ARMED STRUGGLE AND THE FORCES OF LAW AND ORDER: SOME PERCEPTIONS

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The Role of Armed Struggle

In the post-56 decades the Sri Lankan electorate appeared to grow in confidence; consistently larger proportions of the enfranchised took to voting at elections. In 1982, approximately 86% of the electorate participated.[1] At the same time, almost each new General Election saw a pendulous swing of political power, where the victorious party claimed an enhanced majority in parliament. Against this, in the Sinhala-dominated southern provinces, for the generation which arrived at their teens in the '80s, a decade of escalating political instability, issues of political legitimacy that seemed so clear-cut to previous generations, were no longer etched in black and white. The persistence of the Tamil separatist struggle on the northern frontier and the unbanning of the JVP in 1977, its subsequent regrouping and re-banning in 1983, appeared to throw up the question of the validity of armed struggle and parliamentary politics in terms of binary opposites by the '80s, however, the cleavage between these categories appeared to be increasingly unclear.

Thus for those secondary school-going students who participated in the study, even those disposed to openly discussing the role of armed struggle in politics appeared mostly unwilling to make a categorical statement with regard to its validity. Such a reluctance should perhaps be seen in the context of the massive state repression that has been unleashed upon this region. However what is interesting is the equal reluctance to condemn outright the need for armed struggle. Armed struggle it would appear, is sometimes not unjustified. In what contexts then, does such armed struggle become justified? Many of those interviewed were willing to approach issue indirectly, In response to a question on the role of the state, Sumedha Jayantha[2] argued that the people's right to armed opposition is vindicated when the regime-in-power can no longer be seen to act in the people's interests; in such a situation, the state needs to be rejuvenated. 'In reality", observes Sumedha, "since the state is an organ that is created by the people, such an institution should always act to further the interests of the people. If the actions of the state is contrary to the real interests of the people, then each one of us has the right to oppose the state; and convert it into one that has the right to oppose the state; and convert it into one that will realize the people's interests." Expressed in almost classically Leninist terms, in this discourse, dissent does not stop at opposing the individual acts of the state, but means transforming it into something that will benefit the mass of the people.

What then comprises the interests of the 'people'? This again, curiously enough was an area of general consensus. The interests of the people refers to their basic rights. Lasantha Gamlath,[3] also elaborating on his view of the role of the state remarks that"the people have a right to receive from the state what is owed to them; the state has a responsibility to the people. That is, it is the people(sic) who established the state; the government is appointed by the people.[4] If the state does not do this (i.e. give the people what is owed to them), the people cannot allow themselves, like kicked dogs, to be under the power of such irresponsible rule. This somewhat idealistic but powerfully expressed view clarifies the picture further. Armed struggle is justified in situations where the state has clearly failed to realize for the people their basic rights as citizens.

Is armed struggle then the only way in such a situation? Not really, but it is a point on the spectrum of political dissent. For the evolvement from peaceful dissent to armed struggle is a gradual one. "Firstly", says Sumedha, "the people seek to resolve their problems by negotiation, through parliamentary channels; they express their grievances to the regime-in power. So if the regime does not respond to their complaint; if the state refuses to concern itself with the problems of the people but continues to rule according to its own dictates, then actually, the people should display their opposition in other ways." This political process is illustrated graphically by Lasantha in his version of how the Tamil Eelam question evolved.

Initially, the political party system evolved. Subsequently the Tamil people entered the political arena and started their own political party. They first cleared all the seats in the Jaffna peninsula. They then demanded minority rights for themselves. They wanted, I imagine, rights that

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were equivalent to those enjoyed by the Sinhala people. But the government of the time did not allow this. They were anxious to give only the Sinhala people a place — they gave a greater place to the Sinhalese. This is actually not correct,not really fair. But that's the way it happened. Then the proportion of the minorities that were represented in Parliament became less relative to their significance in the population. The Sinhalese dominated. So those people (i.e.the Tamil speaking people) apparently refused to come to parliament. There was some problem related to their participation, I'm not sure. Then straight away, the youth in the north became motivated to take up arms.

After that, an issue that should have been resolved through negotiation...(shrugs expressively). After that. the Sri Lankan army went to the north and they have harassed the people. Subsequently, they (the youth) organized themselves into the tiger movement. Now its not the minority rights. its a state of their own."

Lasantha then, who like many of his fellow students is deeply averse to the notion of a separate state, concedes easily that the Tamil question could have been resolved through parliamentary channels; if only there had been sufficient political will on the part of the main-stream political parties which led governments in the post-independence years. Though a political science student and well versed in Sri Lankan politics, he cannot accept as valid the political imperatives upon successive governments that moved them to take up a pro-Sinhala nationalist stance vis-a-vis the minorities. He is then, essentially a product of the troubled '80s where the repercussions of past political mistakes have been expensive. A tolerant and soft-spoken teenager, he is nonetheless angrily impatient of what he perceives as the short-term and self oriented politics of the mainstream parties. Yet ironically enough, while almost all those who expressed views on the subject appeared to share his views on the possibility of resolving the Tamil question peacefully in the past, at the present point in time they appeared equally united in opposing a negotiated settlement, it would appear could only be seen as an appeasement to Prabaharan[5]. whose political goals are seen as not valid.

Thus taking up arms even in a just struggle in itself does not vindicate the moral stature of the revolutionary. In this instance, Prabaharan as a political figure was frequently depicted as driven by power hunger rather than concern for the Tamil people. This is perhaps a somewhat one-dimensional view; there is, it would seem, no need to suppose that even Prabaharan is not moved by a concern for Tamil-speaking people as well as a desire for power. Nonetheless in this emerging discourse, it is clear that even armed struggle against an unjust state is not always justified, for all who struggle enjoy different degrees of agency. "Much of the time", says Sumedha, "people who suffer under unjust rule are manipulated by the power-hungry. Now if I want to capture power, say the state is acting oppressively, Now suppose there is arbitrary repression by the state; I point out that the government has to be overturned. Then, as a matter of fact, I can be sure the people will support me." Oddly enough, in this instance, it is to the JVP that he referred, yet his view coincides with that of many of his classmates on the Tamil Tigers. While Sumedha is analytic enough to locate the complex strands of idealism and opportunism which move freedom fighters, he is seemingly young enough to be critical of opportunism of any kind. Yet interestingly though many of his fellow students were not able to capture the issue in ideological terms, as the next section will perhaps illustrate, their practical political experience draws from them sentiments very akin to those he expressed.At the same time, Sumedha's pessimism is also touched by an idealism that perhaps redeems it from outright cynicism. For, he says, such political adventurism is not always the case. "There are times", he points out. "when people take up arms for benevolent goals; the Palestinians...some organisations, they are armed, but they deploy their weapons for the benefit of the people. Like Sardiel;[6] I mean, now he took up arms, but he did so to take money from the rich and to distribute it among the poor." Commenting on LTTE politics, he adds simply, "if the Tigers are actually motivated by benevolent goals, why then do they need to kill unarmed Sinhala peasants?" Thus taking up arms for a cause does not in itself guarantee that one's conduct is laudatory or morally justified, if such conduct does impinge on the interests of other unarmed sectors of society, even if they do stand in the way of one's political goals. Such a position then, appears to stem from a somewhat optimistic view of society as an arena where the good of the parts must necessarily amount to the good of the whole.

At the same time, somewhat revealingly, most of those interviewed were unwilling to compare the northern and southern insurgencies in terms of relative legitimacy. There appeared to be a general dislike to go into the issue very deeply, but to dismiss it as 'different'. This sentiment was perhaps best captured by C A Upekha[7] "If you study the war in the north", he remarks, "it is very different to what happened down here. It unfolds in a very different way. Over here, its like a battle fought out within one house. Over there, it is a battle between two houses. The issues are not comparable." The sense of alienation then, is complete. It is simply not possible to judge the northern militants by the standards we (i.e. the Sinhalese) judge ourselves, even though at one level we can see that they are only responding to an adverse political framework which constrains them. We cannot focus on this truth (which we know deep down) since it may weaken our resolution to stand for our own rights, rights that are being actively threatened by the Tamil militants (Tigers).

Yet the ideological question remains. How then do armed militants differ from other sectors of civil society? From ordinary citizens? The difference, it would appear, is a matter of degree rather than kind. Once again Sumedha, who is interested in analytical questions has an answer. "There is" he says "a real difference between those who bear arms, and those who don't. That is, the ordinary citizen thinks, `we should not fight for our rights with weapons; we need to accept the conditions we have for our rights with weapons; we need to accept the conditions we have now and attempt to resolve our problems peacefully'. Those who reject such a stance, who are not willing to spend 20-30 years winning their rights; those who think they should have their rights now...they are different." The issue then is not so much the legitimacy of goals, as the means of achieving them. For men do not put themselves outside the bounds of society and take up arms lightly, without an adequate cause. Such a view of politics then stands in stark contrast to the political discourse of previous decades, where armed struggle was perceived in most instances as illegitimate by definition. And as Lasantha points out , even those who are armed share the aspirations of ordinary people, to live well, to rear a family. Though they may be outside the law then, in this sense they are an integral segment of society.

In sum then, as many interviewees pointed out on various occasions, taking up arms does not ascribe moral weight on you one way or the other; it is in what situations you actually choose to deploy your weapons that redeems your goals or shows them up as false. Thus while taking up arms against a patently unjust state is of course justifiable, this in itself cannot vindicate one's subsequent political conduct. Rather, each such act needs to be measured against the extent to which it benefits the mass of the people, who are the ostensible beneficiaries of one's actions. Similarly, if at any point such actions serve to worsen the plight of the people, Then armed struggle becomes a farce, a mere game of power politics indulged in by the politically irresponsible and the power-hungry. Issues of legitimacy then are no longer black and white, but etched in shades of grey. There are no universal standards that can stand for all time. Everything, including legitimacy has to be constantly sought and reaffirmed.

Responsibilities of the State

What then are the responsibilities of the state and its forces of law and order? Ironically enough, the collective expectations of the state on the part of almost all those interviewed was extremely authoritarian. Responding to a question on the relevance of the Penal Code that is prevalent in some Islamic states under Shariat law to Sri Lankan society, with regard to aspects such as the severing of fingers/arms for theft, the general consensus appeared to be that such a code was justified. "In today's world' said G A Sugath Wijeweera[8] "a person seeks to live not righteously but luxuriously. Society has moved a great distance from a desire to live righteously. For such a society, a harsh legal framework becomes necessary." Is the desire for an untroubled existence then in itself purely hedonistic? No, but "in today's world" says Sumedha, "90% of the people, if they were ever to commit a crime;say if they were to assault someone else ... if you tell them to refrain, politely, that will never happen. Such a person will never stop no matter what anyone says, unless he is (severely) punished." Nonetheless punishment, however should be appropriate to the crime. In what way? "I the crime is one of poverty, such as the stealing of a loaf of bread, the severing of the fingers of such an individual is not appropriate for it is hunger that drives men to crimes such as that. A poor man would be further handicapped in earning a living, over and above his poverty, if he is punished in such a way. If on the other hand, the object stolen is a luxury car, harsh punishment is called for.

Thus while state coercion is required in certain situations, at the same time, there were certain conditions that needed to be fulfilled by the state. "Such laws (i.e. the Shariat) are justified"observes Sugath, "in a situation where the state has succeeded in creating for such a state, but in a situation where this is not so, such punitive laws become invalid." This ties up with Sumedha's assertion that "if the law operates in any society, its operation should be directed first at bettering the material welfare of the populace; after this is realised, implementing such a punitive code is in order." This position, interestingly enough found agreement almost across the board.[9] As the last section will show, the role of the state in employment creation and unemployment creation and unemployment were a burning preoccupation with almost all interviewed.

There was also a favourable response to the full-employment and social welfare achievements of the ex-Warsaw Pact economies. What about freedom for the individual in such a system; is there no palace for freedom in a socialist society? Of course there is, but its a different kind of freedom. "Socialism has a place for freedom" says Sumedha who studies political science for his A/Ls, "but its for collective freedom, unlike liberalism which stresses individual freedom and is for all. For instance, take economic freedom. In liberalism, economic freedom is for the individual. Where socialism is concerned, economic freedom refers to the collective — everyone pools their earnings, brings their income to an equal level, and this ensures freedom from want for everyone. In liberalism then, there is in reality true economic freedom for the capitalist, but not for the poor. I mean, the poor do not have the power to supply for themselves their basic needs... What liberalism really expounds is egotism, not freedom." Despite the breaking-up of the Soviet empire as a result of an unmanageable consumer-goods crisis, in a scarce economy such as Sri Lanka then, individual

freedom is clearly seen as secondary to collective freedom from material want.

Do such punitive laws impact impartially on all segments of society?. "The law" explains Sumedha, "is written down in one document, a constitution. But you cannot say it impacts impartially on each and everyone. Now today, the law impacts in one way on the rich and on the poor in another way. This is the situation. We cannot say the law impacts uniformly if it hinges on your economic situation. This is however, actually not the fault of the law. It is the fault of the society concerned." In an intricately cleaved society such as Sri Lanka then, it is unrealistic to expect the law to impact impartially. But one should not on the other hand be defeatist, for unjust punitive laws can be changed. "If people band together", remarks Sugath, "and they decide that the state has no right to do this (whatever unjust act the law permits the state to do), that they will not allow the state to do this; for whatever legitimacy the state has, it is through the people's will." Thus while existing law may impact unevenly, it is necessary to oppose new laws that are patently unjust and aimed at weakening more vulnerable segments of the community.

The forces of law and order then, also have a responsibility to the people. 'For even official duties', said Lalith de Silva[10] "have to be implemented for the benefit of the people; everything, in the final analysis, should be for the good of the people, shouldn't it? To commit an act that is contrary to the well-being of the people and to claim that one was only doing one's duty is a false position isn't it?". Final moral responsibility then, devolves on the individual himself. While the state may give you legal sanction, it cannot provide your actions with moral authority. "Now suppose," comments Lasantha, "if there is an order from the state, `kill this man', in fact even a police officer cannot, on the grounds that this was an order from above, maintain he is merely doing his duty and realising his responsibilities, and kill a man. That is wrong." The enormity of this categorical statement, cannot really be appreciated without an idea of the intensity of the repression that was experienced in this region, and which appeared to have penetrated almost every household at some point or the other. Again here, his was a lone voice. Many others chose not to articulate their general position on such a controversial issue directly. Yet as the following section will illustrate, in specific instances, when faced with personal experiences, frequently strong value judgements were made that reflected the positions adopted by Sumedha, Lalith and Lasantha.

Yet for many others the issue appeared to remain unresolved. Are there perhaps extreme circumstances where arbitrary police violence is justified? There appears to be real confusion about in which contexts if any, official murder may be condoned. The need to eliminate Tamil militants, for instance, was never really questioned. Not unexpectedly, where the JVP was concerned, the issues were more complex. Sugath on his part, comments somewhat euphemistically that "in that period (i.e. during the repression) ... actually the armed forces did not provide a proper service..." Sumedha's assessment perhaps captures this sense of a moral vacuum that persisted. "It was like this" he says, "Today people question what happened before, precisely because then, they were unable to question. If there were killings conducted by the army or police, people refrained from criticising not because they imagined murder was justified; they didn't criticise because they wanted to go on living."

Sumedha here is responding specifically to a question of whether ethical and moral standards are universal or subject to shifts across history. His answer, which is firmly rooted in his own experience, indicates that he believes that this is not so, that there are indeed universal truths. Yet it would seem that, tragically enough, his own social experience denies this. For in the instance he speaks of, for most people around him, fear, fear for their very lives served to paralyse their judgement, and impacted on their ability to act 'nobly'. Fear then, seemed to provide most people with a welcome sense of ethical amnesia, where it was possible to suspend judgement on the morality of the actions of forces they could not control. In this situation, particularly during 1989-90, collective standards of right and wrong appeared to have undergone real shifts.

Notes:

1. The October 1982 presidential election was perhaps the last nation-wide election to be held in a relatively stable political climate. The succeeding Referendum in December 1982 marked the descent into political chaos which marked the '80s. Despite the quenching of the July uprising, it cannot be said that conditions similar to the pre-82 political climate has in any real way been recaptured in the '90s.
2. Not his real name. Sumedha is a 17-year old commerce student. His mother is a school teacher in a very small rural school. His father also used to teach, now drives a three-wheeled cab. His family's economic situation is somewhat difficult. He has three brothers and two sisters. Sumedha is very bright, interested in politics and writes short stories and blank verse, mostly on social and political themes.
3. Not his real name. Lasantha is a 19 year-old Commerce student. His father is a type-setter in a printing press, and his mother is a housewife. He is the eldest in the family of two boys and 2 girls. Lasantha is very thoughtful, good in his schoolwork and likes reading. He also writes short stories and poetry, mainly on social issues such as drunkenness and poverty.

4. Lasantha here fails to differentiate between the state and the regime/government. While the people may change the government, particularly if it is located within representative organs such as the legislature; but this is not so with the state, which is an extension of the executive.

5. Prabhaharan is the murderous leader of the Tamil Tiger movement or the Liberation Tigers of Tamil Eelam (LTTE), and a figure that is much demonised in the Sinhala media.

6. Saradiel was a 19th century bandit whose story is built on the lines of Robin Hood, with a reputation for stealing from the rich and giving to the poor.

7. Not his real name. Upekha is 19 years old. He comes from a difficult economic background. His father is a retired foreman in a sugar factory some distance away. He has two married sisters and two brothers, one of whom is in the middle East, but does not seem to be doing very well. He is very talkative and outgoing. He is also very observant. He does not like to read but is interested in drama and has written scripts for school plays.

8. Not his real name. Sugath is an 18 year-old commerce student. His social background is comfortable relative to that of the others interviewed. His father is an entrepreneur, his mother a housewife who is able to employ 2 domestics to help her. He has two brothers and an elder sister. Sugath is also good in his school work, but is not overly interested in politics. He also writes short stories that are sensitive and socially relevant.

9. 9 out of 16 persons affirmed such a position.

10. Not his real name. Lalith is an 18 year-old arts student. Both his parents are retired school teachers. He reads widely, is well informed about national and international politics and has well-defined views.