

It was January 1920. Within a week she had met P.de S. Kularatne, the dynamic young Principal of Ananda College. Within a year, after waiting the eight-months stipulated by her-parents as a condition to their agreement (C. Suntheralingam, the mathematician and Kularatne's best friend was instrumental in getting the Westbrooks' permission), Hilda wed P. de S. Kularatne. And thus was born 'a marriage of true minds' which was to have profound effects on the educational system of Sri Lanka.

In chronicling Hilda Westbrook Kularatne's contribution to Buddhist education, apart from the six schools with which she was associated as Founder and/or Principal, mention should be made of her periods teaching Post-Senior classes to those who were waiting to take University entrance exams at Ananda College, Colombo and Dharmaraja College, Kandy as well as her working long hours into the night to ensure success for the educational exhibitions and fund-raising carnivals organised by her husband. She was, besides, visiting Lecturer in French and German at the University College in the early 1920's, before the birth of her first child Ananda. She also helped P.de S. Kularatne write and edit the "Buddhist Chronicle", a fortnightly review dedicated to furthering Buddhist education and culture.

When Dr. W.Y. Evans-Wentz passed through Ceylon on his way from Sikkim to the United States, after completing his English edition of the Bardo Thodol, the Tibetan Book of the Dead, Hilda acted as interpreter and amanuensis in his philosophical discussions with leading Theravada monks. In a free translation she made of world-renowned German Buddhist Paul Dhalke's last lecture in Berlin for the Buddhist Annual of 1928, Hilda had this to say:

Buddhism does not deny the idea of God but makes it mean what it really ought to mean. It becomes a higher humanity and thus the individual becomes personally responsible for every moment of his life..... For the Buddhist, there is only the idea of action and the result of action - the religion of dispassionate, unmitigated personal responsibility and therefore the religion for men who have developed out of the common run and who know that in the realm of reality nothing is given for nothing.

In 1952 Hilda Westbrook Kularatne was awarded the M.B.E. for her services to education in Sri Lanka. Her last position as Warden of the Ceylon Students Hostel in London brought her into contact with many of the young men and women who were to determine the future of her adopted land. When she died on 5th January 1956, she left behind her husband, P. de S. Kularatne, a son Parakrama and a daughter Maya. The Kularatne's eldest son Ananda, a flyer with the RAF, had gone missing, presumed dead, during the second World War. Hilda's creed of 'unmitigated personal responsibility' had made Ananda's disappearance the hardest blow for her to bear and may have led to her premature death.

Looking back from the vista of what would have been her hundredth birthday, it is difficult to decide whether Hilda Westbrook Kularatne was motivated purely by a desire to flesh out the driving ambition of her Sinhalese husband or whether she had what modern feminists call her own 'agenda'. But it can be said without blandishment that Hilda Westbrook Kularatne embodied the noblest impulses of her sex. If education is the bedrock of a nation's culture, Hilda Westbrook Kularatne's true memorial lies buried deep in that bedrock. ■

THE STATE, DEPORTATION AND PUBLIC POWER

Jean Richardson

Dr. Jane Russell was allegedly removed for overstaying her visa. What we should not forget is that deportation is an extreme measure: "the extirpation from a country of persons settled within its borders is the most direct infringement of personal freedom of movement: it requires the clearest justification and unobstructed rights of appeal" (Geoffrey Robertson: 1988: 322). The casual use of a harsh measure such as deportation is serious and requires analysis of the use or misuse of public power. Although Dr. Russell's deportation may have been "legal", we must remember that it was not Dr. Russell who committed a crime but the institutions and organs of the state which treated her as "a common criminal".

Deportation-a tool for the removal of whores, agitators and eccentrics

Deportation was used during colonial times as a means of expelling "undesirable Europeans". The undesirables were people who did not conform to the narrow vision of what a decent, civilized colonist should be, the irony of being both civilized and an oppressor being lost within the blinkered vision of the colonial state. In the 1920s for example, the British authorities deported a Russian woman who was a "disgrace to the European community in Ceylon....constantly seen in the company of sailors.....wandering about the public streets drunk and indecently dressed" (Bracegirdle Commission 1938: 421). The British were keen to get rid of anyone who might betray a breach in the ranks and expelled white male and

female agitators and communists, as well as gamblers and prostitutes (Jayawardena: 1995: 3).

After Sri Lanka gained Independence (in 1948) the new government under John Kotalawela used the old colonial laws to deport foreign women of the Left who did not have citizenship. As in colonial days, the new elite were keen to categorise good and bad citizens and used the law to expel those who criticised the status quo. One case was an American journalist of Jewish origin, Rhoda Miller de Silva (1911- 1980) of New York. In the late 1930s and early 1940s she was a writer for *Time* magazine, and later for leftist journals and the *London Economist*. She was a first cousin of Howard Fast (a famous one time Communist writer) and married a Sri Lankan, Joseph de Silva, who had been a student in Britain and linked to Leftist politics. In the early 1950s they lived in Vienna, and in 1953 returned to Sri Lanka where they were actively associated with the Communist party. In March 1954, just before she obtained local citizenship, she was deported on grounds that she was an alien suspected of subversive activities. Ironically she was also unjustly reviled by sections of the local Communist Party who turned against her, alleging that she was an American spy.

Rhoda de Silva later challenged the legality of her deportation and won a case against Pan American Airlines on which she had been deported. On arrival in New York at the height of the MacCarthy witch-hunts against Communists she was interviewed by a *New York Times* journalist who asked if she was a Communist; she refused to deny or confirm it, calling herself a "kidnapee of the American government" (*New York Times*, 20 March 1954). The suspicions of the local Communist Party that she was a spy were also unfounded. (Jayawardena: 1995:287).

The Removal of "unwanted persons"-a link between Past & Present

It is all too easy to write off Jane Russell's case as unusual or eccentric. Yet this case requires that we raise normative questions about how and by whom power should be allocated and exercised in contemporary political communities. Historically, the use of deportation by the colonial state was a means of marginalising those who might be embarrassing to the colonial state. The new post-Independence governments also used deportation as a mechanism to remove unwanted persons. The issue of deportation and the way in which the public reposes wide discretions in the police and other officials, in the hope that they will act fairly, highlights that the public sphere as an independent arena of discussion, distinct from the state, is threatened. The problem hinges around the unreliability of the organs and institutions of the State with regard to the public good and interest they are supposed to serve.

This government came to power on a platform committed to transparency, with the goal of making the organs of the State more accountable. It is the extreme use of public power as in the removal of Dr. Jane Russell which makes this transparency less clear. When the bureaucratic arm of the State overuses its executive powers it is time to examine the location of interests within the State.

Law-Goals versus Practice

In the international community the nation-state is recognised as the main form of human political organisation. States however are not homogeneous. The way in which the modern state organises "impersonal" and privileged legal or constitutional order and the link between the State and one of its arms-the law-varies. The 20th century has not resolved the problems of what law is and where it comes from, but it has created a certain legal framework, which is operative though not equally satisfactory to those involved. This is because neither national or international law are the product of legal philosophers enacting an overall consensus on the peaceful and equitable coexistence of humankind, but the outcome of compromise and influenced by the distribution of financial, military and economic power.

When analysing how power is wielded through law it is important to look at each specific context, in this case the geographic space of Sri Lanka, which is part of an international system. We should also bear in mind the reality of political legitimation and the fact that law has to be binding in order to sustain. Who has power and who does not? Who exercises power across the whole gamut of state institutions? Has the State displaced the people as sovereign? In the Sri Lankan case it seems that Hobbes' vision of the primacy of the State has displaced the more communitarian vision of Rousseau whose idea centred on the need to establish a social contract. The problem with the Leviathan state is the absence of principles or institutions needed to delimit state action. As the *Observer* notes, in Dr. Jane Russell's case "the whole issue smacks so much of petty official tyranny that the Government must investigate the matter fully" (*Observer*, 19/04/96). Why has the State got time to victimise Dr. Jane Russell when it has no time to protect against financial deprivation and rising prices or against the fear of displacement.

As Dr. Jane Russell herself notes she: "feels strongly that the events are connected to a personal vendetta launched by members of her business partner's family, in view of an ongoing property dispute. (The *Observer* 19/4/1996). If this is true than the public should be concerned over the use of arbitrary power.

Rise of Xenophobia.

Some people have congratulated the Sri Lankan state for taking action against Dr. Jane Russell. "Why not for a change compliment Sri Lankan authorities when they do something right" notes a letter writer (Ubayavansa Warnukulasooriya, *Sunday Island*, 28/04/96). This writer and other contributors remind us that Sri Lankan citizens are often maltreated abroad. It is true that racism exists in the West and it is also true that Sri Lanka may be in a weak position in the international system. Yet the idea of celebrating the State because it appears to wield power-in this case the power to deport reveals a blindness about the real nature of power. Rhetoric about exercising sovereignty may be an attempt to create and sustain certain social and cultural networks in the wake of a homogenising global culture. However there is no progress if one ideology of repression replaces another.

In the Sri Lankan context those who exercise power are those in particular locations. Power does nothing for the public good unless there is responsibility. Rights and duties are a two way process. Citizens accept certain rules in the understanding that the State fulfills its duties. The State can not just target scapegoats like NGOs or "foreigners" and place culpability on any anti-social element it decides is to blame. Dr. Jane Russell's case ties in with a recent history of xenophobia and demonstration of state power. It is clear that certain duties are being neglected: "since the PA government was elected to office, none of the promised legal and institutional reforms to strengthen freedom of expression have been implemented" (Silent War: Censorship and Conflict in Sri Lanka, *Article 19*, March 1996).

It appears that the State wants to re-invigorate its self-esteem after years of international slander. Yet the exercise of power just to demonstrate the ability to wield power becomes meaningless, particularly in the shadow of the power of global capital in the form of transnational corporations. In the face of global capitalism nation-states become little more than bit actors. Beyond the imagined communities of Sri Lanka lies a borderless world.

Idiosyncracies of who the State wants or does not want

The tragedy is that the State refuses to abandon its dream of protecting its rights to use excessive force. At one moment the State may lash out against Westernisation and yet it invites multinationals which may increase income disparities to stay. Companies in the Free Trade Zone are given "incentives" whilst foreigners whose presence is deemed "undesirable" are forcibly removed. There is no clear commitment to dealing with social and moral deprivation only self-interest. And why did the State fail to inform the British High Commission about Jane's removal? Is it because they were hoping to get rid of an "unwanted person" without damaging trade relations?

A community of concerned citizens cannot afford to do away with explanation and let justification take its place. The relationship between law and practice needs to be examined. Are officials alone responsible for universal interest? Why is there a reluctance to make certain issues public. For example, the reports of the presidential commissions investigating disappearances have not been made public. What is behind this inscrutability? In Dr. Jane Russell's case a quick resort to the most extreme measure raises questions about the possibility of disinterested descriptions of social life. In any circumstance, depending on who is asking the questions we get different answers. The context of the explanation will affect the description. To be disinterested means a failure to address the why questions. Why did the State decide to take such harsh action in this particular case. A society has certain common interests but it should not only be the State which has the moral authority to take decisions on public interest. The behavioural correlants of issues such as justice need to be clearly constituted by a legal discourse which aims to safeguard citizens' rights rather

than a discourse which is vulnerable to change depending on the vagaries of current political interest.

For politicians the rhetoric of liberty sounds loudest in opposition. A preference for pragmatism rather than principle is only convenient in the short term. The cost will be measured in the gaps in the rights of citizens to obtain speedy, effective or indeed any remedy against abuses of private and public power. The State embodies ideals which will never deliver unless it embarks on an extensive critical examination of its own assumptions. We cannot afford to abandon the State since this appears to be the only vehicle to offer democracy. Or as John Dunn puts it: "today, in politics, democracy is the name for what we cannot have-yet cannot cease to want" (Dunn:26-27).

This returns us to the issue of the possibility of disinterested descriptions. It is possible to distinguish better from worse regimes of social practice. Jane Russell's deportation ought to act as a catalyst for a debate on what constitutes universal human interests and what legal provisions will best meet these. This activity requires a judicious and thoughtful agreement about society's needs and the best policy for a nation. This cannot be achieved in a climate where spurious arrests for traffic offences land people like Dr. Jane Russell in Bogambara Prison. The integrity of the public sphere is maintained through the freedom of speech, assembly and communication. The State should offer institutional support for this rather than undermining it. If the legislature and parliament become theatres for yes-people who are instruction bound, then representation will die in the face of "interests". Public space is no longer public if its only function is to legitimate the State.

The case of Rhoda Miller de Silva who returned to Sri Lanka following her deportation to work and live here should remind us that the State can remove persons unnecessarily instead of first pursuing a less severe option. Rhoda Miller de Silva came back to live and die in Sri Lanka and contributed her journalistic skills, writing a widely-read weekly column in *The Ceylon Daily News*, called "An Outsider comments". Let us hope that in this case the State decides to allow Dr. Jane Russell to return here and continue to make literary and cultural contributions to Sri Lanka.

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