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**Conflicted Solidarities?
Muslims and the Constitution-
Making Process of 1970-72**



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The Muslim perspective on the politics of power-sharing in Sri Lanka has been inadequately explored. What little recent discussion there is has been limited to the position taken by the Sri Lanka Muslim Congress (SLMC) in the All Party Representatives Committee (APRC) that predominantly reflects the position of Muslims in the conflict-affected areas of the north and east.¹ In the debate on constitutional change in Sri Lanka, federalism has taken centre-stage, and in this essentially territorial model, the interests of communities who are not geographically concentrated – the upcountry Tamils and the Muslims outside the north and east – have been inadequately addressed. This chapter, concerning itself with the Muslim contribution to the Constituent Assembly debates of 1970-72 that culminated in the first republican constitution of 1972, attempts to offer a new reading of Muslim politics at that time. Muslim political positions within independent Sri Lanka have been articulated as primarily supportive of the Sinhala majority, and dismissive of the nationalist claims of the Tamil minority. This position has in turn been interpreted by commentators variously as “toadyism”² on the one hand, and making the best of many disadvantages on the other.³ The advantages of such an allegiance have been appreciated.⁴ There has also been a concomitant

¹ And within this, greater attention has been paid to the Muslims of the east, less so those of the north. See also R. Edrisinha, M. Gomez, V.T. Thamilmaran & A. Welikala (Eds.) *Power-Sharing in Sri Lanka: Constitutional and Political Documents, 1926-2008* (Colombo: CPA): Chs.30-33.

² Q. Ismail, ‘Unmooring Identity: The Antinomies of Elite Muslim Self-Representation in Modern Sri Lanka’ in P. Jeganathan & Q. Ismail (Eds.) (1995) *Unmaking the Nation: The Politics of Identity and History in Modern Sri Lanka* (Colombo: SSA): pp.62-107.

³ K.M. de Silva, ‘The Muslim Minority in a Democratic Polity: The Case of Sri Lanka: Reflections on a Theme’ in M.A.M. Shukri (Ed.) (1986) *Muslims of Sri Lanka: Avenues to Antiquity* (Beruwela: Jamiah Naleemia Institute).

⁴ D.B. McGilvray (2008) *Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka* (Durham, NC: Duke UP); D.B. McGilvray, ‘Arabs, Moors and Muslims: Sri Lankan Muslim Ethnicity in Regional Perspective’ in T.N. Madan (Ed.) (1998) *Muslim Communities of South Asia: Culture, Society and Power* (New Delhi: Manohar); D.B.

assumption that the morally superior position of opposing the increasing chauvinism of the state was taken by the Tamil nationalists, and that the Muslims benefited from even fuelling such a polarisation.⁵ To date, however, there is minimal information about the manner in which the Tamil nationalists regarded the Muslims: the 30% that populated the homeland of the Tamil-speaking peoples, or the 70% that lived outside it. Taking the 1970-72 Constituent Assembly debates as a starting point, this chapter will explore the manner in which Muslim-Tamil relations, and particularly the Tamil nationalist agenda, influenced Muslim political decisions in the country.

Constitutional Models for Divided Societies: the Horowitz–Lijphart Debate

Based on the assumption of the primordial nature of ethnic differences, the well-known debate between the political scientists Donald Horowitz and Arend Lijphart offers two contrasting models for dealing with diversity. The first, by Lijphart, is the consociational model that calls for the accommodation of diversity through processes such as proportional representation that guarantee groups representation in legislative bodies. The Horowitz model rejects such guarantees for pre-determined groups and proposes mechanisms where ethnic groups are compelled to share votes, through various vote-pooling methods. According to Sujit Choudhry's summary of the Horowitz-Lijphart debate, a divided society is one where ethnic cleavages have a political salience. The assumptions of a competitive paradigm of democratic politics will not hold within such societies. The competitive paradigm of democratic politics rests on the following assumptions: that differences are not distributed uniformly; that they are cross-cutting; that opposition parties will eventually share

McGilvray & M. Raheem (2007) *Muslim Perspectives on the Sri Lankan Conflict*, *Policy Studies* 41 (Washington DC: East-West Center).

⁵ McGilvray & Raheem (2007).

power; and that, because of the shifting nature of majority coalitions, governing parties will not abuse their power.⁶

However, in deeply divided societies, cleavages are not cross-cutting, but mutually reinforcing. In such societies there is a structure of “segmental cleavages,” where political differences map on to “lines of objective social differentiation such as race, language, culture and ethnicity.”⁷ Choudhry sums up the situation of electoral democracy in societies where segmental cleavages exist according to the debate as follows:

“Under these conditions, democracy would not actually lead to competition for median voters. Rather, the dominant characteristic of divided societies is the ethnic political party with individuals casting votes for parties of their own ethnicity.”⁸

The danger then, according to Choudhry, is a “majority dictatorship.”⁹ Horowitz argues further that these conditions can be brought about in keeping with the procedural requirements of democracy. Choudhry sums up a shared assumption within the debate, quoting Horowitz that, “purely procedural conceptions of democracy are thus inadequate for ethnically divided polities; for the procedure can be impeccable and the exclusion complete.”¹⁰ Arguably in the Sri Lankan case, procedural democracy has by and large been upheld. The country had a two-party system, and later a multi-party system after the introduction of proportional representation, and has held regular elections. However, democracy has become coterminous with majority supremacy, and today, majoritarianism has achieved a level of ethical endorsement. Although the

⁶ See S. Choudhry, ‘*Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies*’ in S. Choudhry (Ed.) (2008) ***Constitutional Design for Divided Societies: Integration or Accommodation?*** (Oxford: OUP): Ch.1 at p.17.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid: p.18.

¹⁰ Ibid.

Sinhala majority is constantly in power, it is not always the same party that is in power, and their policies are also thereby, not the same. However, the relative hierarchy within which the ethnic groups are placed remains unchanged regardless of which party is in power. It is understood by and large that being in charge – politically, socially economically, and culturally – is a fundamental entitlement of the Sinhalese. It is popularly felt and institutionally endorsed that by virtue of the larger numbers, the majority should have a greater say in the control of assets and of the administration, and by extension, the majority religion and culture as well as the majority history should be considered the religion, culture and history of the country. This idea has become so naturalised in Sri Lanka that there is no longer even a scholarly conversation about the erasure and absence of the histories of other communities.

According to the Horowitz-Lijphart debate, there is a significant and dangerous distinction between what Choudhry terms centripetal and centrifugal democracies: “A democracy where cross cutting cleavages interact with the institutions of competitive politics to moderate political behaviour is a centripetal democracy; a democracy in which the institutions of competitive politics interact with segmental cleavages is a centrifugal democracy that will literally fly apart.”¹¹ A divided society in such an understanding where competitive politics interacts with segmental cleavages then leads to a pathological condition of inevitable conflict. Certainly, the story of the emergence of Tamil nationalism and the narrative of its almost inevitable progression towards armed struggle is an example of such a pathology.¹² However, both the theory as well as the narrative of the inevitability of Tamil separatism needs to be qualified.

¹¹ Ibid.

¹² See A.J. Wilson (2000) *Sri Lankan Tamil Nationalism: Its Origins and Development in the 19th and 20th Centuries* (London: Hurst).

The image of pathology they use in discussing the probable failure of democratic institutions in divided societies derives, as Choudhry points out, from an assumption that ethnic divisions in such societies are considered primordial, and once mobilised politically, are difficult to undo or reverse. As Choudhry also mentions and as is evident from the extensive critical historical work that has been done in the Sri Lankan context, it is within very specific historical circumstances – first under colonialism and later under competing visions for nation-building – that the cleavages took on the specific forms of the more recent past. Therefore it is important to keep in mind that such identity assertions themselves can take on different forms, and be mobilised according to specific ideas, and that such segmental cleavages are not fixed. In fact, this chapter emphasises that the specific manner in which Muslim ethnic identity was articulated and understood in the early 1970s was very different to the way in which Muslim political identity is expressed in contemporary times. At that moment in history, Muslims imagined themselves as a very specific part of the Sri Lankan polity and emphasised a politics of ‘goodwill’ in dealing with the Sinhalese majority.

A more useful way of thinking about divided societies is offered, according to Choudhry, by John McGarry, Brendan O’Leary and Richard Simeon who frame the debate in terms of ‘integration v. accommodation’.¹³ Unlike Horowitz and Lijphart, McGarry, O’Leary and Simeon take seriously the possibility that ethnic identities may not be as longstanding or as deep-seated as they appear to be.¹⁴ Informed by the history of nation-building as the basis of modern political communities, this perspective takes the appeal of the integration model in nation-building processes, and gives it as much thought as the accommodation model that emphasises the recognition of diversity. Choudhry also emphasises that the ‘integration’ model differs from an

¹³ J. McGarry, B. O’Leary & R. Simeon, ‘*Integration or Accommodation? The Enduring Debate in Conflict Regulation*’ in Choudhry (2008): Ch.2

¹⁴ Choudhry (2008): p.26

‘assimilation’ model that would deny the presence of diversity. Within an integration model, systems and processes would be set in place to encourage a more plural sense of identity. According to McGarry, O’Leary and Simeon, “integration provides constitutional strategies that would promote a common public identity without demanding ethnocultural uniformity in private and associational life.”¹⁵ Therefore in general terms, ‘integration’ and ‘accommodation’ are defined as follows: accommodation commends dual or multiple public identities and minimally requires the recognition of more than one ethnic, linguistic, national or religious community in the state. Integrationists by contrast, believe political instability and conflict result from group-based partisanship in political institutions, and therefore turns a blind eye to differences for public purposes.¹⁶ The conclusions drawn by McGarry, O’Leary and Simeon as described by Choudhry are especially pertinent to a discussion on Sri Lanka:

“...McGarry, O’Leary and Simeon believe that the success of integration or accommodation is a product of demography. Integration is more likely to succeed with respect to dispersed ethnic groups, whereas accommodation will be necessary when groups exist ‘powerful enough to resist assimilation but not strong or united enough to achieve secession’”¹⁷

This chapter is written from a position that wishes to emphasise both a notion of history, and the multiplicity of experiences of being a minority in Sri Lanka, that should ideally inform any policy on power-sharing. A territorial model of power-sharing favouring a numerically larger and territorially concentrated minority group would not necessarily favour a smaller, more dispersed group. As stated earlier, the Sri Lankan debate does not adequately factor in this difference. It is towards that goal that the

¹⁵ Ibid: p.27

¹⁶ Ibid.

¹⁷ Ibid: p.29.

history of Muslim participation in power-sharing politics and the reasons for their choices are being explored further in this chapter.

The Constitution of 1972

The 1972 Constitution was the first autochthonous constitution of the country, and one that strove to distance itself from the British monarchy and establish a republic in Sri Lanka. Such a measure was considered a fundamental political necessity at the time. Based on the principles of autochthony and the supremacy of parliament, the republican constitution was an unprecedented break from the past.

The reasoning in support of such a home-grown constitution based on the sovereignty of the people was due to the fact that the Privy Council had struck down several pieces of legislation as null and void.¹⁸ The Privy Council's interpretation of Section 29 of the Independence (Soulbury) Constitution as "containing an absolute limitation rendering it completely unalterable" was considered as the basis on which to bring about a break in legal continuity with the previous legal order rooted in Britain.¹⁹ The United Front government on the basis of this claim won the elections of 1970, and the electorate was in essence voting for the formation of a new constitution based on the sovereignty of the people. Therefore a Constituent Assembly consisting of all the legislators was formed and the 1972 Constitution was established.

In retrospect, however, the 1972 Constitution is faulted on a variety of counts. First, it did away with the minority safeguards of the Soulbury Constitution (Section 29(2)). Additionally, it set the precedent for extra-constitutional

¹⁸ V.K. Nanayakkara, 'From Dominion to Republican Status: Dilemmas of Constitution Making in Sri Lanka' (2006) *Public Administration and Development* 26: pp.425-437 at p.430.

¹⁹ Ibid: p.429.

constitution-making. Further, it institutionalised both the unitary state and the Buddhist religion in a manner that forever questions the place of those who called for a different form of government and are of a different religion within the Sri Lankan polity. Other substantive criticisms of the constitution include its pervasive centralisation of political power, the absence of checks and balances, the provision for the excessive politicisation of governance, and that it did not provide for the judicial review of legislation.²⁰

There are of course many interpretations of the criticisms that have been made against the constitution. One of these is that Section 29(2) did not in fact act as a safeguard for minorities as much as it was – due to the manner of its interpretation by the Privy Council – a means of stopping progressive legislation that helped minorities.²¹ Some have argued that the chapter on fundamental rights in the 1972 Constitution was in fact a better guarantee of these rights than Section 29 (2).²² Ameer Ali has also argued that the constitutional importance placed on Buddhism was merely a provision of legal sanctity to a phenomenon that was already in existence.²³

It is worthy of note that the Muslim interventions during the Constituent Assembly sittings by and large supported the symbolically and substantively important changes – of constitutionalising the unitary state, and enshrining

²⁰ See, in this volume, N. Jayawickrama, ‘*Reflections on the Making and Content of the 1972 Constitution: An Insider’s Perspective*’; R. Coomaraswamy, ‘*The 1972 Republican Constitution in the Postcolonial Constitutional Evolution of Sri Lanka*’; J. Wickramaratne, ‘*Fundamental Rights and the 1972 Constitution*’. See also R. Edrisinha, ‘*Sri Lanka: Constitutions without Constitutionalism: A Tale of Three and a Half Constitutions*’ in R. Edrisinha & A. Welikala (Eds.) (2008) ***Essays on Federalism in Sri Lanka*** (Colombo: CPA): Ch.1 at pp.22-30.

²¹ De Silva (1986); Nanayakkara (2006).

²² Nanayakkara (2006).

²³ A.C.L. Ameer Ali (2001) ***Plural Identities and Political Choices of the Muslim Community***, Marga Monograph Series on Ethnic Reconciliation, No. 9 (Colombo: Marga Institute): p.42. See also, in this volume, B. Schonthal, ‘*Buddhism and the Constitution: the Historiography and Postcolonial Politics of Section 6.*’

Buddhism in the constitution – that have long been considered factors that institutionalised the marginalisation of the Tamil minority and fostered separatism. These efforts were permitted and even welcomed by the Muslim members. It is important to understand why this was the case.

Muslim Politics in Post-Colonial Sri Lanka: The Tamil Factor

Muslims and Tamils shared a common language, and as a significant percentage of the population of the Northern and Eastern Provinces, Muslims were Tamil speaking. There is a long history, however, of Tamil leaders attempting to assert a claim that Muslims were co-ethnics and an equally long history of Muslim leaders resisting such a claim.²⁴ The concept of the ‘Tamil-speaking peoples’ is the basis on which a ‘traditional homeland’ for Tamils has been claimed historically. However, a significant difference in political orientation amongst Muslims – 17% of the population of that ‘homeland’ – has somehow eluded acknowledgment by most Tamil nationalists. Further, while the place within the idea of ‘Tamil-speaking peoples’ of the large majority of Muslims outside the north and east concerned early Tamil nationalist thinkers, it did so only briefly and insufficiently. Just as much as the Sinhalese paid little or no attention to the aspirations of the Tamil minority in its midst, Tamil nationalist thinkers too paid scant attention to the specific calls of the Muslims in the ‘Tamil homeland.’ This aporia at the heart of Tamil nationalism continues to haunt Sri

²⁴ This reference is mainly to Sir Ponnambalam Ramanathan’s claim in 1888 that the Muslims were ethnologically Tamil, and in response, the Muslims’ assertion of their Arab ancestry to establish that they were not Tamil. Later, the LTTE restarted the debate to mean that Muslims were traitors to their ethnicity. See Ismail (1995); F. Haniffa & M. Raheem, ‘*Post-Tsunami Reconstruction and the Eastern Muslim Question*’ *Lines Magazine*, May 2005, available at: http://issues.lines-magazine.org/Art_May05/faramirakedited.htm (last accessed, 20th October 2012).

Lankan politics in the aftermath of the military defeat of the LTTE in 2009.

What is most evident in debates in the Constituent Assembly is the nascent nature of Tamil political identity in its separatist and intractable form. This moment has been read by commentators as pivotal in bringing about the transformation of the Federal Party as a proponent of separatism, and the key instigator of the Vaddukoddai Resolution of 1976.²⁵ It is interesting today to read statements from a moment prior to its actualisation when the Vaddukoddai Resolution was yet to be passed. During the debates in the Constituent Assembly, the Muslims were categorically opposed to federalism and fully supported a unitary state. The Muslim parliamentarians, who represented close to 17% of the polity on behalf of whom federalism was called for, categorically stepped away from the federal possibility. What is worthy of note is that this rejection by the Muslims did not in any way impact the manner in which the Federal Party imagined the future of the Tamil-speaking polity. The Muslims' place within the Tamil nation has long been a question that has troubled Tamil nationalism. The evidence of the 1970-72 debates is an important indication of a process of systematic neglect of the Muslims in Tamil nationalist ideology.

Other members have referred to the rights of the minorities, and it has been stressed by them that ultimately, these so called rights depend on the goodwill of the majority. I have never doubted the goodwill of the majority. On that basis therefore, I should have no fear regarding the future plans, constitutional, social and economic, that are in store for us.²⁶

Member of Parliament for Colombo Central M. Faleel makes the above statement during the inaugural meeting of

²⁵ For the text and discussion of the Vaddukoddai Resolution, see Edrisinha et al (2008): Ch.12.

²⁶ *Constituent Assembly Debates*, 21st July 1970: Col.429.

the Constituent Assembly in 1970, which is a typical illustration of the Muslim members' stand regarding the community's position within Sri Lanka as well as its relationship with the majority community. The Muslim leadership up to that point in history practiced a politics that counted on the goodwill of the majority. At least publicly, as indicated in the Constituent Assembly debates, the assertion by most Muslims was about the goodness of the Sinhala public and the fact that they will look after the Muslim "like a younger brother." In terms of the constitutional debate, Muslims at this point in history embraced a very clear integrationist position that was reflected by Muslim representatives of all political hues. The questions that arise are: why did the Muslims feel it necessary to articulate a specific Muslim position on the new constitution? Why did the Muslims not see common cause with the Tamil minority? Why did they not feel that an accommodationist perspective as demanded by the Federal party would suit the Muslims as well?

The political position of Muslims at that historical point is also worthy of note. The United Front (UF) government, led by the Sri Lanka Freedom Party (SLFP) had just won a resounding and decisive election victory. Of that victory the Muslims too had been a significant part. While the exact contribution of the Muslim vote to the UF election victory is not established, it was arguably the first time in post-colonial Sri Lanka that a significant proportion of the Muslim vote was cast in favour of the SLFP rather than the United National Party (UNP).²⁷ The UNP, with its support for entrepreneurship had been the default party of choice for the Muslim community, especially its southern trader elite. Further, the association of socialism with the refusal of religion had discouraged Muslims from supporting left parties.²⁸ However, Badiudeen Mahmood, a prominent Muslim leader mobilised the community around the

²⁷A.J. Wilson (1975) *Electoral Politics in an Emergent State: The Ceylon General Election of May 1970* (Cambridge: CUP).

²⁸M.A. Nuhman (2007) *Sri Lankan Muslims: Ethnic Identity within Cultural Diversity* (Colombo: ICES).

concept of 'Islamic Socialism' and promoted it as being in keeping with the democratic socialism of the SLFP.²⁹ He also argued, through the organisation that he founded – the Islamic Socialist Front (ISF) – that Islam was against the concept of capitalist accumulation, and very specifically articulated an opposition towards the traditional trader elite leadership of the Muslims.³⁰ The resounding Muslim support for the SLFP that the ISF brought forth may have contributed towards the United Front's victory in 1970.³¹

The Muslims' dispersal throughout the country was such that they had little to gain and much to lose in any open political confrontation with the Sinhalese. The Muslims' strategy of maintaining a significant and powerful connection with the centre, often based on good personal relations with the Sinhala leadership through party affiliations, was therefore serving the Muslim community well. The (meagre) literature on Muslim politics has consistently recognised this.³² Ameer Ali argued in 1992 that Muslims were able to utilise their status as a fairly significant second minority in order to obtain necessary benefits for itself. According to him, the perception of the Muslim leadership regarding their place in politics was as follows: the country belonged to the Kafirs, and the Muslims, by virtue of their small numbers could not hope to change the country's political destiny by their own actions. Ali attributes this position mainly to Sir Razik Fareed whom he claims "dominated Muslim politics in Sri Lanka during this period [i.e., the late colonial and early independence period of the mid-twentieth century]."³³ Ali makes the additional claim that Fareed's political position was

²⁹ F. Haniffa (2007) *In Search of an Ethical Self in a Beleaguered Context: Middle Class Muslims in Contemporary Sri Lanka*, Columbia University PhD dissertation (Unpublished).

³⁰ Ibid.

³¹ Wilson (1975).

³² See de Silva (1986); A.C.L. Ameer Ali, 'The Quest for Cultural Identity and Material Advancement: Parallels and Contrasts in Muslim Minority Experience in Secular India and Buddhist Sri Lanka' (1992) *Journal of the Institute of Muslim Minority Affairs* 13(1): pp.33-58; McGilvray (1998); McGilvray & Raheem (2007).

³³ Ali (1992): p.46.

influenced by the witnessing of the 1915 riots where Muslims were attacked by Sinhala mobs and even the Tamils were seen to have supported the Sinhalese in the act.³⁴

Much of the scholarship on the Muslims and their accommodation with the Sinhala leadership has also emphasised the manner in which the southern Muslim trader elite decided the course both of Muslim engagement with the Sinhala leadership and the nature of Muslim identity assertion. It has emphasised both the commercial advantages that the leadership has thus enjoyed, but also underlined the anxieties about the possible threat of violence from the Sinhalese that has motivated such a relationship with the Sinhala state.³⁵ Qadri Ismail goes to the extent of claiming that the Muslim leaders demonised Tamils to be seen to be supportive of the state. However, in the case of Ismail, specifically, there is an insufficient exploration of the Muslim position in Tamil nationalist thinking. Ismail points to the language with which Razik Fareed distanced himself from the idea of the “Tamil

³⁴ Ibid. This somewhat reductive analysis of the Muslim relationship to the state foregrounds Fareed and the Moors Association and eclipses the more nuanced positions of other Muslims leaders who are less well known: A.M.A Azeez, Dr. M.C.M. Kaleel and Dr. T.B. Jayah of the Muslim League. Urmila Phadnis, in 1979 in a less ‘interested’ analysis, presents the Muslims as often preferring the stance of independent candidature over affiliation with this or that political party. Phadnis attributes Muslims’ subsequent connection with political parties – the SLFP, the UNP or, in the case of the Eastern Province, the Federal Party – to the increasing importance of political parties within the electoral processes in Sri Lanka. As discussed below, Phadnis also makes the important but insufficiently explored claim that Muslims may prove to be a problem in imagining and realising a Tamil state in the north and east. U. Phadnis, ‘*Political Profile of the Muslim Minority of Sri Lanka*’ (1979) *International Studies* 18: pp.27-48 at pp.27-28. The leaders mentioned above, T.B. Jayah and Kaleel, did not necessarily support Sinhala Only; but on the other hand, were not persuaded to join Tamil nationalist leaders either.

³⁵ Ismail (1995): p.88

speaking nation.”³⁶ Fareed in his parliamentary speech in support of Sinhala Only stated that:

“I do not wish to be a party to the political genocide of my race...by another race, the Tamils...which is stretching its treacherous tentacles to draw us into the whirlpool called the Tamil speaking nation...”³⁷

Ismail reads Fareed as ‘demonising’ Tamils in order to court the Sinhala leadership and has little to offer regarding the complex web of relations between the Tamil and Muslim communities of the north and east. While many have read the historical relationship between Muslims and Tamils of that time as being one of coexistence and cooperation, Fareed reflects another element of the relationship, namely the discrimination that Muslims felt they faced under an administration in the two provinces staffed mostly by Tamil civil servants. In Fareed’s biography, he talks of the competition between Tamils and Muslims in education and local administrative appointments.³⁸ Further, Fareed’s political project was that of the first generation of modern Muslim politicians who attempted to establish the distinction between Muslims and Tamils. Although Ismail deals substantially with the Ramanathan-Azeez debate³⁹ in his article, he is not sympathetic towards the manner in which Muslims were compelled to strive to assert their specificity first under the colonial regime and later within the new state. Ismail fails to read the identity assertions that he otherwise describes very well as stemming from particular Tamil-Muslim politics. Fareed was instrumental in proposing a distinct Muslim education system for this

³⁶ Fareed’s speech in the debate on the Official Language Bill, *Hansard*, 12th June 1956: Col.1626-1638, cited in Ismail (1995).

³⁷ Ibid.

³⁸ M.C.A. Hassan (1968) *Sir Razik Fareed* (Colombo: Sir Razik Fareed Foundation): pp.96-106. See also McGilvray & Raheem (2007): p.14.

³⁹ See P. Ramanathan, ‘*The Ethnology of the ‘Moors’ of Ceylon*’ (1888) *Journal of the Royal Asiatic Society, Ceylon Branch* 10(36): pp.234–62; I.L.M.A Abdul Azeez (1907) *A Criticism of Mr. Ramanathan’s ‘Ethnology of the ‘Moors’ of Ceylon’* (Colombo: Moors’ Union; reprinted (1957) Colombo: Moors’ Islamic Cultural Home).

purpose and continued to posit the difference between Muslims and Tamils as essential for Muslim political survival. Reducing Fareed's support for the Sinhala state to mere 'toadyism' and misreading his comments on Tamil politics as only 'demonising' the Tamils, Ismail misses a fundamental historical point about Tamil-Muslim political relations in the country.⁴⁰

Writing in 2007, Dennis McGilvray and Mirak Raheem better incorporate some of the problematic elements of the Tamil-Muslim political relationship into the discussion of the manner in which Muslims benefited from alliance with the Sinhala elite. In a section entitled 'Muslim benefits from Sinhala coalition politics,' McGilvray and Raheem present the establishment of a separate Muslim educational system and the staffing of this school system with Tamil-speaking Muslims rather than Tamils as one of the key advantages to the Muslim community from coalition politics.⁴¹ It is also portrayed as an instance of Muslim-Tamil competition where Muslims gained through cooperation with the state. Further, the article also describes the brief and perfunctory Tamil-Muslim cooperation within the Federal Party in the

⁴⁰ Ismail's discussion is also insufficiently informed by the nuances of the levels of power wielded by Muslim politicians within different regimes. Fareed had little or no political clout; whereas Mahmood, and later Hameed were much more powerful within the respective regimes of which they were a part. Arguably Mahmood mobilised his influence towards advantages for the Muslim community more successfully than Hameed. But the differences of their positions are not reflected in Ismail's analysis. Ismail's concern is with the Muslim elite's representation of itself. However, through concentrating primarily on the contributions of Fareed, a vociferous speaker but with little power within the regimes of which he was a part, Ismail's analysis falls short. Fareed was cabinet minister only once in his life, for three months under the interim government of W. Dahanayake after the assassination of S.W.R.D. Bandaranaike. Ismail would have done well if he had read some of the interventions in the Constituent Assembly debates. The 1995 publication date is itself telling. Although the LTTE had expelled the Muslims from the north by that time, and the massacres of Kattankudi and Eravur had occurred, the Muslim critique of Tamil nationalism had not yet emerged for some of the reasons that Ismail actually discusses in his paper (1995).

⁴¹ McGilvray & Raheem (2007): p.16.

north and east, and claims that it was based on further narrow political advantages sought by local Muslim politicians.⁴² They also point to and make much of the manner in which Muslims opposed Tamil nationalist demands for power-sharing. They state that, “sometimes, in fact, Muslims became the most vociferous opponents of Tamil demands for power sharing whether in the proposed District Councils of the 1960s, or in the District Development Councils of the early 1980s.”⁴³ They go on to state, “This effectively made Tamil-Muslim alliance or joint political strategy extremely difficult because cooperation with the Sinhala-dominated national parties, and with the state, seemed to offer greater advantages to the Muslim community.”⁴⁴ McGilvray and Raheem summarise a now well-established narrative of Muslim support for the regime in power, and in this they confirm what many others before them have observed. As will be seen below, a close scrutiny of the Constituent Assembly debates of 1970-72 supports this claim.⁴⁵

However, McGilvray and Raheem and Ismail give little importance to the fact that there were several Muslim politicians who were voted in repeatedly from Sinhala majority constituencies. Many Muslim politicians were voted in from Sinhala majority constituencies and indexed the level of integration between the Muslim and Sinhala communities in areas outside the north and east. Writing of the “ready acceptance of the Muslims by Sinhalese voters in the electorates in which Muslims are less than a fifth of the

⁴² Ibid: p.30.

⁴³ Ibid: p.16, citing de Silva (1986): p.449.

⁴⁴ Ibid: p.16

⁴⁵ Ibid.p16. McGilvray and Raheem state also that, “Muslim politicians always presented themselves as team players in mainstream Sinhala politics, while prudently ensuring that Muslims were represented on both sides of the parliamentary aisle.” Therefore support for the Sinhala politicians and the regime in power is beyond dispute in the literature as presented by McGilvray and Raheem. However, while they mention the small-scale local violence that the Muslims experienced from the Sinhalese – even while supporting the regime – they do not acknowledge, as Ismail does, that the threat of violence was also a factor deciding the choices that the Muslims make.

total voting strength”, K.M. de Silva has made the following observation:

“It began with C.A.S. Marikkar of the SLFP, and Abdul Jabbar of the same party. While Marikkar won easily in a double member constituency (Kadugannava 1952-59), Jabbar won in a single member constituency in which Muslims formed only 4% of the voters. The most remarkable performances have been by UNP Muslim candidates. Puttalam, for instance has no Muslim majority but it has always been held by a Muslim since H.S. Ismail was returned uncontested to that seat in 1947. Or take the case of A.C.S. Hameed, presently Foreign Minister: he has often been the first of two MPs for the Akurana (now Harispattuva) seat in which Muslims are only 17% of the voting strength. M.H. Mohamed has won Borella, an urban constituency in Colombo with less than 5% Muslim voters, and on all occasions he has faced Sinhalese opponents. And most remarkable of all is the case of M.L.M. Aboosally, MP for Balangoda, a seat he won against the powerful family interests of the Ratwattes. The Muslims constituted just 2.75% of the voters. In brief the Muslims are regarded as being so clearly integrated into the Sri Lankan political community that Sinhalese vote for them on party grounds against Sinhalese opponents.”⁴⁶

As de Silva notes, the political integration of the southern Muslims into the mainstream parties were such that they were repeatedly successful on a non-ethnic basis. Therefore, arguably, ethnicising Muslim politics itself was of limited use for Muslims of that time. While both McGilvray and Raheem point to the fact that both the UNP and the SLFP had Muslim parliamentarians, their political identity was not necessarily uniform. The Muslims of that time, although they had a very clear cultural identity, were not politically

⁴⁶ De Silva (1986): p.446.

organised as a community and saw no reason to be thus organised.

In such a context it is not clear what an alliance with Tamil politics in support of federalism could have brought for the Muslims. There is an implicit assumption regarding the superior ethical position of Tamil nationalism's resistance of the state. However, none have presented an analysis of Tamil nationalism itself and what it offered the Muslim polity. Urmila Phadnis, writing in the late 1970s presents several examples of conversations with Muslim politicians who were against the federalist concept that are suggestive.

“‘We only want due recognition of Tamil as an official language,’ said an eminent Muslim leader, ‘but we are against any partitioning of the island. Sri Lanka is already a small country, and it cannot be sustained if it is further partitioned. It [i.e. a partition] is neither feasible nor practicable. In any case, only one-third of the Muslims are in the Northern and Eastern Provinces. The rest are scattered all over the country, and we have close connexions with them.’ ‘Besides, what will be the position of the Muslims in a separate Tamil State?’, questioned another Muslim leader. In the event of a partition the Muslims would become a ‘mini minority’ within a minority. ‘No Muslim would like to be a minority [*sic*] in a so-called Tamil State in which another minority will assume majority status. It would militate against our own self-preservation as a community.’”⁴⁷

Phadnis raises the question about whether Muslims might be an issue for the Tamil nationalist federalist project for the future. In her concluding sentence she states that the Tamil United Front might find “Muslims of the area not only a major constraint but a rather serious imponderable in realizing its ideal of a Tamil State.”⁴⁸ Strangely enough, no

⁴⁷ Phadnis (1979): p.45.

⁴⁸ Ibid.

other commentators have substantially pursued this question to date. What was the position of Muslims within federalism? How were the particular problems of the Muslim minority understood within the definition of the ‘Tamil-speaking peoples’ that was the foundational premise of the federalist project of Tamil nationalism? Was it adequately informed of the precise demographics of the Muslims? Could it possibly be that the Muslim community as a whole would be considerably disadvantaged by the Tamil nationalist project? In 1987, M.H.M. Ashraff, the founder leader of the SLMC and former member of the Tamil United Liberation Front (TULF), decisively rebutted the concept of the Tamil-speaking peoples from the perspective of the Muslims of the east.⁴⁹ It is time that this analysis is extended to encompass the Muslim community of Sri Lanka in its entirety.

Muslims and the Constituent Assembly Debates: Goodwill Politics

During the Constituent Assembly debates in 1970-72, Badiudeen Mahmood was extremely powerful within the SLFP both on the basis of his personal relationship with the Bandaranaiques – he was founder secretary of the SLFP – and the recent showing of Muslim support for the SLFP based on the ISF. While Mahmood as a Muslim leader constantly emphasised the uniqueness and greatness of Muslim history and culture, he was equally committed politically to an integrationist approach that recognised coexistence with the Sinhalese (if not the Tamils). As such he had considerable power to control the political destiny of the Muslims. Mahmood is also emblematic of a southern Muslim position that took the reality of the Muslim demographic dispersal and its political consequences seriously. As many southern Muslims continue to claim, Muslims’ geographical dispersal is such that politically

⁴⁹ M.H.M. Ashraff, ‘*The Muslim Community and the Peace Accord*’ (1987) *Indo Sri Lanka Peace Accord 29th July 1987: Comments, Reflections, Logos* (Special Issue) 26: pp.48-76.

organising as Muslims without a linkage to a national party can have little benefit to the community.⁵⁰ Therefore Mahmood was a staunch believer in Muslims maintaining their representation in both national parties and had little reason to even consider the federal option for the Muslims.⁵¹ Mahmood then, was a staunch proponent of a unitary state and took every opportunity to air his position both within the Constituent Assembly and outside. In the Constituent Assembly he stated the following:

“Throughout the Muslims, on whose behalf I speak today, have fought against all divisive tendencies that retard full freedom; they have repudiated all efforts that tend to promote communal disharmony. *To this attitude their geographical distribution and historical experiences have no doubt contributed.* [emphasis mine] Therefore let me state in clear terms that the Muslim community will always oppose strongly any attempt at the division, whether directly or indirectly, of the country. Today the Muslims of Ceylon are totally in favour of a unitary government and a united Lanka. I would strongly urge, in these circumstances, that special provisions be included in the new constitution to avoid any such division.”⁵²

As stated earlier then, the Constituent Assembly debates are yet another instantiation of the Muslims’ refusal of federalism and is indicative of the manner in which Muslims understood their future trajectory in the Sri Lankan polity. As is evident in M. Faleel’s statements, issues faced by Muslim communities in Sri Lanka were not then

⁵⁰ K.M de Silva has also made this point when admiring Muslims’ political sagacity as a small minority. See de Silva (1986).

⁵¹ Arguably, this was a more ‘innocent’ time. Many of the regime’s excesses against the Tamils in the 1980s and the significant Muslim Sinhala clashes of the late 1970s – in Gampola and Puttalam – had not yet occurred: see de Silva (1986); Ali (1992); M.M.M. Mahroof,

‘*Muslims in Sri Lanka: The Long Road to Accommodation*’ (1990) *The Journal of the Institute of Muslim Minority Affairs* 11(1).

⁵² *Constituent Assembly Debates*, 22nd July 1970: Col.462.

understood as discrimination by commission, but generally by omission.

“That is why I said earlier that the main danger...for the minorities may come from their being ignored or neglected. If we are backward or lacking in any respect, whether in the field of education or any other field I trust that your goodwill will help to remedy the deficiency and ultimately help us to be equal in the society of the future...and you all know very well, in as much as we were all once equally subject to British domination, that in order to be equal we must necessarily be able to feel equal. Create that atmosphere and we will on our part respond with unstinted loyalty and support.”⁵³

As is clear from this, the call for assistance was based on the concept of ‘goodwill’ and not through a call for specific constitutional provisions to be included to ensure that such a goodwill manifested itself. Mustapha, another Muslim backbencher states a similar position, pointing out the hierarchical yet close ‘brotherly’ relationship between the Muslims and the Sinhalese, and also draws attention to the difference from the Tamil ‘other.’

“The Muslim community has throughout its history on this land, cooperated with the majority community not only for the purpose of achieving independence, but also in the tasks that faced the country thereafter. We have always felt that we belonged to the Ceylonese nation. We have never felt that a particular part of this country must belong to a particular community. We have only asked for our rights as citizens of this country and I must proudly proclaim on the floor of this Assembly that the Sinhalese community, the majority

⁵³ Ibid, 21st July 1970: Col.430.

community, has treated the Muslims as younger brothers.”⁵⁴

Here again we have a phrase that Muslim politicians often used in order to identify themselves as different from the Tamils. The Muslims were the ‘good’ minority who were also then treated like ‘younger brothers.’ However, as required by the logic of kinship relations in a South Asian context such as Sri Lanka, the younger brother has to be unquestioning of the older brother’s authority over him and trusting in his benevolence towards him. Hence the emphasis on ‘goodwill.’⁵⁵

There seemed to be more than a little of the sense that the Muslims needed to have the attention of the state directed towards them from whoever was in charge in order to alleviate the ‘backwardness’ of the community. This need to ‘catch up’ seemed to colour much of the community’s interaction with the majority community, and for that, it was more the benevolence of the leadership, its recognition of the Muslim presence and the acknowledgement of the need for assistance that was required, and not so much an equal share in the administration. Here the hierarchised position of the Muslim community in relation to the Sinhala leadership, the need for a fraternal relationship with the responsibility to nurture and protect are also invoked by the Muslim leadership. There is an implicit recognition here that the battles that needed to be waged in relation to the progress of the Muslim community were not those that could be won through a struggle about state power.

⁵⁴ Ibid, 20th July 1970: Col.171-172.

⁵⁵ Another instance of these ‘goodwill politics’ is described in Dr. M.C.M. Kaleel’s biography: during the Soulbury Commission hearings, when G.G. Ponnambalam was looking for support for his 50:50 plan (see below) and the vote for dominion status was anticipated, D.S. Senanayake summons Dr. Kaleel for a meeting. During the conversation regarding Ponnambalam’s proposals, Senanayake tells him, “what’s the point of all those seats if you lose the confidence of the Sinhalese people?” A clear recognition, here too then, that the “confidence of the Sinhalese people” was more important for Muslims than the number of seats! See M.M. Thawfeeq (1987) *Memories of a Physician Politician* (Surrey, UK: Marina Academy).

Muslims consistently voiced their preference for the leadership of the Sinhalese on the basis of trusting the benevolence of the majority. This fundamentally hierarchical relationship also manifested itself through giving 'due place' to the majority. This was articulated even in the case of Azeez who otherwise championed the cause of Tamil plantation workers. Azeez, describing his meeting with Lord Soulbury, reported that he stated the following:

“Lord Soulbury I recollect, asked me what would happen to the minorities if Ceylon became completely free. He said, what would happen to you? You belong to the minority community! I am proud to recall here that I told Lord Soulbury, I would rather trust the majority community of this country than the third party that came from 5000 miles away!”⁵⁶

It is not that there were no issues that were of concern to Muslims. There were many that were articulated, including that a new constitution needs to meet the requirements of all communities in the country. The comments of Muslim members of the opposition UNP in the Constituent Assembly are telling in that they are not necessarily as confident as those quoted above regarding the fact that the new constitution will meet with all minority aspirations. The preoccupation with having the rights of minority communities recognised was articulated by almost every Muslim member making representations in the Constituent Assembly debates. A.C.S Hameed (MP for Akurana) of the UNP stated,

“A constitution is not written for a generation. A constitution is written for generations to come. And if a constitution is to last in the context of a South East Asian country like ours, where people of various races, religions and cultures inhabit, the constitution must serve as an instrument unifying the various peoples into one – equal to one another,

⁵⁶ *Constituent Assembly Debates*, 20th July 1970: Col.217.

in no way subordinate to one another. May I repeat that. Equal to one another, in no way subordinate to one another. A unified nation blended into one people breathing the air of freedom. It is with this sense of dedication that we support this motion before this Assembly.”⁵⁷

I.A. Cader of Beruwela also reflects these sentiments. Giving some importance to the factor of economics and perhaps the trading interests of the south-western Muslims, Cader states,

“A change of constitution is worth little to the man in the field or the factory when he is crushed under the weight of domination, when he lives in wretched hovels, in houses with leaking roofs, and insanitary conditions. The constitution therefore, Mr Chairman, must command the respect and regard of all the people, politically and economically. Politically it must be acceptable to the majority community as well as to the minority communities.

In a country with many races true democracy demands not the passing of laws by a majority vote, but a respecting of the individual cultures, religions and consciences of all. We must utilize the enormous fund of this land for this government to remove the present fears of the majority and minority communities and to foster a spirit of patriotism in every son and daughter of Sri Lanka. This can only be done if the constitution is just and fair to all.”⁵⁸

Although there were calls by the Muslim representatives for the protection of minority rights and for granting equal status to minorities, the fact that this did not then automatically mean support for Tamils politics as

⁵⁷ Ibid, 21st July 1970: Col.414.

⁵⁸ Ibid: Col.444.

articulated by the Federal Party were also made clear by Hameed himself in a subsequent intervention.

There were certain issues upon which Muslims required very specific rules to be institutionalised. The fact that all Muslims must have the right to educate their children in one or the other local language was one such call, and the need for delimitation commissions to be made aware that electorates needed to be carved out in a manner so that Muslims have sufficient representation in the legislature was another.⁵⁹ However, these were not issues that were in conflict with the fundamental changes that were proposed, such as enshrining Buddhism and the unitary state. With these provisions, the Muslims had little or no disagreements.

In considering the history of the Federal Party's engagement with the Muslims who were to constitute a significant minority in any federal formation, the presence of the Muslims in the party must be remembered. The Federal Party always had Muslim inclusion in its ranks. Mashoor Maulana, M.M Mustapha and Mudaliyar Kariapper are the most famous of these names during the later years. M.H.M Ashraff was also a member in the 1970s and was famously present in Jaffna when the Vaddukoddai Resolution was passed calling for a separate state of Tamil Eelam. While some of the Muslim members were considered to be merely using the Federal Party to get into Parliament, there were others (Mashoor Maulana being the prime example) that swore by S.J.V Chelvanayakam and the Federal Party.

The Tamil nationalist leadership has, off and on, acknowledged the need to accommodate Muslim specificity within their political thinking. The Federal Party, at least at one particular historical juncture saw the Muslims as a distinct community, with their own rights of self-determination. At the famous Trincomalee meeting of the Federal Party in August 1956, there was an assertion that both the Tamils and Muslims respectively had the right to

⁵⁹ Ibid, 20th July 1970: Col.173 (Mustapha).

self-determination; that while there was a Tamil Arasu, there should also be a Muslim Arasu. Further, in the imagined federal states of Sri Lanka, there was a Muslim autonomous region. S.J.V. Chelvanayakam in a letter to Dr M.C.M Kaleel of the Muslim League proposed the following for consideration by the league:

“The virtue of a Federal Government is that it is a foolproof Government automatically guaranteeing minority rights. We want the new constitution to be a Federal republic with four autonomous states. Two Sinhala speaking states Upcountry and Low country and two Tamil speaking states, (Northern and Southern). The southern Tamil state from Kalmunai southwards will be chiefly Muslim. Every autonomous state in a federal unit has minorities who are majorities in other states. The inherent natural check of reciprocity keeps all minorities everywhere safe from discrimination and injustice.”

In relation to the autonomous Muslim state, he said:

“The Muslim state or the southern Tamil state will have to be carved out of the region in the Eastern Province where the Muslims form a Good Majority. Most probably it will be south of Kalmunai, from Kalmunaikudi southwards...The Gal Oya valley will also come in the Muslim state with all the new industries started there.”

Chelvanayakam also stated that each federal state will preserve and uphold the cultural values peculiar to each people:

“It does not matter where one resides as a minority in the Island, because in his own home state his culture language and other peculiar values will be

preserved and ones children can be sent for higher education there.”⁶⁰

However, as Dr Kaleel states in his memoirs, the Muslim League rejected the proposals *in toto*. There was no legitimate need for the Muslim community of Sri Lanka to have a federal state formulated as a cultural centre for Muslims with which the large majority of Muslims in the country had no organic connection. Only 30% of the Muslims lived in the north and east. The 70% that lived outside and had no affiliation with the fairly backward and underdeveloped eastern region saw no benefit in having the east recognised as the Muslim centre. The place of Jaffna in the minds of the Tamils was in no way similar to the place that the east had in the minds of the Muslims. There was little realisation of this on the part of the Federal Party or the Tamil polity in general. Their plans for the Muslims were not adequately sensitive to or cognizant of the Muslim-specific history or political experience in the country.

The Federal Party and the Tamil leadership has paid little serious attention even at earlier moments to understanding or including Muslim aspirations in their articulation of alternative political arrangements. Muslim UNP stalwart Dr Kaleel’s biographer’s description of G.G. Ponnambalam’s ‘50-50’ formulation is interesting in this regard:

“The allocation of seats in Mr Ponnambalam’s 50:50 demand was Ceylon Tamils 17, Indian Tamils 13, Burghers and Europeans 8 (nominated) and the balance 12 seats to be distributed among the others. Dr Kaleel was annoyed over this Cinderella treatment of the Muslims. “We are taken for granted and grouped with the residue,” he exclaimed and walked out of the conference,

⁶⁰ Reproduced in full Dr. Kaleel’s biography. See Thawfeeq (1987): p.149-151.

maintaining that Muslims should get equal representation with the Tamils.”⁶¹

The Tamil leadership then, was not adequately responsive to the political reality of the Muslims. As illustrated above, some cursory attempts were made. The Vaddukoddai Resolution too makes a reference to the Sinhala-Muslim clashes that occurred in Puttalam in 1976. However, none of the engagements were substantial enough and far reaching enough to encompass the entire Muslim community, or far sighted enough to anticipate the opposition from Muslims outside the north and east.

The Constituent Assembly debates amply illustrate the Muslims’ response to the federal party’s claims. For instance, the following is a categorical rejection of the idea of federalism by a Muslim representative when A.C.S. Hameed of the UNP had the following to say on the subject:

“As far as Muslims are concerned they are definitely against any form of Federalism. The Muslims of this country are not for any form of federalism. The Muslims of this country are not for a federal set up; the Muslims of this country are against federalism.

It is true that in a plural society there are certain limitations on the minority communities that inhabit it and perhaps at times they are subject to a certain amount of bitter experiences – I do not deny that – but still Sir, by and large, when you look at the problems of minorities the world over, it could be said very frankly that the minorities of this country have received the fairest treatment from the majority community in this country. When you look at the whole country – the whole world, a number of countries have got their minority problems – by far and large, the minorities in this country have

⁶¹ Ibid:p 31. For the text and discussion of Ponnambalam’s ‘50-50’ proposal, see Edrisinha et al (2008): Ch.6.

received the fairest treatment from the majority community in this country. This is a tribute to the Sinhala people of this country, to their civilization, to their culture to their traditions, and to the religion that they practice – Buddhism. That is what I feel.

There is a difference between the Tamils and the Muslims of this country; the Tamils of this country have lived with the Sinhalese. But the Muslims have lived among the Sinhalese. That is the difference.”⁶²

Hameed’s pragmatic articulation of the sentiments of Muslims reflects the manner in which the Muslims experienced their predicament as a minority – both as being under threat from the Sinhalese as well as being integrated into Sinhala political society – a truly fraternal engagement! Again, as stated earlier, Muslims’ demographic distribution and numbers meant that Muslims felt they stood to gain by better and more cordial engagement with the Sinhala leadership. Muslims were a community that required greater education, greater engagement with the state and a larger piece of the national economic pie for itself. The point that bears emphasis in this chapter is that the Tamil nationalist leadership did not offer anything substantive enough for the Muslims to take them seriously. There was no support from the Muslim leadership towards the federalist claims due to the fact that the Tamil leadership did not have an adequate understanding of the reality of Muslim geographical dispersal or the particular socio-economic needs of the larger Muslim community beyond the north and east. Therefore the Muslims were, unsurprisingly, largely dismissive and critical of the Federal Party. Again, some of Hameed’s statements are telling.

“The palmyra tree weeps in the North, the coconut tree wails in the South. Both are of the same family. Should the future historians say of the country that we could not achieve socialism in this country

⁶² *Constituent Assembly Debates*, 27th March 1971: Col.507.

because of an additional or minus m? What I mean is the difference between for instance, Dharmaratnam and Dharmaratna, Wijesingha and Wijesingham. Should the future historians of this country say that we failed to achieve socialism because of an additional or a minus m?

It is in that spirit that I actually make an appeal to all those on this as well as that side of the House, because it will be the saddest thing if the Federal Party should pass on the Federal cry to the next generation. I think the thinking people of our times, the political elite of our times owe a duty to this country to see that we do not pass on this cry to the next generation.”⁶³

Azeez was another of the Muslims who was a representative, not of the Muslims but of the hill country Tamils, who was extremely critical of the politics of the Federal Party. He was vociferous in his critique of the Federal Party’s political strategies and accused the party of not doing enough to achieve what was needed for their constituencies. For instance, he blamed the abrogation of the B-C Pact on the Federal Party.⁶⁴ He claimed that it was the ‘Sri’ controversy in the north that brought about the protest in the south and the consequent abrogation by S.W.R.D. Bandaranaike. Azeez stated,

“ I do accept the position that it is the duty of the majority to see that the rights of the minorities are guaranteed, and in my view it is also essential that the minorities do realize their duty to see to it that the majority is in a position to guarantee those rights.”⁶⁵

⁶³ Ibid: Col.510.

⁶⁴ For the and text and discussion of the Bandaranaike-Chelvanayakam (or B-C) Pact, see Edrisinha et al (2008): Ch.9.

⁶⁵ *Debates of the Constituent Assembly*, 20th July 1970: Col.221.

These sentiments expressed by the Muslim representatives in the Constituent Assembly then are in stark contrast to those articulated by members of the Federal Party. Once the 1972 Constitution was enacted (in spite of the Federal Party's walkout from the Constituent Assembly earlier), Chelvanayakam resigned his seat in the new National State Assembly (as Parliament under the new constitution was known) with a view to forcing a by-election in which he sought to demonstrate the Tamils' rejection of the constitution. Chelvanayakam had the following critique of the republican constitution in his resignation address to the National State Assembly:

“The constitution has given everything to the Sinhalese and nothing to the Tamils. The Sinhala Only Act has been so strengthened that it requires a two-thirds majority to alter it. All talk about a man being tried in his own language applies to the Sinhala man and not to the Tamil man. There are many other features of the constitution that I need not mention here. Even the slight protection that was given to the minorities by section 29 of the old constitution has been removed...My policy will be that in view of the events that have taken place the Tamil people of Ceylon should have the right to determine their future whether they are to be a subject race in Ceylon or they are to be a free people. I shall ask the people to vote for me on the second of these alternatives.”⁶⁶

None of Chelvanayakam's claims resonated with the Muslims. There is little that is surprising then, in the Muslim articulation of their position on the 1972 Constitution. Although Muslims were a minority just as the Tamils were, Muslims political reality was such that they had little to lose and much to gain in supporting the political vision of the majority community. The Tamils on the other hand stood to lose much through the institutionalisation of

⁶⁶ *Debates of the National State Assembly*, 3rd October 1972: Cols.883-884.

Sinhala supremacy. However, the Tamil establishment such as it was, was flawed fundamentally in not taking adequate account of the specific politics and demographics of the Muslim population when formulating their own programme for the future. While Muslims were a significant minority – 17% in any future Tamil dominated polity – the Tamil leadership was arguably as blind to the aspirations of the minority in their midst as the Sinhala leadership was in not adequately recognising Tamil claims.

Conclusion

In this chapter I have argued, *contra* K.M de Silva, that the Muslim vote *per se* was never so significant as to be a factor that influenced the national political parties to favour Muslims, but that it was alliances based on ‘goodwill’ that brought them certain political and economic benefits.⁶⁷ This goodwill consisted of class affinities, integration of Muslims into Sinhala society to the extent that Muslims were voted in from Sinhala majority constituencies, and a hierarchical ‘brotherly’ relationship as articulated by Faleel and others in the Constituent Assembly. This chapter has laid out the manner in which this ‘goodwill politics’ were articulated in the Constituent Assembly debates. The chapter has also argued that the Tamil nationalist leadership consistently misread the Muslims’ particular relationship with both the state and the Tamils themselves, and thereby ignored Muslim specificity in imagining a political future for the Tamil-speaking people. The choices made by Muslim representatives in the constitution-making process through which the Sri Lankan republic was created in 1970-72 are therefore explicable by these specific relationships, demographics and history.

The manner in which the call for stronger constitutional guarantees for minorities were coupled with specific political claims that favoured a Tamil socio-political reality precluded the Muslims from joining the Tamil nationalist

⁶⁷ See de Silva (1986).

opposition to the constitution. The Muslims undoubtedly relied on the goodwill of the Sinhala majority rather than the incipient nationalist political project of the Tamil minority. There were thus no divided loyalties in play in the decisions made by Muslim politicians of all political affiliations in the formation of the republic. At that historical moment, the only politically possible Muslim loyalty was to the future state. However, when the stakes became somewhat higher, and when war in the north was looming, the Sinhala goodwill that the Muslims depended on slowly disappeared and ceased to be of use to Muslims affected by the conflict. The relations between Tamils and Muslims in the north and east briefly came together – with M.H.M. Ashraff being famously present at the signing of the Vaddukoddai Resolution for instance. However, relations deteriorated speedily after the riots in Valaichchenai in 1985, the expulsion of Muslims from the north in 1990, and the massacres of Muslims at prayer in Kattankudy and Eravur, also in 1990.

Today, the polarisation brought about by the conflict, and the exclusivity that the Muslims have cultivated through the Islamic reformist movements, have transformed relations between all ethnic communities in the country. Further, the marginalisation of minority claims has become so entrenched in Sri Lankan political culture since that time that today, what might become of all minorities in this country remains a question.