THE IMPERATIVE OF SUSTAINING (RATHER THAN DESTROYING) FRONTLINE EMPATHIC SOLIDARITY FOR DISTRESS MIGRANTS

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"Human beings are members of a whole
In Creation of one essence and soul
If one member is afflicted with pain
Other members uneasy will remain."[1]

CONTENTS

INTRODUCTION

Migration policies have direct and dramatic impacts on distress migrants.[2] They also affect the frontline local host communities migrants depend on. While extensive political and scholarly attention has been paid to the often-brutal impact of migration systems on migrants, and to the outdated and dysfunctional legal frameworks governing those systems, much less scrutiny has been directed at these systems' impacts on local frontline hosts affected by the spontaneous migration generated by current migration regimes.

This shortcoming needs rectifying for two reasons. First, the attitudes and experiences of frontline host communities are a critical element in ensuring or preventing a welcoming and humanizing experience for distress migrants at a crucial, often particularly stressful, inflection point in their journey. Second, frontline communities' actions and attitudes towards distress migrants and their humanitarian needs to have the potential to be a key force driving national and regional politics and sustaining or challenging exclusionary migration frameworks. If effective communities of solidarity can be created and sustained, spontaneous migration can generate win-win outcomes, enriching local settings in unexpected ways. As long as migration management fails to generate the requisite, organized humanitarian support for populations forced to flee their homes but instead incentivizes fractured and uncharted escape routes, "spontaneous" (i.e. uncontrolled) migration arrivals will continue, including arrivals at locations poorly equipped to address the resulting needs. Just and sustainable responses to those arrivals will be politically and socially impactful for years to come.

Local hosts directly implicated in contemporary migration situations have, with the requisite state support, the potential to impact and transform the broader national conscience of which they are a part. Their empathic solidarity towards migrants can translate into vocal political support for humane and receptive national policies for refugees and others fleeing harm and for the promotion of inclusive integration policies. They can speak (or tweet) from first-hand experience, citing anecdotes and examples that give authority to their opinions and generously animate a broader polity. But the opposition of frontline hosts, a foreseeable outcome of inadequate infrastructural support for new circumstances, undermines their standard of living, can fuel xenophobic and exclusionary policies at the border and

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[2] I use the term "distress migration" to refer to migration "that stems from desperation, vulnerability, and needs, from living circumstances that are experienced as unbearable or deeply unsatisfactory and that precipitate serious obstacles to a reasonable or tolerable life." JACQUELINE BHABHA, CAN WE SOLVE THE MIGRATION CRISIS? 18 (2018). This usage of distress migration is broader than other terms in common usage such as refugee, survival or forced migrant, and thus also encompasses people who have no choice but to leave home, but who do not fall into those categories.

beyond. In short, the border matters – not only as a site where state sovereignty is enacted, but where host solidarity radiates out to a broader political constituency. And conversely, state policies that anticipate and strengthen the empathic capacities of border communities are likely to foster generative win-win outcomes.

Much current migration policy contributes to the destruction of local hosts' empathic solidarity, with evident and profound political spin-offs. I use the term "empathetic solidarity" to refer to the empathy-fueled practical engagement with an "other" to whom one is not bound by prior links of personal or social affinity. The capacity and desire to express solidarity, to constitute oneself as an ethical actor, is evident across the globe where forced migrants interface with frontline communities.[3] But solidarity is not self-sustaining; it can be exhausted.[4] Protracted migrant sojourns, without the requisite state support, vitiate the empathic response.[5] Current policies generate transformations in feeling and thinking in host communities that deserve to be better understood. This aspect of migration policy (or lack thereof) matters because frontline communities who act as first responders and share a daily reality with newly arrived distress migrants can have peculiar credibility as citizens making moral demands of their governments. This article suggests a change of direction in migration research to include the interests, attitudes, and actions of frontline host communities exposed to contemporary forced migration.

I. A FOCUS ON EMPATHIC SOLIDARITY

Empathic solidarity is more important than ever as a democratic resource. Gone are the days when most forced international migration occurred along well-charted and predictable routes (from Iran via Paris to Los Angeles, from Sri Lanka via Rome to London, from Chile or Argentina to Spain, the UK or Scandinavia), routes that connected officially designated border crossing points, staffed by trained immigration control officials.[6] As the growing technological sophistication of migration control has rendered access to legal and safe mobility increasingly elusive for millions of forced migrants, an

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[3] *See, e.g.*, Natalie Kitroeff, *After Pastor Evicts Nearly 200 Migrants, His Brother Welcomes Them All*, N.Y. TIMES (Oct. 8, 2021), https://www.nytimes.com/2021/10/05/world/americas/border-us-mexico.html (providing a contemporaneous instance at the U.S./Mexico border).

[4] *See* Joshua Cayetano, *Syrian Refugee Crisis: Compassion Fatigue is a Threat to America's National Interests*, PROVIDENCE (June 20, 2017), https://providencemag.com/2017/06/syrian-refugee-crisis-compassion-fatigue-threat-america-national-interests/.

[5] *Id.*

[6] Joanne van Selm, *The Strategic Use of Resettlement: Changing the Face of Protection?*, 22 REFUGE: CAN.'S J. ON REFUGEES 39 (2004).

intentional result that allocates mobility along lines of privilege and power, so travel itineraries by those excluded from preferential access have evolved to evade state-crafted obstacles en route.[7] These "migrations" are very different from the seamless "mobility" afforded to privileged populations who continue to travel extensively and legally between well-defined border controls sites.[8] And they are different from the structured humanitarian corridors, community sponsorship, and resettlement programs that over decades have enabled a minority to safely leave danger.[9] People fleeing war, violence, climate related disaster and other threats to their lives now routinely lack any official humanitarian assistance and instead are forced to resort to tortuous and improvised itineraries which not only expose them to serious, even life-threatening risk, but also bring them face to face with frontline host populations ill-equipped to receive and sustain them.[10] While the former

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[7]   A substantial body of scholarship analyses the modalities through with international migration law and practice hinder access to international protection for millions who need it. *See generally* Leonie Ansems de Vries & Elspeth Guild, *Seeking Refuge in Europe: Spaces of Transit and the Violence of Migration Management*, 45 J. ETHNIC & MIGRATION STUD. 1, 1-9 (2018); Thomas Spijkerboer, *The Global Mobility Infrastructure: Reconceptualising the Externalisation of Migration Control*, 20 EUR. J. MIGRATION & L. 452, 455-66 (2018) [hereinafter Spijkerboer, *Reconceptualising*]; Jaya Ramji-Nogales, *Migration Emergencies*, 68 HASTINGS L. J. 609 (2017); ALEXANDER BETTS, SURVIVAL MIGRATION: FAILED GOVERNANCE AND THE CRISIS OF DISPLACEMENT (2013); Thomas Spijkerboer, *'I Wish There Was a Treaty We Could Sign,' in* THE EU PACT ON MIGRATION AND ASYLUM IN LIGHT OF THE UNITED NATIONS GLOBAL COMPACT ON REFUGEES 61 (Sergio Carrera & Andrew Geddes eds., 2021) [hereinafter Spijkerboer, *Treaty*], https://data.europa.eu/doi/10.2870/541854.

[8]   Spijkerboer, *Reconceptualising, supra* note 7, at 453, 461. The author explains that the difference between these two types of human movement is sharply captured by the linguistic contrast between "mobility," which conveys a natural process, and "migration" which is the "form of mobility subject to intense surveillance" and that is portrayed as a societal crisis with potentially severe and adverse national security spinoffs.

[9]   *See generally* Joanne van Selm, *supra* note 6, at 41; Carola Ricci, *The Necessity for Alternative Legal Pathways: The Best Practice of Humanitarian Corridors Opened by Private Sponsors in Italy*, 21 GERMAN L. J. 265, 265 (2020); Nikolas Feith Tan, *Community Sponsorship, The Pact and the Compact: Towards Protection Principles*, *in* THE EU PACT ON MIGRATION AND ASYLUM IN LIGHT OF THE UNITED NATIONS GLOBAL COMPACT ON REFUGEES 71 (Sergio Carrera & Andrew Geddes eds., 2021), https://data.europa.eu/doi/10.2870/541854.

[10]   *See generally Migrant Chaos on Greek Islands – UN Refugee Agency*, BBC NEWS (Aug. 7, 2015), https://www.bbc.com/news/world-europe-33818193; *Greece: More Arrivals With One Death Reported, Conditions Worsening as Winter Hits Island Camps*, EUR. COUNCIL ON REFUGEES & EXILES: NEWS (Jan. 22, 2021), https://ecre.org/greece-more-arrivals-with-one-death-reported-conditions-worsening-as-winter-hits-island-camps/; Georgina Chami & Florence Seemungal, *The Venezuelan Refugee Crisis in Trinidad and Tobago,* U. OF OXFORD FAC. OF LAW: BORDER CRIMINOLOGIES BLOG (Apr. 9, 2021), https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/04/venezuelan#:~:text=Independent%20monitor%20ACAPS%20estimated%20that,Tobago%20and%202%2C514%20recognised%20refugees; *Rohingya*

consequence of these new itineraries has been widely addressed, the latter has barely been studied. And yet despite their lack of preparation, time and again, these frontline hosts rise to the humanitarian challenge – displaying remarkable material generosity and openness of spirit despite the disruption to their quotidian routine and the lack of institutional support.[11]

This pervasive aspect of frontline host behavior, which I refer to as empathic solidarity, is both critical and fragile. Both these features merit investigation because, I suggest, they have significant, and as yet under-studied repercussions for the protection of the rights of many of today's forced migrants.

II. TERMINOLOGY – WHY EMPATHIC SOLIDARITY?

Because empathic solidarity (its presence, its destruction, its sustenance) has not been the focus of migration scholars, my use of the term requires some clarification. Solidarity generally refers to a politically driven engagement with an "other," towards whom different forms of support might be extended – emotional, material, strategic or more broadly political. Classic examples of solidarity are boycotts of products (South African apples, Californian grapes, "blood" diamonds) associated with exploitation and injustice, a political response more than an emotional reaction, or – more dramatically – enrollment in military struggles against oppression (Spanish

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Crisis: Nearly 300 Refugees Land in Indonesia After Months at Sea, BBC NEWS (Sept. 7, 2020), https://www.bbc.com/news/world-asia-54034014.

[11] *See* Tazreena Sajjad, *What Motivated Bangladesh to Open Up Its Borders to Over a Million Rohingya Refugees*, AM. U. SCH. OF INT'L SERV.: NEWS (Oct. 26, 2020), https://www.american.edu/sis/news/20201006-what-motivated-bangladesh-to-open-up-its-borders-to-over-a-million-rohingya-refugees.cfm ("86% of residents in Teknaf, which is the closest administrative region to the Rakhine state from which most Rohingya originate, were involved in providing emergency relief and housing to the new arrivals."); Joshua Partlow, *Mexicans Shower the Caravan With Kindness - And Tarps, Tortillas and Medicine*, WASH. POST (Oct. 26, 2018), https://www.washingtonpost.com/world/the_americas/mexicans-shower-the-caravan-with-kindness—and-tarps-tortillas-and-medicine/2018/10/26/b2f828b4-d7b0-11e8-8384-bcc5492fef49_story.html; Melissa Eddy, *As Germany Welcomes Migrants, Some Wonder How to Make Acceptance Last*, N.Y. TIMES (Sept. 5, 2015), https://www.nytimes.com/2015/09/06/world/europe/germany-welcomes-migrants-and-refugees.html; *see also Indonesia: Aceh Community Shows 'Best of Humanity' in Pushing for Rohingya Rescue*, AMNESTY INT'L (June 26, 2020), https://www.amnesty.org/en/latest/news/2020/06/indonesia-aceh-best-humanity-rohingya/ (comparable efforts by Indonesians towards Rohingya). For other examples of empathic solidarity, see *Residents Help Group of 50 Migrants to Shore in Southern Italy*, THE LOCAL (Jan. 10, 2019), https://www.thelocal.it/20190110/group-of-50-become-first-migrants-to-arrive-in-italy-in-2019/; Patrick Kingsley, *Greek Island Refugee Crisis: Local People and Tourists Rally Round Migrants*, THE GUARDIAN (July 9, 2015), https://www.theguardian.com/world/2015/jul/08/greek-island-refugee-crisis-local-people-and-tourists-rally-round-migrants.

Civil War), primarily an expression of ideological commitment. Much humanitarian work is driven by this motivation – be it the acts of first responders to disasters, or the financial contributions that fuel such interventions. Those exhibiting solidarity often have no personal or direct link to the situations they engage with; they are driven by political or other ideological triggers that activate their behavior.

Empathic solidarity specifies the term solidarity by suggesting the process – empathy – through which the response of solidarity towards outsiders arriving in one's community is generated. Though related, it can be distinguished from the political or ideological types of solidarity just referred to. Humanists interested in the processes that link thinking to feeling, and that drive changes in both, identify "empathy" as a quintessentially human trigger of behavior.[12] Evolutionary biologists, exploring how a selfish primate like the human might be motivated to engage with others' interests, have shown that the human inclination to offer help to people outside the immediate family network has developed over evolutionary history as a genetic heritage that is naturally selected, an altruism gene that stimulates reciprocal altruism, or a likelihood of "payback" down the line.[13] Michael McCullough, for example, argues that the principle of Darwinian survival of the fittest has become modified over time, replaced by what has been called Darwin Plus to support the evolution of ethical capabilities.[14] Another way of putting this is that moral rather than selfish behavior towards others enables human beings "to reap the benefits of cooperation."[15] Neuroscientists who study the physiological underpinnings of empathy have shown that different parts of the brain are activated when people (and animals) feel empathy for others, and that this empathic capacity "has both emotional (affective) and cognitive (thinking) parts."[16] Indeed, vicarious observations of another's pain can elicit

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[12]   *See* Jean Decety et al., *Empathy as a Driver of Prosocial Behaviour: Highly Conserved Neurobehavioural Mechanisms Across Species*, 371 PHIL. TRANSACTIONS OF ROYAL SOC'Y B, 1686, Jan. 19, 2016. at 2, https://royalsocietypublishing.org/doi/pdf/10.1098/rstb.2015.0077 ("[C]onsider empathy as an induction process that reflects an innate ability to perceive and be sensitive to the emotional states of others . . . ." (citation omitted)); *see generally* SHERRY TURKLE, THE EMPATHY DIARIES (2021).

[13]   Samir Okasha, Stan. Encyclopedia Phil., *Biological Altruism* § 1 (Edward N. Zalta ed., Summer 2020), https://plato.stanford.edu/archives/sum2020/entries/altruism-biological/.

[14]   *See* MICHAEL MCCOLLOUGH, THE KINDNESS OF STRANGERS: HOW A SELFISH APE INVENTED A NEW MORAL CODE 7-8 (2020).

[15]   JOSHUA GREENE, MORAL TRIBES: EMOTION, REASON AND THE GAP BETWEEN US AND THEM 23 (2014).

[16]   HELEN REISS, THE EMPATHY EFFECT 11 (2018). I follow Reiss in using the adjective "empathic" rather than "empathetic" because the former is the term preferred by scientists working in the neuroscience of empathy. *See generally* Monique L. Smith et al., *Anterior Cingulate Inputs to Nucleus Accumbens Control the Social Transfer of Pain and Analgesia*, 371 SCI. 153, 153 (2021).

activation of shared neuronal networks in the person directly experiencing and the person witnessing the pain; these specialized brain cells are referred to as mirror neurons, and the capacity to know what's happening to others has been called "shared mind intelligence."[17] From a social science vantage point, one can suggest, building on these scientific insights, that a form of outreach and engagement with an "other" is driven by some degree of empathy – experiencing their feelings as one's own[18] – with their needs and even a cognitive acceptance of the legitimacy of their claim for enforcement of rights.

I seek to distinguish empathic solidarity from both sympathy and charity, important and valuable though both those forms of behavior may be at times. Sympathy suggests an expression of emotion directed at acknowledging rather than addressing human suffering, feeling *for* rather than feeling *with*, and it is not, in and of itself, a dynamic process.[19] According to some scholars, "compassion" has a similar meaning.[20] Charity may be the outcome of a pro-social norm, a religious or ethical duty encouraged by a person's cultural environment, a form of behavior that elicits a so-called "warm-glow" feeling that is socially valued and rewarded.[21] Social scientists have found economic correlates typically associated with inequality – income inequality for example has been found to be positively associated with the likelihood of charitable activity.[22] So charity is often (though not always) related to a place of socio-economic superiority, or a sense of obligation, however well-intentioned.[23] In a recent essay the magnificent writer Jenny Erpenbeck provides a vivid example of charity. She recalls a scene she experienced, shortly after German Reunification, as a young East Berliner whose country and past had just, in effect, disappeared:

> In the dark of a December evening, a truck with a West Berlin license plate was parked on a muddy lot near the border crossing. From the tailgate of the truck, a West German, apparently the owner of a paper

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[17] REISS, *supra* note 16, at 18-19, 21.

[18] GREENE, *supra* note 15, at 37.

[19] The term "sympathy" is derived from two ancient Greek terms, 'sún' which meant together and 'pathos' the word for suffering. So sympathy reflects the human capacity to feel for others, even taking pity on them. REISS, *supra* note 16, at 13. Empathy by contrast, has a different etymological history; it is related to the contemporary Greek word "empatheia" ("em" for in, and "pathos" for feeling) and to the German term "Einfühlung" or feeling into (used to describe the affect associated with experiencing an artistic work). *Id.* at 12.

[20] Tania Singer & Olga Klimecki, *Empathy and Compassion*, 24 CURRENT BIOLOGY 875, 875-78 (2014).

[21] Giuseppe Mastromatteo & Francesco Russo, *Inequality and Charity*, 96 WORLD DEV. 136, 136 (2017).

[22] *Id.* at 136-44.

[23] *See id.* at 136.

store, was handing out Christmas-themed wrapping paper to us East Germans, so that we, the needy people who didn't have such lovely, shiny wrapping paper, could have a chance to enjoy something pretty for a change. I'm sure he meant well . . . . For me, his gesture as he handed down those rolls of paper from the tailgate embodied the whole misery of our inequality; it was a gesture of objective arrogance . . . . Most of all, it carried the message: I am above, and you are below . . . . I'm the one who can afford to give gifts.[24]

Whatever the donor's intention, charity is often marked by this sort of "objective arrogance." Interestingly social scientists report an inverse relation between power and empathy – whereas a position of power is positively associated with charity, it is negatively associated with the more horizontal outreach and giving associated with empathic acts.[25] One can take this a step further. Whereas empathic solidarity implicates people acting in their own environments towards proximate outsiders, charity often promotes distancing. Indeed, at a time of growing questioning about widespread processes of migrant exclusion, philanthropic engagements are attracting heightened scrutiny because of implicit, sometimes hidden, agendas, particularly in the development context where a colonial or post-colonial legacy colors the meaning of a gift or a charitable project.[26] Loren Landau and Iriann Freemantle refer to the linkage of development aid directed at Africa with migration control, the so-called "migration-development nexus," as "containment development," a paternalistic set of policies designed to "protect" people desperate to leave from the hazards of the migration journey by investing in local economies.[27] These policies, they argue, produce a trap, "a regulatory regime that intercepts and prevents mobility while coding even the most coercive means as necessary to 'protect' Africans."[28] They argue that, despite clear evidence that development investments increase rather than decrease mobility, Western donors such as the EU continue to promote the notion that development aid is essential so that "sedentarism should be the

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[24]   JENNY ERPENBECK, NOT A NOVEL: A MEMOIR IN PIECES 183 (Kurt Beals trans., 2020).

[25]   *See* REISS, *supra* note 16, at 25.

[26]   For an example of such scrutiny in the global health context, see

Anne-Emanuelle Birn, *Philanthrocapitalism, Past and Present: The Rockefeller Foundation, the Gates Foundation, and the Setting(s) Of The International/Global Health Agenda*, 12 HYPOTHESIS 1, 12 (2014), https://saludpublicayotrasdudas.files.wordpress.com/2015/04/birn _philantrocapitalism_2014.pdf.

[27]   Loren B. Landau & Iriann Freemantle, *Containment Development and Africa's Time-Space Trap, in* THE EU PACT ON MIGRATION AND ASYLUM IN LIGHT OF THE UNITED NATIONS GLOBAL COMPACT ON REFUGEES 275 (Sergio Carrera & Andrew Geddes eds., 2021), https://data.europa.eu/doi/10.2870/541854.

[28]   *Id.*

default; mobility the exception."[29]

This dynamic is particularly in evidence where the charitable intervention is NIMBY in its intent – let's give help, but Not In My Back Yard. Humanitarian investments to ensure that refugees, however dire their circumstances, stay relatively out of sight of wealthy western communities, in countries neighboring their own,[30] captured by the treacherous and overworked phrase "Do Not Come"[31] can have this flavor.[32] So can programs, couched as well-intentioned and charitable, that are cynically designed to "protect" distress migrants from traffickers and smugglers by blocking their access to potential points of departure.[33]

Another word about terminology. At the start of this project, I chose to use the simple and commonly used term "empathy" to capture front-line host communities' positive responses to arriving distress migrants, rather than the more cumbersome phrase "empathic solidarity" that I have now adopted. There is a voluminous philosophical and psychological literature that addresses what authors consider the correct and appropriate meaning and boundaries of these terms, and other related ones, some of which I have just mentioned, such as "sympathy," "compassion," "altruism," even justice. While some place "empathy" firmly in the emotional response bucket, even arguing that empathy is "biased, pushing us in the direction of parochialism and racism,"[34] others argue that it is "the most quintessentially moral feature of our brains"[35] a predisposition that has become "embedded in our biology" as our human neocortex has become more developed, rendering us, as a species, increasingly wired for pro-social behavior.[36] Certainly empathy

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[29] *Id.* at 277.

[30] The very concept of one's "own" country deserves scrutiny, as Moria Paz so ably demonstrates. Continuous residence, nationality, historical ties may all be determinative. Moria Paz, Stanford Law School, Address at Midyear Meeting of the American Society of International Law: The Refugee in Human Rights Law (Nov. 11, 2021).

[31] Brian Naylor & Tamara Keith, *Kamala Harris Tells Guatemalans Not To Migrate To The United States*, NPR (June 7, 2021), https://www.npr.org/2021/06/07/1004074139/harris-tells-guatemalans-not-to-migrate-to-the-united-states (quoting Vice President Kamala Harris).

[32] *See* ALEXANDER BETTS, THE WEALTH OF REFUGEES: HOW DISPLACED PEOPLE CAN BUILD ECONOMIES 1 (2021).

[33] Gabriella Sanchez, *Five Misconceptions about Migrant Smuggling*, 7 POL'Y BRIEFS 1, 1 (2018).

[34] PAUL BLOOM, AGAINST EMPATHY: THE CASE FOR RATIONAL COMPASSION 9 (2016).

[35] GREENE, *supra* note 15, at 264.

[36] JEREMY RIVKIN, THE EMPATHIC CIVILIZATION: THE RACE TO GLOBAL CONSCIOUSNESS IN A WORLD IN CRISIS 8 (2009). An interdisciplinary survey on the uses of the term "empathy" identified eight separate types of conduct covered by the term. *See* RICHARD PRICE & KATHRYN SIKKINK, INTERNATIONAL NORMS, MORAL PSYCHOLOGY AND NEUROSCIENCE 24 (2009) (citing C.D. Batson, *These Things Called Empathy: Eight Related But Distinct Phenomena*, *in* THE SOCIAL NEUROSCIENCE OF EMPATHY (J. Decety & W. Ickes eds., 2009)).

should be distinguished from a political sense of duty driven by a citizen's ideological commitment to human rights or insistence on his or her government's obligation to enforce binding international legal agreements entered into. Some distinguish between the empathy experienced towards an individual (the so-called "identifiable victim effect")[37] or a small and defined target group as opposed to the relative indifference generated by the suffering of large groups ("statistical lives") captured through numerically based or other general information (so-called "psychophysical numbing").[38] Pinker argues that empathy only reaches a limited circle and that reason, informed by principled commitments to human rights for example, is necessary to expand the elasticity of the empathy circle to a broader constituency.[39] But, as frontline host behavior towards arriving forced migrants demonstrates in countless, differing settings, life experiences can impinge on the circle of empathic solidarity, so that what was a limited experience of empathy towards one's in group becomes much more extensive or diverse, simply by virtue of unanticipated experiences, whether in person or virtual. The social space prone to empathic responses and amenable to acts of solidarity may turn out to be more elastic and expansive than one might have anticipated.

III. NOT ALL SOLIDARITY IS EMPATHIC

As conceived of here, empathic solidarity as a series of social behaviors directed at supporting fellow humans with acute protection needs contrasts sharply with other notions of solidarity recently deployed in the migration context. In particular, the recent EU Pact on Migration and Asylum utilizes the notions of "interstate solidarity" and "flexible solidarity," and even the oxymoronic "mandatory flexible solidarity" to describe the conduct expected of EU member states in relation to the management of external migration.[40] This use of the term solidarity has nothing to do with empathy but everything to do with acquiescing to the anti-migrant politics of the Visegrád East European member states. In this application of the term, solidarity is the deployment of member state resources to support forced return, of unsuccessful asylum seekers and others refused permission to stay in the EU. It facilitates the common EU agenda (hence "solidarity") by enabling the

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[37] GREENE, *supra* note 15, at 262.

[38] Paul Slovic et al., *Iconic Photographs and the Ebb and Flow of Empathic Response to Humanitarian Disasters*, 114 PROC. NAT'L ACAD. SCIES. U.S. 640, 640-42 (2017).

[39] BLOOM, *supra* note 34, at 240 (citing STEVEN PINKER, THE BETTER ANGELS OF OUR NATURE: WHY VIOLENCE HAS DECLINED 591 (2011)).

[40] *See* Sergio Carrera, *Whose Pact? The Cognitive Dimensions of the EU Pact on Migration and Asylum*, *in* THE EU PACT ON MIGRATION AND ASYLUM IN LIGHT OF THE UNITED NATIONS GLOBAL COMPACT ON REFUGEES 1, 9, 13 (Sergio Carrera & Andrew Geddes eds., 2021).

abrogation of human rights obligations towards forced migrants by allowing states opposed to refugee inclusion or relocation (intra-European resettlement) to fund expulsions. These acts of "solidarity" are euphemistically referred to as the support of "return sponsorships."[41] The Pact undermines an earlier decision of the European Court of Justice that found Poland, Hungary and the Czech Republic's refusals to implement their refugee relocation obligations violation of their "solidarity" responsibilities – a more rational use of the term "solidarity."[42] Instead the Pact "pursues a notion of solidarity that allows Member States' ministries of interior to free-ride or 'opt out' of delivering the fundamental right to seek asylum in the EU."[43] As Sergio Carrera rightly asks, "why give that option to some EU governments, such as Hungary and Poland" currently facing EU proceedings because of their institutionalized discrimination and xenophobia?[44] Solidarity in this context, is the antithesis of empathic solidarity, because it is a process of working collectively across state institutions to undermine rather than promote inclusive conduct directed at improving the circumstances of those in great need.

IV. EMPATHIC SOLIDARITY AND FRONTLINE HOSTING

My concern in focusing on empathic solidarity is primarily to advance a case for attending to a significant phenomenon, replicated the world over, that has dramatic and neglected implications for migration policy and practice: the common attitudinal shift, what Turkle might call the change in thinking and feeling, among frontline host communities, exposed to two phenomena concurrently.[45] The first of these phenomena is the suffering of unknown distress migrants forced to leave their homes who eventually arrive at the hosts' doorsteps unannounced and unexpected.[46] As just noted, this suffering is a widespread phenomenon, one that routinely triggers acts of empathic solidarity. The second phenomenon is a pervasive governance failure that unduly and willfully burdens these same host communities with protracted spin-offs from "spontaneous" arrivals, spin-offs that impact their

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[41] *Id.* at 10 (citing *Commission Proposal for a Regulation of the European Parliament and of the Council on Asylum and Migration Management and Amending Council Directive 2003/109 and the Proposed Regulation XXX/XXX [Asylum and Migration Fund]*, art. 55, COM (2020) 610 final (Sept. 23, 2020)).

[42] *See* Joined Cases C-715/17, C-718/17, & C-719/17, Comm'n v. Poland, Hungary, and Czech Republic, ECLI:EU:C:2019:917, ¶ 258 (Oct. 31, 2019).

[43] Carrera, *supra* note 40, at 12.

[44] *Id.*

[45] *See* SHERRY TURKLE, THE EMPATHY DIARIES 18 (2021).

[46] *See, e.g.*, Emma Bubola & Gaia Pianigiani, *Turned Back by Italy, Migrants Face Perilous Winter in Balkans*, N.Y. TIMES (Feb. 7, 2021), https://www.nytimes.com/2021/02/0 7/world/europe/italy-migrants-europe.html.

daily lives adversely.[47] This governance failure seeps into host communities' daily lives in predictable and unexpected ways – producing over-crowded public facilities, displays of destitution and desperation, resentment and aggression intended for (and deserved by) distant policy makers but periodically meted out onto local populations.

The attitudinal and behavioral shift consists of a move from a welcoming, generous and open-armed reception to a hostile, exclusionary and resentful rejection of migrants' presence and needs.[48] The host communities in question where this change of heart and mind manifests itself are not professional humanitarians, or human rights advocates of one sort of another (social workers, lawyers, researchers, emergency physicians, journalists) whose life work it is to engage with unknown strangers in deep need. Nor are they self-proclaimed human rights activists who regularly place demands on governments, whether through legal challenges to anti-migrant government policy or public demonstrations of pro-migrant support, even when such acts of solidarity are discouraged or criminalized by hostile governments.[49] The constituencies who engage in these acts of rescue and support, despite official threats, are well described by the legal scholar Itamar Mann as "those of us who define ourselves through a commitment to human rights," advocates driven by "a law that requires us to regard all human beings as if they enjoyed some necessary protections."[50] They are what the Kantian philosopher might refer to as "good" people, people who "self-constitut[e]" themselves – make

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[47] *See* United Nations High Comm'r for Refugees [UNHCR], The State of the World's Refugees 2006: Human Displacement in the New Millennium 70 (2006).

[48] My approach differs from a large body of research on attitudes toward migrants and immigration more generally in two ways. First, I am concerned with attitudinal shift rather than fixed attitudes – the swing from a pro – to an anti-migrant position that is so often a feature of frontline host response; second I am concerned with the interface between attitudes and government policies, rather than between attitudes and host community characteristics (their economic status, their educational background, their cultural identity and fears, their anxieties about terrorism). For a recent and comprehensive discussion of the mainstream social science approach, see for example PIPPA NORRIS & RONALD INGLEHART, CULTURAL BACKLASH: TRUMP, BREXIT AND THE RISE OF AUTHORITARIAN POPULISM (2020) especially chapter 6, page 175-214.

[49] Increasingly states hostile to migrant arrivals have changed their description of the activities of these human rights defenders – calling what was once referred to as acts of "rescue" by a new name, "facilitation of smuggling," an adversarial strategy designed to discourage solidarity and increase threats of prosecution. Several states have criminalized such laudable acts of solidarity. For examples, see AMNESTY INT'L, PUNISHING COMPASSION: SOLIDARITY ON TRIAL IN FORTRESS EUROPE (2020), https://www.amnesty.org/download/Documents/EUR0118282020ENGLISH.PDF.

[50] ITAMAR MANN, HUMANITY AT SEA: MARITIME MIGRATION AND THE FOUNDATIONS OF INTERNATIONAL LAW 216-22 (2016). For dramatic examples of the actions of committed human rights defenders acting at their peril to protect and advance the rights of vulnerable migrants, see generally AMNESTY INT'L, *supra* note 49.

sense of their lives – by doing good.[51] For them, the imperative to act rests on a principled appeal to duties derived from human rights.[52] It is not dependent on a personal exposure to a given compelling situation of human distress and need.

This is not the constituency relevant to the discussion advanced here. Rather the host communities in question are those inhabiting spaces that, because of the intersection of legalized exclusion policies (also referred to as the illegalization of migration[53]), geographical contingency and mobility opportunity, are newly rendered frontlines or "hotspots" for distress migrants' seeking protection from harm. What these communities exhibit is not a special capacity of a few but a near universal human trait. Indeed, across the globe in frontline communities, many local people become engaged in unanticipated, transformative acts of empathic solidarity towards the strangers presenting themselves uninvited on arrival, transformative acts for the hosts and migrants alike.[54] Thus, conceived empathic solidarity is not driven by a sense of duty, legal obligation or superior power. When empathy leads to acts of solidarity, when recognizing someone's humanity leads to sharing one's own food or clothing with them, overcoming one's reticence, suspicion or even fear of the "stranger"[55] sacrificing time, energy and other resources for the stranger's benefit with no ulterior motive, then one is engaged in what is here being referred to as "empathic solidarity."

For the hosts, solidarity can elicit a transformative sense of moral well-being, the rewarding experience of extending generosity and receiving gratitude, the uplifting sense of alleviating suffering and being seen to act

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[51] CHRISTINE M. KORSGAARD, SELF-CONSTITUTION: AGENCY, IDENTITY AND INTEGRITY § 1.4.8 (2009). I am grateful to Alexander Betts for drawing my attention to the relevance of this work.

[52] MANN, *supra* note 50, at 12.

[53] *See* Harald Bauder, *Why We Should Use the Term 'Illegalized' Refugee or Immigrant: A Commentary*, 26 INT'L J. REFUGEE L. 327, 328 (2014); Nicholas De Genova, *The Legal Production of Mexican/Migrant "Illegality,"* 2 LATINO STUD. 160, 161 (2004).

[54] *See, e.g.*, UNHCR Canada, *The Spirit of Kindness: Refugees Host Communities and Canadians Rally Around Each Other* (Nov. 11, 2020), https://unhcrcanada.medium.com/the-spirit-of-kindness-refugees-host-communities-and-canadians-rally-around-each-other-ab094175cdd0.

[55] Frantz Fanon describes the pervasive fear of the "stranger." *E.g.* FRANTZ FANON, *Daily Life in the Douars*, *in* ALIENATION AND FREEDOM 373, 380 (Jean Kalfa & Robert J.C. Young eds., Steven Corcoran trans., Bloomsbury Academic 2018) ("However, if the stranger is sacred and respectable, he is also the Other, one who comes from elsewhere, who has lived under other skies. This is why the presence of the traveller who gives himself defenseless to his host engenders a feeling of uneasiness: he represents the unknown, mystery. Even if he divulges his thoughts and opens up his heart directly, he cannot prevent anxiety from emerging all around him.").

humanely or unselfishly, for no material personal gain.[56] For the forced migrants, host solidarity can alleviate the tragedy of loss, the anxiety of unfamiliarity, and the shame of destitution. It can transform a potentially terrifying moment of alienation into an unforgettable experience of common humanity.[57] It is likely that most frontline community members swept up by unplanned humanitarian encounters with which they then extensively engage would not define themselves as "humanitarians" or as part of a self-defined human rights constituency.

In the migration context with which I am concerned, host community "empathic solidarity" is a form of grassroots engagement with the situation of an "other" as an equal, as a fellow human, including when that human being, uninvited and unexpected, enters and stays in one's own space. The other is a non-member of the receiving community, whether that membership is defined by race, religion, citizenship or other social or identity status. Even though histories of colonization, conquest and extraction can be said to generate an ethical and political reparatory obligation of inclusion and "oneness" derived from the continuity of the association and interaction across borders (with their attendant material and political pay-offs), citizens of former colonizer nations typically experience their newly arrived post-colonial neighbors as "others" and as strangers, a far cry from members of their "own" community, however defined.[58] Despite that "otherness," however, the contact to which the hosts are exposed by virtue of non-citizen access to territory can generate powerful opportunities for proximity.

Sometimes this contact is "thin," very short term and superficial, a contingent product of an unplanned itinerary that does not generate any form of permanence or real connection. Fleeing asylum seekers may pass through a third country en route to their chosen destination in a matter of hours or days.[59] In reality, however, the vicissitudes of migration control, processing delays, exclusionary practices and resettlement failure have expanded the

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[56]   *See, e.g.*, Tally Kritzman-Amir, *The Methodology of Immigration Law*, 60 VA. J. INT'L L. 651, 687-88 (2020) (discussing the relational impacts of migration on non-migrant and host communities).

[57]   *See, e.g.*, Diana Diaz, *The Friendship of a Lifetime*, UNHCR (June 15, 2019), https://www.unhcr.org/en-us/news/stories/2019/6/5d02282b9/the-friendship-of-a-lifetime.html.

[58]   *See* Tendayi Achiume, *Migration as Decolonization*, 71 STAN. L. REV. 1509, 1517-18 (2019) (discussing the political continuity arguably generated by colonial exploitation); *see also* JOSHUA GREENE, MORAL TRIBES: EMOTION, REASON AND THE GAP BETWEEN THEM AND US 262 (2014) (discussing the predisposition toward empathy towards members of one's in-group rather than towards "outsiders").

[59]   This was commonly the situation before 2015, and was the target of the Dublin Convention regimes in Europe, seeking to ensure that asylum seekers could not swiftly move from their first frontline point of arrival to subsequent destinations.

temporal and affective scope of the contact.[60] Forced migrants are often "in limbo" in their unexpected arrival spots for years rather than hours or days, so that the preconditions – affective and cognitive – for the establishment of a human, empathic connection between host and new arrival are met.[61]

V. DISTINGUISHING EMPATHIC SOLIDARITY FROM CULTURAL APPROPRIATION OR ARROGANCE

My assertion of empathic solidarity's possibility, indeed its important role in our current situation, contrasts with the radical rejection of effective solidarity proposed by much, rather over-simplified, identity politics. The latter, in my understanding, asserts the inevitability of a "colonial gaze," an assertion of inherent "superiority" or cultural appropriation when members of a relatively empowered or privileged identity-defined group (white, male, non-migrant, "western", heterosexual) seek to engage with issues affecting another less privileged or socially integrated group.[62] By focusing on the role of empathic solidarity and its powerful place as a driver of social justice, I seek to show that citizen/non-citizen relations and collaboration across historically, ethnically or culturally inflected identity differences are not only possible but common and essential. To quote Kim Richard Nossal, "We should think about every human being as a potential actor in world politics."[63] While linguistic, religious and other cultural or ethnic differences may make the collaborative enterprise more arduous, they by no means eliminate it.

This is a strong claim. To be sure, evidence of lack of empathic solidarity abounds – the enduring purchase of racist beliefs and practices, the rise of far-right parties fueled by racial hatred and nativist fears, the proliferation of derogatory stereotypes levelled at minorities, the demonstrations by rabid groups at border sites intent on blocking refugee access to safety come what may, the spray painting of insults on the doors of refugee homes, the bullying of refugee children in school classrooms.[64] Scapegoating of the "other,"

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[60] *See, e.g.*, Jens Hainmueller et al., *When Lives are Put on Hold: Lengthy Asylum Processes Decrease Employment Among Refugees*, 2 SCI. ADVANCES 1, 1 (2016), https://www.science.org/doi/10.1126/sciadv.1600432.

[61] *Id.*

[62] Rhonda Howard-Hassman, *Identity, Empathy and International Relations* 7 (Institute on Globalization and the Human Condition, McMaster University, Working Paper 00/2, 2000), https://globalization.mcmaster.ca/research/publications/working-papers/2000/ighc-wps_00-2_hassmann.pdf.

[63] *Id.* at 10 (quoting KIM RICHARD NOSSAL, THE PATTERNS OF WORLD POLITICS 121 (1998)).

[64] For a general discussion of the triggers of authoritarian populism including hostility to outsiders, see NORRIS & INGLEHART, *supra* note 48.

however characterized, is an enduring feature of social interaction.[65] Sarah Dryden-Peterson provides a powerful example. She describes how prevailing hostile attitudes to refugees from the former Zaïre among the population of Uganda were captured: they were referred to as "MuZaïri," "a word literally meaning from the former Zaïre but said with a tone that signaled . . . . You are not welcome here."[66]

But overt acts of racial hatred at migrant frontlines are not the only or most evident norm. The rabid militarism of some Hungarian groups at the EU's eastern borders was memorable partly because it so contrasted with the conduct of the majority of other Europeans – in Greece, Austria, Germany, Italy, the Netherlands and France.[67] As I write, thousands of Afghans are fleeing their country following the precipitous Taliban takeover of government and seeking refuge in neighboring Pakistan and Iran, adding to the large Afghan refugee presence already hosted for decades by those countries.[68]

Despite host government concerns about the large scale arrivals, no acts of hostility or local protest have been reported.[69] Indeed, evidence of the force and impact of empathic solidarity has emerged again and again over decades of large-scale forced migration. In his powerful history of post-World War Two Europe, historian Paul Betts identifies the extraordinary work of thousands of relief workers drawn from many local constituencies coming together to assist destitute people in over 300 displaced persons camps strewn across a devastated war-torn continent.[70] He describes the massive relief effort as a way of reasserting the possibility of civilization, of a wonderful common responsibility of renewal after the specter of human destruction and evil had spread so extensively.[71] As noted above, today, populations fleeing devastating conflict and oppression may experience comparable efforts that assert the possibility of common responsibility and solidarity. Empathic

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[65] RENÉ GIRARD, THE SCAPEGOAT 12-23 (1986).

[66] SARAH DRYDEN-PETERSON, RIGHT WHERE WE BELONG: HOW REFUGEE TEACHERS AND STUDENTS ARE REMAKING THE FUTURE (forthcoming 2022) (manuscript at 15) (on file with the author).

[67] *See Migrant Crisis: Hungarian Army Stages Border Protection Exercise*, B.B.C. (Sept. 10, 2015), https://www.bbc.com/news/world-europe-34205849.

[68] *See* The Visual Journalism Team, *Afghanistan: How Many Refugees Are There and Where Will They Go?*, B.B.C. (Aug. 31, 2021), https://www.bbc.com/news/world-asia-58283177.

[69] *See* Cheryl Teh, *Thousands of People Have Flooded a Border Crossing Dividing Afghanistan and Pakistan*, INSIDER (Aug. 26, 2021), https://www.insider.com/thousands-flooding-the-countrys-land-border-crossing-with-pakistan-2021-8.

[70] PAUL BETTS, RUIN AND RENEWAL: CIVILIZING EUROPE AFTER WORLD WAR II 53-54 (2020).

[71] *See id.* at 31-73.

solidarity in these settings speaks to the powerful connection between the global and the local, the impact of the presence of outsiders on one's own home turf as an accelerator of one's own universe of obligation.[72]

VI. FROM THE FRONTLINE TO THE CENTER

Frontline empathic solidarity also sets the stage for a broader ethic of inclusion and hospitality within the polity. Acts of solidarity instantiate host communities' support for a politics of inclusion, and send a powerful message to policy makers that if resources are available they should be shared. But time is of the essence in such situations. Resources need to be replenished, infrastructure needs to be supported, and solidarity needs to be match by appropriate policy making. Only then can empathic solidarity spur a de facto decolonization of access to international mobility.[73]

Frontline solidarity can drive effective policy engagement, supplying the grassroots legitimacy necessary for inclusive social and economic interventions. But the process is reciprocal. Solidarity is not self-sustaining. The legitimacy of inclusive public policy that it underpins depends on the constancy and visibility of frontline empathic solidarity over time. Government policies have to sustain that stance, preempting, planning, executing inclusive policies that nourish and prolong solidarity. Instead much government policy does the opposite – undermining or destroying the survival of solidarity by neglect, by incompetence, by political cowardice, by willful myopia.

Attending to the triggers – psychological, economic, political, cultural and social – that undermine or destroy empathic solidarity, triggers that are contingent on policy decisions made and practical investments executed or withheld, is critical for the promotion of more inclusive, just and non-discriminatory societies. Neuroscientists and psychologists have devoted considerable attention to the question of brain-based empathy fatigue and its triggers, particularly in the case of large scale or massive disasters;[74] social and political scientists, including migration scholars and advocates, have considered the border exclusion and externalization mechanisms through which access to protection is prevented, and empathic solidarity is blocked

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[72] Howard-Hassman, *supra* note 62, at 20 (citing HELEN FEIN, CONGREGATIONAL SPONSORS OF INDOCHINESE REFUGEES IN THE UNITED STATES, 1979-1981: HELPING BEYOND BORDERS 52, 166-17 (1987)).

[73] For excellent discussions of the many issues involved in rethinking and transforming access to international mobility to move beyond the current discriminatory structures of immigration law, see Spijkerboer, *Reconceptualising, supra* note 7, at 20; Ramji-Nogales, *supra* note 7; Tally Kritzman-Amir, *The Methodology of Immigration Law*, 60 VA. J. INT'L L. 3 (2020).

[74] *See generally* Helen Riess, *The Science of Empathy*, 4(2) J. PATIENT EXPERIENCE 74, 74-77 (2017).

or nullified by state action, including through the legitimation of pushbacks at sea, punitive detention regimes and speedy exclusion proceedings.[75] By contrast, little attention has been paid to the social and political processes through which host society empathic solidarity develops, is encouraged and enhanced, or dissipated and discouraged. That host communities frequently adopt rights-enhancing approaches towards arriving forced migrants in spite of the exclusion bias of their governments, until their resources are exhausted, requires examination. It suggests that the so-called "sedentarist" approach, that prioritizes states' right to control the entry of non-nationals over their obligations to respect those non-nationals' international human rights, may be ripe for re-examination.[76]

VII. REORIENTING THE ATTENTION OF MIGRANT SCHOLARS: FROM "MIGRANT" TO "HOST"

The complex dynamics that affect successful immigrant inclusion into host communities have been extensively analyzed, especially where these communities are large metropolitan conurbations.[77] Most of this work, however, has focused on the immigrant communities themselves, their adaptive capacity, their social mobility, and their inter-generational struggles. Recent work within the UN system explores effective methods for measuring the "impact" of refugee hosting on host societies or the impact of donor contributions on ongoing hosting ability and receptivity.[78] In response to a 2018 UN General Assembly resolution calling for an effort to measure the impact of hosting, protecting and assisting refugees and assess gaps in international cooperation and responsibility sharing, UNHCR convened a set

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[75]   *See, e.g.*, Eleni Karageorgiou, *The Impact of the New EU Pact on Europe's External Borders: The Case of Greece*, *in* THE EU PACT ON MIGRATION AND ASYLUM IN LIGHT OF THE UNITED NATIONS GLOBAL COMPACT ON REFUGEES (Sergio Carrera & Andrew Geddes eds., 2021).

[76]   For a useful discussion of "sedentarist" European state policies and how they contrast with the more rights-respecting approaches of some African states, see Spijkerboer, *Treaty*, *supra* note 7, at 66.

[77]   Though refugee and other distressed migrant populations are concentrated in cities, there are growing moves to make rural settings available to these communities, often with positive outcomes in terms of access to employment, inclusion and social engagement of local and migrant community members alike. *See* LIAM PATUZZI ET AL., BUILDING WELCOME FROM THE GROUND UP: EUROPEAN SMALL AND RURAL COMMUNITIES ENGAGING IN REFUGEE RESETTLEMENT 1 (2020), https://www.migrationpolicy.org/sites/default/files/publications/mp i-europe-rural-refugee-resettlement_final.pdf.

[78]   Andrew Selee, President, Migration Pol'y Inst., Closing Remarks at Migration Policy Institute Webinar: Part of a New Community: The Integration of Venezuelan Migrants and Refugees in South America (July 29, 2021), https://www.migrationpolicy.org/events/part-new-community-integration-venezuelan-migrants-and-refugees-south-america (on reception of Venezuelan refugees in Latin America).

of exploratory meetings, reported on in a July 2020 Progress Report.[79] So far, however, UNHCR's analysis of hosting impacts seems focused on "costs" rather than "benefits," focusing on the budgetary implications of service provision in education (health and housing to follow) rather than on a broader conception of social inclusion and mutual rewards derived from the development of empathic and potentially generative relationships across groups.[80]

What is known about the attitudes and conduct of the non-migrant population, and about the factors that trigger empathic solidarity or its transformation into anti-migrant hostility?[81] Certainly evidence of a dramatic volte-face in feeling and thinking is not uncommon, and is hugely impactful from a migrant protection perspective.[82] Advocates and scholars, critical of current migration policies and their exclusionary impacts, regularly note the need for norm and preference shifts, including among domestic populations.[83] The steps needed to incentivize and support such shifts, however, are poorly understood.

What factors cause people to feel and think the way they do? What experiences cause them to change those feelings and attitudes? Are reactions, including to changes related to the arrival of large numbers of migrants, bimodal (positive or negative) or best captured by a continuum of responses?[84] Recent research pursues some of these questions. One study includes an investigation of the attitudes and conduct of the non-migrant

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[79] *See* G.A. Res. 73/151, ¶ 21 (Dec. 17, 2018); UNHCR, Progress Report: Measuring the Impact of Hosting, Protecting and Assisting Refugees (July 1, 2020), https://www.unhcr.org/en-us/events/conferences/5f0570754/measuring-impact-hosting-refugees-progress-report.html.

[80] *See id.* ¶¶ 11-21. Hosting experiences from many contexts – Canada, EU, UK, and Turkey – suggest much a broader transformative potential of intimate relationships between host and refugee communities.

[81] *See* RICHARD ALABA & VICTOR NEE, REMAKING THE AMERICAN MAINSTREAM: ASSIMILATION AND CONTEMPORARY IMMIGRATION 68-70 (2003); ALEJANDRO PORTES & RUBÉN RUMBAUT, LEGACIES: THE STORY OF THE IMMIGRANT SECOND GENERATION 270-72 (2001).

[82] *See* Emily Green, *Mexico's Goodwill Wanes as More Migrants Arrive in Mexico*, THE WORLD (June 12, 2019), https://theworld.org/stories/2019-06-12/mexicos-goodwill-wanes-more-migrants-arrive; Tina Mavrikos-Adamou, *As Lesvos Battles Migration Crisis Fatigue, the Value of Centralized Migration Decision-Making is Questioned*, MIGRATION POL'Y INST. (Sept. 12, 2019), https://www.migrationpolicy.org/article/lesvos-centralized-migration-management.

[83] Ramji-Nogales, *supra* note 7, at 649 (touching on the need for domestic norm change but concentrating inquiry on how to cajole states and institutional players into reforming migration practice).

[84] I am grateful to my colleague, Jesse Bump, for drawing my attention to this question.

community in increasingly diverse societies.[85] It starts from the obvious, but neglected, premise that successful integration and inclusion are two-way processes, and growing numbers of cities are or are rapidly becoming majority minority – either because no single ethnic population group constitutes a majority or because a group that in the past was an ethnic minority is becoming the majority.[86] Research conducted in the "minority majority" Dutch city of Rotterdam demonstrates the importance of education, and in particular access to higher education, as a key element in determining the attitudes and practices towards immigrants of the non-immigrant background community;[87] non-immigrants without college education were found to be more likely to consider immigrants as an economic risk and a cultural threat than their university educated peers, irrespective of economic or class position.[88]

My interest is related to this scholarly pivot to the attitudes and conduct of non-migrant community members. To date, work on majority attitudes, mirroring work on migrants and refugees, is concentrated in urban conurbations, where large immigrant populations have settled over time, often over decades.[89] Given that most distress migrants first arrive far from metropolitan centers, we also need to better understand majority population attitudes at the frontline, spatially and temporally at the point of arrival. The complexity of these attitudes is well captured by recent data on the Greek population, host to the largest number of arriving distress migrants in Europe from 2015 onwards.[90] On the one hand, over the decades leading up to 2015, social surveys exploring Europeans' attitudes to immigrants and minorities found that the percentage of Greeks who considered these groups causes of insecurity was higher than for any other European host population.[91] A different study found that 75% of Greeks opposed cultural and religious

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[85] *See* Howard-Hassman, *supra* note 62, at 22 (on empathetic attitudes of Canadians).

[86] *See* Maurice Crul & Frans Lelie, *Measuring the Impact of Diversity Attitudes and Practices of People Without Migration Background on Inclusion and Exclusion in Ethnically Diverse Contexts*, 44 ETHNIC & RACIAL STUD. REV. 2350, 2361-63 (2021).

[87] *Id.* at 2364.

[88] *Id.* at 2367, 2373.

[89] *See* U.N. Human Settlements Programme, Local Inclusion of Migrants and Refugees: A gateway to existing ideas, resources and capacities for cities across the world 4 (2021), https://unhabitat.org/local-inclusion-of-migrants-and-refugees-a-gateway-to-existing-ideas-resources-and-capacities-for.

[90] *See* Thodoris Georgakpopoulos, *Greeks and the Refugee Problem*, DIANEOSIS RSCH. & POL'Y INST. (Feb. 2016), https://www.dianeosis.org/en/2016/02/study-greeks-refugee-problem/.

[91] TIM DIXON ET AL., MORE IN COMMON, ATTITUDES TOWARDS NATIONAL IDENTITY, IMMIGRATION, AND REFUGEES IN GREECE 9 (May 2019), https://www.moreincommon.com/media/ltinlcnc/0535-more-in-common-greece-report_final-4_web_lr.pdf.

diversity.[92] But, according to a January 2016 poll, about 6 out of 10 Greeks had voluntarily assisted migrants in some way over the previous months, suggesting a high level of host society empathic solidarity.[93]

For distress migrants to have the opportunity to settle in communities far from their homelands and the possibility of experiencing successful inclusion, whether this takes place at the point of first arrival (the frontline) or – as is usually the case – at some other site, they have to first overcome the spin-offs from the "crisis" approach fostered by the current framework of immigration law, a framework that willfully excludes from safe access to international protection abroad the vast majority of people who need it.[94] As historian Martin Conway remarked, "Languages of crisis are never objective, and they are often resorted to by those who have a stake in the existing regime."[95] The spin-offs of the crisis approach include the forced and unnecessary tribulations of perilous and costly journeys, interception, segregation, imposition of an irregular legal status, detention, rejection at, before or beyond, the border, and deportation – severe violations of human rights that characterize so much contemporary border policy.[96] As already noted earlier, to overcome these obstacles, the majority of distress migrants have to devise hazardous strategies to evade detection by agents of destination states.[97] Frontline local hosts, whether they occupy this role briefly for a matter of hours or days, or for more protracted periods as discussed below, are critical as providers of safe haven and a dignified receptive environment during these journeys. The "crisis" framing of migration events, sometimes intensified by the expression of islamophobia "security" concerns can exacerbate the challenge of displaying empathic solidarity.

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[92] Michael Lipka, *Greek Attitudes Toward Religion, Minorities Align More With Central and Eastern Europe Than West*, PEW RSCH. CTR. (Oct. 31, 2018), https://www.pewresearch.org/fact-tank/2018/10/31/greek-attitudes-toward-religion-minorities-align-more-with-central-and-eastern-europe-than-west/.

[93] Georgakpopoulos, *supra* note 90.

[94] *See* Ramji-Nogales, *supra* note 7, at 609, 612-16.

[95] Martin Conway, *The Crisis of European History*, *in* WHY EUROPE, WHICH EUROPE? A DEBATE ON CONTEMPORARY EUROPEAN HISTORY AS A FIELD OF RESEARCH (Sonja Levsen & Jörg Requate eds., 2020), https://europedebate.hypotheses.org/142.

[96] *See* sources cited *supra* note 7.

[97] *See* Caitlin Katsiaficas & Ariel G. Ruiz Soto, *Migrants and Smugglers Get Creative to Circumvent Immigration Enforcement*, MIGRATION POL'Y INST. (Dec. 8, 2016), https://www.migrationpolicy.org/article/migrants-and-smugglers-get-creative-circumvent-immigration-enforcement. For a thoughtful analysis of the "web of facilitation and control" that forced migrants now need to navigate, see generally Joris Schapendonk, *Navigating the Migration Industry: Migrants Moving Through an African/European Web of Facilitation/Control*, 44 J. ETHNIC & MIGRATION STUD. 663 (2017), https://www.tandfonline.com/doi/pdf/10.1080/1369183X.2017.1315522?needAccess=true.

VIII. THE CHANGING FRONTLINE – PIERCING THE HAPTIC TOUCH

The dominant analytic framework through which migration sequencing has been studied divides the spatial arena through which distress migrants pass into three discrete zones – origin, transit and destination.[98] Frontline communities typically exist in the second of these spaces, characterized as mere temporary stops on an already predetermined and planned journey. However, this characterization is misleading at a time when the migration route for those without visas is increasingly fractured, and often iterative.

While some so-called "transit" spaces are indeed only occupied by distress migrants for hours or days, others are not. The generalization that equates transit with transient underestimates both the temporal and affective import of the frontline. Distress migrants and local hosts might, because of restrictive migration policies, be forced to share the "space of transit" for months or years, periods during which a sense of human security can be nourished or destroyed, and an experience of reciprocity and personal gain from an encounter with others can be enhanced or undermined.[99] Whilst cooperative goals – improving local schools, shoring up health care facilities, enhancing overall local safety are likely to increase feelings of solidarity, competition over resources, services and other goods will decrease such feelings.[100] The erstwhile space of transit may even end up becoming "home," but what this means will depend on the balance between cooperative and competitive pressures established within the community.[101] In this sense it is generative to think of not just migrants but the environments they traverse and stay in as being "on the move," not fixed but changing.[102]

Every human encounter is molded, not just by the genetic and neurobiological human makeup addressed by the researched referenced above, but by the political, economic, and social environment in which it occurs. In today's technologically mediated mobility landscape, states anxious to insulate their territories from unauthorized migrant arrivals invest considerable efforts in controlling, and even eliminating, the point of

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[98]   *See Key Migration Terms*, INT'L ORG. FOR MIGRATION, https://www.iom.int/key-migration-terms#Asylum-Seeker (last visited March 6, 2021).

[99]   *See generally Refugee Camps Explained*, UNHCR (Apr. 6, 2021), https://www.unrefugees.org/news/refugee-camps-explained/.

[100]   *See* Veronika Faith et al., *How Do Refugees Affect Social Life in Host Communities? The Case of Congolese Refugees in Rwanda*, 7 COMPAR. MIGRATION STUD. 33, 33 (2019), https://comparativemigrationstudies.springeropen.com/articles/10.1186/s4087 8-019-0139-1.

[101]   *Cf.* Nicolas Ajzenman et al., *Exposure to Transit Migration, Public Attitudes, and Entrepreneurship Among the Native Population* 1-3 (Eur. Bank for Reconstruction and Dev., Working Paper No. 236, 2019), https://docs.iza.org/dp13130.pdf.

[102]   Schapendonk, *supra* note 97, at 665.

encounter.[103] Remote sensors enable state actors to detect traveling migrants at sea, and to use the information thus gleaned to either intercept migrant vessels and block access to the state's territory, or to avoid any encounter whatsoever, thus eliminating the duty of rescue that contact on the high seas mandates.[104] Technological touch, what Arjun Appadurai refers to as "the haptic" can thus eliminate physical, relational contact or exchange, the opportunity to communicate, what he calls "the phatic comforts of the everyday, the small communications of the gaze, of touch, or words without obvious communicative value, the murmurs of the social and the sociable."[105] It can relegate the targeted migrant to forced return – to the site of origin or, still worse, to death by drowning or abandonment. But the specter of the haptic touch, the threat of interception and forced return, can also deflect the place of encounter away from recognized border sites, by forcing migrants to undertake journeys where the risk of surveillance is reduced, journeys that entail more remote, hazardous, clandestine routes and arrival sites.[106]

The effect of this deflection is to prolong and aggravate travel conditions and greatly diversify the "frontline," so that at the point of encounter, on a remote beach, over a secluded pass, across a desolate desert, on a small island, distress migrants arrive in a far more vulnerable, exhausted and dependent state than they otherwise would have.[107] Thus exposed, the arriving migrant will not appear as a menacing "Giant," a strong or tall threat to the savage man as described by Rousseau;[108] rather, because of the

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[103]   *See generally* Tim Stickings, *Fortress Europe: EU Turns to Military to Stop New Migrant Crisis*, THE NATIONAL (Aug. 14, 2021), https://www.msn.com/en-us/news/world/fortress-europe-eu-turns-to-military-to-stop-new-migrant-crisis/ar-AANlf1R.

[104]   *See generally* Peter Lanz et al., *The InflateSAR Campaign: Evaluating SAR Identification Capabilities of Distressed Refugee Boats*, 12 REMOTE SENSING 3516 (2020), https://www.mdpi.com/2072-4292/12/21/3516#cite; *cf.* Irini Papanicolopulu, *The Duty to Rescue at Sea, in Peacetime and in War: A General Overview*, 98 INT'L REV. OF RED CROSS 491, 491-92 (2016), https://international-review.icrc.org/sites/default/files/irc98_7.pdf#:~:text=Abstract%20The%20duty%20to%20rescue%20persons%20in%20distress,content%20of%20a%20norm%20of%20customary%20international%20law (the duty to rescue migrants at sea).

[105]   Arjun Appadurai, Godard Professor in Media, Culture and Comm., N.Y.U., Inaugural Address: Online International Conference on Globalization and New Terrains of Consciousness: Phenomenologies of the Global/Local/Glocal, The Haptic and the Phatic in the Twilight of Globalization (Feb. 8, 2021) (On file with the author).

[106]   *See* Frey Lindsay, *Migrants Are Taking Ever More Dangerous Routes to Get to Europe*, FORBES (Jan. 8, 2022), https://www.forbes.com/sites/freylindsay/2022/01/08/migrants-are-taking-ever-more-dangerous-routes-to-get-to-europe/?sh=2e65f8334257.

[107]   *See* UNHCR, Desperate Journey's: Refugees and Migrants Arriving at Europe and Europe's Borders 5 (2019), https://www.unhcr.org/desperatejourneys/#.

[108]   JEAN-JACQUES ROUSSEAU, A DISCOURSE UPON THE ORIGIN AND THE FOUNDATION OF

vicissitudes of contemporary surveillance and border control, the person arriving is much more likely to be depleted of whatever resources he or she had on departure, and to appear as a destitute, vulnerable and defenseless fellow human, one who evokes pity not fear or a sense of threat. This is the terrain upon which frontline empathic solidarity, phatic contact in Appadurai's terms, acts.[109] Unlike the sea, the land is not governed by any law stipulating a duty of rescue.[110] The dyad involved in the humanitarian encounter, frontline local host and arriving distress migrant, is not bound by any contractual or other obligation. It is the force of the asymmetrical encounter and the empathic solidarity it can evoke that generates the response.[111]

States parties, intent on promoting the "crisis" framework that casts distress migration as unexpected, irregular and illegitimate, deliberately fail to preempt foreseeable need – investing in detection and exclusion apparatus rather than in reception and inclusion infrastructure.[112] It thus falls to frontline locals to fill the gaps.[113] Often, as noted, local empathic solidarity takes the form of providing material goods – food, water, clothing, medicines, child care – to those who need it.[114] As the caravans of Salvadorian, Guatemalan and Honduran distress migrants made their way through Central America and up through Mexico, one saw mounds of sweaters, shoes, jackets brought by locals wanting to help however they

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THE INEQUALITY AMONG MANKIND 89 (London, R. & J. Dodsley 1761).

[109] Appadurai, *supra* note 105.

[110] *Cf.* Martin Ratcovich, International Law and the Rescue of Refugees at Sea (2019) (Ph.D. thesis, International Law at Stockholm University) (on file with Stockholm University); Jason Parent, *No Duty to Save Lives, No Reward for Rescue: Is That Truly the Current State of International Salvage Law?*, 12 ANN. SUR. OF INT'L & COMPAR. L. 87, 97-98 (2006).

[111] *See* Dominic Davies, *Crossing Borders, Bridging Boundaries: Reconstructing the Rights of Refugee in Comics*, *in* REFUGE IN A MOVING WORLD: TRACING REFUGEE AND MIGRANT JOURNEYS ACROSS DISCIPLINES 177, 178-89 (Elena Fiddian-Qasmiyeh ed., 2020).

[112] *See, e.g.*, John Davis, *Border Crisis: CBP's Response*, U.S. CUSTOMS & BORDER PROT.: Frontline, https://www.cbp.gov/frontline/border-crisis-cbp-s-response (last updated Jan. 4, 2022).

[113] *See, e.g.*, Ashley Gross, *Local Nonprofits Help Undocumented Immigrants with Rental and Food Assistance*, KNKX PUB. RADIO (Mar. 31, 2020, 3:39 PM), https://www.knkx.org/news/2020-03-31/local-nonprofits-help-undocumented-immigrants-with-rental-and-food-assistance; John Tufts, *Nonprofit Immigration Center in Del Rio, Texas Provide a Safe Haven for Migrants*, SAN ANGELO (July 3, 2019, 10:53 AM), https://www.gosanangelo.com/story/news/2019/07/03/migrants-texas-border-cbp-facilities-val-verde-humanitarian-coalition-center/1615195001/.

[114] *See* Sonia D. Perez, *Food, Water, Ride: Guatemalans Aid Honduran Caravan Migrants Traveling to U.S.*, CHI. TRIB., (Oct. 17, 2018, 11:38 PM), https://www.chicagotribune.com/nation-world/ct-hondurans-migrant-caravan-guatemala-20181017-story.html.

could;[115] one saw doctors and nurses offering their services;[116] one saw child care workers and entertainers offering their services, day after day, week after week. On the tiny Greek island of Lesvos, for several summers in a row, as already noted above, frontline hosts went down to the shore to rescue arrivals, provide food and water, changes of clothes, transport to shelter, comfort, a listening ear, advice.[117] Similar acts of empathy have been carried out by frontline Indonesian communities welcoming shipwrecked Rohingya, with accounts of extraordinary generosity and expressions of human warmth and solidarity.[118] These acts of empathic solidarity were each, in their distinctive way, critical and transformative in the migration experience. But they were not inevitable or indestructible. Once host populations feel neglected, marginalized, side-stepped, or ignored by their governments, in short once their own feeling of social inclusion is compromised, they cease to be progressive agents advocating inclusion become susceptible to radical political messaging that identifies outside scapegoats as the source of social threats and other problems.[119] Migration management means planning for foreseeable needs, preventing "crisis" rather than generating it, sustaining and developing necessary infrastructure to generate an inclusive and productive environment in which human engagement and partnership can flourish. Planning can include local, national, regional, international and non-governmental inputs, but it requires foresight, coordination and political will.

IX. Sustaining the Empathic Environment

The key players that shape the migrant/host encounter and that have the capacity to replenish or undermine empathic solidarity among frontline community members are both individual and institutional. Both depend on adequate infrastructure and an inclusive meta-narrative that celebrates non-discriminatory access to human rights protections. These features in turn depend on preemptive and comprehensive engagement with the predictable

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[115] *See Migrant Caravans: What Is It and Why Does It Matter?,* B.B.C. (Nov. 26, 2018), https://www.bbc.com/news/world-latin-america-45951782.

[116] Christopher Sherman & Julie Watson, *Volunteer Nurses Chip in to Help Migrant Caravan*, The Spokesman-Review (Oct. 25, 2018), https://www.spokesman.com/stories/2018/oct/25/volunteer-nurses-doctors-pitch-in-to-help-migrant-/.

[117] Joel Hernandez, *Refugee Flows to Lesvos: Evolution of a Humanitarian Response*, Migration Pol'y Inst. (Jan. 29, 2016), https://www.migrationpolicy.org/article/refugee-flows-lesvos-evolution-humanitarian-response.

[118] *Indonesia to Accept Dozens of Rohingya Refugees Stranded at Sea*, Aljazeera (Dec. 29, 2021), https://www.aljazeera.com/news/2021/12/29/indonesia-to-accept-dozens-of-rohingya-refugees-stranded-at-sea.

[119] *See* Noam Gidron & Peter A. Hall, *Populism as a Problem of Social Integration*, 53 Comp. Pol. Stud. 1027, 1028, 1033 (2019).

needs of the whole, transforming community (not just of the newly arrived migrants).[120] Local initiatives are critical to this process. A mayor who celebrates her community's generosity and participates on the front line motivates empathic solidarity just as the heads of a church, mosque or synagogue that makes their space available for community needs might;[121] a political party that pre-empts local needs at a time of large-scale migrant arrival by providing necessary resources for new arrivals and hosts reinforces, encourages and strengthens locals' capacity for empathic solidarity; a government that invites joint migrant/local engagement in frontline decision-making builds the foundation for collaboration and the expression of pride in common achievements. Social policies that pre-empt and prevent rapid economic decline for host communities experiencing large-scale migration are key tools for maintaining empathic solidarity.[122] Initiatives have fostered community sponsorship and hosting programs that promote two way interactions and speed up the experience of "belonging."[123]

Understanding how these different elements are nested in historical, cultural or religious conceptions of hospitality and hostility towards "neighbor" and "stranger" is a key step in shoring up the availability of empathic responses. The converse is true too. Understanding how empathic solidarity at the psychic and material level frays in the face of exhaustion and depletion, whether through neglect or incitement on the part of key actors, can assist in preempting this dissipation.[124] Communities can tolerate disruption and unusual demands on their generosity for short periods of time, but beyond that support is essential. Not surprisingly, scientists have found that study participants exhibited greater empathy towards victims of large scale suffering when they were persuaded that exhibiting such empathy

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[120] *See* Ramji-Nogales, *supra* note 7, at 652 (discussing the gaps in current international law as they relate to migration and of the vectors along which preemptive and comprehensive engagement with the predictable consequences of migration needs to occur).

[121] *See, e.g.*, Press Release, *City Announces $1.5 Million in Funding to Help Newly Arrived Haitian New Yorkers*, NYC MAYOR'S OFF. OF IMMIGRANT AFF. (Dec. 22, 2021), https://www1.nyc.gov/site/immigrants/about/press-releases/city-announces-funding-to-help-newly-arrived-haitian-new-yorkers.page.

[122] *See* Thomas Kurer, *The Declining Middle: Occupational Change, Social Status, and the Populist Right*, 53 COMP. POL. STUD. 1798, 1801 (2020).

[123] There is widespread community support for systematic investment in refugee inclusion programs, both state and community driven. For recent evidence related to the United States, see for example Donald Kerwin & Mike Nicholson, *Charting a Course to Rebuild and Strengthen the US Refugee Admissions Program (USRAP): Findings and Recommendations from the Center for Migration Studies Refugee Resettlement Survey: 2020*, 9 J. ON MIGRATION & HUM. SEC. 1, 18 (2021).

[124] *See* TIM DIXON ET AL., *supra* note 91; *see also* Matina Stevis-Gridneff, *Vigilantes in Greece Say 'No More to Migrants*, N.Y. TIMES (March 7, 2020), https://www.nytimes.com/2020/03/07/world/europe/greece-turkey-migrants.html.

would not burden them financially.[125] Conversely, a sense of abandonment by the wider community, when governance structures fail to deliver on promises of responsibility sharing, resource allocation, capacity building and systematic infrastructure planning can provoke anxiety, despair or what is sometimes called "compassion fatigue," a form of neuro-psychological or emotional withdrawal or numbing, which in turn drive predictable resentment and ensuing negative conduct.[126] The Venezuelan exodus into Latin America[127] provides an interesting case study in what I am calling empathic solidarity. Despite the challenging socio-economic and political realities subsisting in host states and despite the devastating effect of the COVID-19 pandemic, a combination of vigorous government action and international donor engagement has generally reinforced local host empathic solidarity and slowed the spread of xenophobic hostility.[128]

Scholars have described how the "humanitarian encounter" can generate empathic solidarity.[129] When this solidarity is sustained over time, supported by proactive policies that enable it, it engenders virtuous cycles of inclusion that form new living spaces and relationships. People come to see migration as a win-win, a process that generates new opportunity for host and migrant alike. Not only do these virtuous cycles feed back into solidarity with the migrants' struggle for mobility and basic rights, they become the bedrock on which a vibrant and multicultural society depends, one characterized by resilience and hope within the distress migrant population and broader societal diffusion of pro-migrant political support. They also provide the political bedrock for transformative thinking and for the reform of exclusionary policies. Conversely, frontline hostility and opposition to distress migrants accelerates migrant demoralization and exhaustion and the diffusion of xenophobic sentiment within host communities and beyond. Frontline hostility in turn is political fodder that feeds the growth of xenophobic and far-right political organizing and electoral success.[130]

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[125] *See* Katie Bohn, *The Empathy Option: The Science of How and Why We Choose to be Empathetic*, PA. ST. UNIV.: RSCH. (Dec. 9, 2019), https://news.psu.edu/story/600235/2019/12/09/research/empathy-option-science-how-and-why-we-choose-be-empathetic.

[126] *See* BLOOM, *supra* note 34, at 33-34.

[127] *See Venezuela Situation*, UNCHR, https://www.unhcr.org/en-us/venezuela-emergency.html (last visited Jan. 21, 2022).

[128] See evidence presented in Migration Policy Institute Webinar: Part of a New Community: The Integration of Venezuelan Migrants and Refugees in South America (July 29, 2021), https://www.migrationpolicy.org/events/part-new-community-integration-venezuelan-migrants-and-refugees-south-america.

[129] *See, e.g.*, ITAMAR MANN, HUMANITY AT SEA: MARITIME MIGRATION AND THE FOUNDATIONS OF INTERNATIONAL LAW 13 (2016); *see also* sources cited *supra* note 7.

[130] *See, e.g.*, Nicole Einbinder, *How the Far Right Has Reshaped the Refugee Debate in Europe*, PUB. BROADCASTING SERV. (Jan. 22, 2018), https://www.pbs.org/wgbh/frontline/arti

The empathic engagement of frontline communities with new arrivals is a critical commodity, a resource that states squander at their cost. It is neither inherent nor permanent, but rather a product of relational interaction that feeds on the returns from empathic solidarity. These returns have to enhance the sense of human security and wellbeing of those arriving and those receiving. Unlike charity, empathic solidarity is a bilateral horizontal relationship, based on identification rather than on power differentials, on deep reserves of humanity rather than wealth, on responsible and preemptive governance policies that anticipate and address predictable need. That is why so many frontline empathic actors are people with modest means, farmers, small town folk who may live from pay check to pay check. We hypothesize that a better understanding of what nourishes and sustains their empathic engagement at local level will help policy makers generate the political will needed for humanitarian welcome. This in turn will feed the political legitimacy of exploring productive ways of re-thinking current migration management and, more broadly, supporting democratic and inclusive polities.

CONCLUSION

Obstructive and callous migration management policies at the frontline lead local communities to flip from being open, generous and enthusiastic about their humanitarian activities to becoming apprehensive, resentful or explicitly hostile and hate-filled. They also generate costly externalities, in terms of militarization of borders, of sea ways, of contiguous territorial spaces, that trigger domestic tensions and insecurities. How can this be avoided and changed? Attempts to turn Global North migration policies away from 20th century models of limited refugee protection, post-colonial labor, and skill recruitment policies towards well-managed and safe mobility patterns that encompass the much broader population implicated in contemporary migration are in their infancy. The two Global Compacts, on Refugees and Migration, and the decision to adopt a sustainable development goal of safe, legal and regular mobility for all are initiatives whose positive potential needs to be more effectively harnessed and expanded. The support of host communities and their broader citizen peers is essential for that political process to take shape.

Our interest in the sustenance and replenishment of empathic solidarity among frontline communities complements the notion developed by others that spaces of transit are characterized by a "politics of exhaustion"

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cle/how-the-far-right-has-reshaped-the-refugee-debate-in-europe/; *see also* KERRIE HOLLOWAY ET AL., OVERSEAS DEV. INST., PUBLIC NARRATIVES AND ATTITUDES TOWARDS REFUGEES AND OTHER MIGRANTS: GERMANY COUNTRY PROFILE 7-9 (2d ed. 2021), https://cdn.odi.org/media/documents/Public_narratives_Germany_country_study.pdf.

engendered by the violence and obstruction perpetrated by contemporary migration management systems.[131] The legacy of this politics, we argue, is not just experienced by the distress migrants subjected to it, but by the frontline communities whose empathic engagement with migrants is critical far beyond the frontline, as people cohabit and build common futures.

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[131] Leonie Ansems de Vries & Elspeth Guild, *Seeking Refuge in Europe: Spaces of Transit and the Violence of Migration Management*, 45 J. ETHNIC & MIGRATION STUD. 2156, 2164 (2019).