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# A Nation's Right to Exclude and the Colonies

Political Theory

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Sara Amighetti<sup>1</sup> and Alasia Nuti<sup>2</sup>

## Abstract

This essay contends that postcolonial migrants have a right to enter their former colonizing nations, and that these should accept them. Our novel argument challenges well-established justifications for restrictions in immigration-policies advanced in liberal nationalism, which links immigration controls to the nation's self-determination and the legitimate preservation of national identity. To do so, we draw on postcolonial analyses of colonialism, in particular on Edward Said's notion of "intertwined histories," and we offer a more sophisticated account of national identity than that of liberal nationalists. In our view, the national identity of former colonizing nations cannot be understood in isolation from their ex-colonies. This entails that liberal nationalists cannot justify the restriction on the entrance of members of the nation's former colonies by resorting to an argument about the preservation of national identity: the former colonized constitute an inseparable element of that national identity, because they are already historically part of it.

## Keywords

Liberal nationalism, colonialism, right to exclude, postcolonial immigration, intertwined histories

Postcolonial migration constitutes a significant trend in the direction of globalised mass-migratory movements. The composition of immigration flows towards nation-states with a past of colonial expansion tends to reflect this

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<sup>1</sup>Department of Political Science, University College London, United Kingdom

<sup>2</sup>Pembroke College, University of Cambridge, Cambridge, United Kingdom

## Corresponding Author:

Alasia Nuti, Pembroke College, University of Cambridge, Trumpington Street, CB2 1RF  
Cambridge, United Kingdom.

Email: [an408@cam.ac.uk](mailto:an408@cam.ac.uk)

history. Consider former colonial powers such as the United Kingdom and France where Indian and Algerian nationals respectively represent the largest group of non-native resident population.<sup>1</sup> This pattern seems confirmed even when one looks at immigration data of former colonizing nation-states that are, today, comparatively less well-off. In Portugal, for example, the largest section of non-native resident population is Brazilians.<sup>2</sup>

While preference for immigration-destinations expressed by trends in postcolonial migration has remained relatively constant in the aftermath of decolonization, receiving “metropoleis” have progressively adopted more restrictive immigration policies towards would-be immigrants from their former colonies. In some cases, the introduction of these restrictions (e.g., visa regulations) by former colonizers marked the gaining of independence of the colonies. For example, the Netherlands adopted a visa regime towards Surinamese only five years after Surinam became independent (1975).<sup>3</sup> In other cases, it was the alignment with common and “neutral” EU immigration standards that determined a switch in immigration policies. This is evident by looking at the changes in the immigration laws of nation-states like Portugal and Spain. While traditionally more welcoming of migrants from their ex-colonies, whom they considered part of a transnational community rooted in historical and cultural ties (i.e., Lusophone Community and *Comunidad Hispánica*),<sup>4</sup> they had to downsize postcolonial admissions as a result of “Europeanization.”<sup>5</sup>

This shows that most existing immigration regimes of nation-states that were colonial powers do not treat postcolonial migrants as a special category of entrance-applicants. In fact, postcolonial migrants at their borders experience, *ceteris paribus*, the same difficulties in getting visas as migrants from countries that were not part of the colonial system.

Whether or not postcolonial migrants should represent a special category of immigration-applicants raises the question of what kind of constraints there should be on the right to exclude that nation-states typically enjoy. A standard, though still contested,<sup>6</sup> justification of this right is provided on the basis of national self-determination, from which it follows that the choices about whom to admit fall under the discretionary power held by each nation-state. Discretion is not the same as absolute power to decide, so even political theorists that defend nation-states’ right to exclude accept that it is constrained by humanitarian concerns (e.g., refugees)<sup>7</sup> and/or that nation-states should provide would-be immigrants with a legitimate justification for exclusion.<sup>8</sup> This essay argues for an additional constraint on the exercise of the right to exclude. This constraint affects nation-states that were colonial powers by guaranteeing postcolonial migrants a right to enter their former “motherland” and by imposing a correlative obligation of justice to admit them on the latter.

Our aim is to challenge liberal nationalism, which has proven to be the most strenuous position in defending the nation-state's right to exclude, as will become evident in the first section of the essay where we present the liberal nationalist view about immigration. Unlike theorists that criticize it for its incompatibility with liberal (egalitarian) and democratic values, we call the view into question on its very own terms. If liberal nationalists care about national identity, special relations, and history as they claim, they should be more attentive to the complexity of these notions.

Motivated by this critical observation, we move to the second section of the essay where we offer an interpretation of the historical experience of colonialism<sup>9</sup> and we bring to the forefront aspects of the colonial relation that liberal nationalists often neglect or underestimate, namely, the cultural dimension. Building on this more complex reading of colonialism, we suggest to re-visit the idea of national identity by incorporating Edward Said's notion of *intertwined histories*. We thus claim that the colonies represent a fundamental element for the national identity of their colonizers. Our third section is devoted to explore the consequences that our refined notion of national identity carries for the liberal nationalist position on justice in immigration. Here, we argue that liberal nationalists cannot support immigration restrictions towards members of the nation's former colonies. Instead, they should accept that postcolonial migrants have a right to enter their former colonizing nation (because, historically, they are already in); conversely, the nation where they come from does not have a reciprocal obligation to admit migrants from the ex-colonizing nation. Thus, our proposal substantially differs from existing immigration policies that give special weight to historical and cultural ties. The fourth and last section of the essay concludes with a reflection on how our argument helps build a constructive exchange between analytical political theory and postcolonial theory.

## Liberal Nationalism and Immigration

Liberal nationalists defend what can be described as a "relational" account of justice in immigration.<sup>10</sup> As David Miller suggests, this entails that, in order to evaluate an immigration policy as just or unjust, the specific relation between an immigration-applicant and the nation-state she wants to enter must be considered.<sup>11</sup> While liberal nationalists accept that individuals have a right to *emigrate*, they do not think that there is also a general right to *immigrate* into a specific nation-state. Therefore, granting immigration status can be more or less constrained depending on certain relational requirements. These can have different grounds and force: for example, an immigration-applicant may have an economic interest in migrating to the United Kingdom

rather than Italy, because the United Kingdom would be a better destination to fulfil that interest given its stronger economy. But this satisfies a relational requirement only putatively, because the applicant's claim does not tie her to the United Kingdom in particular, which therefore enjoys greater discretion over how many economic migrants to admit. A different case would be that of an immigration-applicant whose claim to enter is clearly directed at that nation-state on the grounds of a particular relation with it. Miller, for instance, considers the claim of those who have served the receiving nation-state in some capacity in the past (e.g., Nepalese Gurkhas serving in UK military).<sup>12</sup> The strength of their claim is substantiated by an existing relation between them and the receiving nation-state; accordingly, the constraints on admissions must be weighed against such a relation. Note that Miller is careful in positing immigration as the best way to compensate those who, having served the nation, stand in this kind of relation with it. For liberal nationalists, there is nevertheless an important qualitative difference between migrants' claims based on relational considerations and those that are not.

The fundamental role that relations play in immigration derives from liberal nationalists' more general relational (or associative) understanding of justice. While relational theories display a basic moral concern for every human being, they also hold that considerations of social justice arise among those who are parties to particular relations. For liberal nationalists, the relevant relation in which individuals stand is of a cooperative type, such as that existing between co-nationals.<sup>13</sup> As Margaret Moore puts it, members of the same national community cooperate in the "common project of creating justice together."<sup>14</sup> This presupposes not only the "present fact of their cooperation,"<sup>15</sup> but also an idea of cooperation as intergenerational, because it is rooted in a common historical identity. Liberal nationalists indeed describe nations as historical and ethical communities. Let's see what they mean by this characterization. Defining nations as *historical* refers first of all to their continuity over time; national communities stretch into the future, but are also a product of the past—they are "legacies of remembrances."<sup>16</sup> The past is a fundamental element of their (national) identity, which renders the idea that, were it not for that past, the national identity would not be the same.<sup>17</sup> It is *that* particular history which makes the nation what it is and which gives shape to its identity.<sup>18</sup> For liberal nationalists, the connection with the particular past of the nation is expressed by the fact that co-nationals identify with their ancestors and their actions throughout history, by "re-appropriating their deeds as [their] own."<sup>19</sup> It is through this act of identification with the past that nations become ethical communities, that is, communities of obligations between different generations of co-nationals. By identifying with their own ancestors, co-nationals recognize that they also have obligations towards their

descendants.<sup>20</sup> Liberal nationalists are indeed known for defending the idea that co-nationals inherit responsibility for their past actions and for the relations that nations established throughout their history.<sup>21</sup>

These historical and ethical elements of the national community come together in liberal nationalist defences of the nations' right to self-determination. For liberal nationalists, this right is fundamental for the collective autonomy of nations and for preserving national identity. The exercise of national self-determination also entails controlling those who can enter the national borders; that is, the right to national self-determination grounds the nation's right to exclude.<sup>22</sup> Being so justified however does not imply that the right to exclude is also unconstrained, in the sense that the nation does not have absolute discretion about the terms of entrance. Liberal nationalists grant that any immigration regime will need to respect some liberal provisos if it wants to be just, such as avoiding racial discrimination. Obviously, different liberal nationalist accounts will specify the constraints on nations' discretionary power over immigration controls in different ways, for example by requiring that a liberal immigration regime be not entirely designed on the basis of historical and cultural preferences for particular migrants, or, alternatively, that it provide rejected immigrants with "neutral" reasons, e.g. economic ones. The important point is this: above these constraints, liberal nationalists will regard the exercise of the right to exclude as remaining within the discretionary power of the nation, which will base its decisions over admission on an evaluation of its relation to would-be immigrants.

When it comes to migrants from the nation's former colonies, what degree of discretion does the nation have in exercising its right to exclude? In light of liberal nationalists' relational account of justice, an answer to this question requires looking at whether (1) there exists a relation between postcolonial migrants and the receiving nation-state and (2) how strong this relation is. The next two sections are devoted to explore these aspects respectively by explaining what kind of relation colonialism was and whether any relational constraint on immigration derives from it.

## **What Makes Colonialism a Special Relation?**

### *The Cultural Dimension of Colonialism*

There is little doubt that colonialism established a system of relations between the colonizers and the colonized. It is also undisputed that the colonized were not on an equal footing with their colonizers. While political theorists explain the type of injustice of the colonial relation mainly in terms of economic exploitation and political subjection,<sup>23</sup> postcolonial scholars point out that these

understandings of colonialism are necessary, though incomplete. The exclusive focus on the economic and political aspects does not recognize that colonial injustice had a cultural dimension, which must be a part of its normative evaluation.<sup>24</sup> The postcolonial literature makes clear that the cultural aspects of colonialism are not only a component of that injustice but are fundamental to explaining the resilience of the colonial system over the centuries. The “cultural politics of colonialism”<sup>25</sup> sustained the colonial relation because, through the idea of cultural superiority, it provided an important justification of the colonial enterprise in the metropolis. However, if colonialism could be maintained over time in the colonies, it was also by means of cultural domination.

Cultural domination took place in different ways, depending on context and on the phases of colonialism. The “scramble for Africa,” for example, was characterized by a “civilizing” project entailing the destruction of the native culture in order to replace it with the colonizers’ superior values and the cancellation of the local history to “write the history of [the colonizers’] own nation.”<sup>26</sup> Albert Memmi powerfully describes this process from the perspective of the colonized:

the traces of the past are slowly erased, and the future remnants will no longer carry the stamp of the colonised group. The few statues which decorate [the] city represent . . . the great deeds of colonization. The buildings are patterned after the colonizer’s favorite designs; the same is true for the street names, which recall the faraway provinces from which he [*sic*] came.<sup>27</sup>

This form of cultural domination thus resulted in what Aimé Césaire defines “thingification,” which is the progressive de-humanization of the colonized.<sup>28</sup> The Indian experience of cultural domination, instead, has been described predominantly as one of “hybridization,”<sup>29</sup> where elements of the native culture were either maintained in new cultural *schemas* or significantly reconceptualized. Obviously, by distinguishing two different forms of cultural domination, we are not suggesting that the colonial encounter was just of one form or the other. In India, for instance, these two forms characterized different phases of colonial rule.

Similarly, we do not want to suggest that hybridization was a less normatively problematic form of cultural domination than more direct forms of colonialism. The deep cultural effects of hybridization can be found in historical works such as that of Partha Chatterjee, which provides an authoritative explanation of how Indians (especially élites) tended to shape the “sphere of the material” (e.g., statecraft, economy, science) by taking the British one as a model, and held on to the native culture in the realm of the “spiritual” (e.g., family, art, religion).<sup>30</sup>

When hybridization concerned the re-conceptualization of native cultural elements, it usually involved their relocation within the framework provided by the values of the colonizers. Gender has been taken as an example of this in that androgynous and bisexual practices, which were predominant in India before British colonialism, progressively lost their significance and more patriarchal relations became central.<sup>31</sup> A similar development interested the category of “caste”. While it originally represented just one of the ways in which Indian communities managed social stratification, under colonialism, it was turned into a comprehensive system of hierarchical organization for the entire Indian society.<sup>32</sup>

These examples clearly explain the significance of the cultural impact of colonial rule on the colonized. However, postcolonial scholars insist on pointing out that the colonial relation culturally affected the colonizers, too, and affirm that “the colonial situation manufacture[d] colonialists, just as it manufacture[d] the colonized.”<sup>33</sup> Although the “colonial experience” in the metropolis is not usually analysed in political theory, it becomes crucial for understanding colonialism as a complex relation; it is only by acknowledging that this experience pertained to both the colonizing and colonized nations that one can fully appreciate *the relational character of colonialism*. A focus on the cultural dimension of colonialism clarifies this because it shows how the colonies served as a constant source of imagination and influence for the development of the national culture of the colonizers.<sup>34</sup> This impact was so pervasive that the only way to understand many “cultural markers”<sup>35</sup> forming the basis of the colonizers’ national identity is by taking the colonized into consideration.

This point can be illustrated by the importance that novels usually play in the making and maintaining of national identity; their function is understood precisely as to encourage the development of the nation by allowing conationals to “imagine [the nation as] the special community.”<sup>36</sup> That is, by reducing differences and fostering unity, novels narrate the nation.<sup>37</sup> Think of how the novels by Joseph Conrad and Rudyard Kipling played a fundamental role in narrating nineteenth-century Britain. These works would not exist without the colonies in which their adventures and romances are set. In fact, it is through these novels that the colonies entered and helped constructing the national (imperial) identity.<sup>38</sup> But the presence of the colonies is tangible also in Victorian novels set in Britain, such as those by Jane Austen and Charlotte Brönte. In their works, British colonial possessions become part of the daily life in the “motherland.” Stories like that of how Sir Thomas Bertram’s estate in *Mansfield Park* is maintained thanks to his possessions in Antigua, or that of St. John Rivers’ departure to India in *Jane Eyre* bring the colonies closer to the metropolis by including these “distant” lands into the



day-to-day discourses and experiences of British nationals. In other words, they show how the colonial empire was at the centre of British national identity and history.

### *The Notion of “Intertwined Histories”*

Paying attention to the cultural dimension of colonialism not only sheds light on the interdependence between the colonizers and the colonized, it also reveals how the experience of the former heavily depended on the latter. While this helps us to make sense of the complexity that characterized the colonial relation, it is not sufficient to explain its enduring force. To do so, we draw and elaborate on Said’s notion of “intertwined histories,” according to which the history of the colonized and that of the colonizers are “intertwined” in that they are inseparable: “one could not be written without taking the other into account.”<sup>39</sup> When two nations have intertwined histories, it means not only that they are in a special relation but that their identities are mutually constituted over time. Said expresses this quite clearly, when he asks:

Who in India or Algeria today can confidently separate out the British or French component of the past from the present actualities, and who in Britain or France can draw a clear circle around British London or French Paris that would exclude the impact of India and Algeria upon those two imperial cities?<sup>40</sup>

In this interpretation, the colonial experience created so strong a relation that the transformations and fusions it initiated in national identities continue even in its aftermath. This holds as a general conceptual claim, which does not deny the possible existence of exceptional colonial experiences for which the presence of intertwined histories seems harder to prove (e.g. Italy’s colonial experience in Ethiopia).

A critic may object that, to render this idea, we do not need the introduction of the novel concept of intertwined histories: Why not use, instead, the notion of “shared history” and stick to the way in which liberal nationalists often deploy it to justify the existence of special duties between co-nationals?

This is a legitimate complaint, but we want to argue that the concept of intertwined histories makes a substantive contribution to the understanding of colonial relations, and therefore cannot be reduced to a mere terminological shift. To this end, let us consider the notion of shared history as defined in the work of Thomas Hurka and discuss its limits for our purposes. Hurka identifies two conditions that need to be satisfied for history to be shared. It must be a history of (1) “mutual benefit,” in which participants have “shared” the goods of their cooperation in a reciprocal way, and (2) “shared suffering,”

meaning that the parties had to face common adversities or experienced the same tragedy.<sup>41</sup>

This notion of shared history is too broad and too narrow at the same time. On the one hand, it is over-inclusive to the point that it becomes meaningless for singling out colonial relations as complex and particularly strong ones. On the basis of Hurka's definition, for example, Italy and Germany can be said to have a shared history. As allies in World War II, they would fit (1), because they collaborated in the military and economic efforts of wartime, and did so to their mutual benefit. They would also meet (2), since they shared the suffering of the war. The problem with this understanding is that there are many instances of shared history between nations like the one just considered. The dynamics characterizing colonialism, however, describe a rather extraordinary historical relation. The colonial encounter, as discussed above, had a pervasive impact on both the colonizers and the colonized, which makes the notion of shared history too weak to capture such a strong relation.

On the other hand, the concept of shared history appears under-inclusive in one fundamental respect; insofar as it stresses an idea of reciprocity, it assumes that only historical relations conducted on roughly equal terms matter. Following this definition, the history between, say, Germany and its former colony Namibia would not count as shared proper, thereby being excluded from considerations that pertain to obligations grounded in special relations. But this is an odd conclusion, because it implies that only relations that already qualify as cooperatively fair and equal raise concerns for justice.<sup>42</sup> From the perspective of liberal nationalists, this should be even more troubling given that nations are required to take responsibility for the unjust relations they established over their history—as we mentioned in the first section.

The definition of colonialism as intertwined histories—rather than “shared” history—allows to better capture the main features of the colonial relation. It is only when, as in the case of colonialism, the relation between nations is so pervasive and enduring to make their national identities mutually constitutive, that their histories become intertwined. It is worth pointing out that, by describing colonialism as creating intertwined histories between the colonizers and the colonized, we do not want to underplay the importance of the process of decolonization. In particular, we recognize that, for the colonized, the achievement of independence required the re-discovery of a “national” history and identity prior to the “trauma” of colonialism, which colonial domination tried to destroy or transform. Rather than underplaying the role of decolonization for the national identity of the colonized, the introduction of intertwined histories emphasises the too-often neglected influence that the colonies exercised on the national identity of their former “motherland.”

Another advantage of employing this notion is that it does not ignore the inequalitarian structure of the colonial relation. Unlike the adjective “shared,” which suggests an equal positioning between nations, the term “intertwined” refers to “massively knotted and complex”<sup>43</sup> relations, hence not necessarily to equal ones.

In this sense, it may be possible to extend the notion of intertwined histories to relations between nations that were not colonial. Indeed, one could point at historical relations different from colonialism, which would nevertheless fit the notion of intertwined histories as to their deep effects on the identities of the nations involved. While we are open to this possibility, we cannot explore it in this essay. Our focus lies with the colonial context from where the notion of intertwined histories was originally developed; its application to other cases would require a thorough and *ad hoc* interpretation of their main relational features. For now, let us note that even if the notion of intertwined histories were proven to explain relations other than colonialism, it would nevertheless maintain its distinctiveness from the concept of “shared” history. Only those relations between nations that had a pervasive and mutual effect such that their identities have been mutually constituted would count as intertwined.

Through the notion of intertwined histories, we are able to offer a more sophisticated account of national identity than the one usually at play in liberal nationalism. While on both accounts the nation describes a community of individuals bounded up together by history and who contribute to the definition of its identity, liberal nationalists do not consider the former colonized as participating in the process through which their former colonizers developed their national identity. Our account, on the contrary, recognizes that the former colonized represent a category of persons who are not, strictly speaking, co-nationals but who are part of the national community. This is because, through history, they are implicated in the process of constructing the national identity of the colonizers. Paraphrasing Homi Bhabha, the nation becomes a liminal signifying space that is internally marked by colonial difference.<sup>44</sup>

To summarize the main points of the first two sections, we have argued that for liberal nationalists, nations are historical and ethical communities, meaning that they are communities of obligations that stretch over time and, in particular, take responsibility for the relations they established over their histories. We have also explained how, by virtue of its cultural dimension, colonialism counts as a relation of a special kind—one that created intertwined histories between colonizing and colonized nations. At this point, it is possible to raise the question as to what kinds of duties of justice nations, *qua* communities of obligations, have with respect to such intertwined histories. In particular, once the colonized have been described as already contributing

to the national identity of the colonizers, what *should* happen at the borders of the nation?

## The Right to Enter of Postcolonial Migrants

### *The Right and Its Specifications*

In this section, we return to the question of postcolonial nationals' claim to immigrate into their former colonizing nation-state and we examine, in particular, whether the latter can legitimately justify non-admission. Recall from the first section that liberal nationalists endorse a relational account of justice, in which the quality of relations determines the rights and duties of those who are participants in them. Colonialism has been described as one such relation, in that it established strong (cultural and identity) bonds between the colonizing and the colonized nations that make their relation endure today.

Putting these together, we are now able to see that the colonial relation grounds different types of duties former colonizing nations should fulfil. To begin with, there are duties to *redress* the historical injustice of colonialism they committed.<sup>45</sup> In a liberal nationalist perspective, these are among the most stringent duties nations have; Miller exemplifies this when he claims, as we have already mentioned, that nations inherit responsibility to set the historical record straight.<sup>46</sup>

As important as duties of redress may be, there are also other kinds of duties on the part of former colonizers, which are based on the special character of the colonial relation. Duties of *distributive* justice may fall into this additional category of obligations, especially when it is acknowledged that colonialism established a coercive and cooperative system between the colonizers and the colonized. As argued by Lea Ypi, Robert Goodin, and Christian Barry, former colonizers have a duty to share the benefits of the outcomes of the cooperation that was part of colonial rule, besides obligations to rectify their un-fulfilled duties of distributive justice during colonialism. Liberal nationalists may be sensitive to this kind of argument, given their relational account of justice.

However, we argue that unlike Ypi et al., liberal nationalists are also equipped to expand the category of the duties of former colonizers beyond obligations of distributive justice. This is because their notion of nations qua historical and ethical communities points towards an understanding of colonialism that goes beyond its economic and political dimensions, bringing its cultural dynamics to the forefront—as we have done in the previous section.

For liberal nationalists, considerations of justice that do not necessarily count as distributive, but remain relational, are those pertaining to immigration. Recall

that liberal nationalists endorse a relational conception of justice in immigration: in order to assess the strength of an immigration-applicant's claim and whether the nation is obliged to accept it, they need to look at the relation in which the applicant and that particular nation stand. Hence, while the nation enjoys discretion over the terms of entrance by virtue of the right to self-determination, its decisions over whom to admit must also do justice to the quality of the relations with would-be immigrants.

In the context of migrants from the nation's former colonies, this relation is particularly strong and special because of the pervasive cultural impact of colonialism on national identity of the nation receiving its postcolonial migrants and their nation of origin. We have described this through the notion of intertwined histories. A major implication of colonialism so defined is that postcolonial migrants are already part of the "self" that determines the ex-colonizing nation, because they are essential contributors to its identity. This makes it the case that former colonizers cannot justify the exclusion of immigrants they can regard as *historically* within the nation. Therefore, the exercise of the right to exclude is further constrained for nations that once were colonial powers. The obligation to let postcolonial migrants in is an addition to the constraints that liberal nationalists already accept, such as those stemming from humanitarian concerns and those grounded on liberal values. Furthermore, it is precisely on the basis of this obligation that an argument can be put forward in order to justify the right of postcolonial migrants to immigrate into a *particular* nation-state. This is an extremely significant conclusion to be drawn from a liberal nationalist perspective; in fact, while liberal nationalists tend to recognize a general right to emigrate, they do not think that there is a corresponding right to immigrate to a specific nation-state (see first section). Our argument, on the contrary, shows that for postcolonial migrants this right exists.<sup>48</sup>

Let us now specify its characteristics. First, by stressing the notion of *having a right* we want to distance our proposal from immigration policies that grant access to specific groups of migrants in light of cultural and social *preferences*. Until recently, preferential treatment towards particular types of migrants has been a common feature of immigration policies; for example, post-war France favoured immigrants from European nation-states such as Italy, Germany, Spain, and Portugal, on the basis of their presumed cultural and historical commonalities, and thus on their alleged "assimilability."<sup>49</sup> This logic grounding preferential admissions would seem to be well-suited to the context of postcolonial immigration. One may argue that Britain could prefer the entrance of migrants from India because the cultural connection and the mastery of the English language generally make the integration of Indians into British society easier than that of, say, Chinese migrants. This

rationale however is very different from ours, in spite of the common stress on the cultural dimension of colonialism. For us the cultural aspect is crucial to explain the notion of intertwined histories, which however does not serve to posit cultural assimilability as a legitimate criterion for admission. Rather, the notion elaborates the idea of national identity and shows how postcolonial migrants cannot be excluded because they are already part of the nation.

The proof of this is that even postcolonial migrants who are perceived as difficult to assimilate, and whom consequently a nation would prefer not to admit, should be accepted because of the *obligation* that stems from the special and enduring relation that colonialism established between them and the nation-state of entrance. Algerian migrants to France have traditionally been regarded as hostile to French national values, and, on this ground, severe immigration restrictions have regulated their admission.<sup>50</sup> While France may have a preference not to admit Algerian migrants, such a preference is overridden by its obligation towards the intertwined histories created by her colonial dominion in Algeria; according to our account, Algerians cannot be rejected at the borders of France, because colonialism places them already inside.

The second characteristic of postcolonial migrants' right to enter the nation-state of their former colonizers worth clarifying is whether such a right entails an equal right for the latter. In other words: Do the ex-colonized have a reciprocal obligation of justice to admit migrants from the nation-state of their ex-colonizers? As a general rule, a right grounded on intertwined histories should be reciprocal.<sup>51</sup> This is due to the fact that participants to the intertwined histories mutually constitute each other's identity.

However, it is important to emphasise that our account of intertwined histories not only looks at the degree to which one nation contributed to the development of another nation's identity. It is also sensitive to the way in which this development took place, highlighting the quality, that is, the structure, of the relation between the two contributing nations. As we have already mentioned, this means that we must acknowledge the fact that those involved in intertwined histories may not have partaken in them on an equal footing. The point of characterizing histories as intertwined (as opposed to shared) is to express their complexity. In the case of colonialism, this speaks to the need of recognizing the histories of colonizing and colonized nations as interdependent, and yet, their colonial relation as profoundly unequal. As Said reminds us, "the problem, then, is to keep in mind two ideas that are in many ways antithetical—the fact of the imperial divide, on the one hand, and the notion of shared experiences, on the other—without diminishing the force of either."<sup>52</sup>

Sensitivity to the unequal structure of the colonial relation is respected by arguing that it does not generate identical obligations of justice on its participants. In this sense, it would be unjust to require that former colonies admit

would-be immigrants from former colonial powers on the basis of a special relation which they were forced into. Rather, our argument can only suggest that the former colonized may express a legitimate preference towards admitting or not their former colonizers. So, it follows that a former colony does not have an obligation to admit immigrants from the former colonizing nation because of the inequality of the colonial relation, its impact and legacy (e.g., the need to re-establish a connection with the past that colonialism destroyed). But a former colony could exercise a preference towards the admission of its ex-colonizers, in which case the usual constraints on the right to exclude apply.

Insisting on the non-reciprocal character of postcolonial migrants' right to enter distinguishes it from immigration policies between colonizing and colonized nations that were enacted in the aftermath of colonisation. The policies we are referring to gave weight to the special bonds that colonialism created, but demanded that whatever special treatment was granted on the basis of their relations be reciprocated. This is the case of relaxed immigration policies between Portugal and its ex-colony Brazil. Similarly to our proposal, this policy recognizes Portugal's obligation to admit Brazilians by virtue of the colonial relation; however, unlike ours, it makes such an obligation conditional on Brazil's duty to reciprocate by letting the Portuguese in.<sup>53</sup>

## *Two Possible Objections*

Having defended postcolonial migrants' right to enter, we consider and respond to two possible objections that could be raised against our argument. The first has to do with our preference for the nation as our unit of analysis over both (1) the state and (2) European civilization; the second with the possible discriminating effects of our immigration proposal. Let us address these objections in order.

A critic could raise doubts about our insistence on taking nations as the unit of analysis in issues regarding immigration, while it is in fact states that are usually in charge of making such decisions. This critical remark refers to a more general and longstanding objection that many directed at the liberal nationalist position, that is, its problematic distinction between the nation and the state.<sup>54</sup>

The first point to note therefore is that the concerns that our critic raises apply to the liberal nationalist framework in which our argument is cast, rather than to its content. Insofar as this objection challenges the very assumptions of liberal nationalism, we address it by relying on standard liberal nationalist answers. One of these arguments is that a focus on the nation rather than the state allows recognizing responsibilities over time; for liberal nationalists, the advantage of taking nations as agents of justice is that their



continuity over time is more easily established than that of states. For instance, Miller notices—in an Aristotelian vein—that it is difficult to prove the continuity of the state apparatus after substantial (e.g., constitutional) changes have occurred, and to illustrate he considers Nazi Germany and the democratic state that replaced it.<sup>55</sup> The importance of capturing the historical continuity of agents of justice is relevant for a relational conception of justice (including justice in immigration), because it allows taking into consideration relations established in the past.

This answer may not fully persuade the critic, who should nevertheless be reminded that our aim is neither to *defend* the assumptions of liberal nationalism nor to suggest that it represents the *best* conception of justice in immigration. More modestly, our argument says that we can defend the right postcolonial migrants have to enter their former colonizers from a position that is allegedly one of the most hostile in positing a right to be included in a particular nation-state.

At this point, our critic could still press us on our choice of the nation and argue that our relevant unit of analysis when focusing on normative obligations arising from colonial relations should be that of European civilization. This objection draws on the so-called “civilization framework,” which understands colonialism as a European (or European-inspired) project of civilization—rather than as a national enterprise—and which leads to emphasizing the role played by standards of civilization in justifying and promoting that project. As Jean Starobinski observes, civilization is both a descriptive and normative concept:<sup>56</sup> it takes features (e.g., social, political and organizational) that some polities display as the normative criteria that political communities should have in order to be “admitted into or barred from the international society of states.”<sup>57</sup> Civilization, and the standards thereof, are therefore used to distinguish the civilized from the barbarians (or uncivilized). Reading European colonialism through the civilization framework illustrates how European powers competed and cooperated (e.g., the partition of Africa) to forcibly “civilize” what they deemed uncivilized populations. Accordingly, our critic would suggest that, compared to the revised conception of national identity we have employed, the civilization framework presents some advantages. Like nations (but unlike states), civilizations are intergenerational communities and, as such, may generate historical obligations. Additionally, civilizations are communities of nations, from which it follows that the civilization framework would justify a migrants’ right to enter to more than one nation. In particular, and to the extent that the EU today can be seen as the heir of colonial Europe, postcolonial migrants should have a right to immigrate to the EU as a whole, rather than only to their former European motherland.



Notwithstanding its alleged advantages, we are skeptical about the success of this proposed shift to boost an argument in favour of postcolonial immigration for different reasons. First, even if the language of the civilization framework captures the dynamics of many phenomena in contemporary world politics, where standards of civilization are invoked to justify the unilateral use of force (e.g., war on terror, humanitarian intervention),<sup>58</sup> it seems ill-suited to grasp what normatively grounds immigration restrictions. The reason for this is that the right to exclude is still based on a nation's right to self-determination and control over its territory, and not on standards of international conduct.

Second, one may argue that the EU deploys standards of civilization to grant membership,<sup>59</sup> but it is far-fetched to contend that such criteria are exactly the same as those that justified the European colonial project. Moreover, even if this argument were pushed, there would still be the problem that the EU today identifies a larger geographical and political area than colonial Europe. Not all of today EU's member-states were colonial powers. In fact, some became themselves the target of these civilization standards (e.g., Eastern Europe), which is why it would be perverse to grant postcolonial migrants a right to enter nation-states that, albeit "European," were once under the joke of European standards of civilization.<sup>60</sup>

A different objection against our proposal is that an immigration policy based on historical and cultural considerations cannot be just because of the likelihood of its discriminatory effects against cultural minorities already present within the nation. Usually immigration policies are criticized when they implement negative discrimination, that is, when they exclude would-be immigrants on the basis of their undesired cultural characteristics, because such policies express a negative judgment about co-nationals sharing the same cultural characteristics that are discriminated. To exemplify, if Britain were to adopt an immigration policy that restricted the entrance of Muslim immigrants, this would arguably have the effect of communicating a negative opinion about Muslims who already live within the nation. Our proposal, however, does not discriminate negatively. If anything, it is positively discriminatory, in the sense that it advantages migrants from former colonies over other types of migrants. This does not make it easier to justify it vis-à-vis other cultural groups within the nation. Imagine, for example, that Britain established and enforced Indians' right to enter on the basis of the intertwined histories between Britain and India created by colonialism as a special relation. This may have expressive consequences on, say, British nationals with a Japanese culture because it seems to suggest that they contribute less to British national identity than co-nationals with Indian origins.<sup>61</sup> Such an expressive concern would indeed be more worrisome if the immigration

status of Indians were granted merely on the basis of a preference for their cultural and historical ties. However, we have insisted on conceiving it as the fulfilment of an obligation of relational justice in the context of immigration. Meeting this obligation does not imply that there is a hierarchy of cultural groups within the receiving nation, but only that the former colonizing nation recognizes and acts upon a duty of justice.

## **On Bridging Analytical Political Theory and Postcolonial Theory**

In this last section, we reflect on the way in which our argumentative strategy in this essay speaks to the more general question of how two distinct theoretical traditions, such as analytical political theory and postcolonial theory, can be put in relation to each other. It is evident from the previous sections that we think these two traditions can be constructively integrated. Our present aim is to show the theoretical advantages that derive from this integration for thinking about normative issues. We illustrate these advantages by explaining what each tradition can add to the other when the nation's right to exclude is considered. What we say in this section about our theoretical approach becomes particularly relevant against the current background of mutual indifference—when not skepticism—between the two traditions that we juxtapose.<sup>62</sup> Therefore, it makes sense to begin with the description of such a state of affairs.

On the one hand, we have postcolonial theory which, in spite of its heterogeneity, can be described as “reorientating” knowledge towards the perspectives of those who have traditionally occupied a “subaltern” position.<sup>63</sup> This theoretical standpoint is deeply political in that it points out how subalternity resulted from a dispossession of “agency, subjectivity and modes of sociality”<sup>64</sup> by colonial and imperial powers that imposed their particular knowledge-systems as universal. Given this main feature, it is not surprising that postcolonial theorists are suspicious of contemporary analytical political theory—a tradition inspired by Enlightenment thinkers and dominated by the liberal paradigm<sup>65</sup>—which they see as too implicated with colonial and imperial ideologies.

On the other hand, analytical political theorists tend to disregard postcolonial contributions precisely because of the latter's expressed political partisanship and alleged lack of analytical rigor. Interestingly, even normative explorations of the historical experience of colonialism and of the obligations that arise from it, barely mention—when they do not completely fail to acknowledge—the existence of an entire theoretical tradition that springs from such a historical experience.<sup>66</sup>

We find this state of reciprocal neglect and hostility between two important literatures regrettable, because it is based on a simplified and often prejudged reading that one makes of the other, which forestalls any possibility of a productive engagement. Opportunities for exchange become available, once we adopt a more sophisticated understanding of these two literatures and value the distinctive contributions that they can make. This essay is an example of how a mainstream account in analytical political theory can be challenged, while at the same time enriched, by insights from postcolonial theory.<sup>67</sup>

In particular, postcolonial theory offers critical tools that show how the concepts used by analytical political theory are more complex than they are taken to be. As we have shown, this does not necessarily entail the claim, usually attributed to many postcolonial theorists,<sup>68</sup> that we should abandon such concepts; it rather calls for the need to revise them in light of their complex nature. So, for example, one would think that, in normative discussions about immigration and the right to exclude, the critical contribution of postcolonial theory would amount to rejecting the very concept of the nation, given its pivotal role in legitimizing violent conquests, exclusions, and subjections over history and specifically during colonialism. However, our argument shows that the contribution of postcolonial theory lies elsewhere: it provides insights for criticizing dominant interpretations of the nation as a homogeneous collective, while at the same time allowing a reformulation of the concept, which is sensitive to the heterogeneous nature of existing national communities. In particular, postcolonial theory is crucial in that it offers the notion of intertwined histories to explain how colonialism created a history between the colonized and the colonizer by mutually constituting their national identities over time. From this critical insight, one can then reconstruct a more fluid concept of the nation, on the basis of which the former colonies (and postcolonial migrants) can be seen as an active and crucial component of the national identity of their former colonizer.

Conceptual revisions that result from the application of postcolonial theory to normative issues should be of interest to analytical political theorists also because they carry significant implications for the normative position one endorses. Specifically, they change our thinking about the obligations of justice that should follow from defending that particular normative position. To exemplify, consider the case at hand: for a liberal nationalist, postcolonial migrants do not represent a category of migrants deserving a particular justification for exclusion, let alone one that may challenge well-established views on a nation's right to exclude. From a liberal nationalist perspective, the decision whether to admit an Algerian migrant to France, for example, remains at the discretion of France provided that it satisfied standard liberal

criteria (e.g., religious non-discrimination). In other words, the liberal nationalist does not recognize the colonial history between these two nations as generating any particular obligation of justice in immigration on the part of France. Our argumentative strategy instead illustrates how the conceptual redefinition of national identity prompted by postcolonial intuitions significantly reshapes the liberal nationalist argument on immigration by adding a further constraint on the just exercise of a nation's right to exclude. A conception of the nation enriched by postcolonial theory compels liberal nationalists to regard immigration policies of former colonizing nations, which do not recognize the right to enter of migrants from their former colonies, as unjust. Therefore, it significantly changes the normative implications that should be drawn from within a liberal nationalist perspective.

As a final remark, we want to point out that the engagement of one literature with the other need not be unilateral. While this essay shows the contribution that postcolonial theory can make to analytical political theory, we think that there are benefits postcolonial theorists could gain from greater engagement with analytical approaches. The distinctiveness of such approaches is their focus on "normative thinking about the sorts of institutions that we ought politically to try and establish."<sup>69</sup> By engaging with analytical political theorists, postcolonial scholars can complement their emphasis on criticizing prevailing social practices and institutional set-ups with a more constructive attitude in thinking about how to reform them. In the context of immigration, a standard postcolonial argument would provide us with reasons to criticize the existing immigration regime, for instance, by revealing problematic power relations between those involved. In most cases, such an argument would focus on deconstructing immigration practices, but it would offer little guidance on how to design an alternative policy, which does not incur into the same problems. A critique of current immigration policies is necessary and crucial, but left on its own it begs the question as to how a better and more just immigration regime should look like. Offering an alternative to what we criticize is equally important, or otherwise we risk giving in to the temptation of accepting (though with regret) current immigration laws that we see unjust, only because we lack better options. In this regard, the kind of constructive normative thinking inherent in analytical political theory can be beneficial to the postcolonial approach precisely because of its focus on advancing more just immigration regimes, which postcolonial theorists can further improve through their sensitivity to the dynamics of power.

We are aware that the kind of exchanges we are invoking here present many challenges, but we hope to have shown that putting these two literatures in dialogue may be a worthwhile project.

## Conclusion

Postcolonial migration challenges liberal nationalist accounts of justice in immigration by asking whether former colonial nations can legitimately exercise a right to exclude would-be immigrants from their former colonies. This essay advanced the innovative claim that migrants from ex-colonies have a right to enter the borders of their former “motherland.” The claim is innovative because it shows that there can be a right to immigrate to a specific nation-state, despite liberal nationalist beliefs to the contrary. Furthermore, our argument is innovative because it enriches the relational conception of justice in immigration held by liberal nationalists by bridging insights from postcolonial theory with an analytical approach. In particular, we showed how colonialism established intertwined histories between the nations involved in it, by emphasising the role that its cultural dimension played in the development of both the colonized and the colonizers’ national identity. Liberal nationalists must acknowledge the consequence of this for immigration policy: a nation with a colonial past cannot legitimately refuse admission to migrants from its former colonies because they are already part of its identity. While this represents an additional constraint to be imposed on a nation’s right to exclude, we noted that it does not constrain nations to the same extent. The former colonized do not have an obligation to admit those coming from their ex-colonizing nation, because colonialism was an unequal relation and unequal relations do not give rise to equal obligations.

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## Author Note

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## Notes

1. For more detailed data on the United Kingdom, see Office for National Statistics, *Immigration Patterns of Non-UK Born Populations in England and Wales in 2011*, Newport, 2013, [http://www.ons.gov.uk/ons/dcp171776\\_346219.pdf](http://www.ons.gov.uk/ons/dcp171776_346219.pdf) (accessed April 12, 2014); on France, see Institut National de la Statistique et des Études Économiques, *Immigrés et Descendants D'immigrés En France*, Paris, 2012, [http://www.insee.fr/fr/ffc/docs\\_ffc/ref/IMMFRA12\\_g\\_Flot1\\_pop.pdf](http://www.insee.fr/fr/ffc/docs_ffc/ref/IMMFRA12_g_Flot1_pop.pdf). (accessed April 12, 2014).
2. Instituto Nacional de Estatística, *A População Estrangeira Em Portugal*, Lisbon, 2011, [http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_destaques&DESTAQUESdest\\_boui=107625317&DESTAQUESmodo=2](http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=107625317&DESTAQUESmodo=2). (accessed April 12, 2014).
3. Hans van Amersfoort and Mies van Niekerk, "Immigration as a Colonial Inheritance: Post-Colonial Immigrants in the Netherlands, 1945–2002," *Journal of Ethnic and Migration Studies* 32, no. 3 (2006): 335.
4. Christian Joppke, *Selecting by Origin: Ethnic Migration in the Liberal State* (Cambridge, MA: Harvard University Press, 2005), 114–44.
5. Ibid., 28.
6. Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, no. 1 (2008): 37–75; and Joseph Carens, "Aliens and Citizens: The Case for Open Borders," *The Review of Politics* 49, no. 2 (1987): 251–73; *The Ethics of Immigration* (Oxford: Oxford University Press, 2013); Sarah Fine, *Immigration and the Right to Exclude* (Oxford: Oxford University Press, forthcoming).
7. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 48–51. For an exception, see Christopher Heath Wellman, "Immigration and Freedom of Association," *Ethics* 119, no. 1 (2008): 128.
8. David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 223.
9. Colonialism in this essay refers to the European-inspired project of subjugating other nations to alien control, which took place from the sixteenth to the twentieth centuries. For length-constraints we cannot account for the nature of so-called neocolonialism and neo-imperialism. For a recent contribution on this within analytical political theory see Richard Miller, *Globalizing Justice: The Ethics of Poverty and Power* (Oxford: Oxford University Press, 2010), chaps. 5–7.
10. Sometimes civic nationalism or constitutional patriotism, i.e., the mere loyalty to political (liberal) institutions, is considered a strand of liberal nationalism. In this essay, liberal nationalism is understood as a theory that attempts to merge the significance of national identity with liberal values. For a taxonomy, see

- Chaim Gans, *The Limits of Nationalism* (Cambridge: Cambridge University Press, 2003), 29.
11. David Miller, "Justice in Immigration," *European Journal of Political Theory*, forthcoming.
  12. Ibid.
  13. David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 73; Margaret Moore, *The Ethics of Nationalism* (Oxford: Oxford University Press, 2001), 36; and Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993), 96.
  14. Margaret Moore, "Defending Community: Nationalism, Patriotism, and Culture," in *Ethics and World Politics*, ed. Duncan Bell (Oxford: Oxford University Press, 2010), 136.
  15. Miller, *On Nationality*, 43.
  16. Ernest Renan quoted in Gans, *The Limits of Nationalism*, 11.
  17. Ethnicity, on the contrary, is not regarded by liberal nationalists as a necessary component of national identity. See Ibid., 15; Miller, *On Nationality*, 20; and Moore, *The Ethics of Nationalism*, 6.
  18. Moore, *The Ethics of Nationalism*, 12, 17; and Gans, *The Limits of Nationalism*, 49.
  19. Miller, *On Nationality*, 23.
  20. Gans, *The Limits of Nationalism*, 28–29; and Miller, *On Nationality*, 23.
  21. Farid Abdel-Nour, "National Responsibility," *Political Theory* 31, no. 5 (2003): 693–719; and Miller, *National Responsibility and Global Justice*, 6.
  22. Gans, *The Limits of Nationalism*, 130; David Miller, "Immigration: The Case for Limits," in *Contemporary Debates in Applied Ethics*, ed. Andrew Cohen and Christopher Wellman (Oxford: Blackwell, 2005), 202; and *National Responsibility and Global Justice*, 218–19.
  23. Daniel Butt, *Rectifying International Injustice: Principles of Compensation and Restitution Between Nations* (Oxford: Oxford University Press, 2009); Catherine Lu, "Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress," *Journal of Political Philosophy* 19, no. 3 (2011): 261–81; Kok-Chor Tan, "Colonialism, Reparations and Global Justice," in *Reparations: Interdisciplinary Inquiries*, ed. Jon Miller and Rahul Kumar (Oxford: Oxford University Press, 2007), 280–306; and Lea Ypi, "What's Wrong with Colonialism," *Philosophy & Public Affairs* 41, no. 2 (2013): 158–91.
  24. Rajeev Bhargava, "How Should We Respond to the Cultural Injustice of Colonialism?," in *Reparations: Interdisciplinary Inquiries*, ed. Jon Miller and Rahul Kumar (Oxford: Oxford University Press, 2007), 216; and Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1991), 6.
  25. Gayatri Chakravorty Spivak, *Outside in the Teaching Machine* (New York: Routledge, 2009), 61.
  26. Frantz Fanon, *Black Skin, White Masks*, trans. Charles L. Markmann (London: Pluto Press, 1967), 40.
  27. Memmi, *The Colonizer and the Colonized*, 148.



28. Aimé Césaire, *Discourse on Colonialism*, trans. Joan Pinkham (New York: Monthly Review Press, 2000), 42.
29. Homi Bhabha, *The Location of Culture* (New York: Routledge, 2004).
30. Partha Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?* (London: Zed Books, 1986).
31. Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self Under Colonialism* (Delhi: Oxford University Press, 1983), 4–11.
32. Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, NJ: Princeton University Press, 2001).
33. Memmi, *The Colonizer and the Colonized*, 100.
34. Edward Said, *Culture and Imperialism* (New York: Vintage Books, 1993), 8.
35. Moore, *The Ethics of Nationalism*, 57.
36. Timothy Brennan, “The National Longing for Form,” in *Nation and Narration*, ed. Homi K. Bhabha (New York: Routledge, 1990), 49–50; see also Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 2nd ed. (London: Verso Books, 1991), 25.
37. Said, *Culture and Imperialism*, xiii.
38. *Ibid.*, 20–35; 159–95.
39. Edward Said, “Always on Top,” *London Review of Books*, March 20, 2003.
40. Said, *Culture and Imperialism*, 15.
41. Thomas Hurka, “The Justification of National Partiality,” in *The Morality of Nationalism*, ed. Robert McKim and Jeff McMahan (Oxford: Oxford University Press, 1997), 150–52.
42. See Lea Ypi, Robert Goodin, and Christian Barry, “Associative Duties, Global Justice, and the Colonies,” *Philosophy & Public Affairs* 37, no. 2 (2009): 121–22.
43. Said, *Culture and Imperialism*, 36.
44. Bhabha, *The Location of Culture*, 212. There may be two concerns here about the possible tension that the concept of intertwined histories could have with respect to the two theoretical perspectives we consider, i.e., (1) postcolonial theory and (2) liberal nationalism. Regarding (1), the tension is about the very possibility of developing an account of the nation by taking in genuine postcolonial concerns. In response, we note that postcolonialists treat nationalist ideas (both in theory and practice) often ambivalently: they tend to be internationalists, while at the same time acknowledging the necessity of the nation; see Rahul Rao, *Third World Protest: Between Home and the World* (Oxford: Oxford University Press, 2010), chap. 4. Moreover, our aim is to revise the idea of the “nation” in liberal nationalism by drawing on insights from postcolonial theory, and not to discuss whether our proposed notion is fully compatible with postcolonialism. With respect to (2), the tension arises because the notion of intertwined histories could replace the very concept of the nation, so why retain the latter? While we recognize that this may well be a possible implication of our argument, we can only sketch (due to length constraints) two different strategies for avoiding it. Our first reason is pragmatic and concerns the possibility of altogether rejecting the idea of the nation given its enduring relevance in world politics (see below). The



second reason is methodological, and refers to the particular way in which this essay tries to accommodate postcolonialism within analytical political theory. As explained in the last section, we draw on the critical potential of postcolonial theory to substantially revise concepts that are central to analytical political thinking, rather than abandoning them.

45. Bhargava, "Reparations"; Butt, *Rectifying International Injustice*; Lu, "Colonialism as Structural Injustice"; and Tan, "Colonialism, Reparations and Global Justice."
46. On this point, see Sara Amighetti and Alasia Nuti, "David Miller's Theory of Redress and the Complexity of Colonial Injustice," *Ethics & Global Politics*, forthcoming.
47. Ypi, Goodin, and Barry, "Associative Duties, Global Justice, and the Colonies," 124.
48. One could ask whether our notion of intertwined histories provides a distinctive justification for the postcolonial right to enter with respect to the principle of "constituted identities" advanced by Rogers Smith. For him, constitutional democracies should "include as equal citizens all persons with identities that have in significant measure been constituted by the democracies' coercively enforced governmental measures" ("The Principle of Constituted Identities and the Obligation to Include," *Ethics & Global Politics* 1, no. 3 [2008]: 140). Since they challenge immigration restrictions on the basis of processes of identity formation, the two arguments clearly overlap. However, their similar inclusivist policy implications are grounded on considerations that significantly differ. While Smith's principle focuses on "forced coercion" as the source of the right to include, our notion of intertwined histories justifies that right on the basis of the active role that the colonies played in substantially shaping the identity of the colonizers. Far from downplaying the role of coercion in describing the colonial relation, our argument stresses the fact that the colonizers and the colonized *mutually* shaped their identities, despite coercion. This has the advantage of recognizing the colonized as active contributors to the development of the identity of their colonizers, and not just as their "passive victims." This is a crucial point as it avoids reproducing the very colonial categories, which constructed colonial powers as the only active contributors to their national history and their colonies as passive subjects. See W. E. B. Du Bois's argument about the importance of recognizing the "gifts" of African Americans to the formation of the United States (*The Gift of Black Folk* [Boston: Stratford, 1924]). In sum, Smith's principle gets us to the right conclusions, but for the wrong reasons. Additionally, once we consider cases other than colonialism, the two arguments may not even converge in their implications. For example, Smith would grant the inclusion of Filipinos in the United States given that their identity has been coercively shaped by the latter. For us, this is a less straightforward conclusion which could only be justified once it is shown that Filipinos played a constitutive role in the formation of U.S. national identity. Conversely, while we would support a free border policy between Britain and France (even if either of them left the EU) in light of their intertwined histories, the lack of coercion in the shaping of each other's

- identity would lead Smith to cast this possibility aside. We thank an anonymous referee for pressing us on this comparison.
49. Joppke, *Selecting by Origin*, 104–11.
  50. *Ibid.*, 144–49.
  51. We thank Tom Theuns for helping us formulate this point.
  52. Said, “Always on Top.”
  53. For a detailed analysis of this policy and similar ones, see Joppke, *Selecting by Origin*, 111–44.
  54. See, e.g., Sune Lægaard, “David Miller on Immigration Policy and Nationality,” *Journal of Applied Philosophy* 24, no. 3 (2007): 289–94; and Jacob Levy, “National and Statist Responsibility,” *Critical Review of International Social and Political Philosophy* 11, no. 4 (2008): 485–99.
  55. Miller, *National Responsibility and Global Justice*, 112–13.
  56. Jean Starobinski, *Blessings in Disguise; Or, The Morality of Evil*, trans. Arthur Goldhammer (Cambridge, MA: Harvard University Press, 1993), 1–35.
  57. Brett Bowden, *The Empire of Civilization: The Evolution of an Imperial Idea* (Chicago: University of Chicago Press, 2009), 103–4.
  58. *Ibid.*, chap. 8. See also Marvin L. Astrada, *American Power After 9/11* (New York: Palgrave Macmillan, 2010), 23–38.
  59. We refer in particular to the political accession criteria for membership to the EU (“Copenhagen Criteria”), which include the rule of law, respect for human rights, the protection of minorities, and stable democratic institutions.
  60. Although our discussion rejects the existence of a postcolonial right to enter into the EU, it does not exclude that immigrants entering one of the EU member-states on the basis of our postcolonial right may enjoy free movement within the EU. In our case, the enjoyment of free movement is not directly accorded by the right to immigrate, but it depends on other factors, e.g., the speed of citizenship acquisition or the availability of being granted a Schengen visa upon entrance in that member-state. We thank an anonymous referee for inviting us to discuss the civilization framework.
  61. This line of argument is similar to Joseph Carens, “Who Should Get In? The Ethics of Immigration Admissions,” *Ethics & International Affairs* 17, no. 1 (2003): 110.
  62. There are some notable exceptions; see e.g., Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University Press, 2002); and Margaret Kohn, “Postcolonialism and Global Justice,” *Journal of Global Ethics* 9, no. 2 (2013): 187–200.
  63. Robert Young, *Postcolonialism: A Very Short Introduction* (Oxford: Oxford University Press, 2003), 6.
  64. Duncan Ivison, “Postcolonialism and Political Theory,” in *Political Theory: Tradition and Diversity*, ed. Andrew Vincent (Cambridge: Cambridge University Press, 1997), 156.
  65. We borrow this broad understanding of analytical political theory from Philip Pettit, “Analytical Philosophy,” in *A Companion to Contemporary Political*

*Philosophy*, ed. Robert E. Goodin, Philip Pettit, and Thomas Pogge, 2nd ed., vol. 1 (Oxford: Blackwell, 2007), 5. Note that the reference to the dominance of the liberal paradigm should also be understood broadly as to include positions, like realism and neo-republicanism, that tend to distinguish themselves from the liberal paradigm more narrowly conceived.

66. E.g., Lu, "Colonialism as Structural Injustice"; Ypi, "What's Wrong with Colonialism"; Ypi, Goodin, and Barry, "Associative Duties, Global Justice, and the Colonies."
67. To the extent that we do so, we side with recent contributions that attempt to overcome the state of indifference between these literatures. See note 62.
68. To be sure, postcolonial theorists relate with ambivalence to the concept of the nation, as we have discussed in note 44.
69. Pettit, "Analytical Philosophy," 7.

### Author Biographies

**Sara Amighetti** is a PhD Candidate at University College London (Department of Political Science) and she is writing her thesis on the scope of a theory of social justice based on relational equality. She is interested in global justice, democratic theory, immigration, and the philosophy of public policy.

**Alasia Nuti** is a PhD Candidate at the University of Cambridge (Pembroke College) who is working on historical injustice and structural injustice. Her other research interests include global justice, feminist theory, postcolonial theory, multiculturalism, democratic theory, and immigration.