Academic Freedom in Sri Lanka
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Academic freedom is defined in the 1940 AAUP statement principally in terms of the freedom of academics to speak and teach in class, and to speak or write as citizens without interference from their institution. The chief point made by this article through the author’s personal narrative is that academics cannot define freedom for themselves without defining freedom for others—freedom for minorities and freedom for students and indeed, freedom for the society at large. For unless all are free, no one is free.

The state can, in many ways, interfere with this academic right as presently defined through various means other than direct interference. A jingoist ideology and powerful bureaucracy can essentially determine what can be taught in class and circumscribe a teacher’s freedoms. Often well-intentioned arguments of textbook access and quality allow the government to force slanted textbooks on teachers and students. In this narrative, the deterioration of the once high standards in Sri Lanka is described; it is shown that academic freedom is vitiated when there is no good governance or the rule of law. Indeed, loss of academic freedom and a culture of violence underscore the need to expand the current definition of academic freedom into something not just for teachers, but also students and society at large.

Sri Lanka is a tiny island southeast of India and is inhabited by the majority Sinhalese (mostly Buddhist) and minority Tamils (mostly Hindu). In addition there are fewer than 10 percent Christians (Sinhalese, as well as Tamil) and Tamil-speaking Muslims. Sri Lanka has a very rich academic tradition. It is little known that the first collegiate institution in Asia (in terms of the modern university), the Batticotta Seminary, was founded in 1823 in Sri Lanka (then Ceylon) by the America Ceylon Mission from New England. (One of its early Heads, The Rev. Cyrus Mills, and his wife Susan, on their return to the United States founded Mills College in Oakland, CA in 1852.) When two seminary graduates of Batticotta went to India for work, the colonial government there, not having heard of Batticotta Seminary, asked them to sit straightaway for the final exams of Madras University, which had just opened its doors in 1857. They thus became the first two graduates of Madras University in 1858, according to Young and Jebanesan, as well as Thamotharampillai.
In the words of Sir James Emerson Tennent, Colonial Secretary, after visiting the seminary: “The knowledge exhibited by the pupils was astonishing and it is no exaggeration to say that in the course of instruction and in the success of the system for communicating it, the collegiate institution of Batticotta is entitled to rank with many an European University.” (Ironically, however, because Batticotta is a Tamil achievement, an institution that can give pride to Sri Lanka is played down in official histories of university education by the government. Try as I did, the subject could not be introduced into a history of university education in Sri Lanka when I was the Tamil member of the seven-person University Grants Commission (UGC) that runs all 15 of Sri Lanka’s universities.)

University of Ceylon, coming in the wake of this early college and founded initially in 1921 as University College catering to the exams of the federal University of London, upheld these traditions and produced good graduates in the best liberal traditions. A sign of its accomplishments is that University of Ceylon’s first Vice Chancellor (VC), Sir Ivor Jennings (1942–55), moved on to be Master of Trinity House and Vice Chancellor of Cambridge University. It is this high heritage that might soon be lost because of the communalism and lawlessness let loose in Sri Lanka, making a mockery of academic freedom.

The earliest records in Tamil literature (approximately first century B.C. to second century A.D.) show the Tamils to have been animists. By the third century A.D., Tamils belonged either to the Buddhist faith or to its closely allied Jain faith. The Saivite revival among Tamils from the seventh century A.D. wiped out these two religions, sometimes violently. It is likely that many Buddhist Tamils moved to Sri Lanka and became Sinhalese in this period. This created an antipathy among the Sinhalese toward Tamils. We thus see in the Sinhalese Chronicle, *The Mahavamsa*, written during this turbulent period, the story of an earlier Sinhalese Prince Duttugemunu in a depressed state after defeating and killing the Tamil king Ellalan and thousands of his troops. Duttugemunu was worried that the killings would not allow him to break out of the karmic cycle. The Buddhist Church then goes to console the king and tell him that there is no bar to his salvation:

Eight Arahants are sent to counsel him not to worry about ‘any hindrance in [his] way to heaven’ since he had killed only a human and a half—that is, the Tamil who ‘had come unto the three refuges’ and the other who had ‘taken on himself the five precepts’—and the rest of the Tamils are ‘not to be more esteemed than beasts!’

As we move to the 1930s, there was freedom from Great Britain in the air. Hitler was standing up to Britain and there was natural admiration for Hitler. *Viraya*, a newspaper (April 17, 1936), called for a leader of the
Sinhalese like Hitler, saving the Aryan race as the Sinhalese perceived themselves from degeneration. Mr. D.S. Senanayake, the first prime minister of Sri Lanka, addressed a public meeting thus on New Year’s Day, 1939: “We are one blood and one nation. We are a chosen people. The Buddha said that his religion would last 5500 years. That means that we, as the custodians of that religion, shall last as long.” Seemingly not to be outdone, D.S. Senanayake’s deputy, Oxford educated S.W.R.D. Bandaranaike, at a public meeting in Balapitiya in 1939 said, “I am prepared to sacrifice my life for the sake of my community, the Sinhalese. If anybody were to try to hinder our progress, I am determined to see that he is taught a lesson he will never forget.” At the end of the meeting, according to a news report from January 26, 1939, Mrs. Srimathie Abeygunawardena, in a congratulatory and adulatory vote of thanks, “likened Mr. Bandaranaike to Hitler.”

With independence, this attitude would translate into a state bent on walking over minorities, imposing this Sinhalese-Buddhist identity on everyone. In time, even Tamil leaders would be heard to echo these very same Nazi sentiments—for example, that they would make lamp shades from the skins of the Sinhalese. Tamils too would show themselves to have lost the liberal value system that was the heritage of all Sri Lankans. The origin myths of the two different ethnic groups would now form contested history in teaching at schools. The watershed year of 1983, when Tamils were killed in large numbers on the streets of Colombo and other cities, would tilt the balance of power as Tamils left the island in large numbers thereafter.

School texts in poor countries have great bearing on access to learning and intellectual freedom. Governments acting in the interests of children tend to be publishers because Western texts can be expensive and not be available in the local languages used to teach. Even when well motivated, this process often leads, in a divided society, to government control and insensitive teaching that deprives students and teachers of their freedom.

Administration of schools similarly impacts academic freedom. In Sri Lanka, from colonial times to the early 1960s, the state paid salaries at private schools that served national educational needs. The state felt it lacked the resources to run the schools directly, so it assisted anyone prepared to run them on its behalf. Such schools were dominated by Christian missions, with their service ideology and better preparedness. The schools themselves chose textbooks (almost invariably British) and taught what they thought appropriate.

Later, after a socialist government came into power in 1956 with Prime Minister S.W.R.D. Bandaranaike, schools were gradually nationalized. The government changed over to Sinhalese as the only language of administration and learning, further polarizing the country. There was a justifiable
move by the government to provide free textbooks, as there was then an absence of vernacular texts, along with free meals and free school uniforms to all school children, with the expressed goal of democratizing education. In time however, variety in school texts disappeared until only one book on a subject would be printed for use by all school children. The government would choose the author, invariably a Sinhalese writing in Sinhalese, and only then the book would be translated into Tamil. Sometimes it would not be ready for the Tamil students in time for critical national examinations. These books, especially the history books, became the vehicle for state ideology and teachers and children were left with no choice. A few of the more glaring examples follow.

First, in the story of Vijaya, the so-called founder of the Sinhalese people, the Tamil textbooks say that wives for himself and his mates came from Madurai in Tamil South India, whereas the English and Sinhalese texts say they came from Mathura in North India. The point being made is that the Sinhalese have little to do with South India. (This idea has been spread so far and wide that even the New York Times described the Tamils as dark and the Sinhalese as light during the 1983 riots. Professor Ganath Obeyasekere of Princeton University, a Sinhalese, took strong exception to this and wrote a rejoinder.)

Second, the so-called Aryans—whom the Sinhalese claim to be—are described as “settlers” and although Vijaya killed Kuveni, the Queen of Lanka, to ascend the throne, Vijaya is said to have migrated and been “the first king.” (The Mahavamsa says the peoples of Sri Lanka, when Vijaya landed, were the Yakvas and the Nagas. That there were Nagas—snake-worshipping Hindus—among the Tamils is ignored.) At the same time, the Tamil king Elara (really Ellalan as it is rendered in Tamil) is said in the English version to have “invaded” and worse, in the Tamil version, as having been an “oppressor” (ahkiramippu).

Third, government texts state that the Buddha visited Sri Lanka three times, although there is no support for this from scholars outside Sri Lanka. They similarly state that Mahinda, a Buddhist missionary to Sri Lanka, was Emperor Asoka’s son or nephew. The Buddhist heritage of Tamils is never mentioned, nor that Buddhist worship in Sri Lanka is suffused with Hindu practice so much so as to make it more Hindu than Buddhist. Thus the point being made is that every Buddhist site in Sri Lanka is a place where Sinhalese once lived and were displaced by Tamil “invaders,” thereby weakening the political claims to a homeland by Tamils in places where Buddhist remains are found. (The texts also gloss over the fact that the first Sinhalese King to convert to Buddhism was the son of Mooththa Siva—a Tamil name meaning “Elder Siva”—and that a Sinhalese hero-king was named Kasy-Appah, as Tamil Saivite a name as any for Siva, meaning the God of the Saivite place of pilgrimage Casi in India.)
These texts make it impossible for teachers to teach impartially and independently. Moreover, as national/public exams are based on these texts, including the critical university entrance exam, any independent teaching that does not conform to the content of the texts could be disastrous for students’ future opportunities.

A scholar in Sri Lanka progresses through state patronage, public attention to works, and publications. In the early years of University of Ceylon (subsequently broken up into several independent universities), a new Ph.D. holder joined the university as Lecturer and eventually retired at the rank of Senior Lecturer. There was one professorship in each department, and it was awarded through seniority, not works. This worked fairly well, except in situations like that of the creation of a new department; in the absence of stellar candidates, even a new graduate without scholarly works had the opportunity to be a professor. Once this person occupied the position, subsequent staff with better scholarship were denied the opportunity.

In the 1980s, this system was correctly replaced by a points-based system with the number of professorships being unlimited so long as minimum points were reached in three areas: teaching, research, and national service. Teaching points all staff accumulated over time, with the required time reduced by supervising graduate theses. Research points were tough to get for obvious reasons. National service came through government consultancies and the writing of textbooks—usually the activities of senior staff who are already professors. So this too was tough, except when a young academic with party connections would be made chairman or member of the board of a government corporation, such as the National Institution of Education, which writes school textbooks and such. All points were evaluated by “outside experts.”

The new system worked for a while through the 1980s, and increasingly only men and women of accomplishment became professors. But political tensions in 1983 brought additional stresses to the university system. In response to increasing calls for separation from within the Tamil communities, the government organized a pogrom against Tamils in high office.

Despite these ills, the system could have continued if the evaluation for assessment of points was done with integrity. What happened, however, is that as the universities multiplied, departmental colleagues who had moved to newer universities became the “outside experts.” Conference papers were claimed and accepted as journal papers. Self-published books were allowed, and academics began self-publishing enough copies only for the promotions committee. Local journals were started that would publish an issue only in the years when someone was up for promotion. In one
example, a new journal issued a call for papers, and reviewed and accepted submissions. But once the editor was made a professor, it closed without ever publishing. Six years later, an author who had a manuscript accepted by this journal continued to list it as “accepted for publication” in his dossier for his own evaluation by the promotions committee (on which I sat as a member). The editor of the same defunct journal was by then Vice Chancellor and chairing the committee. A talk at a neighboring university became national service. Faculty committees were started but rarely met—their membership lists were used to claim national development points. Even newspaper articles and greetings for a temple opening ceremony were presented as papers.

Some Vice Chancellors chairing promotions committees accepted these deviations, whereas others rejected these. The inconsistencies brought in precedent as a new argument that weakened anyone interested in higher standards: Many argued why they should stand in the way of one candidate when many others had gone through the process successfully with equally dubious claims. The end result was that the powers of a Vice Chancellor and senior colleagues became immense, as their disposition toward a candidate—friendly or otherwise—would determine what parts of the candidate’s promotion dossier would be accepted. Independence in academic matters vanished, as young faculty members never went against senior colleagues at the Senate or faculty boards.

Professional institutions also became corrupt, as they switched their activities to facilitate their members’ passage through the new promotion schemes. Thus when I was the Editor of *The Journal of the Institution of Engineers Sri Lanka*, a paper by a senior academic applying for professorial promotion was rejected after two negative evaluations by colleagues. The institution’s leadership, not wishing to reject a senior member, removed me as Editor and published the paper. The case is not unusual. Today there are several professors who have never published a paper abroad; there is a Dean who became a professor based only on his publications in his own vernacular journal. He will now play a key role in the promotion of others. A current Vice Chancellor became a professor with only four papers, all in a journal published by the department that he headed at the time. These examples illustrate a difficult cycle to escape—one in which exceptions to quality make the upkeep of quality impossible. Patronage corrupts every academic activity and institution at the core, whereas all the good metrics—a careful promotions scheme, peer reviewed journals, doctoral theses leading to publications in these (local) journals—will be there on the surface.

Although technically all of Sri Lanka’s fifteen universities are national in character and under the management of the University Grants
Commission, three are in practice parochial and minority-based universities insofar as their Executive Councils have no Sinhalese. These include the University of Jaffna in the north, which is exclusively Tamil; Eastern University which is Tamil speaking; and South Eastern University, which is considered Muslim.

The political problems of the south naturally spread to these institutions, reflected through specific minority issues. The Jaffna Science Association (JSA), for example, was founded at the University of Jaffna after papers from Tamil academics in Jaffna submitted for the annual conference of the Sri Lanka Association for the Advancement of Science (SLAAS) were rejected on technicalities that were widely viewed as reflecting Sinhalese hegemony. (The papers were rejected on the grounds that they were submitted late, despite the fact that tardiness resulted from the shut down of the post by the military blockade of Jaffna in the early 1990s. Up until then, the SLAAS, to some extent, moderated communal excesses by including Tamils and Sinhalese together. Today the JSA and SLAAS function as production factories for promotion exercises, through their relatively easily publication standards.)

As the two communities got increasingly polarized, many minority academics with the best credentials escaped discrimination and the war by seeking foreign employment. As a result, minority universities’ standards deteriorated even more, and much more than in the southern universities. These southern universities retained a core of 100 or so Sinhalese academics who publish in indexed journals and choose to remain because of loyalty and the opportunities for higher offices open to them—opportunities not available in the minority universities. South Eastern University, for example, newer than the other two, still has no one at the rank of professor. Eastern University recently had its first professor, but this person has not published any international journal papers. University of Jaffna, with deeper roots because of its earlier establishment in 1974, has had a handful of professors with more solid credentials, although many were made professor on questionable material.

In many ways, the minority universities lost their independence—academic freedom for both students and staff—because of this very loss of standards. For a long while, the Liberation Tigers of Tamil Eelam (the LTTE), the dominant Tamil militant group fighting for separation, had a healthy respect for academics and did not interfere with academic affairs or academic recruitment. But as quality academics left the country, the LTTE felt freer to issue direct instructions to universities. Respect for academics soon collapsed as some got involved in the political violence that had by then spilled into the campuses. The University Teachers for Human Rights (Jaffna), or UTHR-J, came into being when university
students were arrested by the Indian Army and the affected parents asked for the help of the university teachers in seeking their release. UTHR-J remained active throughout the Indian army atrocities against civilians from 1987 to 1990. In 1990, I helped publish a book, *The Broken Palmyra*, on the Tamil political scene, at a time when the Indian Army ran Jaffna. UTHR-J reports were circulated by the LTTE with extracts from the book. As the institution in charge, the Indian Peace Keeping Force was responsible for most of the human rights violations of the time. Besides detailing what the IPKF did, the UTHR-J also criticized the LTTE for its role in attacks affecting civilians.

In 1989, Dr. Rajani Thiranagama, a Senior Lecturer in Anatomy and one of the leading members of UTHR-J, was gunned down by the LTTE. Many of the remaining leaders fled by early 1990 after receiving special leave from the university council. After the Indian Army withdrew from Jaffna, however, the LTTE became the controlling authority in the territory. The university council terminated the teachers on grounds of being absent from work, without the usual procedures of requesting explanations and issuing a deadline after which they would be terminated if they did not return. The university itself was asked to issue a statement that the damaging reports of the UTHR-J on LTTE’s human rights violations were not from members of the university staff. The Vice Chancellor, who was the founding Chairman of UTHR-J, dutifully complied. Since then, there has been political compliance from the university without any need to receive specific orders. Administrators knew what was expected of them and they just did those things. There was no interference in detailed administration. There was space for academic decisions, so long as they did not impinge on politics.

Students, however, were more carefully controlled. A handful of student leaders raising human rights questions disappeared. The student unions were dominated by LTTE students. No one dared contest for elected leadership against the LTTE candidates. These student unions were used for shutting down shops when the LTTE called for a boycott, holding demonstrations and even vote-rigging. As the art of controlling students was honed, chosen students from LTTE-controlled areas were even allowed to be impersonated at the public G.C.E. Advanced Level Exam, which also is the university entrance exam. These students are widely known at the university as “horse-riders”—students who came into the university riding another person sitting the exam. These horse-riders head the student unions and later go on to important roles. One student, for example, with marks in the 30 percent ranges nevertheless was approved for graduation by the university’s Senate and was ultimately nominated as an MP by the LTTE (in an election where no one without the LTTE’s endorsement would be allowed to contest).
Interference in day-to-day administration can be traced to Eastern University from the 1990s. The first Vice Chancellor of that university, the late Professor K.D. Arudpragasam, had developed doughty independence. When summoned to the LTTE offices by a low-level gunman, he refused replying, “Tell your leader that I am the general of this university, and that generals deal only with generals.” With the end of his term of office, bad times fell on that university.

In 1990, with large-scale inter-communal killings and the LTTE’s expulsion of Muslims from the north, academics in the east, where there is a significant Muslim presence, felt unsafe. Several senior academics left for Colombo en masse. Soon Eastern University was left with no one at the rank of professor and even very few Ph.D.-holders. In the absence of qualified and experienced personnel, the pool of unqualified contenders and aspirants to new appointments grew. Some competitors became informants—going to the LTTE with tales of other candidates not supporting the LTTE’s goals of a separate state and so on. (I experienced as much. In 1998, I had recently returned to Sri Lanka and the university council unanimously approached me for the vacant Vice Chancellorship. Knowing the situation, I said I would not apply but would consent if nominated. The university was desperate for leadership. An unqualified contender, however, reported to the LTTE that the council was trying to bring in a “traitor.” A representative of the council was summoned to the jungles where, as reported by that person, the LTTE political commissar oozing courtesy told him: “There is a report against you by university staff that you are bringing a traitor here to be Vice Chancellor. I scolded them and chased them off telling them you are good people who would never do such a thing.” There followed an apologetic request from council members to me to not misunderstand their not going ahead with the nomination.)

Intimidation of university leaders and teachers continued. In 1995, Vice Chancellor Santhanam, Dean Ramakrishna, and several others around them, were arrested and detained by the LTTE on various charges, often political. Santhanam, for example, was charged with not fully participating in LTTE National Heroes’ Day celebrations for their members who had died in war. He reportedly paid Rs, 25 lakhs for his release. All such persons detained for inquiry left the services of the university soon after release.

The influence of the LTTE grew immensely in those years. Various contenders for office carried made up tales against their competition. Staff agreed to contribute a fixed percentage of their salary to “charities” fronting for the LTTE, and a monthly deduction was made from university funds and passed on. According to various sources, only certain companies were allowed to bid for university contracts and, by making inflated bids, passed on part to the LTTE. By 2002, the LTTE on occasion even
designated who should be hired. In one example, the University Services Appeals Board, a specialized court dealing with university hiring set up under the Universities Act, reversed an academic appointment that found that the Vice Chancellor had altered the marks given to candidates by the interview panel. The members of the council on the interview panel must have known at the time that the Vice Chancellor’s appointee had not been the one given the highest marks, yet they still authorized the offer, suggesting powerful forces behind the scenes that ordered the appointment.

In 2004, internal division in the LTTE produced new tensions. LTTE Colonel Karuna, claiming that he could no longer tolerate Eastern people being unequally treated by the LTTE and dying in far larger numbers than LTTE men from the north, broke off and founded the Tamil People Liberation Front (TPLF). The LTTE denied his claims, and alleged that Karuna was about to be detained for pilfering and other charges. At first, when Karuna’s TPLF seemed dominant, northern Tamils at the university felt their lives were threatened and fled. Later, as the LTTE recovered, the northern Tamils returned and the eastern Tamils fled.

In this tense period Vice Chancellor M.S. Mookiah was threatened by LTTE-controlled student union members. He was surrounded and forced to leave the university immediately by public transport, taking with him only the clothes he had on at that time. Friends later gathered his personal belongings. Dr. Yuvi Thangarajah, an eastern Tamil and previously Acting Vice chancellor, was arrested by the LTTE and detained for several days. He was released only after the intervention of his brother-in-law, who worked for the LTTE as the editor of their website, and on condition that he leave Sri Lanka. He fled to the United Kingdom. In the meantime, Dr. Raveendranath, a northerner, was appointed Vice Chancellor of Eastern University.

It was inevitable that this intimidation, corruption and day-to-day interference would spread also to University of Jaffna. In 2004, a scandal was raised in the press involving degrees being issued to students who never sat for exams. The university council, however, rather than withdraw the degrees or offer new exams decided that, having issued the degrees, it could not withdraw them without legal jeopardy to the university. The council did not explain how any court would ever find fault with the university for withdrawing degrees obtained through fraud. The council’s decision, and moreover the fact that no registrar or university staff were punished, strongly indicates the powerful forces behind those who had obtained the fraudulent degrees.

In March 2006, while at the University of Peradeniya, I found myself confronted by these forces when I was appointed Vice Chancellor of the
University of Jaffna. The process, as laid down in the Universities Act, required public advertisement of the vacancy, selection of three candidates by the council, and the President of Sri Lanka appointing one of these three. The process was duly followed. The LTTE-controlled student union then went into action on behalf of the two internal candidates who had not been selected. The union president went on national television promising to assault me if I turned up at the campus. I received threatening phone calls at home, including death threats unless I resigned the post. Various unknown organizations with names like “Jaffna Public for the University” issued statements opposing the appointment of someone who, the statements variously claimed, had not identified with the Tamil struggle for a separate state, or is a quisling, or is an army spy, and so on.

Tamil newspaper editors who carried these slanderous tales said they had no choice but to print articles from certain sources. All they could print was a denial if I cared to write one. Thus freedom of the press was totally circumscribed. Defamation cases could only be filed in territory with an LTTE presence, and this was not possible or at least foolhardy. Members of Parliament appealed to the LTTE to not interfere with the university, and thereafter advised me to not pursue the matter. All northern bishops wrote personally to the LTTE leadership, but to no avail. LTTE students asked the University Teachers’ Association to oppose the appointment, but the UTA concluded that the appointment had been according to proper procedure and that the new VC ought to be welcomed as previous VCs had been. A UTA leader then had his house stoned and his name plate at the university vandalized. The LTTE blocked open discussion of the appointment, and intimidated appointments to the new VC’s staff. The LTTE blocked a meeting at the Vavuniya campus by pressuring the outgoing Rector and posting slanderous material about three new appointees and the meeting organizers on LTTE websites.

Finally, reliable and well-disposed intermediaries including students and university employees who had gone to the LTTE to plead with its leadership not to interfere in the university, returned with the LTTE’s final message: resign for personal reasons; no further warnings would be issued. I thereupon issued a statement on what really had happened, obtained special leave from the UCG, and left the island. Since then, those appointed to cover the duties of the VC Jaffna have not been allowed. The LTTE allowed only one particular individual to operate and, in an ironic further demonstration of the downward cycle, apparently even the person who had once urged the LTTE to not allow me to assume the post of VC has since been accused of disloyalty to the LTTE. A LTTE website recently had an article claiming that University of Jaffna is a “tent of traitors.”
Meanwhile, in December 2006 in the east, the Vice Chancellor of Eastern University, Dr. Raveendranath, was kidnapped. Nothing has been heard of him since. In what could be a sign of hope, Tamil news media that had remained silent or even expressed support of earlier intimidation against Professor Santhanam, Professor Mookiah, Dr. Yuvi Thangarajah, and I, suddenly discovered academic freedom and the need to allow academics to work for their community. Although it is generally understood that when someone is kidnapped or killed by government forces, academics at the University of Jaffna feel free to protest and issue statements; when the same thing is done by the LTTE, there is too often only silence. This becomes a barometer for predicting who the community thinks is the culprit. In Eastern University where there is far less law and order and more killings of opponents by both sides, no one comments. But the point to be made here is that academic freedom must be fiercely guarded by all academics. When academics play dirty for selfish needs, they erode the quality of institutions, and create a power vacuum that others of even lesser quality will inevitably fill. To uphold quality, there must be people of quality, and it is the absence of qualified academics in Sri Lanka that is speeding its ruin.

In chaotic Sri Lanka, all the technical legal rules are in place and seemingly operative. But in political matters, generally there would be no formal complaints filed, and therefore nothing on which the legal machinery can move. Witnesses who very willingly speak up in private about their atrocious experiences become unreliable when asked publicly. Moreover, in unusual cases when there is a formal inquiry into political, ethnic and military matters, even judges are unreliable. Human Rights Watch (HRW) has dealt extensively with this and there is no need to repeat their rich material. As a regular columnist in Sri Lanka openly taking public positions on political issues, I have tried to comment on a Supreme Court judgment using the critical comments of HRW. A usually liberal editor refused to go with it saying that he too would end up in jail with me. On these matters, even the courts cannot be relied on.

Recognizing, however, that the judiciary worked well on non-political administrative matters, some academic activists, led by me, expanded the law into public interest litigation and filed action in the Court of Appeal. Because the victims are generally unwilling to complain, a third party had to be brought in to sue. A nongovernmental human rights organization helped. The issue involved the non-appointment of a Tamil woman who, despite being married to a Sinhalese, had been denied a promotion from the clerical grade to administrative grade. The Parliamentary Ombudsman, created under special law to mediate but without the power to issue orders, was helpful in getting the University Grants Commission
to share the appointment files. Inspection of these revealed that the candidate had the highest marks at the exam but had been given the lowest at the interview. After further inspection, it became clear that interview marks had been given arbitrarily to appoint certain people whom the political establishment wanted. Although the candidate had retired by the time the case was ended, she had her promotion back-dated, the dignity of retiring as an Assistant Registrar, and the benefits of a much enhanced pension.

In another case, academic activists made common cause with the non-governmental organization Citizens’ Movement for Good Governance (CIMOGG) to bring action under the fundamental rights provisions of the constitution. This case involved several instances of Vice Chancellors using their authority to make unlawful appointments and promotions. In one instance, a woman without the undergraduate attainment required in the recruitment scheme was appointed to the medical academic staff of a university. As soon as action was filed, she changed jobs. Several orders to stay other appointments were obtained through information that came in torrents, although witnesses remained unprepared to be named publicly.

In an earlier case, I was formally charged under an old Establishments Code rule that one cannot issue a public statement without the permission of the Vice Chancellor. An internal inquiry was stayed while the Court of Appeal heard the argument. In time, the Court ordered my confirmation in post and promotion to Senior Professor, and a fine on the university.

The cases were major advances and have made Vice Chancellors more careful about how they do business. They suggest that future actions may be productive—at least insofar as they do not involve overtly political, ethnic, or military issues. These initial efforts at public interest legal action suffered, however, when I was forced to go into exile, and after Elmore Perera, one of the few lawyers willing to give of their time freely for a public cause, had his license as a lawyer suspended by the politicized Supreme Court after he took on several political cases. Future progress through the courts depends on the willingness of new academics and lawyers to step forward.

The Sri Lankan experience shows the total loss of liberty of academics, largely because of their own shortcomings, in allowing quality to be undermined in the name of politics and personal advancement. The Sri Lankan experience also shows that academic freedom and quality are very difficult to maintain without political freedom and the rule of law. Academics cannot have academic freedom without quality—of students, of teachers, and of institutions. Likewise, academics cannot have academic freedom for themselves only, while ignoring the freedom of colleagues, of students, and of the wider citizenry.
In the end, the Sri Lankan experience is a warning that academic freedom has meaning only when freedoms are shared by all, and that academics must work together with each other and with the rest of society to defend those freedoms, or they will most certainly lose them all.

RECOMMENDED READINGS


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