CONCLUSIONS

The foregoing examination of the politics underlying Sri Lankan constitutional development accords closely with the main outline of the theoretical perspectives developed in the first chapter. In the process, it also establishes the validity of the propositions sought to be made in the study. In investigating and elaborating the broader dynamics influencing the shift from the socialist-mobilist constitutional model to the interventionist one over the seventies in Sri Lanka; the study suggests the underlying logic for the similar dynamic observable in the other South Asian states over the decade.

We found that in the case of Sri Lanka, its transformation into an export economy directly under the auspices of colonial capital determined the nature and uneven pace of development of her various socio-economic groups. The process of the latter's emergence on the political stage and their conflicts and accommodations with each other and the colonial power influenced the nature of the constitutional structures instituted. These efforts had, as their major objective, the organisation and perpetuation of a consensual management of the social order so as to in effective terms further and safeguard the interests of the classes dominant in the ruling bloc.

In the context of the close degree of identity of interests in the island between the British colonial power and the local dominant classes, the comprador and the landed, the demand for independence that emerged in the first half of the present century was of a peaceful constitutional nature. In the dependent economic context of the island, it was the comprador elements of both town and country which constituted the more powerful and "progressive"
fractions of the indigenous dominant classes in that period. Coupled with the broader strata of the westernised, largely urban professionals, they formed a "colonial elite" which cut across communal barriers and negotiated with the colonial authorities as representatives of the "Ceylonese nation".

The growth of capitalism and the emergence of working class organisations in the political arena in the late twenties and early thirties, led to the abandonment of the earlier class-exclusive communal framework and the adoption in 1931 of the Donoughmore Constitution which purported to institutionalise a "representative, non-communal system of government". Despite the introduction of universal suffrage, however, the limits to this democratisation remained evident in the implicitly class-biased requirement of an adequate knowledge of English that was made an essential qualification for all candidates. Due to the organisation, funds, patronage-networks and leisure required to be successful in an electoral system in a backward context such as Sri Lanka's, legislators continued to be drawn, as a rule, from the affluent classes.

Consequently, the legislature remained "notable-dominated". The executive-committee system further underlined the patriarchal, elitist nature of the system and strengthened the patronage networks of the notables.

Finding themselves at a disadvantage in the new set up, the pressures put by the minority, largely Tamil and Kandyan Sinhalese segments, of the oligarchic power bloc were settled through a fixed reservation of seats for their respective communities. In all, it was a liberal, accommodating consensus among the propertied based on the customary deference to the ruling class, inherent at that stage of social development, on the part of the dominated masses. In essence, this consensus continued into the Soulbury era and even into the post-independence period.
The growing popular awareness and assertion through the channels of the executive-committee system in the Donoughmore period and during the war, however, made a more controlled mode of political participation incumbent from the point of view of the ruling classes. The new system therefore had to be more centralised and more streamlined since all were now declared politically equal. Underlining this, the prospective withdrawal of the British in the near future made it imperative to replace the arbitrary, concentrated colonial authority of the Governor-General and his Executive with something more flexible and democratically-based though as effective. The Cabinet and its consequence, the party system, fulfilled these requirements to a remarkable degree in the Soulbury Constitution instituted in 1946.

In consonance with the central -- obviously the elitist, westernised value system -- the Independence Constitution of Sri Lanka was an adapted version of this, the most recent colonial Constitution. It was patterned closely, though not completely, after the Westminster model. It instituted a unitary, parliamentary form of government of a liberal democratic nature. While the political executive rested in the Prime Minister and his Cabinet, the constitutional Head of State continued to be the Governor-General. English continued to be the official language while British parliamentary procedures were closely followed. Legislators continued to be drawn from the affluent classes. Within a decade, there emerged an area of functional consensus among the parliamentary parties in search of popular support.

While the Independence Constitution was a veritable imitation in form of the Westminster model; in content it differed from the original in certain important ways. It was not based initially on an effectively alternating two-party system. It was also not convenient to the ruling classes in the democratised formal framework, to accord supremacy to parliamentary
legislation, or to allow equal access and weightage to all areas and sections of the society to the central structures of state power. In a departure from the unwritten British model with its evolved self-restraint by its legislature, in Sri Lanka the judiciary was specifically invested with the power to review legislation and so constituted an structure of conservatism in the instituted Soulbury model. Further conservatism was added by the fact that the "minority elites", the Kandyan Sinhalese and Ceylon Tamils, were assured representation through electoral weightage added in their favour. The left was, in contrast, implicitly handicapped not only through the electoral system adopted but also the adverse weightage given to its urban bases. This bias towards conservatism was further reinforced later by the disenfranchisement of the estate Tamil plantation workers, who were more closely oriented to the left, as also by the omission to rectify the ensuing preponderance, in weightage of the Kandyan Sinhalese areas. The preventive detention laws were, likewise, strengthened within three years of independence.

These departures from the original model are significant in view of the relatively limited nature and history of capitalist development witnessed by Sri Lanka. Remnants of the pre-capitalist ethos even in its most Westernised sections of the population as sharply illustrated, for instance, in their virtually unanimous disagreement to the proposition of universal suffrage in 1930. Fear of disturbance to the status quo by the numerically more dominant lower classes, with or without the help of the ballot box, became strikingly clear in the efforts of the Ceylonese elite to limit popular participation in the negotiations for independence.

In sum, the Independence Constitution followed the "rational-legal" approach of the Westminster model more closely than did other Commonwealth constitutions. However, while doing so, in such a different environment, it
simultaneously upheld a paternalist, bureaucratic approach towards organising social order which was reminiscent of the colonial system. With such an approach it is not surprising to find that the colonial state apparatuses of adjudication, administration and coercion were adopted with little change.

The close identity of interests and values of the local dominant classes with their colonial masters, moreover, led to their acceptance of the Queen of Britain (albeit in name) as their overlord till as late as 1972 and the Privy Council in London as an ultimate arbiter on judicial matters.

In the more comparative context of the newly-instituted participant political systems in the different South Asian states, it may be said that the greater degree of development of the capitalist social order in India and Sri Lanka made for an expanding economic system conducive to the distribution of benefits critical to such a system's political acceptability. Alongside, it promoted a more prevalent system of individualism and participative assertion (and domination) through the ballot-box. A successful institutionalisation of the Westminster model, as a result, added to the political process a legitimacy such that the form, if not the content, remained operative for over two decades after independence, in contrast to the other South Asian -- and even Third World -- states. In this respect, as pointed out in the initial chapter, the path of constitutional development followed by India and Sri Lanka was akin to the "first-wave" model in that relative to other Third World experiences, the dominant classes in these countries had a more extended period at their disposal to sort out their differences; and their bourgeoisies to establish a substantial hegemony in the political and ideological realm. As such, even major shifts in the balance of forces such as took place in Sri Lanka in 1956 were accommodated within the instituted framework and to the extent they were not so adaptable, with a time lag, they were established, as in the
post-1970 period, through the creation of a new constitutional framework via the media of the existent political framework -- an exercise repeated in 1978. Despite this, however, due to the objective dependence of these peripheral states particularly Sri Lanka, on the world capitalist context; experience was to prove their development to be fundamentally more similar to that of the "second-wave" countries. The comparatively late emergence of the "national" bourgeoisie in such states led its interests not only into conflict with that of the far more developed foreign capital but also its political dependence on the indigenous landed classes for protection. Unevennesses in development both in terms of space and time exacerbated both horizontal and vertical cleavages making the process of capital accumulation more crisis prone.

In politico-constitutional terms, concessions such as were made to the Kandyan Sinhalese and Ceylon Tamils in terms of reservations and then later weightage; the continuing electoral advantages derived from rural patronage networks by the dominant landed classes; the limitation of the left to urban-based working class centers: all testified to the uneven and limited development of capitalism which in economically adverse periods such as 1956, late sixties and 1973-1975 would exacerbate into rigid divisions.

More specifically, the deteriorating economic context in the mid-fifties hit the internal economy as a whole and called the extant dependent mode of economic development into question. It led to a widespread realisation of a need for a more independent, indigenous pattern of development. Due to its specific features, discussed in Chapter Three, the assertion by the petty-bourgeois indigenous strata in the political arena created a dichotomy in the ranks of the ruling classes and tilted the balance of state power in favour of the more "nationalist" landed and incipient capitalist classes.
This development disrupted the ideological hegemony of the oligarchic power bloc to a considerable extent. Whereas the former ideological consensus had, in continuation of the colonial ethos, favoured the comprador elements; the new one was sought to be built on a militant socialist-mobilist platform more conducive to the growth of a national capital. The SLFP-dominated intermediate regimes undertook moves towards nationalisation, indigenisation and socialisation (especially through the growth of the public sector) in the succeeding period. Despite these efforts, in real terms the existing electoral framework allowed the continuing domination of the landed classes, as witnessed by the failure of the MEP government to even regulate tenancy. Moves in these directions were, however, initiated by the more radical among them who perceived the necessity for radical structural change in the agrarian sector to widen and deepen the prospects of domestic capitalist development.

The concentration of functions in the state and the greater need for arbitration of conflict between the various socio-economic forces led to a centralisation of power in the representative wings of the state apparatus. The Parliament became increasingly a forum for negotiation and condensation of conflicting intermediate interests.

In the continuing constricted economic framework and the patronage-based competitive nature of parliamentary politics, as a logical corollary, the dominant consensus exhibited strong Sinhalese-oriented communal overtones. There were numerous moves to improve the prospects of the religion, language and job opportunities of the majority -- the Sinhalese petty-bourgeois classes -- forming the mainstay of the intermediate regimes. This particularisation of interests at the national level led in turn to the alienation of the Ceylon Tamil petty-bourgeois sections who attempted in vain to safeguard the relatively greater deterioration of their status and employment prospects.
The rising tenor of social conflict along both class and ethnic lines as a consequence of the more assertive "participant political culture" in the post-1956 period called forth, in turn, a yet more explicit centralisation of power within the state. As the concentrated expression of the popularly-based ruling bloc and singularly responsible for maintaining the unity and cohesiveness of the state, the role of the Prime Minister grew to overshadow that of the formal executive -- the Governor-General. The former's capacity to deal with challenges was buttressed through the strengthening of the emergency provisions in 1959. Escalating use was made of them in the succeeding period. Likewise, the tightly-knit exclusive character of the administrative and coercive apparatus of the state was affected by the increasingly partisan political milieu. The judiciary, however, succeeded in upholding the preceding consensus within its domain and so invited the special attention of the nationalist bloc in the post-1970 period.

Though little attempt was made by the propertied classes to mobilise the masses to take direct action towards structural change, the intra-class rivalry in the competitive simple-majority electoral system consistently radicalised the parliamentary milieu. The increased rural disparities and discontent due to the spread of capitalism in the non-plantation agricultural sector and the "open door" policies of the UNP-led government in the late sixties brought the UF to power in 1970 with a two-thirds majority. The sharp attack by the disillusioned JVP youth in early 1971, however, dramatically illustrated the extreme degree of disenchantment that was fast setting in with the system as it existed. The emergency thus posed by the JVP was one against the propertied ruling classes as a whole, a fact swiftly recognised by both the ruling and the opposition parties. This class-emergency compelled the UF regime to attempt structural changes of the rural and administrative set up
to retain their credibility in the ensuing period, despite the fact that such changes ran counter to their interest bases.

The Constitution of the First Republic in 1972 incorporated the socialist-mobilist consensus upheld by the ruling UF in its favour in an explicit form. Not only was the objective of socialism spelt out clearly but in the new model the other apparatuses of the state were subordinated to the representative ones to usher in a "socialist democracy" more smoothly. The Soulbury parliamentary structure was "turned upside down" with sovereignty flowing from the people, to the Assembly, the Cabinet and thence to the Prime Minister. Supreme sovereignty was attributed to the Assembly, while executive power was concentrated in the Prime Minister. The Senate was abolished, the judiciary and the public services became mere adjuncts to the outlined structure. The centralisation of powers in the representative structures of the state apparatus was nowhere more evident than in the sweeping provisions regarding emergency and constitutional amendment which could be activated by a two-thirds majority in Parliament. These departures from the Westminster parliamentary system were further reinforced in the manner of other Commonwealth independence constitutions like India's, through the enlisting of the Bill of Rights and Directive Principles of State Policy. In contrast to India, however, the latter were made the more dominant to aid a smoother transition to "socialism".

The severe world crisis of 1973-74 impinged in the Sri Lankan context of a dependent economy, restricted resources and limited domestic market to distort the indigenous development efforts towards catering to external markets. In this, it is important to note that the "national industrial bourgeoisie" of Sri Lanka (as of other similarly-situated South Asian states) failed to gain a strength to establish its hegemony over the society either in economic or political terms. Its late arrival on the scene and its need for political
protection and consequent compromises with the agrarian landowning classes resulted in its consequent lack of adequate resources, social base and domestic markets. Its dependence on the state, dominated and influenced by various opposing class interests left it a weak force even in economic terms, in contrast to the "second wave" model of development. Due to the challenges it faced internally, it could not resolve its contradictions with the far more developed foreign monopoly capital or its local subsidiaries. To realise itself in the acute socio-economic crisis of the early seventies, it perforce directed its efforts to the external market, reasserted the interests of property and capital and limited the channels for representation of popular interests.

In political terms, the severe world economic crisis of the early seventies accentuated the resource crisis chronic to intermediate regimes. It sharpened the differences between the dominant and the subordinate classes represented within the coalition.

The necessary more wide-ranging and deeper mobilisation of resources by the state had its logical corollary in the increasing concentration of political power in the state apparatus. The UF legislators, with their two-thirds majority, emerged to exercise untrammelled legislative powers. The Prime Minister leading such a majority had overwhelming powers over all branches and processes of the state. In effect, for such a majority, the checks placed on the actions of the political and executive apparatuses had been designed or were soon rendered inoperative from the start. The Constitution was thereby reinterpreted or supplemented in letter; as through the Criminal Justice Commission Act 1971, the reduction in the status of the Constitutional Court in 1972 and the Interpretation of Ordinances (Amendment) Act 1974. More critically, the Constitution was reinterpreted in "spirit" by the subsumption of
the individual rights proclaimed in the Bill of Rights due to the continuous operation of emergency regulations in the post-1971 era and the emptying of the various participatory political and administrative structures created to push for socialism of any meaningful content to do so.

The continued resort to exceptional executive powers through "emergency rule" underlined the precarious advantage of the nationalist bloc in general and the affluent sections of the national-bourgeoisie represented through the SLFP, in particular.

Faced with challenges from the comprador bloc on the right and the organised working class on the left, the SLFP leadership actively used state structures in a bonapartist manner to control, channelise and circumscribe dissent. Accordingly, there followed other features of exceptional capitalist regimes: a hierarchical ordering and duplication of real centers of power within the state linked to the SLFP party apparatus, and an increasing shift of the dominant role in the state apparatus from the participative to the bureaucratic and repressive branches of the state.

This constitutional manipulation to serve limited and partisan ruling interests eroded the leftist ideological consensus created by the Constitution in the minds of the subordinate classes. The alienation of the Tamils with the unitary state structure hardened into a desire for first a federal and then a separate state by 1975 to fulfil their needs. Most critically, the changed role of the national bourgeoisie and its repudiation of its strategic alliance with the working class undermined the progressive nationalist consensus the 1972 Constitution had embodied. Indeed, by upholding that consensus at the legal-constitutional level, the central "instrument of organisation" of state power threatened the conservative status quo then sought by the dominant classes in the SLFP.
The swing towards the right at the socio-economic level was amply reflected in the political arena in the July 1977 elections. The disarray of opposing forces in that political conjuncture led the comprador bloc to be returned to power with an overwhelming majority. As seen in our study of the seventies, the dynamic nature of the various challenges prevailed upon the ruling UNP elite to seek to restore the parliamentary system's legitimacy by initiating another Constitution in 1978. The former Constitution had declared Sri Lanka a republic, socialism to be its aim and guaranteed the dominance of the Sinhalese majority. In the new Constitution, by guaranteeing individual rights and an apparently greater role to public political participation, the UNP sought to re-establish the credibility of the bourgeois democratic parliamentary process which had been seriously eroded in the preceding years. At the same time, recognising the dangers inherent in the mobilist consensus created by the preceding regime in the minds of the subordinate classes; the UNP elite worked swiftly to establish a new consensus more suited to their interests.

The new leadership deliberately set out to demobilise and depoliticise the society and iron out the class and communal differences which had reached serious proportions in the preceding framework. In keeping with its class character, it set out to integrate the various social components and inculcate the individualist capitalist ethics of work, justice and morality which would be conducive to a stepping up of private economic activity linked to foreign interests.

To perpetuate the above objectives, it speedily institutionalised an interventionist constitutional model. A highly centralised executive presidential form of government, for all practical purposes, completed the fusion of the political executive with the executive powers of the administrative Head of State. The Prime Minister, Cabinet and the Parliament were in the new
system substantially subordinated to the presidential executive. The UNP leadership also recognised the dangers posed to ruling class ideological hegemony by the recourse to constant "emergency" measures by a democratically elected government. So it made this resort to emergency rule by the dominant classes an implicit aspect of the new Constitution by the executive powers bestowed in the President to intervene in necessary conjunctures and thus part of the ensuing ideological consensus.

While a broad spectrum of individual civil rights were guaranteed by the 1978 Constitution, a restriction of these rights continued to be permitted for reasons of national security, social harmony and so on. Significantly, certain political rights of association, movement and occupation of the working class were made subject to restrictions in the interests of foreign capital if so approved by an absolute majority in Parliament.

Effective political participation, in terms of seeking fundamental structural changes to the socio-economic system were severely curbed by the proportional mode of election, and its concomitant provisions tilted in favour of the conservative big party machines. In this, the new system sought to create an integrative consensus at the national and district level between fractions and sections of the dominant classes in the political arena in place of the open conflictual and divisive one sustained by the preceding simple-majority system of representation. At the local level, interests acceptable to the ruling bloc would be given precedence and the role of the bureaucracy was strengthened to service interests dominant at various levels. Coupled with the provisions for referendum, the new system had a plebiscitary, bureaucratic nature with substantial political issues of perspective and policy being decided by the executive apparatus, if not by the very system instituted itself. With the diminution in the potency of the right of suffrage, the
intervention of the masses in the political arena would be essentially marginal at least in the foreseeable future.

However, like the UF, the UNP elite used its two-thirds majority in Parliament to overcome the checks placed on the political and executive apparatuses of state in both the constitutions. The 1972 Constitution was thereby ironically altered through the Second "Amendment" made to it in 1977 via the use of its Article 155 providing for the speedy disposal of urgent issues. Its counterpart (Article 122) in the 1978 Constitution was likewise used extensively in the subsequent period to pass the most important legislation and amendments to the Constitution. The willingness of the new elite to corrode the conservative consensus it sought to institutionalise was exhibited time and again in the assertion of virtually untrammeled powers for its the discipline-bound majority of MPs in Parliament, in the subordination of individual rights to the interests of national economy, in the strengthening of the arbitrary provisions through legislation as also in its intervention into the judicial processes.

In closing, it is worthy of note that though the UNP elite used its overwhelming majority derived from the simple-majority system of electoral representation to effect fundamental changes to the political framework to suit its partial interests, it was well aware of the dangers of such a trend in the longer run. It sought, therefore, to safeguard its interests as also to restore the persuasive-ideological function of the Constitution. This was done not only through the reinstitution of the parliamentary-democratic framework with its significant alterations and safeguards (such as the restrictions on emergency), but also by implicitly proscribing the possibility of easy constitutional manipulation by future regimes. It thereby attempted to
re-effectuate the ideological function of the Constitution in masking the class domination in society by making the Constitution to appear as the stable, impartial, supreme law of the land which would not be subject to gross manipulation by patently sectional or partisan interests in the future. How far this attempt succeeds in barricading social forces demanding radical change in the system, remains to be seen.

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