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Challenging Nation

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Challenging Nation

By Catherine Dauvergne and W. Wesley Pue

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<http://www.uow.edu.au/law/LQRC/UOW014243.html>. Further details on the special issue appear following the introduction!

Catherine: What I most like about the idea of 'challenging nation' is what it has brought us over the past two years. Initially we wanted an idea that would act as an umbrella for people interested in Australia here at the University of British Columbia, a concept that would make sense of the diversity of their scholarship across disciplines. Challenging nation worked for that purpose, and that group of people developed and supported the Challenging Nation lectures in 2003-04. But once we invited eight other people, somehow plausibly connected to Australia with something to say about nation, the challenge took off in a different ways. The lecture series, in turn, inspired this volume. Four papers come from that original series, but the volume shows another turn as well, the contributions of those who responded to the call for works, taking the challenge in yet more directions.

Wes: It became apparent early in our discussions that the theme of "nation" resonated across a variety of disciplines and that the loaded phrase "challenging nation" evoked powerful but remarkably diverse responses amongst scholars and those involved in artistic work or praxis in many environments. In my own case an interest in the foundations of the liberal state and its colonial impositions/ transplants has taken me to a series of enquiries concerning the construction of the moral idea of "nation". The coincidence of the rise of political liberalism with the high water mark of European imperialisms is a central, much over-looked, feature of the history of the present time. One cannot be understood without reference to the other.

Catherine: Imperialism brings us in turn to the contemporary era of American imperialism – with all the inversions and parallelisms of the ultimate 'colony' perfecting the art of colonization, imposition and forcible transplantation. Theoretical accounts of globalization repeatedly put the nation at issue. Nation stands at the centre – the thing to be challenged, the thing that provokes challenge – and yet it persists. When we put out a call to papers, following on the original lectures, the lens shifted again – more challenges and more diversity, and still more ways of seeing and knowing 'nation'.

Wes: Two ironies bear noting.

The first relates to the increasingly sharp physical boundedness of nation. A generation that loudly celebrated the destruction of the Berlin Wall has quietly transformed entire countries into postmodern walled city-states: biometrics and computer surveillance are employed effectively alongside rather cruder markers of nation such as the barbed wire that confines Australian refugee claimants, the Palestine wall, or the physical barricades separating Mexico from the USA, its partner in free trade.

The second is simply that, despite the poignancy of academic critique, “nation” and “nationalism” enjoy a power and force that we have not seen since 1945. The anti-nationalist sentiments that drove the last half of the twentieth century – exemplified by leading figures such as Mahatma Gandhi, Pierre Trudeau, Nelson Mandela, Paul Keating or Jean Monnet – seem as quaintly out of place now as medieval theology.

Catherine: I guess medieval theology was pre-nationalist and those ‘great men’ were striving to be post-nationalist. Moving towards the post-modern? If nation and modernity are intertwined, perhaps a recent politics of fear turns the world back to something earlier. This might be where the delicious irony of *Facts Not Opinions* comes in. We have reached a point, a ‘post’ or at least ‘late’ modern point where much scholarship is skeptical about facts. Assertions of something, anything, as simply given or unchallengeable. Yet nation is like that. Our (assuming I’m right about you) view has evolved (dare we say progressed?) to viewing most things as opinions. But nation resists that. Nation asserts itself as fact, as unchallengeable. Peter Fitzpatrick writes eloquently about this in this volume. And Rhodhi Windsor Liscombe presents nation in its solidity. Which makes me want to ask you about the cathedrals...

Wes: The “post-nationalist” *moment* was just that because it lacked substantial roots beyond a tiny urban elite fraction in a very few countries. Keating “posted” socialist policies in the Australian Labour Party but promoted a sort of un-nationalistic vision of Australianness, Australia as an Asian nation. The kind of nationalism we see resurgent in “W’s” USA or Howard’s Australia is simultaneously multi-ethnic in ways that George Wallace or Bob Menzies could not fathom *and* every bit as essentialist (“the ordinary Australian” or “patriotic Americans”), fearful of strangers (Afghan refugees or Islamic citizens), and as imperialist in its assumptions concerning the global “other” as were the old nationalisms.

The interlude between George Wallace and George W. Bush was more “liberal” than post-modern, in that it rested on the liberal abstractions of common humanity, rationality, pragmatism, and individual rights. While radical skepticism about “facts” seems unhelpful (as Norris reminds us, there *was* a gulf war – two now – in which thousands died), discourse does construct reality. Powerfully. The slipperiness of fact/opinion/assertion has played to impressive political effect in many countries in

recent years. “Children overboard” or “Weapons of Mass Destruction” or the allegations that Islamist terrorists were nurtured in pre-invasion Iraq come to mind.



The “discourse” of physical erections is, of course, important too. The Spanish cathedral images produced in this volume remind us of the close ties between Fascism, Church and nation in Franco’s Spain. An image in which a Cathedral backdrops an amusement park ride marks stunning transformations that have occurred in the 29 years since Franco’s death. But complacency seems out of place. Although Franco is gone and the Berlin Wall fallen, “nation” finds expression in the twenty-first century in walls and fences, razor wire, military occupation, reinvigorated policing of human migrations, grossly weakened international law (outside of the trade realm) and, sometimes, striking coalescences of authoritarian politics, “church”, and patriotism.

Catherine: I do take your point about ‘facts’, and still think it fits the parallel I see with nation. Nations too are, on a least some planes, discursive constructs. But they are more than that also. The ‘more’ is what we see emerge through the array of challenges that our contributors have brought to the project. So this is, then, the point to turn it the project over to them.

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Volume 8 of *Law Text Culture* is a special issue on the theme of ***Challenging Nation***, under the joint editorship of **Catherine Dauvergne** and **Wes Pue** of the Faculty of Law, University of British Columbia.

This paper introduces a project on the role of the "nation" as symbol, construct, event and actor, drawing on historical insights and postcolonial perspectives as well as focusing on urgent contemporary issues. It forms the introduction to a symposium issue of *Law Text Culture* on that theme.

The idea of nation that has suffused the history of "the west" and its colonies for four hundred years is at once deeply political, raced, gendered and spaced. Nation stands at once as a positive, encompassing symbol of solidarity transcending the fractiousness of smaller groups but also as a force for exclusion, xenophobia, and aggression. Contemporary challenges to nation arise on both fronts. In the age of "globalisation" it stands simultaneously for parochialism and for "locality".

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