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Conversations in a Failing State

Patrick Lawrence

THE ASIAN HUMAN RIGHTS COMMISSION – HONG KONG

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Asian Human Rights Commission

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The Cover:
The picture on the cover page is from a painting of the famous Sri Lankan artist Stanley Kirinde. The original painting is now in the possession of Vijaya Vidyasagara who has kindly granted permission for us to use it. The author met both Stanley Kirinde and Vijaya Vidyasagara during his visit and refers to them in the passage of the book.

This book is for Chitral Perera and Father Nandana Manatunge —

occupants of certain chapters,

lights amid darkness.

Man is the only animal that laughs and weeps, for he is the only animal that is struck with the difference between what things are and what they ought to be.

Hazlitt – Political Essays - 1819

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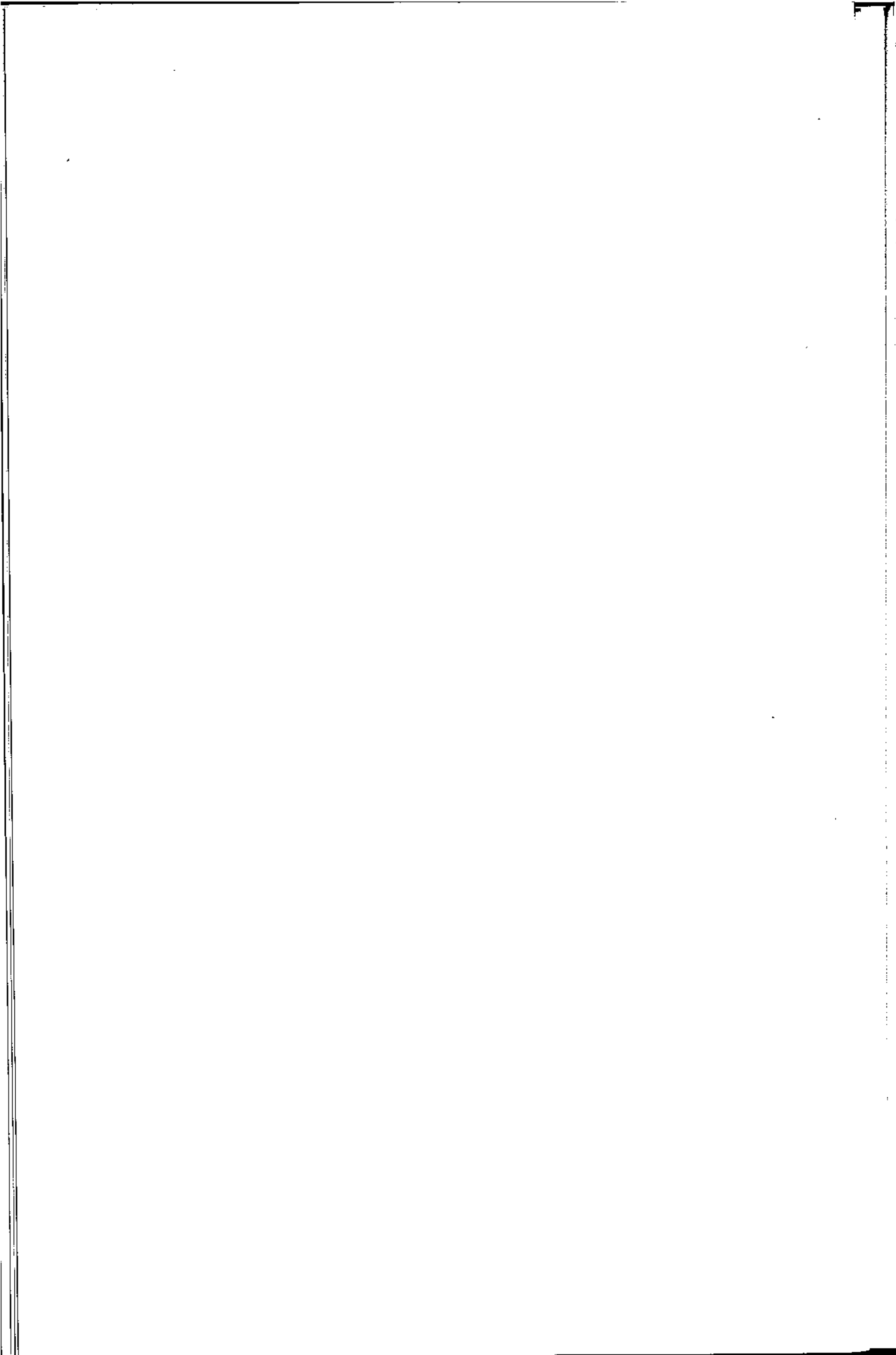


Chapter One

Arrival

"THERE IS A NEW KIND of coming and going in the world these days," V. S. Naipaul once wrote. That was in 1976, and the famous Indian writer from Trinidad had just arrived in Mumbai. Mumbai was still "Bombay," but even then the old city, the colonial "gateway" with all its remnants of the Raj, must have been on its way to becoming something else.

Naipaul's observation came to me as I made my way through Bandaranaike International Airport outside of Colombo. It was 2006, thirty years on from his arrival in India. And Mumbai, just a short distance away, was bursting out of its confines. One could feel its energy even as one arrived in the middle of the night. Now it is a "global city"—Indian, but also connected to some larger culture, some larger world. And the coming and going in Mumbai is incessant.

Colombo was very different. I had arrived from Hong Kong via Bangkok—two cities quite committed to the coming and going of our time. Then, arriving in Sri Lanka, there was no such coming and going. One had the sensation that time had stopped at some point and had not yet restarted. The airport seemed dated and dilapidated. But this was not at all the point: Many airports—not least Mumbai's—require modernizing. The feeling of stopped time came in the pace of things, busy but spiritless, and in people's faces, the faces of transients—uncertain, unanimated, a little disoriented. Most of the other passengers, burdened with heavy, bulky bundles, seemed to have come from homes and work, routines and families, that unfolded in other places. They were Sri Lankan, for the most part, but it was as if they had said, as we waited at the baggage carousel and passed through customs and changed our money, "No, life is elsewhere now."

Something had happened in Sri Lanka. In the early 1970s, not so many years before Naipaul recorded his journey through India, Sri Lanka had been the envy of the developing world. Famously, as many Sri Lankans would remind me, it had been admired by leaders such as Lee Kuan Yew, the progress-obsessed prime minister in Singapore, who liked the new public housing he saw during a visit to Colombo. Now the place once to be emulated was a place full of tragedy and regret and missed opportunities. Almost unbelievably for a nation with so many advantages and so much promise, it was a legitimate question by 2006 whether Sri Lanka could be called "a failed state." So something also had not happened: There was an absence. What was it that was missing? What had seemed so promising but had not been delivered upon? What had happened, or failed to happen—or both, in some combination or other? What had caused the clocks to stop?

LIKE MANY INTERNATIONAL FLIGHTS into Colombo, mine arrived late in the evening. We set out for the capital—my guide, his wife, a driver, and myself—sometime just after midnight.

It is a long drive from Bandaranaike International Airport into the city. For much of it I could make out only shapes, stilled reminders of daytime activity—rooftops, doorways, signboards, streets and lanes. Lights of all sorts—some old and yellowed and feeble against the night, others bright and declarative—glinted through a thick haze. It smelled of diesel fumes, wood smoke, dust, and a half-dozen other things I couldn't name. This is the odor of the Third World, the haze of the South. I felt it in my eyes and my throat. It lingered heavily in the lights.

The side of the road was strewn with an uninterrupted line of objects, most of them metal and modern, the things of a society coming to terms with the process we call industrialization: cars, household goods, discarded steel products, cargo containers. Amid these things: half-built buildings, half-decayed houses, buses that may or may not have still been in service. Rows of shops sold building materials, cars and car parts (the latter new and used, the used stacked like fruit or hung like sides of beef). Other shops displayed kitchen and bathroom fixtures, furniture, computers and office equipment, groceries, fast food, produce, bottles of soft drinks and water. The profusion suggested a frenetic way of living, a local economy involving a daily struggle—local coming and going, subsistence coming and going, an energy that rose upward from the roads and lanes and went in all directions.

There were religious symbols and religious places of various kinds. They were like islands or order in a sea of disorder. They were numerous and seemed oddly out of place amid what looked like a kind of barely contained chaos, an anarchy of buying and selling and building and tearing down. Here and there were seated Buddhas in stone and white-painted stupas that seemed to glow through the darkness. There were Hindu temples and a mosque. And there was Christian imagery, more of it than I had expected. Statues of Saint Anthony of Padua—a special figure for Sri Lankan Catholics, it would turn out—alternated with Blessed Virgins, each one carefully colored, encased in glass, and lit against the night. There were also churches and Christian cemeteries. In the cemeteries some of the stone crosses were tall enough to reflect the light from the road.

These are the things Sri Lanka first reveals of itself. It seemed to struggle a little awkwardly with the objects of modern life. Atop an old civilization had been imposed a new one; on one level of development had been placed the things, the technology, of another. And between the old and the new there seemed to be an absence of organic connection. People had not quite absorbed the new objects. So the new things that came from elsewhere were little by little, by no one's particular design, worn out or broken or cast aside or left where they were, while the old things went on unchanged. Next to an open shed there was a British-made car with years of undisturbed dust on it. It suggested the fate of modern things in Sri Lanka: They were a part of life but not a part of life—a separate part of life.

The Christian images should not have surprised me. When I arrived it had been five hundred and one years since the Portuguese first came to the west coast of what was then Ceylon. Later, of course, the Dutch came, and then the British. Each modified the missionary mix, so there were eventually Catholics, Dutch Reform Protestants, Methodists, Anglicans. The Christian layer was Western, but there was not much else to distinguish it. It was the most recent of the religious imports, and perhaps the most given to public display, but Buddhism was an import, too—as were Hinduism and Islam.

We had been driving for almost an hour, and we were nearing Colombo. And I had seen almost nothing in this densely populated strip of Sri Lanka that was plainly, self-evidently Sri Lankan. I had noticed no "Welcome to Sri Lanka" sign as we exited the airport. I had seen no

public places—no parks, no government buildings, nothing of what we can call "civic space," or "public space." I had seen not a single Sri Lankan flag—not even, as I recalled during our drive through the haze, in the arrival terminal itself. The airport, surely, was a public facility, but even that had seemed oddly un-public in character. It was named not for the city it served but for a family, an old political clan whose influence during Sri Lanka's fifty-seven years of independence was more or less unrivaled. The Bandaranaike's, I knew, were proud of the place they occupied in the national story. But they were prideful, I had sensed in the reading I had done, as Bandaranaike's more than as Sri Lankans. In that first, revealing hour, when impressions accumulate as if pressed upon a blank surface, all that I saw that could be called Sri Lankan were police units, barricades that turned the road into a kind of driver's training track, and army units equipped with automatic rifles and submachine guns.

Sri Lanka is at war with itself, and I had expected as much. After four years of relative peace under an internationally brokered cease-fire—the negotiators, too, were from elsewhere—fighting had recently broken out again in the north and east of the island between government troops and the Liberation Tigers, the group that had been demanding, for the previous quarter of a century, an independent state for the island's Tamil community. Security, perhaps of necessity, was tight around the airport and in the capital. There had been incidents, even in the south, and there would be more of them in the months to come. But was this how Sri Lanka represented itself to its people, by way of barricades and checkpoints and security forces? It suggested, even then, the notion of a nation as a kind of forced imposition, as an idea no Sri Lankan appeared to grasp—not, at least, with enthusiasm or understanding.

In the days that followed, the truths that suggested themselves during that first hour would be elaborated. I had arrived in a traditional society. And tradition in some fashion means belonging, even as belonging must in some way involve exclusion. One was, on this island, Sinhalese or Tamil or a member of one or another of the smaller minorities. In a deeply religious society—or a society much given to religious form, at least—one was also Buddhist or Hindu or Christian or Muslim. One spoke Sinhala or Tamil or English as a first language. One passed out of this school or university, one was of this profession, and above all of this class or that—one was above or below. Among others, in Canada or Britain or California, one might be Sri Lankan. But one was not Sri Lankan at home, it did not seem to me.

I had arrived, too, in a modernizing country—and a modernizing city, certainly. As the drive from the airport had suggested, Colombo is a riot of individuation. So there is this paradox (among others) at the core of Sri Lankan life: Deep down one belongs, but in everyday life one makes one's own way. As a city Colombo is not so much mismanaged or poorly managed, as many other cities are; it is, rather, something closer to unmanaged. Everyone goes in his or her direction, off this way and that, caring not at all for the direction anyone else may have chosen.

The modern makes the individual, some scholars would say. In theory, at least, the modern also provides the means and the rules by which the individuals modernity creates can live among others. Perhaps this is a simple definition of a modern nation-state. But here was a place where one could see the traditional and the modern, the old and the new, the belonger and the free-standing individual, jostling and bumping against one another without any such means and rules. This was evident not just on the streets and in the shops but on the very faces of the inhabitants—again, uncertain faces, faces that suggested uncertainty as a condition of life in Sri Lanka.

Everyone, then, seemed to know what it meant to belong and to exclude, for Sri Lanka is a place of distinctions and barriers. Everyone knew, just as well, the necessity of making one's own way. There was religious life and there was private life, the latter manifest in the myriad pursuits of self-interest typical of any busy society. There was sacred space and profane space. But there did not seem to be any public space. By what principle did Sri Lankans bring order to what would otherwise have to be counted an evident disarray? What was their larger idea of themselves? There seemed to me to be energy without organization, which produced a kind of confusion, a want of design. This is not a political problem or a social problem—or it is not only these. It is at bottom a psychological problem, a problem of consciousness.

I WAS TO STAY in a suburb of the capital called Nugegoda. Today it is virtually indistinguishable from Colombo proper. One could see that once it had been a separate place. The train that originated in the center of Colombo made a stop in Nugegoda. Here and there along some of the smaller roads leading to the city there were still bits of empty, untouched land, land still in grass or trees. But there were not many such places, and they were hard to find. In the days that followed I would have to adjust to the idea that my little rented house was not, as it seemed to me, in the Sri

Lankan capital but in some other place. This became a small daily reminder of something large and important: The common frame of reference among those all around me was to a past I could not easily see and had not lived.

Once in the city that first night we drove along a wide commercial street—silent and deserted, for it was very late, but plainly a place of great activity during the day. We crossed another thoroughfare called Highlevel Road, and then a railroad track. Then we passed the train stop and turned down a narrow lane called Thilaka Gardens (or Telaka Gardens, depending on which sign one read). In an instant we had left the city and entered a village. There were low houses with roofs of ceramic tile and windows with shades against the daytime sun. The houses were surrounded by gardens dense with plants, and the gardens were walled. One of these houses would be home.

As I settled in, another question formed itself, the question that had brought me to this island before I was able even to pose it: What does it mean to be Sri Lankan?

In one way or another I would ask this until the day I left.

CHAPTER TWO

NOSTALGIA

IN CENTRAL COLOMBO there is a public place that rivals any the British built anywhere for its symbolism and for the message it conveys—its evocation of civic awareness. It expresses an idea of a polity, something shared and public, more powerfully than anything else in Sri Lanka. Only the ancient ruins of the four-gated capital at Anuradhapura evoke a pre-modern equivalent.

Galle Face Green, the long stretch of open lawn that runs along the oceanfront, conjures a kind of ideal. It must be counted among the great remnants of England's imperial era, even if it originally stood for the civic participation of the few, not the many. It is the center of the city. As an expression of public space it is arguably the center of the nation, too, as Anuradhapura once was.

One can see the British mind at work at Galle Face Green, for architecture and spatial arrangements in the colonies were always purposefully expressive. The old colonials set it just to the side of, but emphatically separate from, the harbour and the commercial district. At one end stands the stately old home of the Legislative Council, the colonial body that preceded the Sri Lankan parliament. It is a massive, classically proportioned block of stone, fronted by a row of imposing Corinthian columns. At the other end of the green is the Galle Face Hotel, one of those colonial arks that still dot the former empire, focal points of an archaic sociability. The councils of state and the seat of social exchange, the gathering places of "public men": These are the borders of Galle Face Green.

It would be hard to find a space anywhere that is more declaratively civic. At the upper end of it there is a bronze statue affecting the English monumental style. It commemorates S. W. R. D. Bandaranaike, Sri Lanka's fourth prime minister. It suggests just the continuity the British and the founders of modern Sri Lanka, members of "the independence generation" as it emerged across the developing world, must have intended when sovereignty came in 1948 and an island of subjects became one of citizens. This is what we built, the British all but stated. Now it is yours to manage. And there is Bandaranaike, cast in bronze as one of the great, early managers.

Famously and fatefully, Bandaranaike and the others who first led independent Ceylon assumed sovereignty without a struggle. Galle Face Green and the institutions of a nation-state became Ceylonese without enmity or rancor. They came as they were—and so came with ironies and illusions, both of which continued to accumulate after independence.

The green, it turns out, did not begin as public space but as a burial ground for British soldiers who died in an early attempt to invade the kingdom at Kandy. Only in the early twentieth century were the soldiers disinterred and the burial ground turned into a green. So the great, public space the British gave the Ceylonese in 1948 began as a memorial to those who died trying to destroy Ceylon as they had found it.

There are similar layers of meaning attaching to Bandaranaike's statue. Bandaranaike had been an active member of the local political elite since the 1920s, a supporter of independence. But the fourth prime minister's most famous (or infamous) act was profoundly disruptive of any continuity with the past that may have been useful to independence Ceylon. The first thing he did after taking office in 1956 was to abolish English as the national language. Ignoring many centuries of history and all social and demographic realities then facing Ceylon, Bandaranaike's law declared Sinhala alone the new national language. Tamil, the first language of about a fifth of the population at the time, was given no official recognition. It is difficult to imagine an act by a national leader more destructive of a genuine national consciousness, a consciousness Ceylon desperately needed to cultivate, then as now, among its citizens.

Today there is something very odd about Galle Face Green and the great, open expanse of space around it. It will stand as an expression of a public spirit for as long as it is there: This is more or less inscribed upon it.

But here we come upon another irony, for one cannot be in this very public space for more than a few moments without realizing that modern Sri Lanka has vacated it. It is unoccupied. To cross it end to end is to take a solitary journey. To walk from the Galle Face Hotel toward the old Legislative Council is to pass through a no-man's land.

This emptiness is as freighted with symbolic meaning as the green itself. Galle Face today is a kind of ruin, not unlike the great ruins at Anuradhapura, for its emptiness represents the same sort of social and institutional collapse that led to the decline and disappearance of the once-formidable civilization centered around the ancient capital. In this emptiness we find one of the peculiar features of Sri Lankan life: Its institutions appear to be intact and functioning, but in fact they are neither, for they, like the green, are also effectively vacant. It is the same with politics. At first glance the Sri Lankan political process appears to proceed as usual, replete with the customary collection of contending political parties and their ubiquitous initials—the U. N. P., the S. L. F. P., the J. V. P., and so on. The newspapers are full of what passes for political news every day. In fact, most Sri Lankans have deserted the political sphere, avoiding it as one would a dangerous bit of jungle, which, indeed, it can be. This is plain in any ordinary conversation, which is almost certain to be devoid of politics unless one purposely introduces the topic, or in any neighborhood, where outposts of political parties or other such organizations are conspicuous only by their absence.

We find in the green, then, the suggestion not merely of collapsed institutions and hollow symbolism, but also of a collapsed public consciousness. And it is amid this collapsed consciousness that the grim history of the past several decades has unfolded.

IT IS DIFFICULT TO DATE the beginning of Sri Lanka's gradual decline toward the status of a failed state. One might say it started at independence, when the elite that took power from the colonial administration failed in the most fundamental task facing it: to bring the vast, excluded majority into the new polity and all its processes, to make citizens of the Ceylonese—to empower them, as we would say today. One could also point to Bandaranaike's language law, which had a devastating effect on the consciousness of the Ceylonese as belonging to a modern, secular, multicultural nation at just the moment such a consciousness needed to be encouraged.

Then there are the problems of corruption and violence in public life. When did they begin?

Corruption in Sri Lanka has many roots. During the 1950s people without private wealth were elected to public office for the first time. In the 1960s came a vast expansion of the state sector; in the late-1970s came the opposite—a phase of privatization. Each of these proved an occasion for corruption to spread.

Another kind of corruption can be dated to 1972, when Sri Lanka passed its first "home-grown" constitution, and to 1978, when J. R. Jayewardene fashioned the presidential constitution (and then became the first executive president). These documents allowed for an unhealthy concentration of power in the executive and the unchecked politicization of every aspect of public life. Everything, thenceforth, proceeded according to political interests. Police officers were appointed according to whom they knew. School principals were appointed according to whom they knew. Nothing was left out. This, without any doubt, is the most corrosive form corruption has taken in Sri Lanka. It was by way of these two constitutions that the structure of government began to collapse, departments and agencies lost all autonomy, and power began to be exercised coercively and "extra-legally"—that is, violently, by way of dense, opaque alliances among government officials, politicians, and organized criminals. By the 1980s, it is frequently said, a political assassination could be ordered for about five hundred rupees—roughly twenty American dollars at the time—and there were many of them.

How did violence, the threat of violence, and the fear these produce among the citizenry, become so endemic in a society that inherited so stately a thing as the Westminster model? This question, too, can be answered variously.

In 1956, while parliament was debating Bandaranaike's language law, Tamil leaders began a *satyagraha* at Galle Face Green. *Satyagraha* is an Indian term meaning, roughly, "support for the truth." The term was much used during the Indian independence movement to describe resistance movements based on Gandhi's principle of nonviolence. Those mounting their *satyagraha* at Galle Face Green were attacked by Sinhalese supporters of the language law, and eighteen people were injured. It is a tiny number compared with all the casualties that have followed, but

perhaps we can date the appearance of violence in Sri Lanka, at least in its contemporary guise, to this small, mostly forgotten occasion.

There have been many ethnic riots since that moment. In 1971 a more purely political violence erupted when a leftist insurrection, an "armed struggle" in the parlance of the time, began in the south of the island. It lasted but a month, but the military's killing spree afterward claimed, by most counts, about fifteen thousand lives.

Then came the war with Tamil separatists, and what is called ethnic violence became a way of life. Compounding this, the leftist rebellion erupted a second time, in the late-1980s. By this time the army had a more or less free hand in countering violence with violence—civil institutions having begun their slow collapse—and there was no restraint in the army's response. The number of dead and "disappeared" is still debated and is unlikely ever to be established with certainty. The official figure is thirty thousand; "not fewer than fifty thousand" is a phrase commonly used, and some credible, independent organizations put it at sixty thousand. That is more than twice the number of "disappeared" commonly attributed to "the dirty war" in Argentina after the military junta took power in 1976.

The dirty war and Argentina's disappeared are well-known around the world. But Sri Lanka's grim descent into violence and near-chaos is little understood outside the country. Foreigners are generally aware that there is a war between the government and the Tamil separatists, but this is usually cast in the simplistic terms of ethnic problems and a war against "terrorists," a word often used to remove the need for any further understanding. Apart from the war not much is known about the tragedy Sri Lanka has made of itself. Very few people are aware that most Sri Lankan institutions barely function, resulting in a circumstance just short of lawlessness. Very few people know of the preponderance of fear and violence, or of the near-complete corruption, without exception, of government institutions. This is the result of a rather grotesque cult of silence. It is perfectly possible for a foreign visitor—and I have met many such cases—to spend two weeks on a Sri Lankan beach and know nothing of these matters. This is at least in part by design. Mention Sri Lanka to outsiders, even those who have visited, and they are likely to mention back the war, cricket, or the beaches along the southern coast. The rest has unfolded away from the world's gaze.

Least of all are foreigners or visitors (or, indeed, many Sri Lankans) able to recognize that the war—a remote, insignificant war in the world's imagination—is a symptom and not a cause. Understood properly, the war is the not entirely illogical consequence of the collapse of national institutions—public, mediating institutions, and what we can call the institution within, the public consciousness of Sri Lankans.

It is this collapsed consciousness that accounts for one of the strangest characteristics of the Sri Lankan people. Amid all the wreckage, amid all the murders and disappearances and abuse, this macabre silence prevails. No atrocity seems to stir them. If anything, the greater the atrocity the deeper the silence. Only the few still know the importance of raising their voices. And among these, still fewer have devised ways of doing so. A friend in Colombo once described Sri Lanka by saying simply, "ours, an ugly country." He meant the brutality, the bloodshed, the corruption, and so on. One must consider whether it is not the silence of the living that is most truly unattractive.

Absent its institutions, absent its voices, Sri Lanka is rendered incapable of resolving any of its conflicts and difficulties and faces, instead, the prospect of disintegration, for in reality there is no working entity called "Sri Lanka." Raymond Aron, the French philosopher and social critic, once wrote that France during the radical polarizations of the 1930s "no longer existed except through the hatreds French people bore one another." There must have been many fine, well-intentioned French people alive at that time, just as there are many such Sri Lankans living now. But we learn from Aron just how a nation can destroy itself nonetheless: It is first destroyed in people's minds.

LET US REMAIN BRIEFLY at the green, for many things have changed in the vast open space around it over the years. And these changes are revealing. They offer a few more signs of the nation within.

In 1982 J. R. Jayewardene, the first non-ceremonial president, moved parliament out of the old Greek edifice facing westward across the ocean and made it into the Presidential Secretariat—in effect his office. Nothing could be more expressive of the narrowing of vision and political life in Sri Lanka and the dysfunctional accumulation of power in one man's hands since Jayewardene, in the constitution adopted in 1978, switched Sri Lanka from a Westminster system to a presidential system. Parliament now sits on what was previously a swamp on the outskirts of the city—

another revealing spatial rearrangement. It is in a place called Sri Jayewardenepura, Kotte—the name of an ancient kingdom—and it is commonly said that the president chose this location so that his family name and his personal legacy would be eternally honored by the presence, in this isolated bit of nowhere, of what should be one of the nation's most essential public institutions.

The war between the Tamil separatists and the government began in the late-1970s and, after a lull, escalated dramatically in the early 1980s. And because of it the army headquarters, located just south of what is now the Presidential Secretariat, has become a kind of urban bunker—forbidding, a constant reminder of the coercive power of the Sri Lankan state and the force by which it holds itself together in a condition that is not much more than bare survival. A long wall around it is equipped with barbed wire and guard turrets, always manned. Here and there atop the wall, green-painted sandbags are stacked in piles—protection for more sentries.

There are checkpoints along the road beneath the wall, which rings what amounts to a large military quarter. Drive past one of these and you may be stopped and your papers checked. This procedure might take five minutes, or twenty-five. In such situations the police are free to detain you as long as they wish and to ask you anything they wish, and if you are Sri Lankan you are best advised to set constitutional legalities aside and answer them. Patrolling police and army units enact the same scene more or less constantly all over the city. Whatever the necessity of such exercises, there is a subliminal message in them: If Sri Lanka is anyone's space, it is theirs, not the space of its citizens. Public space is now military space. It is a kind of occupation zone.

The statue of Bandaranaike between the army headquarters and the old legislature was erected in the mid-1970s. It is now one of five that populate a small lawn that seems to belong to the Presidential Secretariat. At the front of this formation is one of D. S. Senanayake, the first prime minister of independent Ceylon. To Senanayake's right stands Bandaranaike, and on his left is Dudley Senanayake, the son of D. S. and a prime minister himself. Behind these are two statues of once-prominent cabinet ministers (and behind them the statues of two prominent Tamils). Bandranaike and the two Senanayake's were national leaders, of course. But do their statues now stand for great men in Sri Lanka's history or for the patriarchs of great families or political interests, men who brought

honour to their private realms or political clans by making their names prominent in the public sphere? With Sri Lanka's history in view, this is a fair question. It is hard to read the tablets on the pedestals of these statues, and it would be interesting to do so, for they might shed some light, perhaps unintentionally, on this very question. But the statues stand distantly, looking a little like bowling pins, behind a fence with no gate—there for all, accessible to none.

Built by the colonizer, then handed over to the once-colonized, Galle Face Green and all it stands for has languished. Today we cannot look at it and imagine all that it was once meant to signify without posing an essential question. Why did the transfer of power in Sri Lanka turn out to be such a signal failure in the years following independence? The neat, symmetrical idea of history as a logical continuity, a rational unfolding of events as humankind decides they should unfold, has had little to do with Sri Lanka's progress, if that is the word, since 1948. It is the question that greeted me on my arrival: What is it that failed to happen? Galle Face today is not unlike the old British car I had seen on the way in from the airport: still there, but fallen into disuse and gathering dust. To make another comparison, it suggests a transplanted organ that did not survive. Something in the receiving patient rejected it. We must ask why. And still more urgently we must ask, what is to be done now to revive the patient?

The green was fenced off when I first saw it—beaten down, bare in many places, and scheduled for a restoration. It was not the first such effort, friends would tell me. There had been others, the most recent having been tried some years earlier. One friend told me a story about it. The municipal authorities had spread water sprinklers across the green to revive its trampled, parched grass. Then they turned them on and waited. Inside a week, there wasn't a single sprinkler left. They had all been stolen. "And that is Sri Lanka," my friend concluded.

NOSTAGLIA IS NOT an uncommon sentiment. Many people feel it in their private lives, for a lost love or a lost opportunity, or for a time when life seemed better than how it is. Sri Lanka is odd in this way: There is a nostalgia among Sri Lankans that is not private in any of these ways but involves the whole of society—a kind of public nostalgia. And it is odd in another way, too: It is a post-colonial country that seems to nurse a nostalgia for its colonial past. No one quite stands for a return to colonial rule, of course. But many people, sometimes rather openly and more than half a century after independence, miss the British era—"the time of the British"

or "the British time," as many Sri Lankans call it. This, surely, is a singular feature among the old imperial possessions.

This casting back to the British past, like any other form of nostalgia, is, again, a longing for what is lost. And to long in this way usually means to idealize the object of longing. This is what many Sri Lankans seem to do: They long and they idealize what they long for, and both of these habits are unconscious. Nonetheless, they are embedded in the very fiber of Sri Lankan life, which makes them so visible and total that they become invisible, except to the newcomer. One sees Sri Lankan longing in the pubs, which are as English in Colombo as anything to be found in S. W. 3 or off of Piccadilly, one sees it in the national taste for cricket, in the houses considered the ones worth owning, in the place of English in the national conversation, in government procedures and government buildings—it is, one might say, in the very air one breathes in Sri Lanka.

In the house I took in Nugegoda, the sitting room was decorated with artificial roses and two posters, both of a little blonde English girl. In the posters she is dressed in soft woolens and stands next to a large stone column holding a rose up to her nose. It seemed very odd to me. What has this to do with Sri Lanka, I began to wonder as I walked past these images day in, day out. They turned out to be popular posters, for I saw the same little girl with the same rose by the same stone column numerous times during my stay, once even pasted to the interior of a tuk-tuk I was riding from my suburb into the city. Outside the decrepit tuk-tuk, the chaos, noise, and fumes of a thousand motors racing to get ahead in sweltering heat; inside, the little girl in winter woolens smelling an English rose as she stands next to what looks like the corner of a great, eternal institution.

Pubs, sport, appealing English children, graceful houses: There is nothing wrong with a fondness for any of these, surely; cricket is popular the world over—a great, common language, a unifier. But Sri Lanka's relationship with its lost British past is different. There is a certain denial in it, for one thing. There is a denial of the present as it is, and there is a denial of the past as it was, for pubs and cricket can hardly be said to stand for the sum of the colonial experience. There is also a more subtle denial: the denial of discontinuity, of a rupture, of things that were lost and mistakes that were made. Apart from denial, there is also a certain element of delusion, for in all this longing one looks back or reaches back for something that is not there. And one remembers what it was never

one's to remember. I have seen this habit elsewhere. In Japan during the 1980s and 1990s, the young entertained a great nostalgia for Elvis Presley, not because they remembered him authentically—they couldn't, they were too young—but because of some totemic meaning attached to Elvis, something to do with the years during and just after the American occupation, years of great misery but also of common struggle and a certain spirit of exploration.

This is how we should consider the nostalgia so plentifully in evidence among Sri Lankans. We should ask, What is the totemic meaning attached to the tangible artifacts of the old colonial culture, the old way of doing things, the old habits, manners, and mannerisms? Then we must resolve the presence of this nostalgia with the presence of precisely the opposite habit of mind.

AMONG POST-COLONIAL NATIONS there is without exception a rejection of the legacy of the colonizer. This can be a painful, messy matter, as it is proving to be in Zimbabwe today, for example. Or it can be a slow process, a gradual coming apart. British cartographers created Nigeria a century ago by drawing red lines on a map, and it is now not altogether certain whether those called Nigerians want to live by those lines or erase them and begin again.

Rejection comes in many forms. Sometimes it is merely symbolic and sometimes it is to the accompaniment of the very nostalgia is seems to negate. Singapore, along with Sri Lanka and many other former colonies, has famously kept many of the trappings of British rule, including the wigs worn by judges on the bench. But this is affectation, intended to give an appearance of unassailable authority, such as the colonists projected, and to suggest the weight of history. Famously, too, Singapore repudiated recourse to the Privy Council in London when the council once ruled against the Singapore courts, and there is now little that is British, to say nothing of a universal standard, about Singaporean justice. Something not dissimilar occurred shortly after I arrived in Sri Lanka, when the chief justice, Sarath Silva, ruled that the findings of the U. N. Human Rights Committee—an by implication the terms of any international covenant Sri Lanka ratifies—were not binding unless there was a domestic law corresponding to them. So the former colonizers play a complex set of roles as history moves on: They are there to be rejected so that new leaders can demonstrate their legitimacy, and they are there to be imitated, at least superficially, for the very same reason.

Amid all their nostalgia, Sri Lankans have had a few important moments of rejection, too. Most famously, they rejected the language of the colonizer by way of the law passed in 1956. And the language law proved to represent a rejection of much else apart from the medium of English. At bottom it was a rejection of a certain idea of order and governance, and this rejection was later confirmed by way of the constitutions adopted in 1972 and 1978. It would be difficult to overstate the significance of these acts of rejection. Sri Lankans are still living—and more to the point, dying—as a consequence of them.

But for all of their acts of rejection of the colonial past, it remains their pervasive nostalgia that is most striking among Sri Lankans. To reject and then to long for the rejected: It seems a strange combination of impulses, but we must recognize that the paradox is only apparent. What allows them to co-exist so commonly—in a society, in a family, in an individual—is the presence of regret, regret and the code of silence. Regret is not ordinarily expressed—for either a society or an individual it is usually too difficult to articulate—but it seems to be there, along with silence, whenever one finds rejection and nostalgia side by side.

Nostalgia, as an American writer once pointed out, is a form of depression. It is an effort to escape from the present, so it is always, and by definition, freighted with regret—regret for what has been lost, what has been damaged or neglected, or for what is no longer there. It is not necessarily a very accurate sentiment in that it tends to paint the past differently from what it was. But it is perfectly accurate in expressing the longings for what is absent in the present.

And what, precisely, is it that Sri Lankans long for? This is a simple and obvious question that requires a complex and not so simple answer. The thing most clearly missed in contemporary Sri Lankan life is the one thing Sri Lankans rarely, if ever, speak of—not directly, in any case. It is part of the reason they maintain their rather extraordinary silence, for to speak of it directly and openly would require the painful admission of regret—regret of many years of mistakes. It would necessitate a going back and a beginning again—acts that, quite understandably, any of us would find difficult, for they involve the acceptance of time and effort wasted and lost. We see nostalgia in food or sports or architecture, but what is missed has nothing to do with mere trappings. As I read them these are unconscious expressions of a larger loss. What is truly missed lies at the very core of a nation's life: It is an idea of order upon which all

the constituents of a nation have agreed. In Sri Lanka's case, it is the very order that was effectively discarded in 1956 and then buried in 1972, and buried again in 1978, and buried again and again in the years since—years of corruption, conflict, and, very much in effect of late, years of near lawlessness and judicial anarchy.

To put this more specifically, Sri Lanka is nostalgic for a civic consciousness, the vitality of that part of each Sri Lankan that makes that person aware of himself or herself as a public being, a self with an outward role, in a community known as "Sri Lanka." This is absent in Sri Lanka—the great absence one finds from the airport onward. To put it still another way, Sri Lankans have declined over many years to occupy together that inherited public space so well signified by Galle Face Green. They have either declined to occupy it, occupied it irresponsibly, or, for the vast majority, they have been prevented from occupying it. As with the green at the center of Colombo, they wander across public space, aimlessly and individually, but they have at bottom left it empty. Who stole the sprinklers from Galle Face Green? We may well answer this way: All Sri Lankans did. They stole them, one might say paradoxically, by not insisting upon their common ownership over them. All that is manifest there now is an army. The rest is a great, almost palpable vacuum. And this vacuum is at once the consequence of Sri Lanka's rejection and the object of Sri Lanka's regret—Sri Lanka's nostalgia.

SAMINDA WAS A NOSTALGIST. It was he who first took me to Galle Face Green. And as Saminda made clear even on that first morning after my arrival, he was full to overflowing with the regret that is the companion of nostalgia.

"Go into the street and you see what the country is," Saminda said almost as soon as we met. "Everything is there. The street is like the face of a man."

He was tall, well-spoken, and courteous. He dressed neatly. He wore glasses with heavy rectangular frames and thick lenses, which lent him an inquisitive look. When we drove in his car, which was often as the weeks went by, he would apologize for it each time. It was a road-worn Volkswagen with missing window handles, a broken radio, and an air-conditioner no longer strong enough to make a difference in the equatorial heat. Electrical tape sealed the sunroof. It was black, carefully matched to the colour of the paint.

"It's not what I'm used to driving," Saminda would explain. This was a point of some importance to Saminda. He was used to a large, commodious car—a B M W, I think—that had come with his job: a perquisite. Then it had gone with his job. Saminda had been a judge. And when he became entangled with the corruption of the judiciary he was forced to resign—a story I was to hear over and over in Sri Lanka.

Saminda was very conscious of his place in Sri Lankan society. This had something to do with personal status and pride, surely, but it also reflected his awareness of his public being, his civic self—his being a Sri Lankan. This latter I admired in him. His difficulties in the judiciary had given him a view of things. He had suffered, and like all sufferers, he was able to see more clearly because of it.

That first morning we drove out in the Volkswagen from the quiet of my lane toward Stanley Tillekeratne Mawatha, the commercial street I had seen during the night. As I had expected, it was in daylight a cacophonous confusion of cars, motorbikes, trucks, tractors, carts, pedestrians, hawkers, and tuk-tuks, the noisy three-wheeled taxis that skim across the city like insects on the surface of a pond. The fumes were heavy. I was immediately drawn to the vitality of the city. But I also saw for the first time how unkempt the streets and sidewalks were. There was no apparent order; driving seemed an exercise in improvised navigation, with no rules to govern it.

At the Nugegoda rail crossing the bars went down as a train approached. Then something curious happened, something I had never seen before. On both sides of the track drivers immediately filled the lane for oncoming traffic, so that when the train had passed and the bars were lifted the cars and trucks and motorcycles and tuk-tuks on either side of the track faced each other like opposing armies. There was chaos for several minutes as drivers threaded their ways through all the vehicles coming toward them. Motorbikes and tuk-tuks weaved tiny passages for themselves.

There is an immense energy on Sri Lanka's streets. They burst with a kind of power that, I later came to believe, could someday prove the salvation of the nation. But for now it is an energy and power that lacks all direction, and so is spent in an altogether futile fashion.

All this made Saminda rather grim and pensive. It stood, in his mind, for the disorder that has gradually overtaken Sri Lanka—its institutions, its daily life, the way Sri Lankans think and act toward one another: In this it was "the face of a man," as he had put it.

On that first day we eventually drove through Sri Jayewardenepura and past the parliament building. We were a few miles from the city limits, and already lush foliage began to envelop everything. Here and there along the side of the road there were piles of trash, as one sees in rural villages—dried leaves and palm fronds, the smoldering ashes of small fires, old coconut shells decaying in the heat. I thought nothing of them, but Saminda kept shaking his head. Finally he said, "This is our national symbol—garbage."

This acute way of seeing, a kind of cynical detachment in a process of relentless self-examination, was something I was to encounter many times among Sri Lankans. In Saminda it seemed to have sharpened and grown more bitter since he had left the judiciary. He had been well brought up in Colombo. He had moved in sophisticated circles. And then, all at once, the insider was outside. He was isolated, a sudden exile. This happened a couple of years before I met Saminda, and he was still struggling with the shock of it.

THERE IS A DIFFERENT KIND of nostalgia among Sri Lankans. For some it is a longing for the old kingdoms of the Sinhalese monarchs, for the greatness of Anuradhapura and the magnificent "tanks" built from the first century onward—the vast reservoirs and the elaborate irrigation systems they watered, feats of engineering that survive in many places. This is very different from the nostalgia for the British past, of course. They are many centuries apart, these two longed-for eras. And this kind of nostalgia is rooted in an impossible idea: It supposes that the colonial era was an interruption that can be erased from history—as if it did not count, as if it was not part of what makes Sri Lankans Sri Lankan, and, indeed, as if it simply never happened. It shares only one thing with the nostalgia for the British era: They both express the longing for an idea of order, although these ideas are very different.

At lunch one day Saminda recalled a memory from his childhood. When he was young he had studied from textbooks supplied, as all were, by the government. In one, written in Sinhala, there was an account of Prince Gamini, who later became King Dutugemunu, a legendary hero

credited with uniting the island for the first time. One day the prince's mother came upon him as he slept with his arms and legs tightly folded—perhaps in a kind of fetal position. The boy awoke. His mother said, "Son, why are you sleeping this way?" The young prince replied, "Mother, it is because to the north of me are the Tamils, and to the south the sea. How can I stretch myself out in such circumstances?" As he told me this tale, Saminda explained that the terms in the textbook had certain connotations. "They implied 'the dumb, inanimate sea' and 'the roguish Tamils.'"

This kind of nostalgia, an officially sanctioned nostalgia by the time Saminda went to school, held no interest for him. He told me the story simply to show me how wrong things had gone in Sri Lanka and the government's responsibility for this wrong direction. Saminda's nostalgia was decidedly of the more modern sort. In another circumstance one might consider him simply an Anglophile. But in Sri Lanka his nostalgia carried a much greater meaning than this term implies. It was, at bottom, a response to the impossible nostalgia of the pre-modern kind. So it was in reality a kind of anti-nostalgia.

As a boy Saminda had attended St. Thomas College, one of the famous old schools begun under the British. It was in Mount Lavinia, a suburb just south of the capital. St. Thomas was a kind of unspoiled preserve of the type one sees here and there around Sri Lanka—a park, a street of well-kept houses, a churchyard, an orderly place amid the disorder. It had a campus like that of a New England day school, and it bordered the sea.

After St. Thomas, Saminda went on to the law faculty at the University of Colombo, and from there, in 1992, he qualified as a solicitor in London. Back home, he began to practice. He started a family and bought a house in Mount Lavinia. And eventually he became a judge, rising soon enough to the High Court. In time he was up for a promotion to the Appeals Court.

Law is a chosen profession in Sri Lanka. To practice as an attorney was a privilege long preserved for the most elevated Ceylonese, the *mudaliyars*, those families (the Bandaranaike's especially prominent among them) who once served the Kandyan kings as mediators and then went on to serve the British in the same fashion. The Law College and the Medical College, founded respectively in 1870 and 1874, were the first institutions

of higher learning open to the Ceylonese. Thereafter, law and medicine became passages into the local elite. The status of physicians and attorneys, as belonging to revered professions, owes to this history and is evident even now. Lawyers and doctors figured prominently in the notion of continuity in Ceylon, as they do still.

All of this was evident in Saminda's thinking. Like attorneys the world over, he had a particular regard for precedent, procedure, and the supremacy of the written statute. And for Saminda Sri Lanka had lost the order these things provided when it rejected the traditions the British had left behind. This, he thought, was the country's fatal mistake after independence. The order of the old civilization was something beyond retrieval; the order of the British was something Sri Lanka had had and had lost.

Saminda said, "When I was young, in the early 1970s, people were paying no attention to procedure and law. It was just, 'We've got power now, and we will do things as we want.' The point was simply to uproot the system. This was the purpose of the 1972 constitution. It concentrated authority in the executive. The independence constitution, implemented in 1947, had certain essential features—the full separation of powers, full checks and balances—and most of these were eliminated in 1972. The courts had no authority to rule on the validity of laws enacted by the legislature, so parliament had 'the liberty of a wild ass,' as the expression went. That is why everything eventually became political and corruption spread so widely."

Saminda paused briefly and continued.

"How could this happen? Because people were politically naïve. They talked politics all the time, but they were not politically literate. Feelings were what moved them—nationalist feelings, and then racist and religious feelings."

Saminda spoke for a long time. But there seemed to be something missing from his account of things. It failed to explain what gave rise to the feelings people had within a few years of independence. It may have made rational sense to adopt the system the British left Ceylon in 1948, but the educated elite that took power used the system just as the British had: to exclude the majority of Ceylonese. This is why so many Sri Lankans

old enough to remember independence remember most of all how little difference it made. And this, surely, was the appeal of the old Anuradhapura civilization: It could be called Ceylonese. This sort of nationalism, Sinhalese nationalism, was not really nationalism so much as a substitute for nationalism—the authentic nationalism the majority of Ceylonese had been denied after independence. It could be no surprise that so many Ceylonese, and now so many Sri Lankans, would seek an identity for themselves in the deep past. It was a mistake, but the original mistake was not theirs: It was the mistake of those who led them—those, it would have to be said, of Saminda's class.

I never asked Saminda about being Sinhalese and what it might have meant to him. Like so many others I was to meet, he was left to struggle on his own with the matter of being Sri Lankan. And to Saminda—a lawyer, a judge—this meant drawing, dispassionately, on all of history, not just the part of it that was Sinhalese, however much its remnants suggested a bygone greatness. It is in this way that what I called Saminda's nostalgia was an anti-nostalgia, a negation, a reply to a kind of Sinhalese fundamentalism that made an altar of the stones at Anuradhapura.

"What was the system we had in ancient times?" Saminda replied when I put all this to him. "No one knows. Nothing was written down—or not very much. We have a glorious history. There were kings who did great things. We have our 'great walls'"—he meant the island's famous rock faces full of chiseled inscriptions—"but I'm talking about a system of governance. We didn't have one of our own—an identifiable, legal, administrative system, like Westminster. This is the reality. The Westminster model didn't spring up in a day or two. It took a long time—it was a process. And we didn't have anything that could develop in the same way. Kings tried to develop things here and there, but you can't call it a system. Foreign influence was nothing new to us in 1948. At that point we had been under the influence of foreign powers for almost five hundred years. Our choice at that moment was simple—to preserve the Westminster model—to preserve it or improve upon it."

THE JUDICIARY WAS THE LAST branch of government to give way to the corruption and politicization that have all but destroyed Sri Lankan institutions. Even as things crumbled all around it, the Sri Lankan judiciary was still considered to be among the best in the British Commonwealth. This seems to have been true until well into the 1990s, at least in the

higher courts if not the lower. "First to go was customs," Saminda once told me. "Then the police and the army. Then the civil service. And then the judiciary."

As a high court judge Saminda had presided in Kandy, driving to Mount Lavinia on weekends down the steep mountain atop which Kandy sits. "It was in Kandy that my troubles began," Saminda said in a rueful tone over dinner one evening. He had resisted talking about this when it had come up on previous occasions.

It was a low business, as it turned out, based on the pettiest of disputes. I had been warned about this before I arrived in Sri Lanka. Personal advancement, private alliances, individual ambition: It all takes precedence over anything that is public. Some of the largest decisions in its post-independence history have been taken to serve the narrow interests of a handful of people—and sometimes simply one. And it is the same throughout society. It is the very substance of disorder—a cause and a consequence of national failure.

Saminda's story, though mundane and petty in its details, casts an interesting light on the inner workings of the judiciary. The local chief of police stopped him on a road outside of Kandy one evening, and the encounter became abusive, a matter of rank and privilege. Observing procedure, Saminda filed a complaint with the judicial authorities in Colombo. Then the realities began to make themselves apparent. The police chief had connections at the highest levels of the judiciary. He did favors of various kinds for senior judges and politicians. He was a fixer, a kind of "henchman"—a favorite term among Sri Lankans when discussing official corruption, for the system is highly dependent on such figures. In time, the status of the police chief, his invisible status, came to trump Saminda's status as a judge. And after some months it was clear to him that he had transgressed, perhaps fatally for his career. But he had transgressed in a very Sri Lankan way: He had transgressed by not transgressing. He had held to the rules and procedures, and this had sealed his fate. Within a few months he was forced to resign from the bench.

So the professional and public became the personal and private, a common occurrence when there are no institutions to check political interests and accumulated power. What is public and what is private in such circumstances become hopelessly confused. What is public is

submerged, and the forces that control society are not discernible. Everything, in the end, is invisible. And the only way to protect oneself from forces that are invisible is to become invisible oneself—to withdraw into one's private life, to cultivate the idea of oneself as possessing no public identity, and finally to fall silent.

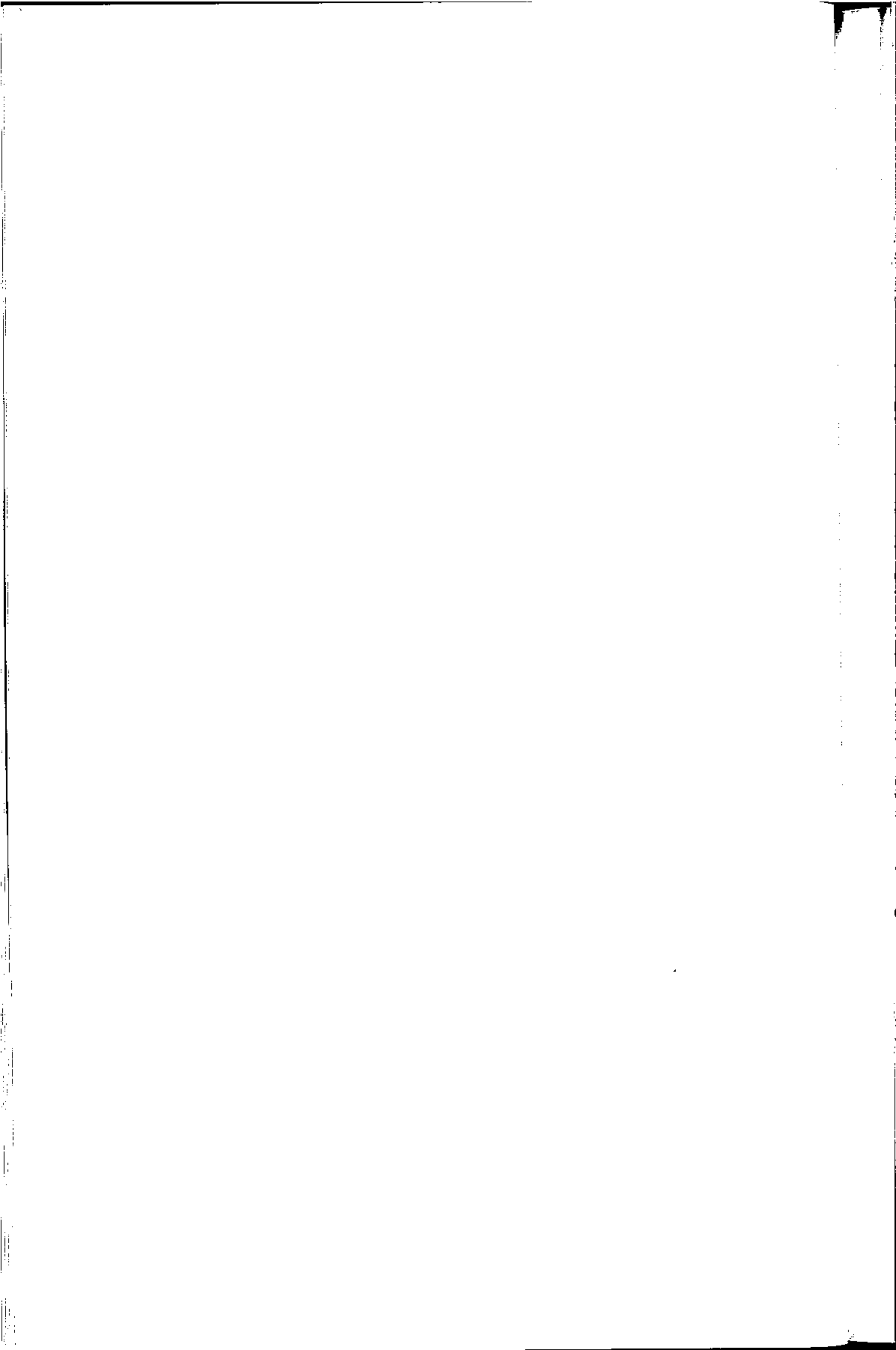
The sacrifices for Saminda came almost immediately. He lost all his government perks. Work stopped on a new home he had been building. He struggled to pay his sons' school fees. He fell into what seemed, when I met him, a mild but chronic depression. There was little work. For a year he presided in a court in East Timor as part of an international mission. Then he began doing legal work for a human rights group, a group associated with the organization that sent me to Sri Lanka and later published this book.

As my days in Sri Lanka grew short, I asked Saminda what he would do. We had seen a lot of one another. And there seemed so much in Sri Lanka that needed to be addressed, I told him. Perhaps he could accomplish more now that he had learned to survive outside the system. But it seemed an excruciating choice. Saminda had responsibilities—school fees, a household to run, security to provide—and a certain standing to which he was evidently still attached. The importance of such considerations can hardly be overestimated: They are absolutely essential to understanding how Sri Lanka is able to continue functioning even amid its incipient failure and disorder. By the time I put my question to Saminda, I had met many people who had made all the compromises necessary to keep their places within institutions they knew to be corrupt—to remain members of a beleaguered elite at war even with itself.

What would he do?

Saminda hesitated before replying. It was evening, and we were sitting on a terrace under a tree. I struggled to see his expression.

Then he said, "I will go back. When the chance comes, I want to go back."



Chapter Three

Some Pictures of the Past

THERE ARE MOMENTS in modern Sri Lankan history, brief moments, minor moments that no one elsewhere is likely to have heard of, that cannot but fascinate us for the larger story they tell. They punctuate the past, like full stops or the beginnings of paragraphs in a book.

In Sri Lanka's book we read about independence, the language law passed in 1956, the constitutions, the insurrection and the killing that came after it, the war. But one of the remarkable things about Sri Lankan history is how easy it is to read about all these things without ever making any connections among them. It sometimes seems that outsiders—and perhaps Sri Lankans, too—are even invited to read Sri Lankan history in this disjointed fashion. Perhaps it is part of the larger problem of what it means to be Sri Lankan. There is very little by way of a Sri Lankan story—a connected narrative by which Sri Lankans can understand their path into the present. This question of history is essential to understanding Sri Lanka as it is. Without an authentic past, one cannot imagine a future.

Any student of Sri Lankan history, even a foreigner and an amateur, is bound eventually to accumulate a list of small, telling moments, those passages that suggest how we might connect things into a longer story that has a meaning. Each such moment carries a lesson, an essential idea about its time—and then, perhaps, tells us something about our time. Because they are small moments, they can be like an unofficial history, telling a story that is not ordinarily told. They are also like snapshots kept

in an album. We all have our own albums, and if they are well-kept albums, they can tell the same story in different ways.

One such moment for me, in my album, occurred in 1937, eleven years before independence. There is a photograph taken at the time that captures, in a single instant, a curious passage in history. In it, a large group of Ceylonese stand in what looks like a field of some kind. With one exception among those standing, a man in Western dress, all of the others standing together wear sarongs and white shirts. We can see only the heads of most of these people—the eyes and hair in many cases.

Two men are seated at the very front of the crowd. One is a handsome man in white trousers and street shoes, his legs crossed in a confident pose and his tortoise-shell glasses lending him a distinguished look. The other seated man is a Westerner. He looks a little like the young George Orwell—tousled hair, a narrow chin, a trimmed moustache.

The Westerner was a young Englishman named Mark Anthony Bracegirdle. Many Sri Lankans alive today will know this name. What is known as the Bracegirdle incident was significant at the time, and has found a small place in the history books, because it forced the colonial administration into a constitutional crisis. But this is not why people remember the case today. The Bracegirdle incident tells a far more interesting story—a story that concerns Sri Lanka today vastly more than a mostly forgotten legal ruling. Like all of these pictures of the past, this one has to do with public space.

Bracegirdle had arrived in Ceylon by way of Australia early in 1936 and had taken up a position as a superintendent at a tea plantation near the town of Matale. The late-1930s, as elsewhere, were a time of considerable leftist ferment in the British colony. Trade unions displayed signs of increasing political awareness and radicalization; Ceylonese workers, in general, were growing more conscious of themselves—and of their ability to influence political affairs. The year Bracegirdle arrived a leftist party known (then as now) as the Lanka Sama Samaja Party, or L. S. S. P., had established itself—the first such party in Ceylonese history.

This was Bracegirdle's new milieu, and he, being a leftist himself, wasted little time before finding his place in it. He developed ties with the L. S. S. P., became active in the organization of unions among the plan-

tation workers (courageously, we must say, given his position as a manager), and in March of 1937, at Nuwalapitiya, another estate town, this one high in the hills northeast of Kandy, spoke on a public platform against the owners and managers of the plantations. The owners and managers, he said, must be exposed for transgressing Ceylonese labor laws and for preventing unions from organizing, and the estate workers should support his efforts to expose them. It was apparently a fiery presentation.

The powerful planters, and soon enough much of the colonial establishment, were scandalized. Bracegirdle had transgressed. He had crossed a line one simply did not cross. A white man taking the side of estate workers against other white men? In public? This was unthinkable. Bracegirdle was dismissed from his superintendent's position and, three months after he had spoken, received an order of deportation. It had been issued by the chief secretary, in cooperation with the chief of police.

Then began the trouble that comes down to us through history. Advocates in the L. S. S. P. sheltered Bracegirdle before he could be sent back to Britain. A group of Ceylonese attorneys, several of whom were politically active themselves, then challenged the legal basis of the deportation order. The case became something of a *cause célèbre*. Amid large demonstrations of popular support for Bracegirdle, the legal challenge went to the Supreme Court. And there the chief secretary's order was overturned: Bracegirdle was found to have done nothing more than exercise his right to free speech.

Constitutional questions had been contentiously debated among colonial officials in Ceylon long before Bracegirdle ever took to a speaker's platform. He had simply prompted another one, in his case having to do with the proper lines of administrative authority: Who had the power to issue a deportation order? This was the problem at the core of the legal fracas that ensued. As it turned out, the chief secretary had no such dispensation.

But the legal question is more or less forgotten, and it need not concern us here. Something much larger is expressed in the unfolding of the Bracegirdle case. And this is encapsulated in the most obvious of its facts: Colonized Ceylonese, using the law of their colonizer, had defended a colonist against the colonial administration. Then the colonized had won their case—won it in the highest colonial court.

THIS SIMPLE, ENDURING fact tells us numerous things. It tells us about the place assigned to the rule of law in pre-independence Ceylon: a high place. It reveals to us the intersection of law, politics, and race. It is unthinkable that Bracegirdle would have had to defend himself against the planters and the colonial authorities had he spoken out politically but in support of someone other than Ceylonese workers. Would Ceylonese attorneys have defended him had he not spoken and sided as he did? Probably not. This goes to the larger point: Politics and class proved more important than race among Bracegirdle's defenders. And the rule of law proved the most important point of all to everyone involved. This is to the credit, one must finally say, of both the colonized and the colonizers. In this case, at least, they all stood equally under the law, and those adjudicating did so blindly—that is, with disinterest, without reference to race, class, ethnicity, or origin. The case was an affirmation of public space and the consciousness of it among the Ceylonese.

Something else must be said about those involved who, beginning thirty-five years later, would be called Sri Lankans. It has to do with identity, with notions of "self" and "other."

Those who defended Bracegirdle appear to have accepted certain values as being of universal validity. One of these was the rule of law, another was that justice is to be applied equally to all, and a third was a recognition, perfectly evident even if only implicit in their actions, of the concept of public space and how it can and should be occupied. None of these principles was discarded simply because, in their manifestation at the time, they were the principles of the colonizer. In recognizing them as universal, those who defended Bracegirdle had brought a question that would ordinarily have remained the business of the colonial elite down to ordinary people. In the course of things, the universal principles at issue were effectively spread throughout society. The Bracegirdle incident signaled a transformation in Ceylonese politics, though not everyone picked up the signal at the time.

Let us make one final point about Bracegirdle's allies. In their defense of him they declined to participate in the designation of "self" and "other" that lay at the very core of the imperial era. This was the designation upon which Bracegirdle's adversaries had acted. There were "we English" and there were "the Ceylonese"—others. The idea of "self" and "other" did not merely transcend law, although it did that. In the larger scheme of things the law governing the British simply did not apply to the

Ceylonese. Their position outside of the law was part of their "otherness." It was part of the victors' triumph in the Bracegirdle case that they implicitly rejected this position, so stating as clearly as could ever be possible a belief in their equality.

Who were the people who had surrounded Mark Anthony Bracegirdle? This is an interesting question. N. M. Perera, Philip Gunawardena, Colvin de Silva: These were among the men in the photograph, and they were also among the educated few in pre-independence Ceylon. Many of Bracegirdle's allies would go on to national prominence as legislators, lawyers, cabinet ministers, scholars. Perera led the opposition and served as mayor of Colombo and finance minister; de Silva was leader of the L. S. S. P. and a distinguished criminal lawyer. S. W. R. D. Bandaranaike, the future prime minister and founder of another party, spoke at a rally at Galle Face Green shortly before Bracegirdle's deportation order was overturned; fifty thousand people had attended.

There is something almost mesmerizing about the little snapshot of Bracegirdle and his allies. It is a picture from another age—an age now lost to us, so it gives the feeling of looking across a great distance. And it captures something that is difficult to convey with a camera: It depicts the promise of another time. This promise is as palpable in the photograph as the faces, hair, and white sarongs of any of the men in it. And it, too, is lost to us, at least for now.

It is hard to tell where this picture was taken. One imagines it was shot somewhere near one of the tea estates and that the men behind those prominently in the front were estate workers—almost certainly Tamils, almost certainly illiterate, very certainly poor. Whether or not this is so, the promise caught in that instant is interesting to consider. Bracegirdle's allies—those in the picture and many others—had been educated and had risen under the British. And they seemed to stand for the emergence of a lively, secular political culture in the nation that was soon to be. They suggested that a rational continuity between the colonial and post-colonial orders was both possible and desirable. The future lay in them. It was they who would run the institutions given to Ceylon by the departing British. And they would make those institutions work for the multitude of Ceylonese who stood behind them. They would lead the Ceylonese into the public sphere, the public space of their new nation. They would speak for them and show them how to use their own voices. They would ignore the differences between people—Sinhalese, Tamil,

white, Muslim—and they would erase the great gap between the center (Colombo) and the periphery (the rest of Ceylon). All this can be found in the photograph.

So it was part of the elite of colonial Ceylon who drew to Bracegirdle's side. And it is amid the ruins of their early promise, so evident during the months of the Bracegirdle incident, that Sri Lankans still live.

THERE IS A PHOTOGRAPH, given to me by a friend, of a British warship. It shows a Colony class cruiser somewhere at sea and sailing at speed, for the white water of a wake streams outward from its hull.

H. M. S. Newfoundland, launched in 1941 and commissioned a year later, had a long and varied career, much of it in the Pacific. It took part in the Allied campaign against the Japanese mainland and was present in Tokyo Bay when Douglas MacArthur, the noted American commander, accepted Japan's surrender aboard the *U. S. S. Missouri* in September of 1945. It then helped repatriate British and Commonwealth prisoners of war in the Pacific theater.

After the war the *Newfoundland* was refitted and sent back to Asia. It would eventually be used to shell the jungles during the British campaign known as the Emergency in what is now Malaysia. That was in 1954, and the *Newfoundland* would have been fairly fresh from Ceylon, for a year earlier the ship played a curious role in the island's first serious social and political crisis since independence.

THE STORY OF THE *NEWFOUNDLAND* in Ceylon begins in 1952. Ceylon celebrated the fourth anniversary of its sovereignty that year. The United National Party, which had been launched by a conservative segment of the Ceylonese elite shortly before independence, had governed for all of those years, led by Don Stephen Senanayake, Ceylon's first prime minister—the D. S. immortalized in one of the statues near Galle Face Green. Senanayake enjoyed a considerable fortune that derived from the graphite mines on estates that he had inherited. He was fond of mimicking the habits of the English—their mannerisms if not their highest ideals.

As the founding prime minister he quickly turned government into a kind of family business. Senanayake himself was also minister of defense and foreign affairs. His son, Dudley, was agriculture minister; his nephew,

John Lionel Kotalawala, was commerce minister, and his cousin J. R. Jayewardene, the future president, held the finance portfolio. One of the first important acts of this family enterprise came in a series of three bills enacted in 1948 and 1949. These laws effectively disenfranchised Tamils working on the tea estates in central Ceylon. These people (then as now) worked in very poor conditions, but as a political constituency they may have threatened Sinhala predominance in the Kandy district. These were among the people Mark Anthony Bracegirdle had sought to defend and to give a voice by encouraging them to organize. There were roughly seven hundred thousand such Tamils on the plantations and in the cities; Ceylon's population at the time was seven million. A little more than a year after independence, ten percent of the population lost their voices altogether: They became foreigners.

D. S. Senanayake died suddenly in early 1952—not so oddly, perhaps, while participating in an English-style equestrian event. A political clash then broke out over who was to succeed him. It pitted Dudley Senanayake against John Kotalawala. Once again not so oddly, the British governor-general, Lord Soulbury, intervened, arbitrated among the U. N. P.'s factions, and tipped his hand in the younger Senanayake's favor. At forty-one, Dudley became independent Ceylon's second prime minister.

By this time the governing U. N. P. had been nicknamed "the uncle-nephew party." Nonetheless, it was returned handily in elections Dudley Senanayake called in mid-1952. A certain mythology had grown up around the U. N. P. by then. It may have been shot through with nepotism and an aping kind of Anglophilia, but it could advertise itself, four years into independence, as the party of expertise, of competence, of knowing what was best.

The younger Senanayake's party made many promises during the 1952 campaign, but his was to be a brief prime ministership (though not his last). Senanayake now faced what his ministers considered a crisis. Real or imagined, it was of a kind that would become familiar in the developing world—a balance-of-payments crisis. As it would elsewhere many times, it proved the government's undoing.

Sri Lanka had enjoyed a positive balance in its external trade accounts in the first years after independence. In 1952 this changed. The Korean war had driven up the price of rice by creating shortages in commodity markets, and this had a considerable impact in Ceylon. Ceylon

subsidized the domestic rice price. This seems to have been a point of pride across the board. *The Ceylon Daily News*, a government-owned newspaper of the kind one often finds among the developing world's media, called the rice subsidy "one of the most notable social welfare measures of independent Ceylon." But the subsidy had become more expensive—accounting, according to some published figures, for twenty percent of the national budget. By 1952 the government was spending about 160 million rupees a year on the rice subsidy. The trade account that year had swung from a surplus of 345 million rupees to a deficit of 205 million—roughly the equivalent of the subsidy.

At this time the finance minister was taking advice from the World Bank. And with the bank's guidance, Jayewardene (who, as president, was later to preside over an extensive privatization campaign) introduced a budget that proved decisive far beyond the government's accounts. It eliminated not only the rice subsidy but also the midday meal schoolchildren were provided without charge. It raised sugar prices and increased postal rates and train fares. All this would affect Ceylon's poor disproportionately. In today's terminology, the budget was regressive.

"As long as the sun and moon last, the price of a measure of rice will be twenty-five cents," the U. N. P.'s Sinhala-language newspaper, *Siyarata*, declared during the 1952 election campaign. The promise had helped the party get re-elected. But Jayewardene's budget, introduced in 1953, sent prices to seventy cents a measure (which was about a pound).

The public reaction was swift. Government officials and *The Ceylon Daily News* had a favorite term for what followed: They called it hooliganism. The populist parties used another term, a word heard often during India's independence struggle. They called it *hartal*.

***HARTAL* COMES FROM GUJARATI**, the language of the state in western India. It means, literally translated, "everything closes." It can designate either a day of mourning or a day of protest, but it had taken on a political tint during India's struggle for independence. Ceylonese had never used this term before 1953—nor have they since. Colvin de Silva—the man seated next to Bracegirdle in the earlier photograph—explained it in Sinhala as similar to a *nonagathey*, a time before the Sinhala and Tamil new year when everyone stops working. It meant, in anyone else's terms, a general strike. And it betokened a lesson Ceylonese seem to have learned

from India about ordinary people entering public space and the effect such an act can have.

The *hartal* took place on August 12, 1953, and lasted a single day. The accounts of its effectiveness vary greatly, especially the contemporary accounts. "The sanity and good sense of the great majority of citizens of this country has [*sic*] been demonstrated already in their refusal to back the call for a political strike today," *The Ceylon Daily News* said in an editorial on August 12th—a little too swiftly, perhaps. Then *Samasamajist*, the English-language weekly of the L. S. S. P., which was published two days later: "August 12th marks the beginning of a new stage in the history of the mass movement of this country. That day saw the heroism and solidarity of the masses in common struggle."

In hindsight, nobody seems to have got it right. But certain things are beyond dispute. Actions of some kind occurred in every province. Shops closed and transport was paralyzed in Colombo and other cities. At least nine people (some accounts say twelve, one says thirteen) died when shoot-to-kill orders were issued, all of them participants in the *hartal*. Invoking legislation enacted by the colonial administration—a resort so familiar in the former colonies as to be both astonishing and tiresome at the same time—the government declared a state of emergency.

Now we return to our photograph, for on the day of the strike Dudley Senanayake was forced, or in any case found it prudent, to convene his cabinet not in government offices but aboard the *Newfoundland*, which was anchored in Colombo's harbour. Opposition accounts of the *hartal* say the government "was forced into hiding." The official accounts I have seen rarely mention either the *Newfoundland* or the cabinet meeting held on board.

The *hartal* has echoed down through Ceylon's (and then Sri Lanka's) history. Senanayake was forced to resign two months afterward, and his relative and former rival, John Kotalawala, took over from him. But the *hartal* had destroyed the U. N. P.'s image as the one and only serious party in independent Ceylon. Three years later S. W. R. D. Bandaranaike led the Sri Lanka Freedom Party, a party of conservative social democrats, to power, breaking the U. N. P.'s monopoly. Riding the populist wave, Bandaranaike appealed to the basest instincts of an insecure majority. Hence the main plank in his platform was "Sinhala only" as a national

language. It worked, needless to say. He then went on to push through the language law—a measure that, I would argue, stands as the most tragic mistake and betrayal of principle in all of Sri Lanka's history as an independent nation.

On July 30, 1953, as opposition parties (though not Bandaranaike's S. L. F. P.) were organizing the *hartal* and as Senanayake was refusing calls for a fresh election to determine the subsidy issue, the budget that brought Ceylon to a political crisis was the subject of a lengthy legislative debate. The minutes of this session make interesting reading, dull and windy as most parliamentary locution may seem so long after it is delivered. There appear to have been few first-rate economic minds present in the legislature that day; Finance Minister Jayewardene, however one may rate his intellectual competence, was absent altogether. Nonetheless, one listens by way of the written record as opposition lawmakers struggle dutifully through the figures and the thinking behind the budget policy, point by point, to reach some fundamental truths.

Taken in context, the external deficit could not be called a crisis: No nation anywhere can reasonably expect to balance its trade accounts on a year-to-year basis. Equally, there was no logical connection between the deficit and the subsidy—and therefore no reason, other than ideology of the kind for which the World Bank was soon to be noted, for countering the deficit by dropping the subsidy. The deficit and the subsidy happened to coincide roughly in size, but this is hardly a sound argument for the government's decision.

These were the issues engaged. What comes through all the words most poignantly, however, is something never explicitly stated: a deep frustration and a conviction that, five years after independence, Ceylon had already begun to go wrong. We detect in the legislative record a growing resentment that the economy of independent Ceylon was so little different from the economy of colonial Ceylon. Its tilt had not altered. It served the same small elite—and excluded the same large majority. And the emotions this prompted were subtly as evident in parliament that day as they were to be, not so subtly, two weeks later on the street.

WHAT ACTUALLY HAPPENED in the summer of 1953? How shall we understand these events? What do we see when we gaze at the photograph of the *Newfoundland* and imagine the Ceylonese cabinet gathered somewhere in its officers' quarters because it was fearful of remaining

among the very people it governed? These questions are especially interesting when we place the picture of the *Newfoundland* next to the snapshot of Bracegirdle and his friends. We may assume they are roughly sixteen years apart, these two images. In between came independence.

The elite of Ceylon missed an essential point in those intervening years. To make a nation modern it is essential to begin with the actual conditions in which the un-modern live. This requires the leadership to turn all the inherited machinery of the colony to a new purpose. It is the only argument that can be made—the gradualist argument—in support of continuity between the old regime and the new.

To ignore this essential point is to embark on a false modernization—a mistake made over and over in the developing world. This was the Shah of Iran's mistake. He ignored the great majority of Iranians and set about modernizing a tiny elite in Tehran. Similar mistakes were common across Africa all through the era of independence.

It was also Sri Lanka's mistake. The idea of a nation that served its people—all of them, according to their expressed wishes—was articulated as a matter of political expedience, for nothing less would do as a stated national purpose. But this idea was never put into practice. The result was soon enough called neocolonialism.

Neocolonialism involves a complex psychology that is important to grasp. One must not minimize the political, economic, and class dimensions of it. But beyond these, it is based on a kind of impersonation of the colonizer. Imitating the British, Ceylon's elite made ordinary Ceylonese an "other." They assumed the same alienation from their own people—the same complex of "self" and "other"—as the British had lived by. In the end this meant being alienated from oneself, a stranger to oneself, and it is only a simple step on to recognize the self-contempt of the Ceylonese elite, albeit an unconscious self-contempt: To have contempt for ordinary Ceylonese was at some level to have contempt for oneself as Ceylonese, surely. This state of mind is, once again, familiar across the developing world. It is still perfectly evident in Sri Lanka today.

There is, finally, the recurring matter of public space. One of the curious things about the *hartal* and the *Newfoundland* is how clear the events of that day were in this respect. The Ceylonese surprised themselves on the day of the *hartal*—this comes through in many accounts of it. They

discovered something of who they were, or could be. Many Ceylonese entered public space in a dramatic, not to say historical, fashion. They became, in a phrase, political beings for the first time. This appears to have caused the governing elite to conclude that they had to vacate public space for their safety. In effect, public space was occupied in Ceylon in a way it had never been, which perhaps justifies the thoughts of a new historic phase expressed at the time by the opposition.

This question of public space will return again and again, for it lies at the core of what has happened in Sri Lanka, from the earliest days of independence until our own.

CHAPTER FOUR

MORE PICTURES

SAMINDA ONCE MADE a point about the meaning of fires in Sri Lanka.

We were driving, and we had come upon a large lot where there had once been a house and a walled garden. Bits of charred wreckage and the crumbled wall near the street were all that remained.

"Fires are common," Saminda said. "During periods of violence people used to set them all the time. In this case it's impossible to tell what happened. But there is something very typical about setting fire to things as an act of revenge or retaliation. Everything is destroyed. After a fire there's nothing left."

THE MOST FATEFUL FIRE in Sri Lankan history occurred in the city of Jaffna, in the far north, in 1981. It was set on the first of three nights of anti-Tamil violence and destruction that resembled a pogrom, a running *Kristallnacht* in the center of the Tamil community. Apart from the death toll, which was six, the greatest casualty was the Jaffna Library.

There are many photographs of the library after the fire. The one I have shows the front elevation. It is a hollow shell. You can still make out many of the elements the architect, a noted Indian, combined into an Indo-Gothic style: the three domes inspired by Hindu temples, the Greek-influenced columns favored by the English of the Victorian era. But the window frames are empty—revealing only the daylight coming in from the other side of the building. In the foreground of the photograph a Tamil boy struggles with a bicycle that is a little too big for him.

The library was a unique institution in Sri Lanka. It began as a modest private collection in 1933. Then it grew, a contribution at a time, to include more than ninety thousand volumes, many of them rare. It also had an extraordinary collection of precious documents: palm-leaf manuscripts, scrolls, newspaper files, archival materials, hand-written memoirs and local histories. The original building opened in 1959; by the time of the fire two wings had been added.

So the library was a cumulative project, the way Saminda had described the Westminster system as a cumulative process: It grew to what it was over a long period, by accretion, and the process of accretion made it what it was. It was also a public project, a community project, in that generations of local residents contributed to it—time, money, books, artifacts, collections. This lent Jaffna Library a great symbolic meaning: It stood as a monument to Tamil culture, tradition, dedication to learning, and achievement. It also represented a shared effort; it was public space of a special kind.

The fire started on May 31st. That day a Tamil political organization, the Tamil United Liberation Front, held a rally in anticipation of local elections scheduled for mid-June. In an atmosphere already charged with ethnic animosity, four Sinhalese policemen were attacked and two were killed.

Those were the sparks that set off the three nights of violence. Apart from the library, newspaper offices were burned, statues defaced, and businesses destroyed. Four people were pulled from their homes and murdered.

There has never been much dispute about the role of government officials in these events, including the library fire. By all accounts the violence was led by police and paramilitary units, some in uniform and some in plain clothes, and "henchmen," those ever-lurking fixers employed by government officials. Two cabinet ministers from Colombo witnessed the scene from the verandah of their hotel. One said afterward that it was all "an unfortunate incident where a few policemen got drunk and went on a looting spree all on their own." It took the government a decade to acknowledge its responsibility; it was a dozen years more before Jaffna finished reconstructing its library.

The loss of the library became a rallying cry for Tamil separatists. Two years later came "Black July," when the deaths of thirteen soldiers serving in Jaffna set off a week of frenetic violence in Colombo, in which up to two thousand people, by some estimates, were killed. This, like the *hartal* and the events in Jaffna, was a transforming moment in Sri Lanka. Armed conflict was soon a fact of life. Four years after Black July, the Sri Lankan government was bombing Jaffna, a city it was supposed to be governing.

A long, crooked line stretches from the Bracegirdle photograph to that of the charred library in Jaffna. But the line between the language law of 1956 and Sri Lanka's most notorious fire is perfectly straight. It is natural that those of Tamil extraction would mourn the loss of their library for many years, as many Tamils did. But the true loss was larger still than it was commonly understood to be. Jaffna Library was not only, or even primarily, a Tamil institution. Understood properly, it was Sri Lankan. It stood for the multicultural mosaic of the nation. As a national treasure, Sinhalese ought to have celebrated it just as much as Tamils did. In the burning of the Jaffna Library we must recognize not only an attack on an ethnic population, but the annihilation of public space.

ON THE VERANDAH of a new friend's home there were two paintings, hung facing one another on opposite walls. They were superbly executed, oils done on board: two more pictures from the past.

The themes in these pictures were simple and straightforward, but whoever had painted them had plainly been exposed to modernist technique. There were modernist innovations in the use of perspective, scale, and color; there were abstract elements and borrowings from Cubism. And the paintings used these techniques to good effect, evoking a kind of individuality that is found within multiplicity. They showed not merely figures, but the world in which the figures lived. I was struck by them as soon as I saw them.

One pictured two workers in front of an industrial site, a Sinhalese and a darker man, a Tamil. Their stylized arms framed the composition, leading down to oversized hands opened, palms up, at the bottom of the picture. Together, they held a betel leaf. Betel leaf, otherwise known as *paan*: that palliative, heart-shaped frond mentioned in Sri Lanka's most

ancient book, the *Mahavamsa*, and signifying some combination of welcome, courtesy, sympathy, respect, a shared bounty whenever one offers it to another.

The other painting was in the same style. It showed a crowd of men—again, workers—listening to one of their own who holds a book. The faces capture perfectly what one would see in any Sri Lankan gathering—curious faces, thoughtful faces, hopeful and beseeching faces, all in different shades of brown, all belonging to men in different sorts of dress.

My friend's name was Vijaya. When I asked him about the paintings on the verandah he took me inside, to a room off the dining room where there were stacks of books and a daybed. There he showed me two more pieces by the same artist—watercolors, even more expertly rendered than the oils.

"I know him well," Vijaya said. "Stanley Kirinde. You can meet him if you like."

BETWEEN VIJAYA AND ME, I was the nostalgist. I was a bit like the Japanese teenagers nostalgic for Elvis when I came to a place such as Sri Lanka. I was too young to recall anything about the independence era. In New England, where I had been raised, most people never gave such an idea even a thought. But as I grew older and began to understand the history of my own lifetime (I was born at exactly mid-century), I came to have a great fascination with the independence era and an admiration for the men and women who made it what it had been. There were, as I thought of them, "the four 'Ns'"—Nehru, Nkrumah, Nyerere, and the gigantic Nasser. There were Sukarno, Mossadegh, and Arbenz. One could name others. They were all imperfect, all full of flaws, but they all seemed larger than life. And behind them there were millions of committed, conscious men and women. Ceylon produced no such Herculean figures, but it had produced many fine, intelligent individuals. It had been prominent in the movement, if we can call it such, of newly independent nations.

I have long regretted living through this period and not being old enough, or in the right place, or born into the right circumstances and with the right set of interests, to have been part of it. It was a singular

passage in twentieth-century history—or simply in human history altogether. And to be in Sri Lanka (or India, or Iran, or Guatemala, and so on) was to be where the history had taken place. What force and attraction the ideals of that time must have had for those who held them. What could it have been like, the sensation of being elevated by such ideas and ideals, such belief in what we humans are capable of? The thought is especially poignant when one entertains it in our age, a low age by comparison, with few such compelling ideals and few to articulate them. Some years ago an Indonesian general attended the funeral of an aged colleague with whom he had fought the Dutch, then collaborated with the Japanese against the Allies, and then fought the Dutch again, and with whom he had later served under Sukarno. "We soared like eagles," he said at the funeral. "And then we scratched the earth like chickens." This was Indonesia's story, but it was not Indonesia's alone.

I had a long tuk-tuk drive out to Stanley Kirinde's home, and I got briefly lost in such thoughts amid the thick, black fumes of buses and trucks and the dozens of sounds that announced I was on a busy road in a busy country full of busy, struggling people. We passed the parliament building in Sri Jayewardenepura and then turned at a junction called Pelawatte. Then another turn down a narrow lane. Then a half kilometer along and I would find Stanley Kirinde's house.

I was early. I asked the driver to drop me at the top of the lane and started to walk the half kilometer. It was suddenly rather peaceful. The commotion and congestion of the capital had not reached this neighborhood yet. There were long, flat fields, and the smell of the soil was strong. Near the lane a farmer in a sarong worked a patch of vegetables with a hoe.

Stanley's home was modern, a recent addition to the lane. There was a stone terrace at the entrance and then a simple, airy sitting room. Stanley welcomed me warmly, and his wife, who was also very welcoming, served tea. Stanley was not tall, as Vijaya was, but his features were very fine. He and his wife were in their seventies. He had retired from government service—a career in the department of lands.

The walls were filled with Stanley's pictures, and I was eager to learn about them. But there were none that resembled those I had seen at

Vijaya's. Almost everything was perfectly representational, with none of the technique I had seen on Vijaya's verandah. Stanley's subjects were different, too. There was a series of watercolors based on an old epic poem—illustrations, with lines from the text written in Sinhala script. There were portraits—strong, simple heads, like stone sculptures—and paintings of animals. There was a wedding portrait Stanley had done for one of his children.

I told Stanley how much I admired the pictures I had seen at Vijaya's.

"They were from the 1970s," he replied.

This surprised me: I had thought they had depicted an earlier time, an earlier spirit.

"The kind of thinking and excitement that was there then no longer is," Stanley said by way of explanation. "I wasn't a socialist. It was more a matter of private thinking for me—what was right, what to do. A lot of government servants were like this. They had personal preferences and opinions but were not involved in things like demonstrations."

"So you left off that kind of painting." I wanted to make sure there were no others I might be able to see.

"You change," Stanley said. "You begin to think of your heritage, the country's heritage."

We had finished our tour of the walls, and we sat beneath the watercolors of the ancient epic. I began to understand the paintings at Vijaya's in their proper context. Stanley was like a mirror, it seemed to me, and that is what made him interesting. I was disappointed to find that he wasn't a sort of heroic survivor of a great, bygone era, full of the old idealism, but he had reflected his time. In the end, it was because he did this so faithfully—so transparently, so to say—that the paintings I admired were so compelling. He had captured a moment as the moment passed through him.

Stanley handed me a book—a large, heavy art book with an elegant, glossy jacket. It was a book of his paintings. A decade or so earlier, in the

mid-1990s, a man named Lakshman Kadirgamar had approached him with the idea of gathering all the work and publishing reproductions of it. Kadirgamar had been a friend since their school days and had later served for many years as foreign minister.

"We studied together at Trinity," Stanley said, referring to one of the old, respected colleges, like St. Thomas. "He somehow kept in touch."

Trinity is located in Kandy. And so the pre-colonial capital, last seat of the Sinhalese kings, had brought Stanley and Kadirgamar together. Stanley had a Kandyan chieftain among his ancestors, and Kadirgamar, as Stanley mentioned, was Tamil, suggesting that his family had probably come from the area around Kandy.

Stanley spoke of his old school friend with hierarchical respect. He was polished, he was erudite, he had studied at Oxford, he was foreign minister. "It wouldn't have been proper," Stanley said, "for me to barge into his affairs." Perhaps this reflected Stanley's gratitude. The book, published in 1997, was an impressive publication. One way or another, it was important to Stanley that Kadirgamar had come to him.

One painting served as a sort of centerpiece in the book. It was in three panels and measured, altogether, ten feet by nine feet; it hung in the foreign ministry, and one could see why from the subject. It was called *Embassy to Rome*, and it depicted ambassadors from Anuradhapura in the court of Augustus Caesar. This event had occurred sometime between 22 B. C. and 7 A. D.

I studied the painting carefully, for it was a curious incident, surely—revealing a complexity in the ancient world most of us barely suspect. It erased the great boundary by which we live and understand ourselves, the supposedly eternal boundary between East and West. And it said something about the prominence the old kingdom had once enjoyed beyond the island's shores.

Stanley began to talk as I stared at the open pages, as if he were providing a narration, a sort of museum tour. He spoke at length, for I had gone silent. And as he started to speak I was immediately confused. The man I had shortly before met, the man who so well reflected his time, was not at all the man I had anticipated meeting.

"THEY WERE BIG MEN THEN," Stanley began. "I think of them as big men doing big things—big men on a tiny island. You should see the streets in Anuradhapura. They're huge. And they're still there. The reservoirs—today they'd need aid from the World Bank to build them. They're like seas.

"So, big men who thought big and did big things. But gradually there's a diminution in thinking and in attitudes. The mind itself has got withdrawn, as it were. We feel we're not capable of doing what our ancestors were capable of doing. We think small now. Today the mentality is such..."

Stanley trailed off briefly before beginning again.

"We delight in killing people. We're a small country. We depend on others. We need aid and assistance. Others have to think for us."

Another pause, and then:

"I don't like this notion of 'third world.' We're big people like everyone else."

Stanley pointed to the painting of the diplomats in Rome. "It's the difference between what we were and what we are now. Go and look at what we've done."

I turned to another painting, *The Battle of Danture*. It depicted the Kandyan king as he defeated the Portuguese army in a famous encounter on the slopes leading up to Kandy in 1594. The military training college had commissioned it, and it hung in the hallway there.

I couldn't pick up the thread of Stanley's thinking. I couldn't trace the path that had led from the celebrations of workers in the 1960s and 1970s to embassies of robed diplomats in Rome and storied battle scenes on the slopes below the old capital—slopes that always, until the British, had defeated foreign armies.

So I asked Stanley about this turn in his interests.

"They had a character then, a strong sense of self-respect," he replied. "Everything now is based on earning dollars and having contacts abroad. We're part of a global system, but people's character and dignity have to be maintained even within a global system."

I had grown less animated than I had been when I arrived. Perhaps it was to fill the void in our conversation that Stanley had become so voluble. I couldn't tell. I thought of Saminda, who sometimes seemed a little ashamed of the country he was showing me. Perhaps Stanley, feeling somewhat the same in the presence of a visiting foreigner, wanted to show me what greatness there had once been, and that Sri Lanka had a point of identity, an anchor in history and something to be proud of, just as others did.

He continued, taking a new and surprising direction.

"You think of Sinhalese heritage. I'm Sinhalese, but I'm thinking of the heritage of this country. It so happens that ninety percent of our heritage was built by Sinhalese. The Sinhalese—they left a large amount of evidence to show that they were here for good, as it were. The others never left anything that signified their attachment to this place. What have they left? Nothing. They weren't concerned about living here. They were just traders who went back."

The others: The Tamil population.

Back: Back to Tamil Nadu, to southern India.

Going back is a recurring theme among some Sinhalese. In 1981, just after the burning of the Jaffna Library, a legislator from the U. N. P. said of the Tamils in a parliamentary debate, "If there is discrimination in this land, which is not their homeland, then why try to stay here? Why not go back home, where there would be no discrimination? There you have your culture, your education, universities, et cetera. There you are masters of your own fate.... It would be advisable for the Tamils not to disturb the sleeping Sinhalese brother.... Everyone knows that lions, when disturbed, are not peaceful."

And so on.

What is striking about such versions of events, including Stanley's, is how neatly the past is organized. In the past there had been "we Sinhalese" and "the others." This is entirely at variance with history—every square inch of which has been explored to the minutest detail, of course. To state the case simply, Tamil influence in what is now Sri Lanka is commonly dated to the pre-Christian era. Trade ties were dense from an early period; it is likely that Tamils made possible Ceylon's contacts with the Mediterranean world. In time, the great kings at Anuradhapura grew dependent on Tamils. There were Tamils in their armies and in influential positions at court. Some kings relied on Tamils to stay in power. This interaction between Sinhalese and Tamils suggests a complex past. But there were no such complexities in Stanley's past, just as there were none in the legislator's and none in Stanley's new style of painting.

And it is the past alone that matters for those who have created Sinhalese nationalism and those who adhere to it. It is by way of the past that the present is intelligible and justified. This past must be properly rendered, rather in the way of a painting, and then accepted by everybody as having been a certain way—an accurate rendering. Then the old dominion can be justly re-established, and once that had been accomplished, life in Sri Lanka, in 2006 or 2007 or 2008, can proceed peacefully.

There is something quite striking to note in all this. For many people such as Stanley there is nothing wrong with Tamils. One of Stanley's lifelong friends, for whom he displayed the utmost regard, is a Tamil. One of his best paintings depicts a Sinhalese and a Tamil sharing a betel leaf. In this way the present—a present as blurry and indistinct as Stanley's past, necessarily devoid of detail—was not a concern. The concern is simply that Tamils understand the past as they should, and so in whose country they live.

PUBLIC SPACE: IT HAD ONCE and briefly been celebrated as belonging, by definition, to everyone. Then this ideal had been abandoned, and public space corrupted. Then it had been obliterated, cleared of everyone, burned to the ground. And now it could be calm again, reoccupied—but as Sinhalese public space, not everyone's.

Stanley said, "I don't think there's an ethnic crisis, even though they call it one. It's just a terrorist group trying to create disorder. The Sinhalese and Tamils are very friendly people. It's just not their homeland. They've left no achievements."

We had strayed far from Stanley's pictures, and it seemed unlikely we would find our way back to them. So I decided to ask him what he thought about language.

"That's a difficult one," Stanley said, leaning back in his chair. "Before the British came, Sinhala was the predominant language. Then they imposed English. Tamil was also there, but it was a minority language. The majority language has to be looked after before the minority language can be looked into. I don't know why they want to make a big thing of it. It's common sense if you take your mind away from the political issues."

Stanley Kahinde was kind to me. He had opened his door to a stranger. He had taught me little and told me nothing, but he had shown me quite a lot. The painter, the mirror, the glass reflection of his world, had once depicted the present for the simple reason that he was able to live in it. Then he had retreated and had found a path into the past—a mythical past, but one that had given him a way to continue living. It was a source of dignity in a place that had lost its dignity.

At the gate giving onto the little lane, Stanley stopped and said, "I hope you didn't misunderstand me. I am Sri Lankan just as much as you are American. I love my country as you love yours. I spoke about these things only because you asked me."

"Yes," I said, "I know you are Sri Lankan."

There had been a conversion in Vijaya's family long ago. When his father was young he had had studied at St. Thomas's College with one of his teachers being a man who had led the second earliest strike in Ceylonese history, a strike of laundry workers in 1896. The strike leader, the teacher, was also a priest - "anti-British and Christian," as Vijiya put it. There was a Buddhist revival going on at the time, aimed partly against Christian schools, and Vijaya's father had been sympathetic to it. Nonetheless, he

took up the Bible under his Christian teacher. "Father decided to read the Bible to confound his enemy," Vijaya said. "And then the enemy's book spoke to him."

CHAPTER FIVE

CONVERSIONS

VIJAYA VIDYASAGARA WAS seventy-four when I met him at his house in Colombo. It was low and flat and well-shaded, a preserve of order, and it had the appeal of a place that had been comfortably occupied for a long time. It was on a small, quiet road across from a church called St. Theresa's.

Seventy-four made Vijaya twenty-one at the time of the *hartal* in 1953. And he remembered the event vividly. "Can you imagine?" he asked when our long conversations turned to it. "The entire cabinet meeting on a British ship? It tells you everything."

What was once a purer kind of outrage had taken on, over the years, the colorings of irony, even of bemusement. "We have to laugh," Vijaya once said. "One must know how to laugh in Sri Lanka." I would hear this thought often. But his feelings had been different during those crucial times long ago—this I knew. A few weeks before the *hartal* Vijaya had been named editor of *Samasamajist*, the L. S. S. P.'s weekly journal. The words quoted earlier about the historical significance of the *hartal* were more than likely Vijaya's words.

VIJAYA WAS TALL AND SLIM. He lived alone in his shaded home, which was filled with books and pictures and all the objects one accumulates in the course of an active life. He always dressed in a sarong with a simple pattern, a loose, collarless shirt, and leather sandals of the sort one finds in great piles in the shoe shops. He was a little ascetic in material matters, which I admired. And though he told me he came from "a petit bourgeois family in Galle," he carried himself with patrician grace.

There had been a conversion in Vijaya's family long ago. When his father was young he had had studied under a man who had led one of the earliest strikes in Ceylonese history, a strike of laundry workers in 1896. The strike leader, the teacher, was also a priest—"anti-British and Christian," as Vijaya put it. There was a Buddhist revival going on at the time, aimed partly against Christian schools, and Vijaya's father had been sympathetic to it. Nonetheless, he took up the Bible under his Christian teacher. "Father decided to read the Bible to confound his enemy," Vijaya said. "And then the enemy's book spoke to him."

In time Vijaya's father was baptized, an act that caused his family to disown him. So the penniless new Christian made his way from Galle to Colombo and found himself, still very young, a successful business man. He took to frequenting the local Y. M. C. A. and offering fellow members lay sermons.

Then the true conversion came. Vijaya's father contracted a spinal disease and was not expected to recover.

"In the hospital he took stock of his life. He said, 'If I recover I will give my life to the gospel.' He had a vision, or a dream. In it God told him, 'I have a job for you on earth.'"

Vijaya's father recovered and kept his promise. He studied at a seminary in Bangalore and then returned to become a Methodist minister. In time he became an Anglican. Until then, Vijaya added, no Ceylonese had been permitted to receive communion in the Anglican church. His father had been the first.

"He moved back to Galle and ran a school," Vijaya said. "It was called Buona Vista—a famous old place." I later saw it when I traveled in the south, in the beach town of Unawatuna, just south of Galle along the coast.

As we sat in rattan chairs on Vijaya's verandah, I wondered why Vijaya told me this story at great length. In time I understood. Religion, belief, a public life and public concerns, rejection and acceptance, conversion and dedication—all this was the stuff of which Vijaya's life was also to be made.

When Vijaya was a boy his father took up duties at St. Paul's, a large church in Colombo, and the family moved to the capital.

"I remember a pastor at St. Michael's Polwatte in Colombo 3"—a neighborhood in the center of the city—"and he preached against capitalism. He said, 'Be a communist, but be a Christian first.'"

This seems to have been among Vijaya's first political encounters. Soon afterward he abandoned the church: "Nothing was happening. The church was not responding to social issues. It was merely part of the establishment."

It was at this point that Vijaya, still a very young man, joined the L. S. S. P. He hadn't reached even university age. He went to Pettah to join the harbour workers and then the gas workers.

"This was my point of conversion," Vijaya said. "I began to realize that the fellowship I didn't find in church was there. I was sleeping in the worker's quarters, or on the floor of the office. 'Why this hardship?' I remember asking myself. Then I said, 'The Jesus of the gospel put me here. The Jesus I serve pushed me out of the church. His values are the values of the workers' movement.'"

Vijaya was not so clear about dates. I was not certain just when he had left the church or joined the L. S. S. P., or when he had gone to university. He had become a lawyer in 1952, practiced for five years, and then spent the rest of his career as a civil servant in the revenue department. It was in government that he had met Stanley Kahinde. This he told me later on. But all of the events we talked about that first long morning on his verandah, with Vijaya's legs casually crossed as he spoke, occurred in the 1950s, when Vijaya was still in his twenties, before and after the *hartal*, and before and after the election of 1956 and the language law that came soon after the election.

The 1956 election and the language law seem to have shattered a dream for Vijaya. The budget of 1953 and the *Newfoundland* cabinet meeting had revealed the U. N. P. government, under Senanayake *père et fils*, for what it was. But then came the *hartal*. It was a moment of confrontation, but also a moment of promise, a moment of definition. The 1956 election was something else. It was the moment when all the promise that went

back many years, even before the time of Bracegirdle in the mid-1930s, came to a sudden end.

S.W.R.D. BANDARANAIKE had been in opposition before the election. He was a cautious and highly political man from the famous old family of *mudaliyars*, and like many other members of the elite he was what is commonly known as "a brown Britisher." He was grand, and cultivated his grandness in his dress and manners.

Nonetheless, Bandaranaike promised something different from the top-hat-and-tails politics of Don Stephen Senanayake and the U. N. P. As Vijaya put it, he articulated the aspirations of the majority, and the majority was Sinhalese. The British had discriminated against the Sinhalese precisely because they were the majority. The British favored the minority Tamils. So the Sinhalese suffered, to a degree. "There was a rub there," as Vijaya put it.

The rub was Bandaranaike's opportunity in 1956. He would speak for the masses, casting himself in dramatic contrast to the U. N. P., but only because this presented itself as an expedient to power—an unexploited route in a new country. Before the elections, the rest of the opposition had stood against English as a national language and in favor of both Sinhala and Tamil as its replacements: "One country, two languages," as the slogan went. And it was in this that Bandaranaike saw his opportunity. With "Sinhala only," he would appeal to the majority and counter the leftist parties the S. L. F. P. had had to depend upon. Quite significantly, for it is often mentioned even now, Bandaranaike set aside his English clothes and put on sarongs and simple cotton shirts for his public appearances. An Anglican earlier in life, he became a Buddhist. This was how he won the election: as a Sinhalese and a Buddhist, not as a Ceylonese.

In the early 1920s Bandaranaike had studied at Oxford. When he returned he began to advocate a federal political structure, an arrangement that would take account of the separate identities of the Tamils and the Sinhalese and still allow Ceylon to be Ceylon, a single nation.

By 1956, plainly enough, Bandaranaike had abandoned this idea. But away from the political light he opened negotiations with the Tamil Federal Party, a party that stood for precisely what its name implied. At a convention in the summer of 1956 party leaders called for a federal

constitution, equal status for the Sinhala and Tamil languages, autonomy in the Northern Province and the Eastern Province, where the Tamil population was concentrated, and redress for the Tamils who had been disenfranchised in 1948 and 1949. Together with the Tamil party leader, S. J. V. Chelvanayakam, he agreed that Tamil would be recognized as an official language for administrative use in the North and the East, there would be a devolution of administrative authority in the two Tamil-majority provinces, and Sinhalese resettlement would be restricted to preserve these majorities.

Bandaranaike's talks were held in secret, and the agreement he signed with Chelvanayakam was also kept secret. Then, in July of 1957, the talks and the pact were made public. The S. L. F. P. erupted in revolt. A group of *bhikkhus*, Buddhist monks, performed ceremonies on the lawn of Bandaranaike's home. And in the end the prime minister capitulated: He dropped the pact with the Federal Party. He later won approval for a legislative provision that allowed "reasonable" use of Tamil in administrative affairs, but, as Sri Lanka has learned too painfully, this proved insufficient to make much difference.

"THAT ELECTION GAVE PEOPLE a place in the sun," Vijaya said. "The ordinary man was able to feel he was something—somebody."

Vijaya was not a Sinhalese nationalist. But like many other Sri Lankans, he had a mixed view of Bandaranaike. The language law was a fateful mistake, but the new prime minister had opened political space to ordinary Ceylonese. He had introduced a new kind of politics, or so Vijaya and many others like him said.

I confess I have never understood how Bandaranaike can be credited with anything other than a tragic turn in Sri Lankan history. The ordinary man, as Vijaya put it, was finding his own voice anyway by then. How could this be placed against the devastating decision to push through the language law?

Vijaya had spent the 1956 election in a memorable place. The L. S. S. P. has sent him to Negombo, a coastal town north of the capital, to run the campaign for its candidate. "Negombo was called 'little Rome' because it had so many churches," Vijaya said. ""It was there I realized the strength of religion, for good or ill."

Negombo was considered a hopeless seat for the L. S. S. P. The party's candidate was called Hector Fernando, and he was a declared socialist. Fernando had advised the party that the most it could hope for was to put up a credible fight. The problem was not the Buddhists, or the governing party, or the appeal of Bandaranaike's "Sinhala only" platform. It was the Catholic Church. In little Rome it had been declared a mortal sin to vote for "a Marxist"—a thought that carried considerable weight in 1956.

Vijaya told me a story of something that had happened in Negombo at about the time of the election—again, he was never clear just when.

There was a landowner who took a great interest in the welfare of the poor. When he died the priest in his parish declared that he could not be buried in the family grave because he had supported some of Hector Fernando's political projects. The man's family objected, and then forced the burial to take place in the proper way. Then the priest put barbed wire around the family plot and declared it "a polluted site."

Vijaya smiled his bemused smile. "That's the Roman Catholic Church for you," he said, wagging one of his slender fingers in the air.

Vijaya decided to take on the church in little Rome—to fight, as he put it, "the old conflict." He said, "The priests couldn't connect the poor and the church. Eventually I confronted one of the leading priests. We neutralized them all—except two—and we won. We worked hard and we won it in Negombo. Afterward we said, 'We have captured little Rome.'"

THE ELECTION OF 1956 WAS FOUGHT, as others had been before and would be afterward, on the basis of symbols. The S. L. F. P., Bandaranaike's party, took as its symbol a hand. For the L. S. S. P., it was a key. And for the U. N. P., the long-governing party, it was an elephant, which had also been part of the colonial government's symbol in Ceylon. The hands and the keys won, not the elephants. "People voted for symbols," Vijaya said. "Symbols helped the illiterate."

The U. N. P., until then invincible, was reduced to eight legislative seats—an unimaginable loss, a reversal no one thought possible. And the S. L. F. P. won a huge victory. So a certain kind of politics, the reign of the brown Britishers, had come to an end, and a new kind of politics—in the land of symbols and gestures, let us call it "sarong and cotton shirt"

politics—had emerged. The ordinary Ceylonese had found a voice and had made themselves count. It is for this many Sri Lankans, not just Vijaya, still credit Bandaranaike, despite the method he chose.

But at what price this? What were the consequences of sarong-and-cotton-shirt politics as Bandaranaike introduced them?

We can answer this question in two ways. We can say the price paid was nothing less than Sri Lanka, for conflict and destruction and death, corruption and institutional collapse, social dysfunction and economic underdevelopment—if all this did not flow from the 1956 election, certainly the country began then to lose its ability to address these problems. Alternatively, we can say that the price paid was not less than "Sri Lanka, " Sri Lanka with quotation marks, meaning the idea of Sri Lanka, the consciousness of Sri Lanka and of being Sri Lankan—in a single phrase what the Japanese call in another context "healthy nationalism." The 1956 election fixed the kind of nationalism Ceylon would have—an unhealthy nationalism, an inauthentic nationalism rooted in exclusion, sentiment, and nostalgia.

It is especially tragic that this fate should befall a nation such as Ceylon. All that promise Ceylonese nationalism seemed to hold in the pre-independence period was quite singular. After centuries of human traffic from practically everywhere, independent Ceylon might have enjoyed an enviable cosmopolitanism. It would be multicultural. It would be color-blind and speak several languages. This did not happen, and here we return to an historical fact that most Sri Lankans, even today, eventually get around to mentioning. "We had no national struggle," as Vijaya put it. "They gave us independence. So independence was for the rich boys."

The consequence of this has to do with what we can call the space of nationalism—the physical space, the intellectual space, the emotive space. Only the brown Britishers made even a pretense of occupying this space. No one forged a national identity in the course of imagining nationhood and then thinking through what this nation would mean. This is what lent importance to 1956. It was independent Ceylon's first great chance to correct the error of omission that had taken place when it formally became a nation.

The kind of nationalism Bandaranaike ended up encouraging must have been extremely powerful—powerful in an individual sense, in the

way it made people (meaning here the Sinhalese) feel about themselves. It is strange for outsiders to realize that the Sinhalese can be a majority on their home island and still feel beleaguered and surrounded. The Tamils were always a minority. But then there were the Tamils across the water in southern India, and this changed everything for the Sinhalese. Today the Sinhalese account for seventy-four percent of the Sri Lankan population; but there are nearly four Tamils to every Sinhalese if one thinks in terms of south Asia altogether. In this respect, a psychological respect, 1956 must be understood as a kind of restoration for the Sinhalese. The natural order of things, as the Sinhalese saw it, would be put right. But this order was not that of a modern nation-state. It was pre-modern. This was understood as nationalism, but in reality 1956 represented precisely the opposite—a mass retreat from nationalism in the modern, secular sense of this term, healthy nationalism, and the duties and responsibilities—and above all the public space—that come with it.

VIJAYA HAD A BEAUTIFUL way of speaking. When he spoke—almost always in the same rattan chair in the corner of his verandah, with his legs crossed languidly and the housekeeper bringing tea and soft drinks—it was usually about the personal memories he had, the days and nights spent here and there. Sleeping on the office floor at the old party newspaper, campaigning amid the churches in Negombo: It was through these that Vijaya put the 1950s, the great era of independence across the developing world, there on the glass-topped table between us. It was by way of his private memories that he conveyed an idea of how Ceylon should proceed, on what grounds and in what space.

This idea had changed over the years. Vijaya had retired from government service in 1990—sixteen years before I met him. His wife had only recently passed away, and so his life had suddenly changed again.

One day at the end of our conversation he said, "There are some people I'd like you to meet." He mentioned a Jesuit priest who lived in Kelaniya, a town near Colombo, and a man named Marshall Fernando, a Methodist. Then he added Batty Weerakoon, who had once served as minister of justice and then of science and technology. There was a mass he wanted me to attend with him. "A service for a fallen comrade," Vijaya explained. "It's in Ratmalana"—another town not far from the capital.

Then he told me why he wanted to take me. He wanted me to see something with my own eyes, something that we had talked about earlier.

"It will be an Anglican service, but with others, too. It's a mass, but in the indigenous way, using English, Sinhala, and Tamil. We use *roti* instead of bread. You break it and you share."

Negombo in 1956, it turned out, was a complex passage in Vijaya's life. He had left the church by then. "But I was thinking of my position," he said. "I was three-quarters reconnected to Christianity when I went, and after I felt that I could become a full Christian again."

It took me some time to understand fully what had happened to Vijaya in 1956. He was a young activist who had gone to fight a provincial election, but it was not so straightforward as this. He had also been fighting a battle between Christianity and politics. And he had been fighting a third battle within Christianity, between the temporal church—the ecclesiastical establishment such as the priests in Negombo—and Christian activists.

After Negombo, Vijaya seemed to have drifted away from the L. S. S. P., though he never said so. He began to seek out "groups of people getting together," as he put it. Then he did something striking: Just as his father had, he went to the Y. M. C. A., and there he helped produce a document called *The Christian Worker and the Trade Unions*. This was the beginning of a long association Vijaya had had with a small group called the Christian Workers' Fellowship. "It was long before 'liberation theology,'" Vijaya said.

Then he said, "Either you're a conformist, and religion is your special dope, or you make it a means to spur you on to build a new society. This is the choice for the religious community. Sinhalese, Tamil—these divisions must go, and we have to be one."

So in his long journey through the first decades of Ceylon and Sri Lanka as an independent nation, something quite fundamental had changed for Vijaya. It seemed to speak for some part of the national experience. The end for Vijaya was always a just society, but the means had changed—and then changed back again. He was a secularist, but he had come to represent himself by way of his religion. This was his path into public space—a religious path, or as he put it, the path of the historical Jesus. He had not turned inward, to a private life, but he had turned elsewhere. And this had happened in 1956, just as Ceylon was turning away from one kind of nationalism and toward another, false kind.

I HAD ARRIVED AT VIJAYA'S early one morning and, with some time to spare, I asked the tuk-tuk driver to drop me at St. Theresa's, the church near his house. After this I took to going there, usually at the end of a long conversation on the verandah. If I arrived at a certain time of morning—ten, perhaps, or a little earlier—there would be a groundskeeper in the little churchyard with a broom made of tree branches bound together. He wore a sarong and a cotton shirt, and he would sweep the leaves and twigs that had fallen from the surrounding trees during the night. Arrive later and I would see the neat lines his broom had brushed into the dirt and little piles of leaves smoldering here and there. The smoke had a sweet smell that I liked.

St. Theresa's was always spotless. There were numerous murals inside, and they made a curious collection. Behind the main altar there was one that showed angelic figures playing local instruments and dancing local dances: syncretism. In another, St. Albert the Great sat among his scientific instruments: a Westerner with his technology. Just under the dome, high above the main altar, was a row of seven portraits. St. Thomas Aquinas was in the center, and to his left were Plato, Augustine, and Paul. On his right were Aristotle, Bonaventure, and Melchisédech Thévenot, a seventeenth-century French scientist, cartographer, and student of "the East": an early "Orientalist."

"It's very popular now," Vijaya said when I first asked him about the church. "On Sundays it's crowded out to the churchyard." I had heard this from others. Someone else had told me—perhaps my landlady—that St. Theresa's was much favored among the well-to-do of Colombo.

One day at the end of one of our conversations, Vijaya saw me to his gate and then decided to go with me to St. Theresa's. In the churchyard the fires had gone out and the ashes had been swept away. "It's a house-proud pastor," Vijaya whispered with a smile and a hint of disdain.

Inside he took me on a sort of tour: It turned out he knew the place cold. It was Vijaya who first pointed out the local instruments and dances in the mural behind the altar and who told me who Melchisédech Thévenot was.

Together we looked up at the seven portraits high above us.

"Westerners can go to heaven, you see. Orientals can't."

I laughed as I stared high above us.

Vijaya said, "I asked the pastor, 'Why not pictures of Buddha and Confucius? Men of the East.' He wouldn't hear of it."

On the way out we crossed in front of the main altar. I genuflected, and this time it was Vijaya who laughed.

"We don't do that," he said. "It's European: 'My lord, my *liege*.' We do this," and he put his hands together in the gesture of Buddhist prayer and bowed his head very slightly.

In the churchyard I walked with Vijaya to the gate. When we had closed it between us and I had turned, Vijaya called after me. When I turned back Vijaya's face was pressed against the churchyard gate, his fingers curled around the bars on either side of his eyes. He was smiling.

He said, "When you go to Kandy, the Temple of the Tooth is a must. But go to some of the other temples nearby, too. You'll see them. There will be many people there, including many young people. Look at their faces."

Vijaya paused, catching his breath and collecting his thoughts, looking down at the ground.

Then he said, "We are a religious people. You'll see it for yourself. That's why there is hope."

Chapter Six

Order and Disorder

ST. THERESA'S IS AN orderly place. It is immaculately kept, it is quiet, and it is calm—cut off from the grit and noise and commotion of the city by the churchyard and a row of old trees. If you sit among the pews or walk in the aisles, the walls and the arches above—whitewashed and gleaming—provide protection, an enclosure. Enter St. Theresa's and you belong to an ordered world. This, surely, is one reason many of the well-to-do in Colombo favor it over dozens of other churches.

In religion there is order. The saints, if a given religion has saints, are honored. There is scripture, there is a way to live—a *tao*, as the Chinese call it, a way—and there is an explanation of things: all things, for everything is explained.

It is the same with ethnicity. When thinking begins with one's blood and the blood of others, there is order, logic, a system. Things are in their places, or at least there are known, understood places where they should be.

At this point Sri Lankans are practically obsessed with order. Surely this helps to account for the consciousness of religion and ethnicity that is so pronounced among them. Order is also given a very high value in daily life. A fashionable restaurant or shop in Colombo is, before it is anything else, an orderly restaurant or shop—and the more fashionable the more orderly, for order has taken on the value of a style, a cultural value. To be orderly is to be modern, to be disorderly is to be somehow less than modern. To be orderly is to reference some mode of existence beyond Sri Lanka. It is to be sequestered from the surrounding disorder—to be above it, to proclaim an immunity, a superiority. Driveways leading to the better houses in Colombo are exceptionally orderly—well-swept, rows of potted

plants lined up just so—even if (or especially when) they give onto a messy street. It is the same with the narrow lanes off the main thoroughfares. The further into the lanes one goes, often the neater, the more appealing, and the more orderly the neighborhood becomes. The good life consists partly of success in keeping order in one's surroundings.

It is interesting to study the architecture in Colombo while walking or driving through the city. There are many good examples (and some awful examples, it must be said) of contemporary ideas and technique. There is also a lot of colonial-era architecture, some of it very attractively maintained. Taken as one, however, what one sees in the architecture of Colombo and the towns surrounding it is dissonance. There does not seem to be any planning, any consciousness of the whole. There is no considered relation between one thing and the things next to it. This is not a problem peculiar to Sri Lankan cities by any means, but Sri Lanka presents an extreme case. This building or that might be cleanly designed and well-managed, but it is unlikely to register recognition of anything beyond its garden wall or the end of its driveway.

Order in Sri Lanka is a private matter. A Sri Lankan maintains order in his or her daily life—in the household, the garden, the office, the social arrangements, the churchgoing, and so on—but it is at the boundaries of these things that order ends. There is little public order, only a series of private orders. There is religion and there is a consciousness of ethnicity, and, more and more, these are being imposed as the basis of public order. But they do not work in this way. So at some point Sri Lankans appear to have given up on having any truly public order. Saminda, for example: He was full of regret about the disorder in daily life, but he looked upon it from a certain distance, with the assumption that it was someone else's disorder—a separate matter he was not part of and that was not part of him.

There are limits to private order, of course. If there is no public order to support it, this kind of order is finally an illusion, and it becomes a ceaseless, losing battle to maintain it. As in the case of the architecture, people can build all the order and design they wish in their private lives, but it will never bring order and design to the society, the whole.

It is the same with individual dignity. I once watched an office girl crossing a Colombo street that was treacherous with traffic. It was lunch hour, and I was in a tuk-tuk stopped at a traffic light. The girl had a

notable dignity: erect carriage, a steady gaze, a fashionable dress, and, most noticeable of all, stylish high heels. And there she was, doing her best in her heels to make her way through mud, bits of garbage, and a potholed street, only to cross from one crumbled sidewalk to another. Dignity is most clearly manifest when it is most assaulted. And this is Sri Lanka: blessed with many dignified individuals, all surrounded with countless large and small indignities—the indignity of a crumbling street, the indignity of a crumbling system.

THE SOURCE OF ORDER in any modern society is the law. This is perfectly elementary. Custom, tradition, precedent, "the way we do things here"—all of these contribute to order, some more than others, more in pre-modern societies than in modern societies. But all of these things are ordinarily reflected in the law, or else the law supercedes them. In British law precedent is the law. But it is as modern, public law that precedent, "the way we do things," provides order.

For a long time law has played an important psychological role in Sri Lanka. So long as there was law—the elevated notion of law Sri Lankans entertain—one could believe there was a measure of order in society. During the 1970s and 1980s, when institutions were beginning to fail, parliament was shunted off to a swamp outside the capital, and corruption and violence and the threat of violence were growing like a tropical vine around practically everything, one could still believe that the system had the capacity to self-correct because the law was intact. This belief in self-correction was essential because it enabled Sri Lankans to go on creating their private orders while assuming that public order would, or at least could, be restored. The disorder was not total, to put it another way.

The result has been the creation of an unhealthy dependence, a psychological dependence that has fed upon itself and is proving, finally, self-defeating. Sri Lankans needed to continue believing in law, and more precisely the public character of law, exactly to excuse themselves from the obligations of citizens—civic beings. The law is eternal. It has always been there and will always remain. No one need attend to it. So went the narrative attaching to this psychology. It is important to understand this, because it explains the shock many Sri Lanakns received when they were finally confronted with the reality that the legal system was in a condition no less dire than any other national institution. It also explains why many other Sri Lankans remain blind to the true condition of the judiciary. Psychologically speaking, it is simply too much to accept.

In the end, this psychology has lent law a peculiar, possibly singular role in Sri Lanka. It is among the country's great paradoxes. To put a complicated history very simply, the high regard Sri Lankans have traditionally had for law has made it the perfect instrument for the creation of public disorder in the interest of political gain.

Here we return to Saminda's notion of politicians with "the liberty of a wild ass." Ceylon had been left with a more than decent constitution at independence—the Soulbury Constitution, so named for the British Conservative who oversaw its drafting over a period of several years. It was certainly its best constitution to date and, removing the question of its origin, worthy material for alteration. It addressed numerous of the new nation's problems, including its communal problems, and provided for the independence of an already strong public service—the bureaucracy, the police, the judiciary, and so on.

Destroying the independence of these institutions was the true prize of the 1972 constitution, the autochthonic, "home-grown" constitution. Overnight, all important aspects of the public service—appointments most of all, but also disciplinary control, transfers, and the like—came under the cabinet's purview. Everything was "politicized"—that favorite term among Sri Lankans. All power was political power; disinterest, so essential to the proper operation of the law, disappeared as a public value. There is a straight line from the ethos enshrined in the 1972 constitution and its logical (or illogical) extremes: political goon squads implicated in politically motivated murders, disappearances, rigged elections, destroyed careers, frame-ups, acts of revenge, an assortment of petty crimes, and so on—all of which typically involve the holders of public office and not infrequently the holders of senior positions in government.

The government that was elected in 1977 created a new constitution in which the centre of power shifted to the executive president. It was a complete reversal of the system that was introduced through the first constitution at the inception of independence in Sri Lanka. In the early years of this constitution many legal scholars mistakenly thought that this constitution would restore the independence of the judiciary, which was initially undermined by the 1972 constitution. In fact the new government, in its campaign for election, had promised as much. The drafters of the 1978 constitution, which is referred to by many as a tailor-made constitution to suit the requirements of the executive president, J.R. Jayewardene, were careful to keep the normal constitutional jargon regarding the

independence of the judiciary. However, the very core concept of the constitution was to place absolute power in the hands of the new president. And that was incompatible with an independent Supreme Court.

One of the common regrets later on among many lawyers and intellectuals was that they were unable to perceive early the dangerous power scheme of this constitution. Many even believed that J.R. Jayewardene, who had been educated and brought up within a liberal democratic framework, would go so far as to abolish that framework altogether. Regret about a misplaced trust forms part of the recollections, the memory, of many who talk about this period. Among these, one who regrets the past most was an old friend of Jayewardene, who accepted the post of chief justice. Neville Samarakoon was a queen's counsel, a Q. C., and one of the most prominent civil lawyers of the time. His life turned into a tragedy because he was unable to read properly the scheme of authoritarianism that his friend, the president, was embarking upon.

There have been attempts to restore order to the system and "depoliticize" the public service since the 1972 and 1978 constitutions. However, those attempts came many years later because the system created in 1978 prevented constitutional challenge by effectively ensuring absolute impunity for the executive president, including for acts involving personal transgressions. This produced a period of terror for lawyers, even for prominent, well-placed lawyers. There was common talk during this time that the walls in Hulsdorf (the district of Colombo that is the centre for courts and lawyers) had ears.

The president and his allies used the carrot-and-stick approach with lawyers and judges both. When the new constitution was promulgated all judges were required to take a new oath, and from the nominations to the Supreme Court some names of sitting judges were dropped. The new oath was a breach of tradition, and one Supreme Court judge refused to take it as an act of protest. On another occasion the houses of some justices were stoned after they had ruled against the government. At that time, the Judicial Officers Association considered a resolution calling upon judges to go on strike. The resolution was defeated after one respected judge spoke against it, and this may have been an historic mistake. Had Sri Lankan judges and lawyers taken the path that their counterparts in Pakistan were to adopt, particularly in 2007, the independence of the judiciary and the larger history of Sri Lanka may have taken a different turn. The judiciary may have retained its capacity to intervene in important national

issues and thereby reduce the extreme polarizations and disintegration that was to come in subsequent years.

One attempt to depoliticize the system came in 2001, and it is an interesting case. After a groundswell of protest among civil society groups, the government passed a legislative amendment providing for a constitutional council empowered to review presidential appointments and to propose candidates for certain high government positions. By this time the system had long since passed into dysfunction. But just as Sri Lanka seemed about to return to some semblance of balance after a quarter-century of politicized public life, Chandrika Bandaranaike Kumaratunga, daughter of S. W. R. D. Bandaranaike and Sri Lanka's fifth president, declined to appoint election commissioners the new council had nominated. The logic here is self-evident: Independently chosen election commissioners would mean the president's office (and therefore the president's party) would lose control over elections. President Kumaratunga's successor, Mahinda Rajapakse, who is at this writing two years in office, has also declined to appoint these commissioners. So there are none. In effect, elections in Sri Lanka are now held unconstitutionally.

It gets better—or worse—for now the constitutional council itself has fallen out of existence. In September of 2005, the terms of the first council expired, and parliament has yet to announce any nominees for a new council. In the absence of one, Rajapakse has simply resumed making senior government appointments the old way—all on his own.

In effect, the entire public service in Sri Lanka is now managed unconstitutionally. Life goes on: Judges are appointed and accept the appointments without comment; senior police officials are appointed and do the same. All the formalities are observed, for the formalities are all that remain. So can law in Sri Lanka be manipulated to produce a state of near lawlessness.

SARATH SILVA IS, BY NUMEROUS accounts, a clever man. He got his Primary and Secondary education at Trinity College Kandy and then at Sri Lanka Law College. He also holds a Master of Laws degree from the University of Brussels. He was admitted as an Advocate of the Supreme Court of Sri Lanka in June 1967 and commenced his career in the Attorney General's department in 1968 as a Crown Counsel. He is qualified in the Sri Lankan legal profession as an attorney at law and a judge. He has, without much dispute, proven his cleverness on several occasions in

his early career. However, he does not rank among the greats in the legal profession of Sri Lanka, which includes names such as H. V. Perera and Colvin R. de Silva—names familiar to most Sri Lankans who know their own history.

He is apparently—Sarath, as he is almost universally known, did not respond to a telephone message requesting an interview—an accomplished wit, a man of sophisticated tastes, and a captivating conversationalist. Such descriptions as these come from allies and adversaries alike. But there is one thing any judge or attorney-at-law who is objective about Sarath, who does not share with him a political interest of one kind or another, who does not fear him for one reason or another, will add: He has done more than anyone else to destroy the Sri Lankan judicial system—"ruined it from within," as one legal scholar put it to me. The outstanding question is whether he did it alone.

The man I have just quoted is called J. C. Weliamuna. He is a practicing attorney as well as the executive director of the Sri Lankan branch of Transparency International, a non-governmental group dedicated to questions of governance and corruption. He is prominent in legal and advocacy circles. He is known widely as simply "Weli," and I was urged early in my time in Sri Lanka to go to see him.

"We do not have loyalty to a system in Sri Lanka," he said as we sat in his office in a district called Kohuwala. "We have loyalty to individuals. It is the exertion of personality over the system."

Weli had spoken fairly of Sarath, mixing his criticism with praise if he thought it was due. He said, "It is a case for the anthropologists. The institutions were there. But then there are the people within them. How can one man cause this kind of institutional erosion?"

This is a curious point. Many people make it. And it is a precise example of the psychology I have noted above. There are institutions, which seem to be endowed in the public imagination with some aura of eternal efficacy, and it seems to arrive as some surprise that these institutions consist of men and women. There is a failure to grasp the essential reality of human agency. I believe this lapse of thinking is another consequence of the manner of Sri Lanka's independence. Having been handed to them by the British, Sri Lanka's national institutions are (consciously or not) taken to be "always there," immutable, in no need of attending.

Before Sarath there had been some semblance of integrity in the Sri Lankan courts—more at the top, in the higher courts, less at the bottom, the lower courts. For a long time this has been a big part of what enabled Sri Lankans to persuade themselves that the fundamental order of their society has been obscured but not lost. K. M. de Silva, the noted historian, once said to me in conversation, "I hate the chief justice, but not even he has been successful in undermining law altogether. When all is said and done, there is law and order."

This is a very questionable point. It should be plain by now that many people dispute it. When we were talking, and afterward as I read my notes, I took de Silva's view as yet another instance of the need many Sri Lankans have to go on believing what is no longer so as regards the law. To accept otherwise is to bear too many consequences.

There had been problems in the judicial system stretching back to the 1950s—problems, so far as I could make out, that were quite typical of recently independent nations. After the 1972 constitution, political appointments to the bench—appointments of unqualified people, eventually appointments of people with questionable criminal records, and so on—became common. It is an irony that the chief justice under Jayewardene—the president who accumulated so much power in his office—was unable to restore the system's reputation. Jayewardene had named Neville Samarakoon as chief justice in 1977 and he remained in this post until 1984. It was a political appointment, as could be routinely expected by then, but Samarakoon failed to favor the president who had named him. This meant Jayewardene could not control the courts as he wished. The separation of powers was once again a problem. A very public struggle ensued, and Jayewardene sought Samarakoon's impeachment. However, Samarakoon refused to resign and continued in the post until his retirement. It was an early and highly visible case of how, in Sri Lanka, one transgresses by not transgressing. Perhaps, to understand the crisis of the judiciary in Sri Lanka, more attention should be paid to the conflict between Samarakoon and Jayewardene.

"However judges were appointed, once they were appointed they became quite independent," a judge I met once told me. "Now, with Sarath, it is different."

Just how different has never been clear to me. One hears various accounts. There is an inexactness in many of them. The judiciary was

long corrupt; no, Sarath destroyed it; there were problems, but under Chandrika it got worse; until Sarath it was among the best. And so on.

Was one man responsible for the tragic decline of Sri Lanka's judiciary? Or has he been a symptom—of gradual decay, of a slow slide toward dysfunction—as much as a cause? Or did he simply deliver the final blow, a long time coming?

Scholars will no doubt sort out this kind of confusion. It seems to me, once again, to reflect the psychological dimension of law that I mentioned earlier: There was a dependence, a need to know the legal system was somehow intact even as it crumbled, and so no one but a few principled lawyers and judges was watching very closely. Assumptions were preserved, even as the ground beneath them fell away. Sarath has proven a considerable shock to Sri Lankans, but perhaps he should have been less of one.

Certainly it is clear now to anyone who looks at all closely that Sri Lanka's judicial system under Sarath has reached a repugnant state. This is not too much to say. It is almost certainly among the worst in Asia by any ordinary measure of its ability to deliver justice to those who stand before it. If corruption is "the abuse of authority for personal gain"—a boilerplate definition of the term, one Weli uses, for instance, at Transparency International—then Sri Lanka's courts are certainly among the most corrupt in Asia, a region not noted for its exemplary judicial traditions, to put the point mildly.

Perhaps Sarath's most devastating act was simply to deprive Sri Lankans, busy building fortresses of private order, of an illusion—the illusion that there was any order outside of their walls and beyond the ends of their driveways.

Most important of all in this, the erosion of justice has dramatically worsened the erosion of the public self: the consciousness of citizenship, of belonging to a modern nation. What emerges is the privatization of consciousness—a withdrawal from public life and the death of Sri Lankans as civic beings. What emerges in the place of these things is a way of thinking rooted in pre-modern (and then colonial-era) notions of hierarchy—a phenomenon to be considered more closely in later chapters.

It is this recrudescence of an essentially pre-modern consciousness that ranks as the most profound consequence of Sri Lanka's state of near lawlessness. The courts were the last vestige of public space in Sri Lanka. And under Sarath this space has been destroyed.

FOR SARATH, NATIONAL PROMINENCE and national controversy arrived at roughly the same time. In September 1999 President Kumaratunga named him to the Supreme Court. And by all accounts Sarath served Chandrika in the usual way, tilting decisions in the administration's favor. The alliance between the two seems to have strengthened. Obviously the president would not have wanted to undo the damage done to the independence of the judiciary under the Jayewardene and Premadasa regimes. Perhaps she understood that the executive presidency, as found in the 1978 constitution, was incompatible with an independent judiciary. A more open cooperation would protect her from her political enemies. It is in this context that we should mention Mark Fernando, who was the most senior judge of the Supreme Court at this time. Fernando had mastered his profession within a liberal democratic framework, and he was consequently seen as politically unreliable.

Between them Chandrika and Sarath managed to offer Sri Lankans a breathtaking display of contempt—contempt for Sri Lankans themselves, for the society the two of them had large roles in governing, for the legal profession, for a half-century's struggle toward a proper nationhood. At the moment the president nominated Sarath to preside over the country's highest court, he already faced two legal complaints so messy as to make his appointment at the very least inadvisable, if not illegal (as the complaints asserted).

One complaint concerned a judge named Lenin Ratnayake, a magistrate who is alleged to have raped the wife of a defendant in his chambers. In a published account of the incident, the writer Victor Ivan asserted that Ratnayake was a cousin of the Sarath and that the latter allegedly took steps as attorney general to suppress information regarding both the rape case and another case involving the misappropriation of funds.

Sri Lanka has since got what it might reasonably have expected from Chief Justice Sarath Silva. The record reveals a depravity that at times seems purposely perverse, an intentional subversion of the legal system, a cynical mockery that brims with contempt for all of Sri Lanka,

for the very idea of Sri Lanka. The worst of Sarath's abuses have been documented, most notably by Victor Ivan in *An Unfinished Struggle*, a detailed investigation of Sarath and the Supreme Court during his years as its chief justice. It is an important book. There is an apparently endless stream of stories about Sarath's corruption and lawlessness, many told by those formerly part of the intimate circles in which Sarath moves. Ivan's book is valuable because it makes Sarath's corruption a matter of record. And its assertions have never been refuted.

Sarath has faced relentless challenges to his appointment in the eight years since Chandrika elevated him. A U. N. rapporteur condemned Chandrika's choice as soon as she announced it. Ivan still has a case against him pending at the Human Rights Commission in Geneva. In 2001, after intense political lobbying, the parliamentary opposition introduced an impeachment motion. Before legislators could even debate it, Chandrika did what Sri Lankan presidents do at such moments: She dissolved parliament. Sometime later another impeachment attempt was made, and it ended the same way: Parliament was again dissolved by presidential decree.

In time Sarath has proven loyal only to himself. As Chandrika's term in office drew to a close, he shifted his allegiance to the next government, headed by Mahinda Rajapakse.

It is impossible to do justice (if that is the suitable term) to Sarath's years as attorney-general and chief justice in so brief a book as this. A comprehensive account and appraisal must be left to others. My purpose here is merely to suggest the devastating impact Sarath has had—a devastation that remains quite well hidden from the world beyond Sri Lanka's shores.

As I have suggested, there seems to have been an unconscious recognition among Sri Lankans that the law was their last patch of unspoiled public space. Sarath has made any such idea implausible. It is as if he had burnt what remained of public space to a shell, as the Jaffna Library was burned. Dozens of judges have seen their lives and work destroyed under Sarath's irrational judicial regime. Ordinary Sri Lankans now fear even the high courts as places where logic, justice, or fairness may have nothing to do with the outcome. Power and collusion—collusion between lawyers and judges, lawyers and the police, lawyers and doctors, lawyers arguing for and against a defendant—are the only "norms." The lower the court,

the worse the norms. One fears them all, however, because they are dangerous places.

And when one peers into the judicial system, establishing a line of sight from the Supreme Court down through the appeals court, the high court, the magistrate's courts, and so on, it is difficult to see how the collapse of the system in the years of Chief Justice Sarath Silva has been the work of one man. Yes, men and women can destroy institutions, and it is a sad fact of public life that they can do so far more easily than they can build or rebuild them. But the Sri Lankan case appears to be one of gradual decline from the bottom up rather than the work of a single man. The higher courts appear simply to have taken on the character evident for many years in the lower courts, the courts that are supposed to serve ordinary people. So it is partly a matter of everyone now getting the treatment ordinary people have long endured.

THERE WAS A FAMOUS CASE of Michael Anthony Fernando, which occurred in November 2002. It was a small matter, but it is small matters in Sri Lanka that frequently seem to cast the most penetrating light into the system.

Tony Fernando was an English teacher who found himself involved in a labour dispute. He took the matter to the Supreme Court by way of a fundamental rights application. The case was dismissed—unfairly, Fernando asserted. He then filed a motion calling for the case to be heard again, and the case came before a court in which Sarath presided. Fernando appeared without a lawyer. When he asserted his constitutional right to equality under the law, Justice Silva immediately announced that the petitioner was sentenced to one year's rigorous imprisonment, with a month's additional sentence for each word Fernando might speak thereafter.

The sentence was based on a charge of contempt of court. However, no charge sheet was created and no legal representation was allowed. Fernando went to jail that same day.

The Fernando case caused an uproar, and several sympathetic lawyers filed an appeal. The appeal was taken up by the same bench that had sentenced Fernando, Justice Silva again presiding. And, naturally enough, leave to proceed with an appeal was not granted.

Fernando served his full term in jail. The United Nations Human Rights Committee eventually took up his case and held that the court had violated rights guaranteed under the International Covenant on Civil and Political Rights, to which Sri Lanka is a party. Compensation for illegal detention was recommended. But Sri Lanka ruled that it Fernando's imprisonment was the act of a domestic court and therefore not subject to the U. N.'s recommendations. Four years later, in 2006, Sarath ruled in a different case that U. N. Human Rights Committee views and recommendations do not bind Sri Lanka as the president signed the Optional Protocol without prior parliamentary approval. Litigants such as Tony Fernando thus ended up worse off than when Fernando began. They lost not only their access to redress before local courts but also remedies by way of international law. So has the absence of justice in Sri Lanka been made absolute.

Tony Fernando was also tortured while in prison custody. After his release he was pursued by people who were never identified, and he finally sought asylum overseas. He is now a refugee living in Canada.

I heard Fernando's story many times, for the case had made the newspapers and many people had followed it. We are counting in the scores of thousands when we consider the Sri Lankans who have suffered at the hands of corrupt judges and attorneys. But the Fernando case appears to have served as a mirror to the faces of all those who watched its progress, if that is the word.

The first to relate it to me was a young attorney named Shanthi, with whom I was eventually to become a friend.

"It tells you a lot of things, this case," Shanthi said when she had finished her account. "It tells you about the attitude problems in the system. It tells you how dangerous even something like a contempt charge can be made to be. It tells you, in the end, about unlimited power."

Shanthi had an interesting history, which she told in small parts, a little at a time, as we met over a period of many weeks. It is worth relating for what it shows us about the legal system, what has become of it (and what it could have become). In Shanthi's story I also found something else: the difficulty Sri Lankans often have seeing what is there in fromt of them—not because it is obscured but precisely because it is so pervasive.

Shanthi was born the daughter of an air force officer and spent her earliest years in a town near her father's base north of Colombo. Then the family moved to the ancestral home, as she called it—the house in central Colombo her father inherited. Shanthi was still young. She attended one of the capital's private schools, "truly private, no government funding," as she insisted a little vigorously. It was called St. Bridget's Convent. It was Catholic, run by the Sisters of the Good Shepard.

"Did it make you a good Catholic?" I asked one day.

"It made me a good rebel."

We both laughed. We were sitting in the reception room of the family home, where Shanthi lived with her mother, who was a widow by this time. On the wall above us was a picture of Jesus, the sacred heart exposed at the center.

"Really," Shanthi continued, insistent again. "I became determined never to do anything simply because that's the way it's done. I learned to question everything."

Shanthi also learned to be an idealist of a kind during her years among the Good Shepard sisters. And when the time came for university she declined a place to study the biological sciences. Her father had been furious. But with the highest of hopes, with the belief that she would work to make a difference, Shanthi eventually chose law.

The profession did not disappoint her—not at first. After finishing at the law school in Colombo, Shanthi became an intern at the Supreme Court. Her mentor, the man who had begun the practice of introducing interns, was the justice named Mark Fernando. He remains, without much question, among the most respected jurists in Sri Lanka's history as an independent nation. In his later years on the bench he was a kind of beacon for Sri Lankans—for those in the legal profession, certainly, and also for many non-professionals who looked to Fernando for assurance when they thought about (and assumed) the integrity of the system. Shanthi spoke of him (as did many others I met) with the greatest of reverence.

She said, "The internship was in the mid-1990s, when I first became a lawyer, and that was such an important time for me. I had to study cases

and discuss them afterward in chambers. I wrote reports and then we would discuss the reports. They would call me for long telephone conversations in the evening. I saw the workings of the court from the inside. And I had an ideal."

That is how Shanthi spoke of the Supreme Court interlude—with an unalloyed enthusiasm. It had lasted six months, and as she described it, it seemed plain that Fernando's intent was to cultivate a younger generation of conscientious attorneys and judges. He had identified a national need. He seems to have identified Shanthi as one who could address it.

After the internship, Shanthi began to practice—an apprenticeship with a prominent private attorney. It was a criminal practice, and again Shanthi was immersed, this time in the cases themselves. She handled clients, court sessions, briefs. She managed cases up and down the system, from criminal courts up through magistrate and high courts to the Appeals Court and the Supreme Court. Shanthi and the attorney had an arrangement: He would handle no drug-related cases—and she no rape cases: She found the discussions of these cases in chambers, which included only men, to be awkward.

It was in a magistrate's court that Shanthi collided with the realities of the justice system as it was by the mid- to late-1990s. It was in the magistrate's court that she was finally able to see the consciousness of hierarchy that, surely, was all around her—indeed, within her, "the edifice within."

"These courts were a shock," Shanthi recalled. "I couldn't even call them courts. I dreaded them. Cases postponed, cases delayed, nobody treating the public with any respect, nobody even talking about the law. When I started in the Supreme Court you could still have hope. In the Supreme Court and the Appeals Court, there was a lot of integrity among the justices. At least a citizen of Sri Lanka would be heard. He or she would be treated with dignity. Then I began to see the wider picture. The degeneration, especially in the lower courts and especially from about 2000 onward, after Sarath became chief justice, was suddenly very real to me. There are no proper procedures, and even if there are they are not taken seriously. There are codes of conduct, but nobody knows what happens if they are breached. The standards there when I started out are no longer there."

Shanthi was concerned most with what she called "an additional problem" among the judges.

"Take the question of contempt—as in the Tony Fernando case. It's not unusual, that case. In a magistrate court last year there was a defendant in a cell adjoining the courtroom. He yawned, the judge heard it, and he was sentenced to two years for contempt. A couple of years ago an opposition M. P. got a two-year sentence for contempt after he allegedly criticized a Supreme Court decision in a public meeting."

Shanthi paused and then started speaking in broader terms.

"In any country the attitudes and values projected by the head of an institution have a big influence on lower-level officials. This is what I saw. Judges started saying, 'I don't want to listen to your case.' And when you objected he would say, 'Are you disputing me? I could hold you in contempt. ' This happened to me again and again. You're simply not given the opportunity to present your case. The basic right to be heard is not there. This happens again and again to many attorneys."

One case changed Shanthi more than any other. As I reviewed my notes later, it did not seem to me in any way singular. I began to sense that it was simply a case that Shanthi had witnessed up close, in all its intricate detail—the case that showed her that the "above" and "below" of her own society had finally found its way into the upper reaches of the legal system. It was a much-noted criminal trial, with numerous defendants and involving several senior lawyers.

"We had three clients. One was acquitted and two found guilty. It was in this case that I finally saw clearly how the system works. It was the people at the top who were responsible, who were truly guilty, and they got off. So the guilty were found innocent and the innocent were found guilty. I knew immediately: It was something I wanted no part of."

Shanthi left law soon after that case. She went to England for a time, then returned. When I met her she was working for a non-governmental organization, focusing on justice for torture victims, and thinking about studying in Australia for a degree in psychology. The thought was to build a clinical practice. And it seemed right: Shanthi had a native sympathy for people. She was attentive to the psychology at work beneath

the workings of the legal system. But the path of the idealist had led her to despair, at least as far as the practice of law was concerned.

MARK FERNANDO, the renowned jurist who had been Shanthi's mentor at the Supreme Court, resigned abruptly before the expiry of his term in office, retired from public life, and went into semi-seclusion at his home in central Colombo. When I arrived in Sri Lanka later, it was still an event much talked about among judges and lawyers. Why had he done it? Had Sarath forced him out? It was said that Fernando had health problems: There had been a battle with cancer. But had Sarath proven so repellent that Fernando had given up? These questions—the last especially—preoccupied those concerned with the fate of the justice system. Fernando's commitment to it, or the absence of one, seemed to have taken on a symbolic meaning.

Encouraged by many friends—Shanthi among them—I went to see Fernando one afternoon. He lived in a comfortable house at the end of a sedate lane in an affluent quarter of the capital.

One could see immediately that he was indeed infirm. He was tall, strikingly handsome, and of a charismatically dignified bearing—a casual but cultivated man with silver hair and piercing, animated eyes. But he was excessively thin and drawn, and he moved slowly. He warned me when I arrived that he would tire easily.

I saw, too, that he had turned decisively away from the life of the public figure—the man people knew. The living room, where we sat over tea, was strewn with the toys of his grandchildren. There were family pictures and books but few signs of engagement in the life of the country or in the profession to which he had dedicated his career. The career was over. And Fernando courteously declined to discuss Sarath and the judiciary in anything other than the most general terms. Certainly, no names were going to be mentioned.

He said, "There are good, strong periods in the lives of these sorts of institutions, and there are periods that are less good." This was as near as Fernando was to get to serious comment, and I did not want to tax him. The meaning was clear enough. I took few notes during the hour or so we passed together.

I began to understand, as we sat and talked, the iconic status he had among Sri Lankans. Over time and many other conversations, some with people in the legal profession, some not, Fernando seemed to stand for a certain possibility and a certain disappointment all at once. It was never clear to me whether Sarath's elevation to chief justice had caused Fernando's departure. But in the end this did not matter. Sarath had come and Fernando had gone. And with his going had gone an era and an idea of order, the idea of a system—a modern system, rooted in law, still equipped to correct itself.

One must also connect Fernando with the very freighted question of hierarchy in Sri Lanka. He was educated at St. Joseph's College in Colombo, the University of Ceylon Peradeniya, and the Law College—all among the country's most elite institutions. He was awarded a Degree of Doctor of Laws in 2001 by the University of Colombo, and with considerable international stature during his professional years, Fernando was prominent among the Sri Lankan elite. In this respect his presence in public life held out a kind of promise: So long as he was there, one could think that the old hierarchical pattern in Sri Lankan life, the above-and-below of social relations, could be set aside, could be overcome in the name of a modern, just society, a society of enlightened equity. But when he withdrew, Fernando seemed to take this promise, or a big part of what remained of it, with him. And with Sarath came what Shanthi had called "the attitude problems," problems that are essentially hierarchical.

One day I told Shanthi that I was planning to see a number of judges. I wanted to hear the stories of those who, like Saminda, had confronted Sarath (whether they had intended to or not) and had paid a high price for it.

A worried look crossed Shanthi's face.

"Listen carefully," she said. "We have some very good judges. But there aren't many heroes."

CHAPTER SEVEN

JUDGES

1. COLOMBO

I DO NOT REMEMBER who introduced me to Mr. S. Kulasuriya. But our meeting was the door to another world.

There is a small archipelago of judges who have been forced out of judicial service in recent years, all for having committed some version of the same offense: the transgression of not transgressing. Kulasuriya was my introduction to this population, this mostly invisible gulag of men in shabby suits or the casual clothes of the educated but unemployed. After him, I spent a great deal of time exploring this world. It seemed to take me, in certain ways, to the core of things—to the underside of Sri Lanka, the side where light never shines, the side where large principles and a kind of intricate pettiness exist side by side.

I was given a cellular telephone number, nothing more, and urged to use it: Kulasuriya was a judge, and Sarath had forced him off the bench a couple of years earlier. He would explain all this to me. It would give me insight. Some judges were reluctant to speak, but Kulasuriya would be eager to do so. His story would reveal how the system worked under Sarath. Shanthi had given me one look at things; this would be another.

We agreed to meet at the Taj, a hotel across from Galle Face Green and adjacent to the army headquarters, and when I arrived Kulasuriya was waiting for me on a sofa in the lobby lounge. He was tall and burly and, so far as a man on a sofa can betray such a state, he seemed a little nervous. Perhaps it was because I was a foreigner; perhaps he was unsure, the moment having arrived, about telling his story. Kulasuriya turned out

to be a loquacious talker, recounting the recent events of his career as a judge in a flood of detail. But then he took to asking me, "You won't use my name, will you?" His anxiety grew over the course of our conversations. I had to assure him on this point numerous times. And here I have changed it.

Like many judges, Kulasuriya was not a greatly sophisticated man. He was not cultured or given to refined tastes, as I had heard many times Sarath was. Nor was he of powerful intellect, as Mark Fernando plainly was. Kulasuriya was simply a product of the system as it had once been. He was trained in a profession, and his training had molded his mind. This had made him insistent on procedure. No detail of procedure was too small for Kulasuriya to insist upon. In the end it was Kulasuriya's insistence on procedure that led him to clash with Sarath, and the clash had ended his career.

KULASURIYA HAD PRACTICED privately for seven years before joining the judiciary in 1987. Then he sat as a magistrate and a district judge for more than sixteen years, and for almost all of that time he served as an officer in an association of judges. It gave Kulasuriya a modest prominence among colleagues on the bench, a visibility his career might not otherwise have brought him.

Kulasuriya seems neither to have supported nor opposed Sarath when the latter became chief justice. He simply continued in the judicial service, events above his head of not much concern, and continued, with his wife, in the raising of three children. He was plainly not a confrontational man, which made what he did at the time of the first impeachment motion against Sarath, in 2001, all the more surprising.

At the time Sarath had called a meeting of judges that he seems to have intended as an occasion to gather and display support. Kulasuriya had attended as an officer of the judges' association. He said, "I stood up against the C. J. at that meeting. I said, 'Do we support him? Why should we support him now?'" Later on, after I had gone over my notes from this first conversation, I asked Kulasuriya to tell me this part of the story again. Then it became clear that his position turned on procedure more than principle.

He said, "I didn't really support the impeachment motion. I said, 'Why should we support the C. J.? It's up to him to defend himself.' I

further said, 'There was an impeachment motion against a former C. J. "'—this was the one Jayewardene brought against Neville Samarakoon in 1984—"'but did the judges support him at that time? It was he who got himself defended, through a lawyer.'"

And it was Kulasuriya who thenceforth had to defend himself against the wrath of Sarath and the Judicial Services Commission, the administrative body that Sarath had already placed in the control of loyal allies.

Arbitrary transfers of judges from one jurisdiction to another—politically motivated transfers that have nothing to do with seniority, merit, or capabilities and everything to do with inconvenience and hardship—have long been a pernicious feature of the Sri Lankan judicial service, and Sarath appears to have made especially cruel use of them. They are transfers applied as punishment.

It may seem a mild form of revenge for the transgression of not transgressing, but transfers of this kind are exceedingly effective and should be understood in their context. They are a revealing example of the way law is used to create disorder.

Even the threat of an undesirable transfer is usually enough to influence judicial decisions and the conduct of judges. This reflects one of the (many) unfortunate facts of Sri Lankan life: its egregious over-centralization. Colombo is where things matter; little of importance is considered to occur elsewhere. There are those who live and work in the capital and those who live and work anywhere else on the island. And they are very different, the one from the other. Professionals of all kinds—judges and lawyers, doctors and scholars, accountants and executives—will often commute "outstation" by the week to jobs elsewhere so as to keep their homes and families in the capital. This relationship between Colombo and the rest of the island resembles that between a colonial metropole and its colonized periphery. It is, indeed, a reproduction of this relationship. And for many who are settled in Colombo it makes transfer an especially dreaded prospect.

Kulasuriya was never a senior judge, and (as I surmised) his prominence among colleagues was a rather relative matter. He had had fourteen transfers during his sixteen years of judicial service; the worst of them were the two that followed his speech at the gathering of judges

Sarath had organized to marshal support among the wigged and robed.

One took Kulasuriya to Ampara, which lies east of Kandy and roughly seventy-two miles from Colombo. It is well within what has long been Sri Lanka's war zone. The posting was so dangerous that Kulasuriya kept it from his aging mother, commuting an impractical distance over bad roads to the capital once a week so she would believe him when he told her he was serving in Kandy. When she discovered the truth, Kulasuriya's mother had a stroke and died within a month.

His next posting proved still more dangerous, but not because of the war. It was in Elpitiya, another remote town, this one south of Kandy, where Kulasuriya was sent to replace a judge many years his junior. By this time he had filed a case against Sarath and the Judicial Services Commission, a fundamental rights case—which means a case that invokes a clause in the constitution. Kulasuriya's case declared that his abrupt transfers constituted violations of his rights. After he filed it, cars began to follow him in Elpitiya, and there were apparent threats on his life. Eventually the information came to him that Sarath's most infamous "henchman," a man named Rohana Kumara, was behind these threats. When he heard of Kumara's involvement, Kulasuriya hired round-the-clock guards.

"Finally I thought, 'I shouldn't be here.' I had to safeguard myself and my family. I looked around. There was a vacancy for commissioner-general of prisons. I applied but I didn't get it—they gave it to a judge I had trained, a judge with no qualifications for the job." (This was a reference to a man named Rumy Marsook, who turned out to be, in the view of some, among the better and more innovative prison commissioners Sri Lanka has had.)

Word eventually came from the prime minister's office that Kulasuriya would be given another position. He never told me how this came to be, but he would be appointed chairman of another government agency. It was a minor posting and for only three years, without much influence, but it would put Kulasuriya on dry ground, preserve his pension, and keep his family intact.

It lasted a matter of months. In the summer of 2004 the cabinet changed. Kulasuriya was forced out before the year ended, unprotected once again.

IT OCCURRED TO ME as I listened to Kulasuriya tell his story over the course of several long afternoons how ordinary a man he was—ordinary in the way of decent but not a blazer of trails. There was a paradox in this. He was an ordinary man caught up in extraordinary circumstances, but circumstances that were regrettably ordinary in the Sri Lankan context. He was not, as Shanthi would put it, a hero. He had not sought out any question of principle and had not particularly wanted to take a stand on one. But he had come down on the right side of things. He stood for the procedure he had been taught to follow and to rely upon. And at some point the question of procedure had become a question of principle.

When I met Kulasuriya he was struggling. His daughters were then seventeen, twelve, and ten, and the family lived on his wife's salary—she was a civil servant herself—in a house that she had inherited. "We don't have to buy a lot from the outside," Kulasuriya said one day as we were driving. "We have sufficient for day-to-day living."

Kulasuriya was fifty-two at this time. He had lost his pension. Like Saminda, he had the habit of apologizing for his car—a small, rattling thing of Japanese make. He took on legal consultations, but it was difficult, he said, to get cases. "I can practice, but people don't come to me. The C. J. and others will not hold the scales evenly when my cases appear."

That day he had finished a small job. He said, "I did some work for a lawyer whom I knew from my years on the bench. It paid…"

Kulasuriya paused. He seemed either to be calculating a sum or deciding whether to tell me what it was. Then: "Three thousand rupees. What's that? About thirty dollars, isn't it? It pays for some of my children's school van charges. They come to five thousand a month."

He clung to his family and to the principle he had never set out to prove. He was still, four years later, awaiting a ruling on his fundamental rights case—one of the many who wait.

Once he said, "I simply upheld the independence of the judiciary. I can't compromise on this point." Later on, as we had got to know one another, he said, "What I believe is my children can walk down the road, heads straight." And later still: "I sleep very well at night. True wealth lies in a clear conscience."

When he said this last, Kulasuriya looked at me squarely. The doubts and the diffidence that I had come to expect of him had gone. He seemed to have become, indeed, a man of conscience. Others had suggested as much when they told me about him. But as he used to tell me, as often as he asked that his name not be used, "It is not easy."

2. Kandy

KANDY, THE PRE-COLONIAL CAPITAL, is a remarkable little city—remarkable for all that it silently tells you. It sits amid a bowl of mountain peaks, protected and unprepossessing. This was the city whose place atop steep slopes leading up from the sea and the colonized coast defeated Westerners until the first years of the nineteenth century. Yet it is contained, it is in apparent harmony with all that surrounds it, and seems to have lived, when it was the center of Sinhalese culture, with no larger ambition, no grand design, beyond its own modest kingdom.

The crumbling remnants of colonial conquest—hotels, banks, houses—are still evident across much of Kandy. But beneath this layer of decaying accumulation is another made of older signifiers. Kandy's location, in its bowl of peaks, is far more interesting and tells us much more than any dowdy British-era edifice, however fascinating tourists may find the latter. The core of the city, the genesis of its design, once consisted of two square enclosures. In the larger of them was the king's palace—which survives today in a very modest iteration—and the Temple of the Tooth, center of Sinhalese Buddhism. Adjacent is the small lake a Kandyan king had built many centuries ago. Today what remains of the old city is exceptionally picturesque—a world heritage site, according to the United Nations' designation. But we should not miss what Kandy actually has to say. It is a quite precise expression of Sinhalese consciousness, which is given less to ambition than to a kind of collective solitude as regards the rest of the world, a desire to be left alone and to leave alone.

This is Sinhalese nationalism, too. There is Buddhism and there is hierarchy and there is the inside and the outside of life, all things consisting of that which is within and that which is without. And side by side with this is the lake, a remnant of the great Sinhalese achievement, a royal version of the old irrigation tanks, collective capability dedicated not to the assertion of power across distance but to the control of the resources

given by the natural world and the furthering of peaceable cultivation. It is a wonder how such a past and such a consciousness can be invoked in a society as violent, corrupt, and cruel to its own people as Sri Lanka in the twentieth and twenty-first centuries.

Kandy—the modern, bustling town that makes its living by way of tourists and commerce in a quarter leading up to the temple and the lake—raises this very question itself. It seems to have more than its share of Sri Lanka's extraordinary-but-ordinary judicial corruption. This is to reckon by way of the city's population of those judges and lawyers who have encountered Sarath and lost their careers as a result.

I met several, and there were others I failed to find. There was one I had heard about in Colombo who had not only been forced from the bench but, threatened with murder, had been forced into hiding. A justice who was a fugitive from the chief justice's apparently boundless injustice—this in a nation that still maintained all the accoutrements of a functioning justice system and claimed to live by one: I decided I wanted to meet him.

IN KANDY I STAYED at the Hotel Suisse. It is a Victorian dowager, gleaming white amid green gardens, that sits aside the lake opposite the Temple of the Tooth, and it has generously proportioned lounges and bars.

But Hiran Ekanayake would not meet me there. Word came that he was worried about the hotel next door: Rohana Kumara, Sarath's notorious "henchman," was said to be carrying on an affair with the proprietress of the neighboring establishment. Hiran took this to be true, certainly, as did many others. So Hiran considered an appearance at the Suisse to be tempting fate. Later I learned something curious: When I had contacted him through a judge I had met in the capital, Hiran had questioned whether my inquiry might not be a set-up. It is through such odd doubts and fears that one makes one's way along the archipelago Sarath has created from the careers of men such as Hiran.

After several failed attempts to connect, another man—another judge with another story—came to see me. His name was Dissanayake. He was in his early fifties, like Kulasuriya, and he, too, had sat in magistrate and district courts until Sarath had forced him out. With difficulty, for it was never clear where Hiran was, we finally arranged to meet him at his house.

It was on the outskirts of the city, behind a battered gate and a garden. Hiran lived there with his mother. In the driveway, under a canopy that sheltered the front door, there was an expensive-looking four-wheel-drive vehicle in an advanced state of disassembly. Hiran was restoring it, he would explain later: Cars were his hobby.

Hiran was different from the other judges I had met. He was young, fit, energetic. He kept his hair fashionably short and wore stylish clothes: jeans, a smart shirt open at the neck. Hiran came from a prosperous family: Apart from the house where we sat in the cool of a Kandy afternoon, there were estates in the mountains outside the city. This seemed to account, at least partly, for Hiran's attitude. It was also different. The story he told was as grim as the others I had heard, but Hiran displayed no anxiety as he told it. Sarath had forced him out, but there was no question of defeat. Hiran seemed to have marshaled all the facts, rather coldly, and confident that someday they would matter.

Hiran had been a magistrate at Thambuthegama, a remote town in the Anuradhapura district in the north-central region of the island, when Sarath was made chief justice in 1999. That same year, Chandrika was running for re-election, and at one point her opponents organized a gathering at Eppawela, a town within Hiran's jurisdiction.

Hiran said, "It was on a Sunday, if I remember correctly. That weekend I was on leave—here. Early on the Sunday morning, I made the drive to Eppawela—a five-hour trip. When I got there I saw tires burning and police everywhere. A bomb had been thrown into the opposition meeting. The facts were repeated to me, and I directed the police to conduct an investigation and arrest the person responsible.

"The police took no action. Then a special order came from the president, and a team was sent to investigate allegations that the opposition had begun making. After its inquiries the team made an arrest. It was a very big event, this bombing."

A big event: It had made the newspapers, it had broken into public view. Many such investigations do not.

"After the arrest, it came out that the chief minister of the province had shared a meal with the suspect just prior to the attack—that same day. The minister's name was Berty Premalal Dissanayake"—Hiran spelled it

carefully, as if I were taking testimony—"and the meal he shared with the suspect was at his residence.

"These are things I know from the investigation. But after the disclosure about the chief minister, the investigation stopped—that was the end."

I HAD NOT HEARD A STORY like Hiran's before. I had heard stories of petty revenge, extra-marital affairs, the protection of this or that corrupt public figure. I had heard, by this time, Kulasuriya's story—a story of defiance and punishment. Hiran told me a political story. A bombing at a political rally during an election campaign, casualties, extensive wreckage, a police investigation—this was a political story and also a very public story. It put the mess of the system, including the judiciary, squarely in public view. There was a clear motive leading to the president's party organization—Chandrika, like her father, was S. L. F. P.—and in the face of such a plainly legible motive the president had had to order a special investigation. And then the investigation was ordered to stop—"Enough!" someone, somewhere had said—precisely because the investigation was leading somewhere. It was as if the leadership had declared, "No, we cannot have the order that would result from a full investigation: arrests of the culpable, trials, sentences. Let us use the system as we have come to use it—to maintain the disorder we require to remains in power."

A political story, in the middle of which Hiran offered a precisely political explanation of the chief justice.

A number of senior lawyers and civil society groups had advised Chandrika not to appoint Sarath as chief justice after she had made him attorney-general and her plans had become clear. "But the president thought an independent judiciary was a huge obstacle," Hiran said. "She couldn't work things out the way she wanted."

Things: Among them were elections. But what precisely did Hiran mean by "things," I wondered. There seemed to be more.

"Certain political killings took place during Chandrika's period. This involved, especially, the politicization of the police, but also people from various quarters in government service. People were going to the Supreme Court with fundamental rights cases, and the court was finding against the

government. It was a big problem for Chandrika's government.

"The help of the police was important to the president and the S. L. F. P. There was election rigging. There was pressure of various kinds put on political opponents. There was a huge misuse of government property and public funds. There was no proper auditing. Politicians used money as they wanted. An independent judiciary was an obstacle to getting all this done. The choice of the present C. J. was ultimately about keeping power. And the C. J. wanted judicial officials who would safeguard the ruling party. That was his job."

Hiran did not accept the thought that the system had deep problems before 1999. Like many others, he thought Sarath had destroyed a respectable institution more or less singlehandedly.

"The judiciary prior to the appointment of the present C. J."—also like others, I found Hiran reluctant to use Sarath's name, as if there were a danger in the very utterance of it—"that system was very satisfactory. Things happened in a very impartial manner. Then, little by little, the C. J. started disposing of judges whom he found it difficult to manipulate the way he wanted. All the fundamental rights cases dissolved into thin air. Nobody knows what happened to them."

Hiran had become an attorney in 1990 and had later studied at a judicial training institute. He became a judge in 1997, and he seemed to know the facts of recent history cold. To date, he told me, almost forty judges had been removed by "the present C. J."

"They've been replaced by J. O.'s"—judicial officers—"with no proper experience or training. You find women, especially, in this new group because the C. J. can manipulate them."

This was the first I had heard a number. I had not previously been able to judge the size of Sarath's archipelago of the dispossessed. When did all of its begin, I wondered.

"Right away, right after the present C. J. was appointed. The first to be knocked off was a judge called M. G., Mervyn Gamini, Wijetunge"—again, Hiran took care to spell the name. "There may have been J. O.'s having problems, but none were trumped up. Wijetunge was the first. And that was in 1999. He had been on the bench for twenty-six years and was

on the brink of retirement. He was five days away, I think. That is where the C. J. started his operations."

Five days away from retirement, a judge is "knocked off"—knocked off the bench, though the ordinary meaning of the term was hard to miss. The Wijetunge case, in its very irrationality, suggested a purposeful intent to instill fear, a strategy to make it known as soon as possible that there would be no immunity in the judiciary—and that nothing would be predictable. No one was safe. A judge of twenty-six years' standing: To remove him in such fashion was a little like defacing a sign or a public plaque, a calculated sign of disrespect.

In Hiran's case, he had already tempted fate by the time of the political bombing in Eppawela. The chief minister of North Central Province, Hiran had discovered, was acquiescent, if not complicit, in a range of "irregular and illegal activities," as Hiran called them. He had received several petitions concerning a bar that was openly selling illicit alcohol—which is a substantial problem in Sri Lanka—and he had directed the police to raid it. There had been repercussions from that, too. "This was at the same time as the bombing. Everything was happening at once. "

After the bombing, the minister sent several requests to Hiran to arrange a meeting. Hiran refused all of them. Then: "So he took his last option, which was to get me out of the district through the present C. J., who had just then been appointed."

All this happened quickly. Hiran's transfer orders came through within two weeks of the bombing. Afterward he was able to argue for a three-month extension, but he still was gone by December of 1999—three months after Sarath took over at the Supreme Court.

Hiran was honest about what he did then. He said, "When the transfer came I knew what the reason was. Then I got the extension. I took a lenient attitude toward the bombing matter. It was a question of survival."

A lenient attitude: He pressed the question no further.

Hiran returned to Colombo, and there he entered the lowest level of the court system. As he described it, it seemed like a kind of descent

into hell. At his courthouse there was no record room, and what records had been kept were too badly neglected to be of use. His caseload justified a staff of ten, but apart from the court registrar he had a staff of one, a young mother who left every day at noon. The roof leaked. Postponing trials became a matter of daily routine. There was no home leave. There was no government bungalow—a standard perquisite—and this forced Hiran to commute: an hour and a half in traffic in the mornings, two hours at the end of the day.

"I want to make a certain point with these details," Hiran said. "The C. J. wanted to remove me for inefficiency. This was his groundwork."

One day Sarath's personal assistant, a runner of errands, a figure called an *arachchi* in Sinhalese, arrived at Hiran's chambers. He had a piece of paper listing numerous case numbers. They all concerned a woman, an attractive doctor of forty or so. The cases were all related to fraud: The woman doctor was accepting large sums in return for arranging employment abroad and then providing neither the jobs nor refunds of the sums paid.

Hiran told me this story in extensive detail. It was, plainly, six years later, still a moment that called forth intense emotions.

He said, "The C. J.'s *arachchi* told me, 'Sir, this doctor is very well-known to the C. J.' He spoke in Sinhalese and the term was '*honda hitawath*,' meaning 'a very faithful friend,' but with certain implications, a slight suggestion of 'lover.' Then the *arachchi* said, 'Sir, conclude these matters quickly. Leave the final judgment in his lordship's hands. You do the needful. He will look after the rest.' As he left, he took the files for these cases from the middle of my pile and put them on top."

Hiran's moment of truth in the judicial nightmare of "the present C. J." had arrived.

Hiran continued to tell his story in great detail. My notes from our afternoon together are voluminous—full of Hiran's accounts of conversations, recollections of precise body language, visits and more visits from the *arachchi*, his own declining mental and emotional state, and so on. But in all of this the notes also are very interesting. Hiran had fallen into a confrontation with Sarath, but it was also a confrontation with himself. As he was younger than the other judges I had met, he had been on the

bench only two years when Sarath became chief justice. And he was ambitious.

Who was he, then?

When we had just begun to talk and entered into the matter of the bombing, he interrupted his account and said, "I was a very independent officer. If an arrest is necessary—a minister or anyone else—without any discussion I would've directed it." Suddenly, circumstances had forced him to prove the integrity he claimed. It was Hiran's turn to test himself in matters of principle.

AGAIN, HIRAN WAS EXCEPTIONALLY open in his account of things. He did not mention principle as he recounted his calculations at his point.

He said, "I was confused. I was deeply shocked. I knew that if I didn't fall in line with the C. J. I would bear the consequences. But if there was evidence available to me and I discharged the cases, one fine day after the C. J. retires there would be a commission to deal with people like me and I would be penalized."

Hiran did nothing at first. Then the *adachchi* returned—"His lordship is not happy," he announced—and then Sarath telephoned directly. By Hiran's account it was a harsh, threatening encounter on the telephone, and afterward the young judge fell into a state of considerable mental anguish. A doctor eventually recommended rest, and it was after he submitted the doctor's recommendation that a letter arrived from the Judicial Services Commission: You are mentally unfit to continue in the judiciary, it said. Accordingly, your service is terminated with immediate effect.

Things escalated after Hiran's dismissal. He wrote to the president requesting an inquiry, and when a reply failed to come he went to the newspapers. Eventually the case went before the Sri Lanka Human Rights Commission—again, to no avail.

Hiran said, "It was when the media publicity started that I began to be afraid. Two Jeeps—Land Rover Defenders, the kind the army and the police use—came to the gate. My watcher told me. Then I began to get telephone calls—anonymous threats. And for the next several years I kept my whereabouts unclear. I used the family estate at Kotmale, toward

Nuwara Eliya. I used a bungalow my grandfather had built for hiding during the war. For the first year I didn't even sleep in the bungalow at night. I slept outside."

In 2001 Hiran appealed to the U. N. Human Rights Commission in Geneva. A year later the commission accepted the case, and when I met him in 2006, he was still awaiting the results of an inquiry.

I asked Hiran if he would go back to the bench if he had a chance to do so—if the U. N. ruling opened a door to him again.

He replied, "Financially I'm better off in private practice." Then he paused and said, "Also, the justice system has reached such a level that it would make me miserable. It is unrevivable at this point."

Hiran's practice was near Gampola, a town not far from the family estate. "Gampola is a small station," Hiran said. "I'm out of the limelight now, but I'm still careful. I hide my vehicle in the churchyard and then go to the courts. In the evenings I can fade away."

3. Nuwara Eliya

NUWARA ELIYA IS MOST of a morning's drive southeast through the mountains from Kandy. The road remains in high, cool country and weaves in and out, dipping and rising, through vast tea estates. Most of the work of these estates—the original clearing of land, the planting, tending, and harvesting—was done by Tamils brought from South India as indentured labor in the nineteenth century. The plantation workers are still predominantly Tamil—poor, mostly unorganized, living in minimal conditions on the estates. Once you know the immense suffering that made these places what they are, it is impossible to drink tea again in the same way, or to look in the same way at the rows of tea bushes as they roll over the hilltops like the undulations of ocean swells. They are a beautiful sight, but too much pain and deprivation has been sacrificed for them to be beautiful and nothing more.

In Nuwara Eliya, one of the old hill stations the British built across the empire to remind them of the green, cool villages they had left behind, there was another judge—another judge, another story, another refugee.

Prabath de Silva's story was famous among the other judges. I had heard several versions of it already when I decided to go and listen to him tell it himself.

Prabath seemed even younger than Hiran, though he was by some years Hiran's senior. And he had none of Hiran's panache and vigor. Tall and thin, he was almost painfully diminutive. It suggested he had come from a far more modest background. Prabath had become a lawyer in 1982, when he was twenty-two, which made him forty-six when I met him. He did not look even that. Prabath was an earnest innocent—plainly no match for a man of "the present C. J.'s" determined machinations as I had heard of them. In Prabath's story, the political fell away once again. There were no political motives, no mistresses to protect. This seemed to be a story of a criminal—petty or grand, I could not tell—in need of the corrupted legal system's protection from the legitimate legal system.

Prabath had been hearing cases routinely in Nuwara Eliya when, in December of 2002, he had word through a friend (before, even, there was any official word) that he was to be transferred. Having school-age children and a year and a half left in his term, he confirmed the rumor and appealed. A month later a member of the Judicial Services Commission arrived in Nuwara Eliya to inspect the records in Prabath's courthouse. The commissioner stayed at the home of an allegedly corrupt executive, from which he insisted on a formal police escort to the court. At the time, Prabath was hearing three fraud cases against the executive.

The inspection at the courthouse was cursory: The visiting commissioner shuffled quickly through two case files of the six thousand Prabath kept. It was also rather theatrically abusive, the commissioner shouting out his shock over the two cases, both of which happened to be in order and proceeding routinely. A few months later, having been reassigned to a remote posting in the northwest of the island, Prabath resigned. There was no letter explaining the judiciary's decision and no recourse. The entire case had the thinnest of paper trails.

Prabath said, "I wanted to protest, but I had no way of going to the Supreme Court to file a fundamental rights case against the J. S. C.—I knew it would be futile. J. S. C. members are also Supreme Court justices. The C. J. is chairman of the J. S. C. So he will nominate the bench to hear his cases, and sometimes he will take a case himself."

As we talked a cool mist drifted across the road and the trees outside Prabath's window. I wondered: Why had I been urged to go to Nuwara Eliya to hear Prabath's story? There seemed nothing remarkable in it. It seemed to add nothing to the narrative I was forming. And yet several judges had mentioned it, always in considerable detail—more, even, than I asked of Prabath. I was puzzled.

I raked through all the notes I had touching on Prabath's case. Finally a word came to me, one I had heard over and over during a long visit to Guatemala some years earlier, after the savage years of civil war had ended. The Guatemalans talked often of *impunidad*. It means, of course, "impunity" and was used to describe the freedom from all accountability of those known to have victimized many thousands of Guatemalan people.

This was the core of the Prabath case—a case otherwise so mundane as not to be worth recounting. Everyone had mentioned the same detail: The commissioner who came to Nuwara Eliya to perform his perfunctory inspection of Prabath's case files had stayed at the home of a man Prabath was trying—the man "the present C. J." appeared to be protecting by transferring Prabath. Then the police escort: Everyone mentioned this, too—a motorcade from the alleged criminal's house to the courts.

In the Prabath case some corner seemed to have been turned. Until then, the law had been used to obscure corruption and the crimes of the judiciary itself—to make these crimes illegible. By mid-2003, when Prabath resigned, there seemed no reason any longer even to pretend that the law was being observed and the system kept intact. Public space had been so thoroughly destroyed—had become so "unrevivable," as Hiran had put it—that this was no longer necessary. And it was to witness this for myself that the other judges urged me to visit Nuwara Eliya.

AS SOON AS HE RESIGNED from the judiciary, Prabath became the principal and director of the John Knox International School, which sat modestly in a residential district along a road just outside the center of Nuwara Eliya. It belonged to the Lanka Reformed Church, an offshoot of the Dutch Reformists and named for the noted sixteenth-century Scottish reformer.

"I was very involved in church activities," Prabath said as our conversation turned from the past to the present. "I gave the church the concept of the school and then got others interested."

There were a hundred and thirteen students by this time, and Prabath was plainly proud of what he had built. He said, "I was fed up with the legal profession anyway."

Before I left, Prabath gave me a book he had written. It was privately printed and concerned the early career of Leonard Woolf, the English writer and publisher and the husband of Virginia Woolf, the noted novelist. Leonard, it seemed, had joined the Ceylon Civil Service in 1904, soon after he graduated from Cambridge, and had served as a judge in a district in the far south called Hambantota from 1908 to 1911.

The book fascinated me. It was carefully done, with a precise narrative of Woolf's legal activities and his place in the hierarchy of the district. There were accounts of his cases and quotations from his judgments—all properly footnoted. The writing had a sympathetic tone.

It was a labor of love, this book. But a love of what? Of literature, perhaps, or of history, or of the English and the Ceylonese when they lived together. But most of all it seemed to express a love for an idea of order, and of the profession Prabath was no longer able either to love or to practice.

4. COLOMBO

I DECIDED TO GO INTO the judiciary because I liked the independence of the profession. The judiciary was independent and people had faith in it. There was no question of interference from the government."

"When was that?"

"I started as a primary court judge in..." There is a pause. "In 1979. I completed twenty-one years before I had to leave. I was in the hill country: Kandy, Matale, Gampola. Then I went to Matara, and then to Kuliyapitiya. Then I came to Colombo."

"You were a district judge by then?"

"When did I become a D. J. ...? The exact year I can't remember. But it was after the Matara station. Then in Colombo I was promoted to

D. J. super-grade—the highest in the D. J. system."

"You must've been pleased."

"When we joined the judiciary we had senior Supreme Court judges who had excellent experience in the system and in the law. They were able to instruct newcomers and place them on a foundation...."

Another pause.

"I would say sort of... it was... that is, we were guided, given a foundation, guided to be independent. That is the crux of the matter. They were very helpful in this way. We had a very great respect for them because we found their attitude toward dispensing justice...."

A pause.

"It was unquestionable. No one leveled any accusation of bias or partisanship during their careers as superior court judges."

"All this began for you in Colombo?"

"I was born in the hill country. Mawanella. My primary education was from a Buddhist school, a Theosophical Society school. These schools ordinarily established temples, so we grew up close to the temple and were taught Buddhist philosophy."

"And Colombo? Law?"

"Later on I joined Thurstan College in Colombo. Everything was free. I got a degree from the University of Colombo in law while I was working. Then I entered the Law College of Sri Lanka and passed out as an advocate."

"And then when you became a judge? You eventually found problems?"

"Later on I found there was political interference with judges. If a minister or an M. P. doesn't like a judge in his area, who sticks to the law and independence, there is interference by transferring before the due period lapses in the station. Appointees are entitled to three years. These

mid-term transfers were mainly due to politicians' interference, or someone made a grievance to a minister or to someone in high office."

"When did this start?"

At this point there is a long pause.

"I believe after Mrs. Bandaranaike came as president, in the 1990s."

"And before that?"

"Before that we had no fear of interference. It was very prominent after this. Before this it was subtle. They would suggest there were some exigencies and a need here or there, but it would have a legal basis."

MERVYN WIJETUNGE'S OFFICE was one flight up from Deans Road, a busy commercial street in the Maradana, a hectic, often messy quarter of the capital. He practiced with several other attorneys, offices all in a row along a narrow corridor with benches where clients sat: local clients, it seemed to me, clients with small means and small, ordinary lives in which small things had gone wrong. They were, if a single word can be attached to so disparate a group, apprehensive as they waited their turns.

Wijetunge was older, as I had expected. He had silver hair and a look of wearied experience, though he seemed also to retain a lively manner and a slightly bemused detachment, the detachment I had seen in Vijaya. He was, indeed, only a few years younger than Vijaya, for he was the judge forced to resign in 1999, a few days before he was to retire—the judge Hiran had told me about, the first victim of "the present C. J." This modest practice, almost certainly, had not been part of Wijetunge's plans. It had probably replaced whatever portion of his pension he had lost.

He said, "When I was transferred to Colombo I had a number of cases that involved big businessmen and firms and supporters of ministers and M. P.'s. Often the defendant or the accused had a connection with the political hierarchy. So I found it difficult to work because even the police were partial toward the accused in criminal cases, and the prosecutions were not carried out properly. Charges were not looked into properly, and the prosecution wanted some way or other to set free the accused they are interested in."

Wijetunge stopped talking for a moment. He was looking across his desk at me as I took notes. When my pen caught up with his sentences he began again.

"On the other hand, you had people accused of crimes who should not have been brought before court. They were there unjustly because there was no evidence. But due to their political opponents they were brought in."

Wijetunge paused again, his eyes following my pen.

"So as a judge..."

Another pause.

"... I had to balance this very delicately to send the innocent free and those really involved in crime to be prosecuted."

"What happened?"

"Interdicted," Wijetunge replied.

This is the Sri Lankan term for barred from employment. Wijetunge had been tossed off the bench.

"Interdicted. I was framed on trumped-up charges and ultimately had my retirement benefit reduced."

Retirement was due on November 6th, 1999. But the Judicial Services Commission initiated an inquiry, and on October 8th it brought charges against Wijetunge. There was an appeal to the president. But then the inquiry dragged on for three years. All this occurred under Sarath, who had become chief justice a month before the inquiry began.

"Why?"

"I cited four cases to the president. One involved two M. P.'s from Ratnapura. One of them is now a deputy minister. They were caught up in a murder case—the shooting of a close relation of Chandrika. They were in hiding. The police couldn't arrest them. There were TV and radio announcements, reward of ten lakhs each."

Ten lakhs was a million rupees, about ten thousand dollars.

"Then both were surrendered to the court where I was presiding."

"Were 'surrendered'?"

"Their lawyers brought them. And this was the problem. If someone is in your hands you can do whatever you want. The government could've dealt with them extra-legally. Instead they were brought before the law."

Wijetunge spoke at length about all three of the other cases. One involved a business executive accused of defrauding a state bank, and who had then applied to Wijetunge's court for protection, so avoiding arrest. The third was called the "Channel 9 case" and involved an alleged payoff of fifty thousand pounds sterling to the governing party for a broadcasting permit.

"This was the last case I heard before I was interdicted."

"What about the fourth?"

"There was never a trial so I couldn't take up the case. It was Ishini's case. Her full name is Ishini Wickremasinghe Perera. She is the daughter of the present opposition leader's brother—niece of the opposition leader. She was news director of TNL, a TV channel her father owned. TNL reported that an army camp in the north had been surrounded and outnumbered by the L. T. T. E. The government denied it and wanted the news director, the daughter, arrested for inciting communal violence. I did nothing. I found it was purely political maneuvering to get her remanded."

Wijetunge handed me some documents. They were nothing I had not seen numerous times by then, in one variation or another: a copy of a complaint he had filed with the International Criminal Court. Wijetunge was still awaiting a reply.

I GLANCED AROUND WIJETUNGE'S office whenever our conversation reached a passage that allowed me to rest from taking notes. Synthetic lace curtains framed a window that gave onto a littered alley and the wall of the next building. There was no air-conditioning, and the fan above us was broken. Wijetunge's walls were painted an electric blue I had

seen often—a dreadful color, I had long-earlier concluded. The cacophony of Deans Road imposed itself.

It was a perfectly ordinary scene: an old wooden desk, files here and there, all soiled and worn at the edges from passing through too many hands. Outside, clients waited with anxious eyes and sometimes a sheaf of papers that would find their way into one or another of the files. And at the center of it all, a lawyer operating at the lower end of the scale, advancing one case, then another and another, each one a step at a time.

Suddenly I recognized a certain charisma in Wijetunge. He struck me, all at once, as the most exceptional of all the judges I had met. And the less he had to say about his hardships, his confusion, or his disappointment with what his life had come to, the more clearly I understood this to be so. Of all the judges, it was Wijetunge who had never had to face a question of principle—meaning, plainly and simply, as simply as the synthetic curtains hung from his office windows, principle had never been a question for him.

When Wijetunge spoke again, I recognized it as the voice of someone who knew in his bones what had truly happened in his lifetime—the fundamental truth of it. He spoke with history, and with no adornment.

He said, "It's all a tragedy. I say this because a common man like me and people I associate with are not satisfied with the workings of justice. This is what people talk about. They don't trust it now."

Chapter Eight

"Useless suffering"

WHEN WE TALK ABOUT victims in Sri Lanka, we must talk about everybody. There are but a very few who have escaped this fate.

The estate worker who is picked up while walking along a road and charged with a crime he knows nothing about: This is a commonplace, a standard case all over the island, remarkable only because the average Sri Lankan finds this man not worth remarking upon. The population of such victims can be counted in the many thousands. Those who spend several days in a jail and are beaten, humiliated, hung up like a side of beef, and sent home knowing there is a doctor prepared to testify that no torture has occurred: One could fill many months of research and then a book with the stories of these kinds of victims. I have heard many and will relate a few.

But there are other types of victims, who suffer in different ways. Saminda was a victim, waiting as he was "to go back." The other judges were victims, too, of course. So were their families and anyone else who depended upon them or was close to them. There are the families of the dead and disappeared: How many hundreds of thousands are we counting now? There are those who live in uncertainty and often terror, and often not at home, amid the war in the north and the east. How many millions?

But let us dilate the lens. Let us understand this question of victimhood fully.

The police are victims. By numerous accounts they often find it necessary to intoxicate themselves before torturing a prisoner. Theirs are sordid lives. The lawyers and the colluding physicians are victims, too. So

are the jailers and "henchmen" and those who collaborate in the creation of imagined crimes. Victimizers are almost always victims. They live in the same condition of fear they spread to others. They have their own designated place in the dreadful, paralyzing universe of "above" and "below"—the hierarchy made partly of inherited feudalism and partly of a modern form of arbitrary power.

This is also true of the politicians, the bribers, and the bribed. And it is true of the bureaucrats. None lives without fear. None has preserved any claim to personal autonomy or freedom (and certainly not freedom of conscience). All are subject to the same disorder they have helped to create, which means they are victims of their own corruptions and all the corruptions and violence around them.

What about ordinary Sri Lankans? The rich, the poor, the somewhere-in-between: Are they not victims, as well? Do they not suffer, too? The man living quietly in his comfortable Colombo home, looking after his family, keeping the bills paid and having the car washed at the weekend: He is a victim, as are all those around him. He may have succeeded in constructing a private order, but we cannot fail to note how small his world has necessarily become, the desperate quietude he must maintain within it, his silence and fear, the privatization of his consciousness, his unconscious need to remain "desensitized to violence," as a psychiatrist friend with a practice in Colombo puts it.

As to children, they need not even be discussed. A look at the world that awaits them as their inheritance is enough.

And there are, finally, the disinherited. There are, by most counts, some three to four million Sri Lankans living abroad—as much as twenty percent of the total population. There are doctors, dentists, and professors among them, surely, but most expatriates are people of modest background and education—maids, construction workers, and so on. These, too, are victims of Sri Lanka as it has come to be. "They leave because there is nothing there, except their *everything*," as the English writer John Berger put it recently in a wider context. Now they are part of "the poverty of the new capitalism"—victims of yet another kind.

"We are trapped," a prominent member of the Colombo elite, a lawyer and a judge who has served in numerous posts, once put it in conversation. "All of us are simply trapped."

This is not quite true. I would like to write about those who have left the trap behind and made themselves something more than victims. These are the Sri Lankans whom I came to respect most, in whom one could read some suggestion of a future, in whom one could find the glimmer of life amid all the wreckage: lights in darkness. They are Sri Lanka's inheritors in one respect, and in another they are its escapees.

"HOW MANY CASES IN 2001? I think I missed those figures."

"Fundamental rights jurisdiction, Article 11, cases in 2001: ninety-nine reported, of these twenty-nine decisions with compensation, sixty-seven cases dismissed, two pending as of now."

"O. K. Let's go over all these numbers again."

And we do, from 2000 through the first half of 2006: So many cases reported, of which so many dismissed and so many are pending "as of now." There appears to have been a peak in 2002, according to the figures read to me from a messy file at police headquarters in Colombo. In that year there were a hundred and five cases reported—marginally more than in the previous year, substantially more than in the years that followed. I point this out to the senior official who has agreed to see me in his office. His name is Jayakumar Thangavelu.

"There are violations of human rights which we cannot deny," Thangavelu says in reply. "But everything possible is being done to minimize these violations."

This is boilerplate—a more or less worthless official response. Nothing near everything possible is being done to counter police torture, and the figures just given to me are equally without meaning: We know they are a fraction of the total, but we do not know what fraction. I know this, Thangavelu knows this, and Thangavelu knows that I know it. Still we proceed, making our way toward a more realistic conversation, at the point of which we go off the record.

Thangavelu is an attorney, and he is also the deputy inspector-general of the legal department at police headquarters. This makes him the top official addressing the question of official torture in Sri Lanka. It also makes him part of what we can call "the human rights community." He is familiar with all the others—the lawyers, those active in civil society

organizations. He seems to be recognized as a fundamentally principled man, but a man with an official job to do. He has, indeed, been more forthright with me than I had anticipated he would be.

The first comprehensive effort to record police torture cases in Sri Lanka was completed in 2001. It was carried out by the Asian Legal Resources Commission, a nongovernmental organization affiliated with the Asian Human Rights Commission that sent me to Sri Lanka. The A. L. R. C. published another such report in 2004. A year later it produced a one hundred and eighty page document that was submitted to the United Nations Committee Against Torture. This last was an "alternative report"—a report intended to strike closer to the truth than the document the government submitted to the C. A. T.

There are other such studies. In 2007 a global survey conducted by an American foundation found Sri Lanka among the world's two or three worst offenders in the matter of official torture. At midyear the Asian Human Rights Commission reported that violations were escalating, not declining. The more comprehensive of such documents are freighted with data. There are figures, definitions, criteria, legal standards. Still, we do not appear to have any precise measure of the phenomenon: how many cases, the nature of these cases, where they are concentrated, and so on. We know only this, and it must be enough for now: Abuse, torture, and the attendant corruption is pervasive in Sri Lanka. And it is not precisely a problem in and of itself, something to be considered and addressed on its own, so much as it is a symptom of a larger, deeper, and yet more pervasive problem.

Thangavelu said toward the end of our conversation, when the files and records had been put away, "You cannot say there is no hope. The human resources are superb. You can turn around the mentality in a couple of years if you really concentrate on it."

Thangavelu described the problem in two words. "The mentality," he said. One hears numerous other ways of expressing the thought. But what does "the mentality" actually mean? In all the reports, studies, case studies, and so on it is not visible. But what Thangavelu implied is correct: Human rights abuses in Sri Lanka are finally a reflection of the way people think, the complex of assumptions we can call the structure of their consciousness.

THE PSYCHIATRIST I KNEW IN COLOMBO was named Rajiv Weerasundera. He was young, slim, composed, well-spoken. And he was dedicated to his practice, which was located at one of the major hospitals.

One afternoon when he had finished, Weerasundera came in his car to meet me at the corner of Thilaka Gardens, where the little lane meets Stanley Tillekeratne Mawatha, the busy commercial street. We drove to a nearby coffee shop to talk. I wanted to hear Weerasundera's impressions of this question—the structure of consciousness among Sri Lankans, how (if it were possible to generalize in such a way) they think. And immediately our conversation was about one thing more than any other: looking up and looking down, as we came to put it. One does not look across in Sri Lanka, as to an equal. One looks up or one looks down when one is looking at others. This is why Sri Lanka is a society of gestures. Encounters begin with signifiers as to who is above and who is below.

"This was created a long time ago," Weerasundera said. "Sri Lanka was ruled by kings. Looking up and looking down began then, and now it is still with us. The kings had special families around them"—he meant the *mudaliyars*—"and now they are there as this landed gentry. But instead of an old, aristocratic flow of power, we have a system with a 'new aristocracy,' if you like. These are the politicians. Indeed, a lot of politicians' children are taking to politics, rather like the old succession. You get power, you get respected in society."

Pre-modern hierarchy combined with modern power, power as the source of respect: The colonial period did not alter this feature of life in Sri Lanka. The British merely created "the brown Britisher." In his last book, *Late Style*, Edward Said wrote of this phenomenon *à propos* the Middle East, but it holds as well for many other places:

> Identity is the process by which the stronger culture, and the more developed society, imposes itself violently upon those who, by the same identity process, are decreed to be a lesser people. Imperialism is the export of identity.

This is Sri Lanka. This is "the brown Britisher."

Weerasundera said, "'The black white man,' or loosely translated, 'the brown-skinned Britisher,' is to some extent the foundation on which our hierarchical system is built." This is what Said meant. It is a common

feature of the personality, notably (but not only) among the prominent, in developing countries that were once imperial possessions.

The British, then—or, more properly, the British presence—added the element of self-contempt to the old hierarchical way of thinking. This is among the essential consequences of the colonial experience, it has always seemed to me. Then the politicians institutionalized contempt in a modernizing country. They created the internal "other." There had been a chance, before and immediately after independence, to overcome this, to see other Ceylonese as equals—to look across. Then the lines of sight were fixed again, so that there was only above and below no matter where one stood in society.

This is "the mentality" to which Thangavelu referred. Police brutality, the abuse of ordinary Sri Lankans in police stations across the island, must be understood, first of all, as an expression of it. So is the indifference to this treatment among most middle-class Sri Lankans: It happens to "them," to "the others," not to "us."

The police, as everyone knows, are ordinary people themselves. But they serve as the guards at the lower gates leading to those in power—those designated as being above. This is their identity. The police stand on the lowest rung of power and are the extension of power downward into the lower strata of society. Acting in such a role, they are also the clearest, most naked expression of the self-contempt that is now part of the hierarchical consciousness.

SHANTHI, THE YOUNG, IDEALISTIC attorney who left the legal profession, was working with a human rights group in Panadura, a seaside town near Colombo, when I met her. One day she listed the kinds of abuse recounted by people who walked into the group's offices.

She said, "Fabrication of charges, illegal arrest and detention, torture, harassment, intimidation, extra-judicial killings—we have cases supporting all of these. Most of the people we deal with are from marginalized sections of society. They are poor. They are from remote areas."

Thus does hierarchy have multiple dimensions. It reflects class and status, economic position, and also geography. Colombo matters most; elsewhere matters less. The south matters: It is where money is made and spent and where government (such as it is) conducts its business. It is

where people can still try to live orderly lives: There is enough illusion left for this. The north and the east are different: They are poor, violent, and remote. They are where the war is.

Accounts of police torture, Shanthi said, revealed common practices. Most common is to hang a prisoner by his wrists and beat him with steel pipes. (Steel pipes of roughly the same description are mentioned again and again in the accounts of torture victims, as if they are government issue in all police stations.) Sometimes the injury sustained by the hanging prisoner is apparent—bruises, contusions, broken bones—and sometimes not. Damaged organs (kidneys, intestines) can lead to death. Hearing is lost. There can be brain concussions. Or the soul dies: Psychological trauma is extremely common.

In all of this, the police are supported by the judges, who rule regardless of the evidence. Then come the lawyers, who work with the police and the judges to get cases assigned to them. Then come the doctors, who provide the necessary medical reports so that the police, the judges, and the lawyers can continue to avoid all responsibility to the public—to those below.

"The system works as a network," Shanthi said.

The kind of collusion Shanthi described is more than self-sustaining: It reinforces itself, it multiplies and spreads, it turns a corrupted system into the system as it is, the system itself.

Shanthi said, "Even from the time I was a child it was known: If you go to the police station you're going to get tortured. It was known, but no one would do anything about it."

So brutality becomes a certainty. No basic rights under the law and no legal defense are also certainties. A psychology arises from these known things. Among ordinary people it is a psychology of fear. The police and the courts are to be avoided: They are places of danger. Among the police, the judges, the lawyers, and the physicians—in the network as Shanthi called it—a psychology of perverse power is advanced. The network is distant from society—autonomous, unaccountable, opaque, unbound by the very law it is supposed to stand for and deliver to Sri Lankans. The essence of this psychology is hierarchical. Ordinary people

are below, the network is above: Ordinary people seem to believe this just as the network does.

SHANTHI AND I SAT ONE SUNDAY afternoon in the dim cool of the reception room of her family's home. It was a pleasant house, simple and uncluttered, but modernization had overtaken it: The noise of the traffic outside sometimes made conversation difficult, and the odor of fumes from the road was constant. I sat below the picture of Christ, the one depicting the sacred heart. And it reminded me: Shanthi's horror at what she had seen in the legal system, from top to bottom, and then in the human rights group, was mixed. It was the horror of an attorney who honored legal principle, but it was also moral, the horror of someone whose ordinary sense of decency and dignity had been betrayed.

Shanthi had said torture was a matter of common knowledge when she was a child.

"When was that?" I wanted to pin her down and could not guess her age.

"In the 1980s. Police torture was a fact of life by then."

Thangavelu had said roughly the same thing. He had been in the Criminal Investigations Department for more than twenty years, beginning in the early 1970s, and remembered a different time.

"My boss, whose investigative skills were appreciated even by Scotland Yard—his belief was that if you lay even a finger on a suspect you're no investigator. This was standard then."

"When did things begin to deteriorate?"

"With the escalation of conflict in the country. Eighty-two, eighty-three."

"What did this look like as you watched it? Can you recall?"

"The standard at C. I. D. was not observed by everybody. There had been proper monitoring of junior officers by senior. This is another serious cause. The responsibility of senior officers in monitoring became another serious problem—again, commencing in the 1980s."

The war, then, induced a culture of violence that went beyond the acknowledged war in the acknowledged place—out there, in the north and the east, not here in the south. A war commonly considered an ethnic war became a war against ordinary Sri Lankans—a war made by those above on those below. This second war was a war waiting to happen. It is the wider war in Sri Lanka, and there is nothing ethnic about it. It is violence rooted in psychology and, ultimately, self-image.

A certain amount of work has already been done on the psychological effects of both of Sri Lanka's wars—the war considered ethnic and the other, undeclared war conducted in police stations, lower courts, and jail cells. A detailed study of the impact of the war in the north and the east was published in the late-1980s, and other investigations followed it. In the 1990s came research projects on the lasting psychological damage sustained by torture victims, casualties of the other war, the war from which Sri Lanka averts its eyes.

The lists of these effects are long in both cases—and, not surprisingly, quite similar. They include a variety of psychiatric disorders—prolonged grief, clinical depression, hysteria, panic attacks, and so on. A study of one hundred and sixty ex-detainees, published in the late-1990s, listed these symptoms as prevalent among them: deep sadness (139 of the 160), fatigue (139), nervousness (135), "recurrent intrusive memories" (128), memory impairment or poor concentration (125), loss of appetite (110), and so on through low self-esteem (92), nightmares (91), thoughts of suicide (61), and social withdrawal (61 of the 160). Eighty-six percent of those studied were diagnosed with what psychiatrists term post-traumatic stress disorder.

One set of disorders—a variety of them I have taken together—appears to be common among those traumatized by the official war and those traumatized by police officers, judges, and lawyers. A psychiatrist who studied the Tamil communities affected by the war in the north and the east uses the term "existential fear," and it is very apt. The terms used to describe this condition are, again, many. Prominent among them are uncertainty, feelings of helplessness, one or another degree of terror, one or another degree of disorientation and anxiety.

This set of disorders was evident in all the people I met who had been victims of police torture. Relating their experience while in the custody of the police made them visibly nervous. Often they cried and could not

go on. Often they were inarticulate, given to long silences, incapable of eye contact, and displaying what psychologists call flat affect, having an almost impenetrably vacant expression. They betrayed a sense of confusion so total that it is difficult to describe. They did not seem to know where they stood in the world. It was as if the world they knew had fallen away, as if they had glimpsed an abyss, as if they had discovered the absence of any limit in our capacity to inflict upon one another "useless suffering," as Emmanuel Lévinas, the late French philosopher, once put it.

This is the existential fear noted by Daya Somasundaram in *Scarred Minds*, his study of the Tamils. I single out this condition among the long list of disorders among victims of official violence not because it is any harder for the individual to bear than other disorders. It may or may not be: Extreme suffering always has a dimension that is, for the sufferer, infinite. I single out existential fear because the disorders that comprise it are all related to a perception and experience of power, especially the use of power that is arbitrary, so that it is unknowable and in a certain sense totalized. To suffer fear engendered by displays of unpredictable, unknowable power is now part of what it means to be Sri Lankan. It is the trap, as my jurist friend put it, into which Sri Lankans have fallen.

To live in such a state is to live within a kind of collective neurosis, a disorder that arose from the incessant violence of the 1980s and 1990s. It is impossible to date the initial appearance of this phenomenon among the general public. Neither is it easy to discuss with Sri Lankans, since fear of this kind contributes to the cult of silence with which Sri Lankans also live.

"The real situation in this country is off the record," a senior official in Colombo, an official I cannot name, once said to me. "The real situation is that people are not worried about what happens to others until it comes to their backyard. They're not interested. This wasn't there in the past—twenty, thirty years back. But now violence is so rampant people don't want to get involved."

As I talked with Rajiv Weerasundera in the coffee shop in Nugegoda, it occurred to me that in his practice he would be able to lift the lid on this silence. Surely his patients would articulate their distress over the violence all around them in such a setting.

"No."

"You hear nothing at all of the violence, the war, the disappearances?

"It has been twenty-three years now. Take me. I basically grew up with it."

Then Weerasundera mentioned that he traveled to Manchester every year and practiced for six or seven weeks there, in a clinic. He said, "I see no basic difference in the concerns of my patients there and here."

I was very puzzled. Weerasundera seemed untroubled by the calm among his Sri Lankan patients. He described a detachment that seemed almost grotesquely unhealthy. The essence of what is called social therapy, or in Europe institutional therapy, is that a patient's condition must be considered in the context of his or her circumstances. There are circumstances in which it is psychologically healthier to be disturbed rather than becalmed.

"How do you account for such a condition of..."

I searched for the word.

"... insensitivity? It reflects a pathology, surely."

"They are not insensitive," the young psychiatrist replied. "I say 'desensitized.' It's different. 'Insensitivity' implies callousness. To be desensitized implies a sense of acceptance. 'It happened. So what?' This is the thought. I hear nothing that could be related to the conflict. Marriage, work, debts: This is what I hear about, just as in England. It is what I mean by 'desensitized.' The possibility of being killed by a bomb is there in the city every day we go to work. But it's only recently we are able to sit and talk about it at all."

The consequence of this state is similar to that of existential fear: It is more than a consequence born by the individual alone. To be desensitized is now typically part of being Sri Lankan, just as the fear is. It is collective. It has been made into a means of survival.

A FEW CASES—I HAVE NOTED one or two already and will describe others in later chapters—can illustrate just what it is Sri Lankans have chosen to turn away from. The following three are matters of record now.

The Case of Angaline Roshana

"THE LAWS OF THE COUNTRY ARE TOO WEAK." This observation was not made by one of Sri Lanka's uncounted victims of police abuse or official torture. Nor did a lawyer defending a victim in court articulate the thought. The remark belongs to a police officer who was, at the very moment he made it, in the act of torturing an ordinary citizen. Weak laws were the reason Angaline Roshana, who was twenty-five at the time, had to be assaulted in police custody and deprived of her legal rights. This was a police inspector's reasoning on December 4, 2000, when Angaline was in police custody in the surburban town of Narahenpita, in the hub of central Colombo (zone 8). The law had to be broken to keep the law.

As it happened, in Angaline's case the law did not prove to be too weak. She eventually won a fundamental rights case in the Supreme Court and, much later, a High Court judgment against the officers charged with assaulting her. Her story, then, ends with justice being served. But it is a rare story, an exception in Sri Lanka that regrettably proves the rule.

Angaline was at home on the evening of December 3, 2000, when at around 7:30pm, a group of men in civilian clothes arrived in a private vehicle and forced her to accompany them to the police station. No reason was given. When Angaline's family protested, questioning the identity of the men, one of them (a man who later turned out to be the Officer in Charge (OIC) of the Narahenpita Police Station) threatened to break their teeth, and forced Angaline into the vehicle before speeding away.

The police station was not their immediate destination. Instead, Angaline was taken to the home of an affluent local woman for whom she had previously worked as a washerwoman. The woman had complained to the police that some jewelry had been stolen and had accused Angaline of the crime. Among the missing items was a watch, which the woman said was worth half a million rupees — about five thousand American dollars.

The woman accusing Angaline was a lawyer and appeared to be familiar with the police officers — perhaps by way of her legal work. While the woman, her family, and the police officers drank and socialized, Angaline was forced to search for the watch over a period of four to five hours.

Having denied any knowledge of the theft, and having failed to find the missing property, Angaline was then taken to the police station shortly after midnight. There she was detained overnight, severely tortured, and forced to sign a confession. Throughout the course of her detention, the police officers frequently threatened to hang her up and beat her; these threats were usually made when Angaline's former employer visited the police station.

Mr. Sanjeewa, a lawyer from the Rule of Law Centre, and Dr. Nali Swaris visited Angeline while in detention, and demanded that Angaline's legal rights be observed and that she be produced before the court without further delay. OIC Shelton Saley supposedly laughed sarcastically, and remarked; "the laws of the country are too weak. We are breaking the law to strengthen it."

The act of taking a person into custody, without showing any police identification or wearing the police uniform, amounts to kidnapping. Moreover, Roshana was not informed about the reasons for her kidnapping or arrest. Furthermore, she was tortured to obtain a confession, and she is still being illegally detained.

Only on the following day, December 5th, did Angaline appear in the magistrate court. On the magistrate's orders, the Judicial Medical Officer (JMO) conducted an official medical examination of Angaline's injuries. The JMO's formal report identified seven contusions; the left shoulder, left upper arm (front and back), right shoulder, left and right buttocks, and upper left thigh. The report also indicates that Angaline's injuries were two-four days old, and caused with a blunt object consistent with the assault. His report is dated 7th December 2000.

At the trial Roshana herself, and several other persons gave evidence. The police officer also gave evidence, accepting the arrest but denying that any torture had taken place. The trial was protracted and lasted for a period of almost six years. The High Court judge held that the charges were proved beyond reasonable doubt.

Having received legal assistance from the Asian Human Rights Commission from the time of her arrest onward, Angaline took her case to two courts. The Supreme Court ruled in June of 2002 that Saley, the OIC accused of her torture had violated Angaline's fundamental rights by way of torture and illegal detention; compensation of 100,000 rupees was awarded.

In apparent retaliation, the police subsequently charged Angaline with theft in the magistrate's court — a case that was dismissed for lack of any evidence. In July of 2007, the court found OIC Saley and police Constable, Stanley Tissera, guilty of committing a gross human rights violation against Angaline. It is believed to be only the third such conviction under the UN Convention against Torture (CAT) Act of 1994, to which Sri Lanka is a state party. The act calls for a mandatory sentence of seven years' "rigorous imprisonment," or hard labour. Both officers were so sentenced; an additional year was added for each officer in lieu of fines in the amount of ten thousand rupees.

Angeline Roshana and those who supported her can count her long ordeal a victory. What is the truth at the core of this outcome?

Angaline triumphed, in effect, by subverting what must be recognized as the existing order. She did this by upholding the law, not by breaking it. So does her case lead us to the paradox at the heart of the Sri Lankan legal system — a paradox perfectly captured in the police inspector's remark to Angalin's family friend while she was in detention.

The paradox is very simply this: Those charged with enforcing the law in Sri Lanka are the very people who least respect it. Those who are supposed to uphold the law are the very people who often, and dangerously, break it. At the core of their reasoning is a distinction between law and order that is not valid.

The convictions Angaline won under the CAT Act are to be welcomed. But given the established record of the nation's police and courts, three convictions under these laws over the period of thirteen years is simply not enough. The police inspector was wrong: Sri Lanka's laws require strengthening, certainly, but as Angaline demonstrated, they are sufficient to deliver justice. It is their enforcement that is critically weak.

The Case of Palitha Tissa Kumara

EXCESS IS A COMMON FEATURE of the Sri Lankan justice system. In one form or another one finds it in almost all the research one may conduct into the workings of the police, the lawyers, the judges, and the doctors. There is violence, there is abuse of a defendant's rights, there

are threats and intimidation, there is false testimony, there are excessive sentences, there are unwarranted delays. Every so often we find a case that reminds us of the pathology underlying these forms of excess. At its root, the problem of injustice in Sri Lanka is a psychological problem. If we look at this carefully, there are suggestions that the contempt authority displays for ordinary citizens, are a form of self-contempt.

The case of Palitha Thissa Kumara is such a case. There is no other way to explain some of its grosser excesses but by way of a psychological analysis.

Some of the facts in Palitha's case will by now be familiar in our brief readings of other cases. The case begins on February 3rd, 2004.

Palitha was a craftsman from Matugama in the district of Kalutara. He was skilled in the arts of painting and stone carving. On the morning of February 3rd, six police officers arrived at his home and asked him to come to the station in Welipenna, a nearby town to paint the police emblem on the stationhouse in preparation for Sri Lanka's celebration of its day of independence. Palitha agreed. Any aspect of Palitha's encounter with the local police end at this point in his story.

Before the officers and Palitha reached the jeep in which they were to drive to the station, one officer turned and, out of nowhere, pistol-whipped Palitha to the point of causing an open wound on his chin. The police thereupon threw Palitha to the ground and assaulted him further before piling him into their vehicle.

On the way to the station the police stopped to arrest another man, known as Galathaga Don Shantha Kumar. Don Shanta would soon become a prominent figure in Palitha's case. He, too, was tortured; he, too, was accused of plotting robberies.

At the police station, an all too predictable round of torture began. According to Palitha's account, the police officer who had pistol-whipped Palitha beat him with a cricket pole on his neck, arms, head, spine, and knees. He then began demanding — again, out of nowhere — that Palitha surrender the bombs and weapons in his possession — bombs and weapons he had planned to use in the armed robberies he had been plotting. Don Shantha was there. The police officer made it known that the same would be coming to him.

The torture continued for approximately two hours, according to Palitha's later testimony, during which time Palitha repeatedly denied any knowledge of bombs, weapons, or robbery plots. The abuse stopped only when about eight other officers intervened, one of them taking the wicket from the violent officer's hands.

The assaulting officer then brought another detainee into the room. His name was Thummaya Hakuru Sarath, and he suffered from tuberculosis. The officer then issued what must stand as one of the most grotesque orders in the long, often-grotesque history of police abuse in Sri Lanka. Sarath was to expectorate into Palitha's mouth so as to infect him. More than a year later, when the matter was in dispute, Sarath gave a statement confirming that he had been forced to act in a manner deliberately intended to contaminate Lalith. It also emerged the Sarath, too, had been beaten — a victim himself.

Unable to stand, in and out of consciousness, Palitha remained in a jail cell for several days, during which more torture ensued. He was finally taken to hospital — or, rather, hospitals, for there were two, both of which refused to admit him (one refusing twice) despite injuries that were by this time evident.

Back at the jail cell, the assaulting officer produced a grenade. Palitha was forced to leave his thumbprint in wax, whereupon the print was transferred to the grenade. The officer had already forced Palitha to sign a confession of guilt without reading it to him.

It is now the 6th of February, three days after Palitha was taken from his home. He is taken back to one of the hospitals that had refused him admission. There "a man wearing a pair of shorts," according to court documents, signed some papers. Palitha was then returned to the police station and later that day made a brief pass through a magistrate court before being admitted at a third hospital — a prison hospital in the town of Kalutara.

Palitha remained in prison until his release on bail in July 1,2004 , after 4 months and twenty five days in jail. But during that time, he had filed two cases. One was a fundamental rights case alleging that the police had violated his rights as guaranteed in the constitution. The other, filed by the Attorney General in High Court, charged Kaluwanhandi Garwin Premalal Silva, a sub-Inspector and LPalitha's principal assailant while in

police custody, with causing torture by beating him with a pole and forcing a T.B. Patient to spit into his mouth.

Predictably enough, the threats against Palitha and his family began almost immediately. In mid-June he was offered five hundred thousand rupees, about five thousand American dollars, to withdraw his cases. In two separate incidents, he and his family received messages via third parties that his wife and child would be killed if he did not cooperate by dropping his complaints.

The court proceedings in Palitha's cases are excessive in their own right. The Supreme Court heard Palitha's fundamental rights case during several sessions in the course of 2005. The man in the shorts at the hospital, who had routinely signed police papers, turned out to be an assistant judicial medical officer, or A.J.M.O. His report on Palitha listed thirty-two separate injuries on all parts of the body, from scalp to feet. Among them were lacerations, multiple contusions, tinnitus in one ear, and a fractured anklebone. All but the fractures were judged "non-grievous. " Yes, the doctor noted in his report, these injuries could have been sustained as the victim claimed they were.

The police presented an entirely different story. Palitha had been armed with a grenade when they arrived at his house, and it had been necessary to subdue him. The injuries sustained reflected the use of the minimum force required under the circumstances. There had been no torture; there had been no incident involving Sarath, the man with TB.

Palitha won a modest victory in his fundamental rights case. On February 17th, 2006, the Supreme Court ruled that, given the danger Palitha presented when he was arrested — meaning the grenade and the threat he would set it off — the violence at the time of his arrest was justified. The appearance in magistrate's court, although required by law within twenty-four hours of arrest, was lawful. However, the court accepted Palitha's account of torture at the police station and ruled that his constitutional rights had been violated. The judgment — excessive in its paucity, one might say — called for restitution in the amount of five thousand rupees from the police officer who assaulted Palitha — about fifty dollars — and twenty-five thousand rupees from the government as damages and compensation for costs.

Those supporting Palitha's case, despite its disproportionate award

and the partial findings in the police officer's favor, counted the Supreme Court ruling an advance. But an unusual thing occurred some months later. On October of 2006 the High Court found in the police officer's favour. Sub-Inspector Silva was acquitted of all charges of torture — the judge ruling, in effect, that violence to the extent evident in Palitha's medical report was not excessive. The High Court judgment is, at this writing, on appeal.

We can but speculate, at this writing, as to Sub-Inspector Silva's motivations in his handling of Palitha's case. It may have been that a crime had been committed and he was desperate to find a perpetrator to demonstrate his efficiency. Such often occurs. But it is not clear in this case. What is clearer are aspects of the case that require no further evidence.

There is a pathology of disturbance in Palitha's case. The excess of violence — against three detainees, not only Palitha — is to be seen in numerous other instances. It is, indeed, not the worst case on record in this respect. The attempt to pass on a potentially lethal disease is another question. It indicates a depth of contempt that requires professional, clinical consideration.

The problem of injustice in Sri Lanka is, of course, a legal matter. There are also clear questions of a political and sociological nature. A case such as Palitha Tissa Kumara's, however, urges the prominent inclusion a psychological perspective. The problems associated with a dysfunctional police apparatus and a similarly impaired judicial system cannot be solved without reference to questions such as contempt and self-contempt, the self and the "other" in Sri Lanka, and the consciousness of hierarchy that infuses every human relationship with a dimension of "above" and "below." It is such complexities of consciousness that lead police officers to act as Sub-Inspector Silva did — and judges to defend him as they did in two separate courts.

The case of Lalith Rajapakse

IT IS COMMON, when making one's way among the many victims of official abuse and human rights violations in Sri Lanka, to find people who have been waiting for three, four, or five years for their cases to be decided. Injustice may arrive swiftly — without notice, within a few seconds, out of

nowhere. Then the years go by as the victim seeks redress. It becomes, in the end, another form of victimization, another form of injustice, not unrelated to the matter of official impunity. One is made a victim of abuse, and then one is made a victim again in the course of seeking to rectify the wrong.

Lalith Rajapakse was nineteen on the night of April 18, 2002. He is, at this writing, twenty-four, physically impaired and psychologically traumatized and still awaiting justice in the events that ensued.

On the night in question, several police officers arrived at the door of a friend's house, wherein Lalith was sleeping. For no reason evident to him at the time he was awakened, arrested, and taken to the police station in Kandana, a town about 20 kilometers north of Colombo. The torture that was to become central to his case began immediately: Lalith was beaten even in the jeep into which he was bundled outside his friend's house.

The U. N. Human Rights Committee later detailed Lalith's treatment at the police station: "He was forced to lie on a bench and beaten with a pole; held under water for prolonged periods; beaten on the soles of his feet with blunt instruments; and books were placed on his head which were then hit with blunt instruments."

These kinds of torture are familiar to those who study police practices in Sri Lanka. The last is intended to inflict internal injuries without leaving external marks. In Lalith's case, his grandfather eventually came to the police station and found him, slumped and lifeless, in a cell. He lay unconscious in a hospital for fifteen days afterward and was unable to speak coherently for nearly a month. He remained in treatment for another month; thereafter, the psychological stress prevented him from work. For two years Lalith lived in hiding, and he and his family survived on charity.

Three charges were filed against Lalith, and the torture was intended to extract a confession validating them. But none held up. There were two allegations of theft, which collapsed nearly a year and a half after they were filed, when it turned out the supposed victims of robbery had never claimed Lalith had stolen anything from them. The third charge was for allegedly obstructing the police in the discharge of their duties. It was not quite three years before a magistrate court acquitted Lalith of this charge.

Lalith took action on his own part. In May of 2002, just out of the hospital, he filed a case in the Sri Lankan Supreme Court charging that his fundamental rights, as guaranteed under the constitution, had been violated. His grandfather was a party to the case. A few months later the Attorney General, in apparent response to pressure from the U. N. Human Rights Committee, ordered an inquiry into the events that had led Lalith and his family into the courts. This led to a case in the High Court.

But the delays and irregularities have been many. Chief among them has been the pressure applied to force Lalith to withdraw from the legal process.

Threats against Lalith and his family have been more or less constant. And there are other details — bizarre, petty details that reflect certain routines the police often follow. A month after Lalith filed his fundamental rights case, a local fish trader (and a longtime acquaintance of Lalith's grandfather) was asked by the Kandana police to poison the fish the grandfather next bought. The fishmonger was also asked to let the police know where the grandfather liked to drink, so that his liquor, too, might be poisoned.

A few months later came threats to Lalith's life. These arrived by way of anonymous figures claiming to speak for the Kandana police — a claim the police denied. All the while, the police officers alleged to have tortured Lalith were permitted to continue serving in their customary posts. It was not until December of 2004 that Sub Inspector S.I. Peiris in Kandana and two other officers were barred from service and transferred. Sub Inspector Peiris was also indicted under the Torture Act of Sri Lanka.

Lalith's efforts to pursue justice have been more successful than those of many other Sri Lankans. And it is because of this partial success that his case affords us a particular window into the judicial system, its workings, and the limits of international authority.

In May of 2005, the U. N. Human Rights Committee accepted Lalith's appeal, overruling the objections of the Sri Lankan government as to the admissibility of the case on the grounds that his human rights were violated. A little more than a year later, the committee ruled in Laith's favour: "The delay in the disposal of the Supreme Court case and the criminal case amounted to an unreasonably prolonged delay," the committee noted in its decision.

This represented a significant victory for Lalith, for his family, and for those human- and legal-rights organizations that have supported Lalith since he first filed his cases. But at this writing, in September of 2007, neither the Supreme Court case nor the criminal case against Sub Inspector Peiris has been settled.

Justice delayed, as the age-old principle holds, is justice denied. Yet for many Sri Lankans, justice delayed is all there is in the best of outcomes: It is a rare case that is accepted at the U. N. or by any other international organization devoted to upholding the rule of law. Most of the time, the universe of the law ends at the national borders.

Lalith's cases thus underscore a very uncomfortable truth in the struggle for justice in Sri Lanka: Even when cases of abuse and human-rights violations are taken up at the international level, the impunity with which the Sri Lankan authorities have long acted can still prevail.

In September of 2006, with Lalith's cases still pending (along with many others), Chief Justice Sarath Silva sought to elevate this impunity to the level of legal principle. Once again, the thought appeared to be that anything was permissible so long as it had the appearance of proper procedure.

Chief Justice Silva's ruling came in the case of a man charged with conspiracy to overthrow the government — a case connected with the war between the government and the Liberation Tigers. The defendant, having been sentenced to ten years of "R. I.," or rigorous imprisonment — that is, hard labour — successfully appealed to the U. N.'s Human Rights Committee. The committee ruled in the defendant's favour — a ruling Sri Lanka is legally committed to respecting. Silva, in an especially tortured instance of contorted legal reasoning, responded by invoking "the sovereignty of the People" to assert that Sri Lanka was, in fact, not bound to respect the U.N.'s rulings, despite being a signatory to the relevant covenants!

Among human-rights and legal-rights advocates and activists, the 2006 decision is considered a landmark in the all but complete corrosion of Sri Lankan justice.

SHANTHI SAID, THAT SUNDAY afternoon in her reception room, "The attitude of society, and the judiciary, is that if you're detained for committing a crime you deserve to be tortured. It is an unwritten rule."

There is something of fundamental importance in this thought. A certain consciousness is necessary to believe, in the way Shanthi described, in the validity of institutionalized torture of the kind that plagues Sri Lanka. It is the same state of mind one finds among the victims of violence themselves—the poor in remote areas, as Shanthi put it, those below. To accept torture is to accept the use of power as it is now exercised. It is to accept that those with power are sequestered and that one ought not impose on the space—public space in a long-ago time—that they claim. In this way it is also to accept the "above" and "below" of Sri Lanka, the hierarchy buried deep within.

There is ultimately a responsibility attached to becoming "desensitized" and to accepting the notion that torture is somehow just—an altogether indefensible idea by any modern standard (with the possible exception of the Bush administration in the United States). It is a passive position, this acceptance, but it serves to enable torture—and therefore it is to participate in it. The passive participant, after all, lives in the order, grotesque and disorderly as it may ultimately be, created by the torture.

In the end, acceptance of this kind awards one the status of victimhood. One joins the victims by becoming one, so making Sri Lanka a nation made mostly of the victimized, whether they exercise power, or suffer from its exercise, or whether they watch in fearful silence.

CHAPTER NINE

DISTANCES

SRI LANKA IS A SMALL ISLAND. But the distances people live from one another—the psychological distances, the distances between understanding and misunderstanding—are vast.

Jayakumar Thangavelu, the senior police official, once took the time to explain an important point about the past—the past as defined by before and after the spread of institutional violence, his past, the past of the 1970s and 1980s. We were discussing "the mentality."

Thangavelu said, "Yes, there were cases of torture in the past, but mainly because people were not aware of their rights. So they thought torture was something accepted by law. Now, people are more aware, so more cases are being reported. But before, unless someone was badly injured people thought it a way of life—a minor injury, they thought, 'O. K., it's nothing serious to be reported.' People thought it was somehow legal to be tortured."

Somehow legal—somehow. This word is so often a signal, a warning that things have not been properly thought through, that there is a soft spot in the logic, and that there is some distance to cross.

WHEN I FIRST MET Chitral Perera, it was a hot, bright morning in Panadura. Shanthi had brought me on an early bus crowded with passengers and suitcases and boxes of produce. Chitral ran the human rights group where Shanthi worked several days a week. It was called Janasansadaya, which translates as People's Forum. I liked the name. Forum: a public space, a civic space.

My notes from that first encounter indicate that within a couple of minutes of our meeting, Chitral (as he is known by all) was telling me a story—an old folk tale he thought would show me something. He told it this way:

"There was a king named Kekille who was very stupid. He rendered stupid judgments, and in one he ended up punishing an innocent man.

"There was a mason building a wall, a parapet wall. The wall collapsed and injured a passer-by. The injured man complained to the king, who then formed a court and sat in judgment.

The mason said, 'Don't blame me. A pretty woman came by, and I took my eye off the wall. That's why it collapsed.'

"So the king said, 'Bring the pretty woman.' And the woman said, 'Don't blame me. I had to pass the wall on the way to buy some jewelry.'

"'Bring the jeweler,' the king said.

"'It's not my fault,' the jeweler argued before the court. 'I have to earn a living.'

"The jeweler was very thin, and when the king proposed to kill him by letting an elephant trample him, he said, 'O. K., I don't mind. But remember I'm only skin and bones, and the elephant might hurt himself. '

"'Who shall I punish, then?' the king asked. The jeweler said, 'A fat man, a chef.'

"The king found such a man and killed him. And the roly-poly man who was punished had no idea even what had happened to the wall."

Chitral smiled when he finished—the quiet, half-to-himself smile that was to become familiar to me. He had shared the story so that I would understand what he was about to tell me: "In a lot of villages I've visited people used to say, 'When judgments come, our justice is like King Kekille's justice.' There are many tales to this effect—Buddhist stories, folk stories, legends like that of the king."

Chitral paused a moment to let this sink in. I was still a stranger. He did not yet know where the conversation might go. Then he said, "People start from the assumption that ordinary Sri Lankans don't know their rights. I wouldn't accept this notion. You find always that people have a strong sense of their rights and of justice. Maybe they don't know where it comes from—what law, the constitution, the U. N.—but the awareness of basic rights is there."

In a village once, Chitral organized an "awareness program," as he called it, and brought several lawyers with him to teach villagers about the penal code, laws covering bail, and other such subjects. The occasion proved a turning point in his thinking and seems to have helped define his work at Janasansadaya.

"A man got up, slightly drunk, and said, 'What's the point? This isn't how the law actually works. What does the penal code mean to us?' The lawyer was annoyed, but I noticed that the rest of the audience agreed with the man. I changed the discussion. I said, 'Tell us what you mean.' And it was then I discovered: People know all about injustice, right and wrong, courts and lawyers. The awareness is there. The question was power. There was an attitude inculcated in people: You cannot challenge the system. After this, the first thing I would say in the villages was, 'No, there is something you can do. You are powerful.'"

CHITRAL WAS SIXTY-THREE when I met him—a youngish, vigorous sixty-three with bushy hair, an animated face, and a quick, almost urgent manner, beneath which I could see a certain abiding calm. There was nothing in his background to suggest that he would spend these years of his life going from village to village in a van, sometimes with a lawyer, to hear the stories of victims, and begin the process that would put them before a judge, properly represented and prepared to challenge the system they had learned to fear. But this was Chitral's work. And it made him something unusual for a Sri Lankan: It made him something other than a victim, just as he was showing those whose cases he took how to be something other than what they had been taught they were.

He was born into an affluent family and raised in Panadura, in a house not far from where he would one day return and open the office where we sat and talked. At eighteen he became a teacher's assistant and shipped out for six months to a town twenty kilometers from the old

capital—"upcountry Kandy," as Chitral put it. The experience changed him—or began the process of change that would one day lead him back to Panadura.

Chitral said, "The life up there was the best experience. I lived in a rented house with other government officials, slept on a crude folding bed—a *booru,* we call it, which means 'donkey bed.' In the evenings we gathered with a bottle of *arrack*"—this is the strong drink many Sri Lankans favor, distilled from coconuts—"and talked about local history and culture. Weekends I didn't come home. There were always events—paddy-harvesting rituals, an exorcism ceremony called a *thovil.*

"It was then I began to hear stories like the one I told you, and it's these I remember most, not what I read in books. I learned to master things. And I learned that the hierarchy can be challenged and, in fact, must be challenged. I learned that people have challenged it in all sorts of ways throughout history."

The eighteen-year-old trainee then attended teacher's college in Maharagama, just outside Colombo, and his first appointments followed: a year in Dondra, on the southern tip of the island, five in Benthara, in the Galle District. In Benthara things began to change again: It was there Chitral began working for the teachers' union. By 1971 a New Left party had formed, the J. V. P., and that year launched its first insurrection. Chitral was also "a kind of" member, as he put it—but "not too pleased with it."

The insurrection brought a wave of arrests, and union work became dangerous, but Chitral continued with it as teaching colleagues faded quietly away. By 1975 he was working full-time for the union. In time he was agitating for the release of detained unionists on the ground that they were political prisoners, not terrorists or insurrectionists. In time, also, Chitral rose to become the union's general secretary. He began meeting prominent civil society leaders, journalists, and church activists, and within two years the movement he helped form had most political prisoners out of jail, even if they were still "interdicted"—that is, banned from their workplaces.

Chitral was growing the union—by 1980 it would have forty-five thousand members, a tenfold increase in a little more than a decade. In July of that year there was a general strike, as a result of which fifty

thousand to sixty thousand government employees were locked out and a few were dismissed. Life had changed again: Chitral was among the few.

"No job," he said, laughing at what must then have been no laughing matter. "So I tried various things. I tried to start an underground movement. That failed—people weren't really committed. I raised ornamental fish. I managed several hotels. I became a *sous-chef.* Then journalism—for seven years. I wrote for *Attha*, which means "truth," same as *Pravda*."

Chitral laughed again. I sensed that he hadn't wanted to embark on this tale, but he had gradually entered into it.

"But you find not only 'the truth.' It's 'the truth but not only the truth.' That should've been our slogan."

There were travels: Bosnia, the Ukraine, Lithuania, the Soviet Union in its final throes. When the last collapsed, it was the beginning of the end for *Attha*, and so for Chitral's years as a journalist.

He said, "At the time there was an N. G. O. called M. D. D. R., Movement for the Defense of Democratic Rights. I was put in charge of training. It was then I began going to villages to teach people about legal rights and a variety of other basic things—land disputes, family disputes, how to make a complaint. I had a training program called 'law to the village.' And that was my entry into human rights."

There was a little more teaching to be done. In 1990, under pressure from civil society groups and the International Labor Organisation, the U. N. agency based in Geneva, Chitral was reinstated in his profession. He went back—not altogether eagerly so far as I could make out, but primarily to protect his pension. And in the decade he had been away, Sri Lanka's school system had gone the way of most other institutions. There wasn't much to go back to.

"Everything had deteriorated—discipline, standards of teaching. What struck me most was the lack of respect. Teachers and students, teachers and principals, students and principals—all of these relationships had changed. Principals and teachers started accusing one another: 'This one has personal connections. This one shouldn't be here.' And so on. Students, parents, teachers—all knew about these arguments. And I think it was the reason for the lack of respect. Some teachers didn't have even

basic qualifications. Some couldn't teach or control even a fifth-grade class. Most education officers and principals were appointed totally according to political connections."

Chitral lasted two years. In 1992 he left the system for good and founded Janasansadaya, the N. G. O. that operated from a couple of small rooms down a dirt pathway in Panadura.

THE BUS FROM COLOMBO to Panadura runs along a single thoroughfare, the first part of which is Galle Face Road as it leads south from the green. As you leave the city the houses and shops thin out, until finally you are looking out at wooden shacks—some of which are illegal structures—and roadside hawkers selling vegetables and fish in the open air. For part of the journey the ocean comes into view.

Then the shops grow dense again, shops selling cars and furniture and office equipment, and the houses are again substantial. This is Panadura—a large, populous town, not so far from Colombo but an hour's commute on the bus because of the traffic.

We get off, Shanthi and I, in the center of town, opposite a large police station. There is a tree-lined lane next to it, and this we follow past a primary school and then a sports club. The school sounds as if it is about to burst its walls with the vitality of the students shouting a thousand different shouts within. The club, by contrast, is silent and perhaps not much used: The grounds are unswept, and in all my trips to see Chitral, I never saw anyone on them.

At the end of the lane an old stone church, Anglican, stands in the sun on a well-kept patch of land. Beyond it I can glimpse the sea. We pass the churchyard, full of old headstones, and then turn down the pathway leading to Janasansadaya's offices. The path runs along the back side of the primary school we just passed. The cacophony of children's voices turns out to be a constant in Chitral's small, concrete-floored rooms.

That first morning Chitral spoke several times of titles. He still remembered how he was greeted on his first day as a teacher's assistant forty-five years earlier: "Hello, Mr. Perera. Come this way, please." He had never before been a "mister." During the days that followed in "upcountry Kandy" he was late to school often. His habit was to climb over the school fence and sneak into his classroom, until the principal

spotted him one morning and said, "Good morning, Mr. Perera."

The moment taught him something about what it meant to treat others with respect, to acknowledge their dignity. There was something of the public self realized in that moment, it seemed to me afterward as I read my notes. "I was never late again after that," Chitral said, "and I learned to teach by way of personal example."

Later in that first morning's conversation Chitral came back to the matter of "mister." It seemed to be a preoccupation—containing some thought he was eager to convey to me.

He said, "People used to be accustomed to addressing others, seniors and juniors, as 'Mister.' Then it changed to 'Sir' for those senior. They demanded it. In Sinhala it had been 'Mahatthaya,' the equivalent of 'Mister,' and then for those senior it became 'Sir,' just as in English. Now if you use 'Mahatthaya' they get angry."

"What explains this?" I was curious. The point seemed to go straight to the question of "the edifice within."

"I don't know. I've always made sure no one calls me 'Sir,' but it's very difficult to break these habits in others. Guards at the gate, the peons"—he meant the office assistants—"clerks, they all use 'Sir.'"

Chitral paused, and I let the silence remain, hoping he would continue without prodding in the direction he chose.

He said finally, " 'Sir.' It is a device for maintaining the idea of hierarchy. Earlier, no one needed to demand respect because they were certain they had earned it. Once the system of political appointments came in, people at the top knew they didn't deserve to be there."

It was an eighteen-year-old who had first seen, in the hills outside of Kandy, that hierarchy has to be challenged. And now this was the essential intent at Janasansadaya, beneath all the training and the projects and cases taken up. It was to build a new kind of public space—a public space within.

Chitral started with what he had learned at the M. D. D. R., the human rights organization he joined after his newspapering years ended:

Janasansadaya would empower people. But this became something to build other things upon.

He said, "The second point, after empowerment, is, we must give people solutions. You need to provide practical answers. The third point, at least for human rights activists, we'll teach them parts of the law. We raise awareness, connecting common notions of justice—the stories and legends and so forth—with modern concepts. This is not for everyone. The majority are told, 'What you say is right. We'll join you in your fight for rights.' It's not necessary to educate everybody in all the complexities of the law."

We talked for a long time, and there would be other such conversations, and then, when we grew to know one another and I understood the work he was doing, I could pose questions out of thin air, *à propos* of nothing.

"Chitral," I once asked, "the other day you used the word 'revolution' to describe what you are working toward. What did you mean?"

Chitral's reply was long. He said, "What changed first was the idea of third-party intervention—the belief that someone else had to be there. 'You have to accept what we tell you. You cannot do anything on your own.' This was the old notion. This is hierarchy. If you want to go to the police station you must go with a politician, or at least a 'henchman.'

"For example, if an ordinary person walks into a police station he will be insulted—rubbished or ignored. It's the same at a government office. If you go alone the likelihood is that you won't get done what you went for. If you go with a 'henchman' you might. So people get used to believing it is the only way. When people first began to come here they sometimes brought a 'henchman.'"

As he spoke, Chitral started drawing pyramids on a piece of paper, then tracing and retracing them until they became nearly shapeless scribble.

He continued his explanation, "For a long time this has disempowered people. It was a purposeful effort to distance people, done in an entirely organized way. The British needed middlemen—they had a language problem. But even during the kingdom, there was an enormous distance between subjects and kings. Even then, headmen were middlemen.

"Post-independence, the government took advantage of this and prolonged it. And now it is intensified. Now it's forcing the issue of powerlessness. Awareness is forcing the issue."

At this, Chitral turned the pyramids he had drawn toward me.

"Here's the judicial system: judges up here at the top, ordinary people down here, the police, the lawyers, the doctors, the attorney-general's department all in the middle. Our revolution is telling people they don't need anyone in the middle to intervene for them. Access to justice is an inherent right. The revolution is to break the mentality you see in the pyramid."

AS OUR CONVERSATIONS continued, Chitral forced me to think—as he must have thought once—about the nature of change: of what it is made, how it is made, and where it comes from. It is almost a necessity to consider this subject in Sri Lanka today. Meeting Chitral reminded me of this. There could be small change or large, but in some cases the two could not be separated: The latter in these cases, large change, consisted of innumerable instances of the former, small changes, and could be made of nothing else.

Chitral said, "Let me tell you about something we are doing. There is something called a 'police message,' requiring someone to report for an inquiry. They date back to the British. They are forms: They say, 'To,' 'From,' 'Date,' 'Message.' They're usually full of abbreviations. They're often illegible. What happens normally is that people are frightened. They run to the police and plead. 'Please, sir, please explain this to me.'

"We tell people, 'Don't go to ask.' We help them write to the inspector-general of police and request an explanation. 'Please advise me as to what this says.' At least for people living close by us, there is a clear change. Now messages are either written clearly or they are typed and sent by registered post.

"Another example. Again, a letter arrives from the police. 'Attend this inquiry,' it says. But it comes after the date of the inquiry. We say, 'Write, provide dates and times, explain, inform.' This year we've had seventy-five people in these kinds of situations—counting families, a hundred and fifty altogether. If we can start with this small group and change attitudes, they are empowered and they can go back to their villages

and tell others. And they do. We always ask when someone comes, 'How do you know of us?' We've now got cases from two hundred kilometers away."

Small changes—impossibly, grindingly small changes. But Chitral was talking about very large changes, too—a change in consciousness, a change in the nature of public space in Sri Lanka and who is able to occupy it. And another change: the extension of order to ordinary people. Are these changes insignificant? More to the point, will Sri Lanka change in any other fashion?

The nature of change varies in human history. Sometimes it is very sudden, as when a war is won or lost, or a key election tips one way and not the other. Change of this kind is dramatic but not always especially deep. Another kind of change involves no signal event. It is slow, it is extended. Sometimes it requires a generation or more. There is not much glory in it. There is no sudden declaration of victory. But this kind of change involves a change in direction, a break with the past, a new way of thinking. It runs very deep. Sometimes it is the way history is made. Fernand Braudel, the great French historian of the Mediterranean world, counted time in terms of various cycles—that of an individual life, that of generations, that of a civilization—and I suspect the thought was in part related to the nature of change and history as I have described it.

Chitral had made a choice in these matters.

WHAT IS IT THAT NEEDS to change most in Sri Lanka?"

I once put this question to K. M. de Silva, one of Sri Lanka's most noted historians. His reply was immediate.

He said, "They should inscribe on every wall in the country the Bismarckian proposition that politics is the art of the possible, not the yearning for the impossible."

To stop dreaming, de Silva seemed to say—to leave behind the old nostalgia, the yearning for Sinhalese greatness, the dream of oneness, the dream of undisturbed separateness in a green garden away from the world. This was what de Silva, after all his years of thinking and writing about Sri Lanka's past, thought had to change.

Much later, as I studied the notes from all my conversations, I considered this point in connection with Chitral. What was it that distinguished this man? It seemed partly to rest upon de Silva's point. Chitral did not dream—not, at least, in the way the old scholar of his own country meant it. Chitral had had his own dreams once—back in his J. V. P. days, and later when he had tried to start a "movement." But he no longer dreamed these dreams, either. There was no nostalgia left in him, if he had ever had any, no sentiment, and no regret. Nor had he gone silent.

No nostalgia, no regret, no silence. Instead there was a certain hardness in Chitral's character—hardness being not at all the same as insensitivity but, rather, sentimentality's opposite, intolerant of nostalgia, dreams, and yearning. Hardness of this kind is, in the end, evidence of great sensitivity. Over time it has come to seem essential equipment for Sri Lankans—at least for those determined to be something other than victims.

There is something else Chitral prompted me to consider as he took his place in my notebooks among all the other voices I had recorded. This is the question of distance. In his own life Chitral had made it his business to bridge some of the distances that had grown over a long time among Sri Lankans. One could say it was his work, which may be why he sometimes seemed most at home while driving in a van to some far-off village. But here I mean distance of another kind, distance with a certain moral dimension.

At what distance should one stand in a society as near to failure as Sri Lanka? Where should one place oneself? Should one work outside of all the institutional frameworks, achieving some hard-won self-sufficiency and a measure of freedom from the entrenched dependencies of Sri Lankan life? In other words, escape the trap? Should one work for change from within, alternatively?

These are not questions for Sri Lankans alone. Many people in many different places ask them, or ought to ask them, or contrive in one way or another to avoid asking them. For Sri Lankans they are simply more urgent, these questions, for the self-evident reason that Sri Lanka is in a more urgent condition: The hour is late. People know this. So it is part of being an educated, aware Sri Lankan to pose the question of one's distance, one's chosen position in relation to the whole, and it is for this reason I address the matter here.

Many people prompted me to consider the question of distance in this way. Saminda did. So did some of the other judges I met—Wijetunge, for example. Shanthi did. In his way Thangavelu, the police official, did, too.

There were numerous others, well-meaning people, people in possession of the facts, we might say, people quite aware of Sri Lanka's urgent needs. Often these turned out to be people who refused to discuss their views with someone who would record them for fear of losing something or other: a job, a standing, a political connection, a social recognition, a place in that network of relationships by which we suspend ourselves in our societies. These last were, we can say, people who stood as negative examples because they got the distance question wrong, especially if they happened to be journalists, or lawyers, or both—professions in which articulating the truth is among one's basic obligations.

It was Chitral, most of all, who prompted me to try to understand Sri Lankans by way of the question of distance. And as I got to know him he showed me something unexpected. In his own life he had chosen, after all his years of teaching, to stand outside the institution he had first worked within. But he showed me as we got to know one another that the question of proximity—"outside" or "inside"—was not the important one: indeed, it hardly mattered whether one asked it.

The questions Chitral had asked were far simpler. What needs to be done that I can do? Am I willing to do it? If I am, how best is it done? Again, it is not just Sri Lankans who might do well to ask these questions. It would be unfair to single them out in such a way. We all face occasions when we ought to ask them. Perhaps what distinguished Chitral most is that he did.

CHAPTER TEN

GALLE

ALWAYS THE PROJECT for Chitral was to change minds. This, too, seemed to distinguish him among the Sri Lankans I met. I have called it several things—the edifice within, the structure of consciousness—and others had names for it: the mentality, and so on. A few recognized it as the site of authentic change. And fewer considered first the minds of ordinary people, those "below." Change the minds of those below, and they will change the minds of others like them. And then the minds of those above will be forced to change, and Sri Lanka can become something other than what it has become. This was Chitral's thinking, the revolution he was looking for.

In Panadura there was a steady stream of visitors: ex-detainees who had been tortured, the wives and husbands and siblings of victims—victims alive, victims dead—and then children. A child would be traumatized by what had happened to the father. There were cases in which the police forced the wife and children of a detainee to watch as the husband and father was beaten. There were other cases involving the child directly: A teacher or a principal had abused the child in school, or there had been abuse while in police custody.

Man, woman, child, it was invariably the same: Someone "above" had abused someone "below."

Often after a case of abuse, the police would then say, "Don't complain and we won't press the charge against you." Or the lawyer assigned took the fee but failed to represent the client: Instead he effectively represented the police and the court to the client. Or the defendant's lawyer receives threatening telephone calls. Or the victim is offered bribes

and threatened with more torture if he does not accept them. Or the judge openly discourages the lawyer from pursuing the case. Or the judge reviews photographic evidence of torture and rules, "minor injuries," and a doctor supports the ruling. Or the judge rules, "You were caught stealing. You deserved torture." Or the lawyer, judge, and a doctor conspire to force the defendant to plead guilty.

Shanthi had said once, "There are factual cases of all this."

The cases involving children were the worst, the saddest, the most tragic. Lives were damaged or destroyed even before they had been lived. Lives without promise lay ahead, at least when they first arrived at Janasansadaya or the other organizations I visited, and Janasansadaya and the other places were not in the business of working miracles. Sometimes you could see the scars: a child could no longer hear, or the eyes were damaged, or there were permanent welts on an arm or a leg. But it was the marks inside the children that were the most painful to see: the flat affect, the inability to focus, the helpless clinging to the mother, the deadness within.

Chitral, with Shanthi's help and the help of others in the office, kept good statistics.

"How many cases are you getting now?" I once asked.

It was a hot day in September. We were sitting, as usual, on the opposite sides of his messy desk. The babble of the schoolchildren next door seemed to suffuse the office, though no one ever bothered to mention it.

"So far this year, for the first nine months, we've received two hundred and forty-seven complaints. Of these, a hundred and forty-one involved the misuse of police power."

These were curious numbers. A small office in a suburb of Colombo, an organization few had ever heard of, and there are almost two hundred and fifty new complaints on the books. It was a tiny number if you considered it the measure of a national problem, but it was plainly more a matter of an iceberg's tip.

I considered Thangavelu's figures, the official figures: For the first half of the year, the police had recorded fourteen cases involving the police and fundamental rights: two dismissed, twelve pending. Chitral alone had ten times as many cases involving the police in a slightly longer period. Nobody knows the true extent of the problem. Police abuse in Sri Lanka, a problem everyone knows about, remains unmapped territory.

Chitral said, "Ninety percent of people with experience of the police are assaulted: This is known. I doubt ten percent complain. We have nearly a hundred and fifty cases this year and we've hardly begun."

I would eventually meet some of these cases. But first I was to travel in the south, to Galle and the towns around it. Shanthi and I would go together, this time in a hired car.

Before we left, Chitral showed me a video of a man in a hospital bed. It was twelve minutes long and had been shot a couple of months earlier at a teaching hospital near Galle. There was the patient, and a physician, a forensic specialist, reviewing the patient's condition and reciting the symptoms for the video. There were many: Lesions on his leg caused by a steel rod; bruises on his torso caused by a wooden pole; handcuff marks. The ankles were swollen and discolored. This indicated damage beneath the skin tissue, the physician explained conscientiously into the camera. And there were extensive internal injuries.

The victim's name was Hevamarambage Premalal. He was thirty-two, married with three children. A relative had been murdered a year or so earlier, and there had been no investigation. In time it came to light in Wanduramba, Premalal's village, that the police may have had a hand in the killing. It was then that Premalal stepped forward: He filed a complaint stating that the police had taken no action.

The police arrived at his home between 1:30 and 2:00 a.m. one night soon after Premalal had filed the complaint. The beating began before they had even reached the police station.

Later, when Premalal regained consciousness, he was already in the hospital—handcuffed to the bed, under remand, with no idea of the charges. I was to meet him in Galle, and I would meet the examining physician, too.

THE LANE OFF THE MAIN THOROUGHFARE near the center of Galle is crowded with shops and businesses—a place of small commercial enterprises—but it is also quiet. People in the street seem to know one another. Shanthi and I are strangers—not unwelcome, but noticed.

We park near a Buddhist temple. Next to it, struggling to be modern and affluent and Western and orderly and a little "global," is a bright yellow building with oversized windows: the Sangharama English Night School. Inside, placed so they are visible through the large plate-glass windows, ersatz crystal chandeliers hang from the ceiling, and on the walls are elaborate sconces, the kind one would expect to see in a formal dining room in a country house somewhere in England.

We are headed toward the next building over, a one-story structure, light blue with a corrugated roof, a little shabby but not worried about itself. It rather ruins things for the Sangharama English Night School, being modest and altogether local, but it is not worried about this, either. These are the offices of the Organisation for the Defense of Human Rights and also of something else, something called the Rural Women's Front.

We had set out early from Colombo and driven south along the coast for much of the morning. And now we were in an office that seemed altogether makeshift despite its resonant name, almost too slight to have warranted a drive of such a distance. There were two or three rooms with benches, battered desks, a few chairs, and not much more. Almost certainly—I guessed this but did not ask—we had entered the only office of the Organisation for the Defense of Human Rights. But as soon as we began talking, none of this mattered. The work mattered. The people who walked in off the street, who had (usually) come in by bus from the countryside—they mattered. Their stories, accumulated in case files, mattered. This is the daily grind, the daily giving and taking, of human rights work—work that, far down the scale from councils in Geneva or New York, comes to two people talking: What happened, why did it happen, what shall we do?

Here I was to meet Premalal. Kanthi, the office manager, sat me in a plain wooden chair behind one of the old desks. I was immediately uncomfortable with this arrangement. I felt like a police officer, an interrogator, a Soviet bureaucrat, an authority figure of some kind. The desk was small, but it created a vast distance I despaired of crossing. I was

sensitive to the matter of distance by this time. Premalal would come in, sit down opposite, and talk to me as if I were, indeed, somehow "in charge." We would speak from "above" and "below," not "across."

Still, I left it as it was and said nothing to Kanthi. I was the visitor. I was the writer. I had to take my notes. Seating me at the desk was a gesture of consideration. No one else seemed to notice the "above" and "below" of it. This reminded me: The edifice within is difficult to dismantle, in part because it is unconscious. Almost nobody even thinks about it. Even when they understand it and determine to dismantle it they cannot see it in their own ways of doing things. I thought of Chitral and his stories of "mister" and "sir." It is hard to break these habits, he had said.

When Premalal came in I recognized him from the video Chitral had shown me. He was thin. He had the same flat affect—a stunned, passively confused look—as I had already seen in others. His wife was with him. Both were good-looking, with fine features. They were poised, despite all they had been through and the legal maze they had entered. Somehow—I did not know how—Premalal seemed at home in public space.

I knew the outline of Premalal's story, but we began by filling in the details.

He was a day laborer at a tea plantation and lived in the village called Wanduramba, about fifteen kilometers from Galle. He dug ditches and earned two hundred to two hundred and fifty rupees a day—about two to two and a half American dollars.

"Now I can't work," Premalal said. "My knees and the side of my left leg are still in pain. My parents help me, but of course it's a strain."

"Will you work again? Do you expect to?"

"I don't think so. Even sitting in a chair is difficult. I'm hoping to do some kind of small business. I don't really know. I'm still taking treatment."

It was October of 2006 when Premalal and I met. The incident with the police had taken place the previous July. And life had been uncertain ever since. It had probably changed for good.

The man killed, the murder victim whose death had got Premalal involved with the courts and the police, turned out to be his brother-in-law, Sunil, his wife's sibling. Premalal never found out why Sunil was killed. "I don't know who killed him, either. I complained to the Criminal Investigations Department simply because the police weren't doing anything to find out."

When the police came for him that night in July, the night Premalal became a victim, he recognized them as he opened the door. One was in uniform and had a gun—Police Constable Lasantha. Another was a sergeant, Sgt. Samaranayake.

Premalal gave a long account of what happened that night and in the days that followed. I let him speak without interrupting, even when there were parts of his story I was not clear about. This is some of it:

"Outside the house, Sgt. Samaranayake punched me in the mouth. I asked, 'Why are you taking me in?' and they said, 'To record your statement.' Sgt. Samaranayake then hit me on the spine with a wooden pole.

"On the way to the police station I was taken first to sign various documents at a place where they keep patrol log books. Once we were at the station I was told to remove my shirt. They handcuffed me and fixed the handcuffs to the ceiling of a cell. Sgt. Samaranayake then took his pole and started hitting me again on the back. He hit me until the pole broke. With the bit remaining he hit me on the head. My skull fractured and I started to bleed.

"Sgt. Samaranayake collected the pieces of wood and took them into the next room. Through the doorway I saw him drinking *arrack*. Then he came back with a steel pole. By this time my sarong had fallen off. I was shouting, so he took the sarong and tied it round my mouth.

While he hit me with the steel pole, they all kept shouting at me, 'Did you see Sunil's murder? The same thing will happen to you.'

"After assaulting my back he started on my stomach, and then I lost consciousness. When I came to, my head was in the station's latrine. I shouted for water. Lasantha brought water, I drank it, but I vomited immediately.

"In the morning a policeman named Nimal Ranjit came to my cell, and I told him I was in pain. He rushed out and told Sgt. Samaranayake and the others. They dragged me outside and bathed me. They gave me a big coconut"—a king coconut, a common drink in Sri Lanka, consumed straight from the shell. "Then they brought a stretcher and put me in a jeep to take me to a hospital nearby. I heard Sgt. Samaranayake say, 'Don't take the main road—it leads past another police station. Take a by-road.' Nimal Ranjit said to me, 'At the hospital, tell them some villagers assaulted you. We'll give you five thousand rupees and get you some medicine, too.'

"But as I was being admitted I told the lady doctor"—this must have been the admitting physician—"that the police had assaulted me. Then they admitted me. When my family came, I told them the same thing. After that, I'm not aware of what happened."

Premalal stopped. I asked him, "Were you afraid? Afraid of telling the truth?"

"Yes."

"Why did you tell the story, then?"

"It was the true story. The villagers didn't hit me."

"Were you aware then of police abuse?"

"Not really. I was making a living. I hadn't really thought about it."

FOR TEN DAYS THE DOCTORS could give no assurance that Premalal would survive. He lived on saline solution, oxygen, and blood transfusions. He went on dialysis while the doctors monitored his kidneys. Eventually there was a successful surgery.

Then the police came again.

"On July 21st, the O. I. C. from Wanduramba"—the officer in charge at the village station—"came to visit. He told me to withdraw from the case I planned to file against the police. He said, 'It's really money you want. Come see me.' I was discharged on the 29th and told to return to the clinic every week."

At this, Premalal's wife produced a worn school notebook with neat lines written across its pages. It seemed to be a record of his weekly treatments. This, apparently, would be evidence. "We have filed a case before the Supreme Court," Premalal said with evident pride.

When he first got out of the hospital, a lawyer approached him. "He told me he could arrange for the police to pay one to one and a half lakhs of rupees. I said no."

One lakh: a hundred thousand rupees, about a thousand dollars.

"Then Chitral came to visit me, Chitral and a foreign lady. They took down details. They made a video."

A foreign lady: This would have been a journalist from a Korean television station.

A video: The video Chitral and Shanthi had shown me.

"My pastor spoke with Chitral after this. Clifford made the connection with Janasansadaya. Then my pastor spoke with Chitral, just before we filed the case."

The pastor: Premalal was a devout Christian. It was because of his faith, he had told me, that he refused to lie about the police.

Clifford: Clifford Perera, the forensic physician in the video.

"Sgt. Samaranayake and the O. I. C. came back after I filed the case. Sgt. Samaranayake didn't come directly—his relatives approached me. They offered me three lakhs to settle the case. I refused. Then they offered me five lakhs, but I refused again. Now both the O. I. C. and the sergeant have been interdicted."

These were considerable sums for Premalal. Five lakhs, half a million rupees, would have been almost seven years wages at two hundred rupees a day—assuming, that is, he could work every day of every year. By this measure alone, Premalal's commitment to what he was doing seemed remarkable.

There were other remarkable things about Premalal's story. It was very local in character, for instance. Premalal knew most of the police officers, and they him. He had used their names all through his account—it was always "Sgt. Samaranayake," I could not help noticing. So there was the familiarity of village life. But then Premalal had stepped into public space when he complained about the inaction of the police in Wanduramba. After that, no amount of familiarity would save him. Abuse, even abuse of a savage character, does not depend upon people being strangers to one another.

There was the paperwork. Here was Premalal, about to be beaten unconscious, and the police take the trouble to stop along the way to make sure he signs the proper documents. "Why are you taking me in?" "To get a statement." It is a kind of obsession in Sri Lanka, this matter of documents, procedures, and the legalities used to mask illegalities. It is fine to beat someone—"You deserved to be tortured"—but one must get the paperwork done first.

There was also the sadistic character of the torture. It was not about getting information or getting questions answered or preventing some imminent calamity. It was about inflicting pain, pain that would be forever remembered, pain inflicted to the maximum possible: until the wooden pole broke across Premalal's back, until a scar within had been etched, a scar of fear, until Premalal lost consciousness. The drinking also betrayed the pathology of this kind of torture—its psychological complexity for the victimizer as well as the victim.

Premalal had decided to refuse a settlement before he had met Chitral or "the foreign lady," before he had decided to file a case with Janasansadaya's help—this I noticed, too. It seemed the most important point. Premalal had an idea of autonomy, an awareness of himself in the world that was not shaped by "the mentality." He had made a decision to step out beyond the totalizing mechanisms of the system. Then he paid for his decision. Perhaps this was out of ignorance of how things worked, as he suggested. But in the end he made another, larger decision: He would pay the price. There was no stepping back from the advance he had made into the no-man's land of public space.

I AM TO BUY LUNCH for those I am meeting: for Premalal and his wife and for some others waiting along the benches to see me. Kanthi seems to have promised this.

She is clear-skinned and has a bright smile. She dresses in a sari and wears gold jewelry. Kanthi is extremely organized—this I noticed as I conversed with Premalal.

Now she would like three hundred rupees to cover the lunches. Kanthi had not mentioned this earlier, but the silent communication between us is perfectly plain as I hand her a note of a thousand rupees: It is little to me, it is much to them.

Lunch would arrive in containers carried in plastic bags. As we waited, I asked Kanthi about her routine. Why Galle? I asked. Why did she have an office so far in the south, where things were supposed to be more orderly, where the tourists came and were not supposed to see this side of Sri Lanka?

"I don't know why. It's something I've noticed, too. There are loads of cases. I don't know if the police are especially brutal here."

"How many cases are we talking about?"

"Every day there are new cases. I can't really say how many we have. Sometimes there are three or four a day. Sometimes one, sometimes more."

Three cases a day would mean the Organisation for the Defense of Human Rights, a large name in a small lane in a provincial city, painted on a bedsheet and tacked above the entrance of a modest house—this number matched the police records for the first half of the year, the fourteen cases recorded in Thangavelu's files, in less than a week.

I said, "You're talking about hundreds of cases a year, then. All to do with human rights."

"About a hundred and fifty. These are new cases. The old ones have to come back ten to fifteen times because there are new details in their cases. New arrests. People are tortured again after the case begins. New charges are fabricated."

"Again, why so many?" I was still puzzled.

"The south, somehow, is more prone to violence," Kanthi replied.

Then she said, "Me, I'm not a victim. But I intervened in the Malkanthi case, the case I'll introduce you to this afternoon, and I had threats afterward. I once attended the Human Rights Commission in Matara regarding another case, and the police there began insulting me and the work we do. Afterward, they came to ask us to withdraw the case. I got a little scared on that occasion. I 'phoned Chitral immediately."

"That was the only time you were afraid, Kanthi?"

"We have links with people—people like Chitral. We can gather two hundred people whenever we want. No problem."

K. P. MALKANTHI IS FORTY-TWO, a poor woman, obviously poor, with bad teeth and a worn sari. She looks as if she is perennially exhausted: She looks, perhaps, sixty or so. But she is able to smile.

"Let's all speak," I say, trying to make Mrs. Malkanthi comfortable. At this she smiles. And she would smile, now and again, as we talked.

P. W. Pushpakumara, Malkanthi's son, is sixteen. He wears a T-shirt with "William Sport" written across the chest, the sort of thing a teenager would wear the world over. But P. W., as I will call him, seems to have had all his smiles knocked out of him. He has flat affect. He is missing an eye—the consequence not of abuse but of an illness. He is wary. And he clings almost desperately to his mother.

"This is corporal punishment in school," Shanthi, who has been helping to translate, tells me. It is a bit like an announcement, an introduction. She had wanted me especially to hear about this case. "We've come to conclude the schools are as bad or worse than the police stations."

I remember something Chitral had said when he was recounting his last years as a teacher—again, the "mister" to "mister" exchanges becoming "mister" to "sir" exchanges. A piece of the psychology I was trying to understand suddenly fell into place. Schools, police stations, hospitals, government offices: It made no difference. There would be stories like the one I was about to hear involving any institution within which authority was projected. And the stories had multiplied in the course of Sri Lanka's "politicization," which put people in positions of authority that everyone, including the person himself or herself, knew were not deserved. This

was Chitral's point in telling me this: Power had become uncertain of itself—insecure. As a consequence, now it was more arbitrary, more unpredictable, and more violent in its defense of itself.

P. W. told his story in a low, almost inaudible voice, looking up only occasionally from the corner of the desk upon which he seemed to have fixed his gaze. His mother helped him when he had trouble going on. To some smaller extent we all did. But it seemed important to Mrs. Malkanthi that her son tell his story himself as best he could. In the end, P. W. was not very good at connecting facts—he seemed to have neither the habit nor the training—and he left most of them to his mother.

He said, "On 3rd March 2005, because I teased another student, a teacher summoned me and hit me on my ear. I suffer epileptic fits."

The mother said, "He's on medication, and we had this under control for the past five years. But when he was assaulted the fits came back. On the same day as the incident he had a fit and urinated in his clothes."

P. W. resumed his story.

"After the teacher hit me the principal called me in and suspended me for a week. When he hit me my hearing was damaged. Later on the principal told me to come with my father."

Then Mrs. Malkanthi again: "I sent the two of them. The principal forced his father to sign certain documents. I had to take action against that later on. I didn't know what the papers said, so I brought them to this office."

The mother has taken over now. P. W. remains quiet, looking at her as she speaks, and occasionally, just briefly, when he thinks I will not notice, he looks at me.

Mrs. Malkanthi said, "After my son was assaulted I explained to the Hikkaduwa police. They had called only me—not the school authorities. I felt they were not taking proper action. So I came to see this lady. This lady sent me to Panadura."

Hikkabuwa: the family's village, a coastal town a few kilometers north of Galle.

This lady: Kanthi.

Mrs. Malkanthi continued, "I can't remember the documents, but I suspected they were something bad. So I visited the regional director of education. He chased me from his office. I went to see the principal. She chased me, too. She wanted only his father. The principal also refused to let the boy back in school. As a result, he has lost a year and a half of his education."

Shanthi, who had continued to interpret for me, interrupted. "This is a complicated story," she said to me quietly.

I had begun to notice this about the narratives I was hearing: Those telling the story often did not seem to distinguish between useful detail and detail without meaning. Their stories came out in a kind of unchecked flood, without discrimination. The same was also true of chronology: Things got mixed up. When had Mrs. Malkanthi come to see the human rights people—before or after going to the regional director and the principal? When had she begun worrying about the documents and taken action?

I let the confusion go. Victims and the relations of victims seem to have an impaired sense of time: This happened, then that happened, but before this, something else happened, and before something else, something else again. Sometimes, when the order of things seemed obvious, or when it did not seem especially important, I would say nothing. On other occasions I let the story be told and then went back to ask about the order events had occurred. In some cases, a completely different story would then emerge.

I did not conclude that the victims, or whomever was talking, was simply a bad storyteller, or was too simple to get the narrative straight. It always seemed to me another piece of evidence reflecting the degree of trauma, the degree to which they had been consumed by fear. Those talking seemed to re-enter the time of their suffering, and to recount it meant letting it tumble out—all at once, as it were. A person perfectly capable of conversing in the present lost all capacity to differentiate among events or make order of them once the moment of trauma was re-engaged.

This was Mrs. Malkanthi, to some small extent, though she was not the most extreme case of the problem I had seen.

She said, "I urged the regional educational director to insure my son goes back. Eventually he accompanied the boy and told him to give the principal betel leaves. But the principal threw them away. 'Give the betel leaves again,' the educational director said. But the principal threw them away again. As result, my son went back to school only one day.

"Later I explained to the educational director, and he said my son had been suspended because he wrote a letter to a girl. It was then we went to the Supreme Court with a fundamental rights case.

"Exactly a year later one of my younger sons, a seven-year-old, was assaulted by his teacher and suspended for five months for failing to meditate properly. Then we went to the Supreme Court with both cases. Eventually both boys were found new schools. But the court did not see fit to take action against the assaulting."

"These cases are now closed?"

"There's now a human rights inquiry going on," Mrs. Malkanthi said.

Shanthi, who seemed to know Mrs. Malkanthi well, said at this point, "This woman is fearless and insists on confronting officials. She's unafraid of authority. That's why the principal asked only for the father. He doesn't think too far. He'll do anything people say."

I turned to P. W., who had remained silent through all of this. "This happened a lot in the old school, it seems. Do you know why?"

P. W. smiled faintly for the first and last time. "I told tales against a classmate."

"What about your hearing?" I pointed to his right ear, the one that had been damaged.

"I had treatment in a hospital."

Apart from the human rights inquiry, Mrs. Malkanthi had become part of something else Chitral was doing through Janasansadaya. He had organized street demonstrations in Colombo and Galle—small affairs in very public locations—so that ordinary people would see them. It was another tactic for dispelling the fear of authority and for multiplying awareness, and the mother had taken part.

"This is something new in Sri Lanka," I said.

Mrs. Malkanthi laughed.

"I distributed leaflets. I sold some booklets. I held up banners."

She seemed to consider these acts altogether a great wonder.

"All this makes you feel better."

"It does, yes."

Do you think Sri Lanka is changing?" I aimed the question somewhere between Mrs. Malkanthi and her son.

"Change has to do with these sorts of problems," P. W. said quietly.

Shanthi asked, I sensed for my benefit, "'These sorts of problems?' Are they getting better or worse?"

Mrs. Malkanthi answered immediately, and with a certain rigorous confidence.

"Worse."

IN A BOOK CALLED *The Decent Society*, Avishai Margalit asks what one is. What is a decent society, the Israeli scholar, who teaches philosophy in Jerusalem, wonders at the beginning of his 1996 work.

The decent society is one that does not humiliate, Margalit asserts. Then he elaborates:

The decent society is one whose institutions do not humiliate people. I distinguish between a decent society and a civilized one. A civilized

society is one whose members do not humiliate one another, while a decent society is one in which the institutions do not humiliate people.

It is interesting, if not very time-consuming, to consider Margalit's thought in relation to Sri Lanka. By his definition, Sri Lanka is neither decent nor civilized. One may at least wonder whether it is possible for a Sri Lankan, any Sri Lankan, to get through a single day without suffering some form of humiliation. For the vast majority of ordinary Sri Lankans, for those "below," the Premalal's and Mrs. Malkanthi's and the millions like them, daily humiliations are more or less ceaseless. Humiliation is the very substance of their lives. And when they refuse to be humiliated, their humiliation can become acute, violent, and sometimes fatal.

But Margalit formed his definitions at least partly in response to the fate of Palestinians. Clifford Perera is a doctor and a Sri Lankan. He had his own definition, and it had to do with the society around him, the society he had been born into, the society in which he tried to practice his profession with nothing more than ordinary integrity.

"Every civilized society has a proper medical-legal system, Clifford said. "One of its main functions is to investigate death."

Clifford had a quick mind, and, coming early in our conversation, the thought eluded me. Death reports as a measure of civility: What could he mean?

"Unless we have such a system, a society can go into a vertical situation, " he explained.

"'A vertical situation?'"

"You're losing law and order, the smooth functioning of society. We've had this. Nobody knows how your next-door neighbor died. Nobody wants to inquire. Nobody wants to investigate."

A vertical situation, then: a downward spiral.

LATE IN THE AFTERNOON, after we had finished meeting people at Kanthi's office, Shanthi and I drove to Karapitiya. The road wound through many neighborhoods of Galle, then through fields and small settlements. It narrowed, the grasses on either side grew tall, and for a few moments

we got lost. Then we came to Karapitiya, and the hospital district. As the only teaching hospital in the southern part of the island—one of six nationwide—it was a large complex. The street opposite the main wards was dense with vendors: fruit vendors, sellers of juice and water and candies and small gifts. These were for the families of patients, and they seemed to do a brisk business.

Clifford's office was in a separate building on the hospital grounds. You could say it was tiny or you could say it was vast, depending upon what Clifford decided to show you. The room where we sat was not much more than a cubicle, with a desk and a couple of chairs. Down a hall beside it, there was room after room filled with laboratory equipment, examining tables, and shelves containing human remains: parts of skeletons, attached bones, skulls, bits of clothing, shoes, odd belongings.

Clifford was a J. M. O., in Sri Lankan legal parlance—a judicial medical officer. This meant his expertise was forensics, the specialty that had brought him to Premalal's hospital room. There is a clinical aspect to this work, and also an aspect that had to do with pathology. "The living and the dead," Clifford said with a mordant smile.

He was young, energetic, often witty—none of these a quality ordinarily associated with so somber a specialization. He was also acutely insightful. Clifford had come into his position at an important moment. He had earned his medical degree in 1994, not long after the wave of murders and disappearances that had followed the second insurrection. The experience seems to have marked him. He became a J. M. O. three years later, and in his years since he had acquired a deep understanding of Sri Lanka and, we might say, the pathology that surpasses all others—that is, the national pathology.

Clifford leapt from subject to subject in our conversation. Sometimes I did not know why we had left off talking about one thing and begun talking about another. He made unlikely connections—invisible connections. Only later, looking at my notes, would I understand that he had been giving me as full a picture as he could of a single, complex phenomenon.

À propos of nothing he said, "I was in Melbourne at the time of the *tsunami*. I called my office. They said, 'Don't come. There's no work for us.' This was the position of the government: 'Just clean up, bury the

bodies.' Only when foreign pressure came to identify the foreigners did they realize that what they did was wrong. Now they've agreed they made a mistake. But they don't learn. It's my belief that if we had another *tsunami* tomorrow the same thing would happen. Forensics are not important."

When I met Clifford, it was shortly after the murders of seventeen local employees of Action Contre la Faim, the French group that provides food aid, in the northeast of the island. Clifford was involved in the investigation and was leaving shortly to arrange for the bodies to be exhumed and shipped to Colombo.

"When transferring bodies you use body bags. We don't have body bags in the state medical stores. So we have to plead with the international organizations. We had a notice in the Sunday newspapers—perhaps you saw it. In this heat, with these delays, we put every body into at least three body bags. I need fifty before I go, and I don't have a single one. It's a seven– or eight–hour journey to Colombo and we have no refrigeration trucks. We've requested them. Nothing."

A narrative of carelessness was emerging—a narrative of another kind of abuse: the abuse of the past, the abuse of the record. I began to see the connection between medical reports and civility.

Clifford spoke in staccato phrases, one after another. They seemed to reflect the rhythm of a very fast mind. When we turned to torture victims, people such as Premalal, he started talking about the forms he had to fill out for each case. Again, I was not sure why.

He said, "We're expected to document our findings—the severity of the injuries, the weapons used, the timing. We have a standard form—a medico-legal form, it's called. These forms are at least twenty-five years old. They were designed by a J. M. O. who retired sixteen years ago. If you have a traffic accident, the form is good enough. But if you have a torture victim, it isn't. Sometimes there are more than a hundred injuries in these cases. The space provided to describe these injuries is two lines. Sometimes we don't see these cases until a week or a month after the incident. This is crucial information for the lawyers. But there is no place on the form to specify the timing—when something happened."

"But it's only a form."

"This is the final version of events that is accepted by the courts. That means it's not only a form. It's a big problem."

Are you saying it's a purposeful problem?"

Clifford hesitated, glancing at the ceiling. Then, his eyes leveling at me again: "The form is used to limit allegations of torture. Sometimes. To limit the available medical evidence. Sometimes. So we've adopted a different method. We call it 'free-style.' We go to our computer, we write our findings in full, sign it, and submit it. But the courts are the final deciders. It could be that it is not enough—it is not accepted. Sometimes."

Clifford decided then to take me on a tour of his laboratories. They were down long, factory-like corridors behind heavy sliding doors, like the doors in warehouses. The lighting was terrible—single bulbs hanging here and there, giving off a faint, yellowish glow, and occasionally some weak fluorescent tubes. The dim light illuminated ancient, decrepit equipment covered with decades of chemical stains.

It was in the dank and dark of the labs that I began to realize what Clifford was trying to show me in his stories of body bags, hasty burials, and bureaucratic forms. We were not talking simply about an inefficient system, or a disorganized society, or this or that problem having to do with the misuse of standard procedures or the absence of identifications and autopsies. Clifford was showing me the practical consequences of a psychology. He was showing me what it actually meant on the ground, day in and day out, when a society had no habit of caring for most of its own people, no habit of looking at itself, no habit of making sure it understood its own workings, and certainly no habit of recording and remembering the fate of most individuals. This was the connection he made between civility and the management of an individual death.

A careless society, which means an indecent society, an uncivil society: Clifford sat at the peculiar point where this was revealed in matters of torture and death.

AT ONE POINT, CLIFFORD RECALLED the tradition that had begun in the 1870s, when doctors and lawyers had been drawn from the same social strata and shared a common notion of their responsibilities. The system as it is today can be understood, at least partly, as a corruption of this bygone, paternalistic ethos.

Clifford said, "You alter the injuries recorded in the documentation—they don't match what is there in front of you. You can misinterpret. You can classify in a different manner. You can give your own reasons—your own surmise. Based on these observations you can come up with your conclusions: timing, circumstances, weapons.

"These things happen. It's a problem, but not everywhere. It's mostly in district or base hospitals—the lowest on the chain. You see influence from lawyers or government attorneys against the litigant. They'll do it in a very friendly manner. It's known only to you."

You: the doctor working with lawyers and the courts, the doctor who earns part of his living from these sorts of cases and needs the connections to keep the cases coming.

At his peculiar intersection in Sri Lankan life, Clifford seemed to see things few others ever glimpsed. He seemed to understand Sri Lanka as an organism—a network, to borrow Shanthi's word again. And he seemed to conclude that to alter such a society can often look impossible.

He said, "I find it difficult to make change because I know the problems are connected with other problems and concern the authorities. I can't confront this. I have no way of influencing."

I disagreed with Clifford on this point. I reminded him of the video Chitral had shown me, the one recording his examination in Premalal's hospital room. One can sometimes change things in a circumstance such as Sri Lanka's simply by forcing them to work as they are supposed to work. The Premalal case was a good example. Clifford was one of thirty-five J. M. O.'s in all of Sri Lanka. And he had broken, or played his part in breaking, the chain of collusion for Premalal. His report on Premalal's injuries had changed things—arguably even Premalal's life and the lives of those around him. Sometimes change is so small we cannot see it, even when we are the agents of the change.

Clifford seemed to switch perspectives at his point. He spoke not for himself—perhaps out of modesty, perhaps because he did not accept my point—but for his profession.

He said, in his clipped, almost glib manner, "The best option is to ignore these problems. You either function in a low key or you leave. These alternatives are there for some professions, like doctors, for good or bad."

DUSK WAS APPROACHING, and the light in Clifford's office was attracting mosquitoes. I suggested we sit on the verandah, where I could smoke.

Outside, Clifford seemed to change again. He seemed to leave behind, if only for a few minutes, the intensity he brought to all the minute details of a J. M. O.'s job.

He said, "When you go a hundred or a hundred and fifty kilometers from Colombo, you see rice paddies, you see tea and tea pluckers. A friend once asked me as we drove through this kind of countryside, 'What if we educated them? The farmer will no longer farm, the women will no longer pluck. We don't want this. We want them to be there. We want our beautiful scenery.'"

Clifford let the thought linger between us for a moment. Then: "We're producing enough professionals, it's true. But still there is a lot of underdevelopment in the rural areas. In the north and east, sometimes there is no doctor for two hundred to five hundred kilometers."

It was odd, given all we had talked about, that only at this moment did Clifford seem to betray a subtle bitterness. Perhaps it was the failing light, the end of another hectic day, the quiet of the evening approaching as we sat on his verandah.

"There's a deep division among us," he said, breaking a silence that had settled among the three of us. "We want a certain number of people at the top—a certain number of people to lead—and we don't seem to want any more than that."

CHAPTER ELEVEN

KANDY

ALONG THE ROAD BETWEEN Colombo and Galle there were many stretches where we could see the beaches. The ocean was calm at that time of year, but still it was very beautiful. Here and there resorts appeared—on our right heading south, our left on the way home. The houses of affluent Sri Lankans or (as likely as otherwise) foreigners suggested inlets or open stretches of shoreline where, I imagined, the sand and the sea must have been especially fine. The shops near them would be neater, I thought—better frontage, better stock. Then would come another village, an ordinary place full of ordinary people and ordinary shops.

It is possible, I reflected as Shanthi and I talked in the back seat of our hired car, to stay in Sri Lanka for some time without seeing any more than a visitor is intended to see—certainly without much grasp of the place or its people or how they live. This I knew simply from chance conversations with tourists and visitors—at a bar or a restaurant, on a street, or on the verandah at the Galle Face Hotel. They would know all about the beaches at, say, Unawatuna, but they would no little or nothing about the life taking place around them.

This is by design. Sri Lanka does not present itself to the rest of the world as a country anymore. It is a "destination" for holiday-goers. It is a manager of beaches and resorts. It is a changer of bed linens, a sweeper of floors, a tender of bars, a waiter, a driver, a receptionist, a porter. It is not a nation with national institutions. It is not a judge, a police officer, a teacher, a tea plucker (except at a picturesque distance), a young boy with his mother, one or the other of them a victim. These people are hidden,

because most of Sri Lanka is hidden. It is hidden behind all the laws and procedures that are still observed, if barely, behind all the forms that are still made out, all the chops chopped onto documents.

It is also hidden within the conspiracy of silence most Sri Lankans accept as an ordinary part of daily life. To observe the conspiracy of silence is good for one's health—or so it is understood. But it also helps to keep Sri Lanka hidden from view. The war goes on "in the north," as they say in the south, as if "the north" were the far side of the moon. The courts corrode, the police continue to abuse ordinary people, the schools do not teach adequately, and still the tourists can come (though many fewer now) and imagine Sri Lanka as a good or bad destination depending on how the tides were, how well the air-conditioning worked, and how good the service was.

In the spring of 2007 the Liberation Tigers, for the first time, managed to fly an unsophisticated jet into the south and bomb a site near Colombo. It was not an effective mission—not if measured by the number of casualties or by the destruction brought. But it was effective in another way: It informed the south, the orderly south, that it was not so sequestered from the war and the violence as it had thought. It announced a determination to break the conspiracy of silence, to shred the curtain Sri Lanka has drawn across everything except the beaches and hotels, the cricket team, the great temples, the picturesque ruins and stone carvings from another time.

Kandy is somewhat like the south in this respect. It hides itself. The lake is always placid, the Temple of the Tooth always magnificent, the town always curious, the market lively. Among all Sri Lankans, as it is often said, Kandyans are especially blessed with good looks. And you would never know during a visit—a day, a week, more—of the suffering that takes place among them.

There is much of it. You can walk to it if you like, for it is to be found just a short distance from the hotels and the busy streets full of jewelers and textile merchants. It was in Kandy that I learned how abuse, violence, and suffering can echo down in time, one generation to the next. To maim a plantation worker or a primary school pupil today can be to maim some small part of the nation for years to come.

"One thing," a man I knew only as Father George once said to me. He meant, "One thing I want you to know, one thing that is essential."

"One thing, it's not easy to get healed from the shock of torture. Inside, I mean."

I ALWAYS STAYED AT THE SUISSE in Kandy, the hotel next to the hotel where the proprietress was the mistress of a known murderer who was in the service of the chief justice, and whom the chief justice had placed in charge of the institute in Colombo where judges are trained. In this circumstance the Suisse seemed the right sort of macabre touch. "Whatever you see," I could remind myself as I gazed over the lake from the gleaming white verandah, "is not all there is."

One Saturday morning I arranged to go see Father George. At the reception desk I ordered a tuk-tuk, but there was some confusion as to where exactly I was going. The Commission for Justice, Peace, Human Development, and Human Rights: Another large name, but no one had heard of it. Where was that?

"Katugastota Road."

"It is that direction"—the desk manager pointed toward town—"but where are you going along Katugastota Road?"

I gave some landmarks, places I had been told to name.

"Indra Traders, the car dealer. Central Finance. Left at K. P. H., the hospital. Dr. Fernando Mawatha," *mawatha* meaning a small road, a lane.

Mention of the public hospital did it. This the desk people knew.

The tuk-tuk drove through the center of the city and out toward the surrounding mountains. We passed the turn for Hiran's home. Then the houses and shops thinned out, and then a sign with an arrow—"K. P. H."—appeared. Up a steep hill I found the agency: two large buildings, both several stories. This was among the first human-rights organizations in Sri Lanka. It dated to 1964. There were branches elsewhere—three of them,

with a staff of nearly fifty altogether. Father George, whose full name was George Sigamoney, had been the commission's director for the past three years. He was middle-aged, balding, a little business-like, and always very busy.

Father George's commission showed its age, so to say. It was concerned not only with torture and its victims, although these were inevitably a considerable part of its work. It looked at the entire social system, the system that produced the cases of torture: the villages, the plantations and the companies that employed the villagers, the schools that were supposed to educate the children of the villagers, the police who were supposed to protect the villagers, the health care system, and so on. With all of its branches, all of them in Central Province, the commission was active in twenty to twenty-five villages and estates—estates being like especially poor villages where the tea workers lived in compounds. A compound consists of twenty or so one-room dwellings lined up, ten a side facing one another, each one ten feet by ten feet, each one housing a family. A shared water spigot stands at the end of the rows.

Father George, rather typically, was busy with a group of parents and children when I arrived. So I was met by two of his staff, Asela Bandara and Trini Rayan. They were young, energetic, eager to explain. "We want to change these people. This is the object of our animation programs."

Animation. I was instantly fascinated by Asela's use of this term. To animate, to give life to, to enliven: This was more than a question of power and "empowerment." It was more profound, it seemed to me. It had a larger psychological dimension. It had to do with the whole human being and suggested a very holistic grasp of the damage Sri Lankans had done themselves over many years.

"Asela, tell me about this word," I said.

He thought about it briefly.

Then he said, "We look at many sides of people's lives—health, education, human rights, civil rights, self-employment, meaning how people can do things on their own. We have programs for all of these. Especially

in rural areas, in estates and villages, people are always staying back, not going forward."

Staying back: Failing to develop.

This was the kind of psychological understanding of Sri Lankans I had come to view as necessary. Father George had told me, indeed, that the commission worked with two psychological counselors.

"It's a question of people's minds, then," I said to Asela and Trini.

"Minds and lives," Trini replied. "Some children have very good knowledge but are not going forward in school. Some young people have very good brains but cannot make proper use of their brains."

We were sitting in a small cafeteria. There were flimsy card tables covered with plastic cloths, folding chairs, and to one side a small kitchen. As we spoke, the three of us, a flock of children arrived: It was lunchtime, and they took up all the other tables. They were, indeed, animated. Within a few minutes, the din forced us to move to another room. It reminded me of the schoolchildren next to Chitral's office.

"All of those children are from very poor families," Asela said when we had settled again. "We teach them math, English, music and dance, Sinhala, Tamil. These are children who can't go to private classes for after-school tutoring. This is expensive but necessary in Sri Lanka, because government schools don't provide a proper education. So we take them—a hundred of them every Saturday."

FATHER GEORGE WAS STILL BUSY. But I was to meet a mother and son whose story, I was told, was important to hear. Trini would interpret, for neither mother nor son had any English.

The mother was named Mala Somalatha, and her son was called Ajantha Amarasinghe. She was fifty-two and looked sixty-two; he was ten and looked six or seven.

Their story began the previous spring, in a house where Somalatha had once worked as a maid. One day the elderly woman who ran the house asked Somalatha if she could help prepare for a birthday party.

Somalatha went, taking Ajantha with her. Both stayed overnight. In the morning, someone—neither mother nor son seemed certain as to whom—took Ajantha upstairs.

"A lady showed me a tin box and asked me if I had taken some jewelry in it," Ajantha said. "She gave me a bun and told me to say yes."

It took more than an hour for Somalatha and Ajantha, who often required Trini's help, to relate the events that followed. Of all the people I was to meet in Sri Lanka, none was so traumatized. Neither could look at me, preferring to stare into space, or at an object in the middle distance. They stopped frequently, unable to hold back tears. Their story is grotesque, and afterward, as I went over my notes—confused notes, reflecting the confusion of the mother and son—I saw that its horror lay in the way Somalatha and Ajantha had encountered profound pettiness and profound cruelty at the same time.

That morning, Ajantha denied taking the jewelry. What followed included scoldings, threats, questioning in strangers' houses, a psychic's testimony, accusations against the mother, digging up Somalatha's front yard. Eventually, the police were called, which made matters magnitudes worse.

All of this was told with little understanding of cause and effect and, as I had come to expect, contradictions in the logic and the chronology of events. But in Somalatha and Ajantha's case these problems were more extreme than any I had ever before encountered. In the details of their story and the blankness of their faces I began to recognize the totalizing effect of authority as it is often used in Sri Lanka. It seems to have a mesmerizing effect that, in turn, reinforces the totality of it. To be mesmerized is to be frozen into inaction.

Trini, who held a thick file on the case in his lap, began to speak. He perhaps more than I, recognized that in retelling their story the mother and son were suffering another kind of agony. I was prepared to stop at any point Trini might say, "Enough."

Trini said, "At the police station, first they beat the boy with a cane. Then they tied his legs with rope and hung him from the ceiling upside

down. Then they beat him again. He started yelling and screaming. The mother had to watch. She started shouting, too."

Somalatha cut in. Her deep-brown, almond eyes were searching and uncomfortable, but she spoke with determination. "I couldn't stand to see this. I said, 'Kill me if you want, but don't hit my son.'"

Trini spoke again, interpreting but, I sensed, truncating the mothers' lengthy account.

"They brought him down, and he still denied stealing anything. At that point they threatened him with a gun. Then they brought out petrol and said, 'We'll burn you alive.'

"They dragged the mother by her hair into another room and beat her. Still no confession. The O. I. C. was doing the beating. They made her sit and hit her across the shins with a wooden pole. During the night they got drunk and said they'd rape her. There were no women constables."

The mother: "At midnight I started shouting again because I was so afraid. Then they brought a lady in."

As I listened, I had to keep reminding myself: This is a boy of ten telling this story; this is a forty-two-year-old mother of four—frail, old before her time. These were policemen wearing uniforms. This is the country where people come to stay on the beautiful beaches. This is the country that is proud of its temples and sees in itelf the greatness of an old civilization.

In the morning a doctor came. Somalatha had abdominal injuries and damage to her limbs; the boy had multiple contusions. The mother was eventually admitted to a hospital, but the boy was never seen by a J. M. O. There was no report—no two lines on a form explaining all that had happened to them.

Trini said, to me alone, "We'll have a problem with this in court."

I turned to Somalatha. "Do you know why any of this happened?"

"I can't think of a single reason."

Then Somalatha cried, not for the first time.

I asked her, "Was it difficult to come here?"

She had heard of the organization through someone on a victims' committee in her village. She said, "It was the humiliation. Because of that I want justice, even with all the hardships."

When I met Somalatha and Ajantha, their case was lodged with the Human Rights Commission in Colombo. The chief justice had been sent an affidavit.

ONE THING, IT'S NOT THAT EASY to get healed from the shock of torture."

Father George was finally free. He was in a meeting hall in the adjacent building. There was a concrete floor worn smooth and dark by the passage of many feet and many brooms, and on it were rows of wooden benches.

There was a banner above where Father George stood when I entered, a panel of cotton with hand-painted block letters. It read:

MISSION STATEMENT

Empowering the Civil Society
through Animation
Accompany them on their journey
toward their total integral human development

I copied the statement in my notebook. It would be easy, I thought, to pass it off as a kind of flimsy idealism, rather useless, a greeting-card sentiment that sustained—perhaps I should say animated—the well-wishing staff of an N. G. O. but was otherwise of not much relevance.

But something in these brief, overcrowded phrases seemed important. Reading it later in my notes, I realized it made an essential connection, the connection Chitral, Kanthi, and others were also struggling to make:

The personality is the true site of change. Bring it to life and you have enabled the deprived to claim their humanity in full. The question is public space, the starting point the public space within.

All this was in the banner. Nothing could be more forceful, I thought, more powerfully intelligent, more properly militant where militance was required.

Father George waited matter-of-factly while I copied down the words on the banner. Then we sat at a table in an adjoining room. I told him that, by no one's design, I had seen a kind of "before and after" while he was busy with other things. I had seen Somalatha and Ajantha, and they had shaken me. But I had also seen the lunchroom fill with boisterous boys and girls acting as if life were a long holiday. Any one of them could have been through a trauma like Ajantha's. Many—most, perhaps—were the children of plantation workers, living in ten-by-ten rooms in a concrete block with a spigot at the end of the shared space in front of their doorways.

It was then Father George told me his "one thing." Then he said, "Some, at least, still have anger within themselves. They are not healed. They are angry and have grudges toward the perpetrators."

It seemed to be among his deepest concerns. It was part of the work of the psychological counselors who were with the commission.

Father George said, "I feel in the latter stages"—by this he meant later in life, long after the experience of torture—"they might turn on any person in society. They could join an underworld group, a terrorist organization. They could do anything. So as a gradual process we are staying in touch and helping them. It has to be a process. The victims' committees"— Somalatha had mentioned them—"they can help one another. These committees meet once a month."

What is buried, I began to wonder as Father George and I talked. What is it that lies beneath the surface?

"We are accustomed in our society to suppressing our feelings. We think of how our families look at us, how society looks at us. So we have to show a different face. It's a question of cultural values, religious values.

Even after a trauma this is not a society in which people can expose their feelings."

This was how Father George responded when I asked him about the psychology of authority among Sri Lankans. Shanthi had said the same thing at one of our interviews: People won't talk about their feelings, she had whispered. What, then, lies beneath the faces that Sri Lankans present?

In New England, where I am from, a field can be perfectly cleared of stones, but over the course of a few years the winter frosts will push stones up to the surface. What was it that lay beneath the ground in Sri Lanka? Even if all the torture and violence were to stop immediately, what stones would rise to the surface later, and what would cause them to do so?

Earlier in the day I had asked Trini and Asela to talk about the future in Sri Lanka. The flock of noisy children had just come in, seizing control of the lunch room, clambering onto the chairs and waiting for their midday meal.

Asela replied, in an idiom I got used to as we talked, "My feeling is it's not going to be so very peaceful. We want to challenge every day many sides of living. And always we want to take rights. So I am thinking, lots of struggle in the future. But a good struggle."

IN MY EXPERIENCE, THE FIRST THING TO SAY, it isn't only a few people suffering. Due to different incidents in our country—the seventy-one insurrection, the eighty-nine and ninety insurrection, the eighty-three riots—due to all of them, and what still happens—people getting disappeared—my family has never been directly affected by any of this, but all of my family members have seen dead bodies in the road. We think because we're not directly affected we do not suffer trauma. But the majority of people, I can say, are suffering some kind of trauma."

I have not asked Father Nandana Manatunge a question. This is what he said before I had a chance to pose one. And he spoke in long, disjointed phrases—articulately, but in the way people sometimes speak when they have had too much silence and have grown unaccustomed to ordinary conversation.

I have come to see Father Nandana from the Hotel Suisse during one of my stays in Kandy. And it is strange—stranger even than my visit to Father George's organization on the other side of town. The Home for the Victims of Torture, which is attached to a church, is up a steep hill not far from the end of the lake. It is a few minutes by tuk-tuk from my hotel, a few minutes from the shops selling silk and gems to the tourists. On the brief drive to Father Nandana's one passes from one world into another.

This is the world of buried pasts—buried traumas of the sort Father George worries will surface again like the stones in a winter field. Father Nandana and his colleagues, a small group that is spread out in numerous schools, institutions, and towns for reasons he would soon make clear to me, assist torture victims—children traumatized, children whose parents are among the disappeared, children alone, or whose parents need help as they try to put their lives back together again.

I have seen them when I arrived, playing football on the small lawn in front of the church, then gathered on the verandah waiting, as I was, for Father Nandana. Most of these children are from the neighborhood, its turns out: the children of parishioners. Two among them are torture victims. It is impossible to tell which: All these boys are in their early teens and seem absorbed in themselves and each other and the game they are playing and the banter going on between them. Whatever the problems are for whichever boys, they are not evident to me.

"I have the two outside with me," Father Nandana explains when we finally sit in his offices, his desk between us, with a glass top and under it an assortment of photographs (happy, smiling faces, people lined up for snapshots). "There are others with other priests, some are in schools elsewhere. In Matale"—this is a town about twenty-six kilometers north of Kandy—"there are six. Due to security reasons we don't want to put them all together. We're handling twenty-six cases now—all of them pending, all against the police. Twenty-one of these boys are living with us. If they found out where these boys are they would target them. So we change the places the boys stay and transfer them. When we know there is a threat, then we change the places."

They: the police, of course.

WE TALK FOR NO MORE than a few minutes at a time. One or another of the children outside always needs attention for one thing or another. It never seems important: What is important is to have Father Nandana's attention, always to know he is there. It is the need to fill an emptiness. There will be a shout, or a knock on the screen door, and then Father Nandana is up, his white cassock flowing above his sandals as he moves across the tiled floor and out onto the verandah.

"This is the problem—on Saturdays and Sundays especially," he tells me on one of his returns. But he is not convincing: This is only a courtesy, this remark, for this is not the problem on Saturdays and Sundays especially—it is his work on Saturdays and Sundays especially. The boys outside are extremely dependent on Father Nandana. He seems to represent some idea of order to them, some pole they are drawn to, some prospect that there is still one more reason left to place hope in people, in humanity, in those who oversee their lives. And the young priest—he is somewhere in his thirties—seems to know this. The relationships unfolding around me are complex, psychologically and emotionally, and I cannot see far into them. All I can see is that Father Nandana is incapable of saying "no" to them, and that his "yes" is one the boys will remember for the rest of their lives.

The sun is going down, and the mosquitoes are gathering around us. So we move to Father Nandana's rooms next door. It has a tight screen at the door.

Another man emerges in the dim light of Father Nandana's private quarters. The slim, handsome priest, with a square jaw and fine features, busy with the small, passing problems of his charges, gradually gives way to a young man on his own, literate, lonely, at a loss to see through things, as priests are supposed to do, to the light of the sky above.

"There is, of course..." Father Nandana begins. Then he breaks off and begins again, as if in the middle of a thought.

"For example, I lose my father and mother. They were killed or disappeared. I'm faced with going through a normal life. But within myself the trauma has never healed. So as a result people have become very, very insensitive. They have someone killed: It's another incident only. All

problems are to be solved by some kind of violent means because the system has become so ineffective and corrupt. The justice system never delivers justice. It delivers injustice. People don't expect anything just to happen in society. You know well the courts and lawyers aren't just. You know the judges are corrupt. So you try to get things done by other means, and naturally you don't respect anyone."

There is another interruption, this time a long one. So I am left alone to gaze around the unfamiliar private rooms of someone I have just met, at the artifacts of a life, which always seem strange in such a circumstance, even as they are ordinary: a bed with a mosquito net, an *armoire* with a few suitcases stacked atop it, a rack of shoes, sandals, and trainers (one pair of formal black shoes, a priest's shoes), a bookshelf filled with paperbacks (psychology, philosophy, technology, some science), a small music system of some kind. The desk before me is littered with small objects: a little plastic-and-aluminum sheet of pills, bits of paper with lists on them, some letters, a calculator, a plastic bottle of holy water.

A private retreat. A zone of stillness in a heaving sea of improvisation. A preserve of ordinary rationality in an irrational place. But nowhere a distinction between his personal life and his life outside the door. They are the same, the one disappearing into the other.

When he returns I ask him to tell me a little about the children.

He says, "There's a lot of fear. They fear everyone who speaks to them. They fear all police, naturally. Most of them can't sleep. They also become very indifferent. And inconsistent: 'I want to change my job....' Then: 'No, I don't. I want this job....'

"A contributing factor is the delay in cases. You go to court, you know very well it'll be postponed. From 2001, not a single case has been concluded. They don't have hope."

"Do you, Father?"

The question comes from nowhere. I am not sure why I asked it and instantly regret having done so. It seemed almost discourteous to ask such

a thing of a priest, as if it were a challenge, and I had not intended to present one.

But the question does not surprise him.

"I see what you see," Father Nandana replies. "I get very frustrated, because I can't change certain things. I see no hope. Sometimes I wonder what has happened. I see no salvation. We have no leadership."

He has faith, he tells me at last, and it gets him through. But it seems almost an afterthought. In raising the matter of leadership, he has put the ordinary, temporal world on the table between us.

One hears this point about leadership often among Sri Lankans. After many weeks of discussing it, the question seemed to come down to the source of new leaders: Would the system as it was produce them, or would they spring from a younger generation—from the children playing football in churchyards and playgrounds all over Sri Lanka? It was top-down or bottom-up: The question seemed key, even if expectations among Sri Lankans were, I had found, exceedingly low.

"I don't believe in an emerging leader coming up from the bottom, " Father Nandana says. "We've never produced anybody. Leadership from the bottom—I have a limited idea of this. But there are leaders not now in power who could change the system if given a chance. I've had some contact with them. But it all depends. Even if they came to power, its' not clear they would have a chance."

We had come to a common question, common not just in Sri Lanka. I had asked it many times elsewhere, a question that I have come to think is characteristic of our time. Do people change institutions, or do institutions change people? Fifty years ago, a century ago, two centuries ago—this question may not have been posed. But have we reached a point where the institutions we have built—institutions that reflect nothing more than the power of human agency—can no longer be altered? Sitting in Father Nandana's office, I think of Sarath Silva, the chief justice. It is a brief, perverse thought: At least, I consider, he has demonstrated that people can still change the institutions in which they function.

It is growing dark outside Father Nandana's rooms, and the lamp on his desk is dim. Down the hill, a few lights are beginning to glow among the trees. Earlier, when I arrived and was waiting for Father Nandana, I half-expected to find that the boys playing in the churchyard would turn out to be his source of hope, his inspiration, the way one can be made hopeful and inspired by discovering the seeds of resilience among the apparently broken: Mrs. Malkanthi's smile in Galle, for instance, or the single, brief smile of her son through his flat affect. The boys outside had been laughing and shouting among themselves. Surely those among them who had suffered could come back.

Instead I find a cold realist—a man who understands the totality of fear and suffering at the hands of others because he sees its reflection in the boys he cares for, a man who has discovered that there is no guarantee of anyone, or even of Sri Lanka, coming back. It is not a loss of faith. It is a rejection of faith as some form of blindness.

"One more thing," Father Nandana says as I prepare to leave. I look across at him, one side to the other of the small desk in his room, I in the desk chair, strangely, he in the visitor's chair.

He says, "I have the opportunity to leave the country sometimes. Always when I go out I can reflect more. When we live in a system we become immune to it. We get used to it and we don't try to do anything. People think this—all that we see around us—is normal. They think all this happens in other countries. So human rights, dignity, respect: Sri Lankans have to experience these things outside now."

Chapter Twelve

Spaces, Places, Faces

We have driven to the east of the island, Chitral, Shanthi, and I—east of Kandy, where the road descends steeply from the central highlands, east of the Mahaveli Ganga, the island's largest river, east where another Sri Lanka presents itself.

It is poor here—radically poor, almost entirely undeveloped. Vegetation is sparse. Here and there you come across vast reservoirs and dams, some with signs indicating which Western nations have financed them. (I thought of Stanley Kirinde when I saw these. Sri Lanka would need international assistance to build again what the old Anuradhapura kings built, he had said as we looked at his paintings.)

Here and there in the east you pass through market towns. But outside of them it is difficult to see how little hamlets of three or four primitive houses spread along the road manage to survive. The land is parched and ungiving. The rice paddies, which are occasionally large but mostly tiny terraces, require irrigation and seem to yield a tough variety bred for harsh equatorial heat and aridity. There is nothing like industry.

Chitral has a new case out here, near a town called Dambana. There are, in fact, several cases, and there are to be several more by day's end, for one will lead to another, and then another: police blackmail, arrest on fabricated charges, arbitrarily applied statutes, an uninvestigated murder, and so on. Law is enforced here even more unpredictably than it is elsewhere. One of the most powerful men in the district appears to be the wildlife conservation officer, who seems able to bring or threaten charges of poaching, trespassing, illegal occupation, and other such offenses more or less at will. He is feared in Dambana, the way the police are feared elsewhere.

DOWN A LONG DIRT TRACK, with a strip of thick grass in the center, we come to a clearing in the forest. We are in a village called Henanigala, and we have come to visit a group from the Uruwerige tribe, an indigenous people native to the Dambana district. It is here the tribal elders have asked Chitral to come.

Progressively since the 1930s and 1940s, the Uruwerige have been treated roughly the way white Americans once treated Native Americans. After independence, successive governments made successive promises—land, funding, support of various kinds—but then failed to deliver on them. Eventually the great Mahaweli dam projects got under way, and the Uruwerige were forced to move from the forest that had been home—a forest in which they hunted, a forest that fed them—onto a small patch of designated land, in effect a reservation. Roughly eighty families were promised a new forest, some rice paddies, and supplies.

"What were you given?" Chitral asks.

"Rations provided by an international organization—the U. N., I think. Dahl, rice, oil, salmon tinney. We also got some money to build latrines and wells. But no forest."

The man who is speaking is a bearded, solidly built sixty-three year old named Taepal Bandiya, who is the deputy chief. He is clear-eyed and wears his hair bound in a topknot. He is in native dress: necklaces, no shirt, a colorful sarong, a small canvas bag filled with betel nut at his waist, and a *keteria,* an axe-like tool used to cut meat. Bandiya is reserved and he is angry, though he contains his anger by concentrating as he talks on the preparation of some betel the elders will share.

Another man, whose name I am told later is Uruwerige Lokubanda, said, "Now the seventy-nine are a hundred and nine. Others have also come. Altogether we have four hundred to six hundred families here now, and the same amount of land. It is not enough."

It is an involved case, a story Taepal Bandiya and the chief, Thalavarige Daiyar Bandiya, have told many times before. Chitral is taking notes. The tribal elders are speaking in a dialect—something close to Sinhala but still requiring an interpreter.

Sixty families, it emerges, have already returned to the original forest, and others plan to do so. "We'll be happy to live as we did for many

generations before we came here, Lokubanda said.

But there has already been trouble. The sixty families who have moved back began to build houses. And this prompted the wildlife officer to begin arresting them. When they reach this point in their story, Chitral begins to advise them: what they can do for themselves, what Janasansadaya can do to help them help themselves.

I AM ABLE TO CONVERSE very little with the Uruwerige. They are welcoming to the stranger who is even stranger than the strangers from far-away Colombo. But they are much taken up with the details of their predicament: It is plain that they consider themselves in a crisis now. They have reached out for help and are eager for it. Equally, there is the matter of interpretation. For me to converse we must go from English to Sinhala by way of Shanthi and from Sinhala to the Uruwerige dialect by way of the young man interpreting for Chitral. A reply comes back by the same arduous route. Under the circumstances, it is too much to ask. Later, when we share a noonday meal and walk through the hamlet of a dozen or so thatched huts beyond the clearing, it will be easier to talk.

For now, something else tells me to remain silent. I am not on the rug.

The rug is maybe nine feet by twelve feet, woven in a geometric pattern of red and black. The tribe had set it out on a clear patch of earth amid some shade trees. There are six men seated on the rug: Taepal Bandiya, Uruwerige Lokubanda, the chief (a ninety-five-year-old who speaks little at first), and three other elders who do not speak. Younger members of the tribe surround this group and listen attentively, their toes coming up to the edge of the rug but not touching it. All the women and children are some distance off, gathered around the doorway of what turns out to be the old chief's hut.

Chitral, like me and like the young men of the tribe, is not on the rug. Only when he begins to speak does Chitral take off his shoes and step onto it.

What is the rug? What is the topic under discussion? They are the same in a certain respect. The rug is the public space of the Uruwerige. It is reserved for the elders, those who lead, those who guide, those who decide in matters relating to the tribe: Where will we go next? When shall we harvest? Where shall we hunt this year? Where shall we fish? These

are matters determined on the rug—public matters, whether the rug is actually there at a given moment or not.

The discussion on the day of our visit was especially complex in this respect. It concerned another public space—the public space called "Sri Lanka." This was the point of the long story the elders told, beginning with the promises of the first prime minister after independence. The old chief, who finally began to speak a little more, remembered them. Taken all together, they were promises of a place in Ceylon, and then in Sri Lanka, but no such place had ever been opened to them. And now they were rejecting it, as if to say, "We do not want to be part of the public space called 'Sri Lanka.'" Hence Lokubanda, the man who spoke after the deputy chief: "We've decided to go back to the forest," he had said.

So the un-modern rejects the modern. The public space of the rug is preferred to the public space of what is supposed to be a modern nation.

As the story the elders told drew to a close, the enormity of the moment became clearer. They had defended their rights and way of life for years—in Colombo, before various international agencies dedicated to the world's indigenous peoples. Now it was court cases; now it was "back to the forest," laws and conservation officers notwithstanding.

After lunch, we take a walk through the hamlet. The paths are of earth pounded smooth by bare feet and the soles of sandals.

Chitral asks, "Are the young ones following the rituals?"

Lokubanda replies immediately.

"Not really," he says. I give this way of life ten years, and if there's no solution to the land problem we'll disappear with the older generation."

This provokes some discussion. Then Lokubanda continues.

"When we were in the forest we knew how to use it. When the Mahaweli diversion project started in the early-1980s, that's when the destruction of things started. The younger generation is different. Look at the way they're dressed. They wear caps and T-shirts. They don't even know the language. When we try to teach it they're not interested. It's not taught in school, so the children get used to Sinhala."

Chitral put in, asking the young who were walking among us, "You can learn whatever you want in school, but why not cling to your own language?"

Another lively debate erupted. Someone whose name I did not learn said, "We're supposed to keep our community intact. It's not only the dress, but also the language."

Then Lokubanda again: "They may go to school, but they don't have jobs."

Amid some trees at the far end of the hamlet, we come to Taepal Bandiya's hut. It is a single room with thatched walls and roof, raised on a neatly shaped mound that lets the rain drain away. The floor is smooth, hard earth, neatly swept. In a corner there are a few simple belongings beneath a wooden platform that serves as his bed. There is a single window and a door, both open.

"I rebuild it every few years," Taepal Bandiya explains to me. He is a bit house-proud.

"I imagine you've never lived any other way—and won't, will you?"

The question is translated. Taepal watches me as he listens to the interpreter.

Then: "How could I feel the wind? Or smell the rain when it's coming? How could I hear the animals? How could I listen to the trees at night? How could I see the stars?"

AT DINNER ONE EVENING IN COLOMBO, a man begins to complain to me about the discrimination against Tamils all around us. "It is never stated, but it is everywhere."

He is Tamil himself, a barrister and also a wealthy business executive: well-dressed, well-spoken. He knows, despite his success, that he is also a victim: It is his society that is collapsing. He lives amid the violence, too. He lives amid all the signifiers—the advertising, the posters, banners, signs, symbols, all subtly declaring Sinhalese superiority, relentlessly and therefore invisibly.

He pulls out his identity card, the usual document covered in clear plastic. Even the Uruwerige had identity cards.

"This is what I mean," the business executive tells me.

We are sitting at a table on the lawn of his club. It is evening, and I can see the card but not what is on it.

"This is what I mean," he repeats. "If I am Sinhalese, my identity card will be written in Sinhala. That is all. If I am Tamil, it will be in Sinhala and Tamil. As soon as a policeman asks for your identity card, he is informed: It tells him what you are."

Difference, I have long noticed, is most important when there is no difference.

IN NUGEGODA, THERE IS a Buddhist temple near my house. It is just the opposite side of the lane leading off Stanley Tillekeratne Mawatha, the busy commercial street. At first glance it does not look like a temple. It is a windowless block of a few stories: It could be anything. Only after a few days do I realize that the featureless block is a Buddhist community center, with some monks within and a place to pray.

In the evenings, I developed the habit of sitting on the doorstep of my house. In the cool of the hour or two before nightfall, I would fix a gin and tonic and gaze at the flowers in my garden, the quiet lane beyond the garden gate, and the flowers climbing the walls of my neighbors' gardens. At a certain moment servants would emerge from the house just opposite with garden hoses. The splash of the water on the leaves of the bigger plants made a pleasant sound, a sound well-suited to the day's end.

Then some chanting would begin, a thick, wave-like collection of deep voices, all those of men, washing over the neighborhood. I listened, understanding not a word but sensing, or imagining I do, the reverence for life the Buddhists profess. In the many voices made almost perfectly one, there seemed embedded an acknowledgment of profound belonging. In the persistent, unfaltering drone I imagine I hear some suggestion of shared suffering and burdens.

The chanting would continue for some time, and I would always try to wait until it finished before going inside with my emptied glass. The light would fade and the mosquitoes gather, but the chanting would go on.

It covered the neighborhood, and the neighborhood, it seemed to me, was oddly accepting of it. There was no sense of intrusion. The chants were simply part of the daily life of the quarter. They covered the quiet of Thilaka Gardens, but they were part of the quiet, too.

Then it would stop. Quite suddenly, with a clean, abrupt silence, the chanting would come to an end. I used to wonder if those chanting read from a book, as in a Christian church—'Please turn to hymn number 235"—or chanted from shared memory. I lingered over this point on some evenings and finally guessed the latter: It was all from common memory—or so, once again, I imagined.

The instant the chanting stopped, the cacophony of the busy commercial street took over, filling the empty air of Thilaka Gardens. Before the chanting, I had not even heard it.

In those first days after my arrival, I liked the chanting at the end of the afternoon. It added to the calm, settled atmosphere that pervaded Thilaka Gardens. It reminded me that I was discovering a new place. Then, after a time, the Buddhist chanting revealed itself in its proper context. I had begun to understand language and religion and culture in Sri Lanka. I had begun to understand the question of public space in Sri Lanka. And I never listened again to the chanting in the same way.

IN MOUNT LAVINIA I MET a jeweler, a dealer in gold and stones. His name was Faahik.

He was a stout, kindly man, and he had a younger assistant (perhaps a nephew—I was never sure) named Nazar. I liked them. I tried to visit Faahik's shop whenever I went to Mount Lavinia, and eventually I bought a small aquamarine, a stone rather specially identified with Sri Lanka.

Faahik and Nazar were Muslim. And in the course of my visits, we developed a kind of running conversation, the three of us. We always spoke honestly and easily among ourselves.

"You have been in Sri Lanka for a long time now," Faahik said one afternoon after I had made numerous visits. He was accustomed to the tourist trade. How long does the average tourist stay—a couple of weeks at most, perhaps? I had been there far longer. Faahik seemed a little mystified.

"I'm researching a book."

"A book. What kind of book?"

I never welcome this question. It is always difficult to summarize one's intentions. But Faahik was becoming a friend. It was an obvious, harmless thing to ask.

"It's about, well—it's about how Sri Lankans live. It's about some institutions—the judiciary, for instance. It's about how people think, you could say. There is some history. There is some… psychology."

With this last I pointed my index finger at my temple and rotated it a few times. I had no idea whether Faahik had grasped anything of what I meant. To describe any book in a few sentences of conversation is a nearly impossible task. To discuss one as yet unwritten is entirely so.

Faahik was instantly intrigued.

"You'll write about the Muslims," he said. It was partly a statement, partly a question, partly an exclamation of surprise.

"In the course of things. But tell me about the Muslims, Faahik."

And so Faahik and Nazar did. Faahik told me about property in a neighborhood he knew—"a good neighborhood," he said—that was purchased by a Muslim family, the first Muslims to move there. Afterward, there had been trouble with the deed. There was an official investigation, and the family lost the property.

Nazar told me about his children's school and how the boys and girls were separated according to their religions, which means according to ethnicity. At this Faahik nodded. "We are second-class citizens," he said.

I had heard much of this before. I met a senior government official, a prominent jurist and a member of numerous commissions, who happened to be Muslim. Over the course of several days we discussed corruption, bribery, the penal code, the constitutional council. All of this we covered in careful detail, topic to topic, question-answer, question-answer.

Then I put my pen down and closed my notebook. As so often when one does this, the conversation changed.

"There is something else," said the official, whom I am bound not to name. "It's about the Muslim community. There is a climate of fear among the Muslims. You cannot see it. You will have to look to find it. But it is there. I am a Muslim. I can tell you, we are very frightened. We look at what they have done, and we ask, 'Are we next?' It is not a far-fetched question."

They: The Sinhalese majority.

Have done: Done to the Tamils.

The official had taken me aback. I had met him during my first few days in Sri Lanka. And no, I had not yet seen the fear among the Muslims. And I had not yet understood the meaning of the Buddhist chanting. And I had not ever heard a senior government official express such fear of his own government—not in Sri Lanka, not anywhere else.

Faahik once told me another story about his neighborhood.

"We have a call to prayers very early in the morning. You have heard this before."

Again, half a statement, half a question.

"Many times," I said. "It can be beautiful."

"It is not intended as a disturbance. It is not intended as a provocation. It's very brief: just a call to prayers and that's it."

He paused, gazing at me across the glass counter in his shop.

Then he said, "The Buddhists decided they didn't like this practice. Do you know what they did? They began waiting until after the call to prayers. And then they put hymns and chanting on the loudspeakers all over the neighborhood for an hour and a half every morning. An hour and a half. Do you know what we found out?"

Faahik paused again briefly. There was no point in replying.

"We found out that there was no one chanting. A monk was setting his alarm, getting up, putting a cassette in his recorder, turning it on, and then going back to sleep."

Faahik smiled a sardonic smile, the bitterness of which was plain.

"How did you find out about the monk and the cassette?"

"We found out. In the neighborhood."

I never discovered how Faahik knew about the cassette and the monk getting up and going straight back to sleep. It was not inconceivable. There was also a question of intent—also unanswered. How could it be known, short of a discussion with the temple authorities, whether the hour and a half of chanting at dawn (was it an hour and a half?) was at all related to the call to prayers? And so far as I could make out there had been no such discussion. It was idle to conclude one thing or another about Faahik's story. But again, it was conceivable. And this seemed enough—or, rather, too much—by itself. It was enough to see that a Muslim merchant, doing a good business in gems and jewels, raising children, living in a "good neighborhood" himself—it was enough to see that he believed the story he had related.

Faahik said once, in the course of another of our afternoon chats, "In the villages they are calm. Communal feelings are less."

Then: "There are two expressions I will explain to you. In the villages they say, '*Apey rata.*' It means 'Our country.' In the city they say, '*Apey Jathiya.*' This means 'Our race.' It means our"—Faahik searched for the word—"Our Sinhalese-ness."

Politely, respectfully, Nazar corrected Faahik.

"Actually," he said, "in the villages they don't talk about either one."

A FEW DAYS BEFORE THE END of my stay, I left my house in Thilaka Gardens and checked into the Galle Face Hotel. It seemed sensible. My lease on the house was up, and I would have to renew it, or pay extra charges, if I were to stay. It was time to begin organizing my notes and then to make notes on the notes, as writers must, and this was best done

without the bother of daily housekeeping. Better to do it in one of the sprawling rooms at the shabby, old Galle Face, the wooden floors creaking, the westward ocean crashing below, the ghosts of many generations about me—and the green, that complicated remnant of what once was, just outside.

On the Saturday of my departure, Shanthi came for me in the family car. We were to drive to Panadura one final time. It was hot, and the traffic dense. But we drove and talked, neither of us paying any attention to the hour. My flight was not until after midnight.

The previous afternoon, the Asian Legal Resources Commission, the group associated with the one that sent me to Sri Lanka, had lost a long-pending case—a police abuse case, as usual. The judge had found that the accused officer had, as charged, inflicted injuries with undue force, but that this did not amount to torture. As Shanthi put it, the judge had simply ruled, "No, I will not convict." Her mood was grim.

She said, "It wasn't just the case itself. It was something larger. Why should anyone hope? We're all upset in this respect. We tell people to hope. They fight for years. Why should they? Now the harassment will get worse."

I saw the point, of course. Hope is a complicated matter in Sri Lanka—hope, an idea of a better future, an idea of a society free of conflict and corruption. Many people look forward with hope and with these sorts of ideas. But at this point it is hope and no more, because no one seems to have a very specific idea of just how Sri Lanka is going to do better, how it can escape from the trap into which it has fallen. Hope may sustain you, but it can also, as at such moments as the one Shanthi described, betray you.

I also began to see the government's predicament. To acknowledge one wrong, to find for the defendant in one case against a police officer or a ministry or a bureaucrat, would be to acknowledge many thousands of wrongs. It would be to find for the many, many thousands of victims—the victims themselves and all those close to them. In the end it would be to enter a judgment in favor of all Sri Lankans. And it would be to begin a process Sri Lanka has not yet begun: the rewriting of history, if not the writing of a history for the first time.

We were on the road I normally saw from the curtained window of a bus: a rail track, the ocean beyond it, a long row of illegal shacks alongside. And on the other side: more shacks—legal, these—and hawkers' stalls set among them. There were fishmongers, with fresh catches spread out in the sun and quick with flies. Then we came to a river: broad but calm, here and there the poles fishermen used to tether their nets.

"That river," Shanthi said as we rumbled over the bridge, "they used to find bodies floating in it."

Again, a question of history. Consider the fishermen and the families dwelling in the shacks nearby and the fishmongers and the women in saris with plastic bags on their arms, going from hawker to hawker. They would all know about the bodies floating in the river—it had been only a few years earlier. They would remember, but they had no history, and that is a very different thing. History is not the recording of memory. It is the way people are able to escape from memory. When history is properly recorded, people can begin to forget. The burden of memory can be lifted. But without history, the weight of memory remains, memory being all people have.

So it would be for all the people who lived by the river Shanthi and I had just crossed: There is no proper history of what happened. So the past had to survive in their memories. Every one of them, consciously or not, would live with this burden.

In Panadura I was to meet the sister of a torture victim. I had met many such people by this time. I knew roughly what to expect: an abuse incident, an attempt to invoke the law, an outcome that was more or less discouraging, or (as seemed the usual case) an outcome that had been awaited for three, four, or five years—the outcome of no outcome. But each of these stories had told me something. I wanted to hear this one.

By that morning in Panadura I had come to relate what I was doing to the matter of history in some small way. In the ideal, every single story would be recorded. In an ideal Sri Lanka, there would be an immense project—an oral history project, a video-history project, a written history project, a testimonial project, a truth commission—in which all the stories of all the victims were set down, captured. The mode would not be important. The important thing would be the production of history. And I, having sat with a pen and a notebook across a table or a desk from a victim, had assumed a certain responsibility simply by virtue of holding

the pen above a blank page while someone spoke. In that circumstance it was one's obligation to produce some small shard of history, a tiny, irregularly shaped piece of the shattered vase of Sri Lanka's past.

AMITHA PRIYANTHI IS a slight woman, and her almost fragile figure makes all the more noticeable her outspoken habits in conversation. There is also a kind of body language with Amitha. She is relaxed—in her legs, her arms, her posture. She moves with a freedom that, I realize as I watch her, I have grown unaccustomed to seeing among Sri Lankans. There is a reason for this ease, it turns out.

"My home is Payagala—south of here—and I come by bus."

"Come? Do you come often?"

"I work at Janasansadaya."

What brought Amitha to Chitral's office was the fate of her younger brother, Lasantha.

"The Payagala police arrested him, tortured him, and killed him. In the course of taking legal measures regarding this incident, I met with Janasansadaya. He was arrested in 2000. He was twenty-three."

She spoke with a command and efficiency I had also never seen during my interviews with either victims or their relations. Had Amitha always been like this? Had there been some psychological turn? I could not tell and wondered if I would learn.

"What had he done?"

"He was a soldier in the army, but because of the war he was not given leave. And so he came for a holiday and he didn't go back."

There was an inconsistency, and Amitha recognized it at the same time I did. She said, "He had permission for a short holiday but stayed on."

"Do you mean he deserted? Is this what we are talking about?" I had heard this was not uncommon in the Sri Lankan military and that it frequently happened in precisely this way: A soldier takes leave, then disappears in the village, absent without leave. There were many cases.

The problem was apparently acute enough that the army looked the other way if a deserter returned within a short period.

"He had no intent to go back," Amitha replied.

"Why?"

"They continuously kept him in Jaffna, and there was no one to look after his wife and baby."

"Did he have a view on the war?"

"I think both influenced him. He wasn't happy about the war, and then the family situation."

"Had he seen combat?"

"Yes."

"Did he have a view on the 'ethnic problem,' as it is called?"

"There was a sense of frustration in him."

We continued along these lines for some time. Lasantha, by his sister's account, was opposed to the war but had not given it much thought and had no "solutions," as Amitha put it. It seemed more a matter of an individual unsuited to the military fighting a war he knew little and cared less about. As Amitha spoke, I had to remind myself that Lasantha was a villager and would've had a villager's perspective. It was unlikely he shared his sister's attitudes or her poise.

Amitha said, "He stayed about six months. Then the police asserted he was an army deserter. Then the arrest and assault. He was five days in the police station. Initially we were told they would take him back to the army. But later he got word to my mother he was being assaulted and that she should tell the army."

"Are you able to tell me how he was tortured?" It was a question I often thought better of asking. But Amitha remained calm, answering matter-of-factly.

"A person in custody with him gave evidence saying they placed heavy books on his head and then hit the books with clubs."

Shanthi put in, speaking softly, as if delivering a voice-over narration, "It causes serious internal injuries but leaves no external marks. It's not the first time."

Then Amitha again: "They put him on a bench and hit him on the soles of his feet. They bathed him afterward. This person"—still the person in custody with Lasantha—"said on one night they had both been assaulted together. Thereafter they remanded him. He had taken ill, and they took him to the prison hospital. He died there."

Here Amitha ticked off a list, gesturing with her fingers as if counting. "Internal injuries. Internal injuries leading to haemmorhages. Haemmorhages infecting the kidneys."

The legalities began immediately: a complaint to the Human Rights Commission, a fundamental rights case filed in court. Amitha, with her five surviving siblings and her parents behind her, won eight lakhs—eight hundred thousand rupees—in the fundamental rights case: a significant ruling, she thought because it created a precedent regarding the rights of the next-of-kin to seek redress through a fundamental rights application to the Supreme Court. She also won a case in magistrate's court when a doctor testified that it was homicide—death by assault. Criminal charges—culpable homicide—were then filed against one police officer.

Then came the complications. The non-summary inquiry in the homicide case took six years—until March of 2006. The case had gone to the high court, but the attorney-general had yet to file an indictment. In the course of these delays, the officer charged absconded.

"It was during the *tsunami*. He played a victim and disappeared."

No, Amitha said, it had not gone well, apart from the ruling in the fundamental rights case. But it had changed her. At Janasansadaya, she worked with others making their way through the legal maze. Two counselors, an Austrian psychologist and a former priest, had trained her, and now she, too, counseled other trauma victims.

At thirty-seven, she was also a stepmother. The baby Lasantha had deserted the army to care for was now eight.

"The boy's mother left. My parents are getting on. There wasn't anyone else."

I have not reproduced Amitha Priyanthi's many remarks about justice and her determination to seek it. Others portrayed in this book have said similar things. "I wanted justice for my bother and to insure this never happens to anyone else," she said. And: "It's important the rights of people in this country are safeguarded." And: My work involves the quest for justice."

But there was something else—something Amitha showed me rather than told me. There had indeed been a transformation in her. It had something to do with her thinking—the way she understood what had happened, the meaning she had found in it. No, her brother had expressed no strong opinion about the war. He was a villager with a villager's views. Amitha had a larger view. She had said, "people in this country," and had spoken of "implementing the law." There was also Amitha's pride—a fearless pride, not without sadness but certainly without diffidence. It reminded me of the pride I had sensed in the old accounts of, say, the Bracegirdle incident, or the pride that came through in the stories Vijaya had told me as we sat on his verandah.

She was not a victim, Amitha, any more than Vijaya had been in his younger days, or the people portrayed in Stanley Kirinde's paintings. She stood in public space, as they had—now one of a very few. But in the past we sometimes find at least the suggestion of a possible future.

AS I WAS BEGINNING this project, a professional acquaintance asked me about the nature of it, and the topic of the war inevitably came into the conversation. The war is all most people outside Sri Lanka know about the country, and this they understand only in its broadest outline. "What can they possibly be fighting about?" my acquaintance exclaimed. "Tamils and Sinhalese. What's the difference?"

He was American, a senior editor at an influential international newspaper. And his question, I remember well, stunned me into silence for a moment or two. It seemed to me the height of insensitivity, some Orientalist failure to grasp even the most evident details of other people, to say nothing of their history. What ignorance, I thought to myself, and in such high places. It was a wonder to me.

Now I wonder something else. "What's the difference?" Can ignorance give rise to a question that is interesting despite its origin?

Near the end of my visit—perhaps it was on that final day—Shanthi confided in me. "Few know this," she said. She seemed to have come to a decision about what she was about to tell me. We were driving, as we often were during our long conversations.

"I am half-Tamil. In the family we never discussed it. It didn't matter to anyone. And I speak no Tamil."

Then she told me a few details about her upbringing. Her grandparents, on both sides, were unusual people, she said. At St. Bridget's there were certain rituals. When the Tamils in class had to stand, she was required to stand with them. Everyone had to stand in this way—the Sinhalese when the Sinhalese were called to stand, the Muslims when their turn came. Much later Shanthi wrote to me about this: "It made us conscious that there was a difference between us, and for me it was also confusing—was I Tamil or Sinhala? And why did I have to choose one parent over the other? It was my mother who gently advised me to stand when the Tamils were called, 'because Dada was a Tamil.'"

It put Shanthi in an altogether strange position: A witness to some distinction invested with great meaning, a distinction that had torn the country into two since one fateful decision in 1956, but one that, from her perspective (and from her life as she had lived it), had no meaning.

At the end of her revelation that day we were driving, she asked the very question my American friend had put to me. "So there is no visible difference. No one can tell. This I know for a fact. What is the difference, then? It is history. It is what is carried in the mind."

HISTORY IS PUBLIC. History is the past of public space. All public space is historical by its very nature: There is always within it a reference to history, to what came before, to what is known and recorded. History validates public space. Without the historical dimension, public space would lose all meaning. It would become a matter of memory, and memory, as opposed to history, is private.

People who live without history suffer. As I have already suggested, they must keep the past alive in their memories because there is no written

record of it. Memory thus weighs on people, and in time on their children, and in more time the whole of a people's consciousness is colored by memory. They become a burdened people, such as the Mayans in Guatemala, or the Cambodians. Or, like many younger Cambodians, they lose all relation to the past because they have no history and memory alone is too burdensome for their parents to pass on.

This is why the work of truth commissions in places such as South Africa or Central America or Indonesia is important. The past is recorded. There is a written record of "what happened." There is history—an authentic history of the past as it was truly lived. And when there is history people can begin the important work of forgetting and the building of a future.

To despoil history, then, is to despoil public space. To neglect it altogether is to neglect altogether what is commonly held. In a nation without history there is no public space—not in the true sense. In the final analysis, there is no nation—only individuals with addresses and memories.

"It is history," Shanthi had said. "It is what is carried in the mind." She was right about this, but only partly. In a land where one needs an identity card to show that one is of one "ethnic group" or another, where "I and thou" becomes "I and it" in the blink of an eye and "you" become an "other," what is carried in the mind is indeed essential. It is practically all there is. This is Sri Lanka: It is what is carried in the mind that counts.

What about history, then? On this point Shanthi was wrong. Yes, there have been formidable histories of Ceylon and Sri Lanka. Notable in this respect is the work of K. M. de Silva, the historian in Kandy. But de Silva's book, *A History of Sri Lanka*, is not the history Sri Lankans share. It does not define the past of public space in Sri Lanka—not as people commonly think of it. The past in Sri Lanka has been both despoiled and neglected. And it is the despoiled and neglected past, not history, that Sri Lankans carry in their minds. The paradox is plain: History matters in Sri Lanka, but there is no history.

Instead there is a mythical past, the past of Vijaya, the legendary voyager from northern India who, with seven hundred companions, is said to have come to Sri Lanka sometime in the fifth century B. C., whereupon the Sinhalese became Sinhalese. This is the past of great kings and great stones and great tanks. It is the past of we-were-here-first

and ours-was-the-great-civilization. It is not a human narrative; it is not inhabited in the way history is by definition (and certainly not by those we now call the indigenous, who arrived at least ten millennia before Vijaya).

Neglect is the malady of modern Sri Lanka. In the past quarter century the nation has created a problem of historical neglect that will require at least as long to resolve. I have touched upon this matter already in previous pages. What did Clifford Perera mean in his improbable talk of civility and its relation to medical-legal reports? Without even knowing it, perhaps, he meant to assert the importance of the making of history.

In a country where estimates of the disappeared range from thirty thousand to double this figure—in a country so unknowing of itself—the work of history is more or less endless. At this moment, based upon all of the accounts I have heard concerning the police and the judicial system, the direction of things has not been reversed: Ground is still being surrendered to neglect, the enemy of history, the enemy of public space.

AMUSEUM, MOST EMPHATICALLY a national museum, is among the most public of spaces. It is also a text. One finds in a national museum what matters to the community it serves—the way it thinks, the structure of its idea of itself.

This is who we were and how we got here, a museum of this kind will tell you—and therefore (the subtext, always) this is who we are. Attentiveness is important: There is what counts and what is valued most, and then, in the absences, there is what matters less or not at all. One can read a museum like a book.

Sri Lanka's national museum is commonly called the Colombo Museum—a small but interesting point in itself—and it sits, like a grand old matron dressed in summer whites, on a road called Sir Marcus Fernando Mawatha in Colombo 7, one of the capital's best neighborhoods. The first thing a visitor notices, apart from the building itself and its rows of arches, is a great enveloping *bodhi* tree, a *ficus religiosa*, off to the left of the entrance. And then in front of the tree: a sitting Buddha. And then at the entrance: a large, commanding limestone Buddha from Toluvila, in the Anuradhapura district, dated 800 A. D., the middle Anuradhapura period, carved in the *samadhi* pose, "connoting the perfect mental state of the Buddha."

In the seven decades the museum stood under British rule—it was built in 1877—it seems primarily to have housed early artifacts—pots, tools of stone and bone, a burial slab. Much of this survives and takes up several of the ground-floor galleries. Then one passes into the periods from which more detail survives, the periods that bear the museum's message.

There is Vijaya, of course, who enters the narrative by way of a text on a plaque:

The transition from Pre– and Proto–history to the historical period in Sri Lanka begins with the Indo–Aryan settlers headed by the legendary ruler Vijaya from North India around the 5th century B. C., thus commencing the Sinhalese race.

This is sloppy logic and very sloppy writing—sloppy and provocative. There is the problematic word "legendary." Are we acquiring a notion of history in these galleries, or a creation myth? Was Vijaya an historical figure or not? Was he, as some scholars assert, a composite, a figure created out of multiple figures to bear forward the story of "the race"? We are not to know. But we are to understand, nonetheless, that pre-history ended and history began rather precisely with the arrival of the Sinhalese.

Then the problem of "the Sinhalese race." By even the most lenient of definitions, the Sinhalese are not remotely a race. And the scholars of our time are moving further and further away from any such notion: Contemporary thinking is such that the very notion of race is losing its validity. In any case, one has never heard of an heroic adventurer arriving somewhere and "commencing" a race. It is, *prima facie*, an impossible idea.

We then enter the era of the kingdoms, which, along with Anuradhapura, are enumerated:

Mahagama, Gokahna, Kalyani, Nagadiya. Then:

In the 5th century A. D., yet another temporary fortress kingdom was founded by Kasyapa at Sigiriya. Trade and political inroads of the South Indians gradually increased the settlements of the Tamil population as well.

So do the Tamils come, a bit sideways, into the story.

For the kingdoms there is much detail—much of it quite interesting. There are explanations of agriculture and irrigation, health and sanitation, the use of coins, language and literature, the evolution of script, and so on. There is a captivating model of one of the early irrigation tanks, indicating the mechanics of how they were managed and how they distributed water. They were ingenious, these feats of early engineering.

Then it is back to the Tamils, if briefly. A plaque reads:

The presence of Tamil rulers in Sri Lanka from pre–Christian times indicates the practice of Brahmanical or Hindu faith, yet in a subservient tone due to the pre-eminent position of Buddhism.

And so on. A few galleries in, and we are already quite beyond mere sloppy writing. Sinhalese history is to be told from the inside out: It is ours. Tamil history is to be told from the outside in: It is theirs.

There are some very fine Hindu sculptures—bronzes. But there is a problem with them. We must question their provenance, it seems—where they came from. Possibly they are not Sri Lankan because they are so well made.

A plaque explains the case:

The portrayal of these bronzes is of such high excellence that they were considered to be products of South India. However, several distinct features, such as the mode of dress, the attitude of sitting, etc., are peculiar to Sri Lanka, and as such some of these sculptures would evidently fall into the category of products of a Sri Lankan repertory.

It is ordinarily a little uplifting to see schoolchildren being led through a museum, one object or another capturing an imagination or two and bringing the past suddenly to life. In this case the groups of fidgety, crisply dressed children, some in white shirts, some in blue, seemed a sad sight as they moved swiftly past the glass cases. I found myself hoping that they would miss the point entirely.

At the front office I asked for the curator. There was some confusion, and then a man appeared. His name was Ranjit Hewage, and he was not the curator: He was the museum-keeper.

Young, apparently innocent of the narrative advanced in the museum he oversaw, he was proud, most of all, of a recently completed renovation on the ground floor, the galleries that contained the story of the Sinhalese. The central attraction, he told me, in a room all its own, was the throne of the last king of Kandy—originally a gift from the Dutch, then booty for the British, and then returned by Edward VIII in 1936.

"It is all rather heavily Sinhalese, Mr. Hewage. Don't you think?"

He seemed not to register why I would ask such a question and gazed somewhere off my right shoulder.

After a pause he said, "But we have a good collection on Hindu. We have very beautiful and unique Siva images. They are in Gallery Four, with Parvati, Siva's wife, and some other figures. In Gallery One you can see Surya figures, '*surya*' meaning 'sun,' and Kali, one of the Hindu goddesses. And there are many Hindu stone objects in Gallery Seven."

And so on.

There was one other thing I wanted to see, and I asked Hewage about it. "Are there any exhibitions having to do with modern history, Mr. Hewage?"

There were, in fact, and I would have to walk through an unrenovated part of the museum: up a staircase, through two galleries, go outside and follow the porticos, go past two galleries of early paintings, past a collection of watercolors by Andrew Nicholl, a colonial-era painter, through another portico, past stacks of empty display cases, through a gallery of old furniture piled as if in a second-hand shop. And there I would find it: modern Ceylon, modern Sri Lanka.

It began to sound as if Sinhalese history would be told elaborately, Tamil history briefly as someone else's, and modern, national history, shared history, was not to be told at all.

The stairs creaked as I climbed to the upper floor. In the vast galleries at the top, my footfalls echoed, knocks on wood. There were a couple of dozen superb *kolam* masks—the satirical caricatures depicted in the old folk dramas: pretentious ministers, village headmen, heckling housewives, drunks. They made me laugh aloud, as did the *pali* masks—masks of demons, which were mixed in with the *kolam* pieces.

In another room, there were collections of indigenous artifacts: bows and arrows, fishing gear, kitchen implements, baskets, none with an explanatory plaque. These galleries had not been touched in forty years, Hewage had told me. This was a museum for the great tradition, not the little.

Along the old verandahs, through more galleries and the storerooms, past the doors of still others, I came to a filthy, musty room with a door giving on to a walkway. Inside, it was like standing in a stranger's attic. There was no order. No care had been taken. I switched on the light.

Along one wall there was a massive desk, larger than a billiard table, and on it an ancient telephone with a thick, frayed cord. In front of the desk, on a raised platform, sat an elaborate horse-drawn carriage with intricate brass fittings and a lacquer finish dull with dust. On the walls around me were rows of water-stained photographs.

Whose desk? Whose carriage? Who was in the photographs? I could tell nothing, for what caption cards had been written were in Sinhala only.

I stood still for several moments and gazed around. The walls were peeling, and there were signs of leakage near the windows. Two fluorescent tubes lit the room—a third being out of order. Above me, a ceiling fan creaked. It was the only sound, and it made me wonder: How long had it been since anyone had come to this, the gallery of modern Sri Lankan history in the national museum?

THE CORROSION, OR CORRUPTION, OR NEGLECT, or misuse, or ignorance of public space and its value is hardly a problem unique to Sri Lanka. One could say it is a problem in one way or another throughout Asia—without a single exception—but this would be too narrow an assertion. Public space is a problem practically everywhere, including in the societies that invented it in its modern form and claim to be its champions and defenders today. The Americans in Iraq, claiming that they can somehow transplant democracy in another nation, are defrauding all those who take the thought of public space at all seriously. Democracy is not an export item; it does not arrive on ships or cargo planes. By definition it must spring from within—a point Americans ought to know better than anyone. Beneath this argument for the export of democracy lies another: an argument for the creation and maintenance of public space. But it is the same: Public space in Iraq, whatever form it may

eventually take and whatever the influences it comes to reflect, will be of Iraqi design. Americans, in any case, have little to teach or give the rest of the world by way of public space. Their own is under considerable threat and cannot, in the way it actually works as opposed to its ideal, be taken as a model for anything.

The most enduring symbol of public space we have is the Greek *agora*, a marketplace that evolved into a forum and became, during the period of classical Athenian democracy, the center of public life. This consciousness of public space, among the greatest of the gifts of the Greeks, was reflected again in Rome and, many centuries later, at the start of the modern era in the West, in Britain, France, and the young United States. The public architecture that survives from this period tells the story well enough. But the best-preserved *agora* we have is in Izmir, which the Greeks called Smyrna, and this suggests a story, too: The notion of public space developed primarily in the West, but this does not mean there is anything especially Western about it.

In the East, the emphasis was less on public space in the Greek or Enlightenment sense and more on families, clans, and extended households. It was by way of these that interests were defined and then advanced in the public sphere. So it was a different model. But we should think less in terms of radical distinctions than of tendencies along a continuum. There was always public space in Asia, even if it was only a rug, and there were always great families asserting themselves in Europe and America.

What about Asia, then—Asia now?

Setting aside the evident decay of American institutions and Europe's protracted effort to find a new, more inclusive idea of what it means to be European (or French, or British, or Spanish, and so on), how does the question of public space apply to modern Asia?

The answer to this will vary from place to place. Public space in India can be fairly described as corroded, but India has one great advantage: Its institutions are fundamentally sturdy, however deep the corruption in some of them. Public space is an established fact. In China, the greatest contention of our time concerns public space: the struggle of citizens to establish it, the rulings party's determination to make sure none develops. To look quickly at Singapore, one might conclude that it is blessed with a vibrant notion of public space. On close inspection, of course, all such

space is monopolized by the governing party. The mainland's leaders, we can say, would like nothing better than to make China a gigantic Singapore—1.3 billion producers and consumers but not a single citizen, not an inch of public space to walk across.

Against this background, Sri Lanka is especially tragic in the way it has destroyed its public space. It has not proven sturdy, like India's—not as manifest in its institutions and not in people's minds, the edifice within, the public space within. There are two reasons this great lapse can be called tragic. They are simply stated and closely related: They are need and opportunity.

LET US GO BACK TO GALLE FACE GREEN. Let us stand upon it, or (if they are still trying to bring the lawn back) along the graceful promenade that runs between the green and the strand of beach where the Indian Ocean begins. Maybe the sun is setting—maybe it is one of those slow hours at day's end, for which the green is justly famous. So we look westward, we watch the sun, the clouds, and the ocean, and we contemplate some things.

What did the British colony called Ceylon have in 1948, when it became a dominion (the last bit of the empire to be so designated)? It had needs. It was a multicultural society, it spoke several languages, and it was multi-religious (or even multi-multi-religious, given the extraordinary mix). All this had to be accommodated. And it had a population of seven million or so, almost all of whom were considered and considered themselves to look upward from below, and almost none of whom had ever entered public space.

Ceylon at that moment also had opportunities, and the list is somewhat similar: It was multicultural and spoke several languages. It was multi-religious. It also had the institutions the British would leave behind. This would be complicated. The British could not give Ceylon democracy or public space any more than the Americans can give these things to Iraq. But it had, by history's circumstances, a basic endowment of public space that could be expanded and adapted to remedy the above-and-below question—to accommodate the unaccommodated, to include the never before included.

So the needs and opportunities overlapped.

It is rarely of much use to compare one nation with another. They are all too different. Of greater benefit is to compare a nation with two other things: what it was and what it could have been—that is, to compare it with itself. This brings us to Sri Lanka's tragedy: what it was, what it is, what it could have become. It had four and a half centuries' experience with strangers in its midst at the moment of independence. It had two millennia or so of cohabitation of two peoples from two different part of the same mainland, not to mention the centuries it had been home to Muslims, Burghers, Malays, and other minorities. Could it not have become the very model of late-twentieth century multiculturalism and secularism, a model of tolerance and diversity others could only look upon with envy?

There is also the question of language: Stripped of its political and psychological charge, stripped of all sentiment, could not English, now the global language, have become every Sri Lankan's second tongue, rather in the way of the Dutch? As it is, the language phenomenon is now among the world's oddest: The older a Sri Lankan is, often the better his or her English is likely to be; the younger, the worse. It speaks for the whole: A relatively new nation with one of the most promising opportunities to develop a global identity to its advantage now sits on the sidelines of the global century, left out of the coming and going Naipaul wrote of, inward turned, absorbed in differences that make no difference.

TO RE-ENTER PUBLIC SPACE IN the Sri Lankan case is to re-create it. And to re-enter it is, indeed, the only way to re-create it. Context counts for much. To vote, to go to court, to insist that the law be upheld: Elsewhere these would signal one's acceptance of constituted power. In the upside-downness of Sri Lanka, where it is a transgression not to transgress, the law becomes an instrument of subversion. In Sri Lanka the ordinary acts of voting or of going to court amount to acts of resistance. Such acts seem the logical way forward, as people such as Chitral Perera understand.

I met many people (though few as a proportion of the whole) who have, in one way or another, stepped into the vacancy of public space. I have described some. There were others. They seemed to share something. Like Chitral, none had any idea of heroism. None was sentimental. They had an idea only of what, in their circumstances, needed to be done.

When I knew I would spend time in Kandy, I decided to try to meet K. M. de Silva, the scholar whose book, *A History of Sri Lanka,* I had often used as a reference. He had had a stroke some years earlier, and it was not

at all clear he would be able to see me. On the telephone his wife seemed gracious but protective.

But there were questions I wanted to ask. What was his view of Bandaranaike and the 1956 language law? I was still mystified by the habit of many to overlook the calamity of the language law and credit him with "giving a voice to the voiceless," as it was often put. What was his view of the future? How could Sri Lanka imagine a future different from its present?

De Silva received me in his office at the International Centre for Ethnic Studies, which he had directed since it was founded in 1982. Cool, shaded, simply furnished, quiet—the place was a sanctuary up a narrow lane that ran off a main thoroughfare. He spoke slowly. "I'm coming along all right," he said when I asked about his health, but I could see he would tire easily.

So we moved from subject to subject quickly. We covered Bandaranaike and 1956—"a disaster"—the judicial system—"the C. J. is an embarrassment more than anything else"—the war in the north and east—"a political conflict, not an ethnic conflict, that has got out of hand"—and a solution to it—"a federal state giving Tamils and other minorities greater influence in political affairs than they have at the moment."

I did not ask the question I was most curious about. It could not be usefully posed. He would either answer it or not in the course of our exchange.

A History of Sri Lanka did not strike me as a book without flaws. It left things out, notably in its sections on post-independence history. It had a tendency to favor the "great man" view of history, as opposed to the work of a scholar such as Nira Wickramasinghe, a younger historian who considers how ordinary people lived and came to think of themselves—influenced, perhaps, by the approach made famous by what is known as the *Annales* school. Still, I wanted to know why de Silva wrote the book. It seemed an attempt to give Sri Lankans a past that they could legitimately call their own—common property of a sort. It seemed a response to the question I had formed the night of my arrival: It seemed to say: This is what it means to be Sri Lankan.

Even before the end of our conversation I had the answer to my unposed question. He was an historian (of whatever school) and this made him a public man. The book was a small stone, made of the past, upon

which a small bit of a future might rest.

"Do you consider Sri Lanka a 'failed state'?"

It turned out to be the question that stirred de Silva most. In his reply he took the care a conscientious professor would with a student.

"Not a failed state," de Silva exclaimed. "It is failing and could fail, but it isn't 'failed.' The state still provides services to people. When all is said and done, there is law and order."

The question was much in the air at the time. A few months earlier, an American research institution had rated Sri Lanka twenty-fifth in a ranking of troubled states, and the survey had drawn much attention in Colombo.

Failed or failing: It was not a distinction that, in the end, seemed of much interest. One way or the other it changed nothing. But I acquired the habit of posing the question whenever I thought the answer might be illuminating.

"FAILED."

I am talking to Victor Ivan, a noted journalist in Colombo, a stubborn occupant of public space. And I have put to him my question.

We are in his offices at *Ravaya*, the newspaper Ivan founded in the 1980s, the journal many say is the only one left in the nation that reports truthfully—"without fear or favor," as the expression goes. There, with a dirty ashtray between us on his desk, he is offering his reply.

"We have to accept the fact that we live in a failed state. It is us. It is ours, an ugly country."

"Let's say 'failing,' I suggested, recalling de Silva. "Not 'failed.'"

"Failed. It's not a theory. It's not just an ethnic war. It's the whole thing: public transport, schools, all of it. The media are a problem. The intellectuals are a problem—they will never come out and articulate their views independently. The judiciary, the bureaucracy, civil society. Show me one thing working in a really nice way."

Ivan spoke like this, in his gravelly voice, the voice of a heavy smoker, a voice that made the word 'nice' seem rather strange. He was given to rapid-fire phrases. He was blunt, acerbic, without sentiment of any kind. I liked him immediately. One of his hands was bandaged—an injury from long ago, sustained during the insurrection.

He had lived most of his life in public, so to speak. While still in his teens he became heavily involved in the once-radical J. V. P. and the first insurrection, the one it launched in 1971. Seven years of prison followed, years that changed him. He read and he played chess. The chess gave him discipline, and the reading led him through all the old revolutionary texts and down many new roads, and finally to Gandhi. The day I met Victor, *Ravaya* was running the fifty-sixth installment of an apparently limitless series of articles on the Mahatma's life and thinking.

After prison came his own books—thirteen of them by the time I met him—and a series of court cases that lasted more than a decade. He launched the paper in 1986—"during the troubled period."

His path had led Ivan to think, in a kind of distilled manner, about a very few things. My notes from our various conversations show him returning again and again to those things: ignorance, education, understanding.

"If you want a big change you begin with education," he asserted in one conversation. And later: "Educating people—it's very hard." And then later: "If the society can understand, they will remove the top strata and start to build a new state so people can live peacefully and with dignity."

Ignorance, Ivan told me more than once, was as great a problem as corruption. "Ask the legislators. Ask the judges, the media, the bureaucrats. You'll see: They don't know what their role is. They don't even know what it is they are supposed to do."

Ivan offered me a story. Like all good journalists, he put a headline atop it. The headline was, "Why is a society all cut up?"

He said, "Two years ago I attended a conference on investigative journalism in Copenhagen. Five hundred people, all the big guys: *Time*, *Newsweek*, *The New York Times*—all there. I did a Power Point presentation. I showed what had happened in Sri Lanka, focusing on the story of the chief justice. After my presentation I got a big cheer.

"Then a professor asked me a question. He was from the University of Chicago. He said, 'Your story is unbelievable. But what is the reaction in society?'

"I said, 'I don't know how to explain this to you. But we've had two insurrections, one ethnic war, nearly a hundred thousand killed, a million displaced. Our people are living, but some parts of them have died. They don't have social consciences. They don't have souls. They're human beings, but without a lot of things.'"

Ivan then resumed speaking to me directly, outside the frame of the story. He said, "They need treatment. You have to treat the whole society. It isn't normal. It can't be one by one—you have to take the whole and treat it."

He seemed to mean "treatment" in a clinical sense, as if he were talking about a pathology.

I thought of Chitral and Kanthi and Mrs. Malkanthi and the others I had met. I thought of the hundred children who had come to the cafeteria in Kandy. I thought of the court cases piling up in the Supreme Court, the appeals and inquiries accumulating in Geneva. I said, "One by one or all at once, you're still talking about changing minds. It comes to the same thing."

"Of course. Minds. It's where everything has to begin."

"Where does that leave us, then?"

Victor did not seem to hear the question. He was lighting a cigarette. With his good hand he fixed a matchbox in his bandaged hand, then struck it. It was an awkward gesture, but I had come to understand, between Victor and myself, that I was not to offer to help. And I didn't.

About the Author

PATRICK LAWRENCE HAS SERVED as a correspondent, commentator, and editor in Asia for more than twenty-five years, chiefly for the *International Herald Tribune*, *The New Yorker*, and the *Far Eastern Economic Review*. This is Mr. Lawrence's third book. He researched and wrote it in his capacity as Senior Rapporteur for the Asian Human Rights Commission. He is currently resident in Hong Kong.

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"In that first, revealing hour, when impressions accumulate as if pressed upon a blank surface, all that I saw that could be called Sri Lankan were police units, barricades that turned the road into a kind of driver's training track, and army units equipped with automatic rifles and submachine guns. ... There are checkpoints along the road beneath the wall, which rings what amounts to a large military quarter. Drive past one of these and you may be stopped and your papers checked. This procedure might take five minutes, or twenty-five. In such situations the police are free to detain you as long as they wish and to ask you anything they wish, and if you are Sri Lankan you are best advised to set constitutional legalities aside and answer them. Patrolling police and army units enact the same scene more or less constantly all over the city. Whatever the necessity of such exercises, there is a subliminal message in them: If Sri Lanka is anyone's space, it is theirs, not the space of its citizens. Public space is now military space. ... It is this collapsed consciousness that accounts for one of the strangest characteristics of the Sri Lankan people. Amid all the wreckage, amid all the murders and disappearances and abuse, this macabre silence prevails. No atrocity seems to stir them. If anything, the greater the atrocity the deeper the silence. Only the few still know the importance of raising their voices. And among these, still fewer have devised ways of doing so. A friend in Colombo once described Sri Lanka by saying simply, "ours, an ugly country." He meant the brutality, the bloodshed, the corruption, and so on. One must consider whether it is not the silence of the living that is most truly unattractive."

Excerpts from the book

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