

Community, Law and the Politics of Rights: Looking Below and Above the Bridge

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Far beyond modern predicaments of terrorism/counter-terrorism traumatic events, almost every nation-state in our globe is touched by severe conflicts between its legal ideology, state law, and challenging vibrant sociopolitical and legal practices of minorities. These practices—some of which globalize and others localized- are constituted by and generated through identity practices. Identity practices of legal cultures include *inter alia* violence, de-mobilization, counter mobilization, mobilization, litigation, adjudication, legislation, and dispute resolution. They reflect contingent, contextual, and relative concepts towards 'state', 'democracy', 'rights', 'multiculturalism', 'liberalism', 'community', 'rationality', 'legality', and the 'rule of law'.

Politics of/in rights is both a constitutive process and an epiphenomenon that articulates heated controversies and deep anxieties, dis/trust, alienation, and other types of expectations and grievances, hectically debated in conflicts within *non-ruling communities*. These largely veiled foci of micro and macro politics are being told to the observers through various, but comparable, narratives and voices. We need a better understanding of individual-community-state-global forces through analysis of law and legalities. Drilling some findings from field research this article is focused on the general dilemma of how non-ruling communities can and should use law or evade using it in its multifaceted structures and practices for achieving political equality and social justice.

Hence, looking mainly into national minorities, religious communities, and feminist groups, my article aims to challenge highly debatable topics: what is the space and what are the boundaries of multiculturalism and legal pluralism, and how should conflicts between liberalism and non-liberal collectivities be mitigated and maybe resolved? What are the costs and benefits of rights discourses and litigation in democratic calculus if ontology of various non-ruling communities, some of which carry very different traditions, is taken seriously? How different notions of ‘community’, sometimes referred to imagined communities, play in state-society struggles, through various legalistic political strategies? How communities help us to understand 'globalization?' why particularistic obligations are important and how they can be reconciled with ‘universalism’?

I argue for the need to globally study non-ruling communities as important carriers of practices, unchallenged yet by contemporary ‘multiculturalism’. We have to refer importance to perspectives of the deprived, through their own narratives and identity practices. For understanding law as a battlefield between state and non-ruling communities, in the midst of conflicts over power, resources, and some globalization, we first need to critically evaluate current liberalism not as a paradigm but as a tradition that has to compete with other traditions. Second, we should develop a concept how ruling forces may be more accessible and accountable to deprived publics.
