HUMAN RIGHTS ON THE U.S.-MEXICO BORDER:

THE WORK OF CULTIVATING IMAGINED EMPATHY

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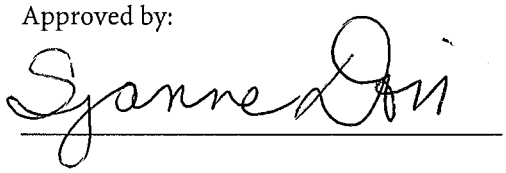

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Abstract

As thousands of undocumented migrants continue to die and disappear in the borderlands of the U.S., human rights NGOs are struggling to mobilize a socially and geographically distant American audience to see this crisis as a human rights matter and act upon it with according urgency and gravity. But why, in the face of immense human suffering on the border, have we not recognized this as a human rights crisis? Furthermore, how can human rights NGOs working on the border address this debilitating challenge? This thesis draws on the historical development of human rights concepts in 18th century Europe as well as on contemporary discourse around ethical humanitarian communication to argue that suffering is only seen as a human rights issue when feelings of imagined empathy are cultivated within distant audiences. Imagined empathy is cultivated through particular practices of representing suffering, practices that focus on the individual autonomy and emotion of the subject, enabling viewers to see themselves in community with the otherwise distant "other". The work of human rights NGOs trying to use human rights to affect social and political change is to, in their positions as witnesses and partners with primary communities, represent suffering to cultivate imagined empathy. The question then remains, what are the specific practices of representation that cultivate imagined empathy and why are they so fundamental to human rights NGO communication?

Keywords: U.S.-Mexico border, human rights, communications, border deaths, empathy, humanitarian communication, representing suffering, Colibrí Center for Human Rights

Human Rights on the U.S.-Mexico Border: The Work of Cultivating Imagined Empathy

Introduction

"We won't save lives on the border until we believe that they are lives worth saving."

-Robin Reineke, Executive Director of the Colibrí Center for Human Rights (2015)

In 2013, I began working for a small initiative out of the Pima County Office of the Medical Examiner called the Missing Migrant Project. Started in 2006 by Robin Reineke and Dr. Bruce Anderson, the Missing Migrant Project was an effort to collect and centralize thousands of forensically detailed missing persons reports from families of undocumented migrants who had disappeared crossing the U.S.-Mexico border. This information was then used to assist forensic scientists at the office in their work to identify the hundreds of unidentified migrant remains recovered from the deserts of the borderlands and, with any luck, return these individuals home to their families. Shortly after I joined, the Missing Migrant Project metamorphosed into a larger, more comprehensive effort to find the missing, identify the dead, and call attention and action to the prolonged mass disaster unfolding on the border. Thus began the next two years of my life as a founding member of the Colibrí Center for Human Rights, what is now one of the leading human rights NGOs working to end migrant deaths and disappearances on the border. In this larger organization, my own work shifted away from taking missing persons reports from the families. During our formative months, I drafted Colibrí's first communications strategy and helped set the tone for the way we would talk about the suffering on the border. Since then, I have remained behind our communications work in my role as Outreach Coordinator.

The crisis of death and disappearance on the border is a direct and unconscionable result of U.S. border and immigration policies initiated in the mid-1990s and which continue today. In the wake of strategies that funneled migration into the most dangerous geographies of the borderlands, thousands of undocumented migrants have lost their lives and thousands have disappeared, leaving families and communities throughout the U.S. and Latin America devastated with grief and ambiguity. The human suffering on the border is immeasurable, multi-layered, and ultimately not my own, but rather that of the families and their missing or deceased loved ones. It is a pain I am at limit to describe because I live a privileged existence of safety. Even so, through the past two years, I have born witness to the suffering on the border, to the stories of the families, to stories of immigration or what the poet Jess X. Chen calls "imagination given a destination…magic" (Chen, 2015). It has been my job to represent this suffering to socially and geographically distant and privileged American audiences, those audiences imbued with the power of citizenship, the power to change the very policies that are killing people in the desert. My goal in this work is to lift American audiences to a state of awareness where they 1) understand what is happening on the border, and 2) recognize what is happening as one of the most urgent **human rights crises** facing our country today.

In the context of this thesis, **"human rights"** refer to a political concept, one that American culture historically subscribes to and which can be powerfully leveraged to convince diverse people that they must collectively and immediately intervene to stop the suffering of others. In reference to public policy decisions, human rights can be understood as a psychological orientation that defines values and goals centered on the equal protection of human life and opportunity. Under the concept of human rights, all people are equal in rights and protections guaranteed by nature of their existence as human beings; any violation of these rights is a violation against all those who hold them—against humanity.

The sheer weight of this understanding has severe implications for actions that are perceived to violate human rights and calls major urgency to situations of suffering seen through the lens of human rights. If a majority of the American public saw the deaths and disappearances through the lens of human rights, there would be a radical shift in the way our country approaches border and immigration policy. Ultimately, this shift would save lives, because whereas our current security-based approach disregards some human life as disposable, a human rights approach would center on the protection and respect of all human life.

But what does it mean to "see suffering through the lens of human rights"? Given our traditional understanding of human rights as self-evident truths, this statement is easily confusing. Contrary to this belief, human rights are not a given condition of human existence. Rather, as historian of European and Enlightenment society Lynn Hunt examines in her book *Inventing Human Rights* (2008), human rights are a political concept built on certain feelings, particularly on what she calls **"imagined empathy",** i.e. the ability of ordinary people to imagine someone else as fundamentally like themselves, to imagine someone else's suffering as like their own (Hunt, 2008). It is this ability of imagined empathy that enables people to see certain (notably not all) contexts of suffering as human rights issues, as matters that carry the urgency and weight of a violation against humanity.

Furthermore, imagined empathy itself is cultivated. It is not empathy in the colloquial understanding of the term, but rather imagined empathy refers to a specific skill, an ability that is uniquely cultivated as a result of particular practices of representing suffering (Hunt, 2008). We can think of imagined empathy as a muscle that grows stronger the more it is exercised. Hunt's historical tracing of the 18th-century proliferation of human rights concepts reveals that certain methods of image-making and storytelling implicitly task viewers with thinking about "suffering others" in a

particular way, not as distant strangers or as abstract victims, but as members of their same community of valuable, individualized persons. These narrow practices embody and focus on the subject's **individual autonomy** and **individual emotion** (i.e. the elements that make up their humanity), enabling audiences to transcend barriers of nationality, class, gender, religion, etc. to recognize the same elements of humanity in "suffering others" as in themselves; enabling viewers to *imagine* themselves in community with strangers where the suffering of one member is a matter of public concern for the rest (Hunt, 2008). In short, enabling audiences to see suffering as a human rights issue.

That a majority of the American voter public does not see the deaths on the border as a human rights crisis is one of the most debilitating barriers to our work to end migrant deaths. In this context, imagined empathy would look like the recognition that the lives of undocumented migrants are lives that matter, lives as complex, unique, valuable, and worth protecting as American lives. I began this introduction with the words of Robin Reineke, my Executive Director at Colibrí, mentor, and dear friend. At a talk in 2015, Robin said, "We won't save lives on the border until we believe that they are lives worth saving" (Reineke, 2015). Ultimately, what this quote means is that no matter the work we do with families on the border, we cannot convince people that this is a human rights issue, cannot get them to want to change policy until we enable them to value migrant lives as equal to their own—in other words, until we effectively cultivate imagined empathy.

This work is neither unique to Colibrí nor unique to my own job in human rights communications. It is the work of every human rights NGO looking to mobilize socially and/or geographically distant audiences to affect social and political change. Ultimately, what our work comes down to is cultivating imagined empathy. Dr. Shani Orgad, professor of media and communications at the London School of Economics, argues that NGOs are "visualizers of solidarity"; they construct

visual lenses through which distant viewers understand certain suffering and crises (Orgad, 2013). Organizations like Colibrí are witnesses, partners in primary communities. Our witnessing is a form of political testimony (Kleinman & Kleinman, 1996) so it matters greatly how we choose to use it. By understanding the intentional efforts that have *always* gone into constructing human rights and imagined empathy, we can begin to think critically about our own work and perhaps be better positioned for the future.

The following thesis is intended to help us do exactly that. The first part has drawn on Hunt's historical analysis of the development of human rights in 18th-century Europe to articulate the relationship between human rights, imagined empathy, and practices of representation. It will then continue on to discuss the political significance of human rights concepts in today's America and why imagined empathy is fundamental to wielding this political power. Next it will draw both on 18th century trends in representation as well as contemporary discourse around ethical humanitarian communication to identify the specific practices of representation that effectively cultivated and cultivate imagined empathy, with an emphasis on methods of image-making and storytelling. Finally, this thesis will conclude with a case study from the Colibrí Center for Human Rights and the work unfolding on the U.S.-Mexico border. This final section will dive deeper into the policy-constructed crisis on the border, the barriers we face to imagined empathy, and will analyze a communications campaign carried out by Colibrí as one organization's attempt to cultivate imagined empathy in this context, identifying where we arguably succeeded or fell short.

However, before this discussion continues, it is important that I explicitly acknowledge my privilege in writing about a topic that for thousands of people—many of whom carry my own name, "Reyna"—has life and death consequences. As a woman of color, a Mexican-American, the daughter

of a Lebanese immigrant, and a person whose family has deep-seeded roots in the borderlands, my privilege is merely an accident of birth. I recognize that the dead and the missing on our border deserve more than I am offering them in this thesis. They deserve a mass mourning that transcends physical and social borders. They deserve the same dignity and honor we afford every person who carries the moniker "American citizen" next to their name. I hope that this thesis and my work can contribute to this, if only in a small way.

Human Rights: Political Power Built on Imagined Empathy

I. The Myth of Self-Evidence

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

-Article 1, Universal Declaration of Human Rights (1948)

"We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights."

-American Declaration of Independence (1776)

"Self-evident." Thus states the American Declaration of Independence written at what was arguably the culmination of the Enlightenment movement in 1776. This declaration remains one of our country's defining documents, one we still refer to as an immortal articulation of American values. Our continued reverence to this statement demonstrates 1) how tenaciously American culture subscribes to human rights, regardless of whether or not we have every meaningfully upheld these values, and 2) how we understand human rights themselves: as self-evident truths.

The claim of self-evidence is revolutionary and extremely politically significant, even into this the 21st century. This claim asserts that the argument of human rights (i.e. that all people are equal in rights simply by their existence as human beings) is an undeniable, inviolable truth. Furthermore, this claim—and more significantly our continued deference to it—would suggest that any violation of human rights is a failure of the values our country was built on so that subscribers to human rights (i.e. Americans) have an obligation to uphold these values, an obligation to immediately react to any *perceived* violation of human rights, if not abroad, then most definitely within (and on) our borders. Thus human rights maintain formidable convincing power within American culture. They can be used to control the agenda and define what suffering is political (of public concern) versus personal. Where human rights are seen to be at play, they can be powerfully leveraged to convince people of all different backgrounds that they must collectively and immediately intervene to stop the suffering of others.

Yet, as discussed in the introduction to this thesis, human rights do not just exist as a fact of nature. They are a political concept that only lives within social consciousness, not independent of it. The claim of self-evidence that defines American culture's understanding of human rights, however powerful, is ultimately a fallacious claim because it obscures the practical efforts that have always gone into constructing human rights. It is rather a myth of self-evidence that drives our understanding of human rights, still powerful to influence public action, but useless to human rights NGOs without also recognizing the need to cultivate the feelings that underpin human rights (i.e. imagined empathy).

II. Identifying Practices of Representation that Cultivate Imagined Empathy

"The aesthetics of suffering is catalytic in moving the spectator to action."

-Dr. Lilie Chouliaraki, Professor of Media and Communications at the London School of Economics (2010)

"Imagine…imagine…imagine."

-Chelsea Halstead, Program Manager at the Colibrí Center for Human Rights (2015)

Imagined empathy is the skill that underpins human rights, but it is not an innate human ability. In fact, it is quite unnatural to look beyond oneself and immediate community to connect with strangers, especially when your understanding of these people is informed by false rhetoric and assumptions. Imagined empathy is an exercise in creativity, as stated previously, an ability to see oneself and a distant stranger as members of a larger community of equal and valuable individuals (Hunt, 2008). In general, media (representations) are necessary to sustain any prolonged or broad feeling of community (Recuber, 2013). However, they are also fundamental in how members of this community are defined and whether they are seen as equally important; in other words, they are necessary to exercise empathy for people other than one's immediate family, friends, and neighbors.

To cultivate imagined empathy, practices of representation must focus on two key components: 1) **individual autonomy** (a subject's inviolable domain over his or her own body, mind, and choices) and 2) **individual emotion** (a subject's interior feelings and expressions in reaction to their reality). According to Denis Kennedy, an Assistant Professor of Political Science and author on humanitarianism, it is these elements that make up individual "humanity" or personhood (Kennedy, 2009). Autonomy and emotion are those transcendent characteristics of personhood that we most recognize in ourselves, and therefore, in other people. Stripped of these elements, individuals become

"personless" and lose what makes them most relatable (Kennedy, 2009). Through practices of representation that center on and embody a subject's autonomy and emotion, distant audiences are at ease to imagine themselves as equal, as fundamentally alike, to these individuals. What gets in the way of this ability? The answer is narratives that abstract or entirely fail to consider **individual** autonomy and emotion, that group people together as one unit, diminish what makes them most human, vilifies them for what one *thinks* they are and not for what they really are.

To convince ourselves of the power of certain practices of representation for constructing human rights, we need only to look to 18th century Europe, a context in which the language of human rights initiated and became so prominent that societies previously built on class structure and other prejudices found themselves redefining governments by their adherence to human rights (Hunt, 2008). As Hunt examines, new ways of viewing and reading (that communicated individual autonomy and emotion) encouraged ordinary people to put themselves in someone else's place, to transcend the same barriers upon which their own societies had been build and conceive of more universal bonds. As Hunt says, "Each [practice] reinforced the notion of a community based on autonomous, empathetic individuals who could relate beyond their immediate families, religious affiliations, or even nations to greater universal values" (Hunt, 2008). These same elements that were so powerful in originally developing human rights concepts continue to play a large role in the discourse around best practice in ethical humanitarian communication. The following sections will draw on both these discourses to identify the specific practices of representation that were and are fundamental to cultivating imagined empathy.

Image-Making

"Photographs are a means of making "real" (or more "real") matters that the privileged and the merely safe might prefer to ignore."

-Susan Sontag, filmmaker and writer on the social implications of photography (2003)

Images are fundamental to our social understanding of the world and how we view ourselves in relation to other people. They can help people imagine otherwise unimaginable situations, and therefore, are a critical practice in representing the suffering of distant others to a privileged audience who would likely have no (or limited) personal familiarity with these experiences. Images construct realities for distant viewers, and, as they have always been, "feelings of morality and empathy are stirred through both literal and mental sight" (Halttunen, 1995).

Yet behind every image is an intention. Image-making by definition is a way of framing, a choice to represent one thing and not another (Sontag, 2003). The images we use, the subjects they portray (and those they do not) as well as the ways we share them are all determinative of how our audience see the people and the suffering being depicted. Therefore it is important that we understand the practices of doing so that center on individual autonomy and emotion and accomplish what we have set out to do. From the historical discussion of 18th century media as well as the contemporary debate about humanitarian communication, I have identified three primary practices of image-making that accomplish this goal.

Presence

The first of these practices can be understood as "presence" both in that images represent current suffering, but also in that images are readily available and shared with audiences. Luc Boltanski, a

sociologist and author on topics of media and distant suffering, argues that in order to effectively engage audiences in a way that calls them to action, humanitarian communication must represent present suffering, not that of the past nor, arguably, that of the deceased (by means of putting their bodies on public display) (Boltanski, 1999). Boltanski contends that distant audiences will find it more challenging to imagine this experience as their own if it took place in a forgotten time or that audiences will engage with this suffering in a voyeuristic sense rather than an empathetic one (Boltanski, 1999).

Furthermore, to cultivate imagined empathy, images have to exist and be shared; otherwise, audiences are liable to remain ignorant of these crises all together. Professors of medical anthropology and sinology Arthur and Joan Kleinman argue that the absence of an image, and the political testimony it provides, is just another way of silencing suffering, diminishing individual humanity, and further marginalizing suffering communities (Kleinman & Kleinman, 1996). The presence of an image recognizes that the experiences of the subject are valuable and important enough to be communicated to others, that their suffering matters, and that everything else that defines their humanity beyond their suffering matters.

In 18th century Europe, the popularization of two genres of painting exercised the practice of presence. The first was the development of the Cult of Sensibilité, an artistic movement that popularized "genre painting". Unlike the traditional genres of history painting (which depicted epic scenes from the mythical or historical past), genre painting depicted moments from ordinary life with a particular emphasis on the emotion (hence "sensibilité) of the subject. What was even more significant was that many of these scenes were not of the lives of the most well-off or traditionally "important", but rather those from the most marginalized classes of society.

Artists like Jean Baptiste Greuze specialized in painting these stories from ordinary life where the emotions of each character were so explicit in their body language or facial expression that the audience would be encouraged to almost feel them too. His 1761 painting *The Village Bride* is a useful example of this trend (Figure 1).

Fig. 1 Jean-Baptiste Greuze, The Village Bride, 1761. Oil on canvas, 36 x 46. 5 inches (Musée du Louvre, Paris).

In *The Village Bride,* Greuze tells the viewer a story of love and loss, of emotion on either end of the extreme. Without any narrative or foundation of common experience, each spectator could experience the same emotions as the characters, and, even more importantly, as the next spectator. Through these types of paintings, people who otherwise had nothing in common with one another, or with the subject matter, could understand that they were alike in fundamental emotion, that they were equal members of the same community.

The second trend in painting was portraiture, specifically the proliferation of portraits that sought out to capture the individual personality and uniqueness of the subject. While this genre had always

been a popular method to construct a social identity, artists traditionally portrayed their subjects as austere and, in many ways, homogenous. Beginning in the 18th century, portraits depicted not just the accurate physical form of the subject, but also their character. By seeking to immortalize one's character, those things that made him or her unique, portraiture emphasized the value of each individual and their experience.

French painter Maurice Quentin de la Tour specialized in showing the essence of a person in their portrait. His paintings demonstrated the new idea of individual worth and distinction, not as a consequence of rank, but by nature of being an individual. His 1753 portrait of Italian opera actor Pietro Manelli (Figure 2) is the perfect example of de la Tour's ability and interest in capturing character and thus placing value on it. The proliferation of these types of paintings promoted the belief that each person was valuable precisely because he or she was unique, separate, and distinct.

Fig. 2 Maurice Quentin de la Tour, Portrait of Pietro Manelli, 1753. Pastel on paper, 45 x 36 inches

Permission

The second practice of image-making catalytic to cultivating imagined empathy can be understood as "permission", meaning that images are taken, created, and shared with the permission of the subject and credited as a representation of them by name. This practice is a communication of individual autonomy in that it respects the ability of the subject to decide where they are depicted, how, and for what purpose. It ensures that the person representing (in this case human rights NGOs) remain accountable to the desires and determinations of the person they are representing, a critical necessity in maintaining moral authority in humanitarian spaces (Nolan & Mikami, 2012). Furthermore, by crediting subjects by name, this practice respects the individual's ownership over themselves and their individual importance and worth in their image being shown. This sentiment is well described in the following quote from Susan Sontag, a well-recognized filmmaker and writer on issues of photography and representations of suffering:

> "It is significant that the powerless are not named in the captions. A portrait that declines to name its subject becomes complicit, if inadvertently, in the cult of celebrity that has fueled an insatiable appetite for the opposite sort of photograph: to grant only the famous their names demotes the rest to representative instances of their occupations, their ethnicities, their plights" (Sontag, 2003).

To draw on the same discussion as the above practice, trends in 18th century European portraiture additionally demonstrate the importance of permission in communicating individual autonomy and emotion. These paintings were often commissioned by the subject or otherwise an intentional way of

defining themselves to the rest of the world; the subjects, by choosing the go the route of the personal portrait, exercised their autonomy to represent themselves.

Contextualization

The third, and final, practice can be understood as "contextualization", meaning that images of suffering are not representative of subjects as helpless "victims" in isolation, but rather settled, as real people are, in the complex geopolitical realities that impact their lives. This is one of the dominant issues in the contemporary debate around humanitarian images and is largely a response to the kinds of de-contextualized images (shock-effect images) that were popular through the 1990s, and to some extent still today. These images are easily recognizable. They are the photos of starving children, the images of devastated, impoverished, inanimate communities whose names, voices, or stories are absent from the use of their images. These types of images disregard both autonomy and emotion. They paint subjects as helpless victims defined by the look captured on their face rather than as complex, unique, contextualized persons. Simplified, inaccurate and de-politicized representations of complex realities threaten the individual agency of the subject, as though they are powerless over their own lives and in need of saving (I'Anson & Pfeifer, 2013). These shock-effect images have proven to be very effective in garnering donations from Western audiences, but they do nothing to communicate individual humanity or create feelings of imagined empathy among equal persons. Individuals reduced only to their physical needs, to their bare rights, are stripped of what is most human about them (Kennedy, 2009), becoming more "curiosities of flesh" than relatable people (Chouliaraki, 2010).

Storytelling

"We cannot turn away from people whose stories we know."

-Anonymous

Although they are fundamental to the way we understand the world, images are ultimately limited in the reality that they can convey (Sontag, 2003). As discussed before, they are frames and can never encompass near to the full experience of the subject. To capture these elements more fully, images are best accompanied by narrative, spaces where subjects and witnesses can tell stories. "Narratives can make us understand" (Sontag, 2003). Stories are significant because they take distant experiences and statistics out of the abstract and into a comprehensive narrative that even someone with no similar experiences can relate to. Having imagined empathy does not mean to take on someone's experiences as one's own, but rather to appreciate these experiences as those of an individual as unique and valuable as oneself.

Often as human rights NGOs, we look to tell stories of the communities we work with and the people suffering as a result of social or political injustice. Yet as well meaning as our intentions are, stories are best told by the people who experienced the suffering themselves, not only because this adds a richness to the story that mere witnesses cannot convey, but also because owning one's story is a manifestation of your own autonomy and emotion, a way of feeling power over your experience. Voice is an expression of autonomy. An untold story is one of the most stifling experiences we can suffer through, particularly when that story is one of acute pain and social significance.

Novels held a vital role in exercising feelings of imagined empathy in 18th-century European society. This literary genre enraptured readers in the narrative, enabling them to experience the inner thoughts and feelings of the characters. In particular, the epistolary novel became one of the most

popular genres of the period. As readers indulged in the torrential dramas of novels, they were encouraged to put themselves in the position of the characters, feeling what the protagonist felt. Epistolary novels told stories through the fictional exchange of letters between characters. Through these letters, the author could share extremely intimate emotions with the reader, but it was as if the character themself (although fictional in this case) was telling the story.

Enlightenment philosopher and writer Jean Jacques Rousseau's 1761 novel *Julie, or the New Heloise* provides the perfect example of this practice. One of the best selling novels of the 18th century, *Julie* captured audiences not necessarily because of the plot, but because readers could identify with Julie's character. So privy were they to her intimate thoughts and feelings that it was as if those thoughts and feelings were their own. Hunt quotes one 20th century commentator when they said that 18th century audiences did not read *Julie* with pleasure, but with "passion, delirium, spasms, and sobs" (as quoted in Hunt, 2008). By creating this charged identification with character emotions, novels like *Julie* empowered the reader to empathize across barriers of gender, class, and nationality. Thus not only could people empathize with the person next to them, but also across even broader divisions.

Case Study: The U.S.-Mexico Border and the Colibrí Center for Human Rights

As articulated in the introduction of this thesis, our discussion here is meant to help today's human rights NGOs better understand the intentional efforts that go into constructing human rights so that perhaps they may think differently about the methods and goals of their communications. The preceding examination of practices of representation that cultivate imagined empathy is useful in analyzing my own communications work at the Colibrí Center for Human Rights. The final part of this thesis will look closely at one such campaign carried out in my time as Outreach Coordinator.

However, before we address this, we need to understand some deeper background into what is happening on the U.S.-Mexico border: the political history that led us to the crisis we face today and some of the barriers to imagined empathy that human rights NGOs in this context are grappling with.

Background

"We are looking at a mass disaster. It's like having a small plane crash in Southern Arizona every year for the past 15 years, except we have no passenger manifest to help us identify the victims."

– Dr. Bruce Anderson, Forensic Anthropologist for Pima County Office of the Medical Examiner (2014)

"This is an enforcement strategy built on human suffering."

-Chelsea Halstead (2015)

There is an undeniable crisis unfolding on the U.S.-Mexico border, a mass disaster absent from the national understanding about undocumented immigration. As a direct consequence of U.S. policies that stigmatize migrant populations, separate families, and militarize border enforcement, the U.S.-Mexico border has become tragically deadly over the past two decades. Since 1998, more than 6,330 people[1] have lost their lives crossing this terrain (U.S. Customs and Border Protection, 2014). According to the Colibrí Center for Human Rights, a Tucson-based NGO with the most comprehensive dataset of missing and unidentified migrants on the border, at least 2,500 people are

[1] U.S. Customs and Border Protection (CBP) official estimates on the number of dead are likely low. This count only includes those remains recovered by U.S. Border Patrol. It does not account for the thousands of other remains that surely have yet to be found in the vast terrain of the border region. Additionally, as CBP has consistently withheld their counting methods, experts believe that the true number of dead is significantly higher.

still missing and there are nearly 900 unidentified bodies[2] believed to be migrants at the Pima County Office of the Medical Examiner in Tucson, Arizona alone (2015). The International Organization for Migration has called the U.S.-Mexico border the third most deadly border in the world (2014).

The death and disappearance of thousands of undocumented migrants on the U.S.-Mexico border is a policy-constructed crisis. Beginning in the mid-1990s, increasing fear-based rhetoric about the dangers of undocumented migrants resulted in the U.S. government implementing a flurry of security reforms designed to curb the number of undocumented migrants from Mexico and Central America crossing the border. These policies embodied a theory known as *prevention through deterrence.* Under prevention through deterrence policies, the U.S. government targeted traditional and safe crossing points with heavy, militarized enforcement including agents, drones, ground sensors, infrared cameras, and checkpoints that now extend nearly 100 miles into the interior of the borderlands (Miller, 2014). In an effort to deter undocumented migrants from crossing the border, these policies intentionally funneled them into treacherous regions of the borderlands, most notably, the remote deserts of Southern Arizona (Martinez, et al., 2013).

Policies built on prevention through deterrence did nothing to address the underlying factors of undocumented migration (i.e. crippling foreign economies, growing violence, and devastating family separation). As such, they had little effect reducing undocumented migration into the U.S. Instead, the direct result of prevention through deterrence policies was an unprecedented rise in the number of people who died or disappeared crossing the border. Between 1990 and 2000, the average number of migrant deaths in Southern Arizona was 12 per year; from 2001 to 2012, that number rose to 170

[2] In recent years, Texas has seen an increasing number of migrant deaths, particularly in the Rio Grande region and the town of Falfurrias. Accurate data from this state is difficult to obtain, but it is certain that many more thousands of unidentified remains and missing people have gone through Texas.

deaths per year (Pima County Office of the Medical Examiner, 2015). The Pima County Office of the Medical Examiner maintains the largest caseload of deceased migrants in the country, and its two full-time forensic anthropologists are said to have the biggest caseload of any forensic anthropologists in North America.

Over the past two decades, the U.S. government has continued to expand prevention through deterrence policies on the border. The devastating human costs of such strategies have been additionally exacerbated by the deportation of millions of undocumented migrants living in the U.S.[3] Following deportation, many people attempt to cross back into the U.S. to reunite with family and loved ones. Evidence suggests that many of these individuals die on their return journey. Various other policies within the U.S. demonstrate an increasing devaluation and stigmatization of undocumented communities. Such laws include Arizona's controversial SB 1070 passed in 2010 in an effort to root out people living in the state without legal status.

Since January 2015, more than 123 people have lost their lives crossing the border into Southern Arizona (Pima County Office of the Medical Examiner, 2015). 123. 6,330. 2,500. These numbers represent individual, irreplaceable lives and the immeasurable grief of thousands of families across the U.S. and Latin America struggling with the confirmed death or unresolved disappearance of a loved one. These families are stuck in time. "Their searching becomes part of their trauma" (Reineke, 2014). Without the bodies of their loved ones, without confirmation of their deaths, these families cannot mourn. They cannot move on. And still, the most devastating fact about these numbers is that, ultimately, they are an accurate prediction for the future. If the American voter public does not

[3] The Obama Administration has deported more undocumented immigrants than any other president, around 2 million since he took office in 2009 (Gonzalez-Barrera & Manuel Krogstad, 2014).

urgently mobilize to reform inhumane and destructive immigration and border policies, hundreds of people will continue to die crossing the border every year.

Nonetheless, with each election cycle comes the repetition of the same anti-immigrant and border hawk rhetoric that established prevention through deterrence policies in the first place, rhetoric built on the narrative of criminalization and silencing that argues for heavier enforcement, stricter policies, and a refortification of the structural violence that causes migrant death. Why is it that we, as the American voter public, have yet to take any significant and collective action to change these policies, to end migrant death? Why have we not recognized this crisis as an urgent human rights issue that we must act upon? Part of the answer to this question is this narrative of criminality and silencing that dominates discussions of undocumented migration and presents serious barriers to the American public seeing themselves and undocumented migrants as equal, individualized persons.

Challenges to Imagined Empathy on the Border

"How have we come to define someone in terms of illegality to the point where that becomes more important than their humanity, their families, their hopes and dreams?"

–Robin Reineke (2014)

"En vida, era considerado invisible, un ilegal. Ahora en la muerte es un misterio por saber.[4]*"*

– Who Is Dayani Cristal? (2014)

The policies on the border and our unwillingness to approach them through human rights are all based on a particular way of viewing migrants. Beginning in the mid-1990s, undocumented migration

[4] "In life, he was considered invisible, an illegal. Now, in death, he is a mystery to understand."

became heavily criminalized under U.S. federal law. The same security reforms that created the structural conditions for the deaths of migrants also made them invisible, disposable, and invaluable. This narrative of criminality has come to define the way we look at the border and the people crossing it: as "criminals". Criminality diminishes the individual humanity of migrants, not just because it classifies them as a group but also because it pushes them to the margins of society and labels them as a problem to resolve. As Robin once said, "Are these deaths really acceptable to us just because they were so-called "illegals"? This one act of crossing the border cannot be the way we define these people. This is an extremely short-sighted way of looking at a human life" (Reineke, 2014).

What is additionally destructive about the narrative of criminality that surrounds undocumented migration is that it clamps down on misperceptions and fears held by many in the U.S. The border is what the artist Mata Ruda refers to as an "architecture of fear" (as quoted in Reineke, 2015). It is a barrier constructed out of American fear and designed to be feared by marginalized migrant populations. Every time we hear language that paints undocumented migrants as dangerous, illicit, homogenous "others" we know this will mean more deaths.

The criminalization of migrants is made worse by the layers of silencing put upon the undocumented and their families. Our culture has come to define people arbitrarily by their "crime" as we continue to construct muzzles around the very communities who would challenge this narrative. The undocumented are amongst the most stifled communities in the U.S., particularly the recently undocumented. In the cases of migrants who die crossing the border, their families are just as silenced, prohibited by layers of marginalization and invisibility from telling their stories. Voice is an expression of autonomy and the fact that migrants and their families are either spoken for (either by well-meaning supporters or by law enforcement agencies) or otherwise not heard at all is a stripping of that

autonomy and a denial of these individual's value. We are deemed undocumented migrants and their families so invaluable as individual persons that their stories are not even worth hearing in a national debate.

The narrative of criminalization and the compounded silencing of the undocumented represent serious barriers to getting Americans to see themselves in community with migrant communities. In the absence of imagined empathy, we see more of the same inhumane, security-based policies and comments like the following:

"Oh well. The more migrants who die, the less the U.S.A. has to deal with." (commented on Al Jazeera, 2015)

"Do the crime—serve the time." (commented on Al Jazeera, 2015)

"Stay out of our backyard without permission and you won't die. No sympathy." (commented on USA Today, 2013)

"The Things We Carry" Campaign: An Attempt to Cultivate Imagined Empathy

"We see these items and we remember that desert may have ended their lives, but it did little to define who they were in life."

-Chelsea Halstead and Robin Reineke (2015)

Shortly after Colibrí formed, we released a poster titled "The Things They Carried: A Memorial to Lives Lost on the Border" (Figure 3). This poster was a visual archive of some of the belongings found on migrants who had died crossing the border into Southern Arizona and whose remains the Pima County Office of the Medical Examiner had examined. In cases of unidentified remains, these items become critical clues that help investigators possibly learn more about who the person was in life and

perhaps identify them. In collaboration with the artist John Stobbe, Colibrí compiled a count of the items found on 2,306 migrant remains and produced hand-drawn images of the most common and most rare belongings along with a count of how many of them were found.

Fig 3 "The Things They Carried" via of the Colibrí Center for Human Rights

The ordinariness and diversity of these items meant to serve as a testament to the individual humanity of the people who carried them and to the injustice of how they were now required to be defined by such trinkets. Pornography magazines, rosaries, dentures, stuffed-animals, represented a wide range of people attempting this journey. Some items were more common, like identification cards, backpacks, and money. Others were rare, like Barney dolls, U.S. Social Security cards, and even a hummingbird. Regardless of the item, this was an extremely intimate view of someone's life, but it most certainly was not the way that an individual is defined, an individual as complex, unique, and valuable as those looking at the poster.

Following the release, I helped create a social media campaign called "The Things We Carry" where Colibrí asked followers to empty out the contents of their pockets, purses, backpacks, etc. to post a photo of their items with the #TheThingsWeCarry (Figure 4).

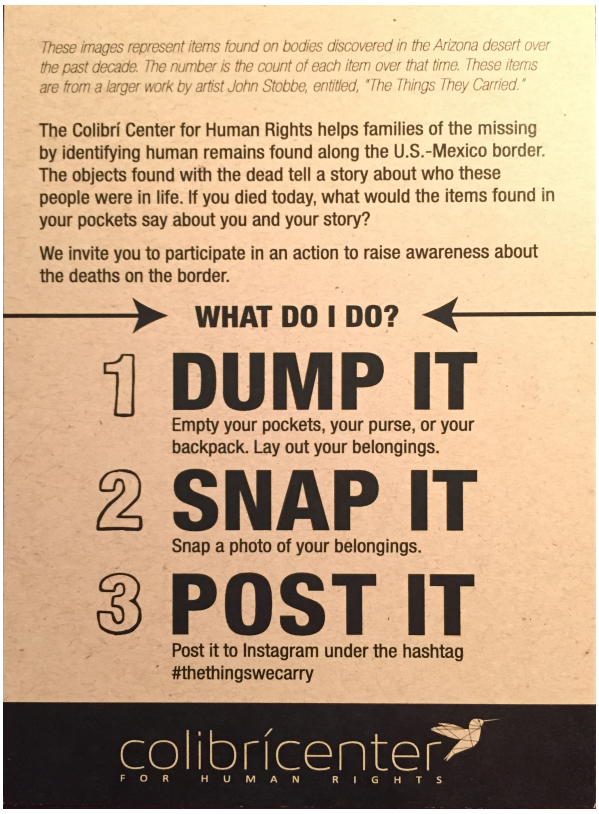

Fig 4 Instruction Card via the Colibrí Center for Human

This campaign was intended to bring awareness to the deaths on the border, but also to create imagined empathy among the participants for the individuals who had carried the items on the poster. By asking people to look at how the items in their pockets captured (or rather failed to capture) their individuality and humanity, we hoped to enable ordinary Americans to see that the people crossing the border are both extremely heterogeneous and cannot be encapsulated by their belongings. Although these items did also reveal that the fear-based narrative of criminality had little grounding in the reality of individuals who were actually crossing the border. Their belongings were as different as they were, but some did convey feelings of deep emotion—religious items, family photographs, and amulets. When we asked audiences to empty their pockets, these are some of the responses we received (Figures 5, 6, 7, and 8).

Figs 5, 6, 7, and 8 via the Colibrí Center for Human Rights

In some ways, this campaign was a great success. We got dozens of people from across the country to post photos of their belongings as part of the effort. Many of them would include thoughts about the injustice on the border and their shock at what was really happening to undocumented migrants. Some commented on how absurd it would be if they had to be defined by their lipstick or pocket of tissues. The images used as part of this campaign helped communicate both the individuality of autonomy and emotion of all the people who cross the border, not as a group of "criminals" but as complex, unique persons. The campaign asked audiences to put themselves, if only slightly, in the position of migrants not to feel what they felt (for there is no way to do this), but to imagine the injustice of what they do go through, as it would be unjust if the viewer themselves were subjected to this same trauma.

However, based on the previous discussion of practices of representation that cultivate imagined empathy, there is some room for critique of The Things We Carry campaign. It is true that the diversity of the items shown was an intentional effort to get as much complexity in the frame as possible, however, since these items belong to the unidentified deceased, it was not possible for Colibrí to obtain explicit permission to use them from their owners or from the families of their owners. As records from the Pima County Office of the Medical Examiner, the items were public, however, were we to do this campaign again today, our chief edit would be to involve the families of missing and deceased to a much greater extent.

Family involvement would have been essential not only in permissions, but also in including narrative to accompany the poster and images posted to social media. This campaign did not include a large storytelling aspect to it, which limited our ability to really engage families of the missing and deceased. As my colleagues Robin and Chelsea wrote in a piece discussing the poster,

> "For the families of migrants who have lost their lives crossing the U.S.-Mexico border, the items carried by their loved ones have special significance. The items take on an excess of meaning beyond their original materiality. They weigh more. Often, they are the only recognizable trace of the person they loved. We remember these items because they stand as physical testaments to the lives of the people who owned them" (Halstead & Reineke, 2015).

It would have served as powerful testimony to this statement if the families of migrants had included stories of what their loved one's items meant for them.

Lastly, it would have been important that our campaign take one final step that it did not when we launched it, that is, ask the audience to express their commitment to the cause in a political way. Empathy is a powerful emotion, but "it must be translated into action else it withers" (Sontag, 2003). We wanted people to recognize themselves in others, to bring undocumented migrants out of the abstract and scary and down to a level where people could relate to them. But after establishing those feelings of empathy, we did not ask for people to take any further action. This was not centered on a specific policy initiative or a protest or petition.

Based on the research done in this thesis and the lessons all of us at Colibrí have learned through experience over the last two years, this campaign would look a lot different if we did it today. It would include those elements discussed above and more heavily target the narrative of criminality in explicit ways. Ultimately though it would have had the same message: these people are more than what our culture defines them as. They are fathers, brothers, sons, mothers, daughters. They are their hopes and dreams. They are their agency to choose to leave home and risk their lives for something better. They are their complexity. They are individuals who cannot be defined by the items in their pocket, or the

status next to their name, or the decision by some politician in Washington that they are worth less than someone else.

Conclusion

"No wall can stand against the yearnings for justice, the yearnings for freedom, the yearnings for peace that burn in the human heart."

-President Barack Obama (2013)

"The dead call us to action. How we respond defines who we are."

-Robin Reineke (2015)

Human rights NGOs are tasked with a daunting challenge, one that comes with many ethical considerations in their role as witnesses but also the practical consideration of how difficult it is to get audiences to see suffering as a human rights issue. We are in a powerful position as allies and partners with those experiencing the trauma of our country's policies, but to use this power effectively, we have to be able to articulate the intricacies of the relationship between human rights and practices of representation. When we do, it shifts the way we approach our work and perhaps could help us accomplish the noble and lofty goals that bring us to work everyday. However, it is also critical to our work as witnesses in this field to recognize the need for self-reflection and self-critique. The way we choose to use our witnessing and represent the suffering of others has important implications for these individuals. With all the good intentions in the world, human rights NGOs are not just the white hats, but can also be part of the problem. With any luck, my discussion throughout this thesis can serve as useful for any human rights NGO looking to approach these challenges with intention, especially for those of us working on the border.

For much of the country, the border is an abstract concept that evokes images of walls and fences, but for those of us whose roots are in the border region, we know better. We understand that borders are not merely abstract walls, but are constructed policies that cause death and suffering for thousands of people every day. When you live in Tucson and think about the fact that at any moment, someone is probably lost, hurt and dying in the desert just forty miles from where you are and that their family will be waiting for them to come home, this crisis is no longer something that lives in the abstract—it is very real and very wrong. The current debate on undocumented immigration is in many ways a repetition (and expansion) of the one that took place in the 1990s and resulted in the policies that cause death on the border. As this crisis continues, we have to ask ourselves, when did the deaths of individual human beings become acceptable? I want an outpouring of what my colleague Chelsea Halstead calls "radical compassion" and I have to believe we are capable of it. And if my job representing the suffering of some of these people, in partnership with those they left behind, in any way gets us closer to this reality, then I have spent my days well.

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