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Sunil Bastian
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Choices and Problems of Implementation in the
Context of Devolution Proposals, by Sasanka Perera

Appendices:

President Chandrika Kumaratunga's Address to the Nation,
August 3, 1995
Text of Government's Devolution Proposals of August 3, 1995
Text of Government's Devolution Proposals of
January 16, 1996
A Commentary on the Devolution Proposals of the
Government January 16, 1996, by G. L. Peiris
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THE THAWAKKAL DEBATE

Mervyn de Silva

Selling the family silver is the first option of the "socialist" or "social welfarist" Third World regime that has compelled by circumstance to take the capitalist path with the IMF-World Bank as guides. In an increasingly unfriendly economic environment where projects of "untied" assistance are rapidly drying up, cash-strapped under-developed (or 'developing') countries cannot resist the temptation to sell State assets. First to be put on sale in this "Privatisation program" are State corporations which have incurred large losses for many years. These State Corporations were of course the proud symbols of "Socialism", the socialism promised to the electorate which equated "socialism" with public ownership, free of corruption; a management accountable to Parliament and modest prices for its products. In practice, the chairpersons, the members of the Board, and the top managers were loyal party cadres active supporters of a minister, junior minister or MP, or kith and kin of some VVIP, or his "extended family". Jobs for the boys shouted the press until the press too was shackled or "nationalised". The privately owned media were arm-twisted or "taken over" or "broad-based".

The sale of the family silver, State property, is not always truly transparent. It could be rigged so that party financier or kith or kin would become the new owner. President J. R. Jayawardene who led the way on the capitalist path in South Asia — historically, his most important contribution — could get away with almost anything. A massive five-sixths majority in Parliament ready to support any measure taken by his "Gaullist" regime allowed President J. R. to ignore "the whims and fancies of Parliament". Not so alas his P.A. successor who, despite an unparalleled 62% vote at the presidential polls is severely handicapped by (i) an eight-party Peoples Alliance with divergent views and (ii) a single vote majority in Parlia-

ment. The 8 party coalition includes parties still committed to socialist ideals, and strongly anti-capitalist. That is the political-ideological context of the THAWAKKAL debate.

However it was the "drama" that explained its impact — a 'secret' tape recording, the coincidence of the HAWALA scandal in India which nearly blackened the fair name of Prime Minister Rao, and the WATERGATE parallels made by the media. But here the *SUNDAY LEADER*, no great admirer of President Kumaratunga, wrote: "Nobody in their right senses would believe that the President took 20 million to change a Cabinet decision". Foreign Minister Lakshman Kadirgamar, a key player in the drama cited the *SUNDAY LEADER*, in his statement to Parliament.

The debate itself turned out to be a duel between the best orators in the assembly — Foreign Minister, Kadirgamar a renowned Oxford Union debater and Mr. Anura Bandaranaike UNP MP, who had demonstrated his unusual parliamentary skills when he led a small, battered Opposition against a mighty government more than a decade ago. Here are some excerpts from the Kadirgamar-Bandaranaike exchange. (More excerpts will appear in our next issue).

MR. KADIRGAMAR

I will never stand for election, I belong to a minority community, I have no political ambitions at all. I am here only to do one thing, and that is to help my country as best as I can to solve the gravest problem of our time and if I can make a miniscule contribution towards that effort, that will be enough for me till the end of my days. I seek nothing else.

Mr. Speaker, many questions have been asked, some foolish, some worthy of attention. I will start with my letter of 19th January, 1996 with which Mr.

Ronnie de Mel made great play and others too. I ask the House, Mr. Speaker, to look at that letter objectively, calmly and analytically.

When that letter was written there was no party politics involved. I am talking about my feelings in writing my letter. You can make your own judgement about what you think of it. That is your business but I want to explain the thoughts that were in my mind when I put pen to paper. It is right that on the 23rd of March, 1995, I gave an opinion at the request of Her Excellency the president on the Puttalam Cement matter. In that opinion, Mr. Speaker, I took what I would call a classical view,

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CONTENTS

Elusive Peace: The Negotiating Issues and Process	3
From Egypt to Pakistan the Crescent under Crises	6
The Feminist Challenges	9
Crisis of Marxism (2)	14
National Security Laws and Human Rights	17
Anna Larina	20

a strict view in law. What I said that we were in a situation where because of a breach of Section 55 of the Companies Act on which question there is almost unanimity — there is the Attorney-General's opinion, there is the Securities and Exchange Commission opinion, there is my opinion, there is an opinion of a senior lawyer, a private lawyer, we have all agreed that there was a breach of Section 55 of the Companies Act.

The question is what was the consequence of that breach? I took the view that it rendered the underlying transaction void in law. Void means that it is null and void — that it has no effect whatsoever. That is my view. I do not for one second say that am infallible. No lawyer in his senses ever says that because one thing that we lawyers know and the judges know is how fallible we are. That is why there is litigation. That is why there is a hierarchy of courts where legal issues go from one court to another till they are settled by the highest courts.

Then, even the highest court say they are not infallible. Under certain extreme circumstances even the highest court may revise itself. Lawyers know that they are not infallible. But they give an opinion. They may be right. They may be wrong. The opinion may be acted upon it or may be disregarded. It may be tested in a court.

I took the view that the transaction was void and I suggested that to put matters right, the Tawakkals be asked to pay the full amount of Rs. 900 million which they have refused to pay or that the matter be restarted. That is my view.

Opinion

Many months lapsed and in December 1995 Mr. Kadurugamuwa asked me this question. "Was there a change of the March 1995 decision?" and he showed me a letter from the chairman of PERC dated first August 1995 which seemed to indicate that there was a change in this decision.

Now, I say, Mr. Speaker, frankly on this point, I do not care what anybody else's opinion is, I say I had no recollection whatsoever, independently, of a change in that decision after March 23rd 1995. I said to him that I have no recollection, but I would like to check

it out. I left for Thailand the next day on an official visit and from there I called the best person who in my opinion could answer this question for me, the Secretary to the Cabinet, and I asked him whether he could recall the Puttalam Cement matter and his answer to me was, "Yes, Sir, there was your opinion in March or somewhere early in 1995". I said, "No. Not that. Do you recall a subsequent one?" and he said no and that he did not recall it. I said, "I am coming back in three day's time from Thailand. Could you please look it up and let me know."

When I came back I called him and I asked him what the position was and he said that he had made inquiries and that he could not find a second Cabinet decision. Now I must say, Mr. Speaker, that at that point I did get a little alarmed. More than a little alarmed. Put yourself in my shoes.

MR. ANURA BANDARANAIKE (UNP)

When the Tawakkal affair blew up totally unexpected by the government and much embarrassment, what was their immediate reaction? "We have 42 files of wrong doings by the previous Government!" Is that what the voter expected from you? When they voted you in the hope of a change, and when an act of Himalayan corruption is being exposed it should have been investigated promptly, I will deal with that later Sir, and the culprits or the culprit should have been exposed and punished if found guilty. Instead of which you jump up and say with a knee-jerk reaction — okay, if you talk of Tawakkal, we will talk of what you did in the last 17 years." To cover up the sins by referring to the past your main plan was to

perceive corruption of the UNP and some of its members. It was your hobby horse. You devoted four pages of the People's Alliance manifesto which I will quote later, from page 11 to page 14, dealing with your views and your solutions to the question of bribery and corruption. I will deal with that, Mr. Speaker, during the course of the debate.

Mr. Speaker, the three main issues arising from this whole saga which I call it sordid saga are:

1. The role played by the Foreign Minister, the Hon. Lakshman Kadirgamar in the Tawakkal affair.

2. The conduct of the PA government arising from the Foreign Minister's letter to the President and the allegations contained in the letters of the Hon. Lakshman Kadirgamar.

The third question that arises, Sir, is the attempt of the People's Alliance Government to cover up this whole episode once it was exposed, which they did not expect. Sir, these are the three main areas, three fundamental areas of the whole Tawakkal scandal which I will devote the major part of my speech. Sir, now I wish to briefly refer for the purpose of information to the Hon. Members of both sides of the house, whom I consider my Hon. Friends, the circumstances that led to this scandal. A lot of people in this country, and perhaps in this house are not aware of the sequence of events that took place from around March, 1995. Therefore, Sir, as I am dealing with the Tawakkal issue and the Tawakkal issue alone, I will give this House and to you, Mr. Speaker, a very brief background of what really has happened.

RITA SEBASTIAN

As we go to press the sudden death of RITA SEBASTIAN has shocked the media community in which "Rita", the former editor of the *SUNDAY TIMES*, was a much respected personality. After the privately-owned *TIMES* was taken over by the Jayawardene government, Rita became the Colombo correspondent to many renowned regional and international newspapers, including the *INDIAN EXPRESS*, *KYODO*, Japan's top news agency, and *INTERPRESS SERVICE (IPS)*. Recently she was elected the first President of the Foreign Correspondents' Association.

The *LANKA GUARDIAN* salutes a colleague and friend, a first-rate professional and an uncompromising defender of Press Freedom.

ELUSIVE PEACE: The Negotiating Issues and Process

Howard Wriggins

The first issues to be negotiated concerned the structure and powers of proposed district development councils. Jayewardene saw districts as the smallest administrative entities (apart from villages) and therefore the least risky as focuses of decentralization. The more articulate Tamils wanted to ensure that such councils could cooperate with one another in the northern and eastern provinces, and even amalgamate if they wished. But to the Sinhalese that raised the specter of secession the development they most feared.

The powers to be enjoyed by each council were subject to detailed bargaining. Recruitment of local police and their deployment, as well as taxation, education, economic planning, land allocation to farmers, and water management had to be defined. Tamil spokespersons sought as much discretion and as many resources as possible for the councils; the government appeared to be parsimonious as possible.

Haggling over each of these details was often protracted. But as it turned out, none of the government's cabinet ministers were persuaded that they should sacrifice such centralized political resources as allocations, hirings, and policy decisions to novel district entities. The government was too preoccupied with issues, and too reluctant to risk the Sinhalese backlash, to bear down heavily on the reluctant ministers.

As to the negotiating process, at first Jayewardene met informally with spokespersons for the Tamil United Liberation Front, seeking to craft an agreed upon formula for a settlement and negotiate specific details. For nearly two years distrust between Jayewardene and the Tamil leaders remained high and Jayewardene moved cautiously. Fearful of precipitating a backlash of Sinhalese opposition to any form of decentralization. Not until mid-1979, two years after Jayewardene's election, was a commission appointed to specify details of the structures, responsibilities, and powers for the proposed new district development councils the parties had been discussing. The commission's report of February 1980 became the basis for

instructions to the legal draftsman, and by August 1980 Parliament had passed the necessary legislation authorizing creation of the councils.⁸

Tamil critics thought the process unduly tardy, which only confirmed their suspicions that the Jayewardene government, like its predecessors, was not serious about resolving Tamil grievances. Nevertheless, it was a real achievement to have parliamentary approval for such devolution as the district councils after two previous efforts at decentralization had fallen before Sinhalese popular opposition.

Time, however, was not on the side of moderates either among the Tamils or in the government. What might have been accepted by Tamil activists as satisfactory a year or two earlier came to be seen in the end as niggardly — too little, too late. Nevertheless, despite violent opposition from the most militant Tamils in the Northern and Eastern provinces, the first elections for the district development councils were held throughout the island in June 1981.

Unfortunately, implementation of the district development councils was hampered when budgetary controls required by the World Bank and International Monetary Fund (IMF) in 1980-81 curtail runaway expenditures had unforeseen political consequences. Inflation in Sri Lanka was then running at 30 to 35 percent; under the required controls and budget cutbacks most ministries' budgets were cut by 25 percent. Any allocations for new expenditures, including those for district development councils, were out of the question. Thus the councils did not receive the funds proponents had expected, and more Tamils were persuaded that the government was not serious about instituting the councils, even though it had agreed to them. There is no assurance that, had the district development councils been generously financed at that politically sensitive moment, events would have turned out differently; but an opportunity may well have been missed.

The Changing Security Context

During the year and a half of negotia-

tions on the district development councils events on the ground did not stand still. The Tamil militants improved their ability to disrupt governance in the north and east. Their coordinated skills in ambushing police and armed forces, assassinating chosen personalities, robbing banks, and performing demonstrative violence were all improving. The evidence of the government's reluctance (or inability) to meet Tamil grievances through negotiation only strengthened the militant's conviction that the central government could not be serious in responding to their concerns. And unfortunately for the future, the moderates of the Tamil United Liberation Front who had staked their positions on those negotiations were discredited by the insufficient results achieved.

In view of bitter criticism of even the modest concessions negotiated, voiced by influential Sinhalese members of his own party, by the opposition Sri Lanka Freedom Party, and by Buddhist priests, Jayewardene could see the difficulties he would face if he moved at a faster pace. Moreover, the government's efforts to restore order in the north, to protect the safety of those Tamils who opposed Eelam (at the outset there were many), and to raise the costs to the militants of their activities, were often counterproductive. The language barrier left the Sinhalese troops in Tamil areas isolated, nervous, and ill-informed, and it was difficult for the troops to distinguish between Tamil militants and Tamils who opposed the militants. Militant attacks on the troops sometimes led to random, exaggerated responses, which increasingly overstepped the bounds of traditional legal restraints.⁹

Multiple Negotiations after 1983

In June 1983 massive anti-Tamil riots in Colombo, precipitated by Sinhalese who were enraged by Tamil ambushes of government troops in Jaffna, intensified a cycle of violence. The riots sharply radicalized more of the Tamil community, and led the government to pass a sixth amendment to the constitution, which required all members of Parliament to take an oath to defend the unitary constitution. In the late 1950s a similar

requirement had calmed a Tamil independence movement in southern India; but in Sri Lanka in 1983 all parliamentary representatives of the Tamil United Liberation Front felt compelled to resign their seats, leaving Tamils without elected spokespersons in Parliament.

Furthermore, the riots induced thousands of Tamils to flee to Madras, where India's highly competitive parties outdid each other in dramatizing support for their beleaguered kin across the Palk Strait.¹⁰

These events provided Indian prime minister Indira Gandhi with an ideal opportunity to involve herself more actively in Sri Lanka's affairs as she sought to shore up her faltering political support in India by backing causes that attracted Madras politicians. The events also strengthened the solidarity and determination of the more radical Tamil militants. TULF leaders had no option but to demand a more ambitious focus for devolution — in this case, provincial councils — which inevitably intensified the anxieties of the Sinhalese.

Madras politicians and elements of the Indian government had already been helping Sri Lanka Tamils by providing sanctuaries and communications, and by turning a blind eye to fund raising and arms smuggling. Now support from the neighboring capital, New Delhi, became public and far more active. Worried Sinhalese feared a reprise of a role the Indian army had played in the 1971 breakup of Pakistan — a result that Tamil spokespersons in Madras and Jaffna eagerly demanded.

In Sri Lanka militant Tamils, disappointed by the results of the 1979-82 negotiations and aggrieved by the 1983 riots, were encouraged by India's support to oppose any government offers. At the same time, the activities of the security forces and of militant Sinhalese supporters of the government intensified the worst fears of the Tamils and sharpened their suspicions of the government.

Mediation by India, 1983-84

The 1983 anti-Tamil riots induced India to undertake a series of mediation efforts in the Sri Lankan conflict despite its involvement in the conflict.¹¹ A close foreign policy adviser to Mrs. Gandhi, a distinguished Tamil Brahmin, paid a number of diplomatic visits to Sri Lanka. He helped the Tamil militants to moderate their more extreme constitutional

demands, and induced the Sri Lankan government to offer more effective forms of devolution. But he made little real progress in closing the distance between the two sides.

Four months after the riots, when the Commonwealth heads of government met in New Delhi, Jayewardene and Mrs. Gandhi had an inconspicuous opportunity to consider the mediator's ideas. These were detailed in a document known as Annexure C, which spelled out principles for devolving local police, land distribution, and other powers, and for the creation of an overarching council to encompass both the Northern and Eastern Provinces¹².

However, the negotiating space was delimited by contradictory interests. From the Sri Lankan government's point of view, the larger the entity (such as an overarching council) permitted, and the more extensive the powers to be devolved, the more likely that entity would become the base for an even more determined secessionist movement. (For that reason the government's initiative of 1979-82 had specified limited powers assigned to the smaller entities, the administrative districts.) From the Tamil perspective, the more powers that were devolved, and the larger the entity, the more the Tamils would be able to protect their own interests; for those committed to achieving Eelam, that arrangement could be seen as a major stride toward independence.

The mediator's bona fides were weakened by India's contribution to the militants' firepower and resolve and by the visible (but denied) support of the militants by India's intelligence service.¹³ On Jayewardene's return to Colombo, his cabinet colleagues vehemently rejected Annexure C as totally unacceptable.

The All Parties Conference

Adopting another expedient than third-party mediation, early in 1984 the Sri Lankan president called the meeting known as the All Parties Conference. Participants in this search for a Sri Lankan consensus reflected a broad spectrum of Sri Lankan opinion, including Sinhalese opposition parties, Buddhist priests, Christian spokespersons, as well as others. Jayewardene may have hoped that new coalitions might strengthen his hand against the inflexible members of both his own party and the opposition. Meanwhile, inconspicuous government discussions with Tamil United Liberation Front representatives,

without either party having to make a negotiating first move, could continue. Although former prime minister Sirima Bandaranaike took her Sri Lanka Freedom Party out of the conference after one month, the conference continued to convene off and on during the year. In the end, although discussions had brought to the surface all possible alternative modes of decentralization, differences among the participants remained as wide as ever.

The government security services and militants used the time gained through such protracted negotiations to strengthen their respective military positions. Tamil military units were becoming larger; their training in India by retired Tamil-speaking officers, and supplies from India and Singapore, made them more effective. Fearing revenge from the militant Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers), fewer Tamils dared voice dissent from the rejectionist position insisted upon by the Tigers.¹⁴

Realistic members of the government were becoming more impressed by the difficulties of achieving an outcome acceptable to the bulk of the Sinhalese. Six years into his regime, Jayewardene's political room for concession was more limited than it had been in the early years of his government. However, during 1983 and 1984, with better equipment; with assistance from Pakistan, Israel, and China; and with more serious training and experience for its forces, the government stepped up its military activity against the militants. But deadlock continued. The guerrillas could not defeat the government, and the government could not reestablish order in areas the militants claimed as theirs.

Meetings Brokered India, 1985

When Rajiv Gandhi succeeded Indira Gandhi as prime minister, India's policy became more neutral for a time. Rajiv Gandhi saw the inconsistency between India's meddling in Sri Lanka while objecting to Pakistan's meddling in the Punjab and Kashmir. He feared that Tamil Eelam in Sri Lanka might reawaken Indian Tamil secessionist sentiments that had so marked southern India in the 1950s. He also needed a foreign policy victory after a series of by-election defeats. At the same time, his concern for the opinion of his Tamil constituency in Tamilnadu led him to press for maximum Tamil autonomy within a unitary Sri Lanka.

In an effort to break the deadlock

between the Tamil secessionists and the Sri Lankan government, Rajiv Gandhi brokered two consultations in the summer of 1985 in Thimpu, Bhutan, which for the first time brought the Sri Lankan government and all the Tamil factions, including the Tamil Tigers, to the table together. Thus with the support of the neighbor-host even the intransigent Tamil Tigers gained the hard-won right to negotiate directly with the government. The government proposed a three-month cease-fire and hoped that, far from the press, the parties could engage in serious convergence bargaining about the specifics of a provincial council formula. However, the Tamil Tigers raised the ante, now insisting that Sri Lanka's Northern and Eastern provinces be merged and that the Tamil community be recognized as a separate nationality possessing a right to a Tamil homeland.

The desire to consolidate the two provinces, which had been a sticking point for many years, was important to the Tamils for a number of reasons. Tamils looking ahead could imagine that some day the magnificent harbor of Trincomalee, in Eastern Province, could be a free-trade industrial zone, the center of a thriving regional economy comparable to HongKong; or that it could be a potential naval base leasable to an external power for a stiff annual rental. If the two provinces were linked, Tamils would clearly have majority control in the region. For precisely the same reasons the government, fearing the worst, was firmly opposed to linking the two provinces; it saw a demand as presaging the very partition of the island that it so opposed. Moreover, the population of Eastern Province was mixed, divided about equally among Tamils, Sinhalese, and Muslims. The Muslims were strongly opposed to linking the two provinces because they were unwilling to be dominated by Jaffna Tamils, even though they, too, were Tamil-speakers.

The issue of a Tamil homeland had other significance. Historically, land has long been a prime value in Sri Lanka, the source of social standing and of income. As the population more than doubled over the past thirty years, spokespersons for both Sinhalese and Tamil communities have stressed a growing sense of landlessness. Ironically, as large government and foreign resources were being devoted to expanding irrigation systems, the newly irrigated acres became apples of discord between what had become two jealous communities. For some Tamils, to declare a Tamil homeland was merely one

way of confirming the Tamil claim to a meaningful share of the lands to be allocated in the future. To many Sinhalese, such a claim was seen mainly as a step toward Tamil independence.

Despite controversy at the Thimpu meetings, however, some progress was made. Through further negotiations between the Sri Lankan government and the Indian government, a formula for a settlement of the conflict was worked out that seemed reasonable to most Tamil groups and to some members of the government, and that the Indians seemed ready to support. A Draft Framework of Accord and Understanding set out some general principles and considerable detail. It provided for one provincial council in each province, devolution of certain law and order functions, land allocation, education, and cultural affairs, among other things.¹⁵

On the other hand, it was clear that the more extreme among the militants remained committed to their separatist goal of independence. Indian officials remained skeptical that unless subjected to sustained Indian pressure, the Sri Lankan government would be unwilling to accord enough autonomy to reassure the Tamils.

Each side stepped up its efforts to bring pressure to bear upon the other. Colombo had nearly doubled the size of its forces to some 37,600 as it made use of foreign military assistance; its equipment became more sophisticated, its troops more disciplined.¹⁶ The militant groups continued to harass the government's troops, destroy government property such as buses and police stations, rob banks, and engage in demonstrative and selective violence to show how widespread and dedicated were their cadres. Either out of sympathy or fear, the Tamil populace was unwilling to provide evidence to help the government identify or locate those responsible.

Over time the militants had mined roads in key spots in Jaffna and Eastern Province and improved the defenses of their principal headquarters. Thousands of Tamil civilians had fled abroad. Hundreds had been jailed, and perhaps thousands had been killed either by the army or by militants retaliating against individual Tamils suspected of giving information to the government or supporting the wrong militant faction. Hundreds of troops had been killed. There was damage in many of the Tamil areas. In Jaffna the militants had established the rudiments of a parallel administration.

Thus a stalemate persisted, but at a higher level of destruction. It was approaching a mutually hurting stalemate that might presage compromise (see chapter 1), but was not yet sufficiently severe to induce either party to concede enough to conclude a negotiated settlement.¹⁷

(To be Continued)

Notes

8. For details, see K.M. de Silva and H. Wriggins, *J. R. Jayewardene of Sri Lanka: A Political Biography*, vol. 2 (London: Leo-Cooper, 1994), pp. 436-41; A.J. Wilson, *The Break-Up of Sri Lanka: The Sinhalese-Tamil Conflict* (University of Hawaii Press, 1988), pp. 140-55.
9. See K.M. de Silva, *Regional Powers and Small State Security: India and Sri Lanka, 1977-1990* (Washington: Woodrow Wilson Center and The Johns Hopkins University Press, forthcoming); Wilson, *Break-Up of Sri Lanka*; Sinha Ratnatunga, *Politics of Terrorism: The Sri Lanka Experience* (Belconnen, Australia: International Fellowship for Social and Economic Development, 1988). See also Barnett R. Rubin, *Cycles of Violence: Human Rights in Sri Lanka since the Indo-Sri Lanka Agreement* (Washington: Asia Watch, 1987).
10. For a theoretical discussion of such problems, see Myron Weiner, "The Macedonian Syndrome: An Historical Model of International Relations and Political Development," *World Politics*, vol. 23, no. 4 (July 1971), pp. 665-85.
11. For discussion of the "partial mediator," see Saadia Touval, *The Peace Brokers: Mediators in the Arab-Israeli Conflict, 1948-1979* (Princeton University Press, 1982), pp. 3-23; Saadia Touval and I. William Zartman, *International Mediation in Theory and Practice* (Boulder, Colo.: Westview Press, 1985), pp. 7-17 and 251-69.
12. For details on the negotiations that led to the drafting of Annexure C, see Sinha Ratnatunga, *Politics of Terrorism*, pp. 322-29.
13. For details of India's active support of the militants, see "Ominous Presence in Tamil Nadu," *India Today*, March 31, 1984, pp. 88-94; Anthony Mascarenhas, "Tamil Fighters Prepare for War," *Sunday Times* (London, April 1, 1984, p. 9; "Colombo Rides the Tiger," *South* (London), no. 53 (March 1985), pp. 13-15; and Edgar O'Balance, *The Cyanide War: Tamil Insurrection in Sri Lanka — 1973-86* (London: Brassey, 1989), especially pp. 14-15, 38.
14. Formed in the mid-1970s, the Liberation Tigers of Tamil Eelam were the most violent of the militants. Their leader, V. Prabhakaran, claimed personal responsibility for the assassination of the mayor of Jaffna, defeated all rivals within the LTTE, and overcame other militant groups to dominate the Jaffna peninsula. For a discussion of typical stages of an insurgency, see Edward E. Rice, *Wars of the Third Kind* (University of California Press, 1988).
15. For details, see *Draft Proposals — 30.8.85 to 19.12.86* (Colombo: Government of Sri Lanka, n.d.).
16. See International Institute for Strategic Studies (IHS), *Military Balance 1985-86* (London, 1985) p. 134.
17. I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (Oxford University Press, 1989), pp. 255-88.

From Egypt to Pakistan the Crescent under Crises

Mushahid Hussain

The November 19 bombing of the Egyptian Embassy in Islamabad, the most serious incident of terrorism in Pakistan's history, has sent shivers down the spine of Western governments and Muslim leaders as they seem to be increasingly confronted with the factor of violence that has a motivation both in politics and religion.

The bomb blast in Islamabad, which killed 17 and wounded 70, was a warning signal for both Pakistan and Egypt that the Egyptian civil strife, which has already claimed 5000 lives in the last two and a half years, is now internationalised and that the gun, or in this case a car-bomb to be precise, is a deadly weapon in the hand of those with the capacity to kill and the willingness to die.

As it is, within the span of three weeks, the entire Middle-Eastern region has witnessed a surge in violence and terror which is today aimed at unconventional targets. There was, for instance, the killing at the end of October of the Leader of the Palestinian militant movement, the Islamic Jihad, Dr. Fathi Shaqaqi, who was mysteriously murdered in Malta, allegedly by hitmen of the Mossad. Germany's "Der Spiegel" newspaper had reported that the killing of one of the most wanted men on Israel's hitlist had been undertaken at the behest of Prime Minister Rabin himself.

A week later, Rabin was a victim of an assassination while the assassin turned out to be a extremist Jew. Interestingly, had the assassin been a Muslim he would most certainly have been dubbed as a "terrorist" by the international media, but, in this case, the prestigious "International Herald Tribune" published the Jewish assassin's photo on the front-page with the rather respectable label "religious nationalist"! Terrorism once considered the domain of "extremist Arabs and Muslims", has now entered the Jewish political landscape.

Soon after on November 13, a military building in the Saudi capital, Riyadh,

where Americans were training the Saudi National Guard, became the target of a car bomb. Never before had security conscious Saudi Arabia seen such a breach of its security, and that too, in its capital.

A day later, Pakistan's government through Defence Minister, Aftab Mirani, announced the arrest of a couple of high-ranking and several middle-ranking military officers who, the government alleged, had been planning an "Islamic coup" by eliminating the top military and civilian leadership, another first for a country that had seen at least three successful and four abortive military coups during its chequered 48 year history.

Interestingly, while the Armed Forces Inter Services Public Relations Directorate refrained from any public comment, Prime Minister Benazir Bhutto, in her speech of November 30 in Islamabad, termed the would-be coup-makers as "morally and financially corrupt", which amounts to publicly prejudging them even before their trial has opened. However heinous the allegations against them, like all accused, these so-called "Islamic coup-makers" are entitled to a fair trial, but the Prime Minister's pronouncing them guilty even before they are tried, amounts to a prejudgement that is prejudicial to the due process of law.

The blast in the Egyptian Embassy underlines the volatile, political cocktail which is brewing in the Muslim World through a combination of the United States political role, pro-Western Muslim regimes and an extremist fringe among radical Muslims which is willing to deploy terrorism as a tool to counter which are perceived to be both pro-Western and anti-democratic. This pattern has been evident sometimes in Muslim countries like Egypt, Algeria, Tunisia while movements such as the Hizbullah in Lebanon and the Hamas in Palestine also fuel such sentiment.

The crisis in the Muslim World needs to be examined at three different levels. First, Egypt's internal political structure which is engaged in a virtual war with a variety of Islamic groups. This conflict began in earnest around March 1993 when the first trial of 48 civilians opened in the Supreme Military Court in Alex-

andria on charges that these individuals aided and abetted "attacks on tourism" where Western tourists were the target and the Egyptian government feared that such political violence would seriously damage the country's vital three billion dollar tourism trade.

It was during this period that President Hosni Mubarak told journalists that "I refuse to allow human rights to become a slogan to protect terrorists". Eight of those on trial were sentenced to death and later hanged. These trials had already sparked an internal struggle within the Egyptian regime as to the best method of dealing with the Islamist challenge to Mubarak's 14 year long secular regime. Soon after the trial began, on March 15, 1993, the second most powerful man in Egypt, a former Defence Minister who was then holding the position of Presidential Adviser, Field Marshal Muhammad Haleem Abu Ghazali was dismissed for allegedly taking a soft line against the Islamists.

Ghazali's point of view was that repression against the Islamists would trigger the radicalisation of the more moderate Islamists, a view apparently shared by the then Interior Minister, who too was sacked on the grounds that he had approved a proposal by a group of intellectuals and religious leaders for a dialogue between the state and the Islamists. Since then, the Egyptian regime has been battling it out with these Muslim extremists who failed, last summer, in their bid to assassinate President Hosni Mubarak when he was travelling to Ethiopia to attend the Summit of the Organisation of African Unity (OAU).

A related aspect of the crises facing Muslim regimes is that long-standing secular governments, enjoying Western patronage, are now unable to deliver economically or politically to their people despite long stints in office. Even in Turkey, the Islamic party got 20% of the popular vote in the local elections with the Islamists capturing the two main cities of Ankara and Istanbul. In the coming parliamentary polls, there are the prospects of the Islamists garnering 30% of the popular vote, which make it a serious candidate to enter the corridors of power.¹ Apart from the factor of the

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protest vote, the Islamic party, Refah (Welfare), is also promising a political solution to the long-simmering Kurdish civil war, which has tied down almost a quarter of a million Turkish troops.

The second aspect in the context of these crises and the Egyptian Embassy bombing is the Pakistan connection, a country which is increasingly seen as a haven for well-trained Muslim fighters who are essentially hold-overs from the Afghan Jihad. Ironically, these Muslim fighters were trained under American auspices when the United States had fashioned together an International Islamic coalition under the leadership of Pakistan to combat the Soviet Union after the Red Army's occupation of Afghanistan.

It was then, during the 1980s, that Pakistan became host to a large assemblage of radicals from the Muslim World ranging from Sheikh Omar Abdur Rahman, who was recently convicted for master-minding the bombing of the World Trade Centre in New York in February 1993, and Shawkī Islambuli, the brother of Capt. Khalid Islambuli, who assassinated President Anwar Sadat during the Military parade on October 6, 1981. It is perhaps, thus, no accident that another accused in the World Trade Centre bombing, Ramzi Yusuf, was captured in Islamabad last February and promptly extradited to the United States.

At around the same time that Egypt launched its war on the Islamists at home, it started putting pressure on Pakistan to expel or extradite some 3000 Egyptians still living in Pakistan then who were presumed to have Islamists leanings or Islamist connections.

The third dimension of the Egyptian Embassy bombing is the growing internationalisation of this problem of violence in the Muslim World, with Muslim countries seeking cooperation among themselves on this issue as well as with the West. Pakistan's Prime Minister for instance, has already termed Pakistan as "a front-line state against fundamentalism" last March on the eve of her visit to the United States, and Pakistan and Egypt have vowed to cooperate with each other on this issue. President Clinton has already despatched US experts to Pakistan for assistance in the investigation on the Egyptian Embassy bombing, to determine whether any linkage exists with the car-bombing in Riyadh.

One reason why the United States has acted decisively to broker an accord over Bosnia by hosting peace talks in Dayton, Ohio, is the lingering fear among Western military planners that had the conflict prolonged, the Bosnian war would be "Islamised" given the hundreds of Muslim volunteers, drawn from different countries, fighting alongside the Bosnian Army and the fact that the genocide of Muslims in Bosnia was stoking the fires of anti-Westernism in Muslim countries, putting pressure on Muslim regimes to unilaterally act, a process that had begun in October at Malaysia's initiative. The American role through the Dayton Peace Accord has now pre-empted that possibility.

Basically, the crises facing the Muslim World are home-grown, developed through decades of deprivation, with the political structures in these countries failing to provide any democratic outlets that could lead to a semblance of justice. The Western proclivity to prop such an iniquitous status quo ends up pitching the West against the forces of change, who, in most cases, seek their inspiration in Islam.

Endnotes

1. The Refah party emerged as the single largest party in the parliamentary elections though it failed to obtain an absolute majority. It has not been able to form the government since the other parties have refused to join the Refah in a coalition.

Waiting — 20

Kandy

In the still peaceful part of the Fifties

There was this stir in town

I demurring

That it was a ruse by the girls, your students

In sudden piety for an outing.

The Maligawa at evening rituals

Holding promise of those alleged casual meetings

With sauntering young men, may be as sceptical

As I was then about this great stir of Devas descending

On the sacred Relic in celestial homage.

The girls had their way and had you as sweet chaperone

So I came in as chaperone to you

And the van slid at dusk along the river road

Young voices in song subdued to a pilgrim mode

Up Malabar Street and into Kandy town

The lamps coming out by the lake with the sky still gold

People all over the streets, hushed eyes raised

To the roof of the Relic chamber, tiled and old

We couldn't move beyond the lake Library

With town folk and awed rurals all over the Square

Suddenly a murmur rose into rapt outcry

Your cry of bliss too was transformed to prayer

Transferring the merit of your time-trod pilgrim Path

To the Devas, while you cried softly, There!

My eyes raised roofwards caught only bronzed spires

The Udawatakella treetops and some stray clouds

So I jested that no wholesome merit

Helped me see what you saw, sardha lit.

Now, life lived in grace, you have reached their realms

And I peer around the Temple Square alone

To see you among them I must first look within

Until, like you, my mind, from doubt, I tone.

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The Feminist Challenges

Selvy Thiruchandran

"Giving of the vote to the non-vellala¹ castes and to women was not only a grave mistake leading to mob rule but was an anathema to Hindu way of life (Ramanathan 1934:4)

"Can women advise you on knowledge, politics, and human nature?" (From Manimekalai, 425-428)

These quotations taken from different periods and from two different religious adherents are similar to the discourse on the "rational man" in the political theories of the west.

The former was said by a Hindu statesman of the colonial era in Sri Lanka on the eve of the granting of universal adult suffrage to Sri Lankans by the Donoughmore Commission (1934). The latter was from a second century (AD) Tamil Buddhist Epic. The irrational woman theory had persisted for nearly eighteen centuries perhaps reflecting the views of the two major religions in Sri Lanka. Men and women in political thoughts and in other discourses related to politics and state craft have been placed rather unambiguously within dichotomous hierarchical divisions of value such as rational/irrational, public/private, family/state, political/personal. Plato while discussing the ideal city has classified women and children together with possessions. He refers to a "community of wives children and all chattels." Women, children and houses", he reiterates, "remain private and all other things are established as the private property of individuals" (Republic, 423e, 462e). Rousseau's argument to remain with nature and to accept natural things lead him to accept woman as passive, dependant, chaste, irrational or sub-rational, sensitive and caring, a process which would marginalise all women from politics.

Rousseau's theory of woman's nature is linked with her procreative function. It is an irony beyond comprehension that the person who sets out to philosophise equality and freedom should have legitimised hierarchal divisions more deeply between the two genders on grounds of nature. Woman, he urges, is the sex that ought to obey (Discourse on Inequality p. 166). While granting that god has endowed both sexes with "unlimited passions he has given reason to man and modesty to woman in order to restrain them (Emilie p. 694).

Aristotle maintains that women are" naturally inferior to men and that they are therefore "naturally" ruled by them. While taking note of the inequality, he asserts, that by way of compensation nothing can be done, as "political justice" can only exist between equals, between those who have an equal share in ruling and being ruled as fellow citizens. Having relegated women to a status of non citizens, he says a "metaphorical justice" can only be dispensed with to women. However, he could not clarify what is metaphorical justice but speaks of a household justice which is different from political justice.

The Asian thoughts are not in any way dissimilar to the western thoughts. Patriarchal minds have met. Gender ideology has cut across regions maintaining a uniformity that sometimes strikes parallel views expressed through similar terminologies. The Hindu Law gives Manu has spelt out extensively on the inferiority of the female conduct, manerisms, intellect and conscience, her innate nature which is wicked, lustful and lastly on her political incapacity. Women are not fit to be entrusted with state secrets and when on consultation on important state affairs, Manu advises the kings to remove the women as they are likely to betray high level secrets (Manu VII. 149-50). The same ideology persists in the legal administration also. "One man, Manu says," who is free from covetousness may be accepted as a witness but not even many pure

women because their understanding is apt of waver" (Manu VIII. 77).

The 'maleness' of reason and rationality was emphasised all along which eventually lead to a process of deploying power to the rationality. The central focus of the feminist critique has been on the dichotomous divisions and the exclusions of the political from the domestic, familial and the private (Pateman 1983, Olsen 1983/4 Ellen Kennedy and Susan Mendus 1987). The assumption that women have some natural qualities and those should be harnessed to serve the so called natural division was also challenged by Okin (1991) who has reiterated that the divisions are defined functionally to serve the men's needs. That both the natural qualities and the natural divisions are constructions and they are then used to legitimise a lesser socio-political status for women, later to disqualify her from politics became the main feminist premise of the debate. Relegating the woman to the realm of the private family the men took over the functions of ordering the society and gendered both the family and the society. Political theories were drawn up from this gendered position to further legitimise the women's position resulting in the creation of an ideology of the political man and the private woman/wife.

Rationality treated as the highest expression of politics by the Greeks took a new turn in the discourse of liberalism and Enlightenment. The dualism of Enlightenment discourse which is defined by its masculine and feminine order has evidently a symmetrical nature. This dualism which excluded woman from rationality, no doubt has linkages to the exclusion of women from politics. (Lloyd, 1984, Hardinge, 1984) Identifying women with irrationality and with the so called natural qualities in the meta narratives had serious implications to the role of women which robbed them of a series of gifts that personhood should have conferred on them. Politics, it can be argued, is one such gift.

¹ Non-vellala castes; are lower in social ranking to the high caste vellala caste group.

However, the male constructionists are not alone in this. Womanly virtues such as passivity, sensitivity, of caring and nurturing, and non-competitiveness constructed as the natural qualities of women by the cultural feminists have dangerously brought into focus again the dichotomy, but this time, by the feminists themselves. But this time the values are tilted towards the woman's side. The debate however is not on the virtuous qualities as such, but on the dichotomy which is socially constructed. By arguing that only women have these qualities and monopolising on these virtues we are ridding men for ever of these qualities for posterity. Man changeth not and women have to bear the burden for ever is no plausible argument. Equally dangerous is the assumption held both by the cultural feminists and the political theorists that aggressiveness, competitiveness, individualism together with rationality and reasoning leadership and capacity for judgement are manly qualities and quite out of place for women. Increasing emphasis on these gender demarcating qualities and treating them as static and as explanations, for women's exclusion from politics which they are not, leads us no where towards a new theorising.

There is yet another dilemma in the feminist theorising. Strangely even Mc Millan (1982) after taking to task the dichotomous dualism of the modern political thoughts and the idea of the "man of reason" succumbs finally to the new version of dualism. She rejects the hard abstracted rationalism and argues that feelings and emotions and intuition should not be separated. She concludes that feminists by rejecting them have alienated women from their true nature (1982:118). This kind of confused thoughts and partial radicalism which rejects part of the notion of dualism and reinforces the other part is very similar to the cultural feminist and anti feminist stand. This affinity with anti-feminist argument also has other implications of creating universalism and essentialism (Grimshaw 1986:17). The positing of an a-historical feminine and masculine nature as parts of human nature ends up perpetuating asymmetrical relationship between the genders. Asymmetrical nature and feminine inferiority are in built in the dualism approach and hence has to be challenged both theoretically and practically.

Transcending the value ridden dichotomy on the one hand, and rejecting the natural qualities assigned to men and women on grounds of sexual differences have both to be done simultaneously. Hence feminising politics or transferring the maternal thinking into politics (Gillingan, 1982, Sara Ruddick, 1980) are no convincing arguments. To argue that all women are passive, caring and non-competitive is like arguing that all black men are aggressive or that all black women are sexually more potent. If the both these statements smack of racism the latter is both racist and sexist. The futile exercise of relegitimising feminine qualities should be given up and political statements should be directed against questioning the so called constructed differences and the created capabilities based on gender, so that politics and home-making, law making and nurturing can be equally valued to be shared gender neutrally as powerful and socially necessary.

The problem with rationality

Along with postmoderns, postmodern feminists have also criticized the enlightenment concept of rationality. The rejection by post-modernism of the privileging of rational discourse as the sole avenue to truth, while rejecting the dichotomy of male/female thinking, also rejects the idea of rationalism per se as the ultimate truth. Does this mean for the feminists that to argue that women like men can be rational is futile, when the concept of rationality itself is devalued? It does create a dilemma for liberal feminists. However, the rejection and questioning directed against the meta narratives (which are anyway sexist and gender based) and seeking a plural definition of truth should be in line with the feminist thoughts. Feminists should have no problem even in their project of politics to accept a view that all knowledge systems are rooted in contextual and historical situations incorporating the "prejudices" of our culture. The prejudices of the political theories also fall into the historical and cultural prejudices which have relegated inferior roles to women. While the dichotomy of rational/irrational is itself rejected, the man/woman lines of thinking and the privileging of one against the other is also equally rejected and dismissed in post-modernism. However, the attempt within post-modernism to privilege, as

Gadamer does (1975) contextuality and relatedness as feminine is equally dangerous. This assumption is drawn again from the dichotomy of inferiority/ superiority which is feminine/masculine. Hence like dislodging the superior feminine maternal thinking of the cultural feminists, the superiority of feminine contextuality and relatedness have also to be dislodged from a feminist discourse. Substituting a feminist epistemology for a masculine epistemology is again falling in to the trap of dichotomy and forgetting the emphasis of the plurality. It ends up legitimising the Enlightenment epistemology after making so many concerted efforts to overcome it.

The Anathema of the State for a Feminist Discourse, Theory and Practice

There are only a few studies on gender and politics, and feminist inquiry into politics has remained ambiguous for many reasons. To begin with, the feminists treated the concept of the state as alien to their discourse because they considered the state to be patriarchal (Agarwal 1988, Afshar 1987 Parpart and Staudt 1989). Mackinnon (1989:157) said that "feminism has no theory of the state", because the articulation of their arguments, in her view, remain inadequate and have undue emphasis on the negative connotations. Posing the civil society and the state within a dichotomous relationship, feminists have opted to deal with the civil society and its gender relations.

However, their focus on the civil society by itself did not warrant any homogeneous set of theories, but the ambivalence they exhibited on the theories of power and authority have had a direct connection to the inadequacy of the theoretical stand they took on the question of the state. While they considered the state to be not gender-neutral and as an entity to be identified with power and coercion, they also viewed the state to be a monolithic and a uniform entity with a coherent ideology. Hence the state as an institution remained in a state of ambivalence for many reasons. Interventionist politics with the state was rare, though they have reviewed capitalist developments and have identified the gender bias in the policies and implementations of state aided projects.

Two reasons could be speculated for this. First, the state in most of the countries was identified as constitutive of power, authority repression and coercion and with an ideology of dominance. This kind of radical separatism from the state had lead many feminists, to have nothing to do with it or to take to oppositional politics. Hence they alienated themselves from the institution of state and the process of politics. Second, the demands that the women's movement and feminists made as part of women's rights and as part of human rights invariably got into conflicts with the status quo which the state had to uphold. Hence the state has become one of the institutions against which the women's movement has to struggle.

Apart from the conscious neglect of the state and politics at the level of theory and practice by feminists, a process of marginalisation has taken place unconsciously. By concentrating on the ideology and the structure of patriarchy at the socio-economic levels and pre-occupation with the tasks and strategies of challenging and correcting patriarchal institutions, they have marginalised the state and the political process. Such views were further legitimised by either the inactivity or the compromising attitudes of the state units created for women's development. The state sponsored units such as the Women's Bureau and the Ministry of Women's Affairs are viewed as non-productive mouthpieces of the state, which have a cosmetic attitude to women's problems. Feminists were made to become more and more skeptical about these state organs when no meaningful pronouncements towards challenging patriarchal tradition were made by these state organs. In the words of Gugin, women's lobbies lend their support to women's issues and not to women, "to functional feminism not to ideological feminism" (1980:255).

That the state is patriarchal is a view that cuts across the various feminist theories such as liberal feminism, Marxist feminism, Radical Feminism and Socialist feminism. Marxist feminism (McIntosh 1978) holds the view that oppression of women is supported by the state because it is functional for capitalism. Radical feminism simply maintains that the state is patriarchal and Zillah Eisen-

stein elaborates on a dual system theory where both capitalism and patriarchy both are mutually interdependent (Walby 1990 151-160). Patriarchy is used here descriptively to denote a system and relations which are constructed to subordinate discriminate and oppress women through particular socio-economic and socio-religious practices and patterns. State apparatuses also usually become the agents through which patriarchy is operationalised. It is the latter, the state apparatus that we are concerned with in the analysis of the patriarchal state. The state in most instances has acted in an anti-feminist manner in maintaining and making economic, legal and ideological interventions both towards legitimizing and reinforcing existing patterns and newly constructed regulations that affect women adversely. Property relations, wage differentials based on gender, unjust rules relating to marriage, divorce and rape are a few areas to mention, where the state has intervened both historically and at present. The so called developmental activities and policies which are state sponsored have an in-built gender bias.

The special concessions given to the Free Trade Zone factory ownership in terms of labour are different from the labour laws of the country. Modern technological changes have failed to bring in gender equality. They have adversely interacted with the existing ideology of sexual division of labour with a much more rigid control system than before to create situations of worsening gender inequality. Women are particularly disadvantaged and there are recorded cases of oppression and exploitation suffered by women (de Silva 1994). The opening up of Sri Lanka as a tourist paradise for foreigners has made sex tourism a bona fide means for foreign exchange earning. The migrant women workers from Sri Lanka bring the second highest foreign exchange earnings. There have been instances where the women's bodies were sent back after having been sexually molested. The various studies done have highlighted the injustice suffered by women and have suggested remedial measures such as monitoring the process of employment by the foreigners through our foreign missions abroad, but the state has turned a blind eye. The state aided developmental policies are sustained by the ex-

planation that they are bringing foreign exchange earnings to Sri Lanka. These actions and sayings are clearly manifestations of a patriarchal state.

However, state ideologies and actions change with the kind of people with which it is constituted. Many of the feminist scholars have emphasised the nature of the state as gendered. The state, however, is not a monolithic coherent entity. The state is itself a complex entity with multi-dimensional facets though one set of ideology may be predominant. The new emerging trends where the state is compelled to include gender neutral legislation are not studied adequately to decipher trends that may contribute to gender equality in some respects. The early studies have concentrated on the religio-social dictums which had the legal status as the laws of the country (Koran, Bible, the Dharmashastras) and on property relations (Holcombe 1975) and the Welfare state (Wilson 1977). The state is not merely an organ of coercion. Both coercion and consensus are used by the state either separately, alternatively or simultaneously. The easy collapsing of the political and the cultural into the arena of the state has been overlooked in the theories of the state which concentrated on the administrative and the constitutional. Gramsci's analysis of the political has coopted the civil society, the realm of religion culture and kinship and this view is insightful in analysing the state within the patriarchal relations. Quoranic, Biblical and Dharmashastric (religious) tenets have acquired the force of laws by state regulations. The "moral regulation" (Corrigan and Sayer: 1985, 4,2) speaks of the cultural content of the state institution. More often the regulation of the culture of bourgeois civilization borders on a patriarchal control by the state. The civil society or part of the civil society collaborates with the state to give legitimisation to the hegemony that the state seeks.

In Sri Lanka the state had no specific policy directed towards women till the UN declared 1975-1985 as the decade of women. A complacency, attitudinally and structurally existed in Sri Lanka which explained the inactivity thus: the women of Sri Lanka are already liberated due to various historical reasons. The liberal attitude of Buddhism towards women and the historical factors such

as the granting of universal adult suffrage to both women and men simultaneously in 1931 and the granting of free education to girls and boys in 1948, when the country got independence, are cited as reasons for not needing gender specific legislation. Till 1975 discrimination in the wage structure, property relations, divorce and rape laws were not considered as areas that need to be reviewed and revised. Of late due to overt pressure from the UN system and the donor agencies and covert pressure from the women's movement the state has responded rather ambiguously to a few demands to fulfill some of their expectations. As a result we have in Sri Lanka a women's Bureau, a Ministry for Women's Affairs and of late a Women's Charter and connected with it a Women's National Committee.

Within the above discussions it is important to realise the role of the state in collaborating with the civil society selectively with sub-national civil and political structures to consolidate and perpetuate repressive socio-economic structures. The power of the state begins to collaborate with the dominant groups. This "collaborative hegemony" (a concept used by Pathak and Sunder Rajan 1989) becomes detrimental not only for democratic process but also to the general climate of human rights (Women's rights included) violations. Fundamentalist religious bodies and ethnic majorities can also dictate terms to the state on exclusionist lines which can further constrain women. In Sri Lanka cases of either Buddhist or Hindu fundamentalism which dictate against women is hard to come by. Muslim fundamentalism has raised its head with its very specific dictates for Muslim women. That the state is collaborating with it is brought out by the fact that it has neither condemned it nor paid any attention to it. The state treats it as a non-issue. Politically and culturally the veil has re-emerged as symbol of Muslim exclusivity. Taslima Nazrin's story is a case in point. Taslima's Book *Lajja* was banned in Sri Lanka due to the intervention of the State minister for Muslim Affairs, a case in point of the collaborative hegemony. This is clearly an example of the moral regulation and the cultural content of the state where the state minister for Muslim Affairs intervenes in the arena of another ministry, the ministry

of Information which is in charge of books and publications.

Behind the reasons and equations of the feminist anathema of the state there is an unhappy implication. The Women's passivity has been accepted implicitly, when politics is assumed by others as an active force. Nature versus culture is again brought into the debate when politics and statecraft are treated as marginal to the project of feminism. This takes us to the old debate of private versus the public, where the public is viewed as the other of the private. Women are again placed within the powerless and nameless domains which are invariably devalued ideologically. If the state is perpetuating gender ideology, strengthening gender relations and seeking to foster patriarchal institutions and laws, then that should be the very reason for feminists to intervene. It is the state that has to be challenged to incorporate gender specific policies of economic development and socio-political changes in the polity.

The concept of power, political and civil

If the discursive project of politics and gender has in its agenda either certain implications or an imperative a question should be posed whether the women should be empowered and convinced to enter politics through a process of challenging those internalisations that have crept into the psyche of women and men that are instrumental partially to marginalise women from politics, then we are compelled to enter the arena of the discourse of power. Despite the extensive debates on power and authority by Foucault and others, there are neglected areas in the discourse of power. The concept of the political man commonly constructed by Plato, Aristotle, Rousseau, Manu and others such as Hobbes and Locke have within their theories wielded the concept of power as a male monopoly. The capacity for reason and public activities are equated with "morla agent" rational actor and political man and therefore powerful as well. The masculinist constructions of power are equated with a concept of power over others. Military duties, conquests, coercion, imprisonment and punishment on the one hand, which constituted the political power and the property ownership and control of econo-

mic resources on the other which constituted the base for socio-economic powers are both construed as powers over things and persons. The discourse of power has created subjects and objects. The modern episteme, in short has created a gendered construction not only of reason and rationality but also for a whole discourse of thoughts. Knowledge and power, subject/object, inferior/superior, active/passive are the follow up subjectivities of the project of the rational man. The hierarchy of the dualistic thoughts though critiqued and challenged, continued to hold sway in the consciousness of men and women and the meanings created thereof continued to be deployed and experienced both in the common sense and intellectual parlance. Foucault's discussion of power has an innate ambivalence, which is both illuminating and defeatist. Though illuminating theoretically at a practical level lacks insights for usage. Power, he emphasises, is pervasive, permanently repetitious and self producing. It exists in its exercise. It is omnipresent he reiterates, by being present in the multitudes of institutions that constitute the society. It should be understood as "capillary (1980: 95-98). But he has failed to name the individuals, the groups or classes of people who may wield power under specific situations or circumstances. This, however, fits with his scheme of the argument of the pervasiveness of power. His insistence on resistance does not offer a theory or a chance of corrective process. That the resistance has to be continued perpetually, leaves no room for much hope. However, there will be others who would go along with Foucault and argue that woman's subordination cannot be captured in essentialist universalist theories. Neither is it in a single institution. Hence solving one problem whether, it be the right to vote or women's entry into politics or equal pay, does not necessarily lead to total liberation. His failure to name the demagogues whether they be men, employers, ethnic majority or the colonizers does explain the fact that even among the category of the dominated women, workers, ethnic minority and the colonized there are at various levels people who dominate others within their own groups that are placed dichotomously above. Though there is no doubt that the dominated do sometimes participate in their own domination what is more

significant is to identify and single out the process of how consent was exacted for such participation in the domination. This is where Gramsci's theory of how both coercion and consent are used in the creation of the hegemony becomes more useful to understand the process of domination. Under the scheme of Foucault we may fall dangerously into the pitfall of blaming the victim. From the process of a perpetual resistance, we have to move to a process of empowerment of the powerless to achieve a status of equality. The process of empowerment should be perpetual always following the resistance. The empowerment to transform the existing social order is merely to seek power to and not power over. The power exercised by one particular group in power, which is gender blind can be extinguished and power taken over to challenge and resist and act towards the transformation of such institutions and society which are permeated with negative power, power which oppresses the dominated groups. Power is needed to resist and oppose, the militant power that can effectively challenge oppression, exploitation and discrimination.

Power by itself, has connotations of a division within feminist discourse. Power with authority, coercion and repression is different to internal powers, powers of persuasion, power which subverts authority covertly and does difficult tasks without the power of fists. The concept of power had to be redefined and reconstituted not as power over but as power to influence and transform situations through consensus. This power I call the civil power as different to the political power which is coercive aggressive and physical. However, the question whether such expressions of covert power can make meaningful intervention in the process of state craft begs an answer. Can women be content and inactive with such a covert power base? The project of transformation, in the last analysis, should also transform the concept of the political power as well so as to create new meanings into the concept as emanating positive and constructive aspects.

Central to the question of power and repression is the argument that women's agency, both participation and representation may become a meaningful and

tactical device for transformation towards democratic processes and structures. Agency then would also imply having the qualities of capability and knowledgeability, both required for any action of transformation. The power of domination can then be transformed into positive power to act as agents and as an enabling force. Women's agency, by which I mean women (for that matter all human beings) who have the ability and capacity of thinking and planning strategies for change and also effecting changes, should be re-examined and also used more effectively. Women are not simply beings but actors, for when women become agents and actors they are not passive. However, the change-effecting process is subjected to their position or placement within the categories of caste, class, race and ethnicity. There are different levels at which they act, hence women are not totally denied the space for acting though the traditional political theories have denied women this agency.

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Crisis of Marxism (2)

Dayan Jayatilleka

Fidel took it further: 'who will make the revolution? The people, with or without the Communist parties'.

Mao's formulation demonstrates a view of the historical process as a complex articulation of struggles for independence, liberation and revolution — with three subjects or agencies identified, namely countries, nations and peoples. It can be correctly argued that independence and national liberation are not at the core of the Marxist project and therefore, 'countries' and 'nations' are not candidates to fill the vacuum of agency. But revolution is and the people are.

A lesser known, more private response of Marx, to the defeat of the Commune, is of relevance here. (This thought was neither amplified by Marx, nor referred to by Lenin or any other Marxist leader). If Marx's public response to the defeat of the Commune opened up a paradigm shift in Marxism — the dictatorship of the proletariat — his second thought on the same subject could have constituted and may still constitute the beginning of an entirely different paradigm shift. The text in question is as follows: *"With a modicum of common sense it could have reached a compromise with Versailles useful to the whole mass of the people — the only thing that could be reached at the time"*. In the same letter of 1881 he had earlier noted that the Commune *'was merely the rising of a city under exceptional conditions'* and that its majority *'was in no wise socialist, nor could it be'*. SC p. 410 cited in Miliband.

Every phrase of this passage is pregnant with an alternative strategy and even an alternative world view: *'a modicum of common sense'.... 'a compromise with Versailles'.... 'useful to the whole mass of the people'.... 'only thing that could be reached at the time'*.

The formulations break with the classist paradigm and introduces a new consideration, new to Marxism: useful to the whole mass of the people. What makes this departure all the more significant is that it occurs precisely within

mature Marxism, Marx after Capital Vol. 1. A question remains though, as to whether this new perspective was a secondary option, a fall-back, a retreat: 'the only thing that could be reached at the time'. All the arguments that went into the debate of whether Lenin's NEP was a retreat or not, are valid in this case too.

From 'the other' Marx then ("ideas become a material force when they are gripped by the masses"), through Lenin, Mao and Fidel, the agency remains: the masses, the people.

Why then are we in mourning? Because we know, deep within ourselves, that **something is dead**. What is it — and when did it die? What died was faith, hope, confidence, optimism; the certitude that history was on our side, that our gains were 'irreversible', that we possessed an alternative that was superior. Does this constitute a crisis of Marxism or a crisis of our Marxism? Is this the end of Marxism or the end of our Marxism? Is this not a crisis of faith, of morale rather than of Marxism as a whole? When a guerrilla army is defeated, the morale of its fighters shattered even to the point of surrender, should that be taken to mean the death of or even a crisis of the military science of People's War, of the theory of guerrilla warfare of Mao and Giap (not to mention Sun Tzu)? Certainly some of its tenets may have been irrelevant in the given context (including the global context) and would necessitate re-examination or even outright abandonment, but that is quite different from declaring that the theory of guerrilla warfare is dead — or dead wrong.

The defeat and dispersal of the Marxist 'army', the overrunning of the Marxist 'encampments', the collapse of the morale of this Army, are not sourced in the death of Marxism, in the realm of science, but, I would argue, are located in another realm altogether. When were our hopes, our morale last on the upswing; when were we last historically optimistic? Surely, during the Gorbachev experiment, when it seemed that the old tragic split between Socialism and Democracy

had finally been overcome and a Liberal Socialism was being created, which constituted an appealing alternative to capitalism. Equally surely, the Gorbachev experiment did not fail as a result of the crisis or death of Marxism as philosophy and theory. If faith, hope and morale of its followers are the index of the validity of a theory or philosophy, then one would have to come to the absurd conclusion that Marxism was alive and well in 1987 and dead four years later in 1991 with the collapse of the USSR!

In retrospect it would seem that Marxists set greater store than Marx, Engels & Lenin, by the capacity to envision, believe in and propagate a model of society and economy as an alternative to capitalism. They needed something to construct, defend, point to. This was of course, a carry over of Utopian Socialism's impulse into the Marxist movement, an impulse which Marx, Engels and Lenin were immune to. Lenin's varied versions of socialism and the transition to it, from 1917 to 1923, stemmed from shifting political and social conjunctures. It is the residues of the Utopian paradigm that have collapsed. What has died is Utopian Marxism. What has ended is the pre-history of Marxism, opening the door to the reconstitution of Marxism as Science alone.

But is it really that simple, that easy? Perhaps Marxism was never a science, but there was much that scientific (social scientific, with its well known distinction from 'hard' science) within Marxism. What Marxism has lost is not so much its eschatological (the sense of the end of the world) aspect which Ronald Aronson focusses on, but its messianic, redemptivist (redemptionist) character, outlook and tone. That cannot be recovered from within Marxism itself and perhaps Marxism cannot inspire without it. The scientific elements or 'kernel' — to use Marx and Engels phrase concerning Hegel — within Marxism must be retrieved and re-assimilated with 'something else', for the emotional charge to be ignited.

Where is this 'something else' to be found? Mao's 1973 pronouncement indicates one direction. Countries, nations, people: the national, the popular. Independence, liberation, revolution. Marxism then, must plug into, combine with, work through, in those causes in order to regain its emotional appeal, causes which are cross-class, less universalistic, more concretely and culturally rooted, more emotive.

Another path, quite complementary to the first, has been signposted by the Sandinistas and particularly by Fidel: a dialogue, a unity with religion. Where better to rediscover the lost Messianic — redemptionist dimension?

Who's Afraid of Sigmund Freud?

Before Gramsci, Engels. Althusser was correct when he described Gramsci as the theorist of the superstructure but less correct when he identified the Marxist science of politics as **originating** with Gramsci. Engels was the founding father of a Marxist theory and practice of politics. Marx and Engels comments on political events of their day, in their journalistic writings, correspondence with each other and with various representatives of the international movement and particularly Engels' interventions in the German movement and other fledgling socialist parties after the death of Marx, contain the elements of a Marxist theory of politics. The absence of the *Collected Political Writings of Frederick Engels* is that which has obscured for so long, the foundations of a Marxist politics.

In the texts referred to above, Engels makes interesting references to individual behaviour, sketches subtle patterns of social stratification, points to distinctive consciousness, attitudes and behaviour of these various strata — all of which demonstrate an analysis of politics which is far from class reductionist and contains insights which verge — as do Marx's many analyses of the petty bourgeoisie and its attitudes — on a **Marxist social psychology**.

On the Left, there are almost as many identifications of Marxism's lacunae, as there are Marxisms. Marx's Hegelian residues, the influence of Positivism of Engels, a class reductionism, a mechanistic base-superstructure model, a privileging of the economic, a privileging of the proletariat as social agency, Euro-

centrism, male chauvinism, anti-Semitism and racism are some of the identifications of Marxism's Original Sin that come readily to mind.

To each, his or her own. I think that the major flaws and weaknesses of Marxism and its main post-Marx currents, stem from an encounter that wasn't; from a massive structural evasion: Marxism's avoidance of Psychology and Psychoanalysis.

Darwin, Marx, Freud — the three who created the revolution of modernity, spawning the specific knowledge revolution and the consciousness of the 20th century. Marx's references and debt to Darwin are well-known. But in the leading German Social Democrats, Bernstein & Kautsky, in Plekhanov, Lenin, Luxemburg, Gramsci — with all their varying concerns and accents — we seek in vain **even a critique** of Freud. The diversity and richness of the thinking of these figures only underscore that which is common — the common absence, the common evasion. The avoidance of **their intellectually most significant contemporary**, Freud.

It is possible that there was some indirect, remote influence of psychoanalysis in the work of Bogdanov, via Ernest Mach. It is more than probable that the subtlety of the Austro Marxists' theoretical insights on the National Question and on culture can be understood only with reference to the intellectual atmosphere of Vienna which was affected by the revolution of Freud and his disciples. Certainly the Frankfurt School was founded as it were, on the advocacy of and attempt at synthesis of Marx and Freud. But even this 'school' did not raise the question of why the entire Marxist tradition had avoided encounter, avoided critique of and polemic against — surely a rarity? — the work of Freud and his disciples. Why is that so widely disparate and mutual hostile Marxist thinkers such as Kautsky and Lenin, who throughout their lives were consumed by intellectual curiosity and self-confidence to the point of arrogance, avoid this huge innovation in knowledge? And why has no one, including the Frankfurt School and its disciples, explored this silence, contenting themselves with attacking Stalin for banning Freud and psychoanalysis as a bourgeois pseudo-science? Why this conspiracy of silence

among Marxists, on the most silent of Marxist silences?

As Althusser correctly asserted, Marx 'opened up the continent of History to Science' — which is precisely what Freud did for the continent of the psyche. What does Marxism's evasion, its suppression of the psychological, say about **the subconsciousness of Marxism**? Just as the repressed in the psyche, returns, so too did the psychological dimension reassert itself to haunt the Marxist movement in the form of the bloody internecine strife, Pol Potism, etc. (see ch: 13 of my "Sri Lanka: Travails of a Democracy", Vikas, New Delhi 1995.)

Had the circuit established between Marx and Darwin, been extended to encompass Freud, then the history of human thought, social science, Marxism, the Marxist movement and even world history, may have been different. Why did the circuitry not encompass Freud? Is there a clue contained in Marx's famous Eleventh Thesis on Feurbach which adorns his gravestone, namely that philosophers have hitherto interpreted the world; the problem is to change it. The emphasis, the focus, was on the world — out there, larger than man, than the individual. The emphasis was also on change, not interpretation. Freudian psychoanalysis would have been seen as entailing a several fold retreat — from the world to the individual; from macro to micro; from material to mind; from science to quackery; from change to interpretation. But then, **why was this not said?**

To return to Althusser. He was correct when, in his letter published in with the English translation of 'Freud & Lacan' (cited in the *Althusserian Legacy* p. 177 & 182), he concluded that "no theory of psycho-analysis can be produced without basing it on historical materialism", but he would have been even more correct had he also concluded the near-converse, namely that '(no theory of) historical materialism would be complete which does not incorporate the theory of psycho-analysis'.... and further, that no theory and history of Marxism and the Marxist movement would be complete if it did not pose and tackle the question of why there was no mutual recognition, let alone a cross-fertilization or convergence, between the two.



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National Security Laws and Human Rights

Adilur Rahman Khan
Zaved Hasan Mahmood

1. INTRODUCTION

Penal laws and Codes of Criminal procedure contain ample provisions to grant punishment towards, and keep in control any violation of public order and security. There are now, unfortunately, more stringent provisions, in the form of national security laws, which have formed a parallel system in the criminal law scenario.

The doctrine of national security originated in America after the Second World War, and was soon adopted by the governments of Third World countries. However, South Asian countries have known such laws ever since the British Raj.

One of the most intractable problems to exercise the minds of civil libertarians the world over has been the long-standing conflict between national security and human rights. The conflict revolves essentially around the need to find the right balance between two strongly competing claims: society's interest in survival and the individual's interest in liberty.

Although these interests are not always irreconcilable, much less fundamentally antithetical to each other, they have remained a source of considerable tension in even relatively enlightened societies. The United States of America, for example, felt constrained to indiscriminately confine tens of thousands of

Japanese-Americans in detention camps during the Second World War on a mere suspicion of threat to national security — an action which, far from drawing judicial opprobrium, received the U.S. Supreme Court's imprimatur of approval. Even in peace time administrative detention remains an integral part of the legal regime in many of countries.

The issue of national security evokes strong emotive responses in public debate. But the arguments canvassed on either side are easily summarised. At one end are those who argue that, since human survival itself depends on security, national security should yield to all other interests. At the other end are those who believe that security is only one, and by no means the most important one, of several competing national interests, and that society should to a large extent, be willing to subordinate national security to individual liberty.

Whatever the merits of either view, the fact remains that modern governments tend to place a high premium on national security doctrines in the formulation of policy. Almost every country in the world today has laws that curtail human rights on grounds of national or public security considerations. Given this reality, lawyers have pragmatically chosen to concentrate their efforts over the years on devising suitable controls on the exercise of state power in this area, with varying degrees of success in different jurisdictions.

2. NATIONAL SECURITY LAWS IN SOUTH ASIA

After the ending of the British Colony, South Asia has been faced with draconian experience of National Security Laws which were enacted in the name of National Security. But from our experience and practice, the main purpose of these National Security Laws is to

suppress the peoples movement and to protect the security of the anti-people government. Moreover, when the question of self-determination has come to the floor, these laws also have been enacted and exercised against the people who have been fighting for their rights. At the same time, ethnic conflicts due to arbitrary demarcation of boundaries during partition, political suppression and violent protest against the state in many parts of this sub-continent saw the introduction of National Security Laws in the several countries of South Asia.

3. NATIONAL SECURITY LAWS IN INDIA

On the surface, India is the largest functioning democracy with a parliament, judiciary, executive, and many political parties representing the whole spectrum of political ideologies, and regular elections at national and state level. But if one were to scratch the surface, a different picture of political violence and human rights violations would emerge.

Each area and each region of India faces their own peculiar problems. In the North East the army enjoys virtually a free run in Assam, Manipur and Nagaland. In Bihar, the class divide among the peasantry is both sharp and frighteningly volatile.

In Uttar Pradesh communal violence has taken its toll with the loss of many lives. Caste war and communal violence have become a fairly regular feature in Gujrat. In Andhra Pradesh, the government has distinguished itself by its single minded pursuit of the Natalities. In Tamil Nadu, the press and the suspected Liberation Tigers of Tamil Eelam face the vendetta of the Chief Minister Ms. Jayaram Jayalalitha. In Punjab, the state in the name of fighting terrorism has unleashed repression on

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innocent Sikhs. In Jammu and Kashmir, in the name of crowd control, the security forces massacre innocent civilians. National Security Laws in India cover the whole gamut of preventive detention legislation and anti-terrorist legislation.

3.1 The National Security Act, 1980:

The National Security Act (NSA)¹ permits detention of persons considered security risks; police anywhere in India (except Kashmir²) may charge suspects under NSA provisions. The Jammu and Kashmir Public Safety Act (1978)³ has corresponding procedures for that state. To be released from detention under the NSA, a court must determine that all grounds for detention are invalid. NSA detainees are permitted visits by family members and lawyers.

Under NSA's strong, special and preventive detention provisions, a person may be detained for upto 1 year without charge or trial (2 years in Punjab) on loosely defined security grounds,⁴ but must be informed of the grounds for detention within 5 days of arrest and brought before an Advisory Board⁵ of three High Court Judges within seven weeks of arrest. At that time, the detainees may be released on the basis of "insufficient grounds".

3.2 The Terrorist and Disruptive Activities (Prevention) Act:

The Terrorist and Disruptive Activities (Prevention) Act (TADA)⁶, although enacted in 1985 to fight terrorism in Punjab, is applicable to all States and all Indians abroad. In 1992, 23 of 25 State governments had formally invoked TADA, although a handful of States face actual insurgencies. The TADA which was subject to renewal every 2 years expired in May 1995. The law was promulgated to punish those found guilty of Terrorist and disruptive acts with no less than five years imprisonment and up to the death penalty for certain terrorist crimes.⁷ Disruptive activities are defined broadly to include speech or actions which disrupt or challenge the sovereignty or territorial integrity of India.

The Terrorist and Disruptive Activities (Prevention) Act (TADA) first enacted in 1985 ostensibly to deal with terrorist

activities in the wake of a series of transistor bombings in New Delhi and other parts of North India, today represents the most serious threat to individual's fundamental freedom and human rights and democratic institutions of the country.⁸

The draconian provisions of the Act were only to remain on the Statute book for two years. However with the passage of time the Act became more draconian and was applied even in the "terrorist-free" state like Gujarat. The Act which was last extended in May 1993 was in force in 24 states and union territories.

Those who felt the strong arm of the law as armed by this statute — peasants, trade unionists, civil liberties workers, politicians, journalists and former High Court judges will all testify to the real use of the Act as a weapon against minority groups and voices of dissent throughout the country.

The balance between national security and the freedom of the individual is historically a very difficult one to strike. Any legislation which attempts to establish this balance must contain certain basic safeguards to protect human rights not only for the sake of the individual but for the sake of the survival of democracy itself. Many of these are set out in international conventions to which India is a party.

There were no such safeguards in TADA. There was a great deal of evidence about the abuses of TADA. It was a common ground amongst civil liberties groups, for example, that bail was rarely granted under TADA, that TADA was used as preventive detention, that many charges were trumped up, that torture was encouraged by the legislation, that it was only used against minorities, that TADA was used mainly for political purposes and so forth.

The statistics provided by the Government expose a sad and sordid picture. A total number of 67,509 were detained, out of which 19,263 were in the State of Gujarat alone. Speaking to the Press Trust of India on 28 August 1994, Mr. Rajesh Pilot, Minister for Internal Security, said that out of the total 67,509 people detained under the Act, only

8,000 cases have been tried. That means that 59,509 people have just been detained and no charge sheet has been brought against them. The rate of convictions is reportedly less than 0.05 per cent.⁹

The Act was being used primarily against the underprivileged, ethnic minorities and religious minorities.

3.3 The Jammu and Kashmir Public Safety Act:

The Jammu and Kashmir Public Safety Act, 1978, permits detention for acts considered prejudicial to the security of the State for a maximum of two years.¹⁰ Political prisoners have been detained without trial under it for engaging in alleged "anti national activities." For example, one was released by Court order in December 1987,¹¹ when the State High Court declared the newly introduced section 10-A of the Act unconstitutional. Section 10-A permits detention on any of the grounds specified by the Deputy Commissioner of a district. Under the original Act a person had to be released even if one of the detention grounds was found to be invalid and unreasonable; but the new section 10-A,¹² incorporated into the Act in early 1985, permits detention for "prejudicial activities" even if only one ground was found to be valid. The Court ruled out that section 10-A removed existing constitutional safeguards and infringed the fundamental rights guaranteed in the Constitution. The Court ordered the release of an alleged member of Muslim United Front, saying that the detainee was not given any material with which he could have made an effective representation against his detention, as the Constitution required.

3.4 Jammu and Kashmir Disturbed Areas Act, 1990:

This enactment is part of the draconian laws seeking to vest the armed forces and other forces subject to the control of the Union and the State, with arbitrary powers of arrest, seizure, search and of causing death of persons and destruction of property and, as a first consequence thereof, the Indian 'Security' Forces burnt down two big villages namely 'Adina' and 'Watta-Magam' which displaced more than 250 families and deprived

them of their hard earned possessions.¹³ The Jammu and Kashmir Peoples Basic Rights (Protection) Committee feels that, both this enactment and Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990 are symbols of blatant exercise of extra-constitutional powers and proposes to challenge their validity in the High Court in due course. It was brought to the notice of the Committee that copies of these enactments were not available either in the Government press or to the Information Department or even to the State Law Department and when the Committee itself tried to check it, it found that this was really so. The local press no doubt carried news about each enactment contained.¹⁴

3.5 Armed Forces (Special Powers) Act, 1958

The Armed Forces (Special Powers) Act 1958 was brought into legislation by the Government of India to suppress the peoples movements in the North East. The Act extends to all the seven states of the North-East, Assam, Manipur, Nagaland, Meghalaya, Tripura, Mizoram, and Arunachal Pradesh.¹⁵ The Act represents the ugliest pictures of state terrorism in the post independence period. The "democratic" Government of India sought to resolve a political problem through military might. The armed insurgency still persists in the same manner after 36 years of promulgation of the Armed Forces (Special Powers) Act, 1958.

Hundreds of innocent people were victims of human rights violations under the Armed Forces (Special Powers), Act 1958. The Act allows the non-commissioned officers to shoot and kill innocent people.¹⁶

There is no accountability process for human rights violations. The security forces feel that they are above and beyond the reach of the law; this encourage human rights violations. The security forces were given a free hand to tackle the situation, with the result, extrajudicial killing, torture, rape, custodial death, detention and disappearances became an integral part of the administrative system in the North East and other parts of India.

The Terrorist Affected Areas (Special

Courts) Act, the Disturbed Areas Act, the Armed Forces Special Powers Act, the Unlawful Activities Prevention Act and other state level statutes also form part of the States repressive armoury in India.

4. NATIONAL SECURITY LAWS IN SRI LANKA

During the last few years Sri Lanka has earned a bad reputation as one of the worst violators of human rights in the world. The security is governed under the emergency laws continuously for the last 13 years from July 1983 to date except for a short spell of 6 months in 1989. According to certain estimates, between July 1987 and January 1992 over 60,000 people have disappeared,¹⁷ mostly presumed to be extra-judicially killed. Human bodies burning on tyres on road sides was a common sight all over the country. Over 15,000 people were languishing in detention camps and police stations over long periods — 3 to 4 years — without trial. Torture in custody was rampant. Detainees are indicted, tried and convicted solely on the basis of confessions extracted from them while they were in police custody.

In Sri Lanka there are two laws dealing with national security: the Public Security Ordinance (PSO)¹⁸ and the Prevention of Terrorism (Temporary Provisions) Act (PTA).¹⁹

The Public Security Ordinance was passed by the State Council on the eve of Sri Lanka, then Ceylon, gaining independence from the British colonial rulers. It was hurriedly passed to meet the threat of a general strike organised by the leftist trade unions, in June 1947.

(To be Continued)

Notes

1. Article 3, National Security Act 180.
2. Kashmir has its own Public Safety Act.
3. Act No. VI of 1978.
4. Article 13, The National Security Act 180.
5. Article a, *ibid*.
6. Act No. 28 of 1987.
7. Article 3, Terrorist and Disruptive Activities (Prevention) Act, 1987.
8. Explanatory Note on TADA, presented at the Second All India Consultation of Human Rights Activists.

9. Report on TADA presented at Second All India Consultation of Human Rights Activities.
10. Section 8, Jammu and Kashmir Public Safety Act 1978.
11. Human Rights violation under National Security Laws in South Asia, Ravi Nair. pg. 72.
12. Ins. by Act 4 of 1985.
13. Kashmir Flame Vol. 1 Aug. 1990 pub. by Institute of Kashmir Studies, Srinagar.
14. Report of the Jammu and Kashmir People's Basic Rights (Protection) Committee, Pub. in Aug. 1990.
15. Section 1, Armed Forces (Special Power) Act, 1958.
16. Section 4(a), *ibid*.
17. Amnesty International Report.
18. Ordinance No. 25 of 1947.
19. Act No. 48 of 1979.

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Death of an Extraordinary Woman

Regi Siriwardena

The heroine of the first play I ever wrote died in February in Moscow at the age of 82. She was Anna Larina, the widow of Bukharin, one of the Russian revolutionaries victimised by Stalin. In 1938 he was sentenced to death in one of the Moscow Trials on trumped-up charges of treason, espionage, wrecking and other crimes, and executed. Before he was arrested, however, he had foreseen his fate, composed 'a letter to the future leaders of the party' vindicating himself, and made his wife learn the letter by heart (to leave a written document with her would have been too dangerous for her). She was 25 years younger than him, and he hoped that she would survive him long enough to clear his name.

Anna Larina kept the letter in her memory through the twenty years of her own incarceration in prison camps, saying it to herself 'like a prayer', 50 years after her husband's death she was able to transmit the letter to Gorbachev, thus initiating Bukharin's rehabilitation.

I have told Larina's story in the play *The Long Day's Task*, now included in the collected volume of my plays, *Octet*. In 1988, when I wrote the first version of the play, I sent a copy of it to Anna Larina in Moscow, but foresightedly accompanied it with a letter in Russian explaining what it was about, because I didn't know whether she could read English. This turned out to be prudent: she couldn't read the play, as she explained in her reply. Her letter, which I still treasure, was written on exercise-book paper, probably an indication of the hardships under which she lived. (Translations of both letters have been included in *Octet*.) She also sent me a copy of her memoirs, which were then being serialised in a Soviet journal: they were subsequently published in a book under the title *Nezabyvaemoe* (The Unforgettable). 'Here is supplementary material to fill out your play', she said, and I was able to draw on these memoirs in writing a revised version of *The Long Day's Task*, now printed in the collected volume.

Particularly in that revised version, Anna Larina comes out as a woman of great strength and dedication, with

the single-minded purpose of fulfilling her mission that kept her alive through years of suffering and loneliness. She was, in fact, a stronger person than her husband, who often vacillated or gave way to emotional outbursts, as when he sobbed and screamed at the Politburo in 1929 when Stalin secured the deportation of Trotsky.

As often in times of terror in any country, it was the women who most suffered and endured when their husbands, fathers, brothers or lovers were victims of the Stalinist dictatorship. These silent martyrs have largely remained anonymous, but at least three of them found a voice in memorable writing — Anna Akhmatova in her great poem, *Requiem*, written when her son was in prison, Nadezhda Mandelstam in her memoir of her poet-husband who died in Siberia, *Hope Against Hope*, and Anna Larina herself. Like Nadezhda Mandelstam, Larina had never been a professional writer, but like her again, she proved herself a writer of born genius unsuspected until the pressure of experience compelled her to write.

There is an episode in *The Unforgettable* that I have always regretted was intractable for the stage, though it could have been powerfully rendered in cinema. Larina is being taken to her first imprisonment by train, escorted by an officer. In the compartment there are three other women who are also being taken to prison — an old lady, a young woman and her adolescent daughter. There are also other passengers, who are excitedly talking about the sensational news that has been broken in the morning's newspapers — Marshal Tukhachevsky, a hero of the Civil War, and several other high-ranking officers of the Red Army have suddenly been executed on charges of treason. Some of the passengers are reviling Tukhachevsky, when, with a shock of discovery, Larina realises who the other women in the compartment are: they are Tukhachevsky's mother, wife and daughter, striving to conceal their grief and sense of outrage, Larina's attention is occupied most by the aged mother, a woman of peasant origin with a characteristically peasant name, Mavra:

Only the death-like pallor of her face and the trembling of her large hands, once accustomed to labour, betrayed her agitation. She retained the traces of a former beauty, and I discerned the features she had bequeathed her son. She was big-built, appeared still strong, and astonishingly proud even in suffering, even in humiliation.

Larina recalls the legend of the wives of the aristocratic army officers, exiled to Siberia after the abortive Decembrist revolt of 1825, who chose to follow their husbands into exile and thus became celebrated as heroines:

Princesses Trubetskaya, Volkonskaya, forsaking the luxurious life of St. Petersburg, and travelling by postchaise to their Decembrist husbands in Siberia! No question, theirs was a heroic act. But how did they travel? In overcoats, in a well-appointed coach with six horses.... and further, they were going to their husbands!

Larina contrasts their journey with that of the women prisoners of the Stalin era:

..... on foot, for kilometers, from the station to the prison camp, under a guard with sheepdogs, worn out, dragging their pitiful baggage — suitcases or bundles — under the yells of the guard: 'One step aside and I'll shoot without warning!', or 'Sit!' and whether in snow or mud, one had to sit all the same. And it was not to our husbands we were going.

She recalls Mavra's destiny, representative of that of a whole generation of women who paid the human cost of the historical process:

At that time she still did not know, and perhaps never knew, that two more of her sons, Aleksandr and Nikolai, were also shot only because the same Mavra who begot Mikhail [Tukhachevsky] had begotten them too. At that time she still did not know that her daughters had been arrested and condemned to eight years in camps..... Mavra Petrovna died in exile. But one must believe that the time will come when Mavra Petrovna too will touch the heart of the poet.



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