

Guardians of Childhood:

State, Class and Morality in a Sri Lankan Bureaucracy

Harini Amarasuriya

**PhD.
The University of Edinburgh and
Queen Margaret University
2010**

Declaration

I declare that this thesis has been entirely composed by me and is my own original work with acknowledgement of other sources, and that the work has not been submitted for any other degree or professional qualification

Signed:

Date:

Dedication

For my parents:

for their love, support and for allowing Pippin to take over their home (and lives)
during my long absences

Abstract

This thesis explores the everyday practices, relationships and interactions in a Probation Unit of the Department of Probation and Child Care Services in the Central Province in Sri Lanka. Using multi-sited ethnography and the ethnographer's own experiences in this sector it examines how frontline workers at the Probation Unit engage and draw upon international and national development discourse, ideas and theories of children and childhood to engage with colleagues and clients. This thesis takes as its analytical starting point that state agencies are sites where global development discourse meets local practices. Simultaneously, they are sites where ideas and practices of nationalism, class, morality and professional identity are produced and reproduced. State sector employment is an important source of social mobility, gaining respectability and constructing a middle class identity. Thus, maintaining the 'in-between' position in relation to the upper and lower classes is an especially anxiety-ridden and challenging process for state bureaucrats. This shapes the particular characteristics of their nationalism, morality and professional identity and influences the way in which they translate policies and engage with institutional and bureaucratic procedures. This thesis examines this process in detail and illustrates its translocal nature. More explicitly it looks at the ways in which development discourse and practice is transformed by the forms of sociality that it engenders. The ethnography illustrates that this process allows for development policies and interventions to be co-opted in particular ways that articulate ideas and practices of nationalism, class, morality and professional identity. Through this co-option, the outcomes of development policies and interventions are transformed in unanticipated ways. The broader social and political process that transforms development policies and practices remains only partially visible to development projects and programmes. The complexity and in particular the historicity of social and political contexts remains outside development project logic and timelines. To understand the relationship between policy and practice or to evaluate development outcomes is meaningless if development is conceptualised as something that stands *apart* from society. What is most useful to understand, and indeed revealing, is how actors make meaning of development policies and programmes as part of everyday practices in historically situated social and political contexts. The thesis concludes that theorising, analysing or even critiquing development's transformative potential is misleading as it fails to recognise that what is being transformed is development itself.

Acknowledgements

No thesis can be completed without the support and collaboration of many people. My PhD journey has been especially collaborative. The whole idea of embarking on a PhD emerged from a conversation between Ananda Galappatti, Eshani Ruwanpura, Maleeka Salih and myself one night in Sri Lanka. It was one of many ideas that Ananda came up with that night and the only one that actually materialised, I might add. The idea was for the four of us to embark on a “joint PhD”. Ananda persuaded us that applying together for our PhDs was not only a great idea, but actually quite sensible. And he was right: not only are our shared work experiences and many conversations reflected in the questions I explore in this thesis but the collaboration made my PhD much easier. The “cohort” stimulated my thinking, read and critiqued my work and most importantly ensured that the process was less lonely, isolating and frightening.

To Prof. Jonathan Spencer and Dr. Alison Strang, I owe a big debt of gratitude for believing in the idea of a “joint PhD” and for making it happen. This PhD is “joint” not only because the four of us embarked on our PhDs together, but also because it is a result of the collaboration between the University of Edinburgh and Queen Margaret University and this would not have been possible without the hard work of Prof. Spencer and Dr. Strang. Financial support from the Scottish Executive, Lloyds TSB Foundation for Scotland and the University of Edinburgh made this PhD a reality and I extend my appreciation to them.

I am also deeply grateful for Prof. Spencer’s training and guidance. He gave me confidence, stayed calm when I panicked and pushed me along when I got stuck. I am also very thankful for the support I received from Dr. Jennifer Curtis from the University of Edinburgh. Her feedback, encouragement and support particularly during the most difficult moments of writing up, have been invaluable. Thank you too to Dr. Alison Strang for her encouragement and feedback.

Many people helped me with various parts of the thesis and my grateful thanks to all of them: Sajeeva Samaranayake, Harshana Nanayakkara and Cameena Gunaratne

patiently answered many legal queries I had; Asanga Cooray helped me find documents in the National Archives and Savithri Hirimuthugoda gave me the run of the Centre for Women's Reserach (CENWOR) library in Colombo. Apart from my "cohortees", Siddarthan Maunaguru and Ruth Marsden read different versions of the thesis, (taking precious time off from their own writing up process) and provided extremely useful feedback. Jeanne Maracek's support through the PhD process and her insightful comments for some of the chapters has been invaluable. Hannah Kitchen and my niece, Sayomi Ariyawansa proofread and edited the final version of the thesis and I sincerely hope it did not discourage them from pursuing their own PhDs one day.

Doing a PhD can be a challenging, often frustrating and frightening experience: the support and encouragement of close friends made it that much more bearable. Thank you to Fara, Sammy, Rishana, Romola, Shyamani, Hafsa, Gameela, Sarala, Markus and Asha for sympathy and encouragement. Sally Hulugalle has been a support and inspiration ever since I first started working in the development sector. I am also grateful to Prof. Swarna Jayaweera for her quiet support and encouragement. In Edinburgh I survived the PhD (and the cold) thanks to Ruth, Siddarthan, Becky, Dhana, Luke, Bethany, Lawrence, Mihirini, Lisa, Paul, Suryakant, Qudsia, Amy, Mathew, Tom, Wendy, Heshani and Michael. Thank you too to Yi-Fang and Zeng-Shui for their kindness especially during the late night writing up sessions at the office.

I am deeply grateful to Dileepa for believing that my work was interesting and useful. He was a reliable sounding board for all my ideas, helped with translations and in countless other ways. His unfailing (if somewhat unfounded) confidence in my work, constant support and encouragement kept me going through some of the most challenging times. To my long-suffering parents and family: thank you seems quite inadequate but I hope I have finally made it a bit easier for them to answer the question, "so what is it that your daughter/sister does?"

Finally, I owe a big debt of gratitude to the National Commissioner of the Department of Probation and Child Care Services, the Commissioner and staff of the Provincial Department of Probation and Child Care Services where I did my field

work and above all to the staff of the Probation Unit. The staff at the Probation Unit let me into their office and shared their stories and their work with me. I can never repay their friendship, generosity and kindness. I hope I have done justice to their work and to the immense struggles they go through every day to do their jobs with integrity and commitment.

Glossary of Acronyms

ACBC	All Ceylon Buddhist Congress
CCF	Christian Children's Fund
CCS	Ceylon Civil Service
CNC	Ceylon National Congress
CP	Communist Party
CRPO	Child Rights Promotion Officer
CYPO	Children and Young Person's Ordinance
DA	Development Assistant
DCDC	District Child Development Committee
DCPC	District Child Protection Committee
DPCCS	Department of Probation and Child Care Services
FORUT	Campaign for Development and Solidarity
GDP	Gross Domestic Product
IDP	Internally Displaced Person
ILO	International Labour Organisation
IMF	International Monetary Fund
INGO	International non-governmental organisation
ISGA	Interim Self-Governing Authority
IYC	International Year of the Child

IYCS	International Year of the Child Secretariat
JHU	Jathika Hela Urumaya (National Heritage Party)
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
KAP Surveys	Knowledge Attitudes and Practices Surveys
LTTE	Liberation Tigers of Tamil Eelaam
MDG	Millennium Development Goals
NCPA	National Child Protection Authority
NGO	Non-governmental organisation
NSSP	National Sama Samaja Party (New Social Equality Party)
PA	People's Alliance
PADHI	Psychosocial Assessment of Development and Humanitarian Initiatives
PEACE	Protecting the Environment and Children Everywhere
PO	Probation Officer
POIC	Probation Officer in Charge
PRSP	Poverty Reduction Strategy Papers
P-TOMS	Post-Tsunami Operational Management Structure
RAP	Rapid Assessment Process
SAP	Structural Adjustment Programmes

SCF	Save the Children Fund in Sri Lanka
SLAS	Sri Lanka Administrative Service
SLFP	Sri Lanka Freedom Party
SMS	Sinhala Maha Sabha
TRO	Tamils Rehabilitation Organisation
UN	United Nations
UN CRC	United Nations Child Rights Convention
UNICEF	United Nations Children's Fund
UNP	United National Party
UTHR (J)	University Teachers for Human Rights (Jaffna)
WTO	World Trade Organisation

Glossary of Sinhala words

Abuddhasa kālē:	Time of godlessness
Ammā:	Mother
Ayyā:	Older brother
Bayiyō:	Fools
Bhīṣanaya:	Period of terror
Dāgæba:	A Buddhist pagoda
Diyunu:	Developed
Dukgannārāla:	A position in the old Sinhala Royal court. The person who is appointed to this position is the close confidant of the King and is considered a wise and trustworthy person the King can share all his troubles with. More recently the term is used to refer to a person who listens and solves people's problems.
Gæmiyō:	Rural people
Godayō:	Unsophisticated people
Kaḍuva:	Literally means "sword" but used among university students to refer to the English language
Læjja baya:	Respectability
Loku nōnalā:	Older/important ladies
Malli:	Younger brother
Mōdakama:	Foolishness
Nodænuvatkama:	Ignorance

Nodiyunu:	Undeveloped
Mahattayā:	Sir
Rājya sēvakayō:	State employees
Rājya āyatana:	State agencies
Rājya novana āyatana:	Non-state agencies
Pauḍgalika āyatana:	Private organisations
Sadācāraya:	Morality
Sāmānyya:	Normal
Sampradāyan:	Traditional practices
Sanskrutiya:	Culture
Tamuse:	You (familiar)
Tāttā:	Father
Umba:	You (familiar)
Væva:	Lake/irrigation water tank
Yāya:	Paddy field

Introduction

The questions that I explore in this thesis have been troubling me for many years. I started working in the development and humanitarian sector almost 15 years ago and my foray into postgraduate work was driven partly by the frustrations I had felt whilst working in the sector and by the need to find some time and space to critically reflect on the work I had been doing for over a decade. One of the central dilemmas I had as a development practitioner was certainly not novel: the gap between policy and practice or the gap between what development *said* it was doing, indeed even *thought* it was doing and what actually happened in the messiness of the everyday routines of implementing projects away from the sanitising and self-congratulatory environment of development policy has been a subject of endless debate (Crewe and Harrison 1998; Arce and Long 2000; Long 2001; Quarles van Ufford *et al.* 2003; Mosse 2005a, 2005b; Olivier de Sardan 2005). But I was frustrated by what I saw as the failure of development and wanted to understand why it failed, with the admittedly naive idea that it could be “fixed” if only we could find out what the “real” problem was.

Certainly there are many explanations for the disjuncture between development policy and practice even within the development sector. The many project evaluations conducted by development agencies have highlighted this. Over the years, diverse methods to deal with it ranging from the use of “participatory methods” to “Do No Harm” theories have been introduced and are part of the toolkit of all respectable (and not so respectable) development practitioners and agencies. In fact, there is an entire industry devoted to conducting research, regularly publishing material and implementing training programmes to improve policy and to bring practice more in line with policy.

At an academic level too, this issue has generated considerable discussion. Mosse argues that there are generally two views of development policy: an instrumentalist one that views policy as a means of addressing problems and directly shaping the development process and the second, a critical perspective that argues that policy

serves as a rationalising discourse to conceal the true intent of development which is dominance and the establishment of power (Mosse 2005a). For example, within the critical approach, development is critiqued by focussing on its implicitly political nature. This approach argues that the transformative element within development is based on a particular idea of how the world should be. It is posited that the basis of this transformation is based on Western interests influenced by neo-liberal economic orthodoxy. The development sector is portrayed as a hegemonic, all powerful machine intent on imposing Western values on hapless Third World populations (Ferguson 1994; Escobar 1995). The responses to such understandings of development therefore have been of two types: either to improve policy or to deconstruct policy so as to reveal its hidden meanings. Both views of development policy share an assumption that the development machine or apparatus is coherent and rational and that policy is authoritative and normative; constructing new kinds of subjectivities and identities through their categories and classificatory methods. Policy therefore, is viewed as an instrument of power (Shore and Wright 1997).

More recently, anthropologists have suggested that development is somewhat messier. This approach has drawn attention to the contradictions and tensions within development and the rather more contentious link between development policy and practice. Crewe and Harrison (1998) have described the gap between policy and practice by pointing to the fact that development is characterised by the segmentation that exists within its bureaucracy. They argue that policies are developed by those who have little connection with what happens after the policy is made. Furthermore, bureaucratic organisations also tend towards simplification and categorisation. Development organisations are under pressure to present simple messages which do not reflect the realities that ultimately influence practice. Due to all these reasons, they argue that the gap between policy and practice is inevitable (Crewe and Harrison 1998). This tradition within the anthropology of development questions monolithic notions of dominance, resistance, hegemonic relations and the assumption of ignorance and false consciousness among developers and the developed that are implicit in these notions (Mosse 2005a:6).

David Mosse's (2005a) seminal work on the ethnography of aid policy and practice, pushes this theory further and states that the role of policy is not so much to guide development practice but rather to interpret practice in accordance with organisational needs and current development models. He posits the role of policy makers, consultants and managers of development as an "interpretive community" rather than those guiding practice. He argues that the bridge between policy and practice is actively maintained and reproduced in the interests of organisational and professional goals. To do so, development practice reaffirms theory and development models. Rather than a hegemonic, all powerful development machine imposing its will on hapless recipients of development aid, development according to Mosse, is rather more chaotic and disorganised. For Mosse, the ethnographic question is therefore the context specific process through which success and failure is produced and development outcomes effected.

What these anthropologists have done in their analyses is to draw attention to the social processes, contradictions, tensions and incoherencies within development. Olivier de Sardan has named this the "entangled social logic approach" (Olivier de Sardan 2005:11). Within this approach, the relationships, especially the points of interaction between the development configuration, development discourse, local knowledge and actors are seen as a useful point of analysis for understanding the social practices, relations and processes through which development takes place. The development configuration is described as the "cosmopolitan world of experts, bureaucrats, NGO personnel, researchers etc who make a living out of developing other people and who to this end mobilise and manage a considerable amount of material and symbolic resources" (Olivier de Sardan 2005:25). As in the "populist" approach, characterised for instance by Robert Chambers (1997, 2007), the agency, capability and knowledge of the local actor is acknowledged, but the entangled social logic approach does not idealise either the competence or the motives of local actors in quite the same way. Whilst it questions the ideology of development and the stereotypes that are used to justify its interventions, it rejects a monolithic view of development as controlled by powerful nations and institutions in their own interest. It stresses that there is no "one single gaze or voice" (Olivier de Sardan 2005) in

development and highlights instead the contradictions, the incoherencies and uncertainties in development discourse and practice.

The actor oriented approach of Norman Long is similar in that it examines the social life surrounding the implementation of projects and policies as complex and subject to modifications through the everyday actions of people, including not only the beneficiaries but also frontline development personnel and other stakeholders such as politicians and traders. The actor oriented approach concerns itself with a field of contested realities in which struggles over values, resources, knowledge and images constitute the battlefield between different actors and their life worlds. Long argues that the critical task for development anthropologists is to develop methodologies and theoretical interpretations of the different knowledge interfaces inherent in intervention processes and local/global change (Arce and Long 2000; Long 2001).

What this has meant is a reformulation of the idea of development as it is usually considered in the literature on development, especially within the critical perspectives on development. Development within these traditions is usually conceived of as something that denotes the relationship between developed and undeveloped countries; as a set of ideas for defining progress and modernity emanating from the West to be implemented elsewhere. It was a concept first used in the early 1940s when establishing the United Nations. Then development was seen as the means of overcoming the devastation of the Second World War and of aiding the process of decolonisation and it carried with it all the baggage inherent in ideas of universality and linear progress (Quarles van Ufford *et al.* 2003; Mosse 2005a;). But, examining development as a more complex social phenomenon requires a re-examination of the binaries of developed and undeveloped, developer and to be developed, global and local, that are inherent within these critiques.

Questioning some of these binaries, Stacey Leigh Pigg (1992, 1996) has outlined the way in which the universalist ideas of progress and modernity contained within development meet locally grounded social visions in Nepal. She describes how Nepal's modern political identity has been linked to global institutions of development during which its population has been exposed to a rhetoric in which the legitimacy of the government is linked to national unity on the one hand and national

progress on the other. This transnational narrative of modernity and progress is linked to local concerns about social mobility and status. The images for the narratives are not located wholly in the West or in “developed” countries. The images of development that are portrayed in Nepal for instance depict what the Nepalese associate with towns and affluence. They are images of what some people in Nepal have already achieved and what others should achieve (Pigg 1992, 1996). What is of relevance here is that these ideas and images of development are not entirely global nor entirely local. Nor can the global and the local be mapped simplistically to the “West” and “developed” countries and to “Third World undeveloped countries”. Universal ideas of progress and modernity are articulated through particular local ideas of place, social difference, identity, status and mobility. Exploring the social processes and routines within which development takes place requires close analysis of what these ideas mean in specific contexts and more importantly the ways in which and by whom these ideas are used to make certain distinctions of identity and difference.

Local ideas of development and the role of the state

In Sri Lanka too, both the idea and the practices of development are ubiquitous presences in the lives of people whether in terms of being direct recipients of a particular intervention, indirectly affected by interventions (for example new roads that cut through communities, new laws that are brought in and community self-help groups that are established) or even because development is their source of livelihood. Individual social identities and differences are tied up with the idea of development (those who are developed or not developed) and certainly national identity is enveloped in the idea of being developed or undeveloped and whether Sri Lanka is progressing towards the goal of development or receding from it.

The word “*diyunu*” meaning “developed” is often used to describe people, families, and places. Certain people, families and places are *diyunu* (developed) or *nodiyunu* (not developed). To be developed is an aspiration and this is measured by indicators that would be part of most modernist development check lists: having a proper house, obtaining a good education, enjoying good health, finding an adequate and respectable form of employment, owning a motorised form of transport, telephone,

television, computer; all these would be considered when assessing a person, family or place as *diyunu* or *nodiyunu*. Universalist notions of progress and modernity linked to economic development (regarded by critics of development as being imposed on “local” communities) are thus very much a part of people’s aspirations for development. Development is also linked very closely to the state: ever since independence in Sri Lanka, governments have been elected on the strength of their promises for the improvement and welfare of the people. Each government has its own “development plan” and the formulation of five or ten year development strategies are a crucial part of any government plan of action and the election manifestos of all political parties. That the state has a role in mediating the development of people and places is a strongly held belief in Sri Lanka.

Li (1999) argues that the concern with welfare and improvement, which falls within the rubric of development, has been a significant part of the claim to legitimacy by post-colonial states. Development and development planning are part of the routine activities, processes and events the state engages in and by which citizens encounter the state. Li also argues that while development may be analysed through Foucault’s notion of governmentality to understand how a nation-state seeks to govern or regulate people’s lives, “bureaucratic schemes for ordering and classifying populations may be secure on paper, but they are fragile in practice”(1999:298). In order for development schemes to be deemed “successful”, the compliance of its target groups is required, and according to Li, this compliance is an accomplishment, not a given. While the idea of governmentality is useful to a certain extent in drawing attention to the rules and routine practices of development that produce relations of power, it overstates the coherence of development and its ability to dominate. Such a view of development suggests that the only responses to it are either subjugation or resistance. It does not and cannot account for the myriad ways in which people engage with development, sometimes resisting, other times complying, often subverting or even manipulating in order to achieve different and varied outcomes (Mosse 2003).

A more complex approach to development also helps to understand why, even though the aspirations of development are increasingly hard to fulfil, and despite the

failure of most state and non-state development projects to deliver on its promises, it continues to be a legitimate and acceptable sphere of activity. If we reject both the instrumentalist and critical approaches as described by Mosse (2005a) for explaining the failure of development, we still need to find ways of accounting for the sustained endurance of development as an aspiration and goal for people. While the work of Mosse and others have certainly helped to dispel the expectation that better policy will fix development and to highlight the ways in which organisational and professional goals shape practice rather than policy, they still don't fully explain why development endures. We now know that better policy doesn't necessarily lead to better development outcomes but what is it about organisational and professional goals that sustain development even when it fails to deliver? And *what* is it that fails? And why is the promise of development so alluring? Is there something that development does, despite the apparent failures of its stated goals and objectives that still makes it worthwhile? After all, for all the critics and resistance to development, there are also those who support and believe in development as a legitimate and necessary intervention for improving people's lives. Why is it that despite the resistance, the critiques, the constant feeling of crisis within the sector, the idea or the project of development is never abandoned?

I was increasingly drawn to the idea that the answers or at least explanations for these questions were to be found in closely examining the social processes and the social life of projects, organisations and the professionals working within development. The historicity and contingent nature of development is largely absent in the literature of development. The focus is always on the future (Quarles van Ufford *et al.* 2003). But, development certainly cannot be separated from the social process and routine practices of organisations and of people's lives. Rather, what I found was that development interventions were just another factor that contributed to the complexities and messiness of social life; the contours of development were being shaped by social and political processes and *not* the other way around as optimistically imagined by development practitioners. Thus, the answers to how development interventions worked or indeed did not work were not found in the interfaces or interactions between development and its social context but *within* the social processes, routines and practices in which it was embedded. But since these

processes are not coherent or simple, they serve different purposes and produce various outcomes.

But what do these social processes, routines and practices consist of? My field work in a Probation Unit of the Department of Probation and Child Care Services (DPCCS) in a province of Sri Lanka, taught me that there were no easy categories that demarcated different aspects of life in the office: office routine and practices, social relations and maintaining professional status were an entangled mess of politics, culture and economics. Jonathan Spencer (2007) in explaining what is meant by the political has stated that politics and culture are not two separate things but two perspectives on a single dynamic process. This dynamic process *is* what constitutes the everyday routines, practices and social processes that constitute development and thus it consists of politics, culture and the materiality of people's lives. The social life of development was to be found in these routines, practices and relations in how people live their lives and work; and this meant analysing the stuff of politics, culture and the material life of people. And these cannot be grasped from a distance but require instead what Spencer writing in a different context termed as a combination of "wide-eyed empiricism" and "the most critical and suspicious of interpretations" (2007:117).

My attempts to understand the social processes, everyday routines and practices of the staff of the Probation Unit of the DPCCS where I did my field work took me in many directions. It felt like I was peeling an onion with interminable layers; just as I thought I had reached the centre, I realised that there was yet another layer that had to be uncovered. The important insight perhaps was that there was no centre: instead there were many overlapping layers through which the whole was held together and an important lesson for me was that understanding the ways in which they overlapped, linked and related to each other was more important than trying to find the centre or some core thing that could explain the whole.

But perhaps it's necessary first to explain how my quest to understand how development worked in practice led me to conduct my research in a Probation Unit of the DPCCS, a part of the state bureaucracy.

The focus on children

A noticeable change that has taken place within development policy since the 1980s is its ever increasing range of interventions. Whereas previously, technology-led growth or the market were regarded as the means of achieving development, today nothing short of the reorganisation of state and society can achieve this, requiring social engineering both at national and local levels (Quarles van Ufford *et al.* 2003; Mosse 2005a, Mosse 2005b). The new “architecture of aid” (Mosse 2005b:3) has a focus on policy reform and the agendas go beyond economic and financial management to governance. This “architecture of aid” has been further reinforced by the neo-liberal notion of “partnerships” and “local ownership” that require “self-organising societies” (Mosse 2005b; Anders 2005). This emphasises individual vulnerability and self-help requiring unprecedented levels of intervention and social engineering to reform the conduct of populations and states whose behaviour is regularly assessed based on internationally sanctioned guidelines. The monitoring and regulation of behaviour has been linked to global and local security, framing issues such as poverty and unemployment as potential threats to social stability (Duffield 2001). States are rated according to their standards of democracy, corruption levels, treatment of women and children and strength of “civil society”. Interventions are designed to change behaviour and attitudes of the state and of communities. Surveys of the knowledge, attitudes and practices (popularly known as KAP surveys) of populations and the development of “rapid” ethnographic methodology known as Rapid Assessment Procedures (RAP) in order to describe and understand the perspectives of population groups are part of most development agencies’ repertoires. The attitudes, behaviour and conduct of populations have become the focus of policy and intervention.

Because the behaviour, attitudes, and social practices of populations have become legitimate areas of intervention, there is greater intrusion of both state and non-state development projects in the intimate and everyday areas of people’s lives (Pupavac 2001b). In relation to children, this shift in development discourse and policy has paralleled a growing interest in the Child Rights Convention (CRC) as a central principle in the organising of development interventions for children. Although the

seminal work of Phillipe Ariès (1962) argued that notions of children and childhood are socially and historically specific, this does not seem to be reflected in the discourse on a global child rights regime, which is guided by the belief that the special characteristics of children and childhood innocence could be protected by a universal set of child rights. This idea has gradually become influential and dominates policy interventions with regard to children (Prout and James 1997; Boyden 1997). The child rights discourse has been criticised on a number of grounds, the most fundamental being the imposition of a set of universal principles that offer a totalising notion of what it means to be a child. Thus, the CRC is viewed as an imposition of Western values about children and childhood, particularly on Third World countries (Stephens 1995; Scheper-Hughes and Sargent 1998; Pupavac 2001a, 2001b).

While the CRC has been criticised for universalising Western notions of children and childhood, it also represents a shift in the *type* of interventions that are currently being implemented for children. This includes, for instance, a greater emphasis on what Pupavac (2001b) terms as the “therapeutic model” of intervention, which emphasises individual vulnerabilities requiring professional interventions (Pupavac 2001b).

A report by UNICEF (United Nations Children’s Fund) documenting its work with children over a period of 60 years clearly outlines this shift in emphasis. The early focus was on child survival and development, through programmes on maternal and child health, early childhood care, and primary education; more recently, “child protection” has become a central concern for UNICEF. This has meant an emphasis on protecting children from “violence, abuse and exploitation” (UNICEF 2006:27) and reaching the most “vulnerable” children (UNICEF 2006). This policy shift translates in practice to interventions that monitor child rights in families and communities, that support states to initiate child rights legislation, and that establish “alternative” forms of care and other protective measures for children whose rights have been violated. The centrality of the child rights discourse has also meant that the legal process comes to the forefront as the overarching framework within which children’s rights are protected.

In some of my first experiences in the development sector, I was confronted with stark contradictions between policies of care and protection for children and practices that subjected them to neglect and suffering of the most horrendous kind, while claiming to rescue them from suffering. For example, while exploring suitable sites for setting up a community health centre for a local NGO some years ago, I stumbled upon an institution for children. Close upon one hundred children, some less than 12 years old had been placed in this institution ostensibly for “rehabilitation”. I saw children being held in locked rooms for the crime of having stolen coconuts, children with festering sores on their bodies due to poor nutrition and sanitation, “vocational” training being provided in buildings that were close to collapse, trailing exposed electrical wiring, and children who were ostensibly being “rehabilitated” because they had engaged in child labour forced to work as (unpaid) domestic servants in the homes of some of the institution’s staff members. The images of listless, unkempt and demoralised children stayed with me for a long time after my initial visit to that institution. Taking a member of staff from an international child rights agency with me on a subsequent visit to the institution in a naive attempt to obtain “international” support for a campaign to highlight the conditions in the institution, I was stupefied when she commented that the conditions were not as bad as she had expected. It was then that I was first confronted with the selective and pragmatic application of child rights, as well as the gap between advocating for child rights and actually intervening to improve the life of a child. My subsequent work over the years took me to many more such institutions, some euphemistically named “children’s homes”, run by both state and non-state agencies. Not all were so vile but they each had an aura of despair, hopelessness and deprivation that made me question the validity of their claims to care and protect children.

What I couldn’t come to terms with was that the children I saw were considered to have been brought to the attention of the existing care and protection system. In effect, these were the children who had been “saved” by the system; they were the “target groups” of welfare and protection schemes of both state and non-state development actors and agencies. Surely some of these children were better off (or at least not worse off) where they had been before being sent to these institutions. Trying to understand this contradiction brought me into increasing contact with the

DPCCS, the oldest state institution responsible for children in the country and for many of these institutions in which children had been placed.

The DPCCS was the site where many national and international efforts to improve conditions for Sri Lankan children coalesced. Over the years its mandate had expanded from being primarily responsible for dealing with juvenile delinquency to being responsible for children in need of care and protection. Although the care and protection of children was always part of the mandate of the DPCCS, what was considered care and protection had changed over the years (see Hendrick 1994). As my interest in exploring the relationship between development policy and practice grew, it seemed natural that I should explore this interest in relation to children and to locate myself within a unit of the Probation and Child Care Services system. Thus, while this thesis is not explicitly analysing child protection and welfare policies, it seeks to understand the relationship between development policy and practice in the specific area of child protection and welfare in Sri Lanka.

The state bureaucracy as the subject of development

In choosing to place myself within a Probation Unit of the DPCCS, I draw on a tradition within anthropology that has examined development projects at the frontlines and through the life worlds of frontline workers where the interactions of those doing the developing and those to be developed can be observed. (Lipsky 1980; Mosse 2005a). In choosing also to place myself at the frontlines and to examine the life world of *state* bureaucrats at the frontlines, I focus on the state as both being subject to development as well as being an *agent* of development. That is, development interventions targeted the staff at the Probation Unit where I conducted my fieldwork and they were also responsible for implementing development interventions. They were the target of considerable national and international “capacity building projects” aimed at reforming and improving state services for children, while at the same time, they were responsible for delivering and implementing services and development projects in the communities where they worked. A significant amount of the work being done by the DPCCS was funded by international development aid and it implemented various donor-funded projects. There were often consultants from development agencies working in the DPCCS,

producing department policy papers, “best practice” guidelines and organising staff training programmes.

As stated earlier, the state claims considerable legitimacy by implementing programmes for the welfare, improvement and, increasingly, the protection of people. In this sense, the DPCCS was one of the central units within the state bureaucracy. Its main “target group” was what within development policy circles is considered a core vulnerable group requiring care and protection: children and by extension, their families. The DPCCS’s main responsibility was towards *vulnerable* children or in the words of its mission statement, children who were “destitute, deprived or abandoned” and children “in need of care and protection”.¹ But both the DPCCS and non-state development agencies acknowledged that the DPCCS was failing in its responsibilities and lacked the capacity to fulfil its obligations effectively. Thus, the DPCCS itself was seen to be in need of “development” or what is known within development as “capacity building”.

This may seem to be somewhat at odds with the representation of the state as the main arbiter of welfare, improvement and protection for its citizens. However, in post-colonial states, the idea that the state itself is in need of capacity building is not unusual. This idea represents the shift within development discourse, from seeing the state as mainly responsible for development to seeing the state as a serious constraint to development (for example, in the early stages of neo-liberal theory) to viewing the state as a major “partner” in achieving development objectives (World Bank 1991, 1997; Leftwich 1994; Weiss 2000; Anders 2005; Fritz and Menocal 2007). So, what does it mean for the claims made by the state to be primarily responsible for the welfare, improvement and protection of its citizens if it is simultaneously theorised as “lacking capacity” and even being “ineffective”? Such theorisations are implicit when the state consents to being the object of capacity-building projects. Of course, there are many pragmatic reasons for states to consent to such programmes, which usually include considerable inputs in terms of financial and material resources. Capacity building programmes are usually accompanied by

¹ <http://probation.gov.lk/web/index.php?lang=en> accessed on November 12th 2009

significant amounts of resources and sometimes even foreign trips for state bureaucrats.

Studying the state as an object of development provided me with the opportunity to explore how the claims to legitimacy by both the state and development projects were negotiated. I observed that these claims had to be constantly negotiated, asserted and re-asserted. In this process, the unitary and monolithic character of both the state apparatus and the development machine crumbled. Despite “interlocking intentionalities” (Mosse 2004:666), the relationships of the many actors within the development configuration were marked by tension, conflict, and contradiction as much as by collaboration. At the same time, a lot of work went into maintaining coherence and continuity, as well as the distinctions between state and non-state, the developer and to-be-developed, and the global and the local. Constructing these differences also meant that both the “state” and “development” were conceptualised as things that stood *apart* from society. I also realised that producing and maintaining the coherence of their actions and the distinctions between different actors was important because that was how the subjectivities and professional identities of the different actors were created. Understanding the circumstances and the means through which the subjectivities and identities of those within the development configuration are continually produced helps explain some of the tensions and conflicts between different development agents. The focus of this thesis is particularly on those from the development configuration within the state sector.

What all this reiterated was how entwined development outcomes were with the social processes of those who were part of the development configuration. For example, people’s concerns with status, with their position in the world, or with establishing the kind of social networks that helped them negotiate their everyday lives were central to understanding how they engaged with development interventions. Thus, the answers to my questions as to why children within the Probation and Child Care system were treated in a particular way, why development practitioners did not learn from their failures or why development endured, lay not within the logic of a particular policy or intervention or even in organisational goals and agendas but within the broader social and political processes that shaped the

lives of those who were involved in designing and implementing them. Identifying some of those processes is a key goal of this thesis.

Ethnography of a state bureaucracy

Because my study focuses on a unit within the state bureaucracy, I will explore in detail the routines and processes of the state bureaucracy, especially in relation to its encounters with development aid and policy. This is a relatively unexplored area in Sri Lanka.

Generally, anthropological and sociological studies of bureaucracies and bureaucrats are framed within an analysis of the extent to which modern bureaucracies conform to Weber's ideal type (Weber 1948) and to explain the lack of conformity of most bureaucracies (especially when studying non-Western bureaucracies) in terms of cultural differences. For example, it has been argued that Weber's ideal type of a rational and impersonal bureaucracy does not reflect the more personal and indigenous values of non-Western cultures or that in Western bureaucracies rationality and impersonality is subverted by work conditions that force bureaucrats to violate formal organisational goals (Lipsky 1980; Raby 1985; Wright 1994). However, my interest is not in assessing the degree of rationality of the state bureaucracy but rather to examine the processes that shape the way it functions.

There have been very few ethnographies of the state bureaucracy in Sri Lanka. Namika Raby's work on *kachcheri* bureaucracy is one of the few pieces of work describing the practices of bureaucracy (Raby 1985). Raby describes the workings of a local administrative system (*kachcheri*) in an administrative district in Sri Lanka. She describes the encounters between state bureaucrats and their clients by tracing the ways in which kinship and other social networks influence which resources are distributed and how access to state services is mediated. Her emphasis is on understanding whether a "rational bureaucracy" as defined by Weber can function within what she calls a "transitional society" such as Sri Lanka. Her central argument is that the notion of a personal self that has been shaped by the socio-cultural environment of the country is at odds with the "impersonal, faceless exercise of the responsibilities of office" (1985:175). The cultural roots of this notion of

personal self according to Raby, are found in caste and Buddhism. Raby's work provides rich ethnographic details of a government bureaucracy and her descriptions of the relationships between the officials and their clients and between officials and politicians convey the importance of honour, status and respect in mediating these interactions. Providing a historical perspective on the civil administration system in Sri Lanka, she describes how the Sri Lankan bureaucratic system evolved and changed through pre-colonial, colonial, and post-colonial periods. She argues, as I will in Chapter 1, that the prestige and status attached to the Civil Service during colonial times made the Civil Service an important means of achieving social mobility for specific groups of people. She also describes how state bureaucrats had to deal with local politicians in the face of the growing power of the latter within the system. However, Raby fails to examine how factors such as material and power interests may also determine interpersonal behaviour within the bureaucracy. The failure of Sri Lankan bureaucrats to live up to the Weberian ideal of a rational bureaucracy is explained purely in terms of the cultural traits of a "transitional society".

Herzfeld (1992) has argued that attributing differences in bureaucratic styles in different countries to national characteristics suggests that there is no escape from the constraints of culture. While sceptical about the claims of "western rationality", he points out that Weberian ideal types do not conform to the exigencies of real life. Referring to the notion of rationality associated with bureaucracies, Herzfeld says:

Bureaucracy as Weber recognised, is a system demanding accountability, and accountability is a socially produced, culturally saturated amalgam of ideas about person, presence and polity. Despite its claims to a universal rationality, its meanings are culturally specific, and its operation is constrained by the ways in which its operators and clients interpret its actions. Its management of personal or collective identity cannot break free of social experience (Herzfeld 1992:47)

Similarly, I would argue that there is something quite *rational* about the way in which the Sri Lankan bureaucracy functions if by rationality what we mean is that it makes sense and has meaning for the people who inhabit the bureaucracy. This is apparent if, instead of examining the Sri Lankan bureaucracy purely through a cultural lens, it is viewed as embedded within the social and political structures of Sri

Lankan society. When examined as a means by which members of a particular social class construct and maintain their social position within a context of limited opportunities and where everyday life is structured by class and status position, the rationality of the actions and behaviour of bureaucrats becomes evident. So, far from intending to be impersonal and objective, I suggest that modern bureaucracies are completely immersed in the everyday social and political life and that bureaucracies are actually crucial sites where everyday relations are produced and maintained. What I will be exploring in detail is the way in which development policy and interventions become another factor influencing the social and political life within the state bureaucracy and how they have become implicated in the production and maintenance of identities and difference. This raises important and interesting questions about the relationship between the state and non-state agencies that I will explore in this thesis.

The forms of sociality that I observed in the Probation Unit, as in Raby's *kachcheri* office were central to the construction of the subjectivities and moral personhoods of the staff. I argue that these forms of sociality were mediated by their efforts to maintain a social position within a context of unequal distribution of power and resources. What I found was that for state bureaucrats, the state was an important source of social mobility, identity and networking. Where my approach differs from Raby's analysis of the Sri Lankan bureaucracy is that rather than understanding these forms of sociality as representative of the "culture" of a transitional society, I argue that there are equally valid and if not more compelling explanations to be found when examining them in terms of the struggles of a certain section of society to establish and maintain their social position. Employment within the state bureaucracy was an important means through which state bureaucrats established their social position. In order to maintain this social position, a particular image of the state had to be upheld. I examine how they constructed an image of the state that enabled them to establish and maintain their social position in a context where the state was also deemed to be in a state of crisis and subjected to "capacity building efforts" by non-state development agencies. In order to do this, I explore the ways in which the state is thought about especially by those who are considered to be part of the state apparatus.

Studying the state

Many anthropologists have pointed out the difficulties of studying the concept of the state. Because of anthropology's historical origins of studying "primitive" societies and also because the modern rational-legal state was not considered amenable to ethnographic study, anthropology has been accused of neglecting the study of the state (Fuller and Harriss 2001; Das 2004). Difficulties in conceptualising the state led Radcliffe-Brown to argue that the state should not be a part of social analysis (Radcliffe-Brown 1940). The British sociologist Phillip Abrams concurred with this view and suggested that we should not even concede the existence of the state as a unified, coherent whole (Abrams 1988). Instead Abrams suggested that what exists is a *state system*, certain practices and institutions for governing and a *state idea*, which is constructed and reified. What Abrams called for is the study of the ideology of the state and the demystification of the idea of the state (Abrams 1988).

The enduring problem in studying the state has been the difficulty of distinguishing it from society. Timothy Mitchell identifies two responses within political science in confronting the difficulty of drawing the boundary between the state and society. One approach has been to reject the concepts of the state and instead to replace it with the concept of political system. The other response has been to "bring the state back in" and to evade the problem of the state-society boundary by a narrow and idealist definition of the state as a "subjective system of decision making" (Mitchell 1991:78). In recent years, it has also been argued that the state is weakening or even disappearing under the influence of globalisation and neo-liberal economic policies (Appadurai 1993; Ong 1999). National economies have been transformed by the growing influence of transnational corporations and international financial institutions such as the World Bank, IMF and WTO. At the same time, large-scale movements of people, such as refugees, diasporic communities and a globalised labour force, have challenged the homogeneity and territoriality of nation states. Furthermore there has been increasing privatisation of the traditional functions of the state such as welfare, health, education and even national security.

Despite the readiness to write off the state as a defunct concept, others have pointed out that the state is hardly withering away (Weiss 1998; Comaroff and Comaroff

2000; Trouillot 2001). Weiss for example, has argued rather that the state has shown adaptability and variety in responding to change and in mediating international and domestic linkages. She also argues that globalisation has in fact been “advanced through the nation state, and hence depends on the latter for its meaning and existence” (1998:189). Weiss, however, it should be noted, is talking specifically of the state’s capacity in the economy of industrialised countries. The political economy of Sri Lanka is markedly different from those of the countries she draws on to illustrate her argument. Nevertheless, the important point she makes is the need to interrogate more carefully the differential experiences of the state in terms of its contraction or expansion in the face of globalisation.

The main empirical difficulty of isolating and defining a state that stands apart and above the social has remained. For Mitchell (1991), the elusiveness of the boundary between the state and the society is a feature of the state phenomenon. He suggests examining the detailed political processes through which this powerful distinction is produced as a technique of the modern political order. Rather than the boundary of the state marking a real exterior, it is part of the processes of the state (Mitchell 1991). Ethnographic studies however have continually shown the difficulties in marking the boundaries of the state.

Akhil Gupta (1995) for instance, describing the workings of a state bureaucrat in Uttar Pradesh in India, shows how the bureaucrat’s style of operation dissolved any distinction between public and private spaces and roles of the bureaucrat and the notion of a faceless, rational bureaucrat. Emma Tarlo’s (2003) study of the workings of the Emergency in a Delhi colony describes dissonance between official plans, records and what actually happened in the colony. Tarlo’s analysis of the relationship between the state and the people in the colony is not simply one of power and resistance, but of how people co-opt and subvert official plans to maintain an informal economy, for example, trading sterilisation certificates for housing. But if it is impossible to distinguish where the state ends and other forms of sociality begin (Spencer 2007), how do we make sense of the work that state bureaucrats put in to maintaining the “myth of the state” as sovereign, the guarantor of social order, security and justice for its citizens (Hansen 2001)?

Veena Das states that the elusiveness of the state-society border, the double existence of the state as a rational mode and what she describes as its “magical mode” where the formal rules and regulations of the state become cloudy, lies in the state’s “illegibility” (2004:25). Although state functionaries may act as direct embodiments of the state, this does not mean that they cease to be members of local worlds. It is not only to the poor and the illiterate that the rules and regulations of the state are illegible but even those having to implement them struggle to make sense of them (Das 2004).

What is of particular interest to me is how state bureaucrats struggle to interpret the rules and regulations of the state in a situation where the transnational nature of the state also comes to the fore and when there are multiple actors influencing these roles and regulations. Policies, rules and regulations of the state are in line with international treaties and laws; transnational bodies such as the World Bank and UN agencies work closely with states in drafting national policy and legislation. What then are the different means by which state bureaucrats interpret these rules and regulations and what do these interpretations reveal about their “local worlds”?

According to Spencer, the performative aspect of statecraft “attempts to enact a version of the world against a background of dissonance and transgression” (2007:116). Certainly, the performance of statecraft by the staff at the Probation Unit took place against a backdrop where the entire state bureaucracy was called into question, its effectiveness criticised and where the monopoly of the state as provider and protector of its citizens was being disputed for many reasons. At the same time, the staff took many measures to combat criticisms of the state and to make claims for its legitimacy. What I show in my thesis is how the boundaries between the state and society were being transgressed at the very moment when state bureaucrats were attempting to maintain this distinction.

The elusiveness of the boundary between the state and society, I will suggest, is also characteristic of the boundary between development and society. Both the state and development shape and are in turn shaped by the quotidian practices of everyday life. My interest is not in drawing attention to the linkages between the state and development but rather to suggest that the problematics of analysing the state are

present when analysing development as well. That is, development too is both an idea and a system of institutions and practices; the boundaries between development and the social are blurred and porous; the unitary and coherent character of development is not always already present; a lot of work goes into maintaining its coherence by both detractors and supporters; development too is represented as hegemonic and oppressive as a source of violence to which the only possible response is resistance. Yet, like the state, development endures, and certainly resistance to it is not the only response that I have observed.

Exploring the analytical similarities in studying the state and studying development is not the intention of this thesis; rather the question that I consider in this thesis is, what it is about both these things that lend itself to be so intrinsically wound up in people's everyday imaginations and practices. Rather than search for answers as to why development failed, the important question is what *else* does development deliver other than its intended outcomes that enables it to endure? This is not merely about exploring the unintended consequences of development interventions; but what social and political processes development enables and whose interests are being served through these processes. Since my fieldwork was within a state bureaucracy, it afforded me the opportunity of examining the claims of the state as well as development, in overlapping encounters.

Class and status

State bureaucratic practices reproduce hierarchies in multiple ways (Gupta and Ferguson 2002). If, as I argue in this thesis, maintaining class and status distinctions is central to navigating the everyday in Sri Lanka, then the state bureaucracy is ideally situated for providing one of the ways of maintaining those distinctions.

One of the most important tropes through which the social and political lives of people in Sri Lanka is experienced and articulated and one that is inadequately analysed is that of class. The staff members of the Probation Unit were very conscious of their identity as “state employees” (*rajya sēvakayō*), and took pains to maintain this as an identity that was distinct, for example, from the identity of those who were employed in the non-governmental sector. Maintaining their professional

and institutional distinctiveness vis-a-vis others who were doing similar work was quite important. But this was not merely a matter of professional rivalry. Employment in the state sector is an important means of social mobility and accessing social networks that help negotiate everyday life for a particular section of the Sri Lankan middle class. Being identified as a state employee signified certain characteristics: being responsible, respectable, influential, morally upright and the capacity to maintain a modest but comfortable lifestyle. These are characteristics that are highly valued and that contribute to an individual's standing in society (PADHI 2008). At the same time, the public sector and state employees are being criticised for deteriorating standards, politicisation, corruption and inefficiency. The Probation Unit staff were sensitive to such critiques because they reflected on their status as state sector employees.

I will be arguing that maintaining a certain respectable social position is centrally important when navigating the everyday in Sri Lanka; hence, for a particular section of the middle class with somewhat limited opportunities for social advancement, employment within the state sector becomes an important means through which this can be done. By particular section of the middle class I am referring specifically to those who have been educated through the state system, including their higher education, and whose income levels, though adequate, are modest. But firstly, what do we mean by the middle class? And what are the particular characteristics of the Sri Lankan middle class?

If we consider this purely from the point of view of economic indicators, Sri Lanka's middle class is a rapidly expanding group. For example, Sri Lanka's Gross Domestic Product (GDP) has been steadily increasing in the last several years: the per capita GDP in 1990 was USD 473 and by 2008 it had risen to USD 2,014 (Central Bank of Sri Lanka 2008). Sri Lanka is considered a middle-income country with the Gross National Income (GNI) per capita being US\$4,460 in 2008 (World Bank 2008). According to the Sri Lanka Central Bank figures, the number of poor households has dropped from 28.8% in 1995/96 to 15.2% in 2006/2007 (Central Bank 2008). However, at the same time, inequality in Sri Lanka has also grown significantly with

the richest 20% of the population getting richer at a much more rapid rate than the rest of the population (Ali and Zhuang 2007; Asian Development Bank, 2007).

Purely from an economic point of view, these figures indicate that the middle class in Sri Lanka has been expanding, with increasing numbers moving out of poverty and achieving higher income levels. The expansion of the middle class is also evident in terms of the changing landscape in Sri Lanka. These changes can be seen in the improved quality of housing, the increasing number of imported “reconditioned” vehicles on the road and lifestyle changes in terms of fashion, leisure activities and consumption patterns that are increasingly linked with global and regional trends. However, the changes in income levels have certainly not been able to keep pace with the changes in aspirations brought about through stronger linkages and connections between people and places. Maintaining the lifestyle associated with middle-class cultural practices is challenging, particularly for families who earn fixed salaries with little or no other sources of income. But can the middle class simply be defined in terms of income and consumption patterns?

Although class as a category is often present in the social sciences, it has proved to be quite difficult to pin down. While it is a central category within Marx’s theories of capitalist societies, it has not been extensively theorised even by Marx or Engels (Bottomore 1983; Wright 1985). The middle class is given even less attention in Marxist theory, and in fact the failure of Marx to anticipate the expansion of the middle class in modern capitalist societies is seen as a major weakness in his theories (Wright 1985). Weber, who paid more attention to the middle class, wrote of the middle class primarily in terms of status groups. For Weber, social status is distinct from class position, which is derived from economic power and from its relations to the means of production. Social status, according to Weber, is based more on consumption patterns and lifestyles, implying a certain moral distance from both labour and the acquisition of wealth. The middle class is not defined by its relations to the means of production since it neither owns capital nor sells its labour, but as consumers in the market (Weber 1948). They do not own the “means of production” but have the means to access and consume goods and property, thus being identified

more by a particular lifestyle rather than by the kind of work that they do (Liechty 2003).

Weber's other key contribution to theorising about the middle class was to focus on its cultural practices. While acknowledging the link between property and power, Weber argued that economic dominance is exercised and reproduced culturally through notions of honour, prestige and lifestyle (Weber 1948; Liechty 2003). This is similar to Bourdieu's contention that class is identified not only by its relation to the means of production, but certain "secondary characteristics" that reflect taste, which function as requirements for being included or excluded from that particular class (Bourdieu 1984).

As noted by Liechty, the difficulty of regarding the middle class mainly as status groups is that while it highlights class dynamics *within* the middle class, it is less useful in understanding relations *between* classes. And one of the fundamental characteristics of the middle class is its "betweenness". Liechty writing about the middle class in Nepal, has described them as "those people carving out a new cultural space which they explicitly locate, in language and material practice, between their class 'others' above and below" (2003:5). He describes the complex culture of the middle class and the moral, material and ideological struggles that they undertake in the process of forging a national identity between "undeveloped" and "traditional" (as mediated by global development), and positioning themselves somewhere between the capitalist and the working classes. Liechty has argued that these diverse and contradictory forces make middle class cultural practice one of "anxious unresolvedness and irresolution" marked by the tension of "perpetually negotiating betweenness" (2003:52).

The "betweenness" anxiety and irresolution that is part of middle class identity was apparent in the way in which Probation Unit staff drew on sometimes competing and contradictory forces in their everyday lives. Changing economic forces such as the growth of international trade and economic growth have changed consumption patterns in Sri Lanka. Consumer fashions and aesthetic standards are increasingly linked to a broader global society. But this has not meant a simple process of "Westernisation" or cultural convergence (Pinches 1999). Instead it has meant a

constant redefining of the relationship with the West, with tradition and with modernity. For instance, the suspicion of Western lifestyles as corrupt and immoral while simultaneously drawing on the West for images of “progress” and “development”; the critique of the “open economy” as promoting consumerism and greed while seeking consumer symbols to mark a place within “modern” society, and the fear that the younger generation is losing touch with “tradition” and its roots, while providing children English and computer education so that they won’t be left behind in the race to succeed in an increasingly competitive world. The binaries that the Probation Unit staff use to explain the world (for example, “traditional” and “modern”, “moral” and “immoral”, “developed” and “undeveloped”, “urban” and “rural”, “authentic” and “foreign”) were those that I had been taught in the course of my academic training to suspect, and while I saw how indistinct these categories were in practice, I sought to understand why these categories were part of the way in which people described themselves in relation to others.

Like Liechty, I argue that these binaries are primarily used to construct their class others and for constructing a distinctive social identity through morally legitimising their practices. Liechty states that there are narratives of propriety and impropriety through which the discontents or the “repellent beings” and “ways of being” are “perpetually deflected onto one’s class others above and below” in order to mark the external boundaries and internal solidarity of the middle class (2003:252). For example, the staff at the Probation Unit were able to distance themselves from the often deeply morally disturbing and distressing incidents that they had to deal with by attributing the behaviour of their clients to “ignorance” (*noḍānuvatkama*) or “foolishness” (*mōḍakama*) that were seen as typical characteristics of the lower classes. The behaviour of the upper class was usually explained in terms of depravity and moral looseness that comes as a result of being influenced by “foreign” values and being alienated from “traditional” culture. Through all this the staff were able to set themselves apart from the morally ambiguous behaviour and practices of their clients. Bourdieu explained the intermediate position of the middle class person as being “haunted by the look of others and endlessly occupied with being seen in a good light” (Bourdieu 1989: 254). Following Liechty’s argument, I seek to

understand the historical and political context within which these narratives about class others become part of constructing middle class identity and morality.

Liechty argues that instead of asking the question “what is class”, thereby making class a passive, immobile object, the question to be asked is “what does class do”, thus highlighting its processual and active features (Liechty 2003). As Thompson states, class is something that happens in human relationships and entails the notion of a historical relationship (Thompson 1963). In other words, class cannot be treated as natural, or given, but is something to be discovered in the everyday experiences of cultural and political life. Like Liechty, I too am attempting to understand class as an everyday experience of cultural and political life and I argue that class practices are undertaken in a context of an unequal distribution of resources and power. In fact, my argument is that these class practices are a principal means of negotiating the everyday in Sri Lanka within such a context of inequality.

If, as I argue, understanding how social identity is negotiated through class and status is central to understanding social and political life in Sri Lanka, this will significantly influence the way in which development interventions unfold or the social processes within which development interventions unfold. However, although at a theoretical and conceptual level, development ideology aspires to address unequal and discriminatory social relations, it does not take into account the specificity of local social relations and how these relations shape the way in which interventions are implemented. As a result, in practice, development interventions often replicate or reproduce existing social hierarchies. The very fact, for example, that the large majority of the clients of the Probation Unit come from low-income families suggests that the gaze of development is specifically directed on the less powerful in society. After all, there is no evidence to suggest that only children from a particular socioeconomic background require care and protection. But it would not be easy for either the state or non-state development agencies to intrude into the lives of the upper classes with the same insouciance with which they swoop into the lives of the lower classes. For all the efforts to make the interventions more “child friendly” or “client centred” or “participatory”, I will show how they reproduce

existing power relations both within the state bureaucracy and between the state and citizens.

Positionality and ethics

Ethnography's attention to the everyday and awareness of the hybridity and political nature of space and place has encouraged a multi-sited/multi-local trend within ethnography (Gupta and Ferguson 1992; Marcus 1995). Increased awareness of the ways in which the "local" is produced through translocal cultural flows and power relations has further encouraged this trend (Tarlo 2003). While my fieldwork was situated within a specific Probation Unit, I also moved around to different spaces within the child protection network, following various connections, associations and relationships. Wittel (2000) has described this kind of methodology as an ethnography of networks, where the connections between different nodes in a network are analysed.

The fluidity of the categories that I was working with, the lack of distinction between the global and the local, state and non-state, developer and to be developed also meant that my field work was multi-sited not only in terms of place but context. As Marcus states, within multi-sited ethnography, there is recognition of the fact that the object of study is mobile and multiply situated (Marcus 1995). For example, in following the connections and associations at the Probation Unit, I moved from court complex, to hospital, to district administrative offices, to homes, communities, institutions for children, Ministries and development agencies. Remaining focussed on one ethnographic site would have prevented me from seeing how what I was analysing was diffused in time and space.

As Marcus points out, this does not mean that the ethnographer inhabits the multiple sites with the same level of intensity (Marcus 1995). While my primary engagement was with the Probation Unit I moved around to the other sites with varying degrees of intensity and this was determined mainly by the strength of their connections to the Probation Unit. For instance, my engagement with the Provincial DPCCS was greater than the National DPCCS since the staff of the Probation Unit were more intimately affected by the Provincial level administration rather than the national. I

reached out to wider issues, places and events from the Probation Unit, and tried to make sense of how what went on in the Probation Unit linked to issues at national and sometimes even global levels.

This meant that I was required to renegotiate my social identity as I moved around the different sites. I had worked in this sector before, sometimes with the very people I was now approaching as an ethnographer rather than as a practitioner. This meant that often I was negotiating a new social identity based on a previously negotiated identity and it was never entirely clear if they (or I) could separate the two completely.

My previous identity was both an advantage and a disadvantage during my fieldwork. While it meant that I had a relatively easy time gaining access to conduct my fieldwork and gaining the trust needed to enter the everyday workspaces of the Probation Unit, there was also a certain degree of apprehension about my “insider” status. In my most immediate past relationship with the DPCCS prior to starting my fieldwork, I represented a potential funder and development partner. This meant that during our previous engagements, I was, metaphorically speaking, seated across the table from the staff of the Probation Department and I was now seeking permission to sit on their side. I made it clear that I was no longer part of that agency, but because this agency was continuing to work with the DPCCS, the associations were still there. This meant that I had to also negotiate my status with my former colleagues, some of whom assumed that my new “insider” status provided me with information that would be of potential use to them.

My extreme sensitivity to my past connections was somewhat reduced when I realised that my identity was used strategically by my interlocutors. During some formal occasions and also at social functions, I was sometimes introduced as the “lady from X agency”, if they felt that the association with that agency was significant in some way for that moment. I was also often approached with requests to facilitate contacts and lines of communication with the agency in question in the course of their work (which I did). Sometimes I would be asked to act as interpreter or translator when the Probation Unit was visited by international development practitioners.

My experience as a practitioner in the field of child protection also means that my analysis and observations are based on my own past experiences, not only on the period fixed by my official postgraduate fieldwork time. In some ways, it would not be wrong to say that my fieldwork began 15 years ago. My experiences over the past several years certainly influenced not only my choice of research questions but also my analysis. This also means that I position myself as a member of the community that I describe. The telling of my story reflects my dual subjectivities as a practitioner and a researcher and my interpretations are added to those of others whose experiences I have shared as a practitioner (Mosse 2005a).

My position as a member of the community also meant that there were certain expectations about my research that had to be carefully negotiated. For instance, I was sometimes asked for recommendations for improving the DPCCS based on my research. From staff at the Probation Unit, there was an expectation that I would represent them from “their” perspective; that I would write “their” story. And there was also an expectation that the insights I gained through my fieldwork would mean that I would be able to empathise with their situation better than others, including their own senior officials. As frontline state bureaucrats, the Probation Unit staff often felt misunderstood and unappreciated and therefore felt that, as an insider/outsider, I would be in a good position to defend them if the need arose. Therefore, when I attended a meeting at the Ministry in Colombo, I was told by the Probation Unit staff to make sure that I represented “their” point of view effectively and when I returned from the meeting I was closely questioned to ascertain whether I had spoken in their defence. They were all too aware that, in policy circles, their experiences and perspectives were rarely represented or, if discussed, only done so critically.

In the year of “official” fieldwork, I positioned myself more explicitly as a researcher doing my best to minimise my practitioner identity. My interlocutors, recognising the fact that I was doing this research as part of my postgraduate studies, also identified me primarily as a student. In a country where education is highly valued, this meant that by giving me access to their workplace, they felt that they were helping a student achieve her educational goals. Anxious queries as to how my

“book” was progressing and when exactly I would complete it were therefore routine. I was often chastised for taking too much time and not working hard enough to finish my degree! I also have no doubt that I was regarded by the staff as an entertaining oddity. Certainly, ethnography was not a research method that they were familiar with and the lack of any “proper” research methods (e.g., survey instruments) in my work concerned them. I managed to alleviate this anxiety to a certain extent by diligently pouring over old documents and taking copious notes from old statistical records. My dedication to my research was much appreciated as I poured over dusty, stained records, cleaning books and pages with years of dust, cockroach eggs and other insects!

Within the discipline of anthropology, I was ostensibly a “native” anthropologist. The “native” anthropologist, it is assumed, will present an authentic insiders view. But the categorisation as a “native” anthropologist disregards the fact that factors such as education, class, sex and race outweigh the cultural identity associated with being a “native” or a “foreigner” (Narayan 1993). My identity as a person from Colombo marked me as “Anglicised” and “cosmopolitan” as most people from Colombo are viewed by those outside; the fact that I was attached to a Western university reinforced these perceptions. I was sometimes treated as a “cultural broker” whereby the staff’s opinions and ideas of life in the West were filtered through me (Narayan 1993). The fact that I was considered an “outsider” was evident in the way that they would press me to eat what would be considered “authentic” village food, based on the assumption that as someone from Colombo I would not have access to such local delicacies. All the women at the office except me wore sari to work and so my dress was a matter of some discussion as well. I was asked if I knew how to drape a sari and when I attended the wedding of a family member of one of the staff in a sari, I was greeted with satisfaction, complimented on my skilful draping of the sari, and chided for not wearing it more often. My rather indignant response that I was very familiar with the sari and merely chose not to wear it on a daily basis for practical reasons was received as yet more proof of my oddity. In many ways I was part of their “class other” from Colombo and supposedly Westernised in my ways and this clearly influenced our interactions. I found myself in the odd position of being regarded somewhat “foreign” in my ways. In my

experience of fieldwork therefore, the distinction between “native” and “foreign” anthropologist did not make much sense. It assumes a permanence of both identity and culture that does not reflect the fluidity of identities I encountered in the field. Of course, my interlocutors and I shared the same language, were familiar with one another’s cultural idioms and shared a sense of national identity. Yet there were many other moments when the multiple and complex nature of our identities was evident and I was simultaneously insider and outsider.

This insider/outsider position was useful in reiterating for me the point that the distance between myself and my “objects” of study, as Riles (2006) states, is “no longer self-evident or ethically defensible” (Riles 2006:5). As she goes on to say, facts rather than being “collected” in the field are produced collaboratively. Thus, the questions that I examine in this thesis emerged from my ethnographic encounters and these encounters were shaped by my own position as much as that of my objects of study.

The insider/outsider position that I occupied also caused me some anxiety as I felt that my research had to be useful to the sector. As my work progressed, it was clear that I was not going to come up with any prescriptions that would “improve” interventions for children or at least not any that would be immediately implementable. My contribution to the sector might be an analysis that captures the complexities of the context my interlocutors inhabited. My experience in the development sector suggests that the sector is not set up to encompass nuance or complexity. In fact, pointing out the complexities is often viewed within the development sector as unhelpful. Nevertheless, in describing the complexities I hope to present the perspectives of state bureaucrats at the frontline and to challenge the simplistic view that their lack of capacity, skills and poor attitudes are to blame for the failure or ineffectiveness of development interventions. My analysis will illuminate the contexts within which these interventions are implemented and the many factors that shape them that have little to do with the individual capacity, skills and commitment of frontline workers.

Representation and voice

Producing a text is one of the most important things that an ethnographer does. Rightly, ethnographic textual production has come under scrutiny and issues of representation and the authority of the ethnographer have been closely debated (Clifford 1986). At the same time, it has been pointed out that the greatest risk to research participants in ethnographic research unlike in other types of research, comes at the time of publication (Murphy and Dingwall 2001). I would add that the moment of publication is not without risk to the ethnographer either. The reaction in Sri Lanka to Stanley Tambiah's *Buddhism Betrayed*, (Tambiah 1992) and the reaction of David Mosse's professional colleagues to his book *Cultivating Development* (Mosse 2005) are two such cases in point. Tambiah's book led to several angry protests by extremist Sinhala nationalists and the eventual banning of his book in Sri Lanka. Mosse was taken to task for the way he represented his colleagues and his interpretation, which was felt to reflect badly on the professionalism and commitment of the project team of which he was a member (Mosse 2006). As institutional settings and organisations become legitimate areas of ethnographic research, conflicting versions of the "story" are bound to appear and challenge particular ethnographic versions (Latour 1996 cited in Mosse 2006). In some ways, this is probably a positive challenge for anthropologists. Indeed, it puts into practice notions of multivocality and plurality of voices that anthropologists often talk about. It also makes ethnographers more accountable to research participants and readers (Spencer 2001).

Emma Tarlo has argued that the incorporation of different voices in anthropological texts is important because they convey the subjectivity of experience, disrupt the homogeneity and closure of texts, allow for controversy and debate, and reject the assumption that "all members of a given culture represent it in a direct and unproblematic way" (Tarlo 2003:16). But, as she goes on to say, ethnographers use their power to be selective: They give particular voices more attention than others and they arrange narratives in a particular way within the text. While acknowledging that this means that these voices are ultimately subjected to the authors' will, Tarlo questions whether this is necessarily a negative thing. Tarlo asserts that the point of

research is “to be able to follow leads intelligently, to select appropriately from different types of material, to recognise the difference between the person whose opinions are informative and the one who tries to lead them up the garden path” (Tarlo 2003:16). She states that the “outsider” status of the ethnographer proves to be useful here as it may allow her to be somewhat removed from internal factions and social divisions.

This “outsider” status was certainly helpful to me in negotiating the politics of office culture. As in any other office, the Probation Unit too had its internal politics, factions and feuds. Some of these feuds spilt outside the office and were carried into other spaces as well. Certainly, it was my “outsider” status that allowed me to be uninvolved in these and, even when attempts were made to draw me in, to plead ignorance or lack of interest. This also meant that I was able to talk to all the different factions in the office and outside, even though some of them refused to interact with each other, thus giving me access to a variety of voices, which I have tried to represent in my writing.

Like Tarlo’s experience of fieldwork in Delhi, my fieldwork too was based much more on talking than on classic participatory ethnography (Tarlo 2003). I sat in the Probation Unit most working days and engaged in conversations with people. Sometimes I accompanied them outside the office when they went about their work and had more conversations with people that I met along the way. I sat in on meetings where sometimes my “insider” identity came to the forefront and where I participated not merely as an ethnographic observer but also as a practitioner. As with Tarlo, my fieldwork can be described as “one long collective, open-ended conversation based on people’s accounts of their own experiences” (2003:18). I have tried to provide the background for these conversations and place them within a broader socio-political context and to thus show how they provide insights into events of wider national significance. I also conducted more formal interviews with individuals from both within and outside the DPCCS in order to explore some of the themes that emerged from my observations at the Probation Unit. Additionally, I engaged in archival work to trace the history of the DPCCS.

As an insider/outsider, will my text, like that of David Mosse, anger members of my community? While I retain responsibility for what I have written and acknowledge my authority in the process of writing, I have tried to represent a multiplicity of voices and also to relate these to documents and other texts. But, as Mosse says of his work, mine is an “interested interpretation.” The objectivity and legitimacy of my interpretation will come not from suppressing my subjectivity but “maximising the capacity of actors to *object* to what is being said about them” (emphasis in original, Mosse 2005a:14).

Limits of thesis

The Probation Unit where I conducted my fieldwork consisted entirely of staff from Sinhala and Buddhist backgrounds. The location where the unit was situated was also an area with a predominantly Sinhala and Buddhist population. Muslim and Tamil population groups were part of the demography of the district, but in relatively small numbers. While the Muslim population was mostly urban based, the Tamil populations lived in rural areas in often quite inaccessible and marginalised communities. The majority of the clients coming to the Probation Unit were also Sinhala Buddhist although there were some Muslim and Tamil clients.

The views of the state and the nation represented in this thesis predominantly reflect a Sinhala and Buddhist perspective. The absence of other perspectives on the state, the nation and development interventions is a limitation of this research.

Structure of Thesis

This thesis is divided into seven chapters. In Chapter 1, I recount the history of the public services in Sri Lanka and locate the DPCCS in it and describe the reasoning that led to its establishment. I trace the history of the DPCCS and explain its functions, structure and procedures and I describe the kind of work carried out by the DPCCS and the legal structure within which it operates.

In Chapter 2, I describe the Probation Unit where I was located for most of my fieldwork. I also provide a brief vignette to show the tensions and anxieties that permeate through the unit while staff members negotiate between the needs of their

clients, the guidelines of organisational process and the limited resources at hand to fulfil their responsibilities.

In Chapter 3, I analyse the relationship between the DPCCS and the National Child Protection Agency (NCPA), state agencies with parallel responsibilities for child protection. This analysis disputes the view of the state as unitary and coherent. I describe how the establishment of these state agencies has always been linked to global processes and local political realities. In this chapter, I also describe and try to understand the tensions between state agencies and the diverse ways in which different parts of the state bureaucracy relate to policies and engage with development agencies.

Chapter 4 describes the relationship between state and non-state agencies and the different claims to legitimacy that are made by each sector. This is discussed with particular reference to the centrality of the UN Convention on Child Rights in the work of the DPCCS and the close involvement of global and local non-state agencies in the work of the DPCCS. I describe how Probation Unit staff members use concepts of culture and rights strategically in order to maintain a distinction between state and non-state agencies. This chapter questions the usefulness of notions such as transnational governmentality to understand the post-colonial state.

Chapter 5 looks at documentary practices within the DPCCS. In this chapter, I discuss how the production of forms that conform with universal ideas of “good management and child care practices” undermines or is unable to comprehend the fact that bureaucratic practices form a part of a larger arena where people’s professional and social identities are being constructed and maintained. I argue that documentary practices form part of the way in which Probation Unit staff produce their social identity and position. Forms that conform to universal guidelines undermine their unique position and relationship to the Sri Lankan legal system, which is a crucial site through which their social status and position is produced and maintained. I also explore how different forms produce different types of social engagement and construct different forms of bureaucracy. This chapter in particular illustrates how development evades the social and political processes that shape its practices.

In Chapter 6, I trace the genealogy of Sinhala nationalism. I describe the complexities and different strands within Sinhala nationalism and show how its historical basis has been transformed and adapted to meet contemporary political and cultural needs. I also draw attention to the material basis of Sinhala nationalism and how it is produced through a particular political rhetoric. In this chapter, I describe the way in which the Probation Unit staff relate to ideas of the “state”, the “nation” “culture” and “morals” and how they draw on particular forms of Sinhala nationalist consciousness to do that.

Chapter 7 discusses the role of the state bureaucrat with regard to constructing “moral” citizens. I describe how the decisions that the staff members at the Probation Unit make are articulated through the responsibility they have to produce moral and responsible citizens. I look at how this affects women and girls in particular. While the emphasis is on maintaining “tradition”, ideas of morality are drawn from particular ideologies of modernity as well: thus the parents (particularly mothers), children and families that are being constructed have to be both traditional and modern. I argue that the staff resort to a moral framework to engage with their clients as a means of asserting their own identity and also due to the limitations of the legal framework and other resources that are available to them to respond to the complexities of their clients’ lives.

Finally, I conclude by arguing that the invisibility of the social and political processes that shape development practice enables development to serve multiple interests and therefore to endure. Narrow attempts to understand the gap between policy and practice or to evaluate the consequences of development interventions cannot reveal the broader social and political processes that shape development practice and that also serve to sustain it. By examining this process within the state bureaucracy, I posit that the relationship between the state and non-state sectors, as well as that between the state and development merits closer scrutiny.

Chapter 1

Probation and Child Care Services in Sri Lanka

Introduction

The care and protection of children and indeed, attitudes towards children have changed considerably over the past several hundred years. These shifts are apparent in the way that child protection policies have changed around the world. They are reflected in how the state's relationship to children has transformed over time, how ideas about who is responsible for taking care of children have varied and in shifts to understanding the causes of children's problems or even in what can be considered as problems. Analysing how or why those changes have taken place is not the focus of this thesis. However, understanding the way the DPCCS and how in particular the Probation Unit where I did my fieldwork understood and responded to these issues is important in order to explore the questions I raised in the previous chapter.

In this chapter, I briefly describe the public services in Sri Lanka and where within the public services the DPCCS is located. I describe the changing composition of the public services and its importance as a source of social mobility for the middle class. I then trace the history of the DPCCS and some of the discussions and debates that led to its establishment. I also refer to British child care policy which provided the model as well as the impetus for the establishment of the DPCCS in Sri Lanka. In this section, I also describe the changes that have taken place at the DPCCS both with regard to its structure and organisation as well as the nature of its work.

The Public Sector in Sri Lanka

The Probation Unit, as part of the DPCCS, forms part of the large system of public services in Sri Lanka. Successive colonial governments established different colonial administration and civil service systems that retained elements of the system of administration that existed prior to colonial rule to varying degrees. This was a hierarchical system with the King at the apex followed by several officials under him. Court appointed officials were responsible for specific locations both

administratively and militarily. The Portuguese and the Dutch followed this system and adapted it to their own needs, for example, by introducing certain taxation systems (Raby 1985; Wickramasinghe 2006).

The British probably had the greatest influence in formalising the administrative system in Sri Lanka in the way that it exists today: a formal structure marked by hierarchy, rules and procedures initially run by British Civil Servants and then by local elites who had the advantages of an exclusive private school English education in Ceylon followed by higher education in prestigious British universities (Raby 1985). The Ceylon Civil Service (CCS) as it was initially known was opened to Sri Lankans (or Ceylonese at that time) in 1844. Since an English education was a requisite for qualifying for the CCS, it was very much the domain of the upper class who had that privilege (Wickramasinghe 2006).

The ethos of the CCS was one of privilege, authority and power. The trappings that accompanied the positions reinforced this: in the past the most senior civil servant for a district, the Government Agent (GA), was referred to as *disāpathi hāmuduruwō*, the latter word denoting a similar meaning to the English word “lord”. The GAs usually occupied beautiful, spacious official homes and when “on circuit” were accompanied by a large entourage and engaged in much pomp and ceremony staying in official residences built in extremely picturesque locations (Raby 1985).² Their offices were located in imposing buildings in the most important locations in the area. The local elite who gradually took over from the British Civil Servants fitted in quite easily to this culture of privilege and honour that they inherited from the British.

² A “circuit” refers to official tours of the area under the official’s jurisdiction. Staff at the Probation Unit continued to use the word “circuit” when referring to their field visits. Thus, each member of staff had a day each week when they went “on circuit”.

The rise of the vernacular bureaucrat

The expansion of the vernacular education system in Sri Lanka post-independence led to an inevitable clash between the English educated elite and those coming from the less privileged vernacular education system. The general elections of 1956 marked what de Silva (2005) describes as the triumph of “linguistic nationalism”. The promise of the “Sinhala-Only” bill with which the new government came into power, led not only to the marginalisation of ethnic minorities, but to the eventual displacement of the English educated elite from the public sector. This did not mean that the power of the English educated elite changed dramatically but rather that the composition and the status of the public sector changed considerably. Whilst the issue of language has been analysed quite closely as one of the most important factors with regard to the rise of ethnic violence in Sri Lanka, its role in producing and maintaining class and social inequalities has been given less attention academically as well as politically. Free education in the vernacular languages made education far more accessible and an important means of social mobility but it also exacerbated tensions between those who considered Sinhala or Tamil their “home” languages as opposed to English.

An acceptable command of the English language in Sri Lanka was not merely about the ability to communicate effectively; it also marked the difference between those for whom English was their “home” language and for whom English was definitely their second language (Gunasekera 2005). This distinction marks the difference between those who speak English “correctly” as opposed to the “not-pot” English of the masses from non-urbanised, rural backgrounds.³ The significance of the social divide between these two groups is evidenced by the reference to the English language as the *kaḍuva* (the sword) by Sri Lankan University students - meaning that the English speaking elite has the class power to “cut down” the Sinhala and Tamil speaking majority (Presidential Commission on Youth 1990; Venugopal 2009).

³ “Not-pot” English is a disparaging term to signify what is considered to be incorrect pronunciation as indicated by the fact that the words are enunciated with the sound “o” as in the word “no”.

For those who benefitted from the free education system, changes in the language policy meant that the state bureaucracy became one of, if not the most important source of employment. Not only did the Ceylon (and later Sri Lankan) Administrative Service and its allied services offer prestigious and pensionable jobs; it offered a space in which the lack of acceptable levels of fluency in the English language was perhaps least disadvantageous. State sector employment offered employment opportunities for those outside the prestigious social network of elite schools and families. These opportunities continued to be sought after, with many new graduates opting for state sector rather than private sector jobs. This preference for state sector jobs is considered a problem among policymakers since many jobs in the private sector do not get filled even though there are high rates of unemployment among the educated in Sri Lanka. The preference has often been attributed to the desire for security (public sector jobs are permanent and pensionable) and the unwillingness to enter the more competitive and challenging private sector. The fact that the public sector continues to be an important source of social capital and that this may account for its desirability as a career for those from a particular socio-economic background is rarely understood. Furthermore, most opportunities in the private sector are confined to the Western Province. The higher paying, white collar jobs in the private sector require English skills and a cultural demeanour associated with a certain cosmopolitanism that would be unavailable to those who are not part of the elite schools or social networks in Sri Lanka (National Action Plan for Youth Employment in Sri Lanka 2006; Amarasuriya, Gunduz and Mayer 2009). Thus, while free health services, education and agrarian reforms were implemented as a means of moving out of poverty and social marginalisation, Sri Lanka's rigid structures of social dominance made it difficult for people to achieve social mobility (Uyangoda 2003). Employment in the public sector continues to be an important source of upward social mobility for this particular group.

On the other hand, for those educated in prestigious private and state schools, and from well-connected and privileged backgrounds, the public sector has become increasingly less attractive as a source of employment. Since economic liberalisation in 1977, the private sector has been a far more lucrative source of employment for them. Accordingly, the composition of the Sri Lankan bureaucracy has shifted from

one that was dominated by a Westernised, English speaking, elite to one that is now dominated by the vernacular and mostly locally educated, Sinhala and Tamil speaking group. This shift in occupational prestige from civil service employment to the private sector among the elite is not unique to Sri Lanka but is evident in other parts of Asia as well (Pinches 1999).

Colonial influence on the DPCCS

The 18th and 19th centuries were periods in Great Britain during which there were many debates on children: these included ideas about the nature of the child, discussions about the bodily and spiritual health of the child and dealing with juvenile delinquency. Many laws relating to children were passed during this time, especially towards the end of the 19th century. Between 1885 and 1913 for instance, 52 Acts relating to child welfare were passed in Britain (Hendricks 1994).

By the end of the 19th century, the Victorian view point that children's bodily and spiritual health needed to be in perfect harmony through the right discipline and training, was giving way somewhat to the approach that sought to unite the body and mind with the social and material environment. Children's bodies were subjected to psychological observations, medical inspections and treatment, nutritional programmes and the discipline of schools. Delinquency was beginning to be interpreted as a problem of emotional stability. Running through all these discussions was the idea that children who were neglected and therefore potentially defective in their bodies and minds were a source of threat to society. It was feared that victims of child neglect could grow up to be problem adults and ineffectual citizens. The need to prevent and to "save" children from neglect was therefore part of a broader need to safeguard society from crime and deviance. Implicit therefore, in this impulse to ensure adequate care and protection of children was the idea that child victims were not merely victims but potential threats to society. Also implicit in the debates on children was the focus on the working class as embodying the kind of behaviour and practices that led to child neglect and eventually delinquency and crime (Murray and Hill 1991; Hendrick 1994; Coldrey 2001).

The idea that children in conflict with the law should be separated from adults prevailed during the time and reformatory schools and industrial schools were established to deal with juvenile delinquents. The objective of these institutions was to transform “deprived” and “defective” children through moral, educational and industrial training in an environment of strict discipline and control. Working class children who were considered precocious were to be trained and transformed to conform to middle class notions of childhood; one that ensured that children were quiet, compliant, respectful and well-behaved. The lack of parental discipline in working class families which was believed to have led to delinquency was instead provided by these institutions. The training and education provided in them were expected to transform the threatening child victim into a proper citizen of the community (Hendrick 1994; Coldrey 2001).

In the early 20th century, Ceylon too (as it was then known) was grappling with the problem of crime and also of establishing systems to deal with crime. Influenced strongly by these discussions in Great Britain, the idea of rehabilitating and not merely punishing criminals, and particularly juveniles was gaining hold. The treatment and prevention of crime rather than punishment was seen as the modern, scientific and progressive approach and since this had already been successfully introduced in Britain, Ceylon was urged to follow suit. Thus, policymakers proposed a less punitive and more reform oriented approach to dealing with crime in general, but especially in relation to children and youth. D.B Jayatileke and Susantha de Fonseka were the two members of the State Council who were responsible for urging reforms in this sector; both were members of the new bourgeoisie and the former in particular was to play significant role in the Sinhala nationalist movement.

The proposal for establishing a Borstal Training School for young offenders had been put forward as early as in 1915 but this had not been implemented although the need for such an institution had been “freely and universally admitted” (Sessional Paper IX of 1935:4).⁴ The findings of the various sessional papers on the subject of

⁴ Borstal Training Schools were institutions set up for youth in England mainly with the idea of separating youth from older convicts in adult prisons. The name Borstal comes from the village where the first such institution was established. The main focus of “Borstal Training” was to educate

juvenile offenders echoed the ideas that were prevailing in Britain. And as will be seen, many of the laws, institutions and procedures introduced in Ceylon were almost the same as those in Great Britain.

The need for establishing the DPCCS (as in Britain) was put forward in early policy documents on the basis of the argument that child neglect led to juvenile crime (Sessional Paper IX, 1935, Sessional Paper XVIII, 1949). Echoing the debates in Britain, children were not considered responsible for their actions; rather it was child *neglect* by adults which was responsible for the physical and moral health of children that led to juvenile crime and delinquency. The source of neglect was located in the child's environment, mainly within the family. A harmful environment was seen as the breeding ground for crime and thus either correcting the conditions in the environment or removing the child from such an environment were seen as the appropriate responses. This harmful environment included neglectful parents, bad companions and the lack of education resulting in the inability to understand right from wrong. Not being able to understand right from wrong was also sometimes attributed to physical or mental defects in the child. Therefore, the state was conceived as needing to step in to fill the gap created by neglectful parents and adults and to ensure that the child was nurtured into becoming a responsible and dutiful citizen. As documented in a 1935 Sessional Paper, calling for the establishment of special services for children, the problem was with *external* factors rather than with children themselves:

It was felt that the old idea that a child's wrong-doing was entirely due to inherent wickedness which could only be driven out of him by severe punishment was no longer justified. The new ideas as regards the causes of crime on the part of the adult have concentrated attention on the mode of treatment of child offenders. With a deeper knowledge and a broader sympathy students of crime who also had extensive experience in the handling of criminals realised that in many instances the causes of such wrong

rather than punish youth who had come in contact with the law for various reasons. The regime in these institutions was marked by discipline, routine and authority (Warder and Wilson 1973).

doing, especially in the case of children, was wholly external and that it was due to the suppression of natural and healthy tendencies imposed by the circumstances of a complex society and also to physical or mental defects for which the child could in no way be held responsible (Sessional Paper IX, 1935:13).

The same report therefore again recommended a system similar to Borstal Training that had been established in England, for juvenile delinquents and described the intent of these institutions as well as the underlying thinking behind the setting up of the DPCCS and the formulation of related legislature:

The object of Borstal Training is training rather than punishment. The aim is to give youthful offenders, whose minds are still plastic, a new outlook and a new bent and, by the personal influence and example of the staff, to create a corporate spirit and standard of social behaviour while in the institution, which may persist after discharge; to inculcate in them habits of application and industry; to stimulate intelligence and enlarge interests; and in sports and games to develop loyalty and the spirit of fair play (Sessional Paper IX of 1935:5).

The ethos of a British public school system could be heard loud and clear in the intentions of Borstal Training to develop interests in sports, games, loyalty and the spirit of fair play consistent with the ideas of harmonising bodily and spiritual health. Thus, the DPCCS run institutions were organised around the principles of training and education which could reform the juvenile delinquent into a socially responsible and acceptable citizen. This is evident even today, where many of the activities conducted for children in the institutions take the form of vocational training and other educational activities and the moral training of the child is viewed as an important responsibility of the institution. Importantly, the personal example and influence of DPCCS staff was seen to be crucially important in the rehabilitation process meaning that embodying a certain morality was ideally considered part of their job.

Legal reforms and procedures

The main legal framework that relates to children is the Children and Young Persons Ordinance, Act No. 48 of 1939 (CYPO) which was introduced six years after a bill by the same name had been introduced in England. Additionally, the Probation of

Offenders Ordinance No. 42 of 1944 (Probation Ordinance) details the Probation Officer's (PO) responsibilities in relation to probationers. Other than these two Ordinances, various laws have been put in place at different times relating to children through which children are put in touch with the Probation and Child Care Services. These include: the Vagrants Ordinance of 1841, the Orphanages Ordinance No. 22 of 1941, the Adoption of Children Ordinance Act No. 38 of 1979 and Act No 15 of 1992 and the Domestic Violence Act No 34 of 2005. However, the main piece of legislation which provides the procedures to be followed with children and young persons charged with offences and those who are deemed to be in need of care and protection is the CYPO. According to the CYPO, a child is defined as below 14 years of age and a young person as between 14 and 16 years of age. The age of criminal responsibility is 8 years.⁵ Persons between the ages of 16 to 21 years are dealt with in the Youthful Offenders Ordinance of 1886 (amended in 1939).

The CYPO defines a child or young person in need of care and protection as a person who has no parent or guardian or whose parent or guardian is unfit, or a child or young person who is falling into "bad association", exposed to "moral danger" or deemed to be "beyond control". A child or young person can also be considered to be in need of care and protection if an offence had been committed against him or her or if he or she was considered to be in a situation whether there is potential for an offence to be committed (for example in a household where an offence had been committed against another child) or is living on the streets (CYPO 1956 revised).

As part of the Probation and Child Care service, the DPCC is also responsible for managing residential institutions for children. One of the earliest pieces of legislation on the problem of handling juvenile delinquents, the Youthful Offenders Ordinance, called for the establishment of "Approved Schools" and "reformatories" for children between the ages of 7 and 20 years who were in conflict with the law. Although passed in 1886, very little progress was made in establishing such institutions for many years (Sessional Paper IX of 1935; Sessional Paper XVIII of

⁵ The age of criminal responsibility in the original recommendation for the CYPO was 7 years (Sessional Paper IX, 1935). However, this has subsequently been revised to 8 years.

1949; Criminal Court Commission Report of 1951). Currently, the DPCCS manages Remand Homes, Detention Centres, Certified Schools, Approved Schools and shelters for abused girls. Additionally it also supervises residential homes for children run by voluntary organisations. The placement and management of children in contact with the law in these institutions as well as the monitoring of those children who are allowed to remain with their families is the responsibility of the DPCCS. This was the system that existed in Britain – although many of these traditional institutions no longer exist in Britain, they continue without much change in Sri Lanka.

Although the CYPO was passed in 1939, its actual implementation (much to the frustration of policymakers) seems to have been considerably delayed:

In the light of what has since transpired, we have attempted to read without cynicism the proceedings of the State Council when the Children and Young Persons Bill was unanimously passed by an enthusiastic House (Hansard, January 26, 1939). “We welcome this Ordinance” said a senior member, “*as an epoch making measure*, because we have to recognise that children, after all, will in due course be the political citizens of the future and every endeavour must be made to give them their right place in society and every opportunity of achieving that right place”. Other stirring words claimed that “for every child who is in conflict with society the right to be dealt with intelligently as society’s charge not society’s outcast, the home, the school, the Church, the Court and the institution will shape to return him whenever possible to the normal stream of life”. It was not realised at the time that ten years later a child might still be sent to an adult prison for stealing four coconuts, and that the authorities doubt the possibility of opening Ceylon’s first Certified School until after 1954. If there is to be any further delay in bringing the Ordinance into operation, other legislation should be speedily introduced prohibiting absolutely the imprisonment of children under sixteen years of age. (Sessional Paper XVIII, 1949:18 emphasis in original)

Despite this rebuke, it was not until 1956 that the Department of Probation and Child Care Services and its related services were finally established. While a limited Probation Service of four units for the entire island had been established in 1945, the inclusion of children and young persons into the probation system was only implemented in 1956. Even then, combining the two functions of probation and child care seems to have worried senior British civil servant Cyril Hamlin who had

been specially commissioned to set up the Department of Probation and Child Care Services. But in the interests of speeding up the process of establishing the department, he seems to have decided to overlook this problem for the moment. He proposed the temporary integration of Probation and Child Care Services and advised that the two functions be separated into two departments in the future and that staff be appointed for dealing with Probation and Child Care Services separately (Sessional Paper VII of 1957). This recommendation was evidently not followed up since the two functions remain linked even today.⁶ Theoretically, the DPCCS's Probation Services are not only for children but for adults as well, although the units hardly ever deal with adult probationers anymore.

Changing nature of work at the DPCCS

At the time of establishing the DPCCS and when the legal structure for it was being considered, the main problem was dealing with juvenile justice and especially the problem of male juveniles, or "lads" as they were referred to in many of the policy documents. The result was the procedures that governed the functioning of the DPCCS referred almost exclusively to boys and men. The first mention of girls and young women was in 1951 but it was not considered as urgent as the need to deal with the problem of the "lads" (Sessional Paper IX of 1935). The procedures governing the DPCCS today continue to be the same as what was formulated in 1956 although the problem today is neither one of "lads" nor even primarily of juvenile justice.

The shift that has taken place in the nature of the work done by the DPCCS was evident when I examined some of the records at the Probation Unit where I did my field work. In 1964 for instance, 75 Probation Orders had been processed through the Probation Unit. Of these only 5 were females and of these, 2 were adults and the other 3 were "young persons". The 2 adult women on Probation had been found guilty of the possession of illegal drugs while the young women had been found

⁶ Interestingly almost 60 years after Hamlin raised the issue, the idea of separating the functions of the department has again come up. One of the recommendations of a recent UNICEF consultation on legal reforms is to separate probation from child care services. (Personal communication, Sajeeva Samaranayake, UNICEF legal consultant)

guilty of attempted suicide and not submitting to the law. Among the males, 30 were categorised as young persons, 26 as adults and 14 as children. Most of the males were charged with robbery and drug related crimes.

Ten years later, in 1974, there were 41 probationers listed in the Register of Probation Cases. Of these, 29 were males and 12 were females showing a slight increase in the number of female offenders. Among the males, 10 were children, 14 were young persons and the rest were adults, whereas among the women there were 6 young persons and 6 adults. The males had been mostly found guilty of stealing while the women had been found guilty of vagrancy, prostitution, selling drugs or alcohol illegally, abandoning a child or robbery. Even in the 1970s then, the problem seems to have been primarily of “lads” although a slight increase could be seen in the number of female probationers although there are still no children among the female probationers.

In 2005, the situation was vastly different. Even more than the female-male ratio, what had changed was the age group of the cases being handled by the Probation Unit. The number of court cases that had been processed in the unit in 2005 was 475. Of these, 259 were males and 216 were females. Apart from 6 adult women who were categorised as “mentally handicapped” and two male adults and a female adult who had applied for guardianship of a child, the rest were all children and young persons. Of the cases dealing with children, 339 were to do with children below the age of 14 years. While the majority of cases were to do with the court appointing guardians for children who had lost both parents or one parent, the other children according to the entries in the register had been “sexually abused”, “subjected to cruelty or neglect” or “forcibly removed from their legal guardian”.

These numbers and the reduction of Probation cases indicated that the DPCC’s case load had shifted from children in *conflict* with the law to the *care* and *protection* of abused and neglected children which was the area that had been considered to be less urgent when the department was established in 1956. Significantly, the lack of care and protection was not merely a result of neglect, but abuse and increasingly sexual abuse. There is also a change in the age group of children requiring care and protection and this was causing many problems since the CYPO only provided care

and protection for children less than 14 years. This meant that children between the ages of 16-18 were not legally recognised as requiring care and protection since the CYPO only dealt with children up to the age of 16 years.

This shift doesn't mean that the numbers of children who are abused and victimised have necessarily risen over the years; rather, it reflects changes in the ways in which children in need of care and protection are viewed. When looking at British policy, in the post-war period, the liberal humanitarian impulse within welfare meant that children began to be viewed less as threats but more as victims: most importantly, as victims of disturbed families (Hendrick 1994). While the state's role in education and health were clear enough, with regard to the family, the state had a supportive role. And the family model was a patriarchal, nuclear family. Another important shift in thinking was to consider all those below 18 years as children – and thus potentially in need of care, protection and the guidance of adults. Child care services were to provide for those children who were deprived of a “normal” family life. Certain high profile deaths of children abused by their care-givers in the 1970s and the “discovery” of child sexual abuse in the 1980s has made child protection a dominant concern in Britain as well as other parts of the world (Murray and Hill 1991). Abused children, especially sexually abused children in this context were viewed as victims of problems created by a “permissive” society (Hendrick 1994). In many countries this has led to differentiating between the processes that deal with delinquent children and children in need of care and protection (Murray and Hill 1991). Hendrick (1994) argues that the moral panic in Britain around child abuse was during a period of increased criminal, social and political violence. Violence in society was explained as due to the alleged decline of the traditional family and its values. “British values” were seen to be threatened by a range of groups including social workers, feminists, Marxists, radical students, divorcees and the sexual and cultural permissiveness of pop culture.

As I will be showing in this thesis, these global shifts in how delinquency, child abuse and child protection were perceived had a significant influence in public perceptions as well as policy initiatives in Sri Lanka. There is a similar moral panic that is articulated in terms of the permissiveness of society and threats to the

traditional family and values. While this moral panic has led to increasing demands on child care services, stagnant economic growth and an increasing military expenditure has placed welfare and social protection services under tremendous pressure. But moral panics, changing views of care and protection occur within particular social and political contexts. What I examine in this thesis are those local and global social and political processes that affect policies on children's welfare as well as those who are supposed to provide child care services.

The discrepancy between the growing demands that were made of the Probation and Child Care Services as a result of this moral panic, and its capacity to respond were amply reflected in some rather strange documentary practices at the office. Since the registers for documenting cases in the DPCCS still reflected the earlier workload they were known as Probation Registers. But now, since there are very few Probation cases, Probation Registers were used to record all the cases that appeared before court and not just cases of Probation. This resulted in some rather peculiar entries in the registers. Since no one felt it was necessary to change the headings in the columns, all the individuals being dealt with were listed as Probationers even when they were not charged with any crime. The reason for which they had been presented to court was listed under the column titled offence. While legal reforms had identified a host of new offences against children, the documentation at the Probation Unit hadn't changed. Thus the offence column included entries such as: being subjected to grievous sexual assault, rape, lost, abandoned, orphaned and adoption. Funnily enough, when the Unit ran out of Probation Registers and the Administrative Officer started using large A4 size exercise books as Registers, she simply carried on with the same column headings! No one in the Probation Unit seemed to notice the irony.

Staff recruitment and positions

The DPCCS was subjected to many changes in its staff structure, training, and recruitment procedures as a result of changes that were taking place in the public services. The Ceylon Civil Service was abolished in 1963 and replaced by the Ceylon Administrative Service, subsequently known as the Sri Lanka Administrative Service (SLAS), which is the highest service within the public service. Additionally,

there are various other sectors marked by professional categories such as the Sri Lanka Education Service, Nursing Service, Police Service, Foreign Service etc. Probation Officers (POs) fall within the category of Staff Officers in this system.⁷ There are also Support Services which are lower in the hierarchy of the public services and some of the other office staff in the DPCCS were included within this category. The DPCCS also had Development Assistants (DAs) who were usually appointed through Graduate Employment Schemes (see below). Since the implementation of the 13th Amendment to the Sri Lankan constitution in 1987 and the devolution of power to provincial governments, there is a Central Public Service as well as a Provincial Public Service (Iqbal 2002). The DPCCS for instance, exists both at Central and Provincial levels and the National DPCCS staff are from the Central Public Service while the provincial staff are from the Provincial Public Service.

When the DPCCS was established in 1956 it was initially known as a “closed” department. This meant the Department recruited staff directly and they could not be transferred to other departments nor could staff from elsewhere in the public services be appointed to the DPCCS. A retired senior member of staff related a story about when, around 1968, the government in power wanted to transfer a particular individual from within the DPCCS. In order to do this, a decision was made overnight to make the DPCCS an “open” department. This meant that eligible DPCCS staff could sit for an examination to qualify for appointment to the SLAS. Many staff made use of the opportunity that was offered to transfer to the more prestigious SLAS. Since the SLAS positions in the DPCCS for what were known as the “executive posts” were limited, many of the staff who qualified through the examination, including trained and experienced POs were transferred to SLAS vacancies in various other departments. For example, one senior PO was posted to the Coconut Cultivating Board. Even now, eligible staff of the DPCCS can sit for

⁷ There is some confusion which category POs fall under since some POs argue that they are Technical Officers. I have used the term Staff Officers as this seems to be what is used in calculating their salaries.

the SLAS qualifying examination and if they pass can be posted elsewhere within the Administrative System.

However, POs remained as a “closed” service, meaning that they can only be transferred within the same service and not outside the department. At the same time, the “executive posts” such as those of Commissioner and Deputy Commissioner, are not appointments made from within the Department but are usually appointed from among the SLAS cadre with the appropriate level of seniority. For example the current National Commissioner was previously an Additional Divisional Secretary and the former Commissioner of the provincial DPCCS was transferred during my year of field work to the Department of Cooperative Services. Unlike in the past, the basis of promotion to the “executive posts” was administrative seniority rather than technical knowledge and experience. The POs often cited the lack of technical knowledge among the management staff as a reason for deteriorating standards in the department. According to them, management decisions reflected poor understanding of the technical issues the staff, particularly the POs had to deal with.

Staff Officers and members of Support Services, POs and DAs (including the POIC and the Chief PO of the Province) occupied low-level positions within the state bureaucracy. Within the Public Services, promotions are based on a grading system calculated according to years of service. For example, in the Staff Officers category, there is a grading system based on which promotions and salary scales are calculated. Delays in these promotions were contentious issues at the Probation Unit and almost all the staff had stories to share of being deprived of promotions due to personal animosities and feuds within the department.

Within the extremely hierarchical bureaucratic system, therefore, the POs and the DAs are positioned somewhat lower down in the order. But their position also means that they deal more directly with the public compared with those higher in the hierarchy. They are the main point of contact for the clients of the DPCCS and implement department policies and decisions. State policies on children and families are interpreted to the public through these officers. This meant that with the rising interest in children’s issues, their roles and activities were increasingly under

scrutiny. Policy failures or the inability to respond effectively to the cases they handled were usually blamed on the lack of capacity, poor attitudes and the lethargy of the POs and the DAs.

Changes to the structure of the DPCCS

Since devolution in 1987, many changes have taken place in the DPCCS structure. The subject of Probation and Child Care Services was one of the areas that were devolved to the provinces. Earlier, the Department was headed by a National Commissioner supported by Assistant Commissioners at the Provincial level. After devolution, Assistant Commissioners were appointed as Provincial Commissioners of Probation and Child Care Services, with the power to function independently at Provincial level. This means that the day to day implementation of Probation and Child Care work, recruitment of staff, and allocation of resources is the responsibility of the Provincial administration. The National Probation and Child Care Services Department is responsible only for policy development, research and foreign adoption.

The implications are significant. The state run institutions for the rehabilitation, care and protection of children such as Certified Schools, Remand Homes and Detention Centres had previously served the whole country, not merely the Province in which they were located. The island's one and only Juvenile Court was also located in the Colombo District. Although the CYPO gave the power for Magistrates Courts to function as Juvenile Court when hearing cases involving children and young persons, this rarely happened. Juvenile cases too were heard in the same court as the other cases. Although, many of the earlier policy documents recommended the establishment of smaller institutions, and for separate juvenile court around the country, this has not happened. Many of the state run institutions for children were clustered in either the Western Province or the Southern Province, resulting in children from all over the island being sent through the court system to institutions in these two provinces (Jayathilake and Amarasuriya 2005). For example, the only Certified School and Remand Home for girls was in the Western Province; the Southern Province was home to the Certified School for Boys and Detention Centre for girls and boys. After devolution, Provincial ministries began to resist having to

serve children from outside their provinces, causing many delays in processing cases as well as children being lost in the system with no proper follow up or monitoring of their cases (Samaraweera 1997).

The centralised training system of Probation Officers was also dismantled after devolution. Previously, the National DPCCS provided training for POs which consisted of an extensive residential training followed by supervised field work. This system was disrupted and newly recruited POs currently receive shorter and more ad hoc training. There is a lack of clarity as to who is currently responsible for the training of POs but since human resources are managed at Provincial administrative level, the coordinated training that took place earlier from the centre has all but disappeared. The junior POs in the Probation Unit received only a nine day training compared to the senior POs who received a six month training programme. The DAs had received no formal training other than some ad hoc training provided by NGOs and UN organisations.

Another change that took place after devolution was the appointment of a new cadre of field officers in 1999 responsible for child rights. These officers are known as Child Rights Promotion Officers (CRPOs) and are placed with Divisional Secretariats (local government units) and report to the National Department of Probation and Child Care Services. Theoretically, they are supposed to be responsible for “preventative” work, thus releasing the POs for the legal work in relation to children. This division of responsibilities is along similar lines as to what was first envisaged in the Hamlin Report in 1956 and subsequently in Sessional Paper No VI of 1988 where it was again proposed that Probation should be separated from Child Care Services. However, in spite of the policy recommendation which suggested the demarcation of responsibilities and another recommendation for POs and CRPOS to function within the same department, the CRPOs and POs function and report to two different administrative systems and rarely if ever have anything to do with each other. In fact, at the Probation Unit, the POs were less than friendly towards the CRPOs and often referred to them as “useless”, “inexperienced” and “lazy”.

The DPCCS since its inception has weathered many changes to the public sector both in terms of its structure as well as its composition. What is most apparent about the DPCCS today is what might be described as the lack of fit between what it does and what it was initially set up to do. This lack of fit is often perceived by those trying to change it, as the resistance of the traditional bureaucracy to change and the main reason behind its ineffectiveness. I intend to examine this perception more closely. Before I do so, in the next chapter, I will describe in detail the Probation Unit where I did my fieldwork.

Chapter 2

Field site: the Probation Unit Office

Introduction

The Probation Unit where I did my field work was one of the busiest Probation Units in the province where I was located. It was located in one of the larger towns in the province and it was one of the two Probation Units in the district. Each Probation Unit has a Probation Officer in Charge, (POIC), several Probation Officers (POs) and support staff known as Development Assistants (DAs), Administrative Officers and “peons”.⁸ The Provincial Commissioner of Probation and Child Care Services who was appointed from the SLAS was the head of the Department and was based in the Provincial DPCCS office. There was a Chief Probation Officer at the Provincial DPCCS office who supervised all the POs as well as a large number of other support staff at the provincial office. Additionally, the Provincial DPCCS had members of staff who were responsible for the various state-run institutions for children who were located in institutions in different parts of the province.

My field work started with intermittent visits to the Probation Unit in September 2007. From January to October 2008, I located myself permanently in the Unit. Probation and Child Care Units are generally organized in relation to Judicial Divisions; this Unit was responsible for 4 courts (Magistrate’s Court, Additional Magistrate Court, District Court, and High Court) as well as three Magistrate Courts in peripheral areas. During the time in the field, I went into the Probation Unit almost every day. I sometimes accompanied staff on their field visits or “on circuits”. When staff were not busy with clients I chatted with them about their work, their experiences in the public services and especially within the Probation Department. We often engaged in conversations about current issues: the war in the

⁸ A “peon” is a low-level employee found both within the state and in the private sector, who is assigned various tasks ranging from making tea to keeping the office clean, to running errands. On some occasions, the “peon” can become quite influential as he acts as a gatekeeper to the senior staff. Peons are often approached by clients for help with accessing particular officials, or finding out what is happening with a particular request or even for speeding up the process by making sure the request is taken speedily to the appropriate person.

North and East and the latest political developments were the most common topics of conversation in the office. Although my primary material did not come from interviews, I conducted formal interviews with current and retired staff from the DPCCS, the NCPA, the International Year of the Child Secretariat (IYCS), the local police at the Women and Children's Desk and doctors at the local hospital who conducted case conferences for sexually abused children. Altogether I conducted twelve such interviews. I chose to interview people within the province who seemed to have frequent interactions with the Probation Unit. For instance, the policewomen I interviewed from the Women and Children's Desk were involved in many of the cases the Probation Unit handled as were the doctors. Staff from the NCPA, DPCCS and the IYCS that I interviewed who were not from the province were people who had been closely involved in setting up these agencies and programmes within these agencies. Additionally, I examined records in the Probation Unit as well as the Provincial office. I have indicated in my thesis where I have interviewed those who are not from the DPCCS.

I initially obtained permission for my fieldwork from the National Commissioner and subsequently from the relevant Provincial Commissioner. I needed the special permission of the Provincial Commissioner in order to access some of the records. Although the layout of the office was such that there I was privy to most of the conversations the staff had with their clients, unless I was specifically invited by a member of staff to sit in during the discussion or unless the case was discussed with me I have chosen not to include information about other clients in this thesis. Where I have written about Probation Unit clients, I have changed their names and other details which might identify them. I have also not revealed the specific location of the Probation Unit where I worked and have changed personal details of all the current DPCCS staff that I have described.

The office

The office of the Probation Unit where I did my fieldwork was located in the main court complex in the district and consisted of a large room divided into two sections of unequal size. There was also a smaller section at the back where the staff had their meals. The room had a high ceiling and an enormous door at the entrance. The

entire court complex was a busy area with people constantly milling around outside the Probation Unit, either waiting for their case to be called in one of the court or waiting to meet a lawyer. There was always a bit of a stir each day when shackled and handcuffed prisoners were led into court from the prison bus. Despite protests from child rights activists, sometimes there were children in these prison buses. These were children who had been held overnight in police stations and brought to court. While children were not supposed to be held in adult prisons or transported with adult prisoners, this continued to happen although efforts to minimise this practice were underway. Police complained that although they were told not to transport children with adults, they did not have resources to transport the children separately (Samaraweera 1997).

A small shop did a brisk trade selling “short-eats” (pastries), “cool drinks” and *bath* (rice) packets to clients, lawyers, and office staff close to the court complex.⁹ Pineapple and ice-cream sellers appeared regularly, selling their wares in nearby offices and among people milling around the court complex. Old women selling saris and reed mats, men selling small packets of *hakuru* (palm sugar), rice and varieties of local pulses came around regularly as well. An old woman selling betel was an everyday fixture at the court complex. Her huge wooden box storing betel and all the other accompaniments served with betel was usually kept overnight in one of the rooms. One of the streets leading from the complex was lined with lawyers’ offices and “communications”, shops providing photocopying, typing, telephone, fax, internet facilities and stationery supplies.¹⁰

There were five Probation Officers (POs), two Development Assistants (DAs), an Administrative Assistant and an Office Labourer working in the Probation Unit. The POs were responsible for all legal and investigative work while the DAs supervised day care centres, assisted the POs with investigations and other non-legal work that the Probation Officer In Charge assigned to them. The Administrative Assistant,

⁹ *Bath* packets were packets of rice with curries which were sold during lunch time and a popular lunch option for many working people

¹⁰ Shops dealing with internet, telephone and photocopying services are commonly known as “communications”.

Wathsala was responsible for assisting the POIC Mrs. Dissanayake, with office administration. The Office Labourer, Karunaratne's main responsibilities were running errands, cleaning the office and making tea. During the period I was doing my field work, there was a young intern in the office who was following one of the many ubiquitous "computer training programmes" offered for school leavers and had been placed in the Probation Unit for "on the job training". There was very little "on the job training" that she was receiving since neither of the two computers in the office was working. She usually helped with odd jobs which included making tea, filing, cleaning cupboards, and accompanying the female POs and Wathsala to the shops or on little errands.

There was an informal division among the staff along the lines of the "seniors" and the "juniors". The POIC Mrs. Dissanayake, PO Mrs. Jayaweera and PO Mrs. Kularatne were referred to as the senior POs, or more irreverently as the *loku nōnala* (the important ladies). POs Ananda, Senani, DAs Nimal and Ajit, and the Administrative Assistant Wathsala were considered the junior staff in the office. The Office Labourer, Karunaratne, a long standing staff member of the Department was treated somewhat indulgently by everybody. It was an open secret that he earned a bit of money on the side running errands for the lawyers who had offices close by, and his frequent absences from the unit were tolerated, although the POIC occasionally threatened to have him transferred elsewhere, when his absences became too obvious.

The working area in the Probation Unit was divided by a low wall that ran through the middle dividing the area into two long rectangular spaces, one somewhat larger than the other. The staff sat behind desks scattered around these two areas. The POIC had her own space in the larger portion of the room, divided by a low wall from the rest, where she sat behind a large, old-fashioned, wooden office table. All the other staff had more modern but less majestic looking, steel desks. There were various cupboards along the walls and chairs for the clients to sit on. The photocopy machine and one of two broken computers (carefully covered with cloth) were placed near the POIC's desk. The other computer was kept in the section where the staff had lunch since it seemed to be beyond repair. The one near the POIC was kept

in the hope of being fixed at some point in the future. The walls of the office were adorned with various faded posters depicting child rights, the mission statement of the department, a large hand drawn map of the province covered in plastic, showing the locations for which this Probation Unit was responsible, and the compulsory framed photograph of the President that can be found in every government office. In one corner on a shelf fixed high on the wall there was a small Buddha statue and a vase filled with plastic flowers. Vases filled with plastic flowers and artificial flower pots were also placed elsewhere in the room in an attempt to give a more cheery appearance to the office space. Just by the door at the entrance, along one wall there was a long wooden bench where visitors to the office were seated while awaiting their turn to be called by one of the members of staff. Children who were brought to court from the children's homes also sat there until they were called for their court hearings. Sometimes the children had to sit there all day. They were always accompanied by a staff member from the institution in which they had been placed. The children were sometimes there all day without any food or drink except for water from the tap in the office.

One of the more peculiar functions of the Probation Unit was also to function as the space for children in the custody of one parent to spend time with the other parent in compliance with court orders. Parents who were in the midst of vicious custody battles were often ordered by court to arrange for visitation rights to be granted in a "neutral" space. The Probation Unit was one such "neutral" space. It was not unusual for the bench by the entrance to be occupied by an estranged couple seated on either end with a child (usually miserable) in the middle. On busy days, these parental visitation rights were fulfilled in the full view of an interested audience. There were also days when the parents would erupt into violent arguments with each other. On these occasions, the POIC would call the parents in to her section and advise them. She would appeal to the parents to reconcile or at least to treat each other with civility for the sake of the child. One of her favourite phrases to use at these times was "*Lavu karanakoṭa mehema neveyi ne? Lavu ilavu unāma tamayi mē okkoma*" (When you were in love it was not like this, no? All this happens when love turns upside down).

The Probation Unit had two computers (needing repair), a photocopy machine and two ancient manual Sinhala typewriters. The staff typed all their letters, court reports and other documents on these two typewriters. More often than not, one typewriter was broken and then everybody had to share the other typewriter. The sound of the keys going “tock, tock” was a constant refrain in the office. Each month, Wathsala handed around stationery to the staff; a few sheets of A4 size paper, and a pen. The rest of the stationery was locked in a cupboard which could only be opened by the POIC. The Probation Unit had a telephone which was also kept locked if the POIC was not in the office. Thus, when she was not in the office, the staff could only receive calls. All outgoing calls had to be recorded in a book kept near the telephone. The stationery cupboard had a stack of exercise books which had been received as a donation from the Christian Children’s Fund (CCF) which were handed out to some of the children who came to the Probation Unit as a gift from the Department. The POIC usually gave these out with a despondent sigh and an aside to me about how inadequate the capacity of the department was to help the children with material resources. She would sometimes appeal to me to use my contacts with international agencies that I knew to lobby for more resources for the department to help the children. More than the other staff, she chafed at the lack of resources for providing material assistance to her clients and was constantly advocating with non-state agencies for support in this regard. The general feeling among the staff was that all NGOs, INGOs and UN agencies were wealthy and that they had unlimited resources at their disposal compared to the deprivations they faced as part of the state bureaucracy. This perception was no doubt encouraged by the large four-wheel drive vehicles that regularly arrived at the office depositing staff from NGOs, INGOs and UN agencies for meetings with the Probation Office staff or the frequency of meetings and workshops organised by these agencies in local hotels that the Probation Unit staff had to attend.

Staff had to be in the office by 9 a.m. every day and usually left by 4.30 p.m. Each staff member went “on circuit” one day in the week, when they were supposed to visit the children and families under their care. Additionally, the staff were allocated to the court outside the court complex and had certain days each week when they had to be present in those peripheral court. Wednesdays were public days in all

government offices when all the staff were expected to be present in office for the public to meet them. While people could come into the office any day of the week, Wednesdays were particularly busy and the office would be crowded with people waiting to meet various members of the staff. Most people came to meet the POIC who would usually meet all the people before allocating them to various other members of staff. On Wednesdays, a long queue of people would quickly form by her table, with people waiting to talk with her. At the beginning of each month the staff submitted their monthly plan of work which was sent to the Provincial Probation Office after being approved by the POIC. At the end of the month, they submitted their “amended” monthly plan, which was supposed to reflect their actual activities, along with their travel claims.

All the staff possessed motorcycles that had been donated to the DPCCS by UNICEF. The motorcycles had been given to the staff under an arrangement in which, after a certain time period, they were allowed to own them. In return, they were responsible for maintenance and repairs. POs were given a monthly transport allowance of Rs 1100.00 (about £6) and the DAs a monthly allowance of Rs 750.00 (just over £5). The POIC had a monthly allowance of Rs 1200.00 (a little over £7). Considering that a litre of petrol costs about 1£, this amount was grossly inadequate to maintain their motorcycles. Each month, a claim sheet had to be filled in order to receive this allowance. PO Ananda on principle refused to put in a monthly travel claim saying that he was protesting at the inadequacy of the amount they were given. Ironically, the allowance was calculated based on bus fares and not fuel prices, although the POs were expected to use the motorcycles for their field work. The female officers were also given motorcycles although none of them knew how to ride them. They usually used public transport or their husbands took them on the motorcycles when they went to areas that were far away or easier to access by motorcycle.

The inadequacy of the transport allowance was a constant grouse among the staff. They pointed out that if they were to travel by bus as expected, they would probably be able to visit only one home per day since many of the communities they visited were not on the usual bus routes, required long hours of travelling to reach and

sometimes were inaccessible by any kind of motor transport. Once I accompanied the POIC on a home visit to a house of a child in the middle of a custody battle and it took us almost one hour in a three-wheeler to reach the child's home. By bus it would have been easily two and a half hours just going one way as the house was located in an interior part of the district where public transport was erratic. The child's mother, paid for the cost of the three-wheeler as it was in her interests to make sure that the POIC visited the house as soon as possible. Accompanying PO Ananda one day on his field day, we left home on his motor cycle at 8 a.m. and returned home around 8 p.m. It took us almost two hours merely to reach the judicial area where PO Ananda worked. We spent the day visiting three families and two schools. Often we had to park the motorcycle somewhere by the road and clamber up through tea estates to reach the homes we visited. PO Ananda covered the most distant judicial division, in one of the furthest borders of the province but his travel allowance was exactly the same as the others.

The lunch room in the Probation Unit was a long narrow room which was dark and dingy. There was a door (which was usually kept shut) leading out to a tiny courtyard, on the side of which there was a tiny room with a toilet and a wash basin. One of the daily duties for Karunaratne was to turn a tap to fill the water tank which was near the toilet and there was usually a commotion when he forgot to turn the tap off because the tank would then overflow and the entire office would be threatened by a mini flood. On these occasions DA Nimal who was considered the general office handyman would come to the rescue. A visit to the toilet was a bit of an adventure since there was always a possibility when washing hands that the tap would come out sending a surge of water in different directions soaking the hapless person in there from head to foot. Quite often shrieks would be heard from the toilet accompanied by the sound of gushing water and someone else then would have to rush in to help the dripping victim fit the tap back.

Old wooden cupboards along the walls in the lunch room contained old files, documents, record books and different types of forms that the staff had to fill at various times. It was while I was rummaging through these cupboards one day that I came across office records of the cases the Probation Unit had dealt with, dating back

from the 1960s. They were covered in dust and disintegrating and a lot of the documents had been damaged or were missing. When I showed the old documents to the POIC and the other staff, they too exclaimed at the beautiful writing on them and the neat entries. The POIC couldn't refrain from sighing loudly as she commented that current record keeping techniques were a far cry from then.

One corner of the lunch room had a tiny sink, which was old and cracked; and a row of cups hung along the wall on one side of the sink. These cups were used by Karunaratne to make tea for the staff and each person had his or her own designated mug. There were a few extra cups for visitors and I was soon assigned one of these during my period of field work. Wathsala was responsible for collecting money on a weekly basis for tea provisions. Usually, we drank "plain" tea (tea without milk) with a piece of *hakuru*, coconut rock or "milk toffee" (a kind of sweet fudge) as a substitute for sugar. Occasionally, a member of staff would provide some plantains or biscuits. If something special had been cooked at home, it was common practice among the staff (especially the female staff) to bring a portion to the office to be shared during meal times. Sometimes a grateful client would present the office with a cake or some traditional sweet (especially at the conclusion of a successful adoption case) and these would be shared during the tea breaks.

Tea breaks were usually taken together seated around the table, but the women and men always had their lunch separately. PO Senani however always had her meals on her own. In many ways, this was indicative of the relationship she had with the others which was often quite tense and distant. She was considered "difficult" and most of the other POs gave her a wide berth. She and the POIC hardly spoke with each other but sometimes engaged in bitter verbal battles with each other. As Karunaratne one day whispered to me, PO Senani had once even threatened to hit the POIC with a paperweight during one of these battles. However, things thawed out considerably after PO Senani announced her pregnancy. As the POIC told me, "I tolerate her now because of her condition. It is a sin to make a pregnant woman angry or unhappy". During lunch, each person would open their packet of rice, and curries were shared with each other. If someone had cooked a speciality, it was always packed in generous proportions so that there would be enough to be shared

with the others. I was always served with special generosity since my shop-bought *bath* (rice) packet was looked upon with much pity. Also as a “Colombo” person the staff took it upon themselves to introduce me to what was considered more exotic “village” food. I sometimes opted to have “short-eats” (pastries or buns) instead of rice for lunch and this was viewed with much concern. On those occasions I was forced to eat at least a couple of mouthfuls of rice with each person contributing something from their own meal, to make up a plate of rice for me. I finally stopped eating “short-eats” since on those days it usually meant that I ate twice as much as normal!

Lunch was the time of relaxation; the staff addressed each other more informally during this time using the first name or even the more familiar second person pronoun *umba* or *tamuse*. Staff lingered over the meal, discussing the day’s happenings, some juicy bit of gossip about the department or some controversial political news. While DA Ajit, the youngest male in the office referred to the other males as *ayyā* (older brother) and the others called him Ajit *malli* (younger brother) this form of address was rarely used in front of clients. The females (except Wathsala) were all addressed more formally. When on duty the more formal *mahattayā* (literally meaning ‘sir’ but used in the same way as ‘Mr.’) for the males or “miss” (irrespective of their marital status) for the women was added at the end of the name. Thus, Ajit was Ajit *mahattayā* or Mrs. Kularatne was Kularatne Miss I soon became “Harini Miss”.¹¹

Socio-Economic Background of the Probation Unit Staff

All the staff in the Probation Unit had come through the free education system in Sri Lanka and they had all attended rural state schools for their secondary education, rather than the larger, more popular urban state schools. They were also all Sinhala

¹¹ The use of different pronouns to refer to colleagues in different contexts is an indication of the shifts in the Sinhala language towards using more democratic second person pronouns. “Miss” is frequently used to refer to females to indicate some formality but equality of status. *Mahattayā* is a formal way of addressing males while *umba* and *tamuse* unless used derogatorily, indicates familiarity. See Siriwardena (1992) for an analysis of changes in the use of second person pronouns in the Sinhala language.

Buddhists. Their tertiary education was at well known local universities. The POIC had an external degree in the Arts from the Vidyodaya University, a former Buddhist *Pirivena* (Buddhist centre of learning). PO Mrs. Jayaweera had a degree from Kelaniya University, formerly Vidyalankara *Pirivena* (another former Buddhist centre of learning).¹² PO Mrs. Kularatne had a Diploma in Social Work from the School of Social Work. The younger staff were all appointed through Graduate Employment Schemes and were Arts and Commerce graduates from local universities. Graduate Employment Schemes were state employment schemes periodically implemented by governments faced with the problem of large numbers of unemployed graduates. Agitations and protests by unemployed graduates demanding jobs were frequent occurrences in Sri Lanka and these employment schemes were initiated to appease them. Wathsala had Advanced Level qualifications while Karunaratne had been educated up to the Ordinary Level.

DA Ajit summed up quite succinctly the experiences of many others like him when he described to me how he ended up working in the Probation Unit.

This is not a job of my choice. In fact, doing Commerce for my degree was not my choice. I was selected to do Commerce for my A/Levels, and my brother was doing a Commerce degree so I also just followed him. I hated it. I would have liked to have done something like Political Science but I just followed my brother without thinking too much. Then after the degree I was at home without a job when I was selected for this through the Graduate Employment Scheme. Though this is not what I want to do, I know that with my lack of English skills and without any connections, what are the chances of me getting other jobs?

Socio-economically, the staff of the Probation Unit came from rural, Sinhala speaking backgrounds although PO Mrs. Kularatne's family was part of the rural landowning elite. Her family owned considerable property in her village and some of her siblings and in-laws were also working in the state sector, including one who was a lawyer. Her sister had recently migrated to Australia, so she also had "global"

¹² Vidyodaya and Vidyalankara Pirivenas became the University of Sri Jayawardenapura and the University of Kelaniya respectively. Initially headed by Buddhist monks and admitting only male students, they gradually started admitting female students and are now secular universities although both have strong Buddhist Studies traditions (Tambiah 1992).

links. PO Mrs. Kularatne was considering joining her sister in Australia but was worried about what the changes might mean for her teenage daughter. Her husband was also a state employee in the Department of Agriculture. The other staff owned small plots of land and engaged in various types of cultivation to supplement their rather meagre government salaries. For instance, DA Ajit's family had paddy land, the POIC and PO Mrs. Jayaweera owned small plots of tea, DA Nimal grew vegetables and PO Ananda had a small plot of land on which he was growing rubber trees. While none of the staff were economically struggling, they were not financially secure. The battle to manage their finances was a common topic of discussion, especially for DA Ananda who was building his house. DA Ajit who was planning to get married that year often complained about the financial difficulties he was facing with regard to meeting his wedding expenses. Their struggle to manage their financial resources was evident in their careful management of daily expenses. Wathsala and I occasionally suggested an office collection to buy ice-cream or fresh pineapple from the mobile vendors to be found around the court complex after lunch on particularly hot days and were chastised for our extravagance, which was only tolerated due to our unmarried status and apparent lack of adult responsibilities. Lunch time conversations often revolved around the cost of groceries and other daily expenses. In purely economic terms, they would fall into the lower middle class although their employment in the state sector meant that they had a somewhat higher status than that based purely on income.

Although the staff at the Probation Unit were not fighting to meet their basic subsistence needs like many others in the district, it was clearly not their income level which placed them in a higher class position. This was where factors such as respectability, morality and honour were very important in how they were able to position themselves. Even more important was their ability to wield influence: their position within the state sector enabled them to wield some amount of power to get things done, or to sometimes block or prevent things from happening. They were able to call upon a large network of state bureaucrats for favours or for help. Their university contemporaries were in similar positions in other state departments, ensuring that there was a "known" person in the system who could be called upon for help if necessary. This was what primarily enabled them to maintain a somewhat

high status even among others of higher income levels. Even when a person from a higher income level came to the Probation Unit, they treated the staff with a degree of deference and respect if they wanted something done. Maintaining the prestige of their job therefore was of considerable importance to the staff since it gave them a degree of leverage in negotiating social relations. But they were aware that the prestige and status of state sector employment was on the decline and the senior staff especially, often talked nostalgically of the past when POs were treated with far more respect than they were currently.

Slippage between office routine and human drama

The nature of the work the Probation Unit dealt with meant that despite the appearance of formality and routine, the office was also a site of intense human emotion. The resources that were available for the staff to respond to the range of situations they faced on a daily basis were severely limited. An incident that I observed fairly early on in my field work illustrated extremely poignantly the frustrating positions in which the Probation Unit staff were often placed.

This incident took place on a day at the Probation Unit, when none of the senior POs were present and only PO Senani, DA Ajit, Wathsala and I were around. PO Senani was dealing with a couple who had put in an application to adopt a child and who had come to check on the progress of their application. A little while after they had left, two women came into the Probation Unit with a little boy about 3 years old. The younger woman claimed that her husband had left her and that she needed to find a job but was unable to do so because she had nowhere to leave the child while she was working. She came to the Probation Unit to make a request to place the child in a children's home or to place the child with an adoptive family. She was in an extremely distressed state and talked about killing herself and her child unless PO Senani was able to help her immediately. The older woman who was her sister said that the woman had found employment and was unable to accept the employment offer because of the child. Since the sister was also employed, she was unable to take care of her sister's child either which was one of the first suggestions made by PO Senani. The little boy, a bright eyed bundle of mischief was meanwhile running

around the office with Wathsala in hot pursuit, oblivious to the seriousness of the discussion.

PO Senani clearly found it hard to understand why the mother would want to give up the child:

See how the child loves you? How can you put this child into a home? This is a funny situation; the child loves the mother but the mother doesn't love the child.

But neither was she able to provide the mother with any solution as to how she could take care of the child and also find employment. The mother was clearly in no mood for changing her mind and merely kept repeating that she wanted the child placed in a children's home. PO Senani who had a 3 year old son of her own was not at all happy about placing the child in a home. "I know what those places are like, this child will be miserable" she said. PO Senani engaged in detailed consultation with DA Ajit and finally hit upon the brainwave of introducing the couple who had wanted a child for adoption who were in the office a little while earlier to this mother. In doing that, she was in fact, violating proper procedures since there was a long waiting list for adoptions and POs were not expected to direct a specific child to a family. However, if the couple and the mother of the child agreed, they could initiate the adoption proceedings independently through a mutual agreement and PO Senani thought that her role in the matter would be purely informal.

The couple wanting to adopt a child was contacted and they immediately returned to the office and instantly fell in love with the little boy. He was soon playing with them calling them *ammā* (mother) and *tāttā* (father) and happily extracting promises for a bicycle if he agreed to go home with them. PO Senani then ran into the problem of what steps to next take since the mother wanted to hand over the child immediately and this was not possible. Handing over a child to another family in the Probation Unit without any legal process was far beyond what PO Senani was allowed or able to do. Unable to make a decision, she sent them off to a children's home with a temporary order to keep the child in the home until the child could be handed over to the adopted couple. In the meantime, she advised the potential adoptive parents to initiate discussions with a lawyer to start adoption proceedings.

However, she warned them strictly that they should not bring the Probation Unit into the picture at all but to say that this was a private arrangement between the mother and themselves. From the beginning, PO Senani's disapproval of the mother's apparent lack of sensitivity and love for the child and her willingness to hand over child to complete strangers without any misgivings became increasingly apparent.

A few days later, the couple who wanted to adopt the child returned to the office in great distress. According to them, on the way to the children's home, the mother had again asked them to take the child immediately. The couple had agreed to take the child the next day and had arranged to meet with the mother at the bus stand to take the child from her. On going to the bus stand at the appointed time, the sister of the woman had met them and stated that the mother and child had both disappeared. This caused a sensation in the office. PO Senani was reprimanded by the senior POs for having violated procedure on several counts. She was told that when the mother had threatened to kill the child and herself, her first action should have been to have called the police and have the woman arrested and the child placed in a home. Secondly, she was told she should never have got the other couple involved since both the mother's and father's consent was needed for giving up a child for adoption and in this case only the mother had come with the child and there was no guarantee that the father would have consented to the adoption. However, other than PO Senani being reprimanded and the potential adopted parents comforted to the best of their ability, no further action was taken by any of the POs. The possibility that the mother may have actually carried out her threat to kill the child and herself seemed real, but in the view of the POs, there was nothing more to be done.

A few weeks later, Wathsala and I were buying ice cream from the little shop near the court complex and spotted the would-be adoptive parents, the child and the child's mother emerging from a lawyer's office nearby. We raced back to the Probation Unit to inform the others. A few minutes later the couple came into the office grinning joyfully and carrying the child with them. Apparently, they managed to track the mother down, had met with a lawyer and filed a case for adoption. In the meantime, the child was living with them. They came to the Probation Unit to get the usual Social Report that was required of parents wishing to adopt a child. The

apparent happy ending to the story (the little child did not seem to be missing his mother in any way and was clearly adored by his adopted parents) somewhat mitigated the disapproval with which PO Senani's actions had been viewed by the others.

However, there was to be yet another twist to the story. A few weeks later, the mother of the child was back in the Probation Unit saying she wanted the child back. A neighbour who had become suspicious of the fact that the child had suddenly disappeared had informed the police that the mother had "sold" the baby. Several stories of mothers selling babies or abandoning babies had received wide publicity in the media recently and this had clearly triggered the suspicions of the neighbours who had noticed that the little boy was no longer with his mother. The police came in and took the mother to the police station for questioning. Afraid of what the police might next do next, the mother wanted the child back. This was positively the final straw for PO Senani. After she told the mother in no uncertain terms she was not fit to be called a mother, PO Senani sent the mother off saying that if she was questioned again by the police to inform them to make inquiries with the Probation Unit. "This is what happens when you sympathise with people and try to help them" were PO Senani's words to us after she dismissed the mother.

While no one in the Probation Unit had any sympathy for the mother of the child, in the opinion of most, PO Senani had erred in involving another couple in the case. The correct procedure would have been to place the child in a children's home. The fact that PO Senani felt that the active little boy would have been miserable in a children's home and had acted out of genuine sympathy for the child in not wanting to let him languish in a children's home when there was a couple longing for a child, was no excuse. While they all agreed that the children's home was no place for the boy to be in, if PO Senani had followed procedures correctly that is what she should have done.

Quite apart from the inadequacies of the resources available to PO Senani to deal with the situation, what was worrying was the frightening ease with which so many things could have gone wrong for the child with no mechanism in place through which he could have been protected. The fact that nothing went terribly wrong

seemed to be purely a matter of luck. What was also evident was that in spite of all the good will and concern that was regularly expressed for children in the media, by politicians, religious leaders and agencies working with children, the limited resources available to the Probation Unit was all that was there between this 3 year old boy and tragedy.

As I have tried to describe in Chapters 1 and 2, while at one level, the DPCCS has undergone tremendous changes since 1956, at another level, very little has changed. Outwardly, the Probation Unit seems to be a relic from the past with its decaying papers, old furniture, leaking taps, fading pictures and manual typewriters. The ethos too was one that harked back to the “golden era” of the department when the work was not as harrowing or the workload as large. It was also a time when the prestige and status of public sector employees was much higher than now. It is quite easy to slip into thinking about the Probation Unit as a sort of anomaly, an institution that is out of step with the present. As I will discuss in Chapter 3, this meant that various new policies for dealing with children were proposed and even new agencies were established which were considered more in line with changing attitudes to children and promoting more “modern” approaches to dealing with children’s problems. But, these new agencies didn’t necessarily lead to more effective services for children either. Whatever the inadequacies of the DPCCS, its services remained constant unlike some of the other agencies whose fortunes seemed to sway more easily depending on political or international donor interest.

Although the DPCCS is viewed as “traditional” and resistant to change, the Probation Unit was not a static place; it was full of action, activity and drama. It was also a place full of emotion. And what went on in the Probation Unit while linked to its past was also very much located and transformed by the present. In the next several chapters, what I plan to explore are those activities, dramas and emotions more closely and how they fit into the more abstract notions of the state, bureaucracy and development.

Chapter 3

Institutional Rivalries

Introduction

The DPCCS was the first state agency that was established specifically for dealing with children's issues; however, it is not the only state agency responsible for child welfare and protection in Sri Lanka. In 1979, a Secretariat was set up to implement activities related to the International Year of the Child and in 1999 the National Child Protection Authority (NCPA) was established in response to increasing concerns about child abuse. The relationship that the DPCCS had with each of these two agencies was quite different: it was collaborative with the Children's Secretariat while hostile and tense with the NCPA.

In this chapter I describe the circumstances that led to the establishment of the Children's Secretariat and the NCPA. I suggest that shifting approaches to children's issues or changing perceptions about children and childhood alone did not lead to the establishment of new state agencies: it required also the propitious merging of complementary but not necessarily similar interests among the politically and socially powerful. Particular theories of children converged with class and political interests and facilitated alliances that enabled specific policy decisions that led to the establishment of these new agencies. These initiatives were not only concerned with the wellbeing of children but also served other interests. Analysing the circumstances, events and particular visions of children that led to the establishment of these different state institutions demonstrates that the post-colonial state is not a unitary entity and shows how its various constituent parts are rooted in particular histories that are entangled in local politics and relationships. Understanding these different interests and agendas also explains the tension between the DPCCS and the NCPA. Whilst the different visions of children and childhood that oriented each agency shows the transnational nature of state policy and ideologies it also shows how policy changes at the national level have various impacts at different sites and

levels of the state. In this chapter I will show how this organisational and spatial dispersion of the state is often overlooked in analysing the consequences of development policy.

Since 1977 Sri Lanka has been undergoing a process of economic liberalisation. Usually economic liberalisation, particularly of the neo-liberal variety that was popular since the 1980s, is characterised by a competitive market logic and smaller government. Autonomous entities such as non-governmental institutions are established to carry out functions, especially those related to welfare and development that are usually the responsibility of the state (Gupta and Sharma 2006). But while Sri Lanka experienced economic reforms, privatisation and an increasing number of NGOs undertaking some activities usually carried out by the state, this did not necessarily lead to smaller government. In fact as pointed out by Mick Moore (1990) the state actually *grew* post liberalisation in Sri Lanka. This trend is continuing under the present government. In 2005, 13.3% of the employed population were working in the public sector; this had risen to 14.9% in 2008 (Central Bank of Sri Lanka 2005, 2008).¹³ Any reductions to the public sector are wildly unpopular and usually meet with strong public resistance.

Both the Children's Secretariat and the NCPA were established post 1977 and as I will describe in this chapter reflected attempts by the central government and the Executive President in particular to strengthen their influence over large development projects, particularly those that were receiving international funding. Here, I explore in particular how political objectives converged with *class* alliances in attempts to retain control of the different parts of the state bureaucracy. This chapter also demonstrates the importance of social relationships and political support in shaping the trajectory of development policy and programmes.

¹³ In 2009 the percentage of public sector employment had risen further to 15.5% (Central Bank of Sri Lanka 2009).

The Children's Secretariat

The establishment of the Children's Secretariat in 1979 marked a new phase in children's policy in Sri Lanka. When 1979 was declared the International Year of the Child (IYC) by the UN, the Sri Lankan government agreed to UNICEF's request to establish a Secretariat to coordinate events related to the IYC. Known as the International Year of the Child Secretariat (IYCS), it was established within the Ministry of Planning Implementation, whose Minister was the then President J. R. Jayewardene, the architect of the controversial constitutional changes of 1979 which conferred extraordinary powers to the Executive President. JR as he was known was also the person widely regarded as the driving force behind the 1977 economic liberalisation programme. Jayewardene himself was one of the last remaining members of Sri Lanka's first post-independence cabinet, the son of a former Chief Justice and part of the traditional ruling elite class who had stepped into power after independence. The Jayewardene government was regarded as liberal and pro-western and received significant amounts of foreign aid from Western countries. Many internationally funded large scale development projects were initiated during his two terms in office and the Ministry of Planning Implementation was one of the key Ministries coordinating the flow of development aid at the time.

The Secretary to the Ministry was Dr. Wickrama Weerasuriya, the brother-in-law of another powerful Minister, Gamini Dissanayake, who himself was in charge of the largest development programme to be implemented during the time, the Accelerated Mahaweli Development Scheme, an ambitious irrigation and hydro electricity generation project. The Planning Implementation Ministry as well as the IYCS was situated within the Presidential Secretariat directly under the authority of the President. Malsiri Dias, a senior academic at the University of Colombo was encouraged by President Jayawardena to apply for the post of Executive Secretary of the IYCS and was appointed in 1979 as its first Executive Secretary. The Secretariat was almost entirely funded by UNICEF and the first year of its work was mainly related to events promoting the IYCS. Subsequently it went into implementing

projects also mainly funded by UNICEF, using what Malsiri Dias described as “a basic needs approach”.¹⁴

One of the IYCS’s earliest projects was improving water and sanitation facilities around the country. It also implemented various projects on health, nutrition, maternal and child health and was instrumental in initiating the breast feeding campaign among mothers during the early 1980s. These projects were consistent with the approach that UNICEF and other international donors were taking at that time in relation to working with children, which was to focus on child and maternal health and education (UNICEF 2006). Discussing her role at the IYCS Mrs. Dias said:

I could do whatever I wanted. I had complete independence and flexibility so I didn’t have to operate like a typical bureaucrat. Dr Weerasooriya who was JR’s man, was also an academic, no? So he was very supportive. And if there was any problem, we had direct access to the President. But there was no interference. I had complete independence. I also had very good relationships with the Members of Parliament who really liked to have the IYCS projects, especially the water and sanitation projects in their areas.¹⁵

What Malsiri Dias said, draws attention to how the formal routines and procedures of the state bureaucracy, did not preclude other social relationships from influencing procedures and practices. At one level, the way in which Malsiri Dias was recruited reflects the politicisation of the process, where personal contacts of the Minister (in this instance, who was also the President) influenced appointments to the public sector. But interestingly, from Malsiri Dias’s perspective, it was precisely these personal relationships that allowed her to maintain her professional independence. Because she had links to the President and to the Secretary of the Ministry, she claimed that she was able to work without interference or political pressure. Malsiri Dias counted herself fortunate to have been able to maintain her independence while also enjoying the close support of the President and one of “his men”. The fact that

¹⁴ Interview with Malsiri Dias, February 2nd 2009

¹⁵ Interview with Malsiri Dias, February 2nd 2009

she was personally approached by the President, was what had persuaded her to take on the job. Dr Weerasuriya was also an academic from the University of Colombo and knew Malsiri Dias personally as she too came from a well-connected Sinhalese family in Colombo. The fact that she was among familiar and supportive social networks contributed to her decision to agree to taking on the work as she was assured that she would be able to work “without interference”. In other words, the patronage of a powerful politician from her own social class was what enabled Malsiri Dias to carry out her work professionally unlike “typical bureaucrats” who without that protection presumably had to compromise their professionalism.

Reflecting the ways in which each political regime appointed their own people to key positions, Malsiri Dias did not continue her work at the IYCS after President Jayewardene’s term of office ended. With the election of a new President, Ranasinghe Premadasa, Malsiri Dias declared that she “walked out” of the job without even applying for her pension because there was “too much interference” in her work under the new regime. In fact, she stated that she had walked out so abruptly that her staff had forced her to do the necessary paperwork after she left to ensure that she didn’t lose out on the government pension that she was entitled to for her service. The Premadasa era also saw the end of Dr Weerasuriya’s tenure in office which had also influenced Malsiri Dias’s decision to quit since he had been her strongest ally and supporter. Subsequent to her resignation from the IYCS Malsiri Dias started working in the non-governmental sector and became closely involved in the SOS Children’s Village Project, which had been initiated during her time at the IYCS. As she stated, her tenure in the IYSC helped her forge many links with the non-governmental sector which served her well after her premature retirement from her government job.

After the departure of Malsiri Dias, the activities of the IYCS gradually declined and it was finally relegated to a small unit within the Ministry of Social Services. Today the Children’s Secretariat as it is now known deals primarily with Early Childhood Education which was also one of the projects initiated during the time of Malsiri Dias.

Changing global policy on children and the emerging problem of child sex

In the 1990s, the global discourse on children had also shifted from a basic needs approach to a child protection discourse with an increasing emphasis on child rights. Two important international events marked this shift. One was the World Summit for Children in 1990 with world leaders signing a World Declaration and 10 Point Plan of Action setting child related human development goals to be achieved by the year 2000. The Convention on the Rights of the Child (CRC) also came into force in 1990 and with it child protection especially in terms of reaching the most vulnerable children became a key concern for agencies working with children (UNICEF 2006; Crewe 2010). Local and international attention and funding gradually shifted from nutrition, education, maternal and child health to child abuse, child labour and child soldiers. The basic needs approach of the IYCS was therefore out of step with this shift to a rights based approach and possibly also contributed to its gradual decline in importance or at least favour, among donor agencies.

The sensational exposure of foreign paedophiles resident in Sri Lanka or visiting Sri Lanka for what was known as “child sex tourism” by English language journalist Maureen Seneviratne during the early 1990s caused wide spread shock. Even earlier than Seneviratne, Tim Bond of the INGO *Terres des Hommes* had published a report on child prostitution in Sri Lanka in the 1980s highlighting for the first time the existence of child prostitution especially along the coastal areas which were popular tourist destinations. According to Bond around 2000 boys under 18 years were engaged in commercial sex work (Bond 1980). The then government had set up a review committee to consider enacting laws prohibiting the commercial sexual exploitation of children, but this came to no avail at the time (Seneviratne 1999). Maureen Seneviratne however, took up the cause of the sexual exploitation of children with a passion. She campaigned widely on what she called the “invisible problem of child prostitution” (Seneviratne 1999:1). Her emotive language and dramatic style of writing horrified her mainly English speaking audience with her revelations. She wrote of children from “poverty stricken backgrounds, from dysfunctional homes, of single parents unable to fend for their large, hungry families,

born out of the parents own violation and ignorance” who were “lured” by “child lovers” to lives of unspeakable horrors. The child that is thus taken is vulnerable and helpless:

He has we repeat, no other life. He is sent. He is lured. He is taken. He is bought. He is sold to these Houses of Horror that, alas, continue to abound in our land (Seneviratne, 2006:3).

The images she conjured of poor, hungry hordes of children, sold by ignorant and dysfunctional parents, conformed to the images her readers had of the poor as well as of sleazy tourists in a haze of alcohol and drugs preying on poor, hungry children on the golden beaches along the coasts of Sri Lanka. Her stories horrified her reading public and the issue of child sex tourism particularly within the coastal areas in Sri Lanka became a topic of considerable interest during this time. Some reports claimed that there were as many as 30,000 child sex workers in Sri Lanka.¹⁶

In the early 1990s, around the same time as Seneviratne was exposing sexual abuse as a major problem for Sri Lankan children, Professor Harendra de Silva, a well known and ambitious consultant paediatrician began raising the issue of child abuse, especially with regard to the medical identification and treatment of child abuse. He was working during this time in Galle, in the Southern Province of Sri Lanka where tourism was a flourishing industry and also where there were several state-run homes for children. He drew attention to the inadequacies of the existing medical and legal system to deal with the problem of child abuse and joined the call for reform and new legislature to respond to what was described as a widespread problem. At the hospital where he was working at the time, which was attached to the Medical Faculty of the Ruhunu University in the Southern Province, he initiated new procedures for the diagnosis of child abuse including setting up case conferences to deal with the treatment and rehabilitation of abused children.

Maureen Seneviratne and Harendra de Silva began to work closely with UNICEF and other international organisations in implementing programmes to combat child

¹⁶ This figure was disputed by the government at the time as wildly inaccurate (personal communication, retired senior official of the DPCCS)

abuse and advocating for stronger legislation. One of the senior members of staff at UNICEF at the time was Dr. Hiranthi Wijemanne, who was also supportive of de Silva's work and worked together with him and Seneviratne drawing attention to the issue of child abuse in Sri Lanka. Maureen Seneviratne initiated the Protecting Environment and Children Everywhere (PEACE) Campaign in 1991. Writing about the acronym PEACE she says:

It is good to be known as peace makers though PEACE is really (sic) engaged in a war. A deadly combat against most hideous crimes (Seneviratne 2006:5).

The issue of child abuse had also caught the attention of the newly elected Chief Minister of the Western Province, Chandrika Bandaranaike Kumaratunga. Kumaratunga was the daughter of two former Prime Ministers and came from one of the most powerful political dynasties in Sri Lanka. Kumaratunga went on to win the Presidential Elections in grand style in 1994. Her regime had come into power on a wave of support from human rights activists, peace activists and civil society movements and she had promised an era of reform. She had defeated a deeply unpopular UNP regime which had been in power for 17 years and had been particularly brutal in its destruction of the JVP led insurrection in the South during the late 1980s (see Wadugodapitiya 2009). She was seen as progressive and reformist and upon election as President, set about initiating reforms in a range of sectors. She appointed a Presidential Task Force on Child Abuse in 1996, chaired by Harendra de Silva. Maureen Seneviratne and Hiranthi Wijemanne were also appointed as Task Force members. The main recommendation to come out of the Task Force was to establish a National Child Protection Authority (NCPA) which was given wide ranging powers to develop policy, monitor and implement child protection interventions. The NCPA was also to have its own police desk which could investigate and prosecute incidences of child abuse. Based on the recommendations of the Task Force, the NCPA was established by a special act of Parliament in 1999.

The NCPA functioned in the Presidential Secretariat reporting directly to the President. As in the establishment of the IYCS, UNICEF was closely involved in setting up the NCPA, providing initial funding for its work. The NCPA's senior

employees were handpicked by de Silva and its Board of Management was appointed by the President. It was inevitable that Harendra de Silva was appointed as the first Chairperson of the NCPA. Both Hiranthi Wijemanne and Maureen Seneviratne were appointed to the NCPA Board. The NCPA was also empowered in 2001 to establish District Child Protection Committees (DCPC) in each district to coordinate child protection work (Jayasekera 2006). The DCPCs were also in line with international donor interests in establishing mechanisms to coordinate and streamline services in order to increase efficiency and effectiveness (Paris Declaration 2005). Not surprisingly, UNICEF was keenly interested in the establishment of the DCPCs and partnered with the NCPA in this initiative. This meant that theoretically, the NCPA was responsible for overseeing and coordinating work related to children throughout the island. However, it did not have a staff presence outside Colombo and it was assumed that it would work closely with the DPCCS in the districts.

But the relationship between the NCPA and the DPCCS was contentious and often quite bitter. The two agencies seemed to represent two different cultures - both in terms of approaches to children as well as work cultures. The DPCCS was part of the slow moving, old fashioned state bureaucracy while the NCPA represented the new way forward and being directly under the President, was far more powerful and proactive. The reforms, energy and new vision promised by the Kumaratunga Presidency were represented in the energy and dynamism of the NCPA which promised to cut through the red tape and lethargy of the traditional bureaucracy to deal with child abuse. The implicit criticism of the DPCCS that was evident in the very establishment of the NCPA however coloured the relationship between the two agencies. The NCPA's close association with the President and the high profile of those involved in it further highlighted the distance between the DPCCS and the NCPA. Rather than a collaborative relationship, what ensued especially at the provincial level was a tense and sometimes hostile one.

The relationship between the Probation Unit and the NCPA

Once at the Probation Unit, when I mentioned my desire to interview the NCPA coordinator in the district as part of my research, I was met with a sceptical response: "Why do you want to interview them? They don't know anything!" said the POIC.

This was the usual attitude among many people within the DPCCS about the NCPA. When I asked the Chief Probation Officer of the Province whether she knew the NCPA coordinator of the district in which the Provincial Office was based, she rather dismissively asked me, “Do you mean the very fashionable young girl at the District Secretariat? Yes, I have seen her”. Clearly, the young and fashionable NCPA coordinator was not someone to be taken seriously. By commenting dismissively on her dress sense and her age, the Chief PO conveyed her contempt for someone she saw as ineffective and incapable.

On another occasion when I was talking with the Chief PO, she mentioned a meeting which she had attended that was also attended by the current Chairperson of the NCPA and the NCPA district coordinators. According to her, the reports that had been compiled by the NCPA coordinators were so bad and unprofessional, even the new NCPA Chairman had been embarrassed:

I also noticed that they were just writing stories, there was nothing professional about it. But I didn't say anything. The new NCPA chairperson is a sociologist, no? So, that is why he would have realised that the reports were so bad.

I found the reference to the fact that the new NCPA chairperson was a sociologist interesting. I often heard complaints from staff within the DPCCS that the child care sector was being dominated too much by doctors and lawyers and that many of the problems that they were facing in the sector were due to the attitudes of doctors and lawyers who didn't understand or know how to work with people. The staff of the DPCCS in contrast, traditionally had sociology or social science backgrounds. I heard a lot about the “different” approach of the NCPA compared to that of the DPCCS. This different approach was not considered an improvement or adding value to the existing approach; instead it was regarded as something that was inappropriate; a fad, not motivated by the desire to help children but rather by the medical and legal profession's arrogance.

This negative and critical viewpoint regarding the NCPA seemed to be a factor in which the DPCCS was united. Usually antagonistic factions within the department were in complete agreement in their opinion regarding the NCPA. Mr. Ediriweera, a retired staff member of one of the state run institutions for children was very critical

of the NCPA when I spoke to him. According to him the problem with the NCPA was that it focussed on implementing the law and showing their power, not on the welfare of children. He felt that this was because the NCPA was more influenced by “Western” ideas and tried to do things that might work in the West, but not in the East: “There is a way of working with children from the East. Change in this part of the world has to come slowly and gradually”.

Mr. Ediriweera, illustrating why he thought that the NCPA worked too fast, described an incident in a state-run institution for children of which he had been the head. An NGO working with the NCPA used art therapy with children in the institution as part of their programme to provide psychological therapy for abused children. He related a story about a young boy in the institution who had drawn an explicit picture of a woman showing the different parts of a woman’s body, including her breasts and genital area. This had caused much consternation and questions had been raised as to how the child had been “inspired” to draw such a picture. The NGO had suspected the staff members in the institution of showing pornographic material to the children and had reported the incident to the NCPA. The NCPA had pressured the Department to conduct a formal inquiry in the institution. Mr. Ediriweera said that it had been revealed at the inquiry that the children had participated in several HIV/AIDS awareness programmes in which children had been shown pictures and videos of human bodies and he claimed this was where the young boy had got his “inspiration” for the drawing that had caught the attention of the NGO. To Mr. Ediriweera, this was an example of the way in which the NCPA rushed to wrong conclusions because they were more interested in enforcing the law than trying to understand what really happened. It was also an example according to him of how the NCPA was constantly suspicious of the work done by the staff of the DPCCS. According to Mr. Ediriweera, the NCPA was more interested in trying to find fault with the staff of the DPCCS than in the welfare of the children.

Certainly, several studies conducted by non-state agencies on the conditions in institutions managed by the DPCCS were unequivocal in their condemnation of the conditions and the treatment of children within these institutions (See Wijethunga 1991; Samaraweera 1997; Dias 2001; Jayathilake and Amarasuriya 2005). Most of

the reports had called for substantial reform of existing child protection and welfare services. The NCPA was mandated to monitor the conditions in these institutions as well. However, from Mr. Ediriweera's point of view, the NCPA was mainly interested in "finding fault" with the staff of the DPCCS rather than in attempting to solve the problems of the children in institutions.

The important point of Mr. Ediriweera's story was the idea that the NCPA "caused trouble" for the staff of the DPCCS. Knowing that the NCPA had the authority to investigate them was something the DPCCS staff very much resented. I was told many stories of how the NCPA had over reacted to situations which, according to the staff of the DPCCS, reflected their eagerness to cause problems for the staff of the DPCCS rather than their concern for children. The staff of the DPCCS often accused the NCPA of not understanding the constraints they worked with and for being overbearing and arrogant in their manner.

Another incident that illustrated the relationship between the two agencies during my field work was when a boy of about 17 years came into the Probation Unit, with his mother. The mother who looked as if she was about 50 years old was clearly suffering from some kind of mental health problem. She wandered around the room getting in the way of the other people there while muttering to herself. She had come to the Unit to meet with the POIC who was in court at that time and although she was asked to wait, she kept going up to each of the other staff members to inquire exactly how long she would have to wait for the POIC. The son followed her around worriedly, trying to get her to sit in one place. Needless to say, this behaviour did not endear her to any of the staff at the office. Karunaratne, who was the self-appointed Probation Unit receptionist, finally snapped at her "now how many times were you told? Sit down and wait till she comes; she is in the court. Stop bothering these other officers". Somewhat cowed by this sharp rebuke, the woman sat down on a chair and waited for the POIC to return from court.

DA Nimal who knew the boy filled me in on the background of the case. The boy had been placed at a state run institution for children when he was 12 years old. His father had died from injuries he had sustained after falling from a tree. The mother was a casual labourer and had left the child alone at home while she went looking for

work. The child had not been going to school regularly and had gradually dropped out and was barely literate. According to DA Nimal, the young boy had been “used” (*pāvicci karā*) by neighbours to run errands for them and had fallen in with a “bad” set who had introduced him to cigarettes and alcohol. He had also been badly sexually abused. DA Nimal also said that the boy’s “level of mental understanding” was not very high and that he was easily influenced by unscrupulous adults. When this situation had been brought to the attention of the Probation Unit, the recommendation of the PO in charge of his case had been to place him in a state run institution for children.

During the time that the boy was in the institution, the NCPA had started investigating several complaints that had been made against the staff of the institution for mistreating the children. Instead of investigating these complaints DA Nimal said the NCPA investigators had “discovered” homosexual relations between the boys in the school. Apparently, several older boys, including this boy had been then charged with the sexual abuse of the younger boys. The boy who was in the office that day had been discharged from the institution because he was too old to remain in the institution. The case on sexual abuse in the institution was still being heard and the mother and son had come to the office to meet the POIC regarding the case.

The POIC later discussing the case with me said that this was not a case that should have been pursued in the court. According to her, this boy did not have the “mental capacity” to process what went on in his life and had confessed to a crime he did not understand. The POIC called a lawyer she knew to ask whether there was any possibility of getting this case dismissed. Since cases of sexual abuse were prosecuted by the Attorney General’s department, after filing a case, police and Probation services usually had to wait for instructions from the AG’s department whether to proceed with the prosecution or not. That is, the police had to provide the AG’s Department with the evidence in order for the AG’s Department to assess about whether the case could be prosecuted. Therefore the POIC was hoping to get advice regarding the possibility of getting the case dismissed by the AG’s department. DA Nimal agreed with the POIC’s view that this case should not have

been filed in court saying that staff at the institution (he too had worked there briefly), usually dealt with these kinds of problems internally, but did not let it get to court. DA Nimal said that if the staff caught boys engaging in homosexual behaviour they punished them by giving them hard physical work (weeding the garden, cutting grass, digging holes were the examples he gave me of the kind of punishments they imposed) and left it at that. According to DA Nimal:

The NCPA works as if they have fallen from the sky (*ahasin waṭṭila wagē*) instead of working with the Department. We don't put children into court unnecessarily - these are normal (*sāmānyya*) things between boys.

This reaction of the staff surprised me. My observations of how they handled other cases had led me to believe that they strongly disapproved of sexual activity among unmarried people, let alone children. I had often observed POs castigating young girls for engaging in “immoral” behaviour or parents being scolded for not teaching children “proper” values. This rather casual attitude regarding homosexual relations among boys didn't seem consistent with the norms of sexual morality that I had observed in relation to some of the other cases they dealt with. Neither did the DPCCS staff seem particularly worried about the fact that younger boys were vulnerable to sexual abuse by older boys in these institutions. While it was true that many of the moral strictures and concerns about sexuality were directed towards women and girls rather than boys and might have explained this rather relaxed attitude in this case, I couldn't help wondering whether the fact that the case had been filed by the NCPA had something to do with it as well. Was the prosecution of the case being resisted by the DPCCS because it had been initiated by the NCPA? Or was it a pragmatic and sympathetic response to a situation which the staff of the DPCCS knew could not be solved through a lengthy court process?

So, was this animosity between the two agencies merely to do with a clash of approaches and two institutions trying to protect their turf? The way that the staff of the DPCCS described the NCPA indicated more than a difference of professional approaches; what was suggested was also a *cultural* difference. Mr. Ediriweera had said that the NCPA was too influenced by the West; DA Nimal had observed that the

NCPA behaved “as if they have fallen from the sky” and the Chief Probation Officer had dismissed the NCPA coordinator as “fashionable”.

Different visions for children

The DPCCS and the NCPA were established in very different circumstances and had very different approaches to working with children. The DPCCS (as described in Chapter 1) was established in response to what was seen as the main problem at the time: juvenile delinquency and child neglect. Child neglect was perceived as a problem within the environment usually a result of poverty and ignorance. In contrast, the NCPA’s main focus was child abuse, where the main concern was with providing medical and psychological care for the child victim and pursuing legal action against the perpetrator of abuse. The mandates of the two agencies reflect the differences in approaches. The mandate of the DPCC is about providing protection for “orphaned, abandoned, destitute children and others in conflict with the law”.¹⁷ The very words conjure up images of poverty, ignorance and degradation. The vision statement of the NCPA in contrast is much broader and more general to all children, as it says that it will promote and create a “protective environment” for “all children at family and community levels as well as schools and institutions” to ensure that children are protected from “abuse and exploitation including physical, sexual and emotional abuse”.¹⁸ The NCPA vision of the child who needed care and protection was not only of the poor, hungry delinquents (and potential delinquents) envisioned in the DPCC; rather the risks to children that the NCPA were dealing with were more pervasive and ubiquitous.

The NCPA emphasised what is usually regarded as a rights-based approach, where children were seen as vulnerable victims whose rights had been violated. Thus, the focus was on apprehending and punishing the person or persons who violated these rights. The establishment of the NCPA took place within a changing development and humanitarian discourse with an emphasis on individual vulnerabilities, with the

¹⁷ <http://probation.gov.lk/web/index.php?lang=en> accessed on 22nd November 2009

¹⁸ <http://www.childprotection.gov.lk/home.html> accessed on 22nd November 2009

resultant popularity of what Vanessa Pupavac (2001a) has described as the “therapeutic model” of intervention. This model stresses the need for professional intervention to address these individual vulnerabilities rather than paying attention to the environment within which such vulnerabilities are developed. The child whose rights had been violated did not require moral training or education, but justice. The difference in approach between the NCPA and the DPCCS also reflected a shift in the way vulnerability was identified: rather than an issue of material circumstances such as poverty and access to proper health and education which is implicit in the DPCCS approach to dealing with “abandoned, destitute and orphaned children”, vulnerability to abuse was located in the individual’s lack of a protective environment in the NCPA’s approach. The protective environment could include health and education but what was stressed in this approach was the individual’s vulnerability in accessing these services. The emphasis was on “empowering” individuals so that they could better access those services. The NCPA’s approach also represented the moral panic around child sexual abuse that was prevailing at the time and viewing children as victims of permissive adults (see Hendrick 1994).

According to Pupavac (2001a), the therapeutic model of intervention held adults responsible for the misery of children. Since theoretically all adults were capable of neglecting and abusing children the risk to children was more pervasive, more omnipresent. This also changed the form of interventions - rather than reform, rehabilitation and correction, children needed protection and abusive adults had to be punished. Residential institutions where children underwent training and education as part of their rehabilitation were no longer seen as effective or useful; indeed, these institutions themselves were viewed as sites of child abuse. The new child protection model instead favoured individualised interventions that dealt with the child’s emotional and physical trauma. The NCPA’s medico-legal approach was far more in line with this discourse than the more traditional social work approach of the DPCCS.

This medico-legal approach was evident in the District Child Protection Committees (DCPC) the NCPA established in some districts. For instance, in many of the districts where DCPC were established they had the authority to call for case

conferences in relation to cases of child abuse in the district. The DCPC were usually chaired by the District Agent (DA), the most senior government representative in the district and had the participation of the DPCCS and all other agencies working with children in the district. Usually, the presence of several members of the medical profession was evident in the DCPC, especially psychiatrists, paediatricians and Judicial Medical Officers. Very often, one of the doctors took a lead role in the DCPC. The effectiveness of the DCPC usually depended on the level of interest of one of the doctors present as the DA was rarely interested or particularly aware about child protection issues. More recently, the NCPA appointed District Coordinators in an attempt to establish a staff presence of their own at the district level. The NCPA however, was not able to establish functioning DCPC in every district although there were some that became quite powerful entities coordinating and monitoring child protection work in the district (Jayasekera 2006).

The reaction of the staff at the Probation Unit to the DCPC in their district reflected some of the difficulties the NCPA faced while trying to coordinate child protection work at the district level. This particular DCPC was nominally chaired by the District Agent but in reality was dominated by the Consultant Paediatrician from the district hospital. Several other doctors, representatives from NGOs in the district as well as other government officers were on the DCPC. The Chief PO and POICs were expected to participate in the DCPC. However, at the Probation Unit, participation in the DCPC was viewed as a waste of time. PO Mrs. Kularatne, who often referred to the law or to the regulations of the DPCCS to justify her willingness or reluctance to take part in certain activities, pointed out that there was nothing in the Standing Orders of the Department which stated that POs had to participate in the DCPC. This was of course not surprising considering that the Department Standing Orders had not changed significantly since 1956! Once when one of the paediatricians on the DCPC called the Probation Unit to ask for the participation of a PO at a case conference for an abused child, PO Mrs. Kularatne who was the most senior PO in the office on that day, refused to participate in the case conference. Instead, she requested the doctor to first speak to the Commissioner of Probation and Child Care Services as she stated that she could not participate in any activity without being instructed to do so by the Commissioner. As she explained to me later on:

We have to be guided by the Standing Orders or by the instructions of the Commissioner. We don't have to run when we are called by these doctors. They don't know anything about children. They have suddenly become interested in children and expect us to run around to their orders. They do all these things for their own glory not because they are interested in children. This is the fault of our senior people: they do not know the rules and regulations of our department properly and then end up running around on the orders of all kinds of people. As a result, our work gets unnecessarily complicated and chaotic.

In refusing to participate in the case conference called by the paediatrician, PO Mrs. Kulatunga was showing her resentment at having to “run around” on the orders of a doctor who in her opinion had no authority to instruct her. In doing so she was also challenging the authority of the NCPA or the DCPC to instruct the staff of the DPCCS or to coordinate their work. The resistance of the staff of the DPCCS to taking orders or to being coordinated by the NCPA or the DCPC meant of course that the NCPA's role as a monitoring and coordinating body for child protection work in Sri Lanka was severely constrained.

The two worlds of the NCPA and the DPCCS

The composition of the Board of the NCPA reflects its medical and legal focus. Among the first NCPA Board Members were eight doctors, two psychologists and one lawyer. The doctors were all Consultants and attached to Medical Faculties or were working for national and international agencies. The two psychologists on the Board were also attached to local universities. Apart from the professional identities of the people involved in the NCPA what is interesting is their social background. The first Chairperson of the NCPA, Harendra de Silva was a well known paediatrician from Colombo and his wife, also a doctor was a senior bureaucrat at the Ministry of Health. Maureen Seneviratne was a well known English language journalist and author; she was in fact the author of the biography of President Kumaratunga's mother, Sirimavo Bandaranaike, the world's first female Prime Minister. Hiranthi Wijemanne, apart from her professional identity was from a prominent business family in Colombo; they formed part of the English speaking elite class in Sri Lanka and wielded considerable political and social influence.

Many of the full time employees working at the NCPA, especially the staff of special projects funded by international donors, were mainly bilingual, (thus fluent in English) and educated in some of the more elite schools and universities (including foreign universities). A significant number of NCPA employees had a degree in psychology. Psychology was available only in one university in Sri Lanka, and thus some of the NCPA staff had obtained their training in psychology from foreign universities. Importantly, their exposure to international education and development made them extremely comfortable in the international policy and development sector. Many had experience working within the NGO and INGO sectors. Communicating with foreign donors, international development practitioners and policymakers was part of their repertoire of skills. The social networks of the expatriate and local staff in the non-state agencies and some of the staff of the NCPA were the same. The NCPA also had foreign interns working with them for short periods of time. Since the NCPA was an independent authority directly under the President at the time of its inception, and not part of any Ministry, it had a far more flexible recruitment procedure than other government departments. It was able to raise funds from donor agencies and hire project staff on short-term contracts. This was in stark contrast to the background of the staff at the DPCCS, the process by which they were recruited as well as the relationship the DPCCS has with international donors and policymakers.

Professor Harendra de Silva's high profile, as well as President Kumaratunaga's interest in the NCPA, also meant that it attracted far more media attention than the DPCCS. De Silva was often interviewed by the media and the NCPA was contacted for information and statements regarding children rather than the DPCCS. This was especially evident when the Asian Tsunami hit Sri Lanka in 2004 and the international and national media were talking to the NCPA rather than the DPCCS for information about children affected by the Tsunami and the state's response. The DPCCS staff resented this media attention that the NCPA received and grumbled that while they did all the work, the NCPA merely hogged the limelight.¹⁹

¹⁹ Personal communications from various staff members of the DPCCS in the Southern Province

While the IYCS was also an agency that was established somewhat externally to the public service, it had nominally worked within a Ministry; as explained by Malsiri Dias, the work of the IYCS was implemented by local government bodies, including the DPCCS. The role of the IYCS had been mainly providing financial and technical support to local government officials to implement projects under the IYCS programme. Malsiri Dias described how she had travelled to all the districts in the country to meet with local government officials and to develop plans for child welfare with representatives from the local governments. The personnel of the IYCS were also quite integrated into the public services. For instance, the staff were part of the Ministry of Planning Implementation and not directly employed by the IYCS. Many of the staff who had worked in the IYCS had gone on with their careers within the SLAS and other areas of public service. In fact, as Malsiri Dias pointed out to me rather proudly, one of her staff at the IYCS was eventually appointed as the National Commissioner of Probation and Child Care Services.

In contrast, the NCPA functioned as a wholly external body; it reported directly to the President and not to any Ministry. Also, while the IYCS was regarded as a body that provided technical and financial support to implement projects on children, the NCPA had been given the authority to monitor the work of other agencies including that of the DPCCS. At the same time, the NCPA was also directly implementing child protection work almost in competition with the DPCCS. They had their own police unit and investigated child abuse cases independently of the DPCCS. The NCPA also opened an institution for sexually abused girls although it was eventually handed over to the DPCCS.

In many ways, the establishment of the NCPA reflected attempts to circumvent what was often seen as the bureaucratic lethargy of the existing public services through the introduction of more modernised state agencies often serving directly under the Executive President. It was also the means through which the President was able to consolidate his or her power over the Ministries. But an inevitable problem was that the centralisation of power that characterised these authorities was often in conflict with the authority of provincial governments as well as ministries. Furthermore, while the NCPA and the other authorities were based in Colombo, implementing

programmes outside Colombo meant that they had to rely on the cooperation of the existing public services network in the provinces. Thus, the NCPA too had to rely on the staff of the DPCCS to carry out the work that they initiated. When it was clear that the staff of the DPCCS were reluctant to implement projects initiated by the NCPA, they appointed their own staff members. The NCPA coordinator who did not impress the Chief Probation Officer of the province, mentioned above, was one such recruit. In reality, these NCPA coordinators, who were usually young graduates, often found it extremely difficult to obtain the support of the staff of the DPCCS who viewed them with suspicion. As a result, the two agencies worked in isolation from each other at the community level.

In addition to the professional differences between the personnel of the two state agencies, I also suggest that the “different world” that the DPCCS staff referred to in relation to the NCPA reflected the social and class differences in the composition of the two state agencies. The key people most closely associated with the NCPA came from backgrounds of privilege and connection. Most importantly they had strong political connections and support. All this meant that the NCPA was able to fit into the world of cosmopolitan international donors and international agencies with ease. While Harendra de Silva sometimes antagonised donors with his abrasive style, he was treated with respect and had established an international profile. The Sri Lankan staff who were employed by the international agencies also came from his own social and cultural background enabling him to negotiate with international agencies far more effectively than the DPCCS was able to do so. This was also true for several staff members within the NCPA. In many ways the social and cultural world of the NCPA was far more aligned with that of the international development sector than with the social and cultural world of the DPCCS. The social and cultural milieu inhabited by the staff of the NCPA was often the space from which the staff of the DPCCS felt marginalised and distanced. At meetings where staff from the DPCCS, the NCPA and international agencies were present together, the DPCCS staff were often silent; these meetings were usually conducted in English, a language in which they were not fluent. Sometimes they would be asked a question in Sinhalese but very rarely would they actively participate in the conversations. Evidently, despite

the vernacularisation of the bureaucracy, English language still had a role to play especially at the higher levels of the bureaucracy or closer to the sources of power.

The importance of language in determining a person's social position and status in Sri Lankan society was illustrated to me during a conversation I had with Tyrell Cooray, former Deputy Commissioner of the DPCCS. Tyrell Cooray had joined the DPCCS as a PO soon after it was established and had seen most of the changes taking place in the DPCCS. He talked of the respect with which a PO was regarded, the prestige attached to the public services and the quality of services that the DPCCS provided. When I asked him why he felt that POs were less respected today than they had been in the past, after thinking for a while this is what he said:

There are a number of factors. One possibility is that (these) people are not able to converse in English today. I don't blame these people - that is the education system. Magistrates would normally converse in English. Most of the lawyers are English speaking. Right. So that is one aspect. The other thing was that all POs had a car (in the past). The car was a status symbol. 95% of POs had their own cars or they had what was called a "borrowed car" and you were paid a fuel allowance.²⁰

Cooray's comment on the inability of current POs to speak English being linked to their loss of status is revealing in what it says about how social position, class and status is measured in Sri Lanka. Language and certain symbols of status such as a car are important means through which a person's social position is measured and according to Cooray, a person's ability to command respect was also linked to her social position. POs no longer spoke English fluently nor did they possess a car unlike the Magistrate with whom they interacted quite closely. And this symbolised their lower status and according to Cooray, explained why they were treated with less respect now compared to in the past. Tyrell Cooray himself came from a different era, when POs spoke English and drove cars. But what was most interesting in what he said was his implication that the way that the POs were currently regarded had nothing to do with their effectiveness or efficiency, but their *social* status. Tellingly, Cooray told me that he never had any problems dealing with

²⁰ Interview with Tyrell Cooray, 27th October 2008

the NCPA. After retiring from the DPCCS, Tyrell Cooray was associated with PEACE as well as other international NGOs such as Save the Children and Hope for Children.

An incident that took place in the office further reinforced Tyrell Cooray's point about how language denotes a certain class position and how this influences social and even professional interactions. One day when I arrived at the Probation Unit around 9 a.m. I found the office teeming with people. Unlike the usual crowds who gather at the office, who are generally quiet and sit or stand till they are called by a member of staff, these people were chatting loudly and making their presence felt in the office. A children's home run by a charity organisation based in Colombo had been ordered to shut down as the home had not been properly registered. The manager of the home was a Sri Lankan who had lived most of his life in Australia and had recently returned to Sri Lanka. He was accompanied by his lawyer, who was from a well known legal firm in Colombo. The case was being heard in court that day, and the Magistrate had ordered the parents of the children to appear in court. The children were from low-income families in Colombo and their parents had travelled early in the morning to the Probation Unit with the management of the children's home to appear in court. When I came into the office, the lawyer representing the children's home was talking to the POIC and I could sense from the POIC's expression that she was not happy. After the lawyer left, the POIC said to the others, "*Mahā katta gæniyek*" (she is a very cunning woman) and she instructed the other PO who was appearing in the case with her to make sure that the children were sent home with their parents as soon as possible. Returning some time later, the lawyer started talking to DA Nimal. According to her it was the inefficiencies of the DPCCS that had caused this mess and she pointed out to DA Nimal that the state had to be responsible for the children and should act in their best interests. She felt that the children were being looked after well in the home and that it was only due to bureaucratic delays and mishandling that this problem had arisen. DA Nimal listened silently with an expressionless face. Seeing me seated nearby, the lawyer turned to me and in English (she had spoken with the Probation Unit staff in Sinhala) explained how the Board of Management of the children's home had applied for

registration many months ago, but that the DPCCS had kept raising objections needlessly.

I felt acutely uncomfortable during this conversation, as I realised that in speaking in English with me she was perhaps unintentionally indicating her class distinction from the staff and I knew this would be viewed with disapproval and resentment by them. The lawyer behaved in a way that expressed her impatience and disdain for the staff of the Probation Unit and in doing so conformed to the “arrogant” image the staff have of English speaking people from Colombo. But this attitude of the lawyer certainly didn’t help her cause. The POs provided a critical Social Report to the court regarding the children’s home she represented and recommended its closure and for the children to be returned to their parents. The Magistrate concurred with the decision of the POs, and the children were handed back to their parents. I was never sure to what extent the decision of the POs was influenced by their concern for the children or their dislike of what they perceived as the arrogant and superior attitude of the lawyer.

This incident highlighted the way in which class relations influenced everyday social relations in the Probation Unit. Most people coming to the DPCCS were careful to treat the staff with respect and a certain degree of deference as they realised that it did not serve their cause to be impatient or rude. The lawyer from Colombo conveyed her impatience and lack of respect and paid the price. Could it be that the NCPA was also viewed in a similar manner by the staff of the DPCCS?

Changing fortunes of the NCPA

Reflecting again how changes in political regimes can impact on different units within the state bureaucracy, the change of government in 2005 in Sri Lanka brought about tremendous changes in the NCPA and its leadership. Professor Harendra Silva’s reign at the NCPA was coming to an end. A man with considerable personality, he was the driving force not only behind the setting up of the NCPA but indeed its organisational culture. His forceful and often impatient style antagonised many people, especially within the DPCCS. At the Probation Unit, the NCPA continued to be associated with him and the staff’s views of the NCPA were largely

coloured by their experiences dealing with him. After serving two terms as chairperson, he was succeeded by Dr Hiranthi Wijemanne, who had retired from UNICEF after 26 years of service. She also had vast experience working both at local and global policy levels on child related issues having worked as a consultant and advisor for several Ministries as well as UN organisations since her retirement. However, she remained in the position only for about one year as she had made it known that she did not want to be in the position permanently. She was succeeded by Padma Wettewa, from the education sector, whose appointment by the new President, Mahinda Rajapakse, came as a complete surprise and caused much consternation in local child protection circles. Clearly out of her depth and struggling to fit into her role, her time in office was brief and unspectacular. She was followed by the current chairperson, Dr Jagath Wellawatte, a lecturer in Sociology from the University of Colombo, who is known for his close association with the current regime, especially the President.²¹

Most significantly, the NCPA is no longer under the President's authority but under the Ministry of Child Development and Women's Empowerment like the DPCCS. After the establishment of the Ministry of Child Development and Women's Empowerment by President Rajapakse, the NCPA, the Children's Secretariat (as the IYCS is now known) and the National DPCCS were brought within one Ministry. This has made the policy formulation and monitoring role of the NCPA weaker and instead it is like the DPCCS implementing child protection work especially in the areas of child sexual abuse. In many ways, the differentiation between the two agencies is becoming even less evident. NCPA's current struggle seems to be to carve out a niche for itself within the juvenile justice and child protection sector. As a consultant to UNICEF told me, "we can just ignore the NCPA now and get on with our work".

Is this change in composition and role of the NCPA reflective of the current regime's public distancing from the "Westernised" elite and its posturing as a champion of the "authentic" Sri Lankan? President Rajapakse's intransigent stand with Western

²¹ Since my field work yet another new chairperson has been appointed to the NCPA

nations critical of his government's human rights record and hard-line position regarding the ethnic conflict has been popular among the Sinhala middle class. He has often claimed to have "grown up in the village", stresses the fact that he's not from Colombo and has been critical of the West for attempting to undermine the sovereignty of Sri Lanka, rhetoric that has resonated with the suspicion of the West and of Westernised elites from Colombo that informs Sinhala nationalist consciousness. Like no other previous government the current regime has promoted itself aggressively as representing the "authentic" Sri Lankan; and by this what is meant is the non-Westernised, non-elite, Sri Lankan. The reorientation of the NCPA under the new regime certainly seems to reflect the displacement of a particular type of influence from the new circles of power.

At the same time the NCPA has also fallen out of favour with international donors. This was partly influenced by the increasing focus of international donor agencies on working with children affected by the armed conflict, demonstrating yet another shift in global policy on children. Since the Machel Report of 1996 on the impact of conflict on children, UN agencies had been highlighting issues in relation to war and its consequences for children, especially the issue of child soldiers (UNICEF 1996). For instance, in 2005, the UN adopted resolution 1612 which established a system for monitoring and reporting on the violation of child rights in situations of armed conflict (Nylund and Hyllested 2010). This meant that in Sri Lanka, the attention of international agencies shifted to children living in conflict areas and especially child soldiers. After the ceasefire between the Sri Lankan government and the LTTE in 2002, UNICEF was instrumental in negotiating an Action Plan for Children Affected by the War in 2003. The Action Plan included plans for releasing child soldiers recruited by the LTTE and for their rehabilitation (Nylund and Hyllested 2010).

The main partner in this initiative from the government side was the Ministry of Social Welfare under which Ministry the DPCCS was then located. This meant that the NCPA was effectively left out of what was one of the most significant programmes for children in Sri Lanka in the context of the conflict. This was mainly due to the fact that NCPA's network in the North and East was not as strong as in other parts of the country. It had no human resources to implement any activities in

the North and East and there were only two active DCPCs in conflict affected areas. Furthermore, the NCPA had taken a tough position with regard to the LTTE's child recruitment policy and this had antagonised the LTTE, one of the major partners to the Action Plan (see de Silva and Hobbs 2001). Other major international donors working with children were also part of the Action Plan and had strengthened their efforts in the North and East during the period after the ceasefire. Around this time, NCPA's strongest ally within UNICEF, Hiranthi Wijemanne, had retired as well and the UNICEF child protection unit's main focus during this time was implementing the Action Plan and their work in the North and East. One of the key projects within the Action Plan for UNICEF was releasing and rehabilitating child soldiers. This was UNICEF's flagship project creating a lot of international interest. The LTTE wanted the Tamils Rehabilitation Organisation (TRO) to be responsible for the rehabilitation of child soldiers and UNICEF as well as the government agreed. As a result, the NCPA lost its privileged position among international donors whose attention had shifted from combating child sexual abuse to rehabilitating child soldiers. Since the DPCCS was also one of the implementing agencies of the Action Plan, building capacity of the DPCCS took priority over the NCPA. Thus, the DPCCS became an important partner for international agencies supporting the Action Plan.

During the heyday of the NCPA when it enjoyed the support of the President and was the darling of international donor agencies, with Professor Harendra de Silva at its helm, the power of the NCPA seemed impregnable. The DPCCS seemed very much like the resentful and envious poor relation. Things have changed considerably since then. The NCPA no longer has the aura that it once commanded and the DPCCS seems far more assured of its place in the world. The DPCCS's presence and reach in the field is its main strength and where it was able to hold its own with the NCPA. As the POIC proudly told me:

The children know us and recognise us. When I went for an event organised by the NCPA, all the children came running to talk to me. They didn't know the NCPA staff. NCPA is all about "show". We are the ones who really care about children.

Changing visions of children, political alliances and class networks

This chapter focussed on the establishment of two other state agencies for children in Sri Lanka and especially on the relationship between the DPCCS and the NCPA. As with the establishment of the DPCCS, both the Children's Secretariat and the NCPA came into being as a result of the convergence of several translocal processes: changing local and global visions about children, political transformations in Sri Lanka, the influence of international funding agencies and shifting roles of the public sector. These translocal processes are also evident in the subsequent changes that have taken place in these agencies; changes in political regimes as well as changes in how children's problems are defined and identified paralleled the rise and fall of each of these state agencies.

This chapter also shows how particular political and social alliances influenced the different trajectories of the DPCCS, the Children's Secretariat and the NCPA. The vernacularisation of the public sector led to a decline in the prestige and respect within the DPCCS while the establishment of both the IYCS and the NCPA reflected the convergence of political and social alliances. The social relationships that existed between different actors were crucial for shaping child protection policy in Sri Lanka. In a context where expatriate staff of international agencies only stay in countries for short periods of time, the knowledge, political and social connections of local staff are crucial for how they can influence national policy (Eyben and Leon 2005). The key role played by Hiranthi Wijemanne in the establishment of the NCPA not only illustrates how the connections of local staff at UNICEF influenced national policy, but how crucial alliances between local staff, political and social elites shape particular development policy interventions. It also shows the way in which Sri Lankan staff from a particular social class within the local and international non-state agencies shift effortlessly between the state and non-state sectors; Malsiri Dias and Hiranthi Wijemanne continue to work in the international development sector as does Professor Harendra de Silva.

As pointed out by Spencer (2002) these alliances shows that the social and political elite in Sri Lanka have proved to be extremely resilient and adaptable to the complex political and socio-economic changes that have taken place in Sri Lanka. Although

outside the purview of my thesis, I would speculate that despite the public stance of the Rajapakse government as being “anti-elite” the threat to the survival of these social and political elites would not be significant.

What is noteworthy is how policies and interventions that reflected changing visions of children were entangled with these political circumstances as well as class alliances. This raises valid questions regarding the “neutrality” of development agencies and their interventions. Most importantly, it demonstrates how the trajectory of development interventions is deeply implicated in local social and political contexts. The establishment of the different state child welfare and protection agencies in Sri Lanka reflect how social alliances, political and professional ambitions as well as global development trends converged in order for particular interventions to be realised.

When examining the relationship between the NCPA and the DPCCS what is evident is that although they are both part of the state bureaucracy, the two agencies reflect not only very different goals, objectives and approaches but are also constituted very differently. It illustrates the fact that the state bureaucracy is far from unitary or integrated. It consists of multiple layers and sites and relates to the public in different ways. As the tension between the NCPA and the DPCCS illustrates, the state bureaucracy does not represent a unified, common front even on the same subject. Instead it shows how class and political alliances shape the distribution of power within the state and between different state agencies.

Chapter 4

Maintaining boundaries: child rights, the state and NGOs

Introduction

As one of the primary state service providers for children, the DPCCS has become the focus of attention of INGOs, NGOs and UN agencies working in the field of children and receives substantial amounts of training, funding and resources from international and national non-state agencies working in this sector. Additionally, non-state agencies working with children collaborate closely with the DPCCS to gain access to children and families in need of their services. For example, many children's homes in Sri Lanka are run by non-governmental and faith-based organisations. The children are placed in these institutions through the DPCCS and the children's homes are expected to abide by certain regulations of the DPCCS. Engaging with non-state agencies at different levels, whether local or international NGOs, UN agencies or philanthropic organisations was part of the everyday work routine for the Probation Unit staff. While some of these agencies can be described as providing auxiliary services to the DPCCS, for example managing institutions where children could be placed through the DPCCS, or providing vocational training for children under their care, there were some agencies (mostly the larger national NGOs, INGOs and UN agencies) which engaged with the DPCCS at a policy level. The agendas of these agencies were more ambitious; that is, they were attempting to reform and reorient the work of the DPCCS in line with certain global policy directions or legislation, main among these the United Nations Convention on the Rights of the Child (UN CRC). These organisations were involved in what was usually described as "capacity building" of the DPCCS.

The growing role of non-state agencies in the work of the state has been theorised as an indication of the transnational nature of the modern state. Challenging the notion that neo-liberalism resulted in the rolling back of the state, Ferguson and Gupta (2002) argue that the increasing involvement of non-state agencies points to a "new modality of government" which they refer to as "transnational governmentality".

They argue that transnational governmentality has disturbed the “vertical encompassment” of the spatiality of the traditional state: where the state is thought of as situated above society, containing localities, regions and communities within it (2002:989). Gupta and Ferguson go on to say that the routinised practices of state bureaucracies construct an image of a hierarchical, authoritative and all encompassing state but that increasing transnational connections are enabling the “local” to challenge the state. Non-governmental organisations with global links, they argue, disturb the traditional spatial arrangement of the state by occupying and operating in the same space. Thus, the bureaucratic practices that produce the vertical and encompassing characteristics of the state themselves have been transformed revealing the transnational nature of both the “state” and the “local” (Gupta and Ferguson 2002).

Analyses of the state using the notion of governmentality (Foucault 1991) propose a view of the state as a source of power and domination over populations. The notion of transnational governmentality merely shifts the source of power from the “nation-state” to a more complicated model of governmentality consisting of “global” and “local” partnerships. Ferguson and Gupta argue that transnational organisations are both local and global and operate at the same level and in the same space as the state (Ferguson and Gupta 2002). The presence of non-state agencies at every level of the state bureaucracy in Sri Lanka certainly appears to validate Ferguson and Gupta’s argument. But at the same time, what is interesting is how the relationship between the state and non-state agencies was contested at every level. State bureaucrats took great pains while interacting with non-state agencies to maintain a separate and distinct identity as *state* employees.

At the Probation Unit, when dealing with different agencies, the contentious issue was one of claiming state legitimacy. As state employees (*rājīya sēvakayō*) the staff distinguished themselves from employees of non-state agencies which they described as *rājīya novana āyatana* (non-state agencies) or *paudgalika āyatana* (private agencies). The motives of *rājīya novana* and *paudgalika āyatana* and by default their employees were considered to be driven by ideological or political interests not necessarily related to the good of the nation state, whereas the *rājīya āyatana* (state

agencies) and their employees were ideally supposed to be motivated by the collective good or the greater good of the nation. This does not mean that Probation Unit staff did not recognise that the notion of “collective good” was constantly transgressed due to political and personal interests, but certainly this was the ideal and the goal of the public sector. *Paudgalika āyatana* which were driven by the interests of organisational goals that may not be in the best interests of the collective, did not in their opinion have the same level of legitimacy as *rājya āyatana* to intervene on behalf of citizens. In this view, the state was not thought of as only vertically encompassed but also as linked territorially and culturally to the “nation”.

While representing the state as all encompassing and powerful may well be integral to constructing the imaginary of the state, what I would like to interrogate a bit further is how the notion of a strong and powerful state is central to constructing the subjectivities of state bureaucrats for whom state employment is an important means of situating themselves socially. I argue that their response to the transnational nature of the modern state therefore is also an expression of the social situatedness and materiality of their lives as state bureaucrats. Constructing an imaginary of a vertically encompassed state is not simply how governmentality is practiced by state bureaucrats but is inextricably linked to how they construct their own identities and position themselves in the world.

In this chapter I describe the relationship between state bureaucrats and non-state agencies within different levels of the DPCCS and in particular within the Probation Unit. I describe how this relationship is mediated through narratives of suspicion regarding the role of non-state agencies in what are considered the legitimate areas of responsibility of the state. I discuss this in relation to the UN CRC which theoretically is the overarching framework within which all the different organisations interested in the welfare of children work. I also describe some of the narratives that are constructed around the state and non-state agencies that enable and in fact are necessary to maintain the boundaries between the state and non-state agencies. I then describe how these narratives have been constructed strategically through the multiple meanings given to concepts such as culture and rights. Finally I discuss how the work that goes into maintaining the distinction between state and

non-state agencies illustrates the permeability of the boundary between the state and society as well as that between development and society.

Good governance and capacity building

The role of the state in development has been a matter of debate and contestation for many years among international donor agencies and development practitioners. In the 1960s, the state was considered the engine of development and primarily responsible for ensuring economic growth and social progress. After the Cold War, neo-liberal economic policies and the Washington Consensus marked a radical shift from this perspective and instead, corrupt and inefficient states began to be viewed as the impediment to development. International development policies led by the World Bank and the IMF then attempted to reduce the role of the state and to encourage a vibrant civil society (Leftwich 1994; Weiss 2000; Anders 2005; Fritz and Menocal 2007). This changed in the 1990s and the focus shifted to considering the effectiveness of the state, and the lack of good governance was seen as a key reason for the crisis of development in certain countries (see World Bank 1991, 1997). This shift emphasised how states governed and how they could be more effective in supporting economic growth, social development and human security. This shift towards the state was also influenced by the more unpopular consequences of Structural Adjustment Policies (SAPs) of the 1980s which had created instability in some developing countries (Fritz and Menocal 2007). Several policy documents of leading international donor agencies have since emphasised the role of the state and the need for effective governance structures and processes (See European Commission 2006; World Bank 2006; DFID 2007). The Poverty Reduction Strategy Plans (PRSPs) and Millennium Development Goals (MDGs) which provided frameworks for development policies in the new millennium, contained expectations of good governance from states and this was included in understanding the notion of “effective aid” discussed in the influential Paris Declaration of Aid in 2005 (Fritz and Menocal 2007).

What is meant by good governance has been rather broad: the governance model has been based on Western liberal or socialist states and the key emphases have been on the effectiveness of government, rule of law and the eradication of corruption. States

are required to be accountable, to have a legal framework for development which is fairly and impartially applied to all, to provide reliable and accessible information and to be transparent (Leftwich 1994; Weiss 2000; Anders 2005). In terms of specific “good governance” interventions there have been “capacity building programmes” to strengthen and make more effective public bureaucratic systems and there has also been a greater involvement of international development agencies in national policy development. What is required in this good governance framework is not less government but *appropriate* government (Weiss 2000). This has often been conceptualised as a form of neo-liberal transnational governmentality in which the power effects of converging new aid frameworks can be analysed (Mosse 2005b).

While the DPCCS has always been transnational in the sense that its links to global policies and international agencies are not a particularly new phenomenon, perhaps what is significant now is that those links are far more evident and present in the everyday routines of the DPCCS. Also, the UN CRC has provided an overarching framework and common agenda on which the different agencies can work together.

International development agencies often expend considerable human as well as financial resources on various interventions designed to make the state more effective. It would not be incorrect to say that for cash strapped governments in developing countries these agencies provided much needed resources for actually ensuring that public departments function. Certainly, the resources that poured into the DPCCS provided it with infrastructure and equipment the government could otherwise ill afford. Technical experts were placed in key government ministries to provide input into policy development. State bureaucrats were provided with training and scholarships. Rather than the privatisation or contraction of the state, the good governance framework has meant in fact a merging of boundaries where non-state agencies have become deeply involved in the activities and processes of the state. This is somewhat different to conventional understandings of the role of non-state agencies as *diluting* the state.

In Sri Lanka, despite challenges to the idea of the state as a benefactor and provider, the ideal continues to be a reformist, socialist state, territorially and culturally bounded by the idea of a national identity (Mayer 2002; Wickramasinghe 2006).

This is something that has been recognised by most political parties (even the more fiscally conservative) seeking power, who are careful not to challenge the idea of state centred development too much; more governments than one have been put out of office by voters who were disappointed with their welfare packages and development policies. Even while negotiating with transnational agencies for aid and assistance to carry out welfare and development programmes, governments in power have been careful to package these projects as state initiated. For example, one of the most ambitious poverty alleviation programmes that was launched in the 1990s, the *Janasaviya* Programme, although funded by the World Bank is indelibly linked in the mind of the Sri Lankan population as an initiative of the then President, Ranasinghe Premadasa (Wanigaratne 1997). That non-state actors are equally keen to mark their presence can be seen in the large boards, foundation stones and plaques that can be found on development sites advertising the presence and the work of non-state agencies. The increasing areas of commonality in which state and non-state agencies collaborate provide opportunities to reinforce each other and establish their legitimacy to govern people's lives often by sharing resources.

For example, during my fieldwork, Save the Children Fund in Sri Lanka (SCF) handed over a house it had built for a family of a child who had been "reintegrated back into the community" from a children's home. This was part of the SCF project to reduce the numbers of children in institutions and a grand ceremony was organised to mark the event. The oldest of the three children in the family had been placed in a children's home managed by a voluntary organisation, since the family did not have a permanent home or source of income. The other children were also "at risk" of being institutionalised. Apart from the child who had been placed in the home, the other two children were not attending school regularly. The POIC who was responsible for processing the necessary legal work to reunite the child with his family, since the child had been placed in the home under her supervision, was very much involved in organising the housewarming ceremony. This was held at a time when the provincial government elections were drawing close and the Minister for Social Services under whose Ministry the DPCCS functioned was the chief guest at the ceremony. The local MP, senior state bureaucrats, staff from SCF and the DPCCS were all part of the elaborate house warming ceremony which included

speeches by all the politicians and representatives of the state and from SCF staff present at the ceremony. The somewhat bewildered family found itself posing for pictures with all the dignitaries and having to show the Minister and his entourage around the house while their curious neighbours peered through the windows. The principal from the local school where the children had been newly enrolled was also present and looked increasingly nervous as speaker after speaker declared that the school would now be responsible for ensuring the children's continued rehabilitation. In this instance the desire of the politicians, the state bureaucrats and SCF to be recognised and credited for their work, and to create good will which could be exploited in the future, matched perfectly. Just as the politician was thinking of his next election, SCF was thinking of obtaining the support of the community and of local dignitaries for their next project and of the photo opportunities the event provided for impressing their donors. In this moment at least, the intentionalities and agendas of the state and non-state agencies were in perfect harmony with each other.

But this is not always so; relationships between state and non-state agencies are sometimes tense and require complex negotiations. Using examples of how state and non-state agencies worked on an ostensible common agenda determined by the UN CRC, in the next sections I will discuss some of the tensions in this relationship.

The role of non-state agencies in the DPCCS

The global influence on policy making on children was evident at the DPCCS, and is felt at many levels within the state bureaucracy, including at the Ministry of Child Development and Women's Empowerment, the Ministry of the Central Government responsible for the work of the DPCCS. For instance, non-state agencies such as UNICEF, the International Labour Organisation (ILO), SCF and CCF not only provide funding for national policy development and planning but also provide "technical support" which usually translates into paying for "experts" who advise and work with staff of the DPCC formulating policy and providing training. The involvement of international agencies was especially evident in policy development: national policy frameworks were expected to be in line with global frameworks; so the National Plan of Action for Children (2004-2008) for example was developed with the idea of achieving goals set out in the UNICEF Plan of Action for Children

and the process of formulating the Plan of Action was supported by several of these international agencies. Many of these organisations also fund research in areas that they consider important, usually based on research problems that have been identified by organisational or global policy goals. So, most of the research on Sri Lanka on the subject of children in recent years has been conducted on children in institutional care, child labour, street children, child sex tourism and child soldiers; all areas concomitant with current global trends in working with children. The UN and INGOs as well as large local NGOs such as Sarvodaya, provide training for staff of the DPCCS and assist in the actual implementation of state programmes. For instance, several POs followed a Diploma in Child Protection run by CCF and UNICEF regularly organised training programmes for DPCCS staff. Initiatives such as the establishment of Women and Children's Bureaus by the Sri Lankan police, or institutions for sexually abused girls run by the DPCCS were also supported by these organisations. INGOs such as SCF and CCF work directly with the staff of the DPCCS visiting children's institutions and families together with POs and CRPOs. There are also several smaller INGOs and local NGOs who work in selected provinces or in specific locations.

The UN CRC provided the international framework which bound the Sri Lankan state to global actors and agencies. The UN CRC has become the central organising framework with regard to working with children globally as well as in Sri Lanka (Pupavac 2001b; Crewe 2010). Sri Lanka was a signatory to the UN CRC in 1990 and ratified the convention in 1991. It also signed and ratified the Optional Protocol on the Involvement of Children in Armed conflict in 2000 and signed the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2002 and ratified it in 2006 (LHRD 2002; Goonesekere 1998; Ministry of Child Development and Women's Empowerment 2008). The DPCCS as one of the state agencies responsible for children therefore has a significant responsibility to adhere to the guidelines provided by the convention. Promoting and protecting the rights of the child have become a central focus of both the DPCCS as well as the NCPA. Whether it is establishing committees to monitor child rights or appointing special officers to promote child rights, the DPCCS and the NCPA consider the promotion and protection of child rights one of their, if not their most important

responsibilities.²² This centrality of the child rights regime in the work of the DPCCS is symbolised by the posters on child rights that cover the walls of the Probation Unit office.

As a state party to the UN CRC, Sri Lanka has certain formal obligations. The UN has a Committee on the Rights of the Child made up of a body of experts who monitor the implementation of child rights in each country. The committee meets periodically to review the reports that are submitted by state parties on the progress they have made in fulfilling the obligations under the convention and its optional protocols. The committee can also make recommendations and suggestions to the governments on meeting their obligations. Concurrently to the state submitting its report, NGOs submit an alternative report to the committee.

Sri Lanka has submitted two reports since it ratified the convention, the last one being submitted in 2002. The committee made its observations on the report in 2003 and asked the government of Sri Lanka to submit its next report in 2008. The process for putting together Sri Lanka's next report to the UN Child Rights Committee was initiated while I was doing my field work and I participated in some of the consultative meetings to prepare the report that took place at the Ministry of Child Development and Women's Empowerment in Colombo. A consultant, paid for by UNICEF, had been hired to help the ministry with this task. In a parallel process, local and international NGOs started preparing the alternative report which would be also presented to the UN committee. Interestingly, illustrating how the roles of state and non-state agencies overlap and contradict each other simultaneously, some of the people and agencies providing input to the state report were also involved in the process of drafting the alternative report, which is usually more critical than the state report and which is expected to fill the gaps in the state report.

Changes in global policy on children, the changing nature of the discourse on children and childhood were apparent at different levels of the child welfare sector in

²² See mandates of the DPCCS and the NCPA at <http://probation.gov.lk/web/index.php?lang=en> and <http://www.childprotection.gov.lk/home.html>

Sri Lanka. In this sense, the site of state practices and processes is no longer linked explicitly to the national, either territorially, culturally or politically (Trouillot 2001; Arextega 2003). Understanding these transnational linkages is important when studying local encounters with the state (Gupta 1995; Gupta and Ferguson 2002). But despite the transnational linkages that were evident in the activities carried out by the state, considerable work also went in to maintaining a different status between the state and non-state agencies.

Non-state agencies too were careful not to be perceived as overtly influencing local policy. The influence of foreign countries or international agencies in the “internal affairs” of a nation state was seen as an issue that had to be sensitively handled. Influencing a particular agenda and yet ensuring that the reforms were seen as “state initiated” or that the state had “ownership” was often an extremely difficult but important balancing act for international agencies (Paris Declaration 2005; Mosse 2005b). One example of the sensitivity with which such initiatives had to be handled was illustrated when UNICEF attempted to provide “technical support” for the National DPCCS to develop guidelines for child sponsorship programmes. The war and the tsunami had raised considerable levels of interest in Sri Lanka especially regarding the welfare of children. One of the most popular projects soon after the tsunami among donors was child sponsorship schemes. UNICEF suggested that a set of minimum national standards for regularising sponsorship schemes should be in place in order to ensure that the different sponsorship programmes were consistent and that they adhered to certain international guidelines that sought to ensure the sponsored children’s best interests. At a “consultation meeting” with child sponsors held at the central DPCCS in Colombo (at which I too was present as I was working for UNICEF at the time) the meeting was facilitated by a senior international staff member from UNICEF. The National Commissioner of Probation and Child Care Service, who was fairly new to his position at the time, after welcoming the participants, handed over the proceedings to this staff member. The participants attending the meeting had many different viewpoints and getting any type of consensus was proving to be very difficult. The fact that the meeting was conducted in English, while most of the participants were Sinhala speaking added to the awkwardness. The discussions taking place had to be translated into English so that

the facilitator could understand what was going on and this interrupted the flow of the discussions quite considerably.

However, the UNICEF staff member had clearly come with a pre-determined set of guidelines (which I too had been involved in putting together) for which she wanted approval, and instead of allowing the participants to suggest their own set of guidelines, attempted to get consensus around the guidelines prepared by UNICEF. Finally, one rather irritated participant sarcastically remarked that he wasn't aware that UNICEF had taken over the DPCCS. It was a remark that immediately changed the tone of the meeting. The Commissioner began to be far more assertive while the UNICEF staff member gradually receded into the background. It was clear that both had forgotten their scripts and that doing so had damaged their images as well as their negotiating power in that instance. Although I was representing UNICEF myself I was all too acutely aware of the undercurrents of resentment among the participants. My own inability to intervene meaningfully embarrassed me deeply, and made me question the way I engaged in such encounters. The UNICEF member of staff was very conscious of having overstepped her boundaries and immediately sought to explain that she was there on the invitation of the Commissioner who had specifically requested for "technical support" from her organisation. At the same time, the Commissioner took pains to explain to the participants that UNICEF was only presenting their opinions on his invitation and that the final decisions would be made by the Department after due consultation with all stakeholders. What this shows is how even while the site of state practices and processes was becoming increasingly complex, and the linkages between the local and global were increasingly evident, those involved in these transactions were also engaged in a complex performance to maintain a facade of a state that was locally and politically bounded, or in the words of Ferguson and Gupta, "vertically encompassed" (Ferguson and Gupta 2002:982). Non-state agencies even while attempting to influence national policy do not want to be recognised to be doing so.

Implementing Child Rights vs. maintaining discipline: the culture argument

At the Probation Unit, the concept of child rights was viewed as something that had its origins in the West and that had been recently introduced to Sri Lanka. In fact, they attributed many of the changes that the DPCCS had undergone over the years to the growing influence of the child rights rhetoric and their opinions about these changes were very ambivalent. The Chief PO for the Province seemed to echo what many of the DPCCS staff felt when she said that their work has become very confusing as a result of all the changes that had taken place. While previously their work was primarily to deal with juvenile delinquency, child rights work had expanded their scope of work considerably and in the opinion of the staff, they were not provided with sufficient resources in line with their expanding scope of work.

Staff felt that child rights were being uncritically enforced on Sri Lankan society by NGOs and Westernised policy makers. This apprehension was evident especially in the way in which the staff regarded the issue of corporal punishment. The child rights discourse had singled out corporal punishment as one of the main areas for intervention under the umbrella of child abuse. The UN Committee on the Rights of the Child states that the physical punishment of children whether in homes or institutions is incompatible with the CRC and in its report to state parties to the convention, recommends legislation prohibiting the physical punishment of children (UN CRC 1994). Amendments to the Penal Code in 1995 in Sri Lanka and to the CYPO have deemed cruelty to children (which includes assaults likely to cause suffering or injury) a punishable offence (LHRD 2000), thus creating the possibility of prosecuting those who use corporal punishment on children. Additionally, the Prevention of Domestic Violence Act of 2005 protects against physical, verbal and emotional abuse between family members and corporal punishment in schools has been prohibited by circulars issued by the Ministry of Education (Ministry of Child Development and Women's Empowerment 2008). Several cases involving the use of corporal punishment in schools have been prosecuted in court arousing mixed feelings about the responsibility of teachers to maintain and inculcate discipline in schools while also affirming that cruelty towards children was not tolerated.

Advocacy campaigns against corporal punishment for children were thus *de rigueur* within agencies working with children, and certainly the DPCCS was expected to take the leadership in this regard. There were awareness campaigns in schools and families against corporal punishment mainly funded by international child rights agencies. But, according to the staff at the Probation Unit, drawing the line between a teachers' or parents' right to discipline a child and child cruelty was not as simple as child rights policymakers would have liked. This did not mean that the staff condoned cruelty or corporal punishment for children; certainly, there were many instances in which the staff intervened when they felt children had been treated cruelly, and even used child rights as a framework for intervening in situations but these decisions were made carefully and in consideration of many other factors. For example, when a case came to the Probation Unit about a child who had been arrested for stealing some fruit from a neighbour's garden and when PO Mrs. Kularatne learnt that the neighbour had beaten the child severely before calling the police, she included these details in the Social Report that she submitted to court and spoke to the police about filing charges against the neighbour. In this instance, she felt that the neighbour had no authority to discipline the child and that he had simply been cruel and therefore needed to be punished.

But there were other cases, where the staff had more ambivalent feelings about the way in which child rights had been interpreted. A case brought to court where a Buddhist priest was being prosecuted for hitting a child attending *daham pāsæl* (Sunday school), created a lively discussion at the office and highlighted some of these ambivalences. The case that was discussed was regarding a student who had hit his teacher at the *daham pāsæl* (Sunday school) during an argument and who had in turn been hit by the Buddhist priest in charge of the school. The parents had filed a complaint with the police who initiated an investigation against the Buddhist priest for cruelty to a child. The staff at the Probation Unit thought this was a good example of a case where the concept of child rights had undermined discipline and traditional authority. The student had not only hit a teacher, who is traditionally treated with deep respect, but had done so in a temple, a place where people are expected to behave with restraint and decorum. The priest's response was seen as

appropriate and even necessary. The staff made various comments regarding this case:

This is an example of the conspiracy by NGOs to destroy the culture of Third World countries. (PO Ananda)

You can see the direction this country is taking. Very soon children will not be worshipping parents instead parents will have to worship children.²³ (DA Nimal)

Tell the priests that after this when children come to *daham pāsael* they will have to worship the children first and only then take them into class and then to worship them again before they send the children home. (PO Mrs. Kularatne)

These comments reflected the idea that child rights in some ways completely upset traditional practices of respect, discipline and authority. Respect and reverence for parents, teachers and the clergy which were viewed as key aspects of culturally appropriate behaviour were being subverted, and as the staff suggested sarcastically, in the future those who were supposed to receive reverence would instead have to pay reverence. The usual practice was for lay people to worship the priests on arrival at the temple and again before leaving the temple. What was suggested here was that very soon there would be a complete inversion of this practice. The promotion of child rights (led by NGOs) was seen as the main reason for this overturning of traditional authority and discipline. It was being implied that NGOs were responsible for introducing something which was undermining “traditional” culture (even though there was no NGO involvement in this particular case). NGOs were thus considered responsible for introducing alien concepts which were challenging local culture. In contrast, as state employees the Probation Unit staff has a responsibility and also the *authority* to protect local traditions and culture.

The underlying concern here was that through the introduction of child rights discourse, and the resultant dilution of local culture, what was at risk was not just individual families and children, but something bigger than that: a particular way of

²³ It is a customary practice for younger people (especially among the Sinhala Buddhists) to seek the blessings of their elders by going down on their knees and touching the feet of the elder with folded hands. Buddhist priests (irrespective of their age) are also worshipped in this manner by lay Buddhists.

life, of being. In this situation, the role of the Probation Unit staff was envisaged as mediating between the wholesale and uncritical imposition of alien values and protecting indigenous values and local culture. NGOs on the other hand were considered unable to do this since they were working on agendas set by those placed *outside* local values and culture.

A case that PO Ananda dealt with highlighted the way in which Probation Unit staff often attempted to navigate their way between a strict interpretation of the law and what in their view was a more realistic interpretation that was in keeping with “traditional” values. A family came to the Probation Unit one day to make a statement on the request of PO Ananda who was handling the case. The father, mother and six year old son came into the office and met with PO Ananda. The little boy came into the office hanging on to his father’s fingers and sat on his lap while being interviewed by the PO. The father, a three-wheeler driver, had been arrested by the police for hitting the child. A neighbour had complained to the police regarding this incident. According to the father, he had hit the child because he had stolen money from his shirt while he had been asleep. The child had stolen the father’s earnings for the day. The father admitted to PO Ananda that he had hit him a couple of times with his belt when he discovered the theft. As he explained to PO Ananda:

Sir, I have to bring up my child correctly; if I don’t hit him and teach him right from wrong, who will do it? Even if I have to hit him to do it, it is my responsibility to raise my child correctly.

The father went on to claim that the neighbour who had complained about him to the police had an ongoing dispute with him and that he used this incident with the child to get him into trouble with the police. He had been held in remand custody for about three days and released on bail. The child had been taken to hospital and subjected to a medical and psychological examination and the court had called for a report from the relevant PO.

It was evident that PO Ananda’s sympathies were with the father. The medical report from the psychiatrist at the hospital stated that there was no sign of abuse but that the child was prone to “acting up” for attention. “See what you have done” PO

Ananda gently scolded the child. “Because of your bad behaviour, your father had to go to jail”. The boy squirmed uncomfortably on his father’s lap at the words. He seemed quite bewildered by the turn of events and sat through the interview twisting and squirming on his father’s lap obviously bored with all the grown up talk. But, although PO Ananda made the recommendation for the case to be dismissed, the Magistrate decided otherwise. While releasing the father on bail, the Magistrate had ordered that the police proceed with the prosecution and had set the date for the next hearing. PO Ananda was furious. “These Magistrates think they know more than us” he fumed. He was especially angry as Magistrates are usually expected to accept the recommendations of the POs. However, this particular Magistrate was regarded as “stubborn” and “difficult” by the POs. She had been appointed as Magistrate recently and had relatively little experience. She had a reputation for interpreting the law strictly and also for not having a good rapport with court officers and the POs.

Observing the affectionate interaction between the father and child at the office, the other staff too agreed that the Magistrate had been unnecessarily harsh. Given the circumstances of the case and the fact that the neighbour who had filed a complaint with the police was having a dispute with the child’s father, the staff felt that this was not simply a case of child abuse. It was evident to them that there were more complications here and they were critical of the Magistrate for taking such a narrow view of the case. “The next time the child does something wrong, don’t hit with the belt. Use something else so that you don’t hurt him too much and so that it doesn’t leave a mark on the child’s body” PO Mrs. Kularatne advised the father. In suggesting to the father that the child could be physically disciplined as long as it was not harsh enough so that the child might be injured, what PO Mrs. Kularatne was attempting to do was to convey to the father that she understood his right as a parent to punish his son for wrongdoing. In the process, she was also interpreting child rights policy in what she considered was a culturally appropriate manner: in a way that did not undermine the authority of a parent to discipline a child for wrongdoing. The anger of the POs was that the Magistrate had not understood this.

These incidents illustrate how Probation Unit staff negotiated between the universal and essentialised social categories and identities implicit in the legal process and the

complexities of their client's lives. The solutions provided by the legal process are often inadequate to deal with these complexities as the staff very well know. The legal process informed by the language of rights, proclaims innocence or guilt, names victims and perpetrators. But the POs, who meet the victims and perpetrators outside the court-room, are confronted with the details of the lives of their clients which don't get heard in the court room, making the apportioning of guilt, innocence or victimhood far more difficult. As in the case of the father in this case the POs struggled to come up with a resolution to the case which could respond to the many different issues raised by the family. For instance, as the family pointed out, the case would not even have come to the attention of the police if the father had not been involved in a dispute with his neighbour who invoked child rights as a means of getting him into trouble. As far as they were concerned this was part of an ongoing conflict in the neighbourhood and not really about the wellbeing of the child. Furthermore, the POs observed that the relationship between the father and the child didn't appear to be one of fear and intimidation where it warranted the prosecution (with the possibility of imprisonment) of the father for cruelty. Such a prosecution could lead to the main breadwinner of a poor family being incarcerated, leaving the entire family at peril thereby ostensibly defeating its original purpose of protecting the children in the family.

But Probation Unit staff not only identified a specific local culture and the need to respect it in order to find some space in which to negotiate between the language of rights, its legal categories and the complex life situations of their clients. Invoking culture was also a useful way of establishing the differences between state and non-state agencies. While culture as discrete, bounded and internally homogenous has been losing relevance within anthropology, it has gained currency in other areas, especially in how culture is talked about politically in relation to the rights discourse (Cowan, Dembour and Wilson 2001). Usually conflicts over the implementation of child rights are seen as competing claims over culture and rights. The universalism of rights is seen in opposition to cultural relativism. But this analysis assumes culture to be an uncontested terrain which glosses over the fact that essentialised interpretations of rights and culture are in themselves part of a political process (Cowan, Dembour and Wilson 2001; Engles 2001; Gellner 2001). The ambivalence

shown by the staff of the Probation Unit on child rights shows multiple understandings of rights as well as cultures which are invoked strategically at different moments. It is not the simple opposition between the claims of culture over that of rights that is at work here but the strategic use of the rhetoric of culture and rights to maintain the separate identity of the state bureaucracy and the bureaucrats working within it. Invocations of culture have become part of the language of resistance to what is seen as the increasing involvement of non-state agencies in the legitimate business of the state.

When staff voiced their critique of the child rights regime and the way it was implemented for being culturally insensitive and often causing more problems than it resolved, they also linked it to a criticism of the role of non-state agencies in influencing national policy. In linking rights and culture to the role of non-state agencies in areas of “national” interest, the staff were linking with a wider discussion and ongoing debate about the role and influence of non-state agencies in the domestic issues of a sovereign country.

The construction of a narrative of suspicion: the problem of motives and legitimacy

This suspicious and contentious relationship with non-state agencies was formed within an interpretation of the actions of “foreign” (meaning primarily Western) countries as interference in the matters of a sovereign state. Western countries were associated with colonialism and imperialism; non-state agencies were associated with the West and were therefore suspect.

The “interference” of NGOs was suspect for two reasons: firstly it was believed that “local culture” or “traditional and pure” culture was destroyed or changed by the imposition of culturally inappropriate values and attitudes introduced by NGO activities. For instance, even seemingly innocuous interventions such as establishing day-care centres were viewed with some suspicion: PO Ananda suggested that day-care centres took children away from the influence of families and most importantly the influence of mothers, thus diluting family ties; and also that NGOs (Christian NGOs such as World Vision were usually the prime suspects in such instances) used

day-care centres to promote Christianity by introducing children to stories from the bible and celebrating Christian festivals such as Easter and Christmas. What was suggested was that through the weakening of traditional kinship ties and the introduction of “alien” values, children were being socialised in ways that distanced them from their own cultures and traditions. In this way, NGOs were seen to be engaging in producing future citizens who were alienated from their own culture. It was never apparent whether PO Ananda had any evidence of a NGO doing this kind of missionary work, but there was no doubt among the others that this was entirely possible. The resonance between this modern resistance to NGOs, and the resistance to colonial missionaries engaged in educational activities by anti-colonialists in the past was very strong. Both forms of resistance believed in a “local” culture that was threatened by an alien, Western culture which was being introduced locally in the guise of help and humanitarianism.

Secondly, it was believed that the interventions of non-state agencies had an ulterior motive to destabilise Sri Lanka in order to force a settlement of the ethnic conflict that would lead to the division of the country into two separate states. The Probation Unit was a mainly Sinhala Buddhist site. Most of the clients the Probation Unit dealt with were Sinhalese, with occasional Tamil and Muslim clients. Some of the children the Probation Unit was dealing with had fathers who were in the armed forces and certainly the staff knew many young men in their community who were in the armed forces. Inevitably, the ethnic conflict was perceived from the point of view of the Sinhala Buddhists – the Tamils were very much their ethnic “other”; culturally, linguistically as well as geographically.

The war didn’t seem to affect the lives of the staff nor of their clients directly; nevertheless it was debated and discussed, sometimes passionately, in the office. When a series of bomb attacks took place on public transport in 2008, the staff (including myself) were extra vigilant when travelling by bus or train. Fellow passengers especially those carrying parcels or bags were scrutinised carefully and when we noticed a bag or parcel without an easily identifiable owner, the driver or the conductor of the bus was immediately alerted. A car with an Eastern Province number plate in the parking lot of the court complex caused immense excitement one

day and the police were called to investigate the mysterious car before an embarrassed young lawyer claimed it. The Probation Unit although reassuringly far away from the main sites of violence were influenced by the rhetoric of suspicion and fear that accompanied it.

Soon after Mahinda Rajapakse won the election in November 2005, tensions had started flaring between the LTTE and the government. By the end of 2006 people outside the Northern and Eastern Provinces were gradually becoming aware that the government was seriously pursuing a military solution to the ethnic conflict. As part of its strategy, the government was also engaged in an aggressive campaign against those who critiqued its military strategies and human rights record branding those opposed to the war as “traitors” and supporters of the LTTE. INGOs and NGOs were particularly vulnerable to being thus identified due to their funding links to what was perceived as the biased West. The involvement of Western countries and INGOs in the peace process and particularly in the Norwegian facilitated ceasefire between the Sri Lankan government and the LTTE in 2002 had been viewed by Sinhala nationalists as an attempt to force a settlement that would lead to a separate state in the North and East. The hostility towards NGOs had grown as the military intensified its efforts to defeat the LTTE in the North and the East. This hostility was fuelled and encouraged by the government as it sought to ward off accusations of human rights abuses by the international community.

The new government was highly critical of the cease-fire and the peace process that the previous government had followed stating that it had been hasty, short-sighted and that it had compromised national security. Instead, President Mahinda Rajapakse promised an “undivided country, national consensus and an honourable peace” which did not compromise the “territorial integrity and unitary structure of the state” (Mahinda Chintana 2005). The new government followed a twin-track process in which it attempted to mix a hard-line military strategy with a political strategy to develop a consensus in the South over a political settlement and to renew peace talks. But it was soon evident that the government was more inclined towards pursuing a military strategy (International Crisis Group 2006).

Amidst an escalation of violence both parties agreed to talk, rather surprisingly, in Geneva in February 2006 after almost three years. But there was little progress after the talks and instead April 2006 saw a step up in the violence. Both sides showed scant regard for civilian casualties and the government came in for considerable criticism for its treatment of Internally Displaced Persons (IDPs). The government openly declared its intention of militarily defeating the LTTE and in January 2008 announced that it was formally abrogating the ceasefire agreement (International Crisis Group 2006, 2007, 2008; UTHR (J) 2006).

Since the resumption of military operations, the government framed their military actions as part of the “global war on terror” and that it was engaged in a “humanitarian campaign” to liberate “innocent Tamils” from the clutches of the LTTE. While on one hand claiming that its military operations were defensive and asserting their willingness to negotiate with the LTTE, on the other hand the government was labelling the LTTE as terrorists and pledging to wipe them out.

Since the intensification of the military operations, critics of government policies were commonly labelled as traitors by the government and its supporters. Attacks on critical journalists, media organisations and human rights activists were on the rise and press rights groups ranked Sri Lanka as one of the most dangerous countries in the world for journalists in 2007 (International Crisis Group 2007). The UN and other international organisations were repeatedly described especially in the pro-government media as sympathetic to the LTTE and as conspiring with the LTTE to “divide” the country.

Venugopal (2008) has described how opposition to economic liberalisation and fears about the West are produced within a Sinhala nationalist framework that resists neo-colonialism, INGOs and international capital that are all seen as part of a conspiracy to divide the country though forcing an internationally sanctioned peace process. In the opinion of many of the staff at the Probation Unit, NGOs claimed to be working with children merely to raise funds for their survival and to undermine local culture and not because they were concerned about children’s wellbeing in any way. In their view, NGOs “helped” government departments to do their work, and later claimed it as their own work or gathered information while pretending to help which they

published in various reports to raise money for themselves or to discredit Sri Lanka as part of a wider Western conspiracy to undermine the Sri Lankan state. This was not a view that was unique to the Probation Unit. When I went to the local state hospital to interview the local paediatrician, I was first subjected to a stern lecture about how foreign funded research undermined the sovereignty of nation states and warned severely that I should ensure that my Western university supported PhD should not be part of this “unpatriotic” research process.

Marking the distinction between the state and the non-state sector

By suspecting the motives and agendas of non-state agencies as linked to the wider imperialist ambitions of Western countries in developing nations, the Probation staff were able to make a distinction between their motivations and those of the staff of non-state agencies. What was being questioned was the legitimacy of non-state agencies. In the way that Probation staff imagined the state, it had authority over non-state agencies and there were clear boundaries between the agendas and motivations of the state and non-state agencies. Encompassed within this view was the idea of the state as being primarily responsible for deciding what was to be done on behalf of its citizens. The role of non-state agencies was seen as secondary to the role of the state. In fact, very often, the staff at the Probation Unit only wanted non-state agencies to provide them with material and financial resources, that the government lacked, to carry out their work. The POIC had a standard list of needs that she would put forward to any of the non-state agencies visiting the office in the hope that they might provide them. Non-state agencies were aware of this and usually accompanied their “capacity building” initiatives with material and financial assistance.

This complex process of negotiation that went into maintaining the relationship between state agencies and non-state agencies could also be easily jeopardised. One morning the POIC came into the Probation Unit, after attending a meeting at the Provincial Office, stating that the Provincial Commissioner had instructed the staff not to have any dealings with a powerful NGO which had been working very closely with the Department over the past few years. Apparently, at a meeting in Colombo, the head of the NGO had been openly critical of the work of the POs. This

information had filtered down to the staff at the Provincial Office through another government official who had been present at the meeting. The staff were extremely indignant and agreed that the NGO needed to apologise for its comments. The fact that this particular NGO, after being allowed to work closely with the DPCCS, had the temerity to criticise them, drew the ire of everybody in the office. “Nobody is to go for any of their events, help them or give them any information till they apologise to us” instructed the POIC. During lunch that day, the discussion continued regarding the NGO and its lack of respect for government officers. The fact that this particular NGO had worked closely with them and yet criticised them in public was viewed as a betrayal.

What this highlights is the complicated nature of the relationship between state and non-state agencies. These are not simple, asymmetrical relationships of power nor is there a coherent agreement regarding the nature of the relationship. While very often non-state agencies, especially the international agencies, had the financial power to get involved in the state system and even to influence policy, influencing or changing the actual processes and practices of the state was far from easy. Even the lowliest state bureaucrat, could effectively put a spanner in the works by simply refusing to cooperate. While the NGO saw itself as building capacity of a weak and ineffective state department, the POIC and the staff at the Probation Unit, considered themselves to be doing the NGO a favour by allowing them to work with them. Hence, the critique of their work was viewed by the staff at the Probation Unit as a betrayal of the relationship of trust and most importantly of the *benevolence* with which the NGO had been allowed to work with them.

Yet another incident which illustrated this ambivalent relationship was when as part of their capacity-building efforts, a large INGO requested permission from the Provincial Commissioner of Probation and Child Care Services to place one of their staff members in each Probation Unit in the province. The Commissioner had agreed to discuss the request with the department staff. The idea was firmly vetoed by the staff at the Probation Unit. “Why should a *paudgalika āyatana* work from inside a government office?” demanded the POIC. “Tell them we have no room for them. We hardly have room for all of us here, why should we make room for them?” asked

PO Mrs. Kularatne. “I will not let them come here. However friendly we may be in private, I am going to say that I will not allow it” said the POIC firmly. “They just want to get in here to spy on us and to get information to write their reports”. In the opinion of the staff this was an attempt by the INGO to inveigle their way into the department and to claim the work the department did as their own or to obtain information which was then going to be used in a way that was detrimental to the country.

When two staff members of this INGO came to talk to PO Ananda one day DA Ajit warned him: “They are coming to flatter you and get something from you. Don’t get caught”. PO Ananda had mentioned in the office that when he visited some families in the area in which he was working, he had been told that officers from the Probation Department had already visited them. It turned out that staff of this INGO had also visited the family and allegedly claimed that they were from the Probation Department. In the current climate of suspicion about the activities of NGOs in Sri Lanka, it was possible that these particular INGO workers had intimated that they were working with the Department in order to gain more legitimacy for their work or to suggest that they were there with the approval and permission of the government. The families may have wrongly interpreted that these members of staff were officials from the department. However, the staff at the Probation Unit chose to interpret it as a deliberate ploy by the INGO staff to mislead the public. DA Ajit believed that the INGO staff’s purpose in visiting PO Ananda was to placate him over this incident. Although, PO Ananda didn’t make any official complaints about the allegation nor did he raise it with the relevant staff members, it was an indication of the mistrust that existed in the Unit regarding the activities of these agencies.

On another instance, the press came to the Probation Unit to interview the staff about a case where a child who had been presumed lost, had been reunited with his family after almost two years. The child had been located in a state run institution and the POIC had managed to trace the child’s family and to do the necessary court work in order to send the child back to his family. SCF had helped her with this case. According to the POIC, the only help that SCF had given had been with transport to help trace the child’s family. According to SCF on the other hand, they had initiated

the search and the POIC's role had been only to help with the court work that enabled the reunification. The press interviewed both the POIC and the representatives of SCF. The Probation Unit staff were extremely annoyed that SCF was claiming credit for what they considered was "their" work. As far as SCF was concerned, this case symbolised the success of their years of advocacy and capacity building efforts with the DPCCS to reduce the number of children in institutions. In the opinion of the Probation Unit staff, this was a typical example of NGOs taking credit for the work that was done by government officers in order to promote themselves and to raise funds for their organisations. In the words of DA Ajit "they do one little thing and then write many reports and get funding to maintain their organisations".

This scepticism about the work of NGOs was increased by the limitations imposed on the activities of non-state agencies by programme and budget cycles. Most non-state agencies worked on a particular project for a period of one to three years, a maximum of perhaps five years. While UN agencies often have more long term relationships with state agencies, relationships between NGOs and the state are dictated by shorter project cycles. Limitations of funding and human resources also meant that most NGOs worked with targeted communities and institutions in specific locations. Probation staff often were infuriated when their requests for assistance from NGOs were turned down because they were not in their "target" areas. Very often, state bureaucrats felt that while non-state agencies initiated many grand projects, they did not have the commitment to stay the course nor the capacity to reach the public the same way that the state agencies were able to. Non-state agencies were often accused of working for publicity and for not being sustainable. On many occasions Probation Unit staff told me that "while all these organisations come and go, we are the ones who are here always for the people".

In the post-tsunami context, where the extravagance and corruption of NGOs had become a much talked about phenomenon (see Chapter 6), NGOs were an easy target of criticism. The trappings of NGO culture, such as the large new vehicles, fancy offices and seemingly abundant financial resources to host meetings and workshops in expensive hotels, highlighted the inequalities in resources available for state

agencies compared to non-state agencies. The belief in the ineffectiveness of non-state agencies was highlighted by the fact that many of these agencies came and went with startling rapidity so that none of their projects lasted long enough for a sustainable impact. Very often state bureaucrats complained that non-state agencies came in, threw money around for a year or two at most and then vanished without a trace. This contributed to their image as ineffective, extravagant and corrupt. It was widely believed (rightly in most instances) that staff in non-state agencies were paid generous salaries, certainly higher salaries than state employees often doing similar work. As PO Ananda pointed out rather bitterly one day, a young field officer with Advanced Level qualifications in an international NGO earned more than he did, despite his university degree and several years of experience.

But the interaction with NGOs and other international agencies was far too ubiquitous for relationships to be permanently damaged. The very same NGO that the POIC had vowed to have nothing more to do with, a few weeks later delivered large supplies of stationery to the Probation Unit. Another NGO provided transport for PO Mrs. Jayaweera to track down a family of a child in her care. Most of the equipment as well as the motorcycles used by the staff were donated by various NGOs and international agencies. Even the training of staff members was conducted by or sponsored by these organisations. While encounters with international agencies and NGOs were marked by ambivalence they were also part of the everyday work routine of the Probation Unit staff.

Despite or perhaps *because* of the frequent encounters with the transnational nature of the state, the *idea* of the state among the staff at the Probation Unit, was far from diluted or delinked from the idea of a geographically bounded, culturally and politically contained space. But was this idea merely imaginary? Why was it necessary for the staff to defend so vigorously the boundaries of the state, despite all evidence seemingly pointing as Trouillot says, to the fact that the national state was a “lived fiction of late modernity”, or a “brief parenthesis in human history?” (Trouillot 2001:130).

Dilemmas of a transnational state

Anthropologists have pointed out the importance of discussing the state as an interconnected set of practices between the local and the international. Gupta, for instance, says that the state is constituted through a “complex set of *spatially* intersecting representations and practices” and “multiply mediated contexts” (Gupta 1995:377, emphasis in original). Trouillot (2001) has described the state-like practices and processes of NGOs and transnational organisations, and argues that the state has no geographical or institutional fixity. While not claiming as some other scholars have done that the state is weakening or even disappearing under the force of globalisation and neo-liberal policies (see Appadurai 1993; Ong 1999), both Trouillot and Gupta draw attention to the blurring of the borders or the boundaries of the state. But for the staff of the Probation Unit while their almost daily interactions with non-state agencies highlighted the transnational nature of the state, *claiming* or indeed *maintaining* the boundaries of the state was a central preoccupation.

Ideas about what the state was, the role of the state with regard to the wellbeing of its citizens, the difference between the state and non-state actors, were implicit in the conversations at the Probation Unit. What I observed in these conversations could be described as what Gupta refers to as a particular “discursive construction of the state” (Gupta 1995:375). In this particular construction by the Probation Unit staff, the state was something that needed to be protected from “external” elements that were trying to dilute its identity and legitimacy as the main provider and protector of public welfare. Of course this did not mean that the Probation Unit staff were unaware of the deficiencies of the state; they too had a critique of the state, but this was in terms of the state failing in its obligations rather than questioning the role of the state as primary provider and benefactor. The position of the Probation Unit staff as lower level bureaucrats within the public services especially highlighted the distance of the state from its citizens as a benevolent provider. For instance, Probation Unit staff were constantly reminded of, and were aware of, the inadequacies of their responses towards their clients as well as the relative lack of power they wielded within the public services. As state employees mediating the state’s relationship with the public, the failure of the state to meet the needs of the

people could hardly be more evident to them. But these inadequacies were usually attributed to the inferiority of their superiors or the paucity of resources at their disposal. They often expressed discontent with the failures of those in power to ensure that the state functioned as it should. Nevertheless, the state was something they defended and upheld as necessary and important. The increasing influence of non-state agencies was viewed as a threat to this ideal of the state. The transnational and globalised nature of the state was precisely what the staff found problematic.

Venugopal has characterised this desire for a strong national state in Sri Lanka as “the desperate strategies of those close to the bottom of the ladder to preserve and protect the social democratic state, in which lies their only realistic chance of emerging from a life of poverty and of improving their life chances for themselves and their next generation” (Venugopal 2010:601). Certainly for the staff at the Probation Unit, although they cannot be considered to be “close to the bottom of the ladder”, preserving and protecting the state was an important consideration. In emphasising their responsibility to mediate between the “alien” values being imposed by non-state agencies and local culture, by drawing attention to their suspicious agendas and motives, the Probation Unit staff were imagining if you will, a “vertically encompassed” state.

But as we have seen the state was not only a source of employment, but also that which facilitated the efforts of the middle class to achieve social mobility. This involves producing and maintaining a particular identity of a state bureaucrat in keeping with the distinction that the middle class needs to make with the elitist and Westernised upper class and the ignorant and uneducated lower class. The narratives which the Probation Unit staff draw on to distinguish themselves from non-state agency employees and to maintain the boundary between the state and non-state agencies are therefore informed by the characteristics of Sinhala nationalism in which can be found ideas of neo-colonialism and of a local culture threatened by the West. The transnational state with its more diffused understanding of the “local” and the “global”, of multiple relationships between nations, regions and communities does not conform to those characteristics which form the identities of middle class state bureaucrats.

Annelise Riles says that “ethnographic accounts of particular places may actually obscure, rather than illuminate, the impact of wider political and economic forces” (2006:2). While my accounts of the ways in which the boundaries between state and non-state agencies are blurring and also the ways in which “local” agents transform or influence “global” policies strategically, raise questions about the monolithic power of transnational agencies and their interventions it is important not to underestimate the ways in which global political and economic forces shape the way things get done. For instance, the UN CRC is the dominant discourse in child protection and welfare work in the DPCCS and this means that resources are allocated and programmes are initiated in ways that reflect child rights rhetoric. It means that the situation of children is described in particular ways and that Probation Unit staff are expected to represent the complexities of their clients lives in ways that fit into the categories of the child rights regime even if the categories are inadequate or inappropriate in those circumstances. Why the rights rhetoric is a core part of transnational culture and development interventions today is a consequence of wider political and economic forces that determine how problems are defined and addressed (Mosse 2005b; Fine 2004; Abu-Lughod 2004). But the important point here is that the rights rhetoric that is imposed through those wider forces is also transformed through other social processes.

What I have tried to highlight in this chapter is that despite the transnational nature of the state, Probation Unit staff strove to maintain the distinctions between the state and non-state agencies using a range of narratives that questioned the motives and agendas of these agencies. But this is not merely about how the “global” is transformed by the “local” or vice-versa nor is it demonstrating a new form of governmentality. The limitation of the concept of governmentality lies in its inability to grasp the complex sites and spaces that exist in the world; sites and spaces that are not directly governable by the most powerful universal frameworks or transnational organisations (Mosse 2005b). Probation Unit staff neither rejected nor embraced the UN CRC in its totality; rather, their struggles to apply the UN CRC created a space within which they were able to assert the distinction between state and non-state agencies allowing them to articulate their own distinct identities as state bureaucrats.

Most accounts of the transnational state and of governmentality do not take into account the fact that the production of the state in particular ways is important not merely as an effect of the state (Mitchell 1991), but also because it allows those working within it to construct their own subjectivities. While accompanying PO Ananda on a field visit to remote locations on the district border, it was evident that state employees were the only service providers for the people of the area. There were no signs of any UN agencies, NGOs, or INGOs or the private sector in this remote corner of the district. At least in these remote areas the transnational nature of the state was not obviously visible. And the welcome that PO Ananda received from these communities indicated to me why he might be justified in feeling that he was a vital and necessary part of these people's lives and why he was at some pains to defend his position against others who were claiming to do the same tasks as he did. Among these communities he was regarded as an important and respected person treated with deference and even a certain degree of awe. Zooming around with him on his motorcycle, wondering at the number of times he had to stop to exchange greetings with people on the road, or experiencing some of the respect and deference extended to me as well merely for accompanying PO Ananda, or even just the warmth and welcome that people showed a familiar and respected state official, it was not hard for me to understand the importance of his job for PO Ananda's social position and place in the world. The work that goes into producing the identity of a respectable state bureaucrat is one of the instances where the state/society boundary becomes most indistinct; equally, the narratives that are necessary to maintain the distinction between the state and non-state agencies illustrate the fluidity of the development/society boundary.

Chapter 5

A tale of two forms: The Social Report vs. “Jenny’s Form”

Introduction

One day at the Probation Unit, while chatting with the POIC about the various documentary routines and practices that are a part of their work, she asked me if I had seen “Jenny’s form”. Jenny was a consultant from UNICEF who worked in the Ministry of Child Development and Women’s Empowerment a few years ago. She worked closely with the DPCCS both at the Central and Provincial government levels. While I had been aware that Jenny tried to introduce a new form to the department that would be more in line with global practices on child protection, I had not seen the form that she had put together. The POIC rummaged in her drawer and pulled out one of “Jenny’s forms” and showed it to me. “This is not as detailed and as good as the Social Report” she told me. “We were all given these forms, but we don’t use them”. When I looked at the form that the POIC gave me, I saw it was a smartly printed document, far more aesthetically impressive than the Social Reports and the other documents that the POs usually produced in court. It was neatly formatted and was eight pages long. It was apparent that the Central government approved this form by the fact that the words “Ministry of Child Development and Women’s Empowerment” and “Department of Probation and Child Care Services” were printed at the top of the first page on either side of the Sri Lankan government seal. The form had a professional and modern look about it that was completely absent in the Social Report forms the staff used which the Government Printing Department printed on cheap, yellowing paper. There were never enough of these forms in the office, and POs often had to photocopy them when needed, which resulted in the writing on the forms being partially invisible most of the time. POs complained that they often felt embarrassed to produce these photocopied forms in the court. So why was the POIC not more enthusiastic about these seemingly more modern, smart new forms?

Documents are an important feature of modern life. From the moment of our birth, documents mark the events and everyday practices of our lives. Clients coming to the Unit often brought with them, or were asked to provide, documents that proved their identity, their place of residence, their income, their education and employment status, and even their character. Checking and preparing these documents was an intrinsic part of the work of the staff. From the client's side, making sure that the staff were provided with the necessary documents was evidence of their own worth as "good, responsible clients" which meant that their needs were met more easily.

Documents are also essential elements of bureaucratic organisations. Sociologists for example have studied how documents are a tool for establishing the routine, formality and rationality of organisations (Smith 1984; Heimer 2006; Riles 2006). Dorothy Smith states that documentary practices provide organisations with their essential attributes. She also asserts that organisational records cannot be understood independently of the context and social relations within which they are produced and interpreted (Smith 1984). Barerra in her analysis of documents and files in the Argentinean legal system, argues that documents are the sources of knowledge making and that "what counts as knowledge is actually what is *in* the files" (Barerra 2008:6, emphasis in the original). Barerra goes on to say that the study of documents is important not only for what it can reveal about knowledge making, but also how it "renders visible the subjects that create these documents".

In this chapter, what I explore is how documents do all this and more; my focus is on how documents are experienced and the kinds of responses different documents elicit (Heimer 2006; Reed 2006). The Probation Unit uses many different documents and in this chapter I focus on two forms in particular: the Social Report and Jenny's Form. By describing in detail how these forms are used and how they are filled (or supposed to be filled) by the Probation Unit staff, I analyse how the forms construct the subjectivity and the agency of those who are expected to use them (Riles 2006). I attempt to show in this chapter that the different subjectivities and types of agency that each form constitutes, elicit different responses to each of them. At the same time, the two forms are constituted upon two very divergent sets of organisational

relationships and networks, which in turn, construct very different professional identities for the Probation Unit staff.

Routine documentary practices at the office

DPCCS occupies a position within the Sri Lankan state bureaucracy, which makes its documentary practices far more significant than those of some other state departments. Its close relationship with the legal system means that its documents are part of the judicial decision-making process. This relationship with the judiciary is something that the Department, especially the PO, protects zealously, since it sets them apart from other front line workers at similar levels within the state bureaucracy.

Among the many documents that the staff prepared, the Social Report occupied the most important place. This was the report that the POs produced in court and it contained their assessment of the cases they handled and their recommendations to the court. In a sense, the Social Report was the tool through which they participated in the judicial decision making process.

Documents and records are part of their administrative and office procedures and routines. Other than different registers that recorded the judicial work that was being done in the Probation Unit, there were also administrative records that had to be maintained. For instance, all the staff sign the staff attendance book on arrival in the morning and when they leave the office in the evening. There is another book for them to sign if they leave the office during the day on an errand (whether work related or personal) or for a meeting. Additionally, they have to prepare monthly activity plans at the beginning of each month and to submit their revised activity plans at the end of the month, in which they note any deviations from the plan submitted at the beginning of the month and to submit travel claims. This is in addition to maintaining a general diary which had to be updated daily. They were also expected to provide statistics to the Provincial DPCCS each month on the current status, number and type of cases they were dealing with. Keeping up with the paperwork is an intrinsic part of life for the staff of the DPCCS.

I realised quite early on in my field work that even the most innocuous documentary practice could become controversial. For instance, the staff attendance book was often a source of conflict at the Unit. The POIC, a senior PO in her absence, or Wathsala as the administrative officer, marked the attendance book each day with a red line at 9 a.m. This was usually done with a degree of flexibility, so that it allowed staff who came into office a few minutes late the opportunity to sign before the 9 a.m. deadline. The staff liked to sign the book before the “red line” was drawn and the flexibility with which the red line was drawn was an accepted practice in the office. However, when the POIC noticed that some staff, notably PO Senani were consistently late, she started implementing the 9 a.m rule more stringently. This led to some unpleasantness between the POIC and PO Senani, the latter accusing the POIC of deliberately targeting her. PO Senani claimed that on the days that other people, especially on days when the men (usually PO Ananda and DA Ajit) were late, the red line was drawn a few minutes after 9 a.m, thus suggesting that the POIC favoured the males in the office. Of course, the POIC angrily denied this accusation and pointed out that nobody else was complaining except PO Senani because she was the only member of staff who was regularly late.

The significance of the staff attendance book (other than the moral pressure it created) was not quite clear to me until one day when the newly appointed Provincial Commissioner of Probation and Child Care Services dropped by the Unit. He examined all the registers including the staff attendance book carefully. Although he didn't make any comments, theoretically he could have pulled up any staff member who had been consistently late or absent from work and PO Senani was decidedly nervous during his visit. When the Chief Accountant of the Department rather unexpectedly dropped into the Unit, she too examined the staff attendance book. This led to more unpleasantness in the office, since PO Senani suspected the POIC of having complained about her to the Provincial Office, which according to her, prompted the Chief Accountant's visit. On the other hand, the POIC was annoyed with the Chief Accountant for having visited the office without informing her first and also for checking the staff attendance book. The POIC claimed that the Chief Accountant only had the authority to check the petty cash book. Thus, it was made evident to me that maintaining and checking documents in the Probation Unit

followed certain protocols and long established practices. Documentary evidence was an important means through which the staff provided evidence of their work and their adherence to rules and regulations. It linked them to a larger network of the state bureaucracy, its procedures, rules and regulations.

For instance, the attendance book provided important evidence if queries were raised or inquiries were conducted about the work or conduct of a staff member, as it was the basis on which the staff member's absence or presence in the office could be proved. So, when the some public sector trade unions called a general strike, and DA Ajit wanted to participate in it, the POIC and the other staff strongly advised him to at least come in and sign the attendance book since his position had still not been confirmed. Their argument was that if there was trouble later on (and the government had threatened to declare all those who were absent from work on the day of the general strike as AWOL) or if there were inquiries about who had participated in the strike, he would be safe since his signature would be in the attendance book. DA Ajit, rather sheepishly conformed and was subjected to a lot of good natured teasing thereafter for not having stood by his political principles.

While the staff attendance book was an important part of the routine of the Unit and the focus of considerable office politics, the other documents were what took up a significant part of the staff's time and energy and it is to these that I now turn. Documents not only linked the Probation Unit with a larger network, they served to carve out a special niche for them. There were certain documents that only POs had the expertise and the authority to fill. Those who worked in the Probation Unit had to develop a special knowledge to learn the language of the documents that were being used, which in turn gave them a specific identity within the government bureaucracy. These documents as I discovered were not merely records of the work done by the Probation Unit, but an important symbol of their professional expertise and knowledge. Thus, although POs constantly grumbled about their work load and complained that they were always behind with their paperwork they rarely desisted from filling the various forms.

The Social Report

The Social Report is a four page document printed in Sinhala, Tamil and English that the POs have to submit to court in relation to cases that are brought to the attention of the DPCCS. This form has been used by POs since the establishment of the Department. When cases are heard under the CYPO or when a court decides to consider probation as an alternative to imprisonment under the Probation Ordinance, the POs are requested by Court to submit a Social Report. Section 17 of the CYPO states that whenever a child or young person is brought before a Magistrate or a Juvenile Court, either for an offence committed by the child or young person or because he or she is deemed to be in need of care and protection, the police officer in charge of the station filing the case has to inform the relevant PO of when the child or young person will be produced in court. The PO is then expected to provide information regarding the health, education, home environment and character of the child and young person in order to assist the court to make its decision (CYPO Section 17, 1 and 2). Section 4 of the Probation Ordinance states that before making a Probation Order in relation to an offender, the court must consider all information relating to the “character, antecedents, environmental, mental and physical condition” of the offender as provided by the PO and that the court will call for and consider a report from the Commissioner through the PO of the suitability of the offender for supervision under probation (Probation Ordinance, Section 4). Since the Social Report was used both for the CYPO and the Probation Ordinance, its terminology and structure applied to children and young persons as well as adult probationers and did not make any distinctions between the different age-groups or reasons for appearing before the court.

The Social Report is not a stand-alone form; once it is submitted to court and a decision is made, there are related forms that have to be also filled and maintained as a record of the case. Starting with the Social Report, there are a series of documents that link a particular PO with a client until the case is considered completed.

The preparation and submission of the Social Report was the basis on which the POs provided their input to court and the means through which their contribution to the judicial process was evaluated and accepted. Not only were they providing the court

with information, they were called upon to help the court make decisions based on their recommendations. Not surprisingly therefore, the compilation of the Social Report was one of the central tasks of the POs. They were aware that their close association with the court was also what gave them a special status within the state bureaucracy. As described by a retired PO and former Deputy Commissioner, Mr. Cooray:

POs, even at that time occupied a fairly good position in the government service because they were considered court officers. We were not, because we didn't come under the Justice Ministry, we were a separate department. But people thought we were court officers. Magistrates had such respect and regard for you and everybody considered the PO as having some sort of status, even the lawyers had some sort of regard.²⁴

The way in which the court received the Social Reports of individual POs was therefore a matter of great personal pride to them. PO Mrs. Kularatne told me proudly that she never had any of her recommendations rejected by a court. She often helped the younger POs to prepare their reports, advising them how to phrase sentences and also how to refer to the appropriate section of the law when making their recommendations. The language used in the Social Report is very formal and quite legalistic and it takes some amount of experience and practice to write in that particular style.

Having the responsibility of submitting the Social Reports to the court taken away from a PO was tantamount to depriving the PO of their professional identity. The POIC told me how one of the former Commissioners had forbidden her to submit reports to court and had even taken away the cases she was handling and handed them over to another PO in order to punish her for having submitted a report which gave a negative report of one of the Commissioner's friends who was involved in a child labour case. This was described as the lowest point in her career, where she was relegated to merely being just another employee of the department.

²⁴ Interview with Tyrell Cooray 27th October 2008

POs also felt that the way their recommendations were received in court was an indication of the Magistrates' respect and trust in them. Magistrates not only considered what was in the report, but sometimes had "off the record" chats with the POs before they made their decisions. Magistrates who questioned the POs recommendations or who didn't consult them when making decisions were disliked by the POs. But the ability to establish a good relationship with the Magistrate according to the POs also depended on their ability to convince the court of their professionalism and expertise. The POIC and PO Mrs. Kularatne explained to me that the image of the PO and the respect they received from Magistrates and Judges to a large extent depended on the quality of their Social Reports and the confidence with which they were able to present them in court. PO Senani was often pulled up by the older POs for not presenting herself professionally and confidently enough in the courtroom. In fact, one of the indications of the deterioration of the Probation Service according to Mr. Cooray was the inability of the current POs to "command that sort of respect and regard" like they did in the past. Commenting on the relationship that POs had with the Magistrates when he was working for the DPCCS, Mr. Cooray said:

Court usually act on the recommendation of the PO. I don't think they ever reject. They have implicit trust in the PO. Because this has been the tradition. To give you a good example, when we were in the Department, the PO was the trusted friend of the Magistrate. He would insist that the PO get a seat (at the bar). I have sat at an unofficial bar and the lawyer was standing. And whenever the Magistrate's car broke down, he would call the PO to take him to court. He would never ask the police or any lawyer to do it. Because the standing of the PO was neutral, independent and someone who would help. A trusted friend.²⁵

The POs therefore had a special relationship with the Magistrate and the court: they were considered officials whose integrity and expertise was valued and trusted. The Social Report which was the official means of communication with the Court was the means by which the Magistrates were able to call upon their "trusted friend" to help them make decisions.

²⁵ Interview with Tyrell Cooray 27th October 2008

Despite the law stating that the POs had to be given sufficient time to prepare the Social Report, the police invariably delayed in informing POs when a child or young person was being produced in court often resulting in the PO not having sufficient notice for preparing the Social Report.²⁶ The POs' awe of the judicial system was evident in that while they would privately grumble about the lack of time they were given to prepare reports, they rarely delayed in presenting the Social Report to court even when they were rushed. When called by the court, POs literally dropped everything they were doing and ran. When I saw the dignified and often stern PO Mrs. Jayaweera run when summoned hurriedly by a Magistrate, I realised that POs took their court work very seriously. Since the Probation Unit was within the court complex, very often the court peon would appear with an urgent message that the Magistrate or Judge was summoning a PO. Sometimes, the Magistrate would set a new date for the hearing in order to give the PO time to prepare the Social Report or the PO would request for a new date. If the Magistrate was in a hurry and the case was not too complicated, they would demand that the Social Report be provided immediately. Of course, this meant that the PO did not have the time to do a home visit or to conduct proper investigations as was expected of them before preparing the report. In these instances, they would only be able to interview the person in the office. There were also instances, when the POs were reprimanded by court for not having prepared the Social Reports on time. POs were usually deeply embarrassed when this happened and made every effort to present their reports on time. The pressure of preparing the Social Reports on time was something that was palpable in the office on a daily basis.

Copies of the Social Inquiry Report were painstakingly typed by the POs with occasional assistance from Wathsala with a piece of carbon paper placed between

²⁶ Despite the law, it was evident that the police did not report all the cases they handled to the Probation. For instance, giving an example of the way in which the police disregard this aspect of the CYPO, UNICEF provides an example of a district where in 2007, while the Probation had handled only 88 cases involving children the Police had handled 152 cases (UNICEF 2009). Evidently some cases had been dealt with by court without the Social Report. However, it is not clear how many of these cases involved children over the age of 16 years. Since children over the age of 16 years were not addressed within the CYPO, if they were victims of abuse, the Police could well have prosecuted the cases under the Penal Code without being legally compelled to inform the relevant PO.

two sheets of paper in the typewriter to obtain an office copy. Since there were only two typewriters in the office, the POs usually had to wait for their turn at the typewriter and PO Ananda who was not a good typist was at a special disadvantage when it came to his turn at the typewriter. He usually needed Wathsala's help to type his reports and dictated his reports for her to type. Since this was not considered part of Wathsala's duties, and was a special favour that she did for him, on the days that Wathsala was busy, PO Ananda would clumsily type his reports, using two fingers, unless DA Ajit or DA Nimal took pity on him.

Structure and Content of the Social Report

The form was structured with different questions and with ample space for the PO to provide information for the different questions. It contained administrative information as well as personal information regarding the person whose case was being discussed. The form started with the following categories:

1. Judicial Division
2. Report Number: which was a serial number provided by the office
3. Name
4. Date of Birth
5. Sex
6. Class: A classification system was used whereby the sex and the age classification (whether child, young person or adult) and the actual age of the person was noted.

These preliminary details were followed by information regarding with whom the person concerned was living, the relationship between them and their address. Below this the home address was noted if different to the residential address.

This was then followed by a section in which the details of the court to which the report was submitted, the date on which the report was submitted to court and the case number were noted. The case number corresponded to the number under which

the case was filed in court. Details regarding the case and the individual concerned then followed as described below:

1. Charge or complaint, ordinance and section: This had to be filled stating under which section of the law the person was brought before the court. This usually referred to different sections of the penal code. Since the decision as to the charges or reason for filing a court case was made by the police, the PO merely noted the police decision.
2. Statement of offender/respondent: This section was filled by the PO after interviewing the offender/respondent. The DAs also occasionally helped with the interview although they never prepared Social Reports or presented them in court. The interview was usually conducted like an interrogation where the PO or the DA would question the person closely for details of the incident. Sometimes, if the PO felt that the person was not telling the truth, the questioning would become somewhat more aggressive, almost like a police interrogation. The PO would also tell the offender/respondent that the PO was there to provide help and support them and that telling the truth was essential if the PO was to help them. Sometimes they would tell the person: “this is not the court or the police station, you can tell us the truth”. The need for the respondent to tell the “truth” was often reiterated by the PO. If a child or young person was involved, members of the family who were present were also interviewed. Sometimes if the PO felt that the family was a hindrance or interfering too much with the child or young person’s statement, they would be asked to leave till the PO completed the questioning of the child.

The statement was followed by a description of the “personality”, “habits”, “character”, “interests”, “leisure activities”, “talents”, “physical health past and present”, “general intelligence” and “mental health” of the person. These sections were filled based on the observations made by the PO. As well as interviewing the offender/respondent and members of the family, POs (if they had time) visited the person’s home. How well the person answered the questions posed to them by the PO, their school performance (on which children would be questioned and

sometimes tested by being asked to read something, to do a simple maths problem or by examining their school reports), and their interactions with the PO were the basis on which these observations were made.

Mr. Cooray, explaining to me how the form had to be filled, said that POs were expected to visit not only the person's home, but also their school (if they were still in school), place of employment (if employed), community and to talk to as many people as possible who knew the offender/respondent to gather the necessary information. While POs continued to conduct home visits on most occasions, the workload meant that they often did not have time to interview others except the immediate family if available. If the child or young person was still at school however, most of the time the POs tried to visit the school and to talk to the teachers and the principal of the child's school.

There was also a section that dealt with the education status (schools attended, standard attained) the person's home life, including family relationships which required a description of the family, relations between family members and problems within the family. Issues of alcoholism, domestic violence or any other information about the family which the POs felt was relevant were also noted as well as the person's race and religion.

This section was followed by detailed information regarding the person's family and environment. A box for filling details about each family member, their age, occupation, income and a section titled "other remarks" was followed by one titled "General remarks on own home and neighbourhoods including overcrowding, sanitation and cleanliness". If the PO was unable to visit the home, the offender/respondent would be questioned regarding the size of house, description of the material used to build the house, the number of people living in the house, details of the type of water supply and sanitation facilities. Based on the answers to these questions the PO would assess if the house was satisfactory for human habitation or not.

A section for providing details about the person's employment record and training was also included in the form. This was deemed important when the POs made their

recommendations, even in the case of children since it helped the PO to decide if the recommendation should be to send the child to an institution such as a Certified School for training or for referring the person to vocational training or other skills development as part of the rehabilitation process.

This was followed by a section that dealt with the income of the person in a little more detailed manner. For instance, the income of the family unit had to be provided, including an assessment of the income from “charity, boarders, garden produce etc”. The total number of persons who were dependent on this income, house rent, gross income and average income per head was calculated and noted in the report. The importance of the environment in influencing a person’s behaviour and actions is indicated by the stress that is laid in the Social Report on finding out as many details as possible about a person’s background, social and economic environment.

The form also provided for the PO to include the names and addresses of “persons specially interested other than parents” presumably to identify if there are any “fit” persons who could be considered in the PO’s recommendation other than the parents of the offender or respondent as guardians or caregivers for the offender/respondent. Although what was meant by the term “fit” person is not defined in the CYPO, there was a provision for recommending that a child or young person could be handed over to a “fit” person for a period of time. The “fit” person option could be described as a form of foster care and was seen as an alternative to institutional care. The idea of the “fit” person was commensurate with the notion that was prevalent at the time that the DPCCS was established: that the roots of juvenile delinquency were to be found in the child’s environment and upbringing. The idea was that if the child was removed from a bad, unhealthy environment and placed under more appropriate guardianship he or she could be rehabilitated.

The next section dealt with the offender or respondent’s criminal records or history. A table titled “Previous Appearances in Court” was provided in the form to list previous charges, complaints and offences of the respondent. The table headings included the date, court and case number, complaint and result of the previous cases.

Below the table were sections for describing the conditions of remand or bail with dates in relation to the present case.

The final page was titled Probation Officer's summary with comments and recommendations. This was the most important part of the Social Report, since this was actually what got heard in the Court. While some Magistrates insisted that the Social Report be made available to them prior to the day on which the case was heard so that they could read it for themselves, they usually did not read the report, instead requesting the PO to summarise the report to the Court. While the final decision remained the responsibility of the Court, the PO was expected to make a recommendation as to whether this was a case suitable for Probation or not, or what other options were available if it was a child or young person, as provided by the CYPO. For instance, the PO could recommend that the child (if convicted of an offence) be placed in a voluntary home or Certified School for a specific period (usually up to three years) if Probation was considered unsuitable. In the case of a victim, the recommendation required more complex analysis and consideration, especially if the perpetrator was a family member. At the bottom of the page, the court decision was recorded along with the signature of the relevant PO.

There were various options available for dealing with children or young persons found guilty of committing an offence according to the CYPO. Depending on the gravity of the offence that had been committed, a child or young person could be detained in a Remand Home, sent to an Approved or Certified School, or placed in the care of a PO, parent, guardian or "fit" person. The court could also order the parent or guardian to pay a fine on behalf of the child or discharge the child or young person after "due admonition". The CYPO also has a clause which allows for corporal punishment of a male child or young person "not more than six strokes with a light cane or rattan, such strokes to be inflicted in the presence of the court and, if the parent of the child or young person desires to be present, in his presence" (CYPO, Section 29(1)).

A child or young person in need of care and protection if over twelve years of age, could also be sent to an Approved or Certified school, placed in the care of a "fit" person, or placed under the supervision of a PO or some other person appointed by

court for a maximum period of three years. The court could also instruct the parent or guardian to “exercise proper care and guardianship” (CYPO Section 35(c)).

Generally, POs recommended four types of orders when dealing with their clients: Probation Orders (if found guilty of an offence and recommended for rehabilitation but generally not in an institution), Supervision Orders (where children were placed in institutions for ‘rehabilitation’), “Fit” Person Orders (where children under 16 years of age were placed in the guardianship of a court designated adult for a period of time) and Miscellaneous Orders (which consisted of all other types of recommendations and actions).²⁷ PO Mrs. Kularatane once described the different types of orders in the following manner:

Probation Orders are given when a person has been found guilty by the court. Supervision Orders are for placing a child in a state institution for rehabilitation. This type of Order is given if the child has no care or protection and when the child has committed an offence. But the PO might feel that the child can be rehabilitated if the child is removed from the home environment. “Fit” Person Orders are given to provide some sort of financial aid to a child who is less than 16 years old. Miscellaneous Orders are all Orders that don’t fit into any of the above and for children over 16 years.

Related forms

Once the court arrived at a decision, there were a set of other forms that also had to be prepared. If the court decided on a Probation or Supervision Order, then the Probationer would receive a form signed by the Magistrate. This form detailed the offence for which the Probationer was convicted and the decision of the court to

²⁷“Fit” person Orders were often POs answer to providing some sort of financial support to a child and his/her family. Since a person who was designated as a “fit” person receives a monthly allowance of Rs 250.0 (a little over £1), this was seen by the POs as the only option available to them to providing some sort of financial support to families badly in need of it. However this led to many bizarre situations. Legally, a “Fit” Person Order was provided when the current guardian or parent is seen to be unsuitable or incapable of providing adequate care and protection. POs often issued “Fit” Person Orders simply to provide financial support, often naming relatives as “fit” persons even when a parent was available and caring for the child. While POs were aware of the potential problems of issuing such Orders, they justified their actions by saying that in situations where the most important requirement for the child was some sort of economic support, this was the only means available to them to provide such support.

release the person on Probation. It then indicated the duration of the Probation Order (between 1-3 years) and the conditions of Probation.

This form also indicated to the Probationer that if he or she violated any of the conditions of the order or appeared before the court on a different charge, the Probation Order could be revoked and the person could be punished according to the original offence with a jail term or a fine. The Magistrate or judge then signed the Probation Order testifying that the order was explained, understood and agreed to by the Probationer. The Probationer also signed the order to say that the conditions were explained, understood and agreed upon.

A form titled Record of Person placed under Probation or Supervision was then completed and maintained in the Probation Unit. This form contained the persons' personal details (name address, age and class), information about the type of order, the name of the PO in charge of the person, duration of the Order, any extensions to the Order, any special conditions in addition to any of the other conditions detailed in the Probation Order, details of sureties (with their names and addresses) and any fines or compensations that had to be paid. Any further information that was considered useful or any special needs and proposed actions by the PO were also included. Since this was a form that monitored the person until the case was closed, it also contained information about further appearances in court and any variations of the Order (including transfers of supervision to another PO).

Below this was a section separated by a line which said "Result". There were two types of results that were listed; successful or unsuccessful. Successful results were further divided into a) with improvement, b) without improvement c) death, vacation of Order, committed to Mental Hospital. An unsuccessful result was of five different types: a) committed to prison, b) committed to the Training School for Young Offenders, c) committed to Certified/Approved School, d) absconded, lost trace, and e) other. This form was dated and signed by the PO and the POIC.

If the PO recommended, and the court decided on, a "Fit" Person Order, which were usually for children in need of care and protection, this was documented in a different form. This form was not as elaborate as the other forms but one that was

simply typed and photocopied and was much shorter. It noted the main details of the case such as the case number and personal information of the child and stated that under Section 34 (1) of the CYPO, it had been decided that the said child was in need of care and protection. Then the form provided the name of the person who was to be appointed as the child's guardian. Furthermore, the form provided provision for naming a PO under whose supervision the child would be placed while with the "fit" person and stated the duration of the "Fit" Person Order. This Order too was signed and dated by the Magistrate.

There was a similar form for Miscellaneous Orders. This was very similar to the "Fit" Person Order form. This form referred to the Probation Ordinance Section 19 (3) which stated that POs should carry out any special or general directives given to them by the Commissioner. Unlike Probation, Supervision or "Fit" Person Orders, Miscellaneous Orders are not specifically recognised in the law. Miscellaneous Orders were usually given when dealing with children over 16 years of age in need of care and protection and who were not covered by the CYPO or, as PO Mrs. Kularatne explained to me, to cover any other type of action that was not a Probation or Supervision order. In the form, a person was named and directed as being responsible for the child for the duration of the Miscellaneous Order.²⁸ Similarly to the other forms, the PO handling the case was named and the Order was signed and dated by the Magistrate.

Making space for the PO's interpretation and judgement

As described above, the different forms that the POs were expected to prepare and maintain were linked together through a broader rationale of their role as part of the Sri Lankan judicial process. Starting with the Social Report, the other forms were used when relevant based on the court decision that was made usually according to the recommendation of the PO.

²⁸ Miscellaneous Orders were not mentioned in the CYPO. These were Orders that were given by POs for children "in need of care and protection" between the ages of 16-18. The CYPO only dealt with children up to the age of 16 years. Children who could not be given Supervision or Probation Orders were given 'Miscellaneous Orders'.

The structure of the Social Report required the PO to provide a narrative of the person they were dealing with. It required them to not only obtain information, but to interpret and analyse it. The detailed information that the Social Report demanded was considered necessary for the PO to make the appropriate recommendation to court. As Mr. Cooray explained:

The principle behind this was not the offence but the offender. Because of the training we were able to ascertain very well what a person was and why he had come before court, what the precipitating factors and the causes were right from the time the child was conceived in the womb. Because what happened within the womb, what happened at the time of confinement, what happens during the time of infancy, you know, breast feeding, weaning, toilet training, all kinds of injuries that happened at the time. All those matter.²⁹

To undertake this level of analysis, the PO has to interpret and make certain judgements based on the information he or she gathers. The POs are regarded as officers with a sufficient level of education and experience to enable them to do this. What the POs are expected to do in fact is to provide a biographical analysis, where current events are interpreted based on events that had taken place in the past (Heimer 2006). It required the PO to have intimate contact with the client in order to ascertain this level of information. The fact that each Social Report is signed by the PO who is responsible for its content, also draws a direct link between the person who is being analysed in the report and the person who is doing the analysis. And as the subsequent documentation suggests, this relationship continues beyond the Social Report, until the case is deemed to be closed either successfully or unsuccessfully. POs would sometimes describe to me how they stayed in touch with their “cases” long after they officially ended; how they had attended weddings of their former probationers, helped to find them employment or even marriage partners. They took pride in the fact that their clients recognised them or kept in touch with them long after they had ceased to be an official part of their lives.

²⁹ Interview with Tyrell Cooray, 27th October 2008

The preparation of the Social Report provided POs with the opportunity to demonstrate their particular expertise and knowledge. The POs were not provided with any special guidelines for filling these forms. As explained by Mr. Cooray, they were expected to use “their knowledge and experience”. It suggested that POs were regarded as professionals who could be trusted to exercise discretion in interpreting and judging their clients based on certain accepted principles.

Thus, compiling the Social Report was an expression of the PO’s knowledge and experience. It demonstrated their vital contribution to the judicial decision making process. The Social Report represented their special expertise with regard to children, young persons and adult probationers, an expertise that was uniquely theirs and not shared with any other state official. Especially when dealing with children, the POs often said “everything finally ends up with us”. This was noted with a sense of pride and inevitability. It established their indispensability and importance to the system. Despite the increasing case load, attempts by policy makers to allow other officers, (for example the CRPOs) to share some of the work load by allowing CRPOs to handle child victims while the POs dealt only with offenders for instance, were strongly resisted by the POs. Letting go of their “special” knowledge, I suspect, explained part of this resistance.

Social Care Plan: Assessment and Action Plan Form or “Jenny’s Form”

The Assessment and Action Plan Forms that the POIC referred to as “Jenny’s forms”, were introduced in 2006. The new form by its very look was different from the other forms, being much more modern and professional in its appearance. The Assessment and Action Plan Form was divided into 6 sections plus one other section for background information about the management and administration of the case. Unlike the older forms which required the PO to provide a narrative of the person’s situation, this was formatted in such a way that it only required a “Case Manager” in charge of the form to tick the appropriate boxes. It was formatted very much like a check list, with very limited space for actual writing.

The form was divided into two parts: the first part being the Assessment and the second, the Action Plan. Sections 1-5 consisted of the Assessment and Section 6 was the Action Plan. The form starts with administrative and background information, identifying the province, district and division where the case was located, the date on which the file was started, file number, and the date on which the file was completed. This was followed by space for writing the last date on which the file was updated. The names of the Case Manager and other people providing input into the Action Plan were next written.

Unlike the Social Report, the Assessment and Action Plan Form did not have to be produced in court nor was it compiled only on the request of the court. While according to the Social Report, the case is directed to the DPCCS through the court, the Assessment and Action Plan Form assumes a range of actors and agencies through which a child could be referred to the DPCCS: the police, education services, family, court, health services, neighbours and friends, local government, or religious leaders. It suggested a community of people and services on the lookout for children who needed the attention of the DPCCS and who would presumably have the authority and the responsibility therefore to inform the DPCCS of such a child.

The Assessment and Action Plan Form does not require the Case Manager to interpret in great detail any information regarding the child. Responses are pre-coded or required one word answers and the most that the person filling the form has to write is a sentence or two. The form clearly tries to strive for consistency and uniformity in the responses while eliminating as much as possible the personal bias of the person filling the form. Even where the person filling the form had to make some kind of an assessment, a choice of responses is provided, so that the person is restricted to choosing one option among a range; for example, low, satisfactory and good. Neither does it require extensive questioning of the child concerned, since the child's version of the incident that precipitated the child being brought to the attention of the DPCCS is not recorded in this form in detail, but only the background information regarding his or her situation.

The Assessment section has five parts to it: personal details, birth and health information, education details, family details, and social protection interventions.

The personal details section notes the child's name, address, date of birth, sex, ethnicity, religion and marital status.

The section on health ascertains if the child has a birth certificate or not and then has a series of boxes to check if the child has been immunised, subjected to a health and nutrition check, has any disabilities, and if so the type of disability with a doctors' certificate regarding the disability (which has to be attached to the form). There are also boxes to check if the child sees a doctor regularly and if the family is receiving support to help the child. Other than any disabilities the child may have, information about other illnesses and information about previous hospitalisations is also included. In the past, doctors were part of the DPCCS and trained and advised POs; this had changed and medical reports were frequently required by the Court and would be provided by the relevant doctor at the local state hospital.

The section on health is followed by a brief section titled education, in which information regarding the child's current school status, type and name of school, and if the child is not attending school, the reasons for that are noted. There are four lines provided at the end of that section titled "notes".

The section on family allows for a range of arrangements within which a child may be living. These include living as a domestic servant in a household, living on the street, in a state or voluntary children's home as well as the more usual options of natural family, relations, or non-related family. This is followed by a table in which details of the family members who are living with or who are related to the child are noted.

The next set of questions provides a range of options as to why a child might not be living with his or her parents. Questions relating to the family income, condition of the house and family problems are then asked. Interestingly, under family income, the choices given are: less than a dollar per person, less than two dollars a person, and more than two dollars a person per day. Why the dollar rate was given in this form instead of a rupee equivalent (which the staff of the DPCC would be more familiar calculating) was unclear, but the rate was in line with the official World

Bank definition of poverty.³⁰ The question on income is followed by one that asked if the household produces any food, presumably for consumption. In the section titled family problems the Case Manager can choose from among ten options ranging from poverty to sexual abuse and abandonment. There are two lines under this for “short notes”.

The next section is titled Social Protection Interventions and is subdivided into four parts. These are: areas of concern for institutionalised children, information regarding children in conflict with the law, information regarding children at risk of separation from family, and information regarding children with foster care families. Each part contains between 5-12 questions. The language in this section is very much in line with global child protection policies and practices (see for example UNICEF Child Protection Information Sheets).

This section also seeks information regarding the existing forms of support the child and the family may be receiving from state as well as non-state actors. These social protection interventions could include existing or previous contact with state services such as being placed in an institution. Again, the Case Manager merely has to tick the relevant box to indicate what kind of service the child is receiving (or has received in the past) and in some instances the duration of the service.

The next section categorises the children receiving attention into three areas: children in contact with the law, children who are at risk of separation, and children who are living with foster families, which is equated with receiving a “Fit” Person Order. The section dealing with a child in contact with the law contains basic information on whether the child was either a victim, accused or guilty party in the court case and if the victim, whether the accused in the crime was the mother, father, any other relation, caregiver, known or unknown person. Interestingly, the form also provides a box to tick if a Social Report has been submitted to Court. This suggests that the Assessment and Action Plan is not supposed to replace the Social Report but to serve

³⁰ The official national poverty line as calculated by the Department of Census and Statistics for 2006 was SLRs 1,922.00 (approximately £12) per person per month. This is then multiplied by the average household size to estimate the poverty line. The average household size is calculated as 4.1 (Department of Census and Statistics, 2006/07).

a different function, although in a UNICEF report there is a suggestion that the Assessment and Action Plan should replace all other existing forms (see below).

In the section on children at risk of separation as well as children who have received “Fit” Person Orders (referred to as foster family in the form), information is recorded as to why the child is at risk or why the child has been placed in foster care, identification of alternatives of institutional care, involvement of foster family in community activities, children’s clubs, contact with natural family, duration of placement with foster care and whether the foster family is supervised. If the child is at risk of separation from family, the Case Manager has to tick boxes that indicate if any alternatives to prevent separation have been considered.

The final section which is the Action Plan starts with a long list of needs and problems. The Case Manager has to tick the appropriate box that include things such as housing/basic needs, disabilities, malnutrition or chronic diseases, behavioural problems or being at risk of behavioural problems, abuse and neglect, sexual abuse, social and educational problems, truancy, drugs and alcohol abuse, separation from parents, request for adoption, property dispute, institutionalisation, and child abuse court case. A list of possible interventions follows this section and for each intervention that is selected the name of the professional who would be responsible for carrying it out has to be recorded. The assumption is that there would be a team of service providers who would each provide their specialised input into the case. Below this are six lines for any further notes.

This section was followed by six identical tables which are titled “Information about Action Plan and follow up meetings”. Space is provided at the top of each table for noting those attending each meeting, the tasks, the person responsible for each task, deadline and the expected results. Space to make note of the dates of each meeting and the names of the participants are provided below each table. The form finally finishes with a box for noting the dates on which the case was concluded and the file closed. Three lines are provided at the end for any concluding comments. The form does not require the signature of the Case Manager or any other person involved in the case.

Ideas of Children and the Role of the DPCC in the two forms

It is very clear that the role of the DPCC as considered in the Social Report and the Assessment and Action Plan are completely different. The two forms also have very different ideas as to the way in which the DPCC functions.

While the person who is dealt with in the Social Report is referred to as an offender or a respondent, suggesting a legal inquiry or investigation, this is not necessarily true of the child in the Assessment and Action Plan. The person in the Social Report is in need of rehabilitation or correction. The Assessment and Action Plan is dealing with a child who has been brought to the attention of the DPCCS for a range of reasons and needs support and protection. While the person in the Social Report is someone who is misguided and needs correction, the child in the Assessment and Action Plan Form is vulnerable and needs support.

The differences in terminology in the two forms reflect very distinct phases in child welfare and protection services. The child who is vulnerable and needs support is more reflective of current ideas of a “child at risk” or a “child in need of care and protection”. Within the current discourse on children, a child can be considered at risk or in need of protection for a very broad range of issues. Amendments to the Sri Lankan Penal Code in 1995 and subsequently in 1998 enlarged the scope of offences that could be committed against children. While enhancing the penalties for already existing offences, it also introduced new offences. The use of children in obscene publications, the sexual exploitation of children, sexual harassment, grave sexual abuse, causing or procuring children to beg, trafficking, failing to protect children from cruelty, abuse and neglect have also been included among new offences against children (LHRD 2000).³¹

³¹ Discrepancies in defining the age of the child lead to a lack of clarity in the law. A child is defined as under 18 years in laws on obscene publications, sexual exploitation, trafficking, protection from cruelty, abuse and neglect but the age of consent for sexual activities, and when defining rape, incest, unnatural offences, gross indecency between persons and grave sexual abuse is 16 years. This has meant that law enforcement officials interpret the law inconsistently. A foreign national alleged to have had oral sex with a boy was charged with gross indecency and a person alleged to have committed a sexual act with a girl using her thighs was indicted for grave sexual abuse (LHRD 2000).

Globally, UNICEF uses the term child protection to refer to “preventing violence, exploitation and abuse against children” (UNICEF Child Protection Information Sheets). The examples given of situations in which children may need protection include commercial sexual exploitation, trafficking, child labour and harmful traditional practices such as female genital mutilation. Child protection also means identifying and protecting children who are considered vulnerable to such abuse. Vulnerability is defined in terms of being without parental care, being in conflict with the law and being in situations of armed conflict (UNICEF Child Protection Information Sheets). While the Social Report has a much narrower definition of how a person could be brought to the attention of the DPCCS, the Assessment and Action Plan Form gives the DPCCS a wider range of responsibilities. The person referred to in the Social Report comes to the DPCC through a very clear path: either the person has broken the law or has been identified by the police as in need of care and protection. The person can also be identified to be in need of care and protection based on an investigation carried out by the PO under a directive given by the Commissioner (these being some of the cases recorded as Miscellaneous Orders). In these instances too, it is usual for the POs to recommend a court procedure. For example, there were instances when people would come to the Probation Unit and make complaints or provide information (usually through anonymous letters) regarding children who were considered to be at risk or who were being abused. After an investigation, POs either met those responsible and “advised” them or if they did not heed the advice, threatened to involve the police in filing a case.

In contrast to the Social Report, the Assessment and Action Plan Form throws a much wider net around children who are considered at risk. This includes children who have broken the law, children living in difficult (including economic) situations in families, children living with foster families, children having problems in school, children living in institutions, child labourers, abused children, children who have been trafficked, and children living on the streets. It not only deals with children who have been harmed, but who have the *potential* to be harmed: who are at risk.

Thus, children could be referred to the Probation Unit through a variety of paths and not necessarily only through the court or the police. This is a significant shift in

thinking about the place of the DPCCS within the state bureaucracy and a change in how the relationship between the DPCCS and the judicial process has existed since its establishment.

An examination of the registers tracking the cases coming into the DPCCS certainly seems to reflect the fact that the cases the DPCCS is dealing with reflect issues that are far broader than those assumed in the Social Report, and that they are dealing with cases that are more in line with the range of issues identified in the Assessment and Action Form. The Miscellaneous Register for the largest Judicial Area covered by the Probation Unit recorded 465 entries in 2007 and 316 cases by the 9th of September, 2008. The cases entered in the register included adoptions, children being institutionalised or transferred from one home to another, participation in case conferences at hospitals, requests for financial support, investigations of child labour incidences, complaints about children not attending school, finding employment for children in institutions, releasing children from institutions and investigating petitions received by the Department. It appeared that cases that were not directed to the Probation Unit by the Court or by the police were all categorised as Miscellaneous Orders and that there were a considerable number of these that the Unit was dealing with. Since the CYPO did not have provisions for Care and Protection Orders for children over 16 years, these too were now categorised at Miscellaneous Orders. But other than the introduction of the Assessment and Action Plan Form, what is it about the DPCC that has changed since 1956 that enables it to respond effectively to this dramatic increase in its scope and responsibility? And if the Assessment and Action Plan Form reflects more accurately the type of cases the POs are currently dealing with, why do they remain reluctant to use the form?

The Role of the PO vs. the Role of the Case Manager

To try and understand the reluctance of the POs to use this form, let us take a closer look at the structure of the Assessment and Action Plan Form. The logic and language used in this form is very much that of professional managerial discourse which has a ubiquitous presence in current development jargon and documents. For instance, a “needs assessment” is followed by the “identification of problems and specific interventions” and then “followed up” and “monitored” until the case is

concluded successfully. Each task is the responsibility of a specialist professional who has to produce an “expected result” within a designated time period. Unlike in the follow up forms for the Social Report, there is no possibility of an unsuccessful result. While the Social Report (ironically perhaps?) considers even death or incarceration in a Mental Hospital as a “success”, and prudently includes the possibility of the case not being concluded successfully, there is no such possibility in the Assessment and Action Plan. All interventions must necessarily be successful.

But, the most significant difference between the two forms is in the fact that while the Social Report has a specific person, the PO, who is responsible for the case, the Case Manager identified in the Assessment and Action Plan is a far more shadowy figure. The PO is a recognised position in the system, identified by legislation and is represented by a trade union. As described earlier, the PO is expected to have a set of skills, knowledge and experience that is unique to that position. The Case Manager has no specialised tasks that require any professional expertise other than those needed to manage and coordinate other professionals.

But who in the existing system is the Case Manager? According to a UNICEF funded report, POs and CRPOs are increasingly functioning as Case Managers, who are “positioned at the centre of the network of services providing protection and care to children” (Rocella 2007:12).³² The new form reflected this view of POs and CRPOS and therefore was developed to “guide and standardise” the collection of information about children coming under the care of the DPCCS (Rocella 2007:12). The form, according to UNICEF has been endorsed by all the Provincial Commissioners and 30,000 copies have been distributed throughout the island along with software for databases for monitoring the information to be maintained in all the provincial departments. The hope is that the Assessment and Action Plan form will become “the primary working tool for the PCC officers, progressively replacing the forms currently utilized to present cases in Court and to discuss them at the case conferences organized by the District Child Development Committees” (Rocella

³² This report was prepared by a UNICEF funded consultant to the Ministry of Child Development and Women’s Empowerment.

2007:12).³³ The expectation therefore was that this form would eventually replace the Social Report, although the form itself suggests that the Assessment and Action Plan Form would be additional to the Social Report.³⁴

But what was the basis of this expectation? Quite apart from the very obvious lack of any functioning computers for installing the software or database in the Probation Unit for monitoring all the information that the form was going to collect, what was the basis on which UNICEF expected this form to be the department's "primary working tool"? The Social Report is linked to a larger judicial and institutional framework which gives it a specific function. The PO cannot ignore the Social Report, since he or she can be called by the Court to produce a report at any time. The CYPO and the Probation Ordinance which lays out the functions and responsibilities of the POs specifically states that POs must present a report to court. Although it does not state that it need be a specific standard format as described in this chapter, it is evident that the Social Report was developed for that purpose. It is linked to the judicial decision making process by law. The Assessment and Action Plan Form on the other hand is not linked in this way to a larger judicial decision making process. It is supposed to be the responsibility of a currently non-existing Case Manager. Taking the fantasy of relying on non-existent or barely existing systems for the implementation of the form even further, the same UNICEF report states that the Assessment and Action Plan Form is meant to be discussed at the District Child Development Committees (DCDCs).³⁵

However as stated in Chapter 3 not every district had a functioning DCDC nor was it a space where the POs or the CRPOs felt comfortable. Furthermore, the DCDCs were established by the NCPA with whom (as described in Chapter 3), the DPCCS

³³ PCC refers to Probation and Child Care Officers and signals the efforts that were made to stress the "child care" component of the POs work. During the course of my field work in the DPCCS and Probation Unit Probation Officers were always referred to as "POs".

³⁴ Section 5 of the Assessment and Action plan has a question which asks if a social inquiry report has been submitted to the court.

³⁵ These committees were initially known as DCPC (see Chapter 3) and were later renamed as DCDCs.

had a less than amicable relationship. What was the basis on which UNICEF felt that this NCPA coordinated body could function as an appropriate space for convening case conferences? Presumably, the composition and role of the DCDC would have to change drastically before it was capable of functioning as a forum for conducting individual case conferences.

In suggesting that either the PO or the CRPO could be the Case Manager, the Assessment and Action Plan presumes that the relationship between the PO and the CRPO is one of close cooperation and that they are in fact interchangeable. As described in Chapter 1, the PO and the CRPO are appointed through two different administrative systems and are located in two different administrative sections of the bureaucracy. Moreover, CRPOs were considered very much as “junior partners” by the POs, with no role to play in the “real” work of the Department. PO Mrs. Jayaweera once commenting on CRPOs said, “they are not capable of doing anything properly. It is easier for us when they don’t get involved at all”. The POs and the CRPOs do not meet regularly as a matter of course; during my field work period I did not observe any instances where the POs and the CRPOs worked together on a case. The only link between the two officers was when CRPOs would refer people and cases to the POs. For POs, these referrals were yet more evidence of the lack of capacity and skills of the CRPOs. They saw these referrals as CRPOs “passing the buck”.

Network of Support Services in “Jenny’s Form”

What of the “network of services” that is referred to in the UNICEF supported report which the Case Manager has to coordinate? It is here that one of the fundamental assumptions of the Assessment and Action Plan becomes apparent. At a conceptual level it can be argued that the Assessment and Action plan is based on a classic understanding of a bureaucracy or a network of bureaucracies that exists in an ideal Weberian sense, characterised by the division of labour, specialisation of tasks, system of rules and procedures and technically competent participants marked by rational discipline (Hall 1963). How much of the DPCCS conforms in reality with these characteristics of a bureaucracy is open to question. In the course of my field work I did not observe any such functioning network of services for the Case

Manager to coordinate. While there were a range of officers appointed by the state to work on welfare and development issues, there was no mechanism by which they worked together and they were all hampered by lack of resources, training and support.

The Assessment and Action Plan also assumes that the PO and CRPO are in a position within the hierarchy of the state bureaucracy, to call upon various other actors to provide their services and be managed in this task by them. Given that interventions identified in the Assessment and Action Plan range from health, education, poverty alleviation to law enforcement and legal support, this calls for an extraordinary amount of cooperation and coordination between service providers from within a broad field. More importantly, one of the most characteristic features of the Sri Lankan bureaucracy is its adherence to and respect for hierarchy. POs and CRPOs are frontline workers who are positioned quite low in the elaborate system of ranking and positioning within the Sri Lankan bureaucracy (see Chapter 1). As mentioned previously, one of the reasons the POs are so protective of their association with the judicial process is that it gives them a status that helps them to overcome to some extent the lowly position they hold within the bureaucracy. But whether their recognition as “court officers” gave them sufficient leverage to coordinate and manage officers from several unrelated departments is questionable. The position of the CRPOs is even more precarious in this regard.

The Assessment and Action form also assumes a relationship between the state services and NGOs in which each complements the other and there is high level of cooperation and coordination between the two sectors. Thus, the vision is of a Case Manager who would be able to preside over meetings where both state and NGO service providers would sit together and pool and share their resources in a joint intervention. In reality the relationship between NGOs and the DPCCS was far more tenuous and shaped by the capacity of NGOs to forge useful relationships with state service providers. As described in Chapter 4, this relationship was influenced by the high level of suspicion with which NGOs were viewed in Sri Lanka, especially outside the Northern and Eastern Provinces.

Thus, the Assessment and Action Plan is based on a Case Manager who is nonexistent, assumes a network of services and relationships among service providers which is also nonexistent, requires a forum which as it is currently operating is patently unsuitable for it, and perhaps most importantly is not linked to any existing procedure or regulation governing the DPCC which is supposed to use it.

Official endorsement and practical usage of “Jenny’s Form”

But, apparently the Assessment and Action Plan Form was endorsed by the Central as well as Provincial Commissioners and the government seal on the first page provides proof of its acceptance and integration into the system. Or does it?

While the Assessment and Action Plan Form imagines the POs and CRPOs morphing into Case Managers for Child Protection, a circular prepared by the National DPCCS suggests a somewhat different story. This document which is signed by the National Commissioner, explained and summarised the Probation Ordinance and encouraged POs to use Probation Orders as an alternative to imprisonment, claiming that the Probation Department while capable of handling around 7000 Probation Orders annually had only handled 525 in 2002 and 523 in 2003 (DPCCS circular, undated). Reasons for the low number of Probation Orders were identified as the lack of knowledge among Magistrates and Judges regarding the role of POs, the lack of a proper understanding between the judiciary and POs and the focus of the Probation Department shifting to child welfare and child development including activities such as monitoring of children’s homes, day care centres resulting in POs working outside of their primary responsibilities. This seemed like an attempt by the National DPCCS to reorient the department towards its original focus of dealing with juvenile justice and Probation including Probation of adults. In fact, it contains an implicit critique of the POs’ focus shifting away from their legal work to other areas of child welfare and child development which is precisely what the Assessment and Action Plan Form is attempting to do.

POs are regularly inundated with a flurry of contradictory policy initiatives, requests for information and invitations for training programmes. These contradictions are

not merely reflective of some schizophrenic aspect of the Sri Lankan bureaucracy, but of how the policy-making space is inhabited by multiple actors with various motivations and orientations. Capacity building initiatives which characterise the “partnership” between the state and non-state agencies include such initiatives as the implementation of “Jenny’s Forms”. Attempts such as these which seek to reform and reorient state services reveal the extent to which non-state actors are implicated in state activities.

Furthermore, policy orientations change with startling rapidity. As Mosse (2005a) has argued, policy is not driven by a need for influencing practice but for justifying and legitimising interventions. Policymakers he argues, form an interpretive community speaking to decision makers and others. But the Assessment and Action Plan Form is an attempt to translate policy into something that is more concrete and directly linked to practice. The government seals on the form provide it with the official recognition of a policy initiative that has been translated into practice and integrated into the system. Yet, on closer examination, what we find is that this is a mirage since the system to which it is integrated does not actually exist.

Social Report vs. Jenny’s Form

Trying to understand the existence and usage of the different forms used by the Probation Unit becomes extremely complicated for several reasons. First of all we have a Unit, which is clearly over stretched and unable to serve its clients effectively. The fact that the DPCCS is in need of improvement is accepted by all including those working in it. Those working within it feel that they are under-resourced and unsupported while their work load keeps increasing. Those from above or who are external to it feel that the capacity of the staff needs to be improved. There is also a belief among those who are seeking to improve the DPCCS’s capacity that the orientation of the DPCCS need to shift from being focussed on juvenile justice to child care and protection. Those who argue for the shift in orientation point to the fact that the nature of the cases the DPCCS is dealing with has changed: the percentage of juvenile justice cases are decreasing, while the number of child protection cases are increasing. Therefore, they believe that the procedures and services of the DPCCS need to change appropriately.

In some ways, it can be argued that the Assessment and Action Plan form was an attempt to change the orientation of the DPCCS to be more in line with the *nature* of the cases it is currently dealing with. It definitely attempts to shift the orientation of the DPCCS from viewing the child as an offender to a child in need of care and support, even if the child is in conflict with the law. But the most obvious thing about the Assessment and Action Plan is that it redefines the person who is filling the form and the relationship that this person has with the child. And herein lies a fundamental reason that explains the inability of Jenny's Form to actually reorient and reform the DPCCS as planned.

The PO that is imagined in the Social Report is one who was described by Mr. Cooray: the "trusted friend" of the Magistrate, recognised as an independent and neutral officer, with the knowledge and experience to analyse a person's situation from birth to the moment he or she has come before the court and who is able to recommend what the Court should do. Thereafter, the PO will be responsible for carrying out the Court order and reporting back to Court when necessary until the case is closed either successfully, because the person has been rehabilitated, or when the case is considered unsuccessful. The Social Report is the first point of contact in a long relationship that the PO develops with the client. The successful conclusion of this relationship is largely dependent on the skills of the PO. There is enormous trust placed in the PO and in the capacity of the PO. The form does not attempt to screen or protect the client from the biases or misjudgements of the PO; managing that is left to the professionalism of the PO and the skills of his or her supervisors.

On the other hand, the Case Manager in the Assessment and Action Plan Form is part of a team. He or she is not making decisions alone but as part of a team. The Form documents the collective decisions of the team. It is the team that relates to the child, not an individual. It is not necessary for the child to develop a long term relationship with the Case Manager. It is not necessary for the Case Manager to know the child as intimately and in as detailed a manner as expected in the Social Report. As described previously, the skills that are required of the Case Manager are quite different to that of a PO. The Assessment and Action Plan Form also does not have the same trust in the Case Manager's skills as the Social Report has of the PO;

therefore it builds into the form itself a means of limiting the bias and anticipating the lack of capacity of the PO by circumscribing the agency of the Case Manager.

But then is the apparent “de-skilling” or disempowerment of the PO the source of their resistance to the Assessment and Action Plan Form? Are the POs protecting their professional integrity in rejecting “Jenny’s Form”? While this may certainly be a contributory factor, there is another element which also needs to be considered. The work of the PO is not only about providing a service but it is also about producing their place in the social world. The Assessment and Action Plan Form, essentially changes their relations with the client and with others in the state bureaucracy as well. The Case Manager is not a “court officer”. He or she cannot be considered a “trusted friend of the Magistrate” and absorb some of the status associated with this image. Instead of being able to operate independently the Case Manager will be reliant on the cooperation and services of other officers. The Case Manager will relate to the client as part of a team and not as the primary provider of services. This way of relating to clients is a totally new orientation to how the POs currently relate to them. As we have seen, that interaction is one based on the PO in the role of advisor and guide; a person who tells the client what is wrong with them and also provides answers as to how they can be fixed. The Case Manager is not someone to whom grateful clients will go down on their knees and touch their feet (see Chapter 7). Nor someone who will be received with the same respect and deference that I observed when accompanying PO Ananda in the field as described in Chapter 4.

What those producing and endorsing the Assessment and Care Plan failed to understand was the importance of these factors for the POs in how they engage with their work. Although formally characterised by rules, procedures and discipline, it is through the interpretation of these by the individuals within it that the systems are made meaningful and functional. Whether it is deciding at what time the red line is drawn to denote 9 a.m. each day or assessing if a child needs to be removed from her family or not, there is an individual making these judgements on a day to day basis. These judgements are made not only based on the routine of bureaucratic practice,

but also based on the social relations that govern these interactions. These practices are also part of the construction of the Probation Unit staff's social identity.

Quite apart from the structural assumptions implicit in the Assessment and Action Form, it failed to meet the requirements of its users; it took away from the POs or attempted to weaken their input into the judicial decision making process which as we have seen is one that is central to their identity and to maintaining their place within the bureaucracy. It made the fatal mistake of placing POs and CRPOS on an equal basis. It transforms the PO from a professional, a "court officer" with a unique set of knowledge and experiences who evokes (or certainly tries to evoke) respect, gratitude and awe from their client into a mere worker who fills forms.

The desire to build the capacity of the staff of the DPCCS and the POs in particular comes from a view that they are too bureaucratic and unfeeling in their responses to children. Ironically, "Jenny's Form", which is part of this initiative, actually *alienates* the staff from their work even more and further bureaucratises the more intimate and long term relationship the POs are supposed to have with their clients. It produces an identity for the PO which is shadowy, indistinct and de-personalised which is the precise opposite of what they strive for in the way that they conduct themselves.

The attempts of "Jenny's Forms" to professionalise and make more responsive the service offered by the POs actually sets the child up against a formidable set of "experts" who are given the authority to assess and make recommendations regarding the child's life. This does not take into consideration the social relationships that exist between the different parties expected to collaborate with each other and the hierarchical relationship that exists between a state bureaucrat or a professional and their clients in the Sri Lankan context. By attempting to graft a highly bureaucratic procedure in which professionals and "experts" are placed in a position of authority on to an extremely hierarchical and status driven bureaucratic system, the agency of those at the receiving end of services is further compromised.

As far as the staff of the Probation Unit were concerned, "Jenny's Form" did not meet any of their needs. It did not make their work easier nor more effective, but

most importantly it did not link to any of the systems, procedures, networks or relationships that they engaged with in their work. As a result, the fading, yellow, Social Reports continued to reign supreme in the lives of the POs while the beautifully formatted “Jenny’s Forms” gathered dust in the drawer of the POIC.

Notes:

Since I completed my field work in October 2008, an initiative (also supported by UNICEF) to amend the CYPO to bring it more in line with current ideas of children at risk as well as to reflect the actual work being done by the DPCS is underway. The proposed amendments to the CYPO include new formats for reporting to court as well as to include case conferences as part of the procedure to be followed by POs. It also attempts to resolve the dilemma with regard to children between the ages of 16-18 years in need of care and protection by removing the words “young persons” and renaming the Ordinance simply as the Children’s Ordinance thereby including all those under 18 years of age within its purview. “Jenny’s Form” or the Assessment and Action Form is also in the process of being revised. POs from different parts of the country have been have been selected to provide their input for the revisions.

Chapter 6

The many faces of Sinhala nationalism

Introduction

Up to this point of the thesis, I focused on analysing how the construction of a particular social identity for state bureaucrats influenced their relationship to the state and to non-state agencies. I explored how the construction of middle class identity (particularly of the Sinhala middle class) is linked to a specific understanding of the state and how this is evident at different levels of the state bureaucracy, in its engagement with non-state agencies and in how state bureaucrats protect their professional status. In Chapters 6 and 7, I examine in more detail how this middle class identity and a certain morality associated with the middle class are linked to aspects of Sinhala nationalism. While Chapter 6 focuses on different aspects and critiques of Sinhala nationalism that shape the morality of the middle class, Chapter 7 dwells specifically on how this morality is rendered visible in encounters between Probation Unit staff and their clients.

Venugopal (2009) has described how Sinhala nationalism provides an “ideological connective tissue” connecting the people with the state and a “moral lens” through which the actions of the state could be evaluated and legitimised (Venugopal 2009:36). He also states that the circumstances that gave rise to Sinhala nationalism meant that its sources of support came primarily from the middle class and the lower middle class. The nationalist sentiments expressed by these groups with “rising (but often blocked) aspirations” also reflected their resentment and animosity against the English educated, Westernised elite. Venugopal argues therefore that the moral framework of Sinhala nationalism “establishes a strong set of paternal obligations on the part of the state to promote the welfare and improvement of the people” (Venugopal 2009:36).

While I agree with Venugopal’s assertion, I argue that this middle and lower middle class who largely constitute the state bureaucracy, translate this paternal obligation of the state, into articulating a certain morality pertaining to people’s behaviour, dispositions and demeanour, which they see as intrinsically linked to their

responsibility as state bureaucrats for promoting the welfare and improvement of the people. That is, the welfare and improvement of people requires following a particular morality. For state bureaucrats, asserting this morality is also a means by which they distinguish themselves from their class others. Given that employment in the state sector is an important means of achieving social mobility for the middle class and the lower middle class, asserting their class position is inextricably linked to performing their duties as state bureaucrats. In Chapter 7, I will discuss how contemporary global child protection policies create a space where this particular moral framework can be exercised by state bureaucrats.

As Venugopal also points out however, Sinhala nationalism is *not* monolithic, all-pervasive or un-changing (Venugopal 2009). Neither is its moral or cultural identity. Within the Probation Unit too, I found that the social and cultural identity of the staff was influenced by different characteristics of Sinhala nationalism as well as by critiques of Sinhala nationalism. What I explore in this chapter are the genealogies of the different strands of Sinhala nationalism that I encountered at the Probation Unit, particularly those elements that shaped a certain moral framework. I also show how Sinhala nationalism, while linked to the past also responds to perceived threats in the present (Berkwitz 2008). Furthermore, ideas of Sinhala nationalism are not uncontested within the Sinhala middle class. What I observed in the Probation Unit, and what I will describe in detail in this chapter are three specific political and cultural strands within the middle class: one that has its roots in the linguistic politics of 1956, another that has is linked to the radical Marxist politics of the *Janathā Vimukthi Peramuna* (JVP) and finally a smaller, more contemporary post-modern influence, exemplified by a group known as the “X Group” which was strongly critical of the two other groups. There are many common elements between these three stands but there are also divergences. For instance, the X Group was almost contemptuous of the Sinhala nationalist sentiments expressed by the other two groups. But what they all had in common were attempts to articulate a particular political and cultural identity for the Sinhala educated middle-class. What is also noteworthy is the extent to which all three movements articulated their positions in *relation* to the English educated, Westernised elites.

The rise of Sinhala Nationalism

i. Pre-independence era

Sri Lankan scholars have noted the complexity and heterogeneity of Sinhala nationalism. (Tambiah 1992; Venugopal 2009). Unlike in neighbouring India, there was no mass independence movement in Sri Lanka. The transfer of power in Sri Lanka from the British was smooth and peaceful. Indeed, universal suffrage and constitutional reforms leading towards self-government were introduced by the colonial government despite reservations by Sri Lanka's political leaders at the time (Spencer 2008).

Political activity in 19th century Ceylon centred on caste and class alliances. This basically revolved around efforts by an emerging bourgeoisie to displace the traditional elite from their monopoly of the Legislative Council which consisted of British and Ceylonese members. The latter were nominated by the Governor. The seat on the Legislative Council reserved for the Sinhalese, with one exception had been occupied by members of one family; a Protestant Christian, high caste (*govigama*) family with a tradition of loyal services to the British. The changes that took place in the economy especially during the British colonial period led to an emergence of a wealthy bourgeoisie, who felt they had the educational and economic power to challenge this monopoly. They were also campaigning for Sri Lankans to enter the higher levels of the bureaucracy (Roberts 1982; Jayawardena 2000; de Silva 2005). The new elite was dominated by members of the *Karāva*, *Durāva* and *Salāgama* castes from along the coastal areas especially in the Western and Southern regions while the traditional elite were from the *Govigama* caste which was numerically the largest caste group among the Sinhalese (Roberts 1982). However, Kumari Jayawardena has argued that while the conflict between the two groups had elements of caste competition, it was primarily characterised by the attempts of the new bourgeoisie to displace the traditional, feudal class from its position of social and political power (Jayawardena 2000).

The religious revival that was taking place in the 19th century was part of this assertion of social and political power by the new bourgeoisie. A sense of national

identity and culture were generated around renewing and inventing memories of a glorious past civilisation, history and the superiority of a unique Sinhala Buddhist culture.³⁶ Reinforcing the superiority of the Sinhala Buddhist culture compared to the European culture of the colonial rulers was central to these revival movements. But the influence of colonial culture which was associated with modernisation was evident even in the revivalist movements. Leaders of the religious and cultural revival reinvented tradition while keeping in mind the demands of modernity. The appreciation of the Sinhala language, traditions and Buddhist culture were seen as part of this emerging modernity (de Mel 2001). But as Jayawardena (2000) argues, the religious and cultural revival was funded mainly by the class of merchant capitalists and was well within a broad imperialist framework. The movements were mainly in the form of temperance movements, the revival of indigenous religions, the establishment of Buddhist, educational institutions and agitation for moderate political reforms.³⁷

Several Buddhist monks such as Migettuwatte Gunananda and Hikkaduwe Sumangala and the lay Buddhist Anagarika Dharmapala played leading roles in this religious and cultural revival. The education sector had been dominated by the Christian missionaries. Buddhist philanthropists from among the emerging local bourgeoisie began establishing Buddhist schools to counter the influence of the missionaries on education. This movement was to be particularly significant for the emerging Sinhala middle class and the bourgeoisie who were seeking a new nationalist identity and self respect in the face of years of colonial rule during which Buddhism and Sinhala culture had been restricted. The American, Colonel H.S Olcott, the founder of the Theosophical Society and his Russian associate Madame Blavatsky heard about the famous debates that had taken place between Christians and Buddhists and in particular the Panadura debate in 1873 and decided to support Buddhist revivalists in Sri Lanka. They started corresponding with Migettuwatte Gunananda, the Buddhist monk who had gained the honours over the Christians in

³⁶ A similar revival of Tamil culture and Hinduism also took place, but I will be focusing on Sinhala and Buddhist revivalist movements since my research location was primarily Sinhala Buddhist

³⁷ The establishment of Hindu and Muslim schools also took place during this time

the Panadura debate. Olcott and Blavatsky visited Sri Lanka in 1880 and lent their support to the Buddhist education movement. Many wealthy Sinhala families within the new low country capitalist class helped establish Buddhist schools and were leading members of the movements and organisations that were established during that time, partly as a means to demonstrate their influence in the face of the conflict with the traditional elites (Tambiah 1992; Jayawardena 2000; Wickramasinghe 2006).

The temperance movement in the early 20th century provided another space for anti-colonial and anti-Christian sentiment to be expressed and for mass mobilisation. Although the temperance movement was first organised by the missionaries gradually the Buddhists took over and linked the consumption of liquor with the influence of Westernisation and Christianity. This movement linked the elite, particularly the Buddhist elites with the masses and became a means of articulating anti-colonial sentiments. However this revival lost some of its prominence during the mid twentieth century after the incarceration of several leaders of the temperance movement and also due to the prolonged absences of Dharmapala in India, where he was busy fighting for the recovery and preservation of Buddha Gaya, the birth place of the Buddha. The political leadership which was educated in English, Westernised in their dress and style of life, had a more collaborative relationship with the colonial government seeking political rights through constitutional reform rather than the more belligerent forms advocated by the Buddhist revivalists. These politicians were part of the Ceylon National Congress (CNC) which was seeking political concessions and independence through negotiation and diplomacy (Kearney 1967; Tambiah 1992; de Silva 2005).

From about 1923, the key political issue was suffrage. The CNC was opposed to universal suffrage arguing for literacy and income as qualifications for the vote; but it was supported by labour union leader, A.E Goonesinha, who supported universal franchise without any discrimination by gender, caste, ethnicity, class or religion (Wickramasinghe 2006). In 1931, elections were first held under the new constitution amidst opposition from the CNC as well as from the Tamil Federal Party who boycotted the elections. But the new mass politics that were introduced heightened

the appeal of mobilising on linguistic and religious identity. The 1930s saw the establishment of Sinhala Buddhist societies such as the All Ceylon Buddhist Congress (ACBC) and the Sinhala Maha Sabha (SMS) which advocated for religious interests and the propagation of the Sinhalese language including teaching in schools in the vernacular languages. The SMS was founded by S.W.R.D Bandaranaike, an ambitious young politician in 1937, who recognised the mass appeal of the religio-nationalistic ideology and the potential of the SMS to be his political base (de Silva 2005). Goonesinha, who had earlier championed universal suffrage, turned against ethnic minorities, especially migrant labourers, partly in an attempt to distinguish himself from the Marxist parties that were making inroads among the urban trade unions (Wickramasinghe 2006).

This period saw the emergence of Marxist parties in Sri Lanka. In 1935, a Marxist party, the Lanka Sama Samaja Party (LSSP) was initiated; a section from this split in 1943 to form the Communist Party (CP). There were some Buddhist revivalists including Dharmapala and several Buddhist priests who supported working class agitations as a mark of resistance to colonial powers. There were also radical Buddhist priests involved in the LSSP and the CP particularly from the *Vidyalandara Pirivena*, the monastic college just outside Colombo, where the POIC and PO Mrs. Jayaweera were educated after it became part of the university system. An important and influential precedent set by these monks was the right and responsibility of monks to participate in politics in the national interest. The more radical mood of the political monks could be gauged in their reaction to the Soulbury Constitution in 1944 as falling short of Ceylon's expectations of being a fully independent sovereign state. They also strongly articulated support for a state-centred socialist programme that included the nationalisation of transport, mines and estates, the control of foreign investments, and the support for a scheme of free education (Tambiah 1992). Significantly, what this meant was that Buddhist monks acting as a political pressure group became an accepted part of the political landscape in Sri Lanka. The political role of monks has always attracted censure and critique both from the more traditional sections of the clergy as well as different sections of the laity. But it became the tradition for all the political parties to canvass for support among Buddhist monks and to involve them in campaigning on their platforms.

Perhaps the entry of the Marxists into the political scene influenced the fact that from the 1930s politicians became aware of the need to pursue a socio-economic mandate as well as constitutional reforms. The colonial government too, anxious to arrest the perceived “radical” threat from the Marxist groups supported the more conservative political groups agitating for reforms. This period saw the introduction of educational reforms where the state became more involved in education particularly in rural areas, the initiation of peasant colonisation schemes, the introduction of food subsidies and the improvement of health facilities. The foundations for a welfare state were laid during this period (de Silva 2005).

Just prior to independence, D.S. Senanayake, the leading political figure of the time, left the CNC to start the United National Party (UNP) and attempted to make it representative of the different ethnic groups. This attempt received a boost when S.W.R.D Bandaranaike along with his SMS joined him as did the Muslim political leaders. When the Tamil Congress also joined the government, the UNP did seem to truly represent the ethnic and cultural plurality in Sri Lanka. Independence was granted in 1948 with none of the violence experienced in other parts of Asia. The lack of a mass mobilisation leading towards independence and the smooth transfer of powers which ensured that the established leaders remained in power (D.S. Senanayake became the first Prime Minister of independent Ceylon) led some Left wing politicians to accuse the government of having struck a deal with the imperial powers in order to maintain the status-quo (de Silva 2005). The stability that was experienced soon after independence however was short lived. The pressures of economic downturn, population growth and the growing expectations of the educated led to an upsurge of nationalism resulting in intense class, communal and religious turmoil in the first decade after independence.

ii. Post-independence era

Certain characteristics of Sinhala nationalism are based on a particular reading of history. Its most prominent version is that the Buddha himself appointed the Sinhalese people as guardians of his teaching. It is claimed that since the conversion of the Sinhalese to Buddhism in the third century B.C during the reign of King Devanampiyatissa by Mahinda the son of the Indian emperor Asoka, a great Sinhala-

Buddhist civilisation flourished in Sri Lanka. This state was continuously under pressure from foreign invaders firstly from South India followed by the European colonial powers. With each wave of foreign invasions and the establishment of colonial regimes, the Sinhala-Buddhist civilisation was threatened, undermined and suppressed (Nissan and Stirrat 1990). The legitimacy of the state was based on its ability to support and protect Buddhism; the post-colonial state was expected to correct past and present injustices committed against Buddhism (Spencer 1990; Tambiah 1992; Venugopal 2009).

Sinhala nationalism idealised a particular form of life associated with the past: the fiction of a simple, homogenous and egalitarian pre-colonial Sinhala Buddhist peasant society as symbolised by the *væva* (irrigation tank), *dāgæba* (temple) and *yāya* (paddy fields) provided the image of an ideal Sinhala Buddhist community. These symbols are commonly depicted even today in art and literature to represent the ideal of a harmonious and integrated village. Monks from the Vidyalankara group in particular further articulated this ideal in terms of a socialist-welfare society in which the political authority actively intervened and planned for the elimination of poverty and to create general prosperity. These monks read in the Buddhist canons and chronicles an endorsement of a policy of welfare, redistribution and state planning. They were also highly critical of self-interested economic conduct, wealth accumulation, consumerism and party politics that encouraged disunity and the disconnect between the governing politicians, bureaucrats and the governed. The ideal government was based on an ancient kingship model where rulers had the responsibility to govern virtuously, promote the moral and material welfare of the people and to ensure social justice. Independence in 1948 was expected to redress historical grievances and establish the kind of righteous government described above (Tambiah 1992; Brow 1996).

However, independence did not bring about the anticipated changes. There was increasing dissatisfaction with the post-colonial state and much of the frustration was expressed in terms of nationalist rhetoric. 1956 has been generally regarded by scholars as when there was an upsurge of Sinhala nationalist fervour culminating in demands for a “Sinhala Only” language policy. Bandaranaike had formed a new

party, the Sri Lanka Freedom Party (SLFP) in 1951 after breaking away from the UNP. He strategically supported the “Sinhala Only” language policy, promising a government that would address the grievances of the Sinhala people including their language demands. The main sources of support for the language movement came from among the vernacular educated Sinhala intelligentsia who were deeply concerned that the language, culture and religion of the Sinhalese faced major threats, probably even extinction due to a government that was indifferent and even hostile to their concerns. The English language was viewed as the language not only of the foreign coloniser but also of the English educated, Westernised Sinhala elite who the UNP and its leaders represented (Kearney 1967). Nationalist claims were not directed only or even primarily at a colonial power but towards the privileged elite in society who were believed to have collaborated with colonial rule to maintain their positions. Despite the expansion in vernacular education, the English language educated continued to dominate the bureaucracy which was the main source of non-agriculture employment for the educated. Since English language education was private, expensive and concentrated in the North and Southwest, access was restricted for most people. Higher education too was also in English limiting access to employment with high status and remuneration (Kearney 1964).

New citizenship legislation which disenfranchised the Indian Tamils strengthened the position of Sinhalese rural voters who were wooed by different political parties in their bids for power. The establishment of the SLFP by S.W.R.D Bandaranaike provided Sinhalese rural voters with an alternative to the UNP as well as to the Marxist parties, by explicitly claiming to respond to the sense of outrage and injustice expressed by the Sinhalese.

The Buddha Jayanthi celebrations commemorating the 2,500 anniversary of the Buddha at this time also generated considerable religious and cultural enthusiasm. In 1953 the All Ceylon Buddhist Congress (ACBC) established a Buddhist Committee of Inquiry which published a report on the eve of the 1956 election calling for urgent government action to rescue and restore Buddhism from the dangers posed by colonial Christian domination and Western materialism (Tambiah 1992). The UNP leadership at the time were particularly unsympathetic to these claims and were

viewed as pro-West and alienated from local religion, culture and language. There were growing demands to make Sinhalese the official language and S.W.R.D Bandaranaike and the SLFP led the political agitation advocating for this demand. Despite the UNP capitulating on the language issue just before the election, this was so patently an election ploy that it had no credibility among the electorate. The SLFP in a coalition with the LSSP and the CP won the 1956 elections and found itself having to implement the “Sinhala only” language policy as promised and unable to control the forces that had propelled them to power (de Silva 2005). Prime Minister S.W.R.D Bandaranaike was eventually assassinated by a Buddhist priest and another Buddhist monk, Mapitigama Buddharakkita, a prominent and powerful member of the SLFP and the monk coalition that supported him, was convicted of plotting the assassination.

Using a variety of sources and data ranging from census reports, government reports and parliamentary Sessional papers, Venugopal (2009) presents a masterly analysis of the factors that led to the upsurge of Sinhala nationalism during that particular period. Venugopal attributes population growth, rural poverty and high unemployment among the educated for the nationalist surge at the particular moment. According to him, colonial Ceylon’s economic structure was divided into two spheres: the plantation economy and the peasant agriculture of the small-holder, semi subsistence farmer. Although the plantation economy is usually painted as owned and run by Europeans and worked by immigrant Indian Tamil labour, Spencer (2000) points out that collaboration with the colonial regime enabled the Sinhala elite to amass estate land; thus, the new capitalist class too were considerable landowners. Since the 1930s, the small-holder, semi-subsistence, peasant agriculture had been in a state of crisis and transition leading to land scarcity, severe land fragmentation and land poverty. The only way for the rural peasantry to escape the poverty of the rural economy or diversify its sources of income was through obtaining an English language secondary education followed by employment as a government clerk. In 1941, the Free Education Ordinance had expanded educational opportunities considerably, making quality education not just a privilege of the elite. The state’s Central School Scheme which established state-run English medium schools in rural

areas was one example of how educational opportunities were expanded (de Silva 2005; Venugopal 2009).

At the same time, control of malaria and better health care led to a drop in mortality and population growth. Soon there were growing numbers of educated, rural youth seeking upward mobility through government employment. But after a surge of opportunities in the government sector, employment was static in the 1930s due to the depression. After a relatively good period in the 1940s, opportunities again slumped by the 1950s as a result of the fiscal crisis after the Korean War. Growing unemployment among educated youth became a major problem for the government. The over representation of Tamils in the government sector since the 1920s led to a rise in Sinhala-Tamil tensions over the issue of employment which Venugopal argues goes some way in explaining how the Sinhala nationalist movement became more explicitly directed against Tamils and why language became such a pivotal issue (Venugopal 2009).

It was this nascent nationalist consciousness that political parties have ever since competed to channel and co-opt. In the 1950s for example, the UNP and the SLFP competed with each other in championing the Sinhala nationalist consciousness particularly around the language issue, although it was finally the SLFP that was successful in making it part of their own campaign. It was only the two Left-wing parties the LSSP and the CP that resisted and even opposed the “Sinhala only” language policy. Usually the party in power has been more accommodating of minority concerns while the opposition strives to prevent any communal accommodation and to present itself as the party “truly” representing nationalist interests (Venugopal 2009). In reality, most of the ruling elite have come from the same circle of families who have proved to be remarkably resilient and adaptable to the demands of mass politics (Manor 1989; Spencer 1990, 2002; Tambiah 1992). Indeed, despite all the attempts of the Rajapakse family to represent themselves as not being part of any of the traditional ruling dynasties, they too come from within this circle of privileged, landowning, feudal families that have held on to political

power since independence.³⁸ Obeyesekere (1974) has pointed out that kinship and marriage ties has kept the ruling elites in Sri Lanka from the UNP, SLFP as well as the LSSP and CP as part of the same social network.

Kearney (1964) argues that religious, language and cultural issues initially represented a revolt against the social, political and cultural domination of the elite class. The revolt against the elite was also evident in the 1971 insurrection by the JVP, a radical Marxist party (Obeyesekere 1974). In more recent history, the economic domination of the West and the domination of the private sector within a liberalised economy by members of the same elite have further strengthened the anti-elite characteristics of Sinhala nationalism. As Venugopal states:

Despite the sharp doctrinal differences between orthodox Marxism and Sinhala nationalism, these two ideo-political currents have in terms of practice often shared many elements of rhetorical, analytical and programmatic overlap such that the popular discourse of political legitimacy, electoral competition and lay intellectualism frequently featured an eclectic mix of themes drawn from both currents such as social justice, the alleviation of poverty, the protection of the Sinhala peasant, the promotion of indigenous culture, and a broad antipathy towards the neo-colonial cultural and economic domination of the Euro-American 'west' (Venugopal 2009:48).

The party which managed these two ideo-political currents of Marxism and Sinhala nationalism most adroitly was the JVP. Formed in the late 1960s they launched an armed insurgency against the state in 1971 and also in 1987. Both insurgencies met with a brutal response from the state security forces, with thousands of JVP cadres and sympathisers being arrested, scores killed and disappeared (see Wadugodapitiya 2009). However after each suppression, the JVP managed to re-emerge, re-establish their position and to become a third force in national politics. From just one parliamentary seat in 1994, the JVP went on to steadily increase their share of parliamentary seats; they won 10 seats in 2000, 16 in 2001 and 39 in 2004 (Venugopal 2009). The JVP was also at the forefront of the nationalist opposition to the peace process between 2001 and 2004. They campaigned on behalf of Mahinda

³⁸ Several members of President Rajapakse's family are currently in power including two brothers and one son who are in the parliament and another brother who is the powerful Secretary of Defence.

Rajapakse in the 2006 Presidential elections although they declined to join the government. Their previous attempts at coalition building under Kumaratunga had proved to be too difficult due to their stubborn and uncompromising position on many issues.³⁹ According to Venugopal the JVP's ideological mix reflects the "materiality of Sinhala nationalism within the dynamics of class and the social democratic state" (Venugopal 2009:184). The JVP political momentum can be attributed to their ability to shift between Sinhala nationalism and the more orthodox Marxist positions regarding class and workers rights in the face of two issues that have dominated Sri Lankan politics recently: the ethnic conflict and liberal economic reforms. Their strong presence in the trade union sector as well as in student movements within universities has provided them with human resources that can be easily mobilised for highly organised and visible protests and demonstrations.

At the Probation Unit, PO Ananda and DA Nimal were sympathetic to the JVP cause; they had both been peripherally involved in the JVP insurrection in 1989 and DA Nimal had spent some time hiding in fear of being arrested during the *bhīṣanaya* as had many young men of similar age in his village. DA Nimal was usually the last to express a political opinion at the Probation Unit and often claimed that his experiences in the past had disillusioned him. Once, I attended a political meeting organised by the JVP together with PO Ananda and DA Ajit, much to the horror of PO Senani, who expressed shock that I was interested in hearing what the JVP had to say. The POIC, PO Mrs. Jayaweera and PO Mrs. Kularatne, along with Karunaratne were staunch supporters of the SLFP. The most lively political arguments took place between the three men and the others in the office; Karunaratne's passionate defence of the current regime usually provoked these arguments with DA Ajit in particular, going out of his way to shock the others with his more radical statements.

The resurgence of Sinhala nationalism which was actively promoted by the Rajapakse government in an attempt to garner support for its military efforts was able to tap into many of these eclectic mixes of themes, successfully drawing support

³⁹ A section of the JVP however broke away in late 2008 and formed a new group called the National Freedom Front and joined the government.

from a variety of potentially opposing forces. Its rhetoric of Western conspiracies, anti-NGO sentiments, denunciation of traitors and accusations of betrayals of the motherland spoke directly to the feelings of injustice that characterise Sinhala nationalism. A description of Sinhala nationalism's more modern manifestations which provided a fertile ground for such rhetoric is what I will describe next.

The modern religious and cultural revival

Many of the themes that were present in the nascent Sinhala nationalist movements have come up again and again in varying forms in Sri Lanka's post-colonial history. These themes were evident in the moral framework that shaped the subjectivities and personhoods of the Probation Unit staff. The anti-Western, anti-Christian and anti-capitalist themes were particularly apparent in the Probation Unit. The anti-Christian element for example was present in the staff's attitude towards NGOs and INGOs and reflected resurgence in concerns about Christian fundamentalist groups who were accused of engaging in proselytising in the guise of humanitarian work.

This issue had become particularly heated in recent times because of Gangodawila Soma (1948-2003), a charismatic Buddhist priest who became very popular in the 1990s. Gangodawila Soma was a prototype of the kind of "Protestant Buddhist" described by Obeyesekere (Obeyesekere 1975; Gombrich and Obeyesekere 1988). "Protestant Buddhism" refers to the form of Buddhism that emerged from among the English educated, partly Westernised middle class that emerged in the late 19th century. Its salient characteristics include a blurring of the distinction between monks and the laity since religious rights and duties are the same for all; but more importantly it favours a practical or instrumental rationality within Buddhism. The ethos of Protestant Buddhism while having a strong anti-colonial bias, borrowed many of its values from Protestant Christianity (Obeyesekere and Gombrich 1988). Gangodawila Soma for example rejected traditional village Buddhism as irrational and also condemned certain practices in contemporary urban Buddhism as against the teachings of the Buddha. Instead, he advocated "scientific" and "rational" Buddhism which involved meditation and following a more temperate life in

accordance with the five precepts that all lay Buddhists are supposed to follow.⁴⁰ Like Anagarika Dharmapala, who according to Obeyesekere was the quintessential Protestant Buddhist (Obeyesekere and Gombrich 1988), Gangodawila Soma attempted to “cleanse” contemporary Buddhism from its impurities and to revitalise a “Buddhist way of life” (Berkwitz 2008).

Gangodawila Soma initially caught public attention with his sermons on the radio and television in the 1990s and his growing popularity led him to have two well known television programmes: *Añduren Eliyaṭa* (From Darkness to Light) and the other *Nānapahana* (Lamp of Wisdom). On his television programmes and in his sermons he critiqued both Buddhist monks and their lay followers for their “un-Buddhistic” practices such as their belief in Gods, performing rituals such as *Bōdhi Pūja* and following the teachings of the Indian guru Sathya Sai Baba.⁴¹ His rather simple, no-nonsense and often sarcastic style of preaching attracted many followers and he gradually began to comment on broader socio-political issues. This included an aggressive temperance campaign (again touching on a familiar theme among Sinhala nationalists) and also more politically controversial comments on the “historical injustices” inflicted upon the Sinhala Buddhist community by those of other religions and in particular Christian missionaries. He accused fundamentalist Christian groups of “bribing” poor Buddhists to convert and this incited deep suspicion of NGOs with any Christian affiliation or funding. INGOs such as World Vision and CCF were some of the more prominent organisations that were accused of engaging in conversions during this period.

⁴⁰ The five precepts are: undertaking not to kill, lie, steal, engage in sexual misconduct or to partake of any intoxicants.

⁴¹ *Bōdhi Pūjā* are a traditional form of ritual which was revitalized in 1976 by a young monk named Panadure Ariyadhamma. During this ritual offerings of flowers, lamps, incense etc are made before images of the 28 Buddhas. Venerable Ariyadhamma’s innovation was to recite Sinhala verses during the ritual lasting for about one hour in a particularly mellifluous tone. This ritual is also done in honour of the *Bōdhi* tree as a symbol of the Buddha’s Enlightenment. *Bōdhi Pūjā* are now commonly held with a more instrumental purpose by individuals to serve their worldly ends. For example, it has become common for parents to perform *Bōdhi Pūjā* before a child’s exam, or when someone is sick (Gombrich and Obeyesekere 1988).

Illustrating how Gangodawila Soma linked religion to contemporary issues in order to drive his messages home, the World Bank also came in for criticism for imposing financial debts on Sri Lanka (Berkwitz 2008). His criticism of a prominent Muslim politician M. H. M. Ashraff, the founder of the Sri Lanka Muslim Congress (SLMC) for his alleged support of a scheme to settle Muslims in an ancient Buddhist temple site, Deegavapi in the Ampara district, however had a somewhat embarrassing outcome for Gangodawila Soma. Ashraff challenged him to a famous televised debate in which the monk was forced to backtrack on his allegations and his lack of knowledge about the issue was exposed while Ashraff drew acclaim for his fluency in the Sinhala language and the respectful manner in which he spoke of Buddhism and behaved towards the monk.

Gangodawila Soma died unexpectedly in 2003 in St Petersburg while travelling to accept an honorary doctorate from a little known theological institute. His sudden death created a furore in Sri Lanka with wild allegations of a fundamentalist Christian conspiracy to murder him growing to such proportions that President Kumaratunga appointed a Presidential Commission to investigate his death. The conspiracy theory was further fuelled by the fact that Gangodawila Soma had himself apparently declared that there was a plot to kill him in one of his last sermons (Deegalle 2004). The Commission could not arrive at any specific conclusions with three members alleging a conspiracy and the fourth stating that there was not enough evidence to support such a conclusion.

However, the ultra-nationalist *Sihala Urumaya* party capitalised on the emotion that was generated with Gangodawila Soma's sudden death and fielded over 200 monks for the parliamentary elections in 2004 as the *Jātika Hela Urumaya* (JHU) on a promise to restore "righteousness" to the parliament and to honour the legacy of Gangodawila Soma (Deegalle 2004; Berkwitz 2008). Nine monks were voted into parliament mainly from the Western province.⁴² The nine monks from the JHU were not however, the first Buddhist monks to enter parliament. Baddegama Samitha, a

⁴² One of the monks resigned soon after entering parliament to make way for Champika Ranawaka, from the *Sihala Urumaya*. Champika Ranawaka was appointed as a Minister by President Rajapakse when the JHU joined the government.

politically active monk from the LSSP had entered Parliament in 2001 but lost his seat in the 2004 elections. Baddegama Samitha's politics were completely different to that of the JHU; he was known for his support of the ceasefire and strong criticism of communal politics. Previously, other Buddhist monks too have been elected to local councils (Deegalle 2004). But never had a political party fielded only Buddhist monks nor campaigned on such an explicitly Buddhist agenda as the JHU.

The JHU joined the Rajapakse government in 2007 and became one of its strongest allies and defenders of its military strategy against the LTTE. Although an influential force in the current government, the electoral popularity of the JHU has been more or less limited to the middle class in the more urbanised Western province. In the 2004 parliamentary elections for example, while they received 18.02% of the votes in the Colombo district and just over 10% in Gampaha and Kalutara districts also in the Western province, in almost all the other districts that they contested they polled less than 5% of the vote.⁴³ More than their electoral power however, their influence has been in their vociferous and attention grabbing campaigns against Christian conversions and NGOs in particular which coalesced with other critiques and suspicions of NGOs. At the Probation Unit, no one expressed any support of the JHU and in fact they were often quite critical of Buddhist monks engaging in political activity. When they dealt with cases of sexual abuse involving Buddhist monks, they soundly condemned the moral deterioration among the Buddhist clergy often blaming it on their increasing involvement in political affairs. But the JHU-influenced fear of conversion was very much evident at the Probation Unit as described in Chapter 4 especially in the narratives of suspicion constructed about NGOs.

Post-tsunami context

The massive influx of huge numbers of humanitarian agencies post-tsunami exacerbated the existing hostility and suspicion about NGOs. The scale of the humanitarian response was such that by March 2005, barely three months since the

⁴³ [Http://www.slections.gov.lk/District2004/district2004.html](http://www.slections.gov.lk/District2004/district2004.html) accessed on April 5th 2010

disaster, 250 new agencies had registered with the government (Fernando and Hilhorst 2006). This was in addition to the existing organisations in Sri Lanka and the many organisations that did not register with the authorities. Neither did this account for the hundreds of volunteers who arrived with money that had been collected from personal networks. Massive amounts of money were collected and pledged; the huge global media coverage of the tsunami brought the disaster home to different parts of the world with an immediacy and intensity that resulted in a humanitarian response that was without precedence. It also brought problems: soon agencies were competing for beneficiaries, disaster professionals clashed with individual volunteers and the large number of stakeholders in the response meant that the money was tied up to different expectations (Fernando and Hilhorst 2006; Stirrat 2006). Most agencies were reluctant to channel the aid through government agencies and the government soon claimed that most of the money that had been pledged was not received by the government (Fernando and Hilhorst 2006).

Allegations that the money that had been collected went towards paying large salaries and supporting a lavish lifestyle of NGO staff while projects remained unfinished or badly implemented soon contributed to an image of corruption within NGOs. Most damaging however was the allegation that NGOs and other international organisations had a neo-colonial political agenda and were “interfering” in the ethnic conflict (Fernando and Hilhorst 2006). Pro-nationalist newspapers and political parties attacked the UN and other international organisations for supporting the LTTE. Accusations for instance that UNICEF had supplied the LTTE with “ready-to-eat” meals and a blast-proof vehicle led to several UN employees having difficulties renewing their visas and local Tamil staff being subjected to threats and inquiries. The fact that many of the UN agencies as well as other international agencies worked with the LTTE-linked Tamils Rehabilitation Organisation (TRO) during the peace process (with the knowledge and approval of the UNP government at the time) was highlighted as evidence of their pro-LTTE bias (International Crisis Group 2008).

With the escalation of the war and the resultant concerns for civilian casualties and human rights abuse the government stepped up the heat on NGOs. International staff

required a clearance certificate from the Ministry of Defence and new guidelines were issued by the Ministry of Internal Administration for obtaining visas and work permits. International staff were also warned that they would be screened for the “violation of laws/policies of the Government of Sri Lanka” or “involvement or assisting in acts of terror” when visas were issued and that these could be reasons for revoking visas (Ministry of Internal Administration 2008). A Parliamentary Select Committee had been appointed in April 2005 to probe local and international NGOs and the Berghof Foundation, a conflict resolution NGO that had been extremely active during the peace process came in for particular scrutiny. Its Executive Director Norbert Ropers, was subsequently asked to leave the country as was Rama Mani, the Executive Director of another well known NGO, the International Centre for Ethnic Studies. Staff from several other international organisations such as FORUT (Campaign for Development and Solidarity), CARE, SCF and the Norwegian Red Cross had visas revoked and were subjected to investigations. The situation had become so difficult that it provoked US Ambassador Robert Blake to draw attention of the government to the “harassment and intimidation of NGOs” at the Sri Lanka Development Forum in January 2007.⁴⁴

However, it was not only the escalation of the war that provided a momentum for a heightened sense of nationalist consciousness among the Sinhalese middle and lower middle classes at this time. The material basis of this consciousness was if anything even more apparent in contemporary Sri Lanka than during the 1950s when Sinhala nationalism was at its pivotal moment. The middle class’s traditional source of mobility, the government sector, was under tremendous pressure in a liberalised, open economy; the private sector’s promise of being the “engine of growth” had not materialised outside the Western province. Improved media and communications meant also that the middle class was linked to a broader, global community much more intensely than ever before. While the idealised image of the harmonious and integrated village, and the non-materialist “Buddhist way of life” still existed it was becoming more and more distant. It was evidently an ideal that could never be

⁴⁴ <http://srilanka.usembassy.gov/jan292007.html> accessed on April 5th 2010

reached and although never articulated quite so directly, an ideal that wasn't perhaps quite as appealing as the ideal of becoming part of the global community and lifestyle, especially for the younger generation.

It was precisely this ambiguity, this tension between different and sometimes contradictory aspirations that characterised the morality of the contemporary Sinhala middle class in Sri Lanka. It was this ambiguity and tension that I also found in the Probation Unit. Invocations to the past and critiques of materialism were combined with a desire for the comforts, technology and innovation offered by a completely different set of ideals where the West symbolised development and progress. But these symbols of development and progress were also tantalisingly far for most of the population. This ambiguity was often expressed by PO Mrs. Kularatne who was torn between joining her sister in Australia and fears about whether a Westernised lifestyle would corrupt her teenage daughter. I was repeatedly asked about my plans after my PhD – would I return to Sri Lanka or would I seek greener pastures in the Western world? When I said I planned to live and work in Sri Lanka, I was praised for my “patriotism” but my decision was met with some disbelief. Although unsaid, I felt the staff couldn't quite understand why I would pass up an opportunity to live in the “developed” world.

Chatterjee has argued that anti-colonial nationalism divided the world into two domains: the material domain of state-craft, science and technology and the spiritual domain bearing the “essential” marks of cultural identity. In the material domain the West has proved its superiority while in the spiritual domain the East was dominant and he argues that the more successful one's efforts in imitating the West in the material domain, the more important it becomes to maintain the distinctiveness of the East's spiritual superiority and culture (Chatterjee 1989, 1993). But when one's efforts at imitating the West in the material domain too become unsuccessful, the spiritual domain becomes more contested and riddled with tension and ambiguities. This tension between the spiritual and material domains was evident among the staff at the Probation Unit who while yearning for material success that would enable them to be part of “modern” society also expressed fear that materialism was eroding the wellbeing of people. But to determine precisely what that spiritual domain (as

Chatterjee refers to it) consisted of was not easy. Even within the small confines of the Probation Unit there were some disagreements regarding this. This suggests that the boundaries between these two domains are far from clear.

“Post-modern” Sinhala nationalist consciousness

Presenting yet another dimension to Sinhala middle class consciousness, DA Ajit occupied a position that was somewhat different from the other staff. For instance, he was opposed to the war and he also maintained a different position when it came to the idealistic view of “traditional” culture or “village” life that the other staff members sometimes subscribed to. He often teased the others saying that the moral values they upheld were hypocritical and based on Victorian moral ideals rather than an “authentic” Sinhala culture. He sometimes shocked the senior POs by stating that “traditional” Sinhala culture was far more promiscuous than they believed. When the other staff expressed shock and disgust at some of the cases they handled or the actions of their clients, DA Ajit often shrugged his shoulders saying “*mēvā sāmānyya dēval*” (these are normal things). Once after a particularly distressing incident in the office where a young widowed woman with two small children came to the office weeping to make a complaint that she was being harassed by her neighbours who were attempting to chase her away from her home in order to grab her property, he commented sarcastically: “Now, there you can see: our ‘idyllic’ and ‘innocent’ village culture”. Unlike the other staff, he did not think that Sinhala Buddhist culture or “traditional” culture needed to be particularly respected or valued.

DA Ajit reflected the ideology of a more contemporary movement among the Sinhala speaking intelligentsia. It had its roots in a modern rendering of anti-West feeling within the *Jātika Cintanaya* movement which emerged in the 1980s. The *Jātika Cintanaya* movement, was led by Professor of Mathematics, Nalin de Silva (formerly at the University of Colombo and currently at the University of Kelaniya) and he was supported by the Sinhala novelist Gunadasa Amarasekera. Nalin de Silva, was a former member of the *Nava Sama Samāja Party* (NSSP, the New Social Equity Party, a breakaway political party from the older Socialist parties in Sri

Lanka).⁴⁵ Gunadasa Amarasekera was known for his critically acclaimed novels of the Sri Lankan middle class in which he discusses the transformations that take place especially among the rural middle class in colonial and post-colonial times. Amarasekera was following in a well known tradition of other famous Sinhala literary figures such as Martin Wickramasinghe. However, unlike Wickramasinghe who searched for a more inclusive Sinhala cultural tradition, Amarasekera leaned towards a less liberal tradition (Spencer 1995, 2007).

Nalin De Silva, formed a student group called *gavēśakayo* (the explorers) at the University of Colombo. While criticising the limitations of Western science and attacking Marxism which de Silva claimed had its roots in the “*yudev cintanaya*” (Semitic philosophy) as did all other Western philosophical traditions, the aim of *gavēśakayo* was to discover the roots of Eastern science that was considered more holistic, sustainable and therefore superior to Western science (Spencer 1995; Witharana 2002). These discussions took the form of seminars and newspaper debates and attracted a significantly large group of Sinhala speaking intellectuals and activists. While Amarasekera was sympathetic to the JVP which wields considerable influence among university students, de Silva was hostile to it. During the 1988/89 JVP led insurrection, some university student groups opposed to the JVP were influenced by the *Jātika Cintanaya* ideology and formed rival student unions in opposition to the JVP. Though the initial attraction of *Jātika Cintanaya* was its critique of the hegemony of Western intellectual traditions its gradual shift towards an uncompromising Sinhala nationalist position (especially in the positions taken by de Silva and Amarasekera with regard to the ethnic conflict) antagonised certain elements within the Sinhala speaking intelligentsia. The traditional Left, the more liberal organisations and civil society movements were vigorously critical of the *Jātika Cintanaya* philosophy which took ground within universities and among the Sinhala speaking intelligentsia and passionate debates on the philosophy of science, quantum physics and science took place in the Sinhala media and within universities between these two groups (Witharana 2002).

⁴⁵ See Nira Wickramasinghe, *Modern History of Sri Lanka*, for a history of the left political movements in Sri Lanka

Many individuals who became part of these movements grew up with the influence of the Sinhalese translations of Soviet literature, the novels of Albert Camus, Sartre and Sinhalese authors and poets like G. B. Senanayake, Mahagama Sekera and Gunadasa Amarasekera, who wrote about Sinhala middle class life and culture. They were also influenced by intellectual discussions during the time that sought to scientifically disprove traditional myths and superstitions. They were “modern” and progressive, rejecting the superstitions and myths of “traditional” culture. They were influenced by many different global intellectual traditions especially traditions that promoted scientific rationality. For example, during the 1970s, well known physician Professor Carlo Fonseka, conducted experiments on firewalking to dispel ideas about any divine influence and engaged in furious debates in the local media challenging ideas of reincarnation. Firewalking is a ritual performed to the gods where devotees run over burning, hot coals with apparently no burns due to supposed divine protection. Professor Carlo Fonseka proved that even non-believers were not burnt if they mastered the correct technique of running fast and lightly over the coals. To prove this, he documented how even those who ran across the coals after drinking alcohol and eating meat (in complete violation of the prescribed devotional practices) emerged unscathed. The followers of Gangodawila Soma also had links to some of these earlier movements which emphasised rational and scientific approaches to religion and spirituality.

While talking to DA Ajit regarding his often controversial opinions and seeking to understand what had influenced him in these directions, he had mentioned that one of his earliest influences had been the *Jātika Cintanaya* movement. Eventually disillusioned by its hard-line stance on the ethnic issue, he had drifted towards another political movement that was popular during the 1990s when he was at university which was known as the X Group.

The X Group that DA Ajit joined while at university, originated as a group formed in Colombo and its suburbs around a group of Sinhala speaking intelligentsia and artists who had been marginalised from traditional civil society groups. A major difference between the X Group and the other groups among the Sinhala intelligentsia was that it originated from among non-university based intellectuals. In fact, it drew most of

its membership from outside the university student groups. Many of them were not graduates but were members of Sinhala alternative theatre and art groups. The X group claimed to be inspired by post-modern philosophers such as Derrida, Foucault and Lacan and conducted study groups and discussions around postmodern texts. The name “X Group” was said to have been a reference to Malcom X. They attracted many people ranging from Advanced Level school students to some of the older generation especially those who were on the margins of mainstream civil society, small left-wing political parties and left-wing trade unions.

What started as an informal discussion group eventually became an influential group within certain Sinhala speaking circles. The initial group was formed in Panadura, a suburb of Colombo. Gradually, they began to use the office space of a Colombo University academic for their discussions, and expanded their membership within the other universities as well. The main tool the X Group used as part of their activism was to publicly question the contradictions of the public and private lives of well known public figures, in particular those who were considered powerful in the civil society, art and academic fields. They published a magazine titled *Mātoṭa* and then “London” where, among other things, they “exposed” certain public intellectuals and activists. Civil society organisations, civil society leaders, middle class values and politics, capitalism and economic globalisation were the main targets of the X Group’s critique.⁴⁶ *Mātoṭa* was funded initially by a powerful SLFP parliamentarian and subsequent Minister, Mangala Samaraweera, and his associates who found in these alternative tabloids a useful means of mobilising anti-UNP sentiment in the late 1980s and early 1990s.⁴⁷ Many well known academics and civil society figures were mercilessly ridiculed in these magazines, by writers who did not have any qualms about picking on their eccentricities, foibles and perceived hypocrisies (see *Mātoṭa* 2000). The “unauthentic” and “hypocritical” culture of the Sinhala middle class was

⁴⁶ The name “London” was deliberately chosen to attack what was considered the hypocritical and chauvinistic anti-West attitudes of groups such as the *Jatika Cintana*

⁴⁷ Managala Samaraweera was a powerful minister in the governments of Chandrika Bandaranaike Kumaratunga and Mahinda Rajapakse. He played an important role in the election campaigns of them both. Recently however he has become one of the strongest critics of the Mahinda Rajapakse regime and resigned from his Ministerial positions to campaign against the government in alliance with opposition parties

regularly attacked. Labelling them as *godayō* (unsophisticated) *gæmiyō* (village folk) and *bayiyō* (fools) they were lampooned for their attempts to ape the culture of the upper classes. This was explained to me by one of the original members of the X Group (who subsequently left the group) thus:

It wasn't about ridiculing the person who really came from the village. The problem was with the others who tried to do things that didn't come from within themselves or tried to conform to an ideology that they didn't have an authentic right to (*Ē gollanta ayti næti cintanayak*). For example, at that time, there was a fashion to wear pink, green and yellow shirts. When they did that, they looked like *godayō* (unsophisticated people). It would be like me trying to wear the sunglasses that an American friend gave me. Till I feel comfortable enough so that it becomes a part of me, I will look like a *godayā* (unsophisticated person) if I wear it.⁴⁸

Interestingly, while the more hardline Sinhala nationalist movements such as the *Jātika Cintanaya* also ridiculed those who imitate Western culture, the X Group's criticism didn't come from a position where they posited Western culture in opposition to a "superior" Sinhala culture like the *Jātika Cintanaya* group. The X Groups' criticism was from a position where they questioned the personal authenticity of those adopting various Western traditions. For example, one of their more sensational articles in the magazine *Mātoṭa* was about young middle class Sinhalese men and women who followed Western fashions which projected a liberated sexuality while maintaining highly conservative sexual norms in their own lives (*Mātoṭa* 2000). In the same vein they criticised the look of the traditional left-wing parties; the Che Guevara beards, the red shirts and the berets so beloved of all the other Sri Lankan left parties were jeered for being a cover for far less revolutionary political positions. Thus, DA Ajit unlike PO Ananda and DA Nimal was clean shaven and did not hesitate to laugh at PO Ananda when he put on a tie when appearing in court. "Why are you trying to strangle yourself with that piece of cloth?" he would ask PO Ananda, who sheepishly admitted that as uncomfortable as it was he was compelled to wear the tie in order to conform to the dress code of the court. DA Ajit, continued to read the magazines put out by these groups and he

⁴⁸ Interview with Manju Kariyawasam, October 14th 2010

would bring them to the office where he would share them with PO Ananda and DA Nimal and the latest scandals and controversies reported in these magazines were discussed at length.

Though it reached its peak by 2005 with many youth groups formed in some of the main towns away from Colombo, the X Group broke into two as a result of an internal revolt against the dominance of one its most charismatic leaders, Deepthi Kumara Gunaratne. Many of those who played leading roles in the X Group broke away while the majority of members remained loyal to Gunaratne. Currently there are two groups: one led by Gunaratne known as '*Peratugāmi Pakśaya*' (The Avant-garde Group) and the other without any official leader as the X Group (the latter claimed the legal rights to the name the X Group). The X Group is in a state of disarray currently with new break away groups constantly emerging.

Sinhala nationalism and the middle class identity

The way that Probation Unit staff viewed their position as state bureaucrats, their relationships with local and international non-state agencies, their assessments of their clients' behaviour and actions reflected a particular moral and political consciousness. I suggest that this consciousness is a particular middle class Sinhala consciousness that has its roots in Sinhala nationalism and more recently in attempts to respond to Sinhala nationalism. This is not to suggest that Sinhala nationalism is a purely middle class phenomenon, but that certain characteristics of Sinhala nationalism reflect the struggles of the middle class to articulate a cultural identity that distinguished them from both the Westernised elite as well as the "uneducated" lower classes. However, middle class Sinhala moral and political consciousness cannot be represented as unitary or coherent. In this chapter, I have described several different strands that can be identified within it. The influence of the 'Sinhala Only' movement, the Buddhist revivalist movements, the Marxist tradition and in particular the JVP movement and more recently, smaller movements such as the *Jātika Cintanaya* movement or the X Group could be identified in the moral opinions and positions expressed by the various members of the Probation Unit staff.

Many of these intellectual and political movements were referred to in the conversations about the role of the state, NGOs and global politics. The older staff were clearly products of the language policies of the 1950s and its resultant cultural and political ethos; PO Ananda and DA Nimal were influenced by the JVP insurrections in the late 1980s and were thus more critical of the state while DA Ajit had been part of the X Group movement in its heyday and was deeply critical of the state as well as of his colleagues' moral frameworks. But apart from DA Ajit, the others shared a particular moral framework in which Westernisation, materialism and the liberal economy were viewed as the causes for the moral degradation they saw in contemporary Sri Lankan society. In the critique of NGOs they, including DA Ajit were all united.

The representation of elite culture as “Westernised” and alienated from “local” and “traditional” culture, debates about defining what was “local” or what was valuable about the “local” were important aspects of the Probation Unit staff's moral framework and reflected their identification with these various cultural and political movements. Relationships with NGOs and international development agencies were framed within a suspicion of the motives of “Western” nations in Sri Lankan politics. The actions of their clients were judged based on particular ideas of what was considered to be appropriate and respectable behaviour. Yet, as evident from the X Group philosophy espoused by DA Ajit, these were also contested concepts.

The way in which this Sinhala Buddhist nationalist consciousness affects the everyday actions of middle class state bureaucrats indicates that studying the state requires a close interrogation of the modes of thinking of those inhabiting the state. Such an analysis reveals that the state cannot be studied from a distance or as a coherent, unitary entity. Also, as I describe in this thesis, understanding the politics and morality of these state bureaucrats is crucial to analysing their engagement with local and global development policies.

Chapter 7

Abuddassa kālē: A time of Godlessness

Introduction

The staff at the Probation Unit often described society as being in a state of moral crisis or breakdown. The increasing numbers of child abuse cases, especially cases of sexual abuse, domestic violence, rising rates of divorce, the ineptness of senior officers, the corruption of politicians, the lack of support and resources to do their work, the lack of appreciation and respect for government officers; all of these things were viewed as evidence of a state of morality, both within and outside the DPCCS, that was breaking down. But it was the often horrific and emotionally wrenching work that they dealt with on a daily basis that provoked the most intense discussions at the office regarding the state of morality in society. The POIC had a saying that reflected her views regarding how times had changed: “*Issara hora vāḍa. Dæn balu vāḍa*” (In the past people stole things. Now they do perverted things), suggesting that there was a qualitative difference to the kinds of issues with which the Probation Unit dealt. Whereas in the past, they had dealt more with petty theft and misdemeanours, the cases they were dealing with now according to the POIC were increasingly in the category of *balu vāḍa*, meaning perversions.

In a conversation I had with PO Ananda about the type of cases they handled at the Probation Unit, he had this to say:

These days there is general decay in morality (*sadācaraya pirihiḷā*) among people. It is mainly because of the influence of the media and because there is no proper leadership. The media is slowly destroying our culture. What is being promoted is individualism and materialism: people want instant gratification. We need another Dharmapala again.

PO Ananda’s words summarised the general opinion in the Probation Unit: that today’s society was marked by the degeneration of morals as a result of the values of individualism and materialism that were being promoted primarily by the media. Individualism and materialism were seen as foreign to the moral values that had shaped local culture in the past; they were associated with “modern” values and

hence destroying local culture. By invoking Dharmapala (see Chapter 6) PO Ananda had also touched on another popular theme: the need for a strong leader who could revive “traditional” values and stem the rot that had set in as a result of people forgetting their roots, indigenous morals and values. This rhetoric was not confined to the Probation Unit; it formed part of the popular discourse on “modern society” that was evident in the media and in speeches made by political and religious leaders. Many years after the death of Anagarika Dharmapala, the Buddhist revivalist whose influence on Sinhala nationalism was described in Chapter 6, there are streets, schools, and parks named after him and his memory is evoked often as a leader who had “awakened” the Sinhala Buddhists to take pride in their culture and traditions.

Liechty (2002) has argued that the middle class is constantly engaged in negotiating and renegotiating ideas, values and embodied behaviour. Positioned between the “ignorant” lower classes and the “morally depraved” and “culturally alienated” upper classes, the middle class occupies an extraordinarily complex cultural space. While very much a part of the changes that the globalised economy has wrought upon post-colonial states, they are also the most affected by the insecurities brought upon by those changes. For instance, while employment in the state sector is no longer the most obvious means of securing social status and mobility, employment opportunities in other sectors are restricted to those who lack the requisite social connections, language skills and appropriate “private sector” cultural traits (National Policy on Youth Employment 2006). Thus, staff at the Probation Unit made sure that their children were educated in schools that afforded them access to resources for learning English and computer skills, which would provide them with opportunities for employment beyond the state sector.

PO Ananda’s daughter, for example, had gained entrance to a prestigious state school in a town some distance from where he lived. He was delighted by this but was also worried that she was constantly tired and falling sick as she had to wake up early in order to get to school on time, attend tuition classes in the evenings after school and complete homework when she got home. He was also upset that she did not have any time to play or experience the “freedom” of village life in the way that he did as a child:

When we were kids we had so much freedom. We played in the village, we climbed trees, and we bathed in the rivers. Children today don't experience any of these things.

The problems faced by the children that they dealt with in the Probation Unit were often attributed to the lack of moral and spiritual values because, they believed, the emphasis now in schools and also within families was only on education. When PO Ananda expressed his sadness that his own daughter was not familiar with village life, he was also expressing anxiety about the fact that she was not learning certain values associated with village life such as simplicity and innocence. At the same time, he wanted his daughter to be able to succeed in the modern world and although he expressed regret at what she was missing, he was not prepared, for instance, to send her to a local school, which would have been less tiring for her, or to reduce the number of tuition classes she had to attend. Raymond Williams (1973) has argued that the “structures of feeling” whereby particular ideas and images of the quality of life of the country and the city are expressed, represent a “crisis of values” of a particular time. PO Ananda's anxiety about his daughter was exacerbated by the fact that despite his fear of her “losing” touch with village values, he could not or would not prevent her “exposure” to the corruptions associated with the city.

The staff recognised this “crisis of values” among their clients as well. The staff often described the problems faced by their clients as stemming from moral ambiguity, of not being able to, or not knowing how to, distinguish between right and wrong. The cases they dealt with often served as reminders of the dangers of this moral ambiguity. PO Mrs. Kularatne related to me how she discussed the cases she handled with her own teenage daughter, especially those that involved girls of her daughter's age in order to teach her the dangers of modern society. At the same time, the younger, unmarried staff in the office (including myself) were warned not to become too cynical and disappointed with life as a result of the often harrowing stories we heard in the office. What was evident, however, was that the cases that the Probation Unit staff dealt with provided an opportunity or created a space for discussing and articulating appropriate moral and ethical norms and behaviour as much for themselves as for their clients.

Recent anthropological work on morality has dwelt at length on reasons why anthropology has difficulties distinguishing between morals and culture (Laidlaw 2002; Zigon 2007, 2009). This is attributed to the Durkheimian tradition of seeing all normative social action as moral (Laidlaw 2002; Robbins 2007). For Laidlaw, using Foucault's notion of freedom, what constitutes the moral are the things that people do reflectively (Laidlaw 2002). Similarly, Zigon distinguishes between ethics and morals by stating that the ability to be unconsciously moral most of the time is what allows people to be social beings. When people have to stop and consider how to be moral, he describes these as ethical moments (Zigon 2007, 2009). For Zigon, these ethical moments happen when there are "breakdowns" similar to what Foucault (2000) calls problematisation. It occurs when an event or person forces an individual to "consciously reflect upon the appropriate ethical response" (Zigon 2009:262). According to Zigon, these ethical moments are creative, since new moral personhoods and new moral worlds are being created through this process. So, in this sense, they also present moments of freedom and choice. Zigon asserts that ethics is a "tactic performed in response to the ethical demand of the moral breakdown to return to the unreflective moral dispositions of everydayness" (2007:139) but that this process alters, even slightly, the unreflective moral dispositions and people's way of "being-in-the-world" (Zigon 2007:138). Because the conscious work of ethics allows a return to the unreflective and unconscious state of morality (even if it is somewhat altered), ethics needs to be performed regularly if there is to be such a morality.

What interests me, however, is why the Probation Unit staff used the tropes of morality to explain and understand their clients' stories and why in their idioms morality was often equated with culture. Was it because the events in their clients' lives forced them to consciously reflect on their own everyday moral dispositions and hence their culture? Were these moments of "moral breakdown," to use Zigon's term, when the Probation Unit staff were able to exercise a certain freedom, choice and reflexivity regarding their moral dispositions and culture? Or were they opportunities for the staff to assert their moral and cultural personhoods? If so, why was this very public assertion of their moral and cultural personhoods such an important factor in their interactions with one another? Are these social performances

of identity? And finally, how were their moral and cultural personhoods historically and socially situated?

Zigon identifies three interrelated aspects of morality: the institutional, that of public discourse and embodied dispositions (Zigon 2007). At the Probation Unit, these three aspects were almost indistinct. It is this explicitly public nature of morality that I found most intriguing. What I explore in this chapter is whether this notion of “moral breakdown” that is expressed at the Probation Unit is linked to the ambiguity of the social position occupied by the middle class. This suggests that this collective assertion of a shared moral space is somewhat different to the ethical practice that Zigon refers to which he analyses as an attempt to return to people’s “unreflective moral dispositions”. I will discuss these questions in this chapter, especially in relation to what was considered the breakdown of the normative moral dispositions of women and girls.

The staff as advisors and moral guides

The work of the Probation Unit, linked as it was to issues relating to children and families, provided many opportunities for discussion and reflection on certain notions that were considered essential for the “proper” functioning of society. The family was considered the basic unit of society and children a symbol of innocence as well as the future. The work that the staff had to do on a daily basis suggested that the family as well as the innocence of children was at risk, thus weakening both the foundation and the future of society. The staff considered themselves to be in a position where they could protect both of these and thus considered instilling particular values, dispensing advice and giving instructions regarding people’s morals and behaviour as an integral part of their work.

Just as Anagarika Dharmapala the Sinhala Buddhist nationalist leader, passed judgement on his fellow citizens, the staff at the Probation Unit did not hesitate to pass judgement on the behaviour, demeanour and conduct of their clients. Given the nature of their job, which was to assess and make recommendations on how to rehabilitate or reform those who had violated the law or those who had been victims of crimes, the fact that they made these judgements is not at all surprising (see

Chapter 1). Furthermore, the majority of the incidents that they were dealing with involved actions that were condemned by society as deviant or immoral. Some of the cases drew considerable media attention and were often talked of in the media as examples of the depravity and horror that exists in modern society.

The staff at the Probation Unit felt that part of their responsibility therefore in dealing with clients was to instruct them on proper and right behaviour, conduct and values. That many of the problems besetting their clients were due to their not knowing, or contravening, proper ways of behaviour and conduct was something of which members of the staff were convinced. There were differences of opinions among the staff regarding what was “proper” and “good”, and many discussions in the office about the more controversial cases they handled. During tea breaks and lunch time for example, staff often discussed the cases that they were handling, voicing opinions about their clients behaviour and analysing the motivations of their clients’ actions. Sometimes these discussions led to conversations about the state of morality in society, the lack of respect for traditional values and the harmful influences of the media, especially on children. DA Ajit’s more liberal positions on many of these issues often led to arguments (usually friendly) between staff.

In general, the staff maintained a close level of interaction with clients which meant that an involvement in the personal and intimate details of their client’s lives was inevitable. Members of the staff had different styles of interaction and degrees of involvement with clients. For instance, PO Ananda would usually attempt to elicit client’s views and opinions when making decisions. He was also the one in the office who was most sensitive to issues of privacy and confidentiality and tried to make sure that when he spoke to his clients, he was not overheard by everybody else in the office. The POIC and PO Mrs. Kularatne were usually quite friendly with their clients but were very firm in their decisions and had no compunctions about scolding clients who didn’t abide by their instructions and advice, even in public. They also had no hesitation in overriding the views of the clients if they felt that it was in the clients’ best interests to do so. PO Mrs. Jayaweera, in contrast, had a very stern and authoritative manner when dealing with clients. As the office intern once whispered to me, “She is very scary, like a school teacher the way she barks at people!” PO

Senani was not as authoritative or as dictatorial as some of the others, but neither was she sympathetic; she was usually quite uninterested and removed, rarely showing much enthusiasm or interest in her clients. The distance that PO Senani maintained was disapproved of by the other staff members, who saw it as uncaring and indicative of her lack of commitment to her work. DAs Nimal and Ajit, although not necessarily involved as closely in the decision-making regarding clients, and thus not engaging with clients at the same level of intimacy as the POs, played an important part in the discussions that took place in the office and were often consulted by the POs for their opinions regarding particular clients and situations.

When interacting with clients, the staff's stance as moral authorities was reinforced by their official role, which was to provide recommendations to court regarding the reform and rehabilitation of their clients. As described previously, the POs were expected to have close relationships with their clients and to ensure that they stayed out of trouble in the future. Thus, the service that the Probation Unit provided was considered different from all other types of government services. The staff saw themselves as having a special role in the lives of their clients: one that was unique to the service that they provided, as those responsible for the reform and rehabilitation of their clients. Their clients had come before them because they had strayed from acceptable norms of behaviour and it was their responsibility to see that such incidents did not reoccur.

PO Mrs. Kularatne described the role of the PO in the following way:

We hold very sensitive positions. We are like '*dukgannārāla*' (those who listen to tragedies). We have to scold when necessary and listen when necessary. We have to strengthen people and at the right time advise them. Not everybody can do this.

The clients did not seem to resent or to be surprised at the extent to which the POs became involved in the intimate details of their lives. They accepted it as part of the process of dealing with the Probation Services. Very often the clients who came to see them, especially the children, went down on their knees and touched their foreheads to the feet of the staff member, which is the traditional manner for expressing gratitude and respect, as they were leaving. There were even occasions when the POs reminded them to "worship" them in this manner. Traditionally, this

act of worshipping is reserved for elders in the family, teachers and Buddhist monks, usually as a mark of respect and gratitude but sometimes also to ask for forgiveness. More recently, it has also become the practice to worship in this manner to express gratitude and appreciation when receiving something. For example, it has become increasingly common for grateful constituents to worship politicians in this manner after receiving some favour (ranging from goods to job appointments); it is part of the patronage relationship that politicians establish with their constituents. Worshipping a state official, however, is not very common and it indicates gratitude and respect that is somewhat incongruous with conventional ideas of the state bureaucracy.

On one occasion, when PO Mrs. Kularatne had secured the release of two teenage boys who had been mistakenly arrested for stealing a motorcycle, she summoned them to her desk and gave them a stern dressing down. The boys were reluctant to return to school after the incident. They had been arrested in the presence of their school friends and they were humiliated as well as apprehensive about how they would be received in school. Their parents had brought them to PO Mrs. Kularatne to be persuaded to continue with their education. After lecturing them on the importance of education and the fact that at their age, they needed to prioritise their education over all other activities, she said:

Do not spoil your lives because of the wrongs of other people. That is a very foolish thing to do. You must go to school now. Don't just ruin your lives. Now, you must worship your parents. You must worship your parents every day. You must worship me also for having saved you from going to jail. These children of today have to be told everything. You deserve a good knock on your heads!

The boys dutifully obeyed PO Mrs. Kularatne, worshipping their parents and her, as she had instructed them. She told the parents to make sure that they attended school regularly and to report to her regularly on their conduct, and she sent off two rather scared and bashful teenage boys and two sets of satisfied parents, with an air of someone who had fulfilled her responsibilities to perfection.

Sometimes PO Ananda, would describe his role as that of a “counsellor”. Describing one of his “successful” cases, he explained how he was particularly happy about the

outcome of this case because he was able to make sure that a family on the verge of splitting up was kept together. He said the parents had been considering divorce but that he was able to persuade them to reconsider their decision and to stay together for the sake of the children. He had told them that, like seeds that grow into big trees that provide shade and comfort for so many human beings, children had the potential to become useful and important people in society. He had told the parents that it was their duty to ensure that children were provided with the right environment (in this case, a stable family) within which they could grow up to realise the potential in them. According to him, as a result of his advice, the parents had decided to stay together for the sake of the children.

DA Ajit stood out among the Probation Unit staff in adopting a different position with regard to advising clients or getting involved in the intimate details of their lives. DA Ajit usually adopted a tone that was matter of fact and casual with clients; he rarely attempted to get into the nitty-gritty personal details of the cases he handled except when strictly necessary. Nor did he express any great shock at the stories he heard in the office. His attitude was that people came into the Probation Unit to get something official (*rājakārya*) done and that his job was to provide the service and nothing else. The POs often asked him to talk to the adolescent boys who came into the office, especially those who were reluctant to talk to the others because they felt that his casual and non-judgemental tone sometimes helped to break the ice with more “difficult” clients. In general, his approach to clients was far more casual than that of the others. He was also less hierarchical. Once, when an old lady had been waiting for a while in the office before anyone had noticed her, DA Ajit asked her why she hadn’t asked for help immediately, instead of waiting. The old lady’s reply was “You can’t get work done that way. If your approach is humble (*bāgāpat*), then you can get your work done”. DA Ajit disagreed, “You don’t have to be humble. We are paid a salary to serve you”.

Although DA Ajit felt that clients did not have to be humble in their approach, in instances where the clients were not sufficiently “humble”, the staff would grumble privately about the clients’ attitude. They castigated the *paṇḍita* (know it all) attitude of some people. This was especially evident with clients who did not respect the

established hierarchy in the office. Clients who did not adopt the right demeanour and approach were not tolerated by the staff, whatever extenuating circumstances there might be. Once a middle-aged woman with a mental health problem came to the office and demanded to see the POIC. The POIC who had dealt with the woman before, ignored her, saying to the others that this was a *pissu* (mad) woman for whom she had done all she could. Finally, the woman left, but not before she had shouted out ‘*hutti*’ (whore) at the POIC. The entire office, as well as the other clients who were present, were outraged. Various suggestions were made: The POIC should report the woman to the police or she should get the men in the office to threaten her. Karunaratne swore that the woman would not be allowed anywhere near the office again. The POIC also stated firmly that she would do no more to help the woman. The fact that the woman was obviously distressed and suffering from a psychiatric condition did not exonerate her; her actions had crossed the boundaries of acceptability; therefore, she did not deserve any consideration.

Glories of the past

The valorisation of a past Sinhala Buddhist civilisation, respect for “tradition”, and nostalgic reminiscences of a more “innocent” past framed the critiques that the Probation Unit staff members (with the exception of DA Ajit) had of modern society. The era of economic liberalisation, beginning with the change of government in 1977, was sometimes the reference point for when this deterioration had begun.

The spectre of 1977 was once raised quite explicitly during one of the many animated discussions that took place in the office, and provided an insight as to how economic liberalisation was linked to the deterioration of a distinctive identity and culture. An officer from the nearby Forestry Department office who often dropped by the Probation Unit for a chat with the staff was visiting one day and the conversation turned to the Sinhala film *Abā*, based on the life of King Pandukabhaya, the first King of Anuradhapura, the site of early Sinhala civilisation. The film, the most expensive film to have ever been produced locally, was a major box office success and most of the staff had seen it. Although the film had been hailed as a patriotic depiction of a great Sinhala monarch and was rumoured to have had the full backing of President Rajapakse, it had also proven to be controversial. Several

articles had appeared in the local newspapers insinuating a Christian conspiracy behind the film, because it suggested that King Padukabhaya was illegitimate and that his father was a low-caste palace servant. The fact that the director of the film, Jackson Anthony, a popular Sinhala film star was a Christian contributed to the conspiracy theories that had featured in various media discussions about the film. PO Ananda, however, felt that the problem was due to people's ignorance of history. According to the *Mahāvamsa*, an ancient Sinhala chronicle about the myth of origin of the Sinhala race and kingdom, *Unmāda* Chithra, Pandukabhaya's mother was imprisoned by her brothers in an attempt to prevent her marriage.⁴⁹ This was an attempt to foil a prediction that her son would one day kill all his uncles and gain the throne. Nevertheless, the beautiful *Unmāda* Chithra managed to have a secret relationship with a cousin (not a low-caste palace servant as suggested by the film) who had come to serve in the court and bore the child who eventually killed all his uncles and captured the throne to reign as King Pandukabhaya. Rather than a Christian conspiracy, however, PO Ananda and his friend from the Forestry Department felt that the open economy was to blame for the film's "historical inaccuracies":

This is the problem with the open economy. They think history is not important and they stopped teaching history in schools. Now we have a generation who don't know their history.

According to PO Ananda and his friend, the open economy with its stress on material success was unconcerned with the past, or with preserving the uniqueness of Sinhala culture. Instead, its emphasis was on erasing differences and creating subjects who engaged not with the past but with the global market. This disregard for history, according to PO Ananda, resulted in a generation that was alienated from their past and therefore without roots or a proper sense of who they were. That this sense of alienation and rootlessness was to blame for many of the evils experienced in modern Sri Lanka society was commonly believed in the office.

⁴⁹ *Unmada Chitra* literally means 'Mad Chithra'; the word *unmāda*, meaning mad, was prefixed to Princess Chitra's name because her extreme beauty supposedly drove men mad.

Economic liberalisation was also blamed for introducing consumerism and a materialistic culture, which was seen as leading to the deterioration of traditional values and way of life. These views that were expressed by the Probation Unit staff were also evident in some of the Sinhala media. In a radio programme on Universal Children's Day in 2007, I heard speaker after speaker blame materialism and consumerism for a range of evils from bad nutritional habits among children to incest. Mainly mothers were blamed for this: according to the speakers, mothers who selfishly pursued material wealth did not have adequate time to prepare nutritious meals for their children, help them with their schoolwork and also left children unprotected from alcoholic fathers and the influence of unsavoury friends. The material basis of these problems, such as increasing poverty that forced women to leave their families for paid work, was never mentioned by any of the speakers. Rather, the desire to seek paid work was seen in terms of greed and materialism driving women even to place their children at risk. The return to *sampradāyan* (traditional values) and the need to protect *sanskṛutiya* (culture) were thus seen as the panacea for most problems facing modern society.

The “respectable” Sinhala Buddhist identity

Respectability has been a central theme in the construction of the ideal Sinhala woman and man. This was particularly important in relation to the ideal Sinhala woman. Malathi de Alwis (1997) has analysed how the Sinhala practice of *læjja-baya*, which she glosses as respectability, restrains women's lives by placing them under surveillance and requiring them to guard against being shamed or ridiculed as lacking *læjja-baya*. This was a term that I heard quite often in the Probation Unit; of those who are being brought up without *læjja-baya* or the problems that are caused as a result of women and young girls not having *læjja-baya*. It was implied that women and girls who had the proper degree of *læjja-baya* would not be susceptible to the kind of calamities experienced by those the Probation Unit dealt with.

When DA Ajit accused the other Probation Unit staff of adhering to Victorian moral ideals, he was referring to the colonial influence on ideas of morality. The conversion to Christianity and adoption of the customs and way of life of the colonial powers was often strategic means of gaining benefits during colonial periods. It was

also useful for the colonial regimes to have groups of loyal collaborators among the local communities. The process of assimilation and collaboration led to the mimicry of the colonisers' culture and the rejection of traditional culture and ways of life among certain sections of the local population, particularly the emerging class of local elites. The influence of British ideals of the family unit and Victorian ideals of morality, for instance, led to the rejection of liberal marriage customs such as polyandry and divorce by mutual consent that were practiced among the Kandyan (Jayawardena 2000). Education also played a significant role in introducing Christian norms and values as the prestigious educational institutions were all managed by the missionaries (de Alwis 1997). It also became the norm for the wealthy bourgeoisie to send their sons, in particular, for education to Britain. The education of bourgeois girls was primarily designed to produce appropriate partners for Western-educated young men, that is, women instilled with the proper values, norms and the domestic skills necessary for maintaining a successful bourgeoisie way of life (Jayawardena 2000; de Alwis 1997; Roberts 1982). The women of bourgeois families while Westernised and exposed to ideas of modernisation, were expected to be confined to a domestic and somewhat ornamental role. Of course, the opportunities provided by education meant that some women were able to pursue higher education and professional and even political careers, but this was not the norm (Jayawardena 2000).

The *Gihī Vinaya* (Code for the Laity), written by Angarika Dharmapala, who was invoked by PO Ananda, provided detailed rules for proper behaviour based on Western notions of propriety, while proscribing the "crudities" of Sinhala peasant behaviour. This reflected Dharmapala's own missionary school education and his familiarity with Western culture (Obeyesekere 1997; Wickramasinghe 2006). Dharmapala's *Gihī Vinaya* had a total of 200 rules under 22 headings, which ranged from the manner of eating food (25 rules) to domestic ceremonies (1 rule). The most number of rules (35) were reserved for the conduct of women (Obeyesekere 1997). These included rules about how they should dress, keep their households, maintain personal cleanliness, and conduct relationships with children and servants (de Mel 2001). According to Obeyesekere, these rules were aimed at the Sinhala intelligentsia and many of the proscriptions detailed in the rules are on behaviour

associated with peasants and the lower classes such as betel chewing, the use of impolite forms of address and “bad” eating and lavatory habits. Ironically, many of the rules were informed by Western notions of propriety and good behaviour including the correct manner of using the fork and spoon and the use of toilet paper. Dharmapala, while claiming to reject Western culture, according to Obeyesekere, at the same time combined Protestant and Western norms in constructing a pure and ideal Sinhala way of life (Obeyesekere 1997). A reading of some of Dharmapala’s texts suggests that his vitriolic critiques of Western culture and of locals who imitate Western culture were also attempts to instil pride in a Sinhala identity, which he believed was lacking due to Sinhala people’s blind belief in the superiority of European cultures. Dharmapala’s attacks were directed at those who felt that local culture was inferior and who were ashamed of their Sinhala identity. His preoccupation was with constructing an identity for Sinhala Buddhists, and instilling a sense of pride in them; to borrow from the very cultures he was critiquing was not so problematic since his purpose was not so much to reject Western culture as to construct a modern Sinhala Buddhist identity.

The efforts to instil pride in this new Sinhala identity were evident in the literature and theatre during this time of cultural and religious revival as described in Chapter 6. The novels of Piyadasa Sirisena, one of Dharmapala’s close associates, celebrated the lives of men and women who took pride in the ancient wisdom and knowledge of Eastern cultures and religion. His heroes and heroines were those who triumphed in life by demonstrating the superiority of Eastern culture in debates with Christian missionaries and “unenlightened” locals who had uncritically embraced the culture of their colonial rulers. Sirisena’s novels make constant references to the ancient Sinhala Buddhist civilisation and the fact that many aspects of what is considered modern in Western culture existed in indigenous culture when the West was still in a barbaric phase. In his most famous novel, *Jayatissa Saha Rosalin* (1904) or the *Happy Marriage*, Jayatissa, the hero, is the ideal Sinhala man, a successful public speaker attacking Christianity, alcoholism and European habits while eloquently describing the superiority of the Buddhist doctrine. He falls in love with Rosalin, a Catholic whom he is able to convert to Buddhism through the power of his eloquence and superior intellect. Despite the evil machinations of Rosalin’s Catholic cousin

Vincent and his henchmen and despite fantastical and improbable adventures, the lovers are united in the end, to live a happy and successful bourgeois life. Amunugama (1997) states that Sirisena's novels were rejoinders to Christian novels that existed at the time in which Christian families were depicted as blessed while the Buddhist families were accursed and where Buddhists gained happiness only after their conversion to Christianity (Amunugama 1997). In the preface to another one of his novels titled *Taruniyakagē Prēmaya* (The Love of a Young Woman), Sirisena states that he wrote these novels with the intention of challenging the idea that the literary tradition of fiction with a moral message was an invention of the Europeans. According to Sirisena, Eastern cultures had been using this tradition for thousands of years and he wrote these novels to teach Sinhala people who were alienated from their own culture and dominated by that of the Europeans about the superiority of their own culture (Sirisena 1910).

John de Silva, considered the founding father of Sinhala theatre, was also part of this cultural revivalism. Neloufer de Mel (2001) has examined the portrayals of the ideal Sinhala woman in his theatre productions. She describes how the chaste and dutiful ideal woman is contrasted with women who have come under the influence of Western culture. In de Silva's productions too, the contradictions of portraying the ideal woman who is modern yet rooted in Sinhala Buddhist tradition are present, where women are educated yet respectful of indigenous traditions and mindful of their domestic duties (de Mel 2001).

For the nationalists at the turn of the last century, women needed to be modernised only so far as to ensure that they were suitable partners for the modern Sinhala Buddhist man. Very often in the attacks on those who imitated European culture, it was the female who was criticised and parodied. Women, who wore European clothes, drank alcohol and attended society dances were inevitably portrayed as sexually promiscuous and extravagant. They were usually portrayed as the cause of the downfall and destruction of their families. The contrast was the sober, domesticated and demure woman brought up in the Eastern tradition. The education of women was tolerated; for instance, Rosalin, the heroine in *Jayatissa Saha Rosalin*, is described as highly intelligent and able to hold her own in arguments regarding

religion and culture, but her respectability is located in her dress, demeanour and sober behaviour. She is also extremely respectful and deferential to Jayatissa who is therefore able to educate her and set her on the right path.

Malathi de Alwis (1995) has described how women in the public sphere are especially susceptible to losing their respectability. Describing the criticisms levelled against two women in the public sphere, Sirimavo Bandaranaike, the widow of Prime Minister S.W.R.D Bandaranaike, who entered politics after the death of her husband and became the world's first female Prime Minister and Hema Premadasa, the wife of President R. Premadasa, she discusses how class positions influence respectability. While the concern regarding Mrs. Bandaranaike who came from an upper-class feudal family was that her entry into politics would tarnish her already established respectable position, Mrs. Premadasa, who was from a lower-class background, met with disdain because she did not have sufficient respectability to enter politics (de Alwis 1995).

Partha Chatterjee (1989, 1993) has described how post-colonial nationalist ideology separated the domain of culture into two areas: the material and the spiritual. The material, which was dominated by Western civilisation, contained science, technology and modern forms of statecraft and economic organisation. The spiritual realm was dominated by the Eastern civilisations and contains the essential aspects that mark the spiritual distinctiveness of Eastern cultures. Chatterjee has argued that Indian nationalists maintained this cultural distinctiveness in order to borrow selectively from the material advances of Western civilisation without losing their identity. He describes how this separation of the material and the spiritual maps on to the separation of the external world from the internal home. The external world is material and the domain of the male, whereas the spiritual essence is represented in the internal home and by the woman. Nationalism dealt with the question of women through this separation; various strategies were used to reconcile the needs of modernity (education, progress, economic rationalisation) with the need to maintain the spiritual essence of the distinctive cultures. Thus, women had to be both modern and bearers of this cultural essence. Their dress, their demeanour, their religiosity; all the visible markers of their femininity were strictly enforced. Feminist theorists

have critiqued Chatterjee for erasing women's agency in this theorisation and have argued that the boundary between the private and public is much more porous than envisaged by Chatterjee (de Mel 2001; de Alwis 1995). As pointed out by de Alwis, women's "spirituality" or, as she prefers to call it, "respectability" is also subject to counter-discourses of sexualisation especially if women are in the public gaze (de Alwis 1995). Nevertheless, the idea of selectively borrowing in order to construct an "authentic" national identity, and the way in which that identity is centred on the purity of women, remains useful for understanding how nationalists reconciled the sometimes contradictory impulses with which they constructed national identity and traditional culture in their representations of the nationalist woman.

The influence of these religious and cultural revivalist movements has been significant in producing the values that shaped notions of respectability, sexual morality and family life among the Sinhala middle class, especially with regard to the norms that governed the behaviour of women and girls. While Anagarika Dharmapala's influence among the bourgeois class that he represented and critiqued was somewhat muted, especially during his own lifetime, the political changes that have taken place since independence, and the hardening of ethnic identities, has led to a revival of his work. His battles against the colonial rulers and their local collaborators in constructing and protecting a Sinhala Buddhist identity are taken as examples of the kind of leadership that is required currently as well. The strongest more recent adherents of Dharmapala have been from among the Sinhala-speaking intelligentsia. They were those who led the political changes that took place in 1956 in Sri Lanka, such as the introduction of the "Sinhala Only" language policy, and more recently, those who benefitted the most from the free education policy. They have been also among those for whom employment in the state sector is a principal means of achieving upward social mobility. For this group of people, the type of Sinhala Buddhist identity championed by Dharmapala and other nationalist leaders provided a means of asserting their power against the social, political and economic dominance of the Westernised upper class and also to distinguish themselves from the crudities of the "lower classes". That the Sinhala Buddhist identity and culture that Anagarika Dharmapala and other nationalist leaders fought to protect is again under threat is the underlying message in the references that are now made to

Dharmapala. According to this viewpoint, while the colonialist powers that Dharmapala fought are no more, a new type of threat is still present in the form of the economic, political and cultural imperialism of the West. The collaborators of this new form of imperialism are also once again the Westernised elites and the non-state agencies in which they work, as discussed in Chapter 4. At the same time, the lower classes need to be educated and when necessary even scolded in order to make them adopt more acceptable attitudes and behaviour.

Confronting the “moral decay” of society

It was when dealing with the cases involving child abuse and domestic violence, which were increasing in numbers that the staff responded to a range of issues that gave rise to intense discussions regarding the moral degeneration of modern society. Legal reforms to the penal code in 1995 enhanced penalties for existing offences as well as identifying new ones (see Chapter 4). Increased publicity and “awareness raising programmes” have also led to more reporting of cases to the police and even to the Probation Unit. Some of the cases the staff dealt with were quite horrific, including cases of incest where fathers and brothers had raped daughters and sisters, cases of statutory rape involving very young children, cases that involved teenage girls who had run off with their boyfriends who were teenagers themselves, and some cases of Buddhist monks who were involved in cases of sexual abuse. In some of these cases, the usual sexual taboos and norms had been violated and these were what disturbed the staff the most. Handling the complexities of these cases was made all the more difficult by the limited resources and options that the staff had at their disposal. While they were unequivocal in their condemnation of the offender, dealing with the offender (unless he or she was under 16 years) was usually outside their sphere of responsibility since the police and judiciary were responsible for the prosecution of these cases. The victim was more directly their responsibility, since the Social Report that they submitted to court determined what actions should be taken on their behalf. And because the cases dragged on for many years, the POs remained involved in them and in the lives of their clients for a significant period of time.

According to Sri Lankan law, sex with a girl under the age of 16 years is statutory rape. Many of the cases the POs dealt with involved teenagers running away from parental wrath against “unsuitable” love affairs. When apprehended by the police, the girl would be first subjected to a medical examination in order to ascertain if the charge against the boyfriend was rape (if the girl was under 16 years), sexual abuse (if the girl was over 16 years), or merely “forcible removal from legal guardian”. In cases involving under-age girls especially, the cases usually came to the attention of the police and Probation Department because the family of the girl (most often) would make a complaint to the police that the girl had been abducted. There were also instances where police had picked up young couples from the road for “suspicious behaviour”; in one such case that was reported to the Probation Unit, the “suspicious behaviour” was that the 15-year-old girl had a condom in her bag.

According to the POs, they had sometimes dealt with cases in which a girl had accused an uncle or even father or brother of rape in order to protect her boyfriend and avoid admitting to a romantic relationship. As a result, the staff often entertained doubts when such cases came their way as to the veracity of the victim’s story, especially if a close relative was involved. In such instances, the girl would be subjected to intense interrogation in order to ascertain the “true” facts of the case. However, the more intense deliberations revolved around what to do with the girl involved. While there were a couple of children’s homes for sexually abused girls in the province, including ones which were willing to take pregnant teenagers and teenage single mothers, POs were somewhat reluctant to institutionalize these girls, partly as a result of a strong policy directive from the central government discouraging institutionalisation and partly as a result of these homes being over crowded. POs were also quite critical of conditions in these institutions, often complaining that they were badly managed, poorly resourced and run by unscrupulous and untrained personnel. But POs were also hesitant to allow the girls to return to their homes because they felt that it was something wrong in the girl’s home that prompted the incident in the first place; either lack of care by parents, or being in an “immoral” environment or under the “bad influence” of friends or family. They also considered that the girls’ lives had been ruined by such an incident and considered it impossible for the girl to return to normal life again. Given the limited

resources that were available to the Probation Unit and the often complex situations facing their clients however, staff had to be pragmatic in their interventions.

A “good” family

One case that PO Ananda dealt with involved a teenage mother who was 15 years and 8 months and her 23-year-old boyfriend. The hospital had reported her to the police on discovering she was underage when she had entered hospital to have her baby. The boyfriend was arrested by the police and charged with statutory rape and the girl was placed in a home for sexually abused girls along with the infant. PO Ananda was extremely unhappy with the outcome of this case. On visiting the girl’s family as well as the boyfriend’s family, his conclusion was that the law had been unnecessarily harsh in this instance. If the girl had been 4 months older, there would have been no case because both sets of parents had given their consent to or had accepted the relationship. Another factor that influenced PO Ananda’s assessment of the case was that in his opinion, the girl’s family was “not good”. Inquiries from the *grāma sevaka* (the local administrative officer) of the girl’s village had revealed that her mother was a single mother currently in an “illicit” relationship, and that her father was in prison for having raped his sister-in-law. In contrast, PO Ananda thought the boy’s family was a “good” family. The boyfriend had a job and the two had been living together with his family for some months. PO Ananda was in a quandary. While the girl’s family had come forward to take the girl home, he was reluctant to let her go with her mother. The boyfriend too had requested PO Ananda to let the girl stay in the institution till she was old enough to get legally married to him rather than to let her go home to her mother. PO Ananda, although not happy about the girl being in the children’s home, considering it unsuitable for her, could not let her return to the boyfriend’s family unless they were married. In describing this case to me, PO Ananda at no point discussed the girl’s wishes or her opinions. Instead, he had discussed with the boyfriend whether it might not be possible for him to arrange for her to run away from the institution and to live in hiding till she was of age to get married to him. However, this plan was rejected as too risky and the girl was left in the children’s home until she was old enough to get married to her boyfriend. The baby in the meantime was handed over to the boy’s family.

How POs arrived at the conclusions they did, and the ways in which they assessed risk or the best interests of their clients, were never quite clear to me. One factor that seemed to influence their decisions consistently was their assessment of the family unit. They often declared that protecting the family unit was one of their key objectives and said that they felt an immense sense of satisfaction when they were able to keep families together. Maybe PO Ananda felt that the family unit of the young girl, her boyfriend and child, although not recognised by the law, was a functional family that deserved his support. Families, when functioning properly, were viewed as the most appropriate unit in which children should be raised. Also, the main purpose of a family unit was seen as raising children. However, the staff also made decisions based on their opinion as to whether the child was being raised correctly within the family or if the family unit was appropriate. If they felt that the family was not doing a proper job, they had no hesitation in correcting them or if necessary removing the child from the family. The Chief PO in the province once discussed a case with me in which a teenage girl had been removed from the care of her stepfather (who had raised her since she was a baby) after the sudden death of her mother because the PO involved in the case had considered it inappropriate for a young girl to be living with a man who was not her biological father. According to the Chief PO, the many cases of sexual abuse of girls by their stepfathers had led most POs to be very suspicious of stepfathers.

On another occasion, the Probation Unit received an anonymous letter from a “concerned citizen” raising concerns about the activities of two sisters who were living together with their children. The POIC requested PO Ananda to conduct an investigation. The elder sister was a divorced woman with a child and her sister was also separated from her husband and raising her child on her own. The letter hinted that the women were engaged in “unlawful” and “immoral” activities though not specifying anything except to say that they presented a “moral danger” to the neighbourhood. PO Ananda came back from his investigations, which involved a visit to the house, saying that although there was no real evidence of any “immoral” activity, his instinct said that there was something not quite right in the house. When I pressed him for further details, he told me that there were three females (the two sisters and a friend) living in the house and the house had three bedrooms with

attached bathrooms. According to PO Ananda, the three attached bathrooms were somewhat suspicious and suggested a “guest house” type arrangement, which in his mind could mean only one thing: That was that the house was being used as a brothel. Based on his suspicions, the two sisters were asked to come to the Probation Unit to make a statement. In making assessments as to what constituted a “proper” family unit, various factors were considered. Clearly, three single women raising children on their own did not constitute a proper family unit. Although PO Ananda took no further action because he had no evidence, he resolved to keep an eye on the household.

Sexual propriety

This extremely close surveillance of women’s behaviour was also evident in the way that staff members handled complex cases of sexual abuse. One particularly difficult case that the POIC came across involved a 17-year-old girl who had been raped by her older brother, a married man with two children. The girl’s mother, after discovering the pregnancy and questioning the girl, had gone to the police and made a complaint against her son. According to the mother, when the police subsequently came to arrest the brother, they had first beaten the girl, asking her for information about her brother. When the pregnancy started becoming obvious, the mother left the village with the girl and her sister and moved to rented accommodation in another village. Leaving the two sisters together at home, the mother left home everyday trying to find work to earn some money to maintain the family. The brother in the meantime had been released on bail and had left the village to live in his wife’s village along with his family. The girl’s father had sustained a severe shock as a result of this incident and, according to the mother, had fallen ill and was quite helpless. One day, the mother came to the Probation Unit in tears seeking help. She was finding it difficult to get work and they were running out of money even for their food.

The POIC called me while talking to the woman and looked at me in frustration: “Look at this. What am I supposed to do to help? What resources do I have to help this woman?” This was not a case that was within the purview of the Probation Unit, since the girl was over 16 years old. However, the mother in desperation came to the

Probation Unit seeking some kind of help. The only thing the POIC could do at that point was to call a local NGO and ask if they could help this woman. The NGO agreed to give some food and also to pay the rent for the house where the mother and the two daughters were living. Thereafter, the mother would occasionally drop by the office to talk to the POIC. One of her concerns was what to do with the baby; the POIC didn't think adoption was going to be an option, claiming that since this was a case of incest, the child could be "diseased". Each time the mother came into the office, she went over the story again, and again, discussing with the POIC the terrible fate that had befallen her daughter. The POIC was always sympathetic, but her sympathies were with the mother, rather than the daughter. As she once said to the mother, "What is the matter with girls these days? What is the point if they can't recognise who their fathers and brothers are?" When the girl gave birth to a healthy baby boy, the POIC voiced her doubts that the brother was the father of the child, saying that the baby looked too healthy to have been conceived from an incestuous relationship. She continued to advise the mother to keep a strict eye on her daughter and to try to find employment for the other daughter so that she could contribute to maintaining the family. She also continued to discourage the family from giving the child up for adoption. While the POIC sympathised with the plight of the mother and the two daughters and was willing to help them to a certain extent, she also expressed doubts as to the veracity of the story and suspected that the girl was lying about the father of her child.

In another instance, in which a teenage girl had been sexually abused by a teenage Buddhist monk in the local temple, PO Senani was shocked at the apparent insouciance with which the girl had described what had happened to her. Her ability to articulate clearly and unselfconsciously the abuse that she had undergone made her "innocence" somewhat open to question. "These girls, nowadays; they can't even leave a Buddhist priest alone," said PO Senani at the end of the interview. The insinuation that was made in both these cases was that somehow the fault lay with the girls because they did not resist the advances of men who were so clearly taboo.

The future fate of these abused girls was considered pretty hopeless. Other than living a life of quiet confinement, the most that they could hope for was that they

would be able to find a man who would overlook what had happened and marry them. In fact the POIC mentioned a couple of cases where she had actively helped the girls hide their past from future husbands by assisting them to find adoptive families for the babies or by placing the girls in children's homes. Once she advised a family who was taking a girl home who had been in an institution for sexually abused girls to make sure that the "truth" about the case was never revealed and to construct a story as to why the girl had been away from home for some time. The staff also conveyed the impression that these girls were somehow not like other children due to their experiences and that exposing other "normal" children to them was inappropriate. Once, while trying to dissuade a young father serving in the army in Jaffna from placing his child in a children's home after his wife had left him, PO Jayaweera said to him:

These homes are not for "normal" children. They are for children who have done all kinds of wrong things or to whom all kinds of bad things have happened. If you put "normal" children into these homes, they will develop a hatred for their parents. The best place for children is with their parents.

An incident that caught the attention of all those at the office and was the subject of intense discussion highlighted some of the attitudes with which sexually abused girls were viewed. It involved a budding romance between a boy and a girl from two children's homes. Each month, a young boy around 17 years old came to the Probation Unit with one of the staff members of the home in which he had been placed by the Probation Unit. He would come in the morning and sit on the bench at the entrance to the office and wait patiently till he was called to court. He was a good-looking boy with an air of confidence and assurance usually lacking in the other children who came to the Probation Unit. He was always very smartly and cleanly dressed in well laundered blue jeans, a pale coloured shirt and sandals, in contrast to other children whose unkempt, rumpled looks always made it possible to identify them as children from institutions. He didn't talk to anybody in the Unit except to exchange an occasional few words with DA Ajit, DA Nimal or PO Ananda. DA Ajit one day told me that the boy, whom I shall call Senaka, was the chief accused in a murder trial. A longstanding feud involving two families had culminated in the death of one person during a violent altercation. The fatal blow

was supposed to have been dealt by Senaka, who had got involved by trying to help his father who was being beaten by the murdered man. According to DA Ajit, Senaka's whole family was behind bars as a result of this incident and Senaka had been in the children's home for some years now. DA Ajit felt that the children's home was probably the safest place for Senaka right now as the family of the murdered man had vowed revenge. In fact, one day when Senaka was at the Probation Unit, some members of the murdered man's family who had come to court yelled out threats as they passed Senaka, who was quickly pulled into the back of the room by the staff member from the children's home who was accompanying him. The staff felt sorry for Senaka, saying he was a nice boy who had got into trouble because of his father.

One day, PO Mrs. Kularatne mentioned to the others that she noticed something "going on" between Senaka and one of the girls from a home for sexually abused girls. At a sports meet organised for children in institutions, PO Mrs. Kularatne had noticed that the girl had been unusually interested in the races in which Senaka had been participating and also that the two had seemed quite friendly with each other. The staff discussed the story sympathetically; after all, they were two attractive young people and it was inevitable that they should have some interest in each other, especially given the highly constrained environments in which they lived, which had limited opportunities for interaction with members of the opposite sex. However, PO Mrs. Kularatne was also of the opinion that the Matron of the girls' home should probably be a bit careful because this was bound to become a complicated affair. Wathsala felt that this relationship might be an ideal solution for both young people given their histories and their current situations. "But someone should talk to the two of them. Senaka may not know this girl's history," said the POIC. "There is no telling what will happen when he finds out". I inquired as to what part of the girl's story Senaka would find problematic. Given that he was probably already aware that she was in the girls' home because of sexual abuse I wasn't quite sure what the POIC was implying. Then the others raised the issue that the girl was no longer a virgin. In the opinion of the senior POs, these were issues that caused problems in marriages because men expected their wives to be virgins at marriage. DA Ajit pointed out that the girl was not to be "blamed" for losing her virginity. However, virginity was

considered a symbol of a woman's character and morality; the fact that she had lost her virginity through rape did not absolve her completely from having questions raised regarding her character and morals. "Senaka is a very impulsive person. How do we know what will happen when he finds out the 'truth' about the girl?" asked the POIC. At this point DA Nimal intervened to point out that the murder charge against Senaka was far more serious and that the girl needed to think about the consequences for herself if Senaka was found guilty. PO Mrs. Jayaweera then said that even if Senaka was not found guilty, he would never be able to go back to his own village and therefore would have to live in the girl's village, which would be a good thing because it gave him an opportunity to have a new beginning in his life. However, it was agreed that the Matron of the home should be asked to have a chat with the girl concerned and warn her to stay away from Senaka.

What emerged from this discussion was the view of at least some of the staff that the girl was in a far more socially ambiguous position than Senaka, who was involved in a murder trial. That the girl was somehow "damaged" and that this gave her fewer options in life was evident. Inasmuch as being accused of murder seemed less problematic than having been a victim of rape, it seemed that although a victim of sexual abuse deserved sympathy, her chances of leading a normal life were quite slim, and the so-called rehabilitation process, if anything, reinforced the idea that the victim's life had changed irrevocably. Rape victims lost their purity and hence had to carry that stigma with them for the rest of their lives.

Over and over again, I was confronted with cases in the Probation Unit in which the response of the staff to the problems their clients faced seemed overwhelmingly inadequate. While the laws on rape and sexual abuse had been made tighter, the slowness of the judicial process meant that these cases dragged on for many years during which time the accused male was usually released on bail. On the other hand, a girl who had been subjected to rape or sexual assault either ended up in an institution or had to hide her shame from society. This meant that if the girl had been attending school, her schooling was disrupted. Most often the girl was sent away from her home. Given that the staff felt that once something of this nature happened, there was not much the girl could do to recover her respectability and her virtue, the

emphasis they placed on “protecting” girls was understandable. Parents and families were often berated for not providing adequate protection to girls; girls would be reprimanded for not protecting themselves adequately or for attracting male attention by dressing provocatively, going about unaccompanied or by behaving in a “forward” manner.

On one occasion, the POIC was adamant that a girl who had been placed in a children’s home after having run away with her boyfriend, should not be allowed to go home even though the girl’s father had appealed to the POIC to allow the girl to return to her home. When the girl’s father came to the Probation Unit to make a request to have the girl discharged from the institution, the POIC was firm:

You can’t look after this girl. She is better off in the institution. See what happened when she was at home with you. Let her stay a few more years in the institution. And make sure the boyfriend stays away from her.

The staff had little hesitation about overruling the decisions and interests of the family, including parents, and insisting that the staff be allowed to decide what was in the best interests of the child, if they felt that the family was making wrong decisions on behalf of the child. In such situations, neither the wishes of the child nor those of the family were given much consideration. In these instances, even policy directions discouraging institutionalisation or their own discomfort with the quality of care in children’s homes were not considered as the “protection” of girls was paramount.

In another incident, when a mother who had placed her children in a children’s home while she was employed in the Middle East, returned home on holiday and requested permission to take the children home for the duration of her visit, the POIC was firm:

You can visit the children, but you can’t take them home. It will disrupt their education and disturb them emotionally. They will feel even lonelier after you leave them again (*sānkāwa hādei*).

When discussing the case later, the POIC confided to me that the mother was not a “good” woman and that there were rumours in the village that she was having an affair while working in the Middle East. The POIC had made the decision that the children were better off in the children’s home than with an “immoral” mother, even

for a short time. Thus, in most instances, the Probation Unit staff made decisions that they felt were right, based on their assessment of the morality of the individuals concerned. The lower class position of the majority of clients at the Probation Unit meant that the inferior moral position associated with the “low class” coloured the decisions of the staff. The class difference also meant that clients were less able to challenge the staff. Since the majority of their clients were poor this meant that the staff had considerable power over the lives of their clients.

Being a “proper” woman

While families and parents had the primary responsibility of protecting their children and maintaining the family unit in an appropriate manner, the primary responsibility for this rests on women. Even DA Ajit, despite all his feminist sensibilities, would only make a feeble effort to challenge this. Women were expected to have the patience and strength to deal with whatever vicissitudes life dealt them. Characteristics such as impatience, intolerance and the cruelty (*napuru*) of women were often regarded as the main causes of many marital disputes, conflicts and problems with children. Once when a violent argument erupted between an estranged husband and wife while they were in the Probation Unit, PO Mrs. Jayaweera was unsparing in her reprimands to the woman, while explaining to her why the husband got angry:

Getting angry is a human failing. When you are a woman, you must have great patience. When you scold like this, is it a surprise that men become violent?

During lunchtime that day, the discussion was about this couple and the general opinion was that the woman was *harima napuru* (very cruel). PO Mrs. Kularatne said that her husband would have chased her out of the house if she had spoken to him in the way that woman had spoken to her husband. All their sympathies were with the husband for having to put up with such an unreasonable woman. Women were expected to be able to put up with suffering and to tolerate the weaknesses and limitations of their husbands patiently. Even in situations of extreme abuse, women were expected to be able to rise above it all. Discussing a case of severe domestic violence that the Probation Unit had dealt with, PO Mrs. Jayaweera was unhappy that

the wife had complained that the husband was attempting to return to the house after he had been released on bail. The case involved a man who had been so violent towards his wife and children that he had been beaten up by the men in the village who felt they could no longer tolerate his behaviour towards his family. The villagers had subsequently dragged him off to the police and the case came to the Probation Unit's attention because the woman needed a place to live with her young children. PO Mrs. Jayaweera was extremely active in finding a place for the woman to stay, calling upon her local NGO contacts to help the woman find accommodation and mobilising to find financial help for the family. In fact, she had visited the family regularly soon after they moved to their new accommodation and had even taken cooked food to them for a couple of days to help them settle. However, she had also advised the wife to give her husband another chance when the wife had complained that he had tried to come into the house in violation of the police order that he was not to contact the family. PO Mrs. Jayaweera felt that the wife owed it to the children to try to keep the family together. When I asked her if it was fair to ask the woman to take the man back, given how violent he had been with her, PO Mrs. Jayaweera, though agreeing that it would be difficult, said: "When you are a woman, you have to make many sacrifices for your children". Thus, although she was sympathetic to the woman, and had even gone out of her way to help the woman and her children, she was still reluctant to see the family break up. The idea that the woman might attempt to build an independent life for herself and her children was not wholly acceptable to PO Mrs. Jayaweera.

Not surprisingly, women who did seem to be able to keep the family together against all odds were viewed with much satisfaction and approval. One day a young couple walked rather timidly into the Probation Unit. Both looked as if they were in their early twenties and I thought they were siblings because they looked very much alike: tall, slim and dark. They walked up to PO Ananda who recognised them and greeted them with a smile. After talking a few minutes to him, he suggested they meet PO Mrs. Kularatne. PO Ananda, in the meantime, summoned me and briefly told me the background to the couple's problem, saying "This is a good case for your book". (The staff referred to my thesis as "the book").

According to PO Ananda, the man had first got into trouble for attempted rape when the woman was about 14 years old. Eventually the two had got married when she was old enough and they had a baby daughter. The woman found employment in the Middle East and left her husband and daughter in the care of her older sister while she was away. During this time, the man had started frequenting a house in the neighbourhood that sold '*kasippu*' (illegal locally brewed, alcohol). PO Ananda said this household was a "bad" house; it was run by a couple and the woman was not of "good" character. PO Ananda said she "seduced" (*pelambuwa*) the young man who started an affair with her and eventually moved into that house with his baby daughter. PO Ananda said that the woman, in an attempt to cover up her relationship with the young man, which was causing problems between her and her husband, had pushed him into a relationship with her adopted daughter who was about 14 years of age at the time. Eventually both the mother and daughter became pregnant. Although the older woman claimed that her child was her husband's, evidently no one believed this. PO Ananda pointed out that the couple hadn't conceived before and had had to adopt a child; this suggested that the man was unable to have children. The situation had caused many problems in the household as well as total uproar in the village. Indignant villagers had written several petitions to the Probation Unit, demanding that some action be taken. Eventually, the young man had run away with the 14-year-old girl and was caught by the police and charged with statutory rape. PO Ananda, who was in charge of the case, said that at that time, the young man had said he wanted to separate from his wife and marry the younger girl. Mother and daughter had given birth in the same hospital around the same time and the girl was sent to a home for sexually-abused girls and her baby was placed in a home for infants. Subsequently, the girl had been allowed to leave the children's home and now lived with her adopted parents who had also taken her baby. The wife of the young man returned home from the Middle East after having being informed of all what had happened. The young man was eventually released on bail and had returned to his legal wife. They had now come to the Probation Unit to find out if there was a way of getting the charges against the man dropped or reduced because the charge of statutory rape would carry a long prison term if the man were found guilty. PO Ananda felt that the case at this point was getting beyond him and needed

the intervention of a “mature” woman and had hence asked them to talk to PO Mrs. Kularatne.

The couple, who were clearly nervous, talked to PO Mrs. Kularatne for a long time. The girl sobbed while relating her story and her husband kept handing her bits of tissue to wipe her eyes. Watching the two of them, it seemed impossible to believe that such a drama had taken place in their lives. There did not seem to be any animosity or anger between them despite the harrowing situation in their lives. PO Mrs. Kularatne was very gentle with them both:

There is no use going over what happened in the past now. As a woman, you have shown exemplary qualities. You have shown great patience and tolerance. Your husband is lucky to have a wife like you.

She told the husband “not to do foolish things again” and to be careful in his new job as a waiter in a restaurant as he could be “tempted” again in such an environment. She also told them that the case would have to proceed but since the case was bound to drag on for some years, not to worry about it, but to try and lead a new life together happily. Opinion in the office was quite divided as to what the best advice was to be given to this couple. While everybody agreed that protecting the young family was important, the ability of the young man not to stray again was considered doubtful. However, the entire office agreed that his wife deserved all their respect and support, although the POIC felt she was being foolish to trust her husband again.

The efforts of the staff at the Probation Unit to keep families together were not necessarily completely out of step with their clients’ views of how things should be. In the case described above, the main concern of the young wife had been to ensure that her husband was kept out of jail. Her resolution to overlook her husband’s transgressions and to attempt to keep her family together won her the approval and the sympathy of the staff at the Probation Unit. The older woman who had “seduced” the young man and also “pushed” him on her adopted daughter was cast as the villainess in the story. The young man was viewed merely as foolish and weak.

In another case involving a teenage girl who became pregnant by her brother-in-law, the problem facing the family was again how to prevent the man from being imprisoned. The two sisters and their mother came to the office to discuss what could be done with PO Senani, who was in charge of the case. The married sister was willing to adopt the baby as her own and the mother of the two sisters also thought that this was a good solution. PO Senani, after delivering a stern lecture to the younger sister and instructing the mother of the two girls to take better care of her younger daughter, dismissed them saying that the prosecution of the case was beyond her control. In both these cases, while the legal process that had been initiated prosecuted the male involved as the wrongdoer, when dealing with the family outside the legal process, the legal allocation of guilt and victimhood was not the factor that the staff or the family considered most important.

Legal versus moral solutions

The law in cases of sexual abuse and rape focuses on identifying and prosecuting the guilty party. In contrast, the Probation Unit got involved in the lives of the victims and inevitably found that the guilty parties were an integral part of their victims' lives. While the law took a quite straightforward position on the apportioning of guilt and victimhood, this was not quite so simple for the staff at the Probation Unit. As described above, the lives of their clients were extremely complicated and the simple categories that are part of the legal approach to problems were hardly adequate to comprehend these complexities. At the same time, the Probation Unit was wholly under-resourced to provide the kind of support that these clients needed. In many ways, therefore, assessing the cases before them from a moral standpoint was the most pragmatic option available to the staff. This allowed them to apportion blame and in some ways even accommodate the complexities of the situations that they were presented with in a way that the existing legal framework was unable to do. The fact that the framework that the staff at the Probation Unit used to apportion blame was based on a set of values based on ideas of family, of respectability and the behaviour and demeanour of women inevitably meant that the outcomes of those decisions were harsher for women and girls. But, as we have seen, because the legal process is implemented in a situation where there are no resources or systems to

support the consequences of the legal decisions, the law - even though it is explicitly drafted to protect the vulnerable - does not necessarily provide better outcomes for those involved.

The difficulties that the Probation Unit staff faced meant that they were also deeply frustrated by their inability to respond adequately either in terms of the law or their own moral frameworks. Sometimes their clients suffered the brunt of this frustration in ways that often seemed insensitive and harsh. Once, for example, PO Senani, dealing with an elderly woman, snapped loudly at her:

Stop bothering us. There is nothing more I can do. Your daughter goes here and there (*athana methane gihillā*) and gets herself abused. We can't just do things the way she wants.

As the details of the case became clearer, it turned out that the woman's daughter, who was blind, had been raped by a man from their village when she was 16 years of age. The accused had been in remand for the last 5 years and had recently been released. The family had been unable or unwilling to keep the girl at home after the incident. Because the girl was 16 years at that time, she was too old to be placed in a children's home. The only place that had been available to accommodate her had been a Detention Centre for girls. The girl had been beaten by the staff at the Detention Centre for some misdemeanour and had subsequently been transferred to a Rehabilitation Centre for sex workers. PO Senani said that the girl had been abused there by the other inmates and had refused to remain in the Rehabilitation Centre. From the Rehabilitation Centre, she was transferred to an old people's home from which she had run away. She had again been abused by a man who had "befriended" her when she had run away. She had been picked up by the police when she was wandering on the streets and had been admitted to hospital where she had been for the last two weeks. Her mother was still reluctant to take her home and the girl was refusing to return to the old people's home. PO Senani was in a quandary as she had no other place where the girl could be sent. She agreed that the old people's home was hardly a suitable place for a young girl to be placed, but the only other option was to send her to her own home, an option that her mother refused, saying that she was too old to take care of her. This was when PO Senani snapped at the mother and

finally persuaded her to take the girl back home. No one was happy with this solution and PO Senani was aware that it was likely to be only a temporary solution.

A time of Godlessness

Dealing with cases like those I have described on a daily basis drained the staff and frequent remarks were made regarding the vileness of men, the depravity of the times and the difficulties of their job. The senior staff talked longingly of the past when the “crimes” for which their clients required rehabilitation were relatively simple ones such as robbery or truancy. PO Mrs. Jayaweera often said that the kind of incidents that they had to deal with in the present only happen during ‘*abuddassa kāla*’ (unholy periods of time when all rules and conventions are broken) and warned the unmarried people in the office not to become cynical about marriage and family life after seeing these cases. Most amazingly, despite all evidence blowing apart the myths of caring and strongly knit families and the supposedly traditional values of Sri Lankan society, families and traditional values were still regarded as the main strengths of Sri Lankan society, ones that distinguished it from the sexual promiscuity of the West. Once discussing a rumour that a colleague’s son had married a foreigner, PO Mrs. Kularatne was appalled: “Don’t know what kind of sicknesses these women have. In those countries, parents start giving girls contraceptives the moment they attain puberty”. I was generally called upon to verify these rumours about Western culture based on the experience that I had supposedly gained during my travels (and perhaps my Colombo identity, since Colombo culture was considered not very different from Western culture). My efforts to explain that women in these societies were not as promiscuous as they believed, nor parents so liberal, were met with some scepticism.

Similarly, when a voluntary children’s home wanted to take the children on a holiday to the seaside, the Commissioner had given permission on the condition that a PO accompany them and he had nominated PO Mrs. Jayaweera for the trip but she was seriously displeased:

The beach is not a suitable place to take these children. It’s full of half-naked white women (*suddi*), wearing nothing more than underwear. I once went to the beach and I was so ashamed I didn’t

know where to look. The management of this home want to satisfy their own perversions and they are using the children as an excuse. I am going to tell the Commissioner that this is inappropriate and I will not go.

Once discussing the issue of morality and culture, PO Ananda had this to say:

Our culture is different to that of the West. Our laws are different. Here families stay together. There is less sexual misconduct, not like in other countries. But sometimes suppression leads to frustration and then people engage in perverted behaviour. Girls have to be sociable but they also have to know how to protect themselves.

While deploring the human tragedies unfolding in the Probation Unit on a daily basis and seeing a moral decay and deterioration of cherished values, the staff were yet able to maintain a belief in the dichotomy of a spiritually bankrupt West and a spiritually superior East. The threat to Eastern culture was still seen as principally from the decadent influence of the West. The only opposition to this came from DA Ajit, whose opinions, as mentioned before, were very much in the minority.

One way in which they were able to maintain this belief was by distancing themselves from the moral decay and decadence of the times. This distancing was also commensurate with the “in-between” class position occupied by the Probation Unit staff. These things happened only to those who were too ignorant, uneducated and foolish to know better (their class inferiors) or to those whose life styles had been corrupted through exposure to and imitation of Western culture (usually their class superiors). Since the vast majority of their clients were poor and forced to submit to the machinations of the legal and state structures, this provided the Probation Unit staff with opportunities to stamp their moral authority on them. The immorality and decadence of their class others on either side could only be stemmed through inculcating in them respect for traditional values, instilling a sense of pride in local culture and way of life. Given the extent to which the staff engaged in correcting the morals of their clients or instilling ideas about what was considered good and respectable behaviour, it is possible they believed that the mantle of Anagarika Dharmapala had fallen on their shoulders. In fact, the staff’s analysis of the state of modern society suggested that they believed that Sinhala Buddhist culture was as much under threat today from the corrupting influences of the West and its

local agents as it was during Anagarika Dharmapala's time. These themes of cultural decay and moral decadence were very much alive and, as described in Chapter 6, had been given a modern rendering by Reverend Gangodawila Soma.

As during Anagarika Dharmapala's time, this moral ideology was juxtaposed alongside ideas of modernity in which certain practices and technologies of modernity were fully accepted. Just as Dharmapala's *Code for the Laity* included rules about sanitation, cleanliness and the use of the fork and spoon, and Piyadasa Sirisena's heroes and heroines were educated in English and well versed in European literature, the ideal modern parent and especially the modern mother, according to the staff of the Probation Unit, is not only a moral person, but also a mother who immunised her children on schedule, supervised their homework and nutrition, took care of their health, provided them with the opportunities to become familiar with modern technology, and provided them with extra classes in English. At the same time, she ensured a childhood of innocence and purity. A good child was one who was both academically successful and moral and a good parent was one who ensured that. Explaining and understanding the tragedies that unfolded daily at the Probation Unit through this framework meant that the staff could intervene from a position of moral authority and even superiority. In the process, they were also asserting the values and norms that they believed distinguished them and rendered them superior to their class others.

Moral breakdowns, ambiguity and the middle class

What I have endeavoured to show in this chapter is how Probation Unit staff drew upon a particular morality when dealing with clients. I have explored this morality specifically in terms of its disposition towards women and girls. As discussed, this morality stressed the virtues and respectability of women as defining the stability and happiness of the family and, by extension, society and the nation. The family and the home was the main unit which the Probation Unit staff sought to protect; their assessments of what to do with their clients were arrived at in relation to what would be the best for the family or, alternatively, if the family was considered inadequate, how those under the Probation Unit's care could best be protected from that family. These deliberations were undertaken while reflecting on the moral issues that were at

stake in each instance. This is where the respectability and virtue of women and girls were crucially important.

How nationalist representations of women have been shaped by patriarchal relations of power and simultaneously reproduce those relations has been well documented by feminist scholars in Sri Lanka (see for instance, De Alwis 1995, 1997; De Mel 2001). My efforts to theorise this in terms of morality point towards how reproducing gendered power relations also can serve as a means of articulating *class* identities. By using morality as a framework for dealing with clients, the Probation Unit staff members were also constructing and displaying their own social identities as members of the middle class. The ambiguities of their class position and their efforts to differentiate themselves from the lower classes as well as the upper classes meant that their moral position had to be constantly articulated and re-presented. The ambiguity of their position was compounded by the paucity of resources at their disposal to deal effectively with the complexities of their clients' lives and experiences and to thus maintain their professional status and credibility. Often required to implement court decisions that did not allow for complexities, the Probation Unit staff resorted to moral frameworks to respond to their clients' problems. In doing so, they were also then able to assert their own moral positions, as well as their own virtue and respectability, which was so necessary for maintaining their positions in society.

These are not merely moments of "ethical breakdowns" as Zigon (2007) has termed them, but representative of the ambiguity of Probation Unit staff's social position and professional status as well as their own struggles to explain the complex lived experiences of their clients. Interestingly, the work that went into making oneself "morally appropriate" or "socially acceptable" (Zigon 2007:261) was not through working on oneself, but rather by making public judgements about *others*. The morality in the Probation Unit was articulated in terms of a public discourse that constructed a shared moral space. The inclusion or the exclusion in this shared moral space was what determined a person's cultural identity and social acceptability. Thus, for the Probation Unit staff, the shared moral space was also a shared cultural space. The narratives they drew on to construct this moral space were to be found in

ideas of Sinhala nationalism, with its roots in various attempts to articulate a distinct social and cultural identity particularly in relation to the English educated, Westernised elites.

Conclusion

I started this thesis with the intention of exploring the relationship between development policy and practice and to understand how development endures despite its apparent failures. I chose to explore these questions through the experiences of frontline workers within a state bureaucracy. Since the state was both implementing development policy as well as the target of development interventions it was increasingly a site where local and global development practices converged. This thesis is therefore as much about the post-colonial Sri Lankan state as it is about development policy and practice.

In order to understand the relationship between development policy and practice as well as its endurance, it is necessary to understand the historicity and the social situatedness of the context within which development takes place. This thesis describes how I explored this in a Probation Unit of the Department of Probation and Child Care Services in a province in Sri Lanka.

The Probation Unit as part of the state bureaucracy is a site where various global and local visions of children and childhood are translated into state policies, laws and interventions. It is also a site where different actors, both from state and non-state agencies converge. The Probation Unit is one of the sites where people encounter the state and the staff mediate these encounters between the state and people. The frontline staff at the Probation Unit, particularly the POs interpret the various policies and laws during their interactions with the public. I argue in this thesis that the social and political circumstances that constitute the worlds, subjectivities and moral personhoods of the Probation Unit staff shape how they mediate these encounters. This means that analysing and understanding the state requires paying close attention to the social and political circumstances of those who inhabit the state. On the other hand, development's efforts to shape encounters between the state and its citizens are themselves shaped by those same circumstances.

Employment within the state bureaucracy is an important source of social mobility for the middle class who come through the free education system and are mainly

fluent in the vernacular languages. As I have described in Chapter 1, state employment is an important means through which this group is able to obtain “respectability” which is a crucial marker of social status and their ability to manoeuvre in the world. The composition of the state bureaucracy has also undergone changes where previously it was dominated by the English speaking elite groups in Sri Lankan society. Changes to language policy and greater access to education have led to the “vernacularisation” of the state bureaucracy. The decline in the prestige and status of public sector employment has however meant that more effort is required to ensure that the position of state bureaucrats continues to invoke respect.

The middle class has been described as occupying an “in-between” position (Bourdieu 1984; Liechty 2003) that is marked by anxiety and tension. There are different and contradictory forces that shape middle class identity. For instance, while their aspirations are shaped by certain ideals contained within modernity, they also seek to maintain a “traditional” identity drawn from ideas, in the context I have described in my thesis, of a Sinhala Buddhist culture. The impact of economic globalisation has heightened further the anxieties, challenges and tensions faced by the contemporary middle class (Liechty 2003; Donner 2008). Consumer fashions and aesthetic standards are set by an increasingly global culture which state employees on fixed salaries struggle to maintain. Asserting their moral personhoods and identities in opposition to their class “others” then becomes an important means through which the material shortcomings in their lifestyles can be compensated.

I have argued that this process of constructing a particular middle class identity is apparent in the nationalist consciousness, morality and professional identity that are rendered visible in the state practices of those who inhabit the state. What I have described in the preceding chapters are the ways in which these become apparent. What I have also sought to explain is the historicity and the social situatedness of the construction of this nationalist consciousness, morality and professional identity. These are factors which are not taken into consideration when evaluating the outcome of “capacity building” initiatives or in attempting to understand the actions of the state.

The answer to one of my initial questions, why children's lives were not improving despite all the concern that was expressed on their behalf, becomes somewhat clearer when the implementation of child welfare and child protection policy and practice are analysed as contingent to the interests and ambitions of the actors who are involved in the process. The narratives and moral frameworks that shaped encounters between staff and clients at the Probation Unit were also those that shaped the social identities of the staff. This meant that policies were interpreted by staff through those narratives and moral frameworks. As I describe in Chapter 4 for instance, the staff view the increasing role of non-state agencies within the state bureaucracy as competing with the legitimate claims of the state to intervene in the welfare and protection of people. This notion of a strong state is necessary to maintain the status of their own positions as state bureaucrats and needs to be asserted even more stridently as the boundaries between state and society become more porous. One of the consequences of the growing involvement of non-state agencies in areas of work traditionally considered the responsibility of the state is to make the distinction between state and society even more blurred and I have described how actors within the state and non-state agencies attempt to maintain boundaries that are endlessly transgressed.

As I have described in Chapter 3 however, the state is not unitary or coherent; and different sites of the state engage with development policy in different ways. In describing the establishment of different state agencies for the welfare and protection of children I draw attention to the political and social alliances that made those policies come to life and how those alliances were necessary for the initiation of specific policy initiatives. I also highlight how those alliances made possible collaborations between political regimes, the state bureaucracy and non-state agencies. What is of particular significance is how these alliances and collaborations endured in different forms through the changing visions of children and childhood as well as changing political regimes. For example, as the English speaking elite moved away from the state bureaucracy, the increasing role of non-state agencies opened up new spaces for them; also the centralisation of political power through the Executive Presidency led to the establishment of new state agencies that were closer to the sources of power than the traditional bureaucracies, enabling social and

political elites to collaborate across political, state and non-state boundaries. These alliances have led to rivalries within state agencies and I have described how they influence the implementation of certain policies. I have also shown how changes to political regimes influence these alliances, thereby highlighting the lack of coherence and stability of policy frameworks that are linked to particular political regimes. It also draws attention to lack of coherence and the plurality within the state and how class conflicts as well as political interests shift the power positions of those who inhabit the state. This opens up the possibilities of examining the state not simply as a static, homogenous entity, but one that is constantly shifting because of the different people who inhabit it.

What this also highlights is how both political and social processes influence the trajectory of development policies and interventions. The spaces and sites where state bureaucrats operate are the sites that political regimes act upon to establish their power, to gain credibility and legitimacy. These are also sites through which international policy regimes seek to influence national policy and to make claims for the legitimacy of their interventions. As I have described in Chapters 3 and 4, often the intentions of various actors from within the state, political regimes and non-state sectors converge as development becomes a means through which they each seek to establish their power and legitimacy. But rather than viewing this as an indication of the discursive power of development and the means through which global policy produces new forms of subjects and identities (Shore and Wright 1997), I argue that it is the nature of these development sites which ensures that development endures. Global development policy produces sites where global and local interests converge with a sufficient level of incoherence so that multiple interests can be served. The incoherence is what makes it possible to fulfil multiple interests. Whether it is serving as a prop for the ambitions of politicians and professional development actors or at a more prosaic level providing employment and resources, development has its uses. This raises the problem of demarcating state and non-state agencies from each other in terms of their intentionalities and interests. Despite the obvious tensions between the two sectors, even in the most hostile of environments what can be seen is a certain dependency on each other in order to stake their claims for legitimacy and to carry out their work.

If as I have argued the trajectory of development is influenced by the social and political circumstances within which they are embedded and the forms of sociality and morality that they engender, to understand the link between development policy and practice or to evaluate the consequences of development interventions, it is necessary to examine these social and political circumstances at their most everyday and quotidian level. But this is where the difficulty arises: development is usually conceptualised and theorised without sufficient attention to the micro-processes by which it is shaped. I argue that, for development to actually *appear* to work, it is necessary to ignore or view as external to the project of development the processes that actually shape it. What my thesis shows, is how deeply embedded development is in the everyday social and political circumstances of the institutions and people involved in it. And I have also shown how those social and political circumstances are historically contingent. If development purports to be able to change social and political circumstances, and if development is about the future, it must be conceptualised as rising above those social and political processes as well as disengaged from their historicity. Thus, development has to constantly reinvent itself, and can never “learn from its mistakes” because to do so would be to acknowledge that it is captive to the social and historical processes that shape the world. This would substantially undermine the transformative element within development; and what legitimacy or claims can development have, if it cannot be about transformation and change? In other words, the distinction between development and society is necessary for both the idea and the apparatus of development to be sustained.

An example of how development policy ignores the social and political circumstances that shape it is provided in Chapter 5, where I have described how the forms that came to be known as “Jenny’s Forms” were introduced through the intervention of UNICEF to the probation system. The formulation of “Jenny’s Forms” assumes a bureaucratic network that does not exist and fails to recognise how closely linked the POs identities are with their court work. Or more importantly, they failed to understand how the PO’s work was intrinsic to their sense of self and identity. As a result, “Jenny’s Forms” were gathering dust in the POIC’s drawer ignored by the people who were meant to use them. However, had UNICEF

considered all the factors that might have made “Jenny’s Forms” more relevant to the work of the Probation Unit, it would have meant a far greater commitment to reforming the DPCCS than that which was required for introducing “Jenny’s Forms”. It would have called for much more intense involvement with the social and political processes that shaped the functioning of the DPCCS which UNICEF was unable to do. Linking the production of “Jenny’s Forms” to the reorientation of the work done by the DPCCS involved ignoring the social and political processes that shaped the everyday functioning of the department. This supports Mosse’s argument that the gap between policy and practice becomes part of the development process; the purpose of policy is to interpret practice in keeping with its goals and objectives and not to guide practice (Mosse 2005a). The production of “Jenny’s Forms” ignored or rendered invisible the social and political processes that actually oriented the work of the DPCCS. It then becomes possible for UNICEF to evaluate the impact of their efforts to reform the DPCCS merely through the production and existence of “Jenny’s Forms” (see Rocella 2007). The social and political processes that resulted in Jenny’s Forms collecting dust in a drawer remained outside the purview of the development project.

But although policy does not determine practice this does not make policy irrelevant to practice nor does it mean that policy does not engender practices which have important consequences. The consequences of development policy although unanticipated are nevertheless far reaching. For instance, the modern vision of children and childhood emanating from liberal ideas of children and child rights, and implemented through the interventions of global and local development agencies has decidedly “illiberal” (Spencer 2008) consequences, especially for women and girls as I have described in Chapter 7. The increased emphasis on child sexual abuse for instance has also meant an increased surveillance of women and girls. Pupavac (2001a) has argued that the increasing focus on children is set within a context of a deep sense of moral, political and social crisis. In a situation of states collapsing into civil wars, deepening economic divides within and between nations, and a sense of social disintegration, children are seen to transcend these divides and provide an integrative symbol for society. The child has therefore become the focus of social change as well as the symbol of what is wrong in the world. The wellbeing of a

nation's children is taken as a measure of how well the nation is performing. However, Pupavac goes on to say that this focus on children as a means of social change is linked to a pathologisation of adulthood and the professionalisation of intimacy. Within the international child rights regime, there is an implicit mistrust of parents and guardians capacity to protect the best interests of children (Pupavac 2001a). But the translation of mistrust and into interventions to increase the capacity of parents and guardians or to protect children from the perceived lack of capacity, does not affect everyone equally. The gaze of development policy is inevitably focused on the socio-economically most vulnerable population groups. This is largely as a result of the sense of "deficit" that is implicit within development: just as much as there are certain regional pockets which attract the development gaze, so do certain population groups. This means that the kinds of social engineering that development goals call for are usually targeted at communities that have few means of accessing resources or the social networks that are necessary to work the system in a way that is advantageous to them. So, the family I described in Chapter 4, who received a house as part of the "reintegration" programme for children, became the focus of both state and non-state development actors efforts to "fix" the capacity of the family to abide by the criteria of a successfully reintegrated family. This provides another explanation for the endurance of development: those who are its targets can ill afford to reject it completely since it may provide a means of accessing some benefits – in this case a house, even if it meant being subjected to the surveillance of various professionals in the process. As described in this thesis, since the "gaze" of development interventions is mediated by those who inhabit the state and who are producing their subjectivities and identities through state practices, this means maintaining class boundaries becomes an important consideration that determines relationships between state bureaucrats and their clients.

The moral framework that I describe in Chapter 7, which the Probation Unit staff used to make their assessments of individuals and families were often contrary to the liberal values of individual autonomy, gender sensitivity and empowerment that informed child rights and child protection discourse. But what I have shown in my thesis is that while the realisation of these values is formulated through legal processes and "politically neutral" development interventions, in practice they are

implemented by those who are situated and act within a particular social, historical and moral context. And ultimately, people's experiences of those legal processes and development interventions are shaped by those contexts rather than the liberal values underlying their formulation. In fact, those legal processes and development interventions *create* the spaces where people's lives and actions can then be subjected to assessments and interventions with decidedly illiberal consequences.

Moreover, as I have shown in my thesis, the increasingly ambitious goals for child protection in Sri Lanka are expected to be achieved by state bureaucrats who are poorly compensated and have very few resources with which to respond to the complex problems of their clients. Realising those child protection goals does not seem to require anything but the most cursory and superficial attention by policymakers as to *why* public services that are supposed to ensure that those goals are met, are ineffective. In fact, public sector reforms implemented as a result of development policy simultaneously require state bureaucrats to provide increasingly sophisticated services while also cutting costs and increasing "efficiency". What I have strived to explain is that the actions of the state bureaucrats need to be viewed in the light of the increasingly complex demands that are made on them and the considerable constraints that they face in the course of their work. Frontline workers bearing the brunt of the work and closest to their clients are offered little except copious numbers of ad hoc training programmes to fulfil their jobs effectively.

David Mosse has described the importance of ethnographic studies of aid and development for revealing the complexity, contradictoriness and diversity of policy goals and practices. He argues that ethnographic studies are able to challenge the "rational-instrumental understanding of development as the execution of international development policy" (2005b:22). Ethnographic studies are able to reveal the relationships and politics that maintain the contradictions and disjuncture of aid and policy and the linkages between local and global practices. Both policy and practice are thus conceptualised as autonomous fields of action challenging the notion of hegemonic policy regimes and relations of domination and resistance (van den Berg and Quarles van Ufford 2005).

My ethnography of development policy at the Probation Unit reveals that apart from the historical and social contingences of development policy and practice, its messiness and contradictions, development policy creates the social space for the generation of social and political alliances, particularly at a local level, which are able to reinforce relationships of inequality and dominance. The point to be stressed though is that it is not development policy per se, but the *spaces* created by the practices of development policy that enable these relationships. Social and political ambitions and interests contributed to the establishment of the IYCS and the NCPA as much as changing visions of children and childhood; class conflict and anxieties shaped the relationship between the Probation Unit staff and their clients more than guidelines on child protection.

I have shown how political and class interests shaped the interventions that were carried out in the name of child protection. But it is important to ensure that the focus on the local does not conceal the complicity of the global policy and actors in maintaining and reinforcing these alliances and relationships. For instance, fostering the political and social ambitions that led to the establishment of the NCPA served the organisational interests of UNICEF and reinforced the dominance of the child rights regime for child protection. Changing global policy on children meant that some questions could be asked while others could not: for instance, rather than looking at the socio-economic conditions that increased the risk for children, it focuses on individual adult pathology. But even more importantly, the complicity of global development policy regimes lies in how it hides the contingencies of practice, constructs a coherent global policy regime and provides an authorised interpretation of events (Mosse 2005a) thereby concealing its illiberal consequences.

Ethnographic research can explore the social and political processes in which development is embedded and the interests it serves. Development as an ethnographic object provides the means of exploring its limitations as an instrument of transformation but most importantly it reveals some of the most entrenched social and political practices that *obstruct* transformation and change. This ethnography of development within the Probation Unit for instance clearly revealed the importance of class in constructing people's subjectivities and personhoods as well as social

relations in Sri Lanka. It revealed the way in which social relations are mediated by class relations and how this has served the interests of particular social and political elites. It illustrated how the practices of the state need to be understood through the interests of those who constitute the state. It then showed how development policy and practice was co-opted for these interests.

In a society which has been largely described through the lines of ethnic identities and tensions, where relationships with the state are described primarily in terms of dominance and control, studies that reveal the more detailed practices of state and society may be useful for providing a more nuanced understanding of social relationships, conflict, identity and the state in contemporary Sri Lankan society.

What this thesis has illustrated about the relationship between the state, state bureaucrats and non-state agencies raises possibilities for further explorations in different settings. For instance, I suspect that a similar study among state bureaucrats from a more mixed ethnic background or where state bureaucrats are from minority ethnic groups might reveal rather different relationships with the state and non-state agencies. State bureaucrats from minority ethnic groups may be far more critical of the role of the state as being responsible for the welfare and improvement of people. Their experiences and understandings of the state may be far more contested than those of their Sinhalese counterparts. This may prove to be particularly interesting in terms of understanding the different sites and spaces of the post-colonial state which is often described in literature as if homogenous and coherent.

When I started my research I was determined that my research should be relevant for development practitioners. I was fired as much by my indignation with the failure of development as by the desire to “fix” it. I also know that this was what was expected of me by those who participated in my research. The staff at the Probation Unit and the provincial DPCCS would be keenly disappointed that I have not clearly articulated prescriptions for improving child protection services in Sri Lanka in my thesis. What my research has revealed, if anything, is in fact the complexities of providing child protection services; complexities that often make practitioners impatient of ethnographic research because it does not lend itself easily to providing

solutions. Identifying myself as both a practitioner and researcher, the usefulness or applicability of research is a question with which I constantly grapple.

As this research progressed, I became increasingly more aware that I was not going to have easy answers for practitioners. Revealing the complexities of implementing child protection interventions is perhaps the most useful contribution I can make to the sector. And understanding that complexity is important not so that it will freeze us into inaction; but rather so that it will provoke us into thinking more carefully about our interventions. My research has also illustrated the considerable agency of actors within different levels of the development configuration including the state, and the social, political and moral forces that influence their decisions and actions. This may help reveal the kinds of changes that need to take place if the goals and aspirations of development are to be realised.

I have come away from this research with two, not necessarily contradictory impulses with regard to working in the child protection sector. One is that any intervention must as a minimum ensure that the child is not worse off after the intervention than before, even if this means doing nothing; and secondly with a strong conviction that the changes that will make life better for children lie somewhat further away from existing child protection and child rights frameworks. Unless the necessary conditions for families and communities to care for children and for each other are created, our interventions would be only half effective. Creating such conditions include challenging existing forms of sociality in Sri Lankan society which as shown in my thesis are determined quite significantly by relationships of inequality, hierarchy and the capacity to be part of social networks. Creating those conditions and challenging those forms of sociality is a political process; it is neither medical nor legal in approach as increasingly child protection interventions are designed to be. Thus the approach to child protection I advocate is both humble and ambitious; it involves recognising our limitations and tempering our ambitions accordingly but also realising that relationships lie at the heart of any process of social transformation. Challenging those relationships, including those within the development configuration, that constrain social transformation has to be central part

of creating the conditions for not only children but for the important adults in their lives to thrive.

Bibliography

- Abrams, P. (1988). "Some notes on the difficulty of studying the state." *Journal of Historical Sociology* 1 (1) 58-89.
- Abu-Lughod, Lila (2002). "Do Muslim women really need saving? Anthropological reflections on cultural relativism and its others." *American Anthropologist* 104 (3): 783-790.
- Ali, I. and J. Zhuang. (2007). "Inclusive growth towards a prosperous Asia." ERD Working Paper Series 97. Manila: Asian Development Bank.
- Amarasuriya, Harini, Canan Gunduz and Markus Mayer. (2009). *Sri Lanka: Rethinking the nexus between youth, unemployment and conflict*. London: International Alert.
- Amunugama, Sarath. (1997). "Ideology and Class Interest in One of Piyadasa Sirisena's Novels. The New Image of the 'Sinhala Buddhist' Nationalist" in Michael Roberts (ed), *Sri Lanka. Collective Identities Revisited*. Vol 1. Colombo: Marga Institute.
- Anders, Gerhard. (2005). "Good Governance as Technology: Towards and Ethnography of the Bretton Woods Institutions" in David Mosse and David Lewis (eds), *The Aid Effect: The Giving and Governing of International Development*. London: Pluto Press.
- Asian Development Bank. (2007). *Inequality in Asia, Key Indicators 2007, Special Chapter Highlights*. Asian Development Bank.
- Appadurai, Arjun. (1993). "Patriotism and its Futures." *Public Culture* 5: (411-429).
- Arce, Alberto and Norman Long. (2000). "Refiguring modernity and development from an anthropological perspective." in Alberto Arce and Norman Long, (eds), *Anthropology, Development and Modernities: Exploring discourses, counter-tendencies and violence*. London: Routledge.
- Ariès, Phillippe. (1962). *Centuries of Childhood*. London: Jonathan Cape.
- Arextega, Begona. (2003). "Maddening States." *Annual Review of Anthropology* 32: (393-410).
- Barrera, Leticia. (2008). "Files Circulation and the Forms of Legal Experts: Agency and Personhood in the Argentine Supreme Court." *Journal of Legal Anthropology* 1 (1): 3-24.

- Berkwitz, Stephen. (2008). "Resisting the Global in Buddhist Nationalism: Venerable Soma's Discourse of Decline and Reform." *Journal of Asian Studies* 67 (1): 73-106.
- Bottomore, Tom. (1965). *Classes in Modern Society*. London: Allen and Unwin.
- Bond, Tim. (1980). *Boy Prostitution in Sri Lanka*. Lausanne: Terres des Hommes.
- Brow, James. (1996). *Demons and Development: The Struggle for Community in a Sri Lankan Village*. Tuscon: The University of Arizona Press.
- Boyden, Jo. (1997). "Childhood and the Policy Makers: A comparative perspective on the globalisation of childhood" in Allison James and Alan Prout,(eds), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*. Second Edition. London: Falmer Press.
- Bourdieu, Pierre. (1984). *Distinction: A social critique of the judgement of taste*. London: Routledge and Kegan Paul.
- Central Bank of Sri Lanka. (2005). *Annual Report (2005)*. Colombo: Central Bank of Sri Lanka.
- Central Bank of Sri Lanka. (2008). *Annual Report (2008)*. Colombo: Central Bank of Sri Lanka.
- Central Bank of Sri Lanka. (2009). *Annual Report (2009)*. Colombo: Central Bank of Sri Lanka.
- Chambers, Robert. (1997). *Whose reality counts? Putting the first last*. Rugby: UK, ITDG publications.
- Chambers, Robert. (2007). "Poverty and Participation" *Development* 50: (2) 20-25.
- Chatterjee, Partha. (1989). "The Nationalist Resolution of the Women's Question" in Kumkum Sangari and Sudesh Vaid (eds), *Recasting Women*. New Delhi: Kali for Women.
- Chatterjee, Partha. (1993). *The Nation and its Fragments: Colonial and Postcolonial Histories*. Princeton, New Jersey: Princeton University Press.
- Clifford, James. (1984). "Introduction: Partial Truths", in James Clifford and George E Marcus, (Eds) *Writing Culture: the poetics and politics of ethnography*. Berkeley: University of California Press.
- Coldrey, Barry (2001). "The Extreme End of a Spectrum of Violence: Physical Abuse, Hegemony and Resistance in British Residential Care." *Children and Society* 15: 95-106.

- Comaroff, Jean and Comaroff, John L. (2000). "Millennial Capitalism: First Thoughts of a Second Coming." *Public Culture* 12 (2):291-343.
- Cowan Jane K, Dembour, Marie Benedicte and Wilson, Richard A. (2001). "Introduction" in Jane K Cowan, Marie-Benedicte Dembour and Richard A Wilson (eds), *Culture and Rights: Anthropological Perspectives*. Cambridge: Cambridge University Press.
- Crewe, Emma and Harrison, Elizabeth. (1998). *Whose Development? An ethnography of aid*. London: Zed Books.
- Crewe, Emma. (2010). "Protecting children in different contexts: exploring the value of rights and research" *Journal of Children's Services* 5 (1): 43-53.
- Das, Veena. (2004). "The Signature of the State: The Paradox of the Illegibility" in Veena Das and Deborah Poole (eds), *Anthropology of the Margins of the State*. School of American Research Advanced Seminar Series. Santa Fe: School of American Research Press.
- de Alwis, Malathi. (1995). "Gender, politics and the 'Respectable Lady'" in Pradeep Jeganathan and Quadri Ismail (eds), *Unmaking the Nation: The Politics of Identity and History in Modern Sri Lanka* Colombo: Social Scientists Association.
- de Alwis, Malathi. (1997). "The production and embodiment of Respectability: Gendered demeanours in Colonial Ceylon" in Michael Roberts (ed), *Sri Lanka: Collective Identities Revisited* Volume 1. Colombo: Marga Institute.
- Deegalle, Mahinda. (2004). "Politics of the Jathika Hela Urumaya Monks: Buddhism and Ethnicity in Contemporary Sri Lanka." *Contemporary Buddhism* 5 (2): 83-103.
- de Mel, Neloufer. (2001). *Women and the Nation's Narrative: Gender and Nationalism in Twentieth Century Sri Lanka*. Maryland: Rowman and Littlefield Publishers, Inc.
- Department of Census and Statistics. (2006/07). *Poverty Indicators: Household Income and Expenditure Survey 2006/07*. Department of Census and Statistics, Ministry of Finance and Planning, Sri Lanka.
- Department of Probation and Child Care Services Circular (undated): From the Commissioner of Department of Child Care and Probation Services, Official correspondence to Probation Officers, "Notes on Probation of Offenders Ordinance No 42 of 1944."
- de Silva, K.M. (2005). *A History of Sri Lanka*. Colombo: Vijitha Yapa Publications.

- de Silva D. G. H. and Hobbs C. J. (2001). "Conscription of children in armed conflict. Personal views." *British Medical Journal* 322:1372.
- Dias, Malsiri. (2001). *Study on Receiving Homes, Remand Homes and Detention Centres for Children*. Colombo: Centre for Women's Research.
- DFID. (2007). *Governance, Development and Democratic Politics: DFID's Work in Building More Effective States*. London: DFID.
- Donner, Henrike. (2008). *Domestic goddesses: maternity, globalisation and middle-class identity in contemporary India*. Aldershot: Ashgate.
- Duffield, Mark. (2001). "Governing the Borderland: Decoding the power of Aid" paper presented at seminar on Politics and Humanitarian Aid: Debates, Dilemmas and Dissension, Commonwealth Institute, London.
- Escobar, Arturo. (1995). *Encountering Development: the making and unmaking of the third world*. Princeton: University Press.
- Eyben, Rosalind and Leon, Rosario. (2005). "Whose Aid? The case of the Bolivian Elections Project" in David Mosse and David Lewis (eds), *The Aid Effect: Giving and Governing in International Development*. London: Pluto Press.
- European Commission. (2006). *Thematic Evaluation of the EC Support for Good Governance*. Brussels: EC.
- Ferguson, James. (1994). *The Anti-Politics Machine; "Development", Depoliticisation, and Bureaucratic Power in Lesotho*. Minneapolis: University of Minneapolis Press.
- Ferguson, James and Gupta, Akhil. (2002). "Spatialising States: Towards and Ethnography of Neoliberal Governmentality" *American Ethnologist* 29 (4): 981-1002.
- Fernando, Udan and Hillhorst, Dorethea. (2006). "Everyday Practice of Humanitarian Aid: tsunami response in Sri Lanka." *Development in Practice* 16 (3 & 4): 292-302.
- Fine, Ben. (2004). "Globalisation or panglossianisation? A critical response to Keith Griffin". *Development and Change* 35 (2): 583-591.
- Foucault, Michel. (1991). "Governmentality" in G. Burchell, C. Gordon and P. Miller, (eds), *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.

- Foucault, Michel. (2000) in P. Rabinow (Ed) *Essential Works of Michel Foucault, Vol 1: Ethics: Subjectivity and Truth*. London: Allen Lane.
- Fritz, Verena and Menocal, Alina Rocha (2007). "Developmental States in the New Millennium: Concepts and Challenges for a New Aid Agenda" *Development Policy Review* 25 (5): 531-552.
- Fuller, C. J. and Harriss, John (2001). "For an Anthropology of the Modern Indian State" in C.J. Fuller and Veronique Benei (eds), *The Everyday State and Society in Modern India*.. London: Hurst and Company.
- Gellner, David. (2001). "From group rights to individual rights and back: Nepalese struggles over culture and equality" in Jane K Cowan, Marie-Benedicte Dembour and Richard A Wilson (eds), *Culture and Rights: Anthropological Perspectives*. Cambridge: Cambridge University Press.
- Gombrich, Richard and Obeyesekere, Gananath. (1988). *Buddhism Transformed: Religious Change in Sri Lanka*. Princeton, New Jersey: Princeton University Press.
- Goonesekere, Savithri. (1998). *Children, Law and Justice: A South Asian Perspective*. New Delhi: Sage Publications.
- Gupta, Akhil and Ferguson, James. (1992). "Beyond Culture: Space, Identity and the Politics of Difference." *Cultural Anthropology* 1(1): 6-23.
- Gupta, Akhil. (1995). "Blurred Boundaries: The discourse of corruption, the culture of politics, and the imagined state." *American Ethnologist* 22: 375-402.
- Gupta, Akhil and Sharma, Aradhana. (2006). "Globalisation and Post-Colonial States." *Current Anthropology* 47 (2): 277-307.
- Gunasekera, Manique. (2005). *The Postcolonial Identity of Sri Lankan English*. Kelaniya: University of Kelaniya.
- Hall, Richard. (1963). "The Concept of Bureaucracy: An Empirical Assessment." *The American Journal of Sociology* 69 (1): 32-40.
- Hansen, Thomas Blom. (2001). "Governance and Myths of State in Mumbai" in *The Everyday State and Society in Modern India*. C. J. Fuller and Veronique Bēnei (eds), London: Hurst and Company.
- Heimer, Carol. (2006). "Conceiving Children: How Documents Support Case vs. Biographical Analyses" in Annelise Riles (ed), *Documents: Artifacts of Modern Knowledge*. Michigan: University of Michigan Press.
- Hendrick, Harry. (1994). *Child Welfare –England 1872-1989*. London: Routledge.

- Herzfeld, Michael. (1992). *The Social Production of Indifference: exploring the symbolic roots of Western bureaucracy*. Chicago: University of Chicago Press.
- International Crisis Group Asia Report No 124. (2006). *Sri Lanka: The Failure of the Peace Process*.
- International Crisis Group Asia Report No 135. (2007). *Sri Lanka's Human Rights Crisis*.
- International Crisis Group Asia Report No 146. (2008). *Sri Lanka's Return to War: Limiting the Damage*.
- Iqbal, M.C.M. (2002). "The Public Service of Sri Lanka" in *Annual Report on the State of Human Rights in Sri Lanka, 2002*. Colombo: Law and Society Trust.
- Jayasekeran, Suba. (2006). "Weaving the Threads Together: Coordination for Child Protection in Sri Lanka." Unpublished dissertation for MSc in Social Policy and Planning, London School of Economics and Political Science.
- Jayathilake, Ramani and Amarasuriya, Harini. (2005). *Home Truths: Children's Rights in Institutional Care in Sri Lanka, Full Report*. Colombo: Save the Children in Sri Lanka.
- Jayawardena, Kumari. (2000). *From Nobodies to Somebodies – The Rise of the Bourgeoisie in Sri Lanka*. Colombo: Social Scientists Association.
- Kearney, Robert. (1967). *Communalism and Language in the Politics of Ceylon*. Durham N.C: Duke University Press.
- Kearney, Robert. (1964). "Sinhala Nationalism and Social Conflict in Ceylon." *Pacific Affairs* 37 (2): 125-136.
- Laidlaw, James. (2002). "For an Anthropology of Ethics and Freedom" *Journal of the Anthropological Institute*. 18 (2): 311-32.
- Lawyers for Human Rights and Development (Children's Desk). (2002). *Child Abuse and the Law: A review of the law and the legal process*. Colombo: Lawyers for Human Rights.
- Leftwich, Adrian. (1994). "Governance, the state and the politics of development" *Development and Change* 25: 363-386.
- Li, Tania Murray. (1999). "Images of Community: Discourse and Strategy in Property Relations" *Development and Change* 27: 501-527.
- Liechty, Mark. (2002). *Suitably modern: making middle class culture in a new consumer society*. Princeton, N.J: Princeton University Press.

- Lipsky, Michael. (1980). *Street level bureaucracy: dilemmas of the individual in public services*. New York: Russell Sage Foundation.
- Long, Norman. (2001). *Development Sociology: Actor Perspectives*, London: Routledge.
- Maathota (2000) *Mod gehaniyak yanu kawda? Gode gehaniyak yanu kawda? (Who is a 'mod' woman? Who is an 'unsophisticated' woman?)* 5 (1 and 2).
- Mahinda Chintana. (2005). *Victory for Sri Lanka: Presidential Election, 2005, Towards a New Sri Lanka*. Election Manifesto of Mahinda Rajapakse.
- Manor, James. (1989). *The Expedient Utopian: Bandaranaike and Ceylon*. Cambridge: Cambridge University Press.
- Marcus, George. (1995). "Ethnography in/of the world system: The emergence of multi sited ethnography" *Annual Review of Anthropology* 24: 95-117.
- Mayer, Markus. (2002). "Violent youth conflicts in Sri Lanka: Comparative Results from Jaffna and Hambantota" in S T Hettige and Markus Mayer (eds), *Sri Lankan Youth: Challenges and Responses*. Colombo: Friedrich Ebert Stiftung Colombo Office.
- Merry, Sally Engles. (2001). "Changing Rights, Changing Culture" in Jane K. Cowan, Marie-Benedicte Dembour, and Richard A. Wilson (eds), *Culture and Rights: Anthropological Perspectives*. Cambridge: Cambridge University Press.
- Ministry of Child Development and Women's Empowerment. (2008). *Sri Lanka Country Report on the UN Convention on the Rights of the Child: 3rd and 4th Consolidated Reports (Draft)*. Ministry of Child Development and Women's Empowerment.
- Ministry of Internal Administration. (2008). Circular No 01/2008: Guidelines on the Issuance of Visas and Work Permits for Expatriates working and seeking to work Voluntary Social Service Organisations/NGOs.
- Ministry of Youth Affairs. (2006). National Action Plan for Youth Employment in Sri Lanka. Colombo: Youth Employment Network (YEN) Secretariat.
- Mitchell, Timothy. (1991). "The limits of the state: beyond statist approaches and their critics" *American Political Science Review* 85: 77-96.
- Moore, Mick. (1990). "Economic Liberalisation versus Political Pluralism in Sri Lanka?" *Modern Asian Studies* 24 (2): 341-383.

- Mosse, David. (2003). "The making and marketing of participatory development" in Phillip Quarles van Ufford and Ananta Kumar Giri (eds), *Moral Critique of Development: in search of global responsibilities.* EIDOS, London: Routledge.
- Mosse, David. (2004). "Is Good Policy Unimplementable? Reflections on the Ethnography of Aid Policy and Practice" *Development and Change* 35 (4): 639-671
- Mosse, David. (2005a). *Cultivating Development: an ethnography of aid policy and practice.* London: Pluto Press.
- Mosse, David. (2005b). "Global Governance and the Ethnography of International Aid" in David Mosse and David Lewis (eds), *The Aid Effect: Giving and Governing in International Development.* London: Pluto Press.
- Mosse, David. (2006). "Anti-Social Anthropology? Objectivity, Objection and the ethnography of public policy and professional communities" *Journal of the Royal Anthropological Institute* (N.S) 12, Royal Anthropological Institute.
- Murray, Kathleen and Hill, Malcom. (1991). "The recent history of Scottish child welfare" *Children and Society* 5: (3): 266-281.
- Murphy, Elizabeth and Robert, Robert. (2001). "The Ethics of Ethnography" in Paul Atkinson, Amanda Coffey, Sara Delamont, John Lofland, Lyn Lofland, (eds), *Handbook of Ethnography* London: Sage Publications.
- Narayan, K. (1993). "How Native is a 'Native' Anthropologist?" *American Anthropologist* 95 (3): 671-686.
- Nissan, Elizabeth and Stirrat R.L. (1990). "The generation of communal identities" in Jonathan Spencer (ed), *Sri Lanka: History and the Roots of Conflict.* London and New York: Routledge.
- Nylund, Bo Viktor and Hyllested, Ida Margarita. (2010). "Protecting Children Affected by Armed Conflict: Accountability for monitoring, reporting and response" *Journal of Human Rights Practice* 2 (1):71-92.
- Obeyesekere, Gananath. (1974). "Some comments on the social backgrounds of the April 1971 insurgency in Sri Lanka (Ceylon)" *The Journal of Asian Studies* 33 (2): 367-384.
- Obeyesekere, Gananath. (1975). "Sinhala Buddhist Identity in Ceylon" in George de Vos and Lola Ross (eds), *Ethnic Identity: Cultural Continuities and Change,* Palo Alto: Mayfield Publishing Company.

- Obeyesekere, Gananath. (1997). "The vicissitudes of Sinhala-Buddhist Identity through Time and Change" in Michael Roberts (ed), *Sri Lanka: Collective Identities Revisited* Volume 1. Colombo: Marga Institute.
- Olivier de Sardan, Jean-Pierre. (2005). *Anthropology and Development: Understanding Contemporary Social Change*. Translated by Antoinette Tidjani Alou. London: Zed Books.
- Ong, Aihwa. (1999). *Flexible Citizenship: The Cultural Logics of Transnationality*. Durham: Duke University Press.
- Paris Declaration on Aid Effectiveness. (2005). Ownership, Harmonisation, Alignment, Results and Mutual Accountability. Paris.
- Parton, Nigel. (1999). "Ideology, Politics and Policy" in Olive Stevenson (ed), *Child Welfare in the UK 1948-1998*. Oxford: Blackwell Science Ltd.
- Pigg, Stacey Leigh. (1992). "Inventing Social Categories through Place: Social Representations and Development in Nepal" in *Comparative Studies in Society and History* 34 (3): 491-513.
- Pigg, Stacey Leigh. (1996). "The Credible and the Credulous: The Question of 'Villagers' Beliefs' in Nepal." *Cultural Anthropology* 11 (2): 160-201.
- Pinches, Michael. (1999). "Cultural relations, class and the new rich of Asia" in Michael Pinches (ed), *Culture and Privilege in Capitalist Asia*. London: Routledge.
- Prout, Alan and James Allison. (1997). "A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems" in Allison James and Alan Prout,(eds), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*. Second Edition. London: Falmer Press.
- Psychosocial Assessment of Development and Humanitarian Interventions. (2009). Final Research Report, unpublished. Colombo: Social Policy Analysis and Research Centre, University of Colombo.
- Pupavac, Vanessa. (2001a). "Misanthropy without Borders: The international children's rights regime." *Disasters* 25 (2): 95-112.
- Pupavac, Vanessa. (2001b). "Therapeutic Governance: the politics of psychosocial intervention and trauma risk management". *Disasters* 25 (4): 358-372.
- Quarles Van Ufford, Phillip, Giri, Ananta Kumar and Mosse, David (2003). "Interventions in development: towards a new moral understanding of our experiences and an agenda for the future" in Phillip Quarles van Ufford and

- Ananta Kumar Giri (eds), *Moral Critique of Development: in search of global responsibilities*. EIDOS, London: Routledge.
- Raby, Namika. (1985). *Kachcheri Bureaucracy in Sri Lanka: The Culture and Politics of Accessibility*. Foreign and Comparative Studies South Asian Seminar Series No 10. Syracuse, New York: Syracuse University Faculty Publications.
- Radcliffe-Brown, A.R. (1955)(1940). "Preface" in *African Political Systems*. M. Fortes and E.E Evans-Pritchard. London: Oxford University Press.
- Reed, Adam. (2006) "Documents Unfolding" in Annelise Riles (Ed.) *Documents: Artifacts of Modern Knowledge*. Michigan: University of Michigan Press.
- Rocella, Cristina. (2007). *Out of Sight, Out of Mind: Report on Voluntary Residential Institutions in Sri Lanka: Statistical Analysis*. Colombo: Ministry of Child Development and Women's Empowerment.
- Riles, Annelise (2006). "Introduction: In Response" in Annelise Riles (ed), *Documents: Artifacts of Modern Knowledge*. Michigan: University of Michigan Press.
- Roberts, Michael. (1982). *Caste conflict and elite formation: the rise of the Karava elite in Sri Lanka 1500-1931*. Cambridge: Cambridge University Press.
- Robbins, Joel. (2007). "Between Reproduction and Freedom: Morality, Value and Radical Cultural Change" *Ethnos* 72 (3): 293-314.
- Samaraweera, Vijay. (1997). *Report on the Abused Child and the Legal Process of Sri Lanka*. Report submitted to National Monitoring Committee of the Children's Charter.
- Scheper-Hughes, Nancy, and Sargent, Carolyn. (1998). "Introduction" in Nancy Scheper-Hughes and Carolyn Sargent, (eds), *Small Wars: the Cultural Politics of Childhood*. Berkley: University of California Press.
- Seneviratne, Maureen. (1999). "Family, Social and Economic Perspectives: Origins, prevention and care: Sexual abuse of children" paper presented at Expert Meeting on Sexual Abuse of Children, Child Pornography and Paedophilia on the Internet: an international challenge, UNESCO, Paris.
- Seneviratne, Maureen. (2006). "Introduction by Chairperson, PEACE" in *CSEC: The Crime Against Children: Commercial Sexual Exploitation of Children*. Colombo: The PEACE Campaign.

- Siriwardena, Reggie. (1992). *Addressing the Other: A Three Language Study in Power, Personal Relations and Second Person Pronouns*. Colombo: International Centre for Ethnic Studies.
- Shore, Cris and Wright, Susan. (1997). "Policy: A new field of anthropology" in *The Anthropology of Policy: Critical Perspectives on Governance and Power* Cris Shore and Susan Wright (eds), New York: Routledge.
- Smith, Dorothy. (1984). "Textually mediated social organisation". *International Social Science Journal* 36 (1): 59-75.
- Spencer, Jonathan. (1990). "Introduction" in Jonathan Spencer (ed), *Sri Lanka: History and the Roots of Conflict*, London and New York: Routledge.
- Spencer, Jonathan. (1995). "Occidentalism in the East: the uses of the West in the Politics and Anthropology of South Asia" in James G Carrier (ed), *Occidentalism: Images of the West* Oxford: Clarendon Press.
- Spencer, Jonathan. (2001). "Ethnography after Postmodernism" in Paul Atkinson, Amanda Coffey, Sara Delamont, John Lofland, Lyn Lofland. (eds), *Handbook of Ethnography* London: Sage Publications.
- Spencer, Jonathan. (2002). "The vanishing elite: the political and cultural work of nationalist revolution in Sri Lanka" in Chris Shore and Stephen Nugent (eds), *Elite Cultures: Anthropological perspectives*. ASA Monographs 38. London and New York: Routledge.
- Spencer, Jonathan. (2007). *Anthropology, Politics and the State: Democracy and Violence in South Asia*. Cambridge: Cambridge University Press.
- Spencer, Jonathan (2008). "A Nationalism without Politics? The illiberal consequences of liberal institutions in Sri Lanka" *Third World Quarterly*, 29 (3): 611-629.
- Sirisena, Piyadasa. (1910). *Taruniyakage Prēmaya (The Love of a Young Woman)*. Nugegoda: Humanist Publications Foundation.
- Stephens, Sharon. (1995). "Children and the Politics of Culture in 'Late Capitalism'" in Sharon Stephens (ed), *Children and the Politics of Culture*. Princeton: Princeton University Press.
- Stirrat, Jock. (2006). "Competitive humanitarianism: relief and tsunami in Sri Lanka" *Anthropology Today* 22 (5): 11-16.
- Tambiah, Stanley. (1992). *Buddhism Betrayed? Religion, politics and violence in Sri Lanka*. Chicago: University of Chicago Press.

- Tarlo, Emma. (2003). *Unsettling Memories: narratives of the Emergency in Delhi*. London: C Hurst.
- Tennakoon, Serena. (1990). "Newspaper nationalism: Sinhala identity as historical discourse" in . Jonathan Spencer (ed), *Sri Lanka: History and the Roots of Conflict* London and New York: Routledge.
- Thompson, E.P. (1963). *The making of the English Working Class*. London: Gollancz.
- Trouillot, Michel-Rolph. (2001). "The Anthropology of the State in the Age of Globalisation: Close encounters of the deceptive kind." *Current Anthropology* 42 (1): 125-138.
- UNICEF. (1996). "Impact of Armed Conflict on Children". Report of the expert of the Secretary-General, Ms. Grac'a Machel submitted pursuant to General Assembly resolution 48/157. New York: UNICEF.
- UNICEF. (2006). *'1946-2006: Sixty Years of Children.'* New York: UNICEF.
- UNICEF. (2009). Evaluation Report of Child Protection Sector Post Tsunami, Sri Lanka Report, Draft.
- UNICEF. (2009). Child Protection Information Sheets, (undated documents) accessed on 13th October, 2009 www.unicef.org/publications/index_34146.html
- United Nations Child Rights Committee. (1994). Report on the seventh session, CRC/C/34, 8 November 1994, page 63, and CRC/C/SR.166, 3 October 1994, paragraph 13.
- University Teachers for Human Rights. (2006). Terrorism, Counterterrorism and Challenges to Human Rights Advocacy, UTHR (J) Special Report No 20.
- Uyangoda Jayadeva. (2003). "Social Conflict, Radical Resistance and Projects of State Power" in Markus Mayer, Dharini Rajasingham-Sennanayake, Yuvi Thangarajah (eds), *Building Local Capacities for Peace-Re-thinking Conflict and Development in Sri Lanka*, New Delhi: Macmillan India Ltd.
- Ven den Berg R and Quarles van Ufford P. (2005). "Disjuncture and Marginality – towards a new approach to development practice" in David Mosse and David Lewis (eds), *The Aid Effect: Giving and Governing in International Development*. London: Pluto Press.
- Venugopal, Rajesh. (2009). *Cosmopolitan Capitalism and Sectarian Socialism: Conflict, Development and the Liberal Peace in Sri Lanka*. PhD Thesis,

Department of International Development and St. Antony's College, Oxford University.

- Venugopal, Rajesh. (2010). "Sectarian Socialism: The Politics of Sri Lanka's *Janatha Vimukthi Peramuna (JVP)*" *Modern Asian Studies* 44 (3): 567-602.
- Wadugodapitiya, Dhananjali. (2009). *Fragments of Terror: Memories and Narratives of Former Insurgents in Southern Sri Lanka*. PhD Thesis, The University of Edinburgh.
- Wanigaratne, Ranjith. (1997). "The State-NGO Relationship in Sri Lanka: Rights, Interests and Accountability" in David Hulmes and Michael Edwards (eds), *NGOs, States and Donors: too close for comfort?* International Political Economy Series, Save the Children, London: Macmillan Press Ltd.
- Warder, John and Wilson, Reg. (1973). "The British Borstal Training System" *Journal of Criminal Law and Criminology* 64 (1): 118-124.
- Weber, Max. (1948). *From Max Weber: Essays in Sociology/ Translated, edited and with an introduction by H H Gerth and C W Mills*. London: Routledge Kegan and Paul.
- Weiss, Linda. (1998). *The Myth of the Powerless State: governing the economy in a global era*. Oxford: Polity.
- Weiss, Thomas G. (2000). "Good Governance and Global Governance: Conceptual and Actual Challenges." *Third World Quarterly* 1 (5): 795-814.
- Wickramasinghe, Nira. (2006). *Sri Lanka in the Modern Age: A History of Contested Identities*. London: Hurst and Company.
- Wijethunga, Swarna. (1991). *A Study on Children's Homes to Investigate the Needs of Children in Institutional Settings*. Colombo: Redd Barna, Sri Lanka.
- Williams, Raymond. (1973). *The country and the city*. London: Chatto and Windus.
- Witharna, Dileepa. (2002). "Community Peace Work in Sri Lanka: A critical appraisal", Working Paper 12, Centre for Conflict Resolution, Department of Peace Studies, University of Bradford.
- Wittel, Andreas. (2000). "Ethnography on the Move: From field to net to internet." *Forum: Qualitative Social Research*, online journal 1(1). Available at <http://qualitative-research.net/fqs>
- World Bank. (1991). *World Development Report: The Challenge of Development*. Oxford: Oxford University Press.

- World Bank. (1997). *World Development Report: The State in a Changing World*. Washington DC: World Bank.
- World Bank. (2006). "Public Sector Reform Evaluation". Approach Paper. Washington DC: World Bank.
- World Bank. (2008). *World Development Report: Agriculture for Development*. Washington: World Bank.
- Wright, Erik Olin. (1985). *Classes*. London: Verso.
- Wright, Susan. (1994). "Culture in anthropology and organizational studies" in Susan Wright (ed), *Anthropology of Organizations*. London: Routledge.
- Zigon, Jarrett. (2007). "Moral Breakdown and the Ethical Demand: A Theoretical Framework for an Anthropology of Moralities" *Anthropological Theory*, 7 (2):131-50.
- Zigon, Jarrett. (2009). "Within a Range of Possibilities: Morality and Ethics in Social Life" *Ethnos* 74 (2): 251-276.

Ordinances:

Children and Young Persons Ordinance No 48 of 1939 (Revised 1956).

Probation of Offenders Ordinance No 42 of 1944.

Youthful Offenders (Training School) Ordinance No 28 of 1939.

Vagrants Ordinance of 1841.

Orphanages Ordinance No 22 of 1941.

Adoption of Children Ordinance Act No 38 of 1979 and Act No 15 of 1992.

Domestic Violence Act No 34 of 2005.

Sessional Papers and Government Reports:

Sessional Paper IX of 1935, Interim Report of the Special Departmental Committee on the Administration of Prisons and the Treatment of Prisoners. Colombo: Ceylon Government Press, Government Publication Bureau.

Sessional Paper XVIII of 1949, Report of the Special Committee on Prison Administration. Colombo: Ceylon Government Press, Government Publication Bureau.

Sessional Paper XXIII of 1951, The Interim Report of the Criminal Court Commission on the Problem of Juvenile Delinquents and Youthful Offenders in Ceylon. Colombo: Ceylon Government Press, Government Publication Bureau.

Sessional Paper VII of 1957, Brief Memorandum of Proposals presented by Mr. Cyril Hamlin in 1952 on the establishment of a Children's Department within the Home Ministry. Colombo: Ceylon Government Press, Government Publication Bureau.

Sessional Paper No VI of 1988, Report of the Committee appointed to examine and report on the law, practice and administration relating to Sentencing of Young Offenders, Department of Government Printing Sri Lanka.

Report of the Presidential Commission on Youth. (1990). Colombo: Government Publication Bureau.

Websites:

www.ncpa.gov.lk

www.probation.gov.lk

www.slections.gov.lk

<http://srilanka.usembassy.gov/>