

# A KANTIAN ANALYSIS OF THE SRI LANKAN CIVIL CONSTITUTION AND MILITARY: THE FORESTALLING OF PEACE IN SHRINKING DEMOCRATIC SPACES IN TAMIL CIVIL SOCIETY

Rushan Jeyakumar  
ARTSSCI 2A06

Immanuel Kant's 1795 text, *Toward Perpetual Peace*, provides a series of preliminary and definitive articles in the form of a peace treaty, outlining the conditions necessary to transition our world into one of 'perpetual peace'. The text was published amidst immense warfare in Europe, as colonial expansion developed alongside the professionalization of the standing army. Accordingly, Kant's third preliminary article addresses said armies and calls for their abolition as a preliminary step to achieving perpetual peace.<sup>10</sup> Kant's framework for peace is grounded in jurisprudence and underscores the axiomatic civil constitution and the civil contracts arising from its formation. Within this system, standing armies serve the civil constitution of their respective state and accordingly profit from the 'reason of state.' In this framework, Kant's third preliminary article warns against structuring of standing army into the constitution of the state to avoid the remittance of the reason of state to the military apparatus.<sup>11</sup> In democratic forms of government—which Kant argues to be despotic—I contend that the army shrinks democratic spaces allotted for civil society,

exemplified in the case of Sri Lanka and its Tamil ethnic minority.

Democratic spaces for civil society refer to the environment and framework which "enable civil society to contribute to the political, economic and social life of our societies," and are examined through the relationship between repressive government methods and political struggle.<sup>12</sup> The Democratic Socialist Republic of Sri Lanka is an island nation situated in the Indian Ocean. In 1948, after 179 years of British rule and a cumulative 450 years of European colonization, the island gained independence and became the Dominion of Ceylon.<sup>13</sup> Twenty-four years later, the state switched to a republican constitution which was replaced in 1978 with the current constitution of the Democratic Socialist Republic of Sri Lanka.<sup>14</sup> In the formative period of state-building following independence, "monolithic, unitary and indivisible sovereignty" became the "raison d'être of [the Sri Lankan] 'nation-building' enterprise," as politicians frequently resorted to Sinhala-Buddhist nationalist policies.<sup>15</sup> In the decades that followed, the government's failure to unify the island into a state resulted in the creation of two separate nations: a Sinhala-Buddhist nation and a Tamil nation.<sup>16</sup> The

<sup>10</sup> Immanuel Kant et al., "Toward Perpetual Peace: A Philosophical Sketch," in *Toward perpetual peace and other writings on politics, peace, and history*, ed. Pauline Kleingeld (Yale University Press, 2006), 69.

<sup>11</sup> Kant, "Toward Perpetual Peace," 69.

<sup>12</sup> UN General Assembly, Human Rights Council, Civil Society Space: Report of the United Nations High Commissioner for Human Rights, A/HRC/57/31, (Jul. 4, 2024), <https://undocs.org/en/A/HRC/57/31>; Ben Hayes et al., On "shrinking space" a framing paper, (Transnational Institute, 2017), 3,

[https://www.tni.org/files/publication-downloads/on\\_shrinking\\_space\\_2.pdf](https://www.tni.org/files/publication-downloads/on_shrinking_space_2.pdf).

<sup>12</sup> Kant, "Toward Perpetual Peace," 69.

<sup>13</sup> Hubert G. Peiris and Sinnappah Arasaratnam, "Sri Lanka," in *Encyclopedia Britannica*, 2024, Encyclopedia Britannica.

<sup>14</sup> Peiris and Arasaratnam, "Sri Lanka."

<sup>15</sup> Sumantra Bose, *States, Nations, Sovereignty: Sri Lanka, India and the Tamil Eelam Movement* (Sage Publications, 1994), 44.

<sup>16</sup> Bose, *States, Nation, Sovereignty*, 46.

Sri Lankan population is comprised of predominantly Buddhist Sinhalese, making up 74.9% of the population, while the predominantly Hindu Sri Lankan Tamils form 11.2% and the remaining belongs to other minority ethno-religious groups.<sup>17</sup> As a result of these entrenched divisions, the state plunged into a civil war in 1983 between the Sri Lankan military and the Liberation Tigers for Tamil Eelam (LTTE) and ended in May 2009 with the Mullivaikal massacre, where the Sri Lankan government killed tens of thousands of Tamil civilians in a designated no-fire zone and ‘defeated’ the LTTE.<sup>18</sup> The Sri Lankan state’s actions in the civil war are classified by the United Nations as war crimes, human rights violations, and genocide.<sup>19</sup>

Firstly, although the Sri Lankan constitution is prima facie republican, its emphasis on a monolithic and unitary Sinhala-Buddhist nation contradicts Kant’s first definitive article of perpetual peace which establishes the civil constitution of every state to be republican.<sup>20</sup> Republican constitutions are the only ones derived from the concept of right and based on the original contract in which citizens consent to governance. However, in the Sri Lankan context, the state violates this contract—upon which the civil constitution rests—in its targeting of the ethno-religious Tamil minority.<sup>21</sup> Kant’s conception of

ideal republican governance requires constitutions which are also founded on the principles of freedom of civil society, the dependence on legislation, and the equality of all citizens of the state—each of which are violated by the suppression of the rights of minorities.<sup>22</sup> Consequentially, the Sri Lankan state merely adopts the language and authority granted to republican forms of government but is not a true republic. The Sri Lankan state more aptly reflects Kant’s view of democracy; “an executive power, whereby ‘all’ [the Sinhala-Buddhist majority] make decisions over, and if necessary, against one [the Tamil minority]”.<sup>23</sup> Therefore, Sri Lanka’s majoritarian governance illustrates Kant’s fears of democracy causing the tyrannous rule of the majority and an exclusive ‘all’ which hinders perpetual peace and results in despotic governance.<sup>24</sup> Furthermore, I assert that the Sri Lankan state’s undertaking and nurture of Sinhala-Buddhist nationalist ideologies have removed Tamils from the civil constitution—outside of the juridical condition.<sup>25</sup> The relegation of Tamils outside of the civil constitution positions them as a threat to the Sinhala-Buddhist nation.

In the absence of a civil contract, Kant outlines how hostilities are justified between two parties if they are in a position to affect one another.<sup>26</sup> Under a civil constitution, both parties are provided with security, as the government has

---

<sup>17</sup> Department of Census & Statistics Sri Lanka; Census of Population and Housing, Table A3: Population by district, ethnic group and sex;

<<http://www.statistics.gov.lk/PopHouSat/CPH2011/Pages/Activities/Reports/FinalReport/Population/Table%20A3.pdf>> (2012); Shyamika Jayasundara-Smits, “From Nationalism to Ethnic Supremacy,” in *An Uneasy Hegemony: Politics of State-Building and Struggles for Justice in Sri Lanka* (Cambridge University Press, 2022), 76, <https://doi.org/10.1017/9781009199230.004>.

<sup>18</sup> UN General Assembly, Human Rights Council, Written statement submitted by ABC Tamil Oli, a non-governmental organization in special consultative status, A/HRC/47/NGO/128, (Jun. 17, 2021), <https://undocs.org/en/A/HRC/47/NGO/128>.

<sup>19</sup> UN G.A. HRC, Statement by ABC Tamil Oli.

<sup>20</sup> Kant, “Toward Perpetual Peace,” 74.

<sup>21</sup> Kant, “Toward Perpetual Peace,” 74-75.

<sup>22</sup> Kant, “Toward Perpetual Peace,” 75.

<sup>23</sup> Kant, “Toward Perpetual Peace,” 76.

<sup>24</sup> Kant, “Toward Perpetual Peace,” 76.

<sup>25</sup> In this essay, I do not go into depth into the significance of the Tamils’ separation from the civil constitution, other than as a framework to understand the shrinkage of democratic spaces for Tamil civil society. I lend onto Bose’s framework on Tamils’ place in civil society as separate from the civil constitution on every level but the formal juridical, as Tamils remain subject to Sri Lankan civil and criminal law, hold Sri Lankan passports, etc. Notably, Tamils are covered under their own traditional law regarding property, land, marriage, etc. in the Thesawalamai.

<sup>26</sup> Kant, “Toward Perpetual Peace,” 73.

power to enforce law over all.<sup>27</sup> In the relegation of Tamils outside of the civil state, Tamils exist outside of the juridical condition and in the ‘state of nature’ with respect to Sinhala-Buddhist society.<sup>28</sup> Since the Tamil nation is neighbouring to the Sinhala-Buddhist nation, Tamils deprive the Sinhala-Buddhist nation of their security and threaten the nation by means of their proximity. However, the Sri Lankan state professes itself to be cosmopolitan and promotes a unified ‘Sri Lankan identity’ comprising of citizens from all ethnicities and religions, ostensibly evidence of a unified nation with equal rights for all.<sup>29</sup>

Furthermore, the Sri Lankan state’s calls for unity more accurately exemplify the relationship between host and guest under Kant’s conditions of universal hospitality. The Sinhala-Buddhist nation expects its ethno-religious minorities to adhere to the conditions of universal hospitality which do not include the acceptance of guests, ethno-religious minorities, into the host’s, the Sinhala-Buddhist nation’s, civil society.<sup>30</sup> According to Sinhala-Buddhist nationalist ideologies, the Sinhalese are “a chosen race” with a duty to “safeguard the Buddhist religion in Sri Lanka long after the Buddha’s passing.”<sup>31</sup> The Sri Lankan Constitution relays these nationalist sentiments in Article 09 of the current Sri Lankan constitution which outlines the state’s role in “giv[ing] Buddhism the foremost place” and its “duty to protect and foster the Buddha Sasana.”<sup>32</sup> Such homeland discourses leave little room for pluralism or a diverse civil society and cause ethno-religious minorities to be seen as invaders rather than active members of civil society. To the Sinhala-Buddhist nation, the Tamil ethno-

religious minority violates the conditions of universal hospitality through participation in democratic spaces and civil society—norms for citizens belonging to the state but not for guests. Consequently, violations of the conditions of universal hospitality further classify Tamils as threats and merits hostilities. The Sinhala-Buddhist nation desires the subordination of minorities under the benevolent control of the Sinhalese rather than true unity in a pluralist state whereby all citizens are equally able to partake in civil society.<sup>33</sup> Fundamentally, Sinhala-Buddhist nationalist ideologies provide sustenance for Sinhalese hegemony and politics of othering, fostering a “culture of security predicated on politics of fear,” which translates to the state’s role in shrinking democratic spaces for Tamil civil society.<sup>34</sup>

Secondly, the dangers of the Sri Lankan state-military nexus underlie Kant’s theoretical argument behind the third preliminary article outlining the abolition of standing armies.<sup>35</sup> Kant’s framework regards the civil constitution as sacrosanct—an agreement where original contract and legislation coalesce—wherein the development of a standing army would threaten perpetual peace. He further tells us that warfare is often used to adjudicate conflict.<sup>36</sup> This external court cannot exist, as a state—considered to be a moral being—carries its own internal mechanisms for adjudication via its sacrosanct constitution, otherwise known as the reason of state.<sup>37</sup> Standing armies also profit from the reason of state, and may evade accountability for injustices committed on behalf of their respective civil constitution, greatly impeding perpetual peace. Thus, Kant warns

<sup>27</sup> Kant, “Toward Perpetual Peace,” 73.

<sup>28</sup> Kant, “Toward Perpetual Peace,” 73.

<sup>29</sup> Harini Amarasuriya, “Sri Lanka’s COVID-19 Response Is Proof That Demonisation of Minorities Has Been Normalised,” *The Wire*, May 30, 2020, <https://thewire.in/south-asia/sri-lanka-covid-19-demonisation-minorities>.

<sup>30</sup> Kant, “Toward Perpetual Peace,” 82.

<sup>31</sup> Harshana Rambukwella, “The Protean Life of Authenticity: History, Nation, Buddhism and Identity,”

in *Politics and Poetics of Authenticity: A Cultural Genealogy of Sinhala Nationalism*, (UCL Press, 2018), 37, <https://doi.org/10.2307/j.ctv3hh4f7.5>.

<sup>32</sup> The Constitution of the Democratic Socialist Republic of Sri Lanka, chap. 2, art. 09.

<sup>33</sup> Amarasuriya, “Demonisation of Minorities.”

<sup>34</sup> Hayes et al., *On “shrinking space,”* 9.

<sup>35</sup> Kant, “Toward Perpetual Peace,” 69.

<sup>36</sup> Kant, “Toward Perpetual Peace,” 70.

<sup>37</sup> Kant, “Toward Perpetual Peace,” 68.

against the embedding of the army into the state's civil constitution. When applied to the Sri Lankan context, the military—as an agent of the civil constitution—shrinks democratic spaces for Tamil civil society through the extended use of state of emergency regulations, their normalization in Tamil civilian life, and extrajudicial conduct. Authoritarian governance and militarization have become normalized in Tamil areas through the prolonged use of state of emergency regulations, which have remained in effect almost continuously since 1971, spanning the civil war and continuing until 2011.<sup>38</sup> The *Public Security Ordinance of 1947* (PSO) provides the President of Sri Lanka with the power to enact a state of public emergency in which the military and police are granted broad and discretionary powers.<sup>39</sup> Furthermore, in states of emergency, fundamental rights are restricted in the interest of national security. The provisions outlined in the PSO may override anything “inconsistent therewith or contrary thereto contained in any other law.”<sup>40</sup> Sri Lanka has experienced more years of authoritarian governance under PSO regulations than democratic governance alongside a wide normalization and acceptance of militarization.<sup>41</sup> During the civil war, the military established camps and seized civilian land in the predominantly Tamil Northern and Eastern provinces. Although the civil war ended in 2009, these areas continue to be heavily militarized, with current figures estimating one security personnel

for every six civilians.<sup>42</sup> Even in the absence of official state of emergency measures, the Sri Lankan military invokes the power of emergent conditions to restrict Tamils' rights. For instance, a 2020 vigil commemorating International Day of the Victims of Enforced Disappearances was dismantled by a court order as police argued the vigil would lead to the revival of the LTTE.<sup>43</sup> Although the civil war ended over a decade before, the threat of the revival of the LTTE remains a valid reason to quash Tamil civic activism and democratic rights to freedom of assembly.

The normalization of authoritarian governance and militarization contradicts the principles of republicanism as the military assumes an expansive role in the state's functioning. The use of PSO regulations allows the military to take on an enlarged presence in civilian life, resulting in the normalization of executive overreach and the curtailment of civil rights.<sup>44</sup> When measures under the PSO are enacted, the executive takes control of the legislative and the president is granted legal immunity for any act conducted in good faith.<sup>45</sup> However, a functional republic insists upon the separation of the executive from the legislative—a distinction that has long been violated by PSO measures. The Sri Lankan state more accurately resembles Kant's definition of democracy, as under its current form of governance, the “public will is treated by the monarch as his individual will.”<sup>46</sup> In ethnic regimes, nationalist state policies begin to

---

<sup>38</sup> Australian Government, Department of Foreign Affairs and Trade, *DFAT Country Information Report Sri Lanka*, (Australian Government, 2024), 19, <https://www.dfat.gov.au/sites/default/files/country-information-report-sri-lanka.pdf>.

<sup>39</sup> Public Security Ordinance No. 25 of 1947, ch. 40, art. 12(2), [http://www.commonlii.org/lk/legis/consol\\_act/ps51233.pdf](http://www.commonlii.org/lk/legis/consol_act/ps51233.pdf), [hereinafter PSO].

<sup>40</sup> PSO, *supra* note 16, § 22.

<sup>41</sup> Radhika Coomaraswamy and Charmaine de los Reyes, “Rule by Emergency: Sri Lanka's Postcolonial Constitutional Experience,” *International Journal of Constitutional Law* 2, no. 2 (2004): 272–73, <https://doi.org/10.1093/icon/2.2.272>; Ambika

Satkunanathan, “Sri Lanka: Minority Rights within Shrinking Civic Space,” in *South Asia State of Minorities Report 2020: Minorities and Shrinking Civic Space*, (The South Asia Collective, 2020), 200, [/https://thesouthasiacollective.org/wp-content/uploads/2022/01/SASM2020.pdf](https://thesouthasiacollective.org/wp-content/uploads/2022/01/SASM2020.pdf).

<sup>42</sup> Australian DFAT, *Sri Lanka Information Report*, 20.

<sup>43</sup> Satkunanathan, “Minority Rights within Shrinking Civic Space,” 227.

<sup>44</sup> Satkunanathan, “Minority Rights within Shrinking Civic Space,” 220.

<sup>45</sup> Coomaraswamy and de los Reyes, “Rule by Emergency,” 277; PSO, *supra* note 16, § 2.

<sup>46</sup> Kant, “Toward Perpetual Peace,” 76.

reproduce and entrench themselves in non-state actors, which include the military.<sup>47</sup> Since independence, the development of the Sinhala-Buddhist nation has worked to instill Sinhala-Buddhist nationalism into the military.<sup>48</sup> The Sinhalese comprise nearly the entirety of the Sri Lankan military; the armed forces are a major source of jobs for many Sinhalese communities and military personnel are often seen as war heroes.<sup>49</sup> The combination of Sri Lanka's exclusionary civil constitution and militarization results in the subjugation of ethnic minorities.<sup>50</sup> For instance, the UN reported 21 extrajudicial killings and the abduction, detention, and torture of Tamils by Sri Lankan armed forces between January 2023 and March 2024.<sup>51</sup> As such, the military's proclivity to act independently violates the principles of republicanism and aligns with Kant's definition of despotism, as the military executes actions "on its own authority, [] that it has itself made."<sup>52</sup> By contrast, in a functional democracy, nonstate actors like the military must be subordinate to civilian authorities.<sup>53</sup> In the Northern Province, the military occupies private Tamil land to supposedly 'maintain national security;' however, the occupation extends the military's influence into nearly all sectors of civil life.<sup>54</sup> These settlements impede Tamil livelihood as they restrict access to private land, obstruct agricultural and fishing

practices, and increase market-entry barriers due to military competition—just a few examples to illustrate the military's goal of uprooting Tamil sovereignty.<sup>55</sup> <sup>56</sup> Tamil civilians carry no authority regarding the military's presence, as its presence is clearly not for their benefit.

Lastly, the actions of Tamil civil society actors (CSAs) are restrained by the Sri Lankan state and military in the increased securitization, militarization, and de-legitimization of Tamil civil society. CSAs play a large role in fostering civic engagement, a necessity amongst Tamils who are separated from the civil constitution and whose presence in civic life is equated to terrorism.<sup>57</sup> CSAs include civil society organizations (CSOs), which must be registered with the Sri Lankan NGO Secretariat—placed under the Ministry of Public Security in 2022.<sup>58</sup> Tamil CSAs in the Northern and Eastern provinces are closely monitored by the military and intelligence services which constrain the political spaces in which Tamil CSAs operate, restrict their rights to freedom of association, and permit intimidation and attacks by Buddhist conservatives.<sup>59</sup> Sri Lanka's culture of hyper-securitization has thus resulted in the normalization of a military vastly deployed in Tamil areas in the name of 'maintaining national security'—a pretense for the restriction of Tamil's democratic spaces. Tamil spaces are further de-legitimized as

<sup>47</sup> Şener Aktürk, "Dynamics of Persistence and Change in Ethnicity Regimes," in *Regimes of Ethnicity and Nationhood in Germany, Russia, and Turkey*, (Cambridge University Press, 2012), 266, <https://doi.org/10.1017/CBO9781139108898.012>.

<sup>48</sup> Neil DeVotta, *Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka* (East-West Center, 2007), 36, <https://www.files.ethz.ch/isn/45634/ps040.pdf>.

<sup>49</sup> DeVotta, *Sinhalese Buddhist Nationalist Ideology*, 36.

<sup>50</sup> Neil DeVotta, "Sri Lanka: The Return to Ethnocracy," *Journal of Democracy* 32, no. 1 (2021): 104, <https://dx.doi.org/10.1353/jod.2021.0003>.

<sup>51</sup> Satkunanathan, "Minority Rights within Shrinking Civic Space," 200; UN General Assembly, Human Rights Council, Situation of human rights in Sri Lanka: Comprehensive report of the United Nations High Commissioner for Human Rights, 7, A/HRC/57/19, (Aug. 22, 2024), <https://undocs.org/en/A/HRC/57/19>.

<sup>52</sup> Kant, "Toward Perpetual Peace," 76.

<sup>53</sup> Satkunanathan, "Minority Rights within Shrinking Civic Space," 216-217, 220.

<sup>54</sup> Piratheeca Vimalarajah, "Post-War Ground Realities of Dissolving Territories and Protracted Displacement of Eelam Tamils in Sri Lanka: An Analysis of the Militarization and Land Confiscation under the Lens of Persecution and Forcible Displacement as Crimes Against Humanity," *PKI Global Justice Journal* 28, (2018), <https://globaljustice.queenslaw.ca/news/analysis-post-war-ground-realities-of-dissolving-territories-and-protracted-displacement-of-eelam-tamils-in-sri-lanka>.

<sup>55</sup> Vimalarajah, "Eelam Tamils in Sri Lanka."

<sup>56</sup> Vimalarajah, "Eelam Tamils in Sri Lanka."

<sup>57</sup> Vimalarajah, "Eelam Tamils in Sri Lanka."

<sup>58</sup> UN G.A. HRC, Human Rights in Sri Lanka, 6.

<sup>59</sup> Hayes et al., *On "shrinking space,"* 3-4.



their attempts to take part in Sri Lankan social and political life are attacked by the state, particularly among Buddhist conservatives. For instance, in October 2023, Tamil journalists with IBC Tamil and Maddu News were covering a protest against state-sponsored land occupations in eastern Batticaloa district.<sup>60</sup> The journalists were questioned by authorities and forced to relinquish footage showing a Buddhist monk threatening violence against Tamils.<sup>61</sup> As Tamils exist outside of the civil constitution, the Sri Lankan state handles Tamils as enemies or imposing guests—resulting in the deployment of the military to restrict spaces for civil society and confirming Kant’s warning that standing armies preclude the attainment of perpetual peace.

Democratic spaces for Tamil civil society shrink in the relationship between the repressive methods utilized by the military and the Tamils’ political struggle.<sup>62</sup> However, Tamil civil society responds in various ways to reclaim space. As of 29 November 2024, Tamil families have marked their 2839<sup>th</sup> day of continuous protest against the Sri Lankan government regarding their forcibly disappeared relatives.<sup>63</sup> Tamils’ desire for change and larger spaces for civil society was expressed through the large number of Tamil participation in the 2024 Sri Lankan Parliamentary elections which saw 800 candidates from hundreds of political parties vying for 12 seats in the Northern Province and more than 1200 candidates for 16 seats in the Eastern Province.<sup>64</sup> Furthermore, the Tamils’ political struggle continues to unite ethno-religious minorities across Sri Lanka as they are subject to

analogous structures which limit democratic spaces for civil society. For instance, the Sri Lankan military—which also has a large presence in Muslim areas—was accused of colluding in the anti-Muslim riots following the 2019 Easter bombings due to their inaction.<sup>65</sup> United by a shared experience of state violence, activism by any minority community, such as Tamil CSAs, assists all Sri Lankan minorities. Kant aspires for the creation of “cosmopolitan right,” due to the interconnected nature of the world community—as it would tie the world community under a code of civil law, thus moving the world community out of the state of nature and into the juridical condition. In the Sri Lankan context, perpetual peace can be attained by similarly returning the Tamils to the juridical condition through meaningful incorporation in the civil constitution, meaning to expand democratic spaces for Tamil civil society. Alternatively, the aspirations of the Tamil nation could be fulfilled, and peace can be codified between the two nations under international law and cosmopolitan right. Tamils’ struggle for political recognition reverberates across the cosmopolitan as the “the violation of right at any one place on the earth is felt in all places.”<sup>66</sup>

To conclude, Tamil civil society is subject to vast militarization, securitization, and delegitimization from the Sri Lankan state and military. Sinhala-Buddhist nationalist ideologies were engrained into the Sri Lankan civil constitution during the formative years of state-building, resulting in the creation of a distinct Sinhala-Buddhist nation. Tamils became separate

---

<sup>60</sup> UN G.A. HRC, Human Rights in Sri Lanka, 6; Committee to Protect Journalists, “Two Sri Lankan journalists questioned, harassed following protest coverage,” *The John S. and James L. Knight Foundation Press Freedom Center*, Nov. 8, 2023, <https://cpj.org/2023/11/two-sri-lankan-journalists-questioned-harassed-following-protest-coverage/>.

<sup>61</sup> UN G.A. HRC, Human Rights in Sri Lanka, 6.

<sup>62</sup> Hayes et al., *On “shrinking space,”* 3.

<sup>63</sup> Tamil Guardian, “Still no answers for Tamil families of the disappeared in Vavuniya as they mark 2804 days

of protests,” *Tamil Guardian*, Oct. 25, 2024, <https://www.tamilguardian.com/content/still-no-answers-tamil-families-disappeared-vavuniya-they-mark-2804-days-protests>.

<sup>64</sup> Tamil Guardian, “Sri Lanka’s NPP secures record ‘super majority’ in parliament,” *Tamil Guardian*, Nov. 14, 2024, <https://www.tamilguardian.com/content/sri-lanka-s-npp-secures-record-super-majority-parliament>.

<sup>65</sup> Satkunanathan, “Minority Rights within Shrinking Civic Space,” 202.

<sup>66</sup> Kant, “Toward Perpetual Peace,” 84.

from the civil constitution and were placed outside of the juridical condition—becoming an enemy to the state and relegated to the temporal status of guests. Any attempt at fruitful civic engagement by Tamils violate the conditions of universal hospitality expected by the Sri Lankan state. Furthermore, the Sri Lankan military acts as an agent of the civil constitution to target the Tamil minority and gains immunity for any crimes through the reason of state allotted. However, the military's enlarged presence in the state takes on extrajudicial authority, often disregarding the crucial democratic relationship between civilians and the military. In this context, democratic spaces

for Tamil civil society disappear and the relationship between the Sri Lankan state, military, and Tamil minority becomes a compelling case study of Kant's warning: The embedding of standing armies into the civil constitution of a state quashes republican principles and thwarts perpetual peace. Despite this, Tamils continue to resist and work to expand democratic spaces to impact the social and political lives of their society. Perpetual peace can be attained through the expansion of democratic spaces for Tamil civil society or the creation of a Tamil nation-state with cosmopolitan right assuring peace between the two nations.

## Works Cited

- Aktürk, Şener. "Dynamics of Persistence and Change in Ethnicity Regimes." In *Regimes of Ethnicity and Nationhood in Germany, Russia, and Turkey*. Cambridge University Press, 2012. <https://doi.org/10.1017/CBO9781139108898.012>.
- Amarasuriya, Harini. "Sri Lanka's COVID-19 Response Is Proof That Demonisation of Minorities Has Been Normalised." *The Wire*, May 30, 2020. <https://thewire.in/south-asia/sri-lanka-covid-19-demonisation-minorities>.
- Bose, Sumantra. *States, Nations, Sovereignty: Sri Lanka, India and the Tamil Eelam Movement*. Sage Publications, 1994.
- Committee to Protect Journalists. "Two Sri Lankan journalists questioned, harassed following protest coverage." *The John S. and James L. Knight Foundation Press Freedom Center*, November 8, 2023. <https://cpj.org/2023/11/two-sri-lankan-journalists-questioned-harassed-following-protest-coverage/>.
- Coomaraswamy, Radhika, and Charmaine de Los Reyes. "Rule by Emergency: Sri Lanka's Postcolonial Constitutional Experience." *International Journal of Constitutional Law* 2, no. 2 (04 2004): 272–95. <https://doi.org/10.1093/icon/2.2.272>.
- Department of Foreign Affairs and Trade, Australian Government. *DFAT Country Information Report Sri Lanka*. Australian Government, 2024. <https://www.dfat.gov.au/sites/default/files/country-information-report-sri-lanka.pdf>.
- DeVotta, Neil. *Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka*. East-West Center, 2007. <https://www.files.ethz.ch/isn/45634/ps040.pdf>.
- . "Sri Lanka: The Return to Ethnocracy." *Journal of Democracy* 32, no. 1 (2021): 96-110. <https://dx.doi.org/10.1353/jod.2021.0003>.
- Hayes, Ben, Frank Barat, Isabelle Geuskens, et al. *On "shrinking space" a framing paper*. Transnational Institute, 2017. [https://www.tni.org/files/publication-downloads/on\\_shrinking\\_space\\_2.pdf](https://www.tni.org/files/publication-downloads/on_shrinking_space_2.pdf).
- Jayasundara-Smiths, Shyamika. "Tamil Diaspora Activism in the Post-Liberal International Order: Navigating Politics and Norms." *Globalizations* 19, no. 1 (2020): 81-101. <https://doi.org/10.1080/14747731.2020.1850403>.
- Kant, Immanuel, Jeremy Waldron, Michael W. Doyle, and Allen W. Wood. "Toward Perpetual Peace: A Philosophical Sketch." In *Toward perpetual peace and other writings on politics, peace, and history*, edited by Pauline Kleingeld. Yale University Press, 2006.
- Peiris, G. Hubert and Sinnappah Arasaratnam. "Sri Lanka." *Encyclopedia Britannica*, November 27, 2024. <https://www.britannica.com/place/Sri-Lanka>.
- Rambukwella, Harshana. "The Protean Life of Authenticity: History, Nation, Buddhism and Identity." In *Politics and Poetics of Authenticity: A Cultural Genealogy of Sinhala Nationalism*. UCL Press, 2018. <https://doi.org/10.2307/j.ctv3hh4f7.5>.



Satkunanathan, Ambika. "Sri Lanka: Minority Rights within Shrinking Civic Space." In *South Asia State of Minorities Report 2020: Minorities and Shrinking Civic Space*. The South Asia Collective, 2020. <https://thesouthasiacollective.org/wp-content/uploads/2022/01/SASM2020.pdf>.

Tamil Guardian. "Sri Lanka's NPP secures record 'super majority' in parliament." *Tamil Guardian*. November 14, 2024. <https://www.tamilguardian.com/content/sri-lanka-s-npp-secures-record-super-majority-parliament>.

———. "Still no answers for Tamil families of the disappeared in Vavuniya as they mark 2804 days of protests." *Tamil Guardian*. October 25, 2024. <https://www.tamilguardian.com/content/still-no-answers-tamil-families-disappeared-vavuniya-they-mark-2804-days-protests>.

Vimalarajah, Piratheeca. "Post-War Ground Realities of Dissolving Territories and Protracted Displacement of Eelam Tamils in Sri Lanka: An Analysis of the Militarization and Land Confiscation under the Lens of Persecution and Forcible Displacement as Crimes Against Humanity." *PKI Global Justice Journal* 28, (2018). <https://globaljustice.queenslaw.ca/news/analysis-post-war-ground-realities-of-dissolving-territories-and-protracted-displacement-of-eelam-tamils-in-sri-lanka>.