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SRI LANKA AFTER ELECTIONS: CONTINUING UNCERTAINTY

Sri Lanka's parliamentary election, held on April 2nd, has produced an indecisive outcome, with no party, or alliance of parties, being able to obtain a working majority in the 225-member legislature. While the United National Party (UNP) has lost the election to the newly formed United People's Freedom Alliance (UPFA), the latter's tally is 105 seats, still nine seats short of the number required to form and run a government. President Kumaratunga, who heads the UPFA, appointed Mahinda Rajapakse as the Prime Minister amidst much controversy within the Alliance. The immediate challenge of the new government is to establish a parliamentary majority. It does not seem to be an easy task—only the single-MP of the EPDP has to join the new government. Indications are that President Kumaratunga is likely to run a minority government, until some re-alignment of forces is engineered anew.

Sri Lanka's is an essentially fractured polity. The composition of the parliament, worked out on basis of proportional representation, dramatically reflects all the major fragmentations. While the UPFA and the EPDP together have 106 seats, the UNP has 82. The third largest party in the new parliament is the Tamil National Alliance (TNA) with 22 seats. TNA was openly backed by the LTTE, and its 22 seats represent a clear majority in the Northern and Eastern provinces. Meanwhile, in a surprising development, a newly launched entity of Buddhist monks, Jathika Hela Urumaya (JHU), has bagged 9 seats in the parliament. The plantation-based Ceylon Workers Congress contested under the UNP and claims eight seats for its members. The Sri Lanka Muslim Congress (SLMC), meanwhile, has five MPs from the Eastern Province. The Upcountry People's Front,

which also has close political links with the LTTE, has one member in the new parliament. Thus, the opposition tally is 119 seats, as opposed to the UPFA's possible 106.

Multiple Centres

The most dramatic feature of the political equilibrium emerged out of this election is the emergence of the JVP, the LTTE and the JHU as three powerful centers of power in the new parliament. The JVP, as a member of the UPFA coalition has 40 seats under its direct control. More than a dozen Sri Lanka Freedom Party (SLFP) members in the UPFA are closely allied to the JVP. This is the real political coming of age for the JVP which had in 1971 and 1987-88 launched two insurgencies to gain control of state power through revolutionary means. Now the JVP, with its Left-nationalist policy agenda is in the real mainstream, controlling the directions of the new government.

The LTTE's presence in the new parliament is through the TNA. The strategic goal that the LTTE sought to achieve at this election is to re-establish the claim, through electoral means, that they were the 'sole representative' of the Sri Lankan Tamil people. The recent split between the movement's Vanni leadership and the Eastern command also provided the context for the LTTE to aggressively prove that point at the election. Immediately after the election, there were speculations in Colombo that the TNA's four Eastern province MPs might break ranks and join the UPFA coalition. It appears that the LTTE's Vanni leadership has ensured that the TNA will stay as 'one unit.' In the new parliament, the TNA will push forward the LTTE's political agenda.

The MP monks of the JHU will certainly add novelty to Sri Lanka's parliamentary politics, with partial saffronization of the legislative chamber. It is the PR system that ensured their election. They fielded 260 candidates who all were Buddhist monks. The JHU monks, campaigning with the promise of establishing a Dharma Rajyaya (a Buddhist Righteous State) in Sri Lanka, drew their support mainly from the urban, middle-class voters, disenchanted with the

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mainstream Sinhalese political parties. The voting pattern also indicates that the many middle-class UNP voters, who were opposed to the UNP's peace bid with the LTTE, have shifted their loyalties to the JHU which presented to the electorate a militant version of Sinhalese nationalism, along with a message of moral regeneration.

Survival and Stability

Against this backdrop, stability of the new government will require immediate changes in the combinations and permutations of the numbers in parliament. For the immediate survival of the UPFA as the new governing entity, it is absolutely necessary for President Kumaratunga to expand the ruling coalition. The options the President has are both limited and full of pitfalls. Actually, the way in which she will broaden the coalition will also re-shape the policies and directions of the new government. As Kumaratunga is now learning, making coalition regimes in a fractured polity is a thankless job, particularly when the smaller entities representing uncompromising agendas have a crucial leverage. The JHU monks earlier offered outside support to the UPFA with a set of tough conditions. Among them are the de-merger of the North and East, abandoning of regional autonomy to preserve the unitary state of Sri Lanka and introducing legislation to ban the so-called unethical Christian conversions. If the President is keen to resume negotiations with the LTTE, accepting the JHU's conditional support will be politically hazardous.

It is still possible that President Kumaratunga and Prime Minister Rajapaksa will try to persuade the CWC and SLMC to join the UPFA government. Even for survival, the best option that the UPFA leaders have is to expand the ethnic bases of their coalition. Other than ensuring a majority, such a move will also give a multi-ethnic character to the UPFA that was forged late last year as an essentially Sinhalese-nationalist coalition of forces that were weary of the UNP-LTTE peace bid. However, Sinhalese nationalist groups, who have a strong presence in the UPFA ranks, might object to the inclusion of both CWC and SLMC in their government. Their resentment will be fuelled by the popular belief among the Sinhalese that the CWC and SLMC are highly corrupt entities that thrive and survive by backing hapless Sinhalese parties in search of parliamentary majorities. Such sentiments of political purism are very much a part of the JVP's political ideology. Thus, if President Kumaratunga brings to the UPFA fold the CWC and the SLMC, she will have the added task of pacifying her Sinhalese nationalist constituencies.

Other than ensuring survival and stability, the new UPFA regime faces two other crucial and immediate challenges. The first is the

resumption of negotiations with the LTTE. The other is working towards economic recovery.

The UPFA leaders have already indicated that they wanted early resumption of talks with the LTTE. There are also indications that the UPFA's approach dealing with the LTTE will be substantially different from that of the UNP. In place of Ranil Wickramasinghe's strategy of involving the USA and the Western donor countries in the process, Kumaratunga will seek a direct and greater role for India. Given the not so friendly relations that exist between Indian officialdom and the LTTE's Vanni leadership, this particular approach to negotiations might need sometime to take concrete shape.

When the UNP-LTTE talks reached a stalemate last year, the main item in the agenda was the proposal for an interim administrative arrangement to the North and East. The LTTE's ISGA proposals were submitted on October 1, last year. Then, a series of dramatic political events involving President Kumaratunga and the UNP government overtook the significance of the ISGA proposals. However, it is not clear whether the UPFA will stick to the same old agenda for talks, treating the LTTE proposals as the central issue around which the new phase of talks should be organized.

In the economic recovery agenda, addressing Sri Lanka's acute agrarian crisis along with rapid economic growth will pose a formidable challenge to the new regime. The UPFA's economic development strategy is basically shaped by the JVP's ideology. The fact that at the elections Wickramasinghe's UNP was routed in most of the rural districts demonstrated the gravity of the agrarian crisis as well as the expectations of the vast masses of the peasantry over the new regime. This calls for a radically altered version of the Washington consensus for Sri Lanka, marking a decisive shift from the way in which the UNP handled the economic and social sectors. The UPFA is at least ideologically committed to such a change. But the question is how plausible such a policy shift is in the context of a fast-globalising Sri Lankan economy.

In any case, Sri Lanka needs a fresh beginning to address all its major challenges. The verdict of the electorate is for all the political forces to work in consensus, and not through unilateral strategies. The silver lining of the election outcome is that Sri Lanka now has a parliament which has assured representation to all major political entities in Sinhalese, Tamil and Muslim societies. No shade of opinion can now complain of being excluded from parliament. However, inclusivity in governance is hard to come by as yet.

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PEACE WATCH – Jayadeva Uyangoda

After the Elections: Political Fire-Walking

Sri Lanka's parliamentary election, concluded the other day, has not so far contributed anything substantial to erasing the country's political uncertainty and instability. However, it has at least added one new expression to the popular Sinhalese political lexicon, *hang parlimentuwa* ('hung parliament')!

The indecisive outcome of the election had always been there to be seen ever since the President and her colleagues began, in September-October last year, to entertain the idea of fresh parliamentary polls. After a costly and bitter election campaign, Sri Lankan people now have a fractured legislature and a minority government. There is a fresh sense of deepening crisis which, quite ironically, many do not seem to feel. The new government's immediate task is to ensure its survival and that requires eight more parliamentary seats. That is not an easy goal to achieve, given the unstable political balance that exists in the new parliament. Trying to split either the UNF or the TNA, in order to get the support of some of the opposition ranks, is not easy at the moment. Splitting the TNA would be an extremely risky option, which may even bring at risk the cease-fire agreement with the LTTE. Unless President Kumaratunga works swiftly to expand her coalition to include the CWC and SLMC, April may prove itself to be, to borrow a phrase from written in 1971, the cruelest month for the Freedom Alliance.

Election Outcome

This election's outcome has some startling features. The entities that suffered loss are the UNP and the SLFP, the two mainstream political parties. The UNP lost the governmental power, and about five percent of its electoral support base countrywide. The SLFP has lost its strength within the Freedom Alliance which it leads, to the emerging powerhouse of the JVP. Those who made decisive gains at the election are the JVP, the LTTE and the Hela Urumaya. All three are non-mainstream entities. The margins in the political spectrum have now come to the center and those who occupied the center have been pushed aside. That, and that alone, makes the parliamentary election of April 02, 2004 a possible turning point in the island's twisted path of political change in recent years.

This shift in the balance of power marks a qualitatively new political equilibrium as concretized in the composition of the new parliament. Sri Lanka's is a political society that is acutely fractured

in the context of a protracted civil war. The uncertain outcome of this election, resulting in an unstable minority government, is a fairly accurate reflection of that splintered nature of our polity. There is no point in blaming the PR system for that. Even the first-past-the post system would have reflected the degree to which our polity is deeply divided, although the outcome under that system would have been somewhat different. Actually, the new legislature will have five competing centers of power – the UNF, the President and the SLFP, the JVP, the LTTE, and JHU. A multi-polarized parliament, expressing extreme ethno-nationalist positions, might make the legislative process complex and difficult. Bringing consensus in legislation among the Sinhalese, Tamil and Muslim ethno-nationalist forces in parliament, can be an absolutely difficult exercise. Yet, the fact that all the major political stakeholders in the polity are now represented in the new parliament is a positive gain. No major contender for power can now complain that Sri Lanka's parliament is not adequately representative.

Impasse

The new parliamentary election has not resolved Sri Lanka's political impasse that it was supposed to address. Instead, it has created a new stalemate. The new Alliance government is now trying to break the impasse by resorting to partisan constitutional change. The course of action it proposes is to summon a constituent assembly and pass the new constitution through a simple majority in that assembly. The centerpiece of that constitutional change will be the abolition of the presidential system and returning to a prime ministerial government. The new constitutional framework might also alter the existing electoral system, perhaps transforming the results of the April parliamentary election in favor of the Alliance. While listening to the spokespersons of the Alliance these days, one gets the impression that there is a school of thought emerging within the Alliance making the argument that if the April 02 elections outcome is re-calculated on the basis of the pre-1978 system of first-past-the post system, the Alliance would stand to gain a huge parliamentary majority.

Constitutional reform in a deeply divided society like ours should be an exercise in bringing the fractured polity together in a spirit of peace and reconciliation. It should not lead to greater polarization, conflict and instability. The Alliance's constitutional reform initiative does not seem to have been guided by any of these objectives. It is primarily motivated by the political self-interest of the Alliance and its adversarial power dynamics with the UNP. The real issue today is not whether the existing 1978 constitution is good or bad. The most important question that the Alliance leaders seem to ignore is the negative political consequences of a

unilateralist constitutional reform process. An elementary lesson that we should learn from the disastrous experiences in constitution making in the past, in 1972 as well as 1978, is that the fundamental law of the land should not be altered to suit the political agenda of a regime or the power calculations of its individual leadership.

High Risk

Viewed from a conflict resolution perspective, the Alliance's constitutional reform program can be seen as a high-risk enterprise. The people's mandate that the Alliance is supposed to have obtained to change the constitution is not one that has the support of all ethnic communities in Sri Lanka. The Alliance did not receive at the parliamentary election any significant support from Sri Lanka's Tamil electorate. Actually, the Tamil people in the North-East as well as the Up-Country are not constituent components of the 'people' who have given the 'mandate' to the Alliance. If indeed it is a mandate, it is one which the Alliance has obtained essentially from the Sinhalese electorate. If the Alliance government, with no majority in parliament and with the support of only 45% of the electorate, interprets its narrow electoral victory as a mandate to change the constitution through a unilateral process, it will certainly provide the impetus and justification for the LTTE and the TNA to interpret their victory as well in a similar mandate perspective. In this sense, the Alliance's proposed constitutional assembly option is a dangerous exercise of political fire walking, because it bases itself on zero-sum politics of self-interest.

Process

Sri Lanka does indeed need a radical alteration of its constitutional structure. It should be an inclusive process in which all parties and stakeholders are involved. At the center of any new constitutional initiative should be an outcome of political engagement between the government, the LTTE and the minority communities, actively supported by the other political stakeholders through their participation. The new constitutional reform initiative should also be one that will further facilitate the peace process. Therefore, the best course of action that the Alliance government should pursue is to work towards an interim constitution through a parliamentary select committee. One good thing in the present parliament is that it provides representation to all major political forces in our society. A constitutional select committee in the new parliament would be one that will be both representative and inclusive.

An all - party constitutional select committee, mandated to work on an interim constitution, will also provide a sense of security to the minority government of the Alliance. When all parties are included in a joint initiative for a new, though interim, constitution, there will be virtually no impetus for the opposition to topple the minority government. Actually, an inclusive constitutional reform initiative through parliament would be the most constructive option available for Sri Lanka today. In the framework of the new interim

constitution, all the issues of reform, as perceived important by different stakeholders can be deliberated. That can result in two interim power sharing arrangements, one at the level of Sri Lankan state, and the other concerning the North-East. In a divided polity, constitutional reform can succeed only when it contains mechanisms for power-sharing, instead of provisions for exclusion, as in the 1978 constitution.

Consensus

One may object to this option citing the failed cohabitation talks in October-November last year. Those consensus talks lasted only two months. Both sides, particularly President Kumaratunga and Prime Minister Wickramasinghe, should share the blame for the failure of Tittawella-Samarawickrama talks to produce a framework of consensus. There is no harm in giving another chance to consensus politics, before embarking on a high-risk and unilateralist path of constitutional alteration. Actually, President Kumaratunga is now in a better position to call for a broad process of consensus talks. The central theme of such a new dialogue initiative can be an interim constitution with broad political and popular support.

If the Alliance and UNP politicians are not ready for a qualitatively new phase of political relations as well as for bold, creative initiatives, Sri Lanka's political future will continue to remain confused and directionless. Meanwhile, that perpetual risk of relapsing to violence and war is very much there in the horizon. The political management of the post-election North-East is becoming an increasingly delicate task in the light of the LTTE's internal crisis. This calls for a new framework of consultation and dialogue between Kumaratunga, Wickramasinghe and other political leaders. Let's not forget that the Eastern province has always been the weakest link in Sri Lanka's chain of politics.

Prospects for the Peace Process

Resuming the stalled negotiations with the LTTE constitutes one of the complex challenges that the new UPFA administration is facing. Preoccupied with the dilemmas in the difficult task of regime formation without a working majority in parliament, President Kumaratunga does not seem to have spent any quality time on the strategizing of the next phase of negotiations. In contrast, the LTTE leadership appears to have strategized their approach to talks with the new UPFA regime. They have already made the point that the UPFA government should resume negotiations without delay and that the agenda of the talks should center on the LTTE's ISGA proposals. With this, the LTTE has begun the exercise of agenda setting for the talks.

Constraints

There are two basic constraints that the UPFA leadership will have to overcome in preparing for talks with the LTTE.

Foremost among them is to reinvent the Alliance's approach to the engagement with the LTTE, as particularly evolved during the past year. The UPFA was formed in opposition to the way in which the Wickramasinghe administration was handling the peace process, alleging that the UNF had allowed the LTTE to use the cease-fire and negotiations to militarily strengthen itself. In the strongest version of this critique, the Alliance accused the UNF of endangering national security Sri Lanka as well as India. Now the UPFA in power no longer has the luxury to continue with its oppositionist rhetoric. It has to seek partnership with the LTTE and build anew a relationship of constructive engagement.

This requires the UPFA to re-consider its hard line approach to negotiations. For the last several years, President Kumaratunga and her key advisors developed a particular approach to negotiations with the LTTE (the so-called Kumaratunga-Kadirgamar, or KK, approach), which was based on two fundamental premises. The first is to negotiate from a position of military strength with a militarily weakened LTTE. The second is to obtain minimal assistance from the international actors, since the ethnic question was an "essentially internal matter" that did not warrant jeopardizing the country's "national sovereignty." Sri Lanka's conflict and peace processes have gone far beyond the UPFA's old thinking as enunciated in these two premises. While the LTTE's engagement with the Colombo government has been based on the premise of strategic balance, the international community has been playing a directly active role in the engagement process.

External Actors

Meanwhile, some sections of the UPFA might want to re-define the role of the external actors in the next phase of negotiations. Norway's role has been a particular target of attack in the PA-JVP critique of the UNF-led peace process. Some were arguing for a direct role for India. Both the PA and the JVP viewed ex-Prime Minister Wickramasinghe's strategy of building an international safety net with dismay, accusing him of taking Sri Lanka's foreign policy in a decisively pro-Western direction. It would be interesting to see how President Kumaratunga now sorts out the international dimension of the peace process. She may have to disregard the UPFA's somewhat archaic and nationalist approach to the outside world while re-building the strained relations with the Norwegians. However, involving India in the negotiation process will not be an easy proposition. It will radically alter the strategic equation on which the negotiations between the government in Colombo and the LTTE will rest. Creation of a new strategic asymmetry in favor of the government can hardly help resume negotiations.

ISGA Proposals

Meanwhile, the LTTE is likely to press for early resumption of talks. For their own strategic reasons, the LTTE leadership

will continue to declare their willingness to engage with any government in Colombo. While doing so, they will also very carefully watch the signals that the new government will be sending. From the Tamil perspective, the outcome of the last parliamentary election is one that has rejected the mandate the UNF sought from the electorate to continue with the peace process. They further see the UPFA government as one that will impose strong conditionality on the peace process, while with no unambiguous commitment to a political solution. However, it is to the strategic advantage of the LTTE to repeatedly call for early resumption of talks to discuss the ISGA proposals.

The LTTE leadership has already indicated that the agenda for the next phase of talks should be on their ISGA proposals. By doing so, the LTTE leadership has begun the process of pre-negotiation maneuvers. They try to define the agenda of talks from their strategic perspectives. But, it is not clear whether President Kumaratunga has had time so far to engage in such pre-negotiation diplomacy. She has been preoccupied with the priorities of regime formation. She has not yet identified her team who would be entrusted with the negotiation process either. Regime stability is an essential precondition for any concrete step towards resumption of the peace process. An unstable and weak UPFA regime can hardly break its own shackles that prevent it from moving in the direction of peace negotiations with the LTTE.

Record

However, in some strange way, President Kumaratunga may be seen as placed in a better position than the former Prime Minister to work towards a stable settlement process. She has the backing of the armed forces and most of the Sinhalese nationalists are with the UPFA. This Wickramasinghe did not enjoy. Some in Colombo see Kumaratunga as having a better chance of selling among the Sinhalese masses a peace deal with the Tigers, since she commands the support of the nationalists. Kumaratunga of course has personal credentials rooted in her record of the 1994-1995 peace process as well as of the federalist constitutional package of 1995. When it comes to the ethnic conflict, Kumaratunga's heart has always been at the correct place, although she has repeatedly allowed the considerations of power politics to take the better of her heart. Meanwhile, she might continue to face challenges from her the Sinhalese nationalist allies whenever she crosses the line of tolerance in her engagement with the LTTE. Even the survival of her regime will depend on how she will approach that line of Sinhalese nationalist tolerance. Her becoming the Prime Minister, as envisaged in the new constitutional reform initiative, will hardly help her in pursuing a potentially unpopular peace deal. A President, relatively insulated from a fractured and unpredictable legislature, will be in a better position to take forward Sri Lanka's peace process from where the former Prime Minister has left it in early 2003.

JVP-LTTE Dialogue

Meanwhile, after the April 02 elections, two political forces have emerged in Sri Lanka with a decisive say in shaping the future trajectories of the island's politics. They are the JVP in the North and the LTTE in the South. The UNP and the SLFP can only react to what these two entities set as political agendas. There is also a likelihood of Sri Lanka moving in the direction of a new North-South polarization. This tendency needs to be prevented. It indeed makes it absolutely necessary for the JVP and LTTE leaderships to begin their own, independent initiatives for constructive engagement. Without a dialogue between these two, there is hardly any guarantee for a positive outcome of the next phase of Sri Lanka's peace process. Actually, Sri Lanka's future as one political entity will largely depend whether Sinhalese and Tamil nationalisms can enter into dialogue for accommodation. This makes it all the more necessary for the foremost forces of Sinhalese and Tamil nationalisms, now with a stake in the parliament and the central government, to explore a common ground. Therefore, the international actors as well as civil society groups involved in Sri Lanka's peace should now focus on promoting a JVP-LTTE dialogue parallel to formal peace negotiations, with or without junkets.

Peace Process under the UPFA: Some Unsolicited Advice

Within one month of gaining control of the government, President Kumaratunga has taken steps to resume the stalled peace talks with the LTTE. The day she lost the parliamentary vote on the Speaker, she had reportedly telephoned the Norwegian Prime Minister to ask the Royal Norwegian government's assistance to resume role as peace broker in Sri Lanka. This was a dramatic move made by the Sri Lankan President that obviously surprised both the critic and the ally. Judging by what has been happening these days, it seems that Kumaratunga is determined to use her presidential power and authority to propel forward her agenda in two fronts, peace negotiations and constitutional reform.

Rush

The Norwegian government has immediately obliged to Kumaratunga's request. The Norwegian team of facilitators arrived in Colombo on the May Day and spoke to both the government and the LTTE. Although President Kumaratunga seems to be in a hurry to set early dates for talks with the LTTE, the Norwegian team appears to be somewhat cautious. They have requested the two sides to maintain the cease-fire while making preparations for talks. It may also be the case that the Norwegian government might want a firm, possibly written, commitment from President Kumaratunga concerning their expected role in assisting

negotiations under the new UPFA administration. With contradictory stands taken by the UPFA's constituent parties as well as some of President Kumaratunga's key advisors, the Norwegian government will certainly need guarantees from the President that they will not be humiliated again as happened in 2000 and just a few months ago.

For President Kumaratunga, the early resumption of talks with the LTTE is crucially important for the survival of the new regime led by her. Hers is a regime without even a simple majority in parliament. The immediate tactical objectives of the President in initiating talks with the LTTE are quite obvious. According to the arithmetic of parliamentary balance of forces, keeping the LTTE-backed TNA out of a working alliance with the opposition UNP may guarantee the regime survival, even if the UPFA does not have an absolute majority in the House. Similarly, resumption of the peace process might provide a record of some success for a regime the stability of which is as yet uncertain. It is also necessary to ensure the continuing flow of foreign economic assistance that is linked to the progress in the peace front. These are pragmatic considerations. Even then, President Kumaratunga has re-activated a process that needs to be supported and strengthened. It is the iron law of politics that politicians usually take good initiatives for reasons of political exigency. It is up to the alert citizens to seize the opportunity, review the options, correct the weaknesses and push forward for positive and win-win outcomes.

Caution

Obviously, tactical considerations of regime survival and stability have prompted President Kumaratunga to re-launch the peace process in a great hurry. This is where a word of caution would be both useful and necessary. Kumaratunga seems to be rushing into talks with the LTTE without preparing the country's political forces to come to terms with the outcome of the next phase of negotiations with the LTTE. The coming phase of negotiations will center on the theme of LTTE's proposals for an interim self-governing authority. A positive outcome of the talks will have to grant the LTTE a substantial degree of autonomy in the North and East, even exceeding the parameters of the present constitution. It will even necessitate re-shaping of the constitutional architecture of the Sri Lankan state. That is at least what the LTTE's ISGA proposals presuppose.

It seems that President Kumaratunga is ready to concede quite a lot to the LTTE, far exceeding what Ranil Wickramasinghe did, in exchange of the TNA's support for regime stability as well as the participation in the constituent assembly process. Although this is a courageous move on Kumaratunga's part, it is fraught with dangerous political pitfalls. That should be avoided. Kumaratunga should ask a team of her private sector wiz kids to do a risk analysis of her peace move. Here is some food for thought, free of consultancy fee.

Parallel Initiative

Parallel to the peace move, President Kumaratunga should launch a new initiative to prepare her coalition to support her engagement with the LTTE with the assistance of the much maligned Norwegians. During the past two years, Kumaratunga, her allies and advisors thrived on a campaign that portrayed the ceasefire, UNP-LTTE talks, the Norwegian mediation and the role of the international community in Sri Lanka's peace process in most negative terms. They saw the Norwegian role as one inimical to Sri Lanka's national interests and pride. They viewed the talks with the LTTE as leading only to strengthening of the LTTE at the expense of the military preparedness of the Sri Lankan state. They reacted to the LTTE's ISGA proposal branding it as a blueprint for separation. The UPFA was indeed formed last year, and the subsequent election campaign was conducted this year, on ideological positions that stand in sharp contrast to all the political assumptions and implications of President Kumaratunga's new, post-election agenda.

The point is not that Sri Lanka's President does not have the liberty to change her positions so radically and without a prior warning. It actually concerns whether she can prepare her coalition, its partners and allies as well as the country's political forces to accept the far-reaching consequences of the next phase of the negotiations with the LTTE. Kumaratunga's new move will really be tested not at the negotiation table with the LTTE, but when the outcome of the engagement with the LTTE is presented to the Sinhalese masses whom she herself politicized in recent years not to tolerate the LTTE in its present form.

Lessons

This is exactly where our political leaders should learn lessons from the past. When SWRD Bandaranaike signed a perfectly reasonable deal with the Federal Party in 1958, he thought he could carry the country with him. But his compromise with Chelvanayakam went against the grain of the political coalition which he himself built up and brought to power on an essentially Sinhalese nationalist ideological agenda. Prime Minister Bandaranaike paid a dear price for not preparing his coalition to accept his deal with the Federal Party for power sharing. It was 'reform from above' that the powerful coalition partners of the MEP regime of 1956 immediately and passionately rejected.

President Jayewardene's Indo-Lanka Accord of 1987 was another example of disastrous reform from above. Without preparing the cabinet, the parliamentary group, the party or the country to accept such a radical and sudden change as envisaged in the Indo-Lanka Accord, Jayewardene merely created conditions for a bloody nationalist rebellion. There is no reason for President Kumaratunga to repeat those tragic mistakes in the year 2004.

Options

What then are the options that President Kumaratunga should pursue? The answer to this question depends on the possible outcome of her government's engagement with the LTTE in this

second phase of the current peace process. The first phase, initiated by the former Prime Minister Ranil Wickramasinghe, produced a relatively stable cease-fire and the Oslo Communiqué of December 2002. The latter contained a joint commitment by the government of Sri Lanka and the LTTE to explore a federal solution to the ethnic conflict within the conceptual parameters of internal self-determination. The first phase could not elaborate the details of the Oslo consensus. The ISGA proposals presented by the UNP government and the LTTE were non-starters. Now, in the current second phase of the process, negotiations will have to produce the outcome of an interim administration under the LTTE's control for the Northern and Eastern provinces. This is a huge challenge for any Colombo government to undertake. Hopefully, President Kumaratunga is aware of what she is called upon to deliver through talks in this second phase of Sri Lanka's peace process.

In order to meet the challenge posed by her own initiative, President Kumaratunga should re-invent the ideological thrust of the UPFA coalition. Such an undertaking will prepare the UPFA coalition to accept the inevitability of an autonomy-based political settlement to the ethnic conflict. It would be a grave mistake if she thinks that she can impose an autonomy settlement on her coalition partners after signing an interim or final accord with the LTTE. The UPFA coalition is a political force that is simply not ready to accept the political consequences of what Kumaratunga herself is initiating now, with the involvement of a few advisors of some repute. The structural shape of a nation-state cannot be altered by the wishes and maneuvers of a leader and a few loyal and pliant consultants. It requires the participation of class forces as well as reformist political constituencies that are mobilized to undertake the historical task of backing state reforms. Without such preparation, Kumaratunga can only provoke Sinhalese nationalist resistance within the ruling coalition as well as without. To prevent resistance to reform from above, President Kumaratunga should at least broaden the stakeholder basis of her new initiative.

Difficult Steps

To make her peace initiative successful, President Kumaratunga needs to take a series of difficult political steps. She will have to win over her formidable coalition partner, the JVP, to her peace project. Then she should ensure that the opposition UNP does not play the role of the spoiler, which she successfully played when the UNP was talking to the LTTE. The challenge for her is to make the UNP a stakeholder partner in the new peace initiative. Parallel to bringing the UNP on board is the expanding of the bases of the UPFA coalition to give the regime as well as the negotiation process the much needed stability. Last, but not the least, is the task of working out a mutually acceptable interim administrative arrangement with the LTTE. This is a tall order. Ranil Wickramasinghe must be a relieved man to realize when he wakes up in the morning that these difficult tasks are no longer on his lap. ■

This article, written in March in the context of the parliamentary election campaign, points to some of the fundamental contradictions in the Sri Lankan polity at present.

MULTIPLE CRISES IN SRI LANKA

Kumar Rupesinghe

Sri Lanka today is facing what could be termed multiple crises. With the country's attention devoted to campaigning and elections, the current political crisis in the Eastern region brings a new dimension to an already fragile peace process. The development of multiple levels of crises suggests that the country has lost its center of gravity and is being propelled into mutual self-destruction. It seems to me that we have lost analytical categories which can truly comprehend and understand the chaotic and turbulent period to which the country is heading. If our leaders, Sinhalese, Tamil and Muslim, do not act with a sense of responsibility the country will be drawn irrecoverably into a vortex where further fragmentation of the polity could result in a period of escalating domestic violence and increased external intervention. It could also lead to an inadvertent war. A war that nobody wished but which was propelled by circumstances and events which are unfolding before us.

The current conjuncture can be characterized as a period in which all stakeholders are attempting to maximize their own power and position at the expense of others, leading to a situation where all sides are poised to lose. The political structures we have inherited and the personalities which today dominate the political spectrum all seem to be pulling towards positions where the pursuit of narrow interests will tear the country apart. We are experiencing deep and profound systemic crisis at all levels of society.

Primarily it is a crisis of governance, hegemony and domination, the blatant abuse of power, and the lack of respect for identities and communities. The politics of majoritarianism dominates the political culture of the Sinhalese and the Tamils. The politics of exclusion is manifest in a variety of ways.

- Despite a formidable armed struggle by the LTTE the Tamil National Question has been marginalized and ignored by the Sinhalese polity.
- The Sinhalese ruling class continues to be engaged in an internecine power struggle which is likely to bring the country into further destabilization.
- The recent attacks on Christians by Sinhalese chauvinist forces, accompanied by the lack of a single prosecution of the perpetrators of these crimes have further increased the insecurity and fear felt by this significant minority. They

feel that the state has pandered to extremist Sinhala sentiments.

- The resurgence of militant political Buddhism, represented by Buddhist monks, demonstrates a critique of their own hierarchies, their sense of alienation from modernity and an enhanced sentiment of insecurity and fear of Christian, Muslim and Tamil domination. The political manifestation of this through the Hela Urumaya will tend to push the JVP and the SLFP into more hard-line positions.
- A crisis in the Muslim polity is also visible in the pull towards regionalism and continued internal fragmentation.
- The contention and divisive politics between the Northern Command and the Eastern command of the LTTE, where the Eastern Tamils complain about Northern hegemony and domination, is likely to further fragment the Tamil polity, encourage internecine fighting and possibly provoke an inadvertent war.

Southern Political Crisis

Both consequence and manifestation of the Southern political crisis is the inability of the ruling class to address the Tamil National Question. The elections of December 2002 provided a basis for a serious co-habitation between the Executive President and the Prime Minister to address and resolve the Tamil National Question. Both the President and the Prime Minister had received separate and distinct mandates from the people to pursue a negotiated solution with the LTTE. Both the parties in their own way had recognized the need for adequate power-sharing arrangements with the Northeast. In March 2002 I argued that the President and the P.A. agree to a Memorandum of Understanding and work together to resolve the profound and debilitating crisis which has beset the country during the last 50 years. In that article I warned that a failure to reach a bi-partisan agreement would lead to a resumption of war and the further balkanization of the country. It is now clear that President and Prime Minister both failed to transcend their narrow interests and each, in maximizing their own positions, jeopardized the sustainability of the negotiation process.

During the crisis created by the takeover of the three Ministries, the appointment of the Malik-Mano committee, composed of

representatives of both the President and the Prime Minister, provided hope that an agreement could be reached. It is a tribute to this committee that it covered a lot of ground and had reached agreement even on the vexed question of the Defense Ministry. The committee should have been given a little more time to reach full consensus. But unfortunately political pressure and other conditions prevailed.

The consequence of all this is an election that the people never wanted. The decision was taken without adequate consultations with Parliament, and ignored the appeals of the international community, the business community and representatives of civil society. It did not matter if the country would lose billions in electoral expenses and experience further polarization of the already deeply divided Southern polity.

It is clear that the elections will produce a hung parliament. There will be no winners. The current constitution and the numbers game will ensure that no party or coalition will obtain a two thirds majority. It is also likely that post-election violence will be propelled by politics of revenge. Nobody can be certain of the numbers game. If the UNF is returned to power with a slender majority then it will face a hostile President and a raucous Parliament. This situation may tempt the Government to impeach the President. Further the UNF will have to depend on the Tamil National Alliance which acts as a proxy to the LTTE. This coalition will excite Sinhalese fears and will be a breeding ground for xenophobia and agitation. . On the other hand if the PA-JVP Alliance comes to power it would have difficulties in obtaining minority support. Although the President has claimed that she is interested in providing the LTTE with substantive powers there will be great contention within her alliance where the JVP will be opposed to such an arrangement. Whilst it should be welcomed that the JVP has been drawn into the mainstream and is committed to negotiate with the LTTE there is still a long way to go to reach consensus between the two parties. There is no agreement on economic policy and the peace process. The manifesto of the alliance hides deep differences which have already come to the surface. Efforts to resolve these conflicts by attempting to tamper with the constitution through extra-legal means will have major consequences to an already fractured political society.

It is in this climate that we have to consider the proposal by the PA-JVP alliance to create a constitutional revolution. A constitutional revolution conceived to degrade the current constitution by extra-constitutional means. They argue that the current constitution is a fetter to the further development of the country and to the resolution of the National Question. By invoking the Doctrine of Necessity alliance lawyers and propagandists argue that the current elections will constitute a referendum to change the constitution. It is argued that when they come to power a constituent assembly will be convened and a constitutional court established so that they could change the constitution even by a

simple majority. It is a bid to mould the constitution in one's own image. This proposition is not only dangerous but irresponsible because it will provoke opposition by the UNF, the minorities and the LTTE. Once again the demands of political expediency will be given priority over consensus-building. Changes in the Constitution must abide by the law and any attempt to tamper with the constitution through illegal means will further fragment the polity and deny the legitimacy of the government. The consequences of such a step are far reaching in a number of ways. Minorities in the country will be naturally concerned and worried that the safeguards entrenched in the constitution will be lost to them. The LTTE will be averse to trust a negotiations process where agreements reached will be worthless since another government can revoke decisions taken. There will also be significant opposition in the South. If the constitution is to be amended then an interim constitution should be created to abolish the executive Presidency and with provisions for a Federal constitution, However this must be achieved by obtaining consensus in Parliament.

It is also of some consideration that the elections were announced when the LTTE had submitted a proposal to the Government pertaining to the North-East. It has been noted that the announcement of the elections was only two weeks after the LTTE submitted their proposals. The LTTE has argued in international fora that ignoring these proposals and diverting attention to the usual internecine conflict in the South is another example of the lack of interest of the Southern polity to resolve the National Question. Such enormous resources and energy are being spent on the elections whilst the Tamil National Question remains in the doldrums. They have also indicated that they do not wish to be drawn into a vortex where each party competes to be in favor with the LTTE.

Another cause for serious concern is the religious conflicts which surfaced in the last few months.. Opposition to so-called forced conversions has been manifested by armed attacks on not only Evangelical churches, but also Catholic and Anglican Churches. The numbers of attacks on Christian Churches escalated considerably since the funeral of Soma Thera. It is to the credit of the police that they were able to apprehend some of the perpetrators but further action is necessary. The essence of a democracy is that perpetrators be prosecuted and minorities assured that the rule of law prevails. The recent by the IGP that a special task has been appointed to investigate and report on the recent attacks is to be welcomed. A noteworthy feature of the attacks is that files of converts and church-goers were taken away and entered into a database. Furthermore leaflets are distributed with open invitations to the public to attack Christian Churches. These manifestations remind us of similar efforts at the time of the planned pogroms against the Tamil Community in 1983. The same forces which initiated the pogroms by making lists of Tamils in Colombo and their business houses seem to be back to work again.

Crisis in the North East

Another serious manifestation of the crisis is the events leading up to the conflict in the North and the East. In a paper I produced in September 2002 I wrote that: "Although the LTTE command and control structure appears monolithic, there are some grounds to believe that there are tensions between the High Command in the North and the Eastern Command. The LTTE is in a transitional phase between a tightly controlled military command structures to a broad political structure. There seems to be growing divisions within the organization brought about by the peace process where the organization is divided between the military and the political."

The withdrawal of the Eastern Command led by Karuna Amman and the subsequent expulsion of Karuna from the LTTE has and will continue to have serious consequences for the peace process. Karuna's grievances that the LTTE Northern Command exercised overall hegemony over the people of the East, that none of their people were represented in the high echelons of the political and administrative structures, and that efforts were made by the LTTE Intelligence Wing and other departments to isolate the Eastern Command demonstrate the problems faced by a monolithic party and the problems it faces in peace time. The structures which were maintained during a period of war encounter serious problems if transitional mechanisms are not developed for peacetime. Some have argued that efforts to create such a transition between civilian and military control as the basis of the current conflict.

There are several scenarios which are likely to unfold in the not too distant future. Since Karuna has been expelled from the LTTE the possibilities of mediation is no longer possible. Currently what we are witnessing is covert operations by both sides with intensive psychological warfare and the battle for the mind of the Tamil people. This communications war has already begun. It is likely that the LTTE will use covert operations to dispose of Karuna and his colleagues but this will be a difficult and complex operation. A failure of covert operations will then propel an outright military confrontation between the two sides. Such a military confrontation will have far-reaching consequences and help to draw the Sri Lankan Army into the fray. This confrontation must be avoided at all costs.

Like any conflict when it comes into the open there will be a temptation for outsiders to interfere and try to influence the direction of the conflict. Outside interference will add further complications and even if there was no outside interference before it will now take a different form.

In terms of military balance the Northern command still has an edge over the forces in the East in terms of military hardware, strategic direction and a continuous flow of funds from the Diaspora. Further the Tamil people in the Northeast would not wish to see division when the armed struggle of over 25 years has brought such suffering and destruction. They would like to see continuity

and ensure that their negotiations are based on strength and that their rights as a people are recognized. On the other hand Karuna has under his command a large number of troops, with large quantities of light weapons and a geographical advantage over the Northern forces. However the Eastern command does not have Diaspora support and it would be interesting to see how they procure finance and arms for a sustained campaign.

The relative weakness of the LTTE may also provide temptations to those in the South to engage in a military adventure. Such a move will not only be misguided but have enormous consequences to the country. Unlike in armed conflicts in Africa where there is a proliferation of warlords Sri Lanka has been free of warlords and had only one armed group to deal with. The fracture with the East could tempt other to follow the same course leading to warlords dominating the territory. Warlords will compete with each other to tax the population and plunder and pillage will be the order of the day. The proliferation of warlords will make it difficult to negotiate. Further any notion that military adventures to weaken the LTTE by gaining strategic advantage would have the consequence of a return to suicide bombings, and open warfare on all fronts. This danger looks high under the current situation.

An interesting aspect of the conflict between North and East is the question as to what would follow if the Eastern Command were to pursue separate representation and recognition. They could argue that they control a substantial army, control territory, and have popular support. On the other hand the LTTE Northern Command would argue that the Eastern problem is purely an internal affair and should be dealt with as a disciplinary issue. They have maintained that Karuna does not represent the aspirations of the Eastern people. The Southern polity, the SLMM, the Norwegians and the international community will have to confront these vexed issues. Further the rebellion puts into question the unity of the North and East and politicians in the South will be tempted to argue that there is no basis for a merger. Such a position will make negotiations impossible and lead to confrontation. It is not likely that the rebellion in the East can be wished away.

Hope?

The multiple crises in the country demonstrate once again the lack of an internal actor strong enough to mediate the multiple conflicts engulfing Sri Lanka. Each stakeholder is pulling in different directions towards a zero-sum again. At some point in the absence of a framework for mediating these multiple conflicts, violence and war will become the obvious outcome. The question is whether there are internal actors capable of preventing the balkanization of the country.

It is important to raise questions regarding the architecture and design of the peace process as it was conceived during the first phase. Then the negotiating parties were defined as the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam. This strategy was flawed and was based on the politics of exclusion. It is very

clear that bilateral negotiations between two parties are redefined under the conditions of multi-polarity. Multi-polarity means that there are multiple centers of power and influence which needs to be recognized. This requires a different framework where stakeholders are involved and consulted.

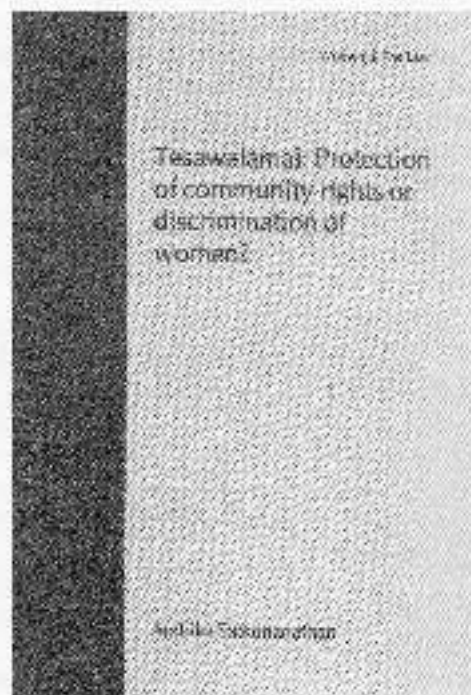
All the parties to the conflict have continued to request Norway to continue to play a facilitating role in the negotiations process. But it is only a big powers, primarily India and the USA, who can apply leverage and impose discipline amongst the parties. In the absence of leverage mediation the multiple levels of conflict will tend to escalate to new rounds of violence. The Dayton Accords was one such framework where all the actors were compelled to accept the discipline of the Single Super Power. In that case, though, Bosnia was in Europe and the global powers had a physical military presence in the country. For India or the USA to consider this as an option in the short term is highly unlikely. India is anxious to maintain its stance that it seeks a negotiated solution and that it is left to the parties to make peace with each other. I cannot see India willing and wanting to play a role except to maintain equidistance. On the other the USA is too distant a power and with its beleaguered position in Iraq may not wish to entertain any other military adventures.

In the absence of strong mediation one possible solution should be to create a framework agreement between all the parties and stakeholders but no one party will use force or violence in the resolution of their specific conflicts. Such an agreement should involve the conflict in the North and East as well as the conflict in the South. Such a framework agreement requires that the parties in the North and East agree not to engage in military hostilities. In the South it means a commitment by the parties not to use violence either during the elections but also after the violence. Post-election violence should be rejected and political leaders should already in their campaigns discourage such behaviors. Such acts of reconciliation could provide the basis for a bi-partisan solution after the elections.

In the present context and circumstances we are left alone. There are moments when our rationality loses its anchor and we are not able to explain with sufficient analytical clarity the future course of events. The collective karma of peoples is playing its own historical role, visiting upon us the sins and omissions of our fathers who should have known better but didn't. Sri Lanka is not yet a failed state, but the signs show that if we do not, collectively, get our act together then we will join the ranks of failed states such as in Africa, where continued cycles of violence dominate and destroy the very basis of democratic values and civilization. ■

Dr. Kumar Rupesinghe is the Chair of the Foundation for Existence, Colombo.

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Ambika Satkunanathan, a researcher at the ICES, has a B.A. in Sociology and LL.B from Monash University, Australia. She has an LL.M. in Human Rights Law from the University of Nottingham, UK, where she was a Chevening scholar 2001-2002.

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NEED FOR A VIRTUAL ALLIANCE OF THE DIGITAL DIASPORAS

An alternative component for peace building in Sri Lanka

Harinda Ranura Vidanage

Multitudes of dimensions have been explored in the issue of peace building in Sri Lanka from grass root empowerment to successfully completing a negotiated peace deal. The Sri Lankan question because of its sheer magnitude of the conflict has exploded far from the limits of the nation state. This was in more modern terms identified as the internationalization of the ethnic conflict in Sri Lanka. The internationalist theorists already have carried out in depth analysis of the above from its impact on foreign policy to unimaginable spread of LTTE front offices and the international propaganda machinery installed subsequently to fund the separatist struggle.

The article attempts to locate this internationalization in a more micro context and fix a pointer to the phenomenon of how Information Communication technology contributed to opening up a whole new dimension to it. Thus the context is how ethnic Diaspora (Tamil and Sinhala) fused into the cyber space to create the entity of a virtual Diaspora¹. They have been a major contributory factor to the local conflict and is yet to be identified as a critical component of the ongoing peace process and efforts of peace building with in Sri Lanka.

Diasporas are frequently described as “imagined communities.” Borrowing from Benedict Anderson (1983), this characterization underlines, on the one hand, the improbability of experiencing first-hand contact with the entire group and, on the other, the adherence of its members to similar beliefs, symbols and myths. Anthony King (forthcoming) points out that Anderson’s work was limited to that of nation-state; however, a number of other Diaspora scholars apply the notion of “imagined community” to emphasise the diasporic connections facilitated by various media and the simultaneous consumption of the same content by members of a transnational group (see Karim, forthcoming).

Diasporas are often viewed as deterritorialised “nations.” The concept of nation has long been linked to a singular ethnic group’s placement within a particular geographic location. This notion is integral to the mythical lore of many groups, establishing strong emotional links to a particular landscape that serve to exclude others’ overlapping territorial claims. Forced or voluntary migrations diminish the physical links of those who leave the homeland; but they take with them the mythical and linguistic allusions to the ancestral territory, which they invoke in nostalgic reminiscences. Some hold on to a hope of eventual return.

This creates the demand for cultural products that maintain and ritually celebrate the links of the diaspora with the homeland. The dispersed settlements of transnations also exchange symbolic goods and services, including media content, among each other, thus sustaining global networks. Homeland politics forms a major topic for the media of some diasporas, especially those consisting largely of first generation migrants. Ties to the former country remain strong in these cases and individuals seek out the most current information, especially in times of crisis. Now popular Tamil website www.tamilnet.com was launched in 1997 to cater to this new niche.

The Sinhalese Diaspora responds with its own source of web resources and carries the uniform message of a Sinhalese Nation. The Australian based Spur website is a classic example for this. This website responded to the Memorandum of Understanding signed between the Government of Sri Lanka and the LTTE as “surrendering democracy and rewarding terrorism”. Even in a time where efforts are going onto restart a peace process the Spur site carries the banner “Es gedi Dekata Henagahilada Sihalunne?” (Sinhalaese ?Are you blinded by a thunderbolt) a literal statement borrowed from an old patriotic prose.

The new media emerging from the technological advents of Computer Mediated Communication seem especially suited to the needs of diasporic communities. Transnational communities are also making extensive use of on-line services like Email, Internet Relay Chat, Usenet, Listserv, and the World Wide Web. These global networks are allowing for relatively easy connections for members of communities residing in various continents. As opposed to the broadcast model of communication, which apart from offering limited access to minority groups, is linear, hierarchical, and capital intensive, on-line media allow easier access and are non-linear, largely non-hierarchical, and relatively cheap (Karim, Smeltzer and Loucheur, 1998). The ability to exchange messages with individuals on the other side of the planet and to have access to community information almost instantaneously changes the dynamics of diaspora, allowing for qualitatively and quantitatively enhanced linkages

Alternatively the location of electronic data, Uniform Resource Locators in particular, situate the Internet and the world wide web (www) as geographically based systems with corresponding geopolitical reference points in the physical world. Rather than

recognizing the networks formed through on-line data exchange, the prevailing archeology of the Internet and www ties individuals to physical locations. This perpetuates the belief that our planet consists of a conglomeration of nation-states with bounded territories and national subjects, sustaining, as a consequence, the inequities inherent to this way of organization.

But some websites, however, resist this model, such as those launched by cyber citizens of Tamil Eelam, members of what might be termed a stateless nation that uses the World Wide Web to argue their agenda, organize, and inform electronic visitors. The designers of these sites employ the notion of networks rather than presupposing that geographical referents are the primary framework for meaningful exchanges paving way for the transformation of Diaspora interaction to a virtual community².

Thus the virtual Diaspora are important stake holders of an internal conflict especially on the lines of ethno nationalistic separatism. As they provide a phenomenon of globalization from below³ where the conflict is internationalized but within a framework of a global linked to the conflict context. Thus this makes them an important component in peace building efforts of a state as they can be a global voice to this peace process.

The importance of a Virtual Alliance of the Sinhala Tamil Virtual Diaspora in a peace building context can be presented as follows

(I) This alliance may be formed through a few diaspora groups but they can immediately make an appeal to other diaspora members and even virtual groups which affiliate themselves with websites.

(II) The new cyber alliance can have a bigger impact on the international stake holders, donors and other interested parties of the Sri Lankan conflict. The virtual diasporas as global grassroots possess greater reach and limited barriers in addressing the above parties

(III) The alliance can be a virtual window to other civil society organizations operating from locations in cyber space. They can come in form of interest groups. Alternative newsgroups and even individuals of academic interest

(IV) An alliance on web can create a unbiased portal towards the country in cases of issues which rise with the peace building process. Currently the BBC news site have links to websites which cater to one or more of these diasporas.

But in the Sri Lankan context though the internal efforts for peace between the two conflict parties have been tested their global representation through respective Diasporas are yet to declare a truce. In the transnational context international governments and powerful donor countries are vital in facilitating and supporting this peace process. But this virtual diaspora is similar to a "transnational grass roots element" to this conflict thus if they also declare a truce it is going to have a major impact on the whole international outlook towards the local problem. Thus this means if both Sinhala and Tamil Diasporas used the medium of cyber space to press for their agendas they can also use it as an alternative space to form a virtual alliance promoting the peace process and peace building in Sri Lanka as a conflict transformative medium.

End Notes

¹ Virtual diaspora, we mean the use of cyberspace by immigrants or descendants of an immigrant group for the purpose of participating or engaging in online interactional transactions.

² One of the new concepts emerging in relation to this new world, to Cyberspace, is *Virtual Communities*. It is a concept formed to describe some of the new social "life forms" we are starting to see in Cyberspace. Virtual Communities does not cover all these new "life forms" and definitely not all interesting aspects of Cyberspace but it is one of the most interesting phenomena's in Cyberspace. Howard Rheingold was the premier Computer Mediated Communications (CMC) theoretician and defines virtual communities as "social aggregations that emerge from the [Internet] when enough people carry on those public discussions long enough, with sufficient human feeling, to form webs of personal relationships in cyberspace". This concept has been developed immensely in many other works on Computer Mediated Communications and new Community studies.

³ "Globalization-from-below" is carried out mainly by organizations that do not have strong links with governments or large corporations. Organizations such as Amnesty International and Greenpeace are transnational civil society groups that monitor the performance of governments on human rights and environmental protection, respectively. Others like the International Committee for the Red Cross and Médecins Sans Frontières act as relief agencies around the world. Academic and professional associations, religious organizations, diasporic groups etc. also participate in "globalization-from-below" by developing lateral communication links between members in various parts of the world. They may not necessarily challenge international governmental activities or transnational corporations, but they are nevertheless distinct from them. ■

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GLOBALISATION, WOMEN AND WORK

Rohini Hensman

What are we talking about?

An intelligent extra-terrestrial being coming to earth and hearing all the talk about globalisation might well conclude that humans have only just discovered that their planet is (roughly) spherical. Over the past ten years, the term is on everyone's lips and a huge 'anti-globalisation' movement has arisen, yet few people bother to define what globalisation means. We hear of 'neo-liberal globalisation', 'capitalist globalisation', and 'imperialist globalisation'; in fact, when we ask people what they mean by globalisation, they describe capitalism (a system based on the exploitation of workers and production for profit), imperialism (the political, economic and military domination over some states by others), and neo-liberalism (the policy of allowing the market to determine everything, including wage levels, healthcare, education, etc.). But if capitalism, imperialism and neo-liberalism can all be defined without reference to globalisation, shouldn't it be possible to define globalisation without reference to them? Surely it is. A reasonable definition would be the free movement of products, money, ideas and people around the globe. At present, the only major obstacles to such movement are national boundaries, so globalisation would mean the weakening or eventual elimination of those boundaries.

Why is there such passionate opposition to the undermining of national borders? A major development in the last several hundred years was the rise and consolidation of nation-states and nationalism, the ideology that all those who belong to the nation have a greater common interest than any group within it has with others outside. 'Imperialism and its World War' grew organically out of European nationalism, as Max Adler put it; the remaining portions of the earth were progressively divided up between competing empires and fought over in two world wars. The desire for freedom on the part of the colonised peoples led to independence movements and liberation struggles; the dominant culture meant that these movements and struggles too took the form of nationalism. There were dissenting views in the early twentieth century: for example, Rosa Luxemburg from oppressed Poland and Rabindranath Tagore from colonised India were bitter critics of 'national self-determination' and nationalism. But they were voices in the wilderness at a time when worship of The Nation was acquiring almost religious fervour.

The view of national boundaries as being 'natural' dates from this period. The only challenge to existing nations came from would-be nations claiming the right to 'national self-determination'. The idea that the earth always has been and always will be divided into nations was taken for granted, and with it, the idea that an

individual's highest duty is service to the nation. Culture, tradition, development, were all defined in national terms. Even class interests, which earlier had been seen as international, were trimmed to fit the shape of national borders. The women's movement valiantly resisted the trend at first, but later in the 20th century lost its internationalist edge.

It is in this context that (re)globalisation appears as something new. Arguably, the first manifesto of the return to globalisation is the Universal Declaration of Human Rights, articulating the belief that the most basic rights of human beings cannot be different in different countries but have to be common for all peoples. Adopted by the UN on 10 December 1948, just one day after the Genocide Convention, there is an intrinsic connection between the two. Both are reactions to the horror of the Holocaust and World War II (including the nuclear bombs dropped on Hiroshima and Nagasaki), the ultimate barbarism which arises when the universality of human rights is denied. But prior to this, the International Labour Organisation (ILO), founded in 1919 to promote social justice and internationally recognised labour rights, had become the first specialised agency of the UN in 1946. And even earlier, the Geneva Conventions had been drawn up to regulate the conduct of nations during war – circumstances in which national legislation is obviously inadequate. Implicitly or explicitly, these treaties recognise that global regulation is necessary.

In subsequent decades, the UN would pass many covenants and conventions applying to the world as a whole. For example, in 1966 two covenants codifying the rights in the Universal Declaration were adopted by the General Assembly: the International Covenant on Civil and Political Rights (CPR Covenant) and the International Covenant on Economic, Social and Cultural Rights (ESCR Covenant). The ILO played a role in drafting both, especially the latter. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, is often described as an international bill of rights for women. The International Labour Code of the ILO is a large and growing document. All these and similar developments can be seen as being at least partially a result of the efforts of those sections of the labour movement and women's movement which still stubbornly refuse to allow national boundaries to divide workers from workers or women from women.

Capitalism, imperialism and globalisation

But what about the globalisation carried out by capitalism? That, of course, is not as old as humankind, although it is as old as capitalism itself, which arose out of global trade. As nations

began to form in Europe, states assisted their merchant class to compete with rivals by using their power to dominate parts of the world from which they sourced the commodities that were making them rich. Imperialism in its classic form flows from this history of commercial expansion. It helped extend the reach of capitalism to most parts of the world, but in a manner that served the interests of the imperial power. This process of expansion worked in different ways in different parts of the world: in some (such as Africa) it devastated local populations through the slave trade and forced labour, in others (the Americas and Australasia) it involved the outright extermination of the indigenous peoples. In general, however, the brutality typical of colonial regimes reflected the drive to forcibly create a labour force for the needs of capital, at considerable cost to the communities impacted by this. All of this involved a restricted kind of globalisation, first because the world economy created by imperialism was tightly partitioned between rival imperial powers, thus restricting the mobility of goods, capital and personnel; next because territories such as that of the former Soviet Union remained outside the system; and finally, because late industrialisers both within Europe and elsewhere (e.g. Japan, India) used protectionism to nurture their own infant industries.

The demand for the removal of barriers to the free movement of goods and capital from country to country comes from large firms – international or transnational corporations – whose scale of operations demands that the whole world be open to them. Financial institutions like the International Monetary Fund (IMF) and World Bank, whose structure ensures that they are dominated by rich nations, have assisted in the process of opening up the world to international firms through the policies imposed on loan recipients. Yet the removal of trade barriers has become just as important to countries in the developing world. The former Soviet Union, India and China are examples of large economies that achieved an impressive degree of industrialisation while still largely insulated from the rest of the world, but they have found themselves seriously lagging behind technologically. Smaller nations – especially those whose economies have been distorted by colonialism – are even more obviously dependent on the world market. And while there has been no formal globalisation of the labour market, in practice vast numbers of migrant workers travel around the world seeking employment, and a large proportion of them are women.

A post-Soviet, truly global capitalism cannot function smoothly without commonly accepted rules, and while the richer, more powerful nations may try to push through their agendas in the regulatory bodies, they cannot afford to ignore the others without risking a breakdown of the entire effort. Anti-globalisers who want to scrap the World Trade Organisation (WTO), formed in January 1995 and correctly seen as a key institution of a globalised capitalism, never bother to spell out the alternative. As of now, the only alternatives are nationally isolated economies or bilateral trade agreements. National self-sufficiency converges with the xenophobic nationalist agenda of the far right (the RSS, the

backbone of India's fascist movement, was in the forefront of demonstrations against then WTO director-general Mike Moore in India in January 2000), and you don't have to be a genius to predict whose agenda will get priority when bilateral trade agreements are between developing and developed countries. This also creates the possibility of dirty deals (typical of the US) of the you-support-us-and-we'll-give-preference-to-your-exports type. Indeed, this is what was happening before the formation of the WTO and to some extent continues to happen today. But the existence of a multilateral regulatory body with a formal one-country-one-vote constitution at least makes it possible for developing countries to bargain collectively in setting the rules as well as getting them implemented. This explains why Third World countries, from giants like China to the poorest of the Least Developed Countries (LDCs), have been queueing up to join the WTO. To say that poor countries should not join the WTO because rich countries have a stronger position within it is like saying that workers should not engage in collective bargaining because employers are stronger. Of course they are! But does that mean that workers should remain isolated as individuals? In solidarity lies strength, as workers have always known, and the weaker party needs collective bargaining more than the stronger one.

Without going into too much detail, we can list some of the ways in which globalised capitalism is different from imperialism. Imperialism involves military and/or political domination over territories by imperial states, while globalisation depends on real political autonomy among its participants. Imperial powers unilaterally dictate the rules in imperialism while globalisation would be unsustainable without regulation by multilateral bodies. Imperialism reflects the existence of strong nation-states and nationalism, while globalisation weakens both. The free and rapid movement of information which is made possible by information technology is a key component of globalisation but not of imperialism. Far from being a prime mover of globalisation, the USA under the Bush administration has been its greatest obstacle. Their bombing and invasion of Iraq was undertaken in clear opposition to the UN, a very imperfect multilateral body that the US had previously dominated completely. They have attempted to sabotage virtually every effort at multilateral global regulation – the Anti-Ballistic Missile Treaty and Comprehensive (nuclear) Test Ban Treaty (CTBT), the Kyoto Protocol on climate change, the Chemical and Biological Weapons Conventions, the International Criminal Court (ICC) and the Geneva Conventions, and have even been reluctant to abide by WTO regulations. In each case, their actions have been justified by national sovereignty (which they feel would be undermined by the inspection regimes of the CTBT and Chemical and Biological Weapons Conventions as well as the ICC) or national interest (the invasion of Iraq in defiance of the UN Security Council, and flouting of the Geneva Conventions, Kyoto Protocol and WTO rules). In all these cases, the multilateral regulatory regime requisite for globalisation conflicts with the unilateral nature of US imperialism.

Visible work, invisible work

It was in the 1970s that there began to be theories about the 'New International Division of Labour (NIDL)' and 'feminisation of the labour force', and these theories reflected real changes occurring globally. MNCs shifted large chunks of their more labour-intensive processes – electronic and automobile assembly, for example – to Third World countries, and the majority of new workers were women. According to ILO statistics, global employment almost doubled between 1965 and 1995, the bulk of the expansion was in the developing countries, and more than half the new recruits were women. For MNCs, this was a change of policy from the previous period when their manufacturing was largely in Western Europe and North America, although there had already been manufacturing units set up in some developing countries before the so-called NIDL; globalisation involved a more even spread of their manufacturing units around the world. These companies were driven not by nationalism but by the thirst for profit, and if that meant closing down plants in Europe or North America and shifting production and investment to the Third World, it was not a problem for them. But for workers – especially male workers – in the North, some of whom had done well in the previous period, it meant a loss of employment which was exacerbated by technological change. This was mitigated to some extent by the rise of new sources of employment, especially for women in the service sector. However, many of the new jobs were under much inferior employment conditions, and the overall effect in these countries, for both men and women, was a fairly sharp fall in income and labour standards.

For Third World workers who gained employment, conditions varied widely. A relatively small number in large-scale formal sector workplaces succeeded in unionising and winning good employment conditions. For example, the men and women in Bombay's pharmaceutical factories in the 1960s and 70s had secure jobs, good wages and decent working conditions, paid off-days, holidays and leave, and a large number of benefits and allowances, including three months' fully paid maternity leave and workplace creches for the pre-school children of women. But most were not so lucky. Much of the work in the garment industry, for example, was shifted to Free Trade Zones where unions were either explicitly banned by law, or in practice kept out by military-style security measures for the entire zone and severe penalties for any worker who so much as made a move towards organising. This has been the pattern in Sri Lanka, the Philippines and many Central American countries. In India and to some extent Pakistan, on the other hand, the dominant model has been extreme decentralisation of production through subcontracting to small units employing informal workers; many jobs have been shifted to this sector from the shrinking formal sector in recent years. Both models have been used to keep out unions, but the latter model has been more successful in the long term. Prolonged and persistent efforts to organise themselves in the large-scale, formal units of the FTZs by workers employed in them has in some cases yielded positive results, despite meeting

brutal resistance from employers and governments. Organising informal workers, on the other hand, has proved almost impossible. How can a worker seek redress when she is dismissed for trying to organise if she has no legal proof of having been employed in the first place? Denied the right to organise and bargain collectively, workers in both the FTZs and the informal sector have been subjected to extremely harsh employment conditions.

So on balance, are these women better off with or without employment? If you ask them, the answer will be clear. There is a saying that the only thing worse than being exploited by capital is *not* being exploited by capital, and paradoxical though it may seem, this is true. Dreaming of alternatives is fine, but it is also necessary to come to terms with reality, and in the capitalist world economy of today, especially in Third World countries without any social welfare system, having a job – *any* job – is better than having none. If workers continue to earn a pittance by working under dreadful conditions, it is because this is the only way in which they and their families can survive.

In the case of women, there is yet another reason why employment is important. I have asked many young women working in FTZs in Sri Lanka whether they would prefer it if their fathers or husbands earned enough to keep them at home, and the answer has invariably been 'No'. Naila Kabeer, who interviewed women garment workers in Bangladesh, received more or less the same reply. In our deeply patriarchal societies, being a breadwinner gives women a potential for empowerment which they otherwise don't have. Think of a young woman who doesn't want to be forced into marrying a man against her will, or a woman trying to escape from an abusive marriage. Without employment, the chances of escape would be virtually nil. And even if they do not wish to leave their homes, the *possibility* that they might do so gives them some bargaining power to demand greater freedom. Those who deplore the exploitative conditions under which these women work without seeing the even greater oppression they might suffer without those jobs see only part of the picture.

However, that part of the picture is very real, and certainly needs to be changed. Purely local and national struggles for unionisation and protective labour legislation have been undermined by the global mobility of capital, but globalisation has also created new ways of fighting for workers' rights. International trade union solidarity and coordinated campaigns, including the passing of new ILO Conventions, have in some cases succeeded in winning rights for workers engaged in local struggles. The ILO Core Conventions – protecting freedom of association, the right to organise and bargain collectively, freedom from forced and bonded labour, the abolition of child labour, and freedom from discrimination – were made mandatory in all member states of the ILO in 1998. The right to a safe and healthy workplace and freedom from sexual harassment can also be seen as basic human rights, although they are not included in the core conventions. Consumer campaigns in Western Europe and North America have succeeded in imposing Codes of Conduct guaranteeing basic workers' rights in companies

supplying major retailers and brand name companies, and while the problem of implementing these codes on a large scale has not been solved, there are individual cases where workers' rights have been defended and won through such campaigns. The issue of including a workers' rights clause in multilateral trade agreements has been a contentious one, yet if this is achieved it would at the very least establish the right of workers producing for export to organise unions and bargain collectively.

Ideally, all these rights should also be available to informal workers. But there is a major problem in winning them so long as these workers have no proof of employment and are not even registered as workers. One of the major demands of women homeworkers in the garment industry in Bombay is recognition of their status as workers and proof of employment. They suggest various ways in which this can be done: registration by the government, identity cards, attendance diaries and pay slips, for example. Basically, there should be a record of who works for whom and for how long, no matter how temporary, seasonal or casual the employment is. For contract workers, there is an additional complication, because the labour contractor acts as a middleman between worker and employer without taking on the responsibilities of an employer. In principle, whoever pays the worker's wages should be regarded as the employer – i.e., there should be no intermediary between employer and worker. In most cases, the contractor should be registered only as a recruitment agent and paid a commission by the employer, who should then pay the workers directly. But in some cases – cleaning contractors, for example – the contractor could be registered as the employer. With the advent of computers, the idea of keeping a record of all employment becomes quite feasible.

Once informal labour has been formalised by registration, it would be possible to introduce additional measures to ensure a maximum amount of regularisation of employment. For example, the Contract Labour Act in India makes it illegal to employ contract workers for permanent or perennial jobs; if instead of attempting to 'reform' this law into nothingness the government were to extend it to all forms of irregular employment (e.g. temporary, casual and seasonal as well as contract labour) and enforce it, this would regularise large sections of the labour force. This does not mean that there should be job security in some absolute sense, only that so long as a job remains in existence, the same worker should be employed to do it, unless incompetence or wrongdoing can be proved. With a record of all employment being kept, it would become much more obvious when unfair labour practices are being used, such as creating artificial breaks in employment, terminating one worker and employing another simply in order not to make the first worker permanent, or moving production to another location when workers unionise. If, in addition, it is stipulated that irregular workers have to be paid the same wages as permanent workers doing comparable work, with pro rata facilities (like paid off-days, holidays and crèches) and benefits (healthcare, retirement benefits, bonus, etc.), the temptation for employers to use irregular workers in the place of regular ones would be much reduced. Their argument for using

irregular workers is flexibility, and if this is the real reason, there should be no objection to spending as much on these workers as on permanent ones.

However, if these improvements are made only in some countries, there is a danger that capital (including capital originating in that country) will relocate to other countries where standards are lower. This has already happened in many cases – for example, Hong Kong and South Korea – where workers have fought for and won better conditions only to find themselves jobless when production moves to another country. Therefore it would be crucially important that this is an international campaign, coordinating local action in different countries and also putting pressure on international bodies to enforce these measures globally. In other words, so far as visible (i.e. waged) work is concerned, the appropriate response to capitalist globalisation is a struggle to globalise workers' rights, especially basic human rights (the ILO Core Conventions) and parental rights, without which women are almost always at a disadvantage. But this brings us to the issue of the unwaged caring work in the home which occupies a large part of most women's lives, and which remained invisible to economics until feminists pointed out how crucial it is in any society.

'They want warfare, we want welfare!'

This slogan, popular on anti-war demonstrations, encapsulates the second major element in a women's global agenda. Founder of International Women's Day Clara Zetkin took it for granted that women workers' rights and opposition to war went hand-in-hand, and March 8 is, among other things, the anniversary of the Russian women workers' strike, demanding 'bread and peace', that brought down Tsarism in 1917. Women's opposition to war is not surprising if we keep in mind the current gender division of labour. Years of labour and love are required to nurture a human being from birth to adulthood, yet a bullet or bomb can wipe out this labour of love in an instant. Over and above the emotional loss caused by the death of loved ones in war, there is the additional destruction of the products of women's work on a massive scale. But opposition to war cannot be confined within national borders. Every conflict has at least two sides, and almost always they are between opposing nationalisms, whether these are within the same country or between two countries. In order to be successful, a peace movement has to be international.

The other side of this coin is social recognition and equal sharing of the unwaged caring work currently performed mainly by women, which implies its inclusion in the measurement of GDP and very definite measures to support and assist those who carry it out. For example, shorter working hours, part-time work under decent conditions and parental leave are vitally necessary for parents with babies, and accessible high-quality childcare also becomes desirable at a slightly later stage. Recognising the social value of this kind of work means that people who are engaged in full-time care of the very young, very old or chronically ill need to be provided by

society with a livelihood as well as assistance in their work. Provision of free health care and a good education are yet another way in which society can contribute to this type of work and reduce the burden on individuals.

The role of women in caring work explains why they have always been prominent in the peace movement, taking part in Women in Black movements, anti-war demonstrations, and cross-border solidarity actions. Women have played a major role in the anti-nuclear movement and campaign against landmines, and inputs from women were crucially important in shaping the treaty of the International Criminal Court, especially in getting recognition for crimes against women as elements in war crimes, crimes against humanity and genocide. However, we have not been so active in following through the budgetary implications of our agenda. As working women, we make a substantial contribution to the creation of wealth; indeed, if the unwaged component is taken into account, women still contribute more than men, although things are slowly changing, with men taking a greater part in household work. We therefore have a right to have both information and some control over what is done with 'government' money which is, after all, obtained by taxation. Reallocating money currently spent on huge military budgets to health, social security and education would simultaneously reduce the risk of death or injury in war and improve chances of life and wellbeing for large sections of the working population. Once again, this effort has much greater chances of success if it is global. Women have in fact opposed IMF and World Bank policies which reduce or discontinue welfare expenditure, but we could also take more positive steps, for example to campaign for implementation of ILO Conventions limiting working hours, providing parental leave (not just for women but also for men, otherwise the traditional gender division of labour is reinforced), and providing social welfare benefits.

Why anti-globalisation is against the interests of working women

An early opponent of globalisation wrote that 'the hardest battle would have to be fought, not against hostile nations, but against international capital'. That was Hitler, in *Mein Kampf*. Opposition to international (or foreign) capital has always been a defining feature of fascism, and perhaps the worst result of adopting 'anti-globalisation', with its explicit attack on international capital and implicit endorsement of nationalism, is that it has legitimised and reinforced the xenophobic agenda of the far Right, helping it to grow in one country after another. This is *not* a case of the Right

cleverly co-opting the language of the Left, but of the Left stupidly adopting the rhetoric and ideology of the Right. We cannot fight against fascism and its particularly monstrous attack on women if we share its unquestioning belief in state sovereignty: that is the fundamental truth grasped by the women's groups behind the International Initiative for Justice in Gujarat. Moreover, a nationalist outlook makes it impossible to fight effectively against imperialism (expansionist nationalism) and war (competitive militarised nationalism), because at bottom, the two sides share the same ideology.

From the standpoint of women workers, especially those in the Third World, the 'anti-globalisation' agenda makes no sense. If successful, it would simply deprive them of a large proportion of their employment opportunities as well as the possibility of improving employment conditions through global solidarity and coordination. Moreover, this agenda ignores women's interest in world peace, which by its nature has to be global. A much more sensible objective would be concerted action to shape the global order in accordance with a women's agenda for justice and equity as well as caring and nurturing. This would in the first instance mean working for an extension of the reach of international law, and for democratic institutions of global governance. Since capital is inherently global, anti-globalisation can only split workers along national lines, making their resistance to capital weaker. Realising this, our forefathers and foremothers in the revolutionary communist movement exhorted workers of all countries to unite in order to overthrow capitalism. Today, even the short-term goal of resisting neo-liberal policies cannot be achieved without international coordination. And in the long-term, capitalism will continue to survive so long as workers' solidarity is broken by nationalism and other divisive ideologies.

Can a socialist feminist vision of an ideal world include national boundaries maintained by nationalism, with its potential for developing into fascism, imperialism and war? Surely not! Given how much barbaric violence - against women especially - has been perpetrated around the issue of national borders in South Asia (during Partition and the national liberation struggle of Bangladesh, in Northeast India, Kashmir, Sri Lanka, etc.), shouldn't we be arguing for the removal of immigration and trade barriers in the SAARC region rather than fighting against the dissolution of those barriers by globalisation? If capitalism is acting as midwife at the birth of a borderless world, shouldn't we be ready to nurture the new arrival and imbue it with our values of justice and love instead of trying to push it back into the womb of history? ■

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SINHALA BUDDHISM, SECULARISM AND POLITICAL CULTURE

H.L. Seneviratne

In his column on religious intolerance (Sunday Island March 4, 2004) Mr Malinda Seneviratne has written enthusiastically of the attempt by a gang monks to capture state power and establish a Buddhist state. The prospect of that happening fortunately are negligible but that does nothing to erase the absurdity of Mr Seneviratne's statements. According to him Bishop Oswald Gomis, indeed every Catholic, is a citizen of the Vatican, and lives under the authority of the Pope. This is an insult to patriotic Sri Lankans (and citizens of other countries) who happen to be Catholics.

Mr Seneviratne's real problem is not the Bishop even though he bares his fangs at the latter, but the concept of secularism. Fundamentalists, irrespective of whether they are Christian, Jewish, Muslim, Buddhist or Hindu, want religion to capture state power so that they can the more brutally oppress and discriminate against members of other religious groups. In an attempt to show that there is no secularism in England, Mr Seneviratne makes a list of what he thinks are relations between the British state and the Church of England, little realizing that these are ceremonial relics of a past with no meaning in present day political reality.

It is the unique achievement of the Christian tradition that it was able to integrate its ethical imperatives into the pattern of behaviour of its adherents. This did not happen in the Buddhist tradition, as clearly demonstrated in our day to day experience --we pay lip service to high Buddhist morals but we do not practise them. This is not to say that every Christian practises the ethical content of his religion, although the five Buddhist precepts are more adhered to in western Christian democracies than in this Buddhist "punya bhumi". What I mean to say is that the general standards of personal conduct and public accountability are far higher in the Christian democracies than in this so called home of "pure Buddhism". And one corollary of those high standards is the separation of church and state.

Buddhism is a universalist ethical religion, but we have parochialised and ritualized it. What we practice is "Sinhala Buddhism", and not the Buddha's Dhamma, the essence and first step of which is sila. Sila is not sitting under a tree wearing the south Indian costume known as the national dress, but living a life of decency and civility by disciplining oneself within, and not being a nuisance to others. "Sinhala Buddhism" is an integral part of the Sinhala Jatika Cintanaya. Another component of the Sinhala Jatika

Cintanaya is the Sinhala political cintanaya, past and present, with lawlessness and violence as central motifs. One look at the national chronicle Mahavamsa will reveal that palace intrigue was the norm in succession. We owe the loss of kingship, a valuable social institution, not to the British but to the treacherous culture of Kandyan politics. Our culture and cintanaya were subject to a brief spell of colonial domination during which our society accepted enlightened modern ideas, one of which is secularism. But, starting from 1956, the disastrous year that marks the beginning of the country's path to ruin, we have compromised the principle of secularism, and allowed religion to enter the state arena, culminating in the enshrinement Buddhism in the constitution, and the establishment of a Ministry of Buddhism.

Yet Buddhist fundamentalists are greedy for more, and never cease to complain of conspiracies to destroy Buddhism. In reality, "Sinhala Buddhism" replete with its murderous political culture, is hale and hearty. The nature of Sinhala Buddhist political culture is particularly evident in the projective situation of the recent general election where, to give one non-murderous example, only five candidates out of over five thousand have conformed to the legal requirement of declaring their assets and liabilities. All five are UNF candidates. This is an astonishing disregard of the law by future lawmakers, and no Buddhist activist seems to be bothered about it.

If Buddhist activists and Buddhist monks want to be of use to the nation, there are numerous ways in which they can be so. The Vidyodaya monks of the 1940s showed this by their dedicated efforts to help the rural masses through a programme of rural development. Making Buddhism the de facto state religion is not a step that fosters the national interest. It is a waste of scarce resources and, in a multi-religious state, it is incongruous and unfair.

"Buddhism" in the sense of the Buddha's noble Dhamma does not need preservers or preservatives. It is an autonomous body of knowledge safely enshrined in books, and other recordings, most recently on the web. Before the wide use of writing, the Dhamma was painstakingly committed to memory by monks who thereby preserved it for posterity. For this arduous and heroic task, humankind is grateful, but the credit for that goes to the ancient monks who actually performed this noble task, and not to those present day robe-wearers who claim loudly that they are the preservers of Buddhism and guardian deities of the nation. ■

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TESAWALAMAI: PROTECTION OF COMMUNITY RIGHTS OR DISCRIMINATION OF WOMEN?

ARE THE RIGHTS OF WOMEN PROTECTED IN A MULTICULTURAL SOCIETY?

Ambika Satkunanathan

Plural societies concerned about the rights of minority groups in their communities have formulated and implemented multicultural policies. Multicultural policies go beyond mere cultural pluralism where different religions and ethnicities are tolerated, and instead concentrate on ensuring that groups “exist as equals in the public arena.”¹ States therefore use multicultural policies to protect minorities and accommodate minority traditions which, entails awarding power to the communities themselves to determine certain issues relating to community life, which will in turn enhance the autonomy of the particular community. Most often the State awards jurisdiction over areas considered private, i.e. marriage, divorce, and other issues which are related to the determination of group membership to enable the group to have power over the construction of collective identity which is thought to be important for group survival.²

Legal analysts have illustrated the paradoxical nature of multiculturalism which while empowering certain groups, subordinates certain members of these groups.³ Accommodation of group/community rights therefore can lead to “multicultural vulnerability”, where existing hierarchies in communities lead to the violation of the rights of individuals in a vulnerable position. Further, multiculturalism entrenches the public-private divide through its acknowledgment of the public status of the identity group and disregarding the status of individuals within these identity groups. Multiculturalism therefore focuses on injustices in the public sphere. Yet, it is in the private sphere that most women experience discrimination, as communities continue to define gender roles and regulate the lives of women. As legal analysts have illustrated giving power in areas such as family law to identity groups most often places burden on certain members of the group, namely women. This is the “paradox of multicultural vulnerability.”⁴

The manner in which multiculturalism views individuals is also problematic, as it begins by locating them as part of a particular community, which limits their identity to their cultural group. This approach disregards the fact that women have multiple identities, and are not solely defined by their membership of a particular cultural group.⁵

As stated above, States often give communities authority in the area of family law, an area of great importance to identity groups. It is through family law communities regulate the conduct of

women, who are viewed by the group as the bearers of cultural values and who through their reproductive activities are mainly responsible for the recreation of the group.⁶ This then means their freedom to marry, divorce etc will be limited and controlled by the group to ensure membership boundaries are maintained. Therefore, while minority groups must have access to their culture and be able to preserve their traditions, it is imperative to examine the existing tensions between the efforts to promote the rights of women and multiculturalism’s efforts to protect the rights of endangered minority groups.

When we call for legal reform to address discrimination faced by women we should also keep in mind that women from besieged communities who might have been subjected to extensive state controls due to their race, ethnicity, class or a similar factor may take refuge in the private sphere of their ethnic/racial/class communities. Their reluctance to support legal reform that impacts on their particular communities highlights the conflict between individual rights and the rights of the community. While supporting diversity and right of communities to protect their culture we should ensure that the rights of women are respected and they have the right to make decisions that affect their lives and families.

ANALYSIS OF THE LAW

1. The Codification of Tesawalamai

A historical study reveals that in Sri Lanka according to Roman-Dutch law, the property of the woman merged with that of the husband upon marriage and the husband became the administrator of the woman’s property. With the enactment of the Matrimonial Rights and Inheritance Ordinance No.15 in 1876, the concept of community of property was abolished and the property of the woman was viewed as her separate property. The Married Woman’s Property Ordinance No.18 of 1923 went further and granted women full proprietary and contractual rights, and the woman became a legal personality in her own right. Alongside the abovementioned “General Law” other laws, such as the Tesawalamai, Muslim Law and Kandyan Law, i.e. personal laws which apply only to certain communities, exist in Sri Lanka. These laws too have been influenced by Roman-Dutch principles and endorse in different degrees the Roman concept of *patria potestas*, i.e. the sweeping power of the husband over the family⁷.

The customary laws applicable to the Tamils living in the Northern province of the country, were codified during the **Dutch period in the Tesawalamai and Matrimonial Rights & Inheritance Ordinance No.1 of 1911 as amended by Ordinance No.58 of 1947**(hereinafter the Ordinance). These laws relate only to issues of property and inheritance and the inhabitants of the Northern province are subject to the General Law in the areas of marriage and divorce. Where maintenance is concerned, the Maintenance Ordinance and Maintenance Acts have been applied to Tamils. The Tesawalamai is also applicable where the maintenance of minor children is concerned, as the rights of the widow in her husband's property are tied to a duty to maintain minor children.⁸

The Sri Lankan courts instead of removing the disabilities suffered by women in regard to property rights by following the trend set by the General Law have instead chosen to restrict the property rights of women governed by Tesawalamai by following Roman-Dutch principles. A discussion of judgments below will clearly illustrate this fact.

2. Applicability

The law states that any person who alleges that Tesawalamai is applicable to him/her must affirmatively establish it.

The scope of applicability of Tesawalamai is set out in Section 2 and clause 3 of the Ordinance. It states as follows:

Tesawalamai applies only to the Malabar inhabitants of the Jaffna Province in respect of their movable and immovable property, wherever situate. A Malabar inhabitant should be:

- a Tamil and
- an inhabitant of the Northern Province – per

*Spencer v. Rajaratnam*⁹

According to the judgment in the case of *Velupillai v. Sivakamipillai*¹⁰, an “inhabitant” is a person who at the relevant time has acquired a permanent residence in the nature of a domicile in the Northern Province. This case also stated that each case must depend on its own facts.

In *Spencer v. Rajaratnam* the person whose Jaffna inhabitancy was in question was born in Jaffna but left when he was a few months old. He worked, lived, and died in Colombo and was married to a Colombo Tamil. These facts were held to illustrate that he was a permanent resident of Colombo and not of Jaffna and thereby was not subject to Tesawalamai.¹¹ Although Tesawalamai is deemed to be a personal law the applicability of the law is determined by ascertaining whether the person is a permanent inhabitant of the province.

Justice Sharvananda in *Sivagnanalingam v. Suntheralingham*¹² stated “there is a strong presumption in favour of the continuance

of a domicile of origin. The burden of proving a change of domicile from one of origin to one of choice is a heavy one. With regard to the standard of proof necessary to rebut the presumption the judicial conscience must be satisfied by evidence of change. Otherwise the domicile of origin persists.” Therefore, the courts begin with the presumption there is continuance of inhabitancy in the place of origin, i.e. the Northern Province. The burden of proving otherwise is heavy and if the applicant does not supply sufficient proof of the change of residence the courts will assume the domicile of origin, i.e. the Northern Province, as the place of residence.

According to the abovementioned statutes if a woman to whom Tesawalamai applies marries a man to whom Tesawalamai does not apply, then she shall not during the subsistence of the marriage be subject to Tesawalamai. However, if a woman to whom Tesawalamai does not apply marries a man to whom Tesawalamai does apply then she is subject to Tesawalamai during the subsistence of the marriage. These are set out in the following sections of the Ordinance:

Section 3 (1)-whenever a woman to whom Tesawalamai applies marries a man to whom Tesawalamai does not apply then she shall **NOT** during the subsistence of the marriage be subject to Tesawalamai.

Section 3 (2)- whenever a woman to whom Tesawalamai does not apply marries a man to whom Tesawalamai does apply then she shall during the subsistence of the marriage be **SUBJECT** to Tesawalamai.

In determining the applicability of Tesawalamai the date of marriage of the parties is the relevant date.

Issue

Within the framework of Tesawalamai, the legal status of the woman is dependent on the legal status of her husband, she is not a legal personality in her own right.

3. Categories of Property

There are different categories of property in Tesawalamai.

Mudusam - Section 15 of the Ordinance - Property devolving on a person by descent at the death of his or her parents or of any other ancestor in the ascending line is called Mudusam (patrimonial inheritance).

Urumai- Section 16 of the Ordinance - Property devolving on a person by descent at the death of a relative other than a parent or an ancestor in the ascending line is called Urumai (non-patrimonial inheritance).

If a person sells Mudusam or Urumai property and buys new property prior to marriage the new property continues to retain its old character, i.e. it is not viewed as property common to the marriage but as Mudusam- sections 6 & 7 of the Ordinance.

Chidenam- The dowry property brought by the wife.

Thediatettam- Section 19 (defined below)

4. Thediathetam

The definition of this category of property has undergone much change and the contradictory interpretation of the meaning of this category of property by the courts has led to much confusion. The traditional meaning of Thediathetam was altered by the Jaffna Matrimonial Rights and Inheritance Ordinance in 1911 and the amendment in 1947.

According to customary, pre-1911 law, Thediathetam was deemed to consist of¹³:

1. the profits derived from the separate properties of the spouses; and
2. all properties acquired by either of the spouses by their exertions during marriage

In 1911 with the enactment of the Jaffna Matrimonial Rights and Inheritance Ordinance No.1, the meaning of Thediathetam was altered and defined as follows:

1. profits acquired for valuable consideration by either spouse during the subsistence of the marriage

Sri Lankan courts interpreted Thediathetam based on the Roman-Dutch concept of community of property where the profits acquired during marriage- (profits arising from the separate estate of either spouse and property acquired using those profits)- were pooled and the property was viewed as the joint property of both spouses. Thediathetam was deemed to be common property to both spouses to which each spouse was equally entitled i.e. they were co-owners. In the case of acquired property, regardless of whether it was bought in the name of the husband or wife, the other spouse inherited a half share of the property at the death of one spouse¹⁴. In *Aiyadurai v. Aiyadurai* it was held that a property purchased by a loan raised jointly by both parties constituted acquired property even though the separate properties of the spouses were mortgaged to raise the loan¹⁵. Upon the death of a spouse one half of the joint property (thediathetam) was inherited by the surviving spouse and the remaining half vested in the heirs of the deceased¹⁶.

A further amendment to the Ordinance in 1947 altered the meaning of Thediathetam by moving away from the concept of property common to both spouses to the concept of Thediathetam of each spouse, i.e. separate property of each spouse.

~~Section 19~~ states that Thediathetam is the separate property of spouses and consists of:

- a) property acquired for valuable consideration by either husband or wife during the subsistence of the marriage, such consideration not forming or representing any part of the separate estate of spouses
- b) profits arising during the subsistence of the marriage from the property of husband or wife (separate property)

Of the two subsections, the second has not undergone any change while the first section has been subject to much revision. The first subsection can be said to contain 3 elements¹⁷:

1. It should be a new acquisition
2. It should have been acquired for valuable consideration; and
3. It should have been acquired during the subsistence of the marriage

This means rent and profits arising from the dowry property will not be considered acquired property. If property is bought using money belonging to the separate property of either spouse then the title to the bought property will vest in the name of the spouse whose money was utilised to purchase the property. Each party can only donate or gift his or her half-share of the Thediathetam. Upon the death of one spouse, one half of the thediathetam of the deceased spouse shall devolve on the surviving spouse and the other half on the heirs of the deceased. Property inherited or obtained through donation is not Thediattam.

As stated earlier, the courts have interpreted Thediathetam in contradictory ways, with the judgment in the case of *Manikavasagar v. Kandasamy*¹⁸ adding to the confusion. As Goonesekere states, although "this judgment deals with many aspects of Thediathetam, [it] has not clarified the legal position on the main aspects."¹⁹ In this case Chief Justice Sharvananda did not follow the definition of Thediathetam as modified in 1947 but instead viewed it as property common to both spouses, i.e. he chose to follow the definition in use prior to the 1947 amendment which was based on the Roman-Dutch concept of community of property. According to his interpretation the non-acquiring spouse is entitled to a + share of the property, whereas according to the 1947 amendment, property constituting Thediathetam is viewed as separate property that belongs to each spouse and the only right the non-acquiring spouse has, is the deferred right to inherit + share of the separate property of the acquiring spouse, if it has not been disposed of during the lifetime of the acquiring spouse.

The preferred analysis of Thediathetam is found in *Kumaraswamy v. Subramaniam*²⁰. In this case the question was whether the undivided share in a property bought by the husband in his own name automatically vested in the non-acquiring spouse, the wife. The children of the marriage filed action claiming that as half share

of the property automatically vested in the spouse, i.e. their mother, it devolved on them upon her death. Gratien J ruled that the said property had vested in the wife Rasammah and she was entitled to an undivided half share of the property which in turn passed on to her heirs. He based his ruling on the fact that the property had been purchased before the 1947 amendment and therefore did not fall within the purview of the new law. According to Gratien J, in cases where property was purchased after the 1947 amendment, the property had to be a "new acquisition" to be deemed Thediathetam. This means converted property was not deemed Thediathetam. This reasoning is illustrated in the following extract from the judgment, where Gratien J states as follows:

"The new section 19 (in the 1947 amendment) gives a definition of Thediatetam which restores for the future the more traditional conception of Thediatetam which had been unmistakably, even though carelessly altered by legislative intervention in 1911...Accordingly property which would previously have constituted Thediatetam within the meaning of the principal Ordinance...must if acquired on or after 4th July 1947 be regarded as "separate property".²¹

5. The Power of the Woman to Dispense and Deal with Property

Where the power of the woman to dispense and deal with property is concerned, the courts have chosen to interpret the legislation in a manner that vests considerable power in the husband to deal with the property of the wife. It should be mentioned the General Law views the woman as an individual with powers to deal with her own property.

Although the 1947 amendment to the Ordinance decrees Thediathetam as separate property of the wife, in reality it does not benefit the wife, as in Tesawalamai the husband still has the power to deal with the property of the wife. In Tesawalamai one cannot contract with the woman without including her husband. The husband during the subsistence of the marriage remains the manager of the Thediathetam property. He is regarded as the sole and irrevocable attorney of his wife- it is thought that the wife's persona "is merged with that of the husband's." A married woman is deemed incompetent to deal with her immovable property without the consent of her husband- per *Chellappah v. Kumarasamy*.²² The husband also has the right to give the thediathetam of both spouses as dowry to the daughter.

According to **Section 6** the separate property of any married woman consists of:

- (a) all movable and immovable property to which she is entitled to at the time of marriage; and
- (b) all property which she may acquire or become entitled to by way of gift or inheritance or conversion of any property to which she may have been so entitled or which she may acquire or become entitled to.

Thus all property, movable and immovable, which belongs to a woman at the time of her marriage shall continue to belong to her and form her separate property, i.e. if cash is brought as dowry and it is converted to immovable property (land) then the property so converted will retain the character of the cash with which it is acquired. If the property is sold, the proceeds of the sale belong to her. If a woman is maritally separated she has full control over both movable and immovable property. In the event of death, divorce or separation the husband cannot sell more than half of the thediathetam. During the subsistence of the marriage however, he has the power to deal with his wife's property.

5.1 Immovable Assets

The woman does not have absolute power of disposition of her immovable property but requires the written consent of her husband. The husband's consent is not required for disposition by last will.

If the husband's written consent is not forthcoming, according to **section 8**, the Family Court in the district in which the woman resides or in which the property to be alienated is situated, has the power to dispose of or deal with such property without the husband's written consent, i.e. the Court supplies the consent required by **section 6**. This is done if it is deemed the husband is unreasonably withholding consent or is unable to give consent and the interests of the wife and children of the marriage require that such consent should be dispensed with.

The husband cannot validly give general consent for future disposition as it has been deemed to amount to the release of his *protectorship*, which has been interpreted to be the contrary to the purpose of the provision which aims to "protect" the woman from being cheated of her property²³ Consent therefore must be contemporaneous or anterior, i.e. it must be given at the time of a transaction for the sole purpose of that particular transaction. Consent given after the disposition is not valid²⁴.

The husband's power does not extend to donation (except as dowry to the daughter) but is limited to sale, mortgage or lease. In the event of the sale of half share of the wife's property, the wife or her heirs cannot bring an action against the bona fide purchaser. Their only remedy is to claim compensation from the husband. If the husband donates more than his half share and the donee sells the property to a bona fide purchaser, as above the only remedy available to the wife is to claim compensation²⁵.

5.2 Movable Assets

Section 6 gives the woman the power of disposition and dealing.

Issues

1) As the husband has the power to deal with even the woman's immovable separate property, women lack the power to deal with and dispense their property.

2) Due to the conflict, many households in the North are female-headed and in the absence of their husbands women are unable to dispose property. If the husband is missing the woman will not be able to obtain a death certificate and her only option would be to

request the courts to give consent to a property transaction. Here too the woman will face many obstacles:

a) As the court cannot give consent for future disposition of property the woman will have to approach the court every time she wishes to deal with her property which means that she will also have to incur additional costs relating to lawyers fees etc; and where courts are not functioning she will have no remedy

3) The husband's right to sell, mortgage or lease the wife's share of Thediattam could disadvantage the woman economically. Considering the socio-economic status of women and the state of the Sri Lankan legal system, it is unlikely the woman will be able to obtain compensation from a bona fide purchaser if the husband sells the property against her wishes or without her knowledge.

4) Doesn't the right of the husband to give by way of dowry to his daughters the entire Thediathetam property (including the wife's thediathetam property) amount to donation of the wife's property?

6. Inheritance

Section 15 of the Tesawalamai code states that, if hereditary property was diminished during marriage, when one spouse dies and the property is divided, whatsoever hereditary property that was lost must be replaced from the acquired property. If the acquired property is not sufficient then the heirs of the deceased spouse must bear the loss. On the other hand, according to section 16 of the Code, if the property of either spouse is considerably increased, the heirs of either spouse at the death of the spouse are not in a position to claim any compensation for the contribution made by either spouse towards the increase of the property.

Thediathetam - can be disposed of by will or any other means. Section 20 states that on the death of either spouse, one half of

Thediathetam, which belongs to the deceased spouse and has not been disposed of by last will or otherwise, shall devolve on the surviving spouse and the other half on the heirs of the deceased spouse. The other half share of the deceased spouse's Thediathetam along with the Mudusam in the case of the man, and Chidenam in the case of the woman, according to section 21 will devolve on the descendants, then ascendants and finally on collaterals. In the event there is no surviving spouse, the half share, which would have been inherited by him/her too devolves on the heirs of the deceased spouse.

As the surviving spouse is a "remote" heir to the balance + share of the deceased spouse's Thediathetam, Sharvananda CJ in the case of *Manikavasaga v. Kandasamy* stated that the surviving spouse is not intestate heir of a deceased spouse.²⁶ Hence, the surviving spouse does not become the automatic heir if the property of the deceased is not disposed by last will. This reasoning has been questioned and shown to be contradictory to the Ordinance according to which the rights of descendants, ascendants and collaterals are subject to the surviving spouse's right to inherit.²⁷ The Ordinance therefore appears to give priority to the surviving spouse.

The widow holds a life interest in the husband's Mudusam (separate property brought to the marriage), with inheritance rights vesting with the husband's heirs. Each spouse's ancestral property returns to its source i.e. the family of the deceased spouse. Neither spouse succeeds intestate to the other's ancestral property.

Section 3 states that daughters who receive a dowry "must content themselves with the dowry given...and are not at liberty to make any further claim on the estate after the death of their parents, unless there be no more children, in which case the daughters succeed to the whole estate". The Courts have interpreted this provision in a narrow manner, which has resulted in the deprivation of the rights of the daughter to inherit parental property if she has been dowered. Their interpretation has been narrow to the extent that they have declared that if a widowed daughter receives a gift described as a dowry gift, she then loses her right to inherit parental property.

Issue

The inheritance rights of the son have been protected at the expense of the inheritance rights of the daughter.

CONCLUSION

An examination of the law exhibits that women are discriminated in Tesawalamai. Hence, it is evident reform is required to ensure that the rights of women are secured. As the rights of women have to be protected while ensuring the rights of the community are not

violated, the reform process should be a consultative one which includes all stakeholders. Otherwise, it is quite likely the reforms will not gain the support of the community and will be defeated in Parliament. It is therefore imperative the reform process is inclusive and consultative and advances the rights of women while respecting group/community rights.

Notes

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- 2 Ayelat..S., "Family Law & the Construction of Collective Identity" *Multicultural Jurisdictions: Cultural Differences and Women's Rights*, Cambridge University Press, 2001. p. 46.
- 3 Supra n.1., p. 123.
- 4 Supra n.2, p.3.
- 5 Supra.n. 1, p. 135.
- 6 Supra n.,2.p.56
- 7 Goonesekere.S., *Family Law*, Open University , 1987, p.2.
- 8 Section 38, Matrimonial Rights and Inheritance Act No. 58 of 1947.
- 9 (1913) 16 NLR 321.

- 10 (1910) 13 NLR 74.
- 11 Supra n.9.
- 12 [1988] 1 SLR 86.
- 13 Sri Ramanathan, "The Law of Property", *Tesawalamain, The Laws & Customs of the Inhabitants of the Province of Jaffna*, The Nadarajah Press, 1972, p.44.
- 14 Ibid, p.45.
- 15 Ibid, p.47.
- 16 Ibid.
- 17 Ibid.
- 18 [1986] 2 S.L.R. 8
- 19 Supra n.7.p.65
- 20 (1954) 56 N.L.R. 44.
- 21 Ibid. 47.
- 22 18 N.L.R. 435.
- 23 Sharvananda.S., " Matrimonial Rights of Tamils Governed by Tesawalamai", *Bar Association Law Journal*, [1993]Vol.V Part I, 44.
- 24 Ponnupillai v. Cumaravetpillai 65 N.L.R., 241.
- 25 *Seelachchy v. Visuvanathan Chetty* 23 N.L.R., 97.
- 26 Supra n 13, p. 24.
- 27 Supra n.7, 93.

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GEORGE ORWELL TO RULE BOWLING ACTIONS?

Michael Roberts

Murali in the 1990s

When Murali was no-balled by Darrell Hair on 26th December 1995 and then again by Emerson and McQuillan a week or so later, Dr. Quintus de Zylwa, the BCCSL Representative in Australia, went into action and secured a technical report from Dr, Buddy Reid and organised more medical tests at the Department of Human Movement and Exercise Science at the University of Western Australia and another specialist body in Hong Kong.

I have a copy of Reid's report. Though Buddy is a friend with whom I played cricket in our halcyon days, I must say that for a layman his specialist's report is as clear as, well, the Kalu Ganga [Black River]. As a first step, therefore, let me lean on an analysis of Murali's bowling action three years later (after the Emerson's attempt at the guillotine) provided by Ken Moncrieff in a letter to the newspaper *Australian* on 28 January 1999.

All the fuss being made over "chucking" in cricket misses the point. This rule was made to prevent a fast bowler gaining the same advantage over the batsman that a pitcher has over the batter in baseball.

An understanding of the bio-mechanics of throwing shows that in a true throwing action, the elbow leads the arm movement followed by elbow extension then wrist and finger flexion as the ball is delivered. By the time elbow extension begins to occur, the palm of the hand is facing the target to gain maximum leverage, and thus greatest advantage.

Rule makers in cricket could consider the above when judging the Sri Lankan's "suspect" action. They might then see that his action does not constitute throwing in the conventional sense at all but is only a part of a complex spin action which his physique and co-ordination have evolved.

How many other spin bowlers have some elbow extension prior to delivery and do gain a "throwing advantage" yet are never called because the elbow extension is only minor and not obvious?

Before the powers that be make a final ruling they should do a thorough bio-mechanical analysis of many slow and

fast bowlers' actions, then revise the rule for it to apply only where an advantage is gained by "chucking".

Ken Moncrieff

Stafford Hts, Qld.

I have no idea who this bloke Moncrieff is. But his prose is lucid and meaningful to laymen. He is, in brief, the epitome of the quintessential Aussie: a pragmatic person with common sense who speaks clearly and to the point. He is in fact pointing towards the conclusions taken by the bio-medical teams who, to quote Bruce Elliot, said "When we tested Murali **some years back**, we tested him on three deliveries ... **his top spin, off spin and leg spin are all OK, there's no question about that in my mind**" (report from *Sydney Morning Herald* repeated in *Daily Mirror* 14 March 2004). So, hey, Bedi, Jenner and other dogmatics, take note! Be more open-minded, less fanatic.

Ignorance

Though the technical reports were available from the mid-1990s, for some strange reason they were not released to the media or made use of till recent times. Strange that: a conspiracy of silence? A failure on the part of the Sri Lankan authorities? Perhaps a mixture of both. However, though the details were not available to the general public, the thrust of these findings was public knowledge (I knew) and it was known that the ICC Committee that cleared Murali in 1998, one that included such cricketers as Holding and Gavaskar, had access to them.

Yet, during the 2002/03 season in Australia Ian Healy, speaking in his capacity as TV commentator to Simon O'Donnell on the lunchtime "Cricket Show" during Test Matches, admitted that "the cricketers" [read as "Australian cricketers" – others do not count in the typical Aussie perspective except when on tour] were totally unaware of these medical/technical reports. That is not surprising: the world of most international cricketers is extremely limited. But it is quite astounding that sports writers in Australia were, for the most part, ignorant of these findings. Ignorance and parochiality is bliss: on such foundations one could hold on to cherished condemnations -- such as "Murali chucks."

Ostrich-Heads in the Sand

The fact that these technical analyses by reputed scholarly institutes were not widely known for so long in cricket circles may be due in part to a refusal among the latter to see beyond their own eyes. Metaphorically speaking, it appears that some blokes chose to bury their heads in the sand like the proverbial ostrich. Since so many of them were (are) Australians – moving, for instance, from Barry Jarman to Terry Jenner to Ashley Mallett to Jim Maxwell – the metaphoric image has to be remodelled as the head of an emu.

On this foundation these blokes are happy to evaluate Muralitharan's bowling action on the strength of their own eyes –

watching him live as well as slow-mo on television. What the eye sees is good enough. There is no allowance for the possibility of optical illusions. Therefore, adamant opinions are voiced in dogmatic fashion. Sometimes it is in your face: "Murali chucks." Sometimes it is elliptical or indirect and elliptical: "the bowling action is not pure" (Jenner); "lots of people think he is illegal" (Smith etc). Insidious commentary of this kind extends even to non-specialists at the peak of political power. Questioned on talkback radio in Adelaide on 16 March 2004 about Warne's chances of breaking Courtney Walsh's record first, that famous sports groupie, John Howard, said: "I won't comment on the other candidate's form of operation." Whatever the wrapping, Muralitharan stands condemned.

These strands of opinion are also encouraged by the force of evangelical opposition to "chucking," a stream of thinking that, in fact, inspired the initial Australian 'campaigns' against Muralitharan, Shoaib Akhtar and Harbhajan Singh.¹ Bob Simpson was one of the point men, a behind-the-scenes shaker and mover, for this movement. But he was not alone and there were many powerful men in Australian cricket circles, including a few umpires or ex-umpires, who were part of this "fundamentalist club." As with all fundamentalists, their motives were pure and their opinions expressed earnestly. They were seeking to cleanse an evil from the world of cricket, namely, illegal bowlers. As I have argued elsewhere, they believed that they were digging a trench in the sand in the interest of cricket.² My counter-argument, then and now, is that these blokes, like fundamentalists in other fields, are endangering cricket by their intolerance and lack of flexibility.

A few of those who argue for cleaning up cricket may also have other agendas. Rather naively perhaps I had not considered this *possibility* till a dinky-die Australian lady, who, alas, must remain unnamed, brought it to my attention one year ago. The brouhaha against Muralitharan now in 2003/04, she said, was developing as he approaches the 500-figure mark and competes with Warne. The "white world," she contended, "is not happy with all this." They would do all they could to undermine Murali. She went further: there were umpires who remained convinced that he chucked. Unable to call him, they deny as many lbw's or bat-pad catches as feasible. Wow! Pow!

I am wary of conspiracy theories in my fields of academic endeavour. But they also have their place when moderated by attention to empirical evidence and analytical possibility. This Anglo-Celtic lady's suggestions have remained in my mind ever since as **a possibility that could have directed some interventions aimed at Murali** without necessarily condemning all those who express the view that Murali chucks. Since her opinion was expressed before the England team visited Sri Lanka in late 2003, anyone who followed that series may well give this theory greater weight now. Indeed, one could even begin to wonder if jealousies among ex-spinners have a bearing on the whole turn of events. As any social scientist would tell you today, we all have our subjectivities and it is not everyone who is clinical or self-analytical enough to identify his/her own biases.

However, such possibilities remain in the realm of speculation. The present ICC policy, fortunately, has a more reasoned and systematic basis. Let me clarify this situation before proceeding to raise the caution that even their systematic and rational approach is not without its dangers.

ICC Reviews

I was lucky to catch a recent interview on radio from the Australian Broadcasting Corporation with Malcolm Speed, the CEO of ICC. Speed observed that the ICC had been pursuing a systematic and scientific investigation of bowling actions beginning with fast bowlers. That sphere of investigation was now complete and they were proceeding to examine the actions of spin bowlers.

This clarification places some remarks late in 2003 attributed to David Richardson, another ICC official, in proper and better perspective. Taken out of context, his remarks seemed strange and almost as if Murali, and his new *doosra*, were being especially targeted. That does not appear to be the case. Not quite anyway.

Moreover, this investigation has Dr Bruce Elliott of UWA as one of its team. This ensures that there is a scientifically qualified person to guide the evaluation. Indeed, part of his brief was to work with Bob Woolmer and Waqar Younis during the recent Under 19 World Cup in Bangladesh to identify potential throwers among the young lads taking part. Their review identified "bowlers from a range of countries, though **primarily from the subcontinent**" (to quote David Richardson).

So there's the rub: most of them are from Asia. Surprise, surprise? Well, not really. Alerted by Dr Ravindran I am now aware that, as a broad generalisation, Asians have greater hyper-extension of the joints and are likely to have greater flexibility. As Kamran Abbasi from the *British Medical Journal* described two famous bowlers recently: "Shoaib [has] hyper-extensible joints and wide carry angle (elbow) that place[s] him outside the letter of the law but within the spirit of it, and Murali [has] a fixed-flexion elbow deformity that means he is not an outlaw technically speaking, but just an unusual human being."³

Guided by the UWA personnel, the ICC seems to be tackling the issue in systematic and considered fashion. But there is often a catch, perhaps even a contradiction, in science. Where Elliott is adamant that Murali's normal repertoire of balls are kosher and within the law, he is not so sure about the *doosra*.

"With the *doosra*, what I'm suggesting is that when a finger spinner wants to rotate the wrist to come over the top of the ball -- I won't say it's impossible - but it seems difficult not to straighten the arm. The *doosra* fits into that category that just says 'danger'. I'd certainly like to look at any finger spinner's *doosra* or wrong-un because there's no question that as you push up with your wrist to turn over the ball there is a danger of straightening the arm."

Cleared on broad general grounds, Muralitharan is now threatened on a specific ground: one particular ball. In one sense this threat is greater: it has the authority of science, not just opinionated fundamentalism. The threat is compounded further. Murali is deemed to have been a role model for numerous other young Asian bowlers whose illegal actions are allegedly inspired by the sight of Murali bowling.

"There's no doubt that children on the subcontinent are trying to emulate [Muralitharan]," says Elliott. "They're watching a lot of cricket on television and if you're watching a successful bowler - and it's more than just Murali who is bowling with a bent arm -- it's hard to resist copying it."

A very definitive statement this on Elliott's part -- in the positivistic style favoured by both historians (I'm one let me add) and physical scientists.

But in fact, he is presenting a mere speculation as definite. Maybe a reasonable, or arguable surmise, but no different from the conjectures presented by the Australian lady paraphrased earlier in my article. Yet Elliott sees fit to present this surmise as a positive verdict of the same sort as the conclusions about Murali after a series of field-lab tests. There must surely be doubts around such opinions, especially as Elliott himself refers to Murali's unusual deformity of a plasticine wrist. Without plasticine wrists can others emulate Murali?

Problems with Uniformity

The ICC investigation nevertheless seems welcome insofar as it seems to be leading towards adjustments of the law or its judicial/evaluative procedures. Thus, its technical advisers are arguing for a minor amendment of the scales of evaluation to allow for 15% flexibility in the elbow when assessing fast bowlers. Says Dr. Elliott at this stage: "My gut feeling is that we will recommend to the ICC a rule amendment to allow a bent arm of 15 degrees for fast bowlers. At the conclusion of our analysis of spin bowlers, we could well be suggesting the same about them."

What concerns me however is the paradox attached to science and modern bureaucratic rationality. The danger arises from the blend of two principles. First, that the slide rule of measurement reigns supreme. Secondly, that rules and laws have to be standardised, uniform. Let me elaborate.

The best illustrative example of the indiscriminate power of science, of course comes from modern warfare. But that may be an extreme case. Let me take more normal examples of well meaning modernist reformers. One: an agronomist who wanted Asians to get rid of their water buffaloes and rely on tractors. Two: engineers who draw up blueprints to dam rivers, generate umpteen megawatts of electricity, etc etc and forget that they are displacing many thousands of human beings from land that is loaded with emotional capital.

It is when the measuring tools of science enforce uniform standards to arenas that cannot always bear such a weight that the Orwellian potentiality of science, allied as it is with statutory power, wield most awful force. In the cricket world it would seem that **the outcome of the present ICC investigation is going to consolidate the present state of inequality.**

With the exception of peoples inhabiting the north western regions of the Indian subcontinent, the physiognomy of the Asian males is such that it would be rare for a Brett Lee, Andy Roberts or Harmison to emerge from their ranks. One has only to study the speeds recorded by the best thousand men in such countries with the best thousand from Jamaica, England and Australia to draw a conclusive verdict. Power of thigh muscle and pace of foot amplified by shoulder frame and rhythm account for the fastest speeds in pace bowling. Height helps, but Malcolm Marshall and Lindwall proved that it is not essential.

So, in this arena Asians will be permanently disadvantaged – as indeed they (with the exception of Pakistan) have been for decades. Tough: they have to live with that. But now, aided by science, it would seem that more of their spinners are going to be under the microscope because of special physical attributes (hyperextension) connected with Asian physiognomy. This in circumstances where science allied with bureaucratic uniformity cannot bend rules for deformities. So even *doosras* are now an endangered species (flippers are manifestly okay, right?). No new inventions please.

I reiterate here my warnings about the dangers of uniformity.⁴ I am grateful that Abbasi has added his voice to this refrain: “Secondly, do the laws properly consider that there are as many definitions of normality as there are human beings? Cricket should be inclusive not discriminate on the basis of anatomy or physiology. Ironically, the current law is simple, but too ill-defined. It allows too much scope for arguing over minutiae. A new law with greater definition would remove many of the subjective analyses that spawn accusations of racial bias.”⁵

I do not entirely agree with his suggestions. One cannot do away with attention to minutiae. Indeed, the distinction made between spinners and pacemen by the ICC should point to a radical change in the No Ball Law. In my view one cannot adhere to one rule. Rather **there should be two rules, one for spinners and one for medium pacemen.** That for spinners should cater its specifics to the hyperextension of joint so common in Asia. This is a radical proposal and I press it in full knowledge that I am bucking the system. But I do so in the pragmatic and commonsensical spirit of a Moncrieff, that unknown Australian. In effect, this means that Symonds (or Sobers) the medium pacer can be evaluated on a different scale from Symonds the offspinner (or Sobers the tweaker).

Without such adjustments the present imbalance in bowling stocks will continue and deepen the existing disadvantages of Bangladesh, Sri Lanka and India. **The problem with uniformity, sometimes, is that it generates inequality.** The playing field is not level even before the game begins. To secure balance and to constrain the awesome power and ‘blindness’ of science, a person with Abbasi’s type of background must complement Elliot as part of the ICC reform team.

End Notes

¹ See my “Fundamentalism in Cricket: Crucifying Muralitharan” in M. Roberts and A. James, *Crosscurrents. Australia and Sri Lanka at Cricket*, Sydney: Walla Walla Press, 1998 and “Moral Crusaders as Menace to Cricket,” written in September 2000 and available in www.ozlanka.com

² Besides “Moral Crusaders ...” above, also see “Media Culpability in the Branding of Murali” written on 29 January 1999 after the no-balling of Murali in Adelaide by Emerson and specifically directed at Malcolm Conn’s version of events in the *Australian*.

³ See Abbasi’s article entitled “Wanted a Radical Rethink on Suspect Bowling Actions,” dated 24 February 2004 and publicized in none other than *WisdenCricinfo*.

⁴ See my “Uniformity & Difference in Cricketing Rules” in www.ozlanka.com (written circa 1999).

⁵ See fn. 3 above.

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ON THE STONE OF KING PULIYAN, PULIYANTHEEVU, ARCHAEOLOGY AND A BIT OF SLAPSTICK JOURNALISM...

Manoharadas Manobavan

As I write this, I am in a state of confusion, disappointment and most of all feeling very bad about myself for having become a victim of third grade slapstick journalism, that had been intended to initiate publicity of the negative (?) nature to divert the attention of the masses from issues of extreme importance in Batticaloa. One fine day in early June, in my hometown of Batticaloa, I happened to be in the wrong place at the wrong time. A light hearted remark made by me as a joke has been used wrongly by the journalistic machinery and what we have now is a calamity of conflicting thoughts. I was flabbergasted and surprised when friends told me that my name was mentioned on the ITN news. I was also informed that the Tamil Daily - '*Sudar Ozhi*' had a story with my name about an ancient slab of stone that was unearthed in Batticaloa recently. Why? What have I done wrong this time? I thought. Well, I have had my hell raising days. Everyone does, in the early stages of their lives. But, I have been trying hard to pay the penance for my misdeeds in the past by keeping to myself and concentrating on my work. Quite lately, I have become interested on the environmental issues in Batticaloa and that's not entirely wrong. After all that's what I have been educated for. I hold a BSc honours in Environmental Science. I am by no means a specialist of any sort, let alone be it on archaeology. To find my name get involved in a controversial issue relating to archaeology is entirely annoying and is very depressing.

At this point let us go back in history to long before the pre-colonial days when Batticaloa was an unexplored territory. Theories on the origins of the people of Batticaloa are very confusing. However, there is no doubt in the fact that the people of Batticaloa are very rich in cultural heritage. *Pulyantheevu*, the little island town centre of the district gets its name from *Puliyana* - a veddah chieftain who used to hold court from the island. So I am told. Some people refer to him as King Puliyana. Was he a king, a chieftain or a prince I am not clear? The exact periods of the so-called chieftain's reign are very fuzzy. Even if they have been researched and documented I lack knowledge of it, simply because of the fact that I am neither an archaeologist nor a historian.

Recently, the Batticaloa Municipal Council workers unearthed a huge slab of granite near the Batticaloa Central Library. The slab was buried at about two feet under the ground level. I happened to be passing by when some people were having a look at the new mural (Once again a very confusing painting, speculatively intended to have been inspired by the Batticaloa culture. But, looks more like *Rajastani* art to me! Journalists please note that this is only a

humorous remark and needs no further reporting or speculation!). Batticaloa being the small idyllic town has its downfalls. One of them is that you tend to know almost each and everyone in the town. Which is good if you want to borrow money. If you know a lot of people, think of the money you can raise before you escape into the wilderness of *Paduvankarai*! But this aspect tends to have its negative sides as well as I have found out lately, if you are some one who is a confounded joker, who makes light hearted remarks about everything under the sun for the sake of humour. One thing lead to the other and I had the opportunity (misfortune?) of seeing the '*so called stone of Puliyana*'. There was a representative of the Express newspapers amongst the party. All of them were speculating on the origins of the stone. And, being the loud mouth that I am, I also joked on the matter. But, I remember saying that if they needed further clarification the best thing they could do was to contact scholars from the Eastern University (that was no joke). That was sneered upon. Most probably the people there didn't like the idea of a university being the centre of knowledge, academic learning and research for the locality. Coming back to the description of the stone it was quite large. About three and a half feet by six feet in size and about three to five inches thick. From what I saw with my eyes it had no inscriptions, hieroglyphics, or any kind of text written on it to claim it to be a '*kalvettu*'. On the contrary, it was smeared with tar. I doubt that King *Puliyana* would have bothered to paint graffiti on a slab of stone or would have had tar at his disposal in those good old days! If it were from the good old days why was it buried only two feet under the ground? How could it get smeared with tar? Where were the other remains of *Puliyana*'s legacy? These are some questions that they (the ones who have made a complete mess of this matter) forgot to ask before jumped on to conclusions.

From what I hear... due to improper journalism. The yarn has been spun in such a way to make the slab of stone an item of cultural heritage from an era 2500 years ago. I humbly put forward some more questions here. 2500 years ago... so that was about the time of *Kuveni*, King *Vijaya* and their love story! So if *Puliyana* was from that period was he related to *Kuveni*? Why didn't he, the local boy who had the habit of writing diaries on slabs of stone, document the marriage of *Kuveni* to King *Vijaya*? Was he by any chance at all invited to the wedding?

On the other hand the news scoop (the official (?) story told by the press) continues on further...

And, Manoharadas Manobavan (whoever he is), an archaeologist/scholar and expert in the Batticaloa history who has come from the UK to speculate on the origins and purposes of the stone, has commented that it is indeed from an era dating to the time of *Puliyan* (I doubt whether he said this all). I personally know that he is not a scholar or an Indiana Jones figure that goes hunting for the Holy Grail in Nazi inflicted Europe. He's no expert on the history of Batticaloa either. He's just a frustrated youth, who is a product of the painstakingly time consuming higher education system of our country. He has nothing to do with archaeology but is very much concerned with the natural environment of Batticaloa. He would like people to start thinking about our lagoon, mangroves, and forests, and begin to find ways of saving them.

Furthermore, I being him (Manoharadas Manobavan) is a firm believer in science and how it can be used to prove and disprove things. I am annoyed with the fact that the authorities never bothered to report this matter to the scholars at the university. How can these people be in charge of the local government if they have no such appreciation for scientific inference? On the contrary they decided to spin their own yarn and used some classic slapstick journalism to make a mountain out of a molehill. This leads to the speculation that the whole *Puliyan* issue has been intended to function as decoy to deter the general public's attention from other issues of importance. These are things that I shouldn't talk about, things that are very controversial, yet important. I won't even dare mention those facts for I am no journalist either. (Do we all think that we are beginning smell a rat here?). From what I understand, journalism is a very powerful tool that if effectively used can topple governments, split up marriages (if you are a Hollywood showbiz couple) and make and break the leaders of nations. Even though it is not an exact science, journalism is scientific in many ways. Integrity is an essential trait in science and good journalism is built entirely upon honesty in reporting the facts. Were the involved journalists in this matter being truthful to their profession? I'll let you the reader be the judge of it. I like many people with some kind of formal education believe in the power of the written word. After all this is the age of the information revolution. Anybody who fails to provide the correct information at the correct time canNOT by any chance call him or herself a journalist. They are a disgrace to their profession. These are the ones who fail in fulfilling the very basic traits of being a journalist. You need to be inquisitive, be able to follow a lead and use your rational thought to filter out the false information. Have the concerned parties done all this? I do not know.

At this point I would like to quote from a song by Michael Jackson – who had his whole career made and broken by the journalists and the paparazzi. The song is appropriately titled 'Tabloid Junkie' and here is how it goes (an overly summarised version):

Speculate to break the one you hate
Circulate the lie you confiscate
It's slander
You say it's not a sword

But with your pen you torture men
You'd crucify the Lord

Just because you read it in a magazine
Or see it on the TV screen
Don't make it factual, actual
Though everybody wants to read all about it

It's slander
With the words you use
You're a parasite in black and white
(You'll) Do anything for news
Why do we keep foolin' ourselves
You say it's not a sin
But with your pen you torture men...

Just because you read it in a magazine
Or see it on the TV screen
Don't make it factual, actual
You're so damn disrespectful

I don't think I need to say anything else, for Michael Jackson has already sung about what I think of such third grade slapstick journalism. On the other hand, people whom I know (sociologists, environmentalists and academics) have been campaigning for the sake of proper environmental management in Batticaloa. These are the concerned people, who are genuinely worried about the mushrooming liquor shops in Batticaloa town and in the fact that the district has the highest per capita beer consumption for the whole of Sri Lanka and etc. Their voices remain unheard, for no journalist bothers about listening to them. A lot of dirt can be unearthed and properly reported in this district that is slowly emerging to normalcy from the last twenty years of civil war. Do the journalists ever bother about reporting these matters? I doubt whether they are aware of the dangers the increasing number of prawn farms around the lagoon or the fact that the local water board is facing very severe problems due to land encroachment and illegal colonisation in the catchment area of the *Kalladi* fresh water wells (should I be using the word reservoir here?). These are problems that need proper journalistic work. This is all about life and death in this part of the world. The rich are getting richer by exploiting the system (and most of all Batticaloa's natural resources) – and the poor are getting poorer by being exploited by the rich. Money can buy things. But as we find in Batticaloa - money (coupled with power), to an extent can also buy invincibility and indemnity. You become indestructible yet you destroy everything for the sake of your personal financial upliftment. Batticaloa nowadays is very much like the frontier towns that are shown in Clint Eastwood movies. Clint could ride in anytime and start shooting at the big shots and corrupted bureaucrats! I'll be very happy if he could do that, but I hear that he's very busy up in Hollywood enjoying his retirement. Jokes apart, what happened years ago, (even though of cultural and archaeological value) is relatively nothing compared to these above-mentioned socio-environmental problems that are faced by our contemporary Batticaloa society. Isn't it the duty of

the press to educate the general masses on these issues? Instead of doing that they spend their time spinning yarns about myths that never were true (even if there are true they need to be investigated further by the proper experts who have the necessary skills and specialisation to deal with such issues). Most of the times I find that they (the slapstick journalists) act like poets from the days of the *Tamil Sangam*, writing about the achievements of the high ranking officials (thank god that we don't have kings anymore!) who run Batticaloa. However, the poets of the *Sangam* era were well known for their honesty and academic pride and they never lowered themselves to tell things that are not true ('lies' to you and I – who are part of the poor and exploited general masses of this godforsaken land). Due to this kind of behaviour by some irresponsible journalists, we the general masses are beginning to doubt whether that there is any purpose in having newspapers and such. Who needs such papers if all they publish is illogical gossip? Our grannies can do it definitely better can't they? No need for automated presses and computers, all we need are some cellular phones for the old ladies and they'll be more than happy to take care of the gossip for us!

Switching back to the serious mode...Once again I wish to state that journalism is a very powerful tool. If it is handled properly – it can be the best weapon that ever was/is/will be. A journalist has the power to fight corruption, mismanagement and all sorts of

malice with his pen. I feel that this very powerful tool is not being used properly in the Batticaloa district. The need for proper journalistic work in a post war area is essential, as it is the only way of documenting the pluses and minuses of the recovery process. I humbly request all the concerned parties to think about this and start reporting about things for their merits and demerits... we do not want fiction. We can read it in the novels.

To conclude, I wish to apologise to the academics at the Eastern University for not having let them know about this issue. I have let them down. I sincerely hope that they will accept my apologies and help find a way to investigate on the origins of this slab of stone. I do not wish to offend neither anyone nor any organisation by this article. On the contrary, I humbly beg all of you to think more on the issues that are important to Batticaloa, for our survival as a community. A lot of things can be accomplished if we, the general masses unite and start thinking about the future of our hometown and our district. We can't expect miracles to happen – just like that...yet we can achieve things by hardship and commitment. So why wait? Our home (town) needs some spring-cleaning. Let's all unite to do it! And finally, the joker in me suggests that I remind you (the reader) once again that I am no archaeologist. I have no intention of becoming one either! I am just a nondescript Batticaloa boy. Proud and very happy to be so (and this by no means isn't a joke)! Just let me live my life in peace. Amen! ■

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HINDU POPES

India seems to be imitating Europe's medieval past

Ramachandra Guha

When the Babri Masjid was demolished in December 1992, a prominent mahant of Ayodhya called it the first step in making the town the "Vatican of the Hindus". I was recently reminded of that statement while reading the Oxford historian R.W. Southern's classic *Western Society and the Church in the Middle Ages*. This book skilfully sets medieval Christianity in its social context. Southern analyses the relations between church and state, and the economic bases of both. He foregrounds the primacy of the papacy, yet tells us also about the monastic orders which attracted some of the ablest minds of the time.

Reading Southern, I asked myself - where would I find a comparable account of Hinduism? Where is the book that elegantly and authoritatively maps out the different theological trends, sects, orders and authorities that make up this particular religious complex? So far as I know, no such study exists. For religious history is an undeveloped field in India, despite the diversity of faiths to be found in the subcontinent, and despite the continuing hold of religion on the popular imagination.

As a scholar, I hope that works like *Western Society and the Church in the Middle Ages* will inspire comparable studies of Indian religious traditions and institutions. Meanwhile, as a citizen, I was struck by the parallels between Christianity as it was practised in medieval Europe, and the contemporary Indian movement known as Hindutva. Consider the following.

One, medieval Christianity was obsessed with defeating Islam, viewed as the main and sometimes sole enemy. Representative here is a letter written in 1267 by the pope in Rome to the Greek emperor in Constantinople. "The Crusade is being prepared," wrote the pope, "and the whole of Europe is rising at our bidding. If you will attack the Moslems on one side while the Crusaders attack them on the other, we shall see an end of their damnable religion for ever."

Two, the Vatican drew much of its authority from the presence of the physical remains of Jesus's proselytizing apostle St Peter, he who brought the faith to the previously pagan terrain of Europe. Rome was the "most holy burial place of the most blessed body of St Peter". The pope was the representative of St Peter; St Peter the representative of Jesus; and Jesus the son of god. Having the apostle's remains buttressed the Vatican's claim to be the centre of the Christian community. In a similar fashion, the association of Ram, the best loved incarnation of Vishnu, with Ayodhya, shall justify that city's claim to be the Vatican of Hinduism.

Three, medieval Christianity was a centralized, quasi-totalitarian, political system. Thus the edicts of the influential 11th century

pope, Gregory VII, proclaimed that "the pope can be judged by no one"; that "an appeal to the papal court inhibits judgment by all inferior courts"; that the pope "alone can make new laws, set up new bishoprics, and divide old ones"; and, most importantly, that "the Roman church has never erred and never will err till the end of time".

This credo reminds one of communism in its pomp. Neither Mao nor Lenin were ever known to have made a mistake. Nor, I believe, has the sarsangchalak of the Rashtriya Swayamsevak Sangh.

Four, the pope and his bishops were especially keen to gain the allegiance, and preferably obeisance, of the political rulers of the day. As Southern observes, the church authorities were always at pains to emphasize "the inferiority of the secular to the spiritual power". Kings and nobles had continually to defer to the pope. Much is the case with modern day Hindutva. Our prime minister bows and scrapes before the shankaracharya, and our chief ministers are sworn in before rows upon rows of bearded gentlemen dressed in saffron.

Five, while some religious leaders had a genuine interest in matters of the spirit, some others were more keen on matters of the mundane world. In the historical record, says Southern, there are "few signs that the cultivation of (a Christian) character was the main preoccupation of the bishops of the western church. It is as organizers, administrators, magnates and politicians that the surviving documents mainly depict them". Likewise, a future historian studying the periodical literature of the India of the Nineties is likely to conclude that saints and sadhus preferred politics and administration to theology and doctrine. Southern writes of a particular German bishop that he was "simply a political agent in ecclesiastical dress". Much the same could be said of many of our Hindu holy men today.

Six, notwithstanding the professed ideals of the church, then, "secular motives were everywhere uppermost and everywhere prevailed". In the 12th and 13th centuries, writes Southern, "many contemporaries were beginning to think that the church was a conspiracy between secular and ecclesiastical authorities for the exploitation of ecclesiastical wealth." How true this is of so many temples today.

Seven, as men of this world, the clergy took most interest in their own well-being. Southern calls the priesthood "the greatest of all trade unions" in the Middle Ages. Hindu swamis likewise have been quick to understand the importance of acting collectively in their own self-interest.

Sociologists have written of Hindutva as being an attempt to "Semiticize" Hinduism. By this they mean that a previously plural, diffuse, unorganized and even anarchic religion is being refashioned along more formal lines. Hindutva aims to create a clear chain of command, a definite centre of authority, where previously there was none. For Hindus have failed to act as a unified, cohesive community, complains the sangh parivar. They have been hampered by the absence of one holy book, a Quran or a Bible, and the absence of one holy place, a Rome or a Mecca. Ram, and Ayodhya, will be made to step into the breach.

Of the three great religions that are "Semitic" in origin, Judaism has had the least influence in India. But Islam and Christianity have both made a powerful impact on the subcontinent. Indeed, much of modern day Hinduism can be understood as a response to the challenge of those two faiths. Some Hindus, like Gandhi, were provoked by Islam and Christianity to attack the evils in their own society, such as discrimination against women and low castes. Other Hindus, such as those clustered in the sangh parivar, seem to have

taken an altogether different lesson from the Semitic religions. From them they have learnt to blur the boundaries between church and state, to claim infallibility for their own faith, and to demonize other faiths.

Karl Marx once claimed that "the more developed society shows to the less developed the image of its future". In this, as in so much else, the bearded German prophet got it wrong. For modern India seeks to emulate medieval, not modern, Europe. Sadly, this is true both for Hindutva and for its political opponents. The apostles of the sangh parivar are inspired by long dead mullahs and padres; but so, it seems, are men such as Laloo Prasad Yadav. Listen now to this final quote from R.W. Southern's *Western Society and the Church in the Middle Ages*: "Nepotism, political bribery, and the appropriation of institutional wealth to endow one's family, were not crimes in medieval rulers; they were part of the art of government, no less necessary in popes than in other men." India's present, Europe's past? ■

Show & Tell in Abu Ghraib

What are the thousand words, I wonder, that are worth the pictures of grinning US soldiers sexually humiliating Iraqi prisoners in Abu Ghraib prison? An essay by Michael Ignatieff about human rights as the justification for war? An article by Samuel Huntington on the superiority of Western values? A rousing column by Tom Friedman calling on America to make Iraq a modern democratic state? Maybe Bernard Lewis could write up a talk about Islamic paranoia, or perhaps Alan Dershowitz could reprise in an op-ed his argument that torture can be morally permissible--a view that found a ready, even gleeful, hearing, I seem to remember, in journalistic circles after 9/11...

The fact is, whatever the reason or excuse, however unrepresentative those photos are ever shown to be--and whatever punishment is eventually meted out to the perpetrators--the United States has just lost its last remaining rationale for the misbegotten invasion of Iraq. The WMDs are missing, the nuclear weapons never existed (even the "nuclear weapons program" has been dead since 1991); you don't hear much anymore about Saddam having been behind 9/11, although thanks to the media's slavish channeling of White House propaganda, 70 percent of Americans will probably go their graves believing him Osama's best friend. Now the rescue of the Iraqi people from tyranny and brutality is turning out to be another fantasy. The humanitarian argument persuaded a lot of people--good people--to give this war the benefit of the doubt. Does anyone still think Iraqis are about to shower their invaders with roses and sweetmeats?

Courtesy, *The Nation*, Katha Pollit.

INDIAN ELECTIONS

REVENGE OF THE PEOPLE

The Indian electorate has told the wild ones that enough is enough

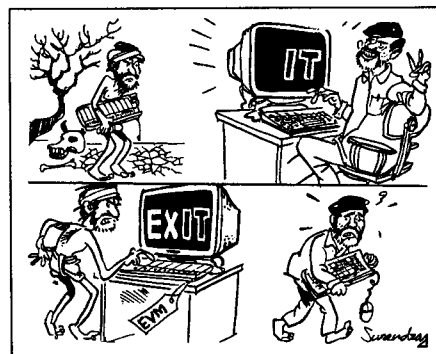
Ashok Mitra

A resolute coalition of opinion and exit polls have made asses of themselves. A sort of sheepish apologia could be on offer: they did, in fact, hint at the possibility of a hung Lok Sabha. That hardly matters. The prognostications by pollsters provided not a hint of the cataclysmic political changes thought up by India's electors.

Perhaps the fact that the principal news media are based in New Delhi and Mumbai, respectively the nation's political and financial capital, explains the haughty absentmindedness of the sample designs which do not bother to reach down to the humble and weak multitudes strewn across town and country. The latter, the implicit assumption has been, are of no consequence: as long as the nation's top decile shines, the rest of the countrymen should better get along. In that sense, the poll outcome is the response of the nation's base to the goings-on at the level of the superstructure.

The elections have rendered a near knock-out blow to the Information Technology lobby. The state chief minister whom India Incorporated had held up as role model for the globalization process - who used to take pride to describe himself as CEO of his state - has been sent packing. The other chief minister who was wont to remind all and sundry that the seat of his government was also the preferred habitat of the IT industry, has suffered an almost equal humiliation.

Appropriate lessons ought to be drawn for their own good by chief ministers elsewhere in the country. IT is glamour, IT is World-Bank-friendly, by embracing IT, one coaxes kudos from the US administration. But what about its other adverse effects? It diverts funds away from essential tasks for ameliorating the plight of poor, hapless people across the country to enable them to reach up to a marginally better existence. The poor know where their priorities lie. They want drinking water. They want irrigation water. They seek subsidized power. They want a going public distribution system to provide them with essential consumer goods at prices they can afford; they want protection on the crops they raise, such as wheat, cotton or sugarcane, posed by uncontrolled imports from rich foreign countries. They do not want plants and factories, built assiduously over the decades with the nation's own resources, to be closed down or sold off to shady operators. And all because an imported economic philosophy is trying to convince official minds that economic efficiency is coterminous with a labour-economizing technology.



It is necessary to be fair. The kind of national economy sought to be built in the recent period and which has immiserized a vast majority of the population had its genesis during the earlier Congress government. The argument that they are not the original sinners have not saved the Bharatiya Janata Party leadership. It has been a silent resolute coalition of ordinary men and women who have marched to the polling stations to express their wrath. They include, apart from the vast army of the unemployed and other scrounging for livelihood which the crumbs of outsourcing are unable to ensure, the hungry and emaciated peasant masses too. They also include a cross-section of old and middle-aged people who have experienced a shrinkage in their savings because domestic interest rates have been brought down since the Federal Reserve Board has also done so.

These millions have now taken their revenge. It is almost a Brechtian situation. Reforms-struck politicians, gloating over the several misdoings they have committed since 1991, were on the point of dissolving the people; the people, grabbing the opportunity that came their way, decided to dissolve their ruling politicians instead.

The share market is in a state of shock. India Incorporated too has been overtaken by panic. Perhaps as a variant of auto-suggestion, the tycoons have come out with a pompous statement. Like-minded citizens, take heart, notwithstanding the poll results, the economic reforms will continue. It is cheek they demonstrate, and they are not the only ones. As the share prices started to stumble, a note issued on behalf of the Congress sang the same tune: everything is under control, once the party of the Nehru-Gandhis returned to power, it would not deviate from the reforms agenda.

The Congress should have better sense. The Lok Sabha seats they have won are because they were the party in opposition to the ruling alliance, who got identified with the perpetrators of the misery countrymen have been experiencing. To have a viable majority for the new government they will have to depend very substantially on other parties and groups who are fiercely opposed to the insensate reforms that do not contribute to real growth, and shift income and job opportunities from the poorer classes to the rich. That apart, the nervousness over the convulsions in the share market is altogether misplaced. For consider the following possibility: if share prices decline, investors will move on a wide front away

from speculative activity and concentrate on direct physical investment, thereby adding to productive capacity. The current stock exchange mess is therefore a good omen for the economy; the new government that is about to be installed must, for dear life, comprehend this home truth.

The Bharatiya Janata Party will enter a season for ruining in leisure. Its leaders should also have the humility to reflect on the officiousness of their vicious bigotry. Merely because their party makes the assertion, Hindutva does not become identical with Bharatiyatva. The vulgar racket that the party had created in the country in order to construct a Ram temple on the ground where the demolished Babri mosque had once stood has done immense damage to India's international credibility, even as it has engineered medieval savagery within the land. The Indian electorate has over this past fortnight told the wild ones that enough is enough.

Perhaps the biggest significance of the 2004 Lok Sabha polls lies elsewhere. Neither of the two major political parties will be very keen to point out the fact, but the total number of members elected to the 14th Lok Sabha do not add up to even one-half of its aggregate strength. It is the assorted regional parties, into which belong a handful of recognized "national" parties too, who now command a majority in the lower house of parliament.

The relevance of these regional parties is going to increase henceforth to an inordinate degree. They will be increasingly more assertive and claim their pound of flesh from the system. That need not be regarded as catastrophe. Who knows, with growing pressure

mounted by the regional parties, the Indian polity could well turn into a genuinely federal arrangement with progressively greater devolution of power and resources.

A cluster of regional parties will control state administrations across the country; without their support, no government will survive in New Delhi. The Centre will therefore be forced to cede to these regional entities more and more funds and administrative prerogatives. The political centre of gravity will, as a result, shift gradually from New Delhi to the state capitals. It is worth speculating what other developments might eventuate. For example, a drastic reordering of national priorities could be on the cards, fulfilment of the basic needs of the people in such arenas as health, housing, education, employment and food security could eclipse concern - false or genuine - over such issues as national security and defence.

While machine politicians engage in New Delhi over the next few days in their government-formation pastime, should not political analysts too do some introspection? Given their specific location, they think in a lazy mould and endeavour to explain all electoral shifts in terms of either the "honeymoon effect" or "anti-incumbency". They owe it to themselves to do a deeper exercise, otherwise they run the risk of committing more faux pas in the manner of the exit and opinion polls. Or is it their argument that, in the case of West Bengal, the anti-incumbency factor still holds; the revolt of the voters is against the incumbency in the state over long years of a thoroughly worthless opposition. ■

LET US HOPE THE DARKNESS HAS PASSED

India's real and virtual worlds have collided in a humiliation of power

Arundhati Roy

For many of us who feel estranged from mainstream politics, there are rare, ephemeral moments of celebration. Today is one of them. When India went to the polls, we were negotiating the dangerous cross-currents of neo-liberalism and neo-fascism - an assault on the poor and minority communities.

None of the pundits and psephologists predicted the results. The rightwing BJP-led coalition has not just been voted out of power, it has been humiliated. It cannot but be seen as a decisive vote against communalism, and neo-liberalism's economic "reforms". The Congress has become the largest party. The left parties, the only parties to be overtly (but ineffectively) critical of the reforms, have been given an unprecedented mandate. But even as we celebrate, we know that on every major issue besides overt Hindu nationalism (nuclear bombs, big dams and privatisation), the Congress and the BJP have no major ideological differences. We

know the legacy of the Congress led us to the horror of the BJP. Still, we celebrate because surely a darkness has passed. Or has it? Recently, a young friend was talking to me about Kashmir. About the morass of political venality, the brutality of the security forces, the inchoate edges of a society saturated in violence, where militants, police, intelligence officers, government servants, businessmen and even journalists encounter each other, and gradually, over time, become each other. About having to live with the endless killing, the mounting "disappearances", the whispering, the fear, the rumours, the insane disconnection between what Kashmiris know is happening and what the rest of us are told is happening in Kashmir.

He said: "Kashmir used to be a business. Now it's a mental asylum." Admittedly, the conflicts in Kashmir and the north-eastern states make them separate wings that house the more perilous wards in

the asylum. But in the heartland too, the schism between knowledge and information, between fact and conjecture, between the "real" world and the virtual world, has become a place of endless speculation and potential insanity.

Each time there is a so-called terrorist strike, the BJP government has rushed in, eager to assign culpability with little or no investigation. The attack on the parliament building, on December 13, 2001, and the burning of the Sabarmati Express, in Godhra, the following year are fine examples. In both cases, the evidence that surfaced raised disturbing questions and so was put into cold storage. Everybody believed what they wanted to, but the incidents were used to whip up communal bigotry in a haze of heightened Hindu nationalism.

Many governments - state as well as centre; Congress, BJP, as well as regional parties - have used this climate of manufactured frenzy to mount an assault on human rights on a scale that would shame the world's better known despotic regimes.

In recent years, the number of people killed by the police and security forces runs into tens of thousands. Andhra Pradesh (neoliberalism's poster state) chalks up an average of about 200 deaths of "extremists" in "encounters" every year. In Kashmir an estimated 80,000 people have been killed since 1989. Thousands have simply "disappeared".

According to the Association of Parents of Disappeared People in Kashmir, more than 2,500 people were killed in 2003. In the last 18 months there have been 54 deaths in custody. The Indian state's proclivity to harass and terrorise has been institutionalised by the draconian Prevention of Terrorism Act (POTA). In Tamil Nadu, the act has been used to stifle criticism of the state government. In Jharkhand, 3,200 people, mostly poor adivasis (indigenous people) accused of being Maoists, have been named in POTA cases. In eastern Uttar Pradesh, the act is used to clamp down on those who protest about the dispossession of their land. In Gujarat and Mumbai, it is used almost exclusively against Muslims. In Gujarat, after the 2002 pogrom in which an estimated 2,000 Muslims were killed, 287 people were accused under POTA: 286 were Muslim and one a Sikh. POTA allows confessions extracted in police custody to be admitted as evidence. Under the POTA regime, torture tends to replace investigation in our police stations: that's everything

from people being forced to drink urine, to being stripped, humiliated, given electric shocks, burned with cigarette butts and having iron rods put up their anuses, to being beaten to death.

Under POTA you cannot get bail unless you can prove that you are innocent - of a crime that you have not been formally charged with. It would be naive to imagine that POTA is being "misused". It is being used for precisely the reasons it was enacted. This year in the UN, 181 countries voted for increased protection of human rights. Even the US voted in favour. India abstained.

Meanwhile, economists cheering from the pages of corporate newspapers inform us that the GDP growth rate is phenomenal, unprecedented. Shops are overflowing with consumer goods. Government storehouses are overflowing with grain. Outside this circle of light, the past five years have seen the most violent increase in rural-urban income inequalities since independence. Farmers steeped in debt are committing suicide in hundreds; 40% of the rural population in India has the same foodgrain absorption level as sub-Saharan Africa, and 47% of Indian children under three suffer from malnutrition.

But in urban India, shops, restaurants, railway stations, airports, gymnasiums, hospitals have TV monitors in which India's Shining, Feeling Good. You only have to close your ears to the sickening crunch of the policeman's boot on someone's ribs, you only have to raise your eyes from the squalor, the slums, the ragged broken people on the streets and seek a friendly TV monitor, and you will be in that other beautiful world. The singing, dancing world of Bollywood's permanent pelvic thrusts, of permanently privileged, happy Indians waving the tricolour and Feeling Good. Laws like POTA are like buttons on a TV. You can use it to switch off the poor, the troublesome, the unwanted.

When POTA was passed, the Congress staged a noisy opposition in Parliament. However, repealing POTA never figured in its election campaign. Even before it has formed a government, there have been overt reassurances that "reforms" will continue. Exactly what kind of reforms, we'll have to wait and see. Fortunately the Congress will be hobbled by the fact that it needs the support of left parties to form a government. Hopefully, things will change. A little. It's been a pretty hellish six years. ■

Arundhati Roy is the author of *The God of Small Things* and *The Ordinary Person's Guide to Empire*.

INDIA'S NEW ERA

Salman Rushdie

The fall of the Indian government is a huge political shock that strikingly echoes the only comparable electoral upset, the defeat of Indira Gandhi in 1977. Then as now, just about the entire commentariat was convinced that the incumbent would win; then as now, the opposition was widely written off; then as now, India's voters left the politicians and media with egg on their faces. Both elections are high points in the history of Indian democracy. An ornery electorate that doesn't do what it's supposed to do is a fine and cheering thing.

In the 21½ years before the 1977 election, Gandhi's autocratic "emergency" regime, initiated after she was found guilty of electoral malpractice in 1975, had been guilty of many civil and human rights abuses, including forced sterilizations and vasectomies. The National Democratic Alliance (NDA) coalition led by Atal Bihari Vajpayee's Bharatiya Janata Party (BJP) was not by any means a dictatorship, but its leaders have turned a blind eye to some terrible deeds, notably the mass killings, mainly of Muslims, in the state of Gujarat, where the BJP-led state government itself is accused of a role in the slaughter of 2002. The Congress Party's success in Gujarat suggests that voters have been sickened by what they have seen, just as Gandhi's fall in 1977 was an expression of national disgust at her government's brutalities.

The oldest Indian rivalries of all have resurfaced in this election, as they also did in 1977. Then as now, much of the urban bourgeoisie voted for the government, while the impoverished Indian masses, in particular the rural poor, mostly voted against it. The Indian battle for centrality in the debate about the country's future has always been, to some degree, a battle between the city and the village. It is between, on the one hand, the urbanized, industrialized India favored by both the socialist-inclined Jawaharlal Nehru and the free-market architects of "India Shining," the new India in which a highly successful capitalist class has transformed the heights of the economy; and, on the other hand, the agricultural, homespun India beloved of Mahatma Gandhi, the immense countryside India where three-quarters of the population still lives and which has not benefited in the slightest from the recent economic boom.

It's no accident that the ruling alliance lost heavily in Andhra Pradesh and in Tamil Nadu, precisely the states that wooed information technology giants such as Microsoft to set up shop, turning sleepy "second cities" such as Madras, Bangalore and Hyderabad into new-tech boom towns. That's because while the rich got richer, the fortunes of the poor, such as the farmers of Andhra, declined year by year. The gulf between India's rich and poor has never looked wider than it does today, and the government has fallen into that chasm.

The failure of the NDA's ubiquitous "India Shining" slogan has ackfired just as, in Indira Gandhi's hour of defeat, her grandiose slogan Garibi Hatao -- "remove poverty" -- was successfully rewritten by her opponents as Indira Hatao -- "remove Indira." India's business elite has hastened

to welcome the Congress victory, and we shall have to see how the change of government affects market confidence. But the dispossessed of India have dealt a mighty blow to the assumptions of the country's political and economic chieftains, and the lesson should be learned by all parties: Ignore the well-being of the masses at your peril.

I have two immediate wishes for the new era. The first is that the debates about "foreignness" can be laid to rest. Those of us who are part of the Indian diaspora, and who have fought for years to have Indians recognized as full citizens of the societies in which we have settled and in which our children have been born and raised, have found the attack on the Italian origins of Sonia Gandhi, the Congress Party's leader and widow of the slain prime minister Rajiv Gandhi, to be highly unpleasant. Even more unpleasant were the BJP's suggestions that her children, the children of Rajiv Gandhi, were also somehow aliens. You can't have it both ways. If Indians outside India are to be seen as "belonging" to their new homelands, then those who make India their home, as Sonia Gandhi has done for 40 years or so, must be given the same respect. Gratifyingly, the electorate has shown it just doesn't care about the "foreignness" issue. A BJP leader foolishly said in the immediate aftermath of his party's rejection that he thought it "shameful" that India might be led by a foreigner. Such slurs are part of the reason for the BJP defeat. They are essentially racist, and must cease.

My second wish is that the study of India's history can now be rescued from the extremists and ideologues. The outgoing government's politicization of historical scholarship -- its determination to impose textbooks peddling a narrow, revisionist, Hindu-nationalist vision of India's past on the country's schools and colleges, and its deriding of the work of the greatest Indian historians, such as Professor Romila Thapar -- was one of its most alarming initiatives. The BJP has often seemed to want to inflame our perceptions of the past in order to inflame the passions of the present. Congress and its allies have it in their power to restore the atmosphere of cool objectivity that true learning requires.

Delightful as it is to watch democracy on such a scale in action, one doesn't have to give the new government an unreserved welcome. Time will tell whether this new coalition will hold or disintegrate. The Congress Party will have to relearn the arts of government after the long wilderness years, and Sonia Gandhi -- who has proved she has the stomach for the fight -- will have to prove that she is not just keeping the leader's seat warm for her son or daughter to inherit, that she is a true, unifying leader.

Time will tell, too, whether the defeated BJP casts off, in opposition, the velvet glove of moderation that Vajpayee imposed during its time of power, and reinvents itself as a hard-line communalist force. If that happens the years ahead could be full of conflict and violence.

Meanwhile, we can enjoy this rare moment of hope. ■

Salman Rushdie is a novelist and essayist. His latest book is *Step Across This Line*, a collection of essays.

BOOK REVIEW

LABOURING TO LEARN ON PLANTATIONS

Devanesan Nesiah

Angela W. Little, *Labouring to Learn, Towards a Political Economy of Plantations, People and Education in Sri Lanka*, Macmillan, 1999; reprinted SSA, 2003, 324 pages, Rs.750/=.

Sri Lanka is widely known internationally for quality of life indices that are disproportionately high in comparison to the per capita income of her population. Another distinctive Sri Lankan feature is that among the three largest ethnic categories, viz. Sinhalese, Sri Lankan Tamil and Muslim, the inter-ethnic disparities in many of these indices are minimal – much less than between major ethnic categories almost everywhere else in South and South East Asia. The ubiquitous exception is Sri Lanka's fourth major ethnic group, viz. Malaiyaha Tamils (officially known as Indian Tamils and often referred to as Plantation Tamils by Professor Angela Little. In terms of almost every recognized socio-economic index, this ethnic group is greatly disadvantaged in comparison to others in Sri Lanka. Even the term Malaiyaha Tamil (the choice of that community) has gained neither official recognition nor currency in popular usage. Legal obstacles (arising from statelessness) are nearly overcome, but many socio-economic hurdles are yet to be cleared.

It is the achievement of modest, overdue but measurable progress, particularly in the field of education, that is the focus of the book under review. Using material gathered from research spread over a quarter of a century, Little begins with an outline of a day in the life of Vickneswari, an 8 year old Malaiyaha Tamil girl living with her family in a "line room" on a tea plantation, to tell a comprehensive tale of the ups and downs and gradual emancipation, yet in its early stages, of her community over 16 decades. Despite the distinctive and substantial contribution of Malaiyaha Tamils to the national economy and development, especially foreign exchange earnings, over the decades, the overriding feature of their socio-economic condition has been stasis. There have been significant gains from time to time, but these have been wrested through skilful political leadership at the national level by the late S.Thondaman.

Little's analysis draws from many theoretical models of educational change, both Marxist (Bowles and Gintis) and non-Marxist (including Archer; Weiner; Baccus) Her focus is on when, why and how changes have occurred rather than on why changes have been so few and so late, and on discovering the linkages of educational progress (or lack of it) to political and economic developments, national and international, in relation to the plantation sector.

Beginning in the 1830s, the labour was initially all male, into the coffee plantations that required only seasonal labour, and the migration was circular. There was then no need for schools to be established on the estates. However, consequent to the outbreak of coffee blast, tea gradually replaced coffee, and there was growing need for labour all-year-round. In consequence the migration became progressively permanent or semi-permanent, and of families rather than individuals. But the means of recruitment through Kanganies (labour contractors and supervisors) and the indentured system (under semi-slave conditions) remained essentially unchanged. Moreover, differences in ethnicity and caste, and geographical isolation served to keep the immigrant labour and their families apart from the local population, undermining their capacity to establish political linkages and sharing in upward socio-economic mobility. However, their geographical and occupational concentration did facilitate trade union activity and, eventually, this proved to be invaluable in backing the efforts of the political leadership to progressively surmount the many obstacles in the way of their advancement.

By the 1970s, for Sri Lankans other than Malaiyaha Tamils, primary educational enrolment and literacy, and access to free secondary education in their own language medium in schools within easy access were near universal. Several small, scattered concentrations of Malaiyaha Tamils had no Tamil medium schools; and estate schools, serving the bulk of the Malaiyaha Tamil population, remained mostly outside the mainstream, with minimal inputs from the state, till 1977. Lack of educational facilities within the estates helped to ensure that the plantation management had easy access to cheap labour. The transformation began with political developments in 1977, leading to the state accepting full responsibility, for the first time, for the education of children in the plantations. A supplementary factor contributing to heightened interest in education within the plantations (from parents and students, teachers and the plantation management) was the shrinking of the demand for unskilled labour within the estates and the opening up of some opportunities outside for those with a measure of secondary education. But the critical factor was the role of S.Thondaman who emerged as a powerful trade union and political leader, and cabinet minister in the new government. He motivated the Malaiyaha Tamil population, the educational establishment, the plantation management, the cabinet and aid

agencies to co-operate to upgrade the quality of education on the estates; to a less extent, he helped to generate some modest employment opportunities outside the plantations for Malaiyaha Tamil school leavers.

Despite significant advances, inequalities between schools within and outside the plantations continue in respect of student-teacher ratios, professional qualifications of teachers, the level of supervision and support by the state, school buildings and other facilities, playgrounds, etc. In terms of enrolment ratios and the quality of education, the disparities may be least in primary education, but rise sharply with the level of education; the intake of Malaiyaha Tamils into the universities remain negligible. Vicknesvari's educational and employment prospects continue to be substantially lower than those of other children of her age, gender and class, though the gap is gradually decreasing. Within the education bureaucracy, Malaiyaha Tamils are severely under represented, and this is reflected in reduced concern for the quality of estate schools. Moreover, they no longer have a single dominant and powerful leader – the leadership is now divided and their political clout substantially reduced. But Malaiyaha Tamils are now more assertive of their rights, and more alert and vigorous than ever before in grasping and even creating opportunities for socio-economic advances for themselves and their community.

The orientation of the book, from cover to cover, is positive, focusing more on the achievements and less on the failures, and more on those who helped and less on those who obstructed. Little

is meticulously careful in listing and acknowledging her debts to many who have been of assistance, including the Social Scientists' Association who are to be congratulated on bringing out this book as a reprint within the reach of many who may not have been able to purchase the original Macmillan publication.

The book is remarkably error free, and only two blemishes hit my eye: firstly, the terms Jaffna Tamil and Sri Lankan Tamil seemed to be used interchangeably (there are also Tamils from the East and the Vanni) and, second, the Indo-Ceylon ferry is referred to as having plied between Jaffna peninsula and India (it plied between Mannar peninsula and India). But these minor shortcomings, both peripheral to the primary focus, take nothing away from the worth of a very comprehensive, exhaustively researched, and well structured book by a knowledgeable scholar deeply committed to the welfare of the Malaiyaha Tamil people. Each chapter begins with a brief description of its scope and ends with a summary of its contents. There is a wealth of data and excellent analysis in every chapter. The historical sweep begins with the entry of the Malaiyaha Tamil community into the island, and extends to the end of the 20th century. Formerly a Fellow of the Institute of Development Studies of the University of Sussex, and now Professor of Education (Developing Countries) of the University of London, and with recurrent professional involvement in Sri Lanka over a quarter of a century, there could be no one better qualified to undertake this venture. This book could well remain, unsurpassed as an important and valuable guide, and a reliable source of reference for scholars of diverse disciplines. ■

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