

GROUNDVIEWS

Groundviews is Sri Lanka's first and international award-winning citizens journalism website.

The legacy of Chanaka Amaratunga and the future of liberalism in Sri Lanka

The 19th of April was the 52nd birthday of Dr. Chanaka Amaratunga, the founder of the Liberal Party of Sri Lanka. *Groundviews* invited leading political commentators to contribute to a special edition commemorating Chanaka's role in politics and the liberal movement in Sri Lanka.

Featuring contributions by:

- Dr. Paikiasothy Saravanamuttu, Executive Director, Centre for Policy Alternatives
- Tissa Jayatilaka, Executive Director, United States-Sri Lanka Fulbright Commission
- Dr. Devanesan Nesiiah, a former Jaffna Government Agent
- Dr. Dayan Jayatilaka, Visiting Senior Research Fellow, Institute of South Asian Studies, National University of Singapore
- Publius



Remembering Chanaka

By Dr. Paikiasothy Saravanamuttu

GROUNDVIEWS April 2010

The idea of liberalism in Sri Lankan politics is intimately associated with the life and writings of the leader and founder of the Liberal Party, Dr Chanaka Amaratunga. He passionately believed in the liberal idea, hoped fervently that it would inspire the body politic and be integrated into it and the political culture of Sri Lanka. His all too brief life prevented him from realizing this and from resisting as formidably as he could the equally passionate anti liberal forces and their opportunistic apparatchiks from enshrining a narrow, populist nationalism as the conventional orthodoxy of the day.

Writing about Chanaka is not easy for me. We were each other's oldest friends – a continuous friendship, unbroken by political differences, of almost four decades. Our friendship spanned St Thomas' Prep to College to university – he at Oxford and I at the LSE, which he too later joined to do his doctorate – to Liberal International conferences in Europe and North America, countless evenings that melted into morning at his flat, at mine, at the Oxford and Cambridge Club, numerous restaurants and at home. We talked, he mostly, about politics in Sri Lanka and elsewhere, philosophy, literature, films, theatre, classical music and rank gossip and yes, too many excellent and some indifferent dinners, bottles of claret, port, cognac and champagne, hunks of cheese and kilos of chocolate were consumed with as much discrimination as to their quality and particular properties as indiscriminating relish in respect of their sheer, sensory pleasure.

I have yet to meet someone who could get so thoroughly involved in an idea as well as in a person and talk about that subject endlessly, literally endlessly and knowledgeably when it came to ideas. In this respect he had boundless energy. One interesting and particularly pertinent aspect as it later turned

out, was that whilst he was certain and confident about ideas he was more curious than confident about judging character and people. Especially endearing personal qualities of Chanaka were his generosity and his love of being teased – which he was endlessly by all of us who were his friends. He adored the attention and lapped up the affection.

It is difficult to disentangle the personal from the political, the Chanaka I knew as my oldest friend and the Chanaka I knew as the aspiring politician. Entangled too within all of this is Chanaka the liberal in thought and deed. I parted company with the Liberal Party because I was convinced that his desire to get into Parliament through the National List of the Premadasa UNP was a negation of the liberal idea and too sordid an entry of the Liberal Party into the national legislature. We would not have agreed about an alliance with the SLMC either. As time went by the Chanaka who had left the Jayawardene UNP over the referendum was willing to enter into Faustian bargains with whoever was willing to put him on the National List. This was sad – he always said to me that he needed to get into Parliament to raise the profile of the Liberal Party; I always responded that the end did not justify the means and that if this were the case the party should be disbanded and turned into his campaign organization. The question of him ever standing for election never arose.

He believed that he was grappling with the moral dilemmas of practical politics as framed by his ideas and popular appeal or lack thereof, and that I was being too idealistic. We never resolved this. After I resigned and he cheated out of his Nationalist List seat by a trusted lieutenant, our conversations ceased to be about the political. That betrayal broke him in many ways and in that period his passion focused elsewhere.

Chanaka was as much a Tory as he was a Whig and right up to the end. He defined himself very much in terms of British politics, the Westminster tradition of parliamentary democracy and constitutional monarchy. A monarchist through and through, and at the same time, a passionate individualist, he deeply abhorred totalitarianism of any form but was perfectly willing to forgive and even condone the excesses of a Haile Selassie or the Shah of Iran at the same time as he would be scathing in his denunciation of a Stalin, Mao, Castro or Pol Pot. His near religious commitment to individual liberty led him to champion the virtues of the Premadasa regime, the Thatcher government and the Reagan administration. He loathed the LTTE, JVP and the soviets; had nothing but contempt for the Labour Party of Foot, Benn and Kinnock. A great proponent of proportional representation, he veered towards the Social Democrats in British politics, largely I suspect because they had left the Labour Party and because of his great admiration and respect for Roy Jenkins.

In the Sri Lankan context, the politician he truly admired was Dudley Senanayake and the one he was fondest of was Anura Bandaranaike. They were in his book, true democrats, unfettered by unfettered ambition or greed for power, gentleman who would reform the status quo if it needed to be reformed. They like he, knew of a world outside of this island and they like he, would never be given to a shrieking nationalism. They did not have to. They were born to rule, but never harshly.

In the Sri Lankan context Chanaka was a staunch federalist and determined opponent of the executive presidency. He wanted to see the German electoral system adopted here and a second chamber. He was ambivalent on the North-East merger and convinced that the LTTE had to be defeated. Implicit faith in the Rule of Law and constitutionalism, he wanted a strong bill of rights, although the practical defence of human rights and association with the vulnerable and victimized did not come naturally to him or arouse great passion within him. His consuming interest was in the architecture of a liberal democracy; not in the citizen. As for the economy, it was a subject that he was

least interested in except for absolute devotion to capitalism.

It is tempting to think as to where he would have stood in these times of the chinthanaya, allegations of war crimes, the culture of impunity, majoritarianism and amidst all of this new opportunities and political firmament. For my part, when I think of Chanaka and the liberal idea he so loved, the words from Tennyson's Ulysees that I quoted at his funeral always come to mind:

*We are not now that strength which in old days
Moved earth and heaven; that which we are,
we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.*



To access this article online and read the comments it generated, please visit <http://www.groundviews.org/2010/04/19/remembering-chanaka>

Alternatively, using a QR reader, just use the code above to access the site directly on your mobile device.



Two concepts of the Constitution: An essay in memory of Chanaka Amaratunga

By Publius

GROUNDVIEWS April 2010

19th April marks the 52nd birthday of the late Chanaka Amaratunga, the former leader of Sri Lanka's Liberal Party, quondam Vice President of Liberal International, one of our foremost public intellectuals, and distinguished Old Thomian. I met Chanaka only on a handful of occasions, but they were all memorable mini-tutorials in the theory and practice of liberalism. At the time, I was a Thomian schoolboy with all the arrogant political prejudices that one now caricatures in that condition: roughly, no more sophisticated than the political propensities of a Whig aristocrat in the reign of George III. But the novel experience of being seriously engaged in political debate by someone like Chanaka, together with his admirable combination of passion and reason and his Oxonian facility with the English language, persuaded me that, perhaps, there was a more elegant, not to say grown-up, approach to liberalism that I should consider, and so began a journey of discovery into not only Mill, Hume, Locke, Burke, Acton, and Adam Smith, but also Hayek, Popper, Rawls, Nozick, Friedman, and Berlin. Like Mill, Chanaka was also an aficionado of Continental liberal thought, particularly Tocqueville, Comte, Lamartine and Condorcet. Given that a form of Bonapartism masquerading as Gaullism has become one of the defining themes of Sri Lankan politics, Sri Lankan liberals pay far too little attention to the francophone intellectual tradition (unlike of course the Sri Lankan neo-left with its abstruse invocations of the obscurantist Derrida and Foucault at the drop of a hat).

In the 1990s, the S. Thomas' senior debating team used sometimes to ask for, and always be generously rewarded with, Chanaka's time and assistance in the preparation of cases. Of these, a debate I recall with more than the

usual conceit is the one in which we enlisted Chanaka's help in opposing the proposition that 'Marxism needs structural not ideological changes.' The Thomians not merely destroyed our opponents on that occasion, Ladies College – who attempted an ill-fated, mawkish, and vaguely moral defence of sub-Marxian humanism (we thought this was very girlish), rather than a strategic dissociation of Marxism from the structural form of the Soviet Union we had been anticipating – but also demolished what we saw as the underlying leftist bias in the topic's formulation. In doing so, we set out a muscular vision of the liberal good life: of freedom and non-conformism conjoined with a love of tradition and institutions, of prosperous self-confidence with our due and respected place in the free world. In rather more humble hindsight, however, Ladies College have the last laugh. This Madisonian ideal of republican elitism looks even more disconnected from reality now than it did then, surveying the world as we did the silhouettes on the Quadrangle, perched on the Chapel steps as the sun sank into the Indian Ocean.

It is something of a drinking pastime of those who knew Chanaka to speculate about what he would have done in the landmarks after his death, what policy choices he would have made and what arguments he would have used to vindicate them. Chanaka was a fairly orthodox classical liberal, and therefore a proponent of individualism as the basic bulwark of liberty against society and the state. It would therefore have been interesting to see his response to the exciting developments in liberal theory, led by Kymlicka and MacCormick, on the relationship between the individual and collective identity that have occurred since his death. These developments in political theory,

political philosophy, political sociology and legal and constitutional theory, offer highly nuanced theoretical, discursive and institutional means of both liberalising nationalism and of reconciling individual autonomy with the claims of collective identity, in ways very different to the old political and legal debates about group and individual rights. Chanaka was a federalist for much the same reasons that Acton opposed Dicey, but it will always be a moot point whether these new liberal theoretical frameworks of re-conceiving national identities and their constitutional accommodation (unlike traditional liberalism, without ignoring or actively seeking to extinguish them) could have allayed some of his legitimate fears about nationalism.

The public record of Chanaka's writings and speeches reveal a consistent and principled opposition to the liberty-threatening dimensions of organised collectivism that were politically important during his lifetime, but he was not called upon to engage with the development of liberal theory itself beyond the classical normative standpoint. This is not to suggest an inadequacy in Chanaka's ideas. Indeed, the classical individualist position apropos the state still remains a thoroughly valid stance, and perhaps even more than ever before, given that for the first time since the 1970s, the historical period beginning in May 2009 when the state finally succeeded in a re-monopolisation of violence in a very modernist sense, is one in which the Sri Lankan political landscape has no other organisational entity (i.e., in Chanaka's phrase, 'the fraternal twins' of the LTTE and JVP) which has the capacity to threaten individual liberty and to unleash political violence other than the state. Therefore in an ontological sense, post-war Sri Lanka resembles the political environment of the early modern Westphalian nation-state, which gave rise to the post-Enlightenment political anxieties at the root of the development of liberal political theory. This is true in relation to both the 'nation' (political/constitutional) and the 'state' (international legal/constitutional) aspects of the post-war Sri Lankan state. Majoritarian democracy is an old problem for liberals, metastasising in Sri Lanka as ethno-religious nationalism and populist authoritarianism, and Chanaka and other Sri Lankan liberals have been grappling with it for decades. They have consistently proposed the traditional liberal antidotes to

majoritarianism: the separation of powers, representative government, deliberative legislatures, federalism, supra-legislative fundamental rights, and constitutional supremacy.

I wonder, however, whether a different analytical standpoint can be conceived for looking at these constitutional problems in a fresh light. One of the great weaknesses of the Sri Lankan liberal discourse in relation to constitutionalism and constitutional reform is that it is in the main directed at constitutional law and institutions – what is there in the positivist text of written constitutions – and insufficient attention is paid to the underlying theoretical coherence of both the critique and the liberal alternative. Apart from the obvious, by theoretical coherence I mean here also the acuity of understanding of the nature of the politics and the polity for which these constitutions are designed.

From the perspective of the interpretation and implementation of constitutional text, liberals are acutely aware of the problems of 'constitutional culture,' that is, the values, norms and even moral perspectives that officials use in the day-to-day working of the constitution on the one hand, and what ordinary citizens think and expect of the constitution on the other. We know they are aware of these things because it is from them that we see the most consistent, sustained and principled critique of the sources of these problems: nationalism, authoritarianism, populism and majoritarianism. But what is implicit in their response is that their critique, however coherent in liberal politics, in the final analysis is a take-it-or-leave-it proposition. "Here is my analysis of your problem," the liberal seems to say, barely hiding his contempt for the ethnic/religious/feudal/dynastic primitivism he is confronting, "and here is my solution (which a great Englishman thought about in the nineteenth century)."

What the Sri Lankan voter thought about such proposals is abundantly clear from the fact that the Liberal Party has never managed to get a single MP elected by the people (although it has managed Provincial Councillors and there is that amusing episode in the Ratnapura Municipal Council marking its zenith of representative power, which unfortunately

signified nothing, not even sound and fury). Curiously, one of the reasons for this is Sri Lanka's electoral system of proportional representation, otherwise a major liberal cause. On a more mundane level, this is also the context in which the Liberal Party confronted its internal crisis in 1993, on the question whether or not liberalism would be better served by co-operating with a major political party so that a presence in Parliament can be ensured.

Perhaps the key to this dilemma of popular persuasion is within liberal discourse itself, and a possible way of dealing with it is to redefine democratic constitutionalism as two distinct but connected concepts: that of the 'legal constitution' and the 'political constitution'. The legal constitution is the document found in the statute book. As a matter of conceptual categorisation, Sri Lankan constitutions since 1931 have all been formally democratic, containing many if not all of the basic attributes and institutions usually associated with modern democratic constitutions. Therefore their interpretation, critique and reform are generally undertaken within a familiar and universal (in our case a broadly Anglo-Saxon common law) discourse of law and politics.

The more difficult and particularistic issues are raised in the political dimension of constitutions, which are played out in the process of constitution-making, the politics informing the substantive content of constitutions, and of course the implementation of the constitution. As noted above, these political (and from the liberal perspective, problematic) dynamics are well known and well acknowledged, but my argument here is whether it is possible to think of them in aggregate as amounting to a 'political constitution' that exists alongside the legal one.

Whether there can be such a thing as a political constitution is not in doubt: the world's oldest is such a constitution in the UK. Particularly in the common law world, even in liberal democracies with long-standing written instruments, the central role played by constitutional conventions in the penumbra between law and politics, shows the necessity for non-legal political rules which can never be realistically reduced to writing and without which constitutional government

and liberal democracy is not possible. This is also a reason why, as Sunstein pointed out, liberal constitutions contain 'incompletely theorised agreements' and contemporary constitutional drafters employ deliberate textual 'creative ambiguities.'

In the Sri Lankan case, I think it is now possible, from the empirical building blocks of our democracy experience since 1931, to identify a 'structural value system of constitutional politics,' that is generally consistent, habitually obeyed, and popularly subscribed, and which amounts to a discrete concept of a political constitution. It is different from the liberal notion of constitutional conventions or the politics of the constitution, or indeed the Hartian conception of public morality, in two key respects. In Sri Lanka, the political constitution does not regard the legal constitution as its sole normative foundation, and in case of inconsistency, the political constitution supercedes the legal constitution. Most of the time, the relationship between the political and legal constitutions remains amorphous, kinesic rather than articulate, but there is a subliminal hierarchy in which the political is higher than the legal. Moreover, in a disconcertingly Schmittian way, it is in moments of crisis that the real relationship between the two constitutions is revealed in the starkest terms: witness how the legal constitution and its constraints like fundamental rights were virtually suspended during the last phase of the civil war or during the two Southern insurgencies. The political, rather than any overtly legislative, means of this 'suspension' is also revealing.

There are several sources from which the content of the political constitution is derived. Originating in the ethnically fragmented religio-cultural revivalist movements of the late nineteenth century, catalysed by the advent of electoral democracy in 1931, coming to the fore in the democratic politics of the immediate post-independence 1950s, institutionalised in the general election of 1956 as the central discourse and major battleground of electoral competition ever since, and succeeding in legally entrenching two of its key lynchpins – official establishment of Buddhism and the unitary state – in the first republic in 1972, the preponderant content of the political constitution comes from the ideology of Sinhala-Buddhist

nationalism. As an ideology, it contains historiographical, social, political, cultural, ethical and ethnographical theses about statehood. The political constitution is committed to procedural democracy of the consciously majoritarian type, and this gives it, at least among its supporters who constitute the permanent ethno-religious majority, a tremendous political legitimacy. Other sources of the political constitution include party political programmes like the Mahinda Chintanaya and the Dharmishta Samajaya, where on the back of strong electoral support, the government and the state become one and the same thing.

Thus while a universalist descriptive language of legal positivism is used regularly to describe constitutional concepts, for example 'unitary state,' 'sovereignty,' etc, their normative meaning is derived from these other discourses and ideologies that are regarded as more authentic and organic than what the legal constitution can offer (although 'foreigners' can be drafted into service when they say useful things: Dicey's views on illimitable, indivisible sovereignty and the unitary state being the best example). Consequently, the legal constitution is useful only as a kind of administrative manual to the institutional architecture of the 'government-state' (perhaps more accurately depicted as 'nation=state=government') and to provide in some measure the directory rules that guide their operation. The real action, to put it crudely, is where the political constitution is.

What gives this 'structural value system of constitutional politics' its specifically constitutional character is that it enunciates the foundational values of statehood, it articulates the historically contextualised aspirations for the future of the state, it provides the political morality governing the behaviour of officials, it indicates the real loci of political power, it sets out the rules of patronage allocation, it determines the real rules of constitutional change, and it is both obeyed and subscribed to by officials as well as the political community (including the politically vocal sections of the Buddhist monkhood). This explains how successive governments can act in ways that seem blatant violations of the legal constitution, but so long as they remain within the bounds of the political constitution,

they suffer no legal or electoral consequences. President Jayewardene's behaviour in the 1980s provides the best illustrations. He engaged in some of the worst excesses and partisan manipulations of the legal constitution with no harm to his electoral prospects, but he overstepped the mark only when he tried to use the same methods to introduce devolution: a clear contravention of the political constitution, and an impertinence for which he suffered debilitating political punishment.

For liberal discourse and political action, the importance of this de-constructivist re-conception of democratic constitutionalism is as a reappraisal of what has been its main analytical approach. It is not meant to advocate any particular substantive outcome. But by forcing liberal constitutionalism to take seriously the ethno-political dynamics of public constitutional self-understanding that liberals would otherwise intuitively dismiss, it could have real and practical meaning for more effective ways in which liberalism can devise its political engagement with the Sri Lankan polity and its political constitution. In particular, it is a call for thinking about how liberal discourse can more meaningfully engage, and therefore more meaningfully critique, and therefore have the more meaningful prospect of changing, Sri Lanka's political constitution. To a great extent, this calls for a more open, but critical, engagement with nationalism, rather than wishing it away by focussing on institutional reform. Liberal ideas for constitutional reform directed exclusively at the legal constitution are, quite simply, an exercise in barking up the wrong tree. I strongly believe that what has been proposed allows for that necessary reflection, but without compromising any of liberalism's cherished teleological objectives.

Liberal interventions in Sri Lanka's public policy debates suffer from a kind of automated activism that has not paused in a while to take stock of its theoretical coherence. By the same token, there can be nothing more self-indulgently futile than abstract theorising without political engagement. Fortunately, the liberal tradition commends both kinds of activity, and Chanaka Amaratunga's life and career was an exemplar of intellectual enquiry and reflection as well as passionate political activism. As that other great liberal

scholar-activist put it in the last paragraph of his *On Liberty*, “The worth of the State, in the long run, is the worth of the individuals composing it...A State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes – will find that with small men no great thing can really be accomplished; and that the perfection of machinery to which it has sacrificed everything will in the end avail it nothing...” If that is not a clarion call to both liberal thought and action, what is?



To access this article online and read the comments it generated, please visit <http://www.groundviews.org/2010/04/19/two-concepts-of-the-constitution-an-essay-in-memory-of-chanaka-amaratunga>

Alternatively, using a QR reader, just use the code above to access the site directly on your mobile device.



In Memoriam Dr. Chanaka Amaratunga

By Tissa Jayatilaka

GROUNDVIEWS April 2010

I have been invited to make some comments on the late founder-leader of the Liberal Party of Sri Lanka, Dr. Chanaka Amaratunga, on the occasion of the anniversary of his birth that falls on the 19th of April. I am pleased to do so. I had a bitter-sweet relationship with him, the bitterness arising only from our different political perceptions. The memories of our personal friendship shall always remain fragrant. Despite my political disagreements with him, I always felt, and continue to feel, that Chanaka's untimely demise is a tangible loss to Sri Lanka as he had so much to give us. Thus my focus on our political differences in this brief essay is only to put the record straight and not to devalue Chanaka in anyway.

I joined the Council for Liberal Democracy (CLD) in 1984/5 when Rajiva Wijesinha introduced me to Chanaka Amaratunga and the rest of the stalwarts of the CLD. I was struck by the stimulating political debates that took place within the CLD and among the individual members of it. Chanaka was faithful to liberal principles enunciated by all significant liberal thinkers but particularly so to those of John Stuart Mill whom he was quite fond of quoting at the drop of a hat. No essay or speech of his was complete without reference to Mill. A charming and engaging person, Chanaka was a delightful conversationalist. I remember quite fondly the evenings spent with Chanaka, Rohan Edrisinha, Asitha Perera, 'Sara' Saravanamuttu (whenever he was home from London) and Jith Peiris (a most entertaining story teller) dissecting Sri Lankan and international politics over bottles of wine and spirits. Not infrequently our debates and discussions drifted to books we had read and enjoyed. Most of our get-togethers took place at the office of the CLD at 12, Castle

Lane, Colombo 4 (which later became the headquarters of the Liberal Party). The Arts Centre Club at the Lionel Wendt Memorial Theatre premises was another favourite. As only a few of us owned cars in those days, I recall (on days a lift home was unavailable) walking back home in the wee hours of the morning with Nigel Hatch (I used to reside then at Siebel Avenue, Colombo 5 and Nigel in Colombo 6), especially after dinners at Asitha's home down Police Park Avenue.

The highlights of our CLD days were the series of seminars that we organised on constitutional reform and the publication of the Liberal Review edited by Rajiva and Chanaka to which all of us contributed. The striking feature of those seminar series was that notable politicians of all hues and academics from diverse fields participated in them. Participants included Marxists like Dr. Colvin R. de Silva and Dr. Vikramabahu Karunaratne, right-wingers such as N.U. Jayewardena, Lalith Athulathmudali and Gamini Disanayaka and those-in-between like Sam Wijesinha, Neelan Tiruchelvam, Kumar Ponnambalam, Nissanka Wijeyeratne and Dr. C.R. de Silva among others. Several journalists, civil society activists and members of the clergy (I remember vividly the late Revd. Celestine Fernando) also were among the invitees. The outcome of this mammoth exercise is the scholarly tome produced by the CLD titled Towards Constitutional Reform. Chanaka laboured long and hard to edit this significant publication. Anyone seriously interested in constitutional reform in Sri Lanka should find perusing Chanaka's mighty labour of love most profitable and useful. The Liberal Review was a hard hitting, penetratingly analytical and carefully edited journal. Chanaka and Rajiva were particularly close to a few of the United National Party political stalwarts of the day

and so the Liberal Review was not without scoops and useful bits of inside information!

Chanaka had very clear political goals and ambitions. He was passionately interested in entering Parliament and playing a prominent role in public life. Although the CLD did contribute its mite to refine the political debate of the era, he was not content to remain a mere watchdog and a critical observer of the passing political scene. He wanted very much to be in the thick of things. It was, therefore, a matter of time before the Liberal Party was formed. The key office bearers of the CLD formed the bulk of the National Committee of the newly formed Liberal Party that came into being in 1987. In addition, we now had others like Chandana Ukwatte, Harim Pieris and Sita Wijeykoon in our midst.

This is not the occasion to attempt to write a history of the Liberal Party or assess its contribution to Sri Lanka. This is simply a glance backwards on the occasion of what might have been Chanaka's 52nd birthday. Suffice it to say that both the CLD and the Liberal Party were primarily Chanaka's creations and that they benefited enormously from his formidable intelligence, enthusiasm and relentless hunger for public office. Chanaka was a lovable person and hence it was easy to overlook his human limitations and foibles. It is my opinion that his insatiable appetite for a role in the political arena of our country made him make one compromise too many. In our several heart-to-heart chats, I warned him of the dangers a small entity like the Liberal Party would have to face in joining a big political outfit. He was adamant that it was only by doing so that the Liberal Party could make its presence felt. Perhaps in his extreme keenness to seek the political limelight, he was willing to run the risk of compromise and assimilation. Given my aversion to direct participation in politics, I was perhaps content to seek to refine the political debate from the sidelines. Or perhaps I may have been more amenable to a marriage of different political minds. Thus Chanaka and I were two parallel lines that were never going to meet. In the end, I think it was Chanaka's decision to go with R. Peremadasa's UNP that split the Liberal Party down the middle. Asitha, Rajiva and Chanaka thought it was through an alliance with the post-J.R. Jayewardene

UNP that the Liberal Party could contribute best to national prosperity and progress. It may have been their awareness of our strong reservations about the UNP that made Chanaka, Rajiva and Asitha keep some of us in the dark -- an illiberal act, in my view, at the best of times -- about their secret negotiations with Sirisena Cooray and the others. And it was only upon reading the Sunday Observer one morning that I came to know, much to my disappointment, that an alliance had indeed been forged by the Liberal Party with the UNP of that time. Chanaka made the formal announcement of the alliance at the very next meeting of the National Committee meeting of the Liberal Party. Immediately thereafter, Sara and I resigned from the National Committee and the Party although we remained members of the CLD. About a month later, Rohan also resigned.

Destiny had more tricks up her sleeve. With the assassination of President Premadasa in May 1993, Chanaka was once again left without a major political patron. He and the Liberal Party made further compromises and together with Asitha ended up in the National List of the Sri Lanka Muslim Congress in 1995. Despite the carefully laid plans, due to a combination of political intrigue and personal animosities, Chanaka lost out on the best opportunity he had up to that time of entering Parliament.

Not very long thereafter, Sri Lanka lost an invaluable liberal democrat when Chanaka died tragically and prematurely in a motor accident. Had he lived and entered Parliament, his presence in and contributions to political debate within it would have raised the stature of our national legislature immeasurably as was the case when fellow-Oxonians, the late S.W.R.D. Banadaranaika, Lalith Athulathmudali and Lakshman Kadirgamar graced our legislature in their day. Chanaka was a consensus builder and, in true liberal fashion, used to reach out to those with political opinions and philosophies different from his own. His extensive knowledge of Politics, Philosophy, Economics and International Affairs and his devotion to parliamentary tradition would have helped educate his colleagues. Both by example and precept, he would also have made a noteworthy contribution to the maintenance of the dignity and sanctity of Parliament.

When we reflect on the illiberal times we are living in today, we feel even more keenly Chanaka's absence from our political landscape. Were he with us today, he would surely have argued as passionately for national reconciliation and political power-sharing as he did then. He would also have fought resolutely against the violation of the freedom of the individual regardless of whichever quarter it originated from. I salute the memory of a fellow-liberal democrat and a fine friend.



To access this article online and read the comments it generated, please visit <http://www.groundviews.org/2010/04/19/in-memorial-dr-chanaka-amaratunga>

Alternatively, using a QR reader, just use the code above to access the site directly on your mobile device.



The Tragic Trajectory Of Chanaka's Liberal Project

By Dr. Dayan Jayatilleka

GROUNDVIEWS April 2010

Some of us are born at the wrong time or in the wrong place or in both the wrong time and place. Nietzsche said he was born posthumously. He meant that the world was yet to catch up with his thinking but would do so, in a time of great cataclysm and wars fought for ideas. With his values, ideas and style Chanaka should have come to adulthood in colonial Ceylon and joined the struggles for reform in the late 19th or early 20th century, perhaps been a member of the Ceylon League or the Ceylon National Congress. At any time Chanaka would have done well in Britain, as a Liberal or perhaps a Tory 'wet'.

One aspect of his tragedy was that in Sri Lanka, and in the Third world, a liberal could not survive in the form that Chanaka had embraced it and until his last years he was not the sort of liberal who would accommodate himself to the kind of liberalism that could and would survive.

The other aspect of his tragedy was that meaningful liberalism had long shifted its centre of gravity from the UK to the US, and the specifically the US Democrats, and that was not Chanaka's cup of tea. All serious thinking by or on liberalism was by philosophers, literary critics, international relations theorists and highbrow journalists either on the other side of the Atlantic or the other side of the English channel, and most often by those who crossed (intellectually at least) from the European continent to the United States and back: Reinhold Niebuhr, Lionel Trilling, Raymond Aron, Hannah Arendt, Hans Morgenthau, Walter Lippmann, Stanley Hoffman. Chanaka, an intellectual Anglophile in a time of Britain's terminal decline, did not find a comfort zone in this more muscular, state centric (even if critically so) liberal Realism; nor did he impart it to his students.

Chanaka attempted something noble, necessary and worthwhile. The bitterest part of his tragedy was that when he finally found

a viable and realistic path for Lankan liberalism, in alliance firstly with President Premadasa and then with Presidential candidate Gamini Dissanayake, these leaders were to be murdered within the year '93-'94, by the LTTE, a fascist force that Chanaka's liberal comrades, those 'happy few', (Rajiva Wijesinha apart) would preach conciliation with and the appeasement of.

We understand the function of founding myths, but some myths are more fragile than others. Chanaka founded his project in part on the myth of Dudley Senanayake's liberalism. The record reveals a different reality. The ghastliest levelling downwards and injection of Sinhala Buddhist ideology into the school curriculum began with IMRA Iriyagolla, Dudley's choice as Minister of Education. The incorporation of the Vidyalankara and Vidyodaya pirivenas as universities, the replacement of Saturday and Sundays as weekends with Poya and pre-Poya (the reversal of which absurdity, we can thank Mrs Bandaranaike for), the denial of and stepping away from the understanding over district councils with Chelvanayagam (resulting in the resignation of Neelan's father, M Tiruchelvam, from government), the banning of the transport of the Communist party leaning popular newspaper Aththa in public transport system, and worst of all, the thousand day emergency in peacetime (Mervyn de Silva recognised it at the time as "the exception, which an emergency is by definition, becoming the norm") – all these studded the Senanayake term, rendering it far more a stage in the erosion of liberal values and practices than a golden age of liberalism worthy of restoration.

Chanaka lost his way seriously in the late 1980s when he missed the opportunity to unite with a progressive leader who would have been the closest vehicle for the values he upheld, namely Vijaya Kumaranatunga. What is worse, when all progressives and modernists found themselves on one side in a

bitter civil war against the Pol Pot like JVP uprising, Chanaka strayed into an eight party alliance led by Mrs Sirima Bandaranaike, the high priestess of state capitalism and Sinhala Buddhist constitutional hegemonism. Even more grotesquely, that bloc, which was against the Indo-Lanka accord and the 13th amendment which made for provincial councils, contained the JVP's student front, the inter-university student federation represented at the time by Champika Ranawaka.

The awkward anomalies of Chanaka's liberalism were discernible in his membership of the Monarchist society as a young man, and his sympathetic treatment in his thesis, not of the closest that Iran produced to liberals, albeit nationalist ones (Mohammed Mossadegh) but to the ruthless, pro US Shah and the Pahlavi pseudo dynasty. How this could sit with any consistent liberalism was a riddle. At one level Chanaka's liberalism seemed more allergic to any form of nationalism than to a dictatorship installed and backed by the Empire. This blind-spot prevented Chanaka from comprehending until too late, that as in Latin America and the Philippines, liberalism throughout the global South had of necessity to be nationalistic or patriotic, though in the broadest, most inclusionary sense. By abdicating the struggle for a liberal nationalism Chanaka's liberal project permitted tribalism to monopolise nationalism while liberalism was relegated to the Dramsoc and the drawing room. Had his liberalism drawn on that of the Italians Benedetto Croce and (the more recent) Norberto Bobbio, both his project and Lankan political culture would have been better served.

His impeccable civility apart, Chanaka's best quality was his intellectual generosity and, yes, liberalism or liberality. In turn this was manifested best, not in his party as much as in another initiative, the Council for Liberal Democracy. In this forum, intellectuals of diverse party and ideological persuasions met to discuss and debate ideas and public policy. Though it followed in the footsteps of Fr Tissa Balasuriya's Centre for Society and Religion and lacked the verve of those sessions (1975-85), it was the only space of its kind in the bitter post Southern civil war atmosphere of Sri Lanka as the '80s turned into the last decade of the 20th century. (It is Chanaka's CLD that facilitated Prof GL Pieris' entry into political life).

Sometimes the superficial is symptomatic: from three piece suit to Nilame regalia with three corned hat (and participation in the Gangarama perahera), Chanaka's

manner resulted in and resulted from his marginality. The more serious failure however, is most starkly visible not when measured against what might have been, which is after all, purely speculative, but as against what once was. In intellectual, literary and social terms, the liberal experiment of Chanaka Amaratunga and his friends, suffers by contrast with an early explosion of liberal values; that of the first generation of post-independence Ceylonese intelligentsia. A mere read through of say, the College magazines of the leading Colombo schools and the University of Ceylon magazines (e.g. *Krisis* of 1950-51), as well as a plethora of periodicals of the 1950s will reveal a generation of youngsters far more gifted, self confident and intellectually mature.

This was the generation that contained – to name but a handful – Godfrey Gunatilleka, Lakshman Wickremesinghe, Neville Jayaweera, Christie Weeramantry, Lakshman Kadirgamar, Mervyn de Silva et al. Their literary output shows that in their teens and twenties they were already debating Hegel and Hemingway, Marx and Malraux, Freud and Forster, Lenin and Lawrence, Brecht and Bogart, James Joyce and John Huston; far more stimulating fare than the prissy precious English liberal tradition already undermined by two world wars and revolutions and national liberation struggles. They were able to have a more dramatic and lasting impact on their society and even as individuals made a far bigger contribution nationally and internationally, than the later generation of liberals, but they too failed to generate a sustained and spreading influence. Their relatively greater degree of success however points not only to a different society but to a basic difference between Chanaka's liberalism and theirs. The post-war, post independence generation of liberal arts and humanities educated youth were, paradoxically, far more socially sensitive and modern – a difficult combination – in relation to their time. They were a genuine avant garde, as Chanaka's crew was not. The latter were far more a throwback, with a nostalgic world outlook. The earlier generation of liberal intellectuals were sensitive to the social issues, international currents and intellectual debates of their times. While they had a solid core of liberal values, they were more than mere liberals; they were progressives, humanists and modernists: 'left-liberals' if you will.

Temperament determines trajectory. I must confess that mine is a particular perspective, with its commonalities, congruencies and contradictions with Chanaka's own. Born and bred a 'Colombian' (in the epithet of today's

Sinhala chauvinists), a year and a few months older than Chanaka, with the earlier generation of liberals I have described being that of my father and godfather (Neville Weeraratne), the historical, intellectual and existential experience of my 'type' within my generation was the one shared by Kethesh Loganathan and DP 'Taraki' Sivaram (and of course, many—ex comrades, educated and courageous men and women, who have made their mark in academia and journalism). By their heroes ye shall know them. Nietzsche tended to judge an age or civilisation by the highest human type produced by it. Each intellectual cluster within each generation has its heroes. Though socialism and the Left have fallen (to be reincarnated and rejuvenated in Latin America) our archetypal hero has stood the test of time and Homeric-Nietzschean standards, and if it were a choice, I still wouldn't trade him in for any other: Ernesto Che Guevara. (I would also pit the neo-Leninist Slavoj Zizek against any heavyweight liberal thinker of today).

It may be the malfunctioning of middle aged memory circuits or the obscured viewpoint of the underground (as Daniel Ortega once captioned a poem, "I Missed Managua When Miniskirts Were in Fashion") but I simply cannot recall Chanaka, his learned friends or the Liberal party, during the hellish half a decade from July 1983 onwards. They were not prominent in the pages of the Lanka Guardian (the indispensable left-liberal intellectual forum and incubator) or the membership of MIRJE — the Movement for Inter Racial Justice and Equality (the main anti-racist formation at the time) — or the Social Scientists Association (the vanguard of anti-racist scholarly research). The next I heard, the Liberal party opposed the Indo-Lanka Accord and provincial councils, while progressives and modernists were allied in a duel to the death with the forces of neo-barbarism led by Wijeweera (but containing those who would form today's JHU, NFF and rump JVP). Chanaka's 'bright shining moments' politically were his opposition to the Jayewardene referendum of 1982, his stance against the impeachment motion of 1991 and his support for President Premadasa (based on the correct identification of Lalith Athulathmudali as the most harshly authoritarian personality of the Jayewardene ancien regime), his formation of a front of smaller parties which included the SLMC, the TULF and the SLMP (which brought Ashraff, Neelan, Ossie, Chanaka and myself into regular contact), his active participation in Premadasa's All Parties roundtable and his drafting of much of Gamini Dissanayake's reform manifesto of 1994.

The sad last days of Chanaka commenced with the double cross not only by his boyhood friend and epitome of Sade's (the songstress not the Marquis) Smooth Operator, but by President Chandrika Bandaranaike Kumaratunga, pin up of the pacifist progressives and liberals, who made it clear to Mr Ashraff that she would not countenance a Chanaka in the House. From then to his death by road accident, it was one long sickening skid downhill. This then is the challenge for liberalism in Sri Lanka today. It can only survive or rather, revive and be relevant as a social liberalism or communitarian liberalism, on the TH Greene—Charles Taylor-Roberto Mangabeira Unger axis, if one can be drawn. Neelan Tiruchelvam was one of those who demonstrated an implicit understanding of this, though one cannot say the same of his epigone, who have joined Chanaka's in the embrace not of classical liberalism but of the neoliberal UNP leadership.

Liberal values in Sri Lanka can be defended, not by the embrace of neo-liberalism or neoconservative authoritarianism, but by a broad bloc for the shared values of liberal democracy, secularism, rationality and modernity (setting aside the debate between universalism and pluralism). This drawing together despite dispersion is made possible by the information revolution, but it must not remain a purely cyber-phenomenon. It must be part of the long march for the victory of enlightenment values under siege by pre-modern primitivism, free market fundamentalism and posturing post-modernism. If this struggle of ideas and ideology, culture and ethics, is lost, Sri Lanka shuts itself off and transforms into Shutter Island.



To access this article online and read the comments it generated, please visit <http://www.groundviews.org/2010/04/20/the-tragic-trajectory-of-chanaka's-liberal-project>

Alternatively, using a QR reader, just use the code above to access the site directly on your mobile device.



A Liberal Dilemma

Dr. Devanesan Nesiah

GROUNDVIEWS April 2010

‘Liberty, Equality, Fraternity’ was the lead slogan of the French Revolution which has been an inspiration to many movements around the globe. Many political initiatives have claimed to be based on Liberty and/or Equality. Several national constitutions and UN and other international agreements have upheld both Liberty and Equality as their guiding principles. The question arises: are Liberty and Equality fully compatible or is there a fundamental and inescapable contradiction between the ideals?

Both the US and Indian Constitutions draw inspiration from the French Revolution and the concepts of Liberty and Equality, but with widely different emphasis. The Francophile Thomas Jefferson was pre-eminent among the US Founding Fathers. They were all white, upper class, Protestant Christian and slave-owning males. The Liberty and Equality they advocated was for that class. They were committed to a free enterprise and capitalist society based on 18th century Liberalism and in which the role of the state was minimal. For them, universal adult suffrage was inconceivable, a non-issue, and race and class and gender disparities were given. Jefferson did raise the question of the abolition of slavery but dropped it in the face of overwhelming opposition. He remained a slave owner, albeit a kindly one. It was the Declaration of Independence (1776) drafted and released at the same time by the same Founding Fathers as the US Constitution that contained Jeffersonian flights of Liberal rhetoric such as:

“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 is pertinent, that unlike the Constitution, the Declaration of Independence lacks the force of law. Nine decades later the concept of Liberty and Equality had, under the leadership of Abraham Lincoln, progressed beyond slavery and racial subjugation. The new understanding of Liberty and Equality is reflected in his Gettysburg Address of 1863 and manifest in the 13th Amendment of 1865 forbidding slavery, the Civil Rights Act of 1867 that extended citizenship to “all persons in the United States” and the 14th Amendment of 1868 which incorporates the Equal Protection and Due Process clauses. But even in the Gettysburg Address the affirmation that all men are equal was not meant to contradict existing class and gender inequalities. Moreover, the racial equality achieved was de jure not de facto, and even that de jure equality was in federal law. Many state laws continued to prescribe racial discrimination and segregation. Gender discrimination remained widespread both de jure and de facto at all levels. Women gained voting rights only in 1920. It was the series of landmark Supreme Court rulings beginning in 1954, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 that eventually outlawed segregation, racial discrimination and effectively extended voting rights to Blacks throughout the USA. This was nearly two centuries after the proclamation of Liberty and Equality in the Declaration of Independence.

It is also interesting to note that the Civil Rights Act of 1964 and the Voting Rights Act of 1965 are not integral to the US Constitution, which remains true to the traditional concepts of liberalism. The dramatic developments of the Civil Rights decades of the 50’s and 60’s in which the concept of Equality gained pre-eminence has been seen as an aberration, a short lived deviation from the US tradition. As set out by Professor Jack Pole (at a seminar in 1985, at

the Kennedy School of Government, Harvard University):

“Historically the ideal of Liberty has been pursued with more energy and persistence, and has been a more active force in American life and American ideals than Equality... On the whole, looking through more than two hundred years of American history, I feel that the remarkable thing is not so much that there has been a persistent obsession with Equality but rather the relative rarity of the periods when it became the central issue... there have been very few periods in American history when the problem of equality seemed to be the issue on which politics converged.”

The Indian Constitution enacted on the 29th of November 1949 proclaimed Liberty and Equality within its text but in its Directive Principles, which like the US Declaration of Independence, has no force of law. But the emphasis was not on Equality; any Occidental inspiration was Fabian Socialist rather than Liberal. As Sir Ivor Jennings had observed, the ghost of Sydney and Beatrice Webb stalk the pages of the Directive Principles of the Indian Constitution. But unlike the US and other Occidental Constitutions, that of India contains elaborate provisions for a wide range of group rights – a concept alien to the Liberal ideology on which the US and other Occidental Constitutions are based. Galanter (1984) and Austin (1966) have lauded the Indian Constitution for drawing from diverse traditions and effectively yoking competing equalities, viz. individual equality and group equality. The chapter on the Directive Principles included Articles 37 and 46 of the Indian Constitution that read:

Article 37 “The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.”

Article 46 “The state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

There are many other sections of the Constitution, which expressly prescribe quotas for Scheduled Castes and Scheduled Tribes, and Other Backward Classes, including quotas for election to legislative bodies at all levels. Laws are now being enacted prescribing quotas for women too. All this is contradictory to traditional Liberalism. Clearly, the emphasis in the Indian Constitution is less on Liberty and much more on Equality, including Group Rights, a concept autochthonous to the Indian tradition.

That there could be an inherent contradiction between Liberty and Equality appears to be conceded by Lord Acton, a distinguished Liberal cited by Chanaka Amaratunga, when he stated that “the finest opportunity given to the world was thrown away when the passion for equality made vain the hope for freedom.” Does the “freedom” of the Liberal require resisting “the passion of equality”? Clearly most freedoms do not in any way conflict with the concept of equality. Abiding by the Constitution, the rule of law, good governance, transparency in administration, zero tolerance of extra judicial violence, especially on journalists and human rights activists, will in fact help to promote equality. It will be fraudulent to claim otherwise. The problems relate to Group Rights and to the role of the state in relation to the economy. It is on these issues that there could be conflict between traditional Liberalism and the imperatives of Equality.

On Group Rights, some of the distinguishing features of the Indian Constitution underline the problem. Group Rights could relate to a multitude of oppressed categories of Caste, Religion, Tribe, Ethnicity, Region, Class, etc and the remedies too could be diverse – Quotas and Preferences, Land Reform, economic redistribution through taxation and welfare policies, etc. Regarding the role of the state in the economy the ideological gap appears to be narrowing. The old style socialist states are no more, and the leading laissez faire states are now much more accommodating to the role of the state. All national economies are mixed and becoming more so.

Whatever reservations we may have regarding the primacy of Individual Rights as against Group Rights, any system that takes away individual freedom is

unacceptable. It is the capacity and willingness to make individual choices that are thoughtful and varied, creative and original that distinguishes human from non-human life. This point is admirably expressed in the passage below cited by Chanaka Amaratunga from John Stuart Mill. If this is the core definition of Liberalism, surely we are all Liberals;

“The human faculties of perception, judgment, discriminative feeling, and mental activity, and even moral preference are exercises only in making a choice. He who does anything because it is the custom makes no choice. He gains no practice either in discerning or desiring what is best. The faculties are not called into existence by doing a thing merely because others do it anymore than in believing a thing because others believe in it.”



To access this article online and read the comments it generated, please visit <http://www.groundviews.org/2010/04/20/a-liberal-dilemma/>

Alternatively, using a QR reader, just use the code above to access the site directly on your mobile device.

Groundviews

Groundviews - <http://www.groundviews.org> - Sri Lanka's first and international award-winning citizens journalism website uses a range of genres and media to highlight alternative perspectives on governance, human rights, the arts and literature, peacebuilding and other issues. The site has won two international awards for the quality of its journalism, including the prestigious Manthan Award South Asia in 2009. The grand jury's evaluation of the site noted, ***"What no media dares to report, Groundviews publicly exposes. It's a new age media for a new Sri Lanka... Free media at it's very best!"***



Our Twitter feed is updated frequently every day and gives editorially vetted pointers to breaking news and incisive writing online on Sri Lanka. Follow us along with over 550 others - <http://www.twitter.com/groundviews>



facebook

Join over 1,300 other readers to get updates and comment via Facebook - <http://www.facebook.com/groundviews>



Groundviews was the first and currently one of just two sites in Sri Lanka that renders content for mobiles. On your iPhone, Blackberry, Symbian, Android phone or on any other mobile browser, simply go to <http://www.groundviews.org> to access site content automatically rendered to best suit your screen and device.

Alternatively, using a QR reader, just use the code on the left to access the site directly on your mobile device.