Jul.-Sep. 2002

Vol. 5, No. 3
ISSN 1391 - 2380

Nēthrā

A non - specialist journal for lively minds

IN THIS ISSUE

INTERNATIONAL CENTRE FOR ETHNIC STUDIES, COLOMBO

Nēthra

Journal of the International Centre for Ethnic Studies, Colombo

Nēthrā will appear quarterly. Subscription rates are:

Sri Lanka: Rs.350 per year

SAARC countries: U.S. $15 per year

Other countries: U.S. $20 per year

All rates are inclusive of mailing costs (by air in the case of foreign readers).

ISSN 1391 - 2380

All correspondence to:
International Centre for Ethnic Studies
2, Kynsey Terrace, Colombo 8, Sri Lanka

Printed by
Unie Arts (Pvt) Ltd.
No.48 B, Bloemendhal Road,
Colombo 13.

Jul. - Sep. 2002 Vol. 5, No. 3

Nēthrā

Quarterly Journal

Editor
Regi Siriwardena

International Centre for Ethnic Studies, Colombo

Nēthrā welcomes contributions from scholars and writers. Since the journal's interests are omnivorous, there is no restriction on subject-matter. Ideally, however, *Nēthrā* looks for material that is serious without being ponderous, readable and interesting without being superficial, and comprehensible even to readers who are not specialists in the intellectual field in which the subject is situated.

In addition to papers and essays, we shall be glad to receive shorter critical comments and letters in response to any material that has already appeared in the journal.

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Anne M. Blackburn

Introduction

In my comments I will reflect on prevailing theories of Buddhist modernism and revivalism in colonial Sri Lanka, using the case of Hikkaduve Sri Sumangala as the vantage point from which to note some of the useful and problematic aspects of our current analytical frameworks. Before doing so, however, it may be useful to say something about the larger research project of which today's discussion forms but a small part. I would like to highlight certain aspects of this larger project in order to suggest some avenues for subsequent discussion, but also to highlight areas in which I would particularly benefit from your own expertise. As with any new project, I have more questions than answers to them!

At its broadest, my aim is perhaps absurdly grand: to gain a fairly subtle historical understanding of the degree to which, and the ways in which, Sri Lankan Buddhist communities and their forms of practice altered during Sri Lanka's period of high colonialism. Those of you who know the literature on this topic may think for a moment: but we know all that, surely, about the Buddhists anyway; we know about Protestant Buddhism and Buddhist revivalism and perhaps, even, Buddhist fundamentalism. But I would like to argue that we actually know very little about Sri Lankan Buddhism under high colonialism. We do not have a clear account of the nature of external stimuli to Sri Lankan Buddhists during the 19th century, especially with respect to other Asian countries. Nor do we understand fully the relations of such stimuli to one another and their comparative impact on Sri Lankan Buddhism. Although Malalgoda (1976), and Young and Somaratne (1996) have given us a great deal of food for thought about low-country Buddhism during the early part of the 19th

century, we have only begun to see the ways in which local Buddhist debates and processes intersected with external forces to create particular local effects. We tend to be confident that Olcott and Dharmapala are decisive to any account of transformed Buddhism on the island in the late 19th and early 20th centuries, despite the fact that we do not have anything like the sort of detailed 'before and after' pictures required to argue a case for transformation. We understand the relationships between class, caste and Buddhist activity only to a minimal extent, and with respect to certain highly visible families, on the basis of which we tend to assume a 'trickle down' alteration of Sri Lankan Buddhism. We freely use terms like Buddhist modernization and modernism, without sustained reflection on the ways in which such terms are to be construed in general, or in particular relation to the Sri Lankan case. After Anderson (1991), and even more after Chatterjee (1993), we are inclined to sense a connection between 19th century religiosity and emergent nationalism, but the case has not been argued in any sustained fashion. After Bartholomeusz and de Silva (1988), we wonder about the connections between 19th century Buddhist institution-building and contemporary political chauvinism, but again lack the detailed understanding needed to confirm or deny such possibilities.

Such comments are more by way of invitation than by way of criticism: there are histories of colonial Sri Lankan Buddhisms, Hinduisms, Islams, and Christianities still waiting to be written. All of them intersect with questions of fundamental importance to the humanities and social sciences, especially debates on the origins of nationalism and the character of modernity or multiple modernities.

Given my own research background and areas of expertise, I have chosen to focus on particular topics that may illuminate the over-arching problem mentioned a few moments ago. What I know best is Sri Lankan Buddhist education and monastic institutional life from the 18th century forward, and within that purview what I know best is Siyam Nikaya Buddhism and the institutional world of the Välivi†a Saranankara *sisyanusisya paramparava*. I have therefore chosen to work out a series of case studies involving Buddhist education (construed broadly to include emergent print culture) and monastic institution-building across the 19th century, with special

attention to Siyam Nikaya dayakas and monastic leaders. I am also looking at their counterparts from other nikayas with whom they had particularly strong — whether positive or negative — relationships. I am inclined to analyze educational practices, institutional development and patronage as arenas where local and external influences intersect and are negotiated. I am also inclined to read the historical record in these arenas by searching for signs of shifting intellectual worlds, and for moments in which what is 'naturally' Buddhist, or Lankan, or monastic, or birthright appears to become a matter of more explicit reflection or contention.

Let me turn now to the prevailing theories of Buddhist modernism and revivalism, and then to Hikkaduve Sri Sumangala as a case against which these theories might be tested. The case of Hikkaduve Sri Sumangala reveals many of the complexities involved in evaluating the impact of colonialism on Sri Lankan Buddhism. Drawing on my discussion of Sumangala, I therefore conclude my remarks today by identifying some of the issues that appear to me central to the study of Buddhism, colonialism and modernity in Sri Lanka.

Protestant Buddhism and Buddhist Modernism

The most influential English-language accounts of Sri Lankan Buddhism's transformation under colonialism are those presented by Richard Gombrich and George Bond, both published in 1988. It is important to note, however, that they are crucially indebted to three scholars whose accounts of colonial period Sri Lankan Buddhism preceded their own work. Those scholars are Gananath Obeyesekere, Heinz Bechert and Kitsiri Malalgoda.

Gananath Obeyesekere first coined the term 'Protestant Buddhism' in 1970 to describe the simultaneous protest against Christianity and assimilation of Protestant Christian institutions and social norms, which he believed characterized the emerging urban elite in 19th century Sri Lanka. In characteristically incisive fashion, Obeyesekere argued that the rise of Protestant Buddhism marked a major shift away from previous forms of Buddhist practice and social

organization, and that it had eventually shaped the understanding of Buddhism characteristic of most Buddhists in Sri Lanka during at least the first half of the 20th century (1970, 1976, Gombrich and Obeyesekere 1988). Heinz Bechert is the only scholar to have attempted a broadly comparative account of modernization and Buddhism across Asia. His discussion of Sri Lanka is striking for its juxtaposition of traditional and modernist Buddhist forms, for its emphasis on the 19th century as the dividing line between them, and for his careful attention to new lay Buddhist organizations (1988). In a path-breaking history of Sri Lankan Buddhism in the 18th and 19th centuries (to which I am greatly indebted in my own work), Kitsiri Malalgoda adopted the term Protestant Buddhism as a general framework within which to discuss Buddhist responses to the threat posed by Christian missionaries during the latter half of the 19th century (1976). Malalgoda noted the co-existence of Protestant Buddhism and what he called 'traditionalist' Buddhism in late colonial Sri Lanka, suggesting that both forms of Buddhism were characterized by a simultaneous acceptance of, and reaction against, colonial experience and Christian presence. Using an impressive array of Sinhala and English language sources, he also provided detailed historical evidence of intra-Buddhist debate and innovation in the first half of the 19th century, arguing that responses to intensified Christian mission presence were substantially influenced by the prior development of diverse and sophisticated monastic positions. It is important to note his portrayal of late colonial Sri Lankan Buddhism as complex and multivocal. However, Malalgoda did not elaborate his distinction between Protestant Buddhism and traditionalism. For this reason, and because he used both Protestant Buddhism and the idea of Buddhist revivalism as the central conceptual tools for his account of Buddhism and colonialism, these original features of Malalgoda's analysis have usually been neglected, with greater attention to his emphasis on Protestant Buddhism.

Let us now return to the influential analyses presented by Gombrich and Bond. As Richard Gombrich puts it:

> The confrontation with Christianity is the one great and sudden break in Sinhalese Buddhist history, far more significant than the vicissitudes which affected the fortunes of the [Buddhist monastic community] during the previous two thousand years (1988, 22-3).

Buddhism after the arrival of Christianity is described primarily in terms of Protestant Buddhism. Gombrich highlights four characteristics of Protestant Buddhism: its tendency toward fundamentalism with respect to the Pali texts of the *tripitaka*; its account of Buddhism as rational, scientific and philosophical rather than as a religion; its dependence on English-language concepts even when they are articulated in Sinhala; and the importance it accords to lay leadership.

According to Gombrich, all of these characteristics are the product of Euro-American influence. Gombrich notes certain social and political changes that made possible the emergence of Protestant Buddhism. The most important of these in his view were the removal of governmental involvement in monastic appointments and temple oversight, and the rise of a new middle class in southern Sri Lanka (1988, 176, 184). In that context, Protestant Buddhism is said to have originated at the intersection of efforts by Christian missionaries, anti-Christian Theosophists, and the new Sinhalese middle class (1988, 174, 195).

The argument put forward by George Bond admits greater complexity in that it describes both reformism and neotraditionalism as responses to intensified colonial presence in 19th century Sri Lanka. Bond also attempts to analyze more explicitly colonial presence in relation to the larger global force of modernization, and he details more fully a series of changes in polity and economy through which modernity became present on the island (14-19, 33-34). Bond draws the terms 'reformism' and 'neotraditionalism' from Robert Bellah's work on modernity, describing both of them as local interpretive responses to an altered modern context, and the rise of modernity as congruent with the arrival of British colonialism. For Bond, Protestant Buddhism is the manifestation of reformism present in 19th century Sri Lanka. Bond's account stresses the catalytic presence of British colonial power in Sri Lanka, citing the dissolution of traditional kingship, the creation of a plantation economy, the rise of urban

centers, and the emergence of a new elite. At the same time, the colonial administration is charged with the removal of traditional monastic authority in education and Buddhist institutional leadership (1988, 14-20).

The Protestant Buddhist/Buddhist revivalist thesis has done much to stimulate interest in colonial-period Buddhism and its connections to later Buddhist nationalism. Moreover, scholars such as Bond and Gombrich have helped to identify important areas for research by looking at the interconnections between new forms of political organization, economy and class, print culture, and religion. However, the formulation 'traditional Buddhism', on which Bond and Gombrich both rely as a counterpoint to Protestant Buddhism, obscures the rich history of Buddhism in South and Southeast Asia between the 5th and the 19th centuries. With respect to the colonial period itself, Euro-American presence on the island is described as the single catalyst responsible for an unprecedented and widespread transformation of traditional Buddhism. As one of my close colleagues is fond of noting, 'monocausal explanations are rarely convincing'. The case for this monocausal explanation is nowhere made fully on the basis of historical evidence. While there is indeed evidence that new forms of Buddhist organization and textual expression emerged in the course of the 19th century, sustained attention to Sinhala and English language sources makes it increasingly difficult to sustain confidence in the accounts of Protestant and revivalist Buddhism I have just examined.

Post-Orientalism

The historical accounts put forward by Richard Gombrich and George Bond were formulated before the critical — in both senses — perspectives of post-Orientalism had fully emerged, either within the disciplines of South Asian history or Buddhist studies. By post-Orientalist perspectives I mean those influenced by Edward Said's seminal work *Orientalism* (1978), which argued that the study of the 'Orient' by European linguists and textualists was crucially implicated in the political arrangements of colonialism and neo-colonialism. As

many of you already know, the Foucauldian turn of Said's argument generated a rich reformulation of South Asian history. I am referring here, for instance, to constructivist studies of matters like caste, ethnicity, and religious law. Such studies have argued - and quite persuasively for the most part - that the British colonial administrations in South Asia took as primordial markers of difference a cluster of social taxonomies which were, in fact, new 'traditions'.

These are powerful claims, and they have greatly influenced the way in which I understand the history of Sri Lanka. Because post-Orientalist perspectives originated in a political climate suspicious of celebratory accounts of colonial experience, and because of their promising focus on the ways in which knowledge is constructed in historically particular contexts, we might expect to find in such perspectives alternatives to the problematic models of Protestant Buddhism and Buddhist modernism. Indeed, in scholarship on 19th century Sri Lanka, post-Orientalist perspectives provide a second major paradigm for the analysis of colonial experience. Post-Orientalist scholarship is, for instance, crucial to nearly all recent historical examinations of communalism and nationalism, including those that link a 19th century Buddhist revival to contemporary chauvinist Buddhist politics.

Ironically, however, post-Orientalist perspectives (at least when used independently of other historical approaches) only strengthen 19th century 'watershed' arguments like those expressed by Bond and Gombrich. Why is this?

There are two main reasons. The first is that the post-Orientalist account of colonial experience intensifies our focus on the colonist as critical catalyst in the development of a colonial and post-colonial culture. Post-Orientalist histories provide a detailed account of the ways in which new conceptual frameworks — such as an understanding of person primarily in terms of caste, religion, or ethnicity — arose in the context of colonial administration. They typically underscore the manner in which such new conceptual frameworks were normalized (through their use in practices such as education, census, and tax collection), and the tendency for upwardly mobile local residents to accept the new frameworks as natural and desirable. When used alone as the theoretical framework within which

to understand the impact of colonialism on religion or any other set of cultural forms, these histories reinforce, rather than question, an understanding of colonial presence as catalyst for unprecedented transformation, as well as a belief that the modern subject — however described — emerges only with the invented traditions of colonial period knowledge systems.

Moreover — and this is my second point — because of their interest in colonial experience as the site of the processes I have just described, post-Orientalist historians typically do not attend to South Asia before the 19th century and thus deny themselves the context necessary to defend post-Orientalist claims. At the same time, this shortened historical vision suggests that the 'invention of tradition' and the politics of knowledge are new to colonial experience, and especially to the high colonialism of the 19th century.

Let us turn now to the monk Hikkaduve Sri Sumangala. Looking at the educational institutions and modes of textual production in which he was involved, I will show some of the ways in which the Protestant Buddhist and post-Orientalist modes of analysis are at once too much and too little when it comes to understanding the impact of colonialism on Buddhism. This discussion will help to indicate the range of phenomena that must be accounted for in any successful discussion of Sri Lankan Buddhism under colonialism.

Hikkaduve Sri Sumangala

Sumangala was born in 1827 to a Goyigama Sinhala family near what was then the most influential urban center — the city of Galle. He died in 1910. His father was a government official, first for the Dutch and then for the British, who achieved a moderately high position in the course of his lifetime. Sumangala's mother was well connected, the daughter of the leading family in a southern village. Like many Buddhists of the time, Sumangala was baptized. He was given the baptismal name Don Nikolos Abevira Gunawardhana. Through his godparents Sumangala was connected to high-level local officials. His godfather had achieved the rank of mudaliyar.

In 1840 Sumangala undertook the first level of Buddhist monastic ordination, at a temple near Galle, in the company of high-ranking local government officials and Buddhist patrons. He entered the Siyam Nikaya. Sumangala appears to have shown early promise as a Pali scholar, drawing the attention of lay patrons and visiting monks. His first monastic teachers, along with his father and one of his key patrons (Jon Cornelis Abhayavardhana), arranged for the young monk to study with one of the most famous monastic teachers of the period (Prajñånada 1947, 1-42).

This was Valane Sri Siddhartha (whose dates are 1811-1868), a monk in the Siyåm Nikaya. Sumangala was fortunate enough to become a pupil of Siddhartha's just before Siddhartha became the first incumbent at an innovative Buddhist educational center in Ratmalana. As far as I have so far been able to determine, this center, called Paramadhammacetiya, was the first Buddhist educational institution to be established at the behest of lay patrons separate from an existing temple site. However, it may be that Amarapura Nikåya models pre-dated Paramadhamacetiya — this remains a topic for research. Head-hunted by patrons from Ratmalana and Colombo (who appear to have been mostly goyigama Buddhists), Siddhårtha took young Sumangala with him.

Sumangala's eventual career success as a Buddhist monk owed a great deal to Valane Sri Siddhartha. Participation in Siddhartha's teacher-student lineage, which was impeccable for a Siyam Nikaya monk, guaranteed that Sumangala was later taken seriously as a candidate for choice monastic appointments, and it also made Sumangala visible to influential patrons. It was also significant that Sumangala's temple in Totagamuva had historically strong ties to the Siyam Nikaya's Kandyan leadership. In 1848, at the age of 21, he received higher ordination in Kandy, which was still the sole repository of higher ordination authority for Sumangala's order. Sumangala then spent ten years moving between his early temple residence at Totagamuve, Paramadhammacetiya in Ratmalana, and various temples where he was invited to spend the annual rains retreat. Such invitations were a compliment to Sumangala's learning and his preaching skill; they also provided him with opportunities to develop an increasingly broad network of monastic friends and patrons in

southern Sri Lanka. From 1858 onwards, Sumangala was appointed to a series of incumbencies at Buddhist temples and educational institutions that allowed him to consolidate his own authority as a Buddhist teacher and leader. Sumangala became head teacher at Bogahavatte Sudarshana Paramananda Vihara (Galle), in 1858. He remained in Galle until approximately 1867.

For a talented Buddhist monk, this was the right time to be in Galle. It remained a major urban center — and the island's most important port — until the 1870s when Colombo finally decisively outstripped it. Visiting dignitaries from abroad used Galle as their port. They included the steady stream of monastic visitors from Siam and Burma who came to Sri Lanka on goodwill visits or at the behest of local monks who sought Southeast Asian intervention in the island's protracted monastic debates. At the same time, Galle was one of the major centers for Buddhist anti-Christian activity.

By the 1850s, in large part because of the publication of a powerful attack (*Kristiyani Prajnapti)* on Buddhism by the missionary Gogerly in 1848, Buddhist monks and laity had begun to mobilize a more concerted, and more clearly hostile, response to anti-Buddhist publications and sermons. Siyam Nikaya monks participated in this new phase of Buddhist-Christian interaction. Indeed, it appears that heightened concerns about Christian missionaries encouraged monastic solidarity across the orders (Young and Somaratne 1996, 90). Sumangala was among the Siyam Nikaya monks involved in such matters. He was one of seven monks who debated Gogerly's points in 1863, and was subsequently invited to compose a refutation of Gogerly's position. This invitation led Sumangala into closer contact with Burmese Buddhists, as he sought satisfactory responses to Gogerly's attacks on Buddhist cosmography (Young and Somaratne 1996, 90-95). Sumangala also gave instruction to debaters when he was not himself participating (Saranankara, 1962, 98; Paranavitana 1983, 131).

Only in 1855 did the Buddhists achieve independent access to a printing press for the publication of Buddhist materials. Strikingly, Hikkaduve Sri Sumangala was active in the establishment of the second press, in Galle in 1862. Funds for the press came in from an aristocratic Kandyan layman and from the King of Siam, whom

Sumangala had known during the king's monastic period in the 1840s. There was also Siamese support for one of the magazines to which Sumangala regularly contributed (Malalgoda 1976, 219, 221, Gombrich 1988, 181). Between 1862 and 1865, many of the publications emerging from Galle were by Sumangala, who wrote on topics such as Christian history and Buddhist cosmography (Young and Somaratne 1996, 118-123).

In 1867, Sumangala was invited to take a leading role in a gathering designed to evaluate and, if necessary, to edit Sri Lankan manuscripts of the Pali *tripitaka*. The gathering took place near Sri Pāda, the second most important Buddhist pilgrimage center of the period. It was the brainchild of a lay official named Iddamalgoda who was the Basnayaka Nilame of the Saman Devalaye at Sri Pada. Over several months, leading scholars from both the Siyam and Amarapura Nikayas undertook a detailed examination of the disciplinary section of the Vinaya in order to agree upon a common reading of the text. Eventually, they addressed their attention to the other two sections of the *tripitaka*.

The monks involved in the editorial gathering must have attended in part out of deference to Iddamalgoda, who issued the invitation. At the same time, when we look at the list of monastic participants, it is evident that many of them were already well known as Buddhist scholars and as participants in Buddhist-Christian controversy. There is some evidence that the editorial gathering was intended, in part, to buttress Buddhist lay confidence in the textual traditions of Sri Lankan Buddhism. This would have been important at that time since Gogerly and his missionary colleagues had learned enough about Buddhist texts to engage in polemical criticism of alleged Buddhist textual inconsistencies (Young and Somaratne 1996, 152-3). In the context of growing Buddhist interest in printed texts, it is quite striking, however, that neither the lay organizer nor the monastic participants intended to make printed versions of the texts they edited. Instead, the aim was to make authoritative manuscript copies of the *tripitaka* and to present them to the island's major Buddhist temple libraries. As the editors were celebrating the conclusion of the Vinaya section in 1868, Sumangala's teacher, Siddhartha, died. Subsequently, Sumangala was invited to direct Paramadhammacetiya, which he did

until 1870. He achieved further distinction through his appointment as incumbent at Sri Pada. After extensive controversy, Sumangala was confirmed as Sri Pada Nayaka in 1871. At the same time, he was intensively courted by lay patrons from Colombo, some of whom had prior connections to Siddhartha, and nearly all of whom appear to have been members of the Goyigama community. At their behest Sumangala became the incumbent of a newly formed Buddhist 'college', the Vidyodaya Pirivena. I am still researching Vidyodaya's first patrons, but the information available to me thus far suggests that they were men well established in low-country villages — especially around Galle and Matara — who had begun to make a name for themselves in the emerging urban center of Colombo. Vidyodaya's patrons had cash, and some had land; they were not, however, generally among the wealthiest of the Colombo elite. Let me note here that I am eagerly searching for details about certain first-generation families who participated in the Vidyodaya Vidyadhara Sabhava.

Several members of the managing committee were involved in the publication of magazines and newspapers. They may have anticipated the increasing importance of print to the promotion of Buddhist ideas and interests in urban Sri Lanka and sought linkages between Vidyodaya and Buddhist print establishments. Since several of Vidyodaya's most active patrons inhabited Kotahena, where a large Sinhala Catholic community resided, they may have felt the strain of Christian presence with unusual acuteness. It is almost inevitable that caste considerations played a role in Vidyodaya's establishment, especially given its proximity to the temple of Mohottivatte Gunananda.

Before using Sumangala as a case from which to reflect once again on the broader problem of Buddhism under colonialism, let us attend briefly to two particularly important aspects of Vidyodaya's operation. I will say something about the form and content of education at Vidyodaya and about the interaction between Vidyodaya's lay donors and Sumangala once the institution was established. An early proposal for Vidyodaya listed the following as key subjects: Pāli, Sinhala, Sanskrit, Buddhist texts, history, logic, medicine and astrology (Malalgoda 1976, 239). According to another

source, monastic students emphasized the study of the Pāli *tripitaka*, Sanskrit, Sinhala and ayurvedic medicine. For lay students, the range of subjects was broader, encompassing the poetics of Sinhala, Sanskrit and Pāli, history, archeology, deduction, logic, mathematics and English. Thus far I have found no evidence that Vidyodaya's early curriculum contained anything related to Christianity or European scientific scholarship, but the archeological subject may reflect growing European interest in South Asian Buddhist sites.

The Vidyodaya library contains nearly one hundred and fifty manuscripts said to have arrived with Sumangala at the time of his appointment. These give us some indication of the topics Sumangala would have found important to an advanced monastic education. It is interesting to note that, among these, only two or three texts would appear out of place in an 18th century Kandyan library connected to the Siyam Nikaya. All of this evidence suggests, as does preliminary evidence of text production at Vidyodaya (Sannasgala 1964), that monastic students pursued an education quite similar in content to that demanded of a monk at the end of the 18th century. Lay students seem to have engaged a wider range of Sanskrit shastric subjects than was the case a century before, in addition to their studies of English and mathematics. Shastric subjects were attractive to Sumangala in part because he associated them with the medieval monastic luminary Sri Rahula, who had resided at Sumangala's early temple residence in Totagamuve. It is not yet clear whether Indian educational institutions, such as the Sanskrit colleges in Calcutta, also provided a model for Vidyodaya's Shastric focus.

The most striking educational change visible to me thus far at Vidyodaya lies in the systematization of education, since Sumangala introduced a formal system of examinations for advancement by students. Such a systematization of educational advancement might be interpreted as part of a rationalizing trend, congruent with European educational expectations. And, indeed, these examinations may have been introduced to satisfy the requirements for annual funding from the colonial government.

Whatever the reasons for their adoption, it is quite possible that the examination procedures were developed after a Siamese model rather than a British one. Sumangala's connections to the Siamese

monk King Mongkut date to 1848, the year of Sumangala's higher ordination. At this time Mongkut, still a monk, was involved in the new Dhammayutika monastic movement. I have already noted the king's support for the printing establishment in Galle. Contact between Sumangala, the Siamese court and the Siamese monastic community deserves further study, especially since the Dhammayutika leadership had quite decided ideas about the systematization and centralization of Buddhist education. Contacts between Vidyodaya and Siam continued strong throughout the period with which we are here concerned. In 1888 Vidyodaya received a substantial grant from the Siamese Court, and instituted a 'Royal Siamese Scholarship'. In 1897, a committee of Sri Lankan monks and laymen, including Sumangala, approached King Chulalongkorn of Siam with the hope of forming an 'International Ecclesiastical Council' to unite Buddhists from Burma, Siam and Sri Lanka under the 'patronage and protection' of the Siamese throne (Prajnananda 1947, 773-775).

It is clear that Buddhist lay patrons took the initiative in the establishment of Vidyodaya. They reserved the right to appoint the incumbent, to hire instructors and to discharge them on grounds of impropriety (Prajnananda 1947, 189-207). Sumangala was appointed incumbent after what appears to have been several years of cultivation and, perhaps, observation, by the donors who had strong ideas about what they required in their head teacher and administrator.

From the correspondence relating to Vidyodaya that I have studied thus far (Prajnananda 1947), however, it appears that it was not the donors but Sumangala and his fellow monastic teachers who determined many of the day-to-day social and educational activities in which Vidyodaya was involved. When donors approached Sumangala with the wish to support a meritorious event, it was Sumangala who planned it, communicating with appropriate monks in Colombo and beyond. There is evidence that Sumangala used the devotional activities occurring at Vidyodaya, and the visits by Buddhist dignitaries from Southeast Asia, as occasions to continue his collaboration with monastic colleagues across caste and nikaya boundaries. Monks supported by Sumangala received invitations to Vidyodaya's events and introductions to prestigious patrons. Through these activities, the patrons' exposure to Buddhist scholars, texts,

and monastic positions became broader than they had probably intended. Whatever the nature of contact between Southeast Asian Buddhists and Vidyodaya's residents, it was Vidyodaya's teachers and students (many of whom were monastics) who would have been, inevitably, at the heart of this exchange. This was true also in the case of Japan. Vidyodaya's connections to Japan were also plentiful, at least from about 1890 onward.

Conclusion

In closing today, allow me to reflect briefly on some of the congruities and incongruities visible between the case of Hikkaduve Sri Sumangala and the central claims of Protestant Buddhist and post-Orientalist approaches to 19th century Sri Lanka. Any claims for unprecedented 19th century cultural transformation will remain somewhat unpersuasive until we possess a clearer conception of the cultural worlds altered by the intrusion of colonialism. Looking at the case of Sumangala against even the recent historical backdrop of 18th century Sri Lanka suggests the complex causality introduced into our historical perspective by looking at Sri Lankan Buddhism before the advent of formal British colonial control. We see, for instance, some striking continuities in monastic educational focus, and in attitudes toward scriptural language and textuality. Indeed, the 'fundamentalist' attachment to Pali texts noted by Gombrich in his account of Protestant Buddhism is evident well before the start of the 19th century. Evidence from Vidyodaya, at least, suggests remarkable continuities in monastic educational ideals within Sumangala's Siyam Nikaya, even after the advent of the Theosophists in 1880.

The Protestant Buddhist argument leads us to expect a sharp reduction in monastic authority within the educational and devotional spheres, as well as an increasing lay Buddhist detachment from ritual activity, especially after the Theosophists' arrival. When we turn to Sumangala's life as an extended example of lay-monastic interaction in the emerging Buddhist center of Colombo, we discover instead a complex record of intersecting agency, influence, and activity. Sumangala remained at the center of manuscript and print production,

editing 18th century textual forms for print into the early 20th century and contributing to the growing number of newspapers and magazines. In these activities his colleagues were both lay Buddhists and monastics, about whose motivations we still know far too little. Sumangala's educational leadership helped to shape the character of Sri Lankan monasticism into the 20th century, in part through the many smaller pirivenas developed by Vidyodaya's alumni. At the same time, lay educators began to develop a partially separate sphere of influence in Buddhist schools established with the help of the Theosophists and the Anagarika Dharmapåla. Sumangala's correspondence reveals an authoritative figure, responsible for ritual activities with a long history on the island, such as sermons, festivals, and pilgrimages. Simultaneously, Sumangala developed connections to Euro-American constituencies as varied as the Theosophical Society, the Pali Text Society, and the Colonial Office, articulating his views through the idioms of land tenure, taxation, law, interreligious dialogue, and textual criticism.

Lay Buddhists intervened in Buddhist textual production and education to a degree that appears unprecedented. The establishment of Vidyodaya itself makes clear the growing autonomy of lay Buddhists which developed in tandem with the demise of the pre-British Kandyan court system. It is important not to underestimate the novel intentions that appear to lie behind the establishment of Vidyodaya, or the lay authority visible in arrangements made to coordinate donor activities and to support attractive monastic leadership. Yet, strikingly, we find lay people patronizing monks like Sumangala, and according them substantial authority in Buddhist and governmental activity, just as the Protestant Buddhist model would have us see a strong trend toward laicization.

The combination of Sumangala's cosmopolitanism and his approach to Buddhist education and textual production poses interesting problems to a post-Orientalist analysis as well. On the post-Orientalist model, we would expect to find fewer continuities between 18th and late 19th century Buddhist education, textual activity, and devotionalism than are visible in the career of Hikkaduve Sri Sumangala. We would also expect to see a growing disregard for the ritual and textual forms of Sri Lanka's medieval period, as Sumangala

and his colleagues began to adopt an Orientalist vision of an idealized Indian Buddhist past. The historical record — at least as I am thus far able to discern it — provides no clear evidence of such developments in the case of Hikkaduve Sri Sumangala, even as he participated eagerly — and often decisively — in a world characterized by an increasingly visible, and audible, Euro-American presence.

It is worth noting in this context that the growing Euro-American presence in Sri Lanka was by no means the only form of external influence on the island. Indeed, it is perhaps this aspect of the 19th century evidence that casts the gravest doubts on a straightforwardly post-Orientalist analysis of Sri Lankan Buddhism under colonialism. The case of Hikkaduve Sri Sumangala underscores the presence of myriad discursive formations in 19th century Sri Lanka. Lay and monastic Buddhists necessarily encountered, and surely sometimes assimilated, understandings of the normal, the natural, and the desirable prevalent in Europe and America. At the same time, however, both directly and indirectly, they encountered other such understandings brought from contexts as diverse as Burma, Siam, Japan, and India. In such a context, any account of politicized knowledge and the construction of tradition must contend with significant plurality, and attempt to trace patterns of influence with such plurality in mind. It may be helpful at this point to recall Dipesh Chakrabarty's comment that 'Bengali modernity may have imagined life-worlds in ways that never aimed to replicate either the political or domestic ideals of modern European thought' (2000, 207).

The case I have discussed today suggests the complex range of phenomena that must be accounted for in histories of Buddhism under colonialism in Sri Lanka, and in other histories of modernity in Asia. We cannot forget the very real shifts in political authority, social mobility, economy, and technology that figure so prominently in the Protestant Buddhist and Buddhist revivalist accounts. Yet if we are to understand the varied practices and life worlds visible in a figure like Sumangala, we require micro-histories of action, reflection, and communication as well as broader theories of cultural transformation. It is perhaps only through a process of miniaturization and comparison that we will develop the ability to recognize subtle interactions

between visions of 'modernity' and 'natural practice' originating in contexts as diverse as Bangkok, London, Boston, Osaka, Calcutta, Galle, Kandy, and Colombo.

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Identity-Talk, and Tales My Mother Told Me

Regi Siriwardena

1

Professor Michael Roberts's monograph *Modernist Theory*[1] is presented explicitly as a critique of one aspect of Benedict Anderson's enormously influential *Imagined Communities*[2] — where he argued that nationalism required as a condition the emergence of what Anderson called 'print-capitalism'. Michael (since I am accustomed to address him or refer to him in that way, I shall do so in this essay: to keep saying 'Professor Roberts would be impossibly stiff) doesn't really engage in his 46-page monograph with the Andersonian thesis on nationalism (except in a shadowy way, of which more later). His battle is against the overweightage attached in the Andersonian view to the print-medium, in which he sees a 'Eurocentric' bias that he considers has been transmitted to some writing on Sri Lanka in the wake of Anderson:[3]

> My position in simple. **All these approaches underestimate the power of visual and oral modes of communcation. They therefore undervalue the capacities of illiterate peoples to think for themselves and communicate their ideas.** (Roberts 2002, p. 3: emphasis in original.)

1 Michael Roberts, *Modernist Theory. Trimming the Printed Word: The Instanceof Pre-modern Sinhala Society* (ICES, 2002): hereafter referred to as 'Roberts 2002'.

2 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 1983; revised ed. 1991), hereafter referred to as 'Anderson 1991).

3 He specifically mentions Jonathan Spencer's *A Sinhala Village in a Time of Trouble* (Roberts 2002, p. 3).

Michael proceeds to illustrate the flourishing life of these pre-print modes of communication of diverse kinds in pre-modern Sinhala society — oral poetry, both recited and sung; oral storytelling; reading aloud of written texts to a collective audience; preaching; conversation in ambalamas; pilgrimages; rituals; temple wall-paintings.

As far as this main thrust of Michael's text is concerned, I have no problems with it. The power and vitality of oral and visual modes of communication before the coming of print was a reality not confined to Sri Lankan society: it was common to all rich cultures, eastern or western, Asian or European. How else could these societies have sustained a culture at all, considering the fact that manuscripts were confined to a few copies and reading skills to a small class of (especially monastic) literati?[4] And in both continents the vigorous life of the oral tradition for the mass of the people continued long after printing had come into existence.

But if to assert the strength of the oral-visual tradition in pre-modern Sri Lanka is the burden of the text of Michael's monograph, it has also a sub-text that peeps out, not so much in explicit assertions, as in suggestions, in questions that imply preferred answers, in selectivity of examples – all modes of indirect and impressionistic communication. Reading carefully through the monograph, I notice that, while there is abundant evidence offered for the existence and vigour of oral-visual traditions, there is much less said about the content that was communicated through these forms. Indeed, Michael admits this at the end of the monograph in two revealing passages:

> The question remains whether the contemporary ideologues advocating specific world views or

4 I don't wish to deal at any length here with the European case, so I will confine myself to one instance. Most people take for granted that the highest achievement of European culture was in the plays of Shakespeare. But Shakespeare wasn't a 'book': his plays were created in and for the oral and visual medium of the theatre, where a good part of the audience couldn't read anyway; and all the relevant evidence suggests that Shakespeare took no interest at all in the publication of his plays.

> collective identities are not, so to speak, re-asserting or re-working ideas espoused by their ancestral generations. Without deciphering the content of their arguments in relation to those of past time one cannot reach even a tentative conclusion.(Roberts 2002, p. 35)

Within the context of a societal order dominated by the institutions of kingship and the Sangha, did the pilgrimages, rituals and conversations of *the bulk* of the Sinhala-speaking people in those centuries work *deeply* – and thus effectively, albeit slowly – to constitute most of them as Buddhists? And to make them Sinhalese? Since this article did not probe the content of their 'conversations' in depth, these questions are not answered. (*ibid.*, emphasis in original.)

I have already characterized these two passages as 'revealing', and what to me is most striking in them is their mode of what I might call 'indirect affirmation' – that is, of stating without appearing to state. In both passages, there is an apparent refusal to come to conclusions in the absence of adequate investigation: 'one cannot reach even a tentative conclusion'; 'these questions are not answered'. Similarly, neither the 'contemporary ideologues' nor their ideologies, in spite of the putative 'specificity' of their world views, are identified. However, every text has a context, and often that context defines meanings that may not be fully spelt out in the words of the text. If the context of the 'visible' part of Michael's text is the publication of Anderson's book and its influence on theorists of Sri Lankan nationalism, I suggest that the context of its less evident sub-text is the publication of R.A.L.H. Gunawardena's 'The People of the Lion'[5] and the prolonged and often acrimonious controversies

5 R.A.L.H. Gunawardena, 'The People of the Lion: the Sinhala Identity in History and Historiography' in), *Ethnicity and Social Change* (Social Scientists' Association, 1985).

it has provoked.[6] And in that context it becomes possible to identify more specifically the unspecified 'contemporary ideologues' of the first paragraph. The main issue of those controversies was the question whether contemporary Sinhala nationalism was a construction of colonial times or an inheritance from an immemorial tradition. On the one hand there were the 'ideologues' who pointed to the *Mahavamsa* and other chronicles and literary texts as evidence confirming the latter position. Against them, we have had theorists of the opposing camp saying: 'But those texts can only give you the ideas that the kings and the court and the monastic elite wanted to promote? How can you assume that the common people thought the same way?' Now comes Michael to point to the oral-visual tradition as the source from which we can discover what the common people thought and felt. Of course, he doesn't claim to be able to tell you what can be discovered there because he hasn't done the necessary work, and even in relation to what he says in the monograph he makes this acknowledgement:

> Given shortcomings in my expertise relating to this period and its literature, I have relied heavily not only on secondary sources but on extended conversations with historians and literary specialists familiar with the

6 I should like to make it clear that I am not referring here to the more narrowly focussed debate between Professors R.A.L.H. Gunawardena and K.N.O. Dharmadasa on the time when the general body of the Sinhala people, as distinct from the ruling elite, came to think of themselves as 'Sinhala' (10th century, 13th century, or whenever). I add this because Professor Dharmadasa once referred in print to a non-existent essay or essays I had written on this question – something I shouldn't have dreamt of doing because I had neither the linguistic nor the historical knowledge needed to express an opinion on it, nor indeed was I interested in that issue. In spite of his attention being drawn to it, Professor Dharmadasa didn't acknowledge his error.

> literary and oral traditions pertaining to the middle period.[7] (Roberts 2002, p. 6)

A list of fourteen people follows. Such frankness is admirable. But how far is it reconcilable with the fact that, even while declaring that he doesn't know the answers, Michael poses the questions in such a way as to convey that he knows what the answers should be? If we examine again the two passages I have quoted from p. 35, the opening sentence of the first is cast in a form that my old teacher of grammar would have categorised as 'a sentence expecting the answer "yes"', while in the second passage the reference to the dominance of kingship and the Sangha and the emphasis on *deeply* point to a conclusion, not asserted but implied, that the common people could not but have replicated the fundamental identities of their social and political betters.

This impression is further confirmed by the few examples of particular communicational content from the oral tradition that Michael offers us in the monograph. While re-iterating that he isn't equipped to pronounce on content, he yet offers us these examples which are all tilted in one direction: they seem to show that what the oral tradition disseminated was essentially the same ideology as the literate tradition – for instance, through stories of the deeds of heroic or munificent kings. Michael does concede in one place:

> The importance of oral and visual means of cultural exchange in a context of a relatively uniform language does not mean that Sinhala-speakers, and those becoming Sinhala, thought as one. Apart from differences in emphasis arising from class and caste distinctions, one would expect regional variations in story line. This is a major issue for scholars to address. (Roberts 2002, p. 27.)

[7] The middle period is defined as 'the long span of time extending from the Dambadeniya period to the Kandyan period, from 1232-1815'. (Roberts 2002, p. 6)

But welcome as this qualification is, this is the only place in the monograph where Michael refers to class or caste or region as possible sources of difference. This is all the more disappointing because Michael was one of the first Sri Lankan scholars to break the taboo on serious investigation of caste in what remains a path-breaking study.[8]

Reading Michael's monograph, I am strengthened in the view I had already formed that identity-talk, whether by politicians or scholars, acts like a steamroller: it obliterates the diversity of the actual relations in which people – whether individuals or communities – live, reducing them to an imposed homogeneity. It has to be asked whether this is any less crushing and any less depreciating than the assumption against which Michael inveighs in his monograph – that illiterate people before the coming of print couldn't think for themselves or communicate their ideas. Of what good is it to uphold their capacity to do these things if at the same time we are saying that the ideas they could think or communicate were essentially those transmitted to them from kings or monks?

At the end of the first and main part of the monograph, Michael offers us this summing-up:

> In broad overview, then, we can say that pilgrimages, *pirit*, *kavikara maduvas*, *kohomba kankariyas* and other ritual gatherings, as well as moments of evocative storytelling or casual expressions of *gi* and *kavi*, were some of the embodying practices through which Sinhalaness as well as Buddhistness came into being. Or, to phrase it differently, these are the modalities that enabled Sinhalaness as well as Buddhistness to become embodied. (Roberts 2002, p. 24)

It will be noted that these two sentences are not questions but assertions, and assertions that do not carry the tentativeness that

[8] Michael Roberts, *Caste Conflict and Elite Formation: the Rise of a Karava Elite in Sri Lanka, 1500-1931* (Cambridge University Press, 1982).

hedges some of the other generalizations about content in the monograph. But 'Sinhalaness' and 'Buddhistness', across the multiform oral tradition covering many localities and over the six centuries of time Michael is surveying, weren't unchanging and monolithic unities. There were (and still are) several different ways of being Sinhala and of being Buddhist. There have been people in the Wanni, in Negombo, Chilaw and elsehere who lived out their entire lives without bothering to define whether they were ethnically or linguistically Sinhala or Tamil[9] Nor did 'Buddhistness' prevent popular religion from developing what Gananath Obeyesekere and Richard Gombrich call 'syncretism' and Jonathan Walters prefers to term 'multireligion'.[10] Whichever term we use, the reality was that of a coming together of three currents of religious worldviews and practice – those of Theravada Buddhism, 'Hinduism' (itself a colonially invented term for a multitude of sects and observances), and home-grown cults of gods and demons (indeed, the openness of Buddhism and its freedom, traditionally, from imposed authoritarian uniformity, have been among its most attractive features). Even after the crushing pressures of over a century of political mobilisation of ethnonationalism, half a century of strident ethnic conflict and two decades of war, these commonalities are not entirely dead. To rediscover them may help in putting together the fragments of the nation.

9 Darini Rajasingham-Senanayake, 'Identity on the Borderline: Modernity, New Ethnicities, and the Unmaking of Multiculturalism in Sri Lanka', in Neluka Silva (ed.), *The Hybrid Island* (Social Scientists' Association, 2002).

10 Richard Gombrich and Gananath Obeyesekere, *Buddhism Transformed* (Princeton University Press, 1988); Jonathan S. Walters, 'Multireligion on the Bus: Beyond "Influence" and :"Syncretism" in the Study of Religious Meanings', in Pradeep Jeganathan and Quadri Ismail (eds.), *Unmaking the Nation: The Politics of Identity and Historyin Modern Sri Lanka* (Social Scientists' Association, 1995).

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I agree with Michael that the oral-visual tradition should be explored in depth – or what is left of it, because every year its survivals have been eroded by formal education, modern media, urbanization and the rise of modern 'democratic' politics. Still, what survives in records and memories should be garnered and examined, but the effort will be futile if we start by assuming that we already know what we can find there, because then that is all we shall find.

I am, if anything, as removed by my education and academic training from the oral tradition as Michael is, and I am not even like him, a trained anthropologist. I have, however, one advantage over him: I knew intimately one person whose mind had been shaped by the oral-visual culture. That was my mother.

My mother was born in the last decade of the nineteenth century in a village in the Gampaha district, where she lived until she was married and migrated to Colombo and its suburbs. Her only language, to the end of her days, was Sinhala, and in this too she had no formal education. Her childhood preceded by several decades the great expansion of school education in rural areas that followed universal suffrage and free education, and who then in a peasant family would have thought it necessary to educate a girl-child? After marriage my mother learnt to write her name in English – no doubt on the instruction of my father who had an education in English and was a government clerk. When, after my father's death, she went monthly to draw her widow's pension of Rs. 74/99 (on which, for a time, she fed and clothed five people), I used to watch her writing laboriously 'S.A. Babanona Hamine' in a big sprawling hand.

I have said that there are different ways of being Buddhist, and my mother's Buddhism was less ritualistic than ethical – not in an abstract philosophical way but in the sense of being expressed in the moral norms of daily living. She had several great sorrows in her life, but these didn't turn her into a *pinkam*-haunting *upasika*-amma, because she had resources of inner strength that enabled her to survive.

I think my mother was the first creative artist in language I encountered, though it is only belatedly that I have come to appreciate this fact. Because of her lack of education, her creativity could express

itself only in her storytelling and her conversation – especially in the extraordinary originality and wit of the private nicknames she bestowed on everybody in the neighbourhood, and to each of whom she would refer in the family circle by no other name. There was, for instance, a *vedamahattaya* nearby who was a well-known toper on toddy: she called him *thaniakurah.* This is really untranslatable into English: the best I can do is 'single-letter fellow', because *ra* (toddy) is a single character in Sinhala. Knowing now the stresses and strains of my mother's life, I guess that her wit was a source of emotional catharsis, even while it maintained the linguistic fertility of speakers in a pre-print culture.

When I was four and five years old, my mother used to tell me bedtime stories. These weren't, of course, about Little Red Riding Hood or Jack and the Beanstalk, of whom she had never heard: they were village folk-tales that no doubt had been told her by her elders. Although I enjoyed the stories, I couldn't at that time realise the value of the treasures she was unfolding before me, and soon – under the combined influence of my father, who taught me to read English, schooling and the environment of a colonial society – I began to read Grimm and Andersen and grew away from my mother's stories. By the time I started schooling, in a class of proper middle-class children in a suburban English-medium school, it was a shameful secret that I had a mother who couldn't speak English.[11]

Now, when I try to remember my mother's stories, disconnected sentences float up in my memory: *...ithin yanakota yanakota, maha russa gahak thiyanava...* 'So after going and going, there was an enormous tall tree', but who the traveller was and what the tree signified I have forgotten, though I can still recall, across seventy-five years, the sense of awe I felt on hearing that sentence.

But what I am certain of is that my mother never told me stories of kings, or of battles, or even *jataka* or other religious stories, either because these were not what she was interested in narrating or because she didn't think this was what would interest me: her stories were all

[11] My poem 'Colonial Cameo' recalls a dramatic and painful moment when the secret was bared.

of the marvellous or of the comic. There are only two stories that I can now specifically recall, and these too, alas, in fragments. One was a story about Hava and Nariya (Hare and Jackal): many years later I came across a version of this in a printed book of children's stories, but there it had been sanitised and made respectable. My mother's version was a piece of earthy, even scatological, village humour.

The other story, which is more directly relevant to the subject of this essay, was about an Appuhamy who went on a journey, taking with him a servant. As the name of the former indicates, he was of the superior *goigama* caste, and affluent enough to afford a retainer. The latter was in the story a man of the *batgama* caste, very low in the caste hierarchy, some of whose traditional functions were to act as household servants and carriers of baggage for the higher caste. There is a popular name for this caste, and this is now, rightly, regarded as demeaning; this, complete with its derogatory suffix, is what my mother used in narrating the story,

But what is striking in the story is that, throughout, the Appuhamy is characterised as stupid, feckless and cowardly, while it is his servant – the man of low caste – who is the hero, ingenious, resourceful and brave. On the first lap of the journey, at midday, the Appuhamy discovers that he has forgotten to bring any food, so he asks the other to give him a share of his *bathmula*, his bundle of rice. Of course, this is breaking the caste taboos, so the Appuhamy strictly enjoins him not to blab when they get back home. This leads to a series of situations in the course of the story in which the servant blackmails the Appuhamy who prohibits him to do this or that: '*ehenan mama ara vittiya kiyanava*': 'then I'll talk about that happening', and the Appuhamy has to give in.

The climax of the story is that when night falls, the pair have to find lodgings, and they knock at the door of a house where a kindhearted woman offers to put them up in the *atuva* above the hearth provided they stay mum because her husband won't like it if he discovers their presence. It turns out that the husband is a *rakshasaya* (demon) or *rassaya*, in my mother's rural speech. There is a near-disaster because even in this situation of extreme peril the Appuhamy can't contain himself, and insists, first on pissing, and then on shitting,

from his perch. Not surprisingly, the *rassaya* smells out the hidden pair, though he can't see them, and threatens to eat them up. But the servant is equal to the occasion. He calls out, '*mama thamai rassayan kana barassaya*' (I am the *barassaya* who eats *rassayas*), and succeeds in intimidating and outwitting the *rassaya*.

When one reflects on it, it becomes clear that this is an extraordinary story to have been disseminated in a *goigama*-caste community. Not only is the upper-caste Appuhamy ridiculed throughout, and the low-caste servant raised to heroic stature, but the story even mocks the caste taboos: when the Appuhamy is hungry, he doesn't mind breaking them although he tries to keep the breach a secret. My mother wasn't trying to instill in me modern liberal or radical ideas about the caste system, and in any case the story wasn't her creation but that of the community. (My sister heard the same story a few years later from my aunt, my mother's sister, so it must have been one they had both grown up with.)

How can one explain an anti-upper-caste story being told in a community of upper-caste peasants? My mother's family, as far as I can determine, were middle-level cultivators, neither rich nor very poor. I think what happens in the story is that the class antagonism of this group towards the Appuhamys above them wins out over caste stratification and caste loyalty. This should be unsettling to those who think there were no class oppositions in the traditional village, or that there was a one-to-one correspondence between caste and class relations. What the story brings out is a contradiction between these two forms of hierarchy. But what it also reveals is the ability of peasant story-tellers in the oral tradition to 'think for themselves' and find a voice of their own. If they were able to situate themselves independently in imagination in relation to caste and class, why suppose that in other respects they were the passive transmitters of values handed down from above by kings, nobles and monks?

There are other areas of the oral tradition that also challenge established caste hierarchies that have been little explored by scholars. In 1988 Nireka Weeratunge produced a remarkable study related to the most marginalized of Sinhala castes, the Rodi – the only Sinhala caste that has in fact been stigmatized as 'untouchable'. The study

has recently been reprinted by ICES.[12] Nireka is very modest about the study, describing it as only 'a survey of sorts' because it was carried out primarily in one village over a few months. But the recovery in the book of the oral traditions of the community are illuminating and fascinating. Not only do her researches point to the likelihood that the Rodi were originally a separate ethnic group with their own language and religion, who were later incorporated into Sinhala society by being assigned the lowest place: the evidence in the study of the way in which their myth of origin is told and re-told by speakers of different generations shows how the myth serves sometimes as a reconciliatory mechanism explaining and inducing acceptance of their marginalised condition, sometimes as a compensatory element by evoking the memory of a different past, and sometimes as a critique of the values of the outside society and, therefore, implicitly of the caste structure itself. Reading this study, I am impelled to speculate on the neglected material that may still lie unexplored in the oral traditions of other castes as well as of regional communities that await the enterprise of a new generation of scholars without crippling pre-conceptions.

12 Nireka Weeratunge, *Aspects of Ethnicity and Gender among the Rodi of Sri Lanka* (ICES 1988; repr. 2002).

For Batterer or For Worse

Saama Rajakaruna

Introduction

In Sri Lanka, claims are often made that women of this country are treated with kindness, respect and courtesy in accordance with the religious and cultural concepts regarding the treatment of women. But, far from being a haven in a heartless world, our country is all too often a site of oppression and exploitation for women from which egress is difficult. Domestic violence against women had been a part of life in Sri Lanka from time immemorial. Sri Lankan folklore makes repeated allusions to males who beat their wives for the slightest household lapse.[1] These were accepted as part of the traditional superior male role in homes. They were alluded to with levity. What was intended to be created was the picture of male superiority, the macho might of the man who was the head of his home, the king of his castle.

Domestic violence in Sri Lanka is a problem that is bigger than we see, hear or even imagine. It is prevalent in all parts of the country and in every strata of our society. Until recently, this issue has not received enough attention or publicity.

The Ministry of Justice, Law Reform and National Integration has drafted a Bill that proposes to provide a remedy for domestic violence. The call for special domestic violence legislation has been a longstanding demand, but this is the first time that it has resulted in a Bill. While this is a huge step in the direction of providing a remedy, the proposed legislation is not without problems.

1 For example, the story about the village chief who held his wife by her hair and beat her because there was not enough salt in the curry is told to children as a bedtime story.

Definition and manifestations of domestic violence

Domestic violence is violence that occurs within the private sphere, usually between people who are related through intimacy, blood or law. (Coomaraswamy, 1996,7) Although the term 'domestic violence' disguises which sex is responsible for the crime, it is nearly always a gender-specific crime, perpetrated by men against women.[2] The term 'domestic', too, implies a cocoon of safety and a private haven from pressures of the outside world. In reality, rather than providing women with safety, the home too often serves as the locus of abuse. The 'cradle of nurture' has become the 'cradle of violence'.

According to the report of the UN Special Rapporteur on Violence Against Woment on the 'Framework for model legislation on domestic violence', manifestations of family violence range from sex-selective abortions to violence against domestic workers to marital rape.[3] In the draft legislation, under Clause 16, it is only acts which constitute an offence under Chapter 16 of the Penal Code and criminal intimidation or an attempt to commit such an act that constitute an act of domestic violence. Emotional abuse is also an act of domestic violence even though it is not part of the criminal law. It is defined as:

> A pattern of degrading and humiliating conduct of a serious nature directed towards an aggrieved person and having the effect of causing severe traumatic emotional pain to such aggrieved person.[4]

2 The reverse does occur, usually when women try to physically defend themselves against their abusive partners.

3 E/CN.4/1996/53.Add.2.

4 The original draft did not specify emotional pain to be 'severe traumatic', and it went further to include: (a) repeated insults, ridicule or name calling; (b) repeated threats which cause emotional pain; or (c) the repeated exhibition of obsessive possessiveness or jealousy such as to constitute a serious invasion of the aggrieved person's privacy, liberty, integrity or security.

This definition is more far-reaching. It would be even better if deprivation or threatened deprivation of economic, financial or other resources is also included as emotional abuse.

While Penal Code offences are punishable under the criminal law, emotional abuse is punished only when a Protection Order is breached.

As in most other Asian societies, domestic violence is difficult to identify as it is swept under the carpet and remains hidden because the acceptance of it can mean an assault on the integrity of the family. The idea that women are subordinate to men and the concept that the family is a private place served to delay the discovery of the problem of domestic violence.

Reports of violence against women have steadily increased in recent years. This could be because of better and more records being kept of this phenomenon than previously and the highlighting of violence against women by the media and women's activist groups in recent times.

Nature of violence

Sonali Deraniyagala[5] carried out a field survey for WIN[6] on 200 sample women among low-income groups in the Colombo area (Deraniyagala,1992,9). 60 per cent of the women who were interviewed responded that they had been subject to domestic violence during the period of their marriage/cohabitation, and 98 per cent of these women were beaten more than once. Physical or psychological force or the threat of such force was used by the dominant domestic partner, usually the male.[7] The extent of the violence used by these abusive partners is illustrated in a recent case where the wife was

5 A Sri Lankan researcher and academic now based in the United Kingdom.

6 Women in Need, a non-profit making NGO.

7 Various methods of physical violence include punching, kicking, beating, choking, burning, stabbing or shooting. Physical violence is not the sole weapon of the batterer. Emotional or psychological violence may consist of yelling, insulting, mocking, accusing and control of social mobility.

burnt to death because a dog took the meat that was to be cooked for the meal.[8] In the Deraniyagala survey, 51 per cent of those women who were beaten said that weapons were used on them. Domestic violence also included deprivation of economic resources, harassment, property damage, marital rape and dowry violence. The same survey revealed that 95 per cent of the women in the sample who experienced violence had children, and of those 42 per cent remarked that they were beaten even while pregnant (Deraniyagala,1992,30).

Ameena Hussein's[9] report on domestic violence was based on extensive research in Nuwara Eliya, Anuradhapura and Matara districts in the Central, North Central and Southern Provinces of Sri Lanka respectively. As compared with the Deraniyagala survey, this report covers the rural population, including the plantation sector.

In Sri Lanka, domestic violence has been shrouded in myths. There is a belief that it affects only a small proportion of women. The Deraniyagala survey contradicted this belief when it found out that nearly 60 per cent of the women who were questioned admitted to having suffered violence from their partners at some point of their partnership. Another common misconception is that domestic violence is confined to poor, lower-class women. The same survey found out that domestic violence is not confined to urban slum communities but is also a reality in middle-class and upper class families. There is a strong social perception that drunkenness is the sole cause for woman battering. (Hussein, 2000, 25/37) 82 per cent of the respondents of the Deraniyagala survey believed that they were beaten for a variety of reasons, of which alcohol might have been one reason (Deraniyagala, 1992,11). Professor Nandadasa Kodagoda[10] states that alcohol is consumed in large quantities, mostly to overcome a sense of insecurity. Violence is not chemically mediated but aggression is brought on by the perpetrator to prove to himself and to others that they have authority and deserve respect (Silva & Jayawardena,1993, 58-60). Most often, the men assume that the woman's primary responsibility is performing their household tasks. When this is not

8 Thinakaran 23.06.98.

9 A Sri Lankan researcher and academic now based in Switzerland.

10 A former Dean of the Faculty of Medicine, University of Colombo.

done to a satisfying manner, they are subjected to violence. Violence in this situation appears to have the intention of re-asserting the division of labour within the family and ensuring that the woman fulfils her role within that division. Violence related to financial matters, violence caused by matters concerning children and extended family situations are quite common.

Another cause for violence against women is conflicts arising in relation to sex. Sometimes, there are no logical reasons for this illogical behaviour. Recently, a case came before the courts where the perpetrator, the husband of the victim, tried to defend his action of assaulting his wife with a wooden pole on the head by saying that he was provoked by the fact that the wife served him watery rice. This shows the illogical reaction of some men. The courts sentenced him to death.[11]

Feminists, however, have criticised such reasons saying that they are mere excuses put forward by victims and perpetrators and that the real reason is the patriarchal social structure. They assert that violence against women is the main instrument that perpetuates patriarchy by subjugating and oppressing women. Patriarchy assumes that women are the weaker sex and that they are objects of men's pleasure. As one feminist states,

> In many ways, domestic violence is the bedrock of cultural misogyny. I believe it is a privatised manifestation of a public phenomenon where the domination and abusive control that a batterer carries out within a relationship parallels the domination and control of women that is at the foundation of all patriarchal societies. (Poore, 1997,1)

So, violence against women is not always an individual pathology or a personal abnormality. It has its roots in the structure of society and the family. Another point that gives weight to this is that most abusers are not usually violent towards other persons. Their violence is carefully directed at women in the privacy of their homes because of the power they feel within it. Cultural norms perpetuate the sexist

[11] *Daily News,* 18.05.98.

organisation of society. So, women grow up thinking that there is nothing wrong with violence or having a general sense of acceptance of the use of violence against them, a sense of learned helplessness. The abused women frequently perceive love, conflict and violence as randomly occurring events in a relationship, and women react to it with outrage, indignation and helplessness.

Patriarchy gives the male partner almost a proprietary right over the woman where the man expects the woman to operate in deference to this power relationship. However, if the woman does any act that he interprets as being done in defiance or flouting of his proprietary right, then all his previous notions of the relationship become threatened. Therefore, he reacts violently to rectify the aberration. This unequal power relationship makes it permissible for the man to beat the woman to reassert his dominance over her. Violence in the family is generally ignored by society as it is considered a private matter and as it is accepted that husbands or other males in the family have a prerogative in beating up their womenfolk, particularly their wives. It is not considered a crime. This reinforces patriarchal control over women. The cloak of privacy is to hide patriarchy. As expressed by Katherine O'Donovan, the public-private distinction is an irrelevant difference because both are controlled by patriarchal beliefs.

Rather than intervene directly to regulate family relations publicly, the state delegates its power and authority to the husband. The state is seen as, on the one hand, the enunciator of regulation in the form of law and, on the other hand, the embodiment of male interests. (Rose,1987, 69)

Domestic violence has severe repercussions on the victims of abuse. The extent can only be guessed at since no country-wide study has been done.[12] It is not only the woman who is affected by

[12] The physical and psychological effects of the violence inflicted upon the woman may consist of bruises, broken bones, gynaecological problems and at its most extreme, woman battering may lead to domestic murder. Battered women have a high incidence of stress and stress-related illnesses such as depression, low self-esteem, post-traumatic stress disorder, and these may lead to suicide.

this violence. The effect it has on the children is equally traumatic. These children undergo severe behavioural problems and lack greater social competence. These may include aggressiveness or even unusual passiveness. The long-term consequence of domestic violence reveals itself when the children in turn become abusers (Parkinson & Humphreys, 1998).

A common misconception is that women who are abused are free to leave the violent homes. But many reasons prevent them from doing so. Most of these reasons derive from the stigma of being labelled as a domestic violence victim and the consequences that arise from it. This has its roots in the myth that women are to blame for the battering they receive. The norm is that 'domestic fires should be kept within doors'. Women try to avoid a scandal or being socially ostracised for leaving the husband. There is a stigma of being single or worse if one goes to the extent of divorcing. The fear and shame connected with leaving a partner hampers the preliminary step of complaining to the police. The case of Kalu Nona illustrates this point (Silva & Jayawardena, 1993, 29-30). When asked why she tolerated her abusive husband, she replied that she would prefer to take the beating than to have the world know that she was without a husband. In addition, many women in Sri Lanka feel that even a man who is abusive is better protection from the outside world than having no man in the house. He provides some kind of 'protection' from other men who feel that they can now have sexual access to the divorced woman because she is alone, she is no longer another man's property and she is considered 'damaged goods'. The marriage is kept for the respectability it brings. Social and cultural norms and values greatly influence her decision to remain silent and endure violence at the hands of her spouse. Some women rationalise their position in relation to a sense of destiny or fate. Other practical problems such as not being economically independent, the time and money needed for litigation and not wanting to risk losing the custody of children also prevent women from seeking help. A recent case illustrates this well. A woman was tortured by her husband for not worshipping pictures of Vijaya Kumaranatunga[13] and Roshan

13 The late husband of the President and a well-known actor.

Mahanama.[14,15] The wife is ordered to creep under the bed and stay there without food or water as a punishment for her disobedience. This woman was prepared to stay with her eccentric husband for the sake of the children. In reality, leaving an abusive relationship does not always end the domestic violence. 38 per cent of the women in the Deraniyagala survey left home as a result of domestic violence, but all of these women, including the economically independent women, returned to their abusive partners (Deraniyagala,1992,33). The Hussein report also found that while many women attempted to leave their husbands, most of them returned due to the mentioned reasons. (Hussein, 2000, 26)

Domestic violence as a violation of human rights

Till recently women have been ignored in the growth and development of modern international law. The law claims to be gender-neutral, but in reality its norms and standards are generally unconcerned with the 'women's' question. While many international instruments dealing with human rights include the protection of women from violence in their provisions, extensive discrimination against women continues to exist. The mainstreaming of women's issues into the international agenda started with a series of intergovernmental conferences commencing with Mexico City in 1975 and the beginning of the UN Decade for Women. This continued with Copenhagen in 1980, Nairobi in 1985, Vienna in 1993 Beijing in 1995 and Beijing Plus Five in the year 2000.

The Charter of the United Nations[16], the Universal Declaration of Human Rights[17], the International Covenant on Civil and Political Rights[18] and the International Covenant on Economic, Social and

14 A cricketer.

15 *The Island*, 08.01.98.

16 Article 1.

17 Articles 1, 2, 3 & 5.

18 Articles 2, 6, 7, 9 & 26.

Cultural Rights[19] prohibit violence against women or may be construed as covering the issue of gender-based violence.

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women is the most extensive instrument dealing exclusively with the rights of women and brings together in a single international instrument the various international conventions already in existence that define the sphere of women's rights.[20] While the Convention addresses many issues of sex discrimination, one of its shortcomings is its failure to directly address the question of violence against women. Though one could say that the whole document indirectly addresses the question of violence against women, it is disappointing that there is no specific article that deals with this matter as it is the most extreme form of discrimination. But Recommendations 12 and 19 of the monitoring body of the Convention, the Committee for the Elimination of Discrimination Against Women, have addressed the issue of gender-based violence. The United Nations Declaration on the Elimination of Violence Against Women defines violence to include

> any act of gender-based violence that results in, or is likely to result in, physical, sexual and psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private.

The only regional human rights instrument that specifically deals with violence against women is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against

19 Articles 2 & 3.

20 Sri Lanka is one of the few countries in Asia to have ratified the Convention without entering any reservations, and it has been translated into domestic law by the Women's Charter in 1993.

Women. It expressly states that gender-based violence is a human rights violation.[21]

Domestic violence is a gender-specific crime that harms women both physically and psychologically. So, it clearly comes within the definition of violence against women. It goes further to breach universally accepted norms of international human rights law. The right to life is breached when the violence results in the death of the woman. A person's right to liberty and security of person is breached when women are confined to designated places, isolated or deprived of their mobility. A clear result of violence against women is the breach of the right to mental and physical integrity and freedom from inhuman, degrading or cruel treatment. Domestic violence also reinforces the status quo that keeps women in subordinate positions and perpetuates a state of political, social and economic discrimination. Women are also denied the right to equal protection of the law under state responsibility and due diligence.

When looking at these international human rights documents, some might argue that they have maintained universalistic and essentialist norms; that these laws are concerned with answers that are relevant only to white, western, middle-class women. But, human rights are not just western concepts. They are not new ideas imported from the west. In Sri Lanka, the Buddhist concept of Dharma, which promotes respect for human beings, has a history of over 2500 years. When non-western feminists argue for cultural relativism, they are not condoning the violence. They are merely requesting the inclusion of a woman's class, ethnic group, religion and culture to be taken account of. For human rights to be effective, they must become a part of the legal culture of a given society and strike a responsive chord among the people who are being regulated. It is the lack of such a response that has made these documents just that — mere articles that adorn a lawyer's bookshelf. The situation is

21 Article 5. The Pamela Ramjattan case was the first case raising the issue of domestic violence as a violation of human rights to be brought before an international tribunal. (1998, Inter-American Commission on Human Rights.)

heightened because of reservations made by states and the lack of implementation mechanisms.

It was to promote the integration of the rights of women into the human rights mechanism of the United Nations that a Special Rapporteur on Violence against Women was appointed by the Commission on Human Rights.[22] The enormity of the problem of violence against women was emphasised in her preliminary report[23] and the report on violence in the family.[24]

The international framework is there, and Sri Lanka has ratified all the major instruments, but, as will be seen, it continues to violate the international standards of human rights.

Legislation on domestic violence

Except for the draft legislation there is no special law that deals with domestic violence in Sri Lanka. As the law stands, criminal remedies are provided for in the Penal Code under hurt (314), hurt with dangerous weapons or means (315), grievous hurt (316), grievous hurt by dangerous weapons or means (317), criminal force (341) and assault (342). Other related offences may be: grievous hurt on provocation (326), causing hurt by an act, which endangers life (329) and wrongfully restraining or confining any person (332, 333). The law perceives domestic violence, like any other criminal assault, as a wrong against the state. It excludes victims who are subject to psychological abuse and also those who have only slight or momentary injuries resulting from the battering. If the case comes up before the Magistrates' Courts, which is vested with the jurisdiction to try these offences, the case is usually called up and put off many times before any action is taken. During this time, the

22 It is interesting to note that the present Special Rapporteur is Dr. Radhika Coomaraswamy of Sri Lanka.

23 E/CN.4/1995/42.

24 E/CN.4/1996/53 The problem was revisited in the report E/CN.4/1999/68.

victim may have to go back to her partner and suffer more assaults for initiating a court proceeding against him. The usual practice is for the perpetrator to plead guilty, and he is then charged a token paltry sum and set free after a warning (Silva & Jayawardena, 1993, 83-84). Injunctions, restraining orders and damages are available under the present law, but they are rarely given and few people benefit from them. Also, when such an order is given, nothing happens when it is violated (ICES,1997,1).

Judicial separation and divorce on the ground of spousal abuse are available for domestic violence victims under civil remedies. Under Section 608 of the Civil Procedure Code, it is possible to obtain a judicial separation if the plaintiff can show that

> further cohabitation with the defendant has become dangerous or intolerable and that this state of affairs was brought about by the unlawful conduct of the defendant.

A judicial separation may be converted to a divorce after the lapse of two years. Spousal abuse has also been held to fall within the definition of constructive malicious desertion, which is one ground on which one can obtain a divorce. The victim must establish that she was forced to leave the matrimonial home because of fear of harm to life and limb. But divorce or judicial separation is not often an option for the victims of domestic violence.

The proposed law gives the aggrieved person the right to apply to court to obtain a Protection Order that directs the perpetrator to refrain from doing certain things or requiring the person to do certain things. The Order is aimed at protecting the aggrieved person from harm within the home. Other than the aggrieved person, other people can make an application. These are a police officer and, on behalf of a child, a person with whom the child resides, a parent or guardian, or a person authorised by the National Child Protection Authority.[25]

25 Clause 2. It has been suggested that any other person with the consent of the aggrieved person or with the consent of the Court where the aggrieved person is unable to provide the required consent should be allowed to make an application.

An application can be made against parents, grandparents, stepparents, parents-in-law, children, grandchildren, stepchildren, children-in-law, siblings, half-siblings, step-siblings, siblings-in-law, uncles, aunts, uncles-in-law, aunts-in- law, nephews, nieces and cousins.[26] The original clause was amended to include the employer of a domestic aide, co-habiting persons and ex-spouses. Same-sex partners are not included in this list because homosexuality is illegal in Sri Lanka.

The draft Bill gives the option to issue an Interim Protection Order, which gives immediate relief, if the court sees the urgency for protecting the aggrieved person. In determining whether an Interim Protection Order should be issued, certain matters are taken into consideration under Clause 3. Among those are protecting the aggrieved person from further violence, the welfare of affected children, accommodation needs etc. But it also states that 'any hardship that may be caused to the respondent or any other person as a result of the making of the order' should also be kept in mind. This is stated in Clause 3(d) and should be deleted from the draft legislation as it leans towards reconciliation. This Bill is to protect the rights of aggrieved persons, and this should not be conditional to any hardships that others face. The respondent's rights are protected through due process of the law and also in the Bill.

The court has wide powers to restrain the respondent with an Interim Protection Order or a Protection Order. Clause 8 lists out prohibitions such as enlisting the help of another person to commit an act of domestic violence and entering specific areas occupied by the aggrieved person. This section is quite extensive. But in Clause 8(2)(c), the court may order the aggrieved person to attend mandatory counselling sessions or other form of rehabilitative therapy. The aggrieved person may also be requested to attend rehabilitative therapy, but this should not be mandatory for the aggrieved person. Also in Clause 8(2)(e), it is the implementation of the Protection Order that should be monitored and not the relationship between the aggrieved party and the respondent. It is also better if the police officer is not one of the persons designated

[26] Grandparents- in-law and daughters-in-law have been omitted in the Bill.

to monitor the implementation of the Protection Order. It is encouraging to see that, as stated in Clause 8(3), the court may direct an employer of the respondent to directly pay the aggrieved person if the respondent fails to do so.

While the proposed legislation is a welcome change, it is really only a law that allows 'victims' of domestic violence to apply for Protection Orders. Unlike the report of the United Nations Special Rapporteur on Violence Against Women on the 'Framework for model legislation on domestic violence'[27] this draft does not recognise that domestic violence is a gender-specific serious crime, which needs specific legislation with flexible and speedy remedies. According to the draft, the battering in itself is not a specific crime other than under the Penal Code. It becomes a crime only after a Protection Order is violated. Very few women would go so far as to obtain a Protection Order.

Women's access to the legal system is substantively inhibited by cost and time factors. There are two non-governmental organisations, WIN and Lawyers for Human Rights and Development, that offer the services of lawyers. But both are inadequately resourced and understaffed. It is common for cases to run for more than a decade before any settlement is obtained. Another disadvantage for women in the Sri Lankan litigation system is that it is adversarial. This presumes equality between the parties, which may not always be the case, especially when a woman is economically dependent on the perpetrator. Judges should adopt a more inquisitorial system of adjudication and a more consensual approach conducive to the realisation of women's needs. The court atmosphere is unsympathetic towards the 'victim', treating her as the culprit rather than the 'victim'. There should be more safeguards for the women who come before the courts. It is thus no wonder that, women prefer to travel to holy shrines and pray to gods to alleviate their woes rather than seek 'justice' from a legal system that responds to them with a set of assumptions and stereotypes that at best patronise them, and at worst condemn them. The abusers, too, feel that their actions are condoned

[27] E/CN.4/1996/53.Add.2.

by the lack of punishment. It is very clear that the present law dealing with domestic violence is inadequate. It comes into action only when a woman decides to go to court. As expressed earlier, many women are reluctant to go that far. WIN studies reveal that only one in ten women even contemplate going to courts, and even then the family often dissuades them from seeking such help (Silva & Jayawardena, 1993, 56).

Other mechanisms to combat domestic violence

When a crime takes place, the police are often the first state agency contacted by the victim. It is also the only twenty-four hour statutory emergency protection service. This easily accessible public service usually arrives first at a scene of crime. Their response, attitudes and behaviour will have a great impact on the victim. In practice, the police officers, when called by a neighbour, relative or victim of domestic violence, try to talk down the dispute. They try to mediate and counsel to reunite the family. Sometimes, the officers warn the disputants or ask one party to leave. They rarely make an arrest. The police sub-inspector who was interviewed in the Hussein report said that she personally likes to unite the husband and wife and maintain the family unit, especially if there are any children involved. (Hussein, 2000, 39) Injuries that would suffice for a stranger to be arrested are not considered enough for an abuser at home to be arrested. One reason for this kind of attitude it the belief among police officers that domestic violence is not serious. It is not considered to be 'real' police work. The victim's complaints are received with scorn and incredulity, and such complaints are looked at as unnecessarily time-consuming because they are 'purely domestic affairs'. Most often police sympathies are aligned with the male partner. Furthermore, many constables have been known to have been bribed by the perpetrator, once a complaint has been made, in order to dismiss or suppress it. Existing criminal remedies are not used, and instead these cases are sent to Mediation Boards. Arrests are rarely made, except to preserve public peace and order or in cases of resisting an officer.

While there are many disadvantages[28] in a mandatory arrest policy, positive action by the police will eventually deter the repeat offender and send a message to the potential offender that his actions are unacceptable. It would also encourage the victim to seek help as she will know that her needs are heard and that her life is valued.

Although there are many Women and Children's Desks around the country, they are understaffed and occupied by personnel who are inadequately trained to deal with complaints of domestic violence.

The draft domestic violence legislation will be successful only if police officers carry out their duties well. It has been suggested by some that a warrant of arrest should be issued when an Interim Protection Order or a Protection Order is being made, and that it should be suspended till the Order is violated. Otherwise the aggrieved person would have to initiate action once more in the Magistrate's Court to enforce the Order. The suspended warrant will give the aggrieved person immediate relief and protection.

Recommendations

The introduction of separate domestic violence legislation can be used as a tool for educating and training the different systems. Section 498A of the Indian criminal law recognises cruelty by husbands and his relatives. But it also criminalizes this conduct. As a result, the system becomes punitive rather than rehabilitative. It might also create problems to the family by isolating the woman from her extended family and community. As some feminists argue, it might also become a 'Casanova Charter' and will not be taken seriously. (ICES,1996,1)

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28 One of the main disadvantages is that matters are taken out of the 'victim's' hands. In a country like Sri Lanka where the man is usually the breadwinner of a family, his absence has many negative effects on the family. In countries like Canada, Australia and the United States of America where they have adopted a mandatory arrest policy it has resulted in the arrests of 'victims' too.

Criminalizing a problem is not necessarily the correct answer. As stated earlier, this is a deep-seated problem that can be ameliorated only by ideological and structural change. But the criminal law may be used while such a process is taking place. It points to the symbolic power of the law, suggesting that arrest, prosecution and conviction, with punishment, is a process that carries the clear condemnation of society for the conduct of the abuser and acknowledges his personal responsibility for it.[29]

Countries like the United States of America, the United Kingdom, France and Malaysia have special domestic violence legislation. While reforming family law, divorce law, criminal law and matrimonial property law, steps should be taken to educate the actors associated with the legal system.[30] The Police Training Institute should include a gender sensitisation programme in their course to develop special skills related to violence against women. A police officer who is handling a case of domestic violence should have the power to arrest, get medical help, arrange transport to a safe place and to let the victim know of all the options available to her. There must also be a twenty-four hour hotline for victims to request help.

In order to combat domestic violence, another mechanism that has to be improved is the availability of shelters for women to get away from violent homes. While most women in Sri Lanka depend on their extended families for support during these times, they might not get the help they are looking for. Presently, the Sri Lankan state does not provide accommodation for victims of domestic violence, but since the 1980s two NGOs, namely, Lanka Sumitrayos and WIN, provide safe houses. The victims can go there to receive advice and counselling. The counsellors must be trained to do their job well. The Sri Lankan system rarely looks into the long-term rehabilitation of abusers through counselling, job training and referrals. This is an important area to be looked into. The provision of support services should be made part of the draft domestic violence bill.

29 But see Chapter 5 of the Eekelaar & Maclean book for the effects of pro-arrest policies.

30 See the Special Rapporteur's report on the 'Framework for a model legislation on domestic violence.' E/CN.4/1996/53.Add.2.

Research and data collection are two essential parts of forward-looking plans. Woman-battering has received inadequate attention from both scholars and the larger public. If we do not know the extent of the problem, we cannot plan anything to remedy the situation.

The concept of gender equality has been articulated in the 1978 Sri Lankan Constitution under Article 12 as an aspect of the general fundamental right to equality before the law.[31] In a recent decision of the Supreme Court a judge stated that the non- discrimination principle of the Constitution is made available to all persons and all citizens.[32] The source of the discrimination could originate in a state or non-state entity (Gomez, 1999, 33). Although this view has been articulated by a single judge and there are no decided cases on this issue, this concept can be used to achieve justice for women who are abused by their partners. If gender-based violence amounts to discrimination and if the non-discrimination provision in the Constitution covers both state and private action, then a woman victim of violence should be able to challenge such violence on the basis that she has suffered an infringement of a fundamental right recognised by the Constitution.[33] General Recommendation 19 confirmed that violence

31 (a) All persons are equal before the law and are entitled to the equal protection of the law.
(b) No citizen shall be discriminated against on the grounds of ...sex... or any one of such grounds.
In this context, the word 'her' should be added every time the word 'his' is mentioned in the first paragraph of Clause 11 in the proposed domestic violence legislation, especially as the rest of the document is gender-neutral.

32 Ramupillai v Festus Perera (1991) 1 SLR 11 at 70 per Justice Mark Fernando.

33 See the Indian case of Vishaka v State of Rajasthan AIR 1997 3011, where it was held that gender equality includes protection from sexual harassment and the right to work with human dignity.

against women constitutes a violation of human rights and emphasised that

> states may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence and for providing compensation.[34]

The public, and especially men, must realise that domestic violence is a crime. Women should know that they do not deserve to be beaten up by their partners.[35] The Ministry of Women's Affairs, the National Committee on Women and the Women's Bureau must work together to combat this social problem. These three agencies must petition for budget allocations to intervene and prevent domestic violence, establish shelters, child care services, medical facilities and counselling centres. There should be regulatory control of all public agencies involved with combating domestic violence in order to monitor the work of the staff.

Empowering women is a major hurdle that has to be overcome. Some Indian women have taken unusual steps to combat this problem. One instance is where Vahini and landless dalit women demanded ownership of government-distributed land in their names. This gave them economic independence and took them away from the sites of violence. Another group of women pressured employers, community members and even trade unions to reprimand violent husbands, and demanded that employers channel part of the husband's salary directly to them. Others went even further and refused to perform any household chores till the men promised to

34 See the case of Velasquez Rodriguez (Inter-American Court of Human Rights 1988).

35 Advising women about their rights could be done by poster campaigns, demonstrations, street plays, booklets, media exposure, public speaking and any other audio and visual aids. This information must also be distributed to the police, health workers, social services and the legal system.

stop beating (N. Gandhi & N. Shah, 1992). These are not permanent solutions, but are suitable for women who are unwilling to leave their partners, like most women in Sri Lanka.

Merely copying the 'west' and its ways of dealing with the problem will do no good to the situation in Sri Lanka. That might even make things worse. We must observe other nations and get examples from them, but the remedial measures taken should be addressed to the specific conditions and problems in Sri Lanka. Above all, institutional and attitudinal changes are needed to accept females as equal and active partners. As Professor G. L. Peiris states, 'the sociological metamorphosis must ideally be a precursor to legal change.'(Silva & Jayawardena, 1993, 65)[36]

Conclusion

Domestic violence is a problem that needs a lot more attention than it receives. As was stressed in a case in the United Kingdom,

> ...it is high time that the message was understood in clear terms by courts, by police officers, by probation officers and above all by husbands and boyfriends of women, that the fact that a serious assault occurs in a domestic scene is no mitigation whatsoever and no reason for proceedings not being taken and condign punishment following in a proper case.[37]

36 As stated in Article 2(f) of CEDAW, it is not only the law that should be changed but also societal attitudes..

37 *R* v *Cutts* [1987] Fam. Law 311 per Micheal Davis J. Cretney & Masson, 1997, p. 240.

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Channa Wickremesekera's *WALLS*

Minari Fernando

Channa Wickremesekera spins a tale that is humorous and lighthearted, yet sombre and reflective, in his skilfully written book *Walls*.[1] *Walls* is about a family — Abeywickreme, his wife Shiranee and their daughter Ishara who leave Sri Lanka in search of greener pastures. At first glance this might seem like a tale about a seemingly dysfunctional family. It examines, in addition, with great depth and intuition the whole notion of 'fitting in'. He dissects the world of the sexual other and also explores the concept of the national other. It explores very creatively conflicts between the heart and mind, so that the reader inevitably examines his/her own personal conflicts while experiencing vicariously the conflicts of the characters in the book. *Walls* is also a stark portrayal of Sri Lankan middle classness that travels, wherever the Sri Lankan may go.

The Abeywickremes left Colombo to look for a 'bit more money' (p. 11) and stability for themselves and their daughter Ishara. To get away from the dead bodies, the fried penises, the roadside cemeteries, and missing persons. Comparatively, 'life in Melbourne wasn't too bad', the stores were stocked with food and electrical goods that *some* were able to afford, and social interactions were almost non-existent. The dole provided enough for a two-bedroom flat close to the flat of the widowed cousin who put them up – or rather put up with them - until they were able to afford a flat of their own. No one in Melbourne recognized Abeywickreme's engineering degree, so he wasn't able to construct buildings but only clean those constructed by others, and thus started his career as a supermarket cleaner. Abeywickreme contemplated going back to Sri Lanka, to constructing irrigation projects and drinking arrack on languid Sunday afternoons under the mango tree with friends. But Shiranee couldn't face the

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Channa Wickremesekera, *Walls* (published by Percy Wickremesekera, Colombo, 2001).

embarrassment of facing those who were the targets of her boastfulness, so they decided to stay for Ishara's sake!

The first page of the book relates the ordinary conversations during an ordinary barbecue in the Abeywickremes' backyard. Dr. Fernando utters the first line in the book 'Where are the Sinhalese supposed to go?' (p. 1) This line inspires, then, a series of fearful thoughts.

> 'But now all that is in danger of being swamped by the marauding hordes from across the Palk Strait, hell bent on continuing their ancient practice of pillaging that sacred land...,' he went on, eyes half shut and mouth slightly open, while all around him, his little audience stood with their mouths agape, their eyes practically out of their sockets as if before them they had not the beefy face of the doctor with half a dozen flies buzzing around it but the disturbing vision of millions of Tamils pouring into Sri Lanka, sweeping the Sinhalese into the sea.

They watched with terror as the Tamils sacked the Rajarata, demolished the Dalada Maligawa and climbed the Sri Pada to defile the holy footprint before sweeping down the mountains to trap the heroic children of the Ruhuna between a wall of flame and the sea. They gasped in horror as the Tamils erected a gigantic Shivalinga at the centre of the island and bathed it with the blood of the thousands of Sinhalese patriots, they had massacred. They watched and they gasped, horrified and helpless.

These lines do not point only to the strained relationship between the Tamils and the Sinhalese but also to the insecurity of the Sinhalese in the South Asian region where they are a minority: the majority with a minority complex. It points to a whole host of other relationships like the xenophobia directed at Southern immigrant communities in the political North — the discrimination faced by minority communities in any country at the hands of the numerically superior group, or politically powerful group. It points also to more subtle forms of prejudice and to hate that is not acted upon but said. 'You can't be racist about Australians, they are white' is a classic

depiction of a large number of people who see race as a black-white issue; and believe neither in reverse discrimination nor other forms of discrimination based on ethnicity, gender, caste and class etc.

Walls is also essentially a commentary on the constraints of middle class life. The Abeywickremes see themselves as middle class, which bestows upon them the title of respectability. Andy their neighbor, on the other hand, a beer-drinking, tanktop-wearing, naturally ignorant but opinionated plumber, is not respectable. He is not seen as a suitable neighbor, and neither are the other blue-collar workers in the neighborhood. Shiranee says that her ideal neighbor is the 'respectable' Wilson (in *Home Improvement*)- like character (p. 7), who is intelligent, eccentric, well read and arrogant. This respectability also imposes great constraints on those that have the honor bestowed upon them. They can't be cleaners, or live in certain neighborhoods, wear certain clothes, use certain language 'in front of strangers, especially white people' (p, 11), or be lesbian. Middle class life is all about keeping up appearances.

The greatest blow to the Abeywickreme household is dealt not by the job market that doesn't recognize Abey's engineering degree, nor by the other jealous and competitive Sri Lankans, but by their own daughter Ishara. She tells them one lazy Sunday afternoon that she is a lesbian! This is not the kind of activity a respectable young Sri Lankan girl engages in, so as soon as Ishara makes this declaration, they set out to find out how this happened, and who or what was responsible for it. The first question they then ask her is how she knows she is a lesbian, as if she wouldn't know whether it was men or women that turned her on. Then they ask a series of questions to ascertain the when, where, how etc, and the all-important question of 'who else knows?' (p. 31) This question is a classic symptom of the middleclass syndrome: the main symptom of this is that those afflicted can commit any 'sin' as long as no one finds out about it. If no one finds about a moral slip-up or even a great misdemeanor, respectability remains intact. Ishara repeatedly asks the question, 'What is wrong with lesbians?', which her parents never answer. They think it's wrong but don't know why it's wrong. The parents attempt in many ways to rid Ishara of her warped ways: they strike her, berate her and even prescribe psychiatric therapy for something they don't know is wrong.

That was not the kind of question a lesbian daughter should be asking her parents. It was like a cholera patient asking what was wrong with having cholera. Everybody knew what was wrong with cholera, and everybody knew what was wrong with being a lesbian. If you didn't, that meant there was some other serious problem, a problem perhaps worse than having cholera or being a lesbian. (p. 38)

Wickremesekere does not answer any questions in this book; he does, however, raise many questions. 'Where are the Sinhalese meant to go?': this is a pertinent question for a person who feels that his/her own country does not provide the necessary opportunities for self-improvement. The natural reaction to this is to blame those who have left the country, or stay and change the status quo. The characters in the book didn't take the last option. They see the minorities in the country as those responsible for the predicament of the majority community. This insecurity mixed with good amounts of frustration at a status that leaves much to be desired spurs racist thoughts. Ironically, these same people are now the targets of xenophobia in a 'foreign' land where the native population are insecure in a similar way. Thus, educational qualifications are not recognized, employment opportunities are not on par with the native population etc. Irony after irony: the 'native populations' referred to here are not the aboriginal peoples but the 'subsequent' or 'secondary ' natives.

Migrant communities also face many changes in their lifestyles; especially interactions with their children. Despite the need and strong desire to fit into the new culture, they also have an insatiable need to cling to the culture they left behind. Sexuality is a subject that is often a point of contention between parents and children in new situations. Most often the host culture is more open about these issues and thus younger people are encouraged to express themselves more freely. The children who sometimes have known no other way of expressing themselves and their sexuality are open about their wants and needs. Ignorance mixed with inflexibility prevent the parents from understanding the lives and decisions children make. Wickremesekere alludes to this conflict in a sensitive manner in his depiction of Ishara. He does not stereotype her, and thus the reader does not expect her declaration. His depiction of her allows the reader to empathize with her without feeling sorry for her, and he never

makes her sexuality seem like a problem or disease that has to be eradicated.

Her relationship with her female friend Catherine; can not be mere fancy of a creative mind: it seems to be a deliberate and clever choice. The author uses that relationship to share with the reader an alternate way of accepting and understanding those who have alternate sexualities. 'Catherine had not been comfortable with her sexuality at first. As long as you don't try to get into my pants, she had said rather nervously, but when she has realized that Ishara has no intention of fondling her breasts or caressing her buttocks she had become very sympathetic and supportive.' (p. 35) Most people ignore what they see as 'unnatural' in heterosexuals but are unable, to see homosexuals as people. Ishara is no less a friend to Catherine, daughter to Abey and Shiranee, or no less human now that she has declared her preference for women. The author makes a brave yet simple and logical statement.

Abeywickreme's realisation about the nature of his relationship with his daughter is yet another reminder about how human beings misunderstand diversity.

The thought made him realize, with sudden pang of sadness, that he had never really spoken to the girl, neither father to daughter nor person to person. He had provided her with everything, food, clothes, a good education and a good life, but he has never really spoken to her. He doubted if Shiranee ever spoke to her either. She yelled and shouted at her daughter a lot but had she ever spoken to her?'

His relationship with his daughter is a depiction of all our relationships with other human beigs who are not like us. Those who walk, talk, think, dress, speak and love differently. Most of us make little or no attempt to walk in another's shoes but are quick to criticize someone who treads the wrong path. It is evident that we may be total strangers to those we consider close and we make no attempt to understand or accept the differences. Abey's clear lack of understanding of his daughter's sexuality is also seen in the following thought:

> ...and with lesbians, he could not fathom what they did in the first place, not having penises to suck like popsicles.' (p. 47)

The insecurity about ethnic minorities and sexual minorities come together in another form, which is the control of women. Culture is controlled through the control of its women. It is the women that retain or put at risk the honour of a society or culture. 'What will happen to our Sinhala culture if all our women start turning into lesbians?' (p, 51) Abey also thinks that there were no lesbians in Sri Lanka before colonosation and that lesbianism was 'filth' brought in to the country along with other diseases such as gonorrhoea. Dr Fernando, the nationalist representative in the book, saw everything foreign as something brought to 'undermine the moral foundations of the great Sinhala culture.' (p. 51) Abey points out, however, that 'the doctor never explained what real Sinhala culture was like'. Despite the economic hardships faced by the Abeywickremes upon their arrival in Melbourne, Abey would not hear of Shiranee working because it was his job to do the earning. He worked as a cleaner and Shiranee could find only cleaning jobs, and Abey could not imagine working alongside Shiranee.

Wickremesekera provides a stark snapshot of migrant life in a non-judgmental manner. However his criticism of racism and homophobia are evident. He does not do this with a patronizing, holier-than-thou attitude but poses questions that challenge pre-existing views and suggest gently an alternate viewpoint. Wickremesekera shows great sensitivity, wit and realism along with a good measure of social awareness. Simply put, *Walls* is excellent: Wickremesekera should provide us with more feasts for the heart and mind in the future .

Living on

Two small kids at the top of Kynsey Terrace
jumping up and down before Neelan's memorial,
squealing with delight to see themselves, I suppose,
in the shining mirror of its surface. He would have been happy.
How much better after death to give pleasure to children
than to be a stiff bronze statue, a joy only for crows.

Regi Siriwardena

Letter to the Editor

Prometheus and Pinochet

Reading Mr. Dayan Jayatilleka's eulogy of Fidel Castro as 'the last Promethean' (*Nethra*, Apr.-June 2002), I recalled that Castro was one of the few people (in company with Margaret Thatcher) to protest against the detention of General Pinochet in Britain when the Spanish government wanted him extradited to answer for his crimes against Spanish citizens at the time of his coup. Castro's intervention on the side of Pinochet was in spite of the fact that President Allende had died defending the presidential palace against the assault of Pinochet's forces, wielding a sub-machine gun presented to him by Castro that had never been fired before.

I remember, too, that Prometheus was chained to the rock for his defiance of the tyranny of Zeus. Who, then, resembles him better – Allende making his heroic, though doomed, last stand against the fascist onslaught, or the aged dictator in Cuba standing up for immunity for another of his kind?

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Printed by Unie Arts (Pvt) Ltd.