

# POLITY

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## POLITICS TO PREVENT WAR

Sri Lanka's crisis is deepening everyday. The unchecked escalation of violence involving sections of the government armed forces, the LTTE and anti-LTTE Tamil groups has the potential of plunging the country into a catastrophic war. Prevention of such a destructive war is crucial for the well-being of the people of this country. But, some strategic thinkers in both Mulaithivu and Colombo appear to think otherwise. For them, for diametrically opposite reasons, a full-scale war is necessary, inevitable and winnable.

### Undeclared War

Meanwhile, the way in which violence has escalated during the past few weeks suggest that the 'shadow war' has now graduated itself to the stage of an 'undeclared war' with middle-level intensity. It is no longer a low-intensity war of attrition. Three aspects that define this undeclared, middle-intensity war can be identified. Firstly, civilians are regular and deliberate targets of anti-state as well as counter-insurgency violence. They have been subjected to abductions, killing, mob-violence and harassment. Secondly, the military offensives are high profile, yet limited in scope. They are not waged with the intention of, at least for the time being, precipitating an all-out war. They are meant to probe each side's responses, preparedness and will to fight a full-scale war as well as regional and international responses. Thirdly, limited retaliatory strikes are viewed as necessary and manageable.

An optimistic interpretation of this background of the current crisis is that neither the government, nor the LTTE would want a full-scale war, because of its enormously destructive consequences. What it means is that for the government and LTTE leadership, a full-scale war is not the rational first choice. But, increasingly there is a little room for such optimism. The escalation process has its own logic to produce a major show of hostilities. Breaking up of this logic is necessary to move the country away from disaster.

Developments after mid 2003 also show that the role of the international community in directing Sri Lanka's conflict towards peace is limited. Mr. Akashi's statement in Colombo in early May that the Co-Chairs will meet in Tokyo at the end of this month for an honest review of their role is a frank admission of the limits of external actors. The international actors saw the limits of their leverage particularly with regard to the decision-making process of the LTTE. Now it appears that the LTTE has decided to ignore even a hostile international atmosphere.

What all this means is that the dynamics of both the escalation of the conflict and its management, if that is possible at all, are largely shaped by the agendas and decisions of the domestic political forces. This marks a decisive shift in the dynamics of the conflict. Under these changed circumstances, many are engaged in promoting the easy option, war. They have even called upon the

people of the country to make the final choice: 'you are either with us or with the enemy!' For some in Colombo, the coming war is the decisive historical battle for the establishment of Sinhalese political supremacy throughout the island.

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### Mindset

Meanwhile, the mindset of the early 1980s seems to be back in Muluthivu as well as among some powerful political forces in Colombo. The argument for the necessity of war is partly linked to that return to the eighties. The LTTE leadership seems to have returned to the argument that political engagement with the Sinhalese political leaders would not produce any tangible outcome. Claims to sovereignty and war for secession are back in their reckoning. In parallel, the new theorists of war in Colombo deny the existence of an ethnic conflict. In their perspective, terrorism has no answer other than war. In this war to defend national sovereignty and territorial integrity of the motherland, restrictions on democratic rights and civil liberties are a patriotic necessity. A push for war to defeat the LTTE 'separatists' without a political reform package -- this is vintage Lalith Athulathudali. Signs are that the 'national security state', a dreaded legacy of the early 1980s, is making a second coming. Ironically, its agents today are its victims twenty years ago.

### A New Process

Amidst all this confusion and uncertainty, one thing is clear. The 2002 peace process has exhausted all its capacity to facilitate peace in Sri Lanka. There is little or no point in trying to revive it. But, it does not mean that the state and the LTTE should return to war. What it simply suggests is that a qualitatively new peace process is needed to prevent Sri Lanka from relapsing to war. The peace process needs to be, to use a currently popular word, re-invented, learning lessons, both positive and negative, from the past.

A new, re-invented peace process should have a long term vision to address both the ethnic conflict and the war. It should not be designed to achieve impossible and unrealistic short-term successes. Sri Lanka's protracted ethnic conflict and civil war requires a protracted process of transition and transformation to peace.

Meanwhile, the impending war needs to be averted. Re-opening a political front by Sri Lanka's Head of State is perhaps one, though belated, option that might work. It presupposes that President Rajapakse announces a framework of political settlement to the ethnic conflict, with possibility of extensive regional autonomy to the North and East. This should be a framework of principles the details of which could be negotiated in direct talks between the government, the LTTE and other parties to the conflict. The autonomy framework does not have to be called by this or that name. But it should be wide enough to be a constructive response to the LTTE's ISGA proposals of October 2003 and Muslim concerns for regional autonomy. The LTTE may or may not respond to such an initiative in the short run. But all indications even now are that the LTTE leaders are awaiting a serious and defining political move by President Rajapakse. Even if such a political move fails to work, it is still a step worth taking, even to ensure the political success of a military campaign.

Interestingly, Sri Lanka's post-colonial state has a new ruling bloc at present. It has new ideologues too. Members of this new ruling bloc are yet to demonstrate that they belong to a mature ruling class. Their decisions in the coming weeks will surely indicate the degree of their political maturity in protecting the state which they seem to love so much in a long-term historical trajectory.



Courtesy Daily Mirror 30 May 2006.

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# SRI LANKA'S PEACE: BEYOND OLD NATIONALIST IMAGINATIONS

Jayadeva Uyangoda

The unfolding debate on the outcome of Geneva talks indicates the relative impossibility of an early breakthrough in Sri Lanka's search for a political settlement to the ethnic conflict. Attempts at a political settlement have also produced new directions of conflict intractability. Negotiations have so far produced only limited outcomes. Negotiations have also been a journey for the government of Sri Lanka and the LTTE to discover differences and reaffirm old prejudices. Any political engagement by the government with the LTTE has also sharpened the contradictions in the Sinhalese polity, renewing among some quarters fears and uncertainties of a settlement to the conflict. To believe in the possibility of negotiated peace in Sri Lanka, one needs to take a long-term view spanning not just years, but perhaps decades. Peace is not merely about negotiations, deals and agreements. It is essentially about transformation.

## Self-doubt

Just look at the domestic political responses to the outcome of Geneva talks held on February 22 and 23. The Geneva agreement addressed the concerns of the government as well as the LTTE about violence and ceasefire violations. It also made it mandatory for both sides to ensure that violence is stopped and the Ceasefire Agreement (CFA) is honoured and implemented. The communiqué issued at the end of the talks is basically a no-violence agreement, with mutual commitments for compliance. In brief, the agreement formalized the immediate need felt by both the LTTE and Rajapakse administration to manage the recurrence of violence that had gone beyond their control. Managing violence requires a joint approach and the Geneva talks and communiqué was essentially about that, and nothing else. But the negative imagination it unleashed in Sri Lanka has been incredible in its intensity. Even the government media, which should defend the political gains of the Geneva agreement, is engaged in a negative politics of denial. From the side of the government, there is very little effort being made to sustain and nourish the gains made in Geneva. A sense of self-doubt appears to have set in, in the collective mind of the government.

Meanwhile, the resistance to the Geneva outcome has two main sources – Sinhalese nationalist forces, as represented by the JVP and JHU, and non-LTTE Tamil groups. The TULF's Mr. Anandasangarie has effectively articulated the non-LTTE Tamil critique. Anandasangarie's main point is that the Geneva agreement re-affirmed the LTTE's domination in the political representation of the Tamils in the North and East, not allowing any new space for political pluralism. In his view, by accepting the LTTE's argument for 'disarming the paramilitaries,' the Rajapakse administration has merely fallen into the LTTE's trap.

## Nationalist Critique

The Sinhala nationalist opposition to the Geneva outcome is presented mainly in terms of the *Mahinda Chinthanaya*, the presidential election manifesto. In statements made by the JVP and JHU denouncing the Geneva agreement, a number of political assumptions shared by them in rejecting the LTTE-government accord have now become clear. They are angry that the agreement has given a status of parity to the LTTE and enabled the LTTE to reclaim international legitimacy. The controversy about the term 'ceasefire agreement' demonstrates this hardline position. As the media reports indicate, the government negotiation team, on instructions from Colombo, had initially objected to this term being included in the joint statement. They had proposed the term 'ceasefire,' without the word 'agreement.'

According to the position shared by the JVP and some of the legal advisors to the government negotiation team, an 'Agreement' presupposed an agreement between two states. In their view, an 'agreement' is an international instrument, not one between a 'sovereign state' and a 'terrorist' entity. There is a view in Colombo that the government compromised on this terminology on the insistence of the Norwegian facilitators. Others say that it was a part of a last-minute 'deal' between President Rajapakse and the LTTE. If the latter is correct, one must say even in passing that the politics of deal-making in a civil war is exceedingly risky business.

The JVP is also quite angry about the welcome extended by the Norwegian Foreign Ministry to some members of the LTTE's negotiation team, when they visited Oslo after Geneva talks. The 'red carpet' welcome extended to the LTTE, the JVP argues, has given the LTTE both political legitimacy and the diplomatic status. The JVP now wants President Rajapakse to remove Norway from the role of facilitator. It appears that Norway and the LTTE continue to be the objects, or the 'enemy' called upon to define the political field for Sinhalese nationalism during the post-CFA phase of the conflict.

### Difficulties

While these controversies are likely to go on unresolved, they also highlight the difficulties in the path to negotiated peace in Sri Lanka. Primary among them is the increasing gulf that exists between Tamil nationalism as represented by the LTTE and Sinhalese nationalism of the JVP and JHU. Sri Lanka's politics seem to polarize around these two nationalist axes. Dialogue among them, however unrealistic it may seem now, is crucial for negotiated peace in Sri Lanka. Political engagement among adversaries is helpful for accommodation through mutual transformation.

The Sinhalese and Tamil nationalist projects of the JVP, JHU and LTTE are mutually exclusivist. There is no constructive dialogue possible among them at present. In this relationship of mutual exclusion, there exists a peculiar logic for their co-existence too, in the sense that one nationalism nourishes and provides legitimacy to the other. This, of course, is the strange logic of identity politics. Unless Sinhalese and Tamil nationalisms move away from the reactionary identity politics of excluding the other and re-locate themselves in democratic emancipatory politics, no meaningful engagement among nationalisms – Sinhalese, Tamil as well as Muslim – can conceivably take place.

The impossibility of dialogue among nationalisms is grounded in the old politics of ethnicity within which Sinhalese as well as Tamil nationalist projects in Sri Lanka operate. Many Sinhalese nationalists continue to believe in the political hegemony of the majority over ethnic and religious minorities. They see in the unitary and centralized nation-state the best model of political organization of Sri Lankan society. Their conviction that political power in a democracy should be unevenly and hierarchically distributed among majority and minority communities has not gone through any significant change, even after two-and-half

decades of ethno-political civil war. The enduring opposition to power-sharing, regional autonomy and federalism regularly articulated by Sinhalese nationalist parties, politicians, lawyers and intellectuals, demonstrates that post-colonial Sinhalese nationalism has not grown up much since the 1950s. It remains stagnant in the old world of ethnic-majoritarian democracy. It can talk to minority political projects only from a position of strength, hegemony and domination, and not equality and parity.

### Limits

The Tamil nationalist project is also stuck in time and space, being unable to democratize itself in any significant way. The separate state project, conceived in the late 1970s and executed by means of an armed insurgency from the early 1980s onwards, has now reached a historical turning point. It is a goal that cannot be achieved by military means alone. For fulfilment, it now requires democratic, political means and strategies. The Tamil nationalist insurgency for secession has only succeeded in establishing a huge, effective and oppressive military machine for the Tamil nation.

From the Tamil nationalist perspective, the LTTE through a protracted war has produced a status of military parity with the Sri Lankan state. It has also established structures of a militarised sub-national state. But, Tamil national struggle is not about military achievements alone. It must deliver political emancipation in the form of independence or autonomy, accompanied by political democracy, social justice and economic re-building. An undemocratic separate state or sub-national state unit can produce only an illusion of political emancipation for the Tamil masses. The inability of the LTTE to reflect and represent democratic emancipatory impulses of Tamil society effectively and without delay reflects the limits to which the Tamil nationalist project has reached after an extremely costly armed struggle of over two decades.

The rise of Muslim-ethno nationalism has further highlighted the limits of Sinhalese as well as Tamil nationalisms. Nationalist projects of small ethnic communities demand power-sharing at regional as well as non-territorial levels. Deepening of self-rule arrangements, or federalism within federalism, provides an option for meeting aspirations for political emancipation of regional and small minorities. But Sri Lanka's two dominant nationalisms, Sinhalese and Tamil, are not yet mature enough to accommodate such possibilities.

## Transformation

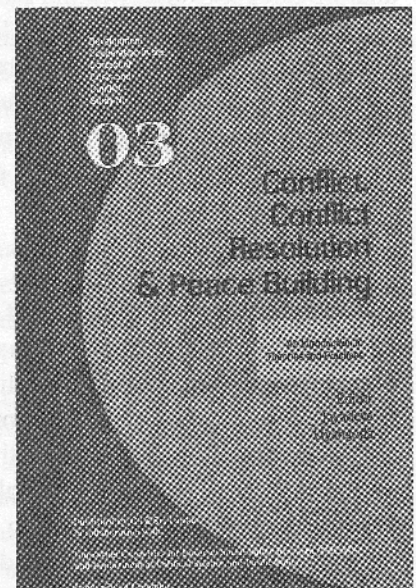
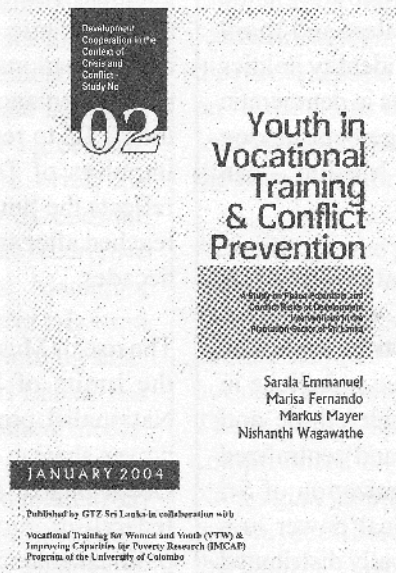
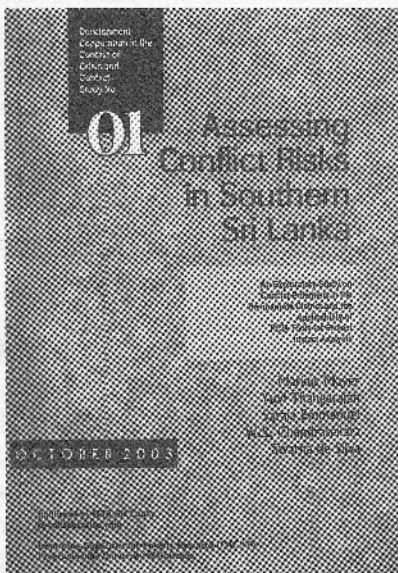
Does this picture present a bleak future for Sri Lanka? Not necessarily. There have been trajectories of positive transformation that need to be consolidated and strengthened. The first is that leading sections of the Sinhalese political class have moved away from the visions and perspectives of extreme Sinhalese nationalism. The UNP and the SLFP, the latter backed by the Left parties, have come to accept negotiated political settlement accompanied by power-sharing and state reforms as the way out. Despite setbacks in the negotiation process, the masses in Sinhalese, Tamil and Muslim ethnic formations do not support war. A strong sense of political moderation is visible in the country even though the media does not always reflect it. There are objective conditions that have made war not an option either to defend the Sri Lankan state or achieve Tamil national rights, although there are still some who ideologically argue that war is necessary and winnable. These are ground conditions on which a process of transformation towards negotiated peace with democracy can be built.

Such a process of transformation has been taking place in Sri Lanka, particularly in Tamil and Sinhalese societies,

slowly yet noticeably. Even the JVP's latest characterization of Sri Lankan society as multi-ethnic and multi-cultural is a reflection of that change. What this process of transformation lacks is a political and ideological leadership, a leadership that can have a sustained political dialogue with JVP, the LTTE and the Muslim political parties concerning a shared political future for Sri Lanka. A political solution to the ethnic conflict is actually about re-constituting the Sri Lankan state so that all communities and citizens can have a sense of shared belonging as equals and communities of equal political worth. Ethno-nationalisms that flourished during the two decades of war were not about shared, but about separate political futures.

In the post-CFA condition of relative peace, both Sinhalese and Tamil ethno-nationalisms find themselves at a historical turning point. Transition from relative peace to full-scale civil war is perhaps not easy. Actually, all nationalist projects in Sri Lanka now need to change in a context of transition from civil war to peace. If they don't, they are likely to become irrelevant to the processes of transformation that are slowly taking place in their own social formations. ■

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# NO WAR, NO PEACE?

Sunil Bastian

The dynamics of the Sri Lankan conflict seem to have set into a pattern that can last a considerable period of time. Neither the ruling classes in Colombo nor the LTTE leadership in Killinochchi wants to formally withdraw from the ceasefire. Formal withdrawal means giving 14 days notice and announcing that they are no longer going to abide by the clauses of the ceasefire agreement (CFA). This would signify the end of the agreement.

It is not in the interest of either party to withdraw from the ceasefire. On the contrary it serves their interests in numerous ways. The ruling classes in Colombo entered into the CFA in the context of the economic crisis of the years 2000 and 2001. This culminated in a negative economic growth in 2001. Creating stability in order to put the economy back on track was a major factor behind the signing of the CFA. It is due to this that the ruling classes accepted the presence of a second army and agreed to formalise control of territory by the LTTE. Not only that, they also brought in a mediator from outside the region, and broke the traditional Indo-centric nature of the mediation in Sri Lanka's conflict.

These factors still remain. The possible impact on the economy is a major reason why almost all political leaders in the South continue to support the peace process. The only exceptions are the JVP and JHU, both adhering to Sinhala extremist positions. Even for this regime which seems to want to go ahead with significant investments in infrastructure for the purpose of continuing with the economic agenda, peace and stability are essential. Compared to the UNF they are also under pressure from social groups that supported them in the elections, who are now expecting increased salaries and increased welfare expenditure. Given the precarious nature of government finances these cannot be achieved if the state has to bear the cost of an expensive military exercise.

Unfortunately the government has not shown any inclination to deal with Tamil grievances with or without the LTTE. These grievances include the structure of the post-colonial Sri Lankan state, its identity, numerous public policy areas where Tamil people are at a disadvantage and of course the government's duty to ensure their security, both personal and property. These are duties of any government towards all ethnic groups whether there is a peace process or not.

The LTTE had a number of strategic objectives in signing the CFA. These were gaining access to government controlled areas, control of resources that would flow into the North/East for rehabilitation, expanding control at sea and gaining international recognition. These strategic objectives are still important for the LTTE. It is the emergence of the Karuna faction that has complicated this equation. Hence, the LTTE's insistence on the government disarming the Karuna faction.

If either the Sri Lankan government or the LTTE tries to withdraw from the CFA, both parties will come under pressure from the international community. Internal conflicts of the developing South have become a major security issue for developed countries. Therefore there is a great deal of energy spent towards managing and containing these conflicts. These policy imperatives play a role in the case of the Sri Lankan conflict as well. The Sri Lankan conflict is linked to the stability of the South Asian region. At present both India and its new strategic partner, the US are very much interested in maintaining stability in this region. The nuclear issue, as well as the emergence of India as an important centre of global capitalist growth, are some of the important underlying reasons of this policy. At a strategic level, currently most international efforts amount to nothing more than containing the conflict by supporting the CFA and negotiations. Nobody is committed to taking any other steps which can move beyond this stalemate.

The likely scenario is while neither party will withdraw from the CFA, various types of killings and violence will continue. Even at the best of times under the CFA there was an underground war between the intelligence wings of the government and the LTTE. Now this has been complicated by conflicts between the LTTE and various other Tamil political formations, violence at the level of society where armed actors play a role and sporadic conflicts between the LTTE and Sri Lankan armed forces. The intensity of this violence varies. Resuming talks or actual negotiations can lead to a reduction in the intensity of this violence. However various triggers can increase the intensity as we have seen recently.

In analysing this violence it is important to recognise two aspects which are not given enough attention. First, quite a

lot of this violence is intra-Tamil. The primordialist characterisation of Sri Lanka's conflict as an 'ethnic conflict', and the focus on the issue of devolution and reforms of the state have tended to ignore this aspect of the conflict right from the beginning. There was always a conflict within the Tamil political formation for political supremacy. The LTTE's constant harping on that they as the sole representatives of Tamils is linked to this conflict. The LTTE has dealt with this factor simply by eliminating its opponents. Thus various Tamil armed groups have been responsible for the death of a large number of Tamil leaders of various types – political, intellectual, civic, etc. The LTTE leads in this venture. Part of the violence that we are seeing at present is a continuation of this tragedy.

The second aspect is the contest for the control of both the population and territory in the Eastern Province. With its peculiar ethnic mix the East was always considered to be the most difficult nut to crack if Sri Lanka is ever to resolve this conflict. It has been the area affected by various types of violence in the context of this conflict. At present we have to add to this conundrum intra-Tamil violence for the supremacy of this area. The violence in the East has resulted in a situation where the civilian populations of all ethnic groups are living under fear. Many reports from the Batticaloa district, for example, speak of the fear that underlies civilian life. Events in Trincomalee show how precarious the situation is.

The sad part is that while the civilian population is gripped by this violence, the presence of the CFA and talks between the government of Sri Lanka and LTTE colours the way we look at the situation. The talks can easily create the impression that this violence is something temporary or something that we need to bear in the context of the more important thing – negotiations, which are going to give us peace. This illusion is strengthened by the dominance of a discourse brought into this country by conflict resolution specialists. They call this situation 'no war, no peace'. The inclusion of the word 'peace' in this formulation gives the impression that it is some sort of a temporary situation at the end of which there will be a transition to peace. This ideology is promoted while the killings go on.

This discourse is very similar to the notion of transition that is now utilised by the ideologues of the establishment to characterise many situations in the world. Hence we are told that occupied Iraq, with a civil war which is breaking the country apart, torture chambers, civilian deaths is in the process of a transition to democracy. Afghanistan, part of which is ruled by war lords, is also undergoing this transition.

The social problems of many other societies which are breaking apart under the power of markets is legitimised as being a process of transition to a fully fledged market economy where these problems will be solved. All negative aspects that societies face are swept under the carpet making use of a notion of transition. As a result alternative ways of interpreting the situation are ignored. Similarly the discourse of 'no war, no peace' gives a more benevolent interpretation to a situation characterised by the rule of armed actors that act with impunity, and deaths and disappearances are the common currency of civilian life.

Thus the possible scenario is Sri Lanka is likely to remain a fragmented state for sometime to come where one part of the country is dominated by a conflict situation. However this fragmented state will exist in a globalised world. Conflict areas as well as the rest of the country will be linked to a global capitalism and a system of global governance in different ways.

### **International Community**

**A**s one of my friends pointed at a discussion, there are three actors in Sri Lanka's conflict -the government of Sri Lanka, LTTE and the international community. Although this was a casual remark it has serious implications on how we look at the international community. This means any analysis of the international community has to take into account the interests of various international actors who have been playing a role in Sri Lanka's conflict. This is what is missing from most consultancy-type studies on foreign aid and conflict. The underlying assumption of most of these studies is that the international actors are a bunch of do gooders, whose principal aim is bringing peace to Sri Lanka.

The role of the international community in Sri Lanka expanded primarily because of the increase in the flow of foreign aid since 1977. There is no doubt that the main reason for this was the shift in development policies that took place since 1977. Liberalising of the economy and greater integration into the world economy, which were essential steps for the expansion of capitalist development in Sri Lanka, resulted in a favourable response from donors and Sri Lanka began to receive external assistance at an unprecedented level. Initially this assistance was concerned with traditional areas of economic and social development. Soon the focus expanded to cover human rights, democratic development, good governance, protection of environment, rights of women, minimum labour standards, rights of children, disabled, old people, etc. In other words the current agenda



of foreign aid covers almost every aspect of society, and its objective is nothing less than a total transformation of the Sri Lankan society.

On the basis of this agenda the influence of foreign aid has stretched into many areas of our social life. Today it is difficult to analyse public investment, state finances, policy-making processes within the state, dynamics of civil society, socio-economic processes even in the most remote villages, politics and ideological debates without taking into account the role of foreign aid.

When the flow of foreign aid expanded in 1977 most donor countries ignored the conflict, although the 1977 election was a turning point in the deterioration of relations between the Sri Lankan state and the Tamils. The principal focus was on supporting the government in promoting the economic model. Donors who had concerns about social issues began to fund social sector projects within the overall framework of a liberal economy. Conflict and impending catastrophe did not interest donors. On the contrary, donors readily undertook funding projects like the Accelerated Mahaweli Programme which clearly had implications for the relationship between the government of Sri Lanka and the Tamils.

This negative approach towards conflict could not last forever. Both the deterioration of the situation internally and international development have made resolution and management of conflicts a central issue for foreign aid. Internally, the turning point was the end of eighties and the beginning of the nineties. The conflict in the North/East and a bloody insurgency in the South made it almost impossible for the donors to implement their normal development programmes. Internationally managing conflicts of the post Cold War world became a central concern of development assistance. As some analysts have argued, this has merged the two fields of development and security within the policy making process of aid agencies.

Currently most aid agencies maintain that peace and conflict is one of their principal concerns. This is certainly better than what prevailed in the late seventies where donors more or less ignored the conflict. The real issue is not so much the concern that aid agencies have about conflict, but the concepts, ideas and ideologies that underlie this interest. To end this section on the international community, we critically look at the dominant ideas and trends.

## Promotion of negotiations with the LTTE

Today most donors will support a negotiated settlement to the conflict. This means negotiations with the key armed actor on the Tamil side – the LTTE. The behaviour of some of the donors shows that they have even accepted the LTTE's position of them being the 'sole representatives of Tamils'. However there can be different motivations in promoting negotiations.

Some would promote negotiations merely to ensure strategic stability in a conflict prone area, rather than promote genuine transformation of society. In the language of conflict resolution, the former is called freezing of the conflict. There are many parts of the world where conflicts have been frozen merely to ensure stability. These areas are formally within nation state boundaries, but controlled by various armed actors. If the donors promote negotiations only with the objective of achieving strategic stability, Sri Lanka could very well end up as a fragmented state for a long time to come. Donor countries will be quite happy with this status, so long as our conflict does not generate a negative impact globally, mainly through the flow of refugees.

The other option is a one that will include successful completion of negotiations, reforms of the Sri Lankan state so as to meet the grievances of the Tamil population, disarmament, demobilisation and support to Sri Lanka in order to build a democratic development state. The Indian involvement which culminated in the Indo-Lanka Accord and provincial councils had some of these elements. Unfortunately donor countries do not have this type of a commitment towards Sri Lanka.

## Support to the economic reform agenda

As far as economic development is concerned, donors are unanimous in trying to further the liberal market oriented model inaugurated in 1977. Even those donors who in the late seventies focused on social issues have now begun to promote the private sector in the regions. There is hardly any discussion about the social repercussions of this model and their links to conflicts and instability. Although there is some talk of conflict-sensitive development and many consultants seem to be selling this all over the world, there is no serious discussion about the conflictual nature of the development model itself.

Historically the development of capitalism in any society has involved the management numerous conflicts. Politics

of promoting capitalist institutions involve a complex process of negotiations, compromises and of course sometimes overcoming the opposition of certain social groups. The demands of this complex socio-political process of political management of the development of capitalism cannot be understood merely through technical tools. At the same time we might not even begin to fathom these aspects if we cannot get away from the single minded search for economic growth figures, which is the predominant pre-occupation of most agencies concerned with economic development. This has to be replaced by an overall vision that takes into account growth, social justice as well as social peace. What we need to do is to extend the debate on development, begun by scholars like Amartya Sen who took us beyond growth figures, to include conflicts as well.

### Rehabilitation of North/East

**A**lthough the flow of foreign aid expanded after 1977, for a long time donors ignored the North/East. There was a time when key projects such as the Accelerated Mahaweli Development, Greater Colombo Development and numerous Integrated Rural Development Projects brought in new investments through foreign aid to all parts of the country except the North/East.

With the escalation of the conflict, the North/East became a focus of humanitarian assistance. This also brought in a new actor into conflict-torn Sri Lanka, the international NGOs. However it was only after the takeover of Jaffna peninsula by the Sri Lankan army, that major donors, both bi-lateral and multilateral, became interested in funding large scale development projects in the North/East. Currently there is a slow process of expanding such projects. Multilateral agencies like the World Bank, ADB and bilateral donors like Japan and Germany play a leading role in this strategy.

Of course there is a strong case for supporting any new investments in the North/East where people have been suffering for such a long time. However two fundamental problems remain – one linked to the dynamics of the macro-economic model, and the other to possible control of funds flowing for rehabilitation by the LTTE. Even if there is new investment to rehabilitate the North/East, poor people of the area are unlikely to benefit because the market forces that dominate the economy are stacked against them. For example, even if the irrigated schemes are rehabilitated, poor farmers who are cultivating paddy making use of water in these irrigated schemes are likely to face similar problems faced

by poor farmers in the rest of the country. These problems are high cost of production, inability to sell the produce and finally meagre returns. It will be a case of continuing misery unless these fundamentals are tackled.

Secondly, it is quite possible that the LTTE will try to gain control of new resources that come into the area. As has happened in many other parts of the world, international actors, including international NGOs, will come to various types of agreements with armed actors in order to continue with their projects and sustain their institutional interests. This is a classic scenario of a strategy where foreign aid and international actors come together to implement a containment strategy. The stability created by the CFA will create a conducive atmosphere for this strategy.

### Promoting liberal peace

**P**romoting liberal institutions is another strategy adopted by aid agencies in dealing with conflicts. Many of the projects implemented under the theme of good governance, which is essentially an attempt to establish a liberal democratic state, are also part of this same strategy. Promoting ‘liberal peace’ is a dominant ideology within international debates on resolving conflicts.

Liberal democracy is probably the best political system that we have at present. However it is one thing to support democracy, but another to promote democratic institutions as a blueprint without much of a consideration of the politics associated with these institutions. Establishing democracies is a complex historical process where institutions interact with interests of social groups and identities. The political outcome of democratic institutions very much depends on contextual and historical factors.

Democratic institutions in some contexts can actually exacerbate conflicts rather than resolve them. The deterioration of relations between Tamils and the Sri Lankan state is a case in point. Electoral politics that established the hegemonic power of the Sinhala majority was a major underlying reason for it.

Similarly, democratic politics in the context of an underdeveloped economy and social inequalities can generate conflicts. Democratic politics can give rise to populist demands by politically powerful groups, which cannot be fulfilled due to constrain of resources. In addition, when patronage politics dominates electoral politics, which is the

case at present in Sri Lanka, mere institutional designing will not resolve conflicts.

Hence the critical issue is not just establishing or designing institutions as a panacea. What is needed is a much more nuanced focus on the political outcome of institutions in a particular social and historical context. It is this which will help us to understand spaces where new institutions that will result in positive outcomes have to be designed.

### Community level peace work

Supporting conflict resolution at community level is another strategy supported by aid agencies in the context of Sri Lanka's conflict. Local level conflict resolution is another term used to identify this strategy.

By and large this is an extension of a discourse that first emerged in the field of development to situations of conflict. It basically believes that root causes of the conflict are found at the level of the community and therefore there has to be intervention at the community level for finding answers to the conflict.

In the field of development there is a strong body of criticism of how little these community based strategies have contributed to alleviating conditions of the poor people. These development strategies actually ignore principal factors such as access to assets, power of capital, market forces and existing power relations which maintain the poor in the conditions that they are in. Usage of terminologies like 'community', ignores categories such as class, caste, ethnicity and gender which are much more relevant to understanding how the current social order is maintained. The latter categories place power relations at the centre of understanding society, which the term 'community' tends to ignore.

Similar criticisms can be made when these ideas are transferred into conflict situations. By focusing on an imaginary 'community' it takes our attention away from both local and international actors who wield power and whose actions are responsible for the conflict and violence. Not paying attention to politics and power behind conflicts helps these projects to come into a cosy relationship with these key actors who are the major players in the conflict. As far as the people are concerned these projects could amount to nothing more than a containment strategy.

The best beneficiaries of these projects are the multiplicity of international actors and their local partners who have

proliferated recently with the increase of foreign aid for conflict resolution.

If we sum up these approaches they are likely to result in maintaining a strategic stability through promotion of negotiations, further development of market economy without much considerations for its conflict implications, investments in the North/East that will have meagre benefits to the poor but which will help in the negotiation process with the LTTE and community based approaches whose impact will be questionable.

These critical remarks about the strategies promoted by aid agencies under the rubric of conflict resolution do not imply that Sri Lanka needs to isolate itself from these international efforts and find a so called 'internal' answer. This is no longer possible. Despite the desire of the anti-globalisation movement, Sri Lanka is already an integral part of global capitalism. Hence we need to find solutions within this globalised framework. Moreover, we do not have a configuration of political forces internally that deliver peace and stability. Therefore the real issue is not international community per se, but ideas and concepts that dominate within the international community.

At present these debates are dominated with a large dose of liberalism without seeing its limitations. There are no serious efforts to understand and come to terms with the different historical trajectories that various societies of the global South can go through. The approach is, answers are already there with the liberal-capitalist model, and the question is how to implement them. Of course these answers are always generated in the capitals of donor countries and what needs to be done is to impose them in the South. The worst outcome of this refusal to grapple with the histories of these societies is what we are seeing at present in Iraq – where democracy is bombed in.

### Challenges for civil society

Activities of civil society groups aiming to find a political answer to Sri Lanka's conflict go back to the end of the seventies. The Movement for Inter-Racial Justice and Equality (MIRJE), formed in late seventies, was probably one of the first organisations that focused its activities on this issue. There were several distinguishing characteristics of this social activism of late seventies from what is today identified as conflict resolution.

First, there was a much clearer recognition of the political nature of this work in terms of links with mainstream politics. There was always an attempt to link with main stream political parties and mass organisations such as trade unions and student movements. There was a recognition that in order to be effective these interventions somehow have to relate to mainstream politics. The currently popular term 'civil society' was never used to identify these interventions. In fact, well known Indian political scientist Rajini Kothari coined the term 'non-party political formations' to characterise this new form of politics. Secondly, there was always an attempt to include members of mass organisation in these activities. In fact MIRJE had two types of members – individuals and organisations. Trade unions were the principle mass organisations represented in MIRJE. Third, finding a political answer to the conflict was considered as a part of the broader democratic struggle. The agenda was much broader and included issues of democracy, pluralism and social justice.

Seventeen years of UNP rule from 1977 to 1994 provided a common focus of opposition for civil society work. Opening up the economy in 1977 and its social repercussions, undermining democratic institutions beginning from the infamous 1982 referendum, violent attacks on the political opposition and deteriorating relations between Sri Lankan state and Tamils and ensuing violence in the North/East provided a broad platform for this activism. This broad platform also meant it was possible to bring together a large number of diverse groups within this politics.

The high point of this work undertaken over a long period of time was the elections in 1994 that saw the end of the UNP rule. The elections and the possibility of ending UNP rule brought together many organisations. It is in this election that election monitoring came into its own. It was a coming together of a large number of organisations responding to the need of the moment. These efforts were also supported by a network of international solidarity. Election monitoring activity of these organisations and the campaign carried out by several tabloid newspapers established by some of these organisations played a critical role in this election. This is the moment in our recent past that these organisations can rightly be proud of. It contributed significantly to defending democratic institutions as well as bringing about a change that provided safety value to the acute crisis that the country was facing.

This broad based politics of civil society began to take a new turn from the middle of nineties in relation to the approaches to the conflict. An approach that had a much wider

political base and a political perspective began to be replaced by a discourse of conflict resolution, whose primary political objective was promoting an agreement between the ruling classes in Colombo and the LTTE. Armed with the now famous conflict resolution triangle, a number of organisations and projects appeared with the objective of promoting conflict resolution.

The conflict resolution triangle is much more a device to promote an agenda, than any conceptual framework which can help us to understand the historical and political reality within which civil society has to work. There are very similar devices used by evangelical organisations in order to help them achieve their single minded objective of conversion. The objective of the conflict resolution triangle is to focus on different sectors of society so as to promote an agreement between the LTTE and the Sri Lankan government. These triangles are promoted all over the world backed by external assistance. Since it has the primary political objective of promoting an agreement between the Sri Lankan state and the LTTE, it has no room for all the other relevant political objectives such as democracy, human rights, social justice and even values of pluralism that are relevant for Sri Lankan society at present.

The limits of this politics of conflict resolution were seen during the highpoint of the ceasefire and negotiations under the UNF. During this period civil society groups working within this framework ended up as the principal political allies of an agenda where achieving stability through the CFA and promoting an out-and-out neo-liberal economic framework became the dominant trend. By this time this approach had lost the support of a large number of other organisations who were focusing on various other issues such as social justice, democracy and to some extent human rights. Their principal allies were the UNF leadership and sections of the international community. This was certainly a much narrower social base than what was achieved in 1994.

Currently instead of making use of the relative stability created by the CFA to develop a wider political agenda, this conflict resolution discourse is creating an illusion by calling this status 'no war and no peace'. It ignores the violence that is going on and is involved in a numbers game of counting events, which gives very little basis for understanding what is going on. In order to understand the nature of terror imposed by various armed groups under the very shadow of the CFA one needs to go beyond collecting numbers. The worst part is the illusion of peace that this formulation creates. It can easily lull us into a formula and mantra which we might

keep repeating while our society continues to suffer from violence.

In order to get out of this trap, civil society has to get back to the basics from which this work began. The primary motivation for starting this work more than twenty years ago was not the interest of the elite or the international community. The main concerns were the problems faced by the people of this country and the denial of their rights. Civil society

activism needs to get back to this fundamental motivation and develop an agenda that covers issues of democracy, pluralism, human rights and social justice. Even if there is an agreement between the LTTE and the government of Sri Lanka tomorrow, these issues will still remain. These elites, armed or otherwise, are not going to deliver these goods. Civil society needs to work both locally and internationally with these wider objectives. The time has come for civil society to expand its horizon and get out of the conflict resolution trap. ■

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## THE CONSTITUTIONAL COUNCIL MUST FUNCTION

### A meaningful interpretation needed says CRM

**“T**he meaning of a Constitution is to be found, not in slavish adherence to the letter, which sometimes killeth, but in the discovery of its spirit, which giveth life...”<sup>1</sup>

The general dismay voiced over the non-functioning of the Constitutional Council for over a year is shared by the Civil Rights Movement (CRM). Many have observed with amazement verging on disbelief the apparent unconcern with which institution after institution – the Public Service Commission, the Police Commission, the Judicial Service Commission - has been allowed to cease to function despite appeals and protests by the public. The latest casualty is the Human Rights Commission, whose term ended on 3 April this year.

Why should this happen when the Constitutional Council got off to a good start after the Seventeenth Amendment to the Constitution was passed in 2001?

The Seventeenth Amendment envisages a Constitutional Council of ten persons, three of whom are Members of Parliament – the Speaker, the Prime Minister and the Leader of the Opposition. The actual incumbent may change, but the law takes care that there is never a hiatus, so that we have at any given time three Council members.

Seven members are appointed by the President, but the President does not select them except for one. This one can be removed at will. The nominee of President Kumaratunga (Mr HL de Silva) resigned after some time and the Constitutional Council functioned with nine members. When the vacancy was filled

by the President, the appointment (of Dr Colvin Gunaratne) took effect for three years from the date of appointment, and not for the unexpired period. In March 2005, therefore, there was one other member surviving in addition to the three ex officio members. His term may or may not have expired by now. If it has, the President should make a fresh appointment. The position therefore is that today there are in place three or maybe four members of the Council. There is no question of the Council having gone out of existence or having to be totally “reconstituted”; it is a question of filling vacancies, which have occurred.

The remaining six members (as well as the President’s nominee) are all expected to be “persons of eminence and integrity who have distinguished themselves in public life and who are not members of any political party”.<sup>2</sup> Clearly the Constitutional Council is not meant for stooges, and lobbying for appointment is not contemplated.

Five members are selected by the Prime Minister and the Leader of the Opposition acting jointly. Three of these have to be selected after consultation with party leaders in Parliament to represent minority interests, ensuring that there is a Tamil, up-country Tamil and Muslim in the Council, or persons who represent their interests. The sixth member is chosen by MPs belonging to the smaller parties. According to uncontradicted press reports the selection of the five persons has been completed. If so it was the duty of the Prime Minister and Leader of the Opposition to communicate to the President their names in writing. If this has not been done, it must be done now, and we could then have a Constitutional Council of nine members. There is no requirement that the remaining nomination

should have been made and that all six names should go in at one and the same time. If the five names have in fact been so communicated, it was the duty of the President to appoint them. What the Seventeenth Amendment says is that the President shall “upon receipt of a written communication of the nominations under sub-paragraph (e) OR sub-paragraph (f)...FORTHWITH make the respective appointments”.<sup>3</sup> (Emphasis added). The sub-paragraph (e) referred to relates to the five chosen by the Prime Minister and Leader of the Opposition, and (f) refers to the nominee of the smaller parties. The nominee of the smaller parties in Parliament must be communicated by the parties taking part in the selection themselves. Common sense dictates that if these small parties fail to select a member they will simply forfeit, for the time being, a place in the Constitutional Council. The same principle would apply in the hypothetical case of a President failing to appoint his or her nominee. Is it conceivable that, by giving the President the right to select one person, the framers of the Seventeenth Amendment intended to give him or her the power to stymie the whole operation of this vital exercise?

The quorum for the Constitutional Council is six members, and once this number or more are appointed the Council should begin to function. True, there is no specific provision that the Council may function notwithstanding a vacancy, but this has to be read into the law. It is well established that constitutional provisions should be interpreted with their end, object and purpose in mind, and must receive “a broader and more liberal construction than statutes.”<sup>4</sup> In examining constitutional language, if “by one mode of interpretation the right must become shadowy and insubstantial ... and by another mode it will attain the just end and secure its manifest purpose, it would seem, upon principles of reasoning, absolutely irresistible, that the latter ought to prevail”.<sup>5</sup> This principle is particularly applicable where the underlying intention is to provide a remedy to an existing situation.<sup>6</sup>

Expounded in numerous US cases, the principle has been recognised by judges in the Commonwealth including Britain. The Constitutional Council forms the keystone on which the appointment of vital Commissions and officials depends, and the legal provision which creates it must be construed so as to give it meaning and efficacy. Having taken away the President’s unfettered power to make appointments there can be no construction of the Seventeenth Amendment that deliberately hands back to him these same powers.

The failure to appoint the tenth member is reportedly due to a dispute as to which political parties are entitled to participate in the selection. Apparently there is a misconception that this selection has to be by consensus. But the relevant constitutional provision is clear that the decision is by majority vote. Those

entitled to participate are the members of Parliament belonging to political parties or independent groups other than those to which the Prime Minister or the Leader of the Opposition belong. There is also apparently a dispute as to whether the JVP is entitled to participate. This would appear to depend on the manner in which they came into Parliament, in this case after the 2004 general election. But in any event CRM’s position is that these questions cannot hold up the functioning of the Council.

According to press reports the President, after an unsuccessful attempt to obtain, through the Speaker, a nomination from the smaller parties, has himself unilaterally appointed members to the Public Service Commission and the National Police Commission. There does not appear to have been an official communiqué from the Presidential Secretariat on this step. Such appointments, if made, are unconstitutional and misguided. They are also in direct contradiction of the spirit of the Seventeenth Amendment. An option would have been to seek a simple constitutional amendment enabling the Council to function with an acceptable number of vacancies. Parliament would surely have co-operated in passing this expeditiously. Another would have been for the President to seek the opinion of the Supreme Court, as he is empowered to do under the Article 129(1) of the Constitution, as to which parties are entitled to participate in the selection of the tenth member. Neither of these steps is necessary in view of the position taken by CRM, but they would have had the merit of finding a solution to the impasse within the bounds of constitutionality, while preserving the very basis and purpose of the Seventeenth Amendment.

*The Constitutional Council is a salutary step forward in the depoliticisation of crucial public institutions and the furthering of democracy. Whatever shortcomings exist must be rectified in a separate exercise, with a responsible evaluation of experience so far, and public consultation. In the meanwhile the Council, which was created by a rare consensus in Parliament, and warmly welcomed by the people across the political spectrum, must be made to function. This is all the more vital in a pluralist, complex and conflict-prone society such as ours.*

Suriya Wickremasinghe  
Secretary  
23 April 2006

#### End Notes

<sup>1</sup> Opinion of the Justices (1933) 204 NC 806, 172 SE 474, followed in re Advisory Opinion to the Governor (1944) 223 NC 845, 285 SE2d 567

<sup>2</sup> Article 41A(4)

<sup>3</sup> Article 41A (5)

<sup>4</sup> Carpenter v State (1966) 179 Neb 628, 139 NW 2d 541, 544

<sup>5</sup> Prigg v Pennsylvania (1842) 41 US (16 Pet.) 539, 10 L.Ed 1060, 1088

<sup>6</sup> Chisholm v Georgia (1793) 2 US (2 Dall.) 419, L.Ed 440, 465

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# JVP CAN RESURRECT THE CONSTITUTIONAL COUNCIL - FAILURE CASTS DOUBTS ON ITS POLITICAL INTEGRITY

Saliya Edirisinghe

(Attorney-at-Law)

**T**he non-functioning of the Constitutional Council on the basis that it can function only when its full complement of ten members is in place has given rise to a debate. Certain jurist, civil society groups and human rights activists argue that the Constitutional Council can and must function with the nine members already in place, and where it only remains for the President to make the formal appointments. However, this view does not appear to have prevailed, and the Constitutional Council remains non-functional.

The nomination of the tenth member to the Constitutional Council is held up due to the claim by the Janatha Vimukthi Peramuna (JVP) that it is entitled to participate in nominating this member. Nomination is by a majority decision of the so-called smaller parties in Parliament. Although the JVP had 39 members in Parliament, according to press reports this number has now reduced to 38 due to the resignation of one of its members (due to ill-health), and the vacancy is being filled by a member of the Sri Lanka Freedom Party.

If one excludes the JVP members, the total number of members of Parliament entitled to participate in nominating the tenth member to the CC is also 38. This is made up of: 22 from the Tamil National Alliance (TNA); 9 from the Jathika Hela Urumaya (JHU); 5 from the Sri Lanka Muslim Congress; 1 from the Up-Country People's Front, and; 1 from the Eelam People's Democratic Party.

The 17<sup>th</sup> amendment to the Constitution does not prescribe a procedure that should be followed when nominating the tenth member. Therefore, the 38 JVP members in Parliament could inform the President in writing their nominee for the tenth slot in the CC. Given the reported agitation of both the TNA and the JHU to each nominate their own person for the tenth place in the CC, and considering the political affiliations and expediencies of the so-called smaller parties, it is most unlikely that all of them would join together against the JVP.

The President on receiving the written nomination regarding the tenth member to the CC is under a constitutional duty to *forthwith* make the appointment (Article 41A (5) of the Constitution), and communicate the appointment to the Speaker (Article 41A (11) of the Constitution). However, since there is

a dispute regarding the eligibility of the JVP to participate in the selection, the President will not be faulted if he first seeks the opinion of the Supreme Court regarding the entitlement of the JVP to participate in nominating the tenth member before making the appointment. The Constitution empowers him to seek such an opinion.

The JVP was actively involved in bringing about the 17<sup>th</sup> amendment to the Constitution, and the people of this country have a right to expect it to do all within its power to ensure that the CC recommences its function. Failure to do so will expose the JVP to the accusation that it condones or has acquiesced in the collapse of the CC on account of political expediency.

It is vitally important for the people to continue to exert pressure until the CC starts to function. The media have a responsibility to keep this issue in the forefront of public discussion until a successful conclusion is wrested from the politicians.

*Our Legal Correspondent comments:*

**The TNA too should not be allowed to shirk responsibility. The TNA's position is that the JVP MPs, having entered Parliament as members of the UPFA, belong to the party of the Government; they are therefore not entitled to participate in choosing the representative of the "smaller parties" on the Constitutional Council. Having taken up this position the Members of Parliament of the TNA need to take the next possible step. If they are right, they have a clear and an incontestable majority (22 as against 16). They should make their choice and send the name in to the President. The President should then "forthwith" make the appointment. If it turns out that he has received two nominations, one from the JVP MPs and one from the TNA MPs, there is his constitutional power to seek the advice of the Supreme Court just waiting to be exercised.**

*This suggestion does not absolve the President from his responsibility to take other constitutional steps as suggested, for instance, by CRM in its statement published elsewhere in these pages. It is intolerable that the country is deprived of this vital institution when so many civil society groups and individuals have pointed out common sense solutions.* ■

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# NEW YEAR IN TRINCOMALEE

## Coalition of Muslims and Tamils

### What is Wrong with the Geneva Talks and the Peace Process?

In this analysis of the situation of 'war and peace' following the recent violence in Trincomalee, the Coalition for Muslims and Tamils speaks for and pleads for once again placing people at the centre of peace and the need for the peace process to work towards justice for all peoples in this country.

The Coalition for Muslims and Tamils was formed during an intense period of violence last year between Tamils and Muslims in the East, culminating in the grenade attack on the Grand Mosque in Akkaraipattu in November, which took the lives of 6 persons and intensified the already strained relations between Muslims and Tamils in the region. Despite repeated pleas by the communities concerned, the State and civil society took little notice of this incident. Today, the killing continues. Killings that are politically and ethnically motivated and steeped in the violence that has become an intrinsic part of the peace process as we know it.

### The peace process and its violences

The current peace process, Geneva Talks I, picks up the thread of negotiation from the stalled talks between the Government of Sri Lanka (GoSL), the LTTE and the donor community that commenced with the Ceasefire Agreement of February 2002. It adopted a two-pronged approach to the conflict.

1. The idea of cementing good relations between the LTTE and the Government of Sri Lanka through confidence building measures.
2. Initiating talks on power sharing between these two actors.

This strategy was hailed as pragmatic and realistic by political scientists, diplomats, conflict resolution experts and others. Politicians, political analysts, activists and the business communities considered it as the way to peace. But the success story left out a crucial aspect, critical to any successful resolution or transformation of conflict. The realism of the strategy did not bring realistic relief to the

people in the areas where the war and the conflict had been most intense. As a result, this approach to peace is flawed in its very fundamentals. The failures of the peace process can be categorized, not necessarily exclusively, as follows:

a. The singular focus on the LTTE as the main actor on behalf of the Tamils and the concern with cementing ties between the organization and the Government give undue legitimacy to the LTTE, riding roughshod over any concern over its outrageous track record of human rights where people of all communities, particularly Tamils and Muslims, have been the main target; its blatant and repeated acts of ethnic cleansing targeting Muslims and Sinhalese in the north and east; and its repeated renegeing on its promise of desisting from carrying out violent acts against the Sri Lankan State, particularly the forces.

The current wave of attacks on armed personnel by the LTTE is strong evidence of the organization's inability to transform itself into a democratic movement, concerned about solving the conflict and work within a 'peace' setup. Leaflets have appeared in Batticaloa announcing that war is imminent, while leaflets in Jaffna have called on people to vacate the area and go into the Vanni. The LTTE is able to function only within a language of militarism. This is most apparent in the way it conducts negotiations by flexing its muscle.

b. The Peace Process is sadly lacking in another aspect. It holds the State to no account over the lives of large numbers of ordinary people from different communities caught within the conflict. With immense pressure brought to bear on the government to concede to the demands of the LTTE at almost every turn in the name of confidence-building measures, the substantive issue of devolution of power was relegated to the background. Most crucially in this regard, the important issue of Muslim representation, both within the peace process and in any solution to come, was deferred too. The Muslim question, whether it concerned the north or the east, was treated as a secondary and temporary problem of managing conflict and not as a fundamental part of the solution to the ethnic conflict. The State, dominated by diverse Sinhala dominant factions including chauvinist elements, has not committed itself to a peaceful and just



solution, in which the interests and concerns of all communities in the north and east are addressed.

c) The peace process has also betrayed the people in the role played by donor community, especially the Norwegian facilitators. Heavy on conflict resolution theory and weak on their preparedness for the task at hand, the Norwegian facilitators were mostly concerned about going home with a success story for the media; they did not hear the bombs going off, the pistol cracking even in Colombo, the cry of a mother when her child was conscripted. The international communities and the Norwegian facilitators should look beyond the LTTE at the people; the Tamil, Muslim, Sinhala and other people in the north and east. The realistic approach of the international community should look at the needs of 'real' people.

d) Discussions on power sharing have dealt largely with issues of rehabilitation of the north and east, particularly on dividing financial resources between the two parties. This is where the donor agencies were crucial to the settlement and the process. Whether it be discussion on the ISGA, P-TOMS or after the arrival of President Mahinda Rajapakse on the scene, RADA, power sharing has dealt with financial management of aid and other funds. The tsunami, which in its initial stages, brought the Muslim, Sinhala and Tamil people together, compounded ethnic tensions when aid poured in, bringing in its wake monies unaccounted for and a greater disparity between the haves and the have nots.

The peace process has miserably failed the people of Sri Lanka in healing old wounds; instead it has exacerbated those wounds and created new ones. While the LTTE, GoSL and the donor community carried on with their bargaining over the spoils of the tsunami, the north and east simmered with its own violences, new and old. In 2004, the break within the LTTE caught many political analysts and activists by deep traumatic surprise. Not knowing how to react, they pinned the blame for the break up on the machinations of Colombo and India.

Political wisdom in the country, caught up in the realism of aid, was neither able to identify the resistance welling up from within the Tamil polity nor understand and react to the increasing violence in the east in the past year or so. Preoccupied with cementing ties between the GoSL and the LTTE, they and we could not see LTTE implode, taking the east down with it.

## The Violence of Trincomalee and the ongoing crisis on the ground

Over the past few years, Trincomalee has been at the centre of Tamil-Sinhala tension, most of which is aggravated by the LTTE on the one hand and Sinhala chauvinist and anti-Tamil political mobilizations on the other. ON 2nd January, 2006, personnel of the State forces, in response to a grenade thrown at a truck by unidentified persons, killed five young men who were mere bystanders at the incident. No State agency claimed responsibility for this wanton killing at that time. Given this scenario, the State should have been alert both to the LTTE's tactic of provoking armed personnel to retaliate against people and the mounting tension within the personnel as well. It should have taken measures to avoid further deterioration of relations between the Government and the Tamil people.

But when a bomb exploded in the market place on the 12th of April, killing a soldier and civilians belonging to all communities, anti-Tamil and -Muslim riots took place and spread to other places. While the rioting continued, the LTTE too did not let up. In further provocation, they undertook to kill Sinhala civilians, successfully turning such incidents into attacks on pockets of Tamil habitation in the Trincomalee district.

We watched with sadness the grief of the families of bereaved soldiers on the media as the President publicly consoled them. And in that same spirit, we also waited to hear a word of consolation for those families, Muslim, Tamil and Sinhala, who had lost their loved ones in the destruction, rioting and looting, but heard none. Most of the families were Tamils and Muslims. This partiality is unwise politically. It serves to alienate minorities, Tamils in particular in this instance, from the State polity, pushing them heedlessly into the hands of the LTTE.

As the attacks on armed personnel in the north and east by the LTTE continue, thousands of refugees have crowded schools and other places in the Trincomalee District. While the LTTE is on a path of schizoid destruction, the State is waiting for the next round of peace talks in Geneva, hoping for calm. This waiting game brings no relief to the soldiers at the front, the LTTE cadres, many of whom are young and forcibly recruited, political activists, and 'ordinary' people. It brings no relief to those who feel they cannot expect justice from the State. It means nothing to those who are not represented either by the State or the LTTE, the majority of the people in the north and east. The State must undertake

the following measures to bring relief to those suffering people and to gain the confidence of minority communities.

1. The State must make provision for immediate relief to those who have been forced to flee their homes by the recent wave of violence in Trincomalee.
2. It must also develop mechanisms that protect Tamils at times of raids and checking, to safeguard them from human rights abuses at the hands of the forces.
3. There must be a check on the growing culture of impunity. The State must hold itself accountable for the acts of the armed forces. As an immediate measure, it needs to carry out an independent and thorough investigation of what happened in Trincomalee, to provide justice for the victims of violence and ensure that the findings are made public.

Trincomalee cannot be looked at in isolation. What happened in Trincomalee in April 2006, is what happened in Akkaraipattu in November 2005; or in Batticaloa and Ampara in April 2004; in Eravur in 1990: in Pesalai in February 2006; in the Northern Province on October 23rd 1990; in Anuradhapura in 1985; or in July 1983 in Sri Lanka. Our task then as a community is to raise the cry of democracy, accountability on the part of the State for all its people, and to demand a people-centred approach to peace and not a war-centred or partisan approach.

### Toward Peace: what must the Process do?

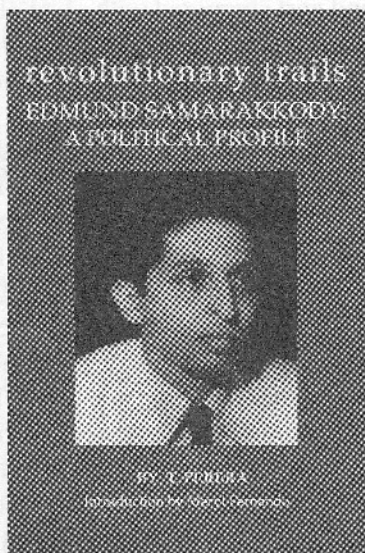
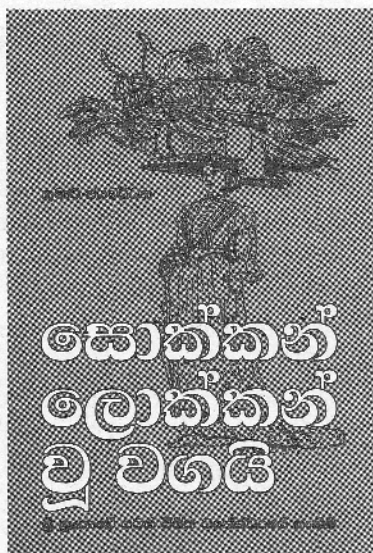
The peace process must at this point prioritize above all the following issues.

- a) De-militarize the north and the east by curbing all armed activity in the area, including that of the LTTE.
- b) Safeguard the human rights of all communities.
- c) Protect all communities against the terror of armed groups, above all that of the LTTE and chauvinist forces.
- d) Address the concerns of Muslims in the north and east.
- e) Address security concerns of Sinhala people in the north and east, particularly in the border areas.
- f) Address the fears and insecurities of minorities, especially Tamils in this instance, with regard to State forces and State patronage.
- g) Immediately set to work on a programme of power sharing in the north and east and work toward a pluralist structure that would accommodate representation of all communities and political allegiances.

*Coalition of Muslims and Tamils for Peace and Coexistence*  
*The coalition of Muslims and Tamils is a Sri Lanka-based organization comprising Muslim and Tamil identified persons who as a general principle are committed to pluralism and social justice in all its forms. Specifically, we are committed to the peaceful coexistence of Muslims and Tamils in the country, particularly in the north and east, and to a just and equitable solution to the ethnic conflict.* ■

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# THE EXPULSION OF MUSLIMS FROM THE NORTHERN PROVINCE

## A Sri Lankan Tamil Perspective

Devanesan Nesiah

I speak as a concerned Sri Lankan Tamil individual with no claim to represent anyone. 'Black October' 1990 was a watershed for North East Muslims, not just Northern Muslims, as such as much as Black July 1983 was for Tamils. Perhaps my ethnic identity, as also that of Kethesh, was considered when the Peace Secretariat for Muslims planned this workshop. Any problem concerning the Muslims, especially those from the North East, concerns Sri Lankan Tamils, just as no solution to the problems of the Tamils, particularly those of the North East, can be worked out without the full participation of the Muslims of that region.

I seek your indulgence to begin on a personal note. I served as the Government Agent for three years each in Mannar (mid '60s), Batticaloa (late '60s and early '70s) and Jaffna (early 80s). In each of these districts the largest ethnic group was Tamil and the second largest Muslim. Tamil-Muslim relations were consistently excellent in Mannar and Jaffna, and excellent in Batticaloa too except for brief, isolated, sporadic incidents of a minor nature.

The situation in the East deteriorated post-1983 with the formation of armed, state-sponsored home guards but, in spite of it, when the civil war broke out in 1985, there were several Muslims among the rebel groups. Many incidents have marred Tamil-Muslim relations since then. But nothing can possibly justify the expulsion of the entire Muslim population from the North in Black October 1990. As a Sri Lankan Tamil with roots in the North, I feel deeply ashamed of it and even more ashamed when some of my friends try to find excuses for the expulsion.

One of the many tragedies arising from the civil war was an escalation of disappearances and vigilante executions. Jezima Ismail, Camillus Fernando and I were mandated by the Human Rights Commission to inquire into a set of disappearances in the North, with M. C. M. Iqbal as our Secretary. We conducted the inquiry and reported in 2003 on the disappearances of 255 Tamils in the period of 1995-

98, for nearly all of which we held the army responsible, and the disappearances of 25 Muslims in 1989-91, for all of which we held the LTTE responsible. The report was published and we also conveyed our findings individually to the families of the victims. But the scars remain, as also the scars of Black October 1990, and of many other atrocities before and since then.

I will not digress any further. What can be done in respect of the Muslims evicted from the North? Ethnic cleansing always leaves an ugly wound, and the best option from the larger perspective, including that of the local population of the ethnic groups yet resident in the area, may be to reverse the ethnic cleansing. The priority is therefore to lower the barriers to the return of those evicted.

It appears as, Mirak illustrated, that the foremost barrier concerns security-fears of renewed violence and recurrence of eviction. There is also the related question of full acceptance of the returnees, by the LTTE (who evicted them) and by the local community (of whom most were uninvolved, and several opposed the eviction). Attitudes may have changed over the years, and there is uncertainty on this account. Return is also contingent on rehabilitation, involving houses, lands, schooling, employment, civic amenities, etc., as well as compensation for losses incurred in the course or on account of eviction.

The security question relates to the entire peace process. Although our focus is on the expulsion of Muslims from the North, all of us are involved, particularly the people of the North and East. If war breaks out, or even if we drift close to the brink of war, who will dare to give a guarantee of the security of anyone in the North or East? Under such circumstances, how credible will be any offer of such a guarantee? The victims of war, or of any political violence under a "no war, no peace" situation may be from all the communities of the region. Perhaps this is why the people of the North and East are overwhelmingly for the strengthening

of the cease-fire and the advancement of the peace process. Despite acute grievances and bitter experiences, and perhaps because of the latter, it is they who are most flexible in their approach to peace, most willing to make accommodations and compromises. Despite old and new grievances, for them war is not an acceptable option. The will to war is mostly among those who do not expect to be in the direct line of fire.

We now turn to the question of what needs to be done to bring justice to the Muslim victims of the Black October 1990.

### **Muslim- LTTE contacts**

**F**omer Jaffna Deputy Mayor Basheer identified a vital priority *viz* the difficult but urgent and absolutely critical need to improve the relationship between the Muslim leadership of the North and East and the LTTE leadership. This will be difficult, not only due to bitterness and lack of trust on account of what has already happened, but also on account of likely manipulations by those who, for various reasons, may wish to perpetuate the hostility. Muslims remain, and will continue to remain, an integral part of the North and East. Particularly in respect of that region, the welfare of the Tamils and Muslims are inseparable. There can be no return to normalcy without the return of evicted Tamils and Muslims throughout the North and East.

It is desirable that there are regular meetings between the leaders of the Muslims of the North and East and the LTTE at several levels. Positive fall-outs from such meetings may, hopefully, be an unqualified apology and an unambiguous invitation to the Muslims to return, plus an appreciation by the LTTE of the need for and the value of independent Muslim representation at the peace talks. Tamil-Muslim clashes are only a part of the larger problems of the need for autonomy for the predominantly Tamil-speaking areas constituting the North East region. The Tamil and Muslim leadership of those areas need to resolve the issue of power-sharing between themselves and, jointly, with the centre. The appropriate seating for Muslim representation at the peace talks is not within the government delegation but independent of it.

### **Inter-religious contacts**

**R**eligion has been, and is being, used to fuel conflict, but it also has much underutilized potential to end conflict and to further peace. In comparison with many other

countries, inter-religious conflicts in Sri Lanka do not arise from deep-rooted animosities, and relations between the religious leaders, Buddhist, Hindu, Muslim and Christian, have, by and large, been cordial. There are a few inter-religious organizations and sporadic contacts, but their activities may not extend beyond occasional meetings, mostly in the cities. Very little of the socio-economic development programmes are designed to be inter-ethnic. Particularly in the North and East, there is a need for a broad network of inter-religious institutions engaged in a wide range of ongoing programmes. Such civil society organizations and programmes will help to deter the outbreak of sectarian violence and to lay the foundation for peace building. In the long run these may be more effective than the ad hoc peace committees and other measures hastily adopted in the midst of violence.

That integrated civil society organizations play a critical role in peace building and deterring ethnic riots was one of the central findings of the research conducted by Prof. Varshney of Michigan University into Hindu Muslim riots in India, and set out in his work on the subject. A tragic consequence of ethnic cleansing is segregation, leading to mono-ethnic neighbourhoods, schools and civic institutions replacing inter-ethnic neighborhoods, schools and civic institutions. Developing and promoting the latter is of the highest importance. Hopefully, the Universities of Jaffna, Eastern and South-Eastern will progressively develop programmes designed to promote Tamil-Muslim studies and contacts and eventually attract faculty and students of both communities. We need to see integration and reintegration not as inter-ethnic concessions but as mutual enrichment. The Jaffna I grew up in was richly diverse. Today Jaffna is almost completely drained of that vibrant diversity, and virtually reduced to mono-ethnicity. We need to recover what was lost.

### **The language bond**

**A** potentially powerful Tamil-Muslim linkage that has been grossly underutilized is the Tamil language. Notwithstanding the support of the southern Muslim leadership for Sinhala- only in Parliament since the mid-1950s, Tamil language is the shared heritage of the Tamils and the Muslims, especially those of the North and East. Both in India and in Sri Lanka, much outstanding original Islamic literature and poetry has been through the Tamil medium; even in the secular field, many of the foremost literary figures, Carnatic musicians and media personnel of Tamil Nadu and Sri Lanka have been Muslims. This is so

even now. Is it not possible to build, on that shared linguistic foundation, creative cultural programmes that will link the two communities ? Our universities, schools, artists, musicians and the media have much to contribute in this area.

Finally, several of the resource persons and many of the participants here are involved in programmes on the ground that directly answer the question posed: "What is to be done?" We are all familiar with some of the admirable work that Dr. Hasbulla, Moulavi Suffian and many others are engaged in. I have not attempted to stretch the areas in which useful

programmes could be founded but, rather, have sought to address the strategic aspects of, broadly, Tamil-Muslim and, more specifically, LTTE- Muslim relations. Strengthening these relationships is a prerequisite to reaching the essential goal of doing justice to the Muslim victims of Black October 1990.

I end with one proposal for immediate attention - some of these issues need to be taken up in Geneva in April. I think they can be gainfully pursued. ■

Dr. Devanesan Nesiiah is a researcher & a consultant at the SSA

## ATHEISM IS A LEGACY WORTH FIGHTING FOR

Slavoj Zizek

For centuries, we have been told that without religion we are no more than egotistic animals fighting for our share, our only morality that of a pack of wolves; only religion, it is said, can elevate us to a higher spiritual level. Today, when religion is emerging as the wellspring of murderous violence around the world, assurance that Christian or Muslim or Hindu fundamentalists are only abusing and perverting the noble spiritual messages of their creeds ring increasingly hollow. What about restoring the dignity of atheism, one of Europe's greatest legacies and perhaps our only chance for peace?

More than a century ago, in *The Brothers Karamazov* and other works, Dostoyevsky warned against the dangers of godless moral nihilism, arguing in essence that if God doesn't exist, then everything is permitted. The French philosopher André Glucksmann even applied Dostoyevsky's critique of godless nihilism to 9/11, as the title of his book, "Dostoyevsky in Manhattan," suggests.

This argument couldn't have been more wrong: The lesson of today's terrorism is that if God exists, then everything, including blowing up thousands of innocent bystanders, is permitted—at least to those who claim to act directly on behalf of God, since, clearly, a direct link to God justifies the violation of any merely human constraints and considerations. In short fundamentalists have become no different than the "godless" Stalinist Communist, to whom everything was permitted, since they perceived themselves as direct instruments of their divinity, the Historical Necessity of Progress Toward Communism.

Fundamentalists do what they perceive as good deeds in order to fulfill God's will and to earn salvation; atheists do them simply because it is the right thing to do. Is this also not our most elementary experience of morality? When I do a good deed, I do so not with an eye toward gaining God's favor; I do so it because if I did not, I could not look at myself in the mirror. A moral deed is by definition its own reward. David Hume made this point poignantly when he wrote that the only way to show true respect for God is to act morally while ignoring God's existence.

Two years ago, Europeans were debating whether the preamble of the European Constitution should mention Christianity. As usual, a compromise was worked out, a reference in general terms to the "religious inheritance" of Europe. But where was modern Europe's most precious legacy, that of atheism? What makes modern Europe unique is that it is the first and only civilization in which atheism is a fully legitimate option, not an obstacle to any public post.

Atheism is a European legacy worth fighting for, not least because it creates a safe public space for believers. Consider the debate that raged in Ljubljana, the capital of Slovenia, my home country, as the constitutional controversy simmered: should Muslims (mostly immigrant workers from the old Yugoslav republic) be allowed to build a mosque? While conservatives opposed the mosque for cultural, political and even architectural reasons, the liberal weekly journal *Mladina* was consistently outspoken in its support for the mosque, in keeping with its concern for the rights of those from other former Yugoslav republics.

Not surprisingly, given its liberal attitudes, *Mladina* was also one of the few Slovenian publications to reprint the caricatures of Muhammad. And, conversely, those who displayed the greatest “understanding” for the violent Muslim protests those cartoons caused were also the ones who regularly expressed their concern for the fate of Christianity in Europe.

These weird alliances confront Europe’s Muslims with a difficult choice: The only political force that does not reduce them to second-class citizens and allows them the space to express their religious identity are the “godless” atheist liberals, while those closest to their religious social practice, their Christian mirror-image, are their greatest political enemies.

The paradox is that Muslims’ only real allies are not those who first published the caricatures for shock value, but those

who, in support of the ideal of freedom of expression, reprinted them.

While a true atheist has no need to bolster his own stance by provoking believers with blasphemy, he also refuses to reduce the problem of the Muhammad caricatures to one of the respect for others’ beliefs. Respect for others’ beliefs as the highest, value can mean only one of two things: Either we treat the other in a patronizing way and avoid hurting him in order not to ruin his illusions, or we adopt the relativist stance of multiple “regimes of truth,” disqualifying as violent imposition any clear insistence on truth. What about submitting Islam – together with all other religions – to a respectful, but for that reason no less ruthless, critical analysis? This, and only this, is the way to show a true respect for Muslims: to treat them as adults responsible for their beliefs. ■

Courtesy *International Herald Tribune*, 14 March 2006

Slavoj Zizek, the international director of the Birkbeck Institute for the Humanities, is the author, most recently, of “The Parallax View”

## MEMORIES OF DETENTION

We sit in a room,  
before the curfew,  
and watch the road,  
there is silence everywhere

There is a knock  
on the weathered door,  
and I meet the gaze of  
my former acquaintance,  
smile the warm welcome of  
acceptance

We share a cup of tea,  
and talk of the times,  
gazing at photographs of  
violence and counter-violence,  
in that long and deserted  
road.

Can this be possible?  
I query.  
All this violence,  
on both sides,  
one acquaintance more prone to violence,  
abducted in a marketplace  
after months of negotiation.

The silence of death  
meets my gaze,  
torpid in the festering  
heat,  
where were those trees,  
totem poles of silence  
to which the burnt out  
remains of a man were  
tethered?

I do not know?  
I witness only the silent  
suffering of one  
who is trapped in a  
world of death.

And what of my acquaintance?  
The cups of coffee or tea we  
shared at the canteen,  
watching the canopied trees  
and gurgling brook outside  
the canteen are memories  
distilled from the past.

I glance once more at the  
distant hills and observe  
images from the past.

Parvathi Solomons Arasanayagam

# HINDU AND MUSLIM CONNECTIONS TO SRI PADA

Premakumara de Silva

**T**he sacredness of Sri Pâda is not only claimed by Buddhists but also by other religious groups such as Hindus, Muslims and Catholics. In this paper I want to explore these non-Buddhist mytho-historical connections, specifically those of Hindus and Muslims. Let me first begin with the Tamil Hindu story.

Sri Pâda is regarded by Hindus as having been made a sacred ground by Lord Siva, one of the supreme gods of the Hindu pantheon. The origin myth of Sri Pâda as a footprint of Siva, popularly known as *Sivan-oli-padam*, *Shivanadipadam Mallei* (mountain of Shiva's footprint) or *Swangarrhanan* (ascent to Heaven), is widely believed among Tamil Hindus in the country. The basis for Tamil Hindu belief in the Sivan-oli-padam, according to the Chief Priest (76) of the Kotahena (north of Colombo) Ponnambalam Vanisvaram Siva temple is this: Siva appeared in his dancing manifestation, on this mountain for the performance of certain devotional austerities, at the end of which, in celebration of his abode there, he left the impression of his foot upon the mountaintop. Another Hindu priest at the Sri Kadiresan temple in the south of Colombo told the following somewhat different story:

When Siva was living in Mount Kailash, a mountain in the Himalayas, he made a journey from the Himalayas to Rameshvaram in South India where he saw that people were poorer than in Sri Lanka. Siva then left Rameshvaram for Sivan-oli-padam, in one of his most popular forms, that of Nataraja (the dancing form), and made his cosmic dance there. As a result, a war broke out, but that war could solve all the malicious things in Sri Lanka because his dance created the sacred footprint for people to venerate that is Sivan-oli-padam.<sup>1</sup>

Interestingly, I found another myth of Sivan-oli-padam in the appendix of William Skeen's book *Adam's Peak* (1870). The story seems to be translated from Tamil to English by P.K.T. Kanageratina, MODR, but the writer of the story is unknown. However, it was forwarded to Skeen by H.S.O. Russell, then the Government Agent of the Central Province:

In Ceylon there are places dedicated to Siva such as Trincomalee or Thadchanakaylaysam..., Thirukkachcharam... There is a Puranam... in Sanskrit (which is the mother language of Tamil) relating to Thadchanakaylasam or Trincomalee, called Thadchana-kaylaya-manmeium... The following was recorded in the 6<sup>th</sup> and 7<sup>th</sup> chapters of that book. In the middle of the mountain called Sivanolipatham, three rivers or kankai rise out of Sivan's foot... From my (Sivan's) foot, three rivers issue out, and the names are Mavillie-kankai... Manikka-kankai... and Karary-kankai... Mavillie-kankai flows towards the North, reaches Sivan's place at Trincomalee, and falls into the sea south of it. Manikka-kankai flows towards the East and passes by Katherkamum... a place dedicated to Supermania-swamy, son of Siva, and then falls into the eastern sea. Kavary-kankai flows towards the West, and passes into the place of Siva, called Therukkachcharum (situated at Mantotte in Mannar). These three kankais are 'highly meritorious streams'. The names of these three rivers, the directions they take in their course, their connection with the above-named three famous places dedicated to Sivan's worship, the name 'Sivanolipatham' by which this peak is usually known, and the fact of these four places and the three rivers being recognized by Sivaites as places peculiarly adopted for the worship of Siva, at the present as well as in the ancient times, show beyond doubt that the mountain in the Central Province of the Island of Ceylon which is called Sivanolipatham in Tamil — Adam's Peak in English — is the very mountain spoken of in the Sanskrit work Thedchana-kaylaya-manmeium written several centuries ago. (1870: 295-96)

This fascinating story describes the sacred footprint as having been made into a sacred ground of Lord Siva, and it also describes the elaborate Tamil Hindus sacred geography in Sri Lanka. Though the story is said to be taken from one of the ancient Puranas, a prominent Tamil literary scholar in Sri Lanka told me that no such myth appears in any of the eighteen Puranas. Similarly, another distinguished Tamil historian has recently edited a book titled *Temples of Siva in Sri Lanka* with no reference to Siva's connection with the

Sivan-oli-padam (Pathmanathan 1999). Confirmed by the prominent archaeologist and historian S. Paranavitana in his book *The God of Adam's Peak*: "to my knowledge, there is no work of any antiquity which refers to the Footprint on Adam's Peak as that of God Siva" (1957: 21).

This does not mean that there has been no historical claim, or Hindu engagement with, Sri Pâda. For example, the Mahavamsa states that a group of Hindu Saivite priests began to control Sri Pâda under the patronage of the Sinhala king Râjasinha I (1581-95) of the Kotte kingdom (Mv. Ch.93 v 4-17). They controlled Sri Pâda for nearly 160 years before it was handed over to a Buddhist monk by Kîrtisri Râjasinghe (1747-80), himself a Hindu Tamil king, who later became a pious Buddhist king of the Kandyan royal court (Mv. Ch. 100, v.221). Even before that, Ibn Battuta, a Muslim naval trader or traveller stated that, "Arya Chakravarti, the Hindu king of Jaffan, brought with him four *yogis* who were in the habit of visiting the foot-mark every year; and with these they were also accompanied by four Brahmanas and ten of the king's companions" (cf. Paranavitana 1957: 21). This account confirms that Hindus made the pilgrimage to Sri Pâda by the 14<sup>th</sup> century, and even before.<sup>2</sup> But the point I want make here is that, unlike the Mahavamsa, any Tamil claim on Sri Pâda, or more precisely Sivan-oli-padam, has not been prominent in their terrain of mytho-historical knowledge production. This confirms Daniel's suggestion that the Tamil Hindu conception of history puts more emphasis on heritage than on concrete history, which is emphasized by Sinhala Buddhist (1989: 22).

Although the authoritative tradition of Tamil Hindus in Sri Lanka, and even south India, has simply forgotten or dropped the mythology of Siva's connection with the Sivan-oli-padam, it is still popular among Hindu priests and the wider Tamil Hindu community in Sri Lanka. For example, popular myths among estate Tamils, who mostly live in the central hill-country, interchangeably claim the sacred footprint as that of the god Siva and of the god Vishnu. Their annual ritual journey to Sri Pâda is more explicitly rooted in their belief in the footprint as that of Vishnu. I found that the myth of Vishnu<sup>3</sup> is predominantly popular among plantation Tamil Hindus, while the myth of Siva is popular among non-plantation Tamil Hindus.

The Muslims of Sri Lanka believe that the sacred footprint is that of Adam; more precisely they call it 'Baba-adam-mallei' (footprint of Adam). Their engagement with the sacred mountain can be traced

back to early Arabic writings of travellers and traders.<sup>4</sup> However, the general belief about the mythical origin of the sacred footprint is that, after Adam and Eve ate the forbidden fruit and were expelled from the Garden of Eden, Adam was further punished by being forced to stand on one foot on the mountaintop.<sup>5</sup> This long ordeal left the print of Adam's foot on the mountain. Adam's fall from Paradise is mentioned several times in the Koran. G. Sale says in his translation of the Koran: The Mohammedans say that when they were cast down from paradise, Adam fell on the isle of Ceylon or Serendib, and Eve near Joddah (the port of Mecca) in Arabia; and that after a separation of 200 years, Adam was, on his repentance, conducted by the angel Gabriel to a mountain near Mecca, where he found and knew his wife, the mountain being thence named Arafat, and that he afterwards retired with her to Ceylon, where they continued to propagate their species. (D'herbelot, Bib.Orient: 55) (Sale, London 1734: 6 n6)<sup>6</sup>

A similar story was narrated somewhat differently by a Muslim priest (Lebbe: 65) of a village mosque from Kahattagasdigiliya in the North Central Province, together with two fellow priests, at the Sri Pâda temple. He narrated the story in Sinhala: The God Allah told Adam and Eve, 'You do what ever you want to do, but don't eat the fruit (*gedi*) of the Forbidden Tree.' But they did not pay attention to the word of Allah and they ate the fruit. Then Allah said, 'You did the wrong thing so I expel you from heaven to earth (*bimata*)'. When they were expelled from heaven to earth, Adam put his first footstep on this [Adam's] peak, and his other footstep on the Kuragala.<sup>7</sup> Eve put her footstep on to Mecca [*makkama*]. At the time they came here, no one lived on the earth. They were crying for seven days. Their tears ran down to the sea and some turned into precious gems (*menik una*). They accepted their wrong-doing, and then God Allah brought them together. At that point they felt hungry. Then God Allah sent a messenger (*deva dutaya*) to the earth to explain to them the basic cultivation techniques. After the course of time they had two children; one was a boy and the other a girl. Then they got married and had children; so the human world was created. That is why we believe this footprint is that of Adam, the footprint of the first man on the earth.

Such a claim can be further explored through the knowledge produced by voyagers, missionaries, traders and travellers,



who had historically interacted with Sri Pâda. The narratives those figures produced I collectively refer to as “diasporic narratives.” The diasporic narratives show us how the Muslim association with Sri Pâda was historically established and then flourished.

The history of the Muslims of Sri Lanka is part of the history of Arab civilization in the East.<sup>8</sup> From the middle of the 6th century CE, the expansion of Arab commercial activities in the Indian Ocean gradually caused the expansion of Muslim settlement in south India and Sri Lanka (see Kamil Asad 1993; Devaraja 1994; McGilvray 1999). However, the earliest Muslim engagement at Sri Pâda, according to Paranavitana, was reported in the 851 CE travel account of the Arab merchant Soleyman. In this account it states, “It is thought Adam ascended, and there left the print of his foot, in a rock which is seventy cubits in length; and they [Muslims] say that Adam at the same time stood with his other foot in the sea. About this mountain are mines of rubies, opals and amethysts” (cf. Skeen 1871: 46). However, Soleyman refers to the mountain by the name of ‘Al-Rohoun,’ as mentioned by 9th century North Indian poet and dramatist Râjasekhara in his work *Balaramayana*. Paranavitana claimed that the early Arab travellers adopted this name, from which followed the use of ‘Al-Rohoun’ by the people of north India (1958: 17-20). Ruhuna is the ancient province (*ruhunu rata*) to which Sri Pâda belonged. Van Sanden also writes of Abu Zayd, an Arab traveller in 910 CE, who described the country and its people, making references to the port of Galle as an entrepot, where goods from China and the Far East were traded for goods from the West and the Middle East (Aboosally 2002: 47).

Marco Polo, a Mediterranean merchant, in his voyage to the East, particularly to Sri Lanka and south India at the end of the 13th century, gave a brief description of his visit to island. According to his account, he did not visit Sri Pâda but repeated what he heard about Buddhist and Muslim pilgrimage to the sacred mountain. He wrote that the pilgrims went there to see a grave but did not mention whether it was that of Adam or Buddha. Moreover, he did not refer to Christian engagement with that grave, though he was well aware of the other Christian pilgrimage sites in the region, particularly the tomb of Saint Thomas in south India, to which Christians and Muslims travelled. He further confirmed in his account that, unlike Buddhists and Muslims, Christians were not engaging in Sri Pâda pilgrimages at this time because, “according to the Holy Scripture of our Church, the sepulchre of Adam is not in that part of the world” (cf. Yule 1875: 298-313). He must be right since the Christian,

more precisely Catholic, engagement with Sri Pâda began around the early 16th century with the advent of Western powers to the Indian subcontinent.

Like Marco Polo, a number of other travellers visited the island, but their accounts seemingly did not provide any reference to their visit to Sri Pâda. It seems what was reported about Sri Pâda was largely based on the stories given by other pilgrims, most likely Muslim. These accounts are very brief and straightforward. For example, the travel account of Odoric (Beatus or semi-saint of the Roman Church who travelled from 1316-30) as translated and edited by Colonel Henry Yule, explained:

In this country also there is an exceeding great mountain, of which the folk relate that it was upon it that Adam mourned for his son for one hundred years. In the midst of this mountain is a certain beautiful level place, in which there is a lake of no great size, but having a great depth of water. This they say was derived from the tears shed by Adam and Eve; but I do not believe that to be the truth, seeing that the water naturally springs from the soil. The bottom of this pool is full of precious stones and the water greatly abounded in leeches. (Yule 1913: 171)

There are other travel accounts, however, which reported their own experience of journeying to the sacred mountain. For instance, Giovanni de Marignolli, a monk in the Franciscan priory of Santa Croce in Florence, was journeying with some other monks to the tomb of St Thomas in Madras, but was caught in a storm and came to Sri Lanka in late 1340s. He gives an extensive account of the geographical and ecological surroundings of the sacred mountain, and describes how Adam made the sacred footprint there, his account also informing us of the growing popularity of the myth of Adam among Muslims at the time of his visit to the island (see Yule 1913).

For Muslim engagement at Sri Pâda, the account given by Ibn Battuta is worth excavating here. Battuta was born into a family of Muslim legal scholars in Tangier, Morocco, in 1304. He studied law as a young man, and in 1325 left his native town to make the pilgrimage, or hajj, to the sacred city of Mecca in Arabia. He travelled to many parts of the world in 1330 (1332) and ventured to India to seek employment in the government of the Sultanate of Delhi. In August 1344, Ibn Battuta and the ship crew arrived at the western port city of Puttalam in Sri Lanka, where he met the Tamil regional king of Chakkrawartti of the kingdom of Jaffna. Under the

patronage of this king Battuta went on pilgrimage to Sri Pâda and later wrote the account of his journey. Battuta, quite fascinatingly, described the rituals practised by Muslim pilgrims at the sacred site; morning and evening visits to the sacred footprint for three days seems to have been an established practice then among Muslims pilgrims. The offering of gems, jewellery and gold at the pilgrimage site also seems to be an established custom by this particular period. Moreover, Battuta explained that Imam Abu Abdallah (died in 953) was the first Muslim pilgrim who found the path to the sacred footprint at Adam's Peak (see Gibb: 1929/39: 254-60; Dunn 1986: 241-44). If Battuta was right, it is quite reasonable to accept that the first Muslim pilgrimage took place around the 10th century.

These accounts give us some idea of the mythological construction of 'Muslim Adam's Peak.' They also explain how the 'sacredness' of Muslim Adam's Peak was well accepted and popularly venerated by pilgrims from the Middle Eastern world even beyond that. In other words, the 'diasporic narratives' clearly confirm that Sri Pâda was not only a pilgrimage site attracting local communities, but also a sacred site which attracted various 'diasporic communities,' unlike other popular sacred sites on the island. These pilgrims not only came from the Middle East, but from the Far East too; for example, in Chinese mythology, the first created man who impressed the sacred footprint bore the name of Pawkoo and sometimes the name of Fo (i.e. Buddha). Skeen says: "The Chinese books repeat the popular belief, that the hollow of the sacred footstep contains water, 'which does not dry up all the year round', and that invalids recover health by drinking from the well at the foot of the mountain, into which 'the sea-water enters free from salt'" (1870: 24). Today we don't see such a well at Sri Pâda, but one monk told me there is a place called "*China peela*" a few yards down from the temple where water is collected. Such a place name clearly showed a Chinese presence at Sri Pâda.

Historically speaking, Sri Pâda is a remarkable place of worship for people belonging to all major religions where they share one particular object of worship, the sacred footprint, but with specific interpretations from their own religious traditions. But today such a remarkable site of multiple worship has been constructed or ordered as a predominantly Buddhist site. In other words, like Kataragama, the strong Buddhist element at today's Sri Pâda continues to grow.

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## Notes

- Both brief interviews were carried out on 12 and 19 of June 2002.
- William Skeen has produced the "positivist" historiographical account on "Adam's Peak" and concluded that "the oldest probable period" from which to date the legend (of Sivan-oli-padam) is that immediately following the invasion of the Solians (south Indian Tamil invaders) in 1023 CE. He says, "There is no doubt about the fact that the Sivan-oli-padam was resorted to by Hindu pilgrims in the early part of the fourteenth century and as the pilgrimage was then an established custom (1870: 36-37).
- The story is related to Rama as a personification of Vishnu. The well-known account of Rama's epic battle with Ravana, the demon king of Lanka, exists in oral and textual traditions throughout Asia, but especially in south India and Sri Lanka.
- There is an Arabic inscription found on a side of a cave inscription (*bagava lena*) of Nissanka Malla (1187-96) at Sri Pâda: "Muhammad, may God bless him (the father of) man" (Senaveratna 1950: 17).
- But there are several myths about what happened after Adam and Eve had eaten the forbidden fruit.
- Quoted from Aksland (1990: 110).
- The rock of Kura: recently this place has become the most popular Muslim pilgrimage site in the island.
- An economic history of Islamic civilization in the Indian Ocean has been well documented by K.N. Chaudhuri (1985). ■

# WRITING ABOUT RAPE

Ram Manikkalingam

I recently read a memoir about rape in Russian-occupied Germany during WW2 - *A Woman in Berlin*. In the book, an anonymous young woman recounts her experiences during the first few weeks of Russian occupation. The memoir was written in real time. It reflects the urgency and immediacy of the moment. The recounting was stark, unsentimental and lacked self-pity. The young woman struggled with rape on a daily basis. She was raped by Russian soldiers and by officers, and by men, young and old. She traded sex with 'familiar' rapists for food, shelter, and protection from unfamiliar ones.

Although she used the word 'rape' to describe her experiences, she never used the term 'rapist' to describe any of the men. She saw the men who raped her as more than just Russian soldiers with weapons forcing themselves on her. The soldiers were young peasant boys from Tartarstan, or older toughened sergeants from the Urals, or middle-class Muscovites, or the handsome Pole from Lvov. Understanding Russian, and having travelled in Russia, and read Pushkin and Tolstoy, she did not have the 'luxury' of her neighbours, who could more easily lump all Russians together and dismiss them as 'barbaric' and crude men from the uncivilized East. She could recognize, and even almost come to like, the Russian occupiers as individuals.

She describes this parting scene of a major who had spent many nights in her bed (more sick and lonely, than violent and overpowering):

The major looks at me a long time as if to photograph me with his eyes. Then he kisses me in the Russian style on both cheeks and marches out, limping without looking back. I feel a little sad, a little empty. I think about his leather gloves, which I saw for the first time today. He was holding them elegantly in his left hand. They dropped on the floor once and he hurried to pick them up, but I could see they didn't match – one had seams on the back while the other didn't. The major

was embarrassed and looked away. In that second I liked him very much.

She could not dismiss or deplore Russians as a group, leave alone as a uniquely bad one. She made an effort to understand, even empathize with them, and their situation. She was tolerant, albeit dismissively, of men in general, and contemptuously so of German ones in particular. Her description of how the women of Berlin viewed rape in the context of a destructive war was laced with black humour. Referring to US firebombing versus Russian rape, she quotes Berlin women as saying – “better a Russki on top than a Yank overhead.”

Her writing reminded me of Primo Levi - also a “victim” of World War II Germany ([http://library.spokanefalls.edu/Survival\\_in\\_Auschwitz.htm#Works](http://library.spokanefalls.edu/Survival_in_Auschwitz.htm#Works)). While his experiences were very different from *A Woman in Berlin*, they shared a similar sensibility. They were willing to accept their shared humanity with their tormentors, even as they opposed and resisted them. Primo Levi's experience in Auschwitz and that of a woman in Berlin cannot be easily compared. Levi faced the systematic oppression of a Nazi state machine bent on humiliating and killing Jews. The woman in Berlin, by contrast, was oppressed in the context of the chaos of the initial days of a military occupation – that even she seemed to welcome. Rape was incidental to the military occupation, not intended by it. Her tormentors were uncomfortable with what they were doing, even as they did it. The Nazis who invented and ran the extermination camps viewed Jews as questionably human and therefore deserving exclusion from the human race, and extermination. “Even if the Nazis did not always believe in race theory wholeheartedly, they still denied the shared humanity of humankind.” (<http://www.codoh.com/reference/uniqofholo.html>). The Russian occupiers of Berlin did not have a racial ideology that treated Germans as subhuman or deserving of humiliation as a race.

The experience of *A Woman in Berlin* is also distinct from the reports of mass rape of Tutsi women in Rwanda or Muslim women in Bosnia, where rape was a weapon of war, not incidental to it. There is no record in the Soviet archives of rape being a policy of the Red Army. The memoir illustrates how a transaction that seems so completely dominated by brute force – men with guns forcing themselves on helpless women – can also involve negotiations between victim and perpetrator. Still, these rapes would be considered war crimes, even though there was no explicit order from Moscow to rape German women, and some women seemed to consent to some sexual activity, albeit under pressure. Each individual act would be a war crime because of the context in which it occurred – under military occupation – making consent itself, irrelevant to the crime. (<http://www.peacewomen.org/resources/Justice/GBCICC.html>). The conditions under which the choice took place already constrained it. (<http://www.tannerlectures.utah.edu/lectures/scanlon88.pdf>)

The experiences of Primo Levi and the “woman in Berlin” are disparate. Yet, there is a striking similarity in their sensibility. They write with a stunning moral clarity and deep human empathy. They never question the common humanity of humankind. Their writing is literary moral rather than political theory. Still, it expresses a sensibility that needs to be captured for a more-decent politics.

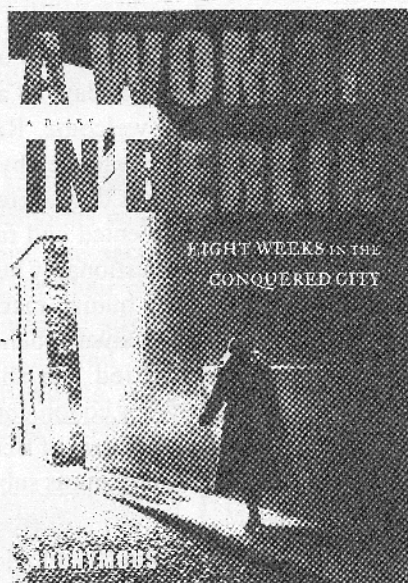
In *The Decent Society*, Avishai Margalit comes closest to the political theorizing of such a world. Leaders who mobilize their people against great injustice and oppression, even as they reaffirm the humanity of those who oppress and discriminate against them, contribute to creating such a world. In contrast, other leaders who also fight against the oppression

of their people question the humanity of their oppressors, not just particular actions, or the politics that leads to these actions. Emerging from an ethos of oppression or discrimination of their people, their politics lacks moral imagination – the ability to create the sensibility of a common humanity. This is fundamental to a peaceful moral politics that is not just the accidental outcome of a balance of power.

Primo Levi or *A Woman in Berlin* appeal to us. They are inspiring tales of human survival in the midst of great adversity. They are self-reflective about their survival. They do not shy away from narrating the compromises they made to survive and the happenstance involved in it. Because they are unsentimental and lack self-pity – even as we are horrified and sometimes even saddened by what we read – we are never depressed, nor dejected. They are also ordinary people, whose heroism and survival stems from banal acts of goodness, not extraordinary ones. And they write with a clarity and precision about the ambiguously singular moment when evil and good intersect – and neither prevails, permanently.

This is because they take their particular experiences – as a Jew or as a Woman in Berlin – and make them universal. They do this not by telling us a story about how the oppressed and defiled – a Jew or a Woman – are a part of humankind; but rather by never questioning the common humanity they share with those who oppress and defile. We read them because they express the possibility of an inchoate universalism at the very moment when it seems to have been banished, forever – in the midst of the starkest divide between the self and the other. ■

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# REMINISCENCES OF GALLE

Joe Simpson

*Galle: As Quiet As Asleep* By Norah Roberts, Vijitha Yapa Publications (Colombo), 2005; softcover (2<sup>nd</sup> edition) - 499 pages; Rs. 899/=

Never to be confused with the American best-selling romance novelist of the same name, Norah Roberts, who survived well into her nineties, was born near Colombo in 1907, one of fourteen children from several marriages of T. W. Roberts, an Anglo-Barbadian Ceylon Civil Servant, Oxford scholar and cricketer *par excellence* who became District Judge in Galle. After severe hearing loss in her late twenties drove her from teaching, Norah ran the Galle Fort Library (est. 1871) for four decades until she retired in 1982. I clearly remember first meeting Norah, then in her late sixties, one hot and humid morning in September 1973 when, as a newly arrived VSO English teacher at Richmond College, I paid my dues to become a member of the quaint old library on Church Street, next to the Fort Post Office (Judge Roberts, then still alive in his nineties, had long migrated to England). It was only a couple of years before she finally 'retired' in her mid-seventies that the tireless Norah (who never married) began her self-appointed Herculean task, never before attempted, of writing the "compleat" history of Galle from its earliest days. It would dominate the next ten years of her life.

This is the long-awaited 2<sup>nd</sup> edition of Norah Roberts' resulting factfile of Sri Lanka's southern capital, first published by Aitken Spence Printing Ltd., Colombo in 1993. Thanks to editor Michael Roberts, Norah's much-younger half brother and a newly retired anthropology professor from the University of Adelaide, Galle *aficionados* finally have another 'window of opportunity' to lay their hands on a Sri Lankan modern classic, for far too long out of print and virtually unobtainable. Dr Roberts reveals in his preface that, because the original printers had not preserved the master copy of the 1st edition, its entire text had to be computer-scanned for this new edition. Definitely, then, this has been a labour of love, enhanced by the intimacy of some Roberts family snapshots added to the back of this new edition, in my view an inspired editorial decision. Photographer

Dominic Sansoni's superb images of Galle Fort are an added bonus.

Another glory of this new edition is Prof. Albert Dharmasiri's red-and-gold front cover design, initially the brainchild of Sri Lanka's doyen architect and art historian, Ismeth Raheem: it depicts a fantastical 19<sup>th</sup> century Galle Fort, from the Australian artist Donald Friend's richly colourful *City of Galle*, a six-metre-wide mural painted in 1961 for the Colombo office of Mackinnon Mackenzie & Co., P&O's long-time East of Suez shipping agents. (Readers will find Friend's complete masterpiece, showing the crescent-shaped Harbour filled with ships, reproduced on the book's inside front cover.) Evoking the "fair field full of folk" in the vision of the poet Langland's fictional Piers Plowman as he dreamed on medieval England's Malvern Hills, the front cover illustration perfectly complements Norah's own glorious gallimaufry of Galle characters, whom she describes as having lived in "a medieval town, overpowering in its beauty." To bring us back to earth, the publisher has inserted another, more realistic image, that unfolds from within the new edition's back cover a truly startling panorama of the town's devastated bus station and cricket ground, with Galle Fort looming behind, photographed just after the December 2004 Indian Ocean tsunami.

As a "people's historian" who found her craft late in life, Norah Roberts was really a soul-mate of the late "Grandma" Moses, America's famed octogenarian folk-artist – both autodidacts, their creations are similarly imbued with a purity of spirit, a freshness and bold vigour not always found among the trained 'professionals.' Donald Friend's description of his 1961 mural – *the design of it simple, the details unimaginably complicated* – applies also to Norah's own sweeping panorama of Galle. "The Devil is in the details," and in Norah's book sharp-eyed readers will notice the small inaccuracies that pepper the text, perhaps inevitably in a wide-sweeping chronicle that draws on such variegated original and secondary source material, both written and oral. As her brother Michael rightly comments, it would be the work of decades to correct them all. In the final analysis, however, it

scarcely matters for like Friend's mural—the ultimate product is *sui generis*, with an integrity all of its own.

*The design of it simple* – fifteen chapters in all, beginning with a poetic sentence that sets the tone of the whole book: “Galle is the capital of the Southern Province, a quiet town dreaming by the sea.” Norah begins her saga with the Ramā-Ravana legend about the origin of the low hills that surround the crescent-shaped harbour, and observes that no Sinhala chronicle mentions Galle before the 12<sup>th</sup> century – never an ancient royal seat, it escaped royal battles. The visits of the Moorish traveller Ibn Batuta in 1344, and the Chinese general Cheng Ho in 1409, receive due mention, setting the stage for Galle's historic role as a trade emporium, if not actually the Tarshish of the Old Testament. The colonial Dutch compelled their retired marine pilots to remain in Galle, so fearful were they of precious information getting into the wrong hands. Norah tells us she once knew an old lady who remembered the dancing on the platform as the first train rolled into Galle Station in 1894! From sailing ships to pigeon-post, to an 1848 lighthouse shipped from London that burned down in 1939, to bustling Victorian-era hotels crammed with steamship passengers, to Sinhalese *madalalis* and Moorish gem merchants... Portuguese, Dutch and finally British invaders come and go. For Galle, as Norah reminds us, is “the heritage of not only Lankans, but of all mankind”.

No dry compendium of historical events, Norah's chronicle is first and foremost about the *people* of Galle down the years, in all their glorious multi-ethnicity. Her chapter on the history of the Ceylon Moors (Muslims) is a salutary reminder, in these polarized times of “Dubya” Bush and the “neo-cons”,

that Islam was once widely regarded as a far greater civilizing influence on the world than the Christian West. Who could ever forget her image of the gem dealer S.M. Naina Marikan, “slim, jañ, gentle in manner,” walking past the Fort Library on his way to work at the NOH, decade after decade, resplendent in his coat, sarong and tall hat? Reading about the old Muslim families, I was reminded of gentle old Magdon Ismail, an elder whom I encountered during one technicolour sunset on the ramparts over thirty years ago, his prophet-like robe fluttering wildly in the brisk sea breezes as he spoke of Islamic philosophy. Or the little Muslim girls who peeped shyly through the curtains of covered bullock carts, now sadly disappeared from Galle Fort, as I rode along behind on my ancient bicycle.

For anyone acquainted with some of the old families of Galle, and wishing to know more, Norah's book will ever remain a goldmine of information – Ephraums, de Vos, Bartholomeusz, Ludowyk, the “Closenbergs” Pereraras, Amarasinghe, Dahanayake, Macan Marikar, they are all here, and many, many more besides. It is indeed “a fair field full of folk.” Many of these grand old families have long since departed Galle, their modern descendants scattered around the globe in the great Lankan diaspora, enriching other cultures as they once enriched Sri Lanka. For them, especially, *Galle: As Quiet As Asleep* is a testimonial, *à la recherche du temps perdu* – but also a roadmap for what, one hopes, will be a better future for the island that its late author chronicled with such boundless affection and optimism. Norah's final words perhaps best sum up this marvellous book's fiercely determined spirit: *Grow with me / The best is yet to be – 'dear Galle!* ■

Joe Simpson is a Canadian who taught at Richmond College, Galle, as a voluntary teacher.

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# AUREA PRIMA SATA EST AETAS<sup>1</sup>...

## (THE GOLDEN AGE WAS FIRST)

Edith Ludowyk -Gymroi  
(*University of Ceylon Review*, November 1943.)

More than forty years have passed since T.W. Rhys Davids wrote his admirable survey of social circumstances in the India of Gotama the Buddha's time.<sup>2</sup> A great amount of research has been done in these four decades in Oriental Studies, but nothing has been produced, which could be regarded as a correction or even as an essential addition to this small but very condensed study. Reading though it cannot fail to place absolute confidence in the conscientiousness of this great scholar. And it may be that it is just this limitless confidence which compels the reader to read page 49 over again and to feel a certain doubt about a passage which somehow does not fit in with the rest of the book. More than that, the rich material presented in its various chapters contradicts this statement and gives a very realistic picture of a life neither better nor worse than in any other part of the world.

The passage in question reads:

The economical conditions in such villages were simple. None of the householders could have been what would now be called rich. On the other hand there was a sufficiency for this simple needs, there was security, there was independence. There were no landlords and no paupers. There was little, if any crime. What crime there was in the country – of which later – was nearly all outside the villages. When the central power was strong enough, as it usually was, to put down dacoity, the people, to quote the quaint words of an old Suttanta, 'pleased one with another and happy, dancing their children in their hands,' dwelt with open doors.

The emotional pattern of these sentences recalls Ovid's fantasy of the "Golden Age," in which the population "*sine lege fidem rectumque colebat*."<sup>3</sup> And the reader cannot but ask from where the notion arises in the mind of the author, of a feudal society, of a society based on private property, in which there was at the same time such an equal distribution of wealth and happiness. Since actual conditions are very different in other social systems of the same kind, the question arises what could be the special reason for Rhys Davids' conclusions.

A scrutiny of the very sources which were used by him will throw light on this problem. It will show the reliability of the facts presented. This short passage is an exception, and appears to be an unguarded expression of the author's emotional attitude towards his material. This article sets out to examine this question.

There are a number of instances pointing to acute social differences in Gotama's India. They refer to some who live in abundance while others starve. Maybe these differences are not as great as those between a Rockefeller and a beggar in the street today, but their subjective effect is the same: a small part of the population is in the position to satisfy its desires, whereas the greater part experiences severe frustration of its primary needs.

There is a Pâtimokkha rule<sup>4</sup> rule which prohibits a bhikku from begging for food from certain households. These families – according to the Vibhanga – were growing rich in faith but poor in goods, and it happened that after giving away everything they had, the family itself went without food. The Buddha would not have found it necessary to declare these households as being under training, "*sekha-sammatâni kulâni*,"<sup>5</sup> if he had not considered their poverty. He did not object to Visâkhâ's<sup>6</sup> or Anâthapindika's<sup>7</sup> very generous gifts, because they were rich enough to afford them.

And would the Venerable Pilindavaccha ever have had the opportunity to make a little girl happy by changing a grass chumbat into a chaplet of gold through his miraculous power, if the little girl would not have cried bitterly seeing the children of the well-to-do enjoying a feast in the village, decorated with garlands and ornaments far above the dreams of the poor householder's family?<sup>8</sup>

In Râjagaha the poor man Punna was a hired labourer of the treasurer Sumana, and his wife and daughter were servants in the latter's household. Once it was proclaimed in Râjagaha that everybody should make a seven days' holiday, but Punna said to his master: "Master, a holiday is for the rich; I have not even enough rice in my house for tomorrow's porridge: what business have I making holiday?"<sup>9</sup>

The poor had to work hard, depended for their living on other people, were clad in ragged loincloths<sup>10</sup> while others had garments of finest cloth from Benares.<sup>11</sup>

We read about the palaces of the nobles; they may have been simpler than those of Citizen Kane but they were the best that the time could offer and usually there were three of them, one for each season.<sup>12</sup> While the Venerable Sopâka was born of a very poor woman,<sup>13</sup> the Venerable Sona Kolivisa, when he entered the houseless life, abandoned a wealth of eighty cart-loads of gold and a retinue of seven elephants,<sup>14</sup> and the Venerable Sâriputta gave up eight crores of wealth.<sup>15</sup> The Buddha met Belattha Kaccâna on the road from Râjagaha and Andhakavinda with five hundred carts, all full of sugar.<sup>16</sup> He may not have been as rich as one of the Lyles today, but we feel certain that he did not starve in times of famine. Scarcity of food is mentioned at various places.<sup>17</sup>

Rhys Davids admits in the sentence following the quotation that “the only serious inroad upon the happiness seems to have been famine resulting from drought.” But one cannot forget that disease and plagues too swept over the country. Diseases attack the rich as well as the poor, but they are more at home with those who starve and paupers are defenceless against plague. (This is asserted in the Dhammapada Commentary, XXI, I). People suffered from leprosy, boils, dry leprosy, through consumption, fits,<sup>18</sup> and epilipsia<sup>19</sup> while whole families were wiped out through plague.<sup>20</sup> They were as helpless against this evil as they were against scarcity of food.

Though there may have been no landlords in the sense of private owners of property, there are records of Royal Grants, which give practically the same rights as enjoyed by private owners. The chieftain Pâyâsi, who was residing at Setavyâ, a spot “teeming with life, with grass-land and wood-land, with water and corn, on a royal domain, granted him by King Pasenadi of Kosala as a royal gift,” held power over it as if he were a king.<sup>21</sup> The same was read about the Brahman Pokkirasâdi at Ukkattha<sup>22</sup> and others.<sup>23</sup> Of the Brahman Lohicca at Sâlavatikâ,<sup>24</sup> we learn in addition, that a number of people were dependent on him.

There were not many slaves<sup>25</sup> and they were usually humanely treated, but we are not surprised at the idea of a slave who wishes to acquire merit in order to be reborn under better conditions of living.<sup>26</sup>

These Brahmans mentioned above had their granaries probably full in times of famine, without having to toil in the

fields like the farmer who had to look after his land alone with the help of his family. The onerous work of the farmer described by the Mahânâma is not their burden.<sup>27</sup>

As it has been pointed out, life on the whole was not happier or unhappier than in any other society of a similar structure, and as there were people in need there was a fair amount of crime too. (The Cakkavatti Sihanâda Sutta in the form of a story gives a striking description of how crime develops in consequence of widespread poverty.<sup>28</sup>) And there was crime not only “outside the villages.” Dacoity of course most often is at home on the roads and not in the village, but cheating with measures<sup>29</sup> certainly can only obtain in the house of the merchant or in the marketplace. There is no reference to a central power “putting down dacoity,” Angulimâla<sup>30</sup> holds the population in terror and other robbers too are mentioned frequently.<sup>31</sup> There are rules in the Pâtimokkha prohibiting the ordination of robbers.<sup>32</sup>

There is no doubt that there were penalties too. But they were so severe that they certainly do not prove that the central power was able to control dacoity, but just the opposite. They tried to frighten the criminals with horrible punishments; this is necessary only when the authorities are helpless and it usually results in increasing crime. The Mahâ Dukkha-Kkhanda Sutta lists a great number of different punishments like flogging, the bastinado, bludgeoning, cutting off hands and feet, ears and nose, etc. Those with names incomprehensible to us are explained by Chalmers in a footnote<sup>33</sup> as follows: “The skull was first trepanned and then a red-hot ball of iron was dropped in so that the brains boiled over like porridge; the mouth was fixed open with a skewer and a lighted lamp put inside from the neck downward; the skin was flayed into strips not severed at the ankles but there plaited like a hayband to suspend him till he fell by his own weight; the victim was skewered to the ground through elbows and knees, with a fire lighted all round him so as to char his flesh; the victims were slung up by double hooks through flesh and tendons,” etc., etc. For lesser crimes whole families were thrown into bonds,<sup>34</sup> people were put in jail,<sup>35</sup> were scourged,<sup>36</sup> branded<sup>37</sup> beaten with stripes<sup>38</sup> to death, mulcted with fines, exiled,<sup>39</sup> etc., and even the unfortunate debtor was thrown into prison.<sup>40</sup> All this did not stop petty thefts,<sup>41</sup> cheating and fraud.<sup>42</sup> Even the yellow robe and the begging bowl of the bhikku was made use of by cheats.<sup>43</sup> Murder was not rare<sup>44</sup> and we come across patricide and matricide too.<sup>45</sup> Laywomen and bhikkhunîs were violated<sup>46</sup> and adultery was as frequent as elsewhere.<sup>47</sup>



The people, miserable and oppressed through poverty and its consequences turned to drink<sup>48</sup> and gambling.

Dicing, women, the dance and song,

Sleeping by day, prowling about at night ...<sup>49</sup>

- many an unhappy contemporary of Gotama found pleasure in amusements of this kind.

It was no Golden Age and certainly the evidence quoted here was known to Rhys Davids. In spite of this he quotes an old Suttanta in order to delineate sharply the lovely picture he conjures up. One wonders how that can be?

The quotation comes from the Kûtadanta Sutta, in which the Buddha is questioned by Kûtadanta the Brahman as to how to perform a sacrifice in the best manner. The Buddha answers him with the story of King Mahâ Vijita who, once upon a time, put the same question to his chaplain. The chaplain in the course of his answer said these words:

The King's country, Sire, is harassed and harried. There are dacoits abroad who pillage the villages and the townships and who make the roads unsafe. Were the king, so long as that is so, to levy a fresh tax, verily His Majesty would be acting wrongly. But perchance His Majesty might think: 'I'll soon put a stop to these scoundrels' game by degradation and banishment, and fines and bonds and death!' But their licence cannot be satisfactorily put a stop to so. The remnant left unpunished would still go on harassing the realm. Now, there is one method to the king's realm, who devote themselves to keeping cattle and the farm to them let His Majesty the king give food and seed-corn. Whosoever there be in the king's realm who devote themselves to trade, to them let His Majesty the king give capital. Whosoever there be in the king's realm, who devote themselves to government service, to them let His Majesty the King give wages and food. Then those men, following each his own business, will no longer harass the realm; the king's revenue will go up; the country will be quiet and at peace; and the populace, pleased one with another and happy, dancing their children in their arms, will dwell with open doors.<sup>50</sup>

As we see, the quotation is from a story, a sort of fairy-tale, and not even does this fairy-tale claim that life is as happy and pleasant as Rhys Davids' sentences would have us believe. The story proves just the opposite. There is a great poverty and crime – else such advice as that of the chaplain would not be necessary.

The story is not a genuine fairy-tale. Genuine fairy-tales are like daydreams, their function is to satisfy such desires of the daydreamer or of the authors of the fairy-tale, as in real life remain frustrated. So far as it gives a hope of a better world, it performs to a certain degree the function of a fairy-tale.

How, then, is such a lapse possible in a work like *Buddhist India*? There is no doubt, that the reason for the very unreliable use of a quotation does not lie in the author's inexactitude. If he would have thought about it, this scholar of Buddhist Philosophy would have immediately recognized his mistake. The real reason is that he did not think at the moment he wrote these words, he was probably carried away by his enthusiasm. The nostalgia for a world in which all men are innocent and people dwell with open doors, "dancing their children in their hands," and the idea that once upon a time there was a world like this, is common to everybody. It is responsible for Ovid's "*aurea aetas*," for the Garden of Eden and for a number of fairy-tales. It is so strong in every human being that even a philosopher is in its power.

It is unaccountable otherwise, that an authority on the teaching of the Buddha, the kernel of which is the knowledge of suffering and its cause, of the end of suffering and the way leading thereto, would have thought even for a minute, that such a philosophy could have been generated in a world in which there was hardly any misery. If people had lived so happily, the Buddha's teaching would never have appealed to the masses of India. They would have never accepted—possibly against their own individual dream of life which was or could be more satisfying—the idea of life which from its very beginning is "*dukkha*."

The Visuddhi Magga describes the first minutes of human life as follows:

Only recent psychological research has given attention to the experience of the infant at birth. The idea of pain in connection with childbirth has always been bound up with the person of the mother. The adherents of Gotama dared to see their life as it was. Even if in certain fleeting moments they too may have allowed themselves daydreams, they certainly did not believe that theirs was a Golden Age.

Rhys Davids, with his great love for his subject, must surely in a sort of daydream, through the influence of nostalgia common to us all, have transformed the world of the Buddha into an *aurea aetas* ...

“... quae vindice nullo  
sponte sua sine lege fidem rectumque colebat.  
Poena metusque aberrant, nec verba minacia fixo  
Aere legebantur ...”

## Endnotes

- 1 “The Golden Age was first ...” Ovid, *Metamorphoses*, Dryden.
- 2 T.W. Rhys Davids, *Buddhist India*, T. Fisher Unwin.
- 3 “Needless was written Law ...,” Ovid, loc. cit.
- 4 Pâtiesaniyâ Dhammâ, 3.
- 5 Due to this relation to the Sangha they were sometimes over anxious to provide food for the bhikkus even at the cost of their own sustenance.
- 6 Cullavagga VI, 14, I, etc.
- 7 Cullavagga VI.4, 9, etc.
- 8 Mahâvagga, VI, 15.
- 9 Dhammapada Commentary, XVII, 3.
- 10 Dhammapada Commentary, XXV, 17.
- 11 Mahâvagga VIII, 2, etc.
- 12 Mahâvagga, I, 7. i.Cullavagga, VII, 7, 7, etc.
- 13 Psalms of the Bretheren, p.37.
- 14 Mahâvagga, V, 29, I
- 15 Dhammapada Commentary, XXVI, 17.
- 16 Mahâvagga, VI, 26, I.
- 17 Cullavagga, VI, 21; Mahâvagga, VI, 17,7; VI, 18,4;VI, 9, 2;VI, 20, 4; etc.
- 18 Mahâvagga, I, 39; I, 76.
- 19 Digha Nikâya, Pâtika Sutta.
- 20 Mahâvagga, I, 50; I, 51.
- 21 Pâyâsi Sutta, Dial. of the Buddha, Vol.II, p.349.
- 22 Ambattha Sutta, Dial of the Buddha, Vol. I, p.109.
- 23 Sonadanda Sutta, Dial of the Buddha, Vol. I, p.144, and Kûtadanta Sutta, ibid, Vol. I., p.228.
- 24 Lohicca Sutta, ibid. Vol.I, p.288.
- 25 Cullavaga, IV, 4, 6; VI, 4, I; Mahâ Assapura Sutta, Further Dial. of the Buddha, Vol. I, p.2.
- 26 Sâmanna Pahala Sutta, Dial. of the Buddha, Vol. I. p.76.
- 27 Cullavagga, VII, 2.
- 28 Dial. Of the Buddha, Vol. III., p.59.
- 29 Lakkhana Sutta, Dial. of the Buddha Vol. III, p. 165 Brahma-Jâla Sutta, Dial. of the Buddha, Vol. I, p.6.
- 30 Mahâvagga I, 41; Dhammapada Commentary, XIII, 6.

- 31 Mahâvagga I, 66; I, 67; II, 24, 3; III, 9, 2; Lakkhana Sutta, Dial. Of the Buddha, Vol. III., p.65. Mahâ-Dukkha-Kkhandha Sutta. Further Dial. of the Buddha, Vol. I., p.61.
- 32 Mahâvagga I, 41; I, 42; I, 66; etc.
- 33 Further Dial. Of the Buddha, Vol. I., p.61.
- 34 Mahâvagga VI, 15, Sâmanna Phala Sutta, Dial of the Buddha, Vol. I., P.71.
- 35 Mahâvagga I, 42, I.
- 36 Mahâvagga I,-44
- 37 Mahâvagga I, 45
- 38 Devadhâ-Vitakka Sutta. Further Dial of the Buddha, Vol. I., p.71.
- 39 Cûla-Saccaka Sutta, Further Dial. of the Buddha, Vol. I, p.80.
- 40 Mahâvagga I, 46.
- 41 Sâleyyaka Sutta, Further Dial. of the Buddha, Vol. I, p.204. Mahâvagga VI, 7, 6; VII, 23, I; I, 14, I.
- 42 Brahma-Jâla Sutta. Dial. of the Buddha, Vol. I p.204. Mahavagga, VI, 7, 6; VII, 23, I, 14, I.
- 43 Brahma-Jâla Sutta. Dial. of the Buddha, Vol. I, p. 6 Lakhana Sutta. Dial of the Buddha, Vol. III, p.165.
- 44 Mahâvagga I, 62, 2.
- 45 Brahma-Jâla Sutta, Dial. of the Buddha, Vol. I, p.6. Jât, 285; II, 415-417.
- 46 Mahâvagga I, 64; I, 65; Dhammapada Commentary, XXI, 4, etc.
- 47 Mahâvagga I, 67; VIII. 30, 2; Cullavagga, X, 23.
- 48 There is a rule in the Patimokkha prohibiting the drinking of fermented liquors and strong drinks. Pacittiya Dhamma 51. See also Cullavagga, XII. 1, 3; XXI, I, 10.
- 49 Sigalovada Sutta. Dial. Of the Buddha, Vol.III., p.176.
- 50 Dial. of the Buddha, Vol.I, p.176.
- 51 “At the time of birth suffering arises for him, being turned upside down on account of the winds of the body caused by karma, as if fallen into hell, falling through the very fearful passage of the womb, through the greatly obstructed mouth of the womb, like a great elephant being dragged through a keyhole or a denizen of hell being crushed into powder by the mountain of the Sangahata-hell. This is the suffering of the child in the process of birth.  
When the child is born, with a body so delicate like a tender wound, it has to suffer when it is handled, bathed, washed and dried with cloths and such like things as if pierced through with pointed needles and cut with sharp razors. This is the suffering on coming out of the womb.” Visuddhi Magga, Vol II., p.500.

Edith Ludowyk-Gymroi, a Hungarian psychiatrist, Marxist, feminist and refugee from fascism lived in Sri Lanka in the 1940s and early 1950s. She married E.F.C. Ludowyk, the professor of English, Peradeniya University whose 100th birth anniversary falls this year (2006). Edith's interest in philosophy and religion is reflected in this article

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# INVESTIGATING THE UNIVERSE

Osmund Jayaratne

## A quick glance at the universe

Our relatively advanced knowledge of the universe in which we live began with the theory of the expanding universe propounded by Hubble in 1929. As we know today, the universe consists of well over a hundred billion enormous star clusters known as galaxies. The galaxy to which our solar system belongs is labelled the *Milky Way*. It consists of between a 100 and 104 billion stars of different character arranged in a spiral formation, as a result of which we refer to our galaxy as a spiral galaxy. There are other galaxies as well, notably *Andromeda* which is closest to our galaxy, and is also spiral in structure, besides containing roughly a similar number of stars. There are also galaxies other than spiral ones, such as elliptical galaxies, and others which are beyond the author's knowledge. All in all, according to current astronomical studies, there are almost another 100 billion galaxies existing in outer space. The universe indeed is enormous and far beyond our present comprehension.

After certain observations made in the US by Slipher that the galaxies appeared to be moving from one another, in 1929 Hubble established by spectroscopic studies based on what is known as the Doppler Effect, that the galaxies were indeed moving away from us. The rate of recession appeared to be proportional to the distance of the galaxy from us. As a result, the further the galaxy was from the point of observation, the greater was its velocity of recession. Such an observation would have been made, in fact, from any point in the universe and not merely from our Earth which in the 16<sup>th</sup> century and before, was considered to be the centre of the universe. But a further conclusion that arises from the theory of the expanding universe is that aeons and aeons ago all the matters and energy in the universe would have been concentrated into a single point referred to as a *singularity*. It is believed today that 13.7 billion years ago, this singularity underwent as what is now referred to as the *Big Bang*, which spewed forth in all directions energy and matter which ultimately created the elements, and in a matter of minutes, created the myriad stars that today make up our firmament. But it is not my intention to write here of the Big Bang, which we might reserve for a future occasion. Apart from the myriad stars

distributed throughout the universe in the form of galaxies, it had also been discovered that in inter-galactic space and perhaps within the galaxies themselves, there exists an enormous continuance of what is known as *Dark Matter* consisting of extremely minute particles which have velocities of their own. In popular terms this mass of Dark Matter may be referred to as *Star dust*.

## Some insights into our universe

Apart from satellites that revolve in outer space around our Earth, fulfilling such purposes as observing cloud systems around the Earth from hundreds of miles beyond and thus helping to predict the Earth's weather, such satellites are vital in establishing communications around our globe. In fact, but for these satellites, radio and television from one part of our earth could never be received on the opposite side, as is common today. The physics and mathematics of the communications satellites were first described in the 1945 edition of the journal *Wireless World* by Arthur C. Clark, who honours our little island today by having made it his home. But humankind has also sent unmanned satellites to planets such as Mars and Venus for collection of data regarding the surface features of these planets. This data has been relayed to space centers such as NASA which have acquired considerable information about the atmospheres and small segments of the surfaces of these planets. But man has also successfully sent a manned satellite to our moon. Data from the intrepid astronauts who made the journey such as Neil Armstrong, Edwin Aldrin and Michael Collins have given us greater insight into the surface of the moon.

Many years ago, on the initiative of Berkeley, NASA dispatched a historic spacecraft named *Star Dust* to the outer reaches of space. This unmanned craft traveled a distance of 4 trillion miles and has only recently returned safely to Earth. The journey to outer space took nearly seven years. It collected materials from the tail of a distant comet mostly particle in nature as well as samples of star dust from outside in what was long ago thought to be empty space. *Star Dust* has safely brought back the samples it collected. As I write these lines, scientists and astronomers both in the

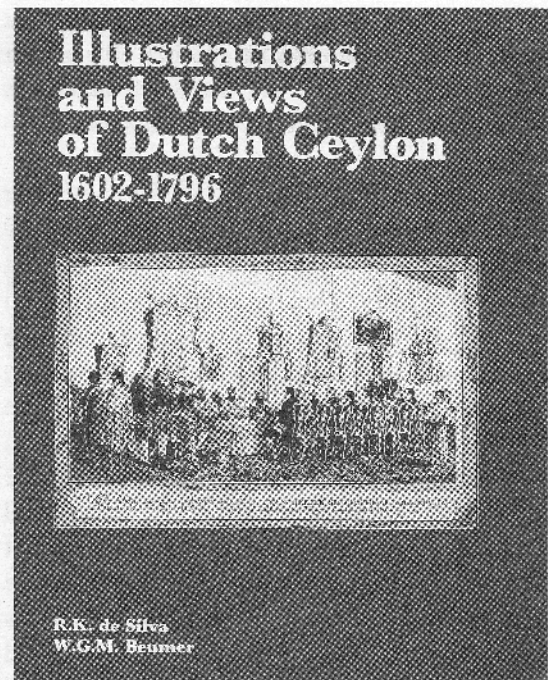
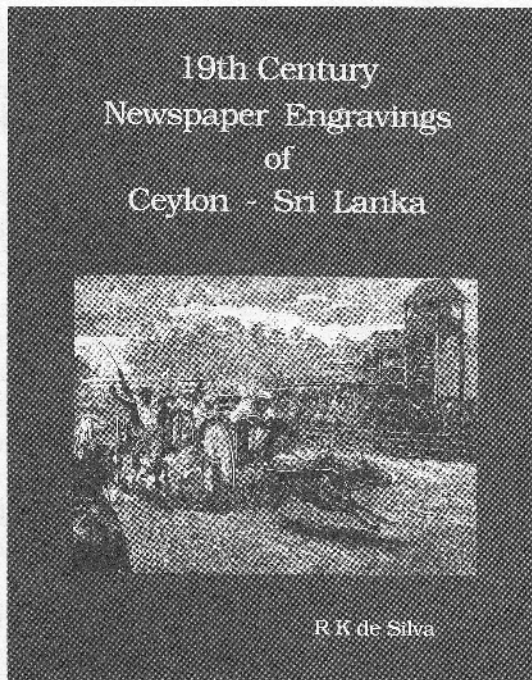
USA and other parts of the world are excitedly looking forward to the samples brought back by 'Star Dust'. NASA, in fact apart from its own investigations, has also opened a new website calling upon the interested public to observe the magnified images of the particles returned to earth, and their observations regarding densities and other features. Of course, before projecting these pictures on the website, NASA will magnify them considerably for observational purposes. Up to today, the public response has been enormous.

So called star dust normally bombards the Earth and even our own rooftops at the rate of about 100,000 per square inch. But, as far as we know, they are harmless and beyond any perception by ordinary human beings. Even with these complex arrangements and attempts, NASA estimates that it may take at least a further year or two before we reach any understanding of the Dark Matter that fills our universe.

Space, I repeat again, is indeed vast, and even the few steps taken by a puny race on a medium planet such as Earth has yielded information that bogs the imagination. In this brief article I have merely touched upon some of the fringes of our knowledge regarding the universe. Unfortunately, astronomy is a closed book to 99% or more of the residents of earth. In Sri Lanka it is not even a viable subject in courses leading to the O-Level and the A-Level examinations. Only a few—indeed a very few – amateurs devote any interest to the amazing universe in which we humans live. If time and space permits, the author hopes in future issues of *Polity* to bring to the notice of its readers certain other features of the vast universe.

I finally hope that, as in many countries, astronomy will before long become a subject with observational facilities in our schools and, above all, in the universities of Sri Lanka.

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# SRI LANKA - A FAILED STATE?

N Shanmugaratnam

Sri Lanka has been ranked 25, between Rwanda and Ethiopia, on the list of Failed States Index (FSI) as computed by the US based Foreign Policy & Fund For Peace. Sri Lanka is one of the 28 countries in the red 'Alert' segment headed by Sudan. Norway is at the other end of the list of 146 countries and hence the world's best performer in terms of the Index. The FSI is an aggregate of scores for twelve criteria derived from a liberal democratic concept of the state. It is not the purpose of this essay to go into the merit of each of the criteria or into the validity of the statistical procedure.

Moreover, it needs to be said that, beyond the rankings according to a common set of criteria, the FS indices are not useful for comparisons of state building in different countries, as each national case has to be seen in its historical context and with reference to its location in the changing global political environment. Just recall, for instance, the diversities in the historical, geopolitical and global contexts of state formation in Western Europe, former colonies in the 'Third World' and in the former Soviet bloc countries. The FSI offers a simple aggregate statistical statement of some key internal conditions at a given point in time. It says nothing about history or the powerful external pressures on national state building in today's world. It can be dismissed with justification as an ideologically motivated construct meant to serve the imperial project of neoliberal hegemony.

However, the FSI list is not without value. In my view, it is worth considering the overall finding that many states in the 'Third World' have failed or are failing in terms of some basic conditions for successful capitalist state building in today's global environment. These conditions, if I may take the liberty to choose, include the monopoly on violence, genuine control over the territory formally recognised as belonging to the state and over the people living there, guarantees of basic freedoms and protection of citizens' rights, economic and social development and basic human welfare. One can address these conditions with reference to Sri Lanka without being restricted by the FSI framework, even by rejecting it altogether. I think the FSI report has, at least, given us an opportunity to look at the state of state building in Sri Lanka.

The Lankan state has lost its monopoly on violence and its sovereignty has been effectively challenged by the LTTE in parts of the north and east of the country. Closely and causally related to the armed conflict are the communalisation of the polity and the desecularisation of the state in a multi-ethnic, multi-religious country. The internal war, which has been going on for more than two decades, has caused massive loss of lives and assets and left hundreds of thousands displaced. It has caused more divisions, generated new grievances and conflicts, and rendered the national question more intractable. Successive governments have been callously indifferent to the indignities suffered by the Tamil speaking people due to the lack of enforcement of their language rights. These rights exist only on paper. A government, which spends in billions to fight the LTTE, has not bothered to create a functioning machinery for the implementation of Tamil as an official language. If this is not discrimination, what is it? Can the Tamils be faulted for having lost faith in such a government and in the majoritarian unitary state?

Lanka's law and order machinery has been progressively weakened due to corruption and politicisation and its legitimacy is highly eroded. The human rights record is poor and disappearances and extra judicial killings are again on the rise as this is being written. Development continues to be socially and geographically uneven. The state has not been able to play a developmental role in the sense of enabling an inclusive economic transformation and social advancement. It has simply shifted from an interventionism that lacked a transformative developmental vision to a total submission to the neoliberal conditionalities of the international financial institutions (IFIs). Sri Lanka had missed an opportunity to put to good use the human capital it had created through free healthcare and education in the early decades after independence.

Meanwhile, the country remains highly dependent on foreign aid even after three decades of economic liberalisation under the tutelage of the IFIs. Even worse, the overall rate of absorption of foreign aid does not exceed 20 percent (Institute of Policy Studies). The rate of utilisation of tsunami aid is

pathetically lower than this at 13.5 percent (Auditor General's office). Government leaders often mention the war as the major cause of the poor development record. But they have not been able to find a political solution to bring the war to an end. This would involve a fundamental restructuring of the state to enable reunification through power sharing and that calls for a leadership with the political will to do it. We do not seem to be anywhere close to such a solution and the country is sliding back into war.

In these circumstances, it will be hard not to conclude that Sri Lanka's project in post-colonial state building has failed in some basic respects and that the failure to build a Lankan society based on an overarching Lankan identity has been the biggest failure of all. Sadly the political elite that shaped state formation had a different notion of a 'Lankan nation' as

they were committed to the creation of a state that is Sinhala Buddhist both in character and appearance.

Perhaps those ultranationalist allies of the government who are for a military solution believe that war is the best way to finish the unfinished business of building a unitary Sinhala Buddhist state and for the state to regain its monopoly on violence. The Liberation Tigers are responding in the same language - a final war to complete the secession. I am no military expert but many experts seem to think that war will not lead to either of these outcomes but to a prolongation of the agony of the people and to a deeper crisis for the unitary state. I am deeply convinced that reviving the peace process is the first step towards a solution. The solution may be miles away but a long march to a durable peace through negotiations is better than a protracted war of mutual annihilation. ■

**Dr. N. Shanmugaratnam is Professor of Development Studies and Head of Research, at Department of International Environment & Development Studies, Norwegian University of Life Sciences**

## BANNING OF "THE DA VINCI CODE"

The following is an FMM press release:

The Free Media Movement wishes to express its concern regarding a decision by the President to order the Public Performances Board to ban the film "The Da Vinci Code", as reported in the "Daily News" on 25 May 2006.

The report goes on to say that this move is in response to an appeal by the Catholic Bishops' Conference.

In principle, the FMM is opposed to all forms of censorship that restrict the freedom of expression. Throughout the world, the issue of censorship is one that is extremely contentious. Guidelines to prevent the exposure of children to scenes that may have an adverse impact on their development as well as to prevent the depiction of extreme violence and brutality are present in almost every country. However, these guidelines are almost always implemented through a legal mechanism, such as a Board of Censors or a Public Performance Board, such as we have in Sri Lanka. The existence of such a mechanism provides accountability and also avenues for redress for those who may feel their artistic freedom has been curtailed by the decision to restrict viewing of certain public performances for children.

In this context, a decision by the President to "order" the Public Performances Board, which is mandated by an Act of Parliament to carry out its mandate in reviewing every public performance and in granting certification for universal or restricted performance, to ban any public performance, is a serious challenge to existing legal norms and standards in Sri Lanka.

We urge the President to call on the Public Performances Board to carry out its mandate by reviewing the film "The Da Vinci Code" when it is due for screening in Sri Lanka and then take a decision according to the powers vested in it through the Public Performances Act and according to the guidelines it has developed for its effective functioning.

We also urge the President, the Public Performances Board and the general public to understand the principles of freedom of expression that underlie the decisions of the governments of India and Thailand, our closest neighbours, to permit the public screening of the film "The Da Vinci Code" following intense debate and legal and moral arguments. ■

Free Media Movement

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# OVER 100 WOMEN SAY NO TO WAR

## Call for Responsible Behaviour from the State and the LTTE

We voice our concern about recent developments which have yet again raised fears of war in the minds of Sri Lankans. It is disturbing to note that while both the Government and the LTTE claim to be committed to the CFA, the ensuing acts of violence diminish the integrity of an already weak peace process.

We say to both parties with no hesitation that despite their constant rhetoric that civilians will be protected their actions have completely disregarded the safety and security of civilian populations. The Government and the LTTE have both failed to give primacy to the situation of civilian populations caught in the midst or aftermath of hostile acts. We call upon both parties to ensure the safety and security of civilians at all times.

The litany of acts of violence over the past few weeks clearly shows that both parties have paid scant regard to the plight of civilians. The LTTE through the suicide attack on General Sarath Fonseka, the recent attack on the Navy ship, the preceding increase in claymore bombs and other attacks on military targets, extra-judicial killings of political opponents and child recruitment, and the Government through its failure to prevent recent attacks by armed groups on Tamils and their homes and businesses in Trincomalee, to investigate and prevent the daily occurrence of extra-judicial killings in state-controlled territory; and retaliatory aerial bombardment in the North and East, have disregarded the security and needs of the civilian population. We would like to highlight that every such violation further erodes trust between parties and makes the path to peace more difficult.

The events of the past weeks and the overall manner in which both parties have conducted themselves in the peace process do not inspire confidence in the general populace about the commitment of either to finding a negotiated settlement to the conflict. As stated in the recent report of Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the LTTE's targeting and killing of political opponents raises doubts about its ability to enter the democratic process. At the same time, the failure of the Government to carry through its commitments to peace by preventing acts of violence perpetrated by various armed groups exhibits its shortcomings to fulfilling the undertakings made at the Geneva talks. Further, the inadequacy of

Government efforts to investigate as well as prevent the disappearances and killings of Tamils encourages impunity. This situation has led to the re-emergence of the phenomenon of headless corpses and deaths in custody which have not been addressed by the mechanisms put in place by the Government. The existing situation has heightened the capacity for misuse of cordon and search operations, and the indiscriminate detentions of Tamil civilians.

We would like to reiterate, particularly to those who seek to resolve the conflict through war that in cases of protracted conflicts negotiation takes a considerable period of time and often suffers numerous set backs before the issue is finally resolved.

We call upon all parties to the conflict and civilians to remember the period of war Sri Lanka experienced and come to the realisation that a resumption of hostilities will bring about even greater destruction. From human casualties, damage to infrastructure and adverse impact on the economy, to more checkpoints and cordon and search operations, a return to war will result in the suspension of "normality" and adversely affect every facet of life of all citizens of Sri Lanka.

A return to hostilities will also have serious economic repercussions for the country. As a report of the Asian Development Bank points out, the economy continues to be sensitive to the state of the CFA and economic forecasts for the next two years require the ceasefire to be in place and the political situation in the country to be stable, i.e. no outbreak of hostilities.

We therefore reiterate that both parties should abide by their obligations under the CFA and international law, and should do so regardless of the actions/inaction of the other. Duties and responsibilities of each party under the CFA and international law are independent of the actions of the other group and violation by one party should not be used as justification for violations or failure to act of the other party.

Both the Government and the LTTE should desist from further action which erodes the integrity of the CFA and instead strive to find means of common ground and continue to engage in seeking a negotiated resolution to the conflict. ■

## DON'T MISS 'The DA VINCI CODE'

Here we go again. Another blatant attempt by Church and State to stifle the freedom of expression has occurred recently with the banning of the film *Aksharaya* under pressure from the Sinhala cultural nationalists and the banning of the 'The da Vinci Code' after protests by the Catholic Bishop's Conference. In fact the ban on this film has been ordered without the usual procedure of screening by the Public Performances Board. In the past fundamentalists of all religions in Sri Lanka have agitated to get books and films they find 'offensive' banned. After some Muslims in Sri Lanka protested against Salman Rushdie's *Satanic Verses* and Taslima Nasreen's *Lajja*, these books were banned. We also had the banning of *Buddhism Betrayed?* by S.J. Tambiah, which led to a strong protest by 50 Sri Lankan intellectuals. All religious leaders and the more bigoted of their following seem to thrive on the banning of books and films. The result is immense publicity for the protests or bans. The film 'The da Vinci Code' is No.1 at the box-office in the USA today!

It is not really surprising that in Western Europe, the pews in churches are empty and that nuns and priests have to be recruited from Africa and Asia. This is because the Catholic Church is stuck in the Middle Ages, where burning heretics at the stake, and torture were part of the infamous Inquisition. There was even a list of 'Prohibited Books' which Catholics could not read. This has been abolished but the Church yet intervenes to ban films. Today the Catholic Church condemns reproductive rights, divorce and gay rights and it has been being quick off the mark to organize demonstrations against films on the life of Christ.

All this reminds us that father Tissa Balasuriya, OMI was excommunicated (but later taken back) for depicting Mary, the mother of Jesus as a liberated woman. His liberation theology and support for women priests annoyed the Vatican.

In 1997 Cat's Eye took a strong stand on social reform and religion. It said "Many of us who are secular in outlook, and believe that religion is a personal matter, are not surprised that a medieval, feudal and patriarchal institution like the Roman Catholic Church not only still fights rearguard battles on issues of divorce, abortion and female ordination but also excommunicates those who differ. So what happened to human rights, to freedom of choice, to freedom of expression, won after long battles against the feudal regimes of Church and State in the late 18<sup>th</sup> century, as well as the struggles for democracy of the following century?"

The Catholic Church which persecuted Galileo but has now regretted this, has yet to come to terms with the European philosophers of the Enlightenment and the call for liberty, equality and fraternity \_ which now includes freedom of expression and gender equity. In the year 2006, we don't need the Church or State to tell us which book to read and which film to see.

Fortunately the media has not towed the official line. The Free Media Movement has deplored the ban.

An editorial (*Daily Mirror* 29 May 2006) entitled "Adopt an Enlightened Approach" notes that even in the USA and Indonesia, the film has not been banned. What is more it seems that no European or Christian country has banned the film. However the book has sold millions all over the world and has been on sale in Sri Lanka. It will no doubt be on cable TV and available on DVD soon. It will be a 'hot number' since banning books and films will only increase their popularity. Don't Miss "The da Vinci Code!"

Extracts from Cat's Eye, in *Friday*, 2 June 2006