

Agents, structures, and the moral basis of deportability

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Abstract

Deportability is the omnipresent possibility of deportation, which gives rise to constant fear among migrants. In this article, I argue that a focus on deportability's structural causes – such as global capitalism – obscures how the agency of state leaders and citizens produces policies that entrench this vulnerability and fear. Many in the West believe that the precarity of deportability is what migrants deserve because they are unsuitable for membership in the political community. These people are not scared of migrants. They just believe that the latter do not deserve to reap the benefits of living in their state, even if they contribute their fair share. Therefore, leaders will constantly have an incentive to securitize migrants and enact deportability-enhancing policies because the public will acquiesce. To mitigate deportability, states must cultivate a broader sense of cosmopolitan empathy about those from outside the political community. For if citizens cannot see migrants as worthy of aid or participation in their political community, they will remain susceptible to policies that reinforce deportability.

Keywords

Cosmopolitanism, deportability, insecurity, migration, race, securitization

Introduction

'Illegal' or 'irregular' migration is ubiquitous in virtually every state in the international system (De Genova, 2002: 419; Sassen, 1999: 143). Although policy debates in North America and Western Europe receive the majority of the attention devoted to the issue (see, for example, De Giorgi, 2010), states throughout the Global South also remain embattled over disputes about immigration (Cogley et al., 2018). In turn, recent scholarship in international relations, political theory, and adjacent disciplines seizes on the political importance of international migration and considers how the politics of the modern nation-state intervene in migrants' everyday lives.

One aspect of such intervention concerns the relationship between migrant 'illegality' and 'deportability'. Migrant illegality is a 'racialized, spatialized social condition facilitating the manipulation and control of immigrants' (Hiemstra, 2010: 75). Illegality is something that migrants 'feel'; it is a gnawing sense of vulnerability and desperation that makes them susceptible to exploitation.

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Migrants experience their illegality on a day-to-day basis when policies limit their social, educational, and economic incorporation (Enriquez and Millán, 2019: 2089). One concept that connects migrants' legal status to their vulnerability is that of 'deportability', which is the omnipresent threat of deportation. Deportability retains power over a migrant's life because of the 'omnipresent threat' that one might potentially experience deportation at a moment's notice (De Genova, 2002: 439). Extant work articulates the importance of deportability for the daily lives of migrants and theorizes how capitalism, racism, and sovereignty coalesce to amplify how states use the ever-present fear of deportation to maintain a cheap, vulnerable, and silent, non-White labor force (Enriquez and Millán, 2019; Golash-Boza, 2015).

Within the wider context of international relations scholarship, the study of deportability is unique because it focuses on the *lives* of vulnerable individuals throughout the world. But much extant scholarship highlights how important *structures* of international life produce deportability. To be sure, these structural constraints have immense explanatory importance, but presenting the production of deportability as, for example, the product of neoliberal governmentality is limiting. And I argue that focusing on how the very large – macro-structures – affects the very small – individuals – portrays deportability as an unsolvable problem in the absence of drastic, perhaps revolutionary, social change. If scholars only articulate how powerful social structures produce such a deplorable condition, then they risk implicitly suggesting that the ruinous status quo will remain as long as the structures do. Incremental policy changes cannot liberate migrants from their precarity; they are at the mercy of larger social forces.

As a remedy, I open the 'black box' of states and describe how two types of agents interface within social structures to produce deportability. Although existing studies often describe how laws affect the lives of migrants, they ignore how policies do not emerge out of thin air. I explore how the interdependence between leaders who want to retain their power and citizens who have heterogeneous moral beliefs about immigrants produces policies that maintain deportability. Specifically, I describe how leaders use securitizing speech-acts to justify policies to their citizens. Like others, I argue that immigration is a policy area that is particularly ripe for securitization (Bourbeau, 2011). However, I go further to argue that many citizens do not acquiesce to securitizing attempts because they fear migrants; rather, they do so because their views about immigration are rooted in *moral judgments about just deserts*. I provide evidence that many in the West believe that the precarity of deportability is what migrants deserve because they are unsuitable for membership in their political communities. They believe that migrants are undeserving of the benefits that such membership brings, even if they contribute their fair share. Such moral judgments emerge out of past policies that constructed immigrants as racial outsiders and 'real' citizens as deserving of state membership (De Genova, 2007: 426).

Because support for laws that produce illegality and deportability are so firmly rooted in citizens' moral beliefs, merely changing laws is insufficient to address migrant insecurity. In fact, there will be little political will to adopt such an approach. Instead of focusing on laws, I suggest that a better solution lies in cultivating a broader sense of cosmopolitan empathy in the West. If citizens cannot see migrants as worthy of aid or membership in their communities, then the cycle of deportability will persist.

Migrant illegality and deportability

Since the 1980s, the Global North has transitioned to an immigration regime that is increasingly restrictive, securitizes migration policies, and includes highly militarized border controls. In response to these developments, a transdisciplinary coalition of critical migration scholars has theorized bordering, border control, and immigration policies as dynamic implications of an international system increasingly hostile toward non-White migrants.

For example, this epistemic community frames migrant ‘illegality’ as more than just an individual’s legal status within a country’s legal system, viewing it instead as a ‘space of contestation’ between migrants and state control over their mobility. ‘Illegality’ is thus a political *identity* rather than a mere status, and using the concept in this way highlights how the political and social constructions of ‘illegal’ migrants ‘marginalize, criminalize, and yet dangerously include immigrants in neoliberal imaginings’ (Hiemstra, 2010: 78). In other words, ‘being illegal’ is a way of being in the world; it is constructed by state policies that exclude migrants from legitimate membership in the political community, but it is *contrary* to migrants’ lived reality living, working, and vitally contributing to society. Simply labeling someone as ‘illegal’ has damaging material and psychological consequences because it makes them feel different, excluded, and outside society, even though they are vital contributors (Nevins, 2002).

Migrant ‘deportability’ is a key concept in this context because it specifies a particular mechanism that produces vulnerability in migrant communities, even among those who are legal and theoretically non-deportable. Deportability refers to a migrant’s *potential* to experience deportation, the most extreme consequence of illegality. Deportability is omnipresent because the modern state reserves the right to usurp the rights of those residing within its borders. And increasingly restrictive immigration policies, as well as increasingly provocative rhetoric surrounding those policies, make deportability a defining aspect of the migrant experience. In fact, many policies that construct migrants as ‘illegal’ (or potentially ‘illegal’) presuppose deportation as the ‘solution’ to violations (Ellermann, 2009). Deportability creates fear because deportation affects migrants, their families, and communities in myriad material, social, political, and psychological ways (Golash-Boza, 2015). The intensity of these consequences provokes significant *anxiety* among immigrants because their precarious status, coupled with the potential for deportation, manifests in perpetual uncertainty.

This anxiety has significant and wide-ranging consequences. For the immigrant, the specter of deportation hangs over their day-to-day life and threatens to destroy their material and interpersonal circumstances. The constant threat of deportation ‘enforces a protracted condition of vulnerability to the recriminations of the law and, consequently, a complex and variegated spectrum of ways in which everyday life becomes riddled with precariousness, multiple conditionalities, inequality, and uncertainty’ (De Genova, 2018). This anxiety and harm takes many forms because the state can exercise its deportation authority at any time, as recent Immigration and Customs Enforcement raids in the United States have shown (Campbell, 2019; Hing, 2009). Deportability leads migrants to spend less time in public out of fear, which causes an avoidance of social services and increased health risks (Gutmacher, 1984), a disruption of educational participation (Jefferies, 2014), domestic violence (Salcido and Adelman, 2004), depressed wages (Massey et al., 2002), and wage theft (Fussell, 2011).

Deportability is complex because it is *productive* for transnational structures. Deportability is not an incidental artifact of the way states choose to control their borders and populations: deportability is *functional*. For example, De Genova notes how deportable migrants serve the interests of international capitalism. Capitalists desire cheap labor, and deportable migrants are an ideal source because of their insecurity (De Genova, 2007: 426). Therefore, the state’s production of deportability serves two purposes. First, insecure migrants are cheap fuel for global economic engines. Second, the national security theater that justifies deportability – the construction of migrants as security threats – warrants the expanding state security apparatus. The specter of removal imposes significant emotional and physical costs on otherwise law-abiding people, thus creating anxiety among an already precarious class and serving the interests of the nation-state and its most powerful subjects. Deportability is a cycle.

These insights guide our understanding of how global forces interact with state behavior to produce deportability and illegality. Moreover, they reorient scholarly attention away from the

typical, impersonal subjects of international politics (i.e. ‘great power politics’) and toward unmasking the harms real people experience. However, extant scholarship focuses almost exclusively on how transnational structures produce deportability. Scholars often explain that states enact policies that produce deportability owing to ‘employers’ deeply entrenched historical dependency on the abundant availability of legally vulnerable undocumented migrant labor’ (De Genova, 2007: 428). The logic of capital accumulation creates incentives for a ‘race to the bottom’ in wages that leads employers to become dependent on cheap, vulnerable labor. As a result, companies lobby the government for policies that protect this resource.

Such accounts are necessary to piece together how deportability is sustained. Yet an overwhelming focus on the role of structures obscures other dimensions of how deportability works. Focusing on how macro-structures constrain the behavior of micro-agents overemphasizes the structural nature of deportability. If these macro-structures dictate state behavior, then deportability’s harm appears intractable. Incremental policy changes within states are futile because, for instance, biopolitics and neoliberal governmentality will remain powerful drivers of individual lives. The integration of biopolitical life into the modern state has already occurred and is unlikely to abate (Agamben, 1998: 7). In the next sections, I specify two types of agents that are either passive or absent actors in conventional accounts of how deportability works: policymakers and citizens. Doing so will provide insights into how to combat the mechanisms that produce this harmful condition without ignoring the importance of structures.

Deportability, its agents and structures

Most articles on migrant deportability have three components, each of which is present in Enriquez and Millán’s (2019) study of undocumented young adults in California. First, the scholar describes the policy or suite of policies that produce deportability’s constant threat. In this case, the authors highlight how ‘the Secure Communities program facilitated immigration status checks in jails to identify individuals with deportation orders. These enforcement practices fill minor police interactions with deportation risk’ (Enriquez and Millán, 2019: 2091). Second, these studies theorize the structural dimensions of domestic and international life that permit the implementation of such policies. Enriquez and Millán note how policies that produce deportability are akin to Foucault’s panopticon and that the surveillance structures of neoliberal governmentality lead to policies that ‘remind undocumented immigrants of their deportation risk’ (Enriquez and Millán, 2019: 2091). Finally, this scholarship takes the *effects* of deportability on actual people seriously. Indeed, the centerpiece of Enriquez and Millán’s analysis is a series of interviews with 92 Latinx young adults during 2014 and 2015 that unmasks deportability’s effects on real lives (Enriquez and Millán, 2019: 2091).

This study epitomizes the power of deportability research: it is politically important, theoretically sophisticated, and focuses on real harms to real people. However, as I note above, it suffers from deportability scholarship’s main pathology. It emphasizes how macro-structures create the conditions and incentives that lead to policies that produce deportability and its harms. To be sure, this is an important piece of the descriptive puzzle, and scholars should take care to not *underappreciate* the role of structures. And this pattern is not universal: scholars are not wedded to the idea that policies solely or primarily produce deportability.

However, an excessive focus on tracing this structural, top-down mechanism presents deportability as an unsolvable problem that is typical of many structuralist approaches to the social world. Such approaches, as Wight (1999: 114) laments, present ‘a world where mysterious forces operate behind the backs of individuals and drive them in a manner wholly in accord with the iron laws governing these structural processes’. So, when scholars note that states produce deportability

because of the incentives baked into global structures, they describe a mysterious, dismal world in which revolution is the only way to alleviate the harms of deportability. Of course, one must not exaggerate agency's role. Such methodological individualism, as Wight (1999: 114) points out, 'is devoid of social determinants' and 'gives us a world solely the result of the choices of desocialized individuals'. Instead, Wight's take on this 'agent–structure problem' is that scholars should admit that agents and social structures are mutually constituted while refusing to simply repeat this fact as a sociological mantra. Scholars should recognize that states are a constructed social form, and state behavior (like immigration policies) is the consequence of human action. This approach does not deny the reality or role of social structures, 'but such causal power . . . can only be accessed by individuals' (Wight, 1999: 128). While a full examination of the agent–structure debate is beyond the scope of this article,¹ the take-away is clear: one should theorize the constraining power of structures, but a complete analysis of state actions and their consequences requires an account of individual agency.

The agency of policymakers and citizens

I focus on two types of agents that produce deportability. The first type is obvious: policymakers. When scholars describe policies that produce illegality and deportability, they implicitly acknowledge the role that elites play in enacting these policies. Accordingly, the agency of policymakers is necessary for a full account of deportability. If policymakers lack either the structural imperatives or the individual impetus to pass restrictive laws, then such laws are unlikely to emerge. Put differently, macro-structures like global capitalism create incentives for certain interests within states to lobby for policies that produce deportability (Peters, 2017). But this mechanism is not a causal panacea. There is still room for individual agency, and policymakers do not have to prioritize laws that create the omnipresent, indeterminate fear of deportation. This agency rears its head because there is often significant *variance* in policymaking behavior.

Given the constraints of structures, individual elites still have beliefs and preferences that shape their behavior. These latter components of the decisionmaking calculus help us explain the conditions under which leaders advocate for laws that produce deportability. Take the leadership of the United States for example. Donald Trump and Joseph Biden pursued immigration policy agendas in strikingly similar structural environments: both held slim Senate majorities during the height of the Covid-19 pandemic and its associated structural complications. However, the former's preferences with respect to immigration policy diverge wildly from the latter, which can partially explain why the Biden administration reversed several policies upon taking office.

However, elite decisionmaking does not take place in a vacuum, and one cannot solely lean on individual-level variation to explain why policies that produce deportability emerge. There are other agents with which leaders are interdependent, and this interdependence helps provides a fuller explanation. This second source of agency comes from the leaders' *citizens* or *constituents*. A state's citizens have considerable influence over their policymakers' scope of maneuver (Burstein, 2003), and the collective agency of the voting public strongly constrains leaders' perceptions of what policies are advisable or possible. Although the public lacks the information that leaders possess, public opinion scholars show that citizens affect foreign and domestic policy decisionmaking (Sobel, 2001). The relationship between leaders and publics is strategic. Given their constituents' and their own preferences, leaders move to enact policies that will satisfy the greatest number of people, including themselves. As a result, citizens have power over their state's policy agenda because their collective agency holds leaders accountable.

While the public constrains elites in democracies, the conventional wisdom among political scientists is that elites have the upper hand in pushing their policy agendas. Leaders have private,

often confidential, information and expertise, which prompts citizens to give their elected officials the benefit of the doubt (Guisinger and Saunders, 2017). Moreover, while citizens' agency constrains law-making, elites have the upper hand because they can use their own visibility to speak to the public. Elites use these speech-acts either to encourage support for preferred policies or to gauge public concerns. This interdependence is vital for understanding the production of deportability-enhancing laws because leaders never make policies without considering the preferences of their constituents. But law-makers always have the rhetorical advantage in policy debates because of their private information and publicity.

To be sure, there are myriad potential explanations for how leaders and publics interact to produce policies that produce deportability. In some circumstances, public opinion dominates elite preferences, and in others the situation is reversed, but in most cases leaders support laws that serve their own electoral interests subject to the constraints of public opinion. For example, recent work shows that the Republican patrons of the USA's restrictive immigration laws from the late 19th through the early 20th century were motivated both by their own racism *and* by their desire to gain working-class votes. Henry Cabot Lodge and his colleagues viewed the racism and nativism of a broad swath of American society as an opportunity to raise immigration as an issue vital to the national interest for their own aggrandizement (Gratton, 2018). Such a strategy is akin to how international relations scholars conceptualize the securitization of immigration, and in the next section I present migrant securitization as one tactic that leaders use to justify restrictive immigration laws. I argue that this strategy remains so available to leaders because many of their constituents do not consider immigrants worthy of membership in their political communities, thereby exacerbating the domestic political incentives that produce deportability.

Elite securitization and public acceptance

For nearly three decades, international relations scholars and political theorists have studied the ways in which Western leaders use speech-acts to construct immigrants as threats in order to justify policies that go above and beyond the typical mandate of the state (e.g. Wæver, 1995). These analyses reveal that threats are intersubjectively defined 'among the subjects' (Buzan et al., 1998: 31), which means that leaders and citizens interact to produce shared understandings about which referent objects are dangerous and which are not. A key element of this process is that securitization works best when elites identify danger under 'the conditions historically associated with threat' (Buzan et al., 1998: 32–33).

The specter of international migration is a prime example of such a condition, and securitization is a tactic that relates to the previous section's discussion because both leaders and 'audiences' (the public) play a role in it. As Balzacq et al. (2016) note, the key idea of securitization is that leaders give issues 'sufficient saliency to win the assent of the audience, which enables those who are authorized to handle the issue to use whatever means they deem most appropriate' (Balzacq et al., 2016: 495). Leaders do not haphazardly securitize: they consider their own preferences (remaining in office and fulfilling their own agendas), consider public sentiment, and then securitize to get what they want. Implicit in this description is that the audience plays an important role. There are constituents within every state that support a policy, and when this proportion is significantly large, leaders have an incentive to securitize to solidify the audiences' acceptance. Doing so will aggrandize the leaders, but the availability of securitization depends on the constitution of the audience (Côté, 2016: 544).

Accordingly, there is variance in the ability of states to construct migrants as threatening (Bourbeau, 2011), and recent scholarship on Europe's migrant 'crisis' demonstrates that leaders react to strong anti-immigrant sentiments within their populations. Although these leaders and their

populations likely harbor similar beliefs, recent work shows the remarkable ease with which citizens of many Western states believe that economic migrants, refugees, asylum-seekers, and ‘illegal’ migrants are threatening (Hangartner et al., 2019). This belief flourishes despite evidence that these migrants pose no threat to the security, economy, or stability of a destination state (see, for example, Card, 2012). Enterprising politicians take advantage of such beliefs because they signal potentially fruitful policies that will strengthen their electoral prospects. Indeed, recent research demonstrates that negative perceptions of immigrants strongly bolster the electoral success of the radical right (Stockemer, 2016: 1008). For instance, politicians have recently referred to migrants as ‘parasites and protozoa’ (Jaroslaw Kaczynski; see Cienski, 2015), as bank robbers (Boris Johnson; see BBC, 2018), and as a ‘swarm’ (David Cameron; see BBC, 2015) that is ‘carrying diseases’ (Andrzej Duda; see Al Jazeera, 2015) to ‘threaten Christian Europe’ (Victor Orban; see Karnitsching, 2015).

To recap, the logic of securitization suggests that elites react to anti-immigrant sentiments by using speech-acts to construct migrants as national security threats and to justify policies that produce deportability. Neither the agency of leaders nor that of citizens dominates this story. If leaders’ preferences strongly oppose public sentiment, or if a strong plurality of their constituents do not oppose migrants, then it is unlikely that securitization and harmful policies will follow. This variance adds color to the origin story of deportability because it suggests that scholars ought to consider each case separately – each country context is unique.

But which comes first, leaders’ preferences or public opinion? Do leaders securitize to move public opinion? Or does public opinion catalyze securitization and the policies that follow? The answers to these questions are unclear. In fact, each side is pivotal in different circumstances because the preferences of leaders and their constituents are mutually constitutive: each affects the other simultaneously, and neither is the Platonic first mover. The policies that produce deportability emerge because, in some circumstances, public opinion and leader incentives and preferences coalesce to produce policies that create migrant precarity. However, once the ideology of the deportable migrant emerges within a state, it further ensconces the idea of migrants as non-members of the political community. Immigrants’ outsider status becomes built into society’s everyday assumptions, and policy debates proceed from that point. This shifts the burden of proof onto the migrant to continuously demonstrate their legality: immigration law ‘presumes non-membership’, and the state supposes that immigrants are not entitled to settle unless they definitively demonstrate that they are not dangerous (Stumpf, 2006: 400).

Put another way, the modern history of immigration enforcement in Western countries created the ideology of the immigrant-as-outsider, and leaders and citizens have operated under this status quo ever since. In the case of the United States, the Supreme Court created the category of the ‘illegal’ immigrant in the 1920s following the passage of the Immigration Act of 1924 and the earlier Chinese Exclusion Acts of the 1880s. Policymakers passed these laws in response to their constituents’ (and their own) racism and economic fears, which led to the legal creation of the ‘illegal’ immigrant (Gratton, 2018). The numerical and categorical restrictions established by these laws created a new class of persons within the American state whose inclusion became ‘a social reality and a legal impossibility’ (Ngai, 2003: 71). Once laws created the illegal immigrant, subsequent enforcement and policies further codified the conventional wisdom that migrants were illegitimate and often illegal members of the state.

Now, public debate between policymakers and citizens does not consider whether, for example, immigrants can be deported. The ontological status of immigrants in sovereign states is fixed, and debate revolves around whether specific policies are desirable in a given moment. When leader incentives and public opinion align, leaders securitize migrants to rally support for policies that enhance migrant deportability. The general relationship between immigrants and states is not up for debate in the public sphere. Accordingly, it makes sense to consider *why* this conventional

wisdom persists, as well as why securitization remains such an available tactic for leaders. In the next section, I uncover why conditions in most Western countries remain so ripe for securitization and the harmful conditions that follow. In so doing, I bracket the questions of whether public opinion produces deportability or vice versa, as well as deportability's non-policy sources. Given that past policies created the category of the illegal and deportable migrant, I focus on unmasking the aspects of modern public opinion that make it more likely that this conventional wisdom will persist.

Public opinion, just deserts, and racial resentment

Decades of laws created the ideology that immigrants are obviously deportable, precarious inhabitants of the political community. Beyond ideology, these laws created the omnipresent fear of deportation that harms marginalized communities throughout the world. While we cannot go back in time to undo these laws, we can consider securitization's modern resources: why is the public so willing to accept securitizing rhetoric from leaders? In other words, we can unpack the roots of why the public exercises its agency in a particular way in the modern, capitalist international system.

In the remainder of this article, I highlight two features of modern public opinion that resemble the aspects of public opinion that led to the restrictive policies of the late 19th and early 20th centuries: just-desert claims and racial resentment. Securitization and deportability-producing policies remain dominant strategies for leaders because a significant proportion of their populations is ideologically opposed to immigration and believes that deportability is what migrants deserve.

The public preference for laws that produce deportability is based on a desert claim. Claims about deserts are typical in everyday conversation, such as when a professor argues that a hard-working undergraduate deserves a high grade. The ubiquity of desert claims reveals their power in everyday life. Accordingly, there is a rich philosophical debate over the structure of desert claims, what kinds of things can be deserving, and what can be deserved, but here I focus on the 'folk' invocation of desert claims. I discuss how many citizens and leaders within states so naturally use desert claims as moral justification for the insecurity migrants feel. The desire to maintain deportability, precarity, and punitive policies has a moral basis in the motivated beliefs that support these desert claims, not in evidence, which suggests that even if leaders say that a security threat is no longer imminent, harmful state policies will persist.

This argument about the foundations of public attitudes toward migrants is a natural extension of how Western publics have felt about immigrants for decades. The post-9/11 world's obsession with safeguarding against terrorism obscures the original arguments against immigration. These arguments were not about security at all: many who opposed immigration did so on social (i.e. racist) grounds. While a full exposition of the history of anti-immigration sentiment is beyond the scope of this article,² it is important to note that many in the West who opposed immigration since 1945 did so because they feared the social costs of supporting newcomers. Arguments against immigration claim that accepting too many immigrants will strain the welfare state and society. In a world with reduced (or no) borders, undesirable immigrants will overrun the West to take advantage of its generous benefits. In the end, this rush of 'takers' will bankrupt the system and destroy the social safety net for citizens, pollute society with workers of low total factor productivity, and ultimately ruin the cohesion and stability of the state (Algan and Cahuc, 2013). These 'cultural' effects will outstrip any benefits of immigration and could permanently impoverish wealthier destination countries (Collier, 2013a: 100). This argument hinges on the idea that migrants bring with them the undesirable traits that cause their home countries' low productivity, such as such as 'human capital, genes, institutions, and language' (Putterman and Weil, 2010: 1677).

In other words, certain outsiders are unworthy of reaping the benefits of living and participating in the political community. They are undeserving because they are not original members of the state, are undesirable for one of the reasons above, and therefore have no right to the state's privileges. This argument is an appeal to the self-determination of political communities. In this account, democratic self-determination requires exclusionary immigration policies because without such exclusion states could not develop a distinctive 'community of character' and way of life (Walzer, 2008: 62). Walzer (2008) argues that the ability to demarcate the boundaries of a political community is part of what it means to have self-determination. Without this ability, the people would be unable to pursue their own collective projects, such as a social safety net. A restriction on the ability to define the terms of the state's political association would therefore undermine the autonomy of the citizens (Abizadeh, 2008: 49). Proponents of the fiscal argument care deeply about the 'proper' beneficiaries of the state's public goods, and many cite evidence that immigrants increasingly take advantage of social welfare programs (see, for example, Borjas and Hilton, 1996) to subtly suggest that undesirable immigrants are responsible for crises in those programs. In this story, certain immigrants are not legitimate members of the political community, so they do not merit its benefits and deserve harsh punishments. Citizens who hold these beliefs view the insecurity that comes with deportability as an appropriate cost that immigrants deserve.

Beliefs that migrants deserve insecurity often arise out of a *racial* threat narrative that has pervaded the West for centuries. Early immigration restrictions in the USA, Australia, the UK, and other immigrant-receiving states arose from a racism that created the category of the dangerous and threatening migrant. As a result, modern practices of immigration enforcement 'shape the particular meaning of race that is taken for granted in the polity' (Valdez, 2016: 641), reinforce longstanding racial threat narratives, and justify coercive immigration management practices and the condition of deportability. Migrants *deserve* the precarity of deportability because they are racially undesirable non-members of the political community (King and Valdez, 2011).

For example, the USA passed discriminatory quotas in the 1920s in response to 'scientific' racism, xenophobia, conservative opposition, and rising economic inequality (Massey and Pren, 2012: 7). The Quota Acts of 1921 and 1924 dramatically reduced the number of immigrants, negatively discriminated against those from Southern and Eastern Europe, and prohibited all immigration from Africa and Asia (Zolberg, 2008). As a result, the USA experienced a 'long hiatus' from immigration, which led the foreign-born population to drop below 5% for the first time in the country's history (Massey and Pren, 2012: 7). These policies ensured that all immigrants that entered between 1921 and 1965 were deserving members of the US political community and not 'filthy' outsiders (Zolberg, 2008: 246).

Coincidentally, this period of restriction overlapped with the development of the modern social safety net. When immigrants came from 'desirable' sources in Western and Northern Europe, there was no legal restriction on immigrant access to social welfare programs, *even if they lacked legal status* (Fox, 2012). However, during the 1970s, after the racial composition of immigrant flows changed from largely European to Asian, African, and Latin American, the US government tied access to federal benefits and social welfare programs to immigration status (Fox, 2012: 294). During this transition, an explicit racial 'threat narrative' surrounding the deservingness of these new immigrants drove the implementation and public support of these new policies (see, for example, Golash-Boza and Hondagneu-Sotelo, 2013). In short, US policymakers passed laws that enhanced the precarity and insecurity of immigrants when the composition of immigrant flows changed. Throughout modern history, the United States has treated its immigrant populations on the basis of just deserts, so when the composition of the populations changed so did their perceived deservingness. As I show below, the interaction between racial perceptions and just-deserts calculations remains ubiquitous.

Table 1. Figures represent the average illegal immigrant feeling thermometer of ANES respondents in each of the four conditions. Respondents with high racial resentment and a desire to decrease welfare have significantly lower opinions of illegal immigrants.

| | Decrease welfare | Do not decrease welfare |
|-------------------------------|------------------|-------------------------|
| <i>High racial resentment</i> | 34.14 | 42.46 |
| <i>Low racial resentment</i> | 42.18 | 50.34 |

Trends in US public opinion

In this article, I contend that securitization remains an available option for leaders because large proportions of citizens feel as though immigrants do not deserve the political community’s benefits and because they harbor racial resentment. US public opinion helps warrant this claim. Specifically, I use data from the American National Election Survey (ANES), which asks American voters a battery of questions regarding their voting behavior and other views about society. Beyond simple questions such as those related to income, the ANES reveals societal preferences about illegal immigration, welfare, and racial resentment. I use its questions about societal preferences to show the interdependence of racial resentment, views about public services, and feelings toward immigrants.

The most important measure I use is the public’s ‘feeling thermometer’ toward illegal immigrants. One’s feeling thermometer is a self-reported number between 0 (lowest opinion) and 100 (highest opinion) that signifies how positively or negatively one feels toward illegal immigrants. The average feeling thermometer in the sample (60,000 respondents) is 43, which shows that Americans, on average, feel negatively toward illegal immigrants. To investigate the main question of interest, I use several questions that ascertain racial resentment and whether one thinks welfare spending should be increased or decreased.³ I use the welfare question to proxy for beliefs about just deserts because respondents who think the government should decrease welfare spending are likely to think that immigrants will unduly ‘waste’ public benefits they do not deserve (Collier, 2013b).

The results are presented in Table 1, which shows that respondents who are racially resentful *and* think welfare spending should be decreased have significantly worse perceptions of illegal immigrants. The average feeling thermometer of these respondents is roughly 34, which is far less than the national average (42) and the average among those who are not racially resentful and who think welfare spending should increase (50). Although these are descriptive results, they provide prima facie evidence that feelings of deservingness and racial resentment drive the public’s opinion toward illegal immigrants in the USA. Coupled with existing scholarship, this evidence demonstrates that these factors usurp concerns over one’s personal economic circumstances or the potential security concerns that migrants may pose (Citrin et al., 1997).

Vitally, this trend shoots through modern immigration politics worldwide (Kustov, 2021). Many citizens of Western countries do not view migrants whose primary motivation is to seek better economic opportunities as deserving of admission, and they only are willing to admit those who have experienced violence, torture, or other types of extreme treatment (Bansak et al., 2016: 218). With these beliefs, citizens of the Global North marginalize the economic needs and insecurities of citizens of the Global South; they perceive any immigrant from the ‘undesirable’ regions of the world who arrives as an economic migrant to be an unfair drain on their state’s resources. The realization that publics do not perceive economic insecurity as deserving of protection or mitigation is key for my argument. These public perceptions suggest an implicit, yet predominant, trend in the public sentiments of rich countries to consider economic insecurity as a deserved status. Although many emigrated in the past in search of economic opportunities, Western publics perceive those past migrations as legitimate and current migration in search of a better life as illegitimate.

To recap, leaders have an incentive to securitize migrants and pass laws that produce deportability because many in the West believe that such insecurity is what migrants deserve. My argument relies on evidence about the ‘type’ of migrants citizens wish to admit and views about how they should be treated once they arrive, and is corroborated by the rise of racist, anti-immigrant rhetoric and anti-immigrant parties throughout the world (Matthes and Schmuck, 2017). It does not matter if politicians claim that migrants no longer pose a security threat. As long as a sizable proportion holds these moral beliefs about migrant deservingness, deportability will remain. Politicians respond to public opinion (Burstein, 2003), and we should not expect elites to act in ways that would jeopardize their likelihood of securing re-election. Whether public sentiment responds to elite cues or vice versa, there are substantial political coalitions in many Western states that will likely scupper any attempt to mitigate the deportability of undeserving migrants (Freeman, 1995: 882).

The securitization of migration is a natural consequence of the racist history of immigration restrictions and the agency of public opinion. As such, deportability is a consequence of both structural features of the modern international system and the agency of citizens and elites. For many, unwanted immigrants are not legitimate members of the political community, so we should exclude them. Moreover, those that do manage to enter the state should be subject to punitive policies because they are undeserving of a better life. If these immigrants break the law, we should be able to deport them with impunity; this insecurity and uncertainty is what they deserve. This sentiment suggests a lack of *empathy* for the lives and circumstances of migrants among many in the West. This is a neglected, alternative justification for policies that produce deportability. In the next section, I propose a cosmopolitan approach to this lack of empathy that, while difficult to sustain, could produce greater empathy for those beyond the political community and mitigate deportability and its harms.

A cosmopolitan solution?

This article’s approach de-emphasizes deportability’s structural catalysts and emphasizes the agency of elites and citizens. I make this move because it allows one to consider the meso- and micro-level factors within states that produce deportability-enhancing policies. Deportability is a multifaceted condition, but, as extant work shows, it is particularly pernicious because of policies. These policies arise because leaders often have electoral incentives to securitize migrants owing to racialized public opinion about migrant deservingness. To conclude, I will consider further actions elites and activists may take to change public opinion and destabilize leaders’ incentives.

The analysis above reveals that Western publics lack *empathy* for those beyond their borders, particularly when it comes to welcoming them into their political communities. These states keep the Global South at arm’s length, and they choose the least efficient means of helping the global poor. Although OECD states send immense amounts of aid to help alleviate poverty, these efforts merely service larger foreign policy goals and the amounts have declined in recent years (Bearce and Tirone, 2010). If these states truly wished to alleviate global poverty and raise global welfare, they would recognize that open borders would provide gains far outstripping these cash transfers (Clemens, 2011). All in all, this performative aid, coupled with evidence about public opinion, suggests a deeper issue with the condition of migrant deportability. Unless a sufficiently large coalition of citizens and leaders in Western states embraces *cosmopolitan empathy* and the belief that non-citizens deserve to live a better life, deportability-enhancing policies will remain.

When individuals have cosmopolitan empathy, they identify as citizens of the world and hold all people in the same regard (Nussbaum, 1996). This means that they consider all humans throughout the world to be members of the same group, and this attachment to humankind may outstrip

their attachment to other group identities, such as nationality, ethnicity, and religion. This empathy is cosmopolitan because cosmopolitanism is concerned with the protection of universal human values and prioritizes ‘respect, tolerance, and responsibility for the human community’ (Pichler, 2009: 707). Cosmopolitans have argued for open borders for several decades because they emphasize the equality of all human beings ‘irrespective of the community in which they were born or brought up’ (Held, 2009: 537).

Cosmopolitans typically appeal to principles of justice to argue that open borders are morally required. In short, one’s country of birth reflects a ‘lottery’ (Shachar, 2009) that is ‘the modern equivalent to feudal privilege – an inherited status that greatly enhances one’s life chances’ (Carens, 1987: 252). Accordingly, open borders are a natural and required response to the immense inequality that arises from differences in citizenship. Regardless of individual responsibility, all humans deserve moral consideration and the right to live where they wish.

Arguments that appeal to general notions of justice to warrant open borders suffer from problems similar to those seen in the scholarship on deportability. Making a consistent argument that one’s epistemic community accepts is insufficient for political change. One may interpret this argument as insufficiently emancipatory, but public opinion, political polarization, and political incentives in democracies ensure that large majorities will not accept such arguments, regardless of their internal validity. My quarrel lies not with cosmopolitan arguments for open borders but with the presumption that these arguments are sufficient to produce political change. As I do with deportability above, I focus on how a concept from cosmopolitan theory – cosmopolitan empathy – can guide our understanding of how to affect the political agency within states that produces deportability.

Cosmopolitan empathy directly relates to the idea of just deserts. Citizens of Western states support punitive policies that produce deportability because they consider migrants deserving of those burdens. For instance, citizens and politicians argue that their countries should not accept ‘economic migrants’, despite the economic expediency of doing so, because, as outsiders, they are undeserving of the opportunity. And they see any hardship or violence such migrants may experience at the hands of the state as karmic retribution for their malfeasance. Such sentiments are pervasive in the rhetoric of anti-immigration parties and contemporary populism. In contrast, those with a cosmopolitan orientation are capable of empathizing with those beyond the borders of their state and do not see nationality or citizenship as legitimate barriers to opportunity. This creates an impasse because one side views migrants as antagonistic to the national interest and the other sees human suffering. This impasse explains the roadblock in immigration policymaking throughout the world. It also raises a vital question: If cosmopolitan empathy is the key to mitigating deportability, how can states, leaders, and publics foster it?

Fostering cosmopolitan empathy is difficult, and the examples above show that Western citizens are often unwilling to bear the costs of helping those beyond their borders. Naturally, these difficulties relate to why deportability prevails. First, deportability’s racist foundations dovetail with recent work on ‘the complacency of cosmopolitanism’ (Gani, 2017: 425). This scholarship reveals how cosmopolitan theory and putatively cosmopolitan identities – particularly in Europe – neglect to examine how racism and right-wing extremism arose precisely in response to non-White asylum-seekers and immigrants who are in the most need (Gani, 2017: 428). This critique of cosmopolitanism reveals the latter’s frailty and calls into question whether Western societies are capable of living up to their self-perceived identities when those requiring hospitality are non-White.

Second, incentives to remain in power will tend to push politicians to stoke their constituents’ fears and amplify racial resentment. Politicians are motivated to win re-election (Mayhew, 1974), and appeals to fear are a quick way for politicians to win support for their policies (Lupia and Menning, 2009). So, in a world where electoral democracy is hegemonic, a large proportion of

people live under political regimes in which it is expedient for politicians to securitize to catalyze support. Because immigrants are such a natural target owing to their 'otherness', it will be difficult to promote cosmopolitan empathy in a population that is constantly exposed to rhetoric pushing in the opposite direction.

Third, and related, humans feel closer to those in their in-group, and the social psychology of the minimal-group paradigm suggests that even arbitrary distinctions between groups are sufficient to produce discrimination toward 'Others' (Tajfel, 1979). Experimental evidence shows that in-group identification is a more important predictor of whether one holds anti-immigrant views (Reynolds et al., 2007). Since nation-states provide an impetus that far outstrips the 'minimal group', it is easy to see why publics are so adverse to empathizing with migrants, particularly when such empathy would require sharing space with racial outsiders. Taken together, the minimal-group paradigm and the incentives for politicians to securitize migrants for electoral gain suggest that cosmopolitan empathy related to the well-being of migrants is difficult to produce or sustain.

These hurdles pose serious threats to the production of cosmopolitan empathy in those who do not already possess it. Skeptics of outsiders, xenophobes, or 'nationalists' are predisposed to use migrants as political chips and reject their interests, and therefore are more susceptible to politicians' fear-based tactics. However, the final hurdle – the strength of in-group identity – is malleable. The strength of the minimal in-group paradigm is that group identities can quickly coalesce with the right stimulus. In this way, even those who were not predisposed to feel a certain way find themselves feeling like part of a group. For example, after 9/11, large swaths of Americans who had previously felt little attachment to nationalist sentiments found themselves participating in public rituals. The stimulus was significant enough to bring a larger number of citizens under the ideational tent (Hetherington and Suhay, 2011).

So, while many scholars use 9/11 as evidence of the power of securitization, the salience of the group identity that emerged provides insight into one possible way of expanding cosmopolitan empathy. The key is using common threats to humankind to expand group identity beyond the nation-state. As Beck (2002) argues, there can be no cosmopolitanism without localism, and an existential threat like the global climate crisis may provide the fodder necessary to expand cosmopolitan empathy. The crisis will require communities to protect themselves, but since all humans throughout the world will face the threat, this may extend the ideational tent. Just as Deudney (2007) claims that a world state is inevitable owing to the expansion in the human ability to destroy, anthropomorphic climate change and its devastation may provide the nudge necessary to spur on cosmopolitan empathy in otherwise reticent Western populations. To be sure, climate change is not guaranteed to have this positive knock-on effect. Western states may retrench in the face of growing insecurity. Future scholarship should further consider the relationship between existential security threats like climate change, the securitization of migration, and deportability.

The racialized 'just deserts' explanation for Western antagonism towards undeserving outsiders will remain without a dramatic shift in the lived experience of Western audiences. And deportability and the lack of cosmopolitan empathy may persist unless Western states become fully post-material societies (Inglehart, 1977). In such a world, all the needs and wants of all citizens are met or are easy to meet, which would reduce the impetus for people to be concerned with whether migrants are deserving of living in their state. Ironically, in this account, for cosmopolitan empathy to diffuse to populations that are antagonistic towards outsiders, thereby reducing the catalysts of securitization and deportability, we may need more securitization, not less. Citizens of the West will need to have their basic needs met by the state, which will require policymakers to securitize threats to the daily insecurities of their populations, as well as be alert enough to extant threats that they are willing to consider outsiders to be deserving of membership. Given the enormous difficulties in addressing the antecedents of securitization and deportability (i.e. racial resentment),

cosmopolitans need to consider the political realities they face. The causal chain that produces and sustains deportability and all its pernicious effects is robust and is supported by social structures with deep roots. At best, cosmopolitans and those who are supportive of migrants need to consider ways to expand the West's in-group to include those from beyond their borders.

The expansion of the social safety net, coupled with a commitment to real open borders, may provide such a way forward. A more robust welfare state that protects citizens' well-being and more open borders may protect citizens' 'security' concerns, while more open borders will increase contact between people with different backgrounds that may decrease racism, racial resentment, and threat (Pettigrew and Tropp, 2006). While these proposals are speculative, taking cosmopolitanism to its logical conclusion provides the most likely solution to the social forces that inhibit cosmopolitanism, despite potential concerns over its feasibility.

Conclusion

Deportability – the omnipresent possibility of deportation – creates fear, anxiety, and precarity among all migrants. Others have written and will continue to write extensively about the security concerns of these real people and how a continued analytical focus on the nation-state obscures their stories from scholarship. This call to unmask individual precarity is admirable, and revealing inequalities and violence in society is often the first step towards mitigation.

In this article, however, I argue that this literature's focus on deportability's structural causes obscures how the agency of state leaders and citizens produces policies that entrench the problems individual migrants face. I highlight the reasons why leaders will always have an incentive to securitize migrants and enact policies that produce deportability. In short, many citizens view the insecurity that comes with deportability as an appropriate cost that immigrants deserve. Such a view arose out of a racial threat narrative that has pervaded the West for centuries. In other words, many in the West are firmly against migrants, not because they are 'dangerous', but because they are undesirable outsiders.

This analysis reveals a lack of empathy for foreigners and a belief that anyone who arrives that is unworthy should experience all the pernicious effects of deportability. I have discussed this lack of cosmopolitan empathy within many Western populations, described why such empathy is so difficult to produce, and argued that a radical expansion of group identities may be required to mitigate the issues that foster anticosmopolitanism. In the absence of more securitization and a concomitant expansion of the welfare state, it is unlikely that the structural forces that maintain deportability will dislodge.

Critical security studies is admirable in its admission of non-mainstream security threats, bureaucracies, and *structural* explanations into security studies. However, this article reveals that existing work ignores how domestic political *agency* affects the policies of states: the heterogeneity of the public. Without increased attention on those citizens who are against immigration because of moral beliefs, scholars will miss the really existing politics that explains the intransigence of anti-immigration politics.


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Notes

1. For a full examination of this problematique in international relations, see, for example, Wendt (1987); Wight (1999).
2. See Zolberg (2008) for a historical overview of immigration policy restrictiveness in the USA, and FitzGerald and Cook-Martin (2014) for a similar overview in relation to Latin America.
3. Racial resentment is the combination of several variables from the ANES: 'Blacks must work harder to succeed', 'Blacks should not have special favors to succeed', 'Generations of slavery and discrimination have created conditions that make it difficult for blacks to work their way out of the lower class', 'Blacks have gotten less than they deserve over the past few years' (see Filindra and Kaplan, 2016).

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