

Claiming the State: Postwar Reconciliation in Sri Lanka

The Sri Lankan civil war ended in May 2009 with the defeat of the Tamil guerilla group Liberation Tigers of Tamil Eelam (LTTE) by the Sri Lankan state. The LTTE, also known as the “Tigers,” was one of the world’s most successful guerilla forces, famous for its extensive army, navy, and notorious suicide squads. At the time of its defeat, the LTTE had maintained a quasi-state over nearly a third of the island. The military campaign to eliminate the LTTE begun in 2008 represented a new “no holds barred” strategy after three failed peace talks (1990, 1995, and 2002). From January 2009 onward the Sri Lankan army pushed the LTTE from its strongholds into an ever-shrinking northeastern coastal strip. The LTTE covered its retreat by forcing thousands of civilians to march with it. The last months saw 330,000 civilians under constant aerial bombardment from the Sri Lankan army, forcibly recruited and prevented (by being shot) from fleeing to government-controlled areas by the LTTE.¹ The state in its turn bombed hospitals and areas it had declared no-fire zones, and it allegedly used illegal cluster bombs.² Despite controversies about these policies, the state insisted that it was operating a zero-casualty policy and was mounting a “humanitarian rescue” of Tamils from the LTTE.³ As the campaign proceeded, thousands of diasporic Sri Lankan Tamils began highly visible protests in London, Paris, Toronto, Ottawa, New York, and Melbourne against state bombardment. The last battles were highly public, reported almost daily in global newspapers and on news channels for three months; at the same time they were shrouded in secrecy as casualties piled up and international agencies and journalists were banned from the war zone.⁴ Pierre Krahenbuhl, operations director for the International Committee of the Red Cross, described the situation as an “unimaginable humanitarian catastrophe,” and Sir John Holmes, UN Under-Secretary-General for Humanitarian Affairs and emergency relief coordinator, released an op-ed calling the situation a “bloodbath on the beaches of northern Sri Lanka.”⁵

The battles finally ended in May 2009, when around 50,000 civilians still remained trapped and the state captured and eliminated (that is, in all probability executed) the LTTE leader and most of the senior leadership. Allegations of gross human rights violations center particularly on the months April and May 2009. The British Channel Four documentary *Sri Lanka’s Killing Fields* screened highly disturbing mobile-phone footage from soldiers (its authenticity is disputed by the state) with what looks like mass executions of bound and kneeling people, along with the naked and violated dead bodies of Tamil women, among other violations.⁶ It is probable that around 40,000 Tamil civilians died between January and May 2009,

while the reckoning of LTTE cadres and SLA soldiers is still largely unknown. After the war was declared over, 285,000 Tamils from the war zone were interned by the state in squalid mass camps for “security clearance” and kept there for nearly a year.⁷ Thousands of Tamils also disappeared from the camps into detention with no notification to families of their return.

While the LTTE’s demise was not mourned, there has been consistent international pressure for Sri Lanka to adopt some form of political reform and show willingness to investigate human rights violations. To this end the Sri Lankan president announced the formation of the Lessons Learnt and Reconciliation Commission (LLRC) in 2010. From the very beginning the commission was denounced as a farce, and its final report in November 2011 has been accused of whitewashing state culpability for casualties. However, while the LLRC mainly sat in the capital, Colombo, on the brief occasions it toured northern and eastern minority areas thousands of Tamils and Muslims showed up to give testimony, though many were turned away. Why did they desire to participate in such a farce, and under such turbulent circumstances? It is on this question that my essay pivots.

This essay takes the problem of reconciliation in two halves. In the first half, I concentrate on the LLRC and the minority response to it in order to highlight the ways in which this reconciliation process in Sri Lanka is not about ethnic reconciliation between communities; rather, it has been about the avowal by those who turned up that reconciliation fundamentally concerns minority relationships to the state. The LLRC, I argue, should be analyzed as a state performance in the midst of deep and still ongoing violence rather than as a process that brings about reconciliation. The state that is being performed, I suggest, has to be understood through the specificities of Sri Lanka’s colonial and postcolonial state formation and presentation, as well as the disjuncture opened up by three decades of militarization. The second half of the essay turns to the question of relationships between ethnic communities in everyday life. I attempt to acknowledge the power and resilience of how ordinary people live through war without erasing the deep ambiguities, contradictions, and violence that come with such survival. Through thinking about everyday relations between internally displaced Sri Lankan Tamils and Muslims as they return home and reconstruct neighborly relations, I argue that long-term reconciliation between neighbors rests on the possibility of larger political transformation rather than face-to-face coexistence alone.

While these questions are inevitably Sri Lankan questions, they do have a larger bearing. Very few other civil wars have received such attention globally as this one, in part due to the voting blocs that refugee Tamils can employ in Western countries. The majority of scholarly literature on reconciliation processes focuses on Latin American cases and the South African Truth and Reconciliation Commission, in which—despite controversies and concerns—there were moments of political succession and state transformation that presented the possibility that “the past” could be viewed as “the past.” Even if institutions lingered, they had to be resymbolized. Sri Lanka has demonstrated—with the help of new geopolitically important actors, primarily China, which supplied much of the funding for the state’s militarization—that insurgencies can be crushed militarily rather than through peace talks, the conflict resolution mantra that

has dominated international solutions to war in the last two decades. Can there be a humane military victory? Is it possible to effect political reform and reconciliation while being responsible for mass violations? The pressure on Sri Lanka to put forward viable postwar political reform is also about international pressure to recuperate such a scorched-earth strategy for other conflicts. Sri Lanka's refusal to play ball thus has high stakes; the country could be the new global example of our new century. The struggles of Sri Lankans to come to terms with this will, in the end, concern us all.

Reconciliation as a State Performance

The Postcolonial State: Ethnicity, War, and Militarization

There are two fundamental historical considerations that underlie any reconciliation process in Sri Lanka: first, the basic contradiction that constitutes the Sri Lankan state, namely, the interlocking of a mono-ethnic nation within a multi-ethnic state, a postcolonial political formation deeply marked by its former colonial state; second, the recent effect of militarization and ethnic polarization on the lived reality of rather heterogeneous communities, such polarization being a consequence (not the cause) of ethnic conflict and war.

Sri Lanka has a basic bipartite divide of a majority Sinhala and multiple minority Tamil-speaking communities. Sri Lankan Tamils are the most numerous minority and central to the conflict. The other two major (Tamil-speaking) minorities are Sri Lankan Muslims and the Malaiyaha, or hill-country Tamils, descendants of South Indian indentured labor brought by the British.⁸ Ethnic identities are far from primordial and in fact have more recent origins in the colonial state's codification of differentiation as ethnic difference.

The British, the third European power (1796–1948) to conquer Ceylon—renamed Sri Lanka in 1972—were the first to rule the island as a totality and institute a common administration, which they did in 1815.⁹ This administration became fashioned around an understanding of the island as differentiated by distinct linguistic racial communities, deriving from newly popular Victorian ideas of racial difference applied widely in Britain's colonial territories.¹⁰ The 1833 Colebrooke-Cameron reforms instituted a Legislative Council containing a limited number of unofficial members drawn from the governed population at large to represent distinct "races": low-country and Kandyan Sinhalese, Tamils, Muslims, and Burghers appointed as such.¹¹ Newly created provinces were administered in either Tamil or Sinhala, through a conglomeration of general legal mechanisms and newly codified regionally differentiated customary law. As a consequence, the British state premised itself as *the* supra-arbiter of legitimate forms of collective identity. Thus, under British rule, preexisting differentiations of all kinds assumed more solid and new forms as races (later ethnicities) as they became linked to concrete political and territorial structures.¹² In 1931, when universal suffrage was established and communal representation totally abolished in favor of territorial representation, it was in a context in which for more than a century struggles over representation could only be legitimate insofar as they were "racialized." The outcome not only represented the solidification of ethnicity as meaningful social and political difference but also positioned the colonial government as both arbitrating what was legitimate racial difference—that is, what could be seen as the legitimate

and “real” basis for political representation and forms of customary law and recognition—and placing the state as above such difference. Postcolonial Sri Lanka inherited this state structure but also imagined this world of ethnic community as natural noncolonial national substance.

This was part of a much wider British colonial imaginary in South Asia. Colonial administrators (with no popular mandate) legitimized their rule by presenting themselves as neutral observers with a moral mission to govern for the general good over fractious and divided populations that could not rule themselves, given irreducible and fundamental “cultural” differences.¹³ Thomas Blom Hansen has argued that British governance of India imagined a world divided into the space of the political (the rational state) and the cultural (the masses). The space of the state was that into which rational citizens had to be admitted only on condition of their modernity, the English-educated elite produced by new forms of colonial education and service. The cultural was seen as embodied by the ungovernable “masses,” the “community” governed by primordial sentiments of race, religion, and language. These seemingly unchanging “cultural communities,” however, were being completely transformed by far-reaching new colonial legal mechanisms codifying forms of customary law, religious instruction, and inheritance, instituted by colonial administrators under the umbrella of noninterference.¹⁴ This bifurcated imagination, with its “secular neutral state” and “primordial masses,” Blom Hansen suggests, persists in postcolonial India, albeit normatively reversed. In postcolonial India, the state continues to be seen as the sphere of rational governance alongside a world of “culture” and community, but “community” was increasingly upheld and imagined as the true moral heart of India.¹⁵ In this historical and persistent contradiction that shapes political society in contemporary India, Blom Hansen locates the rise and appeal of Hindu nationalism, for example, rather than any primordial communities with their precolonial moral authority.¹⁶

Independence in 1948 and the advent of mass democratic politics in Ceylon emerged, therefore, in a context in which state functions were premised on differentiated ethnic populations and the elective majority was an ethnic majority. Given the enormous gulf between a postcolonial English-educated political elite and its voting population, Jonathan Spencer argues, this elite turned to the language of emerging Sinhala nationalism, purified Buddhism, “racial authenticity,” and the feeling of having been the “sons of the soil” exploited by colonial rule.¹⁷ This meant the opportunistic use of the perception by the majority community that those minority groups perceived as having had undue influence under the British—Tamils, Muslims, and Christians—must be “kept in their place.”¹⁸

From the 1950s onward, this understanding of who the “masses” were in mass politics inflected Sri Lanka’s progressive welfarist politics. Sri Lanka’s comprehensive universal welfare state, which provided free education, healthcare, and other benefits for its multiethnic population, was undergirded by a strong Sinhala nationalist rhetoric that privileged the ideal beneficiaries as the majority community.¹⁹ This precedent was set by the 1956 “Sinhala Only” slogan and policy, under which a broad-based rural electorate swept the SLFP (Sri Lanka Freedom Party) to power. This policy, directed against English as the then dominant language of education and

government, also presented itself as against seemingly privileged minorities, making Sinhala the only official language and Tamil a subsidiary one. After anti-Tamil riots and the assassination of the SLFP leader S. W. R. D. Bandaranaike by an extremist Buddhist monk, there was an eventual compromise with Tamil political leaders.²⁰ The “Sinhala Only” policy’s emendations in 1958, “Sinhala Only and Tamil Also,” introduced Tamil as a medium of education and government. Because of the institution of universal free schooling, this led both to a new generation of young Tamils educated in Tamil, regenerating Tamil as a key correlate of political and cultural identity, and renewed resentment of the “Sinhala Only” character of the state.²¹ Over the latter half of the twentieth century, discrimination against minority Tamils within state welfare policies facilitated the emergence of a Tamil-speaking population simultaneously enabled by state welfare expansion and resistant to such policies.

Ethnic Polarization and Militarization

Rather than ancient ethnic antagonism producing distinct ethnic identity, instead increasing discrimination and violence led to a more widespread feeling of ethnic allegiance, transforming a colonial distinction into everyday reality, “producing its own cause.”²² State-led ethnic discrimination was twinned with increasing violence against Tamil minorities. Anti-Tamil riots in 1958, 1971, 1977, and 1983 increased in severity and impact.²³ Riots polarized Sri Lanka’s mixed geographies, with Tamils increasingly fleeing from the south to northern and eastern areas. North central Sri Lanka became newly understood as a border area, the border between Sinhalese and Tamil. This polarization increased with civil war and the militarization and separation of northern and eastern areas from the rest of the island.

Open civil war broke out in the 1980s. The failure of Tamil political parties to effectively combat discrimination led to the formation of multiple Tamil militant groups in the 1970s and the rise of the LTTE, which became supreme by 1986 through absorption or elimination of other Tamil militant groups.²⁴ Combat between the Sri Lankan state and the LTTE escalated into full-fledged war. Throughout the war years, the Sri Lankan government had only nominal sovereignty over large areas in northern and eastern Sri Lanka.²⁵ The LTTE maintained coercive taxation and built a Tamil Eelam police force, judiciary, prisons, orphanages, and even its own bus service operating in the Vanni regions. This quasi-state also instituted new spectacular practices: calendrical festivals, visual displays, and new funerary practices and martyrology.²⁶

However, LTTE areas operated under what Kristin Stokke calls a “dual state structure.”²⁷ This LTTE quasi-state was always predicated on the existence of the Sri Lankan state. The ideological legitimation for the LTTE state depended upon the ongoing violence of the Sri Lankan state and thus the necessity to be ruled by one’s “own.” More practically, the LTTE’s state was primarily coercive and not welfarist.²⁸ The Sri Lankan state continued to pay the salaries of all government servants (teachers, doctors, municipal workers, etc.) in all LTTE areas, not wishing to relinquish its own sense of sovereignty even in areas it barely controlled. Thus while the Sri Lankan state regularly bombarded northern minority areas, it also sent boats with rations for refugees in the north, because as a state it was nominally responsible for its citizens’

welfare even though on many occasions its own actions were those being remedied. As such, the Sri Lankan state's claim to sovereignty over minority areas continually wavered between the presentation of a singular Sinhala Buddhist territorial claim to the island and the presentation of a multiethnic state of Sri Lanka, through which Tamils were enjoined to identify themselves.

Imbricated with LTTE militarization of the northern and eastern areas was the new prominence of the Sri Lankan army. Historically, the party political machine has been the most significant arbiter and dispenser of state provisions, and the Sri Lankan army has always been subordinate to the president as the commander-in-chief.²⁹ However, brutal repression of radical southern Sinhalese insurrections and civil war as a conventional war against the LTTE, and as a counterinsurgency campaign against Tamils at large, has spurred the expansion and transformation of the army since the 1970s.³⁰ This expansion, as well as the institution of a special wing of the police, the Special Task Force (STF), has been accompanied by the license of state forces to extensively detain, torture, rape, and kill those suspected of being terrorists, often outside the judicial system of formal prisons.³¹ Tamils found themselves caught between LTTE forced recruitment, taxation, torture, and assassination on one side and equally if not at times even more heightened security force violence on the other. Northern and eastern areas over the last thirty years of war have concomitantly seen a massive expansion of coercive state structures: the Sri Lankan state symbolized in a new fashion by its army, the LTTE quasi-state dominated by its military structure.³² This phase of the state's trajectory, and the new face the state assumed in the period, have been of enormous importance.

There are four major points of significance here: (1) postcolonial Sri Lanka inherited from the colonial state the multiethnic state as a shaper and arbiter of ethnic difference; (2) given majoritarian ethnic politics, the nation is instead constituted around a monoethnic notion of Sinhala Buddhism which excludes but is built upon the other minorities; (3) the state has been central to the production of minority identity through violence and welfare simultaneously; and (4) there has been profound militarization as a consequence of war, which has shaped the actual experience of stateness—both LTTE and Sri Lankan—on the ground. All four of these are central to the way in which the LLRC operated and was popularly understood. It is perhaps not surprising that the LLRC revealed that for minorities, at stake in reconciliation is not renegotiation of relationships *between* different ethnic communities but the state's relationship *toward* ethnic communities.

Lessons Learned and Reconciliation Commission

We have now come here to find out what your problems are because as you know a 30 year war has now ended and H.E. the President is interested in steering the ship away from the insidious rocks of disharmony and mistrust and sailing the ship into the tranquil waters of peace and harmony. This country cannot advance and we and our children will be doomed unless we forget about our problems as a result of ethnicity and religious differences, develop a Sri Lankan identity and advance our country to be the pearl of the orient. We cannot achieve a Sri Lankan

identity unless there is reconciliation between the different communities and the different religious groups.³³

After the war ended, the state detained around 285,000 Tamil civilians in settlement camps for over a year, refused to institute concrete legal and political reform, and announced plans to expand army numbers and army roles despite controversies about gross human rights violations committed by the army in the last months of the war.³⁴ Alongside further militarization, the government set about consolidating the power of particular elites within the ruling party and launching new economic development projects in formerly inaccessible northern and eastern Sri Lanka, with little indication that these projects—couched as part of postwar reconstruction—were aimed at minority populations in that area.³⁵

Finally, under international pressure, the Sri Lankan state appointed a Lessons Learnt and Reconciliation Commission in May 2010 in order to review the last days of the war. The LLRC was largely regarded by many in Sri Lanka as a farce, appointed precisely in order to assuage calls for reconciliation but without any mandate to do so. The commission has been extensively criticized, so here I will simply summarize the major criticisms made by the UN Secretary-General's panel set up to examine accountability issues surrounding the end of the war:

- (1) The LLRC mandate was not to assess state accountability but rather the extent of the Sri Lankan state's "failure to protect its citizens from [LTTE] terrorism."
- (2) Three LLRC members' impartiality was seriously compromised, as they had been senior figures associated with the Sri Lankan state in the time period under question.
- (3) There were only one Tamil and one Muslim on the LLRC. The Tamil member was also the only woman on the commission despite the fact that those who wished to testify in the northern areas were Tamil-speaking, and also a large portion were women.
- (4) The LLRC allocated, on average, only one or two days per month to listen to testimony from those who had actually been affected by the war.
- (5) The LLRC allowed hours of testimony from witnesses (mainly politicians, army, and government personnel) in Colombo yet only, on average, fifteen minutes per person for testimony received from Tamils and Muslims in war areas.
- (6) There was no provision for witness protection. In addition, Sri Lankan military personnel and government officials sat unchallenged throughout sensitive testimony, sometimes taking photographs.
- (7) The commissioners were repeatedly hostile to any criticism of the state and army in testimonies.

There are multiple other criticisms, but these seven alone are damning and reveal why many in Sri Lanka considered the LLRC farcical.³⁶

Nevertheless, when the LLRC travelled to war-affected areas, Tamils and Muslims showed up in the hundreds to give testimony (appallingly, most were turned away). Each sitting was preceded by a general statement from a commissioner, much like the one I quote at the beginning of this section, describing the work of the commission

to encourage peaceful coexistence. These statements suggested that the key ingredient of what one might imagine as “reconciliation” was the forging of a new Sri Lankan identity through reconciliation between different ethnic communities by way of the capacity to forget about ethnic and religious differences. However, those who came to the public sittings insisted on ethnic and religious difference and showed little interest in relationships between ethnic communities. Instead, testimonies stressed the relationship between communities and the state. Moreover, testimonies seemed to refute that the war and conflict were conclusively over, as most demands and testimonies centered on ongoing issues within a highly militarized Sri Lanka. Witness 1 from north central Vavuniya began by asking for “a unified political solution that all people will be able to live with respect in this country . . . it is not easy to forget things . . . especially thirty years of suffering and grievances.”³⁷ He was followed by witness 2, who asked for “a permanent solution for the Tamil people” and that the “present situation experienced is not repeated.” Both followed their requests for permanent political solutions by outlining the lack of improvement in their living standards, and in the case of one Vavuniya urban council member, the Tamil fear of a state-backed Sinhalese buyout of land in “their areas.”³⁸ They were followed by innumerable witnesses detailing missing family members and asking for any information.

Most witnesses in fact offered remarkably similar testimonies, marking the rather systemic nature of their experiences.³⁹ Testimonies from northern areas, for example, broadly related four categories of grievance:

- (1) *Missing kin.* A sizeable majority of witnesses had come to request access to and information about missing family members detained by the government and/or abducted Tamil militant groups allied with the state (e.g., testimonies in Ariyalai, Jaffna, Kilinochchi). These detentions spanned the war years and the year after the end of the war. Most of these witnesses were women.⁴⁰
- (2) *Resettlement provisions and postwar conditions.* Testimonies detailed detention in refugee camps, lack of access to family members in other refugee camps, and general resettlement issues, including lack of provisions for aid (e.g., testimonies in Menik Farm, Vavuniya).
- (3) *Intimidation by security forces and corruption.* Testimonies from all areas detailed a series of complaints against the police, army, Special Task Force, and CID (secret service). Complaints included extrajudicial detention, murder, rape, and general intimidation. Corruption scandals also surrounded members of security forces who had absconded after taking bribes from families to find missing detained relatives.⁴¹
- (4) *Postwar restrictions on life and livelihood.* Witnesses testified to a lack of access to former homes and coastlines (especially for fishing communities) due to army occupation of areas as “high-security zones” and other such wartime restrictions and emergency laws still in force.⁴²

When one surveys the testimonies from the “field” given to the LLRC, it becomes clear that testifiers had not come to have truth revealed to them that could heal and resolve their pasts but rather to offer already known truths and problems in the hope of gaining assurances about the uncertain future. Their grievances were not about a

vanishing past but about ongoing issues surrounding the military, the police, and the state bureaucracy. Second, far from forgetting about ethnic conflict, testifiers registered the capacity of their grievances to continue to index their lives because they were Tamil. Testimonies rarely touched on ethnic reconciliation between communities as necessary for their current lives and conditions; instead, the northern Tamils who came to the LLRC were using it as a stage from which they could communicate with the state. Reconciliation, these request made clear, is about a negotiation between the state and its people. Thus the overwhelming impression produced by reading through innumerable testimonies and thinking about witnesses' requests for solutions—from the very agencies they often accuse of fundamental malpractice—is that what minorities wish for in drawing the Sri Lankan state into reconciliation processes is for it to resume state functions in a meaningful fashion for minority citizens and so acknowledge Tamil lives as being of value. These testifiers were asking the state that was simultaneously the aggressor to act as a state that cared for them. Therefore, from the very beginning, the LLRC resembled less a moment of reforged ethnic harmony and a new national identity, as commissioners claimed, than a restaging of the state as supreme listener.

The LLRC's final report in December 2011 surprised many and excited further controversy.⁴³ The 407-page report showed a better grasp of the evidence presented to the commission than many had expected. The recommendations that the commission made were in fact exhaustive, concentrating on issues of land, resettlement, disappearances, and grievances. The commission concluded that Tamil minorities had "genuine grievances" that had shaped the civil war and that the state had to undertake effective redress by speeding up identification of the disappeared and dead; allowing families access to those detained; making fairer provisions for resettlement, including acknowledging that internal displacement began long before 2009; implementing nondiscriminatory language in legislation; and curbing police excesses, among other similar recommendations. Many groups within Sri Lanka welcomed these findings cautiously, given that the commission was finally echoing what human rights groups had been saying for decades.⁴⁴ Since the publication of the report, there have been increasing demands from NGOs and human rights groups that the state implement LLRC recommendations.

However, sections of the report dealing with government and army accountability were highly controversial.⁴⁵ For example, the LLRC decided that "the Commission is satisfied that the military strategy that was adopted to secure the LTTE held areas was one that was carefully conceived, in which the protection of the civilian population was given the highest priority."⁴⁶ Commissioners concluded that, given the overwhelming violations committed by the LTTE, field commanders had to balance civilian protection against military advantage *in situ*, and that "it is not easy to second guess with the benefit of hindsight, difficult decisions that are made in the heat and confusion of an armed conflict."⁴⁷ Furthermore, the commission noted that "in this regard a State's obligation to select an objective, the attack on which may be expected to cause the least danger to civilian lives, and to civilian objects, is not an absolute obligation as it only applies when a 'choice is possible.'"⁴⁸ Thus even in specific instances cited by witnesses, such as state bombardment of government-designated

no-fire zones, the commission argued that “feasible precautions” had been taken.⁴⁹ As commentators pointed out, all of these conclusions were made almost entirely on the basis of evidence presented by the government. The commissioners themselves were not given access to the war zone. Moreover, the commissioners chose largely to ignore the accounts of the war-affected—a tiny portion of the thousands involved—which suggested otherwise. With regard to some indisputable army violations, commissioners timidly suggested that these should be investigated so that “offences if any, of a few cannot be allowed to tarnish the honor of the many who upheld the finest traditions of service.”⁵⁰ Accordingly, on the question of accountability, while the commission acknowledged that there had been more deaths than the government had claimed, it repeatedly suggested that the state’s violence was inherently in defense of the larger principles of the nation-state, unlike the violence of the LTTE, and thus it could not be held to account. Its only, timid animadversion on the question of militarization was that the state should curb militarization to enable “perception management.”⁵¹ Thus the commission’s refusal to engage with issues of human rights violations and excessive militarization raised in the 2011 UN Panel of Experts Report has also meant, unsurprisingly, that many—from Amnesty International to Tamil diaspora groups—perceive it as whitewashing state conduct.⁵²

The LLRC as a State Performance

Richard Wilson argues that, while much scholarly writing on reconciliation processes is concerned with the moral and existential questions of forgiveness, coexistence, truth-telling, and healing, instead these reconciliation processes are better characterized as attempts, in transitional periods, to overlay a “truth-finding project(s) with a morally thick project of national reconciliation in order to legitimize tarnished state institutions.”⁵³ As Wilson points out, the languages of societal healing should not be taken merely at face value, especially as the dividends of such processes for those who take part are often deeply disappointing.⁵⁴ Instead, he suggests, “We should begin . . . with the Weberian problematic of the legitimacy of the state and its institutions in the aftermath of authoritarianism.”⁵⁵

Questions of legitimacy are not only about the workings of the state apparatus, which in most cases is not dismantled but remade. More fundamentally, legitimacy in reconciliation processes concerns tarnished states regaining moral and authorizing force—a reinvestment in the “state idea.” For Philip Abrams, the state idea (as opposed to what Abrams sees as the set of dispersed institutions that compose the “state system”) is that “ideological fiction” that gives an illusion of centrality.⁵⁶ Blom Hansen argues that in order for the state to have legitimacy, it must be capable of being both a set of governing practices and also a larger abstract idea that gives force and legitimacy to those practices.⁵⁷ For him, the state must “be endorsed as the symbolic center of society, the arbiter of conflicts, the site of authorization,” a horizon whereby “people . . . imagine the cohesion of their own society, its order, its sovereignty but also its secrets, its sources of violence, its evil, and so on.”⁵⁸ Hansen argues that such a state idea is not an eternal mystical force but an available one. That is, the state has to continually perform itself as such through spectacles and languages of stateness.⁵⁹ Here I take reconciliation processes as a state performance par excellence,

in which the state needs to be resymbolized and restaged as a meaningful horizon in the aftermath of open violence and schism. Contemporary processes and thus performances do differ from classic cases. The South African Truth and Reconciliation Commission that Wilson analyzes, however flawed the outcomes, was built upon a genuine handover of power and represents an indisputably new state idea. In Sri Lanka, like most current conflict situations, the cessation of war and the institution of reconciliation processes do not represent deep regime transformations. These reconciliation processes are about reinvesting existing regimes and their victories with legitimacy. Rather than transformation, the state performs its capacity to endure and be capable of reform.

Therefore, the argument I wish to make about the LLRC is that the commission, as a state performance, presents an opportunity to understand the way in which a certain political terrain is being re-presented in Sri Lanka. Through the LLRC, the state assumed its role again as both supra-arbiter (by virtue of establishing such a commission) and actor, both in its destructive aspect of legitimate violence and in its productive welfarist aspect of being that which can solve the ethnic conflict in Sri Lanka. The commission thus acts—in a situation in which there has been considerable muddying by the LTTE of state sovereignty in both its productive and violent aspects—to reestablish the state as the sole actor against whom petitions can be leveled, whence reform of the state shows a terrain on which minorities can find inclusion within the body politic. This, I suggest, is a vision partially shared by those who came to submit testimony to the commission. They too are occupied with speaking to the state through the commission, the state imagined precisely as an actor that destroys and produces. Despite the language of the commission predicated on the possibility of a multiethnic nation, those who turned up had no illusions or requests to be included in a national imaginary. Instead, they came to request the productive agency of the state.

However, my second contention is that the hidden obstacle that the LLRC testimonies reveal and the commission has attempted to circumvent is the fact of how this reestablishment of the state as arbiter and actor contends with the militarization resulting from thirty years of war, the Sri Lankan army's new prominence and usurpation of routine administration of law and order, in addition to all kinds of commercial enterprises across the island.⁶⁰ Despite its appointment to adjudicate the past, most of the issues raised by the LLRC continue to be central to Sri Lanka's political landscape. In 2012 the Sri Lankan state announced in its annual budget that it would continue to expand the army instead of demilitarizing. Abductions linked to the security forces continue to this day. The LLRC's timid recommendation that the army be withdrawn from civilian administration shows that the war, far from exorcised, has been transfigured. The more prominent role of the army has been the most compelling legacy of the LTTE, a visible and solid representation of protracted civil war. Despite the imperative of the multiethnic state, the monoethnic Sinhalese nation has in the last ten years received a corporeal identity, congealing with the Sri Lankan army, understood both as ordinary soldiers and a newly glorified body. The difficult task of substantializing the nation in any clear fashion has in wartime been served by militarizing it. This cannot be so easily undone with the end of hostilities. If the end

of the war was seen as a critical moment in which Sri Lanka could set out for a new horizon, the past lingers on not in the figuration of ghosts that haunt the present but in the creation of a new spectral and authorizing presence: the army, the principal blockage to renegotiation of state legitimacy within popular aspirations. This is what any serious reconciliation process relating to the legacy of civil war in Sri Lanka has to contend with.

Popular Reconciliation and Aspirations: Ethnic Relations as Ethical Relations?

Hitherto, following Wilson, I have argued that issues of reconciliation for the state and the minorities who turn up to testify little concern reconciliation between ethnic communities; rather, they much more concern questions of state legitimacy and authority. While Wilson abjures existential questions of forgiveness and societal healing as rhetorical flourishes that disguise the political processes of state building, nonetheless one cannot ignore that existential questions of living with others and questions of trust and security in the aftermath of profound violence are central to ordinary postwar life in multiethnic polities. Accordingly, here I wish to ally my comments on the legitimation of state authority in reconciliation processes to reflection on how people conceptualize reconciliation between communities in the aftermath of violence in ordinary life. Wilson may still be right, though in a different register, the question of state authority and ordinary life and coexistence are in fact tightly bound together. In the sections that follow, I explore this through the relationships and events that did not appear in the LLRC testimonies: the return of formerly displaced Sri Lankan Tamils and Sri Lankan Muslims to formerly multiethnic areas and the possibility of resuming or recreating prewar neighborly relations. In doing so, I argue that ordinary “neighborly” relations between ethnic communities are themselves intimately bound up with the way in which they have been fashioned by a militarized state, either as LTTE or Sri Lankan army.

Tamils and Muslims

Northern and eastern Sri Lanka are characterized as Tamil-majority areas but are also home to Sri Lanka’s other major Tamil-speaking minority, Sri Lankan Muslims. While the civil war is often thought of as the result of conflict between minority Sri Lankan Tamils and majority Sinhalese, in fact the regional ethnic conflicts within areas of the war zone have been between Tamils and Muslims, those who could be called “neighbors.” Muslims and Tamils share not only the same language but also strong regional identities with common ways of reckoning kin, property, and the like.⁶¹ Descriptions of prewar Tamil life always involved a Muslim presence. Throughout the twentieth century, however, Tamil nationalist discourses and parties showed themselves unable to accommodate Muslim aspirations and were hostile to Muslim communities, particularly in eastern areas.⁶² Nonetheless, any claim to a Tamil-only homeland always had to contend, however much this is officially erased, with the question of Muslim political participation and consent within a devolved or entirely separate structure.

In northern Sri Lanka, Tamil-Muslim relations were marked by a single cata-

clysmic event. On October 30, 1990, the LTTE forcibly evicted all 75,000 to 80,000 or so Muslims in twenty-four to forty-eight hours from the five northern districts, expropriating and redistributing Muslim goods and land.⁶³ Most displaced Muslims were settled in the northwestern Puttalam district curving under the disputed territories. Throughout the war and two ceasefires, the LTTE attempted to exclude Muslim participation from peace talks. Though the LTTE publicly apologized for the Eviction, it refused to give northern Muslims a guarantee that they would not be evicted again upon return. Unsurprisingly, northern Muslims did not return north in any significant number. However, following the end of the war in 2009, thousands of northern Muslims, after twenty years in refugee camps and settlements, have been returning north to former homes and to resume relationships with Tamils to whom they referred in exile as “neighbors.”

Muslim memories of pre-eviction life with Tamils stressed the fact of centuries of life together. Unlike in eastern Sri Lanka, there were only a few separate Tamil and Muslim villages. Instead, most Muslims recalled cohabiting different wards of the same village and having Tamil friends in school and at work. While ethnic difference was never unmarked, and Tamils and Muslims did not often eat in each other’s houses, nonetheless these relationships were close and mutually intelligible. This was very different from how Tamils and Muslims talked of their relationships to Sinhalese. Tamil-Muslim relations are, precisely, “neighborly” relationships, formed by mutual intelligibility and everyday proximity, thus not the distant relationships of abstract citizens to one another but also not the intimate and intrahousehold relationships of kin, close family, or sacral or ethnic bonds.

To think about this question of reconciliation and coexistence for former neighbors who now share a history of violence, I turn to the essay by the Lacanian philosopher Slavoj Žižek on the question of the neighbor.⁶⁴ Žižek’s essay is in fact a detailed commentary on Emmanuel Levinas’s ethics of the other, but here I leave aside the major arguments of that commentary to concentrate on Žižek’s critique of the possibility that the ethical might ever be seen as that which is beyond instrumentality. For Levinas, the ethical, the nonreciprocal and inescapable relation to the other, is prior and more fundamental than the “political,” which, Žižek argues, Levinas sees as a realm of calculability and instrumentality. Žižek argues that rather than positioning the ethical as the necessary attempt to acknowledge the other before “the category,” we can never escape the categories through which we encounter others. For Žižek “the category” does not obfuscate human potential; it makes it possible in all its contradictions and potential uncanniness. It is this that I find particularly compelling to think through in what is an ethnicized postwar society like Sri Lanka. Žižek suggests that there are three kinds of others to which we relate:

First, there is the imaginary other—other people like me, my fellow human beings with whom I am engaged in mirror-like relations of competition, mutual recognition, and so forth. Then there is the symbolic “big Other,” the impersonal set of rules that coordinate our co-existence. Finally there is the Other qua Real, the impossible Thing, the inhuman partner, the Other with whom no symmetrical dialogue is possible.

These three kinds of others are not rigidly separated or fixed; rather they are indeterminate and constantly threaten to collapse into one other. Therein, Žižek suggests, lies the tension of human existence. The neighbor as “imaginary other,” or other people like me, could potentially conceal or be collapsed into the neighbor as a monstrous Thing, that which cannot be “gentrified” (Other qua Real). The symbolic order, the Third (norm, state, law), the big “Other,” has to intercede and mediate to make life livable, given this potential of our fellow human beings to be this monstrous Thing. We cannot gentrify the monstrous Other-Thing into a fellow human being “through direct interaction” but only through presupposing “the impersonal third agency to which we submit ourselves.” In short, Žižek argues that we cannot have a shared “symmetrical relation” with others without an impersonal symbolic order. If there is no Third, he argues, then the neighbor might coincide frighteningly with the Thing.⁶⁵

Let me simplify this Lacanian talk. For Žižek there is no pure ethical relation with the Other. When we imagine (in a Levinasian mode) that ethics springs from primarily being answerable and responsible to an Other, this means imagining an Other who remains pure surface and silent, as in the picture of the hungry child, or masses of refugees, the “speechless emissaries” of humanitarianism, as Liisa Malkki has it.⁶⁶ That is, the relationship between two individuals as “only human,” as recognizing each other through their shared humanity, is essentially a flat ethical relationship. This is impossible. Instead, Žižek argues that there are no pure ethical gestures or relationships. Every Other enters your life and vision as framed by certain discourses, relations, pre-framings. There are no pure encounters, none unmediated. The motor of our interactions is a continuous and latent tension in our relations with others. This is what makes it necessary that such relations be always-already defined and framed by politics; a proper political instance (law, norm, state) has to be mobilized in order to regulate and make sure that the “monstrous potential” does not surface in the Other, or in myself. It is this Third which keeps the neighbor from becoming a monster. The Third, in short, has always-already been there and is there now.

Postwar life among northern Tamils and Muslims compellingly shows that reconciliation cannot be based on pure ethical relationships based on recognizing the humanity of others; one cannot shake off that Third which has already constituted the relationship. It is in acknowledging this that ethical relations can be forged. Here I take the Third not as an absolute and fixed Third but as people’s own collective imagination of an order larger than and exterior to the personal, but which also makes the personal what it is. There are, I would argue, multiple (and shifting) Thirds that frame relations. So the following section takes the idea of the *ur* or natal multiethnic Tamil and Muslim village as such an idea of a collective external order that forms convivial and neighborly relations. It also moves on to think about the face of the state as a militarized LTTE or Sri Lankan army.

The Idealized Ur/Home

The forced ethnic cleansing, the “Eviction” of northern Muslims, was a cataclysmic event.⁶⁷ The LTTE forced all Muslims into mass displacement and collectively

impoverished them with the mass appropriation of their land and goods, right down to the stripping of ordinary possessions and jewelry at checkpoints. What the Eviction thus also did was effectively to create a new kind of community made up of people who shared the same experiences. Before the Eviction, Muslims from the different districts in the north thought of themselves as such (Jaffna Muslims, Mannar Muslims, Mullaithivu Muslims, and so forth). After the Eviction a new term came into currency, “northern Muslim,” denoting the emergence of a new community around mutual loss. The strength and density of this identification in the northern Muslim refugee camps and settlements in the northwestern Puttalam cannot be exaggerated. Loss gave rise to a new form of historicity: Eviction stories were retold and passed on within homes in camps and settlements.⁶⁸

One of the ways in which imaginaries of home and belonging were imagined through and structured by the Eviction was the valorization of northern natal villages and the continued use of the idiom of *ur* within daily practices in Puttalam. *Ur* is an oft-used Tamil word evoking an everyday emotive language of expectation, love, and sentiment.⁶⁹ For northern Muslims in particular, *ur* stood to defy the dominant LTTE discourse of homeland (*Tamil Eelam*), which, now configured as Tamil-only, profoundly excluded them from their own histories. Home (*ur*) and homeland (*Tamil Eelam*) occupied very different conceptual registers. While both, through displacement and civil war, could be said to be imaginary landscapes—one marked by loss, the other by constant projection—*ur* was shared by Tamils and Muslims. *Ur* was thus not based on individual Tamil-Muslim relations but was available as a cultural idiom embedded within Tamil, a shared language which served to enmesh Tamils and Muslims in a mutually intelligible order.

This sense of a larger order was illustrated to me very clearly by the Eviction stories that I documented in 2003.⁷⁰ One of the most striking features of Eviction stories was the differentiation made between Tamils and the LTTE and the representation of the former village *ur* as a site of harmonious Tamil and Muslim life. Stories represented the *ur* as a place of mutual dwelling destroyed by the LTTE, whose members came from outside. So Nachiya described to me how, when the LTTE cadres came to evict her, she asked them:

Is this the house your father’s mother built? Is this the house the leader of the Tigers built? Have you come all this way to take from us, us who built this house, this threshold, who brought these things? Now if you want to go and catch a country, you do that. Take the country. Who would come and ask from people these things?

In Nachiya’s story “country” and “house,” “LTTE” and “ordinary people,” become counterposed. This was part of a much wider set of differentiations made in Eviction narratives. All stories clearly pointed to the LTTE as the primary perpetrator of the Eviction. All relate how it was LTTE cadres who came to evict them. Tamil neighbors are commonly represented as passive watchers, sometimes weeping but standing silently by. Local/village/*ur* became embedded in many Eviction stories as both the stage for LTTE action and as the ideology and refuge that defied them. The Eviction could both happen in the space of the locale and be imagined as nonlocal; LTTE

cadres, not neighbors, enacted the Eviction. Thus home and neighborhood were represented as places of dense sociality united by neighborhood ties, and the moment of rupture was a moment of invasion. This stress on the rupture of the local, from the outside by the LTTE, the imagination of a rupture itself, provided the hope for refugees that one day, on the stage of neighborhood and home, relations could be social again.

Ur in fact structured residence in the refugee camps and settlements. Northern Muslims settled primarily with others from their former villages and districts.⁷¹ All refugees were seen as similar to one another in sharing common origins in the north, and the discourse of home/*ur* also provided a place- and person-specific set of emotions and relations, which articulated difference within the refugee community. Tamil-Muslim relations, even in their absence, were constantly being recalled and framed by the idea of a village that preexisted and ordered relations and was counterposed to another entity, the LTTE, which had interceded to reorder life between Tamils and Muslims. Even more in absence, imaginaries of cross-ethnic relationships were not only positioned within a one-to-one relationship of neighbors and friends but always within a larger social matrix that contoured those social relations. I do not mean by this to substantialize a fixed entity; *ur* was never what people came to believe it was in exile but rather shifted historically and was shaped by the political circumstances of its newly found potency. What I mean by these external orders is the projection of that which is both a set of relations and a set of ideas about those relations.

Thus the Eviction and the LTTE came to fundamentally redefine how Muslims thought about themselves and Tamils, and how they could remember their former homes and inhabit new homes. These kinds of framing could hardly be discarded once the LTTE was gone. They were indeed not just memories—they denoted new forms of life. This became ever more clear in postwar return.

In 2003, Muslim return to the north was problematic. While all in the community asserted the right to return, the pragmatic possibilities of return varied dramatically, especially by generation, as people settled, married, and watched the civil war ravage the north. While some returned privately, the large mass of Muslims did not return throughout the war in the face of continued obstruction by the LTTE and its refusal to guarantee that Eviction would never happen again. Since 2009, with the end of the war, thousands of Muslims have been returning. However, the disappearance of the LTTE has yanked the veil of complicity from between Tamil and Muslim neighbors. If it was the LTTE that forced Muslims to go, it is no longer the LTTE that could potentially make it difficult for Muslims to return. Tamils and Muslims stand before each other, confronting for the first time Tamil complicity and accommodation with Muslim eviction. While Tamils did not partake directly in the Eviction, they seemed to condone it by their guilty silence afterward. Moreover, while Tamils did not participate in the Eviction, they accommodated it. Some months after Eviction, the LTTE held an auction of Muslim goods in Jaffna, which hundreds of Tamils attended, and many Tamils accepted LTTE redistribution of Muslim lands and houses. The LTTE thus made Tamils beneficiaries of the Eviction if not the perpetrators.

I began new work in Jaffna in 2011 wondering precisely how one could imagine reconciliation between neighbors, neither a collective perpetrator, both victims, and

yet one a beneficiary of the other's political exclusion? How would one deal with very different stories of suffering, northern Muslim Eviction in 1990, on the one hand, northern Tamil traumas of mass displacement and death at the hands of both the state and the LTTE, on the other? What I found was that the matrix of sociability that *ur* promised between Tamils and Muslims could only be maintained in exile. Dreams of harmonious relationships between neighbors romantically conceived as equivalent became highly regulated and segregated relationships in actuality (which they may have always been). Thus this larger matrix of sociability in which relationships emerged, even as it was transfigured, continued to be the dominant way in which we can think of ordinary forms of reconciliation.

Returning Home

When Muslims began returning to Jaffna in large numbers, it was with the knowledge that many Tamils, themselves displaced, occupied Muslim houses and areas. I had thought that these land issues would constitute the center of disputes, and I wondered how issues of reconciliation after violence would arise and be mediated. Yet what had transpired when Muslims returned in large numbers was that the formerly Muslim areas became Muslim areas again. These areas were clearly the most rundown. Once-populous streets were now rows of bombed-out houses, a few rebuilt here and there with multiple families occupying them. However, the school had started to operate again, and the major mosque in the area, once used by the LTTE to store supplies, gleamed with fresh paint. Tamil squatters, rather than asserting their claim to squatted houses, negotiated with returning Muslims for financial remuneration to move out. Once the area became Muslim again, Tamils did not want to live there any longer.

This was brought home to me in the uniformity of the responses I received when asking both Tamils and Muslims about relationships after the war in Jaffna. Most replied that there was no problem now: "We live with ourselves and they live with themselves" was the almost universal answer I received from most Tamils and Muslims I interviewed. While return repopulated Jaffna Town, lives in Muslim and Tamil areas were highly segregated even though people lived cheek-by-jowl. Older Muslims had talked to me of ritual exchanges of food at major festivals, relationships with Tamil neighbors, school friends, and relationships forged at work, not least for the Jaffna Muslim tailors whose open-front shops had been a prominent part of the Jaffna central market. Those shops are now Tamil, and Muslims have been absent from a convivial and commercial exchange for twenty years. Tamils and Muslims in these returnee areas have little to do with each other and speak of this thinning of relationships with relief. Indifference means the avoidance of violence and conflict. Muslims have returned instead with a community identity firmly instilled by the circumstances of their eviction. Tamils and Muslims speak of return and coexistence with the pragmatism of separation.

The most common areas in which Tamils and Muslims encountered each other were the queues in Jaffna municipal offices to negotiate and argue about resettlements and rations. Most Tamils and Muslims I interviewed mainly discussed each other in relation to the preferential treatment either group felt the other was getting from

municipal officials and provisions (I found that Muslims were indeed being discriminated against by individual Tamil officials). Despite the official refusal of the Sri Lankan president to recognize minority identity, it was precisely in the ground of government that minorities were reinvesting their relationships rather than in one-to-one neighborly relations. If the LTTE had indeed differentiated catastrophically between Tamils and Muslims in 1990, casting Muslims out of the history of the north to which they now returned, the seemingly objective ground of refugee resettlement and return was known for Tamils and Muslims precisely in those terms, as ethnically differentiated ground. Here, however, I wish to further emphasize that, while existential questions of coexistence cannot be banished from questions of reconciliation, these neighborly relations themselves cannot be divorced from their relationship to external orders, in particular the state. The only times I found Tamils and Muslims acknowledging coexistence and questions of co-vulnerability, dependence, and mutual involvement were in relation to the Sri Lankan army soldiers who were to be found in every mundane and military space all over Jaffna.

In August 2011 I went to meet the local municipal officer of a small ward of Jaffna Town that dealt mainly with Tamil and some Muslim refugees. I had come to meet him to talk about issues relating to the resettlement of Tamils after the end of the war and relationships between Tamils and Muslims in his ward, one of the wards I had begun to research. “The war is not over,” he informed me. Reflecting upon the LTTE era of fear (to which in some fashion he was broadly sympathetic and to which I was not), he told me of how, when the LTTE made orders and administrated, everyone obeyed: “That was power.” “This is government,” he said as we recalled his new daily work of administrating rations and resettlements with queues of people standing outside his office. He finished this train of thought by telling me, however, “Now this government wants power too.” He then discussed various instances of army expansion all across the peninsula and the fear local communities had in relation to them. Those in the Sri Lankan military included not only army soldiers in barracks. They were the army soldiers guarding the temple during the temple festival to make sure that cars did not enter the temple grounds. They sat in local teashops and ice cream parlors. They administrated the A9 road into Jaffna, and they also administered the only commercial airplane service into Jaffna airport, putting the other two commercial civilian carriers out of business. They represented the new kind of heavily militarized state that underwrote the municipal structures in Jaffna.

Wherever I went, Muslims and Tamils alike talked about the threat from the army and the police, most almost exclusively Sinhala and regarded by the local population as “alien” even if many did indeed speak Tamil. People in both communities wove one another into stories of mutual vulnerability and fear. These were the only occasions when I saw a new minority world being woven and reinvented, not through the resumption of convivial relationships but once again, as in the 1990 Eviction, in relation to the militarized relationships that continue to contour minority landscapes in Sri Lanka. In this sense, everyday relations could never be successfully divorced from the larger orders that contour and shape them; the questions of coexistence can never be divorced from those of the larger authorizing forces—the state, the *ur*, or the community—which compose and stage the terms of that coexistence.

Conclusion

What is fundamental to this essay is a recognition that the Sri Lankan civil war, far from being extinguished in postwar landscapes, lives on, not as legacies or ghosts but as concrete and present-day identities, institutions, and relationships. The “re-” in reconciliation and in return disguise the labor involved in constructing new structures for minority relations in Sri Lanka.

The inextricability of ethical relationships from larger frameworks, the “Third,” is one of the most important insights Žižek provides in his essay on the neighbor. While Žižek marks the Third only with the force of the law, as the state, here I use the Third to mark culturally understood ideas about impersonal external orders, orders of intelligibility. Ethnic relations (or caste relations) also fundamentally question the possibility of any pure ethical relationship, given that ethnicity is bodied and historied in such a fashion that one is never the same as one’s “neighbor” in the kinds of dense and heterogeneous everyday worlds one sees in South Asia. This neighborly relationship is maintained, in fact, by sets of impersonal ideas about such forms of difference which also maintain the other as neighbor and not as monstrous Thing. This is essential in ethnicized worlds, which comprise fundamental sets of inequalities, in which people imagine living together with those who are culturally intelligible but of different kinds. This is also what reconciliation talk at its most existential does not imagine: inequality is seen as something externally imposed which can be resolved in such a process, not as something with which people can be culturally comfortable.

Tamils and Muslims do not encounter each other as pure neighbors. The very categories that they inhabit in public spaces, as “minorities,” owe their existence to the prior mediation of the state, colonial and postcolonial. Not least of all, more recently their subjectivities have been formed through the violence inflicted on the other. They can never be free from these political and social contexts in such a way that would make ethics meaningful. Ethics is meaningful because it is not solipsistic or pure. For northern Muslims, the idealized natal village, the *ur*, served as an external frame which made it possible to mediate and regulate relations between Tamils and Muslims, even as the LTTE served that function for Tamils to ignore their own culpability. The language of symmetry itself intrinsically rests on the presupposition of this Third, the state, which is always-already there. It is indeed the state presented in monstrous form as the “monstrous” Sri Lankan army (and LTTE), against which minorities come together to counter the violent militarization which they correctly perceive is actually—rather than relations of amity between them—what is at stake in reconciliation processes. It is precisely at the level of these larger orders, therefore, that the terrain of transformation should be sought. If reconciliation processes are imagined to rest primarily on everyday relations, then this is to moralize to and force enormous consequences upon people struggling to make their lives amid a violence which is far from over.

It is this that witness 2 from Vavuniya, testifying to the LLRC, most powerfully identifies when he suggests that

in order to have change in the whole country, an individual must first change in his own heart. That becomes transformed into a change in society and finally in

the whole country. There are many things that the Government has to do to make this a reality and the people also have a duty to make the government act in such a way that there will be the required goodwill and trend of real progress in this country.⁷²

The witness, who promises such a change in his own heart and country, points out that the state has a responsibility to ensure the possibility of such changes. People can claim the state by calling it to account. The most pressing question for reconciliation in Sri Lanka is not only the ways in which the war has formed ordinary Tamil, Muslim, and Sinhalese subjectivities over the course of the past three decades but also the necessity of political reform that recognizes how this war, the LTTE, and the Sri Lankan army have transformed the Sri Lankan state.

NOTES

I would like to thank the *Humanity* editorial collective (especially Samuel Moyn, Nehal Bhuta, and Miriam Ticktin), Zerrin Özlem Biner, and anonymous reviewers for their helpful comments through multiple versions of this essay. Additional thanks are due to Thomas Blom Hansen, who read through drafts without flinching at my willful interpretation of his work, and to Sharmila for helping me meet many of the returnee families after so many years.

1. See http://news.bbc.co.uk/2/hi/south_asia/8001338.stm, April 16, 2009 (last accessed September 11, 2012); http://news.bbc.co.uk/2/hi/south_asia/8046744.stm, May 12, 2009 (last accessed September 11, 2012). See also University Teachers for Human Rights (Jaffna) reports: special report no. 32, "A Marred Victory and a Defeat Pregnant with Foreboding," June 10, 2009; and special report no. 34, "Let Them Speak: Truth about Sri Lanka's Victims of War," December 13, 2009. Accessible at <http://www.uthr.org> (last accessed September 11, 2012).

2. See http://news.bbc.co.uk/2/hi/south_asia/8028863.stm, May 1, 2009 (last accessed September 11, 2012); <http://www.aljazeera.com/news/asia/2009/05/200951164426873840.htm> 1 (last accessed September 11, 2012); United Nations, "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka" (2011): http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (last accessed June 15, 2011).

3. United Nations Panel of Experts, "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka" (2011): http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (last accessed June 15, 2011).

4. For example, <http://www.aljazeera.com/news/asia/2009/05/200951751122621855.html>, May 17, 2009; <http://www.aljazeera.com/news/asia/2009/05/2009514225910361882.html>, May 15, 2009; <http://www.aljazeera.com/news/asia/2009/05/2009511184649877271.html>, May 11, 2009; <http://www.guardian.co.uk/world/2009/may/18/tamil-tigers-killed-sri-lanka>, May 18, 2009; <http://www.guardian.co.uk/world/2009/apr/18/civilians-dead-sri-lanka-tamil-tigers>, April 18 2009; <http://www.telegraph.co.uk/comment/telegraph-view/5340109/The-defeat-of-the-Tamil-Tigers.html>, May 17, 2009 (all last accessed September 11, 2012).

5. Krahenbuhl cited in <http://www.guardian.co.uk/world/2009/may/15/phosphorus-bombs-sri-lanka>, May 15, 2009 (last accessed September 11, 2012); <http://www.guardian.co.uk/comment-isfree/2009/apr/08/tamil-protests-sri-lanka-john-holmes>, April 8, 2009 (last accessed September 11, 2012).

6. See <http://www.channel4.com/programmes/sri-lankas-killing-fields/40d> (last accessed September 18, 2012).
7. Ibid.
8. See Valentine Daniel, *Charred Lullabies: Chapters in an Anthropography of Violence* (Princeton, N.J.: Princeton University Press, 1996); Valli Kanapathipillai, *Citizenship and Statelessness in Sri Lanka: The Case of the Tamil Estate Workers* (London: Anthem Press, 2009).
9. The Portuguese (1505–1658) and the Dutch (1658–1796), while controlling the coastal areas, never defeated the central Kandyan kingdom.
10. John. D. Rogers, “Historical Images in the British Period,” in *Sri Lanka: History and the Roots of Conflict*, ed. Jonathan Spencer (London: Routledge, 1990), 87–106; Elizabeth Nissan and Roderick L. Stirrat, “The Generation of Communal Identities,” in *ibid.*, 19–44.
11. Jane Russell, *Communal Politics under the Donoughmore Constitution, 1931–1947* (Colombo: Tisara Prakasakayo, 1982); Nira Wickramasinghe, *Sri Lanka in the Modern Age: A History of Contested Identities* (London: Hurst and Company, 2007); Nissan and Stirrat, “Communal Identities.”
12. Wickramasinghe, *Sri Lanka*, 44.
13. Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (Oxford: Oxford University Press, 1990).
14. Thomas Blom Hansen, “Predicaments of Secularism: Muslim Identities and Politics in Mumbai,” *Journal of the Royal Anthropological Institute* 6, no. 2 (2000): 257; also see Sandra Freitag, *Collective Action and Community* (Berkeley: University of California Press, 1989).
15. Hansen, “Predicaments of Secularism”; also Hansen, *Wages of Violence: Naming and Identity in Postcolonial Bombay* (Princeton, N.J.: Princeton University Press, 2001).
16. Ibid.
17. Jonathan Spencer, “Introduction: The Power of the Past,” in Spencer, ed., *Sri Lanka*, 20.
18. J. Tambiah Stanley, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy* (Chicago: University of Chicago Press, 1986), 66–86.
19. Spencer, “Power of the Past.”
20. For a more detailed analysis, see Neil De Votta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka* (Stanford, Calif.: Stanford University Press, 2004).
21. The standardization of education through discriminatory rhetoric is also a case in point. The institution of district quotas for education to circumvent urban domination was simultaneously accompanied by regulation of language-medium quotas to “correct” Tamil dominance, making it harder for Tamil-medium students to gain university places. This reduced the presence of the historically dominant northern Tamil elite but also meant that eastern Tamils and Muslims were able to enter university within regional quotas.
22. Slavoj Žižek, “Eastern Europe’s Republics of Gilead,” *New Left Review*, no. 183 (September–October 1990): 50–63.
23. Tambiah, *Ethnic Fratricide*.
24. Sankaran Krishna, *Postcolonial Insecurities: India, Sri Lanka, and the Question of Nationhood* (Minneapolis: University of Minnesota Press, 1999); Sharika Thiranagama, *In My Mother’s House: Civil War in Sri Lanka* (Philadelphia: University of Pennsylvania Press, 2011).
25. Thiranagama, *In My Mother’s House*.
26. Kristin Stokke, “Building the Tamil Eelam State: Emerging State institutions and Forms

- of Governance in LTTE-Controlled Areas in Sri Lanka,” *Third World Quarterly* 27, no. 6 (2006): 1021–40; Peter Schalk, “The Revival of Martyr Cults among Illavar,” *Temenos* 33 (1997): 151–90.
27. Stokke, “Building the Tamil State.”
28. Jayadeva Uyangoda, *Ethnic Conflict in Sri Lanka: Changing Dynamics* (Washington, D.C.: East-West Center, 2007), 39–41.
29. Mick Moore, “Economic Liberalization versus Political Pluralism in Sri Lanka?” *Modern Asian Studies* 24, no. 2 (1990): 341–83.
30. In 1971 a Maoist insurrection by the group Janata Vimukthi Peramuna, led by rural youth, students, and Buddhist monks, was brutally suppressed, leading to the forced “rehabilitation” of thousands of young people. In 1987, the JVP rose again, this time as a Sinhala nationalist organization against Indian intervention on the island. The resulting combat between the JVP and the state left 60,000 Sinhalese missing and feared dead from 1987 to 1989.
31. See University Teachers for Human Rights (J) reports at <http://www.uthr.org> (last accessed September 17, 2012).
32. Thiranagama, *Mother’s House*, introduction and chs. 1, 5, 6.
33. Opening statement by the chairman, “Proceedings of Public Sitings of the Commission of Inquiry on Lessons Learnt and Reconciliation, appointed by His Excellency the President in Tellipillai,” Jaffna, http://www.llrc.lk/images/stories/Telipillai_-_Amended.doc, November 12, 2010 (last accessed September 11, 2012).
34. The Sri Lankan army and police are overwhelmingly Sinhalese (the army, with the exception of a few Muslims, almost entirely), so ethnicity is constantly at stake in the growth of the army’s role and importance. See T. Aruna, “Sri Lanka May Yet Be Lost, or Saved,” <http://groundviews.org/2011/05/26/sri-lanka-may-yet-be-lost-or-saved> (last accessed September 11, 2012).
35. See Lionel Bopage, “Post-War Sri Lanka: Way Forward or More of the Same?” <http://groundviews.org/2010/05/23/post-war-sri-lanka-way-forward-or-more-of-the-same> (last accessed September 11, 2012); Rohan Edrisinha, “Strange Proposals and Broken Promises: Constitutional Reform in Sri Lanka,” <http://groundviews.org/2010/08/11/strange-proposals-and-broken-promises-constitutional-reform-in-sri-lanka> (last accessed September 11, 2012).
36. UN, “Panel of Experts.” See also Amnesty International, “Sri Lanka: When Will They Get Justice? Failures of Sri Lanka’s Lessons Learnt and Reconciliation Commission,” ASA 37/008/2011 (September 2011): 39–54.
37. See http://www.llrc.lk/images/stories/docs/August2010/District_Secys_Office-Vavuniya-14.08.2010.pdf, August 14, 2010 (last accessed September 11, 2012).
38. Ibid.
39. All testimonies are accessible at <http://www.llrc.lk> under the category “field visits,” including those from Muslims and eastern areas, which I have not included in this summary.
40. One newspaper headline summarized it thus: “Missing Kith and Kin the Main Concern of Northern Civilians.” N. Paramasweran, http://www.sundaytimes.lk/100926/News/nws_18.html, September 26, 2010 (last accessed September 11, 2012).
41. Rathindra Kurawita, “Mistrust, Discontent and Anger at LLRC North Sessions,” http://transcurrents.com/tc/2010/11/mistrust_discontent_and_anger.html (last accessed September 11, 2012); <http://www.tamilnet.com/art.html?catid=13&artid=32998>, November 12, 2010 (last accessed September 11, 2012).
42. See <http://www.tamilnet.com/art.html?catid=13&artid=32998>, November 12, 2010 (last accessed September 11, 2012).

43. LLRC, “Report of the Commission of Inquiry on Lessons Learnt and Reconciliation” (2011). Accessible at <http://www.slembassyusa.org/downloads/LLRC-REPORT.pdf> (last accessed September 11, 2012).
44. Asanga Welikala, “Some Constitutional Aspects of Sri Lanka’s Post-War Reconciliation Debate: The LLRC Report and the TNA Response” (working paper, Oxford Transitional Justice Research Working Paper Series: Debates, University of Oxford, February 2012), http://www.csls.ox.ac.uk/documents/Welikala_SriLanka_OTJRDebates.pdf (last accessed September 11, 2012).
45. See the International Crisis Group statement: <http://www.crisisgroup.org/en/publication-type/media-releases/2011/asia/statement-on-the-report-of-sri-lanka-s-lessons-learnt-and-reconciliation-commission.aspx>, December 22, 2011 (last accessed September 11, 2012).
46. LLRC Report, 114, para. 4.262.
47. See LLRC Report, 115ff., esp. para. 4.264; *ibid.*, 120, para. 4.280.
48. LLRC Report, 120, para. 4.281.
49. LLRC Report, para. 4.283.
50. LLRC Report, 152, para. 4.376.
51. LLRC Report, 287.
52. Amnesty International, “Press Release: Sri Lanka Falls Short,” <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-report-falls-short-2011-12-16>, December 16, 2012 (last accessed September 11, 2012).
53. See, e.g., Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998); Richard Wilson, “Anthropological Studies of National Reconciliation Processes,” *Anthropological Theory* 3, no. 3 (2003): 369.
54. “Anthropological Studies,” 381–82. See also a more comprehensive exploration of his position in Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001). In this larger work, Wilson argues that while the South African Truth and Reconciliation Commission resonated with a larger Christian set of ethics within South Africa, it did not satisfy local ideas of justice, which did not see retribution as “un-African” but as legitimate and just.
55. Wilson, “Anthropological Studies,” 371.
56. Philip Abrams, “Notes on the Difficulty of Studying the State,” *Journal of Historical Sociology* 1, no. 1 (1988): 58–89. Foucauldian accounts interpret Abrams as prioritizing the state as system. Such accounts do not see the state as a central author but instead as an effect of particular institutions and disciplinary formations that come to permeate all manner of social processes. See Timothy Mitchell, “Society, Economy, and the State Effect,” in *State/Culture: State Formation after the Cultural Turn*, ed. George Steinmetz (Ithaca, N.Y.: Cornell University Press, 1999), 169–86.
57. Blom Hansen, *Wages of Violence*, 128.
58. *Ibid.*, 129.
59. *Ibid.*, 129–32.
60. “Sri Lanka’s Army: In Bigger Barracks,” *Economist*, June 2, 2011.
61. Dennis B. McGilvray, *Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka* (Durham, N.C.: Duke University Press, 2008); Thiranagama, *Mother’s House*.
62. Dennis B. McGilvray and Mirak Raheem, *Muslim Perspectives on the Sri Lankan Conflict* (Washington, D.C.: East-West Center, 2007).
63. Shahul Hasbullah, *Muslim Refugees: The Forgotten People in Sri Lanka’s Ethnic Conflict*,

vol. 1 (Nuraicholai: Research and Action Forum for Social Development, 2001); Thiranagama, *Mother's House*.

64. Slavoj Žižek, "Neighbours and Other Monsters: A Plea for Ethical Violence," in Slavoj Žižek, Eric L. Santner, and Kenneth Reinhard, *The Neighbor: Three Inquiries in Political Theology* (Chicago: University of Chicago Press, 2006), 134–90.

65. Ibid.

66. Liisa Malkki, "Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization," *Cultural Anthropology* 11, no. 3 (1996): 377–404.

67. Thiranagama, *Mother's House*, chs. 3–4.

68. Ibid.

69. See E. Valentine Daniel, *Fluid Signs: Being a Person the Tamil Way* (Berkeley: University of California Press, 1984).

70. I formally taped approximately twenty-five Eviction narratives in 2003, though I informally listened to many more Eviction stories in my fieldwork. In addition, I went through the 10,000 questionnaires of victims from each district collected by the Northern Muslim NGO Research and Action Forum immediately after the Eviction, focusing particularly on the Jaffna district. See Thiranagama, *Mother's House*, ch. 3.

71. Ibid.

72. See http://www.llrc.lk/images/stories/docs/August2010/Chettikulam_Divn.Secys_Office-Evidence-14.08.2010.pdf, August 14, 2010 (last accessed September 11, 2012).