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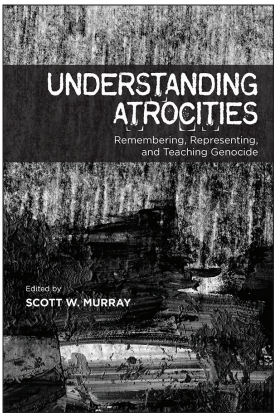

UNDERSTANDING ATROCITIES: REMEMBERING, REPRESENTING, AND TEACHING GENOCIDE

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Atrocity and Proto-Genocide in Sri Lanka

Christopher Powell and Amarnath Amarasingam

Introduction

This paper discusses the concept of "proto-genocide." This concept adds clarity to studies of cultural genocide by helping to distinguish between situations where a collective identity is under violent attack and situations of full-blown genocide. The distinction between "genocide" and "proto-genocide" is analogous to the distinction, in the conservation status of species, between "endangered" or "critically endangered" and "vulnerable" or "near threatened."[1] Proto-genocide helps to define the boundaries of the genocide concept while still relating it to less totalizing forms of ethnic violence.

Our argument has three main components. First, we discuss the question of what distinguishes genocide from other atrocities, and hence what are the ultimate practical implications of a campaign against genocide. This discussion provides the rationale for a concept of proto-genocide. Second, we address the boundaries of the concept of genocide. Since cultures change all the time, it is important to distinguish cultural change, even in the context of violence and atrocity, from genocide per se. To this end we propose our notion of proto-genocide, in which enabling conditions for genocide are established but wholesale cultural extermination

is not yet underway. Finally, we examine the current situation of Tamils in Sri Lanka. Although the historical pattern of severe atrocities against Tamil people has led some commentators to describe the situation as genocidal,[2] we argue that these events can be more precisely understood as an instance of proto-genocide. This analysis supports the view that tendencies toward genocide are a systemic feature of modern global society.

The Atrocity of Genocide

It seems a truism to point out that genocide is an atrocity. For many, it is the worst of all atrocities, the "crime of crimes."[3] The danger with this way of thinking is that the atrociousness of genocide becomes, implicitly, part of its definition so that one must prove an act is atrocious before one can establish that it is genocidal and, conversely, the atrocious quality of an act contributes to the case for its being considered genocidal. We propose that scholars should identify and set aside this kind of thinking wherever they encounter it. Just as atrocity cannot be its own explanation,[4] it cannot be its own definition either. This is because the label "atrocity" refers not to intrinsic properties of an act, but to our responses to it. To call something an "atrocity" expresses not only moral objection but an incalculable surplus of moral outrage. In other words, the concept of "atrocity" expresses a traumatized response. Traumatic experiences are those experiences which are so painful they cannot be assimilated normally.[5] Assimilating them, either personally or collectively, requires the expression and acknowledgement of the incalculable pain they cause, but it also requires that this pain be translated from an endlessly recurring lived experience to a perception which can be contained and which does not overwhelm our other faculties. The concept of genocide was born in the historical experience of traumatic violence, especially the trauma of the Nazi Holocaust. We must honour those experiences, especially as new or ongoing genocides continue to traumatize their victims and to create vicarious trauma in bystanders. But to understand the source of this trauma we must distinguish between genocide and the trauma it causes, between "genocide" and "atrocity." We must understand genocide as a structured social process.

If genocide is a structured social process, then it can be defined by its formal properties. Dispute over those formal properties has made genocide an essentially contested concept.[6] One crucial point of contention

has been whether genocide essentially comprises or necessarily includes physical extermination implicitly,[7] or whether the eradication of a group's social and cultural existence should also be called genocide without qualification.[8] This question can be debated through the trading of moral intuitions, but it can also be advanced by considering what *purpose* we intend for the concept of genocide, what kind of practical difference in the world we are trying to make by using it.

Raphael Lemkin, who coined the term and campaigned for the criminalization of genocide in international law, stated clearly that his purpose, in part, was to protect human cultural diversity:

> The world represents only so much culture and intellectual vigor as are created by its component national groups. … The destruction of a nation, therefore, results in the loss of its future contributions to the world.[9]

In contemporary terms, we can say that Lemkin was concerned with ethnodiversity.[10] The anthropologist Wade Davis uses the term "ethnosphere," in direct analogy to the term "biosphere," to refer to the global totality of all human cultures.[11] Different cultures enable different forms of human experience; different "ways of worldmaking"[12] at the conceptual level are articulated with different forms of practical relation among humans and between humans and the natural world.[13] This is valuable in itself, and may be necessary to the collective future of humanity. But human ethnodiversity is severely threatened. For instance, of approximately six thousand extant human languages, fully half are not being taught to infants and are therefore threatened with extinction, while only six hundred are spoken by a population base broad enough to be considered secure.[14] Genocide is therefore a global and systemic problem because it contributes to the drastic collapse of the ethnosphere.

A number of scholars have approached genocide as a *systemic* rather than a contingent feature of the modern state.[15] When genocide is treated as a contingent feature of the modern state, its causes are expected to appear in unique or at least unusual features of the perpetrator society, such as the distinctive ideologies associated with social revolutions, for instance. Systemic approaches recognize the unique features of each genocide, but also consider the ways in which conflicts or practices that are

common among modern states can contribute to the occurrence of genocide. Systemic analysis identifies the otherwise normal aspects of modern social life which may need to be changed or compensated for in order to eradicate genocide altogether. Powell's contribution to this literature focuses on how the institutional power of states is coupled with personal social identity.[16] The modern sovereign state exists as a dynamic network of relations of "deferentiation." In deferentiation, power struggles involving physical or symbolic violence are temporarily resolved when one party performs deference towards the other, thereby deferring further violence and establishing a hierarchical identity-difference relation. Through this process, subjects obtain security for themselves while reproducing the conditions of possibility for social violence. The practices of performing deference, determined by the contingencies of local power struggles, are fetishized as abstract social norms, while subjects are motivated to invest their social identity in the figure of the sovereign. Genocide occurs when social collectivities which have been partially but incompletely assimilated into these networks (and therefore bear markers of social difference, including different identities, norms, and cultural practices), come to be positioned as radically Other, hence excluded from relations of identification and moral solidarity, and when the interest and impunity exist to motivate and enable the massive project of systematic group destruction. State formation, or what Norbert Elias called "the civilizing process," is therefore a contradictory process, producing both human security and the conditions for violence of varying degrees.[17]

In the context of this broad historical process, Lemkin's normative entrepreneurship on behalf of the criminalization of genocide can be understood as an expression of the contradictions of the state system itself. It was possible for Lemkin to invent and successfully market the concept of genocide because modern sovereignty simultaneously raises and disappoints the hope of peace and security for all. Specifically, the modern state raises the theoretical possibility of universal citizenship and universal human rights, but also creates a new security dilemma premised on the question of *whose* normative standards and cultural identity will inform the relations of deferentiation on which state power depends in practice. This strategic situation invites a distinctly modern politics of "imagined communities" based on ethnic nationalism.[18] Thus the genocide concept appears as a reaction against and resistance to the

over-coupling of state power with social identity, and the concept appears when it does in history precisely because this over-coupling can be perceived as a systemic problem.

The genocide concept, therefore, serves two purposes, which in the current historical formation are connected: the protection of the diversity of the ethnosphere, and a resistance to the over-coupling of state power with socio-cultural identity. From this perspective, what defines genocide is not so much the intentions of those engaged in its perpetration, or even the moral qualities of the acts involved, but its distinctive qualities as a process in which the use of violence tends towards the destruction of a socio-cultural collectivity as such. Thus, genocide does not always require a campaign of deliberate physical extermination; it can be perpetrated through what Tony Barta has called "relations of genocide" perpetrated by a "genocidal society" in which an entire people is "subject to remorseless pressures of destruction inherent in the very nature of the society."[19] These remorseless pressures can result from what Nancy Scheper-Hughes calls the "small wars" conducted in "the normative, ordinary social spaces of public schools, clinics, emergency rooms, hospital charity wards, nursing homes, city halls, jails and public morgues."[20] In these small wars, not all members of the perpetrator group need intend or even be aware of the overall genocidal trajectory of the actions in which they participate. Genocide may be achieved through a variety of measures that dissolve the social institutions and relationships necessary for the perpetuation of group life without featuring a coordinated program of mass killing.[21]

However, this conceptual approach may be objected to on the grounds that it makes the boundaries of the genocide concept unacceptably vague. Therefore, it is important to distinguish genocidal from non-genocidal attacks on collective life. We do this by investigating an important process at the boundary of genocide: proto-genocide.

The Boundaries of Genocide

The one constant of all culture is change, so what differentiates genocidal from non-genocidal situations where atrocities are being committed? Powell defines genocide as "an identity-difference relation of categorical obliteration."[22] This terse formulation makes several key points. First, social relations are understood as being practical. A genocidal relation is not

a genocidal ideology or even a genocidal discourse (although it may include these), but a sustained flow of practice distinguished by the quality of transformation it effects in the actors involved.[23] As a process of practical transformation, genocidal relations, like all other social relations, involves power differentials. Power differentials can be mutually reciprocal; that is, in a situation of equality, all parties to the relation are mutually interdependent and can hold each other accountable. More often they are to some degree asymmetric, and at the furthest extreme of this asymmetry interdependence is transformed into impunity, a condition in which one party can do what they wish to the other(s) without being held accountable in return. Martin Shaw conceptualizes genocide precisely in terms of power dynamics and defines genocidal action as

> action in which armed power organizations treat civilian social groups as enemies and aim to destroy their real or putative social power, by means of killing, violence and coercion against individuals whom they regard as members of the groups.[24]

This conception goes to the heart of the matter: genocide involves a power struggle in which one group faces the realistic possibility of total destruction.

What does the destruction of a group involve, if not the physical annihilation of its members? Relational sociology conceptualizes groups as "figurations," ever-evolving dynamic networks of relations among individuals. Elias uses the metaphor of a dance to illustrate how the social institutions which we commonly describe in static terms—the family, the state, the church, and so on—can be more fully understood as patterns in the flow of action among individuals.[25] To destroy a figuration, therefore, is to disrupt this flow and sunder these relations. A group can be destroyed, as such, without killing a single member if the members are prevented from engaging in the practices which renew their connections to each other and are prevented from sustaining their shared distinctiveness from non-members.[26]

Powell proposes three conditions under which genocide can and will occur: identity-difference polarization, interest, and impunity. In essence,

> a network of actors joined together by common identity will pursue genocide across the boundary of difference if a sufficient interest exists to mobilize such a large-scale action and if the actors have the impunity to do so.[27]

First, identity-difference polarization allows perpetrators and victims to be defined as groups and for the former to define the latter as radically Other.[28] Defining groups as Other excludes the potential victims from what Helen Fein terms "the universe of obligation."[29] For Fein, individuals or groups inside this "universe" are people "toward whom obligations are owed, to whom rules apply, and whose injuries call for amends."[30] When individuals or groups are excluded from this universe, they become categories of people who are so radically Othered and excluded that they are rendered abject.[31] However, abjection is not a sufficient condition for genocide. Many oppressed groups—homosexuals, transgendered persons, African-Americans—have at various historical moments been rendered abject without being subjected to genocide. Given the resilience of social groups, genocide inevitably requires a sustained application of force. Such force can be applied incidentally, however, without genocide being a primary or even conscious motivation, but merely as a means to the realization of some other massive project such as colonialism. The second condition that must be present in order for genocide to take place is that there must be an interest motivating the genocidal action. Someone must benefit from the application of force which overcomes the resistance of the victims, even if this benefit is not explicitly recognized. And third, for genocide to take place, the capacity to resist it must be overcome; since this means the violent annihilation of the victim's "we" identity, which the victim will resist as a matter of life and death, the power relation between the two must be one of impunity.

These elements are dynamic and continue to take shape during the genocidal process itself. However, a non- or proto-genocidal situation may be distinguished from a genocidal situation by the absence of one or more of these elements. For instance, within a social configuration that includes potential perpetrator and potential victim, identity-difference relations may be substantially polarized without the potential perpetrator having either the interest or the impunity necessary to instantiate genocide. A proto-genocidal situation is one in which the developmental process of the

whole configuration is tending towards the establishment of these three conditions. A non-genocidal situation is one in which one or more of the three conditions may be partially present, but in which there is no developmental tendency towards the establishment of all three.

Proto-Genocide in Sri Lanka

Sri Lanka is a small island off the southern coast of India, a little more than 25,000 square miles in size. While its close proximity to its larger neighbour has meant that religious, cultural, and social influences from India have always been present in the country, the Palk Strait that separates Sri Lanka and India has buffered the island-nation from shifts in the Indian political climate.[32] Sri Lanka's significant ethnic and religious diversity lies at the centre of its social and political history. Of the roughly twenty million people in Sri Lanka, the Sinhalese, who mostly identify as Buddhist, comprise the majority ethnic group, with 74 percent of the population. The Tamil community is made up of both Sri Lankan Tamils (12.6 percent) and Indian Tamils (5.6 percent), most of whom are Hindu, but with a significant number of Christians (mostly Catholic). The Muslims of Sri Lanka make up about 7 percent of the population.[33] And the smaller ethnic groups consist of the Burghers (0.4 percent), who are descendants of European settlers, and the Veddas, the Indigenous peoples of Sri Lanka.

Initially ethnic tensions, which became an intimate part of Sri Lankan society throughout the twentieth century, were for the most part about language and access to government services.[34] These tensions eventually spilled over into full-scale violence in the 1970s, increasingly coloured by Tamil demands for autonomy and territorial rights. While the Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers) became the dominant, and often only, Sri Lankan Tamil fighting force, numerous other groups were active in the 1970s and 1980s. Over time, most of their leaders either were killed by the LTTE or crossed over to the government's side.[35] Beginning in the early 1980s, the LTTE launched a bloody campaign against the Sri Lankan government, fighting for a separate homeland for the Tamils, called Tamil Eelam. The civil war continued until May 2009, when the Sri Lankan armed forces defeated the Tigers in Mullivaikkal, a tiny spit of land in northeastern Sri Lanka. Civilian casualties were high, with the United Nations estimating that anywhere between forty and seventy

thousand civilians lost their lives.[36] Since the war's end, the government of Sri Lanka often argues that the country did not have an ethnic problem—only a "terrorism problem"—and that there was in fact no "war" to speak about.[37] Such rewriting of the past, and lack of acknowledgement of Tamil grievances and demands, has coloured how the government has engaged with the people of the former war zones since the guns went silent.

As such, Sri Lankan Tamils' current situation provides, we argue, an example of a proto-genocidal situation. We assert that the numerous human rights violations committed against Tamils by the Sri Lankan government and the military, while atrocious, have not been specifically genocidal—so far. The decisive factor concerns the figuration of relational processes through which Sri Lankan Tamil culture and identity are (re) produced over time. Anti-Tamil atrocities in Sri Lanka has certainly affected how these processes have taken place, in ways that are very painful and destructive for individuals. The situation is one of grave human rights concern which deserves more international attention than it is getting. However, this persecution has not—so far—threatened to destroy the Tamil collective identity as such. This could change quickly, however. Since the collapse of Tamil military resistance to the Sri Lankan government in 2009, several developments have worked to systematically undermine Tamils' social power, and if these developments continue then Tamils could become acutely vulnerable to genocide. Indeed, many activists and academics already use the language of genocide to describe the plight of the Tamil community on the island since independence,[38] pointing to the 1981 burning of the Jaffna library, the numerous riots and pogroms since then, and the last stages of the civil war, as well as events in the postwar period, as clear evidence of genocide.

All three enabling conditions for genocide are *partially* fulfilled in this case. To begin with, identity-difference relations between Tamils and Sinhalese have been strongly polarized for many years, as evidenced below by the exclusionary mythology of Sinhalese nationalism. Meanwhile, incentives exist for further persecution of Tamils: ethnically exclusionary Sinhalese nationalism and anti-Tamil chauvinism has for many years provided political leaders with marginal returns, in the state and in civil society, while the appropriation of land and business opportunities in Tamil homelands provides economic incentives for Sinhalese soldiers. Finally, a number of developments push the power relations between Tamils and

Sinhalese within the Sri Lankan state further from a condition of reciprocal interdependence and towards a condition of impunity.

Identity-Difference Polarization

Sinhala-Buddhist nationalist ideology defines Tamils as historical oppressors and enemies of the Sinhala nation. This ideology began to emerge in the colonial period. In true Orientalist fashion,[39] the British occupiers denied that the Sinhala people had any historical record until the "discovery," in the 1830s, of the *Mahavamsa*, a historical chronicle written in the sixth century by the monk Mahanama, whereupon the *Mahavamsa* was construed as the authentic historical document defining the essence of the Sinhala people.[40] Modern interpretations of the text privileged the role of the monarch Dutthagamini, who overthrew the Chola dynasty and restored Buddhism to the island, thereby establishing Sinhalese and Tamils as historical enemies.[41] Through the work of anti-colonial leaders like Anagarika Dharmapala (1864–1933) and Walpola Rahula (1907–1997), this polarized view of Sinhala-Tamil relations was incorporated into the Sri Lankan national narrative.[42]

This ideological framework began to be realized in practice after independence in 1948. After its profound defeat in the 1952 election, the Sri Lanka Freedom Party (SLFP) under S. W. R. D. Bandaranaike aggressively exploited communal tensions to win the 1956 election.[43] Declaring that Sri Lanka's 1948 independence from Britain was not yet complete, Bandaranaike promised that, if the SLFP were elected, only Sinhala, and not Tamil, would be given official language status. Further developments in 1956, including the celebration of the 2,500-year anniversary of the Buddha's entry into nirvana and the publication of *The Betrayal of Buddhism* by the All Ceylon Buddhist Congress, further asserted an essential bond between Sinhala nationalism and the Buddhist religion. Bandaranaike's election in 1956 "established a link between the government and the Buddhist religion that has been essential to the political and religious history of Sri Lanka since that time."[44] Shortly after his victory, Bandaranaike proposed the Official Language Act, which declared Sinhala to be the only official language in Sri Lanka. This act would become a long-running symbol of Sinhala nationalism and would solidify in the minds of many Tamils the belief that the Sinhala leadership could not be trusted to uphold the rights

of minority populations.[45] There was an immediate backlash to the Language Act by Sri Lankan Tamils, represented by the Federal Party, who argued that the legislation placed their language, culture, and economic position in jeopardy.

After Bandaranaike's assassination in 1959 by a Buddhist monk, his widow, Sirimavo Ratwatte Dias Bandaranaike, carried forward many of her husband's policies and aggressively enforced the Sinhala-only act. What made matters worse was a government policy to hire Sinhala into government service. In May 1972, Bandaranaike and the United Front also used their overwhelming majority to introduce a new constitution. The new constitution made the country a republic, officially changed the name of the island from Ceylon to Sri Lanka, declared Sri Lanka to be a "Unitary State," gave Buddhism a "foremost place" in the country, and made it the state's duty to "protect and foster Buddhism." In the very same month that the constitution was passed, the Federal Party, the Tamil Congress, and the Ceylon Workers' Congress formed the Tamil United Front (TUF).

Perhaps the single most important issue which aggravated ethnic tensions, leading many Tamil youth to throw their support behind militant movements, was the matter of university admissions.[46] In the 1960s students were educated in one of three language streams: Sinhala, Tamil, or English. There existed, then, three different sets of entrance exams, which would be evaluated by three sets of examiners. In the late 1970s, critics began to allege (falsely) that Tamil students benefited from Tamil-language examiners' favouritism. To correct this alleged bias, a language-based system of standardization was introduced, which inevitably favoured Sinhalese students. The numerical scores of applicants in each of the three languages were adjusted to fit a common scale, which was based on the number of applicants in each language. As Sinhala youth were more numerous than Tamils, it meant that the scores of Sinhala students were raised in relation to Tamil and English applicants. "District quotas" introduced in 1974 further established the primacy of ethnicity over achievement in determining university entrance. "Under this system, residents of 'backward' districts were given preferential admissions treatment. Under criteria devised by the Education Ministry, these were mostly districts with heavy Kandyan and Muslim populations."[47] The district quotas had a significant impact on the number of Tamils admitted to university science programs. In a single year, the number of admissions dropped by a third.[48]

After these changes, existing Tamil political leaders lost legitimacy and militant movements like the LTTE began to emerge. Alongside this rise of Tamil militancy, the Tamil United Front made changes to its political objectives. In May 1976, a convention was held in the Northern Province constituency of Vaddukoddai, during which the TUF reconstituted itself as the Tamil United Liberation Front (TULF).[49] The insertion of the word "liberation" reflected the growing belief that fairness, political rights, and economic opportunities would not be guaranteed to Tamils as a minority population within a united Sri Lanka. The TULF manifesto for the 1977 elections makes it clear how far Tamil-Sinhala relations had deteriorated in the previous seven years:

> What is the alternative now left to the nation that has lost its rights to its language, rights to its citizenship, rights to its religions and continues day by day to lose its traditional homeland to Sinhalese Colonization? What is the alternative now left to a nation that lies helpless as it is being assaulted, looted and killed by hooligans instigated by the ruling race and by the security forces of the State? … There is only one alternative and that is to proclaim with the stamp of finality and fortitude that we alone shall rule over our land our forefathers ruled. Sinhalese imperialism shall quit our homeland.[50]

As Richardson notes, "this manifesto marked a sea change in Tamil political organizations and attitudes in the short space of seven years—from Federal Party to Tamil United Liberation Front, from demands for language rights and devolution of power to demands for political independence."[51]

While a full examination of the course of the civil war cannot be undertaken here,[52] it should be sufficient to point out that following communal violence during the late 1970s and throughout the 1980s—including the riots of 1977 and 1981, the burning of the Jaffna library (and the subsequent loss of over ninety thousand rare Tamil manuscripts), the pogroms of Black July 1983, and subsequent Indian involvement in the training and funding of Tamil militant groups—the civil war reached unprecedented levels of destruction. Consequently, the LTTE became one of the most feared rebel groups of the twentieth century, equipped with an air force, a navy, an intelligence wing, an international propaganda and

funding structure, as well as close to ten thousand well-trained cadres ready to die for the cause of national liberation.[53]

Interest in Persecution and Genocide

While ethnic tensions simmered in the country from the time of independence from the British in 1948, the riots of Black July 1983 fundamentally altered the course of ethnic tensions in the country. The shooting death of thirteen Sri Lankan soldiers in the north of the country by the LTTE set the stage for what would become one of the bloodiest decades in the country's history. Sri Lankan president J. R. Jayewardene tried to keep the funeral for the dead soldiers from turning into a political demonstration. However, the arrival of the bodies from Jaffna to Colombo on 24 July was delayed by several hours, and the funeral had to be cancelled. This provoked a riot which continued for a week. Hundreds of Tamil and Indian businesses were burned, homes were destroyed, and many were beaten, shot, or burned alive in their houses or vehicles. Many women were raped or forced to exhibit themselves in front of heckling crowds. Perhaps the most infamous incident occurred at the Welikade maximum security prison, about 4 miles north of Colombo. On the afternoon of 25 July, Sinhalese prisoners gained entry into the wing of the prison holding Tamil political detainees and killed thirty-seven of them with knives and clubs while guards stood idly by. Overall estimates of the number of people killed during Black July range from two hundred to two thousand, mostly Tamil. In addition to lives lost, the events of July 1983 also forced some one hundred thousand Tamils into refugee camps when their homes, vehicles, shops, and belongings were destroyed. Around thirty thousand people also became unemployed due to work sites being destroyed.

The events of Black July help to explain who benefits from ethnic persecution of Tamils, and how. It is no secret that the violence was highly organized, and that it greatly benefited the business class as well as certain political leaders.[54] Economic liberalization operated, and continues to operate, as a vehicle for this benefit:

> Economic liberalisation, as a set of economic policies with asymmetrically distributed short-term effects, activates the individual's understanding of how ethnicity affects his material well-being

> because of pre-existing ethnic divisions of labour. Political entrepreneurs attempt to utilise this process in order to politicise ethnicity and transform it into a reliable and efficient basis for ethnic group cohesion and collective behaviour.[55]

As far back as the 1956 elections, Prime Minister Bandaranaike "combined the promise of selective incentives along ethnic lines with the use of mobilizational resources."[56] From 1970 to 1977, Biziouras argues, Sri Lanka experienced a low level of economic liberalization during which Sinhalese political entrepreneurs could selectively allocate to segments of the Tamil population the various incentives they would receive. With increasing economic liberalization after 1977, and ethnic tensions already simmering, a kind of ethnic outbidding became prominent. During this period, the

> Sinhalese UNP political entrepreneurs, cognisant of the need to outbid their SLFP opponents in terms of selective incentives, actively distributed selective incentives to their ethnic brethren: public-sector jobs, public investment in infrastructural projects in Sinhalese-majority areas, preferential access to policy-makers, and tailored policies to meet specific demands by the Sinhalese critical masses.[57]

The 1983 Black July pogrom was not, therefore, a case of deep-seated enmity between Sinhalese and Tamil people finally erupting onto the streets, but rather an expression of the connections between state power, ethno-religious identity, and economic incentives, and the need for this power to translate into economic incentives as well. As Biziouras notes,

> the Sinhalese who participated in the Colombo riots demanded material resources, jobs and access to state subsidies and were led by Sinhalese UNP leaders. … [These attacks] were actively organised and implemented on the basis of attacking the Tamils' economic resources. These attacks were implemented by rank-and-file JSS (Jathika Sevaka Sangamaya, or National Workers Association) members, coordinated by the UNP Minister of Industry Cyril Matthew, often targeting the properties of Colombo-area Tamil merchants.[58]

More recent attacks, not against Tamils but against the Muslim population in Colombo—such as the attacks on mosques and Muslim-owned businesses in 2013 and 2014—have similar undertones.

Slide Towards Impunity

Suppression of Political Representation

As respected political scientist A. J. Wilson noted, from the beginning of British rule in Sri Lanka, Tamils "remained a community apart … [who] did not wish to be assimilated, and maintained a group consciousness as a separate community and civilization with their own language, culture and territory, and the Hindu faith as their distinguishing characteristics."[59] There has, however, always been a debate in the country about whether minorities can be "Sri Lankan too" while practising their respective religious and cultural traditions, and whether the structure of the state is able to include other national identities within its borders. As Karthigesu Sivathamby once asked, "Cannot a Tamil be a Sri Lankan too? Does being a Sri Lankan Tamil imply that his/her Tamilness cannot be as publicly stated as his or her 'Sri Lankaness'? Cannot Tamilness and the Sri Lankaness coexist? For Sri Lankan Tamils, these are soul-shattering questions."[60] As Sivathamby points out, whatever internal debates once existed, this identity, as shown above, has been increasingly at risk since independence, and particularly since the outbreak of civil war in the 1980s. We argue here, however, that even with the end of the war in May 2009, the preservation of Tamil collective identity remains at risk.

One of the most pernicious aspects of postwar Sri Lanka has been the continued attack on Sri Lankan, and particularly Tamil, civil society. For instance, on 10 January 2012, Gotabaya Rajapaksa, President Mahinda Rajapaksa's brother and secretary of the Defence and Urban Development Ministry, delivered a lecture to the Sri Lanka Foundation Institute and Associated Newspapers of Ceylon Limited. The president's brother, arguably the second most powerful man in Sri Lanka, began his lecture by stating that the country still faces "several threats" following the end of protracted civil war. The very first threat he mentioned, and which he discussed at length, was the "reorganization of the LTTE in the international arena."[61] Mentioning several Tamil diaspora groups by name, he argued that even

after the defeat of the LTTE, "the rump of the LTTE's global establishment is still active." Rajapaksa argued, for example, that the "unwavering intent" of LTTE-linked groups overseas "is the division of Sri Lanka and the establishment of a separate state." He went on to note: "Most of them say they engage only in political activism and not violence. Almost all of them pretend to have a democratic face. But make no mistake. The Tiger has not changed its stripes."[62]

While the defense secretary's remarks do not necessarily reflect in essence the views of mainstream Sri Lankans or the broader international community, such a stark verdict on diaspora activism by someone as powerful as the president's brother and defense minister is worrisome to say the least. To make matters worse, in April 2014, the government of Sri Lanka proscribed as "terrorist fronts" sixteen organizations and released the names of more than four hundred individuals who were banned from entering the country.[63] The timing of the proscription, occurring concurrently with the twenty-fifth session of the United Nations Human Rights Council, signalled to many that the government decision was, as Human Rights Watch stated, "aimed at restricting peaceful activism by the country's Tamil minority" against the government.[64] Many things were worrisome about this decision. For example, it made it difficult for Tamil political parties on the island to receive support and funding from abroad, it made it impossible for many diaspora activists associated with these banned organizations from visiting family and friends in the country, and it made it quite dangerous for NGO groups and aid workers to receive support, financially or otherwise, from diaspora organizations who have a vested interest in the country.[65] The full ripple effect of the Sri Lankan government's actions remains to be seen, but it is clear that the government is increasingly worried about diaspora activists and organizations, and that it is not shy about targeting them.

However, the government has not only targeted overseas diaspora organizations. Many civil society organizations in the former war zones struggle to function under government interference and surveillance. A case in point is the Northern Provincial Council (NPC). In the diaspora and the former war zones of Sri Lanka following the war, there was much talk about the potential for the establishment of such a council to move the country towards a modicum of devolution and power-sharing. As Kumaravadivel has written, however, the NPC, even after the elections

were finally held in September 2013, continues to suffer from interference and heavy-handedness from the government in Colombo as well as the governor of the Northern Province (who is appointed by the president).[66] As Kumaravadivel notes, "In the South, the Governors are dormant. They do not interfere with the Provincial Council administrations. However in the North and East, wherein the Governor's chair is occupied by two retired army personnel, the Governors make maximum use of their constitutionally granted power. The 13th amendment gives the Governor a choice as to whether s/he wants to be active or not. In the North and East the Governors act like Viceroys from an alien land."[67]

In addition to its crackdown on diaspora organizations and its interference in the affairs of the NPC, the defence ministry, in July 2014, "banned non-governmental organizations from holding press conferences, awareness campaigns, training for journalists, workshops and disseminating press releases on everything from voter rights to exposing corruption."[68] While this ban applies to NGOs across the country, it has of course had a chilling effect in the former war zones of the north as well. Attacks on journalists have also been on the rise. As the civil war was again raging after 2006, Keith Nohayr of the *Nation* was kidnapped and beaten before being released, J. S. Tissanayagam was detained and went through arduous court proceedings before being pardoned, and Lasantha Wickrematunge, a prominent anti-government journalist and editor of the *Sunday Leader*, was killed by four armed assassins on 8 January 2009.[69] As the Committee to Protect Journalists noted, at least twenty-six journalists have been driven into exile between 2008 and 2013, Tamil journalists in the north and east of the country have been continuously attacked and targeted for their reporting,[70] and the offices of respected Tamil newspapers have been targeted by arsonists.[71]

Militarization, the Loss of Economic Livelihood, and Women's Insecurity

As the International Crisis Group (ICG) pointed out, the issue of livelihood and economic development in the north has been intimately tied to the continued militarization of the former war zones.[72] According to the ICG, "Since the war ended in 2009, hundreds of millions of dollars have poured into the province, but the local populations, mostly left destitute by the conflict, have seen only slight improvements in their lives.

Instead of giving way to a process of inclusive, accountable development, the military is increasing its economic role, controlling land and seemingly establishing itself as a permanent occupying presence."[73] Even as the Northern Province is among the least densely populated, the number of military troops stationed there is very substantial. According to some estimates, sixteen of the Sri Lankan army's nineteen brigades are located in Tamil-dominated areas, with a soldier-to-civilian ratio of 1:11—one of the highest in the world.[74]

To be sure, militarization does not refer only to the presence of the military in the north and east.[75] Unlike in the years immediately following the end of the war, soldiers are not always seen wandering the city streets of the north. Rather, militarization persists in a more sustained and routinized kind of way. The economic aspects of militarization, in addition to security issues, are becoming increasingly worrisome to people in the former war zones. As scholars and activists have noted, the military has been involved with a variety of economic initiatives in the country: running security companies, a catering service, hotel chains, farming, and conducting whale watching tours.[76] The military is often accused by people in the north of flooding the market with their own goods at reduced prices since they have virtually no overhead costs. This frustration extends to land rights as well.[77] Many people interviewed in the north by Amarasingam are distressed by the fact that the military is being given lands in the former war zones. This is being done, as one activist put it, to "purposefully redraw the demographic makeup of the region" and to eventually nullify the argument that the north is a "Tamil homeland" with a unique culture and tradition, which deserves to govern itself with a sense of autonomy.[78] As Fonseka and Jegatheeswaran point out, "Four years after the war, the military continues to play a major role in the acquisition and alienation of land in the North and East … [and] the large-scale acquisitions happening in the North and East appear to be directed by the central government and the military with limited information available to local officials and affected populations."[79]

Within the broader context of militarization and postwar insecurity, it is women who struggle most at the hands of both the military and members of the Tamil population. Three decades of civil war has resulted in over forty thousand female-headed households, with husbands and older male children having been killed in the war. This, combined with inadequate

housing and limited livelihood options, has put many women in situations of vulnerability.[80] During research visits to the north, Amarasingam was often told that women were much safer during the time of the LTTE. Under the LTTE, sexual violence was apparently harshly dealt with, which served as a deterrent. In the postwar environment, women's vulnerability has increased drastically in the context of militarization. As Fonseka and Raheem point out, most roads in the north have significant military presence in one form or another, and this "has had a bearing on women who continue to live with host families or in displacement camps as a result of their lands being occupied. For instance, in households in areas of the Vanni but also in Jaffna and Mannar, consisting largely of women with no adult male presence, the residents even sleep the night in other houses for safety reasons."[81] As such, the issue of land—and secure housing—is also intimately tied to women's security and vulnerability. For example, a recent report by Yasmin Sooka, the executive director of the Foundation for Human Rights, argued that abductions, arbitrary detention, torture, rape and sexual violence have increased since the end of the war in 2009. More damningly, the report argued that "these widespread and systematic violations by the Sri Lankan security forces occur in a manner that indicates a coordinated, systematic plan approved by the highest levels of government."[82]

Sinhalization of the Tamil Areas and Tamil Mourning

When Navi Pillay, the UN High Commissioner for Human Rights, visited Sri Lanka in August 2013, she attempted to visit Mullivaikkal and the Nandikadal Lagoon, the tiny spit of land where the civil war came to an end, and where the LTTE leader Velupillai Prabhakaran was killed. The government argued that Pillay was attempting to "pay tribute" to the LTTE, and that no more evidence of the UN's biased stance against the Sri Lankan government was needed. While this particular incident made headlines, it is certainly not an isolated example of the ways in which the Sri Lankan government attempts to dictate how the war should be remembered. For the government, the thirty year civil war was not an ethnic conflict but a terrorism problem. As such, the government has seen fit to destroy the childhood home of the LTTE leader, as well as raze to the ground a series of LTTE cemeteries that used to dot the north and east of the country, often installing army camps directly on top of them.[83] The mothers and

fathers of the LTTE combatants who were buried at these cemeteries have been traumatized by these actions.

In addition to the destruction and desecration of LTTE cemeteries, public acts commemorating the war's end have been banned by the military every year since May 2009. While the celebratory pageantry is well planned in Colombo for "Victory Day," Tamils in the Northern Province are not allowed to publicly mourn their dead. As military spokesman Ruwan Wanigasuriya said in May 2014, "Any persons trying to hoist black flags, distribute leaflets or put up posters will be considered as supporting of terrorism and such persons will be taken into custody under the Prevention of Terrorism Act."[84] Any act of public remembrance, in other words, will be interpreted and treated as a kind of tribute to the LTTE. Despite the ban, however, over two thousand students and faculty at the University of Jaffna observed Mullivaikkal Remembrance Day in 2014. Each attendee stood silently holding a candle, while military personnel and police kept watch outside. Through such bans and surveillance, the government attempts to stifle communal strategies for coping with the immense losses suffered over the last three decades, and therefore contributes to feelings of isolation and dislocation already rampant in the former war zones. As Tissainayagam writes,

> May 18 has come to symbolise different things in different parts of Sri Lanka. This precisely is the reason why the restrictions on mourning apply only to the Northern Province—the only Tamil-dominated province in the country. In areas outside the North, the government holds huge victory day celebrations, replete with militaristic symbols—marching columns, parading of military hardware and speeches reinforcing national unity and victory over terrorism and division of the country. These events have strong overtones of racism: the triumph of Sinhala nationalism, embodied by the government of President Mahinda Rajapakse and his family, over the Tamils by crushing their aspiration for dignity, rights and equality. … By criminalising northern Tamils mourning their dead as an act of terrorism, which can be punished by arrest and detention under the Prevention of Terrorism Act (PTA), Rajapakse hopes he can contain the Tamils' moves to cohere as a community once again.[85]

In addition to the attacks on public mourning and the lack of acknowledgement of Tamil lives lost in the war, the Sri Lankan government is also engaging in a broad project aimed at "Sinhalizing" Tamil areas of the north. As The Social Architects, an anonymous group of activists based in Sri Lanka, recently noted, "Since 1958, the names of ancient Tamil villages and streets have surreptitiously been given Sinhalese names." Close to one hundred important Tamil villages and cities, which continue to have deep emotional significance for Tamils all over the world, have been "Sinhalized": Vattukoddai has been changed to Battakote, Manipay has been changed to Mampe, and the island of Nainatheevu has been changed to Nagatheeba.[86]

The government is also redrawing the boundaries of Tamil border villages and incorporating them into predominantly Sinhalese districts. It is quite obvious that this is being done to reduce Tamil representation in various areas, again in an attempt to undermine and eliminate the argument that there are "majority" Tamil areas or Tamil "homelands" throughout the country.[87] What is more hurtful for many Tamils in the country, as well as those in the diaspora, has been the continued destruction of Hindu temples in the former war zones, and the building of Buddhist shrines in their place. One of the clearest examples of this change is the hot spring wells in Kanniya, in the eastern district of Trincomalee. When Amarasingam visited the site in January 2014, the statue of Hindu god Ganesha was being kept under a tin shed, and a giant Buddha shrine had been erected close to the springs.

Conclusion

Our notion of proto-genocide complements and partly overlaps with Gregory Stanton's concept of the ten stages of genocide.[88] It differs in that Stanton's work is oriented to physical genocide where ours is oriented to cultural genocide. Our notion of proto-genocide also owes much to Tony Barta's concept of "relations of genocide" and a "genocidal society." As Barta has written,

> My conception of a genocidal *society*—as distinct from a genocidal state—is one in which the bureaucratic apparatus might officially be directed to protect innocent people but in which a whole

> race is nevertheless subject to remorseless pressures of destruction inherent in the very nature of the society.[89]

While we do not suggest that the Sri Lankan state is officially directed to protect Tamil culture—quite the contrary—Barta's key point is that cultural extermination can be accomplished through a relatively decentralized collection of institutional practices and structural relations. Similarly, Keith Doubt's discussion of "sociocide"[90] shows how even physical genocide involves violent attacks on the social institutions through which a group maintains its solidarity and shared identity. Furthermore, Sri Lanka's colonial history enables us to situate its proto-genocide on a continuum with the subaltern genocides examined by Robins and Jones.[91] The concept of proto-genocide therefore helps to define a field of inquiry which up to this point has been suggested but not focally explored by genocide scholars.

Powell has argued that modern genocides are a systemic by-product of the globalizing expansion of Western civilization.[92] The imposition of the nation-state through colonialism has increased the stakes of local struggles over collective identity and created new incentives for mass violence. Under these conditions, we can expect to find proto-genocidal situations alarmingly common. Many of these might involve tribal or Indigenous peoples with small populations,[93] but the condition of Tamils in Sri Lanka is nonetheless illustrative of the structural qualities of a proto-genocidal situation.

Since independence, and especially during the civil war, Sri Lankan Tamils have suffered severe atrocities. While some of these atrocities have affected vital Tamil cultural institutions, they have not amounted to a coherent program (intended or otherwise) of cultural extermination. However, that could change. Sinhala nationalist ideology excludes Tamils from the universe of moral obligation; this ideology, along with Sri Lankan policies towards Tamils, and the civil war itself, have contributed to what Hinton calls "genocidal priming,"[94] pushing Sinhala-Tamil relations towards the kind of polarization which enables perpetrators to legitimate genocide.[95] Economic and political incentives exist for the progressive disenfranchisement of Tamils, potentially up to and including their total abjection. Militarily and otherwise, Tamils have demonstrated the capacity to resist abjection and to defend the social institutions which maintain their coherence as a people. But the ongoing suppression of Tamil politics

and civil society, the colonization and Sinhalization of Tamil areas by Sinhalese military officers, the loss of economic livelihood by Tamil families, and restrictions placed on Tamil mourning have the potential to gradually erode Tamil society. If this erosion goes far enough, Tamils could be unable to effectively resist more thoroughgoing measures such as the complete prohibition of Tamil language, forced conversion to Buddhism, economic expropriation, and forced dispersion—measures that could amount to a program of cultural extermination. With the election of Maithripala Sirisena in January 2015, many in the country and abroad expressed hope that the postwar situation would change. Indeed, there are many positive signs that change is afoot: the military governor of the Northern Province was replaced with a civilian, and President Sirisena expressed some interest in inviting exiled journalists back to the country. However, Sirisena has not yet expressed a commitment to the demilitarization of the former war zones. Only time will tell whether a change in leadership will result in a change in political culture. In language analogous to that of ecological conservation, Sri Lankan Tamils are not yet critically endangered, but they are threatened. This is an issue of interest to genocide scholars, and of concern to genocide and human rights activists.

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