# CONTENTS

*List of contributors*  
page viii

*Series editors’ preface*  
xvii

*Editors’ preface*  
xix

1. Introduction: allegiance and identity in a globalised world  

   **FIONA JENKINS, MARK NOLAN AND KIM RUBENSTEIN**

   PART I Constitutional legal foundations  29

2. Identity at the edge of the constitutional community  

   **ELISA ARCIONI**

3. An odd partnership: identity-based constitutional claims in modern democracy  

   **VITO BREDA**

4. Reconciling regional autonomy with national sovereignty: what does China mean to Hong Kong?  

   **SIMON MARSDEN**

5. Is Europe still worth fighting for? Allegiance, identity and integration paradigms revisited  

   **PABLO CRISTÓBAL JIMÉNEZ LOBEIRA**

   PART II Indigenous and customary law  115

6. (Em)placing law: migration, belonging and place in Solomon Islands  

   **REBECCA MONSON AND GEORGE HOA’AU**

7. Does law constitute identity? Indigenous allegiance and identity in Australia  

   **ASMI WOOD AND JO-ANNE WEINMAN**
PART III Social inclusion and exclusion 167

8. Pledging allegiance: the strangers inside democracy and citizenship 169
   Fiona Jenkins

9. When immigrants and converts are not truly one of us: examining the social psychology of marginalising racism 192
   Michael J. Platow, Diana M. Grace and Michael J. Smithson

10. Diversity, national identity and social cohesion: welfare redistribution and national defence 221
    Peter Balint

PART IV National security concerns and counter-terrorism law 241

11. The security of citizenship?: Finnis in the context of the United Kingdom’s citizenship stripping provisions 243
    Rayner Thwaites

12. Political criminals, terrorists and extra-criminal regimes of punishment 267
    Ben Golder and Christopher Michaelsen

13. Dangerous intersection: migration and counter-terrorism laws in the case of Dr Mohamed Haneef 291
    Susan Harris Rimmer

PART V Forced and voluntary migration, refugees and children 309

14. Recognition and narrative identities: is refugee law redeemable? 311
    Matthew Zagor

15. Myth-conceiving sovereignty: the legacy of the nineteenth century 354
    Eve Lester

16. Betrayal and broken ties: British child migrants to Australia, citizenship and identity 381
    Sharon Bessell
## PART VI

### Temporary or permanent labour migration

17. Temporary migration, identity and allegiance  
   Valeria Ottonelli and Tiziana Torresi

18. Transnational labour migrants: whose responsibility?  
   Susan Kneebone

## PART VII

### Transnational and international legal perspectives

19. The complicated case of Stern Hu: allegiance, identity and nationality in a globalised world  
   Joshua Neoh, Donald R. Rothwell and Kim Rubenstein

20. The end of Olympic nationality  
   Peter J. Spiro

21. The perils of judicial construction of identity – a critical analysis of the International Criminal Tribunal for the Former Yugoslavia’s jurisprudence on protected persons  
   Tamás Hoffmann

22. Primordialism and otherness: the ‘ethnic’ underpinning of ‘minority’ in international law  
   Mohammad Shahabuddin

23. The relevance of nationality in the age of Google, Skype and Facebook  
   Rishi Gulati

24. Concluding remarks: inequality as a threat to allegiance  
   Thomas Pogge

**Bibliography** 590  
**Index** 659