needed is a refinement of the understanding of oppositional behavior and resistance in the school setting, taking into consideration how real people (students and teachers) with real concerns live and direct their daily lives.⁶⁴

The two authors further note the inherent ambiguity of resistance. They observe that "[s]ome acts of resistance reveal quite visibly their radical potential, while others are rather ambiguous; still others may reveal nothing more than an affinity for the logic of domination and destruction."⁶⁵ One cannot mistake the obvious radical potential of forms of resistance such as student protests, political speeches, civil disobedience, and the like. One may

⁶¹ Stanley Aronowitz and Henry Giroux, *Education under Siege: The Conservative, Liberal and Radical Debate about Schooling* (London: Routledge & Kegan Paul, 1985), 71.

⁶² *Ibid.*, 72.

⁶³ *Ibid.*, 71.

⁶⁴ *Ibid.*, 96.

⁶⁵ *Ibid.*, 106.

also not confuse the dominating and destructive nature of actions such as sexual harassment, bullying, and misogyny. But there are actions that appear to be resistance until the motivations are completely revealed. For example, do teachers who leave their work early or who do not prepare their lessons exhibit forms of resistance? Or are they just being lazy and uncommitted to their work?⁶⁶ It is this ambiguity of resistance that radical educators must carefully investigate. In other words, not every oppositional behavior is a form of resistance, even if every oppositional behavior carries its potential to be a form of resistance. To prove this point, Aronowitz and Giroux mention a study made regarding working-class female students in England who appear to resist the repressive demands for passivity and femininity of the school by asserting their sexuality, defying the rules on appearance, and focusing on boys and boyfriends. This is surface rebellion because deeper analysis would show, according to the two authors, that this oppositional behavior might reproduce sexist norms rather than challenge them.⁶⁷ Clearly, a distinction must be made “between forms of oppositional behavior that can be used for either the amelioration of human life or for the destruction and denigration of basic human values.”⁶⁸

Aronowitz and Giroux alert us to the prospects of resistance in oppositional behavior while at the same time cautioning us to the facts of shallow opposition in what appears as forms of resistance. Oppositional behavior *per se* is reactionary and often strengthens and supports the dominant ideology. “To the degree that oppositional behavior suppresses social contradictions while simultaneously merging with, rather than challenging, the logic of ideological domination, it does not fall under the category of resistance, but under its opposite – accommodation and conformism.”⁶⁹ Resistance, however, “redefines the causes and meaning of oppositional behavior by arguing that it has little to do with deviance and learned helplessness, but a great deal to do with moral and political indignation.”⁷⁰ Resistance is not merely disruption or opposition but a historically situated political action with “an expressed hope for radical transformation.”⁷¹ It “represents a significant critique of school as an institution and points to social activities and practices whose meanings are ultimately political and cultural.”⁷²

⁶⁶ *Ibid.*, 106.

⁶⁷ *Ibid.*, 100.

⁶⁸ *Ibid.*, 105.

⁶⁹ *Ibid.*, 105.

⁷⁰ *Ibid.*, 104.

⁷¹ *Ibid.*, 105.

⁷² *Ibid.*, 96.

While education is the main context for the critical reflections of Aronowitz and Giroux on the concept and practice of resistance, I suggest that these insights are equally important to bolster the justification for the act of border crossing as an alternative form of resistance. Specifically, the two authors' attempt to distinguish between oppositional behavior and resistance provides the conceptual tool to fill the gap that a Lockean justification of border crossing leaves.

The first step in this process is the recognition of the inherent ambiguity of resistance as manifested in the act of border crossing. Take, for example, the following Reddit post by a Filipino after the 2022 presidential elections, when Leni Robredo lost to President Ferdinand Marcos Jr.

I've stopped being delusional. This country has no future. I've accepted it and am leaving within the next few months. I suggest the same to you all I'm leaving this post here as a goodbye to the country. Right now, I'm waiting for my visa so that I can study overseas. I know a few Filipinos have this luxury. I am not gonna waste this opportunity to immigrate ... But there's still time for you all. Inflation is sure to hurt your wallets in the next few months, but it'll take a while before s**t really hits the fan ... it takes no genius to predict this country's future. I say this in the most pragmatic sense; there is no hope for this country. If you truly want a better life, have your rights protected, and experience actual government services, leave.⁷³

Notice how that single act of decision to leave the Philippines cannot be simplistically explained as a mere oppositional behavior, a defiant act that goes against established norms of patriotism and conventional methods of non-conformity to the state. Yes, it may be seen as closing one's eyes to higher communal ends, equating exit with abandonment, and a tactic of one who is privileged and who has the material or intellectual resources to leave. It may suggest an individualistic disposition by prioritizing personal survival and self-advancement over collective flourishing. The disgusted author of that post may consider emigration as a rational, self-interested escape from a crumbling system. And it may be interpreted as an act of total surrender to what seems to be a hopeless and helpless condition. This border crosser appears prepared to sever their ties to the Philippines, their community of origin.

⁷³ r/Philippines, "I've stopped being delusional...", *Reddit*, 3 years ago.

But notice as well how the said post, while personal and inclined to be individualistic, also contains some hallmarks of authentic resistance. Aronowitz and Giroux speak about the “revealing function” of resistance, which involves a critique of and a challenge to the logic of ideological domination.⁷⁴ In the post, the border crosser frames their exit as a direct critique of the systemic failures of the Philippine government. The powerful revealing function of phrases such as “have your rights protected,” “experience actual government services,” and “no hope for this country” goes beyond a silent abandonment but an outspoken indictment of what is deemed as contradictions and injustices of the system. And what about the tone of the post to reclaim control over their life and their future, and not to just passively react to the unjust condition or to leave everything to destiny? Just as Aronowitz and Giroux characterize resistance as intentionality and consciousness, the border crosser’s post demonstrates clear agency and intentionality.

It is this very ambiguity of the act of border crossing that creates the space for intentional critique, what Aronowitz and Giroux call “revealing function,” and thus, elevates the said act from mere oppositional behavior to authentic resistance. In other words, the border crosser does not simply abandon their ruined community out of disgust with hands raised in surrender and with minds directed to personal flourishing. Rather, they elevate their criticisms into conscious and deliberate critique; that is, they desire to know and reveal the root causes of exit. Their moral and political indignation does not recoil to personal hatred. Rather, it becomes the motor to turn exit into another alternative voice for consciousness-raising.

Take this other example of Pauline Araki, a young Filipina who wrote a provocative piece in *Youngblood*, a column in the *Philippine Daily Inquirer* dedicated to hearing the thoughts of the Filipino youth. Explaining her reason for leaving, Araki says:

I’d do it, not because I want to, but because I need to. This has stopped being a matter of financial compensation a long time ago. If you are already employed, then you know how depressing the local salary is regardless of your line of work. But when you think about it, it is not the physical worth of the money that is bothering the majority of Filipino workers... Philippines, you are quickly losing your own brilliant minds. You are losing so much potential. You are losing your people. Philippines, you fail to realize the

⁷⁴ Aronowitz and Giroux, *Education under Siege*, 105.

importance of a workforce composed primarily of your own children—people who share not only the same blood but also the same patriotic principles. Philippines, you have to understand that more important than the issue of Leila de Lima’s “sex tape” is the issue of millions of Filipinos using their skills and talents to serve, not Juan de la Cruz, but John Smith, in exchange for the dollars that will help their children get a degree and assist them in also working abroad once they ripen. This is an endless cycle. And I’m surprised that after all these years, you have yet to break this spell. And so this, Philippines, is why we leave you.⁷⁵

At first glance, it appears focused on economic needs and biological survival as the motive for opposition. But, in the same breath, one senses the moral outrage as an undercurrent of the pragmatic concerns—a kind of muddled blending of practical necessity and principled protest. Here, crossing the border is not an *absence of* but *because of* both a personal conviction and a patriotic value that demands from society a better treatment of its citizens. Araki admits that emigration contributes to an endless cycle of supporting those who are left behind so that they can also go abroad. But by openly naming this cycle, she endeavors to break the spell of denial surrounding it. Her decision to leave the Philippines is not a thoughtless participation in the cycle. Rather, it serves a “revealing function,” a kind of critique to push the society to self-reckoning. That is why Aronowitz and Giroux are convinced that “subordinate groups embody and express a combination of reactionary and progressive behaviors – behaviors that embody ideologies both underlying the structure of social domination and containing the logic necessary to overcome it.”⁷⁶

Furthermore, Aronowitz and Giroux think that “resistance must be situated in a perspective that takes the notion of emancipation as its guiding interest.”⁷⁷ The point of critique is emancipation, and at the same time, critique is emancipatory.⁷⁸ Certainly, by emancipation, the two authors do not refer to a purely individualistic notion of deliverance. Rather, they refer to the critical theorist Herbert Marcuse, who talks about “a commitment to an emancipation of sensibility, imagination, and reason in all spheres of

⁷⁵ Araki, “This Is Why We Leave You.”

⁷⁶ Aronowitz and Giroux, *Education under Siege*, 100.

⁷⁷ *Ibid.*, 105.

⁷⁸ “How do we develop a radical pedagogy that makes schools meaningful so as to make them critical, and how do we make them critical so as to make them emancipatory?” *Ibid.*, 109.

subjectivity and objectivity.”⁷⁹ This notion of emancipatory resistance has the capacity to transcend the Lockean border crosser’s preoccupation with private socio-politico-economic rights and envisage a deeper, more holistic, and more meaningful transformation of human experience. Put simply, this holistic emancipation is not only concerned with breaking the bondage of political and economic oppression via emigration, but also a liberation of how we sense, imagine, and think about the world we leave and the world-to-come.

Border crossing becomes emancipatory when it confronts both social structures and inner life, what Marcuse calls the spheres of objectivity and subjectivity. It disrupts commonsensical rationality enforced by conventional borders. For example, it provokes rethinking of the marginality of the migrant and critique of the traditional notions of citizenship, patriotism and nationalism, border and territory, nation-state and nation-building. Do human rights necessitate citizenship? Up to what extent can the border-crosser participate in nation-building? Do we make hasty generalizations when patriotic feeling and nationalistic conviction are mainly centered on whether one crosses the border or stays in their motherland? Indeed, it is possible to imagine resistance not just from the mountains of Sierra Madre but also from the skyscrapers of Sydney; not just by spraypainting the steel beams of Ayala Bridge but also by inscribing new maps of life on London Bridge; not just by reclaiming the spaces of Mendiola but also by unsettling the borders of belonging in Milan. Concretely, I think of border crossers whose political advocacies point to a continuing critique of the oppressive regimes they left behind. I imagine border crossers who actively send financial support not only to address the economic needs of their families at home but also to support progressive causes and movements. And what about those who harness from afar the immense power of technology to expose state repression, correct fake news, and give voice to the voiceless? Finally, I revere the modern-day *illustrados*⁸⁰ who make the world their classroom, making exit as a tactic and not a final act, with the deep resolve to return not to comply but to confront.

Closing Remarks

By way of closing this piece, I intend to respond briefly to two possible objections to the prospect of border crossing as a form of resistance.

⁷⁹ *Ibid.*, 105

⁸⁰ I refer to the likes of Jose Rizal, Graciano Lopez Jaena, Marcelo del Pilar, and Mariano Ponce. These Filipinos who were educated in Europe and formed the Propaganda Movement in the late 19th century. These are Filipino intellectuals and border crossers who returned to their homeland bringing with them an entire world to challenge the colonial worldview.

A sharp mind might retort that border crossing, even if adorned with progressive concepts such as critique and emancipation, appears to be an abandonment of hope in local struggles. The critic would say that the real engagement is in the homeland, and any act of leaving is a less effective strategy for meaningful changes. Then, why leave? To respond to this, I acknowledge first the ongoing significance of resistance from within. Progressive candidates are elected. Grassroots organizing and people's movements remain potent vehicles to shake the status quo. An enlightened electorate is not an impossibility, although a remote one in flawed democratic societies characterized by patronage politics, political dynasties, and private interests. There remains a plethora of forms of resistance for conscientious and creative citizens without abandoning their homeland. However, political awakenings happen in different sizes, shapes, and hues. Uniformity of action is a recipe for the demise of political hope. Border crossing is not an abandonment of hope; it is hope reimaged, reconfigured, and radicalized. It can turn into a strategy to accumulate resources, to widen one's freedom of speech and expression, and to maximize the global platforms that may be inaccessible or risky in one's original society. And so, while others stay, vocalize, organize, and mobilize, others may leave and resist from various vantage points. It is this latter form of resistance that is not so much explored and recognized in various theories of resistance.

Another sensible objection may come from thoughtful critics who have observed the precarity and risk that immigrants, especially from the Global South, confront in developed Western nations. Racism and xenophobia remain serious problems in many advanced societies. Social alienation, labor exploitation, and complicated legalities await the migrants. To respond to this, I begin with a basic question: "But what are the risks of staying?" For many border crossers, economic misery, political repression, and moral degradation are more dangerous realities in their original society. And isn't it more dangerous to remain complicitly participative in a society that has betrayed its citizens? Furthermore, the presence of risk does not invalidate the political import of border crossing as a form of resistance. On the contrary, any form of resistance is supposed to be risky; risk belongs to the very nature of resistance. And political action takes its meaning from the risk it entails. Border crossers confront the risk, and by doing it, they become the living testimonies of the failures, betrayals, and hypocrisies of the society they left behind.

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