

Title—(B)ordering Britain: Law, Race, and Empire

Author—Nadine El-Enany

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Categories: Migration, Empire, Colonialism, Race, Law, Politics

Place: Britain

Time: 1945-Present

Argument Synopsis:

El-Enany's book is centered on the relationship between British colonialism and the development of modern British immigration laws. She claims that British immigration law must be understood as being on a continuum of colonialism. There is little mainstream acknowledgement that the making of Britain's modern state infrastructure was dependent on resources acquired through colonial conquest. She highlights how this abstraction of day-to-day life in Britain from its colonial history means that immigration law and policy are not seen as ongoing expressions of empire. According to El-Enany, immigration law played a crucial role in Britain's transition from an empire to a bordered nation state. She argues that Britain is not only bordered, but also racially and colonially ordered. She pushes for the urgency of tracing how colonialism shaped the metropole over time, especially because racialized people's bodies are ongoing sites of colonial extraction and expulsion. This is primarily a law book that offers a critique of law and the politics of recognition in the context of immigration.

El-Enany underscores how the bearing of the colonial is rarely acknowledged in legal scholarship in the field of migration. She centers race in the analysis, another concept that has been neglected in the legal literature on migration. Racism tends to be left out of legal discourse and replaced with 'softer' terms like discrimination. Her book challenges the mainstream acceptance of the following legal categories of migration—alien, subject, citizen, migrant, asylum seeker, refugee, EU citizen, and third country national. The book is organized into five chapters. The first sets out the racial infrastructure of Britain's immigration law regime, arguing that British immigration law is a continuation of British colonial power as enacted in the former empire. The second chapter provides an account of the emergence of the legal category of 'alien' and questions the idea that there is a clear distinction between categories of subject and alien in colonial contexts. The third chapter looks at the period from 1948 to 1981 during which the rights of British subjects expanded and retracted drastically. The 1981 Immigration Act tied citizenship to the 1871 Act's concept of the right to abode, which was granted only to those born in Britain or with a parent born in Britain. El-Enany highlights the creation of Britain as a domestic space of colonialism where colonial wealth is principally an entitlement of Britons, who are imagined as white. There exists the belief that anyone who is not white could not be "from" Britain. The fourth chapter examines the categories of 'refugee,' 'migrant,' and 'asylum seeker' in the context of the post-1981 configured Britain. The fifth chapter explores Britain's turn towards the EU, which coincided with the introduction of immigration controls against racialized colony and Commonwealth citizens. She argues that the quick transition from empire to the EU meant that Britain avoided a process of reflection and accountability. She demonstrates how in Britain ideas and practices of racial ordering, which date to the colonial era, are embedded into contemporary articulations of immigration, asylum and nationality law. She concludes by claiming that Britain itself represents the spoils of its empire.

Key Themes and Concepts:

- Britain's borders, articulated and policed via immigration laws, maintain the global racial order established by colonialism, whereby colonized people are dispossessed of land and resources
- Even racialized people who attain the status of indefinite leave to remain or British citizenship remain disproportionately vulnerable to being deprived of secure legal status
- British immigration law is a continuation of British colonial power as enacted in the former empire