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What can stop lawmakers who exploit workers?

David Picherit

When talking about labour exploitation, does it matter if the activity that the labourer is doing is legal or not? Many would say yes. If the job is to commit a crime, simply enforcing the law should put an end to the exploitation as well.

But reality in contemporary globalisation is **far more complex** than that. And detailed study of the closely entwined economic and political processes at the heart of globalisation show that unfree labour and illegality are part of what makes globalisation tick in the first place. The question then is: how does the interplay between legality and illegality, as well as between freedom and unfreedom, shape and impact the exploitation of labour?

Contemporary capitalism adjusts to socio-political environments through concrete articulations of politics, state, and markets. One window into seeing this at work is when politicians-cum-entrepreneurs play with the boundaries of legality, illicitness, and legitimacy to create a violent and exploitative environment in which they can increase their own profit. And there are few better places to see that in action than in the illegal business of sandalwood smuggling in India.

Sandalwood and the structures of exploitation

Red sanders, a particular species of sandalwood grown exclusively in the Rayalaseema region of southern India, has been protected by international convention since 1981 and listed as endangered since 1995. India banned its trade in 1998. This did not, however, make the world safe for the red sanders tree. Undiminished international demand, notably from China, where it is still sold legally to the rich, has simply created an illegal industry where there was once a legal one.

These are no fly-by-night operations carried out by a couple of men with a chainsaw. Starting in the mid-2000s, the red sanders trade became a source of criminal capital for Rayalaseema's politicians-cum-businessmen. They have used it to finance their electoral politics as well as to make personal fortunes. Struggles to control the trade now follow the rhythm of elections and involve strongmen and national leaders from major political parties.

This combination of electoral democracy, violence, and money, whatever the legality of it, is at the heart of political impunity across **India**. Those who have money and power are more likely to win elections; while those who win elections can then use the resources of the state to increase their wealth and power. In the red sanders business, elected leaders attempt to control the harvest and sale of this wood while using the 'legitimate' violence of state special forces against rival smugglers.

Kumar does not know the details of all this. A poor, migrant labourer, he was brought to Rayalaseema from a neighbouring state by a labour middleman to cut sandalwood. Now he is in jail. Thousands of labourers have been arrested for cutting and smuggling red sanders over the last six years. With their work declared as smuggling, labourers are convicted or even killed as smugglers by police.

Yet one of the heads of the Red Sanders Anti-Smuggling Special Task Force told me: "We have arrested migrant wood cutters and some middlemen, and we could seize logs of red sanders...But ... you know, this is huge business. Many powerful people are involved. Very powerful. Not only local elected officials. Up to the top. No one can fight against them."

No one can fight, and there's profit to be had if you don't try. Only the day before hearing these words, I had lunch in a small, isolated house in the vicinity of the forest. Police officers, employees of the forest department, local officials, party followers, and henchmen of local politicians came as pilgrims to show their loyalty to the personal assistant of a local member of the legislative assembly. All were in some way earning from the illegal trade.

It is this, the combination and intertwining of politics, state, and market, and the ability to play with legal and illegal, licit, and illicit forms of authority, that shapes the exploitative environment in which many people [work](#).

Inside the labour process

This exploitative environment is not specific to the sandalwood economy. The processes that make exploitation work can be found in many sectors. In the construction sector, migrant labourers – be they debt-bonded or daily wage workers – are recruited by middlemen, kept in remote labour camps in rural areas, or isolated in their huts on the outskirts of cities. This is similar to what happens on stone quarries and in canal irrigation work in remote rural areas, as well as in sandalwood smuggling.

Labour contractors recruit male migrant labour from tribal and Dalit castes originating mostly (but not exclusively) from neighbouring states. In the sandalwood sector, they monitor the wood cutting and, once the wood is cut, various agents load it into vans or trucks, hide it in safe places, and transport it to the destination. Labour middlemen rely on caste, gender, class, and intimacy to personally recruit labourers and enforce indebtedness. Maintained away from the local population, they depend entirely on the labour middlemen to survive. Wages are only paid once they return to their villages. These personal labour relations contrast starkly with the labourer's distance from the politician-cum-businessman. By subcontracting the employment process, the latter is not held responsible for labour issues (low wages, absence of social and health protection, etc.) or for security issues (acci-

dent, police, etc.). All of these issues are delegated to the labour middlemen.

Those labourers, originating from the poorest and most discriminated sections of society, have no idea who their real employer is. They respond only to the middleman's authority. This anonymity is especially critical in the sandalwood economy. There is an extra need to impede the circulation of information and prevent single individuals from understanding the different layers of the organisation. This model prevents anyone from giving information to the police.

The power to exploit

Beyond free or unfree, legal or illegal, the articulation of politics, markets, and state create exploitative environments where freedom can be increased or decreased as needed – all the way up to extreme forms of trafficking and exploitation. Kumar was aware that cutting down red sanders trees was illegal; he voluntarily entered into a work relationship with the middleman; and when he did so he was not bound into it through debt. Indeed, the skills required to perform the work and the harsh conditions in which it took place made him a specialist of sorts – he was able to negotiate better wages in the illegal sandalwood business than in other sectors of the economy.

Yet a focus on the intentions of free labourers-smugglers hides the structurally exploitative character of this economy. Middlemen – often from the same class or caste as the people they hire – must frequently make use of debts, threats, and violence to maintain labourers in remote areas and make them work in the forest. Exploitative configurations are then shaped by how the forces of states, politics, and markets come together at any particular point in time. Illegality is not a strict line. It is a power relation, both structural and relational, which is created in everyday life through the interaction of labourers, politicians, entrepreneurs, and state employees. Illegality is used as a driver of power and wealth for the few, and as an additional element of the exploitation of labourers. As one local politician told me, "I can make everything legal if needed."