

Quaker Roots in Jim Corbett's Nonviolent Sanctuary: The Unrecognized Influence of the Pacifist Research Bureau and the Legal Scholar, Harrop A. Freeman (1907-93)

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This article will reveal significant parallels between Jim Corbett's (1933-2001) theory of nonviolent direct action, which he called civil initiative, and the pacifist theoretical work conducted by Quaker figures associated with the Pacifist Research Bureau (PRB). Based in Philadelphia, the PRB operated from 1942-49. The Quaker legal scholar Harrop A. Freeman led the Bureau and had a long academic career at Cornell University from 1945-74. Freeman became a leading exponent of revolutionary secular pacifism in the 1960s and formulated a legal theory justifying the legality of nonviolent revolution. The article argues that Jim Corbett drew upon theoretical elements of Quaker nonviolent direct action featured in PRB publications, identifying parallels between Corbett's theory of nonviolent direct action and Freeman's theory of the legality of nonviolent revolution.



Introduction

Jim Corbett is widely seen as a founding figure of the 1980s Sanctuary Movement, a grassroots effort by faith communities to provide protection to persons displaced by political violence from Central America.¹ Leo Guardado describes him as a ‘key catalyst for starting a sanctuary ministry in Tucson, Arizona’, a ministry that became a ‘transnational movement’.² Corbett, who in the 1950s studied philosophy at Colgate and Harvard, joined the Religious Society of Friends in 1962 and later became an anti-war protester during the Vietnam War.³ His affiliation with the Religious Society of Friends is commonly noted by biographers and scholars of the Sanctuary Movement.⁴ While progress in research focusing on Jim Corbett has been consistently advancing, careful examinations of the Quaker roots of his ideas and practices, or of the Quaker sources or concepts that informed how he envisioned the movement, are limited.

Thus, the aim of this article is to address this gap in Sanctuary Movement scholarship by establishing the distinctively Quaker roots of Corbett’s conceptualization of sanctuary as a form of nonviolent direct action.⁵ It is worth noting, that by underscoring the Quaker roots of Corbett’s theory of nonviolent direct action, this article does not intend to deny that he integrated other streams of thought in his pacifist theoretical work. Corbett drew on his Quaker background and previous experience in the anti-war movement to make sense of, shape, and lead a grassroots movement for which

¹ Jim Corbett’s unpublished primary source material cited in this article is in the archival holdings of Community Church of Boston (Boston, MA) and Old Cambridge Baptist Church (Cambridge, MA). This article is part of a larger project focused on the history of the Sanctuary Movement in New England. The writings of Jim Corbett circulated broadly among New England Sanctuary Activists. Quaker meetings in Hartford, Connecticut, the New England branch of the American Friends Service Committee, at the time located in Cambridge, Massachusetts, as well as the Mount Toby Friends Meeting in Leverett, Massachusetts, played a central role in the Sanctuary Movement in New England. Jim Corbett’s papers are archived at the University of Arizona, and further research in this collection will be pursued at a later stage of the larger project.

² Guardado, L., ‘Just Peace, Just Sanctuary: Immigration and Ecclesial Nonviolence’, in McCarthy, E. S. (ed.), *A Just Peace Ethic Primer*, Washington, DC: Georgetown University Press, 2020, p. 85.

³ Corbett, C., *The Sanctuary Church*, Pendle Hill Pamphlet 270 (1986), p. 2; Smith, C., *Resisting Reagan: The U.S. Central American Peace Movement*, Chicago, Ill.: The University of Chicago Press, 1996, pp. 60–62; Waters, A., ‘Alternative Internationalisms: The Sanctuary Movement and Jim Corbett’s Civil Initiative’, *Diplomatic History* 46 (2022), pp. 989–90.

⁴ Davidson, M., *Convictions of the Heart: Jim Corbett and the Sanctuary Movement*, Tucson, Az.: The University of Arizona Press, 1988, pp. 2–3; Cunningham, H., *God and Caesar at the Rio Grande: Sanctuary and the Politics of Religion*, Minneapolis: University of Minnesota Press, 1995, pp. 23–25; Smith, *Resisting Reagan*, p. 60, p. 62; Nepstad, S. E., *Convictions of the Soul: Religion, Culture, and Agency in the Central America Solidarity Movement*, New York, NY: Oxford University Press, 2004, pp. 128–29; Waters, ‘Alternative Internationalisms’, pp. 987–88; Guardado, L., *Church as Sanctuary: Reconstructing Refuge in an Age of Forced Displacement*, Maryknoll, N.Y.: Orbis, ebook edn., 2023.

⁵ Kent and Spickard, while opening their discussion of radical Quaker politics with a reference to Jim Corbett, do not discuss either the Quaker roots nor the Quaker influences on Corbett’s thought. Kent, S. A. and Spickard, J. V., ‘The “Other” Civil Religion and the Tradition of Radical Quaker Politics’, *Journal of Church and State* 36 (1994), pp. 373–87.

there were not many real precedents in U.S. history, apart from the antebellum-era Underground Railroad. Moreover, the article proposes that Corbett's notion of 'civil initiative' closely parallels ideas advanced decades earlier by the Quaker legal scholar Harrop A. Freeman and that both represent a form of left-wing libertarianism.⁶

Libertarianism is often seen as an ideology closely related to conservatism. William S. Maddox and Stuart A. Lilie characterize libertarianism as a 'highly individualistic extension of classical liberalism into the 20th century', whose core ideas include a view of property rights as constitutive of individual rights and the notion that free economic transactions are fundamental to personal development.⁷ The conservative philosopher, Robert Nisbet posited that an essential difference between conservatives and libertarians is their differing perspectives on authority, libertarians seeing 'social and moral authority and despotic political power as elements of a single spectrum'.⁸ However, historically, there is also a left-wing libertarianism, which Nisbet referred to as libertarian anarchism.⁹ Kenyon Zimmer claimed that a tradition of left-wing libertarian anti-Communism had been erased 'from Cold War and post-Cold War scholarship within which the poles of left and right are defined in terms of support for either Soviet Communism or American democracy'.¹⁰ It is the contention of this article that Jim Corbett, like Harrop A. Freeman, stood in this tradition of left-wing libertarianism. Indeed, many sanctuary activists gravitated towards the new movement after their militancy in other grassroots endeavours such as the anti-war and the nuclear weapons freeze movements.¹¹

In general, references to Quaker faith and practice in Sanctuary Movement scholarship are casual and lacking in depth of appreciation for the complexity of Quaker religious thought. The correlation between Corbett's conceptualization of the movement, the history of Quaker involvement in international refugee relief, and the international pacifist movement in the twentieth century is crucial. Together, these are elements that help us place Jim Corbett's conceptual contributions to the Sanctuary Movement in continuity with a broader stream of religious and philosophical

⁶ Power, P. F., 'On Civil Disobedience in Recent American Thought', *The American Political Science Review* 64 (1970), p. 36, note 6.

⁷ Maddox, W. S. and Lilie, S. A., *Beyond Liberal and Conservative: Reassessing the Political Spectrum*, Washington, D.C.: Cato Institute, 1984, pp. 14–15.

⁸ Nisbet, R., 'Conservatives and Libertarians: Uneasy Cousins', *Modern Age* 24/1 (1980), p. 7.

⁹ ----, 'Conservatives and Libertarians', p. 6.

¹⁰ Zimmer, K., 'Premature Anti-Communists?: American Anarchism, the Russian Revolution, and Left-Wing Libertarian Anti-Communism, 1917–1939', *Labor: Studies in Working-Class History* 6/2 (2009), p. 46.

¹¹ Surbrug, R., *Beyond Vietnam: The Politics of Protest in Massachusetts, 1974–1990*, Amherst, Mass.: University of Massachusetts Press, 2009, pp. 171–208.

thought. The problem is evident in Miriam Davidson's biography of Jim Corbett. In the introduction, Davidson starts with an account of how the eighteenth-century Quaker, John Woolman (1720–72) became an ardent abolitionist. Davidson then leaps forward in time to Jim Corbett, suggesting a continuity of underlying Quaker principles between both men without acknowledging early twentieth-century Quaker contributions to pacifism that influenced him: 'Two hundred and forty years later, on the other side of the continent, another American Quaker [i.e., Corbett] had an experience similar to Woolman's writing of the bill of sale' (i.e., the bill of sale of an enslaved person, which led to Woolman's conversion to the cause of anti-slavery).¹²

More consequential is the way that the lack of engagement with Quaker history and sources among Sanctuary Movement scholars has shaped the interpretation of Corbett's intellectual contributions. While the Sanctuary Movement gained national reach, its leadership centred on two key organisations: the Tucson Ecumenical Council Task Force (TECTF) and the Chicago Religious Task Force (CRTF). Numerous far-reaching differences emerged between these two clusters of sanctuary activists. Among these was a divergent organisational vision for the movement: while the TECTF advocated a decentralised structure, the CRTF promoted a more centralised model.

Hilary Cunningham attributed these opposing visions to the religious cultures that permeated each one of these organisations. The CRTF was led mostly by 'Catholic clerics, nuns, and laypersons'.¹³ The TECTF, on the other hand, reflected what Cunningham termed a 'Quaker/congregationalist-Protestant' culture.¹⁴ Cunningham conflated in this way the religious identities of the Tucson leadership, which in addition to Corbett (Quaker), included John Fife (Presbyterian) and Ricardo Elford (Roman Catholic priest). Moreover, Cunningham deducted from this conflation an explanation for what she called the 'structure of administration' and the 'ideology of membership' of the Tucson-based organisation: 'TECTF, strongly influenced by a group of unprogrammed Quakers and Presbyterians whose traditions rejected overarching creeds, doctrine, and hierarchical decision-making structures, pursued a vision of Sanctuary modelled on a congregational paradigm'.¹⁵

Cunningham characterised TECTF's organisational structure and the personal networks it fostered as a 'unique experiment in the organisation of religious culture'.¹⁶ In addition, or running parallel to the TECTF's religious culture, Cunningham identified

¹² ----, *Convictions of the Heart*, pp. 1–3.

¹³ ----, *God and Caesar*, p. 42.

¹⁴ ----, *God and Caesar*, p. 42.

¹⁵ ----, *God and Caesar*, p. 42.

¹⁶ ----, *God and Caesar*, p. 110.

the influence of Latin American liberation theology and the ecclesiastical model of the ‘comunidades de base’, or ‘basic Christian communities’, to which sanctuary leaders like Corbett made recurring references.¹⁷ In fact, Cunningham argued that Corbett, who was a prominent advocate of the decentralised model, blended the ‘Quaker belief that all persons (regardless of social status) can be a vehicle of God’s grace’ with the ecclesiastical model of the ‘comunidades de base’ to concoct his ‘multiconfessional’ model of the ‘covenant-formed base communities’.¹⁸ Not only did Corbett seek a conceptual synthesis between certain Quaker principles and these basic Christian communities but he also incorporated Quaker discernment and decision making principles into the regular deliberations of the Tucson-area sanctuary network.¹⁹ In this way, Cunningham initiated a quest for a deeper understanding of Corbett’s ideas. While her work addressed other aspects of the Sanctuary Movement, her attempt to elucidate the organisational structure of the Tucson sanctuary network raised weighty questions about the intellectual and religious origins of the decentralisation approach adopted by the network’s leaders, including Corbett.

Following Cunningham’s lead, Adam Waters has published the only study that places Corbett’s Quaker identity—rather than the influence of Latin American liberation theology—at the heart of the question. Moreover, Waters narrows the scope of the inquiry by focusing on Corbett’s notion of ‘civil initiative’. According to Waters, ‘civil initiative had at its core the contention that, in assisting Central Americans on their journey to the United States and shielding them within houses of worship, sanctuary activists were not breaking national and international refugee law, but rather were upholding the law against the U.S. government’s immoral and illegal actions to curb the flow of migrants’.²⁰ Waters attributes Corbett’s concept of civil initiative to his adherence to ‘unprogrammed liberal Quakerism’, characterised by ‘efforts to advance peace and social justice’.²¹ Thus, Waters contends that Corbett translated the experience of the unprogrammed Quaker community into his idealised understanding of the sanctuary community. However, Waters bases his interpretation on generic Quaker traits such ‘an orthopraxy of acts of loving support’, organisational decentralisation, pacifism, and ‘scepticism of religious and political dogma’.²² Like Cunningham, Waters did not

¹⁷ -----, *God and Caesar*, p. 110.

¹⁸ -----, *God and Caesar*, 112; Corbett, J., ‘The Covenant as Sanctuary’, *CrossCurrents* 34 (1984–85), p. 393; reproduced in Corbett, J., ‘The Covenant as Sanctuary’, in MacEoin, G. (ed.), *Sanctuary: A Resource Guide for Understanding and Participating in the Central American Refugees’ Struggle*, San Francisco: Harper & Row Publishers, 1985, pp. 183–97.

¹⁹ -----, *God and Caesar*, p. 171.

²⁰ -----, ‘Alternative Internationalism’, p. 987.

²¹ -----, ‘Alternative Internationalism’, pp. 988–89.

²² -----, ‘Alternative Internationalism’, pp. 993, 996, 1003.

advance a thesis about the Quaker intellectual sources of Corbett's conceptualization of the Sanctuary Movement.

In *Church as Sanctuary*, Leo Guardado has provided the most detailed study of Corbett's philosophy of civil initiative.²³ Like Waters, he follows Cunningham's lead by premising his research with the question of religious culture. However, Guardado digs deeper into the intellectual streams that informed Corbett's contributions as a theorist of civil society. He claims that due to the wide range of sources that he managed, it is 'difficult to categorize' Corbett's 'influence on sanctuary as simply a Quaker influence'.²⁴ Noticing Corbett's own description of civil initiative as 'a form of Satyagraha', Guardado posits the influence of Mahatma Gandhi in Corbett's nonviolent philosophy. He then proceeds to identify the parallels between Corbett's and Gandhi's pacifism.²⁵ While advancing our understanding of Corbett's thought and identifying a crucial intellectual source, Guardado has not fully addressed the question of continuity between Corbett and preceding Quaker contributions to international refugee relief work, war resistance, nonviolent protest, and pacifist jurisprudence.

Jim Corbett and the Left-wing Libertarian Character of Civil Initiative

The 1980s was a trying period for the people of Central America.²⁶ The success in 1979 of the Sandinistas in Nicaragua created a new geopolitical situation with hemispheric repercussions. Nicaragua became the second country after Cuba to have a revolutionary regime in power, in open defiance of the United States in a region that had for decades been regarded as 'America's backyard'. In addition, a decades-long civil war of genocidal proportions continued to rage in Guatemala and mounting political violence in El Salvador deteriorated into civil war. Meanwhile, the neighbouring country of Honduras became increasingly militarised as it was used as the base of operations for the US-backed campaign against the Sandinista regime in Nicaragua.

As a result of the violence, thousands of civilians in these countries were internally displaced. They were often removed from their ancestral lands as governments in the region followed a strategy of low intensity conflict and operated under the theory that rural villages were as vital to the insurgent guerillas as water to fish. The massive displacement of civilians that took place throughout the region during the 1980s was felt in the United States as the refugees made their way through Mexico to the American Southwest. The United Nations High Commissioner for Refugees estimated that in 1981

²³ ----, *Church as Sanctuary*, ch. 2.

²⁴ ----, *Church as Sanctuary*, ch. 1.

²⁵ ----, *Church as Sanctuary*, ch. 2.

²⁶ ----, *Resisting Reagan*, pp. 3-32.

there were some 200,000 refugees from northern Latin America, 180,000 of which were Salvadorans.²⁷

Corbett moved to Arizona in 1977 with his wife, Pat Corbett.²⁸ On May 4, 1981, he learned through a Quaker friend, Jim Dudley, about the increasing number of Salvadoran refugees crossing the United States–Mexico border through the Sonoran Desert and the treatment they were receiving at the hands of the U.S. Border Patrol.²⁹ Subsequently, Corbett, his wife Pat, and other friends began assisting Central American refugees in their journey through the border.³⁰ He was credited with assisting ‘seven hundred Central Americans’ across the border by 1984.³¹ In 1987, as in many other occasions, he described how he and Pat found themselves amid an unfolding humanitarian border crisis, ‘spending hours each day’ listening to the horrors they experienced back in their countries.³²

Alongside other leaders, he took a prominent role in the Tucson Ecumenical Council Task Force as well as in the creation of a national relay network for Central American refugees. In 1985–86, he was among the defendants in the Arizona Sanctuary Trial that was held from January 1985 to May 1, 1986. By the end of the trial, he was acquitted of all charges. In his public speeches and writings, Corbett insisted that the Sanctuary Movement stood on solid moral and legal grounds. For Corbett, the Sanctuary Movement was ‘a direct response by faith communities to the arrival of Central American refugees’.³³ He claimed that sanctuary–providing communities derived their legitimacy from two distinctive sources: their own faith traditions and international human rights law.

Corbett was a figure of national influence and, consequently, copies of his letters circulated widely.³⁴ His letters and essays interwove musings and reflections that

²⁷ United Nations General Assembly, *Report of the United Nations High Commissioner for Refugees*, Supplement No. 12 (A/37/12) (18 August 1982), accessed June 30, 2024: <http://www.unhcr.org/en-us/excom/unhcrannual/3ae68c880/report-united-nations-high-commissioner-refugees.html>; Simons, M., ‘Mexico, in Role Switch, Struggles with Immigrant Tide from South’, *The Washington Post* (May 23, 1981), p. A22.

²⁸ Gust, D., ‘Quixotic Sanctuary Founder Focuses on Human Rights’, *Arizona Daily Star* (May 02, 1986), p. 8.

²⁹ -----, *Convictions of the Heart*, pp. 12–16; -----, *God and Caesar*, pp. 23–26.

³⁰ MacEoin, G., ‘Birth of a Conspiracy’, *CrossCurrents* 34 (1984–85), pp. 391–92.

³¹ Golden, R. and McConnell, M., *Sanctuary: The New Underground Railroad*, Maryknoll, N.Y.: Orbis Books, 1986, p. 37.

³² Corbett, J., ‘Responding to the Knock on the Door’, paper prepared for the Jerome Hall Dialogue (1987), located in the archival holdings of Community Church of Boston, Boston, MA.

³³ Corbett, J., ‘Toward a Quaker View of Sanctuary: Preliminary Discussion Draft Prepared for the Annual Gathering of Friends General Conference, Carleton College, June 28–July 5, 1986’, p. 1. Original copy in Laura Rambikur’s collection of documents from the Tucson Ecumenical Council Task Force, located in the Sanctuary Project, Boston University School of Theology, Boston, MA.

³⁴ In fact, copies of his letters can be found in the Greater Boston area in the archives of the Unitarian Universalist, Community Church of Boston, as well as in the archives of Old Cambridge Baptist Church.

contributed to the shaping of the new movement. In some of his letters he treated organisational considerations. Among his strategic proposals were designs for a decentralised organisational model. A letter of 10 August 1983 is a great example.³⁵ His chief concern was the access, or lack thereof, that refugee communities in the United States had to information and counselling. He called for the creation of a referral service, or a 'Sanctuary Screening and Referral Service', which would provide 'the initial sanctuary screening. It will refer potential sanctuary candidates to counselors and for those refugees who are not potential sanctuary candidates the service will provide information about a full range of social and legal services, and referrals to appropriate organizations and agencies'.³⁶

Corbett also advanced a second concept, namely the creation of a system of stand-by refuge. He realised that the practice of public sanctuary could pose a risk to the safety of refugees. Once their identities and locations were disclosed, it would be almost effortless for authorities to detain and process them for deportation. Hence, he intended this system to help protect the identity of the *de facto* refugees. As he described this alternative: 'In this connection, we also need to develop a system of stand-by refuge for refugees who do not wish to participate in declared public sanctuary'.³⁷

Other proposals reveal the significance of his past activism as an anti-war protester in determining his conceptualization of the Sanctuary Movement. Like many other sanctuary activists, he feared that the United States would increase its military intervention in Central America. Consequently, he also advocated that organising work be done with United States military personnel to foster a war resistance movement in response to national foreign policy towards the region.³⁸

In his writings, Corbett also dealt with the legal and moral justifications of the practice of sanctuary. Waters as well as Guardado have centred their interest in Corbett's notion of 'civil initiative'.³⁹ What is important to know, but not addressed in the existing Sanctuary Movement scholarship, is that Corbett's notion of civil initiative represents his original contribution to the development of pacifist theory. He conceived civil initiative as a form of nonviolent direct action and as such he intended to take pacifist theory a step further into the realm of the realisation of pacifist protective action. The

³⁵ Jim Corbett, letter, double-sided copy, dated 10 August 1983, signed by Jim Corbett. A concept paper in which Corbett describes a 'Sanctuary Screening and Referral Service'. Archives of Old Cambridge Baptist Church (OCBC) Sanctuary Project, Boston, MA: Boston University School of Theology, Boston, MA., OCBC digital item no. 11 and digital item no. 12.

³⁶ Corbett, J., Letter of 10 August 1983.

³⁷ Corbett, J., Letter of 10 August 1983.

³⁸ Corbett, J., Letter of 10 August 1983.

³⁹ ----, 'Alternative Internationalisms', pp. 1005-6; ----, *Church as Sanctuary*, ch. 2.

practice of sanctuary was just one form of civil initiative. Indeed, Corbett contemplated other forms of civil initiative such as land redemption, an endeavour to which he and Pat were already dedicating time and energy in 1986.⁴⁰

In his essay, 'The Covenant as Sanctuary', Corbett laid out the programmatic components of his juridical theory, which he acknowledged were lacking in the beginning of the movement.⁴¹ Thus, by late 1984, a salient feature of his concept was the distinction he made between civil initiative and civil disobedience. In fact, he emphatically insisted that civil initiative is not civil disobedience and indicated that these are often confused.⁴² He had a solid grasp of the intellectual history of civil disobedience, and he underscored that civil initiative was a significant 'variation' of the tradition. In fact, Corbett explicitly set apart his rendering of civil initiative from the tradition of civil disobedience associated with figures like Mahatma Gandhi:

Initially, those of us involved in sanctuary assumed that, as nonviolent direct action that government officials claim is unlawful, sanctuary is a variant of the civil disobedience that matured in the practice and reflection of Thoreau, Gandhi, and King. But our subsequent practice of sanctuary on the border has led to the discovery that, as community with the persecuted, sanctuary is the foundation for peacemaking that is in significant measure outside the range of civil disobedience.⁴³

For Corbett, civil initiative reaches beyond resistance because it impels activists into a creative orientation that Corbett describes as 'co-creative initiative'.⁴⁴ The inner strength of civil initiative originates in the moral duty to protect victims of state crimes.⁴⁵ He labels sanctuary as a form of 'prophetic witness', and he adds that in the context of the refugee crisis this is the 'only nonviolent way to hold the state accountable'.⁴⁶ The aim of civil initiative is to check and balance a corrupted state's use of violence: 'As a people of peoples that covenant to do justice and to love mercy (that is, to do justice nonviolently), the church has an enormous potential for checking and balancing the state's use and abuse of coercive force'.⁴⁷ Consequently, civil initiative opens the path to *shalom*, as it creates the conditions for the actualizing of fundamental liberties.⁴⁸ The

⁴⁰ Corbett, J., 'Dear Friends' (December 23, 1986), archives of Community Church of Boston, p. 1.

⁴¹ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 184.

⁴² -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 189.

⁴³ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 189.

⁴⁴ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 186.

⁴⁵ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 190.

⁴⁶ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 196.

⁴⁷ -----, *The Sanctuary Church*, p. 13.

⁴⁸ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 193.

actualisation of liberty represents for Corbett the only way to fulfil the ‘harmonious community’: ‘Individuals can resist war and injustice, but only a people can live *shalom* (harmonious community) into actuality’.⁴⁹

Due to the exigencies of the refugee crisis, Corbett did not always acknowledge his sources or conversation partners in his writings. However, he was clearly well acquainted with Quaker literature and pacifist ideas. Indeed, Corbett’s notion of civil initiative was a distinctly left-wing libertarian concept rooted in Quaker principles. In ‘Sanctuary and Revolutionary Struggle’, he elaborated on some of the philosophical ideas underpinning his perspective on sanctuary.⁵⁰ The essay was the result of a talk he gave at Pendle Hill in November 21–23, 1986, at a moment in which the Sanctuary Movement was experiencing profound ideological divisions. He argued that sanctuary should be offered to refugees from anywhere in Central America, including Nicaragua. The CRTF leadership, on the other hand, aimed to prioritise refugees from El Salvador and Guatemala. More significantly, they sought to connect the Sanctuary Movement with the revolutionary causes in these countries.

He took the opportunity at Pendle Hill to underscore another important difference between him and the CRTF; namely, their perspectives on the revolutionary struggle. Corbett claimed that the armed revolutionary projects in El Salvador and Guatemala had failed: ‘But the revolutions in Guatemala and El Salvador are moribund’.⁵¹ He also claimed that supporters who relied on just war theory to justify ‘armed struggle’ in the region were now ‘out of options’.⁵² He lamented that it was too late for just war proponents to take nonviolence seriously. Instead of establishing revolutionary governments, reliance on armed conflict contributed to the entrenching of military rule.⁵³ Regrettably, the readiness of the people to accept armed struggle as the only option matched their readiness to accept fascism as a solution, as it had been the case in Francoist Spain.⁵⁴ Consequently, he saw the difference between him and the CRTF coming down to a ‘crucial choice between the protection of human rights and the promotion of revolutionary struggle’.⁵⁵

If in the early years of the Sanctuary Movement, Corbett praised Christian ‘*comunidades de base*’ and made passing references to Latin American Liberation

⁴⁹ -----, ‘The Covenant as Sanctuary’, in *Sanctuary: A Resource Guide*, p. 185.

⁵⁰ Corbett, J., ‘Sanctuary and Revolutionary Struggle (abbreviated from a discussion piece used at Pendle Hill, November 21–23, 1986)’, located in the archives of Community Church of Boston.

⁵¹ -----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁵² -----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁵³ -----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁵⁴ -----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁵⁵ -----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

Theology, by 1986 he had become a convinced critic. Leaders of the CRTF such as Darlene Nicgorski and Renny Golden were Roman Catholic and exponents of Latin American liberation theology. At Pendle Hill, however, Corbett referred to the work of the Quaker economist John P. Powelson, *Facing Social Revolution: The Personal Journey of a Quaker Economist*.⁵⁶ Corbett wrote a foreword to the book, which was published in 1987, months after his talk at Pendle Hill.

Powelson's book was a memoir of his work as 'economic advisor to third-world governments'.⁵⁷ At the heart of the book was a reflection about the compatibility of Quaker principles with the role of state violence and coercion in the advancement of international economic development. Although not a major theme of the book, Powelson dedicated a chapter to Latin American Liberation theology.⁵⁸ For him Latin American liberation theology's commitment to revolutionary social change was unwarranted. The use of violence and coercion to effectuate change could only produce more violence and coercion. Powelson's was a clear anti-revolutionary stance, critical of violent revolutionary change: 'If we change the system by war, the new system is one of war. If we change the system by threat, we create a system of threat'.⁵⁹ In contrast, he proposed that change should be slow, deliberate, and consensual: 'But if we change the system slowly, patiently, compromisingly, plodding with each piece, our system will continue to change slowly, piece by piece'.⁶⁰

Corbett, in his brief foreword, resonated with Powelson, pointing to the futility of just war theory.⁶¹ He referred to Powelson during his talk at Pendle Hill to make a larger point about the ideological differences within the Sanctuary Movement. People on the left, Corbett claimed, could not grasp Powelson's 'paradigmatically' Quaker perspective and labelled him an 'archoconservative'. Powelson himself reflected about this and credited the attribution to his inclination to defend the institutions that protect liberty and personal freedoms: 'These institutions are forged slowly, by negotiation more than by war, and we must not be impatient because they are not yet all in place'.⁶²

Corbett saw a similar dynamic occurring within the Sanctuary Movement, pointing out that he was often described as an 'anarchist Quaker cowboy'.⁶³ What was common

⁵⁶ Powelson, J., *Facing Social Revolution: The Personal Journey of a Quaker Economist*, Boulder, Col.: Horizon Society Publications, 1987.

⁵⁷ -----, *Facing Social Revolution*, cover verso.

⁵⁸ -----, *Facing Social Revolution*, pp. 113–18.

⁵⁹ -----, *Facing Social Revolution*, p. 113.

⁶⁰ -----, *Facing Social Revolution*, p. 113.

⁶¹ Corbett, J., 'Foreword', in Powelson, *Facing Social Revolution*, p. ii.

⁶² -----, *Facing Social Revolution*, p. 39.

⁶³ -----, 'Sanctuary and Revolutionary Struggle', p. 3.

to Powelson and Corbett, he explained, was their appreciation for civil liberties and the institutions that protect them. Moreover, this was a political orientation that was rooted in their Quaker identity and understanding of Quaker history. ‘Many of the liberties restraining coercion and state absolutism that we now refer to as human rights and the rule of law were forged’, he argued, during the Puritan Revolution of the seventeenth century.⁶⁴ Memory of this political history had been lost even among Quakers, some of whom grew accustomed in the twentieth century to the idea that ‘one can be nonviolently coercive, and that majority rule is self-correcting’.⁶⁵ Indeed, he wanted to remind his audience that ‘the other side of Quaker opposition to violence is freedom’.⁶⁶ In this way, he aligned Quaker pacifist and nonviolent principles with liberty of conscience.

In ‘Sanctuary and Revolutionary Struggle’, Corbett revealed himself as a Quaker left-wing libertarian political philosopher. Moreover, he insisted that civil initiative was not civil disobedience but that it operated within the established constitutional framework of the United States. He contended that ‘there are practical ways for us to establish and extend liberty in the world as it is’.⁶⁷ The abolition of the state is not essential for liberty to flourish and be exercised, even if the fundamental nature of the state is ‘coercion institutionalised’.⁶⁸ He believed that the ‘rule of law’ together with the vigilant observance of legal checks and balances was sufficient to moderate the coercive power of the state.

For Corbett, armed revolutionary struggles and the ‘postrevolutionary withering of the state’, did not result in ‘free societies’. The ‘rule of law’ was the precondition of a free society. But he qualified what he meant by ‘rule of law’. He sustained that the rule of law did not consist of ‘governmental codes’, nor even the ‘constitutional rules governing these codes’. The ‘rule of law’, he argued, consisted of the ‘recognition of human rights and personal responsibility that guides a free society in governing its government.’⁶⁹ The free community does not revolt against the legal order. Instead, it submits to ‘trials and penalties’, but ‘refuses to be coerced into collaborating with injustice’.⁷⁰

⁶⁴ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3; Corbett does not use the term ‘Puritan Revolution’.

⁶⁵ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁶⁶ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁶⁷ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁶⁸ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁶⁹ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

⁷⁰ ----, ‘Sanctuary and Revolutionary Struggle’, p. 3.

For Corbett, sanctuary as protective practice of the vulnerable and displaced was a mature expression of a free society. This was the conclusion he reached in a position paper he prepared for the 1987 Jerome Hall Dialogue at Harvard Divinity School. The forum was held on May 4–5, 1987 and it gathered some of the leading voices of the Sanctuary Movement. In the conclusion to his position paper, ‘Responding to the Knock on the Door’, he grounded civil society on mutualist principles. Thus, sanctuary is predicated upon ‘end-independent principles of respect for others’.⁷¹ Mutual respect forms the foundation of a pluralistic society, taking precedence over human rights and humanitarian laws. It is also vulnerable, however, to government and political abuse.⁷² Mutualist principles like mutual respect serve as what he calls ‘meta-legal principles’, and they have the function of limiting the ‘state’s ability to use coercion and power’.⁷³ The legitimacy of the state hinges on its recognition and regard for the relationships among its citizens, which in turn make it possible for a free society to govern its government.⁷⁴ Another expression of Corbett’s mutualism is his approach to liberty as both personal and associational. Civil initiatives like sanctuary constitute consummate expressions of civil society. They not only limit the authority of the state but also create the basic conditions necessary for the protection of human rights.⁷⁵ Sanctuary, therefore, contributes to the creation of an important ‘public space’, which he argues should be used to ‘check and counteract the new absolutism of the national security state’.⁷⁶

The Quaker Roots of Jim Corbett’s Juridical Theory of Civil Initiative: Parallels with Harrop A. Freeman’s Concept of Non-violent Revolution

Corbett’s understanding of sanctuary as a civil initiative consisted of several salient features. The left-wing libertarian character of civil initiative, as already discussed, was one of them. The other components encompassed invoking the Nuremberg Principles as the legal basis for protective action, emphasising the legality of civil initiatives like sanctuary, and relying on the ‘multiconfessional church’ as the institutional conduit for implementing protective measures. In his writings, he consistently referred to these elements as is the case of the following 1985 statement:

⁷¹ Corbett, J., ‘Responding to the Knock on the Door’, paper prepared for the Jerome Hall Dialogue (1987), Archives of Community Church of Boston, p. 4.

⁷² -----, ‘Responding’, p. 4.

⁷³ -----, ‘Responding’, p. 4.

⁷⁴ -----, ‘Responding’, p. 4.

⁷⁵ -----, ‘Responding’, p. 4.

⁷⁶ -----, ‘Responding’, p. 4.

From the Declaration of Independence to the judgement of the Military Tribunal at Nuremberg, our country has recognized that civil initiative in the defence of human rights is a liberty and a duty that is shared by all human beings. As civil initiative to protect undocumented refugees, sanctuary is a practice of responsive faith and responsible citizenship that is independent of refugees' national or political origins.⁷⁷

Although formally adopted by the United Nations in 1950, the Nuremberg Principles are based on the Charter of the Nuremberg Tribunal.⁷⁸ The Nuremberg Trials were held in Nuremberg, Germany from November 20, 1945, to October 1, 1946. During the judicial process 21 Nazi war criminals were tried under the competency of the International Military Tribunal. U.S. Supreme Court Justice, Robert H. Jackson (1892–1954), acted as chief prosecutor on behalf of the United States. In his opening statement, Jackson referred to the Tribunal's charter when he explained its leading principle; namely, that 'any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment'.⁷⁹ Jackson asserted that the principle of individual criminal responsibility enabled the enforcement of international law beyond reliance on warfare as the sole means of coercion.⁸⁰ 'Crimes', Jackson posited, 'always are committed only by persons'.⁸¹ Hence, Jackson sustained that 'one who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of state'.⁸²

Recourse to the Nuremberg Principles was a crucial move in Corbett's juridical theory of civil initiative.⁸³ Because of the supremacy principle enshrined in the Constitution that international law is part of U.S. federal law, Corbett claimed that the Nuremberg Principles had the force of law in the United States.⁸⁴ Moreover, he used the Nuremberg principle of individual liability to argue that in the United States all citizens were responsible and liable for the enforcement of international refugee law, especially when the U.S. government failed to protect refugees. Consequently, considering the U.S. federal government's refusal to protect Central American refugees, the civil initiative of sanctuary was not only legal under international and national law, but it also served

⁷⁷ Corbett, J., 'Sanctuary Responds to Faith, Citizenship', *The Arizona Daily Star* (September 22, 1985), p. 50.

⁷⁸ 'Nuremberg Principles, 1946', in Robert C. Doyle, *The Enemy in Our Hands: America's Treatment of Prisoners of War from the Revolution to the War on Terror*, Lexington, KY: University Press of Kentucky, 2010, pp. 368–69.

⁷⁹ 'Nuremberg Principles, 1946', in Doyle, *The Enemy*, p. 368.

⁸⁰ Jackson, R. H., 'Opening Statement before the International Military Tribunal', in *Trial of the Major War Criminals before the International Military Tribunal*, 2 (1947), p. 150.

⁸¹ ----, 'Opening Statement', p. 150.

⁸² ----, 'Opening Statement', p. 150.

⁸³ See Guardado on this point, *Church as Sanctuary*, ch. 2.

⁸⁴ Henkin, L. 'International Law as Law in the United States', *Michigan Law Review* 82 (1984), pp. 1555–56.

to rectify the illegality of U.S. immigration policy towards Central Americans. The ‘conditions are ripe in the United States’, he alleged, ‘for establishing, through our practice of sanctuary, a sustainable social base for the defence of humanitarian and human rights laws’.⁸⁵ This juridical logic allowed Corbett to sustain that ‘the sanctuary movement is engaged in civil initiative to preserve good laws and extend the legal order’.⁸⁶ Even after eight sanctuary workers were found guilty in federal court in May 1986, Corbett continued to maintain that ‘sanctuary is the extension of the legal order that was mandated at Nuremberg’.⁸⁷ He was steadfast in his resolve to establish that ‘the nonviolent protection of human rights is never illegal’.⁸⁸

Contrary to his left-wing libertarian understanding of civil initiative, Corbett’s recourse to the Nuremberg Trials and the Nuremberg Principles was not an original argument. In fact, the Nuremberg Principles were also used during the Vietnam War era as a defence for conscientious objectors. The appeal of the Nuremberg Principles was broad in the post-World War II period. International pacifists, however—especially Quakers—explored the abundant possibilities and implications of the Nuremberg Trials. Corbett adapted and redeployed a body of pacifist theory and nonviolent direct action that several Quakers developed in the 1940s, ’50s, and ’60s.

Corbett’s exposure to this body of literature must have taken place early in his studies. He completed his undergraduate degree in philosophy at Colgate University in 1954. Huntington Terrel (1925–2001) was a member of the philosophy department from 1952 to 1998; therefore, there was an overlap of two years at Colgate between Corbett and Terrel. Although raised in a Baptist home, Terrel became a Quaker in the early 1950s, near the time of his marriage to his wife, Carolyn Nicholson.⁸⁹ Carolyn’s father, Vincent Nicholson, was the ‘first executive secretary of the American Friends Service Committee’, and Carolyn had a long career in service to Quaker organisations.⁹⁰ According to J. Balmuth, the long-serving chair of the philosophy department at Colgate, Terrel had an ‘abiding passion’ for the ‘study and practice of ethics and moral philosophy, especially as these related to his pressing concern for the furthering of

⁸⁵ -----, ‘The Covenant as Sanctuary’, in *Sanctuary: A Resource Guide*, p. 184.

⁸⁶ -----, ‘Toward a Quaker View of Sanctuary’, p. 3.

⁸⁷ -----, ‘Toward a Quaker View of Sanctuary’, p. 1.

⁸⁸ -----, ‘Toward a Quaker View of Sanctuary’, p. 11.

⁸⁹ Balmuth, J., ‘Huntington Terrel, 1925–2001’, *Proceedings and Addresses of the American Philosophical Association* 75 (May 2002), p. 203.

⁹⁰ Rickerman, S., ‘In Memory of Carolyn Nicholson Terrell’, *Universalist Friends: The Journal of the Quaker Universalist Fellowship* 46 (August 2007), https://universalistfriends.org/printable/uf046_printable.html#Terrell, accessed July 02, 2024.

universal human rights and personal freedoms'.⁹¹ In the 1970s, Terrel became one of the founding members of Colgate's program in peace studies.⁹²

Quaker thinkers of the post-World War II period had a keen interest in the Nuremberg Principles and their potential as an instrument to further international peace. One figure who lived up to this task in the post-World War II era and throughout the Vietnam War was the Quaker legal scholar, Harrop A. Freeman.⁹³ Through his works of legal scholarship, Freeman sought to develop a legal theory that affirmed the legality of nonviolent action. In fact, all the salient features of Corbett's concept of civil initiative (i.e., left-wing libertarian character, recourse to the Nuremberg Principles, legality of civil initiative, and role of institutions) can be found in Freeman's legal scholarship. After completing a law degree (J.S.D.) at Cornell University in 1945, Freeman joined the Cornell faculty and, concurrently, became the executive director of the Pacifist Research Bureau, a position he held until 1948.⁹⁴ He was involved in numerous pacifist and anti-war organisations, including the Emergency Peace Campaign, the Central Committee for Conscientious Objectors, and the War Resisters League.⁹⁵

The Pacifist Research Bureau was created in 1942 under the leadership of the executive secretary of the American Friends Service Committee, Clarence Evan Pickett, and Harry Emerson Fosdick, pastor of Riverside Church in Manhattan.⁹⁶ The PRB was committed to what in its publications was described as the 'philosophy of pacifism'. In each publication, the PRB summarised this philosophy as the notion that humanity should exercise 'respect for human personality', that humanity should 'employ only love and sacrificial good will in opposing evil', and that the aim of all human effort should be 'the creation of a world brotherhood in which cooperative effort contributes to the good of all'.⁹⁷ Members of the PRB comprised an ecumenical array of religious leaders, including Dorothy Day and E. Stanley Jones. The PRB was first and foremost a think tank and it developed a strong scholarly profile. Freeman and Theodore Paullin, assistant director of the PRB, were responsible for developing PRB's scholarly culture.⁹⁸ The PRB publications featured peace research by dedicated leaders and scholars,

⁹¹ ----, 'Huntington Terrel', p. 203.

⁹² ----, 'Huntington Terrel', p. 205.

⁹³ Cornell University, Office of the Dean of the University Faculty, 'Freeman, Harrop A.', Cornell University Library eCommons, <https://hdl.handle.net/1813/18059>, accessed June 30, 2024.

⁹⁴ ----, 'Freeman, Harrop A', p. 1.

⁹⁵ ----, 'Freeman, Harrop A', p. 1.

⁹⁶ Anonymous, 'Fosdick, Pickett Head Pacifist Research Bureau', *Fellowship* 8/5 (May 1942), p. 84.

⁹⁷ Freeman, H. A., 'Director's Foreword', in Harrop A., Freeman and Theodore Paullin, *Coercion of States: In Federal Unions*, Philadelphia, Pa.: The Pacifist Research Bureau, 1943, n.p..

⁹⁸ Paullin is listed as assistant director of the PRB under 'Contributors', in Harrop A. Freeman, H. A. (ed.), *Peace is the Victory*, New York, N.Y.: Fellowship Publications, 1944, n.p..

including—in addition to Freeman and Paullin—Ruth Freeman, Mabel A. Elliott, Mulford Q. Sibley, Robert Stevens, Ada Wardlow, and William Neumann. Subjects included the history of Quaker pacifism, philosophical perspectives on pacifism, the penal system, conscientious objectors, international law, and international organisations.

Sibley and Paullin—both of Quaker belonging—authored two very consequential pamphlets that were published by PRB, and which introduced readers to different religious and philosophical perspectives on pacifism. In *The Political Theories of Modern Pacifism*, Sibley discussed three theories of nonviolence: Hindu pacifism, Christian pacifism, and the pacifism of the ‘secular revolutionary movement’.⁹⁹ As it will be seen, Sibley’s conceptualization of secular revolutionary pacifism was congruent with Freeman’s legal philosophy and exerted a major influence on his trajectory as a legal theorist of nonviolence. According to Sibley, the secular pacifist asserted that sustaining the state is congruent with pacifist principles. He offered a synthesis consisting of five tenets that he concluded were common to the main threads of pacifist thought. His synthesis was also influential in Freeman’s theoretical work on nonviolence. The first common tenet of the leading philosophies of nonviolence was the claim that violence interferes with human achievement and the development of democratic institutions.¹⁰⁰ Second, violence is at the core of modern states, and this can only be changed by a revolution.¹⁰¹ The third tenet was of critical importance. Sibley posited that the revolution in question must ‘employ a technique embodying a non-violent ethic’.¹⁰² The nonviolent revolution that Sibley envisioned was predicated upon a balanced approach that acknowledges the ineluctability of power and differentiates between modalities of power while avoiding the conclusion that power in itself is the end.¹⁰³ Fourth, Sibley believed that decentralisation in political and economic life was essential.¹⁰⁴ He proposed that the ‘fundamental basis of the pacifist state must be the small community’.¹⁰⁵ Lastly, he insisted that all main pacifist approaches agreed that ‘non-violence has a direct relevance to politics’.¹⁰⁶

Published in 1944, Paullin’s *Introduction to Non-violence*, initiated his readers to technical concepts and pacifist approaches, including Gandhi’s notion of *satyagraha*

⁹⁹ Sibley, M. Q., *The Political Theories of Modern Pacifism: An Analysis and Criticism*, Philadelphia, Pa.: Pacifist Research Bureau, 1944.

¹⁰⁰ -----, *The Political Theories*, pp. 27–34.

¹⁰¹ -----, *The Political Theories*, pp. 34–36.

¹⁰² -----, *The Political Theories*, p. 36.

¹⁰³ -----, *The Political Theories*, p. 38.

¹⁰⁴ -----, *The Political Theories*, pp. 39–44.

¹⁰⁵ -----, *The Political Theories*, p. 18.

¹⁰⁶ -----, *The Political Theories*, pp. 45–54.

nonviolent direct action. Interestingly, Paullin also introduced the methods of nonviolent coercion. Sibley and Paullin went on to produce other books on nonviolence, and at least one joint edition of Sibley's *The Political Theories of Modern Pacifism* and Paullin's *Introduction to Non-violence* was published in the 1970s.¹⁰⁷ As it can be seen the themes of decentralisation, the legality of nonviolent action, nonviolent coercion, and the method of *satyagraha*, all of which Corbett addressed in his writings in the 1980s, were already present in the literature produced by Quaker thought-leaders who formed part of the PRB in the 1940s.

The strong scientific and policy-oriented approach to peace studies of this community of thinkers is evident in a volume that Freeman edited and published in 1944, *Peace is the Victory*.¹⁰⁸ His own intervention in *Peace is the Victory* anticipates some of his chief contributions to the theory of nonviolent action. In the essay, 'A New International Law—Coercive or Responsive', Freeman advances a Quaker understanding of the legal order. 'When the legal order', he posits, 'is in accord with the universal order (including "that of God in every man" —to utilize the Quaker expression) law is accepted by men without imposition or force'.¹⁰⁹ In Freeman's metaphysical understanding of the law, the potential for alignment between the universal order and the legal order is axiomatic. Freeman, however, is mainly preoccupied with the adaptability of the legal order to change; what he describes as the legal order's dynamic balance. Preserving the dynamic balance is essential to prevent both the use of coercion for its conservation and the use of violence for its transformation. According to Freeman, those who engage in civil disobedience or refuse to participate in war are 'experimenting with techniques by which change may nonviolently be brought about'. Both techniques, however, are 'extra-legal', since they operate outside the legal system. In this sense, these techniques are like war and revolution. The ideal, he argues, is for the legal order to 'provide within itself the means for effectuating change'.¹¹⁰ He elaborates on this point by underscoring the functional weight of peaceful means for the preservation of the legal order.

He sought to apply the same principle to international law and by doing so anticipated the leading themes of the Nuremberg Principles. Freeman made an appeal for what he described as 'sociological international law'. This approach to international law would promote the integration of international law with 'ethics, morals, psychology,

¹⁰⁷ Sibley, M. Q., *The Political Theories of Modern Pacifism: An Analysis and Criticism* and Theodore Paullin, *Introduction to Non-violence*, New York, N.Y.: Garland Publishing, 1972.

¹⁰⁸ -----, *Peace is the Victory*.

¹⁰⁹ Freeman, H. A., 'A New International Law—Coercive or Responsive', in *Peace is the Victory*, p. 141.

¹¹⁰ -----, 'A New International Law', p. 143.

sociology, economics'.¹¹¹ He claimed that this pacifist take on international law would end the 'fixation on security through force' that prevailed in international relations.¹¹² Freeman's proposal consisted of five points. First, he argued that the division between the legal order and other normative forces within society in international law should cease. Specifically, he criticised the separation of law and morals in international law.¹¹³ Second, he reiterated the idea that the international legal system should 'abandon its security fixation'. Instead, international law should procure a dynamic balance 'so that change may be accomplished peacefully'.¹¹⁴ The third point of his proposal was the most radical as well as prescient. He proposed that the concept of 'absolute national sovereignty' be abolished.¹¹⁵ He traced the idea of national sovereignty to the sixteenth century and connected it to the rise of nationalist authoritarianism and the concomitant diminution of individual freedoms in the early twentieth century. His reasoning led him to anticipate the Charter of the International Military Tribunal and the principle of individual liability as articulated by Justice Jackson:

A state or nation apart from the individuals who compose it is meaningless. It can act only through individuals. It may insulate the individual from the consequences of his acts by drawing the curtain of sovereignty. It may punish by war a whole nation for the acts of a few. Yet the fact remains that it is the acts of individuals which produce the results, which constitute the wrongs; and it is individuals who feel the results and expiate the errors.¹¹⁶

The last two points of his proposal were corollaries of the third one. The use of coercive sanctions upon nations should be abandoned as they are not effective and only harm the civilian population. Instead, all international sanctions should focus on individual offenders.¹¹⁷ Lastly, he emphatically proposed that 'all "war" and resort to force short of war' should be proscribed.¹¹⁸

Another strong parallel between Corbett's construction of sanctuary and Freeman's legal scholarship was their interest in nongovernmental organisations. For Corbett this was embodied by the multiconfessional church: 'it is then up to the church to serve as

¹¹¹ ----, 'A New International Law', p. 144.

¹¹² ----, 'A New International Law', p. 145.

¹¹³ ----, 'A New International Law', p. 147.

¹¹⁴ ----, 'A New International Law', p. 148.

¹¹⁵ ----, 'A New International Law', p. 149.

¹¹⁶ ----, 'A New International Law', p. 151.

¹¹⁷ ----, 'A New International Law', pp. 152–59.

¹¹⁸ ----, 'A New International Law', pp. 152–61.

the community's institutional foundation for complying with humanitarian and human rights law'.¹¹⁹ Both thinkers were theorists of global civil society. Indeed, Freeman's institutional focus led him to develop in the late 1940s an interest in international administrative law through the study of international organisations. These were organisations dedicated to addressing global problems, including disaster relief and support for refugees. His interest was very organic as he was clearly aware of the major international impact of the American Friends Service Committee. He visited the subject in a pamphlet that he co-authored with Paullin and published with the PRB, *Road to Peace: A Study in Functional International Organization*.¹²⁰ He later published a version in the *The Yale Law Journal*.¹²¹ For Freeman, international agencies served as conduits for international cooperation and, therefore, played a significant role in the prevention of international conflict. As he pointed out, these agencies 'have created techniques and methods for solving international problems'.¹²² Indeed, he examined both independent public agencies and private agencies, noting how the number of private agencies in the fields of pacifism, humanitarian aid, art and sciences, education, labour and professions, and industry exceeded the number of public and semi-public agencies.¹²³ In short for Freeman, international nongovernmental organisations offer 'one of the surest avenues to peace and order'.¹²⁴

Freeman's lifelong mission as a legal scholar was to demonstrate that nonviolence serves a legitimate social function as a civil mechanism for correcting the legal order. He made important contributions to the juridical theory of nonviolent action. Most of his work in this area was published in the 1960s in the context of the Vietnam War. It was this body of writings that exerted a direct influence on Jim Corbett's idea of civil initiative. In a survey article outlining the prevailing intellectual currents of civil disobedience in the 1960s, Paul F. Power located Freeman in the institutional libertarian camp.¹²⁵ According to Power, the 'institutional libertarian' or simply libertarian approach 'welcomes the incorporation of responsible law-breaking into democratic theory as a beneficial, though rarely used, mechanism'.¹²⁶ According to Power, the libertarian approach, while affirming the established legal democratic

¹¹⁹ -----, 'The Covenant as Sanctuary', in *Sanctuary: A Resource Guide*, p. 196.

¹²⁰ Freeman, H. A. and Paullin, T., *Road to Peace: A Study in Functional International Organization*, Ithaca, N.Y.: Pacifist Research Bureau, 1947.

¹²¹ Freeman, H. A., 'Road to Peace: A Study in Functional International Organization', *Fellowship* 13, no. 7 (1947); Freeman, H. A., 'International Administrative Law: A Functional Approach to Peace', *The Yale Law Journal* 57 (1948), pp. 976-93.

¹²² -----, 'International Administrative Law', p. 986.

¹²³ -----, 'International Administrative Law', p. 980, note 22.

¹²⁴ -----, 'International Administrative Law', p. 992.

¹²⁵ Power, 'On Civil Disobedience', p. 36, note 6.

¹²⁶ Power, 'On Civil Disobedience', p. 36.

system, asserts the significance of ‘evolutionary changes’ to ensure the ‘distribution’ of power in ways that reflect social needs.¹²⁷ Power identified criteria or standards that characterised the libertarian view of responsible civil disobedience. Among them were the following: the act of disobedience is inspired by ‘moral or religious beliefs’; the aim is a specific reform; disobedience is undertaken only after exhausting legal remedies; civil disobedience must be nonviolent; and the ‘disobedient must submit to the legal consequences of his act’.¹²⁸

By 1965, Freeman had turned his attention to theorise about civil disobedience. At the time he was affiliated with the Center for the Study of Democratic Institutions as a consultant. The arguments that he developed were repeated by Corbett in the 1980s. Consequently, Corbett’s idea of civil initiative must be seen in direct continuity with Freeman’s legal theory. In ‘Case for the Disobedient’, he outlined a series of arguments justifying the legality of civil disobedience.¹²⁹ The first argument in support of civil disobedience was based on the Nuremberg Principles: ‘Disobedience to state commands may be required by the *Nuremberg Principles* [emphasis in original], if they have the binding force of a treaty of the United States’.¹³⁰ Other arguments included the claim that disobedience to state commands is commonly sanctioned as an ‘appropriate procedure’ to initiate a challenge to standing laws and policies with the finality of securing a court determination on the matter.¹³¹ He also contended that civil disobedience is grounded on obedience to conscience and as such it is a sign of the political maturity of both citizens as well as the state.¹³² In an extensive passage, he outlined the rationale behind the ‘Nuremberg Rule’ and illustrated how it could serve as a basis for defying orders to further the war effort in Vietnam.¹³³ The International Military Tribunal at Nuremberg functioned under an international charter signed by the United States. Moreover, the Nuremberg Principles were adopted by the United Nations, an international organism of which the United States is a member. Hence, ‘the principles thereof are the supreme law of the land’.¹³⁴ In connection to the Vietnam War he concluded: ‘if American action in Viet Nam is violative of the Nuremberg Principles, each American citizen who is aware

¹²⁷ Power, ‘On Civil Disobedience’, p. 36.

¹²⁸ Power, ‘On Civil Disobedience’, p. 37.

¹²⁹ Freeman, H. A., ‘Part I: The Case for the Disobedient’, *The Hastings Law Journal* 17 (1965), pp. 425–37.

¹³⁰ -----, ‘The Case for the Disobedient’, p. 426.

¹³¹ -----, ‘The Case for the Disobedient’, p. 427.

¹³² -----, ‘The Case for the Disobedient’, p. 427.

¹³³ -----, ‘The Case for the Disobedient’, p. 428.

¹³⁴ -----, ‘The Case for the Disobedient’, p. 428.

of this violation bears an obligation to disobey orders which further the war effort, and to do so at the point where he is most free'.¹³⁵

In support of the Nuremberg Rule, Freeman advanced his juridical theory of the functional role of nonviolent action in the legal system. The quintessence of the theory is, as he put it, 'that non-violent revolution is within the positive law'.¹³⁶ The constitutional order of the United States, he argued, is established upon the premise that change will occur through a peaceful, constitutional process.¹³⁷

Freeman's most concise and complete *précis* of his legal theory of nonviolent action was the 'Introductory Essay' he wrote for the volume *Civil Disobedience*. The volume was published in 1966 as an occasional paper by the Center for the Study of Democratic Institutions and Bayard Rustin was among the other contributors.¹³⁸ He wrote it while he was a resident fellow at the Center during a sabbatical leave from Cornell University. He described nonviolent action as a technique characterised by using 'bodies of individuals to call attention to an issue' and to challenge government policy.¹³⁹ At the outset, he stressed the need for a thorough understanding of nonviolent action and encouraged that nonviolent actions be aligned with the legal system. This is one of the places in which Freeman's language seems to have directly inspired Corbett, nearly twenty years later. According to Freeman 'many of the popular assumptions surrounding the phrase "civil disobedience" are misconceptions'. Protest, he added, 'is often not civil disobedience but "obedience"'.¹⁴⁰

The essay reproduced some of the content he published in 'Case for the Disobedient'. He also, however, offered a description of the democratic 'pattern', or 'spectrum' of civil disobedience that was far from both totalitarianism and anarchism. The spectrum of approaches to civil disobedience was inspired by the work of Gandhi and the aim was to 'effectuate change within the law'.¹⁴¹ He included the following categories within the spectrum: violence without hate; nonviolence by necessity; nonviolent coercion; civil disobedience; satyagraha, or nonviolent direct action; and pacifism-active good-will and reconciliation.¹⁴²

¹³⁵ -----, 'The Case for the Disobedient', p. 428.

¹³⁶ -----, 'The Case for the Disobedient', p. 431.

¹³⁷ -----, 'The Case for the Disobedient', p. 432.

¹³⁸ Freeman, H. A., [Introductory Essay], in Center for the Study of Democratic Institutions, *Civil Disobedience*, Occasional Papers on the Free Society, Santa Barbara, Cal.: Center for the Study of Democratic Institutions, 1966, pp. 2-10.

¹³⁹ -----, [Introductory Essay], p. 2.

¹⁴⁰ -----, [Introductory Essay], p. 2.

¹⁴¹ -----, [Introductory Essay], p. 2.

¹⁴² -----, [Introductory Essay], p. 3.

Freeman clearly thought of the ‘spectrum’ more as a continuum. Of the approaches in the spectrum, he identified with the last one, which he understood as the most encompassing and as a way of life.¹⁴³ He also called this approach ‘revolutionary secular pacifism’ and listed, without proper attribution, the five tenets that Sibley originally formulated as common themes running through the major schools of pacifist philosophy.¹⁴⁴ Freeman surpassed Sibley, however, by asserting the legality of nonviolent action, drawing upon both the Nuremberg Rule and constitutional law. He also opened the door to extend the continuum beyond nonviolent action to a form of protest that was characterised by active goodwill. Corbett inserted himself in this continuum by articulating the principles of civil initiative.

Conclusion

One of the lasting contributions that Jim Corbett has made to the world of political activism is his notion of civil initiative. As demonstrated in this article, the concept of civil initiative has a strong left-wing libertarian character. For Corbett, sanctuary is a form of civil initiative and the practice of land redemption falls under the same category. The study of Corbett’s ideas as well as those of other Quaker figures leads us to a rediscovery of the libertarian left in the United States and its contributions to radical politics. This article demonstrates that Corbett’s conceptualization of sanctuary as a civil initiative is rooted in Quaker pacifist theory, especially in the work associated with Harrop A. Freeman and other figures connected with the Pacifist Research Bureau. The parallels between Freeman’s and Corbett’s ideas—i.e., left-wing libertarian character, recourse to the Nuremberg Principles, legality of civil initiative, and role of institutions—are evident.

¹⁴³ -----, [Introductory Essay], p. 4.

¹⁴⁴ -----, [Introductory Essay], p. 4.

Competing Interests

The author has no competing interests to declare.

