Sri Lanka: Taking Aragalaya Ideas Seriously

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The emergence of Frontline Social Party (FSP) in July as a major voice of the aragalaya ('People's uprising/struggle') movement has led to many negative reactions. Searching questions are being raised and debated particularly among the urban professional and business classes as well as politically active citizens with strong liberal-democratic convictions, expressing concern about the ultimate intentions of FSP and its radical agenda. Gaining much traction among the urban middle class citizens is a new narrative that some radical socialists, with a violent political past, have highjacked the democratic movement of aragalaya. Some questions being discussed these days are of the following kind: Aren't these radicals out to destroy Sri Lanka's liberal, representative democracy? Will they take our aragalaya in the direction of a failed Arab spring?

Instead of answering such questions directly, in this essay, I will try to make a case for a conversation between two major strands of democracy that define the current historical moment of re-democratisation in Sri Lanka.

The first strand is our tradition of liberal representative and parliamentary democracy. It has a history going back to the early 1930s and has suffered many setbacks in recent decades. The second is the popular strand of democracy in social struggles against unjust, oppressive power. This strand also has a fairly long, if not longer, history. Yet, it has not been granted much recognition by the liberal tradition of democracy or even in any academic treatises on the history of Sri Lanka's modern democracy. The aragalaya represents primarily the second strand. Interestingly, in March-July 2022, the aragalaya has enabled these two strands of democracy in Sri Lanka to meet. They have met.

Yet, strangely enough, the two have met, but not recognized each other. Nor have they begun a conversation between them about the kind of distinct democratization agenda specifically needed for Sri Lanka in this specific historical moment. It is only though a constructive dialogue between the two that the historical promise opened up during the popular democratic uprising, or aragalaya, can be adequately fulfilled.

The citizens protest movement also had a context of an overall political crisis, deeper than the crisis of government. Many of the aragalaya demands and slogans had a distinctly political character reacting to that political crisis. They indeed went beyond the goal of removing the Rajapaksa government or individuals holding office. These political demands were not initially direct in the traditional sense we are so used to. Nor were they formulated in the language or style familiar to the agitational campaigns of our political parties.

Formulated in the form and language with lyricality specific to the age of social media culture of the youth, their slogans were also demanding a system change in the country's politics along with the replacement of the corrupt political culture with a new one that respects democratic ethics and constitutional morality. 'No more deal politics' is a slogan that exposed and rejected the politics of coalitions and alliances of the corrupt that continue to dominate the patterns of behaviour among many MPs, party leaders as well as inter-party relations. The demand for 'a new political culture'

called for ending bribery and corruption in politics and governance, ensuring accountability of rulers' to the people, enhancement of civil and political rights, fidelity by representatives to the mandate given by the people, citizens' right to recall the elected representatives, and politics without opportunistic deal-making. Not surprisingly, such slogans and demands also reflected a sense of idealism of the youth.

Democratic Energy

All these slogans easily resonated with the people, from educated professionals to ordinary men and women because they embodied a powerful critique of the existing system as well as fresh hopes for a better political order. That critique and hope could be shared by everybody because they grew out of their own experiences of living in a system that has been captured, corrupted and abused by the political elites who have run the country's politics for over seven decades. That is why the citizen's movement that began in late March has also had so much democratic and transformative energy. It was a movement of the people, by the people and for the people in order to restore the role of the demos in a severely battered democracy.

It is the embodiment in the aragalaya of this yearning of the demos in Sri Lanka that has added a great political significance to the aragaalaya. That is why it also has the hallmark of a new political beginning.

When we unpack the conceptual underpinnings and implications of the aragalaya's main demands and slogans, three very important points emerge. Firstly, they are a rejection of the corrupt forms and practices of existing parliamentary/representative democracy and the illiberal democracy that has been constitutionalized since 1978. Secondly, the political ideas emerged from the aragalaya are not limited to liberal, representative democracy. Rather, they propose a framework for addressing the crisis of Sri Lanka's representative democracy by integrating parliamentary democracy with elements of participatory, direct and republican democratic ideals, institutions and practices. Thirdly, they embody new ideas for addressing Sri Lanka's crisis of democracy is rooted jointly in the neo-liberal democracy and the home-grown authoritarianism.

It needs to be emphasized that by merely bringing back the liberal, parliamentary democracy alone in its conventional form would hardly address the crisis of Sri Lanka's democracy. It requires strategies for deepening of democracy by positively responding to 'people's democracy' that has been produced by the citizens independent of the political elites and their political parties. Deepening democracy should be a goal that restores the lost link between the sovereign people and their representative government through republican and direct democratic methods. It calls for an agenda for radicalizing democracy.

However, there is a huge challenge inherent in this task. It may be formulated as follows: Can Sri Lanka's existing constitution as well as the framework of representative democracy accommodate the claims for inclusion made by the citizens through their political hopes and expectations, as articulated by the aragalaya?

Constitutional Conundrum

Sri Lanka's present constitution is not a democratic one. It has a peculiar framework of hybridity in which autocratic authoritarianism and weak parliamentarism are fused under the former's oppressive dominance. There are two enfeebled and nominal elements of republicanism too, direct elections to elect on the popular vote the president of the republic who is supposed to represent people's sovereignty, and the referendum to provide direct legislative power to the people. However, both these pseudo-republican mechanisms have been intended to be, and in fact used as,

instruments for authoritarian objectives undermining both representative and popular democracy. The 20th Amendment currently in force is the one that has given the 1978 constitution a comprehensive autocratic-authoritarian character. The present political fury expressed by the citizens' protest movement in Sri Lanka is not only directed against both the 1978 constitution and its 20th Amendment. It is also an invitation to widen the scope of the conceptual framework of Sri Lanka's democratic constitutional thought.

If that is the case, can the government, opposition parties and the political class ignore the aragalaya's demand that an entirely new constitution, designed to synthesize both people's democracy and representative democracy, should replace the existing one? Can bringing only the 19th Amendment back or passing a watered – down version of it meet the citizen's expectations for re-democratising the constitution and the political order as a whole? In other words, can the aragalaya's demand for going beyond the limits of representative democracy be accommodated within a framework of Sri Lanka's dominant and outdated tradition of narrowly liberal constitutionalism? The answer to these questions is a clear 'no.'

This is the constitutional conundrum that has already emerged in Sri Lanka. It indeed points to the contradiction between the citizens demands for deep democratic reforms and the adherence of Sri Lanka's political class and the academic constitutionalism to a limited frame of liberal, representative and parliamentary democracy. This contradiction is revealed at present by the very negative response being expressed these days to the FSP's proposal for a people's council being established with the participation of citizens' representatives directly elected by them. Its primary goal is to bring the people's needs and agendas to the legislative and policy agenda of parliament while also to act as a check on parliament made up of representatives of political parties.

The FSP has not elaborated the details of this proposals. Yet, it is presented as a conceptual proposal the details of which can be worked out through discussions between the representatives of political parties and the aragalaya movement. Equally important is the need to make the liberal constitutional thought in Sri Lanka flexible, updated and inclusivist. Such flexibility is specifically needed to make it possible for the republicanist, social-democratic and direct democratic proposals for deepening democracy in Sri Lanka can be negotiated, refined and incorporated in the new constitution.

That is also the only way for the country's constitution to benefit from a truly indigenous democratic and constitutionalist thought that has found expression in the current democratic uprising of the citizens. It is important to acknowledge that the aragalaya reform proposals indicate quite clearly that there is a body of political and constitutional thought embodied in people's struggles for deepening Sri Lanka's democracy. It has found articulation during the past three months suitably at a time when the country is in a massive, economic, political and social crisis. It would be a tragic mistake if our political and legal elites fail to understand and appreciate the value and power of the indigenous democratic thought germinated from the experience of the country's ordinary citizens and the youth of the middle and poorer social classes.

There are indeed ways to resolve this constitutional conundrum. The most effective path would be to initiate a conversation among the representatives of these two strands of democracy in Sri Lanka in order to discover how each strand can enrich the other in a new project of reimagining Sri Lanka's democracy. That is perhaps an excellent way to inaugurate post-Rajapaksa era of Sri Lanka's politics.

Crisis of Representative Democracy

Crisis of representative democracy is not unique to Sri Lanka. All liberal democracies and

representative democracies in the world today face this crisis. Certain elements may be specific to each country, and be caused by a diverse variety of factors such as the country's own political history, nature of the struggles for power among different social classes, agendas of the elites to exclude the lower classes from gaining access to institutions of power, and pressures from subordinate social classes for redistribution of wealth and political power. In Sri Lanka's case, the current crisis highlights three facets of the crisis of representative democracy: fusion of parliamentary democracy with executive authoritarianism under the latter's dominance; loss of public trust in parliament and the elected representatives; and the decline of the role and quality of parliament as the central institution of representative government,

It is against this backdrop that a new question has emerged in relation to how the 'system' can respond to the aragalaya campaign that wants to reset Sri Lanka's democracy.

Youth and democracy

Sri Lanka's present crisis has also reproduced a tragic riddle which we have seen repeating itself several times in the past since the early 1970s. Whenever a new generation of the youth highlighted the systemic faults of the socio-economic and political order, the dominant political class, otherwise known as the ruling class, has shown its continuing incapacity to listen to the message and respond to it with meaningful reforms.

Since the pressure of the youth for change in the past came in the form of rebellion and systemic violence, that was repeatedly used as an excuse to trivialize and ignore the cry for change came from the youth. In contrast, the political nature of the pressure for change in 2022 has been non-violent. Moreover, the social bases of the movement for change have significantly been widened to encompass vast segments of the citizens, not confined to the youth.

Can the 'system' be flexible enough this time around to understand that the society as a whole is calling for major changes in the way the country is governed by the elites through a corrupt form of representative democracy? Shouldn't there be some major project of cleansing of the culture, institutions and practices it has produced? Some of the new proposals emerging from the citizens' struggle are obviously unorthodox, and unfamiliar to the mainstream political discourse in Sri Lanka. But they should not be dismissed because they are not in the conventional text books of liberal constitutional theory.

'People's Council'

For example, the idea of a people's council at the national level, put forward by the FSP and a few other groups, should not be dismissed without adequately exploring its democratic need, value, and relevance to Sri Lanka's present context. This proposal has emerged to address one of the key shortcomings of the existing system of parliamentary government, that is, the absence of any mechanism for parliament as an institution, or MPs and Ministers as law and policy makers on behalf of the people, to be accountable to the ultimate source of their authority, the sovereign people. The only occasion for accountability is a new parliamentary election held five years later. This is a general weakness of the parliamentary system all over the world. Republican as well as socialist critique of parliamentary democracy has often highlighted this point.

Meanwhile, everywhere, including in Sri Lanka, politics inside parliament has taken the form of, to put it in the language of aragalaya, 'deal making' and 'playing of power games', with no regard for inputs from the people who have voted these representatives into power with a mandate. Thus, as Sri Lanka's public perceptions suggest, parliamentary politics has been reduced to making, breaking and re-making 'coalitions of the corrupt.' This is one major reason why parliament in Sri Lanka and

MPs as a community have generated so much public criticism and even cynicism. Parliament as the highest institution of government has lost its credibility and legitimacy.

The political class, as its behaviour even these days shows, has no particular interest in taking any meaningful steps to remedy this sordid aspect of democracy's crisis in Sri Lanka. It is in this context that the idea of a people's council with a supervisory role to ensure that parliament and MPs function in accordance with the mandate given by the people needs to be evaluated. What the enlightened members of the political class as well as the constitutional experts should do is not to negate this idea, but to work it out and refine it, in dialogue with its proponents, and incorporate it into our emerging democratic constitutional system.

Overcoming Conceptual Poverty

This calls for some self-critical thinking on the part Sri Lanka's constitutional reformers. It would be quite rewarding if they acknowledge that the time has come for Sri Lanka's constitutional thought and practice to overcome its conceptual poverty. All constitutional crises we have seen in Sri Lanka, from the enactment of 1978 constitution to the 20th Amendment and even the recently aborted 21st and 22nd Amendments, have been enveloped in a larger crisis of democracy. However, both our political and constitutional-intellectual classes have refrained from using these crises to construct our own democratic constitutional thought with local social and intellectual roots. That is perhaps the key reason why we still have not a strand of vibrant and critical constitutional thought, but only a body of judicial pronouncements that elaborately deal with technical aspects of constitutional law rather than the law's normative, conceptual and philosophical foundations.

Finally, one specific aspect of the present political moment in Sri Lanka is the emergence of a indigenous body of democratic political thought articulated through the slogans and demands of the citizens' movement of protest and resistance. People's councils, right to recall of the elected and other mechanisms of direct democracy, citizens' movements as societal checks and balances on power exercised by the political and bureaucratic elites, and participatory citizen bodies to take part in policy deliberations are some of such ideas that seek to address the chronic shortcomings of representative-parliamentary democracy. The citizens' movement's interventions during the past four months have also added an entirely new dimension to our politics, marked by the shift of citizen's role in politics from being passive onlookers to vigilant and participatory political actors. That process of transition has also provided a new intellectual and political energy to reimagine and deepen our democracy and the constitutional foundations of our democratic-socialist republic, true to the meaning of these not-so-empty, but wholly neglected concepts.

What we now have in Sri Lanka is a historic moment we should utilize in order to settle the question of what kind of a democratic constitution and what type of a democratic political order the people – ordinary citizens, or the demos, from whom political and intellectual classes should also learn — should build anew.

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