Conflict and local immigration policy making

How conflict over immigrant day laborers in the United States shapes local policy responses

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CONCLUSION

The Role of Conflict In Local Immigration Policy Making

This research project has examined the role of conflict in local immigration policy making. Conflict is a core element of immigrant settlement, but not all conflicts over the settlement of immigrants are the same. Conflicts are dynamic and can vary across time and space. Variation in conflict can impact local policy making to an important extent. Based on this assumption about conflict two empirical puzzles emerged with regard to local immigration policy making. First, the mechanism of conflict itself. How do different features of conflict over immigration vary across space and time? And second, the impact of conflict on local policy making. When we have explored the different features of conflict, how does variation in these features shape local immigration policy making?

The literature on local conflict has suggested that different elements of conflict can vary (Rambotsham, Woodhouse and Miall 2011; Schattschneider 1957). For instance, conflict intensity, conflict duration, and characteristics of involved parties may differ from conflict to conflict and also across time. The literature on local immigration policies has argued that great variation exists among local immigration policies, and that factors such as demographic characteristics and political preferences steer localities into accommodating or restrictive directions (Hopkins 2010; Huang and Liu 2018; Ramakrishnan and Wong 2010; Visser and Simpson 2019; Walker 2014, 2015; Walker and Leitner 2011). Although scholars have explored many variables, the effect of conflict has remained largely understudied in the immigration literature. As conflict is central to immigrant settlement, conflict as a variable cannot be ignored in analyses of local policy responses to immigrants. However, conflict over immigration had not yet been operationalized in a manner that allowed to compare cases of conflict over time and across places. This means that no tools were available to examine variation in conflict in a standardized manner and explore how variation in conflict may impact policy responses. This project has aimed to address that gap, by constructing a dataset and deploying a measure to assess local conflict over immigration across time and space. By exploring different features of local conflict and how these features interact with other characteristics, it becomes possible to examine how conflict impacts variation in local policy responses to immigrants.

The previous chapters have discussed variation in local conflict over immigrants and how this variation has affected local policy responses. The research has been guided by five sub-questions. The first question focuses on what factors impact the existence of local conflict over immigrant day laborers. The second question zooms in on how conflict intensity varies over time and from place to place. The third question explores what factors affect mayors and city council members in their policy making decisions with regard to immigrant day laborers. The fourth question zooms in on the contested legitimacy of immigrant day laborers in the United States. Lastly, the fifth question asks to what extent local activism affects local policy responses to immigrants.
The next sections of the conclusion will address the main findings of this research project. The arguments of the chapters will be discussed in relation to the five sub-questions. Then the relevance and limitations of the research project will be discussed, as well as possible avenues for future research.

Understanding local conflict and its impact on policy making

*The existence of local conflict over immigrant day laborers*

The first puzzle of this research project focuses on factors that affect the existence of local conflict over immigrant day laborers. Why does one place experience conflict over immigrant day laborers while another place does not, even though both places seem to have many attributes in common? And what factors contribute to the existence of conflict at one point in time, while conflict is absent at other moments?

The first chapter deploys the literatures on visibility and marginalized groups to grasp local conflict over immigrant day laborers. The immigration literature has identified multiple factors that are at play in local conflicts over immigration – such as demographics, politics, and history of place – but it is important to recognize that immigrant day laborers are a particular group of immigrants. Day laborers are a marginalized group that engages in informal activities in public space. The visibility of a marginalized group is an important driver of conflict, in addition to factors such as politics and demographics. Thus, the marginalized position of day laborers creates specific dynamics that need to be taken into account when exploring local conflict. By uniting the findings from the marginalized groups, visibility and immigration literatures the first chapter shows how conflict over a marginalized group of immigrants arises.

The results that are discussed in the first chapter indicate that the hypervisibility of a marginalized group in public space is a decisive factor in local conflicts over immigrant day laborers. When other community members consider the presence and activities of a marginalized population in public space to be an eyesore, this population surpasses the threshold of ‘proper’ visibility and the stage of hypervisibility is reached (Brighenti 2007, 2010). The hypervisibility of day laborers was measured by the existence of day laborer hiring sites, the years a hiring site has been active, and conflict in neighboring municipalities. The results indicate that the existence of multiple hiring sites, new sites that exist for a short amount of time, and conflict in adjacent places increase the likelihood of conflict to occur. Day laborers are hypervisible to the community when one or multiple of the previously discussed conditions are met. Over time this hypervisibility may diminish as hiring sites blend into the urban landscape and the chances of conflict are reduced.

The hypervisibility of immigrant day laborers in public space is a source of conflict, irrespective of place-based characteristics, political preferences and demographics. For instance, political preferences and demographics may shape if the presumed unauthorized immigration status of immigrant day laborers or the solicitation activities of day laborers in public space are framed as the main issue, but in both instances the result is the occurrence of conflict over day laborers. This finding highlights how the visibility of a marginalized population in public space introduces specific dynamics in local conflicts over immigrants. It is important for immigration scholars to recognize that the publicness of immigrants matters when exploring local conflict. Thus, with regard to the first sub-question that asks which factors affect the existence of local conflict over day laborers it can be argued that demographic features, political preferences, and
place based characteristics may create an environment in which local conflict over immigrants can flourish, but in the case of immigrant day laborers it is the hypervisibility of a marginalized population that is of overriding importance.

**The intensity of local conflict over immigrant day laborers**

The second puzzle of the research project relates to the intensity of local conflicts over immigrant day laborers. Why is conflict over immigrant day laborers more intense in one city compared to another city, and how does conflict intensity differ over time? What factors shape the intensity of local conflicts over immigrant day laborers?

In chapter two a metric is constructed based on the conservation conflict literature to assess the intensity of local conflicts over immigrant day laborers. Conflicts may differ from time to time and from place to place in their intensity. It is important to examine variation in conflict intensity, because more intense conflicts are likely to have bigger political and policy implications. As the immigration literature did not provide tools to measure conflict intensity, a standard metric was developed that is comprised of five stages of conflict intensity. The first stage consists of coexistence and collaboration, the second stage encompasses disagreement, the third stage consists of unilateral action, the fourth stage consists of multilateral action, and the fifth stage encompasses violence. This metric was deployed to explore different stages of conflict intensity across space and time.

The second sub-research question of this project asked how the intensity of local conflicts varies over time and across space. The analyses conducted in the second chapter suggest that contact mediated by time and space is an important determinant of conflict intensity. Initially contact between immigrant day laborers and other community members is likely to heighten conflict intensity, as contact between different groups can aggravate differences which spur hostility and competition over resources (Amin 2002; Olzak 1992; Valentine and McDonald 2004; Valentine 2008; Wilson 2017). However, over time contact may also reduce conflict intensity, because prolonged contact between immigrant day laborers and other community members offers the possibility to develop relationships. In addition, the existence of nearby conflicts needs to be taken into account as well when it comes to contact, as there seem to be spillover effects. When communities have neighbors who have day laborer populations, but who do not experience conflict this makes it more likely that conflict intensity is low. In this instance positive encounters in one place seem to transfer to another place. However, when municipalities in close proximity do experience conflict over immigrant day laborers, the chances of finding higher levels of conflict intensity increase. Thus, hostile contact between day laborers and other community members may pass to neighboring communities as well, thereby raising levels of conflict intensity.

**Policy responses of city council members and mayors**

The third puzzle of this research project zooms in on the policy responses of city council members and mayors. What factors shape the policy responses of local elected officials when it comes to immigrant day laborers? And what is the role of local institutional design in local policy making?

The third chapter illustrates how institutional design shapes policy responses of mayors and city council members. An important feature of immigrant day laborers is their marginalized position, and even though other immigrant groups may occupy less marginal positions they do
oftentimes constitute a minority. Scholars who have studied the accountability to minority interests have argued that institutional design is an important factor. The interests of minorities are better protected in district and mayor-council systems, because district elections allow for better minority representation and mayor-council systems provide more incentives to mayors to care for minority interests (Eisinger 1973; Ihlanfeldt 2011; Maser 1985; Trebbi et al. 2008; Troustine 2010). The third chapter explores how local policy responses are shaped by institutional design in interaction with other factors. The results indicate that immigrant day laborers benefit from a mayor-council system, as such a system more often yields inclusive policy responses. However, no significant difference was found between district election systems and at-large election systems. Thus, immigrant day laborers are unlikely to profit from the recent push for district elections, which is probably due to their marginalized position – their inability to vote when lacking an authorized immigration status.

Policy responses of city council members and mayors are impacted by institutional design, but chapter three also highlights the significance of interacting factors. Seemingly similar municipalities may respond differently to immigrant day laborers, because of the interaction of factors. For instance, the results indicated that restrictive day laborer policies are more likely when conflict exists and adjacent municipalities implement restrictive day laborer policies, but this does not set policy responses into stone. Other factors such as a growth of the Latino population and voters predominantly voting Republican may spur the adoption of restrictive day laborer policies, while the existence of a mayor-council system may mitigate the effect of conflict and restrictive policies in neighboring areas. Thus, with regard to the third sub-research question that asked what factors shape policy responses of mayors and city council members to day laborers it can be argued that demographic factors, political preferences, the form of government, and other place-based characteristics may create an environment in which mayors and city council members prefer restrictive or accommodating day laborer policies, but it is the interaction of factors that leads to varied policy responses that are prone to change over time.

The legitimacy of immigrant day laborers

The fourth puzzle of the research project explores the ambivalent legitimacy of immigrant day laborers. The ambivalent legitimacy of day laborers relates to battles between adversaries and advocates of day laborers about the right of day laborers to be present in the United States, as a group of presumed unauthorized immigrants that meets a demand for contingent labor. How do ongoing debates about the legitimacy of immigrant day laborers to be present in the United States and the legitimacy of claims to public resources by immigrant day laborers shape local policy responses?

The fourth chapter explores how local day laborer policies are affected by the disputed legitimacy of day laborers. On one hand day laborers contribute to the economy and local governments lack the authority to discriminate based on immigration status, providing arguments to day laborers and their advocates to plead in favor of inclusive policies. On the other hand, day laborers engage in informal labor markets and presumably do so without an authorized immigration status, equipping opponents of day laborers with arguments in support of restrictive policies. The chapter illustrates how uncertain legitimacy of immigrant day laborers – that originates from discrepancies between their economic contributions and unauthorized immigration status – allows for the existence of prolonged conflicts between supporters and
opponents of day laborers. These conflicts push and pull day laborer policies between restrictive and inclusive, which is shown based on a typology of policy-legitimacy alignment. There are places where day laborer policies and the legitimacy of day laborers mostly aligns, and these can be classified as ‘endorsed exclusion’ – restrictive policies align with the dominant perception that day laborers are illegitimate – and ‘endorsed integration’ – inclusive policies align with the prevailing attitude that day laborers are legitimate. Then there are also places where legitimacy and policies do not align, and these instances can be categorized as ‘contested exclusion’ – the dominant perception is that day laborers are legitimate but policies are restrictive – and ‘contested integration’ – inclusive policies do not align with the perception that day laborers are illegitimate.

In response to the fourth sub-research question of this project that asked how ambivalent legitimacy of day laborers affects local policy making, it can be argued that the contested legitimacy of day laborers contributes to dynamic day laborer policies. In municipalities were exclusion or integration is contested, local battles between adversaries and supporters of day laborers make local officials continuously recalibrate their policy responses. But even in places were exclusion or integration is endorsed, opposing voices make themselves heard. Opponents in places where general consensus exists may be unable to have a decisive impact on local policies, but their existence still highlights how uncertain legitimacy of day laborers opens up space for conflict which in turn results in dynamic local policies.

The role of local activism in immigrant policy making

The fifth puzzle of this research project focuses on the role of local activism in policy making, and this puzzle was addressed in the fifth and sixth chapter of this research project. Who is involved in local mobilization activities relating to immigrant issues? How does the involvement of different actors shape local policy making? And how do localized conflicts scale-up into regional and national activism?

Chapter five and six illustrate the asymmetry that exists between adversaries and advocates of immigrants. The anti-immigrant side predominantly relies on committed activists and elected officials. Actors active on the anti-immigrant side have to work with relatively small budgets and without the support of a broad, and sophisticated network. On the other hand, the pro-immigrant side is made-up of a wide coalition of actors that is constituted by non-profit organizations, religious organizations, student groups and legal advocates. This coalition has access to considerable financial resources and can rely on a well-known network of formalized organizations. Thus, actors mobilizing in favor of immigrants have an advantage over the anti-immigrant side when it comes to public support and organizational capabilities.

However, the asymmetry found between actors mobilizing in favor of and opposition to immigrants has not resulted in asymmetrical policy achievements. The results discussed in chapter five indicate that the anti-immigrant side was more successful in obtaining policy wins than the pro-immigrant side. An important explanation for this finding is the support that actors mobilizing in opposition to immigrants found among elected officials. The backing of elected officials provided an effective counterbalance to the predominance of the pro-immigrant side when it comes to organizational power and public support. It can be argued that local mobilizations regarding immigration are instances of inversion, where pro-immigrant actors enjoy broad public support and have access to a sophisticated network, while anti-immigrant actors and elected officials join forces to offer a powerful counterbalance. Thus, the first part of the answer to the fifth
The sixth chapter explored how actors on the anti- and pro-immigrant side mobilize in a multijurisdictional field. A field that is made-up of multiple jurisdictions may offer different opportunities to mobilizing parties. For instance, one level of government may be sympathetic to the interests of immigrants, while another level of government is not. Actors mobilizing on the pro- and anti-immigrant side strategically mobilize according to the opportunities provided in different jurisdictions. In the case of Orange County, California, the pro-immigrant side mobilized for support in friendly jurisdictions formed by the state of California and the city of Santa Ana. The anti-immigrant side found support at the municipal, county and federal level. In addition to opportunities available in different jurisdictions, actors are also moved by movement-countermovement dynamics to mobilize across jurisdictions. For example, anti-immigrant actors in Orange County targeted the state of California for its inclusive immigration policies, while pro-immigrant actors targeted the federal government for its restrictive immigration policies. These findings indicate that immigrant activism is not limited to a single jurisdiction, but instead unfolds across multiple jurisdictions.

The second part of the answer to the sub-research question that asked how local activism impacts policy making towards unauthorized immigrants, argues that mobilizations that cross jurisdictional boundaries, highlight how localized conflicts can scale-up into regional, and even national movements. A local conflict – such as conflict over immigrant day laborers – may start in a relatively small geographic area, but this is not to say that the conflict is limited to this area. On the contrary, when actors get involved that have connections to other jurisdictions – such as regional or national non-profit organizations, activists from other cities, and elected officials that represent other levels of government – a local conflict may feed into the emergence of a movement that exceeds the boundaries of the jurisdiction in which the conflict originated.

In sum, the sections above have addressed the five sub-research questions of this project that were formulated to answer the main research question: how does local conflict over day laborers vary across time and space and how does this variation shape local policy responses to day laborers. Local conflict over day laborers is impacted by the hypervisibility of day laborers as a marginalized population and by contact between day laborers and other community members. Hypervisibility increases the likelihood of conflict to occur and contact between day laborers and other community members may initially spur conflict intensity, while enduring contact has a mitigating effect. The contested legitimacy of day laborers provides opponents and supporters of day laborers with ample space to mobilize and push for restrictive or accommodating policy responses. This research project has illustrated how variation in conflict and mobilization results in dynamic policy making, where accommodating and restrictive policies alternate based on the interaction of factors that are subject to change across time and space.
Implications of the research project

This section discusses the implications of the findings that have been outlined in the previous sections. Three aspects are highlighted, which include conflict as a factor in local policy making, specific dynamics that are introduced when conflict revolves around marginalized groups that cluster in public, and how localized conflicts evolve beyond local boundaries.

The first aspect refers to the role of conflict in shaping local policy outcomes. Immigration scholars have widely acknowledged that conflict is an inevitable feature of social change, and therefore that conflict can be expected when immigrants settle in a community. However, this is not to say that conflict should be treated as an established fact in analyses of local policy responses. The findings of this research project have shown that local conflict is a multifaceted and dynamic factor. For instance, chapter two has illustrated how the intensity of local conflicts varies across space and time and chapter five has demonstrated how the configuration of actors on opposing sites differs widely. Conflict consists of different elements, such as intensity, actors involved and duration among others, and variation among these elements makes that conflicts differ across places and also over time. Thus, even though conflict can be expected when immigrants take up residence in communities, conflict should not be considered as a constant.

It is important to account for the role of conflict when exploring variation in local policy responses to immigration, because variation in conflict can affect policy outcomes. In chapter three it was shown that it is more likely for mayors and city council members to implement policies when conflict exists within a municipality or a neighboring jurisdiction. This finding is in line with the literature that argues that conflicts push elected officials to take action and these scholars have also found that larger, more intense conflicts are likely to have bigger political and social consequences (Baumgartner and Jones 2009; Rambotham, Woodhouse, and Miall, Schattschneider 1957). So factors like demographics, politics and characteristics of place, that have been identified by immigration scholars, help to understand the direction of local immigration policies. But the role of conflict, and especially the impact of variation in conflict, has to be taken into account as well to understand why some places adopt policies, while other places do not and how policies responses may change over time.

The second aspect refers to specific dynamics that are introduced when conflicts revolve around marginalized groups that cluster in public. As was discussed throughout this research project, immigrant day laborers constitute a marginalized group because they engage in informal labor activities and because a significant share has an unauthorized immigration status. These features make day laborers vulnerable, because no regulation exists in the informal markets where they operate and their ineligibility to vote makes that they lack political representation. At the same time, immigrant day laborers are highly visible to the community because they gather in public to solicit for jobs. It is important to acknowledge that particular dynamics are at play when conflict is about a marginalized group that clusters in public. These dynamics include visibility, legitimacy and political representation.

When marginalized groups gather in public they are highly visible to the community, because their presence and conduct deviates from the established norms and rules. This makes that marginalized groups who gather in public are noticeable to other community members. Oftentimes this visibility is a source of conflict, because the marginalized position of these groups opens up debates about their legitimacy to be present. In the case of immigrant day laborers their
legitimacy to be present in the United States is challenged – based on the presumed unauthorized immigration status of many day laborers – and their legitimacy to use public space for informal activities – such as solicitation for jobs – is contested. Similar battles about legitimacy are at play with other marginalized groups that congregate in public, such as homeless persons, refugees and loitering teenagers. The fourth chapter has shown that contested legitimacy contributes to unstable policies, where battles over legitimacy push and pull policies between restrictive and accommodating. Thus, it is important when studying marginalized groups to take into account that the visibility of these groups in public spurs conflict, because the legitimacy of these groups is challenged. In addition, battles over the legitimacy of marginalized groups result in dynamic policies that are subject to change.

Political representation is, in addition to visibility and legitimacy, another important element to consider when examining policy responses to marginalized groups. Marginalized groups oftentimes lack political representation, because they deviate from the dominant population. This means that it is less attractive and profitable for elected officials to consider the needs and interests of marginalized groups. In order to enlarge the political representation of minority groups, the United States has experienced a push for local district elections in recent years. Scholars have found that minority representation and accountability is better served in district-elected systems compared to at-large elected systems (Collingwood and Long 2021; Eisinger 1973; Ihlanfeldt 2011; Maser 1985; Trebbi et al. 2008; Trounstine 2010). Although the transition to district-elected local councils will benefit many minority groups, it is important to recognize that marginalized groups are unlikely to profit from this change. Marginalized groups lack the numbers and/or legal abilities to obtain political representation, even in a district-elected system. For instance, unauthorized immigrants and teenagers are unable to vote in elections, and homeless persons oftentimes do not constitute a large enough population to be able to win an election for a representative. So the lack of political representation among marginalized groups makes that the needs and interests of these groups in the majority of cases lose out in local conflicts with other community members.

The third aspect concerns how local conflicts evolve in a cross-jurisdictional environment. A local conflict – such as conflict over immigrant day laborers – may seem on the face to be a very localized issue that is limited to a small geographical area. However, this research project has indicated that in order to understand local conflict and its impacts, it is important to consider that local conflict does not develop in a vacuum. In each chapter of this dissertation the role of external factors in shaping local conflicts pops up. Among the factors increasing the likelihood of conflict over immigrant day laborers to exist discussed in the first chapter, is the existence of conflict in adjacent municipalities. Chapter two indicated how conflict intensity is affected by the occurrence of conflict in other places in close proximity. A similar spillover effect was found in the third chapter for restrictive day laborer policies, that are more likely to be adopted when neighboring places experience conflict or have implemented restrictive policies. The cases discussed in the third and fourth chapter highlight how local conflict and policy responses are impacted by policy making in neighboring places, but also by policy decisions at other levels of government. For instance, conflict about day laborers in the city of Mission Viejo, California, was spurred by policy making in neighboring Lake Forest, and in Gaithersburg, Maryland, implemented policies at the county level provided a source for conflict about the presence of day laborers in the city. The fifth and sixth chapter illustrate how actors involved in local conflicts
connect to external actors – such as regional and national organizations, sympathetic activists from other regions, and elected officials at other levels of government – to achieve their goals. Thus, to understand local conflicts it is important to grasp how local conflicts relate to external actors and developments.

The finding that cross-jurisdictional influences matter in local conflicts over immigration implies that the federalized political system in the United States has a unique impact on local conflicts and policy responses to immigration. Scholars have argued that the discrepancies between the federal level of government in the United States and local levels of government when it comes to immigration, provide space for contestation. Only the federal government is allowed to regulate who is allowed to reside in the United States, but devolution of immigration enforcement authorities, the responsibility to integrate immigrants, and the inability to reform the faltering immigration system have pushed local governments to take up the issue of immigration. Both adversaries and proponents of immigration strategically exploit the opportunities offered by the inconsistencies between different levels of government. This makes that cross-jurisdictional impacts are an important factor in local conflicts over immigration and policy making.

Limitations and further research

This research project has focused on immigrant day laborers, because the presence of day laborers has been a breeding ground for conflict in some places, but not others and policy responses have varied widely throughout the United States. This makes immigrant day laborers a suitable case to study local conflict and its impact on local policy making, but – as was discussed in the introduction – it has to be acknowledged that day laborers are a very specific group of immigrants. The marginalized position of day laborers makes it challenging to quantitively study this population and the findings of this study may not translate well to other immigrant groups.

First, it is not an easy task to locate and identify marginalized groups, because they are informal. This usually entails that marginalized groups are studied by means of fieldwork, to get a thorough understanding of a population that is not easily quantified. This research project has aimed to quantify a marginalized population in order to measure conflict across time and space. This methodological approach has allowed to compare cases, but it has to be taken into account that this approach is less thoroughly than ethnographic fieldwork. For instance, deploying Google Streetview as a method to identify day laborers across a large geographical space, means that the images taken by Google affect the ability to identify day laborers. The time and day images are taken may influence the visibility of day laborer populations, and the images do not allow to accurately assess the size of groups of day laborers. In addition, chapter two discussed how day laborers may contribute to a lower degree of conflict intensity by moving across a lot to a less visible space. How day laborers behave during the day and how this may affect the occurrence of conflict and conflict intensity is not something that can be captured by the quantitative approach of this research project, but which offers an interesting avenue for further research.

Second, immigrant day laborers are a very vulnerable population and the findings of this research project may therefore be less applicable to immigrant groups that occupy more established positions. An important factor in local conflict over immigrant day laborers is their presumed unauthorized immigration status, which for instance results in battles over the legitimacy of immigrant day laborers to be present. It can be expected that these types of battles are not likely to
be found among groups of immigrants that are citizens or that have some other form of authorized immigration status. In addition, immigrant groups that have the ability to vote are more likely to be able to achieve political representation and have their needs and interests be accounted for. Thus, the findings of this study are generalizable to other vulnerable immigrant groups – such as refugees and low skilled immigrants – but may translate less well to more established immigrant groups. The importance of marginalization in local conflicts over day laborers suggests that it is likely that the findings of these study are applicable to other marginalized populations as well. These populations may include street vendors, homeless, and panhandlers among others. Further research is necessary to assess how differences between marginalized groups may affect local conflict and policy making.

The fifth and sixth chapter of this research project have suggested how the different actors involved in local conflicts and mobilizations regarding immigration can shape local policy making. More research is needed to explore how the asymmetry and inversion between the pro- and anti-immigrant side affect local conflict and policy responses. For instance, this research project has argued that elected officials play a prominent role on the anti-immigrant side. Further research could explore the relationships between elected officials and anti-immigrant organizations and activists. Questions to address are how and to what degree immigrant adversaries and elected officials cooperate, and what motivates elected officials to take the lead on anti-immigrant issues. It is also important to explore the political appeal of anti-immigrant sentiment. Even though pro-immigrant sentiment is expressed by a broad array of public and political actors, this oftentimes is not converted into pro-immigrant policy decisions. This begs the question – given the availability of resources among the pro-immigrant side – why elected officials express sympathy to the pro-immigrant cause, but are unwilling or unable to translate this sympathy into favorable policy decisions.