

Manipur

between
Justice & Law

Dulali Nag

Manipur, among other Northeastern states, has captured scholarly attention as one of the border-states of India that is a victim of human rights violation both internally and externally, as one of the centres of contraband trading, for problems related to migration and internal displacement, as well as for its abundant and diverse natural resources and human cultural diversity. There have not, however, been too many efforts to provide a theoretically integrated account of the relation between the everyday violence that is ripping this state apart and the cultural diversity of the region as a result of migration. This book tries to fill that lacuna in the literature through a sociological focus on cross-border trading to argue that the endemic violence in the region is a manifestation of a society that has rendered alienated from the historical relations between various ethnic groups to fetishize unique ethnic identities have left no scope for negotiation or dialogue either between the ethnicities and the Indian state leaving the social field to violent interactions as a substitute for real human exchange and interaction.

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Manipur between Justice and Law

Capital, Ethnicity and Violence

Dr. Dulali Nag



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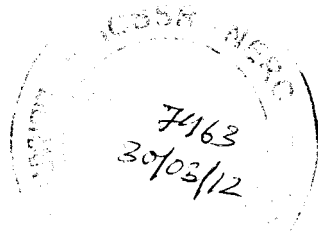
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Introduction: Relation Between Development, Freedom and Violence

This work originated with an aspiration to do a research on the economic-sociology of trading activities across the Indo-Burma border in a small but well-known trading outpost, Moreh, in the state of Manipur in the Northeastern region of India.

A visitor taking a stroll through the market centers of the town will have no doubt that trading and associated activities like the transport business, long-distance communication business, small hotels and even smaller boarding and lodging accommodations for out-of-town businessmen or small roadside snack-servers catering to long-distance drivers are the mainstay of the economy of Moreh. But the logic of everyday activities in Moreh cannot be understood in terms of the locale alone. Moreh is not an autonomous entity. While trading is the form of its economy, the content of trade is embedded in the complicated history of ethnic relations, local kingdoms and their relations, policies implemented by the colonial powers, and the mostly conflictual relation between the post-colonial Indian nation and the states in the Northeastern region of India, especially Assam, Nagaland and Manipur. This political-history determines who trades with whom, who cannot trade with whom, who takes which route to transport his goods, who is whose ally, who is whose sworn enemy and so forth. Though such tensions and conflicts are staple factors in the lives of any

business community, what marks Moreh and other cross-border trading outposts in Northeastern India is the interlacing of violence and trade.

Interlacing of trade and violence is not a phenomenon unique to Manipur: it is widely observed throughout the world in the functioning of cartels and other forms of organized crime. But in the case of Manipur and Northeastern India, the subtext for violence is political. A comparison with organized crime and the underworld is therefore fiercely contested between those who find an ideological justification for the violence and those who see merely criminal intent in it. Trade-related violence in Manipur is generated either by inter-ethnic hostility or state-ethnicity conflict. The theoretical context for the debate is that of legitimacy of power in society. How is legitimacy constructed? If two or more sources of power are considered legitimate by two different subgroups of a society what, if any, are the peaceful means to resolve the difference? Why can't differences be resolved peacefully all the time? When is violence inescapable? These questions will be explored through an ethnography of trading in Moreh contextualized in the political economy and history of Manipur.

Development or Freedom?

It would be wrong to think that this is the only violent period in the history of the region. We will see later in the history of the evolution of Manipuri politics that wars were quite frequent among the kingdoms of the region, especially between the Ava kingdom of Burma and the Manipuri kingdom. Animosity between the Nagas and the Kukis were generally resolved with violence, a state of affairs that the British tried to use to their advantage. The problematization of violence in the post-independence era is the result of a wider legitimacy of the twin ideas of human rights and economic development in public discourse. Violence contravenes both. A bloody conflict between two ethnicities is seen as a "riot" as it violates the existing order of law of the state where "ethnicities" are not recognized as such

in the Universalist national discourse of citizens and their rights. Law of the state is also meant for regulating and ordering the sphere of the economy that is expected to lead the society toward the universal goal of "development". Apart of the idea of human rights, violence therefore runs counter to the developmental projects of the state too.

The political subtext of violence in Manipur and the Northeast adds a further twist to the problematic of violence. Political movements anywhere are organized around the issue of "freedom" in some form. In the case of Manipur, politics is organized around the issue of the right to a homeland in different forms for the different ethnicities. That is, it is a politics of identity. While the Meitei insurgents demand the right to secede from the Indian union, the Kuki leaders demand only autonomous districts for the Kuki population within the Manipur state, and the Nagas demand their separate homeland state within the Indian union comprising all areas spanning over India and Burma wherever there is a Naga population. With the homelands thus defined overlapping each other, the politics of insurgency of the different ethnicities often take the form of violence against each other as well as against the Indian state, which then is met by retaliatory violence by the state security forces giving rise to further violation of human rights, thus completing the circle.

But freedom of a somewhat different kind, linked to the question of justice in a Universalist sense as opposed to the specific identitarian sense, is connected to the idea of development.¹ Part of the problem in writing about the interlacing of trade and violence in Manipur is due to this conflict of two different ideas of "freedom". While the idea of human rights is integral to the first Universalist idea of freedom, it subsumes the narrower idea of human rights, derived from a single social identity, under a broader concept of distributive justice that ensures that each individual is able to develop their innate capabilities to their fullest extent. Economic development, as understood in this perspective, is necessary though not sufficient for this idea of justice and freedom.

The freedom conceptualized by identity politics cannot allow for the above individualistic focus of the distributive notion of freedom. Under the politics of identity, freedom and justice for the individual is necessarily subsumed under the idea of freedom for the collective. Justice, as some have argued,² must first ensure the freedom of the collective to live the way of life they consider to be valuable, because justice for the individual is impossible to conceptualize except as embedded within a particular historical collective way of being.

Development and freedom are therefore in conflict in Manipur. The endemic violence may be seen as an expression of this communicative impasse between the different ethnicities and between the ethnicities and the state. Justice, which is the ultimate goal for both politics and development, is caught in the cross-fire and lies seriously wounded here. The following section outlines the theoretical context that underlies my ethnographic and historical analysis of violence in Manipur.

Justice, Power, Identity, Violence

It is generally accepted that development is closely related to the health of democratic politics. When it is not measured simply in terms of increase of GDP and per capita income but also includes as an essential measure the idea of a just distribution of resources, development truly contributes to each individual's capability to achieve what he/she wants to achieve. When looked at in this sense, the state/market dichotomy that is often found to dominate the debate on the best means to development is found to dissolve in favour of a symbiotic relation between the market mechanism and state regulation. The economic gains generated by the market need to be distributed according to some generally agreed upon principle of justice through state regulation, whereas a vibrant market economy strengthens the civil society through the formation of active interest groups to curb excesses of state regulation – or generally to mark a distinction between the state and the

society – to contribute to the formation of a liberal social organization.

But what of cases where civil life has come to a standstill due to conflicts between different social groups, and social groups and the State? One of the necessary conditions for a healthy democratic society is an inclusive public sphere where civil societies can carry out open debates over issues relevant for various groups in the society. But this scenario does not obtain where the relation between the state and the society as well as between different subgroups of society is one of antagonism rather than negotiated adjustment. Conflict of interests sometimes reaches a stage where negotiation can no longer address it. This is when a society has reached the point of insurgency where the imagination of development gets distorted into maximizing economic benefits for specific social subgroups to the exclusion of other subgroups as well as the ruling State. The very authority of the State to deliver development with justice is challenged then. The relation between development and conflict becomes circular at such moments: development cannot proceed because conflict impedes such work, and conflict cannot be resolved because development is needed for a sense of justice. How to cut through such vicious circles? This is the question that will occupy us as we proceed to focus on trading and marketing activities in Moreh.

Cross-border trading adding up to millions of rupees are conducted daily through Moreh primarily outside of the system of law and order sanctioned by the state of India. When economic transactions disregard the law of the land then the state's cut, or due, from such exchange gets siphoned off into private channels, thereby restricting the state's ability to promote what from the state's perspective is a more just distribution of the profits generated by the economy.

From the Indian state's Constitutional point of view almost all cross-border trading through Moreh is "illegal", but if we want to take a more grass-roots perspective then we may choose to see it as the people's resistance to an

order imposed by the state that runs counter to their collective vision of their self and a corresponding self-interest. From this second perspective, elaborated in a joint work by Willem van Schendel and Itty Abraham, we can read these activities as “licit” for being politically-morally justified in terms of the precedence of a collective cultural-historical identity over the civil identity of being citizens of a state.³

It would help to carry my argument forward if I expound here briefly on the position taken by Schendel and Abraham. Their central point is that the field of the social sciences has evolved in the context of a history of the formation of nation states across the globe. The result has been that mainstream social research has always taken the categories created and supported by the states as axiomatic. One such category is “law and order”. “Historically the boundary of illicitness has shifted back and forth as bandits helped make states and states made bandits”.⁴ The point of the authors is that what is *illegal* from the perspective of the state’s idea of order and justice for its citizens – an idea necessarily founded upon continuing the state’s hold on power over the society – is often manifestations of economic networks with a long history of association between social groups and kinship connections predating the emergence of the state as the centre of power. Since history attests to the fact that states rise and fall over time leading to changing patterns of privilege and legitimacy in the societies in question, no existing state can claim any transcendental legitimacy for its idea of social order. The authors therefore have made an explicitly political choice in challenging the mainstream state-centred studies of “illegal” trading and other economic activities. They have proposed

[A] more subtle approach to issues of legality and illegality which does not take the state as its point of departure. Instead, [they] build upon a distinction between what states consider to be legitimate (“legal”) and what people involved in transnational networks consider to be legitimate (“licit”). Many transnational movements of people, commodities, and ideas are illegal because they defy the norms and rules of formal

political authority, but they are quite acceptable, “licit”, in the eyes of participants in these transactions and flows.⁵

“Historically the boundary of illicitness has shifted back and forth as bandits helped make states and states made bandits”: The authors are obviously focused on the power dimension of state formation to the exclusion of the dimension of popular legitimacy. In other words, the authors are not very interested in the historical *process* through which a particular state comes to hold a position of power. Their position is founded upon the belief that the state as a particular form of institution always and necessarily wields a disciplinary authority without any popular legitimacy attached to it. While the relation between power and legitimacy – and more seriously the construction of legitimacy — for any ruling regime is a contested field for political and social thinkers, we cannot wish away the factor of legitimacy in a situation involving a state and its subjects in a democratic political setup. My point here is that Schendel and Abraham’s argument leans a bit too far to the side of historical arbitrariness of a state institution without making much allowance for the complexity, and often complicity, of the relation between the state and its subjects in terms of a tension between power and legitimacy.

My other point follows from the above. Schendel and Abraham refuses to take the state as the point of departure in enquiring about the legality or illegality of a phenomenon as the state has no more claim to legitimacy than the communities or networks that it has ruled as illegal. The same logic, however, permits us to question the source of legitimacy for the people’s networks. And we are caught in a methodological circularity, for if bandits make states and states make bandits then it is hard to find a point of departure in terms of moral legitimacy. The *licit* non-state banditry of today will become the arbitrary violence of the state apparatus of tomorrow.

Yet it would be to trivialize their scholarly effort if we do not acknowledge the question opened up by the bold

presentation of these authors. My critique of their position above actually leads us to the question that is central but implicit in their argument: how can social studies engage with the question of Justice without taking an existing system of law and order as the final word for it; what role does law and order play in advancing the cause of Justice? When Schendel and Abraham look for an alternative to a state-centric narrative of "illegality", they are trying to depart from taking the Law as the approved representative of Justice. Taking the side of the people here is thus an ideological choice in favour of justice over a perceived unjust order supported by the state.

The relation between the idea of justice and the system of law and order is therefore what underlies the distinction between the illegal and the licit. To call an act "illegal" is to implicitly take the position that the idea of justice embedded in the system of law and order is a fair one, or at least the best of all other alternatives. To see the same act as "licit" is to view the state sponsored idea of justice critically and support the "licit" action as an alternative system of justice.

These are of course two extreme points of views. If we were to legitimize all socially disapproved actions as licit then we will have no society left, for power is an integral part of any and every social arrangement. The field of Criminal Justice rests upon this idea of a distinction between the illegal and the licit that needs to be constructed through an application of reason. The distinction between the "illegal" and the "licit" is therefore more of a range than that of pure opposition. Is *each and every* act of evasion of tax to the state licit? An issue of legal philosophy involving the question of construction of "intention" becomes central to the question. To pursue this very complex issue here would take us much further than the scope of our subject allows us. The best we can do here is to focus on a *specific* situation of a contest between the illegal and the licit: a situation arising from proximity to a national border. Border areas for all nations are locations where national identities are not always in harmony with social identities since national-territorial

borders often cut across historically established social groups. This is particularly true of former colonies where the colonial administrations often drew socially-economically arbitrary borders due to political-administrative expediency. Since the idea of the "licit" derives from historically established community identities and networks, border areas of states, especially post-colonial ones, are rich with conflicting loyalties, contradictory alliances and confusing identities. These are the areas where the distinction between the illegal and the licit becomes very blurred. May be this is the reason why Schendel and Abraham chose to focus on *international* "illegal" trade rather than those that take place within national boundaries and far away from the border areas. The blurring of the distinction between the legal and the illegal becomes most glaring at the "borders" of state-specific regimes of law and order. "Territorial borders both shape and are shaped by what they contain, and what crosses or is prevented from crossing them ... Ultimately the significance of the border derives from the importance of territoriality as an organizing principle of political and social life."⁶

As we approach the territorial border of a state the presence of the state becomes more and more indistinct and the social orders of pre-state communities become dominant. The need for distinguishing between the illegal and the licit arises there as the parallel social orders are structurally organized around political narratives of resistance-to-the-state. The contest between the illegal and the licit surfaces most glaringly in the border areas of nation-states, though the inland too has its pockets where such contests are very prominent.⁷

The illegal/licit distinction is thus constructed with the idea of *difference*. "Licit" declares itself as a position opposed to the state-sanctioned system of law and order. It is an element in a moral order that grounds itself in an idea of justice which, it claims, the state-sanctioned system of law and order cannot deliver. Two alternative ideas of justice stage a contest for legitimacy here. The question is: how is the contest socially organized?

The problematic of justice, as Samaddar⁸ puts it, is that it is always "in excess over law". What Samaddar means by that – if I have understood him correctly that is – is that when people demand justice or debate the moral legitimacy of an action they demand more than implementation of the existing legal or cannot articulate themselves in legal terms to have the conflicting interests mediated by the judiciary. This is precisely because what *can* be acceptably mediated by the existing Constitutionally guaranteed system of law and order is already written into an existing discourse of justice. Justice becomes a *problem* – allowing for a distinction between the legal and the licit – when a felt need for it cannot be accommodated within the state-sanctioned idea of justice. Looked at in this way, movements for justice have necessarily to challenge the system of law and order to articulate itself.

Yet, a challenge to the dominating state-sanctioned moral structure upheld by law and order has also to *organize* itself socially. This is where we encounter the relation between justice and power. Justice is first and foremost an idea, a principle, which thereafter needs organizational/institutional support to be implemented in the form of rules and regulations. Max Weber made a distinction between Power and Authority by pointing out that the former reproduces itself through force while the latter is reproduced by means of a collective belief in its superiority in some sphere. But authority, which is very close to the idea of a principle of justice, has to manifest itself through institutionalized rules and regulations, institutions that in and of themselves are secular and implement the rules and regulations with the power vested in them. In this sense, power is impersonal whereas authority is generally vested in some historically specific cultural icons. Thus the national flag stands for the authority of the nation, but the authority is upheld by the forces of law and order when someone defies it.

When the power of the modern nation-state is challenged by some politicized collective it is done in the name of the

authority of a historical culture over the power of the institution of the state administration. This non-state authority cannot manifest and exercise itself through the state-run institutions. It has to devise its own system of administration to challenge and, hopefully, displace those run by the state. This is how the phenomenon of a "parallel government" is created, where the alternative idea of justice is sought to be exercised through community-specific institutions with their own rules and regulations. The power vested in these communitarian institutions enables the alternative/opposing principle of justice to manifest itself, i.e., establish the "illegal" as the "licit".

The problem is that the "licit" can continue to call itself so only as long as it is in its oppositional position. A movement can *seek* justice only as long as it has not succeeded. If and when it does, it is then a problem of administering its own system of law and order as a part of governance. That is, at that moment it has to have a successful marriage of power and authority. Following Samaddar's logic, therefore, we can say that justice and power can never co-habit in the same regime, be it the state or the opponents of it. A cry for justice always comes from a space outside of the sphere of power, of the state or of its opposition.

Etienne Balibar interprets Samaddar's formulation a little differently. He reads him as possibly saying that "justice appears as the *internal lacuna*, or the void, if you like, of Law and the legal system seen as a historical institution moving itself on a contingent path toward democratization or the constitutionalization of rights: therefore it is the name...of the very insufficiency of law..."⁹. This is a more dialectical reading centred upon a historical contradiction between power and justice that still awaits a resolution. Until then, demands for justice are always uttered from outside of the system of law and order.

This brief discussion of a theory of the relation between justice and power was necessary for understanding the tension in the formulation illegal/licit. In order to use this

opposition, which I find useful, we have to keep in mind that it is a specific expression of this larger tension between justice and power. An idea of justice possesses the moral authority but not the force to implement itself. For that it needs to ally itself with power so that power gains some of its moral authority to legitimize its actions to implement the ideas of justice, while justice finds some means to manifest its ideas through the administrative structure of power. But the alliance is rather fragile. The idea of justice is geared towards restricting abuses of power. Yet it needs to find an ally in power to be a real force instead of simply an abstract idea. Justice therefore forever lives with the tension of either the alliance being broken or justice itself getting corrupted by the excesses of power. “[W]hich kind of force, internal and external, can become the ‘impossible’ force of justice? Which does not, sooner or later, reproduce the injustice it attacks, or does not create symmetrically another injustice? Which force of justice does remain “just”?”¹⁰ It is instructive to note Balibar’s choice of phrase here: he wonders which *force of justice* remains *just*. That is, the former comes in association with power while the latter comes unadorned. That which we call “licit” is a manifestation of a falling out between justice and power. It is only in this twilight zone of a contest between justice and power can we locate that which calls itself “licit” as opposed to “illegal”.

I have already used Schendel and Abraham’s formulation as my point of departure to introduce the relation between justice and power, but here I need to elaborate upon their point of view some more as that has a bearing on understanding the institutional-intellectual power-play around the theories about the various kinds of socio-economic outcomes of what is called “globalization”. What comes to be globalized has to have its point of origin *somewhere* until it crosses the territorial boundary of the nation-state. The problem arises in conceptualizing the relation between the “somewhere” and the “nation-state” whose territorial boundary is the tangible marker on a particular object’s – be it human or animal or inanimate – trajectory in the world. The problem

is that both are spatial concepts but, unlike the nation-state, the “somewhere” cannot claim any right to the space it inhabits because space all over the globe has been parceled out to nation-states who claim to represent all the people within that demarcated territory. The difference between the words “space” and “territory”, as commonly understood, is that the meaning of the former is always historically diverse, while the meaning of the latter is always associated with that of a nation-state. But the “somewhere” is never empty of meaning in the anthropological sense. All “somewhere”s are locales of social relations between humans and nature and among humans. These relations and the lives built around the relations endow every space with a meaning that is in excess of its position within the territory of a particular nation-state. Theories of globalization, however, construct the dynamics of movements across spaces as movements within or between states, thus dehistoricizing the relation between the institution of the state and its citizens. Abraham and Schendel critique this dehistoricization. They rightly point out that this move homogenizes the plural meanings, constituted of the cultural-historical diversities of the inhabiting population, of spaces contained within the political boundary of a nation-state. Abraham and Schendel’s formulation foregrounds the contest for authority between the semantics of the “state” and the “space(s)”, which is normally suppressed by the rhetoric of state-centred discussions of spatial movements in contemporary social sciences. “The contemporary social sciences are ill equipped to make sense of transnational flows due to their symbiotic history with the modern state and its interests. Most social science is expressly and unconsciously bound by state boundaries, categories that are reproduced within institutionally sanctioned academic specializations, e.g., Brazilian political science or the sociology of France.”¹¹

We have now introduced the idea of territoriality of the nation-state as it functions in the border areas. It is necessary here to have a discussion of how the intensification

of globalization – which is another way of saying “heightened movements across borders” – introduces some new problems in our understanding of the relation between “space” and “territory”. Border areas, for the very fact of being spaces next to territorial boundaries, are inhabited by societies that spatially straddle the territorial line of demarcation between two states. As a result, traditional and customary economic activities among the people continue to be alive, except for the fact that now they are carried out resisting/avoiding two different regulatory regimes, two different currencies often involving an asymmetry between the official and market exchange rates, different interest rates etc. Border-dependent activities exploit these differentials. But such activities are mostly short term and informal/illegal. They are mostly dependent on market failures or dysfunctionalities like shortage of some goods. Kratke holds that such activities do not intend to challenge the state and its territoriality. They rather serve to sustain it, feeding off the juxtaposition of two different political-economies.¹² Yet, the irony is that even though the activities are in reality parasitic upon the contiguity of two nation-states, they end up challenging the authority of the nation-state and, to that extent, end up creating themselves as agents of anti-state activities.

These two contradictory pulls – that of the state to contain societies/ethnicities within its territory in the name of citizenship and rule of the law, and that of the societies/ethnicities to continuously undermine its citizenship-status and the rule of law to pursue interests which fit their socially defined “self” – are what define the dynamics of any border region. The societies that straddle the borders continually figure and reconfigure the space of their activities and sociality defying the rules and regulations of the state that claims their allegiance in the name of citizenship. Anderson and O’Dowd have articulated this tension well as

Authority over all aspects of social life, previously bundled together territorially into ‘sovereign states’ is now being partially ‘unbundled’. But it is important to emphasize the partiality

of the process. It is very uneven, affecting different activities and state functions in very different ways or to different degrees, which means that state borders have increasingly differentiated implications or meanings for different social processes. On the other hand, while few if any governments can now plausibly claim to have exclusive control over activities within their borders, this is to some extent offset by the internationalization of state elites and part of the state apparatus, and their increased extra-territorial activity in concert with other states and other agencies.¹³

Having started our discussion with the problem of the relation between justice and power and thence to arrive at the point that the illegal/licit opposition is a particular manifestation of the former universal problem we have now arrived at an understanding of the tension between transnational social spaces produced by people and the exercise of territorial sovereignty by the state as one kind of a situation that produces the conflict between justice and power. We can therefore now formulate our focus on trading across the border in Manipur as a matter of the mutual and contesting construction of space inscribed with power and authority by both the state and the communities/ethnicities inhabiting the border areas.

Space is a necessary precondition for the execution of power. At the same time, as we have already discussed, no space is empty of significance. The basic communicative need of humans presupposes an identity which is forged in interaction with other human beings in space and time. Human communication and signification of a space thus take place simultaneously. A potentially conflict situation is created when a regime of power encounters opposition to its mode of ordering the human social matrix of a space through resistance from the existing structure of signification (or vice versa). Students of border areas generally find this potential of conflict fully realized since the circumstances of border regions aggravate the tension between the state's territory and spaces historically defined by the humans inhabiting those spaces. Located inside a full-blown conflict situation, the observer has both an advantage and a

disadvantage. The advantage is that the observers are often privy to many local points of view that elude those trying to fit the events of the region to a perspective formulated with an extra-local perspective. The disadvantage is that they tend to get afflicted with the non-state-centric perspective. A shift from a state-centred to a non-state-centred perspective does not really improve upon our understanding. An objective or non-partisan understanding of the processes of establishing control over a space either by the state or by non-state actors entails looking into the practices of each side as they try to administer the contested space to establish their authoritative power over it. Often it gives rise to, as it has in Manipur and in Northeastern India in general, two or more parallel institutions of governance. For example, my fieldwork in Moreh revealed that the local ethnic "clubs" were de facto administrative departments of the respective ethnic groups which have their own tax agents in the form of young men who have a double identity as members of the armed militia of a particular group. At the same time, there exists the tax department of the state of India which too justifies, in the name of its sovereign power over its citizens, its right to a percentage of the income of the people. In order to truly understand how peace in a region/space is shattered in such combat over space one must eschew centrism, of both state and non-state variety, and try to weave together the divergent and fragmented actions of the various groups to produce an account of how anarchy emerges as a mode of functioning.

People signify the spaces they live/act in many ways like building residences, providing sites for production, constructing markets, reserving areas for civil activities, making playgrounds, schools and hospitals and so forth. These demarcated spaces organize human interactions in certain ways in terms of its timing, its duration and its rules for participation. What such organized activities also do is establish a legitimacy for a particular group of people's right over those spaces. Unchallenged right over space thus engenders a social identity that manifests itself through

regularized interactions. But such ideal-typical forms of spatial signification are hard to find in reality. History moves through the contradictions and conflicts that are generated as social spaces spill over state territories as in the case of the Naga and Kuki populations in Manipur whose social space spills over into the territory of the state of Myanmar, or where territorial sovereignties themselves are disputed as in the case of Kashmir in India, or where different ethnic groups find their spaces overlapping *within* the boundaries of a state, such as the Nagas are spread over Manipur, Nagaland and Assam and the Kukis are spread over Manipur and Mizoram.

This work restricts itself to the sphere of trading across borders to enquire about the issues discussed so far. Moreh has been a trading town in Manipur for a long time, but its importance as a trading centre first came into prominence in the early sixties when ethnic Indians in thousands were driven out of Burma by the then military regime of Burma. Since the Indian community in Burma consisted of a large number of business-people engaged in trading between Burma and India, a sizeable percentage of this community decided to stay on in Manipur to continue with their trade. Moreh, being already a center for such trading was adjudged the most lucrative of all places and attracted these business people in large numbers. The most powerful and the largest community was that of the Tamil traders whose roots are traced back to Tamilnadu in southern India. Though their numbers have radically decreased now following the Kuki-Tamil riots in the mid-nineties of the last century, they still can boast of the largest number among all the ethnic non-Manipuri trading communities in Moreh. Next to the Tamils in terms of their control over trade were the Marwaris and the Punjabis, originally hailing from the Rajasthan area in Western India and the Punjab area in Northern India respectively, both of whose numbers have now dwindled to a very small fraction of what it used to be in their glory days. Apart from these three communities, there are the Nepalis, believed to have their ancestry in the now

independent state of Nepal, and the Biharis from the Bihar region in Eastern India. These last two communities have had different historical trajectories as compared to the former. Many of the Nepalis came down to Manipur through Assam from being labourers in the tea gardens, while some settled down in the area after being released from the British army or the Azad Hind Fauj, the Indian name for the Indian Liberation Army led by Subhas Chandra Bose. The Bihari community was the latest addition to this cosmopolitan set up who were drawn to the area in large numbers as trade flourished and demand for labourers increased rapidly. At least in Moreh the Bihari community consisted mostly of labourers with a smattering of small eatery owners and grocery shop owners. But in Manipur as a whole, the Bihari community is known for its control over tobacco and grain trade including all kinds of edible oils, while the Tamils started with primarily steel and textiles and the Punjabis with automobile parts and repairs. These associations between goods and communities, however, must be seen as the broadest stroke in a painting where one needs to add many more delicate shades in terms of diversifications and collaborations among traders of different communities to produce a complex picture of trading networks.

By the early seventies and the late eighties, these non-Manipuri traders had changed the face of Moreh from a little outpost of exchanges of local products among the local people to a flourishing centre of trade networks spanning over India and the major economic centres of Southeast Asia. The network was dominated primarily by them. As word started to spread about the money making potential of Moreh, many Manipuri Meiteis came to settle in Moreh and tried to join the trading game. It was initially very difficult for them to break into the tightly knit network of the non-Manipuri communities though. They were largely marginalized in the early periods until the nineteen nineties. But more of that later.

The other ethnic group in the region are the tribals. Though at this time the majority of the population of the

town is tribal Kükis, before the early nineteen nineties this was an area of mixed tribal population. The Tengnopaul subdivision, of which Moreh is a part, is primarily a Kuki area, but the rest of the Chandel district presents a very complex demographic picture of tribal people with various sub-ethnic identities, which is even further complicated with some of these sub-groups defying their popularly known identity and claiming to belong to some other tribes. Though appearing as identity politics on the surface, such moves are read by many political theorists as part of a larger battle for political dominance by certain tribes in this demographically highly fragmented district.

This rather sketchy picture of the ethnic and tribal diversity in Moreh town and in the district of Chandel immediately points to one aspect of the political process in this region: that control of a particular ethnicity over a space and the positioning of that space in relation to another are critically important in understanding the politics of anything, including trade. Especially when it comes to trade which involves movements of goods and people from one point to another, the social spaces that have to be traversed in between assumes great significance, because the diversity of identities also manifests in treating the spaces as symbols of power for the group. Trading routes are thus determined after taking into account which spaces need to be avoided and which might not pose much obstacle. Alliances between groups mostly help to decide along what route certain goods will reach their destination.

The distinctiveness of ethnic spaces however gets undermined by the state's perception of them as belonging to the non-diversified national space as a homogeneous group of citizens. The state therefore builds roads and bridges and public institutions violating the spatial sanctities of the ethnic groups. The National Highway 39 (NH 39 for short) that connects Imphal with Moreh has to pass through the hills inhabited by the tribal Kukis and Nagas. Traders of other ethnic groups often perceive this as a matter of risk -- and rightly so -- when they plan to send large consignments

to areas outside of the state of Manipur. The asymmetry of power between the people passing through an area and the dominant ethnicity of that area shows up then in the form of demand for taxes as a measure of the permit to pass through "their" space. Again, the state may build schools which are de jure open to all ethnicities, but de facto enlists students primarily from one particular ethnic group that dominates the area. The ubiquitous presence of the state also fractures the identity of ethnic individuals as they take up jobs in state institutions which may demand that they act in opposition to their ethnic community's interests. Also, marital alliances in conformity with the legal structure of the nation-state may create tension in a person's loyalty to his/her own ethnic community.

These are only a few examples of how ethnic diversity and national homogeneity create tension in areas where complex patterns of culturally distinct spaces have been historically woven into the process of creation of a homogeneous space of a state ruled by a uniform legal structure. It brings us back to the question of the relation between justice and power and how, in a situation of overlapping control over space between different ethnicities and the state, it ultimately can only be expressed in terms of violence. Violence is the only form of communication because when identity is used for the purpose of political mobilization it becomes impermeable to reason. Thinking of identity as context-specific then comes to be seen as a betrayal of one's loyalty to one's own ethnicity.

All the literature on trading across the Indo-Burma border, especially through Moreh, have focused exclusively – and in my opinion narrowly – on the technically "economic" problems that are a part of trading, such as differences in exchange rate, unavailability of Letter of Credit, the too narrow list of items marked for Free Trade and so on. Yet, none of them try to explain why, in spite of these serious problems, trading across the border is still thriving – though it is not often officially registered on account of being illegal – and markets selling goods originating in South East Asian

countries, especially China and Thailand, are doing very well in all the markets of Manipur.

The problem lies in how economic analysis is defined. Any understanding of the economics of trading, as popular understanding would have it, has to be arrived at on the basis of quantifiable data. But a very large percentage (I am compelled to use such very imprecise measurements precisely because the nature of economic activities across the Indo-Burma border are not quantifiable) of the trading in this area bypasses the rule of law of the Indian state and therefore do not get accounted for in the official registers. Even unofficial surveys cannot come close to any precise measurement of the volume of unregistered trading due to the nexus between politics and trading in the region. Everything that one can know about trading and the manners in which people get involved has to be known through one's conversation with the people involved, by trying to fit together who reveals what and then creating a pattern of relations and activities from that. These relational patterns often reveal that the logic of an economic decision may lie not so much in the economics of it but in the sociology of it. Economic decisions and actions are circumscribed by one's ethnic affiliation if one has to play it safe. Most of the violence around trade is linked to transgression of ethnic/community rules or between different ethnicities battling out their rights over space and goods.

Violence is the ultimate negation of justice both for the perpetrators and the victims. This work would be centrally concerned with the already discussed tension between justice and power and the resulting proliferation of violence as it unfolds in Moreh and Manipur.

REFERENCES

1. See Amartya Sen (1999), *Development as Freedom*, Oxford University Press, for a detailed presentation of the idea of the relation between development and freedom.
2. Michael Sandel (1998), *Liberalism and the Limits of Justice*, Second Edition, Cambridge University Press, Cambridge.

3. The illegal/illicit dichotomy was introduced by Itty Abraham and Willem van Schendel in the "Introduction: The Making of Illicitness" to their jointly edited volume *Illicit Flows and Criminal Things: States, Borders and Other Side of Globalization* (2005. University of Indiana Press, Bloomington).
4. Schendel and Abraham, (2005), p. 7.
5. Schendel and Abraham (2005), p. 4.
6. See J. Anderson and L. O'Dowd, "Borders, Border Regions and Territoriality: Contradictory Meanings, Changing Significance," in *Regional Studies*, 1999, Vol. 33, # 7: p 593.
7. The Maoist movements in various areas of India, such as in Jharkhand or Andhra Pradesh are excellent examples.
8. Ranabir Samaddar, "The Game of Justice", in *The Materiality of Politics*, Volume II, Subject Positions in Politics, Anthem Press, 2007.
9. Etienne Balibar, "Justice and Equality: A Political Dilemma? Pascal, Plato and Marx", *Distinguished Lecture Series 1*, Mahanirban Calcutta Research Group, 2008.
10. Balibar (2008), p. 8.
11. Schendel and Abraham (2005), p. 5.
12. See Kratke (1999) "Regional Integration or Fragmentation? The German-Polish Border Region in a New Europe" in *Regional Studies*, Vol. 33: pp. 631-41.
13. Anderson and O'Dowd (1999), p. 602.