

Taking life, unmaking killing and the everyday reproduction of impunity in Myanmar

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How is impunity produced and reproduced for violent crimes committed by state officers in cases of no special political significance? What is the relationship between impunity for violence in cases of this sort and impunity for spectacular violence, like public massacres? How might the study of everyday impunity assist in our understanding of the phenomenon more generally? These questions guide my discussion of two specific criminal acts by state officers in Myanmar: a death in police custody due to torture, and a murder by soldiers. Both cases occurred early in the period of nascent democratization—one in 2012, the other in 2013. In neither case have the men responsible for taking life been held to account for killing. In each case, formal and informal arrangements have moved to exempt them from criminal charges that they might have faced were they not public officials.

Neither of these cases holds definitive answers to the general questions about impunity set out above. But by getting inside each case, through close study of a range of available primary and secondary sources, I aim to illuminate features of impunity that are otherwise obscured, and in so doing, move towards a more capacious and nuanced interpretation of the category than found in the literature at present. In its everyday forms, I argue, impunity works not simply to negate accountability, but in a more complicated and frankly disturbing way. It is not as if after a period of impunity, a mechanism for accountability simply brings impunity to a close. By attending to impunity in its manifold forms, I aim both to complement and query assumptions about what it is—and about how it is produced, and reproduced.

Nick Cheesman is a Fellow in the Department of Political and Social Change, Australian National University, and in 2016-17 a Member at the Institute for Advanced Study, Princeton. He is the author of *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order* (Cambridge University Press, 2015), and co-editor of four books out of the Myanmar Update conference series held biennially at the ANU. He has published on Myanmar in a variety of scholarly journals, including as guest editor of a forthcoming special issue of the *Journal of Contemporary Asia*. He currently holds an Australian Research Council grant to study torture in Myanmar and Thailand. In his spare time he hosts the New Books in Southeast Asian Studies channel on the New Books Network.

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