WAR, DENIAL AND NATION-BUILDING IN SRI LANKA

AFTER THE END

RACHEL SEOIGHE

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Rachel Seoighe
Middlesex University
London, UK

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General Editor's Preface

Compromise is a much used but little understood term. There is a sense in which it describes a set of feelings (the so-called spirit of compromise) that involve reciprocity, representing the agreement to make mutual concessions towards each other from now on: no matter what we did to each other in the past, we will act towards each other in the future differently as set out in the agreement between us. The compromise settlement can be a spit and a handshake, much beloved in folklore, or a legally binding statute with hundreds of clauses.

As such, it is clear that compromise enters into conflict transformation at two distinct phases. The first is during the conflict-resolution process itself, where compromise represents a willingness amongst parties to negotiate a peace agreement that represents a second-best preference in which they give up their first preference (victory) in order to cut a deal. A great deal of literature has been produced in Peace Studies and International Relations on the dynamics of the negotiation process and the institutional and governance structures necessary to consolidate the agreement afterwards. Just as important, however, is compromise in the second phase, when compromise is part of post-conflict reconstruction, in which protagonists come to learn to live together despite their former enmity and in face of the atrocities perpetrated during the conflict itself.

In the first phase, compromise describes reciprocal agreements between parties to the negotiations in order to make political concessions sufficient

to end conflict; in the second phase, compromise involves victims and perpetrators developing ways of living together in which concessions are made as part of shared social life. The first is about compromises between political groups and the state in the process of statebuilding (or re-building) after the political upheavals of communal conflict, whereas the second is about compromises between individuals and communities in the process of social healing after the cultural trauma provoked by the conflict.

This book series primarily concerns itself with the second process, the often messy and difficult job of reconciliation, restoration and repair in social and cultural relations following communal conflict. Communal conflicts and civil wars tend to suffer from the narcissism of minor differences, to coin Freud's phrase, leaving little to be split halfway and compromise on, and thus are usually especially bitter. The series therefore addresses itself to the meaning, manufacturing and management of compromise in one of its most difficult settings. The book series is cross-national and cross-disciplinary, with attention paid to inter-personal reconciliation at the level of everyday life, as well as culturally between social groups, and the many sorts of institutional, inter-personal, psychological, sociological, anthropological and cultural factors that assist and inhibit societal healing in all post-conflict societies, historically and in the present. It focuses on what compromise means when people have to come to terms with past enmity and the memories of the conflict itself, and relate to former protagonists in ways that consolidate the wider political agreement.

This sort of focus has special resonance and significance for peace agreements are usually very fragile. Societies emerging out of conflict are subject to on-going violence from spoiler groups who are reluctant to give up on first preferences, constant threats from the outbreak of renewed violence, institutional instability, weakened economies and a wealth of problems around transitional justice, memory, truth recovery, victimhood, amongst others. Not surprisingly therefore, reconciliation and healing in social and cultural relations are difficult to achieve, not least because inter-personal compromise between erstwhile enemies is difficult.

Lay discourse picks up on the ambivalent nature of compromise after conflict. It is talked about in common sense in one of two ways, in which compromise is either a virtue or a vice, taking its place among the angels

or in Hades. One form of lay discourse likens concessions to former protagonists with the idea of restoration of broken relationships and societal and cultural reconciliation, in which there is a sense of becoming (or returning) to wholeness and completeness. The other form of lay discourse invokes ideas of appeasement, of being *compromised* by the concessions, which constitute a form of surrender and reproduce (or disguise) continued brokenness and division. People feel they continue to be beaten by the sticks which the concessions have allowed others to keep; with restoration, however, weapons are turned truly in ploughshares. Lay discourse suggests, therefore, that there are issues that the *Palgrave Studies in Compromise after Conflict* series must begin to problematize, so that the process of societal healing is better understood and can be assisted and facilitated by public policy and intervention.

In the latest addition to the series, Rachel Seoighe, an inter-disciplinary criminologist, offers an exciting and engaging argument that gives a vivid account of the impact of Sri Lanka's 'victor's peace,' as we might call it, for the prospects for reconciliation, peace and stability in post-atrocity Sri Lanka. The book is based on sustained research, embedded in a long-standing, rich and deep engagement with the country, and builds on many qualitative interviews conducted during fieldwork trips, as well as discourse and media analysis. The Sri Lankan conflict is set in its context—colonial, social, political and economic—and the volume rightly documents the ebb and flow of the conflict, which culminated in the final massacre that has initiated the 'victor's peace,' a massacre that is referred to popularly as 'the End.' The books explores the mnemonic struggles between the Sri Lankan state and Tamils in making sense of the war and its violent end and examines how this 'battle for meaning,' as we might put it, is overlaid on top of the violence of the final massacre itself to profoundly impact on the prospects for peace and reconciliation. Sri Lanka's process of conflict transformation, such as it is, is, as Seoighe shows, premised on political pacification of Tamils, the militarisation of the peace and the development of a strong 'national security state,' which does not portend well for peace in the long term.

There is a process of cultural annihilation affecting Tamils in Northeast Sri Lanka under a policy of Sinhalaisation, which this volume rightly recognises as part of the everyday lived experience of Tamils in the North

and East, which needs to be placed alongside all the transitional justice uncertainties of contemporary Sri Lanka. The use of Buddhist religious spoiler groups to attack Muslims (again) and Christians is fitted into the dynamics of this victor's peace, and the volume gives attention to anti-Muslim sentiment in Buddhist-Sinhalese nationalism in post-atrocity Sri Lanka to broaden our understanding of the conflict to be wider than a Sinhala-Tamil ethnic clash.

The impact of the country's war economy is also significant, for the militarisation of the state and society is very expensive, especially given that Sri Lanka has no natural resources. Heavy militarisation of both the state and the society under the impulse of the 'national security state' is posing an economic burden than negatively affects the prospects of peace and the capacity to commit to the massive financial costs of re-building the Northeast and of addressing the poverty, unemployment and poor education that affects Northern Tamils. In short, there are several legacies of the war over and above its transitional justice dimensions, showing themselves in culture, economics, politics and society, all of which have a bearing on the prospects of peace, reconciliation and justice. This book takes account of all these legacies, making it a very significant book indeed. As Series Editor, I warmly welcome this book to the *Palgrave Studies in Compromise after Conflict* series.

Belfast, UK   John D. Brewer
                                                              January 2017

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Introduction

Sri Lanka is an island scarred by 30 years of conflict: grief, loss and silence are mapped onto places of destruction and displacement. Empty houses, emptied villages and the rusting ruins of warfare mark the landscape, particularly in the Northeastern Provinces. The island's young generation grew up in a world of violence. The everyday experience of warfare and state terror defined the lives of the population for decades, impacting in varying force and quality on their lives in a way that was often dictated by ethnicity and place. In the post-war environment, the question of how the war should and can be remembered—by the Tamil community and wider Sri Lankan society—is a contentious one. This book focuses on the mnemonic struggles that are played out every day between the Sri Lankan state and the Tamil people. It asks how the transformation of the conflict from one of open warfare to a victor's peace is shaped and informed by memories of atrocity and persecutory violence against Tamil civilians. Speaking to the themes of this series, 'compromise after conflict,' this book is a study of the end of a long war in Sri Lanka and how the post-conflict space is marked by memory practices that seek to suppress and dominate those of a 'defeated' minority community. By exploring the

question of memory, and how nationalisms, violence and political agency are entwined and reproduced in those memories, I ask what 'compromises' are demanded of the Tamils in post-war Sri Lanka, on what political and emotional terrain those compromises are demanded and how this informs the politics and prospects of reconciliation in a unitary state.

The war was fought over territory and identity. The wholeness of the island is sacred for some and untenable for others; it is a state divided along political and ethnic lines. It is a small island, shaped like a teardrop. The Sinhalese, overwhelmingly Buddhist majority believe that Buddha gifted the island to the Sinhalese. In 1978, the new Constitution introduced by a government keen to signal its post-colonial commitment to Sinhala-Buddhist identity renamed the island. Ceylon became Sri Lanka, which means 'sacred island' in Sinhalese. Labouring under successive colonisations since the sixteenth century—by the Portuguese, the Dutch and the British—this idea of 'sacredness' produced violence in the service of a Sinhala-Buddhist nationalism that was directed not only towards the colonisers but also towards the island's minorities, including Muslims, Christians and the indigenous Veddahs, but particularly the Tamils. While this book addresses the marginalisation of all minorities, it focuses on the Tamils as the group most persecuted by and most resistant to the Sinhala-Buddhist nationalist project. The Tamil minority ethnic community rejects the name Sri Lanka itself as a violence. Tamil kingdoms of the past were subsumed into this contemporary state. The separatist aspiration of Tamil Eelam protests the colonisation of Tamil land and political space, which did not end with independence from the British. Tamil militant violence, in response to the post-colonial majoritarian nation-building project, articulated a vision of separatism and self-determination: violence became a means of struggle for a nascent state in the Northeast where the Tamil people could live as citizens, not victims.

This book traces several themes—discourse, nationalism and memory—through a period of immense violence in Sri Lanka and into its aftermath. It examines these themes in the context of a particular political moment and leadership, the government of Mahinda Rajapaksa and his brothers. Allowing these themes to guide us through this moment, as a way of understanding violence and atrocity, this book offers an analysis of how stories are authored, constructed, consumed and remembered.

Tracing discursive patterns from the political elite to the international sphere, and asking how those discourses of violence were crafted in the service of denial, the following chapters will explore how the story of the end of the war was told. Relying on interviews and observation in Sri Lanka in 2012, as well as a range of secondary materials, I explore the place of the Tamil voice in this story—both local and diasporic—and the resistant practices and contestations that have unsettled the state's account of the war's end. This is a study of words, memories, terror and grief. It is a study of politics, mass ritual, marginalisation and persecution. Since the end of war in 2009, the battle to author the conflict has continued to rage. State-sponsored efforts to institutionalise memory and to commemorate the war in physical vehicles of memory such as monuments and museums have been contested by Tamil civil society and diaspora voices, as the people of the Northeast live in a place of repression, militarisation and devastation. This book examines the narratives generated between 2005 and 2013, which peaked in intensity and traumatic pitch in those violent months in 2009.

The story of the small, divided island of Sri Lanka, with its unhappy history of colonial rule, racial discrimination, separatist violence and state atrocity, can tell us a lot about nation-building in contemporary times. It tells us that the post-colonial moment rarely passes easily and that struggles for power and rights that were contained and denied by colonial rule can re-emerge and take on ugly iterations as years of failed settlement pass. It tells us that the formerly colonised will agitate for cultural and political space with great intensity once power is regained and that the formerly colonised, once re-empowered with political rule, can become forceful colonisers of a state's minorities. Moving from local scenes of war and violence to the international, Sri Lanka's story also speaks to the question of how internal conflict is understood on the world stage: Who writes a country's script for international consumption? How is the narrative controlled and by whom? How should the carefully crafted (and often purchased) discourses of political figures be understood? This book is concerned with authorship in its different forms—nationalistic rhetoric by political elites, constructed narratives of warfare, spatial authorship and its relation to nationalism, and corporatised techniques of genocide denial.

Offering an analysis of Sri Lanka's conflict dynamics that departs from mainstream conceptions of ethno-political conflict and Tamil separatist terrorism, this book interrogates the discursive patterns constructed and controlled by the state in its battle against the separatist militant group, the Liberation Tigers of Tamil Eelam (the LTTE). Through an examination of power and performativity in political discourse, state terror and state–corporate collusion, I argue that the Sri Lankan state has re-narrativised and re-worked violence through orchestrated techniques of denial and mass ritual discourse, drawing on and perpetuating a heightened Sinhala-Buddhist nationalism that continues to consolidate power under Sinhalese political elites, sustain minority grievances and, in turn, sustain the repression of the Tamil community of the Northeast. Building on the established literature on state terror and violence, this book's focus on the role of Sinhala-Buddhist nationalism in the articulation of that terror in Sri Lanka is a contribution to the field that emphasises the defining role of nationalism. The authorship of conflict memory is central to the maintenance of a militarised Sinhala-Buddhist power in Sri Lanka. In order to examine the workings of power through discourse and memory projects, I explore the state's mechanisms of discursive control, the adaptation of international discourses in the pursuit of local and international legitimacy and the official promotion of an exclusionary form of nationalism in political performances and authorship of public space.

Adopting Sharika Thiranagama's stylistic device, the final, devastating period of military warfare between December 2008 and 19 May 2009 is referred to as 'the End.' Thiranagama uses the terms 'the Exile' and 'the Exodus,' respectively, to refer to the flight of thousands of Tamils from Sri Lanka in the wake of the 1983 anti-Tamil pogrom and the LTTE's forced exodus of the Muslim population from the Northern Province in 1990 (Thiranagama 2012). This book offers an account of Sri Lankan conflict dynamics that traces the country's two competing nation-building processes and attendant political violence. It departs from the mainstream conceptions of ethno-political conflict (Razak and Stavis 2008), politico-economic conflict (Bandarage 2009) and Tamil separatist terrorism (Van de Voorde 2005), arguing that contemporary Sri Lankan nation-building under the Rajapaksa government (2005–2015), defined by the violence of the End, was premised on the establishment of a national security

state. The authorship of the island's 'national story' has underpinned the particular project of nation-building that reached its zenith under the Rajapaksa brothers' rule. Exploring the content and development of this story, the book asks how, in a violent and exclusionary process of nation-building, the discourse was weaponised. The incorporation of Sinhala-Buddhist ideology as an exclusionary nationalism into processes of nation-building is clear at the level of discourse and in political performativity. This book examines the construction of a militarised political culture in which a catastrophe like the End became possible; it examines the discourse and repressive practices of the Rajapaksa government, describing the ways in which the former president rallied nationalistic forces and pursued a policy of mass atrocity at the end of the war. Postwar, triumphant and antagonistic processes of 'Sinhalisation' in the nascent Tamil Eelam demonstrate Sri Lanka's rejection of liberal conceptions of peace-building and reconciliation, and reveal the state's post-war actions and rhetoric in this regard as strategic performances designed to avoid accountability and international censure.

The question of the LTTE's legacy is a complicated one. The popular sentiment I encountered in the Tamil population towards the LTTE in 2012, only three years after the atrocities of the End, was a loyalty and avowed support that acknowledged the 'mistakes' made by the militant group in pursuit of Eelam. In the war-torn Northeastern Provinces, faith in the separatist movement and the achievement of Eelam maintained the popularity and deification of the LTTE until the very end, despite the organisation's brutal methods of governance. As a senior Tamil civil servant in Jaffna (2012) told me, "the boys"—as the members of the LTTE were popularly known, despite the influx of women to the ranks—were "our undisciplined army." They fought a resistant war in the pursuit of Tamil liberation and represented the population's only protection against a persecutory Sinhala state. The organisation's infiltration into Tamil communal life was both a natural result of guerrilla warfare and a deliberate strategy (Thiranagama 2012). The LTTE's careful definition of its role in Tamil life has impacted on how the Tamil collective memory of war and struggle has been constructed. This book offers a historical examination of nation-building in pursuit of Tamil Eelam under the LTTE, exploring the nation-building performatives and rituals, largely related to the

commemoration of martyrs. It also analyses the current socio-political landscape, where commemorative practices are criminalised and Tamil life is excluded from life considered 'grievable' (Butler 2004).

The post-war, post-LTTE political landscape can only be understood by tracing the continuities of nationalisms and political contestations into the present. The conflict continues in the present day in different forms. State violence persists, following a primarily ethnic logic that amounts to Tamil persecution and oppression. In this context, contemporary political contestations necessarily refer to the End as an ever-present moment of persecution and as a shadow of violence and threat that has been cast over the Tamil community. With this in mind, we must contest the application of mainstream post-conflict concepts and processes to Sri Lanka. Post-war, it is crucial to understand the narratives underpinning the conflict because of the sameness of today's political contestations. Ongoing processes perpetuate the content of conflict authorship—denials, propaganda, nationalistic rhetoric—through similar mechanics of communication in the media, political culture and mass ritual. Conflict memory is essential to nation-building as undertaken by the state, and to the reconfiguration of Tamil political agency in the absence of the LTTE. It is stabilised and contested in discourse. Attempts to reconfigure agency are marked by the violence of the End, but the nationalisms adhered to and performed by the Tamil community and the state remain the primary sources of political legitimacy and power.

The concept of political performativity is a useful means of understanding both the atrocities of the End and the post-war socio-political landscape. At the End, denial and propaganda were employed by the state, simultaneously legitimising and concealing the atrocity perpetrated against the Tamil minority. International tropes and principles were co-opted by the state to this end: the rhetorical performances of 'counter-terrorism' and 'humanitarianism' as the methods and principles of warfare were palatable to the post-9/11 prerogatives of the so-called international community. Post-war, the state's political performativity relates to purported adherence to 'transition' as directed by the liberal peace framework. A virulent Sinhala-Buddhist majoritarian nationalism reached its peak under the Rajapaksa government, and its potency and potential for extreme levels of violence were demonstrated beyond doubt

at the End. By recognising nationalism as a tool in the construction of hegemony within the framework of the nation-state, by which political elites retain power, it becomes clear that nationalisms must be consistently performed in order to stabilise the political order. Hegemony is a site of struggle, impacted upon by discourse and political performativity. To stabilise conflict memory in the service of the nation-state is to seal the achievement of hegemony on the basis of Sinhala-Buddhist nationalism. The persistent counter-narrative of the Tamil community and international movement seeking accountability for the atrocities committed at the End destabilises this hegemony and offers a form of resistance. Domestically, this resistance continues to be couched in Tamil nationalism, articulated in the political narrative of the Tamil National Alliance and various grassroots actors.

Political contestations and narratives underpinning the war persist in the post-war phase; they have survived armed warfare and the defeat of the LTTE and have been reformulated in light of the violence of the End. This book traces those discourses and considers their implications throughout the war, at the End and into the present.

The End: War's Conclusion

The Sri Lankan state and the militant separatist group, the Liberation Tigers of Tamil Eelam (the LTTE or the Tamil Tigers), became embroiled in armed conflict from July 1983, when an anti-Tamil pogrom signalled the beginning of ethnicised warfare. A long and devastating war raged for nearly three decades. The LTTE sought self-determination for the Tamil minority, who were marginalised, discriminated against and rejected as the 'other' in a post-colonial nation-building project that privileged the majority Sinhalese population. The war was marked by atrocity—including torture, disappearances and indiscriminate violence against civilians—and efficient, orchestrated propaganda. The long war resulted in the establishment of a national security state in Sri Lanka: a militarised political culture, the rolling back of civil rights in favour of 'security' and a deep, unaccountable state.[1] Nearly an entire young generation of Tamils were lost to violence and migration, and a high number of Sinhalese

people were killed, including civilians and state forces personnel who were overwhelmingly recruited, as is so often the case, from the country's most disadvantaged communities. The island's Muslim population has also suffered deep losses: killings and displacement perpetrated and directed by the LTTE and, most recently, post-war persecution by emergent Sinhala-Buddhist hate groups. The LTTE controlled the Northeastern Province from 1987; the organisation's practices of governance merged the Northern and Eastern Provinces and enforced the group's own conception of Tamil culture and identity in the area. This represented a formidable challenge to the unitary structure of the Sri Lankan nation-state, the wholeness of which is the core of Sinhala-Buddhist nationalist ideology. The LTTE's separatist project was untenable for a state premised on Sinhala-Buddhist ideology (described in detail in Chap. 3). The nascent state of Tamil Eelam had to be destroyed.

In May 2009, after long and destructive years of war, the Sri Lankan state forces defeated the LTTE. The final six months of the war were catastrophic: up to 40,000 Tamil lives were lost and the human rights abuses and war crimes committed by both sides are well-documented in human rights reports (e.g., *Peoples' Tribunal on Sri Lanka* 2014, *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka* 2011), documentaries (Channel 4 2011, 2012) and literature (Arudpragasam 2017; Subramanian 2014). This period of warfare, the End, was defined by immense violence and humanitarian failures (United Nations 2012; Lessons Learnt and Reconciliation Commission 2011). The Tamil civilians trapped between the state forces and the LTTE were brutalised and killed in their thousands, while both parties publicly claimed to have their best interests at heart. The LTTE used Tamil civilians as "human shields" (Human Rights Watch 2009b; United Nations 2012, p. 9), hoping to deter the fire of the determined state forces. Tamil civilians joined the LTTE's ranks under threat of violence: cadres shot defectors as they implored the international community to enforce a ceasefire (Harrison 2012, pp. 62–63; Lessons Learnt and Reconciliation Commission 2011; United Nations 2012). To say that conflict-related casualty figures for this period are contested is a vast understatement. The government vigorously asserted that a "zero civilian casualty" policy was pursued and for two years after the war, the official position was that not a single Tamil

civilian was killed in the "humanitarian operation" (Bouckaert 2010). Eventually, in a 2011 report, the quiet admission of 8,000 deaths including LTTE cadres and those accidentally caught in the crossfire came to replace the previous, unsustainable official line (Department of Census and Statistics 2011). In contrast, a United Nations–appointed panel of experts stated that credible information from media, human rights and diaspora groups points to a possible figure of 40,000 civilian deaths (United Nations 2012). Settling on a count of civilian casualties is also complicated by the 11th-hour forced conscription practices by the LTTE, which further blurred the already unstable humanitarian law distinction between civilians and combatants in contemporary warfare (Bargu 2013a; Kinsella 2005; Human Rights Watch 2004). Civilians were forced to take up arms by the increasingly desperate LTTE, which refused until the very end to surrender the Tamil separatist cause, and therefore fell into the category of militants.

The UN argued that in "a quest to pursue a war that was clearly lost; many civilians were sacrificed on the altar of the LTTE cause and its efforts to preserve its senior leadership" (United Nations 2011, p. ii). Reports from the conflict area in the Vanni in the Northern Province described a situation of mayhem, terror, horror and hunger as the state forces and the LTTE battled in close proximity to more than 300,000 Tamil civilians. Instrumentalised by the LTTE, and shelled by the state forces as they declared intentions to 'rescue' them, the Tamils were repeatedly displaced and trapped in officially declared and quickly shrinking "safe zones" or "no fire zones" (Channel 4 2012), which were subsequently targeted and fired upon by the state forces. When the war ended, with the LTTE defeated and its leaders executed despite holding up white flags in surrender (University Teachers for Human Rights-Jaffna 2009), the state forces oversaw a screening and detention process that kept the surviving, displaced Tamils in poorly serviced camps for up to three years (Amnesty International 2009, 2012). Ex-LTTE cadres and those suspected of links with the LTTE were redirected to unaccountable, widely problematised 'rehabilitation centres' that served as an alternative criminal justice disposal after the war. These centres were framed as a means of processing the former cadres and were instituted by the state under the framework of transitional justice. These cadres were absorbed

into the system of 'rehabilitation' without being convicted of any crime, often detained merely on the basis of highly ethnicised suspicion and the word of ubiquitous, coerced informers. Sri Lanka's engagement with the framework of transitional justice has been selective and strategic, as discussed in Chap. 7, and the process of 'rehabilitation' has now been institutionalised as a semi-official criminal justice disposal used to punish Tamils regardless of evidence against them.[2] This system of alternative disposal was instituted immediately after the war in order to overcome evidentiary obstacles and to subsume as many Tamils as possible into state-controlled punitive institutions.

After their eventual release, which took place in a staggered manner (the state cited landmine removal as the primary impediment to return), the displaced Tamil civilians returned to an intensely repressive environment of militarisation, surveillance and suspicion in the Northeastern Provinces. Thousands of people remain missing as a result of the conflict and the largely female-led agitation in pursuit of information and accountability has been met with state denial and repression. The Tamil media is consistently under siege by unidentified assailants, thought to be pro-state militia and military intelligence (Tamils Against Genocide 2013). Disappearances in the North (and to a lesser extent, countrywide) occur regularly, with one 2012 report alleging a frequency of one disappearance every five days (Watchdog 2012). Eight years after the war's end, the Tamil population of the Northeast live in a blasted landscape: it is a place of militarisation, oppression and poverty, which is now subject to a process of neoliberal development and Sinhalese colonisation that contributes to the sense of political hopelessness and belief that a systematic process of cultural annihilation is near completion.

Framing the End: Conceptualising Violence

In thinking through the Sri Lankan state's persistent and structural violence towards the Tamil community, there are many applicable frameworks of understanding. The state's relationship to its biggest minority group is one defined by discrimination, 'othering,' violence, and repressive practices of containment. Legal and extra-legal interventions into

the life of the community have caused social and economic devastation: mass imprisonment, formal warfare, state-perpetrated killings, paramilitary violence and torture, rape, and displacement. Structural genocide, marked by periods of explicit, undeniable mass atrocity violence such as the End, is another framework we are compelled to apply. In line with John Brewer's (2010) framework of understanding, we might also argue that cultural annihilation is at work. Brewer argues that this form of annihilation does not necessitate the total extermination of a group demanded by a legal definition of genocide but encompasses a "stripping away of effective cultural resources for resistance" (Brewer 2010, p. 22). In Sri Lanka, this process was pushed along on its continuum by periodic violent events of explicit extermination such as the End. From a criminological perspective, the framework of state crime turns the categorisation of criminality customarily controlled by the state back on itself. Green and Ward (2004, p. 2) define state crime as "state organised deviance involving the violation of human rights." This conceptual framework is useful in beginning to think about the Sri Lankan state's wider responsibility for social harm and human rights abuses, which can be complicated by integrating analysis of ethnicised forms of persecution and harm, and by examining the production of violence itself through discourses of nationalism and warfare. The war in Sri Lanka was violent, protracted and terrible; people suffered terribly and continue to suffer. Theorising this violence and its effects is a daunting and troubling project, particularly given my position as an outsider to the country and its history, its traditions, its implicit assumptions, hierarchies and order. As Banu Bargu (2013a, p. 805) argues, the "study of violence in general is difficult enough; it invites us to go beyond language, to capture the unspeakable and to translate it into concepts and arguments." She insists that theorising violence "is a way of making it speakable; it is a way of taming it" (Bargu 2013a, p. 806). Beyond this, the study of violence is a way of salvaging memory: grasping at the suppressed and disappearing narratives of those affected by violence. Each voice "from the field," Bargu (2013a, p. 806) argues, is a "live text that speaks back to texts of thinkers of politics."

To understand violence, and to contribute to general theories of violence, we have to study scenes and cultures of violence in great detail.

Beginning to conceptualise what happened in Sri Lanka, the scale of violence—whether perpetrated by mobs or integrated into the endeavour of warfare and pursued by the state forces—is inescapable. Human rights reports have consistently offered reliable documentation of the different forms of violence in Sri Lanka, including institutionalised violence in the police and the military (Pinto-Jayawardena 2007, 2010; Fernando and Weerawickrame 2009; Asian Human Rights Commission 2010). While the 9/11 attacks and the subsequent extensions and abuses of state power have been a catalyst for "investments in the potential of human rights" by criminologists (Murphy and Whitty 2013), state crime scholarship has long engaged with human rights reports as documentary evidence of state violence and victimhood, seeking "to expose violations when they occur" (Stanley 2007, p. 190). Sri Lanka's human rights situation has been dependably documented in reports by local and international organisations (e.g., The Law and Society Trust 2010; Pinto-Jayawardena 2010; University Teachers for Human Rights-Jaffna 2006, 2009). This documentation of human rights abuses not only offers a picture of the harm caused to the Tamil population by violent state (and non-state) interventions into social life and the bodies of the killed, tortured, detained and disappeared, it also opens up space for a political analysis of the failures of international institutions to protect the Tamil community, particularly at the End. In 2012, the UN produced a self-critical report on its actions in Sri Lanka at the End, prompted by a memo delivered to the Secretary General by his Panel of Experts on Accountability in Sri Lanka, which stated that agencies and individuals within the UN had failed in their mandates to protect people, had underreported government violations and suppressed reporting efforts by their field staff (United Nations 2012, p. 4). Acknowledging the failure to systematically document deaths and injuries, and acquiescence in the face of the state forces' responsibility for violations of international law (implicitly traded with the Sri Lankan government for humanitarian access to the war's survivors), it is an unusually strong condemnation of humanitarian actors and their political responsibilities (United Nations 2012, p. 12).

In terms of the genesis and sustenance of violence, a re-reading of Sri Lankan conflict history that draws on post-colonial criminology places

British colonial and neocolonial interventions close to the centre of the story and demonstrates that a paradigmatic shift is necessary to acknowledge the colonial genesis of structures and practices of violence. As Chris Cunneen argues:

> postcolonialism is a perspective that demands we recognize the ongoing and enduring effects of colonialism on both the colonized and the colonizers. Colonization and the postcolonial are not historical events but continuing social, political, economic and cultural processes. (Cunneen 2011, p. 249)

The war in Sri Lanka was a post-colonial war, where grievances were generated by the structures of power laid by the British and where the British, along with other global actors operating in the service of the 'liberal peace,' offered a steady supply of material and discursive support for the state's war against the Tamils. Applying a framework of state crime, which draws the analysis and condemnation of mass atrocity crimes and genocide into the criminological imagination, would be limited without integrating the post-colonial and acknowledging the state itself as a form of naturalised violence. It is necessary to link the colonial development of the modern political state and the globalised nature of gross violations of human rights of indigenous and former colonised peoples (Cunneen 2011, p. 253).

The Sri Lankan civil war was a distinctly post-colonial war, arising from dynamics that were established under colonial rule and reproducing relations of power that a post-colonial approach makes clear. It "demands that we consider issues of state power, and one area where state power is often neglected is in its power to define citizenship and belonging" (Cunneen 2011, p. 256). The state and the nation are naturalised to appear as synonymous, but Cunneen reminds us that the nationalistic construction of "the people" can draw lines of belonging through exclusion, and to fall outside of the boundaries of the "moral community" of the nation can leave you susceptible to the violence of the state. Criminalisation, he reminds us, "is a key part of the building of the nation through processes of exclusion" (Cunneen 2011, p. 256):

> Criminalization legitimates excessive policing, the use of state violence, the loss of liberty and diminished social and economic participation. Criminalization also permits an historical and political amnesia in relation to the effects of colonial processes and role of imperial powers in structuring international economic and political relations. Racialized groups are transformed into a 'law and order' threat to national unity and the longer-term reasons for their economic and social dislocation conveniently forgotten. (Cunneen 2011, p. 257)

As discussed in Chap. 5, Tamil political agency and resistance to majoritarian repression has been criminalised as 'terrorism.' The frameworks and discourses of terror in international law and politics in the post-colonial world have stood to benefit the state against the liberation claims of groups that challenge the naturalisation of this political unit and their own oppression within that space.

The violence of the End prompted international responses couched in the framework of human rights and debates on the efficacy of humanitarian law protections, particularly within the politicised and clunky bureaucracy of the UN. The implications of the End for international law and conflict, formations of global governance and the 'liberal way of doing war' will be discussed in Chap. 6, drawing on the work of critical legal scholars (Kennedy 2005; Khalili 2012; Bargu 2013). The 'Sri Lankan example'—the first counter-insurgency victory of the twenty-first century in which the state was the outright victor over the separatists (Hashim 2013)—has prompted new conversations about 'doing war' and *finishing* wars under such conditions as a form of alternative conflict resolution. The Sri Lankan government and military have been unapologetic in promoting this conflict-resolution strategy, organising international conferences and travelling to different countries to share experiences and knowledge (see e.g., Colombo Defence Seminar 2016). The public relations exercise that masked and re-worked the violence of the End has become a source of pride and status on the global stage: state officials wear the defeat of the LTTE with a pride inflected with nationalistic and militaristic logic. The brutality, the violence and the human cost of this defeat are simultaneously denied and justified as necessary in securing victory: the casual realism of 'collateral damage' is present in every con-

versation but depersonalised and 'derealized' (Butler 2004), as is the case in much of international humanitarian law discourse. This belligerent global publicity sits somewhat uneasily within entangled local post-war discourses of unbridled militaristic nationalism and liberal conceptions of reconciliation.

In 2010, the Rajapaksa government established the Lessons Learnt and Reconciliation Commission (LLRC) as its own local mechanism of reconciliation. Frameworks of transitional justice, reconciliation and the demands of the liberal peace became useful to explain and critique the process undertaken by the state (Rubli 2012; McEvoy and McGregor 2008; McGregor 2006; Höglund and Orjuela 2013; Gowing 2013). Meanwhile, Tamil politicians, civil society and other commentators began to voice concern about the protection of conflict memory, which is being distorted in state and non-state discourse. Calls for accountability for war crimes and mass killings have been issued locally and internationally, along with pleas to remember—and be allowed to remember—the dead. These concerns and contestations and their implications for conflict memory and Tamil political agency post-LTTE are discussed in Chap. 5.

Outside of criminological, legalistic and human rights frameworks, the violence of the End and its implications must be understood in relation to wider socio-cultural and socio-political structures. Anthropological studies have produced exhaustive and devastating accounts of the "theatre of cruelty" that Sri Lanka has become since the war began (Daniel 1996, p. 69; Jeganathan 1998; Lawrence 2000; Derges 2013). Critical socio-legal literature has depicted state terror and state violence in Sri Lanka, and demonstrated how it has been facilitated through both legal mechanisms and discourses of counter-terrorism (Ganeshalingham 2009; Nadarajah and Sentas 2013; Kleinfeld 2003). Sri Lanka's story of violence is an important example of how power relations fall in favour of the state against minority groups waging defensive wars of liberation and independence. Sri Lanka's power to label the LTTE as 'terrorist' weighted the odds heavily against the separatist group (Nadarajah and Sriskandarajah 2005; Podder 2006). This state-centric reading of Sri Lanka's political realities and conflict dynamics is challenged here, acknowledging the LTTE as a militant group waging a defensive war against the genocidal Sri Lankan state, in a post-colonial battle for political, territorial rights.

Sri Lanka's response to political and militant Tamil agitation for a separate state was institutionalised violence and the establishment of a national security state (Mullin 2014; Nelson-Pallmeyer 1992; Rajasingham-Senanayake 2001). In such a state, the architecture of state institutions is re-engineered to concentrate power under the executive, militarisation is institutionalised and the state's tools of surveillance and social control are expanded. The militarisation of Sri Lanka has had an impact on state structure, power and culture (de Mel 2007). This process is described in Chap. 3, demonstrating how discourse, cultural products and projects, and legal frameworks were written through with a militaristic Sinhala-Buddhist nationalism to produce a 'national story' about the war which pre-empted and necessitated the violent End.

Drawing the meaning of the End and how it is remembered in the present, this book builds on theoretical and comparative research of post-war commemorative practices in order to make claims about how "official histories" are consolidated in the service of nation-building (Scraton 2007, p. 10; Hodgkin and Radstone 2005; Olick and Robbins 1998; Bar-Tal 2003). Drawing on literature on nation-building, mass ritual, commemorative practices and the authorship of public space, the Sri Lankan state's post-war nation-building strategy is discussed here as the consolidation of Sinhala-Buddhist hegemony and the suppression of Tamil nationalist sentiment.

Examining Discourse as Violence

Though focused in particular on Sri Lanka's Rajapaksa brothers and their period of governance, from 2005 to 2015, this book engages the relevant historical, socio-economic, political and cultural structures that brought them to power. A growing literature on the Sri Lankan war and the country's contemporary politics combines political and institutional analysis with an interrogation of state violence and atrocity, the cultural foundations of power relations, and processes of militarisation and minority subjugation that operate in the service of Sinhala-Buddhist nationalism (Uyangoda and De Mel 2012; de Mel 2007, 2013; DeVotta 2007; Thiranagama 2012, 2013; Bartholomeusz and De Silva 1998; Jeganathan