
Book Reviews

Jennifer Balint, Editor

Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings
by Pooja Parmar. New York. Cambridge University Press, 2015.
262 pp. £67 hardcover.

Reviewed by Jhuma Sen, O.P. Jindal Global University

Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings sets out with the twin objective of understanding both dispute and indigeneity through the *Plachimada* struggle of India's indigenous people, the "Adivasi," against the Coca Cola bottling facility in Kerala. These objectives, however, also unpack the meta narrative of what it means to be the most dispossessed. As Parmar describes at the very outset, it means more than losing one's land and water—it is also to experience an injustice that often goes unrecognized. The book, as she states, is an attempt to understand the violence of such injustice.

Indeed, the violence of that injustice is carefully spread out in the seven chapters of the book where multiple accounts of the *Plachimada* dispute are carefully woven together to primarily ask two questions; what has the "dispute" meant to its actors and how can we indeed understand the multiple "claims" advanced by the different actors in that struggle? Parmar shows how the meanings that emerge in their day to day lives are considerably different from the ones which are placed on the *Samara Pandal* (protest hut) by their representatives and supporters, and again, when they are placed before the formal legal system. In both cases, new meanings of claims emerge and crystallize, whereas some old meanings are lost, either in the impossibility of translation or in the rigidity of formal legal institutions. The constitutiveness of law or legal consciousness acknowledges that law's power is discursive and productive as well as coercive where law helps shape the meaning that people make of their day to day lives (Merry 1990; Sarat and Kearns 1993), and that law is culture (Ewick and Silbey 1998); therefore, what dispute and claims *mean* to the actors of the *Plachimada* struggle are essential to understand that constitutiveness of law. More importantly, what indeed frames the legal consciousness of injustice, that constantly

Law & Society Review, Volume , Number (2017)

© 2017 Law and Society Association. All rights reserved.

shape the meanings of claims and resistance of the community that eventually are transformed (or left *untransformed*)?

The first chapter introduces the project and Parmar's central questions, assumptions and challenges. As a project it sets out to not only *scrutinize* but to *understand*—the clashes between different normative worlds and their different narratives, migration, and destruction of meanings of the indigenous narrative upon translation by their “representatives” and the role of translation itself in an unequal world as an experience of loss; she complicates the role of translation further by turning the anthropological gaze inwards in a lesson in ethical research by acknowledging her linguistic limitations in the “translation of unfamiliar stories narrated in unfamiliar languages into a familiar language” and how she overcame them. The second chapter locates the dispute by situating the *Plachimada* struggle in the complex matrix of history of the region and people, including indigenous people as well as settlers in the region, the setting up of the Coca Cola factory and depletion of groundwater, the meaning and importance of water itself in the community and the subsequent “dispute.” The struggle to protect water does not become an event in itself; rather it becomes the process through which past struggles and events are connected. This chapter also provides an account of the protest by the community and the subsequent litigation, though both are dealt with later in greater detail in other chapters. The third chapter outlines the transformation of *Plachimada* from a local struggle to a global event, identified as a people's resistance movement. In this politics of transformation, the chapter indicates how the strategies of *Plachimada*'s various supporters and *outsiders* in varying categories of social activists, human rights activists, anti-globalization activists, environmental rights activists, etc. have been instrumental. However, the chapter also asserts how these actors' stepping up on the stage and translating the language of resistance also resulted in the eclipsing of meanings affirmed by the community. The fourth chapter maps the formal legal system, and examines the processes and practices of legal translations when a “dispute” enters the formal institution from the informal one, where some meanings are formed and some are lost in translation. What remains and what fades, the chapter indicates, is largely dependent on the “language, logic, concerns, and demands” of a formal legal system. In the complicated interaction between the global and the local, the fifth chapter explores the more complex terrain of “solidarity,” “betrayal,” “differences,” and multiple strands of a “people's movement” by situating contrasting narratives of the Adivasis' opposition to the Coca Cola factory as well as their dissatisfaction with the resistance movement. The sixth chapter presents the Adivasi encounter with formal state law; Parmar scrutinizes litigations that emerged in this context and places

them alongside Adivasi narratives of loss and displacement. The conclusion is then to search for just outcomes by pointing at the processes of incomplete translation in an unequal world.

Indigeneity and Legal Pluralism in India is therefore firmly rooted in that strand of law and society scholarship that acknowledges that “important connections exist between events and processes even when events appear to be disconnected and separated by time, space, or even our own categories of thought” (McCarty 2012) and prescribes the adoption of a global socio-legal perspective “that challenges our taken-for-granted assumptions about what law is, where law appears, and how law works” (Darian-Smith 2013). Parmar steadfastly places her thesis in the complexities and pluralism of the socio-legal order of postcolonial societies where settler-colonial dynamics are reproduced in the conversation between indigenous people’s rights and the dominant hegemony of the global political economy and multinational corporations. Here contested and layered histories of Adivasi claims and narratives of displacement, dispossession, and exclusion make way for a vertical translation into the dominant languages of the formal legal system. In this process of translation, while some meanings are gained, other meanings are eventually lost. How do the indigenous people imagine this migration of language, claims, and meanings and understand that loss? And how does that loss speak of and to injustice? Parmar shows that the migration and translation of claims and meanings in the legal universe do not necessarily produce “justice.” The book makes a valuable contribution not only to legal pluralism and indigenous rights, but also to the two dominant fields in law and society scholarship—legal mobilization and legal consciousness—by *understanding* the meanings of law in everyday life.

References

- Darian-Smith, Eve (2013) *Laws and Societies in Global Contexts: Contemporary Approaches*. Cambridge: Cambridge Univ. Press.
- McCarty, Philip Curtis, ed. (2012) *Integrated Perspectives in Global Studies*. San Diego, CA: Cognella.
- Merry, Sally Engle (1990) *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: Univ. of Chicago Press.
- Sarat, Austin, & Thomas R. Kearns (1993) “Beyond the Great Divide: Forms of Legal Scholarship and Everyday Life.” *Law in Everyday Life*. Ann Arbor: Univ. of Michigan Press.
- Silbey, Susan S. (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago: Univ. of Chicago Press.

* * *