JUSTICE TO COME: A DERRIDEAN PERSPECTIVE ON MINORITY TAMILS’ STRUGGLE FOR POLITICAL RIGHTS IN SRI LANKA

Athulasiri Kumara Samarakoon

Department of Social Studies, the Open University of Sri Lanka

INTRODUCTION

This paper attempts to present a deconstructive perspective of the existing discourse on Tamil’s political rights in Sri Lanka in the backdrop of resurgence of a multitude of narratives on violence during and after the conduct of the last phase of Elam war by the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Elam (LTTE). At present, there can be observed an interesting contest between the Sinhala and Tamil nationalist groups and the liberal international regime of human rights as advocated by liberals and opposed and welcomed by Sinhala and Tamil nationalists, respectively. This contestation between the sovereign Srilankan state and the hegemonic imposition of human rights inevitably brings the problem of justice, understood as political rights of the defeated, the minority to the fore. According to Jacques Derrida the conceptions like ‘justice and democracy’, being the products of western metaphysics (Derrida: 1994, 1995), are far from being interpreted fully and only some of their dimensions are revealed in some contexts. Therefore, justice, for Derrida, remains ‘to come,’ or ‘is yet to come’, i.e. it is to be interpreted in various contexts at present and in future.

OBJECTIVES

The objectives of the study are two-fold. First, it wants to analyze the existing discourse on the ethnic conflict in Sri Lanka and understand the limits therein in terms of defining the concept of ‘justice’ in the context of Tamil people’s political rights. Second, the study wants to freshly bring in the Derridean understanding of the concept of justice and applies it to the Sri Lankan context.

METHODOLOGY

Methodologically, the study applies an analytical and interpretative method to provide a politico-philosophical reading of the narrations of human rights violations in post-war Sri Lanka in the light of Jacques Derrida’s deconstruction. As a whole this can be called a deconstructive enterprise since the study presents a deconstructive argument in dealing with the concept of justice.

RESULTS AND DISCUSSION

Post-war Narrations of Human Rights Violations

Narratives of violations of human rights in the post war context are presented mainly by international and local political actors and interested parties. They include international organizations (United Nations, Amnesty International, Human Rights Watch etc), Diaspora Tamils in the West, the Transnational Government of the Tamils, independent academics and writings posted on various websites in cyberspace by individuals and organizations. All these actors concerned with the issue of justice for Tamils in the post-war context provide reports dealing with the alleged non-conformist behavior to international human rights and humanitarian law by Sri Lankan military. Thus they all contribute for the ‘justice seeking enterprise of the Tamils’, an attempt previously, violently, carried out by the LTTE. The UN ‘Report of the Secretary General’s Panel of Experts on Accountability in Sri Lanka’ (2011) presents some

* All correspondence should be addressed to Mr. Athulasiri Kumara Samarakoon, Department of Social Studies, The Open University of Sri Lanka (email: smak918@gmail.com)
recommendations that the sovereign state may oblige to implement in order to bring 'justice' for those whose rights have been violated. The report requires the state to mete out justice by being accountable for protection of rights and carrying out investigations on violations of rights during and after the war (2011: 120-22).

Prior to the publication of the UN’s report on violations of rights of the civilians and non-combatants caught in the war zone there were several other narratives on cyberspace, in other media and reports of various other human rights activist groups. All these pointed at the violations of rights of the Tamil civilians caught between the LTTE and GOSL military. The narratives of ethnic violence -bombing, shelling, shielding of civilians for military action, making civilians starve, forcing them for military activities, depriving civilian’s of health care, raping of women, abductions, killing etc1 – talk only of the brutality of the military conduct by the two parties to the war. This dimension of irresponsibility of parties to the violent conflict, their weaker interpretations of justice and democracy justifies this study’s attempt to present a deconstructionist interpretation of justice.

In the context of allegations of human rights violations and the UN recommended measures for 'just' conduct, there is according to Derridean term (see Derrida: 1994), a 'spectral presence' of the LTTE or their cause for fighting the state. There is a presence of the LTTE even in their physical absence as their fight for 'justice' (interpreted as minority rights, a separate state, self governance, meaningful devolution etc) resurfaces through various narratives of violations of human rights by the GOSL military and there is an absence of the LTTE for they are physically removed and no more in the battle ground. Thus according to Derrida’s conception of presentism or the spectral presence, the presence of the spirit, the Sri Lankan state is haunted, at the moment, by the issue of meting out/rejecting justice to the ‘subject of justice’, the minority of Tamils. This ever present struggle of seeking and denying of justice by the minority and the majority, respectively, when contextualized within the Derridean concept of deconstruction shows the infinite and insatiable nature of justice.

Different Schools of Thought on Struggle for ‘Justice’ by Tamils
The study identifies several schools of thoughts which have presented their views on the minority’s struggle for justice (narrowly understood as LTTE’s war) in Sri Lanka. Basically, they are categorized according to the ideological underpinnings of their point of views. However, this categorization remains imperfect since there could be several other ways to do it. Primarily, we have two rival schools of thought, ‘liberal vs. nationalist’, and then we have Marxist interpretations also. Further, we can see the emergence of a neo-liberal economics point of view in the post war context. Our reading of the liberal school of thought informs that it has preferred justice to be interpreted in terms of devolution of power (idea of federal state), guaranteeing of equal rights and peaceful settlement of the conflict. Then the nationalist (Sinhala) have preferred justice to be meant an undivided nation, unitary state, majority’s rule etc. In the same manner Tamil nationalist (militant version) would call for a separate state, homeland, total independence from Sinhala majoritarian rule etc. The Marxist school basically identifies the roots of the conflict with the problems of capitalist economy and imperialism. Also it advocates guaranteeing of equal opportunities and equal distribution of resources to areas of minority etc. The neo-liberal economics school which has dominated the post war context of development upholds that justice can be guaranteed only through economic development, infrastructure building and opening of industries etc in the war-torn areas.

This discussion on different strands of thought on the conflict and minority rights reveals that ‘justice/injustice’ binary has not been treated carefully and only one element of it has been

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1 The author has studied several categories of violence from the reports posted on www.tamilnet.com.in 2006.
considered in the absence of the other. Therefore all these schools fail at a certain stage since their interpretations are founded on certain fixations without allowing fluidity of the meanings.

**Deconstruction as Justice**

Derrida’s formulation of deconstructive reading of justice against traditional meanings of justice examines several aspects of the concept. As Jack M. Balkin (1994: 1-70) identifies by reading Derrida’s “Force of law: Mystical Foundation of Authority” (Derrida: 1992), “Paul de Man’s war” and “Biodegradables”, the idea of justice for Derrida offers the examination of following elements. These can be called the boundaries of justice according to the deconstructionist approach.

1. **Subjects of justice/injustice**

Derrida says in the human history there are subjects among mankind who are not recognized as subjects of justice. The boundaries of justice are determined by the distinction between the human and animal. And there may be humans who get animal treatment by another group of humans. For instance black Americans ‘had no rights which the white man was bound to respect’ (1994). Derrida says that “a deconstructionist approach to the boundaries that institute the human subject …as the measure of the just and unjust, does not necessarily lead to injustice, nor to the effacement of an opposition between just and unjust but may, in the name of a demand more insatiable that justice, lead to a reinterpretation of the whole apparatus of boundaries within which a history and a culture have been able to confine their criteriology” (Derrida quoted in Balkin 1994:16-17).

The definition of ‘minority’ in Sri Lankan context seems to have a weaker meaning since it’s defined differently by political actors with different ideological interests. For instance, the nationalist version of “the minority” in the post war context argues that “there are no minority but only Sri Lankans in the state”¹. This type of definitions of the subject of justice clearly establishes the fact that the politico-legal definitions have not contributed for a better understanding of the subject that is in need for justice.

2. **Responsibility without limits**

This element does not ask to increase the responsibility of one party. But as Balkin (1994) interprets, it looks for ‘just’ responsibility. Even if we analyze the concept R2P, we can see that it has increased the responsibility of the state while decreasing the responsibility of other groups. It is natural because of the omnipresent nature of the state in a given situation. However, the inability of the state law or international law to be ‘perfectly just’ and its requirement for articulation and enforcement are also implied, we can argue, in the idea of responsibility without limits.

3. **Language of the other**

Following Derrida Balking suggest the third element of ‘speaking the language of the other’ (1994:35). As Derrida means it ‘to be just is to have responsibility which is to respond to or to answer for something” (1994:33). The understanding of the other in all her/his ‘singularity and uniqueness’ is required according to this formulation. The law of the state in this regard can be questioned on three grounds; first law is general, law has a problem of translation, and third, to be impartial law should not speak the language of a particular party but the language that is neutral and fair (Balkin 1994: 34-35). The conflict in Sri Lankan has also been narrowly defined so far to as a linguistic problem. The idea of language cannot be confined only to the speech act but should be expanded to an infinity of meanings attached to various aspects of the entire cultural practices have to felt and

¹ In his address to Parliament to inform about the victory of war, President of Sri Lanka admitted this definition.
4. Anti- totalitatarianism
In the struggle for justice there cannot be totalitarian projects. Deconstruction is opposed to totalitarian projects. As Derrida puts it "purification, purge, totalization, reappropriation, homogenization, rapid objectification, good conscience, stereotyping and nonreading, immediate politicization, immediate ideologizing moralization.....This is what must be deconstructed". (Derrida in Balkin 1994: 51). The Srilankan situation should seriously consider this aspect as several of projects of this nature are in the making.

Against hegemonic solutions for justice
In application of Derrida’s deconstructive reading of justice to Sri Lankan context we can see that the majoritarian approaches to a solution has always looked at the subject of justice (Tamil) as 'non-subject in its Derridean sense. The inability of understanding ‘the other’ in its own language has dragged the conflict for long and towards the use of inhumane violence by both parties. The responsibility of protection has always been a topic which is paid less attention and passed to one another. Lastly, the totalitarian nature of political projects of both the LTTE and the Sinhala majority government has always led to further violence at the expense of lives of the non-combatants, children, women etc.

CONCLUSIONS/ RECOMMENDATIONS
This study has attempted to examine the problem of justice on the part of Tamils in Sri Lanka through a Derridean perspective. The study has pointed out the limits of some existing view points on the subject and suggested to go towards a deconstructive perspective, which in fact allow more freedom of defining justice without being bound to institutional and legal frameworks which are at work currently. Deconstruction helps us better read the subject of justice, feel depth of its issue and prevent totalitarianism as well. A deconstructive perspective thus suggests a transcendental concept of justice which fights totalitarian politics and discovers more meanings for justice and democracy.

The paper through its argument recommend for the parties to the conflict to re-value the values they have upheld up to now and reconsider the boundaries of their struggle in order to come to humane conclusions. Further, the study wants to remind the state that the guarantee of Tamils of their political rights will be beneficial for the project of so-called nation building and also in coming out of the international pressure mounting on it due to the power narratives on human rights violations.

REFERENCES


