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978-1-107-07433-0 - Allegiance and Identity in a Globalised World

Edited by Fiona Jenkins, Mark Nolan and Kim Rubenstein

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ALLEGIANCE AND IDENTITY IN A GLOBALISED WORLD

Interrogating the concepts of allegiance and identity in a globalised world involves renewing our understanding of membership and participation within and beyond the nation-state. Allegiance can be used to define a singular national identity and common connection to a nation-state. In a global context, however, we need more dynamic conceptions to understand the importance of maintaining diversity and building allegiance with others outside borders. Understanding how allegiance and identity are being reconfigured today provides valuable insights into important contemporary debates around citizenship.

This book reveals how public and international law understand allegiance and identity. Each involves viewing the nation-state as fundamental to concepts of allegiance and identity, but they also see the world slightly differently. With contributions from philosophers, political scientists and social psychologists, the result is a thorough appraisal of allegiance and identity in a range of socio-legal contexts.

FIONA JENKINS is a Senior Lecturer in the School of Philosophy, the Research School of Social Sciences, Australian National University.

MARK NOLAN is an Associate Professor at the ANU College of Law, Australian National University.

KIM RUBENSTEIN is Professor and Director of the Centre for International and Public Law, ANU College of Law, Australian National University.

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This six volume series flows from workshops bringing public and international lawyers and public and international policy makers together for interdisciplinary discussion on selected topics and themes.

The aim of the series is to broaden both public and international laws' understanding of how these two areas intersect. Until now, international and public law have mainly overlapped in discussions on how international law is implemented domestically.

This series is unique in consciously bringing together public and international lawyers to consider and engage in each other's scholarship.

Series editors

Kim Rubenstein is Professor and Director of the Centre for International and Public Law with the ANU College of Law at the Australian National University. A graduate of the University of Melbourne and Harvard University, Kim's public law work spans constitutional and administrative law, and also includes her expertise in citizenship law. Her international law work focuses on the status of nationality. In 2011 and 2012 she was also inaugural Convenor of the ANU Gender Institute.

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MARK NOLAN is an Associate Professor at the ANU College of Law, the Australian National University, where he has researched and taught since 2002 mainly in the areas of criminal law and procedure but also legal psychology. As well as being a legal academic trained in law, Mark has a PhD in psychology and much of his interdisciplinary research involves the application of social psychology to legal contexts. His research interests and publications in social psychology relate to identity psychology, intergroup relations, social justice and stereotyping. Mark also has published work, together with Kim Rubenstein, relating to dual citizenship and multiple identity.

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SERIES EDITORS' PREFACE

The idea for this series began in June 2005, when Kim Rubenstein applied for the position of Professor and Director of the Centre for International and Public Law at the ANU College of Law. The Centre is recognised as the leading Australian academic centre bringing together public lawyers (constitutional and administrative law broadly, but also specific areas of government regulation) and international lawyers from around the world.

In discussing with the law faculty ideas for the Centre's direction, Kim raised the concept underpinning this series. Each of the volumes flows from workshops bringing public and international lawyers and public and international policy experts together for interdisciplinary discussion on selected topics and themes. The workshops attract both established scholars and outstanding early scholars. At each of the workshops participants address specific questions and issues developing each others' understandings and knowledge about public and international law and policy and the links between the disciplines as they intersect with the chosen subject. These papers are discussed and reviewed at the workshop collaboratively, then after the workshop the papers are finalised for the final editing phase for the overall manuscript.

The series seeks to broaden understanding of how public law and international law intersect. Until now, international and public law have mainly overlapped in discussions on how international law is implemented domestically. While there is scholarship developing in the area of global administrative law, and some scholars have touched upon the principles relevant to both disciplines, those publications do not concentrate upon the broader mission of this series. This series is unique in consciously bringing together public and international lawyers to consider and engage in each others' scholarship.

Beyond the first topic of sanctions, the other topics draw from the research themes underpinning the International Alliance of Research Universities ('IARU') which is made up of ANU, Berkeley, Cambridge, University of Copenhagen, ETH Zurich, National University of

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Singapore, Oxford, Peking University, University of Tokyo and Yale. The topics include volumes on Health (Volume 2), Environment (Volume 3), Movement of People (Volume 4) and Security (Volume 5). A new volume was added to the planned series in 2012 with a focus on Gender (Volume 6), and this too is one of the IARU areas of interest.

After the first successful workshop was complete, Professor Rubenstein contacted Professor Thomas Pogge to co-host the second workshop and in addition to doing that, he has enthusiastically joined with Professor Rubenstein as a joint series editor. His contributions to each volume are an expression of his cosmopolitan outlook which is a theme engaged with throughout the series.

Kim Rubenstein and Thomas Pogge

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EDITORS' PREFACE

As explained in the Series Editors' Preface, this series is a result of workshops bringing together public and international lawyers. From the second volume onwards, the topics revolve around the International Association of Research Universities ('IARU') thematic research topics.

When Kim Rubenstein began thinking about organising the fourth workshop around the theme of Movement of People, she was enthusiastic about inviting her ANU colleagues Fiona Jenkins from Philosophy and Mark Nolan from Law to join her in running it as the three of them had already been collaborating on related work.

This fourth workshop 'Allegiance and Identity in a Globalised World' was inspired by interesting interdisciplinary work Kim and Fiona and Mark were developing assessing membership issues from the perspectives of citizenship law, political philosophy and social psychology.

Our workshop took place on 19–21 July 2010 at the Australian National University. The thirty three paper presenters and a further group of participants, who had read all the papers, enjoyed vigorous discussion, engaging fully with each other and the material.

We thank Matthew Zagor, then Deputy Director of ANU's National Europe Centre, for providing us with a dynamic venue. We thank Giovanni Di Lieto, Jacqui Field, then undergraduate student in the ANU College of Law, Kevin Boreham from the ANU College of Law, John Milfull from the University of New South Wales, Anne Macduff from the ANU College of Law, Tim Soutphommasane, then from Monash University, and Fanny Thornton from the ANU College of Law for presenting stimulating papers at the workshop even though their papers were not developed for the resulting book.

We thank the National Europe Centre for funding Vito Breda's visit through their Visiting Fellowship series and the Department of Immigration and Citizenship for support in running the workshop by sending along participants for the discussion from their ranks.

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EDITORS' PREFACE

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