LANGUAGE POLICY IN SRI LANKA
CRITICAL JUNCTURES AND RESISTANCE FACTORS PREVENTING SUCCESSFUL IMPLEMENTATION

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Abstract

Language rights have played a central role in the struggle for power and resources between the Sinhalese-Buddhist and the Tamil-Hindu and Tamil-Muslim communities in postcolonial Sri Lanka. The detrimental Sinhala Only Act that disregarded Tamil and consecrated Sinhala as the only national and official language of the country in 1956, exacerbated ethnic differences around language and has been identified as one of the root causes of the civil war that lasted almost three decades. The path that Sri Lanka took in making and adopting its language policy since independence is strewn with pivotal moments and critical junctures which exert an enduring influence on the country's language policy direction. While both Sinhala and Tamil are now constitutionally enshrined as national and official languages of the country, historical, institutional and political resistance factors still undermine the successful implementation of Sri Lanka's language policy and thus the effective building of post-war reconciliation. The changes needed at the institutional and political levels to address the shortcomings and failures of language policy implementation prove to be difficult to achieve, due to lack of political will, fears of fragmentation of territorial integrity and fears of undermining the Sinhalese-Buddhist hegemony.

Keywords: Sri Lanka, independence, postcolonial language policy, ethnic outbidding, reconciliation

Preface

My interest in language-based conflict and discrimination stems from my many trips to Sri Lanka. Since 1991, I have frequently visited this island nation off the southern tip of India as a tourist and I consider it my second home. Because the country's government was fighting a civil war with the Liberation Tigers of Tamil Eelam (LTTE) between 1983 and 2009, I was able to explore only the seven provinces historically populated by the Sinhalese majority of the country. The Northern and Eastern Provinces, historically populated by the Tamil minority, were off-limits to tourists. During my first visits, in the 1990s I was used to see road blocks in Colombo and traffic checks on the roads. I knew that the country was fighting a civil war, but as tourists we were living in a sheltered environment and oblivious to the realities of war. The first time reality hit was in May 1993 when the president died at the hands of a suicide bomber.

I did not visit Sri Lanka at all in the 2000s and only resumed my visits in 2011 with the specific goal of visiting the East Coast. Visiting the East Coast was a life-changing experience, confronting me to the many post-war realities of the Tamil minority population and making me want to learn more about the conflict and its origins. Through discussions and readings, I learned that language, and more specifically the incomplete implementation of the country's language policy, was a root cause of postcolonial ethnic tensions and the civil war that lasted almost three decades. This research project allowed me to further explore the issue and to expose the pivotal moments and factors preventing the country from successfully implementing its language policy.

Introduction

After more than four centuries of colonization, Sri Lanka, then called Ceylon, gained independence in 1948. Underlying postcolonial tensions between the Sinhalese-Buddhist Sinhala-speaking majority community and the Tamil-Hindu and Tamil-Muslim Tamil-speaking minority communities, centred around injustices the Sinhalese had suffered at the hands of the British colonizer, prompted the Sinhalese-Buddhist majority dominated Parliament, pressured by constituents and the Buddhist clergy, to adopt a postcolonial language policy that consecrated Sinhala as the only official language of the country in 1956. This hegemonic language policy made the knowledge of Sinhala a precondition to entering the public service and to obtaining a promotion, thus ostracizing the Tamil ethnic and linguistic minority and undermining its economic success.

The adoption of this postcolonial language policy marked not only a turning point in ethnic relations in Sri Lanka, but the triumph of linguistic nationalism that led to the domination and the marginalization of the Tamils, drove the Sinhalese and Tamil communities asunder and caused the division and the mobilization of ethnic differences around language. The frustrations of the Tamils and the ethnic tensions ultimately culminated in a bloody civil war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) that lasted almost three decades and claimed the lives of too many Tamils and Sinhalese.

In the aftermath of the civil that forcefully ended in 2009, when the government-led forces launched a series of decisive military operations that led to the capitulation of the LTTE, and in response to the pressing demands from the international community, Sri Lanka appointed the Lessons Learnt and Reconciliation Commission (LLRC) whose mandate was to investigate the facts and circumstances which led to the failure of the ceasefire that had been signed in 2002 between the government and the LTTE. One of the circumstances identified in the report as leading to the uprising of the population were

frustrations due to the non-implementation of the country's language policy and, in its recommendations, the Commission suggested that fully implementing the said language policy is a possible pathway for building post-war reconciliation in Sri Lanka which could guarantee that the violence of the past will not resume. (LLRC 2011)

In order to avoid the language policy-related frustrations of the past that led to the uprising and pave the way for a lasting reconciliation, it is important to understand the multiple historical factors and dimensions of language policy development and adoption in Sri Lanka and identify the critical junctures and resistance factors that have prevented and still prevent the successful implementation of Sri Lanka's language policy. The question guiding this research is

What are the key factors that conditioned and continue to condition Sri Lanka's language policy decisions?

This research paper will identify the critical junctures and the resistance factors that drive Sri Lanka's postcolonial language policy choices since the country's independence in 1948. It explains how language rights in postcolonial Sri Lanka have played a central role in the struggle for power and resources between the Sinhalese and the Tamils and how detrimental language policies based on ethnic politicking and outbidding contributed to exacerbating ethnic differences around language and triggered a full-blown civil war. Sixty-four years after the adoption of the landmark 1956 Sinhala-Only Act dubbed the "single most overt assertion of Sinhalese ethnic dominance over the Tamil minority" (Abayasekara 2010, p. 93) promoting a monolingual ideology and marking the beginning of increasingly discriminatory policies and attitudes against Tamil-speaking minorities, and more than ten years after the end of the civil war, language remains a contentious issue and a political tool for marginalization.

Chapter One consists of an analysis of secondary sources (books, research papers, reports, newspaper articles) related to language and conflict, politics, ethnicity, nationalism, and religion and lays out the critical juncture framework. Chapter Two examines the critical junctures underlying Sri Lanka's

language policy, based on Collier's and Munck's Critical Juncture Framework. Chapter Three explores the historical, institutional and political resistance factors preventing the full implementation of the Official Language Policy and the enforcement of the Official Languages Act. The conclusion hypothesizes that failing to fully implement the Official Language Policy and enforce the Official Languages Act impedes Sri Lanka's reconciliation efforts, and that if the past is an indication of what the future holds, the country's inability to resolve the linguistic issue could lead to a resurrection of the armed conflict.

The analysis of secondary data establishes the conceptual and theoretical framework and Collier's and Munck's Critical Juncture Framework is used to categorize the historical pivotal moments of Sri Lanka's history in general and related to language policy into antecedent causes, cleavages and legacies. This will help identify the specific critical junctures that drive Sri Lanka's postcolonial language policy choices since the country's independence in 1948.

Sri Lanka - Background

Sri Lanka is an island nation located off the southern tip of India. Two major ethnic groups, the Sinhalese majority group and the Tamil minority group, tracing their origins to North India and South India respectively, have been living on the island for centuries. Each ethnic group has developed a distinct and strong identity based on "language, religion, ethnic origin, culture and ancestral territory." (Kearney 1978; Herath 2015, p. 246). While Sinhalese are predominantly Buddhists, speak Sinhala, are of Indo-Aryan origin and have settled in the Western, Southern and Central parts of Sri Lanka, the Tamils are predominantly Hindus, speak Tamil, are of Dravidian origin and have settled in the Northern and Easter parts. The historical chronicle *Mahavamsa* written to "legitimate Buddhism's prominence in the island" (Brown, M., & Ganguly, S. 2003) claims that the North Indian Aryan ancestors of the Sinhalese were the first to settle on the island about 2,500 years ago. Common sense, however, suggests that if settlers were able to reach Australia 40,000 years ago and the western coast of the American continent

13,000 years ago, South Indians were the first to settle on this island located only twenty miles across the shallow Palk Strait. (DeVotta 2006, p. 111)

[1]

Although Sinhala, an Indo-Aryan language stems from classical Indian languages, it is spoken only in Sri Lanka by approximately 16.3 million people[2]. Tamil, on the other hand, a Dravidian language, is an official language not only in the neighbouring South-Indian State of Tamil Nadu and the union territory of Puducherry, but in Singapore, with a total of approximately 80 million speakers worldwide.[3] (Coperahewa, 2009; Encyclopaedia Britannica, 2020) For this reason, according to Tambiah (1986, p. 92), the Sinhalese "manifest the features of a majority with a minority complex."

Today, both Sinhala and Tamil are national and official languages of Sri Lanka, and English is designated as a link language. According to the 2011 Census (Government of Sri Lanka 2011), 80 percent of the population speaks Sinhala, 26 percent Tamil and 31 percent English. Only 8 percent of the

[1] United Nations, 2008
[2] According to the 2011 Census, Sri Lanka has a population of approximately 20.3 million, of which 80 percent speak Sinhala
[3] Based on statistics of countries where Tamil is an official language. According to India's 2011 Census, approximately 74 million people speak Tamil. (Government of India 2011) According to Singapore's 2011 Census, approximately 190 000 people speak Tamil. (Government of Singapore 2011) According to Sri Lanka's 2011 Census, approximately 5.3 million people speak Tamil. (Government of Sri Lanka 2012)

population is literate in all three languages, while only 10 percent is literate in Sinhala and Tamil. While 28 percent is literate in both Sinhala and English, only 10 percent is literate in both Tamil and English.

Chapter One - Literature Review

The literature on language policy is broad and, while it covers multiple disciplines, is mainly associated with the field of sociolinguistics. However, as Cardinal and Sonntag (2015, p. 3) point out:

> *Language policies are political. They have political and social consequences. Language policies can reinforce or diffuse conflict between language groups. They can be instruments of inclusion or exclusion. They can promote solidarity or stoke intolerance. They can be implicated in civil strife and war, imperialism, and global hegemony, or contribute to peace and intercultural dialogue. They can be blunt instruments of power or enveloped in normative discourse. They can be overt or covert. They can have a significant impact on people's lives in schools, in public services, in the economy, in the daily plebiscite […] They can determine who belongs to a community […] They can discriminate against or empower linguistic minorities […]*

The above statement points to the political origins and dynamics, as well as the global consequences of language policies, and establishes a link between language and conflict, politics, ethnicity, identity, legitimacy, empowerment, discrimination, and reconciliation. According to Tollefson (1991, p. 16) "Language policy is one mechanism for locating language within the social structure, so that language determines who has access to political power and economic resources." Language policy implies language planning which is the result of political choices aiming at regulating the "relationships between languages and societies." (Liu 2009; Coperahewa 2009, p. 73) and "serves specific ideological and political ends." (Alexander 2004, p. 113) Language is also used to discriminate against outsiders of a group, by distinguishing between members of the same group and outsiders. (Fishman 1973; Footitt and Kelly 2014)

Language is a key to participation in the broader society and in an ethnolinguistically diverse society, the use of language as a discriminatory tool can push the minority ethnic group to nurture hostility towards the majority ethnic group and to withdraw into its own community, which undermines

any loyalty to the joint state, and, in the extreme case, seek segregation. (Wee 2011; Footitt and Kelly 2014) Language is fundamental to our ethnic identity and intimately bound with our culture and way of life (Crystal 1997) and fosters our sense of belonging. Adopting a strong language policy is paramount to further social cohesion and creating a sense of belonging among ethnolinguistically different groups. A language policy that specifically recognizes markers of ethnic identity could foster reconciliation and further social cohesion. (Footitt and Kelly 2014)

As indicated, there is an intrinsic link between language and identity, as well as language and political, societal and economic conflicts. Moreover, there is an intimate link between language and legitimacy of a state. To assert its legitimacy a state in theory only needs the support of the majority of its population. However, in the context of language policy in a multilingual state, if it only has the support of the majority group at the expense of a minority group and if a language is portrayed as intrinsically superior to another, animosity and tensions fuelled by the linguistic divide will persist. (Samuelson and Freedman 2010; Alexander 2001) In this context, to avoid instability and conflict, as well as to mobilize the collective interest, foster social cohesion and empower linguistic minorities, it is paramount to tend to the needs of the population and provide them services in the language they speak. (Dagher 2018; Cardinal and Sonntag 2015)

Language rationalization or language assimilation leads to isolation and marginalization of the minority, which is detrimental to the state's interest, as it "splits the nation into different social, economic and cultural units, and portends political and territorial separation." In the absence of a solid and egalitarian language policy, multilingualism can lead to division and hinder democratic participation and thus undermine the state's legitimacy. (Abayasekara 2010, p. 106) According to Coperahewa (2001), history shows that denying legitimate minority-language rights leads to language-based conflicts. Shepard Wong (2017, p. 211) concurs that "ignoring minority languages and cultures can lead to tensions and conflict," while Laitin (2000, p. 97) argues that "the unjust underpinnings of language laws [can]

induce violent rebellion." In other words, a state that grants language rights to "minority populations reduces the probability that they will be provoked towards violence." (Herath 2015, p. 247) However, issues relating to language lead to violence only when they are "coupled with the denial of political and economic rights": they cannot be the sole and direct cause of an inter-ethnic conflict. (Herath 2015, p. 247; Laitin 2000)

Sri Lanka's postcolonial language conflict is grounded in underlying tensions between the Sinhalese majority community and the Tamil minority community related to modern age dependency on literacy for social mobility and economic success. (Gellner 2005). The dispute over whether Sinhala and Tamil or Sinhala only should be the country's official language became a controversial socio-political issue in the years immediately following Sri Lanka's independence. (K.M. De Silva, 1996; Dharmadasa 1981; Coperahewa 2009) Language became a central political campaign issue in the mid-1950s, due to pressures from the majority Sinhalese voters and leading Sinhala-Buddhist clergy members who portrayed the "Sinhalese as a 'beleaguered majority' at the hands of the Tamils." (Laitin 2000, p. 122)

The postcolonial ethno-linguistic and religious upheaval created the necessary conditions and "new opportunities for political struggles around language," (Baker 2015, p. 240) and allowed ethno-nationalist Sinhalese politicians to privilege the language of the group they represented and marginalize the Tamils. They viewed multilingualism, which implies power sharing, not only as a threat to national unity (Brown 1958), but a threat to hegemony. Language became a tool not only for discrimination against and the marginalization of Tamils, but for ethnic outbidding, "an auction-like process wherein politicians create platforms and programmes to 'outbid' their opponents on the anti-minority stance adopted". (DeVotta 2005, p. 141) Outbidding became an enticing strategy especially for the politicians relegated to the opposition. The first-past-the-post electoral system, introduced with the universal suffrage in 1931, provided the political structure, and the self-language movement or *Swabasha* to

replace English, the colonial language, by the vernacular languages provided the fuel for ethnic outbidding and "politicking in the post-independence era" (DeVotta 2005, p. 143).

Even though Sri Lanka's postcolonial leaders' initial goal was to replace the colonial language with Tamil and Sinhalese, the Sinhalese politicians who controlled an overwhelming percentage of the parliamentary seats chose to adopt Sinhala as the island's official language in 1956. (DeVotta 2005) The language policy adopted by the Sinhalese-Buddhist majority gave Sinhala the status as sole official language of the country between 1956 and 1987. The goal of this hegemonic language policy was to choke off the Tamil ethnic and linguistic minority's entry into the public service, by making it compulsory for applicants to the public service to pass a Sinhala language proficiency test, (Law and Society Trust 2008) and thus marginalize them by preventing them from accessing lucrative jobs in a country where the government is one of the largest employers – it currently provides over 1.1 million jobs.[4]

Ethnic outbidding, which irreparably undermined the social cohesion in Sri Lanka and erected a lasting and enduring communication barrier between the Sinhala and Tamil communities, (Abayasekara 2010) was introduced into Sri Lanka's political arena shortly after independence and still persists today. The majority Sinhalese-Buddhist community politicians used the Sinhala language to attain power and systematically marginalize the minority Tamils. The language rationalization policy adopted in the 1950s led to an institutional decay, "produced by the dialectic between majority rule and ethnic outbidding", (DeVotta 2005, p. 141) which ultimately led to Tamil mobilization and radicalization and a full-blown civil war.

This literature overview underpins the political origins and dynamics of Sri Lanka's language policies, and established a link between language and conflict, politics, ethnicity, identity, legitimacy,

[4] According to the 2016 Census, table 3.11 http://www.statistics.gov.lk/Pocket%20Book/chap03.pdf

empowerment, discrimination, and reconciliation. It showed that language is a key to participation in society and that language rationalization leads to isolation and marginalization of minority communities, which can lead to division and hinder democratic participation. In Sri Lanka, this undermined the state's legitimacy in the Tamil traditional homeland and led to the uprising of the population and ultimately to a violent conflict. The next chapter explores the path that Sri Lanka took in making and adopting its language policy and the critical junctures that consolidated it over the years.

Chapter Two – Sri Lanka's Language Policy - Critical Junctures

Language policy guides every government's decisions regarding which language or languages it chooses to use in its interactions with its population. In Sri Lanka, this choice was shaped by multiple historical, institutional and political factors and relations, and alternated between unilingual and multilingual after independence in 1948 and until 1987. According to Cardinal and Sonntag (2015) contemporary "language regimes" – the language practises, conceptions of language and language use expressed by a state's policies and adopted by language users – are shaped, but not predetermined, by "state traditions" – the historical institutions of a nation. Using a conceptual framework of critical junctures grounded in "antecedent conditions" – or what Cardinal and Sonntag (2015) call the "historical, institutional and normative" context – allows an analysis of the dynamic power relations underlying historical language policy choices.

Critical Juncture - Definition

Cardinal and Sonntag (2015, pp. 4-5) explain that "critical junctures" are an analytical tool used to "home in on pivotal points of interaction between tradition and policy." They add that a "critical juncture may be presented by social, political, economic, or environmental crises or dramatic change […] such as decolonization. […] At critical junctures, when state traditions that underpin the language regime are vulnerable, there is a possibility [to reinvent] state traditions. What emerges are new patterns

of governance […] never completely divorced from the old […] that change the status of language use embedded in a language regime." Capoccia and Kelemen (2007, p. 343) also argue that critical junctures happen when "the structural – that is, economic, cultural, ideological, organizational –influences on political action are significantly relaxed for a relatively short period," leading to an expansion of "plausible choices" available "to powerful political actors" and "much more momentous […] consequences of their decisions." Pierson (2011, p. 135) explains that "[j]unctures are 'critical' because they place institutional arrangements on paths or trajectories, which are then very difficult to alter." Mahoney (2000, p. 513) concurs when he states that "once a particular option is selected [in a critical juncture], it becomes progressively more difficult to return to the initial point when multiple alternatives were still available."

Collier's and Munck's (2017, p. 2) critical juncture framework focuses on the steps, or "antecedent conditions" and "cleavages," that lead to the critical juncture. They provide a complete critical juncture framework aimed at providing "valuable insights into trajectories of political change in which major episodes of innovation are followed by the emergence of enduring institutions." They explain that "[a] critical juncture is (1) a major episode of institutional innovation, (2) occurring in distinct ways, (3) and generating an enduring legacy […] specifying that even though "[a]ll episodes of institutional innovation are potentially of interest to social scientists, […] [their framework focuses] on those that leave an enduring legacy." (Collier and Munck 2017, p. 2) The goal of their framework is to provide a tool to "clarify the analytical claims made in explanation of this particular dynamic of discontinuity, followed by continuity."

In the framework "antecedent conditions" are defined as a broad category encompassing "diverse features of economy, society, and politics" that set the parameters for subsequent change. They are essential for explaining the conditions in which a critical juncture occurs and can be the "source of rival hypotheses for explaining the outcomes attributed to the critical juncture."

"Cleavages" are defined as the "fundamental societal or political" triggers, revolving around center-periphery, church-state, land-industry, and owner-worker relations that lead to a critical juncture. As previously indicated, they present critical junctures as "major episodes of institutional innovation, occurring in distinct ways, and generating an enduring legacy." They also include "mechanisms of production," namely the steps that occur between the critical juncture and the legacy, when the impact of the critical juncture doesn't directly emerge from the critical juncture. "Legacies" are defined as an "enduring, self-perpetuating inheritance of the critical juncture that persists and is stable for a substantial period." An enduring legacy is a precondition for a pivotal moment to be considered a critical juncture.

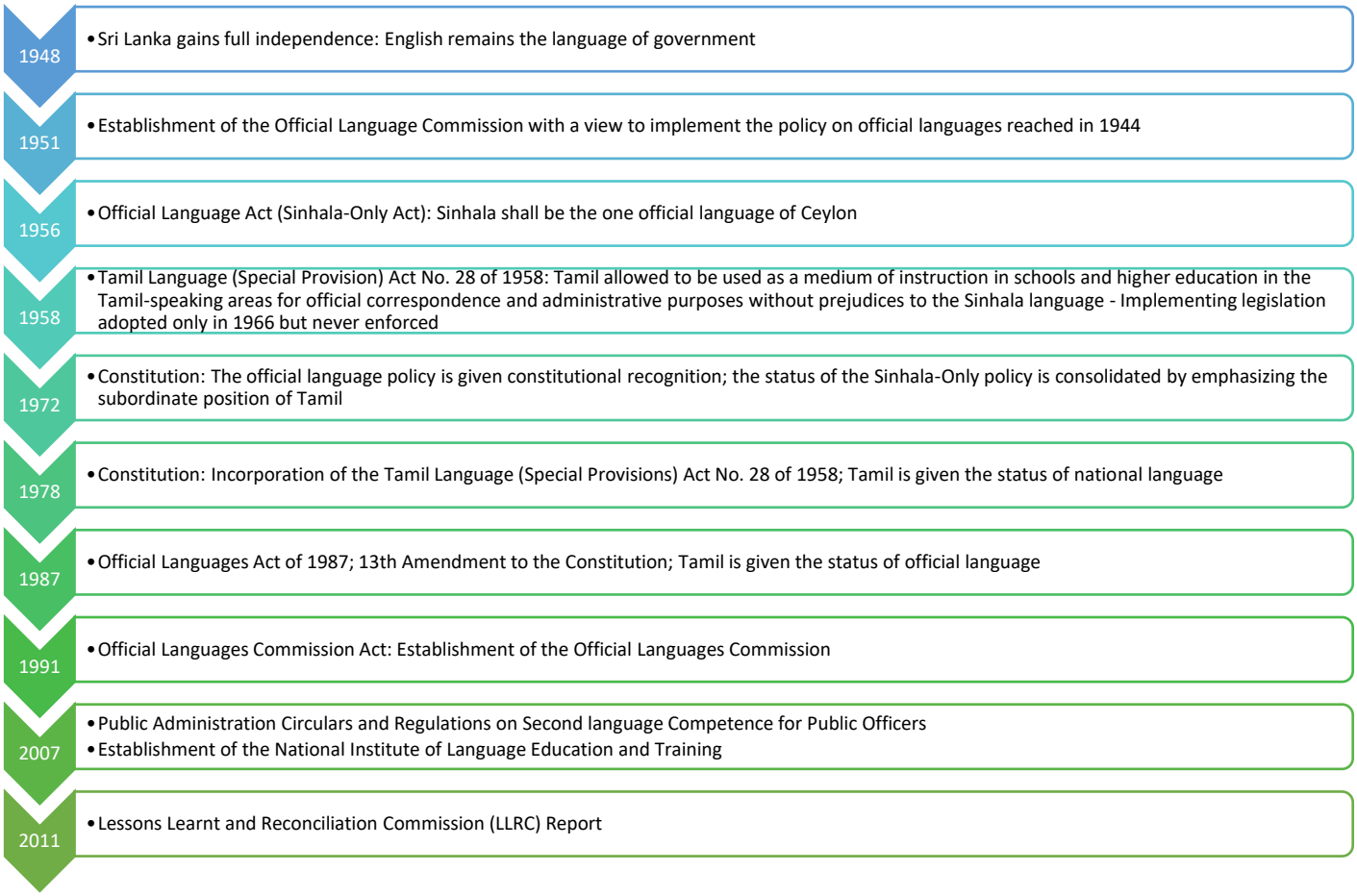
Following the literature review, I identified and listed the general and language policy-related pivotal moments (see Annex I), which I then categorized into antecedent conditions and cleavages to identify the legacy-generating critical junctures in Sri Lanka's language policy history according to Collier's and Munck's (2017) Critical Juncture Framework (see Annex II).

It is important to understand that there is no one-size-fits-all framework to critical junctures since they take "distinct forms in different cases," which is why maintaining conceptual equivalence can be challenging. (Collier and Munck 2017, p. 3). In this research paper, the analysis of the critical junctures is focused on Sri Lanka's language policy and aims to categorize pivotal moments of Sri Lanka's history to understand and corroborate the historical, institutional and normative context in which Sri Lanka made its postcolonial language decisions, or, in other words, to explain how Sri Lanka's state traditions shaped and impacted its language regime.

Overview of Language Policy Evolution in Sri Lanka

Among the many milestones in Sri Lanka's postcolonial history, the following are the pivotal moments along the path that Sri Lanka took in making and adopting its language policy. This path, as Royles and Lewis (2019, p. 713) explain, establishes, "a trajectory that remains an enduring influence

and constrains the scope for diversion from a set policy direction. This path can be disrupted by the intervention of a significant force – episodes of 'critical junctures' – understood as crucial moments of institutional change that can spur alternative developmental paths."



Critical Juncture – Analysis

Each potential critical juncture below is analyzed through the lens of the language policy evolution in Sri Lanka since 1948. In order to qualify as a critical juncture, the pivotal moment has to translate into an enduring and self-perpetuating language policy inheritance that persists and is stable for a substantial period. Although the emphasis is on language-specific antecedent conditions, cleavages and

legacies, I provide general historical context in order to better contextualize the moment of critical juncture.

1948 – Independence

Among the successive waves of invaders that settled on the island and became the ancestors of the present population were settlers from North and South India, the Middle East and Europe. The Portuguese were the first colonizers, from 1505 to 1658, followed by the Dutch from 1658 to 1796 and finally the British from 1796 to 1948. It is important to note that the people of Ceylon were compartmentalized into distinct ethnic communities before the arrival of colonizers. (Kearney 1967)

Until 1815, when the British conquered the Kingdom of Kandy, in the centre of the island, colonizers occupied the coastal areas of the island. In 1833 the whole island was united under one British administration and English was made the working official language of the country and established as the medium of instruction at secondary and tertiary levels. This elevated the status of English above the two native Sri Lankan languages, Sinhalese and Tamil.

However, the British shifted emphasis towards vernacular education in the 1880s, which lead to a significant literacy increase in the local population. Between 1833 and 1912, there was little change in the governmental institutions of Ceylon. (Kearney 1967; Kearney 1978; Herath 2015) A key consequence of the British colonial rule and its divide-and-rule policies, aiming to marginalize the Sinhalese Buddhist majority in order to better control them, is that it led to an over-representation of non-Buddhist and ethnic minorities, mostly Tamils, in the bureaucracy, the civil service, as well as in the primary and secondary educational institutions. (DeVotta 2006)

With the increasing self-determination demands in the early twentieth century came pressures to replace English, which only about 10 percent of the population spoke fluently, by Sinhala and Tamil as the official languages of Ceylon. These pressures not only were a reflection of the “frustrations of vernacular speaking Sri Lankans being governed in a language they did not understand”

(Coperahewa 2009, p. 103) but a protest against the privileges maintained by the small and exclusive English-educated elite and the dearth of opportunities available to the vernacular-educated. (Kearney 1967)

The introduction of universal franchise and suffrage in 1931 allowed the Sinhalese to obtain, for the first time, an "absolute legislative majority over the representatives of all other ethnic groups combined. In two decades Ceylon passed politically from colonial absolutism almost devoid of Ceylonese participation to a wide measure of internal self-government through representative institutions based on universal adult suffrage." (Kearney 1967, p. 25, 33)

Language policy became a major national political issue by the 1930s and 1940s. While Sinhalese and Tamils initially campaigned for the replacement of Sinhala and Tamil as official languages, the Sinhalese politicians controlled over eighty percent of the parliamentary seats and nothing prevented them from instituting Sinhala as the sole official language of Ceylon. (DeVotta 2005) The disregard for Tamil was revealed in 1943 by the introduction of a motion calling for the adoption of Sinhala as the sole official language of Ceylon. The belief was that the Sinhala language needed to be protected from the South Indian Tamil influences. The motion was defeated and led to a final decision by the State Council to make both national languages – Sinhala and Tamil – the official languages of the country. (DeVotta 2006; Coperahewa 2009)

Independence is the culmination of the power devolution process and the underlying pivotal moment of Sri Lanka's ability to decide on its language policy choices. As such, it translated into an enduring and self-perpetuating language policy inheritance that persists and is still stable today and qualifies as a critical juncture.

1951 – Establishment of the Official Language Commission

The Official Language Commission was established with a view to implement the policy on official languages reached in 1944 to make both Sinhala and Tamil official languages. Following independence, in the English language educated elites' controlled administration, English was still used as the language of administration.

The Commission issued five interim reports and one final report between 1951 and 1953, (GOSL 1951-1953) but its work was carried out against the background of the rise of ethnolinguistic nationalism in Sri Lanka. The interim reports dealt with the measures related to all government departments in general for the smooth transition from English to Sinhala and Tamil as the languages of administration. (Coperahewa 2009) While the government began to implement the recommendations of the Commission's reports, the 1956 election and the subsequent adoption of the Sinhala-Only Act put an end to its work. The Commission's work did not lead to an enduring legacy and, as such, cannot be categorized as a critical juncture. This failed attempt at promoting the adoption of Sinhala and Tamil as official languages will be rectified some 30 years later, in 1987, with the adoption of the 13th amendment to the 1978 Constitution granting Tamil the status of official language.

1956 – Official Language Act (Sinhala Only Act)

Until 1954, the main political parties had a unified approach that Sinhalese and Tamil should substitute English as the official languages. Prior to the adoption of the Official Language Act (Sinhala-Only Act), the public could use English, Sinhala and Tamil to communicate with any government department. (Phadnis 1979; De Silva Wijeyaratne 2014) However, some politicians were of the view that it would be easier to replace English by Sinhala only since the Sinhalese represented over 70 percent of the country's population and opportunistic politicians adopted and exploited the language issue for political gains. (Jeyaratnam-Wilson1994, p. 47, 54; Coperahewa 2009; De Silva Wijeyaratne 2014)

This opportunistic approach, coupled with the ethnic Sinhala-Buddhist revival movement that was underway in Ceylon since the 1920s and the resentment of the Sinhalese about the perceived Tamil over-representation in the education system, the civil service, and the economy in a postcolonial world where economic and political competition were intense, led to ethnic outbidding – "an auction-like process wherein politicians create platforms and programmes to 'outbid' their opponents on the anti-minority stance adopted." (DeVotta 2005, p. 141) Sinhalese nationalists' goal was to control the institutions of state power and to enshrine a "structure of ethnic hierarchy" grounded in the "pre-eminence of the Sinhalese-Buddhist majority community." (Uyangoda 2007, p. 11; Coperahewa 2009; Wee 2011)

The 1956 election coincided with the 2,500th anniversary of Buddha's death and the Sinhala-Only advocates, at the forefront of which was the *Jathika Sangha Sammelanaya* (National Sangha Conference), a monastic body, exploited the fervour surrounding this event by "emphasizing the unique Sinhalese religio-linguistic identity and promoting the belief that as legatees of *Sihadipa* [island of the Sinhalese] and *Dhammadipa* [island ennobled to protect and propagate Buddhism] Sinhalese were entitled to make Sinhala the island's sole national language." (Brown 2003, p. 120; DeVotta 2006; DeVotta and Stone 2008) This ethnoreligious and linguistic resurgence not only became the underlying mechanism of ethnic outbidding that forced the political parties that favoured linguistic parity to reverse their stand and push for Sinhalese alone as the official language but led to the marginalization of the country's minority Tamils, driving a wedge in the relations between the two ethnic groups. (Padnis 1979; Laitin 2000; DeVotta 2005; De Silva Wijeyaratne 2014)

With the adoption of the 1956 Sinhala-Only Act, Ceylon implemented a hegemonic language regime, making the knowledge of Sinhala a precondition to entering the public service and to obtaining a promotion, effectively choking off Tamil entry into the public service. (De Silva Wijeyaratne 2014) A turning point in ethnic relations in Sri Lanka, the bill's passage "represented the triumph of linguistic nationalism"

(DeVotta 2006, p. 69) that led to the domination and the marginalization of the Tamils, the division and the mobilization of ethnic differences around language and an increasingly tenuous relationship. (Phadnis 1979; De Silva 2005; Coperahewa 2009; Davis 2015; LLRC 2011)

The Act not only marked the "beginning of increasingly discriminatory policies and attitudes against Tamil-speaking minorities" (USIP 2017, p. 16) but "blocked the Tamil quest for continued socioeconomic progress and led to Tamil mobilization against the state." (Brown 2003, p. 137) On the premise that language parity is the threshold, the 1956 Sinhala-Only Act did translate into an enduring and self-perpetuating language policy inheritance that persists and is stable for a substantial period, since Tamil's status as an official language of Sri Lanka was constitutionally entrenched only in 1987 in the 13th amendment to the 1978 Constitution.

1958 – Tamil Language (Special Provision) Act No. 28 of 1958

The Tamil mobilization against the state after the adoption of the 1956 Sinhala-Only Act led to a *satyagraha* [peaceful protest] in parts of the country and the main Tamil political party, the Federal Party, to demand for the establishment of a new federal principles-based constitution and the devolution of regional autonomous powers to Tamils in their traditional Tamil-speaking homelands, as well as the parity status for Tamil as an official language of Ceylon alongside Sinhala. (De Silva Wijeyaratne 2014) This Tamil mobilization was followed by anti-Tamil ethnic riots that underlined, "the combustible nature of linguistic nationalism in a plural society." (De Silva 2005, p. 181)

This prompted the government to negotiate a settlement with the Tamil political leaders of the Federal Party that took the form of the Bandaranaike-Chelvanayagam pact in 1957. This pact provided for the transfer of powers to regional units and the recognition of Tamil as the national language of a minority, introducing the Tamil Language (Special Provisions) Act for the use of "Tamil in prescribed administrative activities in the Northern and Eastern provinces, without infringing on the position of the Official Language Act." (Coperahewa 2009, p. 117) Sinhalese extremist groups and the omnipresent

Sinhala-Buddhist clergy were opposed to the pact and launched another round of riots, which forced the government to abrogate it. (Laitin 2000; DeVotta 2006)

Disappointed by the abrogation, the Federal Party launched a civil disobedience campaign leading to another round of ethnic riots in 1958. Shortly after, in an attempt to contain the rise of Tamil nationalism, the government enacted the Tamil Language (Special Provisions) Act No. 28 of 1958 providing for the use of Tamil as a "medium of instruction," a "medium of examination for admission to the public service," the "use of Tamil for correspondence," and the use of Tamil "for prescribed administrative purposes" in the Northern and Eastern provinces, "without prejudice" to the use of Sinhala.[5]

Since the provisions of the Act were never enforced, due to opposition from the Sinhala Buddhist clergy and Sinhala opposition parties refusing to give force to the implementing regulations, the Language (Special Provisions) Act No. 28 of 1958 does not qualify as a critical juncture: it did not translate into an enduring and self-perpetuating language policy inheritance that persists and is stable for a substantial period. (Rajah 2017) However, it created a path which, as explained by Royles and Lewis (2019, p. 713), established "a trajectory that remain[ed] and enduring influence and constrain[ed] the scope for diversion from [the] set policy direction" of granting Tamil a recognized status.

1972 – Constitution

The country's previous constitution, the *Ceylon (Constitution) Order in Council 1946*, had been drafted by the British colonial rulers and the ruling party asserted that it was time for the country to adopt a new constitution to distance itself from the colonial rule. However, the fact that article 29(2) of the *Ceylon (Constitution) Order in Council* stipulated that no laws could be enacted to 'confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other

[5] Tamil Language (Special Provisions) Act No. 28 of 1958

communities or religions,' is also said to have played a role in this decision, since it led a Tamil civil servant to challenges the 1956 Official Language Act.[6]

The government of the day included a special provision in the new constitution of 1972, upholding the constitutional validity of the *Official Language Act*. Article 7 of the new constitution stated that "The Official Language of Sri Lanka shall be Sinhala as provided by the *Official Language Act* No. 33 of 1956" (*The Constitution of the Republic of Sri Lanka*, 1972). Moreover, although the Constitution of 1972 upheld the validity of the *Tamil Language (Special Provisions) Act No. 28 of 1958*, it gave Tamil a secondary status: article 8(2) stated that "any regulations enacted earlier under the *Tamil Language (Special Provisions) Act* were to be deemed as subordinate legislation and 'shall not in any manner be interpreted as a provision of the Constitution.' Moreover, the new constitution did not stipulate the implementation of the *Tamil Language (Special Provisions) Act*, effectively allowing the legislation to exist only on paper." (*The Constitution of the Republic of Sri Lanka* 1972; Rajah 2017) In other words, "it was specifically stated in the constitution that the provisions relating to […] Tamil could be amended by ordinary legislation whereas the provisions relating to Sinhalese were constitutionally entrenched."

Another important article in the Constitution, Article 6, stipulates that "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster Buddhism while assuring to all religions the rights granted by section 18(1)(*d*)." The said section stipulates that "every citizen shall have the right to freedom of thought, conscience and religion." According to DeVotta (2007) by adopting the 1972 Constitution, Sri Lanka effectively became an ethnocracy by giving Buddhism the foremost place and a pre-eminent position to Sinhala, the majority Sinhalese's religion and language.

[6] *Kodeeswaran v Attorney General* 1969

The adoption of the 1972 constitution followed by other discriminatory policies, such as imposing university entry quotas based on language, fuelled a growing sentiment for separation among Tamils, especially among the young politicized Tamils, and led to the "emergence of the armed Tamil secessionist movement in 1972." (Rajah 2017, p. 78; Kearney 1978; Davis 2015) The continuous undermining of minority rights and the constitutional entrenchment of majority preferences led to a polarization in Sri Lanka and provided the necessary momentum for the Tamil militancy movement (DeVotta 2006; Rajah 2017) which led to the formation of the Liberation Tigers of Tamil Eelam (LTTE) in 1975, followed, in 1976, by a political resolution presented by the Tamil United Liberation Front (TULF), calling for the "restoration and reconstruction of the Free, Sovereign, Secular, Socialist State of Tamil Eelam based on the right of self-determination […] either by peaceful means or by direct action or struggle." (Coperahewa 2009, p. 120; Phadnis 1979)

With the 1972 Constitution only upholding the provisions of the Tamil Language (Special Provisions) Act No. 28 of 1958, which had never been enacted, and giving Tamil a subordinate status, this constitution does not qualify as a critical juncture, since it did not translate into an enduring and self-perpetuating language policy inheritance that persists and is stable for a substantial period. However, the adoption of the 1972 Constitution further constrained the scope for diversion from the provisions of the *Tamil Language (Special Provision) Act No. 28 of 1958* and consolidated the recognized status of Tamil.

1978 – Constitution

Although the 1978 Constitution essentially gave parity to Sinhala and Tamil, the position of Tamil remained "fundamentally subordinate to Sinhala." (De Silva Wijeyaratne 2014, p. 146) Article 18 reiterated that the status of Sinhala as the official language of Sri Lanka while Article 19 recognized Tamil as a national language that could be used in Parliament and local authorities (article 20), as a medium of instruction (article 21), and as the language of administration in the Northern and Eastern

provinces. The incorporation of the *Tamil Language (Special Provisions) Act No. 28 of 1958* ensured that its provisions are constitutionally entrenched. (Laitin 2000; DeVotta 2006)

The recognition of Tamil as a national language in the 1978 Constitution is a critical juncture since it did translate into an enduring and self-perpetuating language policy inheritance that has persisted and been stable until today.

1987 – Thirteenth Amendment to the Constitution

The 13th amendment to the 1978 Constitution is an outcome of the Indo-Lanka Accord aiming to resolve Sri Lanka's full-fledged civil war. The amendment not only led to the creation of Provincial Councils and a power-sharing arrangement between the central government and the nine provinces of the country, but raised Tamil to the status of official language, by amending article 18 of the Constitution. As such, it is a critical juncture, since it did translate into an enduring and self-perpetuating language policy inheritance that has persisted and been stable until today.

Among the pivotal moments that established the path that remained an enduring influence and constrained the scope for diversion from the set of Sri Lanka's postcolonial language policy direction since the country's independence in 1948, only four qualify as episodes of critical junctures that led to a long-lasting legacy, namely independence itself, the 1956 Sinhala-Only Act, the 1978 Constitution and the Thirteenth Amendment to the Constitution adopted in 1987.

In Sri Lanka, independence led to an ethnic and linguistic revival movement grounded in the Sinhalese-Buddhist majority community's recognition and promotion of the greatness of its culture and language after four decades of colonial rule. The resentment of the Sinhalese majority community about the perceived over-representation of the Tamil minority community in the civil service and the postcolonial underperforming and vulnerable economy in general, as well as the struggle for power and resources, set the stage based for ethnic politicking and outbidding, based on language, aimed at

marginalizing the Tamils. As such, independence is the utmost critical juncture of Sri Lanka's postcolonial language policy path.

This ethnic politicking and outbidding culminated with the adoption of the Sinhala-Only Act in 1956. By implementing a hegemonic language regime making the knowledge of Sinhala a precondition to enter the public service, the Act allowed the Sinhalese majority to control the institutions of state power and to enshrine the pre-eminence of the Sinhalese-Buddhist majority community. The 1956 Sinhala-Only Act is the epitome of critical juncture in Sri Lanka's language policy. It enshrined Sinhala as the first postcolonial official language, a legacy that endures today.

The Tamil community mobilized against the state after the adoption of the 1956 Sinhala-Only Act and demanded devolution of powers in their traditional Tamil-speaking homelands. Eager to protect the unity of the country, the government introduced the Tamil Language (Special Provisions) Act in 1958 allowing the use of Tamil in prescribed administrative activities in the Northern and Eastern provinces. However, while the 1958 Act granted a recognized status to Tamil, it was never enforced and Tamil only obtained the status of national language in the 1978 Constitution.

Even if the status of national language was a fundamentally subordinate position to Sinhala, the 1978 Constitution qualifies as a critical juncture, since it constitutionally entrenched Tamil as a national language, a legacy that endures today. The adoption of the Thirteenth Amendment to the 1978 Constitution which constitutionally entrenched Tamil as an official language was the latest critical juncture that remained an enduring influence and constrained the scope for diversion from the set of Sri Lanka's postcolonial language policy direction. However, as will be exposed in the next chapter, granting Tamil parity status with Sinhala in itself did not alleviate all the language-based grievances: historical, institutional and political resistance factors still undermine the successful implementation of Sri Lanka's language policy.

Chapter Three – Historical, Institutional and Political Resistance Factors

After the adoption, in 1987, of the 13th amendment to the 1978 Constitution granting Tamil the status of official language, the government established an Official Languages Commission in 1991 – whose general objects are, among others to: "recommend principles of policy, relating to the use of the Official Languages, and to monitor and supervise compliance with the provisions contained in Chapter IV of the Constitution" and to "promote the appreciation of the Official Languages and the acceptance, maintenance, and continuance of their status, equality and right of use." (Official Languages Commission Act 1991)

In 2007, the government, under the Public Administration Circulars and Regulations on Second Language Competency for Public Officers made it compulsory for public servants to be proficient in Sinhala and Tamil within five years of recruitment, and established the National Institute of Language Education and Training (NILET) reporting to the Ministry of National Languages and Social Integration, Social Progress and Hindu Religious Affairs. The object of the institute is to generate: "competent teachers to teach Sinhala, Tamil and English; competent translators and interpreters in the Sinhala, Tamil and English languages; qualified trainers to train language teachers, translators and interpreters in the Sinhala, Tamil and English languages; trained persons with trilingual capacities for the efficient provision of services to the public."

In 2011, in the aftermath of alleged war crimes committed by both belligerents in the final stages of the civil war and under pressure from the international community, the government appointed the Lessons Learnt and Reconciliation Commission (LLRC) whose mandate was, among others, to report on "the institutional, administrative and legislative measures which need to be taken in order to prevent any recurrence of [the conditions underlying the civil war] and to promote further national unity and reconciliation among all communities […]. In its report, the Commission confirms that it: "heard from

many Tamil persons and noted the sense of marginalization expressed by them due to the language policy and the deficiencies in its implementation followed by successive governments [and] witnessed firsthand that even today many persons of the minority communities are made to transact business not in the language of their choice."

With regards to language policy, the LLRC recommended to implement the official languages policy in "an effective manner to promote understanding, diversity and national integration," to make compulsory "the learning of each other's languages [as] part of the school curriculum [in order to] ensure attitudinal changes amongst the two communities," to move towards creating a trilingual state in which future generations become proficient in Sinhala, Tamil and English; and to make it "compulsory that all Government offices have Tamil-speaking officers at all times." (LLRC 2011)

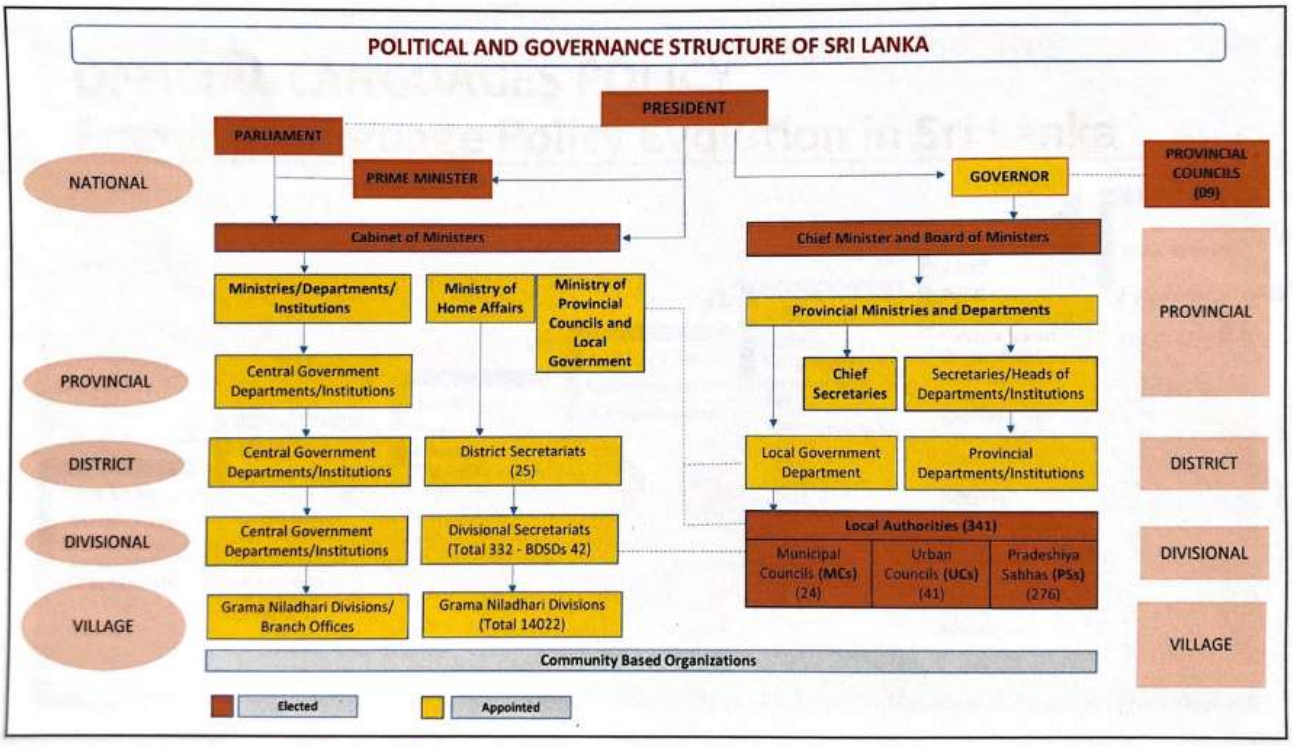
In response the recommendations related to the official languages policy, the Government of Sri Lanka, in its National Action Plan to implement the LLRC recommendations, committed to[7]:

- Formulate an Action Plan to ensure effective implementation of the Language Policy
- Examine the role of the Official Languages Commission and identify areas that need strengthening; include remedial steps to be undertaken in Action Plan
- Implement recommendations of the "Presidential Task Force on Trilingualism Society by 2020"
- Design a monitoring and evaluation plan to assess whether the programmes implemented are effective and whether there is compliance with policy:
    - monitor observance of language rights recognized in the Constitution
    - identify additional remedial measures required to ensure observance of language rights.

[7] (Agriteam Canada Consulting, 2015)

Sri Lanka's Language Policy Today

Today, Tamil and Sinhala are national and official languages of Sri Lanka and English is a link language.[8] Accordingly, the national languages are used in Parliament, Provincial Councils and Local Authorities, as a medium of instruction, as languages of administration, of legislation and of courts. All levels of government in Sri Lanka are subject to the Official Languages Policy and the Official Languages Act.



[9]

The Ministry of National Integration, Official Languages, Social Progress and Hindu Religious Affairs is responsible for the formulation of policies, programmes and projects, as well as for the implementation, monitoring and evaluations of issues relating to national integration, reconciliation and official languages. Three bodies report to the Ministry: the Department of Official Languages (DOL) responsible for the effective implementation of the OLP; the Official Languages Commission (OLC)

[8] Articles 18(1), (2), (3), 19, 20, 21, 22, 23 and 24 of Chapter IV of the 1978 Constitution
[9] NLEAP 2019 – Levels of Government subjected to the OLP

responsible for policy recommendations, use of official languages and monitoring and supervising its compliance; the National Institute of Language Education and Training (NILET) responsible for language teaching and training of public servants, teachers, translators and interpreters. (NLEAP 2019)

Several context-specific factors affect Sri Lanka's compliance with its language policy, including historical factors, the state's level of resources, financial priorities and political motivations. Since the end of the civil war in 2009, language policy implementation efforts, in which the public service plays an important role, revolve around reconciliation. However, the limited linguistic skills and resources, as well as the lack of meaningful policy changes considerably weaken the effective implementation of the official languages policy. (Center for Policy Alternatives 2018)

While the Official Languages Commission has wide theoretical powers, it has minimal impact on the sociolinguistic reality of the country, and has hardly succeeded in fulfilling its mandate. (Laitin 2000) Government institutions still provide services in Sinhala only, forms in public offices in the North and East are available in Tamil only or in Sinhala only elsewhere in the country, police issues parking fines in Sinhala, Tamils not proficient in Sinhala are prosecuted in Sinhala before courts, buses provide destination boards in Sinhala only, signs in hospitals or government offices don't provide signs in Tamil, and Tamil students lack educational opportunities because there is a shortage of Tamil teachers. (The Economist 2017) Bilingualism in the country's official languages is rare in Sri Lanka, because the government only encourages the teaching of Tamil to Sinhala students and vice versa. Despite the fact that the trilingual policy has been formally adopted, the implementation of the language provisions by the Official Languages Commission remains incomplete. (Coperahewa 2009; Groundviews 2013)

Historical Resistance Factors

For centuries, the Tamil community has been predominantly concentrated in the northern and eastern portions of Sri Lanka and the Sinhalese community has been in numerical predominance in the rest of

the island. This identification of each community with a traditional territory has minimized contacts between the two communities and led the population to identify itself and being identified as belonging to one and only community. (Kearney 1967; Kearney 1978) This territorial division still applies today.

Divisions along ethnic, linguistic and religious lines are the prerogative of many postcolonial states and Sri Lanka is no exception. Under the British colonial rule English was the language of administration in Sri Lanka. Its divide-and-rule policies aiming to marginalize the Sinhalese Buddhist majority in order to better control them lead to an over-representation of non-Buddhist and ethnic minorities, mostly Tamils, in the bureaucracy, the civil service, as well as in the primary and secondary educational institutions.

The release from colonial rule led to an intense economic and political competition between the Sinhalese majority and the Tamils and other minorities. Jobs were scarce and the government was the major employer. (Kearney 1967) Independence led to a divide not only between the English-speaking elites and the vernacular speaking populace but the two ethnolinguistic communities. With social mobility and economic success depending on literacy and job scarcity in postcolonial Sri Lanka, the enshrinement of Sinhala as the official language led to better job prospects for the Sinhala-educated middle class in a country where resources are scarce and the state is the largest employer. The dispute over the official language policy became a controversial socio-political issue and the question of official language not only fuelled rivalries between Sinhalese and Tamils but posed a threat to the unity of the country. (Kearney 1964; Phadnis 1979; Coperahewa 2009) The organization of Sri Lanka's language policy is a reflection of this postcolonial social divide.

During the British colonial rule Sinhala suffered a setback, although it continued to be spoken, written and used by the Sinhalese majority in different spheres of their lives. (Coperahewa 2011) Sinhalese always had a clear majority in Sri Lanka and Sinhala has thus a predominant position in Sri Lanka. However, Tamils are predominant in the regional context of the proximity of Tamil Nadu.

Sinhala is spoken only in Sri Lanka by approximately 16.3 million people[10], whereas Tamil is spoken by approximately 80 million people worldwide. [11] It was this 'minority complex' of the Sinhalese majority that constituted the force behind the nativistic upsurge. (Dharmadasa 1977)

Sinhalese not only see themselves as the sole repositories of their ancient Indo-Aryan language, but the sole guardians of Buddhism since no other community or linguistic group in the Indian subcontinent is dominantly Buddhist. Tamils on the other side are predominantly Hindus. There are strong connections between the Sinhala ethnic identity and Buddhism. (Farmer 1965; Coperahewa 2009) Sinhala-Buddhist organizations had been pressing for the elevation of Buddhism to the status of state religion since the early twentieth century. In their view, in the postcolonial state, the majority community needed to have full control over the institutions of state power and the ethnic minorities needed to accept the pre-eminence of the linguistic and religious preferences of the Sinhalese-Buddhist majority. The aim of the Sinhala Buddhist majority was to disempower the linguistic minority by adopting a unilingual linguistic policy. Buddhism became a political tool and the Sinhala Buddhist majority political class exploited religion to make political claims on the state, while making disproportionate concessions the Sinhala-Buddhists who make up a large percentage of the country's electoral map. (Imtyiaz 2010; Uyangoda 2007)

Since the 1950s, the unscrupulous and populist politicians from the major Sinhala political parties, determined to acquire and maintain power, resorted to ethnic outbidding – an auction-like process wherein politicians create platforms and programmes to 'outbid' their opponents on the anti-minority stance adopted – to win elections. The strong religious and ethnic symbols used by the politicians in their

[10] According to the 2011 Census, Sri Lanka has a population of approximately 20.3 million, of which 80 percent speak Sinhala
[11] Based on statistics of countries where Tamil is an official language. According to India's 2011 Census, approximately 74 million people speak Tamil. (Government of India 2011) According to Singapore's 2011 Census, approximately 190 000 people speak Tamil. (Government of Singapore 2011) According to Sri Lanka's 2011 Census, approximately 5.3 million people speak Tamil. (Government of Sri Lanka 2012)

competition to mobilize the masses and to garner their support in elections, made these "hostile, chauvinistic politics possible." (Imtiyaz 2010, p. 153) Since the adoption of the Sinhala-Only Act in 1956, Sinhala-Buddhist politicians continued to play the religious and ethnic card to adopt and implement successive language policies that re-emphasized the marginalization of the Tamil minority. (DeVotta 2005; Chandra 2005)

Contemporary Sinhalese-Buddhist religious groups are omnipresent in the media and continue to exert political influence in Sri Lanka. They continue to play on the fear that Sinhalese-Buddhist culture is under threat and that Tamils requests represent an existential threat to Sri Lanka. (Vaughn 2018)

Sinhalese resentment at the over-representation of Tamils in the civil service and the postcolonial economy, combined with the Sinhala Buddhist revival, the minority complex, the postcolonial ethnic divide and the ethnic outbidding led to the implementation of strong exclusivist language policies still underlying the current "ideological barriers to bilingual policy implementation in a complex and conflict-ridden postcolonial setting" (Davis 2015, p. 95; Devotta 2005; Wee 2011) The politicians' continuous ineptitude and quest to place their personal ambitions and their party's interests above the national interest underlies the faulty implementation of Sri Lanka's language policy. As well, the public and political omnipresence and preponderance of Sinhala-Buddhist religious groups since the 1950s make it difficult to fully implement the official language policy since they interpret each step towards linguistic parity as an existential threat to Sri Lanka.

Institutional Resistance Factors

Sri Lanka's institutions have framed the country's language policy choices since independence and contributed to its unsuccessful implementation. The unitary country inherited a Westminster-style parliamentary system from the British colonizer that allows the Sinhalese-Buddhist majority to control the Parliament and thus the adoption of language policies. This allowed it to constitutionally entrench

and institutionalize a hegemonic monolingual language policy in the 1950s and still allows it today to adopt the policy's implementation rules and regulation. By not upholding the language rights of every citizen of Sri Lanka, the government shattered the fragile ethnic unity, fostered the postcolonial ethnic divide, and sowed the seeds of a bloody civil war.

The institutionalization, since the 1950s, of the Buddhist-Sinhalese identity and the idea that Sri Lanka belongs "exclusively to the Sinhala Buddhists" (Rajah 2017, p. 29) has led to the politicization of religion. This not only made the Sinhalese-Buddhist politicians subservient to religion (Riaz 2010) but led to the erosion "of the secular state and its institutions, such as the legislature, bureaucracy, judicial system, public education system and the police and defence forces […]" (Imtiyaz 2010, p. 168) and of trust in the public institutions.

The fear of fragmentation of territorial integrity and of undermining the ethnocratic Sinhalese-Buddhist nation's hegemony underlie the postcolonial centralization of institutions and opposition of institutional devolution of powers to the Tamils. (De Silva Wijeyeratne 2014) The Sinhala-Only Act was the first of many ethnocentric linguistic policies and decisions that compromised Sri Lanka's institutions by preventing almost a third of the population from receiving services in their mother tongue. The adoption in 1972 of the Country's first postcolonial Constitution which confirmed Sinhala as the sole official language and gave Buddhism a "foremost status" "marked the triumph of Sinhalese Buddhist linguistic nationalism." (DeVotta 2016)

Whilst Tamil is also recognized as an official language since 1987, the Sinhalese-controlled bureaucracy doesn't provide the institutional support needed to fully implement the policy of bilingualism. (De Silva Wijeyeratne 2014) Moreover, notwithstanding the fact that the government has introduced countrywide language training and incentive programs for government officials to learn the two official languages, intensified language training programs, and appointed government officials at district and local levels to coordinate the implementation of the official language policy, it lacks the

necessary resources to implement its official language policy. While the official languages have parity status, "in practice 'a properly bilingual bureaucracy is decades away'." (The Economist 2017) The continued preferential treatment of Sri Lanka's partial state institutions towards the Sinhala majority limits the Tamil minority's interactions with official and unofficial institutions which contributes to continuous institutional decay. (Bikshu 2020) Indeed, even today there are areas in the country where Tamil people cannot transact with the Government in their language. (LLRC Report)

Although Sri Lanka's institutions are similar to "those existing in Western liberal states and holds regular elections, these do not make it a democracy." (Rajah 2017, p. 158) Since independence, the "country developed into an 'ethnocracy' while transforming itself from being a 'commendable democracy' to an 'illiberal democracy'." (Bikshu 2020, p. 126) Illiberal, because in Sri Lanka the press cannot operate freely, the judiciary does not take impartial decisions, the security forces are above the law, the government officials are corrupt, ethnic groups are marginalized and victimized, and human rights are disregarded and violated. (Center for Policy Alternatives 2018)

As well, it is the elected legislature – the den of democracy –that allows the country's executive to exercise its authoritarian power and allowed it to adopt all its discriminatory language legislations and the ethnocratic constitutions over the years. "In other words, the very institution [that is supposed] to prevent the encroachment of the powers […] has been used by Sri Lanka to transform into an ethnocracy and violate *en masse* the civil liberties and human rights of its non-Sinhala Buddhist populations […]" (Rajah 2017, p. 158)

Sri Lanka's Sinhala-Buddhist majority institutionalized its linguistic and religious preferences to be the only one able to control the levers of power. While Sri Lanka has adopted liberal democratic state institutions, it exhibits characteristics of an authoritarian state. (Rajah 2017) Sri Lanka enacted racist legislations and used linguistic nationalism to perpetrate institutional decay. (DeVotta, 2005) Sri Lanka is facing an enduring economic crisis and there is no sign that the "Sri Lankan cum Sinhalese Buddhist

state has the capacity to generate the symbolic capital necessary to transform its institutions in an inclusive direction." (De Silva Wijeyeratne 2014, p. 2)

In addition to the flaws identified, the current concentration of power in the hands of the Rajapaksa brothers – Gothabaya who's the country's president, and Mahinda who's the country's prime minister – undermines considerably independence of the institutions and the separation of powers. In September 2020, the current government introduced the twentieth amendment to the 1978 Constitution and announced its intention to introduce a new constitution. According to the Center of Policy Alternatives (2020), this amendment will "seriously undermine the accountability of government" and "adversely impact on the efficient, effective, and transparent use of public funds."

Political Resistance Factors

Notwithstanding the fact that Sinhala and Tamil are both recognized as official and national languages since 1987, there is a lack of political will to fully implement the official language policy. Historically, since independence, the Sinhala-Buddhist majority has sought to reassert its position and prerogatives and to exercise its power over minority ethnic groups, more specifically Tamils, by enacting discriminatory language policies designated to marginalize and subjugate. The postcolonial political stirrings grounded in ethnic identification and communal solidarity led to a tyranny of the majority that prevented and continues to prevent the adoption of a global institutionalized plan to fully implement the language policy. In other words, the elites continue to use their control over language policy and state institutions to entrench their position at the expense of the population. (Brown 1997)

Giving Sinhala and Tamil the status of national and official languages alone didn't lead to them being used in the larger society, due to ideological barriers and lacking social and political changes. (Herath 2015; Davis 2015) Whilst Tamil has been an official language since 1987, successive governments lacked political will to fully implement the country's language policy. In fact, the national

bilingual policies "reinforce inequalities and differences between the Sinhalese majority and Tamil-speaking minorities rather than promoting interethnic integration. Whereas Tamil speakers struggle to learn to read, write, and speak Sinhala to survive in the Sinhalese-majority South, Sinhalese acquire minimal skills in written and spoken Tamil to pass exams, qualify for promotions, or obtain coveted government jobs." (Davis 2015, p. 109)

Since 2005, the successive "Rajapaksa governments" have become increasingly authoritarian and lacked the will to develop political institutions "that give meaningful roles to minority leaders and empower the communities they represent." (De Silva Wijeyeratne 2014, p. 189) The country's highly adversarial political system, dominated by Sinhala-Buddhist majority parties since independence, is grounded in ethnic outbidding. The continuous ethnic outbidding sanctioned by Sri Lanka's political elites determined to attain and maintain power underlies the country's language policy choices. This state tradition not only led to the embedment of the practice in the country's political culture but severely undermined the minority population's confidence in the political structure and the institutions. (DeVotta 2005) Parties in power who try to promote conflict resolution policies are continuously checkmated by the opposition parties claiming that the policies will lead to the dismemberment of the island. The ethnic outbidding politics contribute to the political decay and reiterate that a lasting political solution is unlikely until "Sri Lanka's leaders can craft the requisite institutions that would treat all citizens dispassionately." (DeVotta 2005, p. 141)

Sri Lanka's has a mixed electoral system headed by a president who is not only the head of state but the head of government. The president picks the prime minister – who has no real power – as well as the cabinet and presides over cabinet meetings. Under the current government, the president's and the prime minister's position are held by members of the same family. While Parliament can technically impeach the president, this doesn't happen in reality not only because the president can sack members of

Parliament, but because the president picks the very Supreme Court justices who decide on the impeachment – and they tend to be partial. (DeVotta 2016)

Moreover, Sri Lanka has a complicated "proportional-representation-cum-preferential voting system." (DeVotta 2016, p. 89) Voters not only have to select a party but also list three candidates in order of preference from the chosen party. The number of elected candidates from a given party in the 22 electoral districts is based on the percentage of votes polled in the respective district. The candidates who obtain the most preferential votes in a given district will qualify for a seat in Parliament. (DeVotta 2016)

Language policy planning is the prerogative of the state and in Sri Lanka the state is and will always be governed by politicians representing the Sinhala-Buddhist majority. The Sinhala-Buddhist majority will continue to dominate politics and government, which raises "questions as to the likelihood of future success of post-conflict institutional policies to address the country's ethnolinguistic divisions." (Eckstein 2018, p. 108) The liberal democratic principles designed to "eschew the tyranny of the majority" (DeVotta 2005, p. 154) are severely compromised in Sri Lanka. Instead of protecting the minorities, the Sinhala-Buddhist majority government uses its predominant majority to dominate them. As such, the promotion, since 2009, of a multilingual and united Sri Lanka may have been a mere strategy to divert from the government's refusal to find a political solution that would meet the needs of the Tamil minority. (Davis 2015)

The recommendations of the Lessons Learnt and Reconciliation Commission report show that the inability of Tamils to use their language is an impediment to reconciliation. Upholding Tamil language rights is a precondition for peace, reconciliation and the unity of the country, but if those who make the rules only codify their group's preferences without enabling minorities to have a stake and lack political commitment to the proper implementation of the country's language policy, there will be no

political solution to the historical grievances of the Tamils. (DeVotta 2005; LLRC 2011; The Economist 2017; CPA 2012)

One of the tools used to transfer political and administrative power to the subnational level in order to address the Tamil minority's interests was the creation of provincial councils in 1987, under the 13th Amendment to the Constitution, which also granted Tamil the status of official language. However, more than thirty years later, provincial councils are unable to function properly due to duplication of administrative structures and entities and a lack, among others of power, clarity in devolved functions, fiscal and human resources and bureaucratic support, and the dominance of central bureaucratic institutions combined with the fear of Sri Lanka's political leadership that this would lead to a shrinkage of the central government's power. This lack of decentralization undermines participatory decision-making and widens the abyssal gap between the Sinhala-Buddhist majority government and the Tamil minority. (De Alwis 2020)

The landslide parliamentary election win of August 2020 conferred a two-thirds majority to the party dominated by the Rajapaksa brothers and granted them the "power to reshape Sri Lanka's political institutions in fundamental – and potentially dangerous – ways." (Keenan 2020, p. 1) Creating a multicultural nation has never been an objective of the Rajapaksa's – not today nor when they were in power in 2009 at the end of the war. The authoritarian tendencies of the current government and the concentration of power within the Rajapaksa family weaken the state institutions. The twentieth amendment to the Constitution presented in September 2020 would remove the "checks and balances on the executive presidency" and empower the president to appoint whomever he wants to key institutions. This would politicize institutions "meant to function independently of the political executive and for the benefit of citizens," and lead to an erosion not only of the country's constitutional democracy, but the rule of law and the sovereignty of citizens. (CPA 2020)

As previously mentioned, language-based grievances endure despite granting Tamil parity status with Sinhala. Several historical, institutional and political resistance factors still prevent the successful implementation of Sri Lanka's language policy and thus the effective building of post-war reconciliation identified in the recommendations of Lessons Learnt and Reconciliation Commission in 2011. Among those are the historical territorial divisions along ethnic, linguistic and religious lines, as well as the continuous fearmongering by Sinhala-Buddhist groups that the Sinhalese-Buddhist culture and language are under threat. Moreover, the centralization of institutions, the institutionalization of the Buddhist-Sinhalese identity, the limited devolution of power in a unitary Sri Lanka, and the lack of political will fuelled by a continuous reassertion of the Sinhalese-Buddhist majority's position, prerogatives and power over minority ethnic groups also hinder the full implementation of the country's language policy.

Conclusion

This research aimed to identify the key factors that conditioned and continue to condition Sri Lanka's language policy decisions. It explored the key historical factors and dimensions of Sri Lanka's language policy path and the critical junctures that consolidated it over the years.

The literature review underpinned the political origins and dynamics of Sri Lanka's language policies, and established a link between language and conflict, politics, ethnicity, identity, legitimacy, empowerment, discrimination, and reconciliation. It showed that language is a key to participation in society and that language rationalization leads to isolation and marginalization of minority communities, which can lead to division, hinder democratic participation and lead to a full-blown war.

The critical junctures framework based analysis of the dynamic power relations that inform historical language policy choices shows that the lasting impacts of the language policies adopted since independence underlie the country's current inability to fully implement its language policy. It identified four episodes of critical junctures that established the path that remained an enduring influence and

constrained the scope for diversion from the set of Sri Lanka's postcolonial language policy direction since the country's independence in 1948, namely independence in 1948, the 1956 Sinhala-Only Act, the 1978 Constitution and the Thirteenth Amendment to the Constitution adopted in 1987.

The analysis of the resistance factors shows that the country is unable to fully implement its language policy because language rights in postcolonial Sri Lanka have played a central role in the struggle for power and resources between the Sinhalese and the Tamils. It shows that Sri Lanka's institutions played a key role in driving the language policy underlying the postcolonial divide that led to a full-fledged civil war and that detrimental language policies based on ethnic politicking and outbidding have contributed to exacerbating ethnic differences around language which need to be addressed in order to effectively build post-war reconciliation. Indeed, more than ten years after the end of the civil war, language remains a contentious issue and a political tool for marginalization.

The language issue has been used for over 70 years the Sinhala-Buddhist majority parties to outbid each other to win elections. Linguistic hegemony has allowed the Sinhalese-speaking majority to assert power over the Tamil-speaking minority through culture and ideology. Whereas the Sinhala-Buddhist majority has been concerned with the survival or decline of the language, the Tamil minority simply has been asking that its language rights be respected.

Although the current language regime, which gives both Sinhala and Tamil the status of official language, has been in place since the adoption of the 13th amendment to the 1978 Constitution in 1987, and is thus constitutionally entrenched, it is not properly and fully implemented. As exposed in the Lessons Learnt and Reconciliation Report in 2011, while "constitutional and legal provisions regarding the Tamil language are in place […] there are shortcomings and failures of implementation" (LLRC Report, p. 294) that prevent Tamil people from transacting with the Government in the Tamil language. This failure to uphold the language rights of all Sri Lankan citizens is an impediment to reconciliation

and national unity, and adversely impacts the quality of governance and the legitimacy of government. (Center for Policy Alternatives 2018)

According to Bloomfield and Barnes (2003) "effective reconciliation is the best guarantee that the violence of the past will not return." The goal of reconciliation efforts is to "rebuild and repair society following violent conflict and to foster more peaceful relationships between formerly conflicting groups." (USIP 2017, p. 6) Since the Sri Lankan government forces forcefully ended the civil war in 2009, the grievances of the Tamils relating to the use of language that initially led to their radicalization in the 1980s were not resolved through a political solution, "negotiated with goodwill between parties who are fully mindful of each other's needs and concerns." (LLRC Report, p. 294) During the presidency of Mahinda Rajapaksa, in power between 2005 and 2015 – and who currently serves as the country's prime minister –, the reconciliation process stagnated and he failed to implement the "institutional mechanisms and policy changes that support the development of peaceful intergroup relations" (USIP 2017, p. 6) and that would have helped the country to resolve disputes peacefully and build trust among its citizens.

Although language was a root cause of the violent conflict in Sri Lanka, as established in this research paper, the constitutional entrenchment of the equalitarian official language status of Sinhala and Tamil through the 13th Amendment to the 1978 Constitution in 1987, did not put an end to the civil war and was insufficient to rebuild and repair Sri Lanka's society and to foster more peaceful relationships between the Sinhala and Tamil communities. Not only was it too little too late, but it was the result of external pressures. It thus "lacked the foundation of trust and confidence that comes from a solution negotiated with goodwill." (LLRC Report, pp. 293-294)

Moreover, with the breach of agreements on language by successive governments, other demands, such as devolution of regional autonomous powers to Tamils in their traditional Tamil-speaking homelands took centre stage and added to Tamil language-related grievances. Over the years,

language was not the only cause of conflict and while it cannot be the sole cause of reconciliation, it can play a role in the country's reconciliation efforts. For language to play a significant role in these efforts, the country needs to address the shortcomings and failures of language policy implementation. This requires changes at the institutional and political levels which will prove difficult to implement under the current unitary system – grounded in the fear of fragmentation of territorial integrity and of undermining the ethnocratic Sinhalese-Buddhist nation's hegemony – due to a lack of political will and the omnipresence and preponderance of Sinhala-Buddhist religious groups for whom each step towards linguistic parity is an existential threat to Sri Lanka and the primacy of Sinhalese-Buddhists.

To promote reconciliation and the pacific coexistence of Sinhalese and Tamils, the government must build trust in state institutions. This could be done by[12]

- adopting and enforcing stringent laws and policies to ensure proper implementation of the language policy at all levels of government in order to build vertical relationships between the state and citizens to advance the equality status and use of Tamil in Sri Lankan society;
- supporting the full implementation of the official languages policy as a reconciliation mechanism to help shift group-level attitudes and public perception
- ensuring that Tamil-speaking people and regions are adequately represented in the official bodies responsible for executing the language policies and monitoring performance
- ensuring that all state institutions and corporations have the necessary resources to provide services in both official languages
- ensuring that the Official Languages Commission has effective powers to implement the language policy and strong investigative powers to address the grievances of minorities

[12] Inspired by LLRC Report 2011; Center for Policy Alternatives 2012; USIP 2017; Office of the Commissioner of Official Languages of Canada 2020

Building trust in state institutions is paramount to "provide a peaceful forum for conflict resolution and a framework to address grievances without resorting to violence." Inclusive and stringent language policies will create more inclusive institutions, open to more citizens and more geared towards the needs of the general population. Promoting language diversity will not only promote social cohesion and lead to greater state legitimacy, but "improve governance by making state institutions more accessible." (Kaplan 2012, p. 2; Shepard Wong 2017)

However, the stringent application of language policy is possible only with the support of the majority. While implementation takes time, it also takes continuous political commitment, a commitment that is sorely lacking in Sri Lanka. In the current world, where the COVID pandemic will undoubtedly lead to increased inequalities, the Sinhala-Buddhist majority government of Sri Lanka could be tempted to – or rather will – favor members of its majority community over members from the Tamil-Hindu or Tamil-Muslim minority communities in its economic recovery efforts. Language could, once again, become a tool of domination, marginalization and isolation, which could, once again lead to an uprising of the minority community members and translate into an armed conflict. Language policy in itself cannot prevent the resumption of the conflict, but it can bridge the gap between the two communities and serve as a pathway for building post-war reconciliation in Sri Lanka to ensure that the violence of the past will not resume.

Annex I – Chronological List of Pivotal Moments

Chronological list of pivotal moments[13]

Colonialism – Portuguese (1505-1658); Dutch (1658-1796); British (1796-1948)

1815 – British conquer the Kingdom of Kandy. Britain starts bringing in Tamil labourers from southern India to work in tea, coffee and coconut plantations

1833 – Colebrooke-Cameron Commission – Whole Island united under one British administration

1931 – Universal franchise/suffrage – British grant the right to vote and introduce power sharing with Sinhalese-run cabinet

1948 – Ceylon gains full independence; introduction of the Citizenship Bill

1949 – Indian Tamil plantation workers disenfranchised and many deprived of citizenship

1951 – Language Commission

1956 – Election and Sinhala-Only Act Passed – Solomon Bandaranaike elected on a wave of Sinhalese nationalism. Sinhala made sole official language and other measures introduced to bolster Sinhalese and Buddhist sentiment

1957 – Bandaranaike–Chelvanayagam Pact

1958 – Tamil Language (Special Provisions) Act No. 28 (no implementing legislation until 1966) - Anti-Tamil Riots leave more than 200 people dead. Thousands of Tamils displaced

1972 – Constitution – Ceylon becomes a republic and changes its name to Sri Lanka. Buddhism is given a primary place as the country's religion, further antagonizing the Tamil minority. Emergence of a new generation of radical Tamils.

1976 – Liberation Tigers of Tamil Eelam (LTTE) formed as tensions increase in Tamil-dominated areas (North and East)

1977 – Election – Separatist Tamil United Liberation Front (TULF) party wins all seats in Tamil areas. Anti-Tamil riots leave more than 100 dead.

1978 – Constitution – Tamil awarded the status of national language

1983 – Large-scale violence between Tamils and Sinhalese – 13 Sinhalese soldiers killed in LTTE ambush in the north leading to the "Black July" during which thousands of Tamils die. Start of the "First Eelam War".

[13] Corroborated with Vaughn (2018) and BBC (2020)

1987 – Indo-Sri Lanka Accord – Indian peacekeeping force deployed

1988 – Left-wing Sinhalese begin campaign against Indo-Sri Lankan agreement

1990 – Indian troops leave, conflict with Tamils resumes. Beginning of the "Second Eelam War".

1991 – Establishment of the Official Languages Commission

1994 – Peace talks between the Government of Sri Lanka and the LTTE

1995 – Beginning of the "Third Eelam War"

2002 – Government and LTTE sign a Norwegian-mediated ceasefire

2005 – Election – Mahinda Rajapaksa becomes president

2006 – Suicide bombing in Colombo followed by an intensification of the fighting in the north-east and failure of peace talks

2007 – Public Administration Circulars and Regulations making compulsory the Second Language Competency for Public Officers – Establishment of the National Institute of Language Training by an Act of Parliament

2008 – Government pulls out of 2002 ceasefire agreement, launches massive offensive

2009 – End of the war – In May the government declares the LTTE defeated

2010 – Election – Mahinda Rajapaksa re-elected as president

2011 – Final report of the Lessons Learnt and Reconciliation Commission

2013 – Tamil National Alliance opposition party wins the elections to fill the seats of the semi-autonomous provincial council

2015 – Election – Maithripala Sirisena becomes president

2019-2020 Elections – The Rajapaksa brothers win the presidential election (Gotabaya Rajapaksa) and the parliamentary elections (Mahinda Rajapaksa becomes prime minister)

Annex II – Critical Juncture Framework

	Antecedent Conditions	Cleavage or Shock	Critical Juncture	Mechanisms of Production	Legacy
Overview	Diverse features of economy, society, and politics. May include the legacy of prior critical junctures. Source of rival hypotheses for explaining outcomes attributed to subsequent critical juncture.	Critical juncture routinely seen as growing out of a fundamental societal or political *cleavage*: center-periphery, church-state, land-industry, owner-worker. In some cases should be called a shock: debt crisis of the 1980s, 9/11 attack in 2001.	Major episode of institutional innovation that generates an enduring legacy. Examples: Neoliberal transformation, innovation in legal system, restructuring of church-state relations, boundary-definition in new states, creating new institutional structures for labour unions.	Steps through which the legacy emerges. In some cases, the features of the critical juncture map directly onto legacy. In others, complex reactive sequence. Increasing returns as causal mechanism.	Durable, stable institutions. Mechanisms of reproduction. i.e., sources of stability that sustain the legacy. Relevant causal concepts include self-replicating causal structure, freezing, lock-in, stickiness, and path dependence. Rival hypotheses: "Constant causes." A distinctive kind of rival hypothesis.
Issues and Debates	(1) Contingency vs. determinism. Can "critical antecedents" strongly shape the distinct forms taken by the critical juncture? Challenge to idea that critical juncture itself is characterized by contingency.	(1) Danger of conflation. Distinguishing between cleavage or shock and the critical juncture itself. E.g., not the "9/11 critical juncture" in the U.S., but the "post-9/11 critical juncture." (2) Cleavages and shocks do not necessarily produce a critical juncture. Likewise, a critical juncture could occur without a prior cleavage or shock.	(1) Contrasts in the critical juncture. What are the different ways in which a critical juncture occurs? (2) Establishing equivalence among diverse historical episodes. (3) Synoptic versus incremental change. (4) Contingency vs. determinism. Contingency a defining feature of critical junctures?	(1) The question of hindsight. How much is needed to evaluate a reactive sequence? What research strategies are appropriate if hindsight is insufficient?	(1) Danger of conflation. When is a juncture "critical"? (2) The question of hindsight. How much time is needed to evaluate the legacy? (3) Can chronic political *instability* be interpreted as a *stable* legacy? (4) Contingency vs. determinism. Is the self-replicating causal structure of the legacy inherently deterministic?

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