REVIEW OF:

Shah, Prakash (ed) (2007) Law and Ethnic Plurality. Socio-Legal Perspectives. Martinus Nijhoff Publishers: Leiden and Boston.

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The academic interest that Prakash Sha (Senior Lecturer in Queen Mary University of London) has shown towards diasporic communities has turned him into a salient figure in the study of Law and Immigration issues. He has produced relevant contributions such as *Legal Pluralism in Conflict: Coping with Cultural Diversity in Law* (2005)and *Migration, Diasporas and Legal Systems in Europe* (2006), edited together with W. Menski.

Law and Ethnic plurality: Socio-legal perspectives is an example of such rigorous academic trajectory. As mentioned in the introductory chapter, initially, concepts of religion, and later cultural diversity, where though to the guide concepts to be proposed to authors. However, the necessity of adopting more suitable analytic categories to study in depth the recent debates on diasporic minorities in the European context pushed Sha to elaborate the concept of "ethnic plurality". This concept singles out the reality of ethnic multiplicity generated by the settlement of non-European minorities. While in the mainstream theories, the concept "ethnic community" occasionally clashes with the concept "national minorities", insofar as it seems that the latter have a precedence in rights claims, Sha deliberately decides to refer to "ethnic community" to make a claim for special treatment and to prevent "institutional racism". In addition, a positivist perspective on Law, and its consequent heritage of Modernity of separating Law and Religion, would omit a wide number of relevant socio-legal phenomena. The presence of diverse academic disciplinary perspectives (Political Philosophy, Anthropology, Criminology, Geography and Law) confers to the book the intended multidisciplinary approach or, as the author call it, a "methodological legal pluralism", necessary to fulfil the objective of contributing with a critic reflection about minorities in the UK and in Europe.

The book is an anthology of the lectures held between January and March of 2006, at the Institute of Advanced Legal Studies of London. Throughout the nine chapters that compose the book, the authors, who are relevant scholars in their discipline, brilliantly expose their theoretical arguments, empirical researches or even personal professional trajectories as legal actors. Occasionally, the excessive density and length of some articles may appear to be an inconvenient to the pretension of arousing interest and a critical attitude toward such controversial debates. Overall, most texts manage to introduce the reader into the

different discussions on Law and ethnic diversity, following faithfully the objectives determined by the editor.

It would be a difficult task to attempt to delve deep into each article leaving aside most of the exquisite details (references, jurisprudence, academic debates...) that the reader may find along the book. Consequently, I will confine myself to summarise it and to mention the main elements contained in the articles.

In "Normative Foundations for Legal Responses to Cultural Diversity", Meena Bhamra, seeks to show how the dominant legal approach omits the essential normative step in order to achieve justice in the legal responses to cultural diversity. Bhamra starts analysing the concept of culture according to Kymlicka´s Multicultural Citizenship theory, based on the idea that that culture provides to our lives significance and value and that, consequently, we breed a strong bound with our own culture. However, the author disagrees with Kymlicka since the Canadian political philosopher only admits the maintenance of "societal culture" of national minorities, but not of ethnic groups. This article deconstructs this argument through social and historical reality in UK and Ballard and Menski´s reflections. What is more, the author highlights that the cultural heritage, even immigrants' cultural heritage, provides a firm normative argument for its protection.

Valsamis Mitsilegas, in "Immigration, Diversity and Integration: the Limits of EU Law", analyses the concept of "integration" from recent legal texts and other documents enacted by European institutions. For this author, "integration" has become a polysemic concept (an objective, a medium, a pre-condition or an instrument of protection) that differs depending on the European Union's and member states' political interests and changing circumstances, but usually referring to assimilationist tendencies. The fear to give away sovereignty and the securitization trend constitute important reasons where national pretensions clash with the resolutions on immigration and human rigths of the EU Court of Justice.

Anita Kalunta-Crumpton's article, "Changes in Drugs Policy and Practice: Implications for the Black Community", deals with the different perspectives of discursive and practical construction of drugs trafficking in the UK, and more specifically inside the black community. For this author, depending on the level of criminal prosecution programmes, the kind of drugs, usage, sales, as well as the politics of prevention, rehabilitation, or the "war on drugs", may produce relevant effects, such as a strong social control over an ethnic minority, and even discriminatory regimes and abuses. Through police data and a review of recent regulations, this chapter proofs the inefficacy of the different criminal prosecution programmes governed by white people that have stigmatized the black community.

In his chapter "Common Law and Common Sense: Juries, Justice and Challenge of Ethnic Plurality", Roger Ballard describes the job of the (anthropologist) expert before courts. The presence of a qualified observer is mandatory for the cases where one of the parties belongs to a non-European ethnic community. But what is the expert´s role in the jury? Which are the criteria for admission of an expert's report? The author presents diverse cases where initially the ethnic variable was apparently irrelevant, and after the anthropological expertise, the presence of culture codes appeared to play an important role that motivated conduct. His article is mainly a call to British legal institutions to internalize a thicker notion of culture.

In the article "Artistic License, Free Speech and Religious Sensibilities in a Multicultural Society", Ralph Grillo introduces the contemporary debate on the validity or inconvenience of multiculturalism as a model for managing diversity. Starting from a description of series of tensions and episodes of intercultural conflicts occurred in Europe, and with an specific reference to Behzti affair (Birmingham, UK), the author delimits the context in which diverse variables intervene. Among others, he lists an ascendant shift toward religious fundamentalism (but also lay fundamentalism), legislative and political attitudes in favour and against the legal protection of "faith communities" or a sensationalist press. All these circumstances, according to Grillo, converge into a polarized situation where extremist options monopolize the social discourse, relegating the moderate options to invisibility, a result that does not precisely suggest a decrease of intercultural conflict.

"Planning Law and Mosque Development: the Politics of Religion and Residence in Birmingham", by Richard Gale, brings us to the tensions between ethnic-religious groups and urban planning. Through the study of the specific case of the construction of a mosque in the city of Birmingham, where 14 per cent of the population are Muslims, the author analyses the evolution in the local official discourse and the urbanism proceedings with respect to religious buildings. Drawing from quantitative and qualitative empirical data, Gale concludes that there is an unfair treatment, to the detriment of the Muslim community, regarding the licence awarding related to religious buildings. This is why the author concludes inviting to develop more research in order to control planning policies and its impact on religious communities.

In "Alternative Dispute Resolution in a Diasporic Muslim Community in Britain", Mohamed Keshajee chooses the Muslim neighbourhood of Hounlow, London, to analyse the relation between Islam and the alternative dispute resolution (ADR) where at least two different legal codes coexist: Sharia (mainly the part of the Muslim legal code that affects most to family Law) and British Law. Although a significant level of acculturation is noticed among young generations, Islam is still a core element in the social structure of the community. In Hounlow, diverse actors and community institutions develop advice, mediation and referee practices: the imams, the Biradaris, the Pakistan Welfare Association, the elders, the police, the Muslim women's helpline, the solicitors, ADR agencies, and the Muslim Law Council. Each of them, according to their possibilities, intervenes at different levels, but without becoming a real structured body for dispute resolution. In this chapter, Keshajee raises a double question: the necessity of promoting an effective body addressed to the Muslim community, and, at the same time, the incorporation of ADR knowledge to resolve specific conflicts inside the Muslim community.

Prakash Sha ´s article, "Rituals of Recognition: Ethnic Minority in British Legal Systems" deals with the validity of solemnity rituals in ethnic marriages in order to receive official recognition. Using Sebastian Poulter´s classification marriages celebrated abroad and marriages celebrated in British territory, and analysing diverse judgments (with special reference to Scottish Law), Sha shows how judges frequently face difficulties in recognizing rituals celebrated inside religious minorities with traditional procedures. The series of reflections are raised in the text. The first one refers to the rigidity and tempus required by the official inscription and the social benefits derived. There is a tendency for diverse communities to hybridize certain customs regarding Registry's norms in order to obtain official registration. Secondly, Sha

notices the existence of a hierarchy among the different religious communities when obtaining official recognition of marriages. What seems evident is the disregard of Courts and legal practitioners toward the knowledge of socio-legal expressions coming from ethnic communities settled in the UK.

There is an obvious relation between Judiciary and Courts formation and ethnic minorities since determinant resolutions may affect communitarian development. Tahir Abbas, in "Ethnicity and the Senior Judiciary in England and Wales", raises an approach toward the presence of members of ethnic minorities in higher levels of the Judiciary. It is a fact that, the higher the post, the lower the number of member of ethnic groups. Although the number of students and graduated in Law Schools increases, the selection criteria to access to elites of the legal profession still privilege white, male and socially positioned. Despite such quantitative secondary data, the author considers that it cannot be said that there is a systematic discriminatory treatment toward minorities. Ethnic groups are increasing present in almost all levels of the Judiciary. As Abbas says, more qualitative and quantitative research is needed to ascertain the observed trend.

Finally, a rich bibliography related to Law and ethnic minorities adds extra points to the book's quality. Fifteen pages of references to specialized books, articles and reports constitute a key source for students and scholars who study European and non-European legal institutions and professions in immigration societies.

There is no doubt that Praksh Shah has once again managed to get together in a single volume a team of salient authors whose articles invite us to take the understanding of "Law and Ethnic Plurality from a socio-legal perspective" seriously.