

THE COMMUNITY OF RIGHTS THE RIGHTS OF COMMUNITY (2012). By Daniel Fischlin and Martha Nandorfy. Oxford University Press, YMCA Library Building, 1 Jail Singh Road, New Delhi 110001, India. Pp.xiv+328. Price Rs: 850/-

WHAT IS community? When most of the things were decided, organized and undertaken on the name of community, did community have any say in it? Does community have rights? If so are they subordinate or superior to individual rights? What is the impact of state and its law on community? Does law recognize and respect rights of community? What should be the response of community when the state's law affect its rights, particularly its very existence?

Daniel Fischlin and Martha Nandorfy in their third book *The Community of Rights: The Rights of Community* vectors these dilemmas by offering in depth analysis on the meaning of community by offering a critique on concept of community and how it has been deformed, dissolved and made meaningless. The book vividly captures to what extent the concept of community is defiled due to totalitarian and hegemonic state practices.

The book raises pertinent issues like the biotic relation of the community with the land. The authors argue that the community must maintain relationship of the land as the community emerges from the land at least in materialistic view. Such an argument find favour particularly in understanding the plight of displaced communities due to creation of special economic zones and compulsory acquisition of land by state on the name of development.

The book provides narratives of various stories. In the words of the authors they are neither just fairy tales nor horror stories but "biographies of movement and resistance against contemporary forms of colonization."

The trilogy

This book is the last of a trilogy, the first two are Eduardo Galeano: *Through the Looking Glass* and *The Concise Guide to Global Human Rights*. These two books focuses on majoritarian concepts of social justice and how those concepts 'marginalized' and 'minoritized' the concept of social justice. The second book identifies particularly the disjunction between UDHR's stress on human rights of individual and its lack of stress on community rights.

The third book under the trilogy which is under review continues its focus on how rights of the communities are marginalized in favour of individual rights. The authors rightly put forward the argument that the focus on individual rights confirms the neoliberal discourses of private ownership in globalized private economy through

corporatization. As an alternative to this discourse the book asserts to “re-instate and reclaim community as a social practice.”

The argument of authors that the community must be involved in all crucial decisions that affect the community at large, finds favour in the context of continuous exclusion of local community in decision making across the world. Such a requirement would greatly enhance the rights of the community and particularly in India in the context of Bhopal gas tragedy wherein the state became representative of the community loss through legislation which had an effect of re-victimizing the community.

The Bhopal episode confirms the statement “profits have been privatised ... and losses socialized” Further, the higher courts are flooded with the case of commercial litigation and little time for the people’s problem.

The scheme

The book is divided into four sections. Section 1 “All life being one life’ The Common good, Rights and the meaning of Community”, emphasises on how to understand linking community to rights discourse by practical examples. It explains how rights thinking is overtly individual centric in complete negation of rights of community. Several examples used in this part include disasters like BP deepwater horizon oil spill in Gulf of Mexico and Bhopal gas leak in India. After giving these examples it analyses how corporations avoid paying full costs to the victims and how legal framework in these countries compromise rights of the community by terming such incidents as an accident. The first section presents remarkably the paradoxes of challenges faced by rights of community in the community of rights.

Second section titled “None can survive unless all survive – Community, Story, Land - Making the Connection”, comprehensively covers relationship of human agency with environment and community. Significant portion of this section focuses on the relation between the land and rights of community. The premise on which such a relation is looked based on the fact that land is an essential element of community survival and such dependency is largely, if not completely, ignored in rights discourse. This section also focuses on relation of communities with the land not only as a place of habitat but having religious and cultural linkages and how such a relation was obscured, deformed and defiled on the name of so called public interest, industrial development and economic growth. This kind of discussion on relation between the land and the community is significantly important in India in the context of displacement of large number of people due to land acquisition; be it for special economic zones or public purposes.

The third section “Freedom to ... rise above a cruel plant The Paradox of Global community – Neo-colonialism Versus Evolving Ecologies”, captures the

paradox of notions of global community. The authors focus on the ongoing resistance by local community against markets driven growth based globalisation. It profoundly explains the paradox that the globalisation radically oppose the local economies by reducing the globalisation to mere economic determinism and further equating such economic determination with freedom. The authors enumerate various people's stories that caught this paradox of equating economic determination as globalisation. The authors advocate the need for strengthening the rights of the community but not the global corporate entities (in the name of global community) as they are ineffective to respond to local needs. This section ends with, aptly so, recognising several best practices adopted by communities across the world for a sustainable growth.

The last section "Choice words set a seed in the child' Event Horizons of the Possible and Kivuiq's Story" advocates for larger community rights. Continuing the debate on differences of local community and corporate community, it is argued that bigger the corporate community more susceptible in preserving and upholding the diversity and the interest of its community members. On the other hand, local communities are better equipped with diversity, balancing competing interest between diverse groups and prioritising the distribution of local resources. The authors explain that how rights of the community exist in stories like Kivuiq. They try to link the Kivuiq story to the rights of community and stress on power of such stories in influencing right judgments.

The epilogue

The authors make us to rethink the rights through the prism of community rather than the traditional thinking of prioritising the individual rights. They advocate that there are not only community of rights but communities themselves also have rights. They advocate that the communities have a greater strength in handling conflicting interest effectively. The book unravels rights of individual with rights of community. Perhaps its greatest virtue is analysing rights of community with narration of stories which are apt and easy to comprehend by the readers.

The relevancy

Understanding 'community' in a proper sense is imperative to any study of law. The word community was used to attribute several undemocratic practices. The author explains how highly compromised is the term 'community' with few examples of which honour killings is very relevant to Indian society. People to satisfy their own egos and personal agendas attribute the honour killing as a tradition of community or religion. The author amply indicates several such practices as an example of such compromise. Study of pure law has been losing its importance

in the global context. Studying and understanding law with interdisciplinary method being need of the hour, the book is a must read not only to members of legal fraternity but to all who are interested in community.

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