

REALIST MODERNISM IN AN AGE OF KULTURKAMPF: A Review of Long War, Cold Peace by Dayan Jayatilleka

• by Asanga Welikala

Dr Dayan Jayatilleka's book, *Long War, Cold Peace*, now in its second revised edition of 2014, is one of the few book-length attempts by a Sri Lankan scholar to make sense of our post-war condition and the policy challenges that we face. His take on all this, it can reliably be assumed, is not everyone's cup of tea. But it would take partisan blinkers of an extreme sort to deny that it is an impassioned attempt to realign our political discourse in a way that seeks to keep us within the international community of modern nation-states, to arrest the decline into anti-modernity and oriental despotism, to engage with the world but within a strong framework of state sovereignty. Dayan is of course the most articulate defender of the political morality of the Sri Lankan state's military defeat of Tamil secessionism. His perspective on this moreover is one that is now rejected by the regime he served, in favour of a more nativist, ethno-religious nationalist constitutional worldview. These would be the first thoughts of someone picking up the book, which is a true reflection of the author: culturally cosmopolitan, politically statist, instinctively a child of the 1960s Third World – the son of the father.

I have always been generally sceptical about Dayan's arguments about the moral superiority of the Sri Lankan state over the Tigers. Rough equivalence has always seemed to me a more accurate depiction, and the crowing pride with which the military and diplomatic events of May 2009 are described, especially in the light of the sordid evidence that has since emerged, is one of the impediments in staying with this book. What I remember most from those final days of the war is the palpable sense among Tamils living in Colombo of a fearful foreboding about what the future held for them. My recollection of that epochal event therefore is very different to the one the book presents, as a moment of triumph and vindication. Five years hence, as I said in a recent [article](#), what I feel when I think about Sri Lanka is an overwhelming sense of malaise.

Political opportunities for a better constitutional settlement for our country and its diverse peoples in terms of both democracy and pluralism have not merely been squandered but disavowed. What has been done to the Supreme Court – instituted in 1801, the oldest established branch of the state, and once a sparkling ornament among the judicatures of the Commonwealth – exemplifies the rampant destruction of institutions and constitutional traditions that is the calling card of the Rajapaksa regime. It mirrors the vandalism of international law that characterised the brutal methods used in bringing the war to a conclusion. Without constitutional government and institutional reforms, it ought therefore to

be clear to all but the regime and its fellow travellers that Sri Lanka's perennial post-colonial 'North-South Crisis', as Dayan's sub-title has it, will be bequeathed to another generation.

Every society has within it the capacity for virtue and evil, and indeed, the idea of a dialectical tension between these opposing forces as the motor of progress is common to both Western and Eastern philosophical traditions. It is an idea that is as well illustrated in Lorenzetti's frescoes of *The Allegory of Good and Bad Government* as it is in the Buddhist doctrine of dependent causation, the legend of the *Mahasammata* (the Buddhist theory of social contract), and Indic cosmology more broadly. But in Sri Lanka, our historical character seems to be defined, not so much by a ceaseless dialectic between the good and the bad, but by a downward spiral, wherein change seems to engender successively new lows. In every sphere of public life, the past was better than the present and the only thing predictable about the future is that it will be worse than the present.

This is not the trajectory of decay and deterioration that was expected of us at the moment of independence. We were then seen as more advanced than any other British colony in the path to political modernity, and great things were expected. Dayan's central thesis in the book is that the war and defeat of the Tigers, which was necessary, opened an historic opportunity for political and constitutional renewal that would put Sri Lanka back on the track from which it has deviated after independence, but that this opportunity is being wasted due to a gallimaufry of chauvinist ideology, historical myopia, policy incompetence and dynastic politics.

While Dayan's views on, and his role in the war on behalf of the state are well known, this book is a restatement of the political principles upon which his approach was built from the late 1980s onwards, and explains the difference between that approach and that of the post-war regime. It is therefore a very wide ranging book, but in this review, I want to focus in particular upon Dayan's treatment of three key ideas that are critical to the post-war situation: the concepts of nation, state and sovereignty. His analytical method is realist and his normative perspectives are informed by modernism, and regardless of one's disposition to realism or modernism, it is a contribution that is deeply concerned about Sri Lanka's future internally and internationally.

Prima facie, it offers a plausible analysis and prescription about how to realign our intellectual and policy imagination, but in this essay I want to critically reflect on the realist-modernist conceptualisation of nation, state and sovereignty, and offer a considered view on which of two broad conclusions best describe Dayan's effort in this book. Is it an analytically watertight realist case, grounded in the best traditions of nation-building, that articulates the best possible normative vision for the post-war state in a difficult political context? Or is it an ideologically consistent and even ethically informed, but ultimately inadequate and unimaginative reiteration of stale concepts that have been overtaken by events and newer and better ideas?

I have read the book as a (Burkean) constitutional theorist reading a (Gramscian) political scientist, and therefore I will not address those of its other major discussions, such as its international relations and conflict resolution concerns. I am also not going to engage in an ideological debate, except to briefly note two matters here at the outset. I am extremely sceptical about Dayan's sustained attempt to realign the Sri Lankan centre of political gravity leftwards, which among other things involves an attempted conversion of the United National Party to social democracy. Whatever his success in this ideological project with Premadasa *père et fils*, the monopoly over the essence of this argument which is rooted in Gramsci's notion of the 'national-popular' hardly lies with the Left. Patriotism and solidarity around a limited but effective state are fundamentally conservative ideas, which are comfortably within the domain of the centre-right once led by D.S. Senanayake. I am equally unconvinced that Dayan has left all of his old Stalinist methodological determinism and partisan polemicism behind after his (Damascene?) conversion to social democracy in the late 1980s. As I will show, this now surfaces in an approach to political analysis that seeks to fit political realities to predetermined conceptual categories rather than the other way round, which calls into question not only his claim to be a realist but also reflects a very limited and limiting way of doing political science.

The book is written for the general public rather than an academic audience. But I do not think that Dayan has given adequate attention to the underlying theory of his policy discussion of the nation, state and sovereignty, with the result that the most praiseworthy feature of this project in offering a counter-narrative to the dominant post-war ethnonationalist ideology risks being undermined. This is unfortunate, not only because Dayan himself makes the entirely persuasive point more than once (with references to Lenin and Mao) that analytical and conceptual confusion in policy-making is one of the striking features of Sri Lanka's political culture, but also because he is usually a literate scholar, who has the rare ability, moreover, to freely communicate complex ideas to a general audience in not one but two languages. Thus if my critique is based on the expectation of a high threshold of theoretical rigour, then it is a standard that the author has himself established and expects of policy-making.

The revised edition of the book is a much-improved product from the first, which clearly bore the hallmarks of hasty and unprofessional production. While some improvements have been made, there is still no bibliography (reflecting in turn a very thin and highly selective engagement with relevant literatures) and the referencing system remains inconsistent and idiosyncratic. Each chapter except the first is more than a hundred pages long, and although an attempt has been made to structure these by way of sub-headings, this is still not the clearest way to present an argument. Yet the first edition's flaws were not merely cosmetic, they lay in its conception itself, and these are still to be found in the revised edition. In the preface to the first edition, Dayan says that, 'Just as dead leaves turn to mulch, my interventions as analyst, commentator and academic over the years of turmoil have transformed into a book of greater cohesion and coherence than a collage.' The book is not entirely devoid of coherence in terms of ideas, and it does remind us of the author's consistency in the advocacy of certain positions over a considerable period of time. But this

claim should not be overstated, for the striking character of the book remains that of a mulch or collage of an inchoate body of previously published articles being strung together. Perhaps the better, and certainly far easier, approach might have been to publish those articles as an annotated, dated and referenced anthology.

But if the intention was to present a work of greater cohesion and coherence than that of a collage, then either the author or his editor should have left much less work for the reader to do in terms of discerning the conceptual scaffolding on which the claim to coherence rests. While Dayan's typically fluid style of prose masks much of this, any close reader of the text is bound to be perplexed by passages that seem to reflect conflicting viewpoints on the same issue at different points of the book, presumably reflecting in turn the different times and contexts in which he wrote the original articles that constitute the substance of the mulch. These problems have the unintended consequence of drawing constant attention to the unattractive image of the mulch, but more seriously, this is a disappointing way to approach a field of concepts like 'nation' or 'people' or 'community' that are inherently difficult to define, and are politically and ideologically fraught in any discussion of Sri Lanka. They need not be further complicated by a casual attitude to definitional consistency within the framework of a book-length work. Thus Dayan's position on each of the three concepts with which I am concerned may seem consistent, or at least, easy to gather in broad focus, but they remain vague and ambiguous in precise terms. This weakness cannot be explained away by the fact that the book is written for a mass audience, because the precise meanings of these terms are central to the argument, and indeed to any informed discussion of post-war politics, rather than the fights with blunt instruments that constitute much political commentary and policy making in Sri Lanka.

I think Dayan has assumed what these concepts mean rather than redefined them for us because his broader argument reaffirms rather than questions their well-established meanings within the broader modernist nation-building discourse that he heavily relies on. What then are the main elements of this discourse? The classical modernist post-colonial nation-building model sees the sovereign nation-state as the essential condition of modernity, an aspirational model as well as a vehicle to it. Based on the general principles of this heuristic blueprint, proponents of the model seek to 'build,' 'forge,' and 'mould' territorial, civic, nations corresponding to states through a wide array of techniques, including communications, mass education, political mobilisation, and constitution-making, in much the same way as an architect designs a building or an engineer a machine. It takes the distilled experience of nation and state formation in the post-industrial West as the exemplary path to the universal modernity to which we must all strive. In other words, we escape feudalism and religious and ethnic primordialism in Asia and Africa by making good copies of the predecessor civic nations and territorial states in the West.

If those are the broad sociological and historical theses of post-colonial modernism, there are also a number of key normative propositions associated with it. These may be listed as: (a) nations are primarily territorial not ethnic entities; (b) they are made up of political communities constituted by the principle of equal citizenship and civic participation; (c) the

nation defined in this way is the wellspring of sovereignty, which constitutes the sovereign state; (d) the nation and the state cannot be separated, they only make sense as a conjoined concept ('nation-state'); (e) nation-states command the loyalty of its members to the unity of the community, and this is desirable in that it gives coherence and substance to the ideals of democratic participation, civic community and popular sovereignty; (f) individual as well as communal disloyalty to the nation-state, for example, in the form of attempted secession, can be dealt with by force and violence, and this is in principle ethically defensible; and (g) the intertwining of nation, state and sovereignty generally favours centralisation and unitary forms of constitutional organisation, although this is not inconsistent with orthodox federalism.

In short, this is the model that was championed by the Ceylon National Congress and the Donoughmore and Soulbury Commissions, although it has its embryonic origins in Sri Lankan constitutional history in the Colebrooke-Cameron reforms. More recently, this is also the inarticulate but underlying basis on which the Lessons Learned and Reconciliation Commission (LLRC) made its recommendations, and it is the idea of Sri Lanka that informs much mainstream or 'moderate' political commentary that opposes the extreme claims of the two main nationalisms.

Although this is not set out explicitly, this is the overarching model, in which the Sri Lankan nation is synonymous with the Sri Lankan state (both defined in modernist terms as above) that underpins Dayan's entire discussion in this book. It is grounded in the political theory and philosophy of republicanism, secularism, and civic nationalism, albeit with a strong emphasis on state sovereignty, non-intervention in the domestic affairs of states, and Third World solidarity. This can also be described as a 'Jacobin' position because its view of the unitary nation-state elides the nation and the state in a unitary discourse of national identity and institutional form (notwithstanding certain commitments to devolution within the unitary state). And these are also the grounds on which Dayan's modernism can be fundamentally distinguished from the type of unitary state and unitary constitutional order that has been advocated by Sinhala-Buddhist nationalism from the late 1940s, and which now serves the post-war state as a state ideology. This is the basis on which Dayan spearheaded the diplomatic initiatives in Geneva in May 2009, and had his view prevailed within the administration, it would have provided the guiding principles for a new post-war constitutional settlement of devolution within the unitary nation-state.

What would such a settlement look like, or in other words, how does the Dayan apply the model to the reality of Sri Lanka's ethnic and religious pluralism as a South Asian society? Like the Donoughmore and Soulbury Commissioners, Dayan is also conscious that without addressing context and particularity, the broader modernist project cannot work, because it would not take root if advocated solely on Western precedents and dry philosophical principles. In one of the most interesting passages of the book (occurring in what is for me the most thoughtful chapter of the book, Chapter 5) Dayan makes an observation that, in the sense that it is virtually a preamble to a modernist constitution in an Asian society, could have been written by Sir Ivor Jennings:

“Sovereignty cannot be successfully defended by a state acting as a mono-ethnic straightjacket on the country’s stubbornly diverse, irreducible and colliding identities. It is best defended by a Sri Lankan state which represents all its peoples, acts as neutral umpire providing and guaranteeing adequate space for all ethnicities on the island. Sovereignty is secured by a Sri Lankan identity which accommodates all the country’s communities, paving the way for a broadly shared sense of a multi-ethnic yet single Sri Lankan nationhood.”

Thus the traditional Jacobin commitment to strict state ethnic and religious neutrality is mitigated by an openness to policies of multiculturalism, official multilingualism, affirmative action, and even a measure of territorial devolution, to the extent devolution is consistent with the centralisation of political power and legal authority in the unitary state and the mono-national identity of the state. This is the basis on which Dayan has from the inception supported the structural framework of the current constitution together with its level of provincial devolution, while critiquing the ethnocrisation of the state by Sinhala-Buddhist nationalists. It is a crucial distinction that Dayan’s many critics often fail to appreciate.

So far so good, but what we need to ask, especially if we take analytical realism seriously, is if this model is adequate to the task of accommodating the competing constitutional claims that represent the political reality of ethnic pluralism in Sri Lanka today. *Avant le déluge*, as it were, it was not only appropriate for someone like Jennings to advocate this model, but it was also, in the mid-twentieth century, practically the only show in town for decolonising countries. The canonical status of modernism has been under attack at least since the 1970s, and political sociology, political philosophy and comparative constitutional law have today moved so far beyond it that it seems almost antediluvian to be still talking about this model as if it is sacrament and gospel.

There is a simple but ‘irreducible’ fact that we need to address if our response to pluralism is not the same as that of the ethnocratic state and of Sinhala-Buddhist chauvinism, and that is that the Tamil people of the north and east have voted overwhelmingly for parties who have asserted that the Sri Lankan Tamils are a nation having the right to self-determination at every election since 1956. Now we can agree that there are serious substantive defects in these assertions; that sub-state nationalists do not have to get all that they ask; and that there are countervailing considerations that must also be weighed in when we constitutionally respond to these claims. But none of this unshackles us from the fundamental reality that the prevalence of these claims over a remarkable period of continuity has altered the reality that realism must accept, that Sri Lanka is now sociologically a *de facto* multinational or bi-national polity.

Defeating the Tigers on the battlefield has not changed this self-perception among Tamil people, as we know from the several post-war elections, and the use of force and subjugation

never will. The arch realist in state-formation and nationalism studies, Charles Tilly, established this general lesson for us over forty years ago, and we can take it with the certitude of Newtonian physics that top-down imposition always generates a bottom-up reaction, and that more of the former is never going to ensure less of the latter. Tilly's work tells us that this is true even where the top-down action is of an enlightened, modernist kind, and the bottom-up reaction is of a regressive, primordial kind.

There are at least three problems with Dayan's approach to all this. Firstly, it undermines the purported realism upon which the analysis and prescriptions are based because this realism does not apparently extend to the reality of the Tamil nationality claim. Dayan's realism therefore expects the Tamils to make all the concessions, and the Sinhalese to concede much less. Secondly, the book highlights the severe limits of the modernist model when confronted with the problem of national pluralism (i.e., the existence of more than one group claiming to be a nation within the territorial and historical space of the state). In equating the nation with the state, and reifying the nation-state, the modernist model has no conceptual capacity to accommodate multiple nations within the state. The result is that plural nationality claims have to be either ignored or suppressed. Even in the most politically developed and fully modern Western liberal democratic nation-states, it has been demonstrated by Will Kymlicka and many others, that the modern nation-state's claim to cultural neutrality is a fallacy. There is always a majority or otherwise dominant group that runs the show. This may be fine where diversity is about small minorities happy to concede cultural dominance to the pre-existing society (like the Muslims in Sri Lanka) or where it is about recent immigrants. It does not work when the sub-state claim is made on the basis of historic, territorial, ethno-cultural nationhood, and it certainly does not work when we have a majoritarian nation that has hijacked the state in order to impose its ethno-religious identity over the whole country.

Perhaps the most vexed issue is sovereignty. By insisting on a highly centralised and statist conception of sovereignty in a context in which the state is susceptible to exclusively majoritarian ownership, Dayan seems entirely at one with the ethnocrats in valuing state sovereignty over a more normatively nuanced conception that supports pluralism rather than one that has the potential to be used against pluralism.

The book shows that Dayan is not unaware of at least some of these issues, but his response to them is one of its most dispiriting features. He either parrots the hackneyed shibboleths of modernist nation-building, or resorts to geopolitical arguments about how multinational accommodation is neither possible nor allowed in the Third World. The unintended bigotry of these arguments – effectively that we cannot aspire to the constitutional sophistication of the West – is only belied by the fact that India is one of the most fascinating laboratories of federal re-territorialisation in the world, and even China is capable of astonishing asymmetry in internal autonomy arrangements. Citing these two countries' policy towards Sri Lanka is therefore merely a disingenuous fig leaf for doing nothing, and worse, it negates our ingenuity, imagination and capacity for making our own arrangements to deal with our own problems.

Thirdly, Dayan's attitude to these issues as noted before is derived from certain insights of structural realism both in terms of internal political management as well as external relations, rather than by any strong *a priori* normative commitments to the recognition of pluralism. His vision of the nation-state accommodates pluralism to the extent that minority claims do not seriously challenge the overarching unitary conception of state, nation, and sovereignty. Its accommodative capacity categorically does not extend to the recognition of any sub-state *national* claims. But what of the plausible and positive, even passionate, case for the Sri Lankan nationhood and the unitary unity that one expects to find in this book? There is none. Certainly for me, this normative poverty is the fatal weakness of the book. It is simply not sufficient, especially for someone who wrote an entire PhD thesis on a moral question of political philosophy, to be content with structural realism in arguing why we should be persuaded that a sociologically bi-national as well as otherwise communally plural polity should revert to a constitutionally mono-national state order. No one has ever done this in Sri Lanka, even though as I noted before, this ideal of Sri Lanka is the default model for practically every moderate commentator. Everyone assumes that a plural but united 'Sri Lankan nation' is a good thing; no one thinks it is worthy of a proper normative defence. This is unlike the way Indian or South African scholarship overflows with positive articulations of the content of their nationhood, and my hope in finding such a defence of the idea in Dayan's book was unfulfilled.

In the final analysis, I suppose how each of us approach issues of politics and constitutionalism is about our dispositions. We bring, among other things, ideological baggage and personal experience to our task and in Dayan's case he is transparent about how these factors have influenced his thinking. I am not persuaded that the book presents a convincing argument in relation to the post-war challenges of nation, state and sovereignty, although this criticism must be balanced by the fact that my review is selective and that my interests are theoretical rather than programmatic. But if the modernist perspective in relation to the nation-state still has relevance in Sri Lanka in spite of my critique, then it is of course infinitely to be preferred to the disquieting way in which the state is evolving post-war.

(Courtesy: Groundviews)