

making, and legitimacy of this popular private enterprise. Several essays spell out exactly how American legislative and judicial pronouncements have influenced British case law (e.g., the libel cases of *Derbyshire County Council v. Times Newspaper* and *New York Times v. Sullivan*). Other contributors attempt to inform British law-makers and judicial decision-makers as to potential legal pitfalls.

Regarding key pitfalls to be avoided, one of the strongest pieces in the text is by Ian Loveland, also the editor of the volume. Loveland's stimulating essay examines the criminalization of racist violence and, in so doing, he provides a clear explication of US Supreme Court jurisprudence. Beyond this, however, Loveland adeptly intertwines the perspectives of American legal theorists on hate speech, such as Patricia Williams' theory of 'spirit-murdering' caused by the toleration of racist violence. He concludes that Parliament should adopt the sentence enhancing law for hate speech from the American case of *Wisconsin v. Mitchell*. Although the principles are relevant to current events in Britain, Loveland admits that implementation is likely to be problematic.

A few authors convincingly highlight the intense particularity of the American Constitution. Some do not attempt to draw connections to a special relationship between English and American law, but instead focus on historical accounts of American constitutionalism. For instance, one author 'deconstructs' the American Constitution's intended universality of rights that resulted in the 'invidious and persistent exclusion' of Indians and others (at 193). In essays such as these, the American reader is left with the sense that the critique of American constitutional jurisprudence is more of a finger-pointing exercise than (as the title of the book suggests) the intended analysis of American influences on public law in the UK. On the whole, these essays competently explore ongoing American legal manoeuvres in several 'hot' areas, such as campaign finance reform, free speech, abortion, environmental regulation,

equal protection of minorities, and sentencing policies – all of which can be instructive, given the increasing internationalization of public law.

For the American reader, the contribution that this book makes is to present a fresh view by foreign observers of America's legal landscape, akin to hearing first-time visitors describe the Grand Canyon, New York City or the New Orleans Jazz Festival. In the end, the British reader will not find answers as to why an American jury found Louise Woodward guilty of second degree murder, why she received a life sentence, or why the judge eventually overturned the verdict. For the British student of the law, however, a special relationship does exist. The contributions included in this volume demonstrate that indeed England can and should be influenced by American efforts to draft, implement and adjudicate public law so that they can be aware of potential constitutional problems when confronting similar pressing social issues.

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Ali Khan, L. *The Extinction of Nation-States: A World without Borders*. The Hague, London, Boston: Kluwer International, 1996. Pp. viii, 245. Dfl.165, \$115, £74.50

Ali Khan's chosen topic is a fascinating one: the demise of the nation-state as the prime organizational unit of society and as the central subject of international law. He approaches it directly from the perspective of classical international law, from a traditional Grotian stance. The structure is much as one would expect: Part I deals with the 'Advent of the Nation-State', covering the demise of the Papacy and the Holy Roman Empire, competing conceptions of sovereignty, and the basic attributes of statehood; Part II tackles the 'Weakening of the Nation-State', both in terms of the contradictions inherent within states and in terms of the impact of changes in the international system, with particular reference to the example of the EU; and Part III is

left to posit a possible future in 'The Emergence of Free State', which is Ali Khan's original contribution.

The book tackles a subject that has been insufficiently considered elsewhere. It proposes one possible future for the societal organization of the world and for the discipline of international law. In so doing, it fails to be persuasive, both in its conclusion and in its method. What the work lacks throughout is an appropriate level of intellectual rigour and serious grounding in legal or political theory. Thus, the presentation of the central thesis – the concept of 'Free State' – is only thinly predicated upon the developments of 'Peaceful Conditions' (minimal war), 'Equitable Development' (general economic parity), and 'Pluralist Association' (gender/racial/religious tolerance), which are proposed as potential ultimate consequences of human rights law, global economics, and international enmeshment. The treatment of these subjects, and the possible developments flowing from them, fail to achieve the depth of analysis necessary to support the claims made. Unfortunately, this superficiality is continued into the account given of the concept of 'Free State' itself. It is based on little more than a cursory description of the EU and of one potential future for it, seemingly derived from instinct and speculation rather than from insight, reasoning and critical assessment. As a result, I am left wholly unconvinced.

Beyond its main aim of positing a serious theory of its own, the book also fails to be of use as a text on the concept of statehood specifically, or on the theory of international law generally. Its treatment of the development of the nation-state, and of the contemporary challenges to it, suffer from a lack of rigour similar to that observed in the final section. In addition, there is no bibliography and an almost complete absence of any useful references, which further inhibits the book's usefulness as a source for study or further research.

Notwithstanding these criticisms, the book is not without its merits – some of the ideas

proposed are interesting, stimulating and, at least *prima facie*, plausible. Ali Khan is to be praised for taking on a subject which has not been dealt with in sufficient depth elsewhere. However, the book's ultimate contribution must simply be in highlighting the need for others to take on this project, but in so doing, to avoid the mistakes highlighted herein. And I hope that one of the people to take on this task will be Ali Khan himself.

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Gayim, Eyassu. *The Eritrean Question: The Conflict between the Right of Self-Determination and the Interests of the States*. Uppsala: Iustus Forlag, 1993. Pp. 709. Index.

In this intricate and meticulous study of the Eritrean experience, Gayim reveals the hypocrisy and inconsistency that have become prevalent in the application of the term self-determination. Gayim dives into the minutiae, picking amongst transcripts and through proceedings and events in a methodical and pedantic manner. The amount of detail presented leaves the reader sometimes overwhelmed but none of the texts is irrelevant. They are worth the wading as each piece adds to the complex exploration of the history and experience of Eritrea. Gayim succeeds in presenting various contexts through which to assess the interpretation and use of the principle of self-determination.

By so thoroughly contextualizing the situation in Eritrea, Gayim is able to offer several case studies within the book which have implications and applications in more universal settings: the impact of colonization, the bad fit between history and nationalist identity, the dividing up of territory after war, the emergence of the right to self-determination in international law. The actions of the Four Powers after the war are given close scrutiny by Gayim, who is able to describe the backstabbing and infighting as well as the lack of concern for the people in ex-colonial territories. Another achievement in the book is the