

The Promise of Democracy – A Qualitative Assessment

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Preamble

What is democracy? It could be defined in terms of full franchise (rule by the people) combined with good governance (rule of and for the people). The first part of this paper contains a broad overview of the entitlement of the franchise and the second part of some alternative concepts of governance. Subsequent parts seek to capture and analyse, as it unfolds over successive segments of Sri Lankan history, the promise that democracy has held for broad categories of the people. Embedded in the analysis are some broad conclusions.

My approach is historical, and I acknowledge, at the outset, my deep debt to two eminent historians, G.C. Mendis and Kumari Jayawardena. Mendis's *"Ceylon Today and Yesterday"* contains a wealth of relevant information, and so too Kumari Jayawardena's very analytical *"The Rise of the Labour Movement in Ceylon."* I have also made good use of Jayadeva Uyangoda's *"Questions of Sri Lanka's Minority Rights."* To attribute every item of data used to one or another of the above would be tiresome, so I give references mostly where there is a direct quote.

I have accepted Mendis's contention that the Colebrooke-Cameron Reforms of 1832 mark a critical turning point in the island's history, as he puts it "The dividing line between the Past and the Present", and have gone on to recognize this as the starting line of the movement for modern democracy in Sri Lanka. The third section covers the first seven post-Colebrook decades, leading to the radicalization of Sri Lankan politics in the early years of the 20th century, and succeeding sections the developments that followed in relation to the promise of democracy. Beginning early in the 1970s, there has been a progressive breakdown of the institutions and expectations of democracy, and I have covered this phase only briefly. An in-depth study of the decline in the quality of democracy in that period would be a valuable but massive undertaking beyond the scope of this paper.

Democracy and the Franchise

Democracy is a word with a long history; its meaning has varied from society to society and time to time. The Greek root, over two millennia ago, conveyed the sense of "rule of the people", but "people" then excluded the bulk of the adult population. The terms 'people' and 'equality' were qualified. The "equality" preached by Aristotle was acceptable to the free men of that time precisely because it was clearly understood that it was not intended to apply to women or to slaves (Morgan, 1975). Some aspects of democracy spread, in course of time, to virtually all of Europe and lands colonized by the people of Europe, but with further restrictions in the definition of "people"; often there were class constraints (e.g. based on property ownership, income, literacy level, etc.) or racial considerations (e.g. exclusion of those of non-European descent). Not only were some more equal than others; many did not even qualify as people.

"Universal adult franchise", as we now understand it, has been late in gaining acceptance, e.g. women secured voting rights in many countries of Europe only in the course of the 20th century. Many link the birth of modern democracy with the French Revolution and its slogan "Liberty, Equality and Fraternity." Women were active in the frontline of that Revolution but, curiously, France lagged behind North America, much of Europe and most of South Asia in that women were denied the franchise (itself a term of French origin) till after World War 2.

Inspired by the French Revolution, the founding fathers of the USA proclaimed, in the American Declaration of Independence (1776):

We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just power from the consent of the governed.

It must be noted that "all men" in the Declaration meant "all White men of a standard of property and probable ability and, in many states, of the Protestant religion (Pole, 1986)

Further, slavery (and patriarchy) remained integral to American society, and the Constitution of the USA, formulated by the same Founding Fathers (all of them slave owners), recognized the legitimacy of that institution by prescribing that slaves (euphemistically referred to as 'other persons') should count as three-fifths of 'free persons' for purposes of computing, in respect of each state, the entitlement of political representation and the apportionment of taxes (Blackburn, 1988: 123-4). Thus, in a sense, slaves were represented by their masters and other 'free men of that state' who were conferred additional representation on account of these slaves (who remained voteless and with no say in their representation). Thomas Jefferson (though he too was a slave owning Founding Father) sought to highlight the contradiction between the Declaration (which has no force of law) and the Constitution through introducing a paragraph in the Declaration condemning slavery as an "execrable commerce" which offends "human nature itself, violating its most sacred rights of life and liberty", but this was rejected by Congress. As noted by Jefferson who, presumably, would have preferred the abolition of slavery, "the sentiments of men are known not only by what they receive, but what they reject also" (Mayo, 1942).

The Civil Rights Act of 1866 nominally extended voting rights to "all persons in the United States" ("persons" meaning adult males) but, within a decade, "Black Codes" and "Jim Crow laws" evolved in many states in terms of which Blacks were effectively denied voting rights (as well as socio economic opportunities). Women remained deprived of voting rights but secured it in 1920. In many states, Blacks continued to be excluded from registering as voters till the passage of the Voting Rights Act of 1965 and/or the succession of civil rights campaigns that began in the 50s and continued through the 60s. The struggle for political empowerment was continued thereafter with efforts to re-demarcate electoral districts in such ways as to impact on the strength of Black political representation (Guinier, 1994).

The gains in respect of voting rights (crossing gender, class and caste divides) were telescoped by virtue of the Donoughmore reforms in Sri Lanka in 1931, and similar reforms in India (including present day Pakistan and Bangladesh) about that time, ahead of several countries of Europe which did not have universal adult franchise *de jure* (women were excluded), and the USA which did not have it *de facto* (most Blacks were excluded).

It is interesting to note that a situation similar in at least one respect to that which prevailed in the USA in the decades intervening between independence (1776) and the first Reconstruction (1863) (viz. the effective exercise by 'free men' of voting power in lieu of that denied to slaves, as described in the opening paragraphs above), prevailed in Sri Lanka in the third quarter of the 20th century. In this case the bulk of the Malaiyaha Tamils, officially classed as 'Indian Tamils', numbering over a tenth of the total population of the island, and constituting an absolute majority in several electoral districts, were deprived of their voting rights but, as earlier in the USA, they were counted in computing the voting entitlement of the districts they occupied, i.e. their voting power was effectively transferred to the remaining voters (overwhelmingly Sinhalese) in those districts. Thus not only did 'Indian Tamils' lose voting rights and parliamentary representation, the representation of the other ethnic minorities, viz the Sri Lankan Tamils and the Muslims, declined in proportion to that of the Sinhalese.

Since then there have been programmes of 'repatriation' (the term is inaccurate in that very many of them were born in Sri Lanka) of 'Indian Tamils' (under which a little over a half of that population have relocated to India) tied to the conferment of citizenship on others. The present 'Indian Tamil' population is proportionately slightly less than one half of what it was at the time of Independence, but virtually all of them are now citizens. This has enabled the 'Indian Tamils' to regain, on a sharply reduced scale, some representation in Parliament, Provincial Councils and Local Government institutions, and also influence the outcome in voting districts in which they are a significant minority.

In the Trincomalee and Ampara districts, there has been some erosion of the Sri Lankan Tamil and Muslim representation on account of the settlement of Sinhalese colonists from the South, but also more complex changes on account of displacement on account of war and/or ethnic cleansing. The impact of these changes will not be clear till peace and normalcy return, the displaced are enabled to resettle, and a full census becomes possible. Much of the emigration and internal displacement occurred about a decade ago or earlier. There have been major changes in the ethnic distribution of votes, and a significant proportion of these changes may turn out to be irreversible.

However, even universal adult franchise, though essential, may not equally empower all sections of the people. Almost any electoral process will reflect, to a greater or less degree, the biases prevailing in that

society. The distortion may be due to fears arising from open threats of violence (this may be so in much of the North East region of Sri Lanka) or more subtle intimidation (this may be so in several other regions), or there may be resigned acceptance of a subordinate role (this could apply to many groups including women everywhere). Such constraints invariably inhibit both full participation in the political process and free discussion of some sensitive, critical issues.

In Sri Lanka, as almost everywhere, the political process is dominated by men. Women constitute a little over one half of the total number on the list of those eligible to vote and, perhaps, significantly more than one half of those who do. Yet, the special concerns of women seldom surface as critical election issues; women form only a minor fraction of those who stand for elections, and an even smaller fraction of those who get elected, especially to parliament. Even among the few who do get elected, several appear to be proxies for men – frequently for a husband or father who is dead or otherwise incapacitated. Almost invariably, the initial political platform of such a woman may be based on that of the husband or father for whom she is proxy, and her electoral success is at least as much an affirmation of patriarchal feudal traditions as a demonstration of women's leadership and autonomy. Perhaps women fear that in a male dominated political process, radical platforms of special concerns of women and children will not help them to get elected, even though most of the voters may be women. Similar fears may inhibit ethnic, religious or other groups that constitute a minority in an electoral district from adopting a radical platform based on the special concerns of that group. This may partly explain why the very substantial Sri Lankan Tamil vote bank in Colombo does not seem to be able to elect a Member of Parliament from a Sri Lankan Tamil party.

This principle is highlighted in the dispute of 1932 between the Indian National Congress led by Gandhi and the Dalits (untouchables) led by Ambedkar. Universal adult franchise as well as reservation of seats in the national assembly for Dalits had been agreed on. The dispute was on whether the then existing scheme of purely territorial electorates with integrated electoral rolls would be retained (as desired by Gandhi), or whether (as desired by Ambedkar) electoral rolls will be divided, with Dalits and non-Dalits on separate rolls, with only Dalits voting for Dalits in the reserved electoral districts, and with non-Dalits voting in the other electoral districts, presumably for non-Dalit candidates. Under Gandhi's scheme, in the reserved seats, all the candidates will be Dalits, but the voters will include non-Dalits. Under Ambedkar's scheme Dalit and non-Dalit electorates will overlap almost everywhere, i.e. it would be a mix of communal and territorial representation. The British held up constitutional reforms pending resolution of this dispute.

Gandhi began a fast to death on this issue. Eventually, perhaps fearing the consequences of Gandhi's death, Ambedkar gave in, and then both compromised. The electoral districts and rolls stayed integrated (as insisted on by Gandhi) but there was an increase in the number of reserved Dalit seats. That compromise arrangement continued for two decades, was then entrenched in the Indian Constitution formulated by the Drafting Committee chaired by Ambedkar, and prevails even now. Perhaps, on balance, it is fortunate that Ambedkar's original awkward proposal for caste-based segregation of electoral rolls was abandoned. But why was Gandhi willing to stake his life and Ambedkar his political career on this issue? Clearly, they both understood that caste-segregated electoral rolls would have enabled radical Dalits standing on radical platforms to be elected. This would have facilitated uninhibited articulation of Dalit concerns (this was what Ambedkar wanted) but at the risk of aggravating caste conflict and violence (this was what Gandhi feared) (Nesiah, 1997, 45-46 and 190-194).

In contrast, ever since that compromise in 1932, even in electoral districts reserved for Dalit candidates, the candidates are invariably moderates (since they need to be elected with the backing of the non-Dalit majority, and their platforms are moderate too, for the same reason). Over the decades the Dalit elite have made significant gains, but the socio-economic status of the Dalit poor remain very low, i.e. there has been no radical transformation of the Dalit community. The moderates have been more effective in sustaining earlier gains (mostly put into the Constitution by Ambedkar, such as quotas in admissions to public sector institutions) rather than in respect of new initiatives (for example, proposals for quotas in respect of the private sector are yet to gain acceptance).

In some areas Dalit candidates are compelled to campaign under the most humiliating circumstances. As admitted by such a candidate and documented by Baxi (1984):

In the election of 1969, I once stayed with an upper caste man. There I was given food separately with other Harijans. I did not react to it as I was a candidate in the election and I had gone there to elicit support for myself.

In the village, I do not sit in the presence of the upper caste men. Violation of this would mean the loss of a considerable number of votes of such persons at the time of election. In fact, the man who lost his seat to me was defeated because he could not command the majority vote of the upper castes. The upper caste people were annoyed with him because he never cared to pay deference to them.

Galanter (1984: 53) has summed up the political impact of Scheduled Caste and Scheduled Tribe reserved seat legislation as follows:

... there is some evidence to suggest that, in the Lok Sabha at least, reserved seat legislators have been prominent and sometimes influential in matters concerning the workings of the preference policy ... Their presence does seem to serve as a warrant of the continuation of these programmes at their existing levels. Furthermore, their presence in such numbers provides a quantitative basis for Scheduled Caste and Scheduled Tribe participation at the cabinet level; it is unlikely that there would be many persons from these groups in cabinets were it not for the reserved seats. It appears that initiation and expansion of programmes for these groups is associated with the presence of group members in cabinet posts.

Democracy and Governance

Restrictions in the extension of the franchise has been one aspect of the problem. Equally important is the process of decision making in the traditions of many democracies. Galtung (2004) refers to Debate democracy (based on debate, vote and majority rule) and Dialogue democracy (based on discussion, consensus and joint rule); by and large, it is the former that prevails, whether in the election of representatives to sit in governing councils, or in decision making within the councils thereafter. The problem is most acute under the widespread "winner takes all" Westminster style model in which both political power and socio-economic benefits could be channeled to majorities to the total exclusion of minorities a system condemned by Gandhi as "dictatorship by 51%." In societies with deep fault lines of language, religion, race, tribe or caste, the impact of such democracy may be to transform some of these fault lines into battle lines. Examples in respect of ethnic fault lines include Israel, the successors to former communist regimes such as the Soviet Union and Yugoslavia, and numerous ex-colonies that achieved 'independence' and 'democracy' in recent decades.

Several variations of the electoral process and of governance have been tried out to mitigate the negative impacts and broaden the benefits from Sri Lanka's predominantly Westminster style democracy. For example the Executive Committee system in lieu of the Cabinet system of government was adopted together with other Donoughmore reforms in 1931 to broaden the decision-making process every State Councillor was in one Executive Committee or another, and thus involved in the functioning of the relevant Ministry. By the time of Independence, political parties had become established and these Committees had disappeared.

Under the Soulbury Constitution of 1947, and also the 1972 Constitution, they were two member or three member electoral districts to cover multi-ethnic areas, so that voters could elect representatives from the different ethnic groups of that area. The current "proportional representation" scheme (with administrative district wide electorates everywhere) introduced under the 1978 constitution is an extension of the concept of multi-member electorates. But none of these innovations serve to adequately reflect the concerns of children (who have no voting power) or very small minorities (whose voting power is negligible); nor have they motivated most women to play lead roles in politics beyond exercising their franchise.

It has been urged that South Asia should draw inspiration for democracy from its own past rather than exclusively from the West. Several centuries ago, many regions of the sub-continent had "panchayats" (or similar bodies) attending to local government affairs in villages that were largely self-governing. Gandhi attempted to re-establish such village level institutions in India. It was claimed that these bodies were selected by consensus (not by majority vote), and that their decision-making was also by discussion and consensus. But the society of that time was feudal, caste ridden and socially hierarchal. Significant features of what Dumont (1970) has described as *Homo Hierarchicus* remain salient in South Asia. There

are barriers to economic mobility too, but they can, with difficulty, be crossed, whereas the rules of race or caste supremacy, even more than those of economic class, have been expressly designed to be indefinitely sustained. In such a society, consensus may be no more than collective endorsement and legitimization of the will of the local elite – a travesty of what we understand by the term democracy.

Gandhi's faith in "panchayat" democracy at the village level was not shared by Ambedkar and Nehru. Inspired by the Equal Protection Clause introduced through the Fourteenth Amendment to the US Constitution, Ambedkar (1948) declared, "what is a village but a sink of localism, a den of ignorance, narrow mindedness and communalism. I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit." Nehru's belief in the State occupying the commanding heights of the economy with substantial control of the means of production, distribution and exchange is also reflected in the Constitution. As Jennings (1953) observed, "The ghosts of Sidney and Beatrice Webb stalk through the pages of text of the Directive Principles [of the Constitution]."

The emergence of modern democracy in France, Britain and other countries of the West was linked to the transition from feudalism to capitalism. In South Asia, a large chunk of the feudal past, embedded in institutions such as caste, is yet with us. We need to go forward, not backward, but with creativity and innovation. Perhaps some elements of consensus democracy could be adopted with due care to avoid the trap of social hierarchy. We need to protect both individual rights and group identities. To this end, Galtung (2004) has suggested the establishment in Sri Lanka of an elected second chamber based on communal/ethnic identities, at the center and also at the provincial level. This chamber could be so structured that it could challenge and delay legislation, policies and programmes that are seen by the representatives of any community to be discriminatory, pending resolution of the dispute through an institution established to give a ruling on such challenges.

Pluralism is increasingly a feature of virtually all societies, and may need to be taken into account in the structures of governance. The kind of structures that are appropriate would depend on the nature and extent of the pluralism in relation to geographical distribution and historical, political and socio-economic factors. If the system and structures of governance are well adapted to the existing fault lines of gender, religion, language, ethnicity, tribe and caste, the pluralism and diversity could be enriching; if otherwise, the fault lines could divide society into conflicting segments. Often, for various historical and political reason, some fault lines are well taken care of, whereas others are not, provoking recurrent conflict.

For example, Indian society has many fault lines and has experienced a range of animosities arising from each of them. The most serious and most recurrent at the national level may be Hindu-Muslim conflict. The legacy of partition related violence, superimposed on centuries of real or perceived religious conflict, as well as the unresolved Kashmir issue and Indo-Pakistan hostility make progress in this field particularly difficult. Caste riots are also brutal and even more frequent though, unlike Hindu-Muslim riots, these are mostly localized and do not take on national dimensions. Similarly, progress on gender issues is painfully slow. There are social and cultural factors embedded in mythology and ideology that impede progress on these issues. Perhaps conflict on other issues may surface and disappear in due course, but oppression and violence on Muslims, Dalits, and women may continue to be salient in India for a long period. In Sri Lanka, what began as occasional anti-Tamil pogroms have now diversified into a multiplicity of communal conflicts that are in danger of becoming endemic and recurrent. Hopefully, it is yet possible to bring an end to these.

In contrast to religion, caste, and gender, India has made substantial progress in respect of language. The linguistic reorganization of the states, undertaken after a decade of post-independence agitation, plus modification of the official language policy, have largely resolved the conflict related to the major national languages. This also brought a virtual end to separatism in Tamil Nadu and elsewhere. Conflicts in the North East (of India) on issues related to both local languages and tribal autonomy continue, but some progress has been made and it appears that further progress may be possible. Sri Lanka's handling of the language problem has been a disaster in comparison to India's in respect of the major languages.

In contrast to India and Sri Lanka (and Pakistan and Bangladesh too), Malaysia, though it has a major ethnic problem with deep historical roots has not experienced a nationally significant ethnic riot for three and a half decades. Historically established state borders have remained unchanged with no adjustment on account of the ethnic distribution of the population, i.e. territorial federal power sharing is not ethnicity based. But there is a significant measure of inter-ethnic non-territorial power sharing. The entire political

system is based on ethnicity, and this spills over into the national plan and the economy. The ruling coalition is, invariably, a tri-ethnic coalition of a Malay, a Chinese and an Indian political party. Likewise, the opposition includes Malay, Chinese and Indian parties. This distinctively Malaysian innovation permits inter-ethnic consultation within the ruling coalition on every ethnicity-sensitive issue before it is adopted and implemented; conflicts are resolved within government chambers rather than fought out in the streets. Although the partnership is not equal – it is clearly biased in favour of the Malay component – it facilitates informed ethnicity sensitive decision making as well as inter-ethnic cooperative in avoidance and control of violence.

It is this tradition of inter-ethnic, non-territorial power sharing, lacking in most of South Asia, that appears to be the secret of Malaysia remaining free of major ethnic riots over the last three and a half decades (Nesiah, 1997). The lesson to be learnt from Malaysia is not to ethnicise the entire political process – that would be regressive and could be counter-productive in the long run – but to identify and address ethnic problems with a view to at least containing them. Malaysia needs to go much further to find durable solutions to her ethnic problems; and the required dismantling of the Bumiputri edifice may prove to be a long, difficult and risky process; but at least this process would not be obstructed by a deadly legacy of civil war, pogroms and ethnic cleansing which has been feature of much of South Asia including Sri Lanka.

The Origin of the Concept of Modern Democracy in Sri Lanka

After the peak of the Anuradhapura-Polonaruwa period, the ancient feudal civilizations of the island entered a period of decline and disintegration beginning in the early 13th century, facilitating the entry, expansion and consolidation of Portuguese, Dutch and British rule in succession. At the time of the arrival of the Portuguese (1505) the only kingdoms with any kind of stability were Jaffna (1235-1620), Kotte (1415-1597) and Kandy (late 15th c -1815). The Portuguese directly ruled over the Jaffna kingdom for less than 40 years and the Kotte kingdom for about 60 years. Except for very short periods, the Dutch directly ruled only minor fragments of these kingdoms. Neither the Portuguese nor the Dutch ruled the Kandyan Kingdom. There were sporadic revolts, but Portuguese rule ended after 15 decades primarily because of displacement by the Dutch, linked to a tilt in military supremacy in South Asia. In turn, Dutch rule ended after 14 decades primarily because of displacement by the British, again linked to a wider, global tilt in military supremacy. The British ruled the entire island since 1815, and there were significant revolts during their rule, but none that threatened to dislodge them. When they did leave after 15 decades, it was largely on account of the changed circumstances of the post world War 2 period, the election to office in Britain of the Labour Party, and the fall out of the independence movement in the Indian sub-continent, but very little on account of the weak independence movement within the island.

We have no evidence of the existence of strong secular institutions in Sri Lanka prior to the colonial period. In the immediate pre-Portuguese period there were several kingdoms, all of them weak. In some localities the Buddhist clergy were influential, but they too were fragmented. When did the concept of modern democracy emerge in Sri Lanka? This could only have been after the consolidation of the Sri Lanka state under colonial rule and the development of concerted popular aspirations linked to resistance to it. During the Portuguese period (1505-1658), there were revolts against religious oppression and the destruction of Buddhist and Hindu places of worship but the institutional and ideological foundation for either modern democracy or a national independence movement was lacking. Under the Dutch, Buddhists, Hindus, and Muslims had problems, but the prime focus of religious persecution was on Roman Catholic. There was also, more than under the Portuguese, some trade related economic development and modest progress in education; but the institutional and ideological prerequisites for a modern democracy were yet lacking

It was under the British (1796-1948) that the entire island came under one administration, and major modernising reforms took place. The franchise was first absent and then, for a long time, severely restricted, but eventually the people had elected representatives. The reach of modern education and ideologies spread. If we are to locate the origins of democracy, as we now understand the term, we can do so only in the British period. Mendis (1995) identifies the Colebrook Reforms of 1832 as “the dividing line between the Past and the Present.” Although these reforms may be seen primarily as top down, they were formulated after consultations in Sri Lanka with colonial officials, leading figures in the commercial sector,

and the local elite. Thus, for our purpose, we may record the Colebrook Reforms as the first significant step towards the development of modern democracy in Sri Lanka.

The British gained a foothold in 1796, but it is only two decades later, with the Kandyan Convention of 1815, that they secured control of the entire island. For nearly two more decades, the pre-British forms of administration continued in most parts of the island. The first major reform began in 1832, based on the Report of Colebrook and Cameron. The reforms were specifically designed to undermine institutions such as *rajakariar* (feudal obligations to the State, mostly in the form of caste and property related services) that were at the core of Sri Lankan feudalism. These reforms made it possible for those who were hitherto tied to their lands and caste based functions to aspire to spatial and socio-economic mobility. Space was created for private economic initiatives, new occupations, a variety of crafts and trade opportunities; capital accumulation and investment became worthwhile, urban migration began, and new industries and commercial ventures came to be established. The socio-economic reforms were complemented by very significant administrative, political and constitutional reforms.

These reforms were more than mere reflections of changes in British colonial policy. They also reflected the rising democratic aspirations of elite sections of the local population. The Colebrook Commission, as also the Donoughmore Commission nearly a century later, were more progressive than the colonial establishment within Sri Lanka, and more sensitive to the democratic aspirations of the population. The British colonial administrators, like their Dutch and Portuguese predecessors, had found it prudent to work largely within the parameters of the established norms, both local feudal and British colonial; even many of the Christian missionaries compromised. Except for a few individuals immediately connected with the colonial administration, the rest of the population remained chained to their lands and their ancestral caste-based occupations. Under the new Colebrook dispensation, people were liberated from such constraints, the concept of rule of law was established with every citizen gaining access to the protection afforded and the services provided by the administration and the judiciary, escaping the autocratic rule of the Governor and the feudal hierarchy down to the village headman.

The Colebrook Commission promoted English as the language of administration in government as well as the medium of instruction in schools, with the educational system expanded to produce the required professional expertise. The Commission expected that English medium schools would progressively displace the Sinhala and Tamil medium schools promoted by the Dutch. However, this expectation did not materialize and, within 2 decades (from 1869), in response to local demand, the State reverted to opening Sinhala and Tamil medium schools, but the existing English medium schools remained so and, since the language of administration was English, retained their advantage over Sinhala and Tamil medium schools. Initially, Anglican clergy were permitted run state schools and effect religious conversions through these schools, but this was objected to. In due course, Roman Catholics, Buddhists and Hindus were permitted to run their own schools; eventually, all government schools became secular.

Except in respect of the role of Anglican clergy in state schools, the Colebrook reforms were secular oriented and reflected Whig democratic-laissez faire rather than Tory feudal-conservative ideology. Colebrook even sought to erase discrimination against those of non-European race, and backed local demands for largely Sri Lankan civil and judicial services. The Commission also recommended that the local Legislative Council representation be selected on a territorial rather than on communal basis. But the colonial administration did not introduce these reforms till very much later.

But though Colebrook and Cameron were more enlightened than most of the colonial establishment of that time, and their recommendations were radical and progressive in the context in which they were made, it was not their intention to flout their terms of reference nor to rock the colonial boat. The Executive and Legislative Councils they recommended were to be appointed, not elected. In any case they were only advisory; the authority remained with the Governor and his officials. The objective of the reforms was to achieve socio-economic advance for the population and good governance, combined with stability and adequate returns for British colonial investment.

However, the impact may have been broader than what was intended. Good English education, though available only to an elite minority, served to open a window to the modern world outside. Socio-economic opportunities created a class which agitated for more. Every advance, whether educational, social or economic, whetted the appetite for further progress. Each reform led to more radical demands. Those admitted to the middle rungs of the civil service aspired to occupy the highest positions in the service. The

Executive and Legislative Councils and other institutions of government provided fora for the articulation of modern ideas, and lobbying for more local participation in and greater democratic control over governance. The small but growing middle class, including the English educated professional elite, became increasingly diverse, gradually undermining the barriers of race, caste, religion, region, etc.

In the field of agriculture, the reforms permitted a switch from subsistence to commercial cultivation, from local barter to trade and export, from small farms to large plantations, and stimulated an extension to related marketing services and industries. All this required the opening up of a network of roads and railways, and the disposal of crown land to the public at nominal prices. Urban centers developed; so did a range of government departments, harbours, and a further cluster of related trades and industries. These created opportunities to the people and revenue to the colonial government. In respect of the economy, there was some experimentation with laissez-faire policies, but the local economic infrastructure proved to be inadequate, and state interventions in socio-economic development had to be introduced in many sectors, including a network of schools, road and rail construction, irrigation works, etc., preparing the ground for a welfare state in due course under the Donoughmore reforms. But it was only in 1882 that Keir Hardie and two other socialists first entered the House of Commons, and any thought of a welfare state was yet premature. But the numbers of socialists in the House of Commons had increased to 29 in 1906 and 42 in 1910. The trade unions in Britain were also becoming increasingly militant and successful. Clearly, changes were on their way.

Initially the Legislative Council, established under the Colebrook Reforms, consisted of 9 "officials" and 6 "unofficials", all appointed. The "unofficials" consisted of 3 Europeans, a Burgher, a Sinhalese and a Tamil. The European was chosen from among the merchants, and the Sri Lankans from among the upper class professionals. It may be noted that the "unofficials" represented different ethnic groups. At that time ethnicity was a feature even of sports clubs. The first, the Colombo Cricket Club (1863) was British. Among the clubs established within the next few decades were the Burgher Recreation Club (1896), the Sinhalese Sports Club (1898), the Tamil Union (1899), and the Moors Sports Club (1908) (Roberts and James, 1998, 20). These clubs are no longer ethnically exclusive but retain those ethnic names. The sequence of their founding may be an indication of the pace of acculturation among the different ethnic groups.

It needs to be noted that the Legislative Councils functions were purely advisory, the members were all appointed by the Governor, the "officials" outnumbered the "unofficials", and the Sri Lankan composition of the Council was minimal. There was a request in the 1880s for a Buddhist representative but within the existing framework (to be appointed by the Governor, not elected). In 1893, Dr Lisboa Pinto wrote a newspaper article advocating the 'need for a worker's representative in the Legislative Council', but his was a lone voice. The effective agitation for reform came from the European merchants who wished to secure their interests. It was only towards the end of the 19th century that there was agitation for reform from sections of the Sri Lankan middle class. But even as late as 1908, the demands formulated and presented by a range of 'moderate' associations representing the professional, landed and mercantile elite, was only for territorial as against communal representation; they proposed reforms on the basis of a limited franchise and were content with the "officials" being in the majority in the Legislative Council. They also urged the incorporation of Sri Lankans into the administration and the inclusion of one or two of them in the Executive Council.

Till the Colebrook Reforms of 1832, popular movements for democracy and national independence were barely visible. These reforms helped to stimulate public interest in these issues but not, till some decades later, in such a manner as to seriously disturb the colonial administration. It was towards the end of the 19th century that the winds of change gathered sufficient force to be threatening. The most potent of the currents related to Buddhism. Throughout the colonies, the British administration was careful not to stir up religious dissatisfaction. The Buddhist revival of the 1880s in Sri Lanka made them even more cautious. Religious agitation, especially if linked to Buddhism, was treated with more care than secular agitation. The administrators felt more free to ruthlessly put down political subversion or worker militancy than to crush religious protests. In turn, popular dissatisfaction on secular grounds was often cloaked in religious garb with a view to gaining a measure of immunity from harsh reprisals.

The temperance movement provides an example of such a strategy. The colonial economy was deeply dependent on the marketing of liquor, its promotion and sale. The programme of the temperance movement brought social and economic benefits to the community. It also adversely affected the colonial

economy. There were some who advocated temperance primarily on religion, cultural and social grounds; there were others who did so to hurt the colonial economy. But even among the latter, many found it prudent to emphasize the cultural and religious rather than the political arguments, whether to catch the eye of the public or to avoid the stick of the authorities. The religious and cultural veneer also served to mobilize the support of the Buddhist monks and others who might not have been particularly interested in political reform.

In any case there was synergy to be gained from the confluence of nationalist movements, of religious discontent (on the part of those of non-Christian faiths, especially Buddhism) and of agitation on economic issues (including, in due course, trade union militancy). Till towards the end of the 19th century, the nature of the economy did not warrant the formation of trade unions or even the organizations of strikes. There were no large concentrations of industrial or urban workers; in the plantations, the workers were kept indentured and firmly controlled by the management. Moreover, the concept of trade unions was virtually unknown to the workers except, perhaps, to the urban white-collar category. But this last category aspired to integrate with the middle class rather than to subvert the class structure.

The first workers to venture into militant activity were from a relatively elitist category of skilled craftsmen and mechanics employed in factories. Inspired and led by A.E. Buultjens (a Cambridge educated Dutch Burgher) and Dr P.M. Lisboa Pinto (a physician of Portuguese Goan origin), the printers formed a union, with Buultjens as President and Pinto as Secretary. Buultjens had studied the trade union movement in Britain first hand. Most of the union leaders were Burgher, all of them were English educated, and many were familiar with the role of trade unions in Europe. The union meetings were conducted in English, following British rules of procedure. They struck work, protesting against long hours of work and low pay. The colonial establishment, the press, the church and the middle class joined ranks to condemn trade unionism, and the strike was quickly crushed. The British owned '*The Overland Times of Ceylon*' in its issue of 18 September 1893 proclaimed that, "The idea of a labour demonstration inaugurated and carried out on the lines which have found such favour with the working classes in more civilized countries, must appear as singularly ill-advised and uncalled for...", and went on to praise the employers for showing "a very proper resistance to the demands of their subordinates" (Jayawardena, 1972: 98-99).

The next strike of significance was that of Colombo laundrymen in July 1896. By this time a small but growing number within the middle class were less hostile, and urged an amicable settlement in preference to crushing the strike. Prominent among these 'moderates' were Hector Van Cuylenburg, a lawyer and proprietor of the *Ceylon Independent* (which had condemned the printers strike of 1893 as seditious) and Rev. G.B. Ekanayake of the Anglican Church. Meetings were held, petitions were drawn and deputations sent to meet the Governor, the Maha Mudaliyar (Sir Solomon Bandaranaike) and the Acting Attorney General (Sir Ponnambalam Ramanathan), but to no avail. After three weeks, the strike collapsed. As in the case of the printers strike, the strike leaders were identified, charged in court and jailed. Despite a spate of strikes (mostly unsuccessful) and other agitation, the colonial establishment had no cause for alarm on account of worker militancy till into the 20th century.

Radicalisation of the Nationalist and Labour Movements

Hitherto, the reforms had been mostly top down brought about by a combination of enlightenment within Britain (leading to a more progressive colonial policy) and petitions and lobbying by the Sri Lankan elite who, with very few exceptions, enjoyed good relations with the colonial establishment. There was no major sustained challenge of colonial authority. By and large, the radicals were not supported by the mainstream press or by the 'moderate' majority of the upper and middle classes. But in this respect there were several significant developments in the early years of the 20th century.

The Ceylon Social Reform Society was founded in 1905 with Ananda Coomaraswamy as its first President. Leading figures associated with this society included Musaeus Higgins, D.B. Jayatilleke, Annie Besant and Anagarika Dharmapala. They were mostly liberal western educated, upper class persons who were, nevertheless, in the words of Besant, wary of the, "glitter and glamour of Western civilization with its outward show of luxury", and applauded the way Asian people were, "beginning to take their destinies into their own hands", and trying to, "shape their own civilization according to Eastern ideas" (Jayawardena, 1972: 112). A few of those associated with this Society, notably Dharmapala, inspired and

led an emerging and increasingly aggressive Sinhala educated, lower middle class, largely Buddhist intelligentsia with a much broader base than the English educated elite that had been interacting with the colonial administration. This group included Buddhist monks, journalists, poets, ayurvedic physicians, traders and small land owners, several of whom had been involved in some of the strikes and other agitations of the late 19th century. Under the inspiration of Dharmapala, and also his disciple Walisinha Harischandra, this movement gathered momentum, played critical roles in the temperance movement and in issues such as the closure or relocation of liquor saloons, butcher shops and churches in the sacred city of Anuradhapura and other culturally sensitive locations. The range of activities widened in due course from social, religious and cultural concerns to nationalist and anti-colonial issues, and eventually built up into the MEP coalition of 1956 (Roberts, 1969/70)

This category, as well as the westernized English educated upper middle class category, were influenced by developments and events overseas. These included the 1882 revolt against British rule in Egypt (led by Arabi Pasha who was exiled in Sri Lanka from 1883-1901), the Gandhian movement that commenced in South Africa and continued in India, the economic and military rise of Japan (leading to the Russo-Japan war that Japan won), and the Russian Revolution. These were seen as successful attempts to overthrow or force reforms on Western Christian governments. The impact was not only on radicals (vide. Dharmapala's Diaries, and Guruge, 1965) but also on the Westernised elite (e.g. Arunachalam, 1936; Corea 1912; Nehru, 1949). Many identified with Japan, an Asian Buddhist country, with the working class in the Russian Revolution (Spector, 1962), and with Gandhi's anti-imperialist, nation building programme.

The first politically significant and spectacularly successful strike was that launched by carters on 13 August 1906. The political environment was more favourable than when the printers and laundrymen struck in the previous decade. Moreover, the commerce of Colombo was heavily dependent on bullock carts, not only for local trade but also for exports and imports. The carters were protesting a Municipal Ordinance that prohibited them from sitting on any part of the cart while driving it – it was thought that if they walked by the cart, it could help them to remain awake and alert, and ensure that other traffic was not obstructed. Five thousand carters struck work and paralysed the commerce, unlike in the case of the printers' and laundrymen's strikes.

The carters had strong leadership, maintained discipline, refused individual financial enticements to break the strike, and even defied the police. They also gained from support from significant sections of the press, the middle class and the public; other workers and the public lined the streets and cheered them. This was in contrast to the printers and laundrymen who were isolated and widely criticized when they struck. Predictably, Maha Mudaliyar Sir Solomon Bandaranaike and other pro-establishment conservatives attacked them, but several of the elite not only argued in their favour but also helped to build up a strike fund to support them. John Kotelawela (father of Sir John), a tough, popular, ex-police officer, backed the strikers and played a lead role. The strike succeeded in 3 days, and the offending Ordinance was withdrawn.

The carters' strike made deep impressions on all the parties concerned. The Governor took the unusual step of appointing a Commission to inquire into the allegations made by the carters. He also informed London that the strike revealed political opposition going beyond the disputed by-law to challenging colonial rule, and that it reflected, "a wave of unrest that is felt at present all over the East" (Jayawardena 1972: 130). Other workers felt encouraged to form unions and, where appropriate, resort to strikes. Among the middle class and the newspapers there was some backing for radicals, but the mainstream remained 'moderate'.

It was argued earlier that the Colebrook Reforms marked the dividing line between the feudal past and the development of democracy. The carters' strike could be seen as a watershed in that development. An increasingly significant fraction of the population was becoming exposed to modern influences in relation to politics and governance, education and the economy. Economic development had led to the growth of a large urban and industrial proletariat. The earlier agitation was mostly from the privileged elite asking for more privileges; the exception was mostly on some religious and cultural issues. But since then, agitations from underprivileged, dispossessed groups including the working class, on political and economic issues had begun to gather momentum. Substantial sections of the middle classes aligned themselves with these groups. Out of this interaction, political parties and trade unions emerged.

The different strands of protest were often mutually supportive. The nationalists gained much external inspiration from developments in South Africa, India, Egypt, Japan, Russia, etc. as well as from modern political ideologies including Marxism and Fabian Socialism. In turn, many of them backed the development of trade unions and participated in socio-cultural-religious protest movements within the island. Buddhist unrest led to direct challenges to colonial rule. There was a profusion of newspapers and 'Literary Associations' in which political issues were debated. There was even a Congress of Literary Associations led by radicals among the middle class.

In the context of rising Buddhist and anti-colonial the militancy, increasing resentment by the Sinhalese of the rising economic status of the ubiquitous Coast Moor traders (of Indian origin) in contrast to their own economic stagnation set the stage for the anti-Muslim riots of 1915. These were sparked off by some railway workers who had a dispute with a Moor proprietor of a tea shop. Although anti-Muslim sentiments played a part, the primary cause of Sinhalese dissatisfaction was economic stagnation and trade rivalry rather than religious animosity. Sinhalese traders appear to have played a lead role. Police reports of 1915 reveal that as against 25 Moors killed and 17 Mosques burnt, there were 4075 Moor shops looted. However, as the first communal riot on this scale, it introduced a disturbing, ominous element that was to repeatedly resurface in the second half of the 20th century and to warp the history of this island. The colonial administration saw the riots as seditious and as a manifestation of a developing pattern. For example, the IGP, H.L. Dowbiggin, in his report on the riots, noted that:

"There is the same persistent meeting and preaching of Buddhist agitators of a character calculated to stir up feelings of ill-will between classes. Claims are put forward under the cloak of temperance and religion which are purely political and are directly intended to undermine authority" (Jayawardena, 1972: 133)/.

The colonial administration over-reacted to the riots, declared martial law, brutally crushed the riots and punished many on mere suspicion of participation or instigation, leaving a major legacy of bitterness, particularly among the Buddhists. The Governor, Sir Robert Chalmers, reported to London on 17th August 1915 that:

"Had the outbreak been confined to the up-country I could have dealt with it without proclaiming martial law ... But when the outbreak reached the low-country, and when the criminal classes of Colombo and elsewhere joined in a movement which had become simply predatory and anarchic, then the time had come for the sternest measures." (Jayawardena, 1972: 163)

But the repression went beyond the limits that the Governor sought to set, provoking his protest. The hard line Colonial Secretary, R.E. Stubbs, Brigadier-General H.H.L. Malcolm (who was in charge of the troops) and Inspector General H.L. Dowbiggin bypassed the Governor to influence the Colonial Office in London. Many summary executions were carried out with their backing, including several by vigilantes from among planters, commercial executives and civil servants. Sir John Anderson, who succeeded Chalmers in 1916, was even more outspoken against such vigilante violence. He wrote soon after assuming office that, "The promiscuous shooting which took place after the riots were over is very nasty. The fact is that the military got completely out of hand and let some hot-headed young planters shoot almost as they pleased." This was followed up a year later in a strongly worded report to the Secretary of State naming, among others, P.N. Sudlow (a mercantile executive) and A.D. Sly (a planter):

"Mr. P.N. Sudlow ... received instructions to deal vigorously with actual disturbances, and seems to have construed them into a commission to administer lynch law ... and to have considered that their effect was to make him the leader of a posse of vigilantes sent out to deal with desperadoes in the manner depicted in cinema shows and dime novels of the Wild West. It is almost incredible that anyone, unless one who has been schooled by the Germans in Belgium, would have honestly acted on Mr. Sly's interpretation [of the Proclamation]" (Jayawardena, 1972: 183)

Eventually the Secretary of State in London discovered that he had been misled and attempted to make amends, but much damage had been done. Among the Sri Lankan leaders, there was polarization on this issue. The vicious lawless violence unleashed on the Buddhist victims led to a rallying of support from the moderates, including non-Buddhists such as E.W. Perera and Ramanathan who had long enjoyed close

cooperation with the colonial administration. The pro-British conservatives stood isolated; so too those like Anagarika Dharmapala whose ultra-radicalism was seen as part of the problem. Sadly, the original victims the Muslims seem to have been forgotten, causing much resentment among them. (personal communication to the author from the late Judge M.A.M. Hussain, a founder of the Sri Lanka Muslim Congress)

The Rise of the Labour Movement

Kumari Jayawardena suggests that the riots of 1915 marked the turning point from a political process linked to religious issues to one linked to a secular labour movement. Though the colonial administration was deeply worried about the Buddhist revival and its part in the radicalization of politics, they also valued the 'divide and rule' fall out that it provided. Governor Manning, Colonial Secretary Stubbs and Inspector General of Police Dowbiggin were among those whose depreciation of the character of the local leaders was combined with an appreciation of the potential of 'divide and rule.' In a letter of 8 June 1915, Stubbs referred to those imprisoned on suspicion of instigating the 1915 riots as, "... a set of skunks mostly, I regret to say, men educated in Europe one or two Cambridge men among them" (Jayawardena, 1972, 163). Dowbiggin explicitly warned against using the term "Ceylonese", which is suggestive of a common identity, and asserted in a minute of 1915 that "The different classes are best managed by being called by their different names" (Jayawardene, 1972: 200).

Governor Manning was clearly thinking on similar lines when he wrote in December 1918 that, "In such a community as this there is naturally plenty of racial strife and jealousy, that will be of value in deciding the composition of the Council." He was deeply involved in negotiating the Secret Memorial, sent to London by a group of minority representatives, against the reform proposals of the Ceylon National Congress. Of the conference of the Urban League of 1918, he reported on 7 February 1919 that it reflected the views of "a small section of Western educated men, mostly of low caste", and went on to argue against the elective principle on the ground that, "those of high caste would [be unlikely] to contest ... where a man of lower caste was also standing" (Jayawardena, 1972, 200-201)

After 1915, there were restrictions in the movements of Anagarika Dharmapala who spent most of his time in India. Of the other Buddhist radicals, Walisinha Harischandra died in 1913, and A.E. Buultjens in 1916. A new focus of the nationalist and democratic movement was on trade union activity, but pressure for constitutional reform was also gradually building up. On the one hand the Trade Unions had yet to gain full legitimacy; on the other, the upper and middle classes had expanded and gained economically but were not politically empowered. A few progressives among the middle class, notably Arunachalam, saw the different strands as complementary. They had encouraged the Buddhist and Hindu revival, the temperance movement, and pioneered a range of social and democratic reforms and civil society initiatives. The Attorney General had cause to complain to the Colonial Secretary that Arunachalam had converted the Social Service League "founded for the unobtrusive and uncontroversial work of 'social service' into a society concerning itself with ... social reform."

Even more controversial was his leadership of the then radical Ceylon Worker's Federation which championed the rights of the railway workers exiled to distant parts of the island during and after the 1915 riots. He spoke out for Trade Unionism including the right to strike, but could not carry the majority of the middle class, the Ceylon National Congress or the Ceylon Workers Federation on many of these issues. When he retired from politics in the early 20s, the character of the institutions that he had led changed quickly; the Ceylon National Congress became politically conservative and the Ceylon Worker's Federation reactionary in its opposition to every strike or other act of trade union militancy.

The Young Lanka League and its journal Young Lanka, founded in 1915 by the courageous young militant, A.E. Goonesinha, sought to fill the growing vacuum in radical political and labour activism. He had been greatly influenced by Dharmapala and inspired by many nationalist movements overseas as well as trade union activities in Britain. He wrote in the February 19, 1920 issue of Young Lanka that, "moderation in politics is the safety valve of the coward and the convenient creed of the slave" (Jayawardena, 1972, 224). He joined the Ceylon Workers Federation and soon left in disgust, citing his experience at a meeting held at the house of one of the office-bearers:

The trousered lot were seated in chairs and all the workmen were standing in the garden. I was indignant that such snobbery could prevail in an institution that was supposed to help the workers. That was the last meeting I attended and I made up my mind to organize a separate union on thoroughly democratic lines" (Jayawardena, 1972, 239).

The Ceylon Labour Union was founded on 10 September 1922 with Victor Corea as President and A.E. Goonesinha as Vice President. The general strike of 1923 pitted the Union (which called the strike) against the Ceylon Workers Federation (which strongly opposed it), underscoring the widening political divide between the 'moderates' and the 'radicals'. The strike quickly built up, and an unprecedented number of 20,000 were on strike as on 16 March 1923, but the colonial administrators, strongly backed by the 'moderates', succeeded in holding out and breaking the strike. 700 workers lost their jobs, leaving a legacy of bitterness and resentment directed as much against the 'moderates' as against the colonial administrators.

Though they lost the strike, the workers gained a taste for militancy, a greater understanding of the political issues and their rights as citizens and workers, and a fuller appreciation of the promise of democracy. Goonesinha noted that, "the wondrous manner in which the great masses of our artisan class have emerged from their age long lethargy to vindicate their rights has been a matter of much comment. Never before in the history of the Island has the mass mind displayed such capabilities, as it manifests today ..." (Jayawardena 1972, 248).

The logical follow up was to demand voting rights for everyone – an issue of much controversy throughout the rest of the 20s. This was strongly opposed by the 'moderates' who controlled the Ceylon National Congress but taken up by Goonesinha, who linked that issue with that of the welfare of the workers, in a memorandum of 1927 to the Donoughmore Commission:

The franchise qualifications have been so framed as to deny it to the working class of this island... No wonder, nothing of a positive nature has been done by the legislature to safeguard [the worker's] interests. The Ceylon Labour Union ... insists upon universal adult franchise without any discrimination of sex, race, religion or caste." (Jayawardena, 1972, 255)

At that time only males over 21 who also passed literacy and income/property qualifications could vote; of a population of 5 million, only 0.2 (i.e. 4%) were eligible. A 1924 proposal by Goonesinha (and the Labour Union) to drop the income/property restrictions was rejected by the Congress. A compromise move in 1927 to lower the income/property barrier was also rejected; the Congress was willing to accept extension of the franchise to women but subject to the prescribed income/property restrictions. The only other organization of any significance that backed universal adult franchise was the Jaffna Youth Congress (also referred to as the Jaffna Youth League) (Kadirgamar, 1980; Nesiah, 2001; Jayaratne, 2004).

The colonial administration sought to isolate Goonesinha from radical, nationalist and Marxist influences by limiting his contacts and censoring his incoming mail. After the Labour government took office in Britain in 1929, the British Labour Party and the British Trade Union Congress were supportive, within limits, but they too cut him off from contacts with Communist organizations. Goonesinha remained nationalist rather than revolutionary but was remarkably progressive on several issues (e.g. gender). He founded the Ceylon Labour Party in 1928 with an executive committee of 37, of whom 10 were women. However, his anti-communist prejudices, super-imposed on his original Buddhist religio-cultural nationalist base, hindered the full realization of his political and trade union potential. In the trade union field he was a bold pioneer and was dominant for two decades, but as a political leader, his pre-eminence was short lived – from 1927-31.

The crisis point was during the Great Depression. By this time a group of professionals and activists grounded in Marxist theory had come on to the scene. Like the Marxists, and in opposition to the Ceylon National Congress, Goonesinha had supported the enfranchisement of the domiciled 'Indian Tamils', but in the adverse environment of the economic depression, he turned against 'Indian Tamil' labour, whereas the Marxist supported them. He quickly lost his political and trade union credibility.

A political fall out of the flurry of workers' agitation beginning in the 1890s was increasing public awareness and interest in labour issues, and even active demonstrations in support of some of the strikes. Over the years, the ambit of the promise of democracy expanded from socio-economic mobility for the individual to socio-economic justice for all. Class-conscious worker militancy was a key factor in politics by the late 1920s. Combined with the issue of universal adult franchise, the political potential of worker militancy was revolutionary. Some employers, e.g. S.P. Hayley, sought to contain this potential through conciliatory measures, e.g. The Collective Agreement of June 1929 between the Employers Federation and the Ceylon Trade Union Congress.

However, the level of violence and militancy during the tramway strike of 1929 had alarmed the colonial administration, and they sought to stifle the workers movement. By the time of the Donoughmore Commission, the local elite had largely achieved their objective of becoming a part of the ruling class, and nearly all of them were now sitting on the other side of the table, away from and in opposition to those clamouring for voting and trade union rights. Most of the elite supported the proposed draconian labour legislation of 1929, drafted by the colonial administration in Colombo and sent to London for endorsement. But by then a Labour Government had been voted into office, and Lord Passfield (Sidney Webb) had become Secretary of State for the Colonies with Dr Drummond Shiels (who had served as a Member of the Donoughmore Commission) his Under Secretary. Most of that draft was vetoed by London.

The Rise and Fall of the Jaffna Youth Congress

Jaffna, does not have any factories, plantations or other concentration of blue collar workers, or even of white-collar workers apart from teachers and public servants. Thus conditions have not favoured the development of militant trade unions. Moreover, there is no local equivalent of the Buddhist monks, who have a tradition and ideology conducive to militancy in religious and cultural issues, extending to the political arena. Jaffna is also deeply conservative and, in respect of caste ideology, its population is among the most reactionary in the island. What Jaffna does have is an excellent network of schools, mostly founded by Christian missionaries, and, despite the vicissitudes of the civil war, remains educationally ahead of the rest of the island. Any radical potential lies among the schools, students and teachers, many of whom are English educated. Many teachers had been deeply inspired by Gandhi and the Indian independence movement, and it was they who founded the Jaffna Youth Congress (JYC) in 1924.

The JYC, which peaked around 1930, campaigned against the caste system, opposed communal representation, and federalism (for unstated reasons - perhaps this option was not seriously explored), demanded universal adult franchise and quick independence for a united Sri Lanka; they rejected the Donoughmore reforms as too little too late (Kadirgamar, 1980). Their allies across the Palk Strait were the Indian National Congress led by Gandhi and Nehru and not the Dravidian movement of Tamil Nadu; their closest partners within Sri Lanka were the radical nationalist leaders of the South including C.E. Corea, Kannangara, Kularatne and Mettananda and the Marxist and labour leaders rather than the anglicized 'moderate' leaders of the Ceylon National Congress. The JYC was totally alienated both from Dravidian sectarianism in India and from local Tamil sectarianism sponsored by those who, in the mid-thirties, formed the Tamil Congress. But whereas the JYC was dominant in Jaffna in the environment of the late twenties and early thirties, none of its leaders could avoid being marginalized by the Tamil Congress which dominated the North from the mid-thirties to the late forties.

The JYC was an extra-ordinary phenomenon without precedent or parallel. It captured the space earlier occupied by the elite old guard Tamil leadership (Arunachalam, for whom they had high regard but who passed away in 1924, Ramanathan, who lived till 1930, etc), with an ahimsaic, secular, nationalist anti-imperialist ideology inspired by the Gandhian movement that was transforming the political scene in the sub-continent. The membership comprised largely of young men, mostly schoolteachers in their twenties/and students in their teens. It was "the first attempt made [in Sri Lanka] to co-ordinate the efforts of young people of all religions" (*Ceylon Daily News*, 2 Dec. 1924). The JYC was led by Handy Perinbanayagam, a newly graduated school teacher, who was only 25 at the time of the First Annual Sessions (29-31 Dec. 1924). The following extracts from a book written in the pre-independence period by a Jaffna Youth Congress activist clearly reflect its ideology and vision of Sri Lanka:

Ceylon has a recorded history reaching back to at least the famous sixth century before Christ. But the two main streams of tradition that have irrigated her historical development go further back and derive their source from India, and are in fact drawn from the same great cultural reservoir from which the Eastern half of the world yet draws its inspiration. Of these two streams of tradition the one owes its birth to Siddharta Gautama Buddha, India's great spiritual genius and one of the world's greatest sons. The other tradition is older still and represents Hindu Culture as developed in the schools of Southern India. Each of these traditions developed a distinctive individuality in Ceylon, and in fact the Buddhist tradition attained to such perfection here, both in its philosophy and its practice, that when Buddhism disappeared as a separate faith from the land of its birth, Ceylon came to be regarded by all Buddhist lands as the spiritual home of the religion of the Middle Way.

To make anything of the future we must possess the confidence that can only be born of a consciousness of our priceless inheritance. ... a willingness to enter into harmonious relationship with members of all communities as is shown by the fact that Sinhalese and Tamils, Moors and Burghers, live side by side and show a toleration for one another that is hardly equaled in many other parts of the world (Nesiah, 1945: 1-2, 6-7).

The JYC sought to overcome the limitations of its peninsular base by incorporating or establishing links with those outside. National leaders associated with the JYC included D.B. Dhanapala (involved in the founding), P. de S. Kularatne (elected President at the 1925 Annual Sessions), Swamy Vipulananda (elected President at the 1928 Annual Sessions), G.K.W. Perera, A.E. Goonesinha, George E. de Silva, E.W. Perera (elected President at the 1929 Annual Sessions), Peri Sundaram, D.B. Jayatilleke, T.B. Jayah, C.E. Corea, Francis de Zoysa, S.W. Dassanaikie, S.W.R.D. Bandaranaike, N.M. Perera, Philip Gunawardena, Colvin R. de Silva, Leslie Gunawardena, S.A. Wickremasinghe, W. Dahanayake, J.R. Jayawardene, D.S. Senanayake and Selina Perera (who was charged for sedition on account of a speech that she delivered at the 1941 Annual Sessions) (Kadirgamar, 1980). A conspicuous omission from this list is the best known and most influential of the Tamil leaders of that time, viz., Ramanathan, with whom the JYC had acute fundamental differences on universal adult franchise, caste and other topical issues.

The JYC also sustained its Gandhian inspiration by reinforcing its network of linkages with Gandhi and several of his close associates. Among those who accepted its invitation, visited Jaffna and participated in its activities were Gandhi, Nehru, Rajagopalachari, Satyamurthy, Kamaladevi, Chattopadhyaya and Kalyanasundara Mudaliyar (Kadirgamar, 1980). It is indicative of the ideology of the JYC that the invitees did not include any of the leaders of the then burgeoning Dravidian/separatist movement (led by the Justice Party and the Self Respect Movement of Periyar E.V. Ramaswami Naicker) of Tamil Nadu.

The idealism of the JYC was not matched by political skills, as evident from the "boycott resolution." The decision to boycott the first national elections (1931) based on universal adult franchise (which the JYC was wholeheartedly in favour of) on the grounds that the Donoughmore Reforms fell short of "Poorana Swaraj for Sri Lanka" (full national independence) underlines both the lofty idealism and the lack of political pragmatism of the JYC. The leadership was divided on this issue since several key personnel were wary of such unilateral action; their reservations were shared by Nehru who was in Jaffna at that time (Nesiah, 1983, xxii). The national leadership in Colombo was also divided. Several key members (including Francis de Zoysa, E.W. Perera, T.B. Jayah, Philip Gunawardena and C.E. Corea at that time and, much later, Pieter Keuneman and Osmund Jayaratne) expressed their unqualified appreciation of the objective of the boycott, but they could not muster a Southern consensus on this issue (Kadirgamar, 1980; Jayaratne, 2004).

In the event, the boycott was confined to Jaffna, and the opportunity for the JYC to secure its political base in Jaffna and make its mark in the State Council was lost. On the other hand, some in the South confused the ultra-radical JYC boycott with the ultra-conservative ideology of the Tamil leaders (such as Ramanathan, Duraisamy and Thambimuttu) who opposed universal adult franchise. While the boycott was effective in Jaffna, some from Jaffna opposed to the JYC (notably G.G. Ponnambalam) moved to the Vanni, and secured election to the national legislature, thereby gaining a headstart in national politics over the JYC. Although the latter survived for another decade, the boycott was a watershed and marked

the beginning of the end of this unique youth organization. In due course, other youth organizations (notably the JVP and the LTTE) would make greater impacts on national politics, but those would be largely outside the democratic framework.

A tragic outcome of the eclipse of the Jaffna Youth Congress and the rise of the Tamil Congress was the widening of the Sinhala-Tamil divide and the progressive isolation of the Sri Lankan Tamil community. The Jaffna Youth Congress had consistently and strenuously tried to build linkages with virtually all the different strands of Sri Lankan society - with Goonesinha and his associates in the labour movement, with the Marxist leaders, with the Sinhalese nationalists, with the Ceylon National Congress and particularly with the radicals among them, with the leaders of the Muslims, 'Indian Tamils', Eastern Tamils, etc. In contrast, the Tamil Congress was more inward looking, and alienated the labour movement, the Marxists, the Sinhalese nationalists and the Ceylon National Congress. Sinhala and Tamil chauvinism fed each other. It was now the turn of the Sinhalese leadership of the Ceylon National Congress, later regrouped as the United National Party, to practice 'divide and rule' policies such as earlier indulged in by the colonial authorities. By the time of Independence, plans were already drawn up to isolate and disenfranchise the 'Indian Tamils', with backing from the other minorities.

The 'Indian Tamils', who call themselves Malaiyaha, or. Hill Country Tamils, first came in large numbers as circular seasonal migrants into the coffee plantations established in the early British period. When tea replaced coffee, labour was required all year long, and many migrants brought in their families and stayed on; but circular migration also continued. This aspect, their geographic isolation and also the control over their residence, employment and movement exercised by the estate authorities, hindered the development of trade unions, participation in politics, and social interaction with other ethnic categories in the neighbourhood. This helped to keep the plantation labour insecure, docile, poorly paid, indebted and illiterate, the plantations profitable and trouble free, and the export earnings high.

By the 1930s, under pressure from the Government of India, some changes had been effected. Several schools were functioning within the plantations, domiciled 'Indian Tamils' had secured voting rights, and plantation trade unions were emerging. S. Natesa Aiyar, a journalist and one time collaborator of Goonesinha, helped to politicize and mobilize the labour into unions. The All Ceylon Estate Labour Federation was founded in 1931, but their gains (and, indeed, those of other categories of workers) were largely wiped out in the course of the Great Depression. It was the persistent intervention of the Indian government that saved some of the gains, such as a minimum wage (though this too was scaled down). Plantation labour unions virtually disappeared, and re-emerged only around 1939.

The Donoughmore Reforms and its Consequences

In the meanwhile, constitutional reform progressed slowly. It was in the 1912, Crewe - Mc Callum reforms of the Legislative Council that provision was first made for 4 elected representatives, but this too on a very limited franchise. Of the 4, two were Europeans, one Burgher and only one in the category 'Educated Ceylonese'. But this reform was widely rejected as inadequate, and the Sri Lankan upper middle class for more representatives elected on a territorial basis, and even for semi-representative government, but retaining the franchise limitations. They also asked for the elected members to be assigned portfolios in the Executive Council. Belatedly, the Legislative Council reforms of 1929 provided, for the first time, for an elected majority, with a mix of territorial and communal representations. Although the Executive remained British, problems arose, on account of this Legislative Council asserting its authority and clashing with the Governor on several issues.

This crisis led to the appointment of the Donoughmore Commission. The Commission, in its report of 1931, went far beyond the wishes of the Sri Lankan elite, setting the island clearly on track towards self-government. The State Council of 58, of whom 50 were to be elected on a territorial basis, replaced the Legislative Council in which the Governor's nominees had an overwhelming majority. The State Council divided subject wise into 7 Executive Committees, each of which chose a Minister. The 7 Ministers, together with the 3 leading officers of state (Chief Secretary, Financial Secretary and the Attorney General/Legal Secretary) formed the Board of Ministers in which only the 7 elected Ministers had a vote.

There were no communal electorates, but the 8 Nominated Members were expected to represent the interests of their communities. The 50 Elected Members were to be elected on the basis of universal adult franchise, which was not desired by the earlier Legislative Council. An immediate consequence of the unprecedented and unexpected expansion of the franchise (which suddenly increased the number of voters from .2m to 1.5m) was a deflection from the earlier focus of the legislative body on constitutional reform to meeting the needs of those newly enfranchised, i.e. towards a welfare state. It may be noted that this unasked for bonus was parallel to a similar reform about that time in India, ahead of similar reforms in much of Europe and, in practice, in the USA (most Blacks were effectively denied voting rights till several decades later.

But like the Colebrook Commission a century earlier, the Donoughmore Commission was ahead of its time certainly way ahead of the local colonial administration and even in advance of the thinking of the local elite. The reforms reflected, at least in part, the ideology of the progressive sections of the British. A particular progressive member of the Donoughmore Commission, Dr Drummond Shiels, played an activist role, much to the dismay of both the local colonial administration and the local 'moderates.' Denigrated as the 'socialist doctor', he established a link with Goonesinha, encouraged him to make bold submissions, and, it appears, influenced the Commission to adopt radical recommendations. All males over 21 and all females over 30 would have voting rights; the Commission harshly criticized the 'Sinhala and Hindu' elite whose attitude were shaped by 'centuries of patriarchal and feudal governments.'" (Jayawardena, 1972: 267).

The Commission went further to declare that, "A good case could be made out for regarding the extension of the franchise as more urgent than any increase in responsible government. When a considerable increase in responsible government is being recommended therefore, the question of the franchise becomes of first importance." On this, as on many other issues, local opinion was sharply divided on class lines. The promise that democracy held to the upper and middle classes was constitutional reform designed to transfer power from the colonial secretariat to those classes. The promise that democracy held to the lower and lower-middle classes centred on the extension of the franchise.

The suggestion that the extension of the franchise is more urgent than other reforms finds an echo in similar sentiments expressed by President Lyndon Johnson four decades later. It is widely held among may liberals that the Civil Rights Act of 1964 was the most important legislation of his tenure as President and, indeed, in the history of the United States. But President Johnson himself rated the Voting Rights Act of 1965 as his highest legislative achievement, and so did many Blacks. By enabling Blacks to vote, it tilted the balance of political power in many areas and transformed the calculation of political leaders at all levels through much of the United States. Through effective empowerment it brought dignity and socio-economic benefits which Blacks would otherwise not have had access to. The difference was most dramatic in some Southern states with high proportions of Black population and also a very bad history of racial oppression including disenfranchisement of Blacks. Several ultra-racist leaders (e.g. Governor Wallace) found it opportune, after the Voting Rights Act of 1965, to stand on pro-Black platforms to woo Black votes.

Following the Donoughmore recommendations on extending the franchise, it is not surprising that several 'moderate' political leaders, some of whom had vigorously campaigned against universal adult franchise, quickly changed their stand. Endorsement of the franchise extension from 'radicals' such as A.E. Goonesinha, S.H. Perimpanayagam, H.R. Freeman, C.H.Z. Fernando, Victor Corea and George E de Silva was not surprising. But 'moderates' like E.W. Perera and A.F. Molamure also backed it, though the latter wanted a literary qualification imposed on non-Ceylonese (so as to drastically reduce the number of Indian Tamil voters). The die-hard conservatives, including P. Ramanathan, W. Duraiswamy, E.R. Tambimuttu and G.A.H. Willie continued to oppose it.

In the event, the decision was on the franchise for all those over 21 without qualifications or disparity in respect of gender, literacy, income or property. The strongest advocate for this decision from within the Committee was Dr Drummond Shiels and from outside A.E. Goonesinha; in fact they appear to have been working in collusion to bring about this, and some other reforms. An inevitable (and no doubt intended) consequence of this measure was to bring to the center stage the concerns of the caste minorities, the poor, the marginalized, the workers and others previously excluded from the franchise. Even the most

elitist conservatives underwent sudden conversions and became champions of the oppressed. It also created space for the emergence of socialist political parties with a working class base. The main focus of political activity shifted from constitutional reform to grass roots socio-economic issues, clearing the decks for a welfare state, which was to become a defining feature of Sri Lankan democracy for decades to come.

A contentious issue before the Donoughmore Commission was communal v. territorial electorates. The liberal minded Commissioners rejected communal electorates in the belief that it promoted communalism and hindered national unity. The majority of Sinhalese leaders (especially Goigama Buddhists) concurred; so did the Jaffna Youth Congress. But other ethnic minority voices (from among Sri Lankan Tamils, 'Indian Tamils', Moors, Malays, etc) and from Sinhalese caste categories (including Karawa, Durawa and Vahumpara) differed. As observed by Uyangoda (2001, 28-29):

The paradox inherent in this situation is a paradox of democracy in plural societies. In multi-ethnic colonial Ceylon, democracy enabled communities to discover their differences, and mechanics of electoral representation compelled them to rely inter-group differences. But this development ran contrary to the goal of modernity... Colonial liberalism and Sinhala majoritarianism could come together to abolish communal representation in the colonial legislature. Interestingly; what got politically delegitimised was minority, not majority, communalization of group demands. Meanwhile, dialectically, the replacement of communal representation with the territorial principle did not contribute in any way to the goal of secularization of ethnic relations in the 1930s and 1940s.

The paradox highlighted by Uyangoda has long antecedents. Initially, as already noted, the British institutionalized communal politics by nominating communal representatives into the Legislative Council and, in due course, establishing communal electorates. Superimposed on this was their 'divide and rule' strategy that promoted inter-ethnic and inter-caste rivalry. Moreover, even more than within Britain, their colonial administration was highly centralized, thereby intensifying competition at the center. Since the franchise was severely restricted up to the Donoughmore reforms, there had been very little space for class based political parties to emerge. Thus, when universal adult franchise was suddenly introduced, political consciousness was predominantly sectarian (ethnic and caste) and this distorted political developments in the 1930s and thereafter.

To the socially and economically marginalized sections of the population (including the non-English speaking and those of depressed class and caste), to the lower classes of the ethnic minorities, the promise of democracy that the Donoughmore reforms held was equal citizenship and equal opportunities. To the established upper class Tamil leadership, the proposed universal adult franchise threatened to dislodge them from the national leadership positions that they then shared with the Sinhalese leaders to, at best, leadership of a minority community. Thus, when they failed to stop the extension of the franchise, they sought alliances with other minority groups so as to contain Sinhalese majoritarianism. To the upper class Sinhalese leaders, the promise of democracy was different; they initially opposed universal adult franchise as it threatened their class interests, but they soon saw it as opening opportunities for them to gain pre-eminence over the minority leaders by exploiting communal loyalties and rivalries. The leaders of Moors, Malays, and 'Indian Tamil' communities first accepted the initiative of the Sri Lankan Tamil leadership to form a grand alliance to counter Sinhalese majoritarianism, but when they found this it was a lost cause, they aligned with the Sinhalese leadership, except in the case of the Indian Tamils who stood effectively isolated and doomed to statelessness and votelessness. The Marxists and a section of the Sri Lankan Tamils backed them, but that backing was inadequate to save them from that fate.

As in the case of earlier reforms, those of the Donoughmore Commission largely fulfilled the promise of democracy as envisaged by some classes, fell short of the expectations of others (notably the Marxists, Goonesinha and the Jaffna Youth Congress) and alarmed yet others who thought the reforms were too much too early (these included the conservatives, as well as many among the minorities). In the case of the earlier modest reforms, the positive responses had mainly come from a small elite group and the dissatisfaction from small groups of radicals and, from the diametrically opposite perspective, the colonial administrators. Of the particularly contentious issues arising from the Donoughmore reforms, those relating to communal electorates and the franchise have been discussed above. Another concerned a Donoughmore innovation: the Executive Committee system (referred to earlier). These were designed to enhance the voice of various minorities in decision-making. But, contrary to expectations, none from among the ethnic

minorities was included in the first Board of Ministers. Among the Sri Lankan Tamils, this development contributed to decisively tilt the balance against the outward looking Jaffna Youth Congress and in favour of the rising, insular Tamil Congress led by G.G. Ponnambalam.

Independence, Democracy and the Nation

With the end of World War 2 and the election of a Labour Government in Britain, it was clear to everyone that Independence was near. The Soulbury Commission arrived to work out the details including a Constitution for the new nation. G.G. Ponnambalam, together with other minority leaders, put forward a proposal for balanced representation (commonly referred to as 50-50) but it was not accepted. In the meantime, a formula for Dominion status had been formulated in 1942 by the Board of Ministers, and it was accepted almost in toto. J.R. Jayawardene, a leader of the ruling party, brought in a proposal in 1943 to make Sinhala the only official language. This was promptly challenged by the Tamils and Muslims, and the proposal was duly amended to include Tamil; but damage had been done in that the confidence of the minorities of receiving equal treatment was shaken. Like the initial full-Sinhalese cabinet, this was yet another omen of the impending majoritarian character of Sri Lankan democracy.

Even before Independence, other conflicts were emerging. There was a contradiction between an English medium administration (including the judiciary) which drew its cadres mainly from a predominantly Christian English medium educational system that catered to a small minority of the population, and a political system that drew its support from a vast predominantly non-Christian non-English speaking electorate; and between a centralized administration and a political tradition of communal representation. As regional and caste distinctions became less salient, religious and linguistic distinctions become more so. In particular, Buddhist-Christian and Sinhala-Tamil divides widened and, together with the issue of citizenship and the franchise for 'Indian Tamils', came to a head within the first decade of Independence.

Superficially it may appear that it was the extension of the franchise to the lower classes that aggravated religious and linguistic strife. But, almost invariably, divisive ideologies originated among and were formulated and disseminated by sections of the elite, and they were the major beneficiaries of the consequences. Competition among the elite seems to have been a critical factor for promotions in the public services, for advancement in business and the professions, for securing political leadership, etc. Paradoxically, it is precisely because the middle and upper classes are unified across communal boundaries, with common aspirations irrespective of language, religion, caste, region, etc. that competition among them may be sharp and the temptation to resort to communalism may be high. The fisherfolk of Dondra and Point Pedro are not in competition; nor are the farmers of Polonnaruwa and Batticaloa; but the politician, business and professional elite from everywhere are in competition at the national level, and it is they who have a stake in communalism.

The early reforms were largely top down and, of course pre-universal adult franchise. Nearly all the early leaders were elite professionals, and many of them were either part of or close to the ruling class. Most of the earliest modernizing elite were, in some respects, creations or dependents of the colonial establishment, and allied to them socially, culturally, educationally, etc. In turn they were trusted by and depended on by the colonial administration for essential services. These elites understood and appreciated the values of European civilization and, for the greater part, were reformist rather than revolutionary. In contrast many of the labour leaders, and many of the pre-colonial elite, including Buddhist clergy, Ayurvedic physicians, and vernacular teachers remained alienated.

The modernizing elite, who already enjoyed leadership positions, sought further reforms in keeping with their vision of a modern democratic, meritocratic nation. It is they who were best equipped to lead, and who were also best able to advance professionally and socially in the reform process. As in many other ex-colonies, disproportionate numbers of these categories were ethnic or religious minorities - Burghers, Christians, Tamils or even smaller minorities. These groups either came in during the colonial period or were already domiciled and, for various reasons, were among those most ready to grab the opportunities that colonial rule produced. But minority categories that did much of the groundwork for democratic reforms and the independence movement and helped to lead the people to the border of the promised land did not seem fated to lead them thereafter.

With the approach of independence, those of the pre-colonial elite who were not co-opted but marginalized under colonial rule sought to reassert and regain their lead roles. At the same time, the most vulnerable sections of the modernizing elite – such as those from small ethnic minority communities – began to fear both the process and consequences of democratic reforms and national independence. They feared that the process may not be smooth and the outcome may not be a meritocratic nation but one loaded in favour of the majority. They either withdrew from the leadership or got pushed out. Many of them emigrated or merged with the Sinhalese population. In contrast increasing segments of the Sinhalese, particularly the Buddhists, viewed the process as opening opportunities for upward mobility that either did not exist earlier or were monopolized by various minorities, and also for securing political power which could be used to overcome earlier disabilities and gain compensation for historic injustices and humiliations. Progressively, the ethnic and cultural complexion of the democratic and independence movement changed. It was easy a century ago, for a Bultjens or a Lisboa Pinto, or an Arunachalam or a Ramanathan to be accepted as the foremost national leader. Two decades later, it was already very difficult except at the margins – Natesa Aiyar led the ‘Indian Tamils’ who were themselves marginalized. Since then it has been unthinkable. It is due less to any insularity among those newly enfranchised and more to some of the (established) leaders adopting new strategies in response to universal adult franchise.

Of the old elite, it was mostly the chieftains down to the village level who were co-opted by the colonial rulers – it was they who were useful to the administration. The local Buddhist, Hindu and Muslim clergy had many of their institutions destroyed and their links with the population undermined. In particular the once influential Buddhist clergy were marginalized. The Ayurvedic physicians had their professions devalued and, especially in the urban centres, suffered their patients being lured into the western allopathic system. The Sinhala and Tamil medium teachers were, relatively, a newer category (most of the earlier teachers were clergy), but they had expanded during Portuguese and Dutch rule and were very influential, especially in the rural areas. With universal adult franchise these dissatisfied categories became available for political mobilisation, but it was some of the old elite, many reputed to be ‘liberals’ and ‘moderates’, who led the mobilization and secured a disproportionate share of the spoils of such mobilisation.

While these categories sought to regain their pre-eminence in society, they too were open to reform and did not seek to put the clock back. New institutions including Buddhist Universities emerged to serve the Buddhist clergy, to sustain Buddhism and to restore it to its earlier glory; Ayurvedic Colleges, research institutions and drug manufactories were reestablished on modern lines; Teacher Training Colleges were established to serve vernacular teachers; etc. Moreover, these categories, adapted the modern institutions that had been set up including the Universities, the educational and training institutions, parliament and political parties, the institutions of administration and law enforcement, the transport and communication network, the media, etc. to suit their needs.

Today, even the English language is being reinstated with a gradual drift back to English medium education which was almost destroyed half a century ago; but this restoration is being done by the Sinhala speaking elite which has been ruling during these 5 decades. The status quo is not being restored; fundamental transformations have taken place, and the emerging institutions are very different to those that were envisaged or existed around the time of independence.

Though the “traditional elite” successfully used the ground prepared by the “modernizing elite” to win the skirmishes of the early post independence decades, they seem to have abandoned the war against modernization. In fact the aspirations of the descendants of the old elite are to enter the modern professions, and to engage with modern institutions and technologies. Many Buddhist clergy have been elected as members of parliament. The progeny of Sinhala and Tamil medium teachers seek English medium education and those of Ayurvedic physicians seek modern scientific education, and resort to western allopathic health care. Democratic aspirations have changed dramatically and will continue to do so.

But what is emerging is not a well integrated plural society. There has never been any serious, sustained nation building in Sri Lanka comparable to what was meticulously designed and constructed in India under the leadership of Gandhi. The Independence movement was an essential component, but Gandhi’s objectives extended well beyond the overthrow of British rule. Thus, despite many flaws in Indian democracy, society and politics, and many evils more acute than in Sri Lanka the positive integrative impact of the Gandhian legacy is yet felt, as noted by Varshney:

"The Congress Party before Gandhi was a lawyers' club, which made constitutional arguments for more rights with the British in the Queen's English. Gandhi seized control of the movement in 1920 and quietly revolutionized it by arguing that the British were unlikely to give independence to India until the masses were involved in the national movement. Gandhi was not simply interested in political independence from the British but also in the social transformation of India. He argued that independence would be empty unless India's social evils were addressed, drawing attention initially to three primary objectives: Hindu-Muslim unity, abolition of untouchability, and *swadeshi* (buy India, wear Indian, think Indian). To these were later added several other projects of social transformation including women's uplift, tribal uplift, labour welfare, and prohibition. In the process, a whole host of organizations came into being between the 1920s and the 1940s. The associational structure of India before Gandhi was minimal. The foundations of India's associational civic order were laid by the Gandhian shift in the national movement."

There were several individuals who shared many elements of such vision but no institution apart from the Jaffna Youth Congress (salient only for a decade, and constrained by its narrow peninsular base) and the Marxists (only since the Donoughmore reforms, and limited by the insularity in their sources of inspiration exclusively European Marxist). Further, no Sri Lankan leader could match the stature, charisma and total individual commitment of Gandhi. There has been no island-wide forging of shared values, ideals and aspirations; no widespread ownership of and participation in an inclusive countrywide network of national institutions; no national hero, icon or symbol towering above sectarian affiliations; and no memory of struggles, sacrifices and triumphs that inspire everyone. In the circumstances, the Sri Lankan nation lacks strength and cohesion; in times of crisis, deep fissures open, and even when the crisis is over, the healing is incomplete.

As stated by Uyangoda (2001, 50), "The fundamental problem of post-Independence Sri Lanka's quest for unity, which the national flag debate dramatically exposed, was the absence of shared values among the Sinhalese and Tamil political elites. When there were no shared values among ethnically bifurcated elites, there was no possibility for elite-elite integration either." The Sinhalese majoritarian and Tamil minoritarian positions, yet widely held, were respectively expressed by J.L. Kotelawala and S.J.V. Chelvanayagam in the parliamentary debate on the flag issue in January 1948:

J.L. Kotelawala:

The imperial policy was to subjugate the majority community and extract the wealth of the country. The best lands were taken for British interests; the best business monopolies were given to British Imperialists. The minority communities were able to enjoy the crumbs that fell from the table and what the minority communities left went to the majority community. That is what happened in India, Burma, Malaya, and Ceylon. The minority communities were, under the British rule, in a privileged position as against the majority community ... [T]he most downtrodden people in this country under the British rule were the Sinhalese Buddhist peasantry ... Now the minorities are worried about their privileged position ... They were living at the expense of the Sinhalese peasantry (Uyangoda, 2001: 51-52)

S.J.V. Chelvanayagam:

Reference was made to the 'one nation.' Let us have one nation, but that 'one nation' idea must be based on the principle of evolving a harmonious unit, not on the principle of destroying the weaker or smaller units. On the question of the franchise, on the language question and on various other issues, you are proceeding on the principle of destroying, hurting, the smaller units. How can there be one nation ... on that basis? (Uyangoda, 2001: 59-50)

Even among the minorities, there was no sense of unity against majoritarian oppression. The major section of Sri Lankan Tamil Members of Parliament, and nearly all those from non-Tamil minorities joined with the Sinhalese led UNP to deprive the bulk of the 'Indian Tamils' of their citizenship (and voting rights). Some of the Tamil and Muslim leaders were Cabinet Ministers and, clearly, preferred to abandon the 'Indian Tamils' rather than their cabinet portfolios. The Marxists stood by the 'Indian Tamils' along with a splinter of the Sri Lankan Tamil group. The Sri Lankan Tamil and Muslim voters endorsed the actions of their

leaders when they re-elected them in 1952; even S.J.V. Chelvanayagam, who supported the 'Indian Tamils' and campaigned on that issue lost his seat at that election because the Jaffna voters had little concern for 'Indian Tamils'.

In turn, when the issue of official language/languages came up a few years later, only the Marxists stood with the Sri Lankan Tamils. This time they were led by Chelvanayagam, but the 'Indian Tamils' had been deprived of parliamentary representation. At that time the Sri Lanka Muslim Congress had not emerged and the Muslim leadership, which was then Colombo based and closely linked to the Sinhalese leadership, voted for Sinhala as the only official language, even though their own mother tongue was Tamil. The prime focus of the Sri Lankan Tamil leaders then shifted from language to regional autonomy for the North East, with language and citizenship (for 'Indian Tamils') remaining as important issues.

Ethnic and Social Divides

Curiously, the Marxists (LSSP and CP), who had stood with the Tamils on the issues of language and citizenship at much political cost to themselves, were unwilling to back them on the issue of regional autonomy. In the early 40s, the Communist Party had proposed a scheme of regional autonomy in keeping with the well established Marxist policy in relation to territorially concentrated national minorities, but backed off from that position when the Federal Party demanded federalism. The LSSP was consistently against regional autonomy. Politically the Federal Party and the Marxists have always regarded each other as 'untouchables'. Unlike the Indian Marxists, the Sri Lankan Marxists have found it easier to form alliances with right wing parties dominated by chauvinists from the majority community than with those from minority communities. There was worse to come. In 1965 when there was a move by the UNP government to give limited official recognition to the Tamil language the Marxist parties turned chauvinist and led the opposition to that recognition. In 1971, the Government, which then included LSSP and CP Ministers, decided on linguistic quotas in University admissions, which was a critical factor contributing to the rise of the Tamil rebel movement. Next blow straw was the starkly majoritarian 1972 Constitution formulated under the direction of LSSP Minister Colvin R de Silva in which the Tamil leaders had no say. The Marxists Ministers continued to hold office when the land reforms of the early 1970s were carried out with callous disregard for the concerns and lives of 'Indian Tamil' workers. They were also implicated in the suppression of several strikes and, above all, in the savage crushing of the JVP revolt. Their reputation, built up over four decades of principled politics was in tatters; their potential to be a bridge between the different ethnic groups was lost.

It was V. Dharmalingam, a Federal Party Member of Parliament, who invoked Marxist ideology in respect of "recognition of the right to self-determination of the smaller nationalities and the establishment of a federal form of government" (Uyangoda, 2001: 69) in his submission to the Constituent Assembly of 1971, and the Minister in charge and LSSP ideologue, Colvin R de Silva, who responded that Sri Lanka was an "economically unified nation", and that it should not be 'divided'. De Silva chose to confuse internal with external self-determination, federalism with secession. CP Member of Parliament and ideologue Sarath Muttetuwegama did not reject federalism but claimed that socialism should precede federalism and not the other way round (Uyangoda, 2001: 780-71). The JVP was underground at that time, but took a position similar to de Silva's. Uyangoda (2001: 87-88) quotes JVP leader Wijeweera's publication of 1986/1987 on this issue:

What appears starkly clear from all of Lenin's analyses is that 'the right of nations to self-determination' is applicable to a specific historical period and to a specific stage of social development. It is not applicable to all circumstances either. Neither is it a trans-historical formulation. Nations' right to self-determination does not stand above relative stages of social development ... Lenin is very clear in saying that there is no 'yes' or 'no' answer to the question of the nations' right to separation in the colonial world, annexed territories or in countries where the bourgeois democratic revolution has not been completed ... Lenin is firm in saying that the nations' right to self-determination is only a firm statement of struggle against all forms of national oppression. It is not a formula to create small states

In the case of the Indian Tamils, an agreement had been worked out between the the Government of Sri Lanka and the Government of India, in terms of which an agreed proportion of them were 'repatriated' to

India, in stages, and an agreed proportion granted Sri Lankan citizenship, also in stages. In this process they lost considerable trade union power but gradually gained a limited measure of voting power. In the Land Reform of the early 1970s, very many of them were evicted from the plantations which had been their only home for several generations, and large numbers of those evicted died with no food and no shelter. There was growing empathy between the Sri Lankan Tamil and 'Indian Tamil' leaders despite earlier bitterness and distrust on account of the complicity of the then Sri Lankan Tamil leadership in the Citizenship Act, and also the fact that the autonomy that Sri Lankan Tamils sought was irrelevant to Indian Tamils. 'Indian Tamils' responded positively to the fateful declaration made by Chelvanayagam on behalf of Sri Lankan Tamils:

We have for the last 25 years made every effort to secure our political rights on the basis of equality with the Sinhalese in a united Ceylon ... It is a regrettable fact that successive Sinhalee governments have used the power that flows from independence to deny us our fundamental rights and reduce us to the position of a subject people ... I wish to announce to my people and to the country that I consider the verdict at this election as a mandate that the Tamil Eelam nation should exercise the sovereignty already vested in the Tamil people and become free (Nesiah, 2001, 16).

However, the Sri Lankan Tamils have consistently socially excluded the 'Indian Tamils, and the two communities remain distinct. Moreover, their histories and interests are very different and, despite increasing political interaction, it would be unreasonable to expect the 'Indian Tamils' to abandon their distinctive political identity at this stage. As in the case of the Muslims, there may be political and economic gains (e.g. in respect of power sharing at the center and in respect of employment, educational opportunities, etc.) in not being assimilated into a Tamil speaking ethnic category dominated by Sri Lankan Tamils. It appears that, on a limited scale, there has been some 'passing' of individuals from the 'Indian Tamil' to the Sri Lankan Tamil category in the urban areas, as evident in the census figures, i.e. some 'Indian Tamils' may be classifying themselves as Sri Lankan Tamils. Perhaps in due course (over many decades) the Sri Lankan Tamil and 'Indian Tamil' communities may choose to adopt a common identity, but this can happen only when there is mutual social acceptance on the basis of equality.

In the case of the Muslims, blending into a common Tamil Speaking ethnic category appears to be no longer possible. Unlike in India, Muslims in Sri Lanka are, in their perception and that of others, ethnically distinct from others who speak the same language. It was not always so. Prior to Independence they were all Tamil speaking, and Tamil and Muslims initially had a common representative in the Legislative Council (invariably a Tamil). However, when the Muslims sought separate representation, the common representative (Ramanathan) objected. From 1885 there was a separate Muslim representative; but this separation was not reflected in the administration structures. For example, there was three cadres of Divisional Revenue Officers, viz Tamil (to serve the Tamil and Muslim majority areas), Kandyan Sinhalese (to serve the Kandyan areas) and Low Country Sinhalese (to serve the Low Country Sinhalese areas). Clearly, at that time, the distinction between Kandyan and Low Country Sinhalese was more salient than between Tamils and Muslims (those of Kandyan origin were not entitled to be admitted to the Low Country Sinhalese Division Revenue Officer cadre, and vice versa; but there was no such distinction between Tamils and Muslims). Today the distinction between the Kandyan and Low Country Sinhalese is eroding, but that between Tamils and Muslims is widening.

There was a failed attempt by Chelvanayagam in the 1950s and 1960s to forge a common Tamil Speaking ethnic identity. Since then, intermittent Tamil-Muslim riots in parts of the East, and the ethnic cleansing of the entire Muslim population of the North in 1990 has created rifts that may not easily heal. A complicating factor is the increasing fissures within the Muslim community. The Muslims had long been led from Colombo from within the major Sinhalese dominated parties, viz UNP and SLFP. It appears that the interests of the large concentrations of Muslims in the North and East were not adequately addressed by the Colombo based Muslim leaders who were more interested in advancing their economic interests. For example, many of them voted for Sinhalese as the only official language, and they did not appear to oppose large scale colonization by Sinhalese of Eastern districts previously dominated by Tamils and Muslims, which transformed the ethnic balance and tilted the voting power in the Eastern province. This was not surprising because the then Muslim leaders represented Sinhalese majority electorates. It was to remedy this situation that the Eastern based Sri Lankan Muslim Congress emerged under the leadership of Ashraff in 1981.

But different categories of Muslims have different interests. Those in the North and East remain Tamil speaking and are concerned about language rights, colonization (territory), and the development of their region. Within this category, those in the South East are in a Muslim majority region and many of them may find autonomy for the South East attractive; for Muslims elsewhere in the East, autonomy for the East as a single unit may be preferable. But for Muslims in the North, a more attractive alternative may be to negotiate for special rights and protection for Muslims within a combined North East. For the Muslims elsewhere, who outnumber the Muslims in the North and East, autonomy for a Muslim dominated region elsewhere may be threatening to their relationship with the Sinhalese if the Sinhalese resent that autonomy. Moreover, many of them are abandoning Tamil as their mother tongue and taking on Sinhala instead. The Muslim community and political leadership are fractured as never before, and this handicaps them in arriving at a political settlement with others, particularly with the Tamil leadership in the North East, and the Sinhalese leadership at the center. But both settlements are essential if the peace process is to progress.

Caste has remained a major factor in Sri Lankan society and politics and the oppression of at least some of the caste groups even more harsh than that of any ethnic group. But unlike ethnicity, caste is largely 'subterranean'. It is even claimed that it is no longer a problem in Sinhalese society; but the exclusion of non-goigamas from admission to the most prestigious chapter of Buddhist monks, and a perusal of marriage advertisements for prospective Buddhists and even Christian brides and bridegrooms prove otherwise. That it may be worse among Hindus is no consolation to 'low caste' Buddhist and Christians. Among the major linguistic and religious categories, only the Muslims could claim to have overcome caste prejudice. Such prejudice may be gradually waning but it is unlikely to be eradicated quickly. What has declined sharply is untouchability, but even this phenomenon continues to afflict two Sinhalese caste groups, Rodi and Kinnara, and five Tamil caste groups, the *panchamar* castes. It is people of these and other oppressed castes who are qualified to say if caste remains a major problem, and not those of the oppressor castes. Many of the submissions to the Donoughmore Commission (in the late 1920s) and the Soulbury Commission (in the mid-1940s) have been from aggrieved castes; so too to every electoral Delimitation Commission. Political parties make careful calculations based on the caste composition of the voters in nominating candidates for elections. In some cases it is widely accepted that there are different places of worship for those of different castes, though no one may be expressly excluded from any. An advantage of castes being 'sub-terranean' is that with spatial and economic mobility, the salience of caste identity is declining, particularly on the urban centers; but a disadvantage is that this blight is not addressed with a view to eradication.

The problem may be less acute than in India because, of the major religions of the island, only one (Hinduism) offers scriptural justification, and Hindus constitute only about 15% of the island's population. But the fact that the oppressed castes are in a minority (unlike in India) and therefore have limited political clout may hinder the elimination of this evil. Moves in 1948/49 by some Members of Parliament to appoint a 'Commission on the Upliftment of Degressed Castes' failed. There was a Prevention of Social Disabilities Act of 1957 but it was designed and served only to eradicate untouchability among Tamils: many Sinhalese felt (and feel) called upon to reform Tamil society, but not their own. The 1980 Presidential Commission on Youth did address this issue and acknowledged the salience of caste even in Sinhalese society, but caste was not its main focus.

The Indian Constitution, drafted by a committee chaired by Dr Ambedkar (a Dalit/untouchable), has many explicit provisions for quotas and other benefits to Dalits and Tribals. It may not be desirable to have such provisions in Sri Lanka although, in India, they were necessary and have been very beneficial. But India has also had two Backward Classes Commissions, the first of 1955 headed by Kala Kalelka, and the second of 1980 headed by B.M. Mandal. Perhaps Sri Lanka too needs a Presidential Commission on Social Disabilities to comprehensively explore the prevalence of caste discrimination and prejudices and to suggest appropriate remedies.

The Role of the Judiciary

The rule of law is integral to democracy, and the key institution in this field is the judiciary. What role is it called upon to perform? Given that the political leadership was not equal to managing the complicity of Sri

Lanka's ethnicity, what could have saved the island from its post-independence tragedies? Uyangoda (2001: 57-64), Tiruchelvam (1999), Coomaraswamy (1996) and Edrisinha (1989) point to the failure, the lack of imagination, of the judiciary in the constitutional discourse on minority rights protection. The following critique of Galanter (1984: 483-84) of Indian judges may be even more applicable to Sri Lankan judges:

Indian judges, especially in the Superior Courts, have a tradition of relative isolation from political life and governmental connection... The predominant style is formalistic ... Judges expatiate on the inherent meaning of words; they elicit definite answers from textual passages; they portray themselves as controlled by inexorable rules of procedure and precedence. Judges apply pre-existing rules; that this involves choices is rarely emphasized; for it is assumed that the choice will be guided by formal principles (e.g. canons of statutory interpretation) rather than by assessment of consequences. Therefore, making choices is a matter of professional knowledge and skill rather than of personal values or political involvement.

But as early as 1976 (e.g. in *State of Kerala v. N.M. Thomas*), the Indian Supreme Court, led by Chief Justice Ray, Justice Krishna Iyer and others, was breaking out of that mould. That trend has continued under Chief Justice Bhagwati in the 1980s and taken further in the 1990s, notably in *Indira Sawhney v Union of India* (1993). In this case, Justice Sawant, holding with the majority, (in para 17 of his judgement) ruled that:

... equality contemplated by Article 14 and other cognate articles ... of the Constitution is secured not only when equals are treated equally but also when unequals are treated unequally. Conversely, when unequals are treated equally, the mandate of equality before the law is breached. To bring about equality between unequals, therefore, it is necessary to adopt positive measures to abolish inequality. The equalizing measures will have to use the same tools by which inequality before the law is breached. To bring about equality between unequals, therefore, it is necessary to adopt positive measures to abolish inequality. The equalizing measures will have to use the same tools by which inequality was introduced and perpetuated.

In contrast to South Asia, the United States has a very long tradition of judicial activism, vide Holmes (1881):

The life of the law has not been logic: it has been expedience. The felt necessities of that time, the prevalent moral and political theories, institutions of public policy, avowed or unconscious, even the prejudices that judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics ... what the courts declare to have always been the law is in fact new. It is legislative in its grounds. The very considerations which judges rarely mention, and always with an apology, are the secret roots from which the law draws all juices of life. I mean, of course, considerations of what is expedient for the community concerned. Every important principle which is developed by litigation is in fact and at bottom the result of more or less definitely understood views of public policy ... the unconscious result of instructive preferences and inarticulate convictions but none the less traceable to views on public policy in the last analysis.

Accordingly, though the US Constitution made no explicit mention of slaves or slavery, it was understood that they were not entitled to the rights of citizens, and it was almost a century later, after the Civil War and the passage of the Thirteenth Amendment of 1865, that they acquired those rights *de jure* and, briefly, *de facto*. But within a decade, 'Black codes' and 'Jim Crow' laws evolved in many states, and even the Supreme Court interpreted the Due Process and Equal Protection clauses of the Fourteenth Amendment, as compatible with racial segregation and gender discrimination, and condoning practices resulting in racial discrimination of various kinds, including effective exclusion of Blacks from professional advancement, from institutions of academic excellence, and from the franchise (Nesiah, 1997, 15-20).

It was in the two civil rights decades in the USA, beginning with the landmark judgment against segregation in schooling in *Brown v Board of Education* (1954), that there was a significant reorientation of the Supreme Court. In that case it ruled that racial segregation was denial of 'equal protection of the laws' and later, in *Reed v Reed* (1971), that gender discrimination was also a violation of the clause. But the reorientation did not stop there; it swung beyond prohibiting discrimination to prescribing reverse discrimination (both race and gender). It even ruled against unintended discrimination through the use of neutral selection criteria such as intelligence tests if they disproportionately excluded Blacks (*Griggs v Duke Power Co*, 1971). In such cases, compensatory reverse discrimination is called for because the Supreme Court " ... was rightly concerned that the childhood deficiencies in the education and background of minority citizens, resulting from forces beyond their control, not be allowed to work a cumulative and invidious burden on such citizens for the rest of their lives" (*McDonnell Douglas v Green*, 1973) (Nesiah, 1997, 24-27).

In contrast to the USA, and India too in the fourth quarter of the 20th century, the Sri Lankan judiciary had consistently avoided confronting the state and avoided crucial political issues. When the Citizenship Act of 1948 and its sequel, the Franchise Act of 1949, were challenged by 'Indian Tamils' stripped of citizenship and voting rights, the Supreme Court held with the State on the grounds that the words of the law mattered but neither the discriminatory motive of the legislators nor the discriminatory impact on the 'Indian Tamils.' This was in direct opposition to the above quoted rule of Holmes' (1881) that "The life of the law has not been logic ... it cannot be dealt as if it contained only the axioms and corollaries of a book of mathematics" There is nothing to suggest that the judges who sat on that Supreme Court bench shared the ideology of the State, but much to suggest that they did not wish to oppose the state, and preferred to interpret Article 29(2) of the Constitution accordingly. That clause prohibited any law that made "persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable." Since that Citizenship Act did not name any community, though it prescribed criteria that adversely affected only 'Indian Tamils', the Supreme Court found it possible and chose to escape ruling against the State. There was an appeal to the Privy Council but, clearly, they too thought on similar lines and upheld the judgement of the Supreme Court. A sequence of majoritarian steps followed the passage of the first two against the Indian Tamils' the poorest and most vulnerable of the minorities. On the political morality of this initiative, D.S. Weerawardena (1951) comments:

The acts have taken away the vote from a group of people who already exercised it. In the result, the Ceylon Indians have virtually been denied the parliamentary seats they might have captured. In doing so, the balance of factors on the basis of which these constituencies were arranged has been disturbed. The constituencies as present represented by Ceylon Indians have been changed into "rotten boroughs." ... [I]n denying the seven seats to representatives of the Indian community by political means, the balance of communal claims that were struck by the Ministers' Draft and the Soulbury Constitution has been radically altered ... Is it right that a moral undertaking given to the minority communities be broken soon after constitutional power to break it has been obtained?

Against the next majoritarian legislation, the Official Language Act, a case was filed by an affected Sri Lankan Tamil public servant whose increments and promotions were denied for non-proficiency in Sinhala. The Supreme Court took the position that a public servant cannot sue the crown for the recovery of wages due, citing an archaic English law, and dodged considering the constitutionality of the Official Languages Act. But although the Supreme Court consistently continued to evade the option to mediate between the state and the minorities, the 1972 Constitution removed that option.

The 1978 Constitution retained the effective bar against judicial review of legislation in that a Bill could be challenged only in that brief interval before it is enacted. Using this undemocratic provision, the state ensures that in the case of controversial legislation the interval is so short as to virtually prevent interventions. However, the 1978 Constitution introduced, for the first time in the island's history, a justiceable fundamental rights charter. But the Supreme Court has remained averse to activism. Without a bold and imaginative Supreme Court, the benefits of the charter of fundamental rights have been limited to date, but there is much positive long term potential. The Jayawardene administration of 1977-1989, and those that followed, were just as indifferent to human rights and to the concerns of the Tamils as was the Sirimavo Bandaranaike administration of 1970-1977, and the Supreme Court has not been very helpful in the few cases that came up. The succession of pogroms of 1977, 1979, 1981 and 1983 (which was of

unprecedented scale), inexorably led to the brutal LTTE initiated civil war which went on from 1985 till the shaky ceasefire of 2002.

What Promise does Democracy now hold?

Democracy receded in Sri Lanka under the Sirimavo Bandaranaike administration with the alienation of the Tamil speaking communities, especially the Sri Lankan Tamils, on account of the imposition of linguistic quotas in University admissions in 1971, and on account of the majoritarian constitution introduced in 1972. It receded further with the land reform of the early 1970s which cruelly impacted on the 'Indian Tamils', with the recourse to the acts of violence by both the LTTE and the state (all of which went unpunished) and with the Vaddukoddai resolution in favour of secession, which is not a goal achievable through democratic means.

The trend turned sharply for the worse under the Jayawardene administration. The widespread 1977 pogrom in the wake of its election set the tone for that administration. In 1979 there was another pogrom, though less widespread. 1981 was the 50th anniversary of the introduction of universal adult franchise, and coincided with the first elections to the District Development Councils. In lieu of celebration of democracy, there was much bloody election related violence in Jaffna. There were a few killings, and arson; the grand Jaffna Public Library with over 90,000 books was burnt down by the police was smouldering even as the elections were blatantly rigged under the personal supervision of two senior Cabinet Ministers who came to Jaffna for that purpose with large numbers of personnel from the south who irregularly substituted for many of the duly appointed trained team of election officers. These acts of violence went unpunished, and prepared the ground for the massive meticulously planned pogrom of 1983. President Jayawardene publicly cast the blame for the 1983 pogrom on the victims, and got through legislation that effectively barred the Tamil leadership from parliament. These developments led inexorably to the civil war which the LTTE launched in 1985.

The Indian intervention of 1987 initially brought hope to most Tamils but provoked bitter resentment among many Sinhalese and the LTTE. Amidst much opposition, the 13th Amendment to the Constitution was hastily drafted and passed, but much of the prescribed devolutions was blocked administratively. In consequence, not only the LTTE (which was against the entire exercise), but even those who had hoped to secure devolution through democratic means were dissatisfied with the outcome. The Sinhalese leadership remained wedded to majoritarianism and unwilling to devolve powers to the regions. The LTTE went back to war in the North East but this time against the Indian Peace Keeping Force (IPKF). The JVP too resorted to violence, in the south, but this time with focus on excluding Indian intervention and influence. Since the IPKF was stationed only in the North East, it had no direct confrontation with the JVP.

In the meantime the Premadasa administration had been elected, but it was also opposed to devolution and even more anti-Indian. He initiated negotiations with the LTTE but, clearly, it was opportunistic. The LTTE had not abandoned the goal of secession, nor Premadasa his commitment to a unitary state. What was achieved was the reluctant departure of the IPKF, which suffered massive losses at the hands of the LTTE, and the crushing of the JVP uprising. The assassination of Premadasa brought in, briefly, a new administration under Wijetunga, who did not care to hide his starkly majoritarian ideology.

The election of President Kumaratunga on a peace platform brought fresh hope of peace and fresh negotiations with the LTTE, but this too was shortlived. She escaped an assassination attempt and went ahead with formulating, with the help of Neelan Tiruchelvam, a draft constitution that provided for more devolution than the 13th Amendment. Predictably, this was attacked by the UNP, JVP and many within her own party as a betrayal of Sinhalese interests, and also rejected by the LTTE which was not involved in the exercise. In response, the draft was repeatedly revised to decrease the degree of devolution, making it clearly unacceptable to virtually all Tamils. In the meantime, Tiruchelvam was assassinated by the LTTE.

It was now the turn of the UNP/UNF to campaign on a peace platform, and they won, clearly proving that peace is desired by voters, as in previous elections too. This time it was the turn of President Kumaratunga to be critical of the peace process, with the JVP and others taking more extreme positions. As before, the failure to secure a Southern consensus on peace negotiations has fouled up the process. A ceasefire was declared two years two years ago, but negotiations stalled a year ago and have not been resumed. In any

case, with the UNF, PA and JVP disunited on this as on many other issues, peace prospects look dim. The people want peace, and they keep voting for it, but there is some flaw in the democratic process which has led to peace remaining elusive.

Repeated attempts to resolve the ethnic problem have failed because the focus has been exclusively on working out a compromise formula acceptable to the Government of Sri Lanka on the one hand and, on the other, the Federal Party / Tamil United Liberation Front pre-1983, the Government of India in 1987, and the LTTE thereafter. The capacity of each party to deliver on its commitment was taken for granted. But a common feature of virtually all the agreements entered into has been the unwillingness or inability of the Government of Sri Lanka to do so fully, beginning with the Bandaranaike-Chelvanayagam pact of 1957 and the Senanayake-Chelvanayagam pact of 1965, up to the latest round of talks with the LTTE. In respect of the District Development Councils Act of 1980, though the legislation was enacted, the promised follow-up of significant devolution did not take place, resulting in the resignation of the Chairman, Jaffna District Development Council in July 1983, almost immediately followed by a massive pogrom. In the case of the Indo-Sri Lanka agreement of 1987, the 13th Amendment to the Constitution was passed but not fully implemented. In any case none of the agreements entered into in the past would be adequate to meet Tamil aspirations today; measures that would have settled the problem then will no longer do so.

In the course of successive negotiations, two significant articulations of Tamil aspirations have emerged. The first was the Thimpu principles, enunciated at the Thimpu conference of 1985, and unconditionally rejected by the state at that time. It was a missed opportunity. All significant shades of Sri Lankan Tamil opinion were represented through the EPRLF, EROS, LTTE, TELO and TULF, all of which participated in the drafting of the proposed principles; the LTTE had not yet developed either the ideological rigidity or the awesome military capacity which have been distinctive features of that organization in subsequent years. Moreover, the four Thimpu principles, listed below, were so worded as to permit both multiple interpretations and compatibility with internal self determination/federalism:

- (1) Recognition of the Tamils of Sri Lanka as a distinct nationality;
- (2) Recognition of an identified Tamil homeland and the guarantee of its territorial integrity;
- (3) Based on the above, recognition of the undeniable right to self-determination of the Tamil nation;
- (4) Recognition of the right to full citizenship and other fundamental democratic rights of all Tamils who look upon the Island as their country

The response of the leader of the GOSL delegation, H.W. Jayawardene, a brother of the then President, was characteristically unimaginative and negative, contributing to the early collapse of the negotiations. In a prepared statement, he stated:

[e]mphtatically that if the first three principles are to be taken at their face value and given their accepted legal meaning, they are wholly unacceptable to the government. They must be rejected for the reason that they constitute a negation of the sovereignty and territorial integrity of Sri Lanka, they are detrimental to a united Sri Lanka and are inimical to the interests of the several communities, ethnic and religious, in our country.

The Oslo statement by the Royal Norwegian Government at the end of the Oslo talks from 2 to 5 December 2002 between the GOSL and the LTTE, and with the concurrence of both parties, set out what may be the most important breakthrough of the entire series of talks. The essence of the declaration (extracts quoted below) is likely to be acceptable even to the Tamil groups not represented at the talks:

Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principles of internal self-determination in areas of historical habitation of the Tamil speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities

...

The GOSL will, in order to arrive at the broadest consensus, establish an appropriate mechanism for consultation with all segments of opinion as part of the ongoing peace process.

It is unfortunate that the Oslo breakthrough was not followed up and has been allowed to become cold, losing momentum, and allowing time for opposition to build up. In fact a GOSL blunder caused a breakdown in the series, which has not yet resumed. The leadership of the present government seems to find it acceptable but many factors are impending the resumption of talks. With no talks on, there is a danger of the key players drifting away from each other and from that statement and, indeed, from any solution. Perhaps the Oslo declaration could yet be revived and serve as the defining frame for talks on the proposed ISGA and other issues. The breakthrough is not only on the possible convergence of the negotiating parties on a federal structure but also on agreement on the need to consult all segments of opinion to arrive at the broadest consensus. It is only such a process leading to such an outcome that would be compatible with democracy.

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