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# Majoritarian Politics in Sri Lanka:

## THE ROOTS OF PLURALISM BREAKDOWN

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### I. INTRODUCTION

Sri Lanka represents a classic case of a country degenerating on the ethnic and political fronts when pluralism is deliberately eschewed. At independence in 1948, Sinhalese elites fully understood that marginalizing the Tamil minority was bound to cause this territorialized community to eventually hit back, but they succumbed to ethnocentrism and majoritarianism anyway.<sup>1</sup> What were the factors that motivated them to do so? There is no single explanation for why Sri Lanka failed to embrace pluralism: a Buddhist revival in reaction to colonialism that allowed Sinhalese Buddhist nationalists to combine their community's socio-economic grievances with ethnic and religious identities; the absence of minority guarantees in the Constitution, based on the Soulbury Commission the British set up prior to granting the island independence; political opportunism among especially Sinhalese, but also Tamil elites who manipulated ethno-nationalism

when seeking power; and the sectarian violence that congealed and hardened attitudes over time all contributed to majoritarianism. Multiple issues including colonialism, a sense of Sinhalese Buddhist entitlement rooted in mytho-history, economic grievances, politics, nationalism and communal violence all interacting with and stemming from each other, pushed the island towards majoritarianism. This, in turn, then led to ethnic riots, a civil war accompanied by terrorism that ultimately killed over 100,000 people, democratic regression, accusations of war crimes and authoritarianism.

The new government led by President Maithripala Sirisena, which came to power in January 2015, has managed to extricate itself from this authoritarianism and is now trying to revive democratic institutions promoting good governance and a degree of pluralism. This will not be easy, given the majoritarian mindset that has become embedded as well as the undermining and weakening of state institutions that nearly

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This paper is part of a new publication series from the **Global Centre for Pluralism** called **Accounting for Change in Diverse Societies**. Focused on six world regions, each "change case" examines a specific moment in time when a country altered its approach to diversity, either expanding or eroding the foundations of inclusive citizenship. The aim of the series – which also features thematic overviews by leading global scholars – is to build global understanding of the sources of inclusion and exclusion in diverse societies and the pathways to pluralism.

three decades of civil war and post-conflict authoritarianism promoted. But, hopefully, the lessons learned can now enable a more inclusive society that emphasizes common citizenship over divisive ethno-religious identities.

In covering the long story of post-independence Sri Lankan politics and the way it hampered pluralism, this case narrative is divided into four sections. The first looks at the country's ethno-religious demographics and how they influenced public policies that undermined what could have been a liberal democracy. It focuses on the numerous moves away from a strategy to build pluralism, and highlights how and why this happened at each moment. The second section discusses the consequences resulting from the anti-pluralism policies, with a focus on ethnic relations and democracy. The third briefly evaluates ongoing attempts to rectify the mistakes of the past while arguing that the majoritarianism that has been institutionalized makes it very unlikely Sri Lanka will strike a blow for full-fledged pluralism. The final section recaps the preceding narrative in list form so as to link it to the four drivers representing the Governance of Diversity section of this project.

## II. DEFENESTRATING PLURALISM

Sri Lanka was colonized for almost 450 years, first by the Portuguese, and then the Dutch and British. This heritage has shaped the country's ethno-religious makeup. According to the 2012 census, the island's ethnic breakdown was as

follows: Sinhalese 74.9%, Sri Lankan Tamil 11.2%, Indian Tamil 4.1%, Moors (Muslim) 9.3% and others 0.5%. In terms of religion, the island was 70.1% Buddhist, 12.6% Hindu, 7.6% Christian (with 6.2% being Roman Catholic) and 9.7% Muslim. Muslims were 7.5% in 1981, and that religious community's high fertility rate has been of concern for some Sinhalese Buddhist nationalists. In this context, it is worth noting, however, that, over the past century, it is the majority community's numbers that have mainly risen: in the 1911 census, the Sinhalese and Buddhists only accounted for 66% and 60%, respectively as compared to 75% and 70% in 2012.<sup>2</sup>

Inter-ethnic and intra-ethnic dynamics in multi-ethnic and multi-religious societies are complicated, and Sri Lanka is no different. The island's Muslims mainly speak Tamil (although many Muslim youth now also speak Sinhala), but they have consciously used their Islamic identity as their primary identity to differentiate themselves from ethnic Tamils. While approximately 10% of Sinhalese and 7% of Tamils are (mainly Catholic) Christians, one today rarely runs into Sinhalese Hindus and Tamil Buddhists, although Tamil areas in both India and Sri Lanka harboured Buddhist devotees in earlier times.

Sri Lanka (called Ceylon until 1972) is Asia's oldest democracy, having achieved the universal franchise in 1931, just three years after colonial power Britain adopted it. The country was granted independence in February 1948 without the instability in neighbouring India, which gained

its freedom following decades of anti-colonial struggle, communal violence and Partition. Indeed, the transfer of power to independent Ceylon was so tranquil that many in the interior failed to grasp the moment's significance. By the time power was transferred, civil society associations (organized both along ethno-religious and secular lines) were numerous, and leftist political parties led by the *Lanka Sama Samaja* Party (Lanka Equal Society Party, LSSP) and Communist Party of Ceylon (CP) had played a leading role socializing people politically. The United National Party (UNP) was created just before independence and its leaders were influential in negotiating the Constitution that Britain's Soulbury Commission designed.<sup>3</sup>

The period from the late 1930s to mid-1940s had seen some ethnic tension as Tamils clamoured for "fifty-fifty" representation between the minorities (Tamils and others) and the Sinhalese. This claim meant that the Sinhalese, who were nearly 70% of the population, would only have 50% of representatives within the legislature. Neither the Sinhalese nor the British thought much of the demand. Instead, a weighting formula was adopted to address Tamils' concerns, but it still ensured that the Sinhalese would be a majority in 75 of 95 constituencies.<sup>4</sup> Yet, notwithstanding differences regarding representation, Sinhalese and Tamil elites came together to promote a united front when discussing independence, thanks to the faith both groups placed in D.S. Senanayake, the UNP leader who became Sri Lanka's first prime minister.

Political elites play a leading role in determining a country's political development and the belief that Senanayake could be trusted to treat minorities fairly influenced both the Tamils and British in how they approached independence. If trust in Senanayake was responsible for the informal elite pact that led to minority guarantees being de-emphasized within the Constitution, the camaraderie he fostered across ethnic lines caused observers to believe that of those states gaining independence following the First World War, Sri Lanka had "the best chance of making a successful transition to modern statehood."<sup>5</sup> Senanayake died unexpectedly in 1952 and the ethnocentric policies rooted in linguistic nationalism that soon thereafter took shape caused even Britain's constitutional engineers to realize that they had made a serious blunder in not instituting ironclad minority guarantees.<sup>6</sup>

A constitution is a country's most important institution and represents its foremost governing "hardware." What gets included and excluded in a constitution conditions the degree of institutionalization and the trajectory of ethno-religious narratives and interactions (i.e., the country's "software") that subsequently take shape. The political structure the post-colonial Constitution created, in a country with a clear ethnic majority, lacked a bill of rights or specific minority guarantees, which made defenestrating pluralism quite a simple task for those advocating majoritarianism.

### III. ETHNO-RELIGIOUS DIVERSITY

The first major instance of exclusion was perpetrated against Indian Tamils, also called Hill Country Tamils, Up-Country Tamils or Estate Tamils, since most continued to work on tea plantations, as did their ancestors who came to the country as indentured labourers beginning in the 1830s. The community was denied citizenship within a year of independence. In an island replete with crosscutting cleavages, caste-conscious Sri Lankan Tamils supported this disenfranchisement, as did local and British businessmen (including tea estate owners) who feared these Tamil labourers, who had voted overwhelmingly against the pro-West and pro-trade UNP in the 1947 general election, would be easily manipulated by the country's leftist parties. Yet, the UNP representatives' demands when negotiating with the Indian government regarding the plight of Estate Tamils made clear the extent to which Sinhalese Buddhist ethnocentrism was motivating the island's position towards minorities, in this instance against longstanding residents who had contributed much to the economy.<sup>7</sup> It was not until the 1990s that all Indian Tamils were granted citizenship, but thanks mainly to forced repatriation to India in the 1960s and 1970s, the Indian Tamil population that comprised 12% of the population in 1946 was down to 4% in 2012.<sup>8</sup> This was a first pivot point away from pluralism, the first instance when post-independence Sri Lanka deliberately excluded a minority group, with ethnicity, economics and political ideology all playing a role in the decision. The episode

also created a precedent that emboldened Sinhalese Buddhist nationalists who have since repeatedly resorted to sectarianism to exclude and disempower the island's minorities.

Buddhism has played a major role in Sri Lanka and contributed to the island's unique character. Its influence is noted in a history book called the *Mahavamsa (Great Chronicle)*, which documents a chronology of Sinhalese kings beginning in 543 BCE, although scholars believe the text was first put together by Buddhist monks around the sixth century CE. According to the mytho-historical *Mahavamsa*, the Sinhalese are the progeny of a union between a princess and a lion, they originate from around West Bengal in India, and they were chosen by Lord Buddha to preserve and propagate his teachings to the world (*dhamma*) via Sri Lanka. The latter belief is the basis for Sri Lanka being considered *sinhadipa* (island of the Sinhalese) and *dhammadipa* (island containing Buddha's teachings), and the Sinhalese Buddhist nationalist ideology justifying majority domination and minority subordination. It is also the basis for Buddhism being provided special status in the 1972 Constitution, Buddhist clergy commanding significant influence in the island's political affairs, and Sinhalese Buddhist nationalists insisting on the island being a unitary state, as opposed to accepting power being devolved along federal or other lines.<sup>9</sup> Buddhist tenets and the Buddhist ethos are compatible with pluralism, but Sinhalese Buddhist political entrepreneurs and Buddhist leaders have instead chosen to eagerly project themselves as defenders of *sinhadipa* and *dhammadipa*, which in turn has ensured politics that devalues pluralism. As

the eminent scholar and monk Walpola Rahula argued:

Get this straight and quote me. Sri Lanka is a Buddhist Sinhala country. Let no one make a mistake. Seventy percent of the country consists of Buddhists and Sinhala people. Also make this clear that Sri Lanka is the only Buddhist Sinhala country in the world. If we don't live here, are the LTTE [Liberation Tigers of Tamil Eelam] and some of the Tamil parties asking us to jump in to the sea?

I got angry with [former Sri Lankan President] Premadasa because he chose to call Sri Lanka a multi-national and multi-religious state. No. It is a Buddhist Sinhala state...<sup>10</sup>

Aspects of Sinhalese Buddhist history are clearly mythic, fantastic and substantially embellished, but one must appreciate how deeply notions of *sinhadipa* and *dhammadipa* are entrenched in order to understand the stridency of the likes of Walpola Rahula, and why this belief system has thus far negated a culture of pluralism taking root.

Sri Lanka comprised three distinct kingdoms when the Portuguese landed in 1505. The British were the first to unify the island in 1815 and they made it a single administrative unit in 1833. Thus, it was British colonialism that cemented the island's unitary structure. Late-19th century Sinhalese Buddhist nationalists added mytho-history to this arrangement and laid the groundwork for the ethnocentrism and majoritarianism that followed, although failed British promises played a role in influencing their actions.

For instance, Britain had promised to provide subventions to Buddhist institutions when it took command of the whole island, but failed to do so sufficiently. Instead, it tolerated and promoted Christian evangelicals who mocked and trivialized Buddhism, which over time only inspired Buddhist elites to become more protective of their identity and culture.<sup>11</sup> British divide-and-rule policies also favoured Burghers—the mixed European and native population—and Tamils, partly because these groups were more conversant in English and were eager for government employment. While the surfeit of minorities employed within the bureaucracy and Tamil demands especially for greater representation within legislative councils contributed to Sinhalese-Tamil tensions in the decades prior to independence, the smooth transfer of power justified the optimism many felt regarding Sri Lanka's prospects. The Sinhala-only movement, however, sundered this promise. This was a second pivot point away from pluralism.

## IV. LINGUISTIC NATIONALISM

English continued to be the island's official language following independence, despite only around 10% being conversant in it. Thus permits, licenses, petitions, telegrams, police complaints and court proceedings were handled in a language 90% did not fully comprehend. This initially led to a *swabasha* (self-language) movement that called for both Sinhala and Tamil to replace English, and adoption of such a policy

of linguistic parity would have precluded much of the ethnic animus that eventually took root. The *swabasha* movement was rooted in principles of ethno-linguistic inclusion, but a counter-movement to make Sinhala the only official language, led by what came to be called the *Pancha Maha Balawegaya* (Five Great Forces—comprising Buddhist monks, workers, teachers, farmers and physicians practising Ayurveda), gained prominence. The consequences this counter-movement engendered led over time to Tamil separatism and civil war.

The Sri Lanka Freedom Party (SLFP), led by Solomon West Ridgeway Dias Bandaranaike, was the first to jump on the Sinhala-only bandwagon. Solomon Bandaranaike was a leading UNP politician who broke away and formed the SLFP after realizing he was not going to succeed the party's leader, and first prime minister, D.S. Senanayake.<sup>12</sup> He and the SLFP campaigned on a platform promoting linguistic parity in the 1952 election, but Bandaranaike opportunistically switched to Sinhala-only during the 1956 election campaign.<sup>13</sup> He thereafter resorted to divisive rhetoric and claimed he would make Sinhala the only official language in 24 hours (and sometimes said he would do it in just 24 minutes) if prime minister.<sup>14</sup> When the UNP belatedly realized that linguistic parity would cost the party the election, it too switched to Sinhala-only. The two parties thereafter tried to outdo each other on who best could promote the majority community's interests at the expense of the Tamil minority, leading to a process of ethnic outbidding that began empowering Sinhalese and marginalizing the hitherto relatively socio-economically "advanced" Tamils.<sup>15</sup>

This ethnic-outbidding process was, of course, exclusionary, but it is important to recognize that most SLFP and UNP elites who perpetrated it were hardly racists: they engaged in it mainly (if not solely) because they wanted to further their political aspirations. In the context of the "hardware-software" metaphor, the Sri Lankan case is a good example of how the absence of minority constitutional and legal guarantees (i.e., weak "hardware") allowed opportunistic elites to easily manipulate ethno-religious and cultural issues (i.e., "software") so as to jettison any tendencies towards pluralism.

For instance, the year 1956 was also when Buddhists commemorated the 2,500th anniversary of Buddha's death (*Buddha Jayanthi*). It was Buddhist monks who recorded, preserved and propagated Buddhist scriptures in the Pali language, and it was the transformation of Pali over the centuries that gave rise to modern Sinhala. The Sinhala language is thus inextricably linked to Buddhism, and Sinhalese Buddhist nationalists and politicians easily, and effectively, combined language and religion to reiterate notions of *sinhadipa* and *dhammadipa* when clamouring for a Sinhala-only language policy.

Bandaranaike's SLFP-led *Mahajana Eksath Peramuna* (People's United Front) coalition handily won the April 1956 election and the new government passed the Official Language Act of 1956 in June, making Sinhala the only official language. Sinhalese mobs assaulted Tamils who were peacefully protesting the legislation outside Parliament, thus provoking the island's first ever anti-Tamil riots. Colvin R. de Silva, a leader in the LSSP, opposed the legislation by warning

that “two torn little bleeding states may yet arise out of one little state” if the Tamil language was not accommodated;<sup>16</sup> and the Communist Party’s Pieter Keuneman proved equally prescient by saying, “Ten years from now it will be several times worse. This Bill is heading straight for the division of the country... Every order and regulation under it will be a cause for further strife.”<sup>17</sup>

The 1956 election was centred on Sinhala-only mobilization, and passage of the Official Language Act was a specific and very consequential pivot when pluralism was rejected and ethnocentrism rooted in linguistic nationalism institutionalized. What is obvious is that political elites knew full well this monumental act of exclusion was bound to subvert democratic institutions and also likely to lead to “terror, anomie, and the violent call [by Tamils] for a separate state.”<sup>18</sup> Yet, they went ahead anyway. Buddhist nationalists, including the Buddhist clergy, partly clamoured for a Sinhala-only policy for cultural reasons, but average Sinhalese realized rightly that the policy would benefit them economically (through jobs within the government bureaucracy) just as politicians realized that they could use the language issue to attain and maintain power. Solomon Bandaranaike, a liberal, made clear that he was manipulating the language issue for political purposes when he told an interviewer: “I have never found anything to excite the people in quite the way this language issue does.”<sup>19</sup> Consequently, nationalism aside, economics and politics played important roles in the Sinhala-only movement.

Seeking to tamp down simmering Tamil resentment, Bandaranaike and the Tamil Federal Party (FP) leader S.J.V. Chelvanayakam negotiated the so-called Bandaranaike-Chelvanayakam Pact (B-C Pact) in July 1957, through which the Tamils agreed to jettison the demand for linguistic parity in exchange for Tamil being recognized as a minority language and the government agreed to set up regional councils to deal with education, agriculture and Sinhalese colonization of Tamil areas in the northeast. This was clearly an attempt at inclusion; even while ensuring the Sinhalese stood to gain from the Official Language Act that had already passed. The B-C Pact could have reversed the burgeoning ethnic tensions, but the UNP, which had staunchly supported linguistic parity almost until the end of the 1956 election campaign, now sought to make political mileage by joining the Sinhalese Buddhist nationalists and vociferously opposing the pact. During this period especially, party politics oscillated between including, by promoting pluralism, and excluding Tamil linguistic aspirations, by promoting majoritarianism, but the process of ethnic outbidding ensured that majoritarianism triumphed.

Tamil politicians not belonging to the Federal Party did not help matters. Tamil leaders have rarely mounted a united front and their bickering was on full display when those who did not belong to the FP vilified the agreement. G.G. Ponnambalam, leader of the All Ceylon Tamil Congress, claimed that the FP was seeking to relegate Tamils to an “inferior position” that was akin to a “local version of apartheid.”<sup>20</sup>

Chellappah Suntharalingam, among the first Tamils in Parliament to call for a separate Tamil state, likewise branded the FP and Tamils favouring the agreement “cowards.”<sup>21</sup> Tamils, given their overrepresentation in the military, bureaucracy and education sectors, had become used to thinking of themselves as a dominant community even though they were a minority.<sup>22</sup> And given that they had joined with Sinhalese elites to ensure a smooth transfer of power in 1948, they rightly felt betrayed. Yet, their opposition to the B-C Pact was unrealistic given the island’s demographics and Solomon Bandaranaike’s election victory. Their vitriol merely provided support for Sinhalese extremists who were determined to fully exclude Tamils from helping to govern the island.

When another bout of anti-Tamil riots broke out in March and April 1958—after Tamils began protesting against state-owned buses using Sinhala lettering on number plates—Prime Minister Solomon Bandaranaike acceded to his opponents and abandoned the B-C Pact, tearing up a copy of the agreement in front of cheering Buddhist monks.<sup>23</sup> A Tamil parliamentarian captured the prevalent zeitgeist of ethnic outbidding when he asserted that “People who have never been communalists have become communalists and those who have been moderates have become extremists while extremists have become incorrigible fanatics.”<sup>24</sup> Otherwise put, the B-C Pact would have helped alter the country’s weak “hardware,” as represented by the post-colonial Constitution, and thereby promoted pluralism. But elite manipulation of the country’s “software,” in the form of ethno-religious passions, prevented

this from happening. It was a scenario that kept repeating itself.

For instance, in August 1958, Prime Minister Bandaranaike managed to get the Tamil Language (Special Provision) Act No. 28 passed, which was geared towards enabling the reasonable use of Tamil for correspondence with government departments, administration of the predominantly Northern and Eastern Provinces, and in civil service examinations and educational programs. Here then was another attempt at inclusion, and had the Act been seriously implemented, it is possible the burgeoning ethnic animus could have been halted. But a Buddhist monk assassinated the Prime Minister in September 1959, and the SLFP government (1960–65), headed by Solomon Bandaranaike’s widow, Sirimavo Bandaranaike, refused to pass necessary regulations to implement the Act. The requisite regulations were only approved in January 1966 under a UNP government headed by Dudley Senanayake, the son of D.S. Senanayake. This time it was the SLFP that opposed the regulations, and the LSSP and CP, both of which had stoutly defended linguistic parity until the early 1960s, joined them.

This UNP government under Dudley Senanayake (1965–70) did try to accommodate Tamils’ other language demands through the so-called Dudley Senanayake-Chelvanayakam Pact (or D-C Pact) of 1965, which would have recognized the Northern and Eastern Provinces as Tamil-speaking and given Tamils first preference when colonizing lands in the east. Here, then, was yet another attempt at inclusion and it, like the B-C Pact, could have belatedly clamped down on



Tamil discrimination that by then was spreading across government establishments. Virulent opposition, however, mounted by the SLFP, LSSP, CP and Sinhalese Buddhist nationalists scuttled the attempt. This blockage was another example of the culture of ethnic-outbidding that had been institutionalized, and it signaled that a Sinhalese Buddhist dominated government (often termed an ethnocracy) was in store.

Throughout these years, Tamils protested and resorted to *satyagraha* (passive resistance). They flew black flags when the Sinhala Only Act was passed, and made stirring speeches in Parliament. But they had little to show for it. Indeed, moderate Tamils were not only humiliated when agreement with Sinhalese leaders (like the B-C and D-C Pacts) was jettisoned, but less compromising Tamils within and outside Parliament also ridiculed them.

Language, to a great degree, defines culture. In a polyethnic setting, it also shapes socio-economic opportunity. Consequently, making Sinhala the sole official language not only challenged Tamils' right to celebrate and thrive within their culture, it also stood to negatively affect their economic and social success, especially in education and employment. And this is precisely what ensued after Sirimavo Bandaranaike took over the SLFP in 1960. In going well beyond trying to fully implement the Sinhala-only policy (which took effect on 1 January 1961), the blatantly ethnocentric policies of Prime Minister Sirimavo Bandaranaike's two governments (1960–65 and 1970–77) further undermined pluralism and goaded Tamils towards separatist mobilization.

## V. OTHER ETHNOCENTRIC POLICIES

With the Sinhalese and Buddhists being a clear majority, it was imperative for politicians to pay heed to the majority community's preferences. For Sinhalese Buddhists—at a time when the government was the largest employer and a government pension was the only protection against penury in old age—the fact that the Tamil minority was disproportionately represented in the armed forces, bureaucracy and university system was jarring. The British and Sri Lankan elites might have been more cognizant of the manner in which the one-person, one-vote democratic principle could lead to majoritarianism, and they could have designed institutional checks and balances to protect against this outcome. This was not done, partly because the lack of an independence movement had caused most people to consider the island a model colony and partly because, as noted above, many placed great trust in UNP elites such as D.S. Senanayake.

In any case, policies geared to improve the lot of the Sinhalese while gradually reducing the Tamil component in these institutions would have been judicious. The policies and practices that Sirimavo Bandaranaike's governments effectuated were anything but gradual and judicious. Indeed, they were so divisive and destabilizing that "It could be said with no exaggeration that it was the widow [Sirimavo Bandaranaike] who was the mother of Tamil militancy."<sup>25</sup> Or as Nigel Harris aptly noted, "If the gods had wished to destroy, the madness of Sri Lanka's rulers gave them every opportunity;"<sup>26</sup> for "if the Tamils had not existed, Colombo would

have had to invent them. And, in an important sense, it did. It was [Sinhalese elites in] Colombo that forced the inhabitants of the north to become different, to cease to be Sri Lankan and become exclusively Tamil.”<sup>27</sup>

Sirimavo Bandaranaike’s two terms saw a catalogue of exclusionary ethnic policies instituted: Sinhala-only was applied to the judicial system even in the northeast, where the vast majority of Tamils spoke and understood no Sinhala; Tamil civil servants were forced to learn Sinhala in order to be promoted; few Tamils were hired into government service after 1960; Sinhalese civil servants who spoke no Tamil were stationed in Tamil areas as a way of ensuring linguistic hegemony; quotas were introduced to increase the number of rural Sinhalese students in the university system (which also negatively impacted urban Sinhalese, although the main target was Tamils); Tamil students were required to score higher in order to enter the universities (with some in government making the dubious claim that Tamils scored high on exams only because Tamil examiners inflated grades); the government avoided developing Tamil areas (especially irrigation) even when foreign aid was earmarked for these areas, and in some instances used the aid to develop Sinhalese areas; the government aggressively pursued ethnic flooding of Eastern Province by sponsoring Sinhalese colonization; and Tamil literature and entertainment entering the island from neighbouring Tamil Nadu were banned or controlled. In 1961, the military was stationed in Northern Province in response to peaceful Tamil protests and the army soon came to be seen as an occupation force.<sup>28</sup>

The next pivot away from pluralism came in 1972 when the government instituted, without any input whatsoever from Tamils, what was widely considered the country’s first autochthonous constitution, which established Sinhala as the official language, declared the island a unitary state and also gave Buddhism foremost status. This was another act of exclusion in that the government not only utterly disregarded minority opinions, but it superimposed a majoritarian constitution on minorities. If Sri Lanka’s prospects of becoming a liberal democracy had once been good, the policies that especially Sirimavo Bandaranaike instituted during her two terms made it a full-fledged ethocracy. This was why even some mainstream Tamil leaders joined with many youth, and called for a separate Tamil state (*eelam*) in the mid-1970s.<sup>29</sup>

The LSSP and CP had taken principled positions against Sinhala-only and spoken out forcefully against marginalizing Tamils, but many policies of Prime Minister Sirimavo Bandaranaike’s second government had their support. As one scholar observed, these parties’ leaders “had reconciled themselves in the sunset of their lives to abandoning the vision of world revolution and settling cosily for the three [cabinet] portfolios that Mrs. Bandaranaike had given them.”<sup>30</sup>

In 1971, a Sinhalese Maoist group called the *Janatha Vimukthi Peramuna* (People’s Liberation Front, JVP), which espoused an ideology combining nationalism (which emphasized anti-India rhetoric) with socialism, unleashed an insurrection seeking to topple the government. The attempt was violently put down and the group banned. The insurrection partly influenced some

of the government's policies designed to promote Sinhalese interests and they also coincided with increased disgruntlement among Tamil youth who found their socio-economic upward mobility blocked by the government's discriminatory ethnocentric policies. The extent of Tamils' relative deprivation is clear when one compares their decline in government service: in 1956, 60% of engineers and doctors, 50% of the clerical service, 40% of the armed forces and 30% of the Ceylon Civil Service were Tamil. By 1970, the numbers had dropped to 10%, 5%, 1% and 5%, respectively.<sup>31</sup> By the time the civil war ended in 2009, over 95% of all government employees were Sinhalese, including the military at nearly 98%.

This radical overhaul was partly achieved by replacing the Ceylon Civil Service (CCS) in 1963 with the Ceylon Administrative Service, since Sirimavo Bandaranaike's government felt CCS personnel were insufficiently sensitive "to the spirit of the times," and wanted instead a "more obedient, less intellectually inclined, and less argumentative" cadre that would carry out government orders.<sup>32</sup> The 1972 Constitution went further and disbanded the Public Service Commission, which ensured public servants were appointed impartially, and the Judicial Service Commission, which ensured the independence of the courts, and also did away with judicial review of legislation. It replaced these entities with the State Services Advisory Board and the State Services Disciplinary Board, which were placed under the Cabinet of Ministers, who thereafter controlled appointments, transfers and dismissals, and were allowed to operate outside

the purview of the courts because the judiciary too was considered a threat to the "popular will."<sup>33</sup> Such reforms allowed politicians to replace Tamils with Sinhalese within their ministries and throughout the government, but it also led to de-institutionalization and political decay.<sup>34</sup>

The autarky and dirigisme the second Bandaranaike government embraced in the 1970s led to widespread scarcity of basic goods and the resulting moribund economy played a major role in ensuring the J.R. Jayewardene-led UNP government clinched power in July 1977. The UNP won by a massive five-sixths majority. The SLFP was decimated, winning just eight seats. The Tamil United Liberation Front, comprising the Tamil Congress and the Federal Party, won 18 seats and became the official opposition. Given the harm Sirimavo Bandaranaike's governments had caused the Tamil community, many Tamils living in predominantly Sinhalese constituencies voted for the UNP and Jayewardene. While Jayewardene had advocated for a Sinhala-only policy even before Solomon Bandaranaike (indeed in 1944),<sup>35</sup> and resorted to ethnic outbidding in the 1950s, he was considered a politician savvy enough to deal with Tamil anxieties and the burgeoning Tamil radicalism in the northeast.

Jayewardene was pro-West and pro-market, and he utilized help from the International Monetary Fund, World Bank and Western countries to institute structural adjustment reforms even as he fundamentally changed the island's Constitution again in August 1978. This new constitution introduced a presidential system, changed the electoral system (from first-past-the-post to multi-

member open list proportional representation), retained Buddhism's status as being provided "the foremost place" and reiterated that Sinhala was the official language, but also recognized Tamil as a national language that was to be used in the northeast for all transactions. Numerous Tamil youth had joined rebel groups bent on separatism by the time Jayewardene became prime minister and he could easily have passed legislation that would have satisfied Tamils' legitimate grievances. Rather than pursue meaningful devolution, however, Jayewardene got rid of extant village and town councils in 1981 and replaced them with District Development Councils (DDC), which he hoped would satisfy Tamils. While these DDCs may have contributed to minor economic development,<sup>36</sup> they also reinforced the government's predilection for centralization. Sinhalese Buddhist nationalists have consistently opposed devolution for the northeast, and they have especially contested Tamil demands for a federal arrangement, claiming that this would constitute a step towards separatism. Jayewardene seems to have agreed with them, for both Machiavellian and nationalistic reasons.

The Constitution of 1978 provided the president immense powers. Jayewardene used it to strip Sirimavo Bandaranaike of her civic rights for seven years, as punishment for postponing elections and extending SLFP rule by two years, until 1977. This prevented her from contesting elections, which ensured that his most formidable opponent could not challenge him in his reelection campaign. He also got Parliament to amend the Constitution 16 times during his presidential tenure from 1978–88. The Fourth Amendment

allowed the newly re-elected President Jayewardene to propose the only referendum held in Sri Lanka, one which would extend the life of Parliament and thus allow the UNP to maintain its five-sixths parliamentary majority for another term, without any constituency contests and via a simple national majority.

Beyond the disregard for the rules of parliamentary democracy, in the referendum campaign as well, union members, clergy, academics and civil society activists who opposed government plans were harassed and beaten.<sup>37</sup> This referendum marked the most blatant violations of liberal democracy up to that point in time and, in a real sense, created the precedent for politicians and parties to try and rig elections. President Jayewardene clearly felt he had to operate assertively to ensure the success of his economic reforms, but his actions came at the expense of good governance.

His government's most divisive insidious policies, however, related to the worsening ethnic situation. Despite glaring evidence that two decades of Sinhalese Buddhist ethnocentrism had contributed to a burgeoning Tamil rebellion, Jayewardene sought to use the instability in the north to empower himself and the UNP, whose members resorted to anti-Tamil riots merely a month after the government took power in 1977.<sup>38</sup> The August riots were followed by violence in Jaffna, the northern capital, in May 1981, just before the DDC elections. The violence UNP supporters perpetrated, and security service personnel enabled, led to numerous Tamil shops and some homes being destroyed. Most importantly, the famous Jaffna Public Library,

a symbol that epitomized Tamil intellectual achievement and housed many rare manuscripts among its 95,000 volume collection, was torched. Tamil youth especially in Northern Province were resorting to bank robberies and had killed some police personnel by this time, and this no doubt contributed to the mayhem in Jaffna. But the impunity with which government thugs ran amok while some prominent members within the UNP inflamed passions by resorting to racist anti-Tamil rhetoric signaled that worse was to follow.

And worse did follow in 1983, when the Liberation Tigers of Tamil Eelam (LTTE) ambushed an army patrol in July and killed 13 soldiers. This was the largest loss of military personnel in a single incident, and it led to the worst ever anti-Tamil pogrom, with government supporters using electoral roles to identify and attack Tamils and their properties. They were aided and abetted by government politicians, Buddhist monks and military personnel. Ultimately, thousands were displaced, hundreds of Tamil properties destroyed, and between 400 and 2,000 Tamils killed.<sup>39</sup> President Jayewardene did not impose a curfew or address the country until after three days of rioting; when he did, he evinced almost no sympathy for what the Tamils had endured. Neither he nor his Cabinet ministers bothered to visit any of the 70,000 Tamils who had sought refuge in schools, many within Colombo. Jayewardene falsely claimed that the Maoist JVP had been the main orchestrator of the violence. This assault forced the group to go underground, from where it mounted a second bloody insurrection in the late 1980s.

The previous government, led by Prime Minister Sirimavo Bandaranaike, had pursued autarky and dirigisme that may have caused economic stagnation, but nonetheless allowed many Sinhalese with connections to the regime to monopolize trade within certain sectors. The open market that came with the structural adjustment approach undertaken by the Jayewardene regime undermined such monopolies even as it allowed Tamil retailers and wholesalers new opportunities to thrive.<sup>40</sup> The systematic manner in which Tamil businesses were destroyed and the support Sinhalese businessmen provided rioters suggest that the riots were also fanned by Sinhalese businessmen determined to eliminate their Tamil competitors.<sup>41</sup> The pogrom caused Tamils living and working in the south to flee to homes and ancestral abodes in the northeast, and many among them joined the various rebel groups that had formed since the early 1970s. Thousands also fled the island, to eventually form the potent Tamil diaspora. This pivot away from pluralism marked the beginning of Sri Lanka's civil war, which was to last 27 years.

## VI. ETHNIC CONFLICT AND SOFT-AUTHORITARIANISM

With the Sinhalese being a clear majority, it was too easy for ambitious politicians to manipulate ethnic sentiments when seeking elected office. But democracy necessitates inclusion, and how a country treats minorities is one important determinant of its democratic credentials. Countries like India may have had no choice in

accommodating minorities, given India's ethnic tapestry. Others like Canada and Belgium, despite lacking as complex an ethnic diversity, recognized multiple identities and set up institutions that permitted multiculturalism and civic nationalism. Sri Lanka's leaders went out of their way to do the opposite, and in the process also undermined the liberal democracy that was well within the island's grasp.

Ethnocentrism and ethnic conflict trivialize the liberal tenets undergirding democracy. This is because civil wars especially privilege narratives rooted in security, territoriality and sovereignty, and thereby deemphasize individual, civil, political and group rights. In this context, those seen to be operating against the state are the ones most affected. In the Sri Lankan case, the majority Sinhalese initially put up with myriad anti-democratic practices the state directed at Tamils because they, as a community, benefitted from such practices and were least affected by the counter-terror activities the state mounted against the LTTE and its perceived supporters. Yet, illiberalism cannot be compartmentalized, and the policies used to intimidate and control Tamils eventually were directed at all Sri Lankans as the country hurtled towards authoritarianism.<sup>42</sup>

For instance, one of the first pieces of legislation the government passed to counter Tamil separatism was the Prevention of Terrorism Act of 1978, which allowed the security forces to arrest, detain without trial and keep incommunicado for 18 months anyone suspected of promoting terrorism. Scores of innocent Tamils got caught in its dragnet and this legislation together with

the 1983 riots may have done more to radicalize Tamils than all the previous anti-minority policies put together. The state of emergency that was continuously imposed also allowed the armed forces and Tamil rebels to operate in grotesque ways. Tit-for-tat attacks targeting innocent Tamil and Sinhalese villagers and Buddhist clergy saw hundreds murdered.<sup>43</sup> Dispassionate and unbiased governance is a hallmark of democracy, but the ethnocentrism successive governments had facilitated undermined impartial institutions and any approach to pluralism—because the Parliament, bureaucracy, military, educational institutions and the courts were all operating within an ethnic prism. The fear psychosis and culture of revenge the civil war promoted hardened attitudes and further exacerbated this situation.

The no-holds-barred attitude the government and security forces adopted was easily justified as a response to the LTTE's modus operandi. The group had attacked and coopted other Tamil rebel organizations so as to claim sole representative status for the Tamils and embarked on a murderous strategy to create *eelam* (a separate Tamil state). It assassinated anti-LTTE Tamils; perfected suicide bombing and influenced other terrorist groups; killed numerous military and political leaders, including President Ranasinghe Premadasa in 1993; assassinated former Indian Prime Minister Rajiv Gandhi in 1991; resorted to extortion within and outside Sri Lanka; forcibly recruited children into its forces; evicted over 60,000 Muslims from Northern Province; and used civilians as human shields. In the process of trying to set up *eelam*, the LTTE sought to

transform Tamil life in some positive ways; they, however, ended up transmogrifying the community.<sup>44</sup> As the *Economist* aptly put it the LTTE were ultimately “as vicious and totalitarian a bunch of thugs as ever adopted terrorism as a national liberation struggle.”<sup>45</sup>

Successive attempts at ceasefires and conflict resolution failed because the LTTE were never serious about settling for any solution short of *eelam* and the Sri Lankan government was never committed to meaningful devolution. An aggrieved and nationalist Tamil diaspora pitted against equally committed Sinhalese Buddhist nationalists only fanned the ethnic flames. For instance, India-brokered talks in Thimpu, Bhutan, in July–August 1985, led to Tamil rebel groups making four principal demands (that thereafter formed the basis for much of what the LTTE insisted on in subsequent talks): Tamils to be recognized as a distinct nation; the northeast designated as their historical homeland; Tamils allowed the right to self-determination; and all Tamils granted Sri Lankan citizenship. The latter was in response to the plight of Indian Tamils, many of whom had shifted to Northern Province, particularly following the 1983 anti-Tamil pogrom. The Sri Lankan government refused to accept the conditions and ongoing violence between rebel groups and government forces during the discussions (despite a ceasefire having been agreed to) caused the Thimpu talks to collapse. Similarly, attempts by President Chandrika Kumaratunga to promote federalism and create a new constitution also failed in 2000, partly due to LTTE and Sinhalese Buddhist nationalist intransigence, but also due

to opposition within her own People’s Alliance coalition and the UNP playing spoiler. The Norwegian-sponsored peace process during 2000–06 also failed because both sides refused to compromise, and the LTTE especially violated its terms with abandon.<sup>46</sup> These failed processes make clear how important timing can be. The more the Sinhalese-Tamil conflict intensified, the more uncompromising people on both sides became.

The most serious attempt to deal with devolution and put an end to the conflict took place in 1987, but the ham-handed and overbearing Indian involvement that accompanied this effort also internationalized and further complicated the civil war. Indeed, geo-political and regional considerations were increasingly shaping the Sri Lankan story. A government military offensive in May–June 1987 to capture territory in the Jaffna Peninsula led to Indian involvement. The timing coincided with Sri Lanka’s tilt towards the West, even as the so-called “Indira Doctrine” influenced Indian geopolitics. This stance suggested India’s security considerations were co-terminous with what took place throughout South Asia, and South Asian states should therefore avoid regional and international entanglements that were inimical to Indian interests; and that India could also not disregard the plight of extraterritorial minorities with ties to ethnic groups in India as the resulting dynamics inevitably affected it.<sup>47</sup> The 1971 Pakistan civil war that led to the creation of Bangladesh no doubt influenced this position, although Sri Lanka’s tilt towards the West caused its amplification during the early 1980s.

President Jayewardene's attempts to cozy up to the West without regard for Indian security concerns,<sup>48</sup> and the sour relations between him and Indian Prime Minister Indira Gandhi, had led India to secretly arm and train Tamil rebels in the 1980s.<sup>49</sup> When it appeared the May–June 1987 military offensive was likely to crush Tamil militants, pressure from the Indian state of Tamil Nadu caused Gandhi's son and successor, Rajiv, to impose on the Sri Lankan government and LTTE the 1987 Indo-Lanka Peace Accords, which called for the LTTE to give up their weapons and for Sri Lanka to institute devolution. The effort failed. The LTTE ended up fighting the Indian Peace Keeping Force (IPKF) that was stationed in the northeast, in what turned out to be India's longest war. The Sri Lankan government did pass the 13th Amendment to the Constitution, which led to provincial councils and the Northern and Eastern provinces being merged, but the IPKF presence led to much hostility against India and caused Jayewardene's successor, Ranasinghe Premadasa, to demand that the Force leave the island. Some IPKF personnel had acted in predatory fashion against Tamil civilians and the Force was equally unpopular among both Tamils and Sinhalese when it left in March 1990.<sup>50</sup> However, the IPKF presence had helped the government scotch a second violent uprising by the JVP because the Sri Lankan forces did not have to battle Tamil rebels in the north and JVP rebels in the south at the same time.

The provincial councils, which were designed to address Tamils' grievances by devolving some powers to regions, ended up operating throughout Sri Lanka (except the predominantly

war-torn Tamil northeast). Moreover, elections for the Northern Provincial Council were only held in September 2013 after much international pressure was brought to bear on the Sri Lankan government. Sinhalese Buddhist nationalists had vociferously opposed the Indo-Lanka Peace Accords and its attendant IPKF presence and northeast merger. The nationalists were especially opposed to the 13th Amendment granting powers over police and land to the provinces. The Sri Lanka Supreme Court upheld the 13th Amendment soon after it was passed, but, in 2006, ruled that the merger of the Northern and Eastern Provinces was invalid.<sup>51</sup> While this still meant that the provinces controlled police and land powers, in reality these, and all other powers vested in the provinces, are regulated by the central government.<sup>52</sup>

The Provincial Councils, had they been allowed to operate as per the 13th Amendment, might have satisfied most Tamils, especially after it became clear that the LTTE quest for separatism was headed for a dead end. But successive governments have preferred to operate in paternalistic and centripetal fashion when dealing with provinces, and the suggestion that empowered Northern and Eastern Provinces (the latter where Tamils and Muslims constitute a clear majority) could promote separatism and undermine the island's unitary state status has also precluded the predominantly Sinhalese provinces from asserting themselves. Today, parties and politicians at the national level not only often dictate how provincial budgets, which the national government allocates, get spent, they also use the provincial councils to appoint supporters as



councillors, despite this being the purview of provincial leaders. Disempowering provincial councils was taken to new heights under the Mahinda Rajapaksa government, which came to power in November 2005 and catapulted the country towards authoritarianism.

President Mahinda Rajapaksa gets credit for having defeated the LTTE, which many military experts predicted was not possible. The controversial manner in which his government and military did so, however, has led to accusations of war crimes. Given his longstanding and solid Sinhalese Buddhist credentials, Rajapaksa could have easily used the victory over the LTTE to pursue measures that accommodated some Tamil grievances. He instead pursued policies that further marginalized minorities, including Muslims who had been anti-LTTE and opposed to separatism, even as he sought to create a political dynasty rooted in soft authoritarianism.<sup>53</sup>

On the authoritarian front, Rajapaksa, and what came to be called the First Family, controlled nearly 70% of the country's budget even as they used various tactics (bribing, engineering defections, ordering investigations and ensuring negative media coverage) to keep opposition weak; undermined institutions (especially Parliament and courts) so as to arrogate power within the executive branch and among family members; resorted to unfair election practices (including pre-election rigging); muzzled the independent media, which led to self-censorship; terrorized civil society; widened surveillance of opponents; expanded state and family influence

in the private sector (especially banks and finance companies); and allowed the regime's supporters to engage in corruption and sexual predation with impunity. He had Sarath Fonseka, the former army commander who designed the war strategy to defeat the LTTE, arrested in humiliating fashion and thereafter court-martialed on flimsy grounds in retaliation for running against him in the 2010 presidential election; and he likewise orchestrated the impeachment of the very first female Chief Justice of the Supreme Court after she rendered an unfavourable decision.<sup>54</sup> While all this directly impacted democracy and good governance, the regime's attempts to militarize the country, and use Sinhalese Buddhist nationalism to destabilize the northeast and target Muslims, especially undermined whatever hopes there were for reviving pluralism in a post-conflict setting.

Consequently, as opposed to returning lands that has been taken over to set up camps and High Security Zones in the northeast, the Rajapaksa government went on building even more camps post-war, and also constructed military-administered hotels and guesthouses. The lack of demobilization and increased militarization saw soldiers operating tea shops and barber salons in Tamil areas (principally along the A-9 highway connecting the north and south), working on military-run farms that were created using state lands and Tamil-owned properties (while many landowners languished as part of the internally displaced), and running tourist and business ventures the private sector had hitherto overseen. A rigorous surveillance system in the northeast saw military personnel attending all functions, especially in Tamil villages, even as

rehabilitated LTTE cadres were also used to monitor village activities. A Presidential Task Force, superintended by President Rajapaksa's brother Basil, controlled all development in Northern Province (with NGOs and donor agencies repeatedly prevented from carrying out vital programs). The Tamil version of the national anthem was banned. Cemeteries the LTTE had erected to commemorate its dead were flattened and military barracks built over them in some instances. Buddhist pagodas and military monuments celebrating victory over the LTTE were conspicuously built along northern roads in ways smacking of Sinhalese Buddhist hegemony, while Buddhist monks were provided with land to set up temples in some locales, and Buddha statues and bo (*ficus religiosa*) trees erected in certain Tamil and Muslim villages in the northeast so as to brand these regions Buddhist (even though in many instances no Buddhists lived there). Furthermore, Sinhalese colonization of Tamil areas was encouraged (a policy that various governments had facilitated especially in Eastern Province since independence), streets and villages in the northeast were provided Sinhalese names, and water and other resources in the east rationed in ways to create tension between Tamils and Muslims.

All this ensued as rumors spread that Tamil women recruited to work on military-run farms were engaged in illicit affairs and prostitution and the widespread use of alcoholism, drugs, and pornography throughout Tamil communities caused anomie and ruptured families; periodic claims of a LTTE recrudescence led to search and detention operations that kept Tamils

scared and discombobulated; and the two ex-military governors of Northern and Eastern Provinces operated as if their primary goal was to try and ensure that Tamils were kept hopeless and prostrate.<sup>55</sup> In the early 1960s, Sirimavo Bandaranaike's Permanent Secretary for Defense and External Affairs, N.Q. Dias, had called for military bases to be set up throughout Northern Province so as to pacify and control Tamils, and the Rajapaksa government's policies decades later were rooted within this mentality. The speed with which this transformation took place caused many among the Tamil community to claim that the government was overseeing a policy of "cultural genocide."<sup>56</sup>

With the Sri Lankan Tamils having embraced separatism, the Tamil-speaking Muslims were long considered the "good minority." They too paid a heavy price during the ethnic conflict, however, since the LTTE targeted Muslims in the northeast and evicted all Muslims from Northern Province. During the civil war, a number of Muslims used their links to the east and worked as government intelligence operatives; and Muslim politicians consistently lobbied Muslim and Middle Eastern countries on behalf of Sri Lanka. The community was nonetheless stunned when mobs led by Buddhist monks destroyed a 300 year-old Muslim shrine in September 2011. A longstanding mosque in Dambulla, a prominent Buddhist pilgrimage site, was attacked in April 2012. Three months later the blatantly racist, anti-Islamic (and anti-Christian) *Bodu Bala Sena* (Buddhist Power Force, BBS) was launched, which thereafter led to regular attacks against Muslims, their properties and mosques, even as

the police looked on. The most serious attack took place in June 2014 in Dharga Town, a Muslim enclave south of Colombo, when mobs supported by police commandos killed two Muslims, and destroyed dozens of homes and other property.<sup>57</sup>

The BBS enjoyed links to the Rajapaksa family, and this enabled it to orchestrate violence against Muslims and their properties with impunity.<sup>58</sup> The group combined notions of *sinhadipa* and *dhammadipa* with post-9/11 Islamophobia, and liaised with Burma-Myanmar's 969 Movement led by the firebrand monk Ashin Wirathu, who has led violent campaigns against Muslims there. The BBS has claimed that Muslim fundamentalists seek to transform Sri Lanka into an "Arabian country," and thereby justified its campaign to ban halal products, the construction of new mosques using funds from the Middle East and women wearing the *niqab*. It has further claimed that Muslim employers seek to seduce Sinhalese women and that Muslim stores sell special underwear designed to make Sinhalese women sterile. Reading the publications and listening to them shows that groups like the BBS are obsessed with demographics and their vilification of Muslims appears to borrow a page from the equally communal-minded Hindutva forces in India.

The first major ethnic riots in Sri Lanka took place in 1915 between Sinhalese and Muslims, and many Muslims feared that the BBS and its supporters were bent on commemorating the event in 2015. Given the well-calibrated attack in Dharga Town, and that Muslims mobilized to vote against President Rajapaksa in the January

2015 presidential election, there was every reason to believe that a Rajapaksa victory would have cataclysmic consequences for the community. But Rajapaksa lost, with both Muslims and Tamils playing a major role in his defeat. And his attempts to make a comeback as prime minister via the August 2015 parliamentary elections also fell flat.<sup>59</sup> His defeat not only allowed the island's minorities to breathe easier; it also provided the country's new leaders the chance to institute policies promoting pluralism, although Sri Lanka is most unlikely to become a prototype for pluralism in the developing world.

## VII. THE POTENTIAL FOR CHANGE

Giving into international pressure, President Rajapaksa had appointed the Lessons Learned and Reconciliation Commission (LLRC) in May 2010 to investigate the civil war from February 2002, when the final ceasefire agreement with the LTTE took effect, to May 2009, when the actual conflict ended. The Commission's report was strong on reconciliation and weak on accountability, but it concluded that, "the root cause of the ethnic conflict in Sri Lanka lies in the failure of successive Governments to address the genuine grievances of the Tamil people" and insisted that a political solution to address the causes of the conflict was "imperative."<sup>60</sup> Rajapaksa not only cavalierly disregarded the LLRC's recommendations, but crossed swords with the international community regarding alleged war crimes committed by the government and military.

President Maithripala Sirisena's 2015 victory over Rajapaksa has led to a greater willingness to deal with issues of accountability, although no one expects government and military personnel who oversaw and conducted the violence against Tamils towards the final stages of the war to face stiff penalties. With the LTTE leadership responsible for war crimes eliminated, there is no political will among the majority Sinhalese to see soldiers, widely considered to be *ranawiruwo* (war heroes), held responsible for their crimes. It is easily observed that many Sinhalese believe that Tamils, having supported the LTTE, have received their just comeuppance. Thus, for example, Dingiri Banda Wijetunga, Sri Lankan president from May 1993 to November 1994, could say that Sri Lanka had no ethnic problem—it only had a terrorist problem.<sup>61</sup> This mindset makes achieving full-fledged accountability for crimes committed during the civil war politically impossible.

Since coming to power in January 2015, the Sirisena government has adopted some policies to address Tamils' grievances: it replaced the ex-military governors in the north and east with respected civil service personnel; appointed the Tamil who was the senior most Supreme Court justice as Chief Justice; supported the Tamil National Alliance, which was vilified as the LTTE's proxy during the war, becoming the main opposition in Parliament and its leader becoming the leader of the opposition; returned some military-held lands in the north and east to civilians; released a number of Tamil prisoners held over long periods; instituted an Office of National Unity and Reconciliation under former President Chandrika Kumaratunga; set up an

Office of Missing Persons; and has promised to create a Truth and Reconciliation Commission and Office of Reparations in response to the UN Human Rights Council resolution Sri Lanka cosponsored in September 2015. The government also hopes to change the Constitution and electoral system, and it is possible that attempts will be made to accommodate some of the Tamils' major grievances in the process. But with majoritarianism now embedded, no politician among the Sinhalese seriously considers federalism an option. Similarly, the idea of self-determination is considered code for separatism and there will not be any language to this effect going forward. The best the Tamils can expect is some devolution, within a unitary state structure. This is to say that whatever inclusion gets instituted, it will be minimal and not affect the extant majoritarian setup.

Today, Tamils' most immediate demands center on four issues: having lands taken over by the military returned; getting the military to demobilize, especially in the Northern Province; ensuring accountability for those killed and disappeared; and receiving reparations for property and lives lost. Along with this, the vast majority in the northeast clamour for dependable employment, decent education for their children and a safe climate to carry out their livelihoods. Issues of federalism and devolution, while not unimportant, are far from their minds. This seems to be lost among some in the Tamil Diaspora, who propagate unrealistic demands and rhetoric, making it easy for Sinhalese Buddhist nationalists to harp on the LTTE bogey and obstruct necessary reforms rooted in pluralism.

While political parties and leaders have alternated in power in post-independence Sri Lanka, Sinhalese Buddhist nationalism has consistently triumphed, and this at the expense of pluralism and democracy. Instituting pluralism, and thereby trying to regain the island's democratic promise, necessitates accepting and learning from the mistakes committed. Yet, the communal trajectory that post-independence Sri Lanka adopted has emboldened Sinhalese Buddhist nationalists, whose longstanding *zeitgeist* is rooted in notions of *sinhadipa*, *dhammadipa* and the attendant belief that majority domination and minority subjugation is fully justified.

Such is the majoritarianism governing the Sinhalese Buddhist cosmos in Sri Lanka. Consequently, one is unlikely to see the sort of pluralism befitting a liberal democracy taking root on the island. The best one can hope for at the moment is limited pluralism where minorities live with a sense of security and dignity.

## VIII. SRI LANKA AND THE DRIVERS OF PLURALISM

The literature on path dependency makes clear how timing and sequence of policies shape political processes and how seemingly relatively unimportant events can snowball and lead to movements of great consequence.<sup>62</sup> In this context, one can speculate whether Sri Lanka's ethno-religious and political trajectory would have been much different had the Constitution left by Britain's Soulbury Commission instituted

minority rights in the form of a bill of rights, or had the Soulbury Constitution allowed for meaningful devolution, or had D.S. Senanayake not died when he did, or had the B-C Pact and even the D-C Pact been institutionalized, or had J.R. Jayewardene used his supermajority in Parliament to ram through policies that rectified prior governments' practices. In short, Sri Lanka did have many opportunities to change the island's "hardware" and thereby control the manner in which ethno-religious and cultural sentiments were fanned (i.e., how its "software" operated). But Sinhalese Buddhist nationalism rooted in mytho-history, British shortsightedness, misplaced and displaced trust among elites, political opportunism, and the hardening of attitudes as ethnic tensions transmogrified into terrorism and war crimes ensured this did not happen. The reality in Sri Lanka is that while governments may promote policies supporting pluralism, this will only take place in ways that do not threaten the majoritarianism now in place.

Utilizing the above narrative, the following are the ways in which the four drivers associated with Governance and Diversity in this project have contributed to Sri Lanka's failure to institute pluralism.

### Livelihoods and well-being

- Tamil over-representation in bureaucracy, military and university system (partly stemming from colonial policies) empowered them socio-economically in ways that upset Sinhalese.
- Excluding Indian Tamils (disenfranchising them) negated their ability to utilize the political process

when seeking to better their livelihoods.

- Making Sinhala the only national language and using it to increase Sinhalese Buddhists in the bureaucracy excluded Tamils from the state sector.
- Instituting a quota system and forcing Tamils to score higher for university entry lowered opportunities for their socio-economic progress.
- Enabling anti-Tamil riots that destroyed homes and businesses and directly undermined livelihoods.

## Law, politics and recognition

- The Ceylon Citizenship Act No. 18 of 1948 disenfranchised Indian Tamils.
- Passing the Official Language Act No. 33 of 1956 (Sinhala Only Act) began the process of excluding Tamils at various levels.
- Anti-Tamil riots in 1956, 1958, 1977, 1981 (in Jaffna) and especially the pogrom in July 1983.
- Failure to institute the Bandaranaike-Chelvanayakam Pact of 1957.
- Failure to institute the Senanayake-Chelvanayakam Pact of 1965.
- Passing the 1972 Constitution without any input from minorities and providing Buddhism foremost status and declaring Sri Lanka a unitary state.
- Banning the JVP following the 1971 insurrection and also following the 1983 anti-Tamil pogrom.
- Passing the Prevention of Terrorism Act of 1978 that led to many innocent Tamils being imprisoned and tortured.
- The July 1987 Indo-Lanka Peace Accords that led to 13th Amendment to the Constitution, which set up the provincial council system and merged the Northern and Eastern province into a single unit.
- The 2007 Supreme Court ruling that demerged the

northeast into two provinces and the consistent opposition to any meaningful devolution.

- Provincial councils being undermined by centripetal governance.

## Citizens, civil society and identity

- Mytho-history, including notions of *sihadipa* and *dhammadipa*.
- Elements of civil society that was more “bonding” or exclusive (including individuals from same group) than “bridging” or inclusive (including individuals from a variety of groups).
- Fascistic nature of the LTTE and its impact on those who lived in the territories it controlled.
- The various policies of the Sirimavo Bandaranaike governments that made the country more of an ethnocracy than a democracy.
- The Mahinda Rajapaksa government opposing the national anthem being sung in Tamil and the various other ways in which it sought to dominate and humiliate Tamils.
- The Maithripala Sirisena government now trying to introduce reforms that are conducive to good governance and pluralism.
- Minorities being forced to deal with a mainly Sinhalized bureaucracy especially in areas outside of the northeast.

## Regional and transnational influences

- The state of Tamil Nadu in India and its influence on the Indian central government when
- promoting the interests of Sri Lanka’s Tamils (including Indian Tamils).
- J.R. Jayewardene pursuing close ties with the West (especially the United States) and the way this

effected Indo-Lanka relations.

- India secretly arming and training Tamil rebels in the 1980s.
- The Indo-Lanka Peace Accord partly setting up the provincial council system.
- The Indian Peace Keeping Force being stationed in the island in the late 1980s and the war that ensued between the IPKF and LTTE.
- Sri Lanka's closer ties to the Chinese during the Mahinda Rajapaksa presidency.
- International pressure on Sri Lanka to pursue accountability for alleged war crimes and post-war reconciliation with Tamils.

## NOTES

<sup>1</sup> Neil DeVotta (2004), *Blowback: Linguistic Nationalism, Institutional Decay and Ethnic Conflict in Sri Lanka* (Stanford: Stanford University Press).

<sup>2</sup> For the 1911 figures, see E.B. Denham (1912), *Ceylon at the Census of 1911* (Colombo: Government Printer), 196, 245. For the other figures, see Department of Census and Statistics Sri Lanka, “Census of Population and Housing 2012,” 20–1, accessed 26 January 2017, [http://statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=Key\\_E&gp=Activities&tpl=3](http://statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=Key_E&gp=Activities&tpl=3).

<sup>3</sup> See H. Kumarasingham, ed. (2015), *The Road to Temple Trees: Sir Ivor Jennings and the Constitutional Development of Ceylon: Selected Writings* (Colombo: Center for Policy Alternatives).

<sup>4</sup> I.D.S. Weerawardana (1960), *Ceylon General Election 1956* (Colombo: M.D. Gunasena), 87.

<sup>5</sup> Howard W. Wriggins (1961), “Impediments to Unity in New Nations: The Case of Ceylon,” *American Political Science Review* 55:2 (June), 316.

<sup>6</sup> See Kumarasingham, xxii–xxv.

<sup>7</sup> See Sharada Nayak (2014), *The Raj Agent in Ceylon 1936–40* (New Delhi: Education Resources Center Trust).

<sup>8</sup> The Estate Tamils continue to be among the most marginalized in Sri Lanka; and many of their local leaders feel the government and estate owners conspire to keep the community socio-economically disempowered so as to ensure a cheap labour force for the tea industry. Author interviews (2013), in Hatton and Nuwara Eliya, July. Also see Daniel Bass (2012), *Everyday Ethnicity in Sri Lanka: Up-country Tamil Identity Politics* (New York: Routledge).

<sup>9</sup> See Steven Kemper (1991), *The Presence of the Past: Chronicles, Politics and Culture in Sinhala Life* (Ithaca: Cornell University Press); Gananath Obeyesekere (1997), “The Vicissitudes of the Sinhala-Buddhist identity through Time and Change,” in *Sri Lanka: Collective Identities Revisited*, vol. 1, edited by Michael Roberts (Colombo: Marga Institute); H.L. Seneviratne (1999), *The Work of Kings: The New Buddhism in Sri Lanka* (Chicago: University of Chicago Press); Stanley J. Tambiah (1992), *Buddhism Betrayed?: Religion, Politics and Violence in Sri Lanka* (Chicago: University of Chicago Press); Neil DeVotta (2007), “Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka,” *Policy Studies* no. 40 (Washington D.C.: East-West Center).

<sup>10</sup> Quoted in Roshan Peiris (1996), “Rahula Hits Back,” *Sunday Times* (Colombo), 5 May, accessed 26 January 2017, <http://www.sundaytimes.lk/970921/news2.html>.

<sup>11</sup> Kitsiri Malalgoda (1976), *Buddhism in Sinhalese Society, 1750–1900: A Study of Religious Revival and Change* (Berkeley: University of California Press).



- <sup>12</sup> This is because D.S. Senanayake was seeking to promote his son Dudley Senanayake to succeed him.
- <sup>13</sup> James Manor (1989), *The Expedient Utopian: Bandaranaike and Ceylon* (Durham, N.C.: Duke University Press).
- <sup>14</sup> “I’ll Do It in 24 Minutes’ Now Says Mr. Bandaranaike,” *Ceylon Daily News*, 15 January 1956, 5.
- <sup>15</sup> Donald Horowitz considers ethnic groups that have “benefitted from opportunities in education and non-agricultural employment” to be “advanced.” Given that the predominantly Tamil Northern Province ranks low in terms of economic productivity (mainly due to its arid climate), Horowitz classified Tamils as an advanced group in a backward region. See Donald Horowitz (1984), *Ethnic Groups in Conflict* (Berkeley: University of California Press), 233.
- <sup>16</sup> Quoted in House of Representatives (1956), *Parliamentary Debates*, 14 June, col. 1917.
- <sup>17</sup> Quoted in House of Representatives (1956), col. 1711.
- <sup>18</sup> Seneviratne, 204.
- <sup>19</sup> Quoted in Manor, vi.
- <sup>20</sup> See “F.P. Acceptance of Sinhala Act Ignominious,” *Ceylon Daily News*, 4 September 1957, 11; “More Reactions to the Outcome of P.M.-F.P. Talks,” *Ceylon Daily News*, 27 July 1957, 3.
- <sup>21</sup> House of Representatives (1957), *Parliamentary Debates*, vol. 30, col. 1271.
- <sup>22</sup> As K.M. De Silva has noted, the ethnic conflict that ensued was one between “a majority with a minority complex, and a minority with a... majority complex.” See K.M. De Silva (1998), *Reaping the Whirlwind: Ethnic Conflict, Ethnic Politics in Sri Lanka* (New Delhi: Penguin Books), 304.
- <sup>23</sup> For a good account of these anti-Tamil riots, see Tarzie Vittachi (1958), *Emergency ’58: The Story of the Ceylon Race Riots* (London: A. Deutsch).
- <sup>24</sup> Quoted in House of Representatives (1958), *Parliamentary Debates*, 20 November, col. 1747.
- <sup>25</sup> S. Sivanayagam (1991), “The Phenomenon of Tamil Militancy,” in *Sri Lankan Crisis and India’s Response*, edited by V. Suryanarayan (New Delhi: Patriot Publishers), 40.
- <sup>26</sup> Nigel Harris (1990), *National Liberation* (London: I.B. Tauris), 222.
- <sup>27</sup> Harris (1990), 221.
- <sup>28</sup> Chandra R. De Silva (1984), “Sinhala-Tamil Relations and Education in Sri Lanka: The University Admissions Issue—The First Phase, 1971–77,” in *From Independence to Statehood: Managing Ethnic Conflict in Five African and Asian States*, edited by Robert B. Goldman and A. Jeyaratnam Wilson (New York: St. Martin’s Press), 125–46; Neelan Tiruchelvam (1984), “Ethnicity and Resource Allocation,” in *From*

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- <sup>29</sup> The demand was most forcefully articulated in the May 1976 Vaddukoddai Resolution and July 1977 manifesto of the Tamil United Liberation Front, a political grouping comprised of multiple Tamil parties that won all Northern Province constituencies in the 1977 parliamentary elections.
- <sup>30</sup> A. Jeyaratnam Wilson (1994), *S.J.V. Chelvanayakam and the Crisis of Sri Lankan Tamil Nationalism, 1947–77* (Honolulu: University of Hawaii Press), 115.
- <sup>31</sup> Satchi Ponnambalam (1983), *Sri Lanka: The National Question and the Tamil Liberation Struggle* (London: Zed Books), 174.
- <sup>32</sup> Bradman Weerakoon (2004), *Rendering unto Caesar: A Fascinating Story of One Man's Tenure under Nine Prime Ministers and Presidents of Sri Lanka* (Colombo: Vijitha Yapa Publications), 127.
- <sup>33</sup> Rohan Edirisinha and N. Selvakkumaran (2000), "The Constitutional Evolution of Ceylon/Sri Lanka 1948–98," in *Sri Lanka's Development Since Independence: Socio-Economic Perspectives and Analyses*, edited by W.D. Lakshman and A. Tisdell (Huntington, NY: Nova Science Publications, Inc.), 103.
- <sup>34</sup> For details, see Neil DeVotta (2014), "Parties, Political Decay, and Democratic Regression in Sri Lanka," *Commonwealth and Comparative Politics* 52:1 (January): 139–65.
- <sup>35</sup> For a good account of the attempt to make Sinhala the only national language in the colonial State Council see Jane Russell (1982), "Language, Education and Nationalism—the Language Debate of 1944," *Ceylon Journal of Historical and Social Studies* 8:2, pp. 38–64.
- <sup>36</sup> Bruce Matthews (1982), "District Development Councils in Sri Lanka," *Asian Survey* 22:11 (November): 117–34.
- <sup>37</sup> Jagath P. Senaratne (1997), *Political Violence in Sri Lanka, 1977–90: Riots, Insurrections, Counterinsurgencies, Foreign Intervention* (Amsterdam: VU University Press).
- <sup>38</sup> When a group of businessmen that had advised Jayewardene's election campaign visited him following the August 1977 anti-Tamil riots and warned against the anti-Tamil posturing of those in the government, he told one of them: "You are

- a lawyer; I am a politician. I need this [Tamil] problem for the survival of my party.” Author interview with Godwin Fernando, who was among those who went to see Jayewardene, 1 January 2003.
- <sup>39</sup> The low figure was the government estimate, while others put the number killed around 2,000. See Patricia Hyndman (1988), *Sri Lanka: Serendipity Under Siege* (Nottingham, UK: Spokesman), 26.
- <sup>40</sup> See Newton Gunasinghe (1984), “The Open Market and its Impact on Ethnic Relations in Sri Lanka,” in *Sri Lanka: The Ethnic Conflict: Myths, Realities, and Perspectives*, Committee for Rational Development (New Delhi: Navrang), 197–214.
- <sup>41</sup> Gunasinghe (1984).
- <sup>42</sup> Neil DeVotta (2015), “From Counterterrorism to Soft-Authoritarianism: The Case of Sri Lanka,” in *Critical Perspectives on Counter-Terrorism*, edited by Lee Jarvis and Michael Lister (London: Routledge), 210–30.
- <sup>43</sup> See Narayan Swamy (1994) and Wilson (2000).
- <sup>44</sup> Neil DeVotta (2009), “Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka,” *Asian Survey* 49:6 (November–December): 1021–51. Also see M.R. Narayan Swamy (2003), *Inside an Elusive Mind: Prabhakaran: The First Profile of the World’s Most Ruthless Guerrilla Leader* (Colombo: Vijitha Yapa Publications).
- <sup>45</sup> “Truth and Consequences,” *Economist*, 30 April 2011, 46.
- <sup>46</sup> See Mark Salter (2015), *To End a Civil War: Norway’s Peace Engagement in Sri Lanka* (London: Hurst & Company).
- <sup>47</sup> S.D. Muni (1993), *Pangs of Proximity: India’s and Sri Lanka’s Ethnic Crisis* (New Delhi: Sage Publications); N.S. Jagannathan (1990), “Anatomy of a Misadventure,” *Mainstream* 28:24, p. 3.
- <sup>48</sup> Attempting to lease oil farms in Trincomalee (in the northeast) to an American concern, agreeing to host a powerful Voice of America station, allowing the US aircraft carrier *Kitty Hawk* to dock in Colombo in November 1985, and recruiting Israel’s Shin Beth and Mossad and Britain’s ex-Special Air Service commandos to train Sri Lankan military personnel were among issues that rankled India at a time when that country was suspicious of especially US strategy in the Indian Ocean.
- <sup>49</sup> See Narayan Swamy (1994).
- <sup>50</sup> For Indian involvement in Sri Lanka, see Muni (1993); K.M. De Silva (1995), *Regional Powers and Small State Security: India and Sri Lanka, 1977–90* (Baltimore: Johns Hopkins University Press); and P. Sahadevan and Neil DeVotta (2006), *Politics of Conflict and Peace in Sri Lanka* (Delhi: Manak Publications Pvt. Ltd.), chapter 9.

- <sup>51</sup> Sri Lanka comprises of 25 districts and nine provinces. Between 1987 and 2006 the island had eight provinces due to the Northern and Eastern Provinces being merged.
- <sup>52</sup> For details on the provincial councils, see Amita Shastri (1992), “Sri Lanka’s Provincial Council System: A Solution to the Ethnic Problem?,” *Asian Survey* 32:8 (August): 723–43.
- <sup>53</sup> Hard authoritarian leaders rule by diktat, while soft authoritarian rulers manipulate features of democracy to maintain legitimacy even as they undermine democratic institutions, the rule of law and pluralism.
- <sup>54</sup> See Neil DeVotta (2011), “Sri Lanka: From Turmoil to Dynasty,” *Journal of Democracy* 22:2 (April): 130–44; Jason G. Stone (2014), “Sri Lanka’s Postwar Descent,” *Journal of Democracy* 25:2 (April): 146–57.
- <sup>55</sup> According to one NGO, the ex-military governor of Northern Province went so far as to limit the number of chickens that could be distributed to destitute Tamil villages. Author interview with a leading NGO official, Colombo, July 2013.
- <sup>56</sup> The information in this paragraph is based on scores of interviews conducted throughout the island between 2012 and 2015 with civil society activists, NGO personnel, journalists, academics, clergy members, labour leaders, and local and national level politicians.
- <sup>57</sup> Farzana Haniffa (2016), “Stories in the Aftermath of Aluthgama,” in *Buddhist Extremists and Muslim Minorities: Religious Conflict in Contemporary Sri Lanka*, edited by John Clifford Holt (New York: Oxford University Press, 2016), 164–93.
- <sup>58</sup> On at least one occasion, Muslim proprietors who tried to file a court case against the BBS for attacking their store were warned against doing so by members of the Rajapaksa family. Author interview, August 2013, Colombo.
- <sup>59</sup> For details pertaining to the January and August 2015 presidential and parliamentary elections, respectively, see Neil DeVotta (2016), “A Win for Democracy in Sri Lanka,” *Journal of Democracy* 27:1 (January): 152–66.
- <sup>60</sup> *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (2011), 291, [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf).
- <sup>61</sup> Quoted in Asoka Bandarage (2009), *The Separatist Conflict in Sri Lanka: Terrorism, Ethnicity, Political Economy* (London: Routledge), 14.
- <sup>62</sup> See, for instance, Paul Pierson (2000), “Increasing Returns, Path Dependence, and the Study of Politics,” *The American Political Science Review* 94:2 (June): 251–67.

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