

Nonetheless, in the end, *Unpopular Cultures* makes a valuable contribution to legal scholarship, to freeing it from its doctrinalism, to liberating it to rethink its relationship to culture, popular or unpopular, and, in so doing, to enabling new disciplinary configurations both in and beyond the academy.

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PETER FITZPATRICK (ED.), *Nationalism, Racism and the Rule of Law*. Aldershot: Dartmouth, 1995, 223 pp.

Peter Fitzpatrick's edited collection, *Nationalism, Racism and the Rule of Law*, brings together twelve new essays, many of which originated at the Critical Legal Conference in Oxford in September 1993. The collection's title captures the central themes of the book: how the 'rule of law' attempts to constitute itself in universal terms, but in so doing exposes its own particularistic and indeed racist underpinnings. Moreover, nationalism and national identity inform legal discourse more generally, and this relationship between law and nation has served to justify imperialism and colonialism in the name of law. Finally, the collection also explores a theme of particular current interest, namely, how legal discourse is implicated in the simultaneous movements toward consolidation and fragmentation of national identities in Europe today.

One particular selling point of the book is its international scope. Contributors focus on the legal cultures of Britain, Western Europe, Canada, Latvia, the Czech Republic, New Zealand and South Africa. In addition, an essay by Fitzpatrick ties together the rather disparate contributions and highlights how law mediates between universal claims of 'nation' and the inevitable particularity of the nation state. Fitzpatrick demonstrates how national identity depends upon the constitution of an excluded other, which, although it remains within the space of nation, is outside national identity. The universality of nationhood thus becomes an impossibility, for it depends upon that which is other to it.

Several essays exemplify this argument in terms of how law can contribute to the particularization of the other and its exclusion from the benefits of national identity in the form of citizenship. Patricia Tuitt, for example, focuses upon the various constructions of the 'refugee' in European law and how acceptance of the Geneva Convention definition has been used to assert a dominant ideology of the refugee which forecloses alternative meanings. The 'recognized' refugee of Western Europe thereby is contrasted to the 'non-deserving'. A related issue is taken up by Audrey Kobayashi in the Canadian context. Her concern is how immigration law can affect the ways in which the national imaginary is envisioned. Using the example of the de facto recognition of gender persecution as a basis for refugee status, Kobayashi argues that the refugee determination process still demands the construction of the female refugee claimant in terms of her otherness. The granting of 'rights' thus depends upon the claimant's marginalization. Similar themes are explored in the immigration context by Abdul Paliwala, whose thesis is that the increased integration of Western Europe in terms of the elimination of border controls is accompanied by the heightened regulation of an excluded other – the

Nationalism Racism And The Rule Of Law

O García



Nationalism Racism And The Rule Of Law:

This book delves into Nationalism Racism And The Rule Of Law. Nationalism Racism And The Rule Of Law is a vital topic that must be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Nationalism Racism And The Rule Of Law, encompassing both the fundamentals and more intricate discussions.

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