

University of Birmingham

# **When Does Service Provision Support or Undermine State Legitimacy?**

## **Higher Education and Processes of State (de-) Legitimation in Sri Lanka**

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## Abstract

This thesis examines the received wisdom in international aid and state-building debates that service provision can improve state legitimacy. It presents an in-depth, historical study of the relationship between state-provided university education and processes of state (de-)legitimation in Sri Lanka. The analysis focuses on three critical junctures when the social contract around higher education was being made, broken and defended. The major finding is that service provision can matter for state legitimacy, but not in the instrumental sense depicted in state-building models. Service provision needs to satisfy certain shared values and normative criteria in order to be significant for state legitimacy. When it does, it can express and reinforce the key legitimising ideas of the state. Indeed, it can become formative to the idea of the state. However, service provision can also undermine legitimacy when it sends messages that the state is contravening shared values or acting on the basis of unfair rules and procedures. This process is not automatic, but politically engineered by elites who manipulate service provision to make legitimacy claims. Services can become tied to state legitimacy at critical junctures of crisis and change. These critical junctures can be historically reinforcing and institutionalise path dependency not only in the significance of the service for state legitimacy, but in the functioning of the service itself. These findings call for an expansion of the remit of empirical enquiry into the services-legitimacy relationship in three senses: from the material to the non-material, from snapshots to longer-term observations, and from politics as background to politics as the locus of explanation.

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## Abbreviations

<b>ADB</b>	Asian Development Bank
<b>APIT</b>	Asia Pacific Institute Of Information Technology
<b>CID</b>	Criminal Investigation Department
<b>DFID</b>	Department for International Development
<b>EU</b>	European Union
<b>FUTA</b>	Federation of University Teachers Association
<b>GDP</b>	Gross Domestic Product
<b>HE</b>	Higher Education
<b>HI</b>	Historical Institutionalism
<b>IUSF</b>	Inter University Students' Federation
<b>JVP</b>	Janantha Vimukthi Peramuna
<b>LKR</b>	Sri Lankan Rupees
<b>LTTE</b>	Liberation Tigers of Tamil Eelam
<b>MOE</b>	Ministry of Education
<b>MoHE</b>	Ministry of Higher Education
<b>NCHE</b>	National Council of Higher Education
<b>NGO</b>	Non-Governmental Organisation
<b>NORAD</b>	Norwegian Agency for Development Cooperation
<b>ODA</b>	Overseas Development Assistance
<b>OECD</b>	Organisation of Economic Cooperation and Development
<b>SAITM</b>	South Asian Institute of Technology and Medicine
<b>SLFP</b>	Sri Lanka Freedom Party
<b>UGC</b>	University Grants Commission
<b>UF</b>	United Front
<b>UNP</b>	United National Party



## Timeline of critical junctures

### Developments in higher education

### Political environment

#### Making the social contract: Higher education and post-colonial state legitimation

	1931	First elected State Council and universal franchise ( Donoughmore Commission)
Passing of Free Education Bill	1945	
	1947	Election of D.S. Senanayake (UNP) as first PM of Ceylon
	1948	Independence (dominion status)
	1952	Election of Dudley Senanayake (son of D.S. Senanayake) (UNP) as PM
	1953	Hartal (people's uprising)
	1953	Election of PM Sir John Katelawala (UNP)
	1956	Election of PM S.W.R.D. Bandaranaike (SLFP)
Switchover to swabasha language of instruction/expansion begins	1957	
Pirivenas University Act	1958	
	1959	Election of Wijeyananda Dahanayake (SLFP) following assassination of S.W.R.D Bandaranaike
	1960	Election of PM Mrs Sirimavo Bandaranaike (wife of late S.W.R.D. Bandaranaike) (SLFP)
	1965	Re-election of Dudley Senanayake (UNP) as PM
Higher Education Act (centralisation of control in NCHE)	1966	

### **Breaking the social contract: Higher education and state de-legitimation**

Police-student clashes	1969	
University admissions crisis	1970	Re-election of PM Mrs Sirimavo Bandaranaike (SLFP)
Tamil youth protest university admissions	1970	
Language-based standardisation of university entrance criteria	1971	1st JVP insurrection
	1972	Republican constitution; Ceylon renamed Republic of Sri Lanka
Universities re-opened after 15 month closure following insurrection	1973	

### **Defending the social contract: Higher education and contested post-war legitimacy**

	2009	Military defeat of LTTE
	2010	Re-election of Mahinda Rajapaksa as President of Sri Lanka (SLFP) 2 <sup>nd</sup> term
Compulsory leadership training for undergraduates	2011	
FUTA continuous strike action	2012	
	2015	Passing of 19 <sup>th</sup> amendment increasing power of Executive Presidency
	2015	Election of Maithripala Sirisena (SLFP) as President of Sri Lanka

# CHAPTER I

## The puzzle of service delivery and state legitimacy

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For at least the past decade, understanding how states win and lose legitimacy has been a central concern for the theory and practice of state-building. At least part of this concern lies in a quandary: state legitimacy is considered both vital and elusive. Legitimate institutions are thought to be more sustainable, more effective and ultimately, more likely to bring peace and stability (Englebert, 2002). For the same reasons, illegitimate institutions are widely lamented as a key driver of one of the primary challenges in global development – the persistence of so-called state fragility (DFID, 2010; OECD, 2010). The devastating consequences of illegitimacy for instability, incapacity, and conflict reverberate through formative state-building literature (Kaplan, 2008; Lake, 2007; Rotberg, 2004). Re-building state legitimacy is considered central to peacebuilding (Zaum, 2012). At the same time, the widespread failure of conflict-affected states to re-build their legitimacy has been described as the most disappointing aspect of post-conflict reconstruction (François & Sud, 2006, p. 151). In recognition of the significance of state legitimacy, and its apparent elusiveness in conflict-affected regions of the developing world, the President of the World Bank in 2009 called for legitimacy to henceforth become the strategic ‘centre of gravity’ for all state-building interventions (Zoellick, 2009, p. 67).

In parallel, international aid agencies have developed an interest (at least at the rhetorical level) in understanding the various sources of legitimacy available to a state, and how external aid interventions might seek to influence them. In this vein, there has been a striking trend towards framing the provision of vital public services - such as health, education, water, and sanitation - as a potential source of state legitimacy. The idea that there is a direct, causal link between the provision of such services and state legitimacy has become so widespread and entrenched in aid policy literature that recent commentators have labelled it a ‘received wisdom’ (Carpenter, 2012). Even a cursory view of high level aid literature suggests this label is warranted. In 2011, for example, the OECD (2011, p. 74) issued guidance for working in fragile and conflict affected states in which it argued that service provision is a

material expression of the social contract and that aid interventions in this area can therefore ‘play a major role in enhancing state legitimacy and contributing to more productive state-society relations’. Around the same time, other agencies began to assign service provision a similarly significant role in building state legitimacy. The 2011 World Development Report (World Bank, 2011) portrayed service provision as a way for the state to reach out to society, demonstrate its commitment to citizens, re-build confidence in government, and in turn, build its legitimacy among populations in crisis.

The idea that service provision can fulfil a dual purpose of improving human development and simultaneously building legitimate states is deeply compelling for international aid agencies. In an age of austerity, aid is increasingly justified to domestic audiences through its contribution to addressing transnational and global problems that spill over borders and, ultimately, threaten the national interest of states and citizens. Building international peace and stability is foremost among these national-interest goals. Accordingly, aid agencies are being called on to make the case for why aid to service provision supports these goals.<sup>1</sup> This case is important to make, not least because the majority of overseas development assistance (ODA) to fragile and conflict-affected countries is not allocated to *directly* addressing problems of peace and insecurity. Rather, the largest share of ODA remains tied to traditional service sectors such as health and education (OECD, 2014).<sup>2</sup> Importantly then, if the presumed links between service provision and state legitimacy can be substantiated, then by extension, a large portion of traditional aid can be re-classified as supporting the goal of international stability.

In the face of this imperative, there is a paucity of research on the link between service provision and state legitimacy. Indeed, taken at face value, the notion that service delivery can instrumentally enhance state legitimacy appears something of a leap of faith. To the degree that social scientists have grappled empirically with legitimacy – the so-called ‘hot potato’ of political science – there is no consensus around its origins, other than that these are multiple, inter-connected, and context-specific (Gilley, 2006). Whilst a long scholarly tradition has unravelled the consequences of legitimacy for the state, much less is known

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<sup>1</sup> This thesis was partly inspired by my experience of working on the research helpdesk of the Governance and Social Development Resource Centre (GSDRC). The helpdesk is funded by a number of bilateral development agencies, including DFID, DFAT and the EC. From 2011 onwards, the GSDRC helpdesk began to receive requests from advisors working in these agencies to find evidence for the link between service provision and state legitimacy to support the development of business cases for investment in service provision in fragile states.

<sup>2</sup> This OECD (2014 p. 30) review found that ‘in short, there is no evidence that ODA is moving away from traditional development areas towards security-related expenditure in fragile states’.

about how legitimacy is accrued, and even less about when this isolated, potential source of legitimacy – the provision of vital public services – can be identified as a clear contributor (Carter, 2011). Although illustrative cases suggest a link between declining or inadequate service performance and crises of legitimacy<sup>3</sup>, the reverse proposition - that improved performance enhances state legitimacy - is not well established (Brinkerhoff, Wetterberg, & Dunn, 2012; Gilley, 2006). The confidence and pervasiveness of the received wisdom, in contrast with the apparent paucity of evidence to support it, suggests a pressing research gap.

This thesis interrogates the received wisdom that service provision improves state legitimacy. It steps back from the aid debate and considers it in wider theoretical and academic perspective. The research question addressed through the research is: *When does service delivery support or undermine state legitimacy?* This question, the starting premise of the thesis, is more neutral than the aid debate in two ways. First, it does not presume any relationship between service provision and legitimacy necessarily exists but asks whether and if so when it might. Second, it assumes that if service provision does matter for state legitimacy then there is no intrinsic reason why its influence should be exclusively positive. If service provision can theoretically improve state legitimacy, then it may also theoretically undermine it.

To address this question, the thesis presents an in-depth, historical study of the relationship between state-provided university education and state legitimacy in Sri Lanka. The aim is to provide a qualitative account of how this specific service has been connected with processes of state (de-)legitimation in this single country context over time. The timeframe of the study spans more than 60 years, from 1944 to 2013, but the analysis focuses on three narrower, critical junctures when the state's legitimacy was shifting – that is, consolidating or contested. To understand what role, if any, higher education played in these legitimacy shifts, the study takes an inductive and exploratory approach. The concern is not with quantifying or measuring the effect of the provision of higher education on state legitimacy but with understanding potential pathways of influence between them. In turn, the intended contribution is to develop propositions about when service provision might support or undermine state legitimacy that could be tested elsewhere. These defining features of the study's approach – its neutral starting point, historical perspective, and inductive, qualitative methodology - depart from the main thrust of research conducted on the relationship between

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<sup>3</sup> See, for example, the case of South Africa's recent service delivery protests analysed by Alexander (2010).

service provision and state legitimacy to date. In so doing, as the thesis will show, it provides a different perspective that challenges and refines the received wisdom of some aid agencies that service provision improves legitimacy.

### **The meaning and significance of state legitimacy**

State legitimacy is the core analytical concept applied in this study, and therefore needs to be defined from the outset. Of course, the meaning and origins of legitimacy have been the topic of a long tradition of scholarly debate which cannot be resolved here. To operationalise the concept, the thesis follows leading scholars in defining state legitimacy as the ‘right to rule’ (Coicaud, 2002; Gilley, 2009; Holsti, 1996). This right to rule is understood, in the abstract, to be based on whether citizens believe the use of power is ‘appropriate, proper, and just’ (Tyler, 2006, p. 375). At a fundamental level, legitimacy follows a ‘logic of appropriateness’ as opposed to a ‘logic of consequences’ (Easton, 1975). This means that when people believe a system of rules is legitimate, this is because they believe it is right and has a morally justifiable basis, as opposed to merely because they believe it is beneficial or detrimental to their own self-interests. In other words, to be legitimate, an actor or institution has to be appointed by, and operate in accordance with, a set of local rules that are normatively and morally appropriate in the eyes of their (would-be) followers.

The state itself is defined here as the set of institutions – or rules of the game – that govern the exercise of power by rulers over ruled. It is more than a physical apparatus exerting control over a territory (Lemay-Hébert, 2009). It also represents a set of ideas and agreements about how power should be exercised, and indeed, what limits should be placed on institutions or actors exercising power (Holsti, 1996). Of course, the state transcends any individual, government or institution. In the same way, state legitimacy also transcends *specific* support for people, institutions, or regimes. More keenly, state legitimacy implies a form of ‘diffuse support’ – that is, support not for any leader, political party, or government, but for the underlying rules of the game by which they operate (Easton, 1975). Indeed, legitimacy embodies a moral obligation to comply with a set of rules, rather than an institution (Lamb, 2014). State legitimacy, therefore, means that people accept the rules for organising power irrespective of whether they approve of the leader or political party operating (or not) by them.

Analytically differentiating the state’s right to rule from other indicators of public support for an authority is a central challenge for this thesis and for research in this field in general. As

noted above, the concept of legitimacy is distinct from popular approval of government actions and refers more closely to the acceptance of the normative foundation of rules governing power (Migdal, 2001). Reported satisfaction with an incumbent government's performance, in any sphere of policy, is therefore not a marker of state legitimacy. On the contrary, citizens may still view the state as legitimate – that is, acting on a rightful basis - even when they are dissatisfied with a specific aspect of government performance or policy. Legitimacy is also not equivalent to confidence in a regime, or government, because confidence refers more specifically to the capacity or will to deliver on promises (Bakke et al., 2014). Whereas confidence is based on assessment of capacity, legitimacy is based on assessment of the rightfulness of actions. State legitimacy is also analytically distinguishable from, though closely related to, trust in the state's institutions. The concept of trust embodies an expectation and probability of an individual, organisation or institution fulfilling its obligations (Jackson, 2015). Citizens who trust the state may believe it has good intentions, and is likely to carry through on its promises (Levi, Sacks, & Tyler, 2009). But that is not the same as believing it has a rightful basis to operate in the first place. While assessments of confidence or trust might derive from evaluations of the state's motivations, administrative competence, or capacity, legitimacy stems from a belief that its actions are appropriate.

Understanding the meaning and origins of legitimacy is important because gaining the right to rule is unquestionably beneficial for a state. The positive effects of the accrual of legitimacy on capacity to govern and generate development have been empirically demonstrated (Englebert, 2002). State legitimacy enhances state capacity because it makes citizens more likely to defer to decisions and rules out of a sense of obligation, rather than through the threat (or exercise) of punishment or reward (Tyler, 2006). Whether or not citizens believe in the state's right to rule can also influence their behaviour towards it - most crucially, whether or not they are likely to comply with rules or rebel against them (Tyler, 2006, p. 380). This symbiotic relationship between compliance and legitimacy underpins the stability of all political systems, and in turn, through its stabilising effects, enables effective governance (Beetham, 1991). Politics cannot be stable where there is no consensus on the legitimacy of state institutions, much like a sports game cannot be played where the rules are not first agreed upon (Leftwich, 2008). Agreed rules make the task of ruling more efficient. They also theoretically create a kind of elasticity in state-society relations because they provide a basis for citizens to defer to the state even if it does not always promote their self-interest in the short term (Easton, 1975). For these reasons, scholars have ascribed legitimacy

with various accolades – viewing it for example as a necessary condition for the very survival of the state (Leftwich, 2008) or a benchmark against which we can assess its strength (Rotberg, 2004). In sum, legitimacy is regarded as significant for building peace and stability because it generates compliance with agreed rules. In turn, if service provision can enhance state legitimacy, then it can also build compliance, peace and stability.

### **Sri Lanka's paradox of performance and de-legitimation**

Compelling as it may be, the idea that service provision can improve legitimacy and stability is challenged by cases where effective service performance has apparently not coincided with increased legitimacy and stability. Indeed, historical examples of European states that were effective and yet legitimacy has been contested have previously been identified by prominent legitimacy scholars (Lipset, 1984).<sup>4</sup> Sri Lanka presents a more contemporary paradox, and one from the developing world. Since its independence in 1948, Sri Lanka has demonstrated exceptional performance on measures of service provision and citizen welfare, while at the same time experiencing multiple and prolonged crises of state legitimacy among certain sections of its population. In this way, Sri Lanka appears to be an outlier case<sup>5</sup> that, on the surface at least, contradicts the received wisdom. Moreover, since welfarism has been such a defining characteristic of the state transformation process, it raises an alternative possibility - that the provision of services not only failed to improve state legitimacy, but is somehow connected to state *illegitimacy* among certain groups in society.

For a large part of its post-colonial history, Sri Lanka was characterised by exceptional performance in delivering basic services, and correspondingly high levels of citizen welfare. In 1981, Amartya Sen wrote what would become a much-referenced article identifying Sri Lanka as among the top global performers on several human development indicators. Using data from World Development Reports up to 1979, he drew special attention to Sri Lanka's remarkable success, both in absolute terms and relative to its Gross Domestic Product (GDP), on measures of life expectancy, infant mortality and adult literacy. By 1960, for example, Sri Lanka had achieved a life expectancy of 62 – a feat which many richer countries would not achieve until much later, in 1979 (Sen, 1981, p. 295). Sen concluded that 'for a poor country, with incomes comparable with (only a little higher) than India and Pakistan, Sri Lanka's record in removing poverty and providing a higher quality of life is quite remarkable' (Sen,

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<sup>4</sup> Lipset (1984) for example classified the German and Austrian republics in the 1920s as having high performance but contested legitimacy.

<sup>5</sup> That is, one that appears anomalous to theoretical assumptions (George & Bennett, 2005).

1981, p. 301). This superior performance was attributed to Sri Lanka's extensive provision of social welfare programmes - from food subsidies, to free education and healthcare - under a post-colonial state that was 'taking social development seriously' (L. Jayasuriya, 2010). Modelled on British colonial social policy and enabled by early democratisation, this welfare state prospered under favourable economic conditions – including a successful colonial export economy in tea, rubber and coconut (L. Jayasuriya, 2010; Kelegama, 2000). Well into the 1980s, Sri Lanka was envied as a 'model third world democracy' and characterised by a politically literate electorate and a high standard of living (Bush, 2003, p. 29).

Albeit an exceptional welfare performer, the legitimacy of the Sri Lankan state has been violently contested on at least two fronts. On the one hand, the state has faced a significant challenge to its legitimacy from sections within its core, majority constituency of Sinhalese-Buddhists. This has taken the form of two insurrections orchestrated by the Marxist Jananatha Vimukthi Peramuna (JVP). The first, in 1971, temporarily brought the machinery of the state to a halt and, though unsuccessful, both took it by surprise and represented a significant challenge to its authority. This was followed by a second insurrectionary attempt, between 1987-1989, which resulted in less intense but longer-lasting conflict (Moore, 1993). Alongside these challenges from within the core, majority constituency, Sri Lanka has also experienced a more protracted, violent war between the state and sections of its Tamil minority population. This culminated in armed conflict between the state and the separatist armed group, the Liberation Tigers of Tamil Eelam (LTTE). This devastating war germinated after independence, escalated after 1983, and reached a climax with the military defeat of the LTTE by Sri Lankan military forces nearly 30 years later in 2009.

Sri Lanka's history of welfarism alongside conflict was shaped by its colonial heritage and independence struggle. For more than four centuries, Sri Lanka was colonised by the Portuguese, Dutch and British.<sup>6</sup> Partly a legacy of colonialism, modern Sri Lankan society is delineated along multiple religious, ethnic, caste and linguistic lines. The vast majority of the population are Sinhalese Buddhists (some 74 per cent<sup>7</sup>) and are concentrated in the central and south west regions of the island. The largest minority constituency of Sri Lankan Tamil Hindus (some 11 per cent<sup>8</sup>) largely live in the north and along the eastern coast of the island.

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<sup>6</sup> Beginning with Portuguese colonisation in 1517, through to independence from British rule in 1948.

<sup>7</sup> Between the first census in 1921 and the last in 2012, the recorded per centage of the Sinhalese population has increased from 69 and 74 per cent. Figures from Department of Census and Statistics, Sri Lanka: <http://www.statistics.gov.lk/>

<sup>8</sup> The recorded percentage of the Sri Lankan Tamil population has been consistent over time, hovering between 11 and 12 per cent. Figures from Department of Census and Statistics, Sri Lanka: <http://www.statistics.gov.lk/>

Sri Lanka is also home to a minority of Christians (both Sinhalese and Tamil), Muslims, Moors, Malays and Burghers who are decedents of European colonisers. A minority of Indian Tamils were settled by the British to work in the colonial plantation sectors and represent a distinct ethnic group.

A major process of state transformation began after Sri Lanka – then known as Ceylon - achieved dominion status and independence from British rule in 1948. Sri Lanka's post-independence parliamentary system was thereafter dominated by two main political parties: The centre-right United National Party (UNP), whose leadership comprised the elite upper classes who were associated with the bureaucracy of the former colonial powers, and a new centre-left Sri Lanka Freedom Party (SLFP), a breakaway from the UNP, which sought to forge a national power base in Sri Lanka's Sinhalese majority (L. Jayasuriya, 2010). The ascendance of a two-party, Sinhalese polity paved the way for what the prominent historian K. M de Silva (K. M. De Silva, 1981, p. 510) has termed the 'triumph of linguistic nationalism'. After 1956, what had been a multi-ethnic state was increasingly moulded to serve the Sinhalese-Buddhist constituency, including through the highly divisive change of the official language from English to Sinhalese.<sup>9</sup> The following two decades saw resurgent Sinhalese and Tamil nationalisms develop alongside Tamil calls for a separate state. Competing nationalisms in the political arena spilled over into social life, where ethnic tensions between these groups turned increasingly violent. Ethnic riots in 1983 – infamously known as 'black July' - were an important turning point in the escalation of violence, and marked the consolidation of open military conflict between the state and Tamil separatist forces (Bush, 2003).

The salient feature of both the insurrection and separatist conflicts – and the associated contestation of the state's legitimacy - was that that they were state-society conflicts. The war between the LTTE and the state has been described as a conflict of 'state formation' – that is, between the state and an identity-based opposition confined to a specific territory (Walton, 2015). Though they were not comparable to the war in scale or duration, the insurrections were also manifestations of grievances from within a specific section of society - the Sinhalese rural poor – who were agitating for their own incorporation and representation in the institutions of the state. In this way, Sri Lanka's history presents an opportunity to explore why the vertical relationships between state and society – as a basis of state legitimacy

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<sup>9</sup> The Sinhala Only Act of 1956 changed the official state language from English to Sinhalese but did not confer any official status to the Tamil language.

(Holsti, 1996) – can come to be contested and more specifically, to study how this contestation can evolve alongside a history of welfarism.

### **Why higher education in Sri Lanka?**

To examine Sri Lanka's paradox of performance and de-legitimation, the thesis targets a specific service for analysis: the provision of free education at state universities. The rationale for adopting this narrow, targeted approach is twofold. First, at a theoretical level, the aim of focusing on a *specific* service is to provide an in-depth examination of the relationship between service provision and state legitimacy that can give due account of how and why the specific service under scrutiny is significant for that relationship. That is, *why* a single service, perhaps in contrast to another, may or may not matter for legitimacy, at any given point in time. The second rationale comes from the specific social and political salience of higher education in the history of state transformation in Sri Lanka. Specifically, the extension of free education at all levels was foundational to and emblematic of the development of a new post-colonial social contract. These rationales – theoretical and empirical - are expanded in turn below.

A key aim of this study is to account for why and how the characteristics of specific services affect their significance for processes of state (de-)legitimation. Previous studies, whether comparative or historical in a single setting, have tended to bundle together a mixed bag of state and market-provided 'services' – from food provision, to security, to postal services, to social protection – to examine how these affect perceptions of the state's legitimacy<sup>10</sup>. In this way, 'service provision' is typically treated as though it were one monolithic entity; a conglomerate of goods that are experienced and aggregated in both social experience and mind-set. In practice, however, services have quite different characteristics that impinge on both. A framework developed by Batley and Mcloughlin (2015) is instructive in this regard. For the purpose of this study, it usefully delineates between different services according to the types of social problems they address, how they are accessed and used physically by citizens, and the wider implications of their distribution and use. Importantly, services are accessed differently, both in terms of the physical space (private or public) that entails, and the frequency and urgency of access (routinized as in water, or under stress as in the case of emergency healthcare). These ostensibly technical and fairly fixed characteristics of the way services are accessed means they offer different ways for citizens to 'encounter' and therefore

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<sup>10</sup> An example is (Stel, de Boer, & Hilhorst, 2012).

have an opportunity to judge the state. Another crucial distinction is between services that are pure public goods, such as street lighting, where different users cannot easily be excluded from the benefits, and those that are ‘targetable’ in the sense that potential users can be included or excluded from them. In the latter case, of which education is a primary example, political elites can manipulate access by including some but not all groups to service their political constituencies of support (Batley & Mcloughlin, 2015). In another sense, services produce different externalities – or positive or negative ‘spillover’ effects - which have social implications: for example, poor sanitation can and does exacerbate public health problems, whereas individual education has instrumental value for collective national economic development. These albeit cursory examples serve to illustrate that treating ‘service provision’ as an aggregate function of the state is deeply misleading. Moreover, that these service characteristics are clearly not only technical, but also social and political. In the same way that services are technically and therefore socially and political distinct, it follows that all services may not have the same social and political salience, or therefore significance for citizen’s perceptions of the state’s legitimacy.

The provision of education, whether at school or university level, has a number of specific technical and therefore political characteristics that could potentially shape its significance for state legitimacy. More than any other state-provided service, education has been assigned a key role in nation-building and identity formation (Sercombe & Tupas, 2014). Historical and contemporary examples abound where the language of instruction in schools has been engineered by the dominant social group to consolidate their power and control over minorities in society (Aye & Sercombe, 2014). In terms of their spill over effects, educational environments are spaces where values are imparted, history is constructed, and societal divisions can be reflected and reinforced. For these reasons, governments have been known to seek a controlling influence over them, sometimes in ways that can reinforce social inequalities, or perpetuate violence (Harber, 2004). Across contexts, and even in war-torn environments where educational infrastructure is targeted and other social functions break down, education often survives because it is highly prized for its significance and promise of social mobility (UNESCO, 2011). Moreover, in resource constrained environments, education at all levels - particularly at the upper levels - is typically highly rivalrous because it involves a competitive system of entry. Unlike a pure public good where the benefits are diffuse and shared, individuals can be included or excluded from access to education. Crucially, as noted above, this also means educational opportunities can be engineered to

favour particular groups and political constituencies. Together, these characteristics make education socially desirable, politically targetable and politically salient for nation-building.

Stand alone, service characteristics may provide a framework for understanding the social and political significance of different services, but that significance is layered on top of the politics and history of any given context. This is not least in terms of the history of state provision and the closely related question of citizens' expectations of what the state should provide. The historical and political significance of university-level, state provided, free education is particularly stark in the case of Sri Lanka, making it an intriguing case for deeper exploration. Historically, the introduction of universal and compulsory free education is described by influential historians as a key pillar of Sri Lanka's coveted post-colonial welfare state (J.E Jayasuriya, 1976). The introduction of landmark reforms in 1944 that made education free at all levels reflected an egalitarian ideology that underpinned a new period of welfarism that came to characterise the resurgent post-colonial state (ibid). Free university education was emblematic of the new purpose and mission. This founding significance of higher education at the critical juncture of state transformation carries through time into a series of post-independence efforts by the state to adopt an increasingly interventionist posture towards the sector. In practice, this manifested itself not only in the expansion of state universities that would be free to all, but somewhat less benignly in political interference to manipulate the social distribution of access. Most notably after 1970, political elites began to politically engineer – and therefore politically target - access to higher education to different social and ethnic constituencies through the introduction of various quota systems. These systems variably assigned different degrees of preferential access, based on the language in which the entrance examination was sat, or which district it was sat in. From this broad perspective then, the provision of free higher education has been an important outlet for state-building and was an early mechanisms for state patronage post-independence. Both its history and politicisation over time assign higher education a degree of significance for examining issues of state (de-)legitimation.

In another respect, the historical and political significance of higher education in Sri Lanka reveals itself in the modern-day functioning of the sector. As elsewhere, contemporary higher education is highly desired for the prospects of greater social mobility it offers. At the same time, supply is keenly restricted, making access to university highly rivalrous. While the sector has grown since the establishment of the first university in 1921, to now 15 centrally controlled universities, demand considerably outstrips supply (World Bank, 2009). In the

contemporary era, only around 13 per cent of students who qualify to study at state universities are actually admitted, with the effect that accessing higher education carries significant social prestige (ibid, p. 14). The continued use of quotas for governing entrance to university - which currently take the form of a district quota system that allocates spaces according to the assignment of districts as relatively more or less ‘disadvantaged’ – suggests a degree of political investment in engineering access continues from the post-independence era.

Universities in Sri Lanka are also a physical and discursive space of violent state-society confrontation. Protests, riots, high levels of ragging<sup>11</sup> and staff and student strikes have been a longstanding feature on university campuses since at least the 1960s. Student representative groups, including the Inter University Students’ Federation (IUSF), are highly politicised and frequently mobilise protests, ostensibly against poor facilities and the perceived threat from privatising education. It is not uncommon for these protests to create traffic gridlock and provoke a hard-line response from the state, typically involving the use of tear gas or water cannon alongside complete campus closures of significant duration.<sup>12</sup> At the same time, the general trend in the sector appears one of gradual decline. High expectations and ideals of social justice that characterised a period of post-colonial expansion of access are starkly contrasted by contemporary problems of under-investment and deteriorating quality (World Bank, 2009). In this way, higher education in Sri Lanka appears to mimic the country’s wider, paradoxical transition from welfare to warfare, discussed above. In sum then, higher education in Sri Lanka presents an interesting sector through which to examine services-legitimation relations because it has had historically high social and political salience that has carried through time, and because it offers a potentially illuminating window through which to observe Sri Lanka’s wider state-society conflicts.

## Structure of the thesis

The thesis is structured as follows. Chapter II begins by interrogating the received wisdom in theoretical and empirical perspective. It develops a novel analytical framework for analysing

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<sup>11</sup> Ragging is a practice to initiate new entrants into an informal code of conduct. The practice of ‘ragging’ takes many forms, from bullying and intimidating, to enforcement of strict dress codes, to violence. It typically occurs between senior and new-entry students of rural, Sinhalese background. Research into the causes of ragging has been undertaken elsewhere. In this research study, the perspective expressed by a recent graduate - ‘this is the one time you can exercise some control. After that, you are a penniless graduate’ – is typical of popular accounts of why ragging happens (Interviews with recent graduates, University of Colombo, 18<sup>th</sup> April, 2016).

<sup>12</sup> An illustrative, recent example was the ‘Sabaragamuwa University Crisis’ which entailed a sustained campaign of student protest and civil resistance between June 2013 and October 2014 prompted by perceived denigration of rights including the banning of student’s unions. This crisis periodically provoked student-police clashes, student arrests, and campus closures.

the relationship between service provision and state (de-)legitimation in historical and political perspective. Chapter III then outlines how this analytical framework was operationalised in practice. It provides the rationale for, and explanation of, the methodology applied in this study.

Chapters IV-VI examine the relationship between higher education and state legitimacy in Sri Lanka. Each of them focuses on a critical juncture when legitimacy was shifting, and seeks to understand what if any role higher education played in those shifts. The first juncture focuses on the period of anti-colonial struggle when the right to free education at all levels was extended to the masses, and became tied to a wider process of re-nationalising and re-claiming a new nation-state. This runs from the introduction of radical new reforms to education in 1944, through to the consolidation of an ethno-nationalist state between 1956 and 1966. This period can be characterised as a formative period of *'making'* of the education social contract, when higher education became significant to an ongoing process of state legitimation.

The second juncture, which follows on closely from the first, was characterised by a particularly turbulent period in the history of state transformation, and likewise in the sphere of higher education. That is the period from 1966 running up to 1973. This period sees the emergence and consolidation of a dual legitimacy crisis that was, to a degree, exacerbated by earlier changes in the system of higher education. These crises took the form of insurrection in the south orchestrated by the majority Sinhalese constituency, and the increasing rejection of the state and resort to armed separatism by minority Tamil groups in the north of the island. This period can be characterised as a period of *'breaking'* the education social contract, when higher education became significant for an ongoing processes of state de-legitimation among these different social groups.

The final critical juncture traces forward to what can be described as the 'post-war' period, after the end of violent armed conflict between the state and the LTTE. This period, between 2009 and 2015, saw increasing state authoritarianism and simultaneous crisis in the system of higher education, which represented a testing of the education social contract. These threats to the social contract provoked dissent in the form of strike action, rallies and student-police clashes. This period can be characterised as a time of popular mobilisation for the purpose of *'defending'* the education social contract, when the significance of higher education to state

legitimacy resurfaced, and the terms of the contract were (and are) being re-negotiated between a changing state and changing society.

These selected junctures are not neat, nor are they incontrovertible: they are not equal in time, nor are they equally spaced over time. Inevitably, they bleed into one another. Nevertheless, at a broad level, they represent three distinguishable periods when higher education was significant for processes of making, breaking and re-forging a social contract as a basis for the state's legitimacy. They also follow the broader trajectory of state-transformation in Sri Lanka, from the period of post-colonial state-building, to the emergence of fundamental conflict over the form of the state, through to the post-war re-negotiation of a new order and new terms of state-society relations. Studying these distinct periods thereby offers a window to Sri Lanka's wider story of post-colonial welfarism, decline into war, and re-emergence into a form of (ostensible) relative peace.

In Chapter VII, the thesis reflects back on these three critical junctures and critically examines the utility of the analytical framework for understanding the relationship between service provision and state legitimacy. It positions the study's findings in wider perspective, drawing on key propositions from legitimacy theory and historical institutionalism. The final, concluding Chapter VIII summarises the empirical, methodological and theoretical contributions of this thesis to research on the relationship between service provision and state legitimacy, sets out propositions about when services support or undermine legitimacy, and discusses the implications for refining the received wisdom in international aid.

# CHAPTER II

## Service delivery and state legitimacy: virtuous or vicious circles?

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As set out in the introduction, this thesis is motivated by the received wisdom that service provision improves state legitimacy<sup>13</sup>. This chapter interrogates the theoretical and empirical basis for this received wisdom. It finds that in contrast to the confidence of aid policy literature, in practice few studies have examined the relationship between services and legitimacy. Overall, there is a paucity of research that explores this relationship in-depth, or over time. More significantly, the limited body of available research suggests that whether the state accrues any legitimacy gains from public service provision hinges on certain subjective and historically contingent criteria against which citizens are likely to judge performance. Specifically, the relationship between a state's performance on service provision on the one hand, and its degree of legitimacy on the other, is conditioned by a number of factors related not only to what the state delivers, but to how it delivers them, and the types of symbolic and discursive representations of the state that services convey to citizens. Moreover, if public service provision can theoretically improve state legitimacy when certain subjective criteria are met, then it can also undermine state legitimacy when those criteria are not met, or when values and expectations around service provision are violated. Yet this reverse proposition, that poor public services might undermine a state's legitimacy and contribute to vicious circles of state de-legitimation, remains relatively neglected in both policy debates and the field of research.

Albeit indicative, the findings support the view that for any given institution to generate legitimacy, it must ultimately be justifiable by reference to core social values, and resonate with beliefs about what is right for any society (Beetham 1991). These findings challenge the dominant institutional model that underlies aid policy, which reduces the role of services in (re-)building state legitimacy to an instrumental exchange between material rewards and compliance. They call for a more qualified and politically situated account of the effects of

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<sup>13</sup> An earlier version of this chapter was published as an article in the journal *Governance*, entitled 'When does service provision improve state legitimacy?' See: (McCloughlin, 2015)

service provision on state legitimacy that starts from an assumption that this relationship is not automatic, and could be positive or negative. Such an account would go beyond the material to incorporate the subjective, symbolic and relational role of service provision in improving or undermining state legitimacy. Central to this is a deeper reading of legitimacy theory, and the social construction of legitimacy, that engages with the moral and normative criteria by which citizens individually and collectively judge state institutions (Saward, 1992).

The chapter is structured as follows. It begins by setting out the key propositions underpinning the received wisdom, asking to what extent these are grounded in legitimacy theory. The next section goes on to illustrate that, in practice, a number of factors have been shown to interrupt any linear, causal relationship between service provision and state legitimacy. The chapter then proceeds to consider the reverse idea that if those conditions are not met, then service provision might undermine state legitimacy. Based on these findings, the conclusion summarises the case for a more political and theoretically-grounded account of whether and under what conditions service provision could alter citizens' perceptions of the state's right to rule than the one propagated in aid policy literature.

### **Building state legitimacy via service delivery? Received wisdoms in the aid debate**

In prominent aid literature, the binding of states and societies through the exchange of services in return for citizen compliance often lies at the heart of state-building models. Central to this is the idea that the provision of basic services—a function states are universally expected to perform—signals state responsiveness, that is, both the willingness and capacity of states to respond to citizens' basic needs (Whaites, 2008). One particular value of service provision is that, as a signal or measure of state performance, it is highly tangible, in terms of both its physical apparatus and its acute value in everyday life. Accordingly, the OECD (2011) describe public services as the *visible* link between what citizens give the state (taxation) and what they expect in return (a degree of well-being). Providing basic services is, in this way, understood as an expected function of any state, and a foundation for state-building.

In some state-building models, not only does service provision have direct effects on state legitimacy, but in turn this legitimacy affords the state greater capacity to rule. NORAD (2009, p. 9), for example, state that 'legitimacy is closely linked to the capacity of the state.

In fact, capacity and legitimacy are interdependent. Political and administrative capacity to serve the major part of population with essential services is likely to improve legitimacy'. The UK's Department for International Development (DFID) (2010) similarly portrays a scenario in which states that respond to public expectations, including for basic services, set in motion a 'virtuous circle' of state-building. In the DFID (2010) model, responsive services lay the basis for a more inclusive political settlement, strengthened state-society relations, and, over the long term, can address the underlying causes of fragility or conflict. In the OECD's (2008) version of the virtuous circle, states with the requisite capacity to provide services in line with expectations are rewarded with increased citizen compliance with its laws and rules—crucially, tax compliance—which over time boosts state capacity to deliver services more effectively and, in turn, generates more legitimacy. In this way, the cycle of capacity, legitimacy and citizen compliance is considered self-reinforcing, and a legitimate state is positioned as synonymous with an effective one.

Another recurring theme in aid policy literature is that service provision falls into the category of 'performance legitimacy'—that is, a type of legitimacy dependent on the state's outputs (OECD, 2011, p. 39). More specifically, performance legitimacy depends on the 'effectiveness and quality' of the goods and services the state delivers (ibid, p. 23). This is distinct from other potential sources of legitimacy, whether derived from policymaking processes, shared beliefs and norms, or international legitimacy (ibid). Likewise, the World Development Report 2011 (World Bank, 2011) treats performance or output legitimacy as separate from legitimacy that derives from how the state acquires or exercises power. Writing for the Norwegian development agency (NORAD), Bellina et al. (2009) also categorise service provision in the discreet category of *what* the state produces, as distinct from *how* it functions, or the kinds of *beliefs* and shared community supporting the state's authority. What these examples collectively show is that, to use Weber's (1962) well-known classification, service provision is primarily seen as capable of building legitimacy of the 'legal-rational' variety - that is, legitimacy derived not from charisma or tradition, but from functioning institutions. Performance legitimacy, and the role of service provision in building it, is instrumentalised through this categorisation.

While optimistic about the potential legitimizing effects of service provision, development policy literature is usually careful to acknowledge sources of legitimacy are context specific. Much of the aid literature adopts what might be termed an empirical definition of state legitimacy, one that stresses a regime is legitimate when people *believe* that no other

authority would be superior, while avoiding venturing into the territory of what types of values and norms *should* underpin this belief (OECD, 2010, p. 15). Therefore, rather than there being a universal threshold of service access or coverage that can secure a state's legitimacy, it is the alignment between citizens' home-grown expectations of what the state should deliver and the state's capacity to meet these expectations that matters for any legitimizing effects (Bellina et al. 2009; OECD 2008, 2011). This recognition that expectations matter goes some way towards contextualising the otherwise unqualified received wisdom that services can instrumentally improve legitimacy.

### **Questioning the received wisdom**

The key propositions in the aid debate set out above find only limited support in wider academic theories and research on the origins of state legitimacy. At one level, the first obvious qualification to the received wisdom is that the role of performance in legitimacy is elsewhere nearly always understood as relative to other potential sources. Following Weber's (Weber, 1984) seminal demarcation of 'sources' of legitimacy as traditional, charismatic, and legal-rational, classification systems have proliferated in both policy and academic literature. Some scholars separate geographic (territorial jurisdiction), constitutional (agreement on the formal rules for organizing power) and political legitimacy (the procedural fairness of elections) (Leftwich, 2008, pp. 136-138). For Lipset (1984), legitimacy derives from a combination of effectiveness, the organization of political power, and how societies have historically resolved divisive issues. While most classifications of sources of legitimacy include some element of performance or output, they assign different degrees of significance to performance relative to the other norms, qualities or actions of an actor or institution in the accumulation of legitimacy.

The effects of performance on legitimacy may also be relative in a more temporal sense. Processes of legitimation can be thought of as the accrual of 'goodwill' or loyalty to the state, which varies at any given point in time. A reservoir of legitimacy arguably affords the state better prospects of riding out periods of poor performance, without eliciting the withdrawal of consent (Gibson, 2004, p. 289). From this perspective, whether or not a state's performance on service provision affects its legitimacy may depend on the degree of legitimacy, or goodwill, it possessed in the first instance. Where a state has a resilient source of legitimacy outside of the provision of public services or need to satisfy expectations for service performance, public services may be less likely to weigh significantly on the state's

legitimacy. While some maintain a chronic or acute breakdown in effectiveness would even endanger the stability of an otherwise highly legitimate state (Lipset 1984, p. 91), it is conceivable that at any given point in time, the status of the wider legitimacy reservoir and the significance of alternative sources of legitimacy are likely to affect the significance of performance for legitimacy.

A final, broad-level qualification to the received wisdom is that whether or not performance matters for legitimacy may ultimately depend on who is doing the evaluating. In other words, there is a deeper question about whose views really count. Lipset (1984) argued that either a majority of the population, or the more powerful groups within it (e.g. military, business), must be satisfied that the basic functions of government are being performed in order for a state to be considered legitimate. Lake (2007, p. 13) counters that ‘the larger the proportion of the community that accepts its authority, the stronger the state’. Overall, states may face a choice between legitimacy via the majority, or legitimacy through special favour to powerful interest groups, at the expense of other groups who cannot so easily advocate for or politically manoeuvre this leverage (Rothstein, 2009). Since studies do not disaggregate citizens’ perceptions of the state’s performance along these lines, this group-level distinction is largely neglected empirically. In a rare exception, Carter’s (2011) research in South Africa observed how people’s perceptions of state legitimacy differed according to race, age, and gender, between urban and rural populations, and by their ‘lived experiences’ of apartheid. Through this albeit isolated study, attention is drawn to understanding the heterogeneity of evaluations of performance among different groups. It suggests that in practice, citizens’ perceptions of the state, and its performance, can rarely be aggregated.

The theorised connections between performance and legitimacy – the so-called virtuous circle – are also questionable in more specific ways. As the introduction noted, one side of the virtuous circle posited in state-building models is fairly well established in the field; that is, the proposition that legitimacy enhances capacity by improving compliance with rules. An absence of or deficit in legitimacy can certainly incapacitate a state, precluding it from operating efficiently in the extraction of resources or implementation of its goals and public policies, including the provision of vital public services (vom Hau, 2011). Legitimacy is endogenous to performance in this sense. However, theories supporting the other side of the virtuous circle—that capacity necessarily enhances legitimacy—are typically more qualified. Situating service provision within a hierarchy of state functions, as an output of an *effective* state apparatus, aligns with what Lemay-Hébert (2009) identifies as the dominant institutional

approach to state-building - that is, one that views legitimacy as flowing automatically from functioning institutions. In this way, aid literature primarily portrays the role of service provision in state legitimacy as instrumental, based on material rewards. This instrumental account of how services produce legitimacy runs counter to prominent legitimacy theories, however. This includes that put forward by Lipset (1984, p. 88), who firmly argued material rewards and legitimacy are unrelated. This is because, as he puts it, 'while effectiveness is primarily instrumental, legitimacy is evaluative'. Steffek (2003, p. 257) concurs that 'providing material advantages for citizens surely can help to secure acceptance of rule but it will hardly create the 'prestige of being considered binding'. Both of these propositions question whether legitimacy can be based on the material benefits that citizens enjoy, and counter that satisfying material interests is not equivalent to normative acceptance of the state's right to rule. These theories likewise challenge the institutional proposal that service provision can be a basis for legitimacy merely because it may improve people's health and wellbeing.

Directly contrasting this, other scholars have argued the state's performance in the so-called 'output' domain, of which service provision is only one (albeit ubiquitous) category, is the primary source of its legitimacy, *precisely because* of the material improvements it brings. Meeting basic needs is the essence of output legitimacy, which, according to Scharpf (1999), means 'government for the people' that addresses common problems and social concerns. Indeed, a recent return to this output domain has grown out of disillusionment with the failure of the input domain, ostensibly democratic institutions and processes, to legitimise states (Pierre, Røiseland, & Gustavsen, 2011). Positioned clearly in this camp, Rothstein (2011) makes the case for the quality of the state's outputs as the *primary* source of its legitimacy, on the basis that how the state exercises power has a more immediate and tangible impact on people's welfare than how the state acquired it. Others concur that the fulfilment of wellbeing, including security and justice, constitutes the primary pathway via which the state can earn the right to rule (Holsti, 1996, p. 91). Indeed, according to Leftwich (2008, p. 166), the puzzle of the seemingly high legitimacy of repressive but developmental states can only be explained by their capacity to distribute the benefits of economic growth, including through the provision of basic goods and services. In this reading, the contribution of service provision to state legitimacy is primarily via the material rewards that services bring, in terms of enhancing citizens' welfare and opportunities for betterment.

Renewed attention to the output domain as a source of state legitimacy also finds empirical support in the literature that has proliferated around the ‘local turn’<sup>14</sup> in peace building (MacGinty & Richmond, 2013). Studies of the local attitudes and priorities of conflict-affected people have concluded that the degree to which the state meets citizens’ everyday needs is an important component of their subjective assessment of it. In his ethnographic study in Nepal and Timor-Leste, Robins (2012, p. 4), for example, argues that conflict-affected, vulnerable and marginalized populations who are often deprived of basic services often prioritise their restoration. On that point, survey data from Southern Sudan established a clear hierarchy of expectations: access to clean water, education, and health (D. Roberts, 2012). In response to these and other findings, scholars have argued that addressing the everyday needs of people in conflict situations is more likely to kick-start a meaningful social contract than political institution-building. Roberts (2011, p. 418) for example, asserts that ‘because it is the population at large that offers or withholds state legitimacy, it is towards their needs that the balance of provision must evolve’. In this way, meeting social demand for basic services is considered an important source of everyday legitimacy and the lynchpin of bottom-up state-building.

The idea that state services are a visible manifestation of the social contract resonates through sociological work that positions service bureaucracy as the primary site where citizens are likely to encounter, and therefore subjectively judge, the state. Corbridge’s (2005) seminal account of ‘seeing the state’ in India is a widely cited case in point. He argues local services provide an opportunity for sightings of the state, and it is through these that people’s expectations and interpretations of their broader rights and obligations with regard to the state are formed (ibid). Others likewise see the state as meaningful to ordinary citizens when it is visible in localized practices (Gupta, 1995). In the hierarchy of political goods, services are meaningful for state–society relations because they give *content* to the otherwise intangible social contract between ruler and ruled (Rotberg, 2004, pp. 2-3). Expressed differently, they are ‘the glue that binds state and society together’ (Milliken & Krause, 2002, p. 761). From this perspective, positive encounters with frontline service officials might feasibly be a source of legitimacy for the state, particularly in fragile and conflict-affected situations where the state was previously mistrusted, or outright feared (Brinkerhoff et al., 2012, p. 279). These

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<sup>14</sup> Marked by a renewed interest in the local aspects of conflict and reconstruction, including the everyday realities, priorities and needs of conflict-affected communities.

studies support the idea proposed in the received wisdom that the provision of vital public services is often considered a physical expression of a social contract.

Sociological accounts of state legitimacy, which have their origins in social contract theories of the state, emphasize not only the material rewards provided by service delivery but also its relational role in reinforcing the mutual inter-dependence between state and society. According to Levi et al (2009, p. 358), it is intuitive that compliance (a marker of legitimacy) should increase where citizens perceive their government is upholding a social contract by putting resources into delivering social services. Indeed, legitimacy is considered central to the formation of a social contract because, as Coicard (2002) argues, it establishes an accord between rulers and ruled, the latter of which accepts an unequal distribution of power in return for the assurance of the survival of the group. This is similar to Lake's (2007, p. 2) conceptualization, in which legitimacy fundamentally derives from an exchange between 'extractions' (taxation) and 'constraints' (laws that solicit compliance). However, as a caveat, Holsti (1996) emphasizes that state legitimacy may depend on the state achieving an appropriate *balance* between extractions and rewards, implying there is also a need for reciprocity and shared rules. This also finds support in Migdal's (2001, p. 6) 'state in society' approach, in which he argues that 'societies are not, and cannot be bound only through material and instrumental relations' but also require 'relational glue' in the form of common rules and meanings. Together, these more relational interpretations position material rewards as important for social contract formation, while also emphasising that a social contract is itself not entirely instrumental, but embodies rules of reciprocity and exchange.

More broadly then, the emphasis on service provision as material expression of the social contract and the physical space where citizen-state encounters occur potentially neglects the possibility that service provision could also be significant for state-society relations because it can express the norms and rules that govern the state. Pigeon-holing service provision in the discrete category of performance legitimacy, and neutralising it as a matter of bureaucratic capacity, underestimates the degree to which services might also conceivably act as a conduit for what Gupta (1995) calls the 'main myths and symbols' of the state. Empirically, this normative role has been demonstrated in respect to health systems, which 'intentionally or not' may communicate the core values of the state to users, particularly its commitment to equity, transparency and accountability (Kruk, Freedman, Anglin, & Waldman, 2010, p. 94). Though this is only one isolated example, it indicates that service provision can be viewed as more than a question of the state's tangible functions and outputs, but also, to adopt a

sociological perspective, a formative component of what Holsti calls the ‘idea of the state’ (1996, p. 83). As argued in the Introduction, state legitimacy - the right to rule – entails more than the accrual of physical power. From this perspective, the received wisdom, which supposes the influence of services on legitimacy to improvements is via instrumental outcomes, appears narrow and reductionist.

This potential for normative and ideational connections between service provision and state legitimacy arguably sits more comfortably with legitimacy theory than a purely interest-based or material theorisation. One of the central tenets of legitimacy theory, and what sets it apart from rational-choice theories, is that it seeks explanations for thought and behaviour that go beyond actors’ interests and preferences (Kelman, 2001)<sup>15</sup>. Rather, the concept of legitimacy incorporates an alternative range of social motivations arising from rights, beliefs and obligations (ibid). A legitimate institution has to deliver not only what is personally beneficial, but what people think is right (Tyler, 2000; T. Tyler, 2011). This opens up the possibility that the state’s legitimacy may derive not only from what it *does* or delivers, but from what it *is* and its deeper meaning to people (Gilley, 2009). Indeed, service provision itself is never an entirely instrumental undertaking. It is always driven by and designed to satisfy normative criteria derived from conceptions of needs, rights, or entitlements (Beetham, 1991). Recognising this, Gilley (2009, p. 75) models the relationship between state performance and state legitimacy in a way that combines both its instrumental and normative properties. In his model, citizens have to make connections between their fundamental values and their positive socio-psychological conditions (e.g. wellbeing, happiness) in order for performance to become significant for legitimacy. This incorporation of both the material and non-material mechanisms of influence arguably has a firmer basis in theories of state legitimacy.

### **The non-linear relationship between services and state legitimacy**

Empirical studies that rigorously interrogate the underpinnings of the received wisdom that services enhance state legitimacy remain scant, particularly in fragile and conflict-affected states (Brinkerhoff et al., 2012). In part, these limitations reflect the methodological challenges inherent in studying legitimacy (discussed further in Chapter III).

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<sup>15</sup> Kelman (2001, p. 56) captures this in the following statement: ‘The concept of legitimacy reminds us that there are significant aspects of social behaviour, and indeed of social structure, that are determined not so much by interests and preferences as by rights and obligations’.

To date, research on the determinants of state legitimacy has broadly segmented between a group of scholars seeking to uncover its universal correlates and others who maintain that legitimacy is more intuitively understood by observing the texture of citizen–state relations at the micro level. In other words, legitimacy has been mainly studied from above and below. The methodological hallmark of the former approach – from above - has been large-scale, quantitative studies that measure correlations between markers of legitimacy and aggregate measures of state performance. Opinion surveys have been the dominant methodological tool used for studying, or rather ‘measuring’, legitimacy. Examples abound of research that uses cross-country, individual-level survey data to examine links between the legitimacy of the state and a range of indicators of institutional effectiveness.<sup>16</sup> However, in quantitative, cross country studies, it is often difficult to isolate the specific effects of service provision (health, education, water) on state legitimacy independent from a larger set of indicators of socioeconomic development. For example, in his analysis of data from 72 countries, Gilley (2006, p. 48) concluded that combined indicators of welfare gains, good governance and democratic rights, were together ‘important correlates, and probably causes, of legitimacy’.<sup>17</sup> While these types of cross-country surveys make important advances in determining which ingredients may generate state legitimacy, they are less effective at describing the particular transformative effects of each of the individual ingredients, or explaining *why* they are more or less significant across different social settings.

Overall, the findings from quantitative studies present a mixed picture of the significance of service provision for state legitimacy. A recent major DFID-funded study involving surveys across five conflict-affected countries found no statistically significant correlation between perceptions of the state and access to services (Mallett, Hagen-Zanker, Slater, & Sturge, 2015). Specifically, baseline data showed that simple measures of access (i.e. distance) to services were only weakly correlated with perceptions of government (ibid).<sup>18</sup> In the same way, other surveys have found that satisfaction with government performance, and peaks and troughs in material conditions alone, may not necessarily produce greater legitimacy (Sacks, 2011). Other studies using combined indicators have concluded that service provision does

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<sup>16</sup> For example, studies have tested how legitimacy (or some closely related measurable concept) is related to: corruption (Seligson, 2002); economic performance (Yun-han Chu, 2008); inputs versus outputs (Lindgren & Persson, 2010); trustworthiness of government and procedural justice (Levi et al., 2009).

<sup>17</sup> Gilley (2006, p. 50-51) identifies 34 potential sources of legitimacy including in the socio-economic sphere alone: personal financial satisfaction, social capital, national pride, levels of political interest and efficacy, regime conducive attitudes, social deference (or the ideological hegemony of the regime), and population size.

<sup>18</sup> This survey did not measure legitimacy. Rather, it measured perceptions of whether government ‘cares about people’s opinions’.

improve state legitimacy, although the relationship may be *indirect*, mediated by very general markers of wellbeing, such as food security (Sacks et al, 2009).

While quantitative studies may suggest not much more than an indirect relationship between ‘performance’ writ large and state legitimacy, they invariably conclude more research is needed to examine the causal mechanisms that underlie any correlations they find. In part, this limitation has its origins in the time-restricted nature of some survey-based research designs. For example, Fisk and Cherney’s (2016) survey in post-conflict Nepal compared outcome-based versus procedural sources of institutional legitimacy, finding that in post-conflict Nepal people primarily evaluate institutional legitimacy on the basis of the fairness of decision-making and the quality of treatment<sup>19</sup>. However, as the authors themselves note, this type of cross-sectional survey is weakened because it cannot track changes in legitimacy relative to changes in either procedural justice or service provision over time, which could give a more dynamic reading of the relationship between them. Furthermore, where survey findings are not situated in temporal political or historical context, they cannot account for why certain aspects of performance may have been more or less politically salient and more significant for legitimacy at any given point in time. For these reasons, snapshot surveys measuring correlations between indicators cannot alone give a full account of *why* services might matter for legitimacy, or what contextual factors might influence any causal relationship between them.

Qualitative approaches are relatively less developed in the field of legitimacy research in general, and in research on services and legitimacy in particular. Nevertheless, a small body of case studies and mixed methods research indicates that the relationship between a state’s performance in service provision on the one hand, and its degree of legitimacy on the other, is not linear in the way that some aid literature suggests. In practice, a number of factors interrupt any direct, causal relationship between them. Specifically, this relationship is likely to be conditioned by shifting expectations of what the state should provide, subjective assessments of impartiality and distributive justice, the relational aspects of provision, how easy it is to attribute (credit or blame) performance to the state, and the technical and political characteristics of the service. Albeit indicative, these findings support the proposition that legitimacy is essentially socially constructed (Coicaud 2002; Holsti 1996). As illustrated

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<sup>19</sup> Fisk and Cherney (2016) measure procedural fairness through survey questions about respectful treatment, voice and neutrality. Distributive justice was measured through questions about whether certain castes or income groups received better services than others.

below, they suggest the significance of service provision for state legitimacy depends at least partly on the locally determined normative criteria by which services are individually and collectively judged.

### **Shifting expectations**

Citizens' expectations of what the state should provide appear to interrupt any straightforward relationship between objective service outputs and legitimacy gains. Highlighting the subjectivity of these expectations, Sacks' (2011) quantitative study across Africa, Latin America, and Asia finds weak correlations between objective measures of provision (e.g., the mere presence of facilities) and citizens' satisfaction with services. In this case, citizens' assessment of performance appeared to depend instead on perceptions of how well government was 'trying' to improve them. Recent Afrobarometer public opinion survey data similarly indicate the mere presence of physical infrastructure is not significant in shaping popular views about government performance (Asunka, 2013). Rather, the quality of the experience (waiting times, availability of materials such as drugs/textbooks) and the accessibility of the service (capacity to pay fees, payment of bribes) are key (Asunka 2013). Indeed, perceptible improvements in performance may be more significant than absolute or verifiable measures of performance for legitimacy. In his study in Medellin, Colombia, Guerrero (2011) finds that a quick upgrading of basic services (infrastructure, health, education) in the city's less favoured districts improved political support for and trust in government. Rapid improvements generated greater legitimizing returns than slower, less perceptible progress. Collectively, these studies indicate that subjective interpretations of quality and effort (rather than objective measures of them) are significant for the relationship between service provision and state legitimacy.

Aligning citizens' expectations with state capacity, seen as the catalyst for legitimizing effects in aid debates, is unlikely to be straightforward in practice. Particularly in fragile and conflict-affected states, citizens' expectations may be low, or non-existent. In the Democratic Republic of Congo, researchers identified what they termed a 'legitimacy threshold,' characterized by very low expectations of the state, and citizens' aversion to its intrusion into their everyday lives (Stel et al., 2012). The study concluded that to improve state legitimacy, expectations had to first be 'stimulated,' through an initial show of performance (ibid). In contrast, citizens might in some cases have high expectations of services, and even be willing to pay for improvements, where they cite very low levels of satisfaction with them. This finding is made by Brinkerhoff and colleagues (2012) in Iraq, where satisfaction with water

services did not correspond with reported levels of trust in the state. These contrasting findings—between an absence of any services and an aversion to the state, and poor services that have no direct relationship with levels of trust in the state—illustrate context specificity. They also signal that a foundational level of services may first need to be established before subsequent improvements are likely to affect citizens’ belief in the rightfulness of the state. The dilemma is that particularly in post conflict situations, stimulating expectations may have to be balanced with the well-known risk of raising expectations above what is feasible, with potential negative implications for legitimacy if those expectations are not met (Brinkerhoff et al., 2012).

Expectations have also been shown to shift over time. Recent multi-country research in Nepal, Rwanda, and South Sudan indicates that in some fragile and conflict-affected states where services are poor or non-existent, expectations can quickly graduate from initial concerns over access, to include concerns over quality and cost (Ndaruhutse, 2012). Furthermore, there may be a ‘tipping point’ in the legitimating returns from provision, once expectations are met. This was recently found in Colombia where, as service provision expanded, citizens’ level of satisfaction diminished, partly because once desired improvements in one location were achieved, attention quickly turned to another area where performance was lagging (Guerrero, 2011). In this case, the relationship between improvements in service provision and enhanced state legitimacy appeared U-shaped; an initial flurry of trust-generating effects faded over time as citizens came to take service provision for granted. These findings nuance the idea that it is the alignment of expectations and capacity that produce legitimating effects. They remind us that even where services are provided to the full extent of state capacity, expectations may still not be met. Just as expectations are something of a moving target for the state, the effects of meeting them on state legitimacy may likewise be fleeting.

### **Perceptions of impartiality and distributive justice**

Others have argued that certain normative characteristics of performance colour citizens’ evaluations of the state, affecting the degree to which services are likely to improve state legitimacy. Prominent among these is the issue of perceptions of equity in the distribution of services (Ndaruhutse, 2012). Distributive justice implies the costs and advantages of a given system for distribution are shared equitably between individuals or groups (Weatherford, 1992, p. 150). Wang (2003) argues the redistribution of resources among different social groups is one of the essential criteria for an effective state, and one that in turn enables it to

maintain its legitimacy. Particularly in post conflict contexts where horizontal inequalities prevail, a redistribution of services may therefore be important for (re-)legitimising the state among excluded groups, including those alienated through a period of conflict. However, this is likely to be a careful, political, balancing act. Citing the case of Iraq, Brinkerhoff, Wetterberg, and Dunn (2012) note that the redistribution of services to previously excluded groups in the post-war period diminished the state's overall legitimacy gains. This illustrates that understandings of distributive justice are context specific, and that therefore its relationship with legitimacy may not be guaranteed.

In some cases, the degree to which service provision is perceived as procedurally fair has been shown to be significant in determining citizens' view of the state's legitimacy. In his widely cited research, Rothstein (2009) makes the case that because basic service provision devolves significant discretion to low level public officials, the impartiality with which services are implemented on the ground is of acute significance for political legitimacy. His work empirically demonstrates that in developed states, greater impartiality in the exercise of state power—including through service provision—is positively associated with higher levels of trust in government (Rothstein, 2009). Other studies concur that whether or not services are operated through open and transparent practices may be seen as a tangible marker of the state's broader commitment to accountability (Ndaruhutse, 2012). At a minimum, in order to solicit citizens' trust and approval, officials (e.g., teachers, nurses) may need to treat the individuals with whom they interact in a dignified manner (Sacks 2011). In this way, perceptions of procedural predictability and fairness may mediate the services-legitimacy relationship.

Empirical findings about the importance of procedural fairness are in line with one of the central tenets of legitimacy theory. That is, the perceived fairness of the process through which authorities and institutions make decisions and exercise authority is a key aspect of people's willingness to comply with it (Tyler 2006). A significant body of research has shown that people are more likely to view procedures as fair when they have an opportunity to participate, when they consider authorities to be neutral and following impartial and objective rules for decision-making, when they trust the motives of those authorities, and when they are treated with dignity and respect by authorities (Tyler, 2006, 2010; T. Tyler, 2011). In addition, there is evidence that people may be more likely to accept *unfavourable* outcomes where those decisions are arrived at through fair procedures (Tyler, 2006). On the other hand, Blundo and de Sardan's (2006, p. 101) attention to the 'real functioning' of public

services illustrates that corrupt practices - what might be ostensibly evaluated by outsiders as 'unfair' or procedurally irregular - are not necessarily a source of illegitimacy. That is because rules and procedures that may appear dysfunctional from a legal perspective may be regulated and indeed legitimated through hidden social and cultural logics (ibid). Overall, these contrasting findings suggest that while procedural fairness may be significant for mediating any link between service provision and legitimacy beliefs, it is best read in the context of local rather than universal norms.

### **Relational aspects of provision**

How services are organized and managed at the point of provision could also condition their (potential) effects on state legitimacy. Cross-country case study research looking specifically at multi-stakeholder processes for service provision<sup>20</sup> concluded it was mainly the relationships formed through them that were significant for citizens' perceptions of the state (Stel et al., 2012). In particular, these processes created space for civil society organizations to articulate citizens' demands, and to directly engage with government agencies. They presented opportunities to build bridges between the state and social groups (Stel et al. 2012). In other isolated cases, co-production has played a formative role in generating positive evaluations of the state on the part of citizens. Ethnographic research from China reveals that state officials themselves understand the potential legitimizing returns from visible processes of coproduction. Tsai (2011) finds that local state bureaucrats viewed collaboration with non-governmental organizations (NGOs) and local communities to implement local infrastructure services as a means of soliciting citizens' trust in them. Moreover, some officials believed collaboration would enhance their capacity to elicit greater overall levels of citizen compliance with state policies. Interestingly, it was not the overall increase in outputs from services that bureaucrats saw as important for enhancing perceptions of the state's authority, but the co-productive means through which they were delivered. This micro level insight into the social contract being 'articulated' through service provision highlights that services can bring citizens and states together not in a simple supply-and-demand transaction, but also in a co-productive one. It recalls the argument that in order to support their legitimacy, states require not just productive but also relational capacity (Robinson, 2008; Stel et al., 2012). If the relational aspects of provision matter for citizens' evaluations of the state, they may also mediate any link with legitimacy perceptions.

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<sup>20</sup> Multi-stakeholder processes entail organisational collaboration or co-ordination between the state, service delivery organisations, and/or community groups. This is synonymous with the idea of 'co-production'.

Who is perceived to be delivering a particular service might also influence whether or not the state accrues legitimacy from services, though perhaps not in a straightforward way. The dominant position in aid policy has been that parallel (non-state) service provision structures undermine state legitimacy because they reduce the state's visibility as provider (Bellina et al., 2009). There is some supporting evidence of this from Zambia, where citizens who (rightly or wrongly) credited nonstate providers with service provision were found to be significantly less likely to have confidence in their government, or to comply with taxes and regulations (Sacks 2009). The counter view, however, is that whether or not nonstate service provision affects people's perceptions of the state logically depends on whether people expected the state to deliver services directly in the first place (Batley & Mcloughlin, 2015). Stel (2014) makes this point in reference to perceptions of service provision in Burundi, noting that because people did not expect the state to be involved at the point of provision, they were not disappointed when it was not. Indeed, in fragile and conflict-affected situations where the state may have been repressive, citizens may not trust the state to deliver services, let alone expect it to (Brinkerhoff, Wetterberg, and Dunn 2012). These findings suggest there is no universally applicable rule that non-state provision undermines state legitimacy. They indicate attention might more usefully be turned to whether forms of provision are seen as normatively appropriate for populations, as has been found recently in the case of international non-state provision of basic services in areas of limited statehood (S. D. Krasner & Risse, 2014).

### **Attribution**

Processes of attribution—specifically, how easy it is for people to credit or blame the state for the provision of services—may also interrupt any linear causal relationship between service provision and state legitimacy. Research has shown that to whom people attribute service performance does not always reflect who is actually delivering them in practice. Sacks (2009), for example, found that citizens were incorrectly attributing government services to non-state actors where multiple other actors (NGOs, churches, and donors) were also providing services in the local area. Like others, she argues attribution is primarily a product of visibility. In this particular instance, nonstate actors were more effective at branding themselves than government (Sacks 2009). Mindful of this potential for misattribution, policymakers have called for measures to increase the visibility of the state's role at the point of provision by reducing donor and NGO branding (Teskey, 2012).

Some research indicates that even where the state is not the frontline provider of services, citizens are not blind to the less visible, indirect roles it may be playing in the background. These can include oversight, regulation, and facilitation. Focus groups have found that citizens are aware of, and can evaluate, the indirect role of the state in service provision even when it is not the direct delivery organisation (Stel et al. 2012). In Ethiopia, even where citizens attributed service provision to non-state actors, they also understood that government agencies were likely to be involved in the service design process and, moreover, they could differentiate between the quality of the service being provided and the degree to which the state was fulfilling its indirect, regulatory responsibilities (Mandefro, 2012). Overall, these findings collectively draw attention to understanding how citizens are informed about the particular role of the state in provision, whether it is the direct deliverer or not, as significant for the potential legitimising effects of services. Crucially, performance may not necessarily have to be seen to be heard. Citizens can evaluate the state without seeing it in action.

How services are attributed to different levels of the state may also be significant for any legitimising effects. Isolated studies indicate that improved service outcomes at the local level can enhance perceptions of the legitimacy of those agencies directly responsible for them. However, there is a paucity of studies that can illustrate how this ‘scales up,’ to affect overall perceptions of state legitimacy. Indeed, particularly in patron–client environments, reciprocity and exchange may be important aspects of the legitimation of power mainly at the micro level, where brokering access to services can serve an important relational function between citizens and elites (Chabal & Daloz, 1999). Indeed, the personalised exchange of services and favours between individuals and local officials may actually undermine wider state legitimacy (Stel et al. 2012). This serves to illustrate that the state is not a ‘coherent, integrated, and goal-oriented body’ (Migdal 2001, p. 12) and for the same reason, the relationship between service provision and state legitimacy is likely to be multi-layered and multifaceted. Bukenya’s (2013) research on health and legitimacy in Uganda finds exactly that. He concluded that while good performance improved perceptions of the legitimacy of local health clinics, these perceptions were dislocated from and did not automatically improve perceptions of the central state. In this way, a link between evaluations of local agencies involved in service provision and aggregate perceptions of the broader institutions of the state cannot be assumed. At a minimum, therefore, it may be pertinent to consider which level of government (if any) people view as responsible for different services, and

therefore where they are likely to assign credit (or blame) for more or less effective performance (Brinkerhoff et al., 2012).

### Sector characteristics

The technical and political characteristics of services may also affect their potential as a source of state legitimacy. It seems logical that performance has to be seen, experienced, and appreciated in order for it to translate into legitimating beliefs. However, it also follows that different services offer different opportunities, and ease, for being seen and evaluated. In particular, the different degree of visibility and information asymmetry associated with different services may affect how easy it is for citizens to assign credit or blame for them to the state or other local agencies (Mcloughlin, 2014). In support of this, Guerrero (2011) found that services have a greater effect on trust and legitimating beliefs when they are both critical (salient) and highly visible to the public. Moreover, his study suggests those that are easily measurable ('as easy as turning the lights or the tap on') and are experienced homogeneously by a community in a geographically contained area, are more capable of influencing levels of trust in the state than those that are highly heterogeneous, or experienced differently by different citizens (e.g., individual encounters with doctors). Likewise, to the degree that citizens' capacity to evaluate the quality of public services depends on the degree of information they have about them (Jilke, 2013), then levels of information asymmetry may condition the legitimizing effects of performance (Batley & Mcloughlin, 2015). As Sacks (2011, p. 5) notes, available information about service quality determines whether citizens can make objective assessments of performance, or whether instead they rely on subjective accounts.<sup>21</sup> On the basis of ease of attribution alone, the relationship between service provision and state legitimacy is unlikely to be uniform across service sectors.

There are also normative reasons why *particular* services may be more or less significant for state legitimacy in any given context. As noted above, Kruk et al. (2010, p. 91) afford health special status because it is universally seen as a 'super-ordinate value,' prized irrespective of ideology or political affiliation. In her statistical analysis of cross-country public opinion data, Sacks (2011) also finds that basic health services potentially have a greater overall effect on the approval of the incumbent government, compared to water and sanitation services, because of the acute significance of health for people's daily lives. Education is

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<sup>21</sup> Sacks (2011 p. 5) also notes that there are likely to be multiple channels through which messages about performance are conveyed in any given social setting, including through neighbours, media, religious and traditional authorities, or government itself.

sometimes singled out as the service most capable of generating ‘social trust’, particularly where it can convey shared values of equality and identity or bring young people from different ethnic, religious, and social groups together (Rothstein 2011, p. 163). Provision of *certain* services can also reflect historical moves by ruling elites to bring key social groups into a social contract and tie them to the state (McLoughlin, 2014). For example, food security has become intimately bound up with the legitimacy (indeed, survival) of regimes in Malawi whose political power base was historically concentrated in the densely populated and food insecure south of the country. Underlying this is an implicit social contract that government will provide citizens with agricultural inputs as a social safety net in times of need (ibid). Together, these findings illustrate there is no universal hierarchy of services that are more or less significant for state legitimacy. Indeed, the potential for service provision to enhance state legitimacy depends on the normative value of different services in specific contexts. That significance may not be uniform across groups, space or time, and could be historically contingent.

### **From virtuous to vicious circles**

While empirical research has begun to qualify the idea of a virtuous circle whereby performance enhances legitimacy and legitimacy enhances performance, the reverse proposition – that underperforming public services might undermine a state’s right to rule, producing *vicious* rather than virtuous circles – remains relatively neglected. This neglect is unsurprising in a policy-oriented field of research that has been primarily concerned with identifying, more specifically quantifying, the (positive) effects of external aid to service provision on building peace and stability. Nevertheless, the reality in fragile and conflict-affected states and low capacity environments can look very different to the picture presented in state-building models. Service provision in these situations is often beset by weak political commitment, group-based exclusion, perceptions of procedural unfairness and minimal or exclusive social contracts (Baird, 2010). Empirically then, the driving concern with virtuous circles appears far removed from reality. Moreover, it raises the possibility that in such contexts, ineffective performance and contested legitimacy are locked into a vicious rather than virtuous circle.

It is not difficult to foresee how a vicious circle of weak state legitimacy and poor services might take hold in conflict affected contexts and divided societies. To begin with, a virtuous circle may be unlikely to get going where the state is absent, predatory, or unwilling to

provide for the basic needs of its citizens. In the same way that social contracts can support the provision of specific services to certain groups, they may also theoretically underpin the exclusion of marginalised or minority groups from access to vital services. Groups may be especially vulnerable to exclusion from access to state resources if the size or power of the constituency of support they represent is not requisite for the state to maintain its own power and control (North, Wallis, Webb & Weingast, 2007). Exclusion can also have a self-reinforcing property. This is illustrated in a recent case study from Sudan, which found that poor service access may create mistrust, which in turn reduces incentives for politicians to be accountable to those communities, which in turn reproduces their exclusion from services (Hamilton & Svensson, 2014). The absence of any meaningful social contract between the state and marginalised groups can be exacerbated, more practically, by low population density, which makes it challenging for the state to create a meaningful bureaucratic presence (Wee, Lendorfer, Bleck, & Yaiche, 2014).

Perceptions of injustice and unfairness in access to vital services can become pervasive in divided societies and conflict settings, and are often accompanied by popular disillusionment with and detachment from the state (Alexandre, Willman, Aslam, & Rebosio, 2012). When a group is excluded from access to services or access to power, services are evaluated in a context of wider mistrust and exclusion (Levi, Sacks & Tyler, 2009). Indeed, exclusion from access to vital life-saving goods and services can be taken as a clear signal of state neglect and remains a key source of everyday grievance in conflict-affected communities (Bleck & Michelitch, 2015). Moreover, perceived marginalisation from services can become a major source of discontent with the state even where there is no objective inequality in human development outcomes. In northern Mali, for example, *perceptions* of marginalisation among underserved populations undermine perceptions of the legitimacy of the state, independent of actual measures (Wee et al., 2014). These perceptions arise out of historic grievances and continue to fuel cycles of alienation, low legitimacy, and instability (ibid). In turn, the state may need to expend more energy responding to grievances and opposition generated by exclusion from services through coercive measures. In this way, a vicious circle of weak legitimacy, poor performance and non-compliance can become self-reinforcing.

If services can improve legitimacy when certain subjective and normative criteria such as those identified in the previous section are met, it follows that they might also undermine legitimacy when those criteria are not met, or outright violated. A perception of, or actual, violation of norms and expectations for service provision could in theory exacerbate, and

perhaps even catalyse, processes of state de-legitimation. State-building scholars have argued that where services consistently favour certain social groups to the perceived detriment of others, the implicit bargain on which the social contract rests becomes brittle, and propensity to rebellion increases (Holsti, 1996). Indeed, there is some limited, potted evidence of this. In Lebanon, for example, deteriorations in service provision at the municipal level following the massive influx of Syrian refugees, and concerns over the equity of distribution in light of the associated strain on resources, is driving rising social tensions and deteriorations in legitimacy (Rocha Menocal, Perera, & McLoughlin, 2016). Uneven allocations to local municipal governments (especially the bypassing of Hezbollah authorities) fuelled by perceptions of uneven or biased support has also helped perpetuate instability (Rocha Menocal et al., 2016). This has also been demonstrated in South Africa, where recent service delivery protests have been partly motivated by perceived structural inequality in access to basic services, with the poorest groups in society faring the worst (Alexander, 2010, p. 9). Likewise, qualitative research in Liberia, Nepal, and Colombia found that unequal or exclusionary access to public goods was detrimental to citizens' views of the state's rightfulness (Dix, Hussmann, & Walton, 2012). This indicates that perceptions of distributive injustice may undermine legitimacy.

In the same way, there is also some basis for assuming that perceptions of procedural injustice may also undermine legitimacy. Surveys across democracies in Latin America suggest the norm of corruption has a corrosive effect on legitimacy and can increase support for coups d'état (Booth & Seligson, 2009). The primary reason given for this is that corruption undermines citizens' perceptions of impartiality (Seligson, 2002). Yet here again, as noted above, the idea of norms violations may not be clear cut: and universal ideas cannot be transplanted into different contexts. The picture painted in Dix et al's (2012) research in Liberia, Nepal and Colombia is more nuanced. It suggests corruption only undermines legitimacy when it is used to violently eliminate opponents, or where the benefits are not distributed 'fairly' between groups. Moreover, certain forms of patronage, such as access to state employment, are expected and appreciated and therefore legitimising at the local level (ibid). In this way, both norms and their violations appear context dependent.

As with the critique of the virtuous circle raised above, it is difficult to see how instrumental improvements alone at least over the short term could address broken (or non-existent) social contracts, plug legitimacy deficits, and break a vicious circle of poor service provision and weak legitimacy. Quantitative improvements in service provision may fail to address deeply

ingrained legitimacy deficits in the aftermath of conflict, even when those services bring tangible improvements to well-being (Krampe, 2016). After the civil war in Nepal, marginalised rural communities saw significant improvements in electricity following the building of hydropower stations (Krampe, 2016). Yet these communities remained distrusting of the state in the face of these improvements. Indeed, they strengthened community autonomy and improved perceptions of local authority figures but not of the state (ibid). In other cases, the negative effects are more pronounced. In a context of long-term state neglect, incursions by the state into neglected or contested territories through the provision of services can be actively resisted, and may inadvertently strengthen existing, alternative authority structures that are oppositional to the state. In Myanmar's contested regions, researchers found that sudden increases in government services were received as attempts at domination and incursion, especially where these regions held long-term aspirations for greater local autonomy (Joliffe, 2014). One of the key contributions of these empirical insights is to implicate politics in the production of a vicious circle, as discussed further below.

### **Politics as the missing link?**

Whether the circle is virtuous or vicious, the relationship between public services and state legitimacy is sometimes analysed independently from the prevailing political context in which those services are delivered and evaluated – particularly in the case of cross-country surveys. At the same time as often omitting political contextualisation from the analysis, research strongly indicates, somewhat paradoxically, that the connections between services and state legitimacy are indeed conditioned by the political environment. For example, while measures of service access and perceptions of government did not correlate in the cross-country DFID-funded survey, knowledge of the presence of a grievance mechanism, or knowledge of or participation in a service-related meeting *did* positively correlate with improved perceptions of the state (Mallet et al. 2015). In South Africa, growing satisfaction with services has actually corresponded with a *rising* number of service provision protests. This has been partly attributed to a political problem of unmet election promises (Akinboade, Putuma Mokwena, & Kinck, 2013). In this way, a deeper explanation of survey findings – especially apparently contradictory ones - often lies in political history, processes and relationships, while at the same time politics hardly ever guides research design. Politics is, in this way, a potentially important but sometimes missing link in understanding the services-legitimacy relationship.

The de-politicisation of research on the services-legitimacy relationship is especially curious given the fundamentally political origins of legitimacy. Legitimacy has achieved a central role in the study of politics precisely because it addresses how actors or institutions accrue and maintain power. Studying legitimacy brings us to the heart of understanding the circumstances under which the use of power is willingly, as opposed to coercively, accepted (Gilley, 2009). It draws attention to the normative foundation of any accord between rulers and ruled, or dominant and subordinate, as a basis for addressing the fundamental question of why unequal power relations are ever accepted by subordinate groups, and what they might expect in return (Coicaud, 2002). Indeed, legitimacy actually *confers* power (Zaum, 2013). For these reasons, legitimacy has been termed ‘the central issue in social and political theory’ (Beetham, 1991, p. 41) and ‘the master question of politics’ (Crick, 1993, p. 150). From this perspective, studies of correlations between indicators seem detached from the political origins of the very concept under scrutiny.

One consequence of the de-politicisation of research on services and legitimacy is that it overlooks the possibility that the state itself - the object of legitimation in one form or another – is likely to be one of the primary actors orchestrating its own legitimation. Indeed, prominent theorists have argued that if legitimacy is fundamentally a belief in the rightfulness of the state’s institutions, then those beliefs might conceivably be stimulated through deliberate cues and signals from state institutions themselves (Beetham, 1991). Lipset (1984, p. 86) more strongly proposes legitimacy can be engineered by the state, depending on its capacity to ‘engender and maintain the belief that existing institutions are the most appropriate or proper ones for the society’. At the extreme end of this view, some theorists have argued legitimation processes are little more than acts of persuasion on the part of power holders. In this reading, legitimacy is merely the internalisation of the norms and ideas propagated by powerful elites to justify their dominance (Marquez, 2012).<sup>22</sup> This latter interpretation may be far-fetched in that justifications for power are not exclusively one-way, but also conceivably need to find some basis in social needs and demand in order to be accepted. On the other hand, it is also naïve to presume that legitimation - the pursuit of moral authority and power - is not orchestrated by the powerful (Beetham 1991, p. 9). This is not least because in many social contexts, political leaders and state institutions have resources at their disposal – such as a rhetorical platform in (sometimes control over) the

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<sup>22</sup> Marquez (2012) more directly poses the question: ‘What accounts for the prevalence of justificatory discourses in politics (all the ‘legitimizing activities’ of political actors), if not the fact that legitimacy is highly relevant to the production and maintenance of relationships of domination?’

public sphere, the capacity to conduct participatory processes, or to form patronage relationships – at least more resources than ordinary citizens, to execute their acts of persuasion. At a minimum, this theoretically opens up the possibility that powerful political actors may also influence the relationship between service provision and state legitimacy.

It also seems feasible, following on from the above, that political elites may seek to deliberately use the provision of services to strengthen their own legitimacy. Whereas from the perspective of aid policy the physical presence of services is seen to signal state ‘responsiveness’, from this more political perspective services might also form part of the state’s coercive, political quest for pre-eminence. Indeed, this more realist interpretation finds support in Tilly’s (1992) seminal ‘coercion and capital’ thesis on state-building in Europe. In this account, the state’s incentive to deliver basic services derived not from an altruistic quest for citizens’ wellbeing, but from the need to pacify them so as to be able extract revenue to fund war. Here, the functions of the state grew inadvertently (in an unplanned fashion) as a result of demands and expectations placed on the state by citizens, beginning with those conscripted to fight for it, and thereafter became embedded through a process of mutual state-society bargaining. Much later, and in the African context, Migdal (2001, p. 40) similarly pitches services as an element of the state’s wider goal to achieve social control, where social control means an ability to dictate the operative ‘rules of the game’ in society. This, he argues, is because the extension of bureaucratic administration facilitates the process of the state becoming not only a physical presence in people’s daily lives but a symbolically important part of their everyday survival strategies. Through these effects, service provision became an important means of extending the state’s authority, and in achieving compliance with norms and rules.

History also tells us that service provision has been an important commodity in political processes of state-building. In reviewing the state-building literature from the 1960s and 70s, Van de Walle and Scott (2011) documented how European states pursued service provision for the purposes of penetration (establishing presence and visibility), standardisation (quashing alternative power sources), and accommodation (creating loyalty, resolving disputes). Nineteenth Century state-building in Western Europe was marked by the increased visibility of the state through the extension of post offices, hospitals, and schools throughout state territories. This physical penetration not only supported processes of territorial consolidation, or boundary building, but also socialization into the values of the state. In the

same way, standardisation in the form of common standards for administering services (e.g. integrated curricula for schools) produced readily identifiable symbols of the state. These processes of extending and standardizing public services brought gains to the state because they entailed power brokering, dispute settlement and buying the loyalty of alternative, competing sources of authority (ibid). Taken together, these insights serve as a reminder that processes of legitimation are themselves primarily about bringing order and predictability to the power struggles inherent in all societies (Beetham, 1991). Yet these political, coercive and controlling dynamics of the formation of social contracts are absent from mainstream development policy narratives. At the same time as the social contract is considered vital to the services-legitimacy relationship, historical insights into social contract formation are neglected.

### **This study's analytical framework**

Taken together, the above findings suggest the connections between service provision and state legitimacy are not automatic, and can be both positive and negative. However, there is limited theorisation, potted empirical analysis, and no ready-made or comprehensive framework for analysing these connections. Each of the factors identified as interrupting any linear relationship between services and legitimacy - expectations, impartiality, distributive justice, attribution, sector characteristics - could be, and have been, a target for in-depth analysis in and of itself. Indeed, previous studies have focused narrowly on the psychology of attribution, or the dynamics of relationships between state representatives and citizens at local level, for example.<sup>23</sup> To date though, there is only a small body of theoretically informed, empirical studies in the field of development. At the same time, there are few studies that examine the relationship between service provision and state legitimacy in fully rounded perspective, or over time. By this observation, the potential research agenda is both deep and wide.

The challenge for the present study is to build on and advance this research agenda. To do this, it develops an analytical framework for examining the services-legitimacy relationship that is grounded in central tenets of legitimacy theory, builds on some of the recurring findings from empirical cases, and more purposefully incorporates potentially significant but hitherto neglected categories of explanation. It is clear from the above review that whether or not services improve or undermine state legitimacy may depend on how citizens evaluate

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<sup>23</sup> Examples are found in Sacks (2012) and Bukenya (2013), respectively.

them normatively, the history of the social contract, and at a broad level, political actors and systems. Yet these categories have not been a focus of empirical enquiry so far. For that reason, they form the core of this study's guiding, inductive analytical framework. How each element is understood is outlined below.

### **The history of the social contract**

Most studies of the services-legitimacy relationship are ahistorical in that they are not usually presented in historical context<sup>24</sup>, and yet history looms large over the literature in the form of the intangible 'social contract'. Both the theory and empirics suggest public services are significant for the creation and maintenance of a social contract between states and societies. Social contracts are formed when promises of certain rights or material rewards, whether safety or wellbeing, are made by states to their (would-be) citizens, in exchange for their compliance and support (Coicaud, 2002; Migdal, 2001; Tilly, 1992). There are two conceivable roles for service provision in social contracts - material and normative. In the material sense, services may provide tangible, social benefits in the form of well-being and self-advancement that are a key part of the benefits citizens obtain from the exchange. In the normative sense, they might also signal state commitment to protecting the welfare of citizens, or to upholding certain rules and moral principles. Put another way, services might help embed the state within society materially or morally (Gilley, 2009). For these reasons, the present study aims to give a fuller account of the origins and enduring effects of the social contract on the services-legitimacy relationship. This implies understanding how public services become significant for the state's legitimacy through historical processes of state transformation, and how these processes tie states and societies together and create certain expectations around service provision against which performance is later judged.

### **Normative justifiability**

A further message from the sum of literature and theory is that the services-legitimacy relationship cannot be instrumentalised. That is, service provision cannot be reduced to an instrumental process of delivering material goods and benefits between citizens (as consumers) and states (as suppliers). Performance is normative in the sense that it is built on norms, and conveys them. This study therefore looks beyond the material to this normative dimension of service provision. In particular, it is concerned with the moral criteria by which citizens' individually and collectively judge service provision at any given time and in any

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<sup>24</sup> An exception is Gilley's (2009) short, historical account of the relationship between aspects of performance and state legitimation in post-colonial Uganda as part of his mixed-methods study of performance legitimacy.

given context. In legitimacy theory, this might be termed ‘justifiability’. At a fundamental level, irrespective of the content of actions or outcomes, legitimacy is conferred or withdrawn based on whether those actions or outcomes can be morally justified against values (Beetham, 1991, p. 23). Indeed, prominent scholars define legitimacy, at its core, as *justifiable* rules or procedures (Coicaud, 2002; Gilley, 2009). Moral justification is, in Gilley’s (2009, p. 15) words, ‘the overarching reason for people to accept the remit of the state’.<sup>25</sup> The justifiability of rules ultimately derives from shared beliefs, either about the qualities of the power holder, or the degree to which the power arrangement serves a recognizable common interest (Beetham, 1991). Following this theoretical core of legitimacy, it is conceivable that whether or not services are significant for legitimacy may depend on whether or not their outcome or process is morally justifiable, or not. A key question is whether this justifiability hinges on self-interest and material gain, as portrayed in the received wisdom, or whether services also need to satisfy certain subjective and normative criteria about what is right for society in order to be significant for state legitimacy.

### **Political conditions**

A final distillation from the evidence and theoretical interrogation presented above is that the relationship between service provision and state legitimacy or illegitimacy is likely to be conditioned by the prevailing political environment in which services are delivered and evaluated by citizens. Politics is often lurking in the background, usually as explanation for unexpected findings. This empirical positioning of politics is particularly surprising given that legitimacy is a deeply political concept that speaks to how power is won and lost. To bring politics to the foreground, this study considers how political actors use and manipulate services for legitimation, and in turn how politics conditions the environment in which services are evaluated. It sets out to more closely examine whether and why political institutions and actors are significant for the services-legitimacy relationship, and if so, what aspects of politics - whether structures or actors – matter.

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<sup>25</sup> Gilley (2009) uses a combination of behavioural and attitudinal markers to construct three building blocks of legitimacy and arrive at an overall legitimacy score. Those building blocks are legality, justification and consent. In his model, justification is given a 50 per cent weighting (as opposed to the logical 33 per cent) because of its centrality within the definition of state legitimacy – the moral justification of the state.

## Conclusions

The question of when services improve or undermine legitimacy straddles at least two disciplinary fields – namely, political science, where legitimacy theories have mainly proliferated, and public policy, where studies of service provision tend to cluster. Some of the limitations of research on the relationship between services and legitimacy stem from limited read over between these two disciplinary fields. One conclusion, therefore, is that research on the link between service provision and legitimacy may benefit from a firmer grounding in legitimacy theory, and vice versa.

The paucity of empirical research raises an immediate question over the received wisdom that service provision necessarily enhances state legitimacy. Quantitative research, with its sophisticated analysis of correlations between services and indicators of legitimacy, cannot account for the causal processes through which services might influence citizens' perceptions of the state. In qualitative inquiry, there have been few historical case studies to trace how citizens adjust their perceptions of the state, and indeed their behaviour toward it, in response to relative improvements in service provision over time.

In spite of limitations in the body of evidence, it is clear that in practice a number of factors interrupt any direct causal relationship between a state's performance in delivering basic services, on the one hand, and its degree of legitimacy, on the other. Specifically, this relationship is likely to be conditioned by shifting expectations of what the state should provide, subjective assessments of impartiality and distributive justice, the relational aspects of provision, how easy it is to attribute (credit or blame) performance to the state, and the technical and normative characteristics of particular services. The narrow focus on whether non-state provision undermines state legitimacy has arguably masked the more pressing question of whom citizens expect to deliver services, and whether forms of provision are considered normatively appropriate in particular contexts. Related to this, understanding attribution—or how citizens come to credit/blame or reward/sanction the state for relative improvements or deteriorations in service levels—is an important though not well-understood link in the hypothesized causal chain between services and state legitimacy. To this end, there is a need for a more joined up analysis of the localized effects of services on trust in local bureaucracies and citizens' beliefs in the broader state's right to rule. Attribution is neither guaranteed nor always technically correct, depending on the visibility of and information available about the state's role in provision. Likewise, the relationship between service provision and state legitimacy is unlikely to be uniform across services, because they offer

different possibilities for attributing responsibility for performance to the state, and their significance to societies is likely to vary according to local norms, values, and priorities at particular points in time.

Taken together, the above findings call for a less instrumental, more politically situated, and historically informed account of the relationship between service provision and state legitimacy that starts from recognition that this relationship is not automatic. Three particular elements were distilled from the review and form the core of this study's analytical framework. The framework aims to extend beyond snapshots, to examine the history and legacy of the *social contract* as a basis for understanding expectations of service provision in the present. It looks beyond material outputs to how the *normative justifiability* of services affects citizens' evaluations of the state and its legitimacy. Finally, it incorporates the temporal *political conditions* through which the services-legitimacy relationship is formed. The next chapter outlines how the present study operationalised these elements in the in-depth study of the political relationship between higher education and processes of (de-)legitimation over time in Sri Lanka.

# CHAPTER III

## Methodology: From measuring legitimacy to researching the politics of legitimation

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The previous chapter interrogated the received wisdom that service provision improves state legitimacy, finding it both narrowly instrumental and apolitical. It argued this not only inhibits a more nuanced account of the services-legitimacy relationship, but is incongruent with the political origins of legitimacy. It derived three broad, recurring themes from the literature to incorporate into the present study's analytical framework. Together, these layers of analysis - the social contract, the normative justifiability of service provision, and the temporal political conditions – advance an approach to exploring the significance of service provision for state legitimacy that embraces core elements of legitimacy theory, is concerned more directly with legitimacy politics, and seeks to move beyond snapshots to observations over a longer time period.<sup>26</sup>

The present study applies this approach to examine the relationship between higher education and state legitimacy over time in Sri Lanka. The research design has three defining features. First, it adopts an empirical (as opposed to normative) position on legitimacy – that is, one that seeks to discover rather than pre-judge the basis for legitimacy in context. Second, it is macro-analytic in that the unit of analysis is the national-level state. Finally, to incorporate the hitherto neglected historical dimension, the design draws on key aspects of historical institutionalism. Specifically, it focuses on critical junctures when legitimacy was shifting (consolidating or unravelling) and traces the links between them over time. This research design was operationalised through archival research, primary and secondary documentary analysis and a series of key informant interviews in Sri Lanka.

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<sup>26</sup> An earlier version of this chapter was published as a research paper by the Developmental Leadership Program (DLP). See: Mcloughlin, 2015.

The study does not ‘measure’ legitimacy in the way that surveys have. Rather, it observes processes of (de-)legitimation, and analyses the legitimacy politics behind them and the role of higher education within them. To do this, it identifies and scrutinises changes in behaviours towards the state that can be considered markers of (il)legitimacy, alongside public deliberations about the moral rightfulness of the state in the public sphere. The rationale for combining both behavioural markers of (il)legitimacy alongside attitudinal ones is that neither are a precise measurement tool for capturing the right to rule on their own. Collectively, however, they may give a stronger overall reading of legitimacy. Furthermore, analysing deliberations about the state in the public sphere can provide an insight into the *politics* of legitimation, which is understood here to involve a process whereby political actors make claims to legitimacy based on appeals to moral justifiability and in turn, the public evaluation (acceptance or rejection) of those claims. A key empirical question for this study is whether and how higher education has been significant for legitimacy claims and evaluations over time in Sri Lanka.

This chapter elaborates on the research design and methodology applied in this study, showing how it builds on, but is differentiated from, approaches applied elsewhere. The first section outlines the defining features of the research design. The next section elaborates on how legitimacy was observed at each of the critical junctures, positioning this within the broader debate about the strengths and limitations of using behavioural versus opinion-based markers. Finally, the chapter describes how the analytical framework was operationalised in practice, including the choice and treatment of data sources in the field.

### **(De-)legitimation as a political process**

As the previous chapter showed, measuring legitimacy and its sources at specific points in time has dominated the field of enquiry, but can give a static account of legitimacy that is, paradoxically given legitimacy’s political origins, sometimes detached from political context or explanation. There has been comparatively less emphasis on understanding the politics of legitimation - that is, what processes, actors and ideas lie behind any observable changes in legitimacy indicators. A key distinguishing feature of the present study is to understand the role of higher education in political processes of (de-)legitimation. Distinct from understanding or quantifying ‘legitimacy’ – a quality or attribute of an actor or institution - this implies observing the *process* through which legitimacy is acquired or lost. A core starting premise of this research is that legitimacy is not a fixed asset, but rather, is

continuously claimed and contested between individuals and institutions within and outside the state. In effect, whereas legitimacy is a static property, legitimation is the active *manufacturing* of it.

How can legitimation - the pursuit of legitimacy - be distinguished from other political strategies? How is it different, for example, from the mere mobilisation of resources (whether armies, laws, rules) in the strategic pursuit of power or authority? It is not inconceivable that in practice, legitimation may entail any of these acts. Nevertheless, legitimation can be distinguished from them, by two criteria. First, acts of legitimation always entail a *moral* claim to support. Because legitimacy is, by definition, moral approval, legitimation has to entail, also by definition, a moral and normative claim – a morally justifiable reason to act. The mere distribution of assets without any given justification or explanation cannot be seen as a bid for moral support. In this reading then, while legitimation may entail any of the power-seeking strategies noted above, such acts can only properly be viewed as acts of legitimation if they are accompanied by a moral justification, and are part of a wider strategy to construct or fortify a basis for moral approval. The second criterion, logically embedded in the first, is that processes of legitimation are purposive. A basis for moral approval has to be consciously derived and ultimately, articulated, by actors seeking legitimation. Indeed, articulating them entails an attempt to persuade the intended audience to accept a set of rules and norms as justifiable (Beetham, 1991). Moreover, in many states, actors seeking legitimacy typically have resources at their disposal - whether influence over the media, resources, or traditional sources of power – to create and maintain the belief that the system they represent is the most appropriate one for society (ibid). In this way, legitimation is a purposive, political process of morally justifying a system of rules for organising power, and the purpose of that process is to persuade an audience from whom power is sought that they are, indeed, morally acceptable.

As the above description implies, there are two ‘sides’ of legitimation – the legitimacy claims of legitimacy-seekers on the one hand, and how these are received and deliberated by the intended legitimacy audience on the other (Zaum, 2013). Empirically, this study addresses both. Specifically, the focus is on why higher education provided fertile ground for making legitimacy claims and in turn why those claims resonate with citizens (or not), and against what criteria citizens evaluate them. This latter, citizen-side perspective is fundamental because without acceptance, legitimation claims have no power. Legitimation is not a one way street. It entails back and forth moral interaction between justificatory discourse and

public evaluation (Kelman, 2001). Leaders may propagate ideas and justifications for a certain distribution or mode of delivery a particular service, but those ideas will only supply or augment a moral basis for support if they align with citizens values. Since the concern here is with *state* legitimation more specifically, the focus of the enquiry is on the narrative claims of political elites, and the deliberations and acceptance (or not) among different sections of society.

## Features of the research design

The research design guiding this study has three defining features. First, it adopts an empirical approach to legitimacy. In a broad sense, this implies not making assumptions about what sorts of institutions *should* be legitimate, but instead discovering the underlying values that make institutions legitimate, or not, in the selected case setting. This was reasoned because a tendency to impose preconceived notions about what values should form the basis for legitimacy beliefs from the outside can lead to a fundamental misreading of legitimacy. It can, for example, produce false dichotomies between ‘illegitimate’ and ‘legitimate’ regimes. An example of this is the Failed States Index, which uses universal principles to arrive at measures of state legitimacy. Where these externally set benchmarks are not met, states are considered less legitimate.<sup>27</sup> Yet even regimes that appear overtly repressive or inimical to democratic governance may nevertheless enjoy a high degree of legitimacy and resilience in practice.<sup>28</sup> Elsewhere, legitimate systems of power that do not appear to fulfil externally imposed criteria have been labelled ‘perverse’ without addressing what local social norms and values underpin the justifiability of that authority and make it legitimate.<sup>29</sup> In contrast, an empirical approach deliberately allows for the discovery (rather than testing, per se) of any possible reasons why higher education is more or less normatively justifiable to different groups of citizens, at different points in time. In other words, it treats the basis of legitimacy as an empirical question.

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<sup>27</sup> Compiled by The Fund for Peace, the Failed States Index (see: <http://fsi.fundforpeace.org/>) derives a combined measure of state legitimacy from several pre-determined political and social indicators. Among them are levels of corruption, state effectiveness, measures of democracy, including boycotted elections, and acts of civil disobedience. However, whether or not these indicators are significant for legitimacy perceptions is any given context is an empirical question.

<sup>28</sup> An example is China, which assumes legitimacy in the absence of western-style democracy. See: (Holbig & Gilley, 2010)

<sup>29</sup> A blog released after the publication of the World Development Report in 2015 discussed the ‘perverse legitimacy’ of village power structures in Sierra Leone and India. These structures were described as perverse because they did not exhibit the expected normative criteria for legitimacy - that is, they were not democratically elected, and did not materially deliver goods and services - and yet villagers reported their authority should still be supported. See: <http://blogs.worldbank.org/developmenttalk/dysfunctional-mental-models-marginalization-and-perverse-legitimacy-reflections-wdr-2015>

An empirical approach also means not pre-judging or overly narrowing the field of enquiry in advance. Accordingly, the research design did not rely on complete or binding hypotheses from the outset (Yom, 2015). This was also in recognition that, as the previous chapter showed, the body of literature on the services-legitimacy link is at a formative stage when fully formed hypotheses remain in short supply, particularly those that deal with the relationship in the round. Deductive studies have to date tended to operate at the level of comparing the relative significance of *different* sources of legitimacy for legitimacy perceptions, rather than developing hypotheses about pathways of influence between specific sources and legitimacy. Recent examples include Gippert's (2016) close examination of outputs versus procedures as sources of local legitimacy for international peacebuilding operations, Fisk and Cherney's (2016) analysis of the relative significance of outcome favourability versus procedural fairness for the legitimacy of the government of Nepal, and Lindgren and Persson's (2010) study of input versus output legitimacy in EU policymaking. By contrast, the question of *why* outputs might influence legitimacy is under-theorised. At a general level, it may depend on whether outputs, including goods and services, satisfy some notion of what Scharpf (1999) has called the 'common good', or Beetham (1991) the 'common interest'. Yet what this common good entails is unclear. Taking a normative perspective, one might hypothesise that the common good derives from universal principles of participation, accountability, equity or efficiency. Crucially however, these principles may mean different things in different settings, based on social and cultural norms (Saward, 1992, p. 33). Moreover, there is no intrinsic reason why they should apply universally across space or time. An empirical approach remains open to discovering the reasons why services may or may not matter for legitimacy rather than testing universal normative principles.

A second feature of the research design is that it is 'macro-analytic', meaning it observes large-scale processes of change (Yom, 2015, p. 628). The focus of the analysis is on major policy shifts, changes in political regimes and ideologies, dominant political narratives, economic conditions and social structures. The essence of this approach is what Charles Tilly (1984) describes as the study of 'big structures and large processes'. Accordingly, as is discussed further below, the study largely assesses processes of state (de-)legitimation at the national level. Dissenting and consenting behaviours are observed at the collective as opposed to individual level, usually on a large scale (e.g. mass protest, insurrection), and in the national arena. Likewise, the primary site for observing the politics of legitimation

(legitimacy claims and evaluations) is the *national* public sphere – via widely circulated print or online media, which is viewed as an arena of collective social and political deliberation.

In line with this macro-analytic approach, the study operationalises the state as an aggregate set of institutions, and as an idea at the national level. In reality, of course, the state - in both its physical expression and in social imagination – could be not one but several objects of legitimation. Recognising this, other studies have disaggregated the different physical markers or meanings of the state in their legitimacy analyses. Booth and Seligson (2009) distinguish between the nation, regime principles, regime institutions, regime performance, local government and specific local actors, for example. The political settlement – or the ongoing process of (re-)establishing the formal or informal rules that govern how power and resources are distributed in society– is another conceivable object of legitimation (Parks & Cole, 2010). In contrast, some studies have tended to take a more localised, narrower view, focusing on the legitimacy of branches of the state apparatus – for example, the police, or the judiciary. As the previous chapter found, any one of these larger or smaller configurations of the state might be considered more or less legitimate than another at any given point in time. Although often referred to as a single entity, in practice the state’s various institutions are unlikely to be cohesive or uniform in their goals or meaning to people (Loveman, 2005). For this reason, as illustrated in chapter II, citizens’ views of specific institutions may or may not add up to a view of the state’s legitimacy as a whole. The salient point for this study is that, as with any social research, phenomena documented at national level of analysis cannot provide a basis for drawing conclusions about any associations or causal processes operating at another level (Hakim, 2000, p. 162). Since this is a study of the state as a collective set of institutions and an idea, it cannot give any account of the legitimacy of *specific* state institutions, different layers of the state, or variations between them.

Finally, to incorporate the hitherto neglected historical dimension, the design draws on key aspects of historical institutionalism. Historical institutionalism is an approach that encourages researchers to consider how the timing and sequencing of social and political processes can be important determinants of their outcomes (Mahoney, 2015; Pierson, 2004). One of its pioneers, Paul Pierson, characterised this as placing the study of politics ‘in time’ (Pierson, 2004). The present study aims to do this by tracing connections between state legitimacy and higher education over a broad timeframe – some 60 years, from 1944 to 2012. This allows for the possibility that the relationship between higher education and state (de-)legitimation may involve a ‘slow moving process’ that unfolds over an extended time

horizon, and also that events and outcomes of significance may be separated across time (Pierson, 2004). Nevertheless, the research could not cover the entire political history of higher education in Sri Lanka in depth – which spans almost 100 years.<sup>30</sup> The impetus to give a long-term account of the services-legitimacy had to be balanced against the study's limited resources and time. To narrow the scope of enquiry, the study therefore focuses on critical junctures when state legitimacy was shifting – that is, consolidating or being contested.

### Critical junctures

Critical junctures, which originate theoretically from historical institutionalism, are formative periods in time when institutions emerge, are rejected, or transformed. This transformation typically occurs through and is catalysed by shifting macro conditions - economic change, changing cultural norms, heightened or altered ideological zeal - or, on a smaller scale, may reflect organisational re-configurations or shifting power relations between individuals. In either manifestation, critical junctures can theoretically produce enabling conditions that are ripe for actors to exercise agency to change the so-called 'rules of the game' (Capoccia & Kelemen, 2007). Such periods when the otherwise relatively stable ordering of rules and institutions shift are what Baumgartner & Jones (1993), and Krasner (1988) refer to as 'punctuated equilibrium'. Applied to social theory<sup>31</sup>, punctuations in the equilibrium may manifest as radical shifts in policy, or as high political salience and public attention to a particular social problem or issue, as a change in power relations (Hill & Varone, 2017). In another interpretation, critical junctures are *critical* precisely because the changes they produce can then have a determinate influence over the future: in theory, constraining subsequent institutional choices and institutionalising a form of path-dependency in which a new institutional configuration then stabilises over the long term (Pierson, 2004).

A critical question for the deployment of the theory of critical junctures in this thesis is: What is a critical juncture from a state legitimacy perspective? Different criteria might feasibly be applied. At the extreme end of interpretation, a sudden or acute state legitimacy crisis is arguably most starkly akin to Krasner's (1988) conceptualisation of 'punctures' in the equilibrium. That is because such legitimacy crises are often formative events that mark a turning point in the configuration of power within the state. During such crises, social movements or influential elites mobilise to actively withdraw consent and seek to change

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<sup>30</sup> Modern higher education in Sri Lanka dates back to 1921, when the *University College Colombo* became the first institution delivering degree-level courses on Sri Lankan soil.

<sup>31</sup> The idea of punctuated equilibrium originates from evolutionary biology, but has found wide application in the study of public policy and social change.

existing power relations, whether by altering the political settlement, or reasserting the authority of one arm of the state over another (e.g. military over polity). In practice, the withdrawal of consent may physically manifest in mass demonstrations, strikes or violent acts of civil disobedience. Alongside these acts, the public sphere may become an arena of heightened, perhaps frenzied, public deliberation; a space where discursive contestation over the justification for active dissent plays out. Both markers of legitimacy crisis - dissent and discursive contestation - are empirically observable. In this way, legitimacy becomes more observable precisely during times of crisis – that is, when it is being actively contested (Beetham, 1991).<sup>32</sup> This may account for why legitimacy crises have often been the focus of scholarly attention.<sup>33</sup> In the otherwise normal course of stable institutions – the state of equilibrium in-between punctures - legitimacy operates more opaquely as a less observable source of institutional continuity as opposed to generating change.

In the starkest interpretation then, a legitimacy crisis constitutes a clearly observable shift in legitimacy and therefore a critical legitimacy juncture. At the same time, even acute legitimacy crises are likely to mark the culmination of a longer-term process of contestation and change. While incidents of civil disobedience or open conflict are acute and respond to proximate triggers, they typically represent a build-up of grievances or perhaps the ripening of socio-economic, structural conditions that provide the requisite opportunity or impetus for dissent to build and gather momentum. Indeed, the more particular analytical focus of this study, as noted above, is more precisely with understanding these longer-term, structural processes. Moreover, it is with understanding processes that constitute and are constitutive of *both* legitimation and de-legitimation. From this vantage point, a narrow conceptualisation of critical junctures as acute legitimacy crises would be empirically insufficient. Observing legitimation and de-legitimation as longer-term, political processes, implies widening the lens of analysis beyond acute crises or change, to understand what led up to them, and indeed, their after effects.

Applying this wider perspective – viewing critical legitimacy junctures as slow-moving processes of change – means that in practice, the junctures analysed in this study are not short time periods, and they are not equivalent. Though historical institutionalists do not tend to set arbitrary parameters on how ‘long’ a critical juncture can be, it is worth recognising that the

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<sup>32</sup> Beetham (1991, p. 6) argues that ‘as with so much else about society, it is only when legitimacy is absent that we can fully appreciate its significance where it is present, and where it is so often taken for granted’.

<sup>33</sup> Studies of legitimacy focus on problems of legitimacy deficits. For a recent example, see: (Bakke, O’Loughlin, Toal, & Ward, 2014).

approach applied here goes against one interpretation of them as relatively brief periods of institutional flux (Capoccia, 2007). Instead, it aligns with the empirical approach taken by macro-level historical institutionalists, who similarly view critical junctures as resulting from slow-grown, structural, antecedent conditions rather than from short-term agency within the critical juncture itself (Moore, 1966). Like most historical institutionalists, this study treats critical junctures not as discreet events, but as phases of events that may actually last a number of years (Capoccia, 2007). Critical junctures, then, can be a matter of gradual evolution rather than acute change. In line with this interpretation, the focus in this study is on analysing relatively extended phases of legitimation and de-legitimation of the state.

Two primary phases of legitimation and de-legitimation are identified in the post-colonial era: the first entails the legitimation or ‘making’ of a new social contract, and the second subsequent period its de-legitimation, or ‘breaking’. The first juncture identified (1944-1966) is marked by the formation, consolidation and politicisation of the welfare-based social contract, of which state-provided university education was a key pillar. While this first juncture of legitimation is itself punctuated by shorter turning points – most notably, the consolidation of nationalism associated with the important election of 1956 – it nevertheless represents a period of relative continuity from the perspective of legitimation. That is because this period saw a consistent trend in the expansion and political manipulation of university education for the purpose of extending the state into society and increasing its moral basis for support. This transformative period set the antecedent conditions for a second, shorter juncture of de-legitimation (1966-1973), which was marked by a more acute dual legitimacy crisis in the form of insurrection and armed separatism. Both of these acts of dissent signified an acute unravelling of the social contract, but their preconditions were established during the earlier period of legitimation. The final critical juncture under scrutiny, in the immediate post-war era (2009-2015), also focuses on an act of dissent that represented a legitimacy crisis. This took the form of mass social mobilisation orchestrated by the Federation of University Teachers Association (FUTA) which is analysed here, from a legitimacy perspective, as an attempt to ‘defend’ state the education social contract in the face of a pressing crisis of underinvestment and state neglect.

Significant variations in the duration of the selected junctures are notable: the first – of legitimation - being a relatively long, slow-moving process (22 years), the second and third junctures - of more acute crisis - being relatively short-lived (7 and 6, respectively). This variation in duration is itself analytically significant. It indicates the possibility that the

duration of critical junctures may vary according to the scale and magnitude of social change being observed. Specifically with regard to legitimacy, it also suggests that while de-legitimation may appear on the surface to be acute and short-lived, it may be preceded by relatively long-term structural processes that set the antecedent conditions for it. Moreover, that while legitimacy may (appear to) be brittle and quickly broken, legitimation on the other hand may involve a longer-term, more slow-moving process. This highlights two potential considerations for the application of critical junctures to the study of (de-)legitimation: first, the need to view even what may appear to be short-term legitimacy crises in wider temporal perspective, and second, for the same reason, setting arbitrary short-term limits on the duration of a critical legitimacy juncture may be empirically misleading.

Whatever their duration, there are risks associated with carving history into critical junctures. One is that only the most significant junctures that illustrate the relationship in question will be selected. To seek to address this potential risk, the critical junctures examined in this study were identified through a process of consultation with key informants. During the first scoping field visit, key informants were asked to talk in a non-directive way about whether higher education had been significant for state-society relations in Sri Lanka, and if so, when.<sup>34</sup> The intention was to apply a grounded process for identifying critical junctures that could be scrutinised in further depth. The selected junctures were those that were most commonly identified by key informants. Nevertheless, the purposive selection of periods to study the higher education-legitimacy relationship risks confirmation bias. In other words, there is a risk of over-claiming the overall significance of higher education for state legitimacy because the research focuses precisely on periods when higher education is most likely to be significant for state legitimacy.

Another, related risk in using critical junctures is that the most significant critical junctures may be overlooked, perhaps also leading to unrepresentative findings (Capoccia & Kelemen, 2007). As it transpired, there was some diversity in the critical junctures identified, and the level of significance assigned to them, among different key informants.<sup>35</sup> This was probably

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<sup>34</sup> Key informant interviews did not follow a script, but I asked questions about whether higher education mattered for state-society relations, what the significant periods were that had shaped the history of higher education in Sri Lanka, whether and how the history of higher education reflected the history of state formation and conflict, and whether and why the provision of education was a condition of people's judgements of – and acceptance or rejection – of the state's authority and right to rule.

<sup>35</sup> For example, some key informants proposed beginning the study earlier, before independence, with the formation of the first university and the so-called 'battle of the sites', which entailed a dispute over the geographical location of the university. Another key event was the 1978 Universities Act, which significantly altered the institutional arrangements for state oversight of university provision, including the introduction of a central, University Grants Commission. Though not

to be expected, in hindsight, given the initially open timeframe of the research, and the diversity of life experience and ethnicity of key informants themselves. Nevertheless, the risk remains that they may not, therefore, be the most significant periods for understanding the higher education – legitimisation relationship in Sri Lanka. Indeed, both of these risks have previously been recognised as limitations in studies of legitimacy (Booth & Seligson, 2009; Hurrelmann, Krell-Laluhov, Nullmeier, Schneider, & Wiesner, 2009). They reflect the wider problem, noted above, of studying a phenomenon whose effects are more visible, and observable, when it is absent or in question. It should be reiterated that the aim of this study is to understand under what conditions higher education *can* become significant for state legitimacy. For the same reason, the study should not be read as an account of the overall significance of higher education for state legitimacy.

### **Legitimacy markers**

Any study of legitimacy has to be clear about how state legitimacy is defined and observed. Indeed, how researchers define the state can influence where they look for markers of its legitimacy. If the state is defined as a physical, functional set of institutions then its legitimacy (or evidence of its right to rule) might be observed merely through its territorial presence, or bureaucratic infrastructure (Lake, 2007). As noted in the introduction, however, this study views the state as not exclusively a territorial entity but as a set of rules and ideas about how power should be exercised. This follows Holsti (1996), who argues that the state can be studied not only as a set of institutions in a physical sense, but as an idea. This is what Migdal (2001, p. 33) called the state’s ‘symbolic configuration’, meaning the kind of values and social order it represents. The key point is that since this study understands the state as existing not only in physical form but also in social imagination, it likewise looks to ideas about the state and what it represents (beyond its physical presence) as markers of its legitimacy.

More broadly, the problem of measuring (shifting) legitimacy underlies a scholarly frustration that has seen it labelled the ‘dark matter’ of political science, or worse, irrelevant as a stand-alone analytical tool (Marquez, 2012).<sup>36</sup> As a result, observing it directly has often

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about university provision per se, the burning of the Jaffna public library in 1981 was a key event in the war and an act of biblioclasm. The dispute over Private Medical Colleges in the contemporary era has been particularly protracted, and could have provided the focus for an entire chapter of the thesis in itself.

<sup>36</sup> Measuring legitimacy is sometimes considered irrelevant because if we can measure compliance – the theorised effect of legitimacy – then it becomes unnecessary to also measure legitimacy.

been abandoned in lieu of a range of ‘legitimacy-like constructs’ (Weatherford, 1992).<sup>37</sup> Two main sets of constructs have been deployed: individual’s reported beliefs about the state’s rightfulness, and (non-)compliant behaviours towards it. In other words, researchers have mainly measured legitimacy either by asking people how they perceive the state, by observing how people behave towards it, or some combination thereof. Likewise, in this study, the citizen evaluation side of processes of legitimation is analysed through public deliberations about the state’s rightfulness, as captured in public media, alongside manifest dissenting or consenting behaviours towards the state. The latter, behavioural markers of legitimacy include political incorporation and mobilisation (juncture 1), insurrection and armed separatism (juncture 2) and mass protest (juncture 3). This approach follows recent major studies that have combined behaviours with opinions as markers of legitimacy (Gilley, 2009).

The rationale for this combined attitudinal and behavioural approach is twofold. First, opinions about the state’s legitimacy and behaviours towards it theoretically have a symbiotic relationship. This is recognised by Sacks (2009, p. 4) and her colleagues, writing about Zambia, who model legitimacy as ‘a sense of obligation or willingness to obey authorities (value-based legitimacy) that then translates into actual compliance with governmental regulations and laws (behavioural legitimacy)’. Following this model, researchers might expect that changes in beliefs about legitimacy may go along with changes in behaviours towards the state, and vice versa. Second, examining legitimacy through both opinion and behaviours may address some of the limitations of each of these individual markers. Specifically, reading legitimacy through behaviours alone - whether acts of compliance, consent or dissent - can be misleading. Researchers have to also understand what motivates these behaviours, and whether (il)legitimacy is the true motivating factor. The public sphere – that is, the space where grievances may be voiced and justifications for actions given and evaluated – is a space where the motivations for behaviours can be scrutinised. It is a discursive arena through which to observe the legitimacy politics behind behavioural changes towards the state. For these reasons, as outlined further below, legitimacy was observed through a combination of claims and deliberations in the public sphere alongside behavioural acts of dissent and consent.

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<sup>37</sup> There are, of course, exceptions to this. Some experimental research claims to measure legitimacy directly, either in a lab (Blair, 2013), or lab-in-field experiments (Dickson, 2013), but this approach remains rare.

### **Legitimacy claims and deliberations in the public sphere**

As noted above, researching legitimation as a political process suggests a need to view legitimacy claims alongside their deliberation among the intended legitimacy audience. This is the essence of legitimacy politics – the process of contestation and deliberation through which societies arrive at (or reject) a justifiable set of rules by which to organise and distribute resources in society. To this end, a core element of this study’s empirical enquiry is to analyse legitimacy claims and deliberations in the public sphere. This approach follows Gilley (2009)<sup>38</sup>, who studied legitimation over time by observing political discourse and public deliberations around key policies and reforms in Uganda. The present study similarly observes the public sphere to understand how changes in higher education have formed part of the state’s legitimation discourse, claims and practices, and in turn, how the public has evaluated those claims, and indeed, evaluated the state on the basis of them.

Epistemologically, the use of the public sphere as an arena for observing legitimacy claims and deliberations aligns with discourse analysis. In line with other scholars who have applied a discourse approach to study legitimacy claims and evaluations, the primary concern is with communication, rhetoric and narratives leaders and organisations deploy to frame and reinforce the justifiability of their actions and create, as noted above, the moral basis for support that is the hallmark of legitimation (Hurrelmann et al., 2009; Hurrelmann, Schneider, & Steffek, 2007; Schmidt, 2013; Steffek, 2003). Empirically, these approaches tend to deploy both media analysis and historical texts as sources for analysing legitimacy claims and rhetoric. The focus is often on the discourse of political elites, and the symbols and messages they evoke to persuade key constituencies of the justifiability of their policies and action. This is what Steffek (2003, p. 251) terms the act of ‘explaining and defending’. The content of public discourse is significant for legitimacy because, as Gupta (1995, p. 376) tells us, it is ‘a key arena through which the state, citizens, and other organizations and aggregations come to be imagined’ and where ‘representations of the state are constituted, contested, and transformed in public culture’. Accordingly, a key empirical focus for this study is the framing and justification of key policy changes in the sphere of higher education. These are observed, as the next section explains more fully, through key political speeches, records of key debates in parliament, and archives of leading print media.

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<sup>38</sup> To understand the link between how the state performed and how people evaluated the state’s legitimacy, Gilley (2009) studied specific policies, the political discourses surrounding them and public opinion surveys that indicated levels of public approval of them.

Using the public sphere as an arena of analysis also responds to some of the limitations of surveys as opinion-based markers of legitimacy. Operationalising the study of legitimacy through popular opinion surveys can run into pragmatic difficulties. Particularly but not only in fragile and conflict-affected states, there may be a dearth of reliable public opinion data and, more fundamentally, even where it exists, people may fear reporting their actual perceptions of the state (Call & Cousens, 2008, pp. 15-16). In these situations, some researchers have found it difficult to differentiate between people's support for an incumbent government, or individual leaders, and the more fundamental question of whether they accept the state's institutions as justified (Guerrero, 2011). A related, semantic problem is that neither the concept of the state, nor the concept of legitimacy is always translatable or intelligible at the local level. For example, a cluster of recent case studies of the effects of quality of service provision on how people view the state encountered field constraints because interviewees were not familiar with the terminology being used (Noor et al., 2010). Specifically, they were not familiar with speaking about anything concerning state institutions, procedures, or their rights and obligations. In the course of these studies, the research questions had to be reconstituted, re-phrased and reformulated.

A closely related problem is how legitimacy is measured in surveys. A fairly wide range of questions have been used in different settings to try to capture the degree to which people recognise and justify the state's right to exercise power. For example, questions have been based on whether the state 'should exist in independent form', to whether it is 'moving in the right direction' (Bakke et al., 2014), or the right of different departments to make decisions (Sacks, 2011).<sup>39</sup> Other quantitative studies construct combined indicators from multiple questions to create a marker of legitimacy. Following this strategy, Carter (2011) uses questions about the courts' right to make decisions that people have to abide by, the police's right to make people obey the law, and the tax department's right to make people pay taxes. She takes the answer to these questions as a combined measure of 'whether state institutions have the moral authority to make decisions with which ordinary citizens would feel compelled to comply'. Some of these questions require significant judgment on the part of the surveyed which may be beyond imagination and possibly dangerous in conflict

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<sup>39</sup> Sacks uses Afrobarometer, Latino barometer and Arabbarometer data to measure approval of the incumbent, trust in government and willingness to defer to the government. The following questions were asked in the Afrobarometer surveys: i) *For trust* – 'How much do you trust each of the following, or haven't you heard enough about them to say: The President?' ii) *For approval* – 'Do you approve or disapprove of the way that the following people [Your President] have performed their jobs over the past twelve months, or haven't you heard enough about them to say?' iii) *For willingness to defer* – respondents were asked how far they agree with the statement 'The tax department always has the right to make people pay taxes.'

settings. Moreover, if legitimacy is conceived essentially as a belief in the rightfulness of the state, and operationalised through surveys, then researchers have to control for the subjective origins of beliefs, which may or may not relate to the aspects of performance they are concerned with, as well as the heterogeneity of beliefs. Inconsistencies in the interpretation of legitimacy used across different survey designs are hardly surprising given legitimacy's contested and difficult nature, but they nevertheless reduce the possibility for comparison across studies.

Perhaps a more serious challenge for opinion-based studies is what significance they assign to the opinions they survey. It could be argued that legitimacy beliefs are in any case irrelevant for state legitimacy unless citizens act on them; either by complying, or at the other end of the spectrum, withdrawing their active cooperation or consent to state rule. In adopting this position, Beetham (1991) argued that asking whether people *believe* a particular institution is legitimate is not only riddled with flaws, but can be misleading. This is not only because people are unlikely to understand what 'legitimacy' means, as discussed above, but because the more demonstrable, behavioural markers of legitimacy - consent and compliance - are more likely to be witnessed in the public sphere, rather than 'in the recesses of people's minds' (ibid, 1991, p. 13). Legitimacy matters, ultimately, because of its consequences for behaviour. In other words, legitimacy beliefs only translate into realised legitimacy effects if people act on these beliefs. For this reason, the present study is concerned not only with expressed opinion and public deliberations about the state, but with behaviours that indicate conferral or withdrawal of legitimacy. As the discussion below illustrates, however, legitimacy behaviours should, like opinions, be read cautiously and in light of their imperfections as a marker of the right to rule.

### **Reading legitimacy through behaviour**

At each critical juncture, changes in mass behaviours - whether consenting or dissenting - were analysed as signals of shifting legitimacy. Prominent theoretical models of legitimacy propose that when a state acts within the boundaries of justifiable power, citizens will reward the state with everyday acts of consent (Beetham, 1991; Gilley, 2009). Beetham (1991) goes further in suggesting acts of consent actually *confer* legitimacy on the state, 'binding in' critical elements of the population. Following Beetham (1991, p. 209), mass political mobilisation and participation in elections are indicators of legitimacy, because they express consent with a system of rules. On the other hand, de-legitimation may entail people behaving in ways that withdraw consent. This may materialise in a range of behaviours, from

minor forms of non-compliance (e.g. non-payment of fines), to civil disobedience and mass demonstrations and, at the more extreme end of the spectrum, outright violent rejections of the state (Beetham, 1991). The latter may include armed conflict, insurrection, or armed separatism. Surveys can and have measured behavioural markers of legitimacy – for example, people’s reported willingness to comply with laws and taxes (Levi et al., 2009; Murphy, 2005) or their reported compliance with the police (Hough, Jackson, Bradford, Myhill, & Quinton, 2010). However, this study is concerned only with manifest, rather than reported, acts of consent and dissent as markers of (de-)legitimation. This is not least because how people report they can/would act does not always correspond with how they actually do act.

A central challenge with using consent or dissent as legitimacy markers is that it is often difficult to know whether legitimacy, or indeed illegitimacy, is the true cause of these behaviours. On the surface, (non-)compliant behaviour may have greater bearing on the degree to which a state can claim to have legitimacy than mere opinions, or privately held beliefs. Nevertheless, as Schaar (1984) reminds us, states can achieve compliant behaviour through coercion, and people can consent/not consent out of fear, rather than out of a belief in the state’s rightfulness. In this sense, the entitlement or *right* to rule is not equivalent to deference to power. From the reverse perspective, the normative justifiability of the state’s power – or what Marquez (2012) terms *institutionalised persuasion* - cannot explain *all* forms of consent or cooperative behaviour on the part of the subordinate. A suite of alternative private and public motivations might otherwise explain them, such as self-interest or material advancement, individual weakness, or even the absence of an alternative (Weber, 1922 (1978)). Compliance with laws can result from perceptions of government’s enforcement capacity, for example (Ramcilovic-Suominen & Epstein, 2015). In other situations, compliance may be motivated by more instrumental calculations of the feasibility and costs-benefits of rejecting the state, or seeking alternatives. This leads some scholars to conclude that behaviour towards the state can only be taken as a marker of legitimacy where these other potential explanations – self-interest, enabling conditions, the absence of alternatives - for that behaviour can be ruled out (Blair, 2013).

This study assumes that dissent can only be read as a sign of illegitimacy when it is motivated by rejection of the state’s right to rule on the basis of its moral unacceptability. Episodes of insurrection, separatism, mass mobilisation, and strike action, are taken as markers of illegitimacy only because the *basis* of this dissent lies in a rejection of the state’s right to rule. This is opposed to more superficial or interest-based motivations for mass action that may

entail rejections of particular government policies, or advocacy and agitation on particular issues. Insurrection and violent separatism go much deeper than this in that they fundamentally reject one set of rules and seek to replace them with another set. Separatists by definition reject the state's basis for exercising power over them, based on discontinuity between the operating rules of the state and the preferred rules of the separatists, for example. Of course, not all mobilisations are in practice *consequential* for the state's legitimacy - that is, they may not succeed in overthrowing the state, or in forcing a change of rules. Whether or not behaviours challenge the moral authority of the state may depend on either the numbers involved, or the significance of the constituency they represent, which inevitably looks different across different contexts (Beetham, 1991). Moreover, mass behaviours do not have to pose a significant physical threat to the state's capacity to rule to be taken as a marker of declining legitimacy. A more important cue is the degree to which they may be *perceived* as a threat to the state's moral standing, or labelled as one, by the state.

It is also important to acknowledge that all behavioural acts towards the state - be they broadly supportive or non-supportive - are context specific and depend on the culture of political activism. For example, a study of the political attitudes of people in rural China found that when people do not comply with laws they are engaging in 'constructive non-compliance', a form of feedback to the state (Tsai, 2015). People held the view that the government was rightful, but nevertheless believed that when a policy or decision is wrong it is not necessary to comply with it. On the contrary, it was considered a duty to not comply, in order to send a feedback message to the state - what Tsai (2015) terms 'constructive non-compliance'. This further illustrates that not all acts of dissent can be viewed as a sign of a breakdown in legitimacy. Behaviour that confers or withdraws legitimacy may also be influenced by citizens' perceptions of whether protesting is more or less futile. This was recently demonstrated in an analysis of the propensity to protest in South Africa about the poor state of basic services over time, which conversely concluded that the greater legitimacy afforded to the government of Jacob Zuma (as opposed to the previous Mbeki rule) enabled a heightened level of protest, because people assumed Zuma would be more likely to address their demands (Alexander, 2010, p. 14). So acts of dissent may, ironically, be more possible in situations where the state or its leaders are viewed as legitimate. The feasibility of dissent may also depend on political opportunity structures (Kitschelt, 1986). These include information, resources, access to the public sphere, or perhaps even a demonstration effect in the form of other successful social movements (in effect, evidence of the utility of protest)

(ibid). Where these enabling conditions are not present, systems of rule may lack any normative justification, but nevertheless endure. Behaviours and opinions are therefore best understood and analysed in political context. Again, this reinforces the rationale for incorporating politics into this study's analytical framework.

### **Operationalising the analytical framework**

The analytical framework was operationalised through a combination of archival research, documentary analysis, and key informant interviews. The main sources were news media articles and reader opinion pages, records of parliamentary debates, first hand narrative accounts of key events, official government reports, and published academic works and memoirs documenting and analysing the history and evolution of higher education in Sri Lanka. Data was collected in the UK and in Sri Lanka, online and through three field trips. The fieldwork involved an initial scoping visit in November 2012, followed by two more in-depth research trips in October 2014, and April 2016, amounting to 7 weeks in the field in total. Given the focus at the national level, the primary field site was the capital and seat of government in Colombo. I undertook interviews in government departments, non-governmental organisations, development agencies, and public and private universities in Colombo, its surrounding areas, and Kandy (see Appendix, Table 2, for a full list).

A key principle underpinning the choice of data sources was that 'both facts (or experience) and the interpretation of those facts (or that experience)' are entwined and necessary for an interpretivist account of the relationship of interest (Lawler, 2002, p. 243). The interpretation of facts is particularly important for legitimacy since, as the discussion has hitherto illustrated, legitimacy may hinge on subjective evaluation, and certainly involves deliberation about the normative justifications for actions. Accordingly, the research involved not only studying objective policy changes in education access and the material effects of higher education provision, but people's interpretation of these effects and their justifiability. A comparable amount of time, interview focus, and source material was allocated to each juncture to achieve parity in depth of analysis and therefore comparability over them.

The research followed a process of 'inductive iteration'. This means I began by developing broad propositions out of empirical and theoretical literature, then explored the case following this loose framework, then continually assessed the fit between the propositions and the case to arrive at refined propositions (Yom, 2015). This approach sits between a purely deductive approach involving testing pre-determined hypotheses, and a purely

inductive approach that begins with empirical observations and from them derives testable hypotheses. An inductive iterative approach does not typically follow a neat or linear sequence, but rather, researchers move back and forth between the framework and the case (Yom, 2015). Following this, the account of each juncture was formed through a process of gathering data, analysing it separately, drawing out themes, triangulating between sources, particularly between media reports and first-hand accounts, and filling in gaps through historical writings. Throughout the process, my understanding of the analytical framework also developed, and though the broad categories of analysis remained constant, where to look for them and what elements were worthy of particular exploration (e.g. what aspects of the political environment seemed important) were refined.

Like much research, the fieldwork had to adapt to limitations in time, data availability, and resources. A significant constraint was that throughout the period of the field research (see Appendix, Table 1 for dates and activities), the post-war state was becoming increasingly authoritarian and hostile to foreign researchers. To minimise the risk of undue attention to myself or to my key informants, and on the advice of local researchers, I did not use the term ‘state legitimacy’ in correspondence to introduce my research or set up interview meetings. During an initial field visit in 2011, and on subsequent visits, key informants cautioned me against interviewing people in the war-affected regions in the north and east which were, at that time, experiencing militarisation and surveillance. During my second visit, in 2014, the Northern Province was closed down fully to foreigners. These political sensitivities and travel safety concerns underpinned the decision to not conduct interviews in the north and east of the island. The risks to the project and more importantly, to participants, could not be justified, ethically. I was still able to collect key informant accounts from Sinhalese, Tamil and Muslim groups from the major field sites in and around Colombo and Kandy, as well as via skype on some occasions. Though it would have been interesting to visit the north or east to see how the conditions and experience of the universities there differed from those visited in western and central province, it was felt these potential benefits did not outweigh the risks. The significance of these limitations is reflected on in the study’s conclusion.

The discussion below outlines how each of the three primary modes of enquiry – archival research, key informant interviews, and documentary analysis - was operationalised. In practice, all three sources informed the entire analysis, but some were more significant for certain junctures, and certain aspects of the analytical framework, than others. Key informants were particularly useful for developing an understanding of the significance of the

historical junctures, and identifying collective understandings about the significance of higher education for legitimacy. In the contemporary juncture, they were informative in another sense, in that because many of them were working in education, they gave first-hand, lived experiences of the ‘live’ field site. Media archives and public opinion pages were the primary window to legitimacy claims and deliberations in the public sphere. Documentary analysis was helpful in tracing the chronology of events and policies, and for understanding the contemporary political environment and history of state transformation in Sri Lanka.

### **Archival research**

The archival research involved retrieving and analysing official policy documentation, parliamentary records of debates and speeches and news media reports related to the history, evolution and political significance of university education in Sri Lanka. The National Archives in Colombo are well maintained and open to researchers, subject to a declaration of intent of usage. These archives contain full paper records of print media, official government enquiries, and full records of Hansards – the Sri Lankan official record of Parliament. Hansards are variably recorded in three languages – English, Sinhalese and Tamil. A research assistant conversant in all three of these languages helped me to trawl these records to identify relevant material. More than 270 newspaper articles were retrieved and analysed covering the three critical junctures of interest (see Appendix, Table 4, for a list of selected media archives). New articles regularly reported speeches made by political leaders and Members of Parliament (MPs). They also carried readers’ letters in their opinion pages. Together, these reports relay dominant political narratives in the sphere of education, the rhetorical justifications behind legitimation claims, and public opinion on the moral appropriateness and justifiability of the higher education system and reforms to it.

Although media commentary can be used to study public deliberations around legitimacy, there is obvious potential for press bias. In particular, there is scope for over or under-reporting of alternative viewpoints depending on the political orientation of the news producer (Richardson, 2007). Media may also fail to represent a full range of perspectives because the types of individuals who air their views in the press are likely to be those who have the capacity, resources and connections to do so. In unequal environments, including in Sri Lanka, this biases towards the opinion of the politically connected and wealthier middle and upper classes. Hence, although news reports may claim to represent mass public opinion, there are convincing reasons why they may not. On the other hand, focusing the analysis on media reports, opinion columns and (in the latter era) social media that are biased towards

politically-mobilised elite class may be fruitful for examining legitimacy because as argued earlier, it may be precisely this layer of society whose views really count for the state's legitimacy. In this study, opinion pages and press articles are taken as illustrations that certain views were present, but not as indicative of how prolific those views were, or the balance of public opinion overall. In other words, the fact that certain newspapers are willing to print certain opinions or reports makes them interesting and politically significant, but not necessarily representative.

Since Sri Lanka has been a divided and war-affected state, press freedom (and bias) had to be factored into the analysis. Triangulation of sources is one way to counter the potentially distorting effects of media bias on internal validity. Several English-medium newspapers were consulted to try to alleviate potential for a skewed perspective, although newspapers printing in other languages may have given a different perspective (see Appendix, Table 3 for a full list). During the first two junctures, the English-medium newspapers consulted were the leading ones in circulation (Daily Mirror, Daily News and The Island). The Ceylon Daily News has always been associated with the government of Sri Lanka, and is now part of The Lake House, a government-owned corporation. Reports from this newspaper are read and interpreted in this light. It is not that its articles and version of events is less revealing, but rather, more revealing of how the government would like events to be analysed and read. In any newspaper, certain types reports are taken as reasonably reliable. For example, it is unlikely that individual speeches in parliament would be deliberately misrepresented, given that the same speeches were simultaneously reported in other newspapers, and also officially recorded verbatim in Hansards.

Whilst most of the archival retrieval of press reports was undertaken during field visits, at the national archives in Colombo, some of it was continued in-between field visits by a Sri Lankan research assistant. The resources available to continue the archival work remotely were limited, so these searches had to be closely guided and narrowed down as far as possible to specific times and events. This was sometimes challenging because the dates and temporal ordering of certain events was sometimes unclear, or omitted, in narrative accounts and memoirs documenting the history of higher education. Lack of clarity about the dates of certain key parliamentary commissions, enquiries and debates occasionally necessitated some searching around a wider time-range of interest, which inevitably extended the time spent at the archives. Overall, the strategy of targeting pre-determined, narrow time periods of interest was efficient in that the material identified was focused. However, as will be discussed in the

conclusion, one of the limitations of the research is that targeting particular times potentially neglects significant events that occurred in-between. Combining the archival research with key informant interviews and documentary analysis helped to fill in some but probably not all of those gaps.

### **Key informant interviews**

Key informant interviews were undertaken during the two field visits in 2014 and 2016. Snowball sampling was used to identify 50 key informants from three types of organisation: public and private higher education institutions, relevant government agencies, and non-governmental agencies, including civil society and development agencies (see Appendix, Table 3, for a full, anonymised list). At higher education institutions, the sample included university lecturers (including sociologists, historians, political scientists and education experts), professors, ex- and serving Vice Chancellors, senior university administrators, students, leaders of student groups, and leaders and members of the Federation of University Teachers Association (FUTA). In the government sphere, it included a former Minister of Education and Higher Education, former Chairman of the UGC, a retired Presidential advisor, Ministry officials (including past and current secretaries to the Minister of Higher Education). In the civil society sphere, it included public intellectuals, journalists, researchers at prominent think tanks, and senior staff in donor agencies working on initiatives in the higher education sector. In the interest of obtaining a balance of perspectives, the sample included individuals of Tamil and Sinhalese ethnicity. This is because an individual's affiliation or identity (ethnic, religious, social) affects how they interpret events (Lawler, 2002). This is particularly salient in a war-torn country where, although the military conflict was essentially between the state and different groups, these groups were also divided along ethnic lines.

The aim of the interviews was to collect first-hand, narrative accounts of the significance of higher education for state-society relations and processes of state transformation, (de-)legitimation and conflict. In the earlier period, when the concern was to identify critical junctures, the interviews were fairly open and largely directed by the informants themselves. Later, the aim of interviews was to hear different versions of the selected critical junctures, and establish common (triangulated) threads between them. These interviews were semi-structured around guiding empirical questions, but still did not follow any script. To explore the significance of higher education for legitimacy, I asked questions about whether it shaped people's perceptions of the state's right to rule over them, whether and when education had

fuelled acts of dissent against the state, and what would happen if the state stopped providing it. Whilst prompts were given to informants to discuss critical turning points and events that I had already alighted on, conversations were not restricted to them. This was to enable a balance between collecting information related to the analytical framework and specific periods of interest, while also leaving room to ‘uncover the unexpected’ (Gerson & Horowitz, 2002, p. 204). It was also important for limiting confirmation bias – in this case, seeking only proof that state legitimacy and higher education are related.

Higher education was typically a lively topic for discussion, not least because all informants were personally invested in it in some way, either through their own experience of being educated, through concern for their children or grandchildren’s educational and social prospects, or because they were working in the sector. Several interviewees gave long, sometimes detailed, accounts of why they thought education was significant for Sri Lankans and for the state. Many recounted how their experience of working in education, being a parent, or a student, had shaped their own perceptions of the state. In a sense, the selected sample was by nature the very people most likely to want to discuss education, and its significance for state-society relations. On the one hand, the research benefited from this because the sample were willing participants; indeed, a significant proportion of them were themselves academics who by nature valued research and were therefore keen to assist me. On the other hand, asking people so invested in education whether education matters for state legitimacy could give an overstated account. If I had interviewed health professionals about whether education is important for state-society relations in Sri Lanka, I might not have gotten such an enthusiastic response. This is another reason why it was important to triangulate between key informant accounts, press reports and historical texts.

Most of the interviews were conducted in English, though a Tamil and Sinhala-speaking research assistant was present to give the option of using another language if preferred. Interviews with university students and student group representatives were typically conducted in Sinhalese, or Tamil. The first set of interviews, during the first field trip, were recorded and transcribed verbatim. The second set of interviews were not recorded, but instead relied on note taking and researcher recall. Those interviews were transcribed on the day they were undertaken, so that conversations were fresh in memory. This modification in technique was made because in an authoritarian environment, the use of recording equipment could restrain the openness of key informants who are critical of the government. Moreover, I was concerned that if recordings were found by authorities on exit from the country this

might potentially put those key informants at risk. All informants were aware that they were contributing to research that would help produce a PhD thesis, and could therefore be eventually published in parts. Since the vast majority said they would prefer anonymity, all names of key informants are kept anonymous in this thesis.

The selection of key informants evolved as the thesis progressed. For the first two historical junctures, given the time frame (some 60 years ago), the most informative accounts came from retired academics and retired government officials, who had lived through the junctures and could recount them with surprising detail. These interviewees were, however, also the most difficult to track down. Reaching them sometimes required approaching institutions (e.g. Parliament) to obtain personal contact details. In this respect, the Sri Lankan political system is remarkably open, for outsiders at least. It was often possible to interview high-ranking officials and political elites with little notice, sometimes in their own homes. For the contemporary political juncture, the most informative people were the recent and current serving members of the Federation of University Teachers Association (FUTA), which is the organisation that mobilised the mass protest that is the focus of Chapter VI of this study. However, again, these interviewees were sometimes reluctant to speak to me openly, on record, given the militarised post-war environment.

Overall, the interviews were used progressively to develop the thesis. Early interviews were open-ended and used primarily for identifying periods of time and events of interest, and for mapping the basic terrain. Interviews conducted towards the end of the last field trip were used to test and confirm the narratives that arose from and through earlier interviews and research. I did not use a coding program for analysing interviews, but preferred to (re-)read and absorb them, make annotations, and colour code transcriptions by theme. As the thesis progressed, and the core arguments began to solidify, I returned to the interview transcripts several times to re-read them. Over time, I was able to extract more from them as my understanding developed. In this way, interviews were key not only for guiding the rest of the research, but throughout the iterative process of analysis and writing.

### **Documentary analysis**

In addition to the archives and key informants, the research is based on official government reports, and published academic works and memoirs documenting and analysing the history and evolution of higher education in Sri Lanka. Two types of official policy reports were consulted: official reports and statistics on higher education performance, including access

and quality, and reports of commissions of inquiry into the universities. Obtaining official reports at the archives was not always straightforward. The reports of some politically sensitive commissions were restricted. Others were missing from the archives. Efforts were taken to mitigate these gaps in documentation: repeated visits to the archives were made, key informants were asked if they had copies (which some did), and several book shops were visited in Colombo. Though efforts were made to retrieve as much primary source material as possible, gaps in data are probably inevitable in a war-torn context where there are political sensitivities around the past. As a result, some of the citations of reports come from secondary materials. Documents are best analysed in the context of the processes of their production and consumption – that is, issues that go beyond their content (Prior, 2003). Prior (2003, p. 67) argues ‘documents can be recruited into alliances of interests so as to develop and underpin particular visions of the world and the things and events within that world’. In this sense, narrative text demands to be analysed in action, or at least situated in the context of social relations. For this reason, official government reports are read in the context of who commissioned them, who was commissioned, and the wider political character of the state. They are interpreted as perspectives developed through a political purpose and setting.

Contemporary writings of Sri Lankan historians<sup>40</sup> and policymakers were another key source of reference for piecing together a chronology of events, obtaining first-hand accounts of critical junctures, and filling in the gaps between them. They were particularly helpful for understanding the political context at each critical juncture. As is the custom, several Sri Lankan political figures have written memoirs chronicling their time serving in office, and sometimes setting out their diagnosis and vision for the higher education sector. Among that generation, there are several edited volumes of specific interest to this thesis.<sup>41</sup> In this way, the purpose of developing an historical account was not to *re-create* history, but to build on what is already recorded, and interrogate it through a new lens.

## Conclusions

This study’s approach and methodology responds to the critique raised earlier that the operationalisation of research on the services-legitimacy relationship has sometimes been

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<sup>40</sup> Most prominent among these is the unrivalled work of Kingsley de Silva, Sri Lanka’s leading authority on political history, particularly his book *A History of Sri Lanka* (1981). In the education sphere, the writings of J.E. Jayasuriya, most significantly his book ‘Educational Policies and Progress’ (1976), have been seminal.

<sup>41</sup> The study by Wiswa Warnapala, a former Minister of Higher Education, entitled ‘The Making of the System of Higher Education in Sri Lanka’ (2011) and Eric de Silva’s book on the ‘Politics of Education Reform’ (2013) proved to be valuable sources.

surprisingly apolitical – that is, free from political context or explanation. This study departs from the dominant concern with measuring the relationship between service provision and state legitimacy through indicators, towards understanding the dynamic relationship between service provision and political *processes* of state (de-)legitimation. It qualitatively analyses the significance of higher education for legitimacy claims, deliberations, and legitimacy evaluations. This reflects the idea that processes of legitimation involve interaction between legitimacy claims and effects, which could be slow-moving processes. It also aligns with historical institutionalism, which likewise focuses on the temporal dimensions and historic origins of social outcomes. Though it views legitimation as a process, the study still needs ways of observing shifts legitimacy over time. It combines behaviour and attitudinal legitimacy markers – legitimacy claims and deliberations in the public sphere, and consenting/dissenting behaviours – to address their respective limitations.

Based on this approach, the following three empirical chapters give an historical, narrative account of the relationship between higher education and state (de-)legitimation at three critical junctures in Sri Lanka's history. The sequencing of the chapters is chronological, and the narrative begins, as historical-institutional accounts tend to, at the formative initial event. In this case, that was the period when the right to higher education was first extended to the masses, and became significant for making a new social contract between the post-colonial Sri Lankan state and its primary legitimacy audience.

# CHAPTER IV

## Making the social contract: Higher education and post-colonial state legitimation

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The Introduction to this thesis argued Sri Lanka's remarkable progress on welfare alongside its deep descent into war appears on the surface to challenge the received wisdom that effective performance and improved legitimacy run neatly in parallel. To address this paradox, this and the proceeding two chapters examine the relationship between higher education – a highly coveted, state-provided good - and state (de-)legitimation, at critical junctures in Sri Lanka's history. Each juncture is identified as a time of shifting legitimacy. The aim is to understand the significance of higher education in these legitimacy shifts.

This chapter traces the role of free, university-level education in the making of a new social contract during the process of post-colonial state transformation.<sup>42</sup> It begins by analysing the introduction of the landmark free education reforms in 1945, which was a formative event in the relationship between state provision of higher education and state legitimacy, and one that remains imprinted in collective memory to this day. It argues these reforms were a key pillar of a new, welfare-based social contract that helped legitimise the state in a newly democratic political landscape. They not only embodied new legitimacy values, anchored in nationalist and socialist ideologies, but embedded a commitment on the part of the state to protect the welfare of the indigenous population, particularly the poor and marginalised. The extension of new rights to free education, from kindergarten up to university level, expressed a wider state legitimacy claim to address colonial injustices and legacies of inequality. The social contract was reciprocal in that competing political elites successfully courted the political support – and consent to rule - of the indigenous majority in return for the extension of these new rights and entitlements.

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<sup>42</sup> This chapter uses the name Sri Lanka, but during this juncture, the country was known as Ceylon. The name was later changed to Sri Lanka under the 1972 Constitution.

Sri Lanka's welfare-based social contract was re-energised and revised after the major political conjuncture of 1956. This landmark event in Sri Lanka's political history marked the consolidation of a more staunchly Sinhalese-Buddhist nationalist state. The rise of Sinhalese nationalism gave a new impetus to deliver on the promises embedded in the social contract, and also a new interpretation of it. Three specific legitimisation claims and practices dominated the sphere of higher education for at least the following decade. First, there was a dramatic and sustained effort to 'democratise' higher education. In practice, this entailed opening up access to the aggrieved masses, and transforming the system from an elite (Western) to a mass (Sinhalese) model. Second, this period saw a series of hasty reforms to nationalise, or more accurately *Sinhalise*, the character and purpose of higher education. Finally, partly in reaction to the unsatisfactory pace of change from these earlier legitimisation practices, the nationalist state also sought to assert greater control over universities and reduce their autonomy, so as to maximise scope for political intervention to realise the social contract. Each of these legitimisation practices appealed politically to the majority Sinhalese. Each was justified, rhetorically, through recourse to the colonial injustices done to them. The chapter argues that, in this way, higher education was a key arena for making a social contract between a resurgent, nationalist state and its main legitimacy audience.

The chapter is structured as follows. It begins by analysing the significance of the extension of free education from a legitimisation perspective by considering its role in forming new terms of the post-colonial state-society relationship. It then traces forward to the major political conjuncture of 1956, and shows how nationalism amplified the material and ideational impetus to cater to the legitimising ideas and values in the social contract, but also to mould them increasingly to serve the interests of Sinhalese-Buddhist majority in particular. From this, the chapter identifies and explores three concurrent legitimisation practices - nationalising, democratising, and controlling higher education - to illustrate that manipulating access to higher education had become a significant commodity in post-colonial Sri Lanka.

### **Free education in the social contract**

In the period leading up to the end of colonial rule in 1948, Sri Lanka's education system came to symbolise the injustices of foreign domination. Several such 'defects' were first formally identified by a Special Committee appointed in 1940, headed by Sri Lanka's first Minister of Education, the Hon. Mr Christopher William Wijekoon Kannangara.<sup>43</sup> This

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<sup>43</sup> Known as 'The Kannangara Commission'.

landmark committee highlighted two particularly pernicious effects of colonialism on education: linguistic segregation, and group inequality. Colonial rule, it maintained, had segregated the education system at all levels along linguistic lines. While the majority was learning in poor quality, free schools in the swabasha languages (Tamil and Sinhala), a privileged minority was learning in the English medium, in fee paying, higher quality schools. Speaking in Sri Lanka's elected legislature, the State Council, in 1944, Mr Kannangara said this division into two mediums of instruction - English and swabasha - had conferred the English-educated with a 'badge of superiority' and concomitantly resulted in the 'utter neglect of Sinhalese and Tamil'.<sup>44</sup> Further inequality, he argued, had been created by the wide gulf between the two types of schools – fee-levying and 'free'. This, Kannangara concluded, meant 'the system was unfair and unjust to a larger section of the population'.<sup>45</sup> That larger section was the Sinhala Buddhists, the majority of the population of Sri Lanka. In speeches to the State Council, Kannangara pointed out that the 1921 census had found 58.1 per cent of Christians were literate, compared to 38.6 per cent of Buddhists (the majority), 28.5 per cent of Hindus and 25.5 per cent of Muslims.<sup>46</sup> These group inequalities, perpetuated by linguistic segregation, were considered an unacceptable legacy of colonialism.

Inequality and injustice were also keenly observed at the higher level of education, at the University of Ceylon. While the Kannangara Committee made no direct claim of discrimination against the university, it reported that a colonial system of denominational (religious) schools had given the Christians and Tamils that attended these schools preferential access to higher education.<sup>47</sup> During colonial rule, an English education was the only available pathway to higher education, taught exclusively in English. The majority of schools providing English-medium instruction were denominational (religious) schools. Part of the problem, the committee observed, was that certain regions and therefore certain groups had benefited from a higher concentration of these schools than others. These were the more populated areas of Western Province, Colombo and surrounding commuting districts, as well as the Jaffna Peninsula, Galle and Kandy (M. Roberts, 1979, p. 189). Outside these regions, English-medium education, and therefore access to higher education, was only available to an elite class who could afford to send their children to boarding schools (ibid). These regional

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<sup>44</sup> Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 918

<sup>45</sup> Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 918

<sup>46</sup> Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 938

<sup>47</sup> Kannangara claimed he had been misrepresented in the press as having accused the university of discrimination, whereas his more accurate view was that the discrimination was made elsewhere. Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 919

and group inequalities were reflected in the actual numbers registered at the University of Ceylon. In an influential and widely-cited paper, its first Vice Chancellor, Sir Ivor Jennings (1944), reported uneven admissions based on race, religion and economic status. Comparing the distribution of races in the three-year period 1942-1944 with the island-wide distribution of ethnic groups in the 1921 census, Jennings (1944, p. 2) claimed that Tamils and Burghers were proportionately over-represented, and the Sinhalese and Muslims proportionately under-represented, in the university population. In religious terms, this suggested Christians were disproportionately over-represented, Hindus represented roughly proportionately, and Buddhists and Muslims much under-represented (ibid, p. 3). The problem, Jennings claimed, was not university admissions criteria, which were irrespective of race or ethnicity<sup>48</sup>, but regional inequalities in access to schooling. Jaffna Tamils, he claimed, were gaining access to higher education disproportionate to their numbers due to a combination of the presence of good schools within commutable reach in the district, students' ability to study and live at home (unlike Sinhalese students living outside of Colombo, Kandy and Galle, where boarding was the only option available to attend good schools), the lower cost of living, lower fees, and a close-knit family support system. Through this important paper, Jennings publicised the idea that the legacy of the colonial education system was not only one of group inequality but of group favouritism towards the Jaffna Tamils in particular.

To address perceived group-level injustices, the Kannangara Committee put forward radical changes to the system of education, not only at the upper level, but at all levels of education. Its report, thereafter known as the Kannangara Report, has since been described by J.E. Jayasuriya (2013, p. 112) as 'the single most important social policy document of this period'. The committee made two particularly revolutionary recommendations. The first was to extend *free*, universal and compulsory education at all levels.<sup>49</sup> Education would be free to all, and no educational institution could any longer levy fees, including universities. Second, the medium of instruction in secondary schools would be changed to the local *swabasha* languages - Sinhala or Tamil. English would be retained as a compulsory second language, however, and university instruction could be in Tamil, Sinhalese or English.

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<sup>48</sup> Students were admitted based on the number of candidates who sat the entrance examination, the overall standard attained (which determined the cut-off for entry), and a student's ability to pass internal exams and provide the necessary funds.

<sup>49</sup> It is important to note that *swabasha* education had at that time already been free. The significant change brought about by the reform was that English medium education, which was until then provided in denominational schools for a fee, would also now be free.

Through these changes, free education at all levels, which Kannangara termed the ‘pearl of great price’<sup>50</sup>, was enshrined as a fundamental right. The normative justification for this right, as Kannangara put it, was that ‘every individual must have equal opportunity so that, provided he has the necessary innate ability, he can lift himself from the humblest to the highest position in the social, economic and political life of the nation’.<sup>51</sup> The right to education was founded on principles of social justice, equity, and universalism. In a frequently-cited statement to the State Council encapsulating this ethos, Kannangara urged the passing of the Bill so that councillors would be able to tell future generations that ‘we found education dear and left it cheap, that we found it a sealed book and left it an open letter, that we found it the patrimony of the rich and left it the inheritance of the poor’.<sup>52</sup> This statement, more than any other, captures the essence of the new ideas underpinning a social, welfare-based contract. There would be no financial barrier to education. It would belong not to the rich, old elite, but to the new nation. It would be available to all, irrespective of social class or economic means.

Rectifying colonial injustices, and extending new rights to the masses, had intrinsic popular appeal. A ‘Central Free Education Defence Committee’ had promoted free education for the masses in an island-wide campaign. This had put pressure on state councillors to vote for it, while at the same time building the necessary popular support (K. M. De Silva, 1981). As Jayasuriya later recalled (1969, p. 25), free education ‘had such an emotional appeal to the enfranchised masses that it became a slogan with them’. He continued that ‘for any political personality to oppose free education was to commit political suicide, and none dared to take the risk’ (ibid, p. 25). The idea of free education was popular because inequality in education was not only a perception, and an issue of policy concern, but an acutely felt social reality. As elsewhere across the British colonies, the colonial education system in Sri Lanka was designed first and foremost to produce an English-speaking cadre of local officials with the requisite skills to staff the civil service. However, a nation-wide census revealed that only a small minority of the country – some six per cent - was literate in English (J. E. Jayasuriya, 1969, p. 280). Accordingly, a select committee reported in 1946 that six million Tamils and Sinhalese were governed by twenty thousand English-speaking government officials (Pieris, 1964, p. 447). Poor English literacy was, in this way, a formidable obstacle to government

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<sup>50</sup> Hansard, June 2 1944, Col 938. Kannangara stated, in defence of free education at all levels, that: ‘I have been condemned for offering this ‘false pearl’ of the central schools. I say it is a pearl of great price. Sell all that you have and buy it for the benefit of the community. ‘Mankind has struck its tends and is on its onward march’. Let us not lag behind.’

<sup>51</sup> Hansard, June 2 1944, Col 938

<sup>52</sup> Hansard, June 2, 1944. Col 946

employment for the swabasha-educated majority. As the language of government administration, English was required for entry also to the professions (teaching, journalism, engineering, accounting) (M. Roberts, 1979). Educational segregation therefore visibly spilled out into the wider labour market, reinforcing inequalities along linguistic lines. Contemporaries described the gulf between the English-speaking minority and *swabasha* speaking majority as amounting to the division of the country into ‘two nations’: westernised and indigenous (J.E Jayasuriya, 1976, p. 539). While an English-educated middle class of civil servants and plantation entrepreneurs were westernised in their appearance and language, the swabasha educated remained true to their historical cultures and dependent on the village economy (ibid). In this way, the colonial model of linguistic segregation in education perpetuated a visibly divided society.

As colonialism was coming to an end, Sri Lanka’s political system was reformed in such a way that it became highly conducive to re-dressing these visible inequalities. More than a decade prior to Independence, in 1931, a landmark colonial commission - the Donoughmore Commission – had established Ceylon’s first elected State Council.<sup>53</sup> This commission extended semi-autonomous government and universal franchise for the first time to a British colony. Under a new constitution, local legislators were elected to the State Council. Control over budgets and resources, however, remained firmly in the hands of the non-elected colonial administrators (Jayasuriya, 2010, p. 94). This partial democratisation of the state set the stage for a new era of politics. It shifted the basis of power from a system of communal representation to one of democratic election, and simultaneously in favour of the demographically dominant Sinhalese majority, who outnumbered Tamils by six to one. The demographic power of the Sinhalese masses became politically decisive. Thereafter, appealing to this constituency was instrumentally vital for politicians seeking election (Pieris, 1964). At the same time, the incentives to court this majority for electoral gain were not restrained by any concern for resources, since that responsibility was retained by colonial administrators. This separation between power and budgetary responsibility enabled elected legislators to pass progressive social welfare reforms ‘without any acknowledgement of how this package of social legislation was to be implemented’ (L. Jayasuriya, 2010, p. 94). From that time onwards, ‘proposals for social reform poured out of the legislature like lava from an erupting volcano’ (F. R. Jayasuriya, 1969, p. 630). The Kannangara reforms were part of a

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<sup>53</sup> The State Council comprised 61 members, of which 50 were to be elected by local constituencies. The remainder were nominated by the Colonial Governor (E. J. De Silva, 2013, p. 144).

welfare-oriented social contract that was enabled by this political environment. In turn, they exemplified the state's commitment to intervene to uphold social welfare in a new political order.<sup>54</sup>

The passing of the free education reforms also marked the ascendance of a new, national elite, pitted against a more established, westernised elite with vested interests in preserving the status quo. The central champions of free education were a coalition of elites with shared nationalist and socialist ideologies.<sup>55</sup> Themselves English-educated, they galvanised support for the reform from a second-tier elite, comprising Buddhist monks, swabasha teachers, and editors of swabasha print media (J.E Jayasuriya, 1976). The bill was supported by backbench pressure groups reflecting these interests, including younger members of the Ceylon National Congress (K. M. De Silva, 1981). These groups overcame significant opposition from those who benefited from the system of fee-paying English schools and missionary schools: including state councillors of both Buddhist and Christian religion with ties to these schools, who sought to delay and disrupt its passing. Key figures associated with foreign rule, including then leader of the State Council, D.S. Senanayake, and Sir Ivor Jennings, were among those reportedly lukewarm about the proposals (J.E Jayasuriya, 1976). Support for free education was by no means unanimous, even among the Kannangara Committee itself. Indeed, the idea that education should be free at all levels was reportedly a late entry into its recommendations (E. J. De Silva, 2013). There were concerns about the high associated costs to the state, the magnitude of the task of implementing free education across the island, and, from a socialist viewpoint, a fear that children from poorer backgrounds would not be able to pay the associated costs of attending anyway (travel, meals, etc) (ibid). As a result, the bill was debated for more than a year in the State Council, passing only in 1945, after having taken up 15 days of discussion in total (E. J. De Silva, 2013). But delays could not assuage pressure for social justice. First-hand accounts suggest that members of the Special Committee were of the view that raising living standards, preventing unemployment, and promoting social security - relied 'first and foremost' on education (E. J. De Silva, 2013, pp. 172-174). Kannangara himself spoke out against the vested interests that defended the 'sacred

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<sup>54</sup> Jayasuriya (2013, p. 112), who has written extensively on Sri Lanka's welfare state, wrote that free education, along with health and social security 'established firmly the principle of collective provision for common human and social needs through state intervention'.

<sup>55</sup> C.W.W.Kannangara and A.Ratnayake were leading nationalists, and N.M Perera a pioneering socialist in support of the reform (Jayasuriya, 1976, p. 472).

edifice' of a denominational education system.<sup>56</sup> While he acknowledged the contribution of these schools to social development, he said 'where the nation calls for justice that kind of shibboleth of gratitude shall not stand in the way of our taking proper action'.<sup>57</sup> The passing of free education thereby signified the victory of a new order over an established system of elite benefits, and of a new driving socialist ideology over pragmatic concerns.

In turn, the extension of this fundamental right to education to the masses was a victory for them, and the culmination of a process of their political awakening and mobilisation. A local political organisation, the Sinhala Mahajana Sabha, had been instrumental in this process by developing a network of associations of peasant cultivators that promised rural regeneration and self-government for Sri Lanka (K. M. De Silva, 1981). This grass-roots organisation stimulated and later harnessed the voting power of a national 'sub-elite' of Sinhalese Buddhist activists and Bhikkus<sup>58</sup>, including teachers, traders, and cultivators. Significantly for the time, the organisation conducted its affairs in Sinhalese, and supported Buddhist political candidates in opposition to Christians. It was led by key political figures that later ascended to leading roles in the post-colonial political order, including both DC Senanayake, the first Prime Minister and so-called 'father of the nation', and his successor, SWRD Bandaranaike. This movement was countered by more radically leftist political movements<sup>59</sup>, who politicised the urban people, including the Marxist Lanka Sama Samaj Party (L.S.S.P). But in Sri Lanka, both then and now, the majority *rural* population are the critical mass of voters, and competing political organisations could not match the mass following the Mahajana Sabha had mustered by appealing to them (K. M. De Silva, 1981). This process of political mobilisation demonstrated that the mid-level Sinhalese elite controlling the rural masses were the key audience to whom aspiring political elites needed to win legitimacy among. In effect, the rural Sinhalese majority became the state's main legitimacy audience. Extending new rights to this constituency was part of a process of consolidating their relational ties to the state.

Free education became significant for incorporating this legitimacy audience into the state not only instrumentally, but ideationally. Colonial injustices had amounted to a denial of national identity. To the majority Sinhalese, western education was unpalatable, linguistic segregation

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<sup>56</sup> One obvious source of vested interest was that those who had been educated within the system naturally defended it. As Kannangara said in the State Council 'Who dare condemn a school in which he was educated'. Hansard, June 2 1944, Col. 924

<sup>57</sup> Hansard, June 2 1944, Col. 924

<sup>58</sup> An ordained Buddhist monk

<sup>59</sup> Led by A.E. Goonesinha, under the Young Lanka League

unacceptable, and group inequalities unforgivable. Tamil dominance in front-line government jobs was considered a visible symbol of minority privilege (Laiq, 1985). Against this backdrop, addressing injustice in education was part of the search for national self-respect, which has been described as the most ‘powerful motor-force in the development of nationalist sentiments as a whole’ (M. Roberts, 1979, p. 65). The new rights and ideas enshrined in free education were inseparable from the development of the identity of the Sinhalese nation. Indeed, in Kannangara’s own words, the very fate of the nation hinged on education reform. In his closing remarks to the State Council, on the second reading of the bill, he said: ‘Are we going to have a nation in this country or not? Are we going to be slaves forever? Are we not going to have some freedom? If we aim at that, let us start with our schools, let us educate our people’.<sup>60</sup> These provisions, he said, would give education ‘lasting value to the nation’. Just as educational injustice had denied national identity, delivering educational justice was rhetorically tied to its restoration. Free state education at all levels was enshrined in the social contract as a fundamental right.

### **The political environment for escalating legitimacy claims**

The passing of free education reforms was a seminal event in the forging of new state-society relations in a new post-colonial order and a key pillar of a new, welfare-based social contract. In turn, this contract helped embed a new set of legitimising ideas and values based on equality, social justice and state intervention. The egalitarian ethos of the free education reforms had been universalist in principle. It did not discriminate in principle between Sri Lanka’s majority and minority ethnic populations – Sinhalese and Tamil. At the same time, the political rewards in the new, post-colonial era of democratic representation lay primarily in catering to the majority Sinhalese constituency. In this political environment, competing nationalist and populist elites reinterpreted the foundational ideas of equity as primarily meaning social justice for the rural Sinhalese.

The political conjuncture of 1956 was a formative event for ushering a new, Sinhalese-Buddhist reinterpretation of the education social contract. For the first time since independence, the dominant centre-right United National Party (UNP) of the westernised elite was defeated by a centre-left coalition of Sinhalese-nationalist elites, led by the Sri Lanka Freedom Party (SLFP).<sup>61</sup> This victory marked the ascendance of a Buddhist revivalist

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<sup>60</sup> Hansard, June 2, 1944. Col 946

<sup>61</sup> The electoral defeat was significant: The coalition led by the SLFP, under the banner of the Mahajana Eksath Peramuna (MEP), won 51.6 per cent of the votes, as compared to the UNP’s 8.4 per cent (Bush, 2013, p. 88).

movement in politics. The SLFP championed a populist platform of ethnic chauvinism that appealed strongly to the religious, linguistic and material grievances of the Sinhalese masses (Kearney, 1975). Together with more leftist political parties (Trotskyites and Communists), it campaigned to restore Buddhism and Buddhist language to its rightful place in the state and society, and deliver distributional equity for the rural Sinhalese majority (Bush, 2003). Their leader, SWRD Bandaranaike, had defected from the established United National Party (UNP), and found a new support base among the pivotal Sinhalese mid-level elite – the state’s main legitimacy constituency - courted by the Mahajana Sabha. In this way, as Kingsley de Silva (1981, p. 517) wrote, ‘the SLFP had accommodated itself – as the UNP clearly did not – to an expanding ‘political nation’ in which a Sinhalese-Buddhist intermediary elite sought an influence commensurate with its numbers’. The SLFP’s victory marked the culmination of the successful mobilisation of the peasant vote in Sri Lanka, a breakthrough that was itself aided by early franchise and push to welfarism, including free education (Obeyesekere, 1974). Thereafter, the politics of mass welfare took on added impetus, and came to dominate the political landscape for at least a decade (L. Jayasuriya, 2010). The victory of ethno-nationalists gave a new impetus to cater to the promise of social justice embedded in the welfare contract.

It was significant that leading up to this, the newly agitated and politically mobilised Sinhalese majority constituency had demonstrated their power as a strategically important legitimacy audience. A one-day ‘hartal’, or mass strike, on 12th August 1953 had recently and graphically demonstrated the masses would come to the streets to protest against measures perceived as unfavourable to them. This, the first mass uprising in Sri Lanka, erupted in reaction to Dudley Senanayake’s – then leader of the Westernised UNP - attempt to remove the rice subsidy, and in the process, break an election promise to preserve it. Leftist movements of Marxists and Trotskyists that went on to join the SLFP’s coalition had supported the one-day strike. At the University of Ceylon, situated in the Central Province at Peradeniya, police had opened fire against the protesting students and several were killed. The ensuing uproar forced the Prime Minister to resign in October 1953 (K. M. De Silva, 1981). Several scholars have described this as a pivotal moment for the entrenchment of welfare politics in Sri Lanka when the masses showed their teeth (Kelegama, 2000, p. 1481). In this way, it was a precursor of what was to come, and a wakeup call to the state. It demonstrated the repercussions of breaking the commitments to the masses enshrined in the welfare contract. Opposition parties, including the SLFP, thereafter united in opposition to

the UNP, promoting non-capitalist government that would first and foremost uphold their welfare.

After the victory of the SLFP, populist promises to deliver social justice only escalated. Sri Lanka was now a dual party, ethnic majoritarian state. Thereafter, the two competing Sinhalese parties sought to correct perceived inequalities, and in particular perceived Tamil advantage, in what some scholars have termed a process of politicised ‘ethnic outbidding’ (DeVotta, 2004; Sriskandarajah, 2005). Between 1956 and 1977, the ruling party, or some coalition including minor parties, changed five times.<sup>62</sup> These pendulum swings only magnified the electoral promises, and pressures, for social justice for the masses that characterised the earlier post-colonial era. The search for political legitimacy in this new political landscape became dependent on serving the social contract and the commitment to social justice (L. Jayasuriya, 2010). The political environment both responded to, and generated, greater mass agitation for such justice. Voter turnout increased significantly along with the politicisation of the rural villages, from 56 per cent in 1947 to 70 per cent in 1956 and up to almost 85 per cent in 1970 (Kearney 1975, p. 457). In turn, this expansion of citizenship, and political awakening, increased the pressure on the state to continue to deliver the promise of social justice embedded in the social contract.

The SLFP’s ascent to power in 1956 also brought with it a Buddhist interpretation to social justice in university education. A Buddhist revival in politics was aided by the religious fervour surrounding the 2500<sup>th</sup> Anniversary of the *parinibbana* (death) of the Buddha in that same year. The rural vote had simultaneously shifted from the UNP’s brand of non-communal nationalism to the ethno-centric brand of nationalism proffered by the SLFP. In this context, the report of a Committee of Enquiry, entitled ‘The Betrayal of Buddhism’ was highly significant for rekindling old grievances (All Ceylon Buddhist Congress, 1956). It repeated earlier claims that Buddhists were not duly represented in the population of university graduates. It made a particularly striking assertion that ‘a Christian child may be computed to have 1 in 200 chances of gaining admission to the University. A Hindu child’s chances are 1 in 500. The chances of a Buddhist child are one in one thousand, of a Muslim one in two thousand’ (All Ceylon Buddhist Congress, 1956, p. 94). To remedy this perceived

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<sup>62</sup> Election victories were as follows: 1956, Sri Lanka Freedom Party (SLFP) led by SWRD Bandaranaike; 1960 (March) United National Party (UNP), led by Dudley Senanayake (could not form a government due to insufficient majority); 1960 (July) Sri Lanka Freedom Party (SLFP), led by Sirimavo Bandaranaike; 1965 United National Party (UNP), led by Dudley Senanayake as National Front coalition; 1970 Sri Lanka Freedom Party (SLFP), led by Sirimavo Banaranaike as United Front coalition; 1977 United National Party (UNP) led by JR Jayewardene.

injustice, the report recommended a re-doubling of measures to expand access to higher education. Its tone was impatient, to say the least, claiming that ‘almost every page of this report bears witness to the extent and duration of Buddhist tolerance’ (All Ceylon Buddhist Congress, 1956, p. 124). At the same time, during the 1950s, ‘impressionistic views’ of Tamil’s claiming ‘more than their fair share’ in the professions were propagated by opportunistic politicians (M. Roberts, 1979, pp. 70-71). Pledging to act on the report, and return Buddhists to their rightful place in higher education, had been an electoral promise of the now victorious SWRD Bandaranaike. In this way, political legitimacy was stirring and then riding on a wave of manufactured nationalism. In the education sphere, this gave new impetus to pick up the pace of implementation of a Sinhalese-nationalist version of social justice. This found expression in three legitimisation practices that dominated the higher education arena in the altered political environment after 1956: democratising, nationalising and controlling higher education.

### **Legitimation practice I: Democratising higher education**

For at least a decade after 1956, Sri Lanka pursued what has been termed a ‘social demand’ model of higher education which in practice entailed mass expansion (Jayaweera, 1969). As the label implies, its driving principle was that access to university should be designed first and foremost to meet demand, and that all who were qualified to enter the universities should be given access. In this way, the social demand model took the right to education embedded in the social contract to its logical conclusion. It also responded to the social effects of earlier post-colonial education reforms. Through the 1950s, the intergenerational benefits of free education had begun to bear fruit, as more children were being born to educated parents with better economic opportunities than preceding generations. As these intergenerational effects were felt, popular demand for education at all levels grew (Aturupane, 2009). School enrolment in Sri Lanka had risen from 360,000 in 1920, up to almost 800,000 by the end of 1945 (Kearney, 1975, p. 370). A significant rise in secondary education enrolment swelled the number of candidates taking the advanced level qualifications necessary to enter the University of Ceylon. As a former education secretary recalled, ‘with the medium change, larger numbers became entitled to university education’.<sup>63</sup> The number of candidates increased from 2,026 in 1956, to 31,199 in 1965 (Jayaweera, 1990, p. 52). By 1959, not long after the consolidation of the ethno-nationalist state, the first cohort of children educated in

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<sup>63</sup> Interview with retired government official, Colombo: October 11, 2014.

the swabasha was ready to graduate from secondary school and enter the universities. In this way, the social contract had had a self-reinforcing property. Moreover, it had come of age along with the consolidation of an ethno-nationalist state.

Political pressure to widen access to university simultaneously mounted among all ethnic groups. Because of the high levels of social demand, securing entry to Sri Lanka's only university, the University of Ceylon, was a significant source of patronage for political elites. The university, however, was not equipped to accommodate rising demand. Press reports emerged suggesting students who were rightly entitled to education were not being allowed entry due to a lack of accommodation available.<sup>64</sup> In 1957, for example, only 75 of 337 applicants to the faculty of engineering were accepted, due to a lack of accommodation. To the government, the inability of the university to accommodate all qualified prospective entrants – and realise the right to education - presented a political problem in the sense that it was easy ammunition for the opposition. In 1957, the leader of the opposition, Dr Perera, complained in the House of Representatives that after nearly 20 years it was only in the previous year that he succeeded in getting five students from his constituency into the university. He bemoaned accordingly that there was 'an obligation they [the government] owed to the rural folk. Even if the students failed when they came out of the university, they came out with a broader outlook towards life'.<sup>65</sup> Expanding access, and thereby dismantling the elitist model of education, was nothing less than fulfilling a promise to the people.<sup>66</sup> Political pressure reflected the issue-salience of accessing higher education in the wider public sphere. The principal of one of Sri Lanka's largest Buddhist schools called admissions to the science faculties a 'gamble', on the basis of the very limited spaces.<sup>67</sup> Organised student bodies, including the Ceylon National Union of Students, also began to agitate for an increase the number of places. One MP, Dr S.A. Wickremasinghe, claimed in the press that 'the thinking public are gravely concerned with the future of higher education'. He called small, slow measures, such as the plans afoot to build a new faculty at the university 'reminiscent of Nero's fiddling while Rome was burning'.<sup>68</sup> In reply, the new SLFP government was, according to Mr Bandaranaike, 'fully alive' to the increased need for

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<sup>64</sup> 'University council hid facts from Vice-Chancellor', Daily News, August 15, 1957. Mr A. Amirthalingam (Vadduloddal) raised this issue in the House of Representatives on August 15, 1957.

<sup>65</sup> 'University council hid facts from Vice-Chancellor', Daily News, August 15, 1957.

<sup>66</sup> 'University council hid facts from Vice-Chancellor', Daily News, August 15, 1957; Mr A. Amirthalingam (Vadduloddal)

<sup>67</sup> 'Science admissions to university are now a gamble', Daily News, March 3, 1960.

<sup>68</sup> 'The university – urgent tasks ahead', Dr. S. A. Wickremasinghe, M P, Daily News, September 6, 1957.

university education.<sup>69</sup> The political stage was set for the new nationalist government to begin, unabated, to ‘open the doors’ to university education.<sup>70</sup>

The dethronement of English as the medium of instruction and the sole pathway to accessing university was a key pillar of the expansion of access. Since independence, successive governments had sought to dismantle the colonial legacy of linguistic segregation in education. In the 1950s, the language of instruction in schools had been changed from English to swabasha in the first year of school entry. The pace of change had been slow, however. By 1954, the Sinhalese language of the majority was still not operative as a medium of instruction, or even of the conduct of affairs, at the University of Ceylon. This was publicly illustrated when Mr Bandaranaike reported in Parliament that the English Vice Chancellor of the University of Ceylon, Sir Ivor Jennings, had refused to even hear a motion put forward in Sinhalese by a member of the University Court.<sup>71</sup> Moreover, the switchover to swabasha up to secondary level meant school-education was out of synch with university-level education. School students taught in the swabasha were now seeking entrance to the university, where they would study in English, a language they had only learned inadequately (as a compulsory second language). Those studying to be teachers were obtaining a degree in the English medium, only to return to teach in schools in the swabasha. One MP, speaking in the House of Representatives in August 1957, called this ‘midsummer madness, not an education policy’.<sup>72</sup> In the same year, the government made the formal request to switch the language of instruction at the university level to the swabasha.<sup>73</sup> Full switchover to swabasha, including in the sciences, was declared from 1968 onwards.

The issue of language of instruction at the university became more politically salient under the SLFP’s ethno-centric brand of nationalism. A high profile *Commission on Higher Education in the National Languages* (Government of Ceylon, 1956) had reiterated the role of English in the reproduction of colonial injustice and called for English to yield pride of place to swabasha. It claimed English was not only excluding the majority but hindering the development of national identity, since ‘as things stand now, university education is denied to 94 per cent of the people’. It further called for a ratio of ‘six Sinhalese students to every single Tamil student’ and, to this end, recommended the creation of new universities to cater

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<sup>69</sup> ‘Premier not in favour of a communal university’, Daily News, November 11, 1957.

<sup>70</sup> Interview with retired govt. official, Colombo: April 29, 2016.

<sup>71</sup> Hansard, March 4, 1954. Col. 3077

<sup>72</sup> ‘The university – urgent tasks ahead’, Dr. S. A. Wickremasinghe, MP, Daily News, September 6, 1957.

<sup>73</sup> Varsity entrance in swabasha’, Daily News, September 17, 1957.

to the swabasha educated. This, it argued, would allow for the ‘restoration to the people of their cherished inheritance, their culture and language and way of life’ (ibid, p. 82). The report also challenged the dominant status of English on more pragmatic grounds, noting that ‘English has been the medium of higher education for the last 150 years. Have we produced a single outstanding scientist, research scholar or critic?’ (ibid, p. 41). These findings reflected a popular view that switchover to swabasha was essential to ‘bridge the gap existing in society between the English-educated and the swabasha-educated’.<sup>74</sup> Shifting to swabasha medium at university level was vital for realising the responsibility of the government to fulfil the right to education.

Expansion of access to university education in the swabasha languages was a consistent theme throughout the late 1950s and early 1960s. It peaked with the election of the second SLFP government, led by SWRD’s widow, Mrs Sirimavo Bandaranaike, in 1960. The number of registered students exploded thereafter. Under the first Sri Lankan Vice Chancellor of the University of Ceylon, Sir Nicholas Attygalle, the student population trebled between 1960 and 1965/6, from 3,181 to 10,723 (Jayaweera, 2010, p. 49). Sir Attygalle told the Ceylon Daily News that all students who passed the entrance exam for university would be admitted, and no prospective undergraduates would be shut out, ‘even though they may be in excess of the actual vacancies at the university’.<sup>75</sup> At the same time, expenditure on the universities rose steadily, from LKR 7,325 in 1955/56 to LKR 18,466 in 1965/66 {(Kearney, 1975), 1969 #233@895}. Progressive measures were taken to expand accommodation and facilities. Such was the scale of expansion that by 1965 the University of Ceylon had been forced to acquire, on an ad hoc basis, the adjacent Colombo Race Course at Reid Avenue, where horses used to run, to deliver lectures over the public address system, in the open-air<sup>76</sup> (E. J. De Silva, 2013). The local people derisively called it ‘ashva vidyalaya’ (meaning equine college, or university for horses). The university simultaneously shifted from a residential-only model to conferring a large proportion of external degrees.<sup>77</sup> Affiliated colleges were created and upgraded to university status. New science and medical faculties were opened in Peradeniya, an arts faculty in Colombo, and two new halls of residence were opened (Wijewardene and Akbar halls). Later, in 1967, the University of Ceylon was divided

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<sup>74</sup> ‘Education minister deplors craze for govt. jobs, MPs on plight of swabasha teachers’, Daily News, August 27, 1953: Mr M Banda (Minister of Education).

<sup>75</sup> ‘Undergrads will not be shut out’, Daily News, March 3, 1960.

<sup>76</sup> It was reported that lectures were delivered over loudspeaker to up to 2,000 arts graduates seated in the grandstand (“University Autonomy in Ceylon,” 1966).

<sup>77</sup> There were 4,092 new registrations for external degrees between 1965-1966 alone, taking the total registered external candidates to 6,338 (Malasekera, 1969, p.886).

into two administrative campuses: the University of Ceylon, Peradeniya and the University of Ceylon, Colombo. The right to education was in full swing. In the momentum, university faculties had lost control over admissions.<sup>78</sup>

This rapid and seemingly uninhibited democratisation of higher education was justified, rhetorically, through recourse to the earlier legitimising idea that education should be available equally to all, regardless of wealth or social status. Dominant political narratives conveyed the significance of access to higher education for realising the social contract with the rural Sinhalese. The SLFP was driven by the idea that ‘a qualified applicant was deemed to have a right to a university education’ (E. J. De Silva, 2013, p. 214). Accordingly, Mr Bandaranaike argued ‘the common man deserved his place’ in higher education.<sup>79</sup> He later reflected on the effects of democratisation in the same vein, finding it ‘a matter of great satisfaction and encouragement to find that those of them who were successfully going through a university education were not limited to a particular type of school or college, and a good many of them were rural schools’.<sup>80</sup> Three separate Commissions of Inquiry in the late 1950s and early 1960s reiterated the egalitarian ideology underpinning it.<sup>81</sup> The *Commission on Higher Education in the National Languages*, urged that ‘the availability of employment should not be an argument for limiting higher education’ (1956, pp. 82-83). Whilst acknowledging the growing popular demand for education, and encouraging the government to continue open up access, it also reported a deterioration of standards, and forewarned the potential challenges of creating a cohort of unemployed graduates. A later commission stated ‘nothing should be done to deny university education to any student who has the capacity to benefit from it’ (Universities Commission, 1963). Such expansion, at whatever cost, was justified because it was a matter of reclaiming self-esteem and realising post-colonial rights and freedoms. Specifically, ‘if people are to realise what freedom stands for, and what it means, they must be in a position to know what is taking place in their own country’ (ibid, p. 23). Because the social demand model pursued a principled right, it was uninhibited by pragmatic concerns.

The rhetorical power of the right to education sometimes resulted in reforms that were not always fully attuned to the needs of the education system itself. The government faced

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<sup>78</sup> The Report of the Universities Commission in 1963 urged university administrators to consult with faculties prior to the admission of students.

<sup>79</sup> ‘Common man must be given his due place, says PM’, Daily News, November 11<sup>th</sup>, 1957.

<sup>80</sup> ‘Premier not in favour of a communal university’, Daily News, November 11, 1957.

<sup>81</sup> Commission on Higher Education in the National Languages (Government of Ceylon, 1956); The Needham Commission (Government of Ceylon, 1959); Gunawardene Commission (Universities Commission, 1963).

dissent from the University of Ceylon over the switchover to swabasha, for example. There were few textbooks available in the local languages, and limited academic staff able to teach in all three languages (Malasekera, 1969). Political leaders claimed to be investing resources into the translation of textbooks to address this.<sup>82</sup> But again, the crux of the problem was not viewed as a pragmatic one, but a matter of principle. A former Education Minister surmised that ‘the university wanted to remain in the same mould which Jennings created’, referring to the Westernised, elite origins of the university, but this was outmoded in face of ‘pressure to enthrone the Sinhala language’ (Warnapala, 2011, p. 216). The switchover to swabasha before proper provisions were in place was an example of putting the political cart before the horse.

By the early 1960’s, the negative effects of unplanned expansion began to surface. The University of Ceylon had originally planned to accommodate up to 3,500 students, but the university population was now over 10,000 (E. J. De Silva, 2013). Eric de Silva (2013, p. 215), a former student and later Minister of Education, recalled that ‘the explosion of numbers was virtually making the university system stand on its head’. Expansion put a strain on water supply (Malalgoda, 1997). A later report on the viability of expanding university status to the University of Ceylon, Colombo<sup>83</sup> lamented that ‘it appears to have come to be assumed that a qualified student has the right, not only to a university education, but also to an education in the subject. No university can function on this basis’ (Cited in Malasekera, 1969, p. 885). A University Commission Report of 1962 had warned against ‘any attempt to stampede the universities into teaching all subjects at all levels in the swabasha medium’ (1963, p. 509). In its conclusion, it emphasised the need for a sound and long-term educational policy ‘untrammelled by considerations of race, caste or creed, or by any false sense of nationalism. For this purpose we strongly recommend that the problems of educational policy should be removed from the realm of party politics and treated on a national level’ (1963, p. 518).

These reports are in contrast to the vitriolic political narratives justifying mass expansion. These are exemplified by the words of then Minister of Finance Mr U. B. Wanninayake, speaking at a prize-giving ceremony at a Buddhist school, Baialla Maha Vidyalaya. He said that ‘whatever the difficulties Ceylon had to experience on account of free education, the results of the system were marvellous. Higher education was earlier confined to the richer

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<sup>82</sup> ‘Science in varsities Swabasha switch-over next year’, Daily Mirror, August 16, 1967.

<sup>83</sup> Known as The Thistlethwaite Report.

classes generally and to those in the cities. But now children of the villages were reaping the benefits of free education as a result 75 per cent of the entrants to the universities were children from the rural areas'.<sup>84</sup> The rhetorical legitimacy dividend from catering to social demand from the Sinhalese had been fully exploited all costs. Delivering on the principle of the right to education, and fulfilling the promise to the poor embedded in the social contract, had been a driving political legitimisation imperative.

## **Legitimation practice II: Nationalising higher education**

Another strand of reform that sought to realise the promises in the social contract involved nationalising, or more accurately *Sinhalising*, higher education. After 1956, the elite legacy of university education inherited from colonial rulers was increasingly at odds with the values of the resurgent Buddhist-nationalist state. Initiating a national system of education was not only a matter of national pride, but rightfully the responsibility of the welfare state. This responsibility was realised most starkly when the government upgraded two Pirivenas - centres of Buddhist learning - to the status of fully fledged universities under the Pirivenas Universities Act of 1958. Two new universities were created: Vidyodaya Pirivena, based at Maligakanda, and Vidyalankara Pirivena, based at Kelaniya. This upgrading was a major symbolic event in a wider process of de-colonising and nationalising higher education.<sup>85</sup> It channelled and realised some of the post-colonial state's central legitimisation claims: to dismantle the elitist colonial legacy over education, democratise access, and in the process, reclaim national self-esteem.

The impetus to upgrade the Pirivenas had come partly from the fact that the University of Ceylon was perceived as alien to Sri Lanka's national identity. Perceptions of higher education as overtly western in its orientation, and therefore not reflecting the nation-state, had bubbled since its establishment in 1921. Indeed, the vision of the first agitators for a local university was to create 'a university adapted to local needs' that would ensure 'our youth do not grow up strangers to their mother tongue and to their past history and traditions' (Cited in: K. M. De Silva, 1978, p. 252).<sup>86</sup> In the event, however, the University of Ceylon was modelled on Cambridge and Oxford by its British architect, Sir Ivor Jennings. Perhaps unsurprisingly, it therefore failed to live up to indigenous ideals, demonstrated by the foreign content of the curricula and the westernised appearance of the students (Pieris, 1964). Indeed,

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<sup>84</sup> 'Results of free education marvellous', Daily Mirror, February 19th 1969

<sup>85</sup> Interview with academic, University of Colombo, October 2014

<sup>86</sup> In the words of Ananda Coomaraswamy, the spokesperson of the Ceylon University Association.

Jennings' own vision was for the university to become 'the site for transmitting Western cultural traditions and sustaining the dialogue between the liberal intelligentsia who were expected to be the guardians of this rich legacy long after the end of colonial rule' (Jayasuriya, 2010, pp. 96-97). In this way, far from representing a national resurgence, the first university had been critical in perpetuating the westernised political elite (L. Jayasuriya, 2010).<sup>87</sup> The idea that the university should continue to do so was increasingly unpalatable to the resurgent, indigenous-nationalist elite.

The upgrading of the Pirivenas marked a continuation, but escalation, of the de-colonisation of education. The Kannangara report had propagated the idea that education belonged to the nation, and should reflect and serve its needs above all. It had found education unsuitable for Sri Lanka's economic and social needs, owing to what it termed 'excessive uniformity which was purely academic in character and bore little relation to the practice aspects of life'.<sup>88</sup> The type of education, it claimed, imparted was along the lines of the British grammar schools. It was academic rather than vocational in nature, with no emphasis on technical, agricultural or commercial training (K. M. De Silva, 1981). These ideas were powerful, and carried through time. When the House of Representatives discussed education appropriations for the year 1953-54, MPs evoked the same criticisms of the western model, arguing that higher education in particular was not well adapted to local conditions, nor the industrial needs of the country. One member went so far as to say that 'the only connection that [the University] had with Ceylon is that it was situated on the soil of Ceylon'.<sup>89</sup> In this way, the University of Ceylon was not considered to be sufficiently furthering the development of national prosperity, nor culture. Ministers emphasised the essential need for a 'practical bias in the system of education, so that children would be equipped for future work'.<sup>90</sup> These sentiments were also captured in an official Commission of Inquiry, the *Needham Commission*, which reported in 1959 (Government of Ceylon, 1959). It criticised the university on the grounds that its atmosphere 'was alien and hostile to the traditions of the country' (ibid, p. 5). It further lambasted the university as persistently promoting 'an ivory tower attitude, devoid of responsibility to the nation'. It claimed these sentiments were widely held, and had stirred collective resentment of the universities among the public.

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<sup>87</sup> At the time, this category of elite was termed 'Brown Sahibs'. They were an educated professional class adopting positions in the prestigious professions of law and medicine, and the administrative services.

<sup>88</sup> Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 918

<sup>89</sup> Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 918

<sup>90</sup> 'Education minister deplores craze for govt. jobs, MPs on plight of swabasha teachers', Daily News, August 27, 1953.

If the orientation and purpose of the university was unpalatably Western, then the antidote was to dislocate it from its western roots, and re-plant it in the local culture and tradition. In this vein, a new 'national education' was pursued to redress the alien westernised purpose and form of education (M. Roberts, 1979, p. 229). A key aspect of re-nationalisation was breaking the Christian monopoly over education in particular. Since Kannangara's reforms, legislators had been placing progressive restrictions on Christian missionary schools in lieu of state support for Tamil and Sinhala-medium schools. Between 1930 and 1960, the number of Buddhist schools more than quadrupled, from 240, to 1,121. During the same period, the number of Christian schools declined from 1,353 to 1,170 (C. R. De Silva, 1979, p. 478). In 1957, the Prime Minister lamented the development of Christian education during the rule of foreigners. He said government had spent 'an enormous portion of its wealth on education, but are we getting enough results?'<sup>91</sup> In the same vein, reforms at the university level sought to displace Christian values and replace them with Buddhist ones. The influential *Betrayal of Buddhism* report had earlier implored the government to elevate the status of training in Pirivenas to degree level on the basis that there should be equality in Buddhist and university-level education. It stated that 'the standard of the degree should be equal to that of a university degree, and the holder of one accorded the same status as the holder of the other' (All Ceylon Buddhist Congress, 1956, p. 122). In the event, the Pirivenas Act specifically included 'the promotion of Sinhala and Buddhist culture' as part of the responsibility of the two new universities (Malasekera, 1969). It also allowed for the appointment of Buddhist monks as Vice Chancellors. In this way, growing hostility to the western, and by association Christian, character of the university spawned a recoil to a Buddhist-nationalist interpretation.

Political narratives reinforced the symbolic significance of the Pirivenas to the Sinhalese nation. The official justifications for the Bill were that these universities would give the Sinhala language its due place in the higher education scheme, that they would help train future Sinhala teachers, and that they would provide an option for those students turned away from the University of Ceylon because of limited accommodation (E. J. De Silva, 2013, p. 212). At the same time as lauding the Pirivenas, the Education Minister lambasted the Peradeniya University for its continued western association. He reportedly said 'the Peradeniya University its buildings and the panoramic scenery give the impression that it is a heaven on earth but it is biased in favour of everything Western'. He went on to say he was glad to be able to preside over the revival of the 'glorious education system of the past in

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<sup>91</sup> 'Education a mess' – PM', Daily News, September 9, 1957.

which Buddhist culture was an integral part'. Furthermore, 'Pirivena education must become the heart of the system'.<sup>92</sup> This illustrates that the Pirivenas were legitimised in the negative, prized as much for the nationalist outlook they would embody, as recoil to unpalatable western values.

The so-called renaissance of Pirivena education appealed directly to the main legitimacy audience of Sinhalese. The event of the opening of the new universities was front-page news and a 'matter of great joy'.<sup>93</sup> It was keenly anticipated that, contrary to their Western counterpart, these national universities would benefit from first-hand knowledge of the problems facing the nation.<sup>94</sup> They would finally deliver a system of education 'of which we all can rightly be proud'.<sup>95</sup> At the inaugural ceremony, the Minister of Education described the granting of university status to these institutions 'one of the most important historical events in the last 500 years'. Pirivena Universities represented the restoration of the pre-colonial order, and a return to the era of the Kings of Ceylon, when they had offered the only available education.<sup>96</sup> The Education Minister said 'the object of the government was to mould the education system to suit the needs and requirements of the people of the country'.<sup>97</sup> This was a matter of national pride, and a question of 'giving education back to the people', made possible by the new freedom of the nation. He further said that: 'national education cannot be separated from national culture, because national culture is a part of national education'.<sup>98</sup> These political narratives conveyed the normative appeal of the reinstatement of the Pirivenas: they symbolised the return to a national education in a national form.<sup>99</sup> It was morally appropriate to do so, and in turn, doing so presented an opportunity to reaffirm the moral authority, and legitimacy claims, of the new political order.

As with the push to democratisation, the education system was moulded to a principle as much as to the pragmatic needs of the nation. Likewise, as with democratisation, cracks began to surface in implementation. Legislation to confer university status onto the two Pirivenas had been put together hastily. A significant motive had been to satisfy newly powerful sectional interests. In particular, it made a concession to the Buddhist Sangha, a group of monks who had supported the campaign of the SLFP in the run up to the 1956

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<sup>92</sup> 'Varsity has bias for West, accuses Dahanu' Daily News, February 19, 1959.

<sup>93</sup> 'Research at pirivena varsities', letters, Daily News, February 17, 1959.

<sup>94</sup> 'Renaissance of pirivena education – Sir Oliver', Daily News, February 19, 1959.

<sup>95</sup> 'Renaissance of pirivena education – Sir Oliver', Daily News, February 19, 1959: Governor General.

<sup>96</sup> 'Vidyodaya is now university', Daily News, February 19, 1959.

<sup>97</sup> 'Education Minister Vidyodaya message', Daily News, February 19, 1959.

<sup>98</sup> 'Education Minister Vidyodaya message', Daily News, February 19, 1959.

<sup>99</sup> 'Education Minister Vidyodaya message', Daily News, February 19, 1959.

election, and on whom they continued to rely (Warnapala, 2011). At the time, the SLFP was publicly calling on the Bikkus to be loyal to government, telling them it was their duty to support a government voted by the masses<sup>100</sup>. For the same reason, an official commission appointed in subsequently lambasted the architects of the Pirivenas Act. It lamented the role of the ‘political bhikku’ in its architecture, many of whom it alleged were subsequently employed as teachers at the Pirivenas. It recommended full repeal of the Act (Universities Commission, 1963). Indeed, ironically, the two new Pirivenas Universities were later forced to secularise their entrance criteria, and open up to lay students, under the weight of the social demand model (Malasekera, 1969).<sup>101</sup> As the next chapter will also show, there was a perception that indiscipline and disobedience grew in the universities precisely because appropriate Buddhist values were not being imparted at them. In this, way, the social contract was rhetorically served by the nationalisation of higher education, but its contribution to this goal was not so straightforward in practice.

### **Legitimation practice III: Escalating state control of higher education**

Strategies to assert greater state control over universities and reduce their autonomy also escalated after the political conjuncture of 1956. The Kannangara report specifically called on the state to reclaim responsibility for education, in order to remedy the injustices done to the masses. Indeed, it assigned a degree of blame to the state for neglecting its responsibility, and allowing a situation of perceived injustice to develop and persist. It criticised the denominational system as akin to the ‘abrogation of state responsibility for education’. Speaking in the State Council, Kannagara said ‘the present system is nothing short of a system of farming-out education’.<sup>102</sup> In the political arena in the decades that followed, efforts to exert greater state control over higher education continued to be justified through recourse to this idea that education had been an alien imposition, and should be re-claimed, territorially and symbolically, by the state and by association the people of Sri Lanka.

In a context where the state had no formal powers to intervene in the running of university affairs, efforts to assert greater authority over them were re-doubled in the new post-colonial order. This reached an apex when a newly elected coalition of centre-right political parties drafted the Higher Education Act no. 20 of 1966. The aim was to give the government new,

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<sup>100</sup> ‘Bhikkhus must help govt’, Daily News, 19 February 19, 1959.

<sup>101</sup> Between their opening in 1959 and 1965, the ratio of Bhikkhu students at the Vidyodaya university reduced from 60 per cent to 20 per cent (Malasekera, 1969, p. 889). This change was also aided by the opening of the Pirivenas to external female students after 1959.

<sup>102</sup> Hon. C.W.W. Kannangara: Hansard, June 2, 1944 Col. 918

far-reaching powers to exercise control and co-ordination over the universities. Among its provisions, it would allow the collection of fees for certain courses, and conferred the Hon. Minister of Education the power to appoint members of a new National Council of Higher Education (NCHE). The NCHE was a central admissions bureau that would administer one common entrance exam for the universities, and regulate admissions. It would be able to recommend the size of the grant to the universities, control the admission of students, decide the style, name and site of the university, as well as making regulations regarding the recruitment and conditions of university staff. Furthermore, the Minister would be able to select university Vice Chancellors from a short-list submitted by the NCHE<sup>103</sup>. This act brought to fruition the idea the state should be responsible for education, and marked the apex of state intervention and assertion of control as legitimisation practice.

The idea that the university was outside the remit of state control had been simmering since the end of colonialism. This critique of the universities surfaced during a debate on the varsity in the House of Representatives in August 1957. Mr P. Kandiah (Point Pedro) made a series of hostile accusations about the unsatisfactory workings of the university, questioning its contribution to the workings of the country, its financial management, and its degree of autonomy, concluding ‘there was something rotten in the state of the university’.<sup>104</sup> He said the early protection of the autonomy of the university, in the name of academic freedom, had been taken to the extreme, whereby the university was operating completely outside the sphere of government control. He accused the University Council of hiding the true cost of moving the faculty of engineering from the Vice Chancellor, calling its management of the public grant ‘irresponsible to the point of reckless’, and demanded an independent inquiry. Criticisms of maladministration and waste at the university surfaced, and gave rise to a long-standing tradition of frequent commissions of enquiry into their workings. At the same time, ‘the drift of public opinion in the country was in favour of greater government control’ (K. M. De Silva, 1978, p. 261).

The centralisation and increased control over education was also a response to the unsatisfactory pace of change from earlier legitimisation practices. In particular, efforts to democratise higher education had met resistance from university administrators. The switchover from English to Swabasha had been a key area of contestation. The University of Ceylon was not subject to the same political pressures for social justice facing politicians, and

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<sup>103</sup> For a comprehensive review of the provisions in the Act, see: (Gunawardena, 1979)

<sup>104</sup> ‘University council hid facts from Vice-Chancellor’, Daily News, August 15, 1957.

had resisted on the grounds of feasibility. It had sought to determine the timetable of the switchover. Then Vice Chancellor, Sir Nicholas Attygalle, pushed back against the government, arguing ‘the most satisfactory way of giving effect to the proposal would be the establishment of a second university’ (E. J. De Silva, 2013, p. 212). In the face of this foot-dragging, the government sought to circumnavigate the university. For one thing, it upgraded the Pirivenas to University status and effectively removing the University of Ceylon’s monopoly over higher education (Malasekera, 1969). In the process, it created two new universities on which it could more directly impose its own vision of reform. In this way, the state sought to assert greater control over universities to maximise its capacity to re-claim responsibility over education.

The escalation of control was also a reaction to the negative feedback effects from earlier legitimisation practices. An official inquiry, the Gunawardene Commission (1963) had raised serious concerns about student indiscipline, ragging and a general deterioration of standards of education. It lambasted ‘a serious deterioration in the standards of discipline among university students in the last few years’ inspired by ‘a small proportion of undesirable elements who should never have been admitted’ (Universities Commission, 1963, p. 498). Overcrowded halls of residence, large classes, inadequate facilities and the political indoctrination of students by political parties were identified as critical problems.<sup>105</sup> Even the Pirivenas had fallen short of upholding the values of the Sinhalese nation, it claimed. The two new universities had not performed satisfactorily; in fact, they ‘were becoming prejudicial to the Buddhist way of life’ (1963, p. 1). It noted: inadequate accommodation, admitting students without proper restrictions resulting in a lowering of standards, irresponsibility and utter disregard to rules of behaviour by students, disturbances and lack of discipline both among the graduands and teaching staff, immoral behaviour and eventual frustration. At the same time, public perceptions that students were being indoctrinated at the universities were also surfacing in the press. For example, Mr Wilmot A. Perera at the prize-day at the Koholana Dham Sonda Sunday School said that ‘youths from village schools who were generally innocent and well-mannered and charming often changed their ways after the evil influence crept into their lives at the universities’ and that ‘Buddhists would have to do a good deal of thinking to devise ways and means to overcome the malady that had seized

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<sup>105</sup> Tutorials could take up to 40 students, the halls of residence were accommodating double the numbers they were designed to, and ‘many students go through their university careers without ever having spoken to some of their professors and lecturers’ (Universities Commission, 1963, p. 499).

young minds'.<sup>106</sup> As perceptions of unruliness and resistance at the universities were officially recognised, so the idea that universities should be reined in by the state was also legitimised.

Exerting control over the universities was not only a means to an end, but an end in itself. It was justified as necessary to correct the 'defect' of university autonomy – viewed as a persistent legacy of colonialism. The political narratives and justificatory discourse surrounding the debate in the House of Representatives revealed this. The Minister of Education, Mr Iriyagolle, returned rhetorically to the injustices of colonial rule to justify the Bill. He recalled that the Universities Ordinance drafted by Sir Ivor Jennings did not fall in line with the aspirations of the Sri Lankan people, but had merely conformed to the British colonial pattern. He referred to many unwelcome remnants of colonial rule, conceding that even the Pirivenas had been a disappointment: 'due to the 'revolution' of 1956 there had been a religious and cultural awakening and in the rush two Buddhist universities also came to be created. But unfortunately the fate that overtook the university moulded by Dr Jennings befell these two universities also'.<sup>107</sup> Universities were beset by a catalogue of ills, he claimed. This, he said, was why the Needham Commission and later Gunawardene Commission became necessary to inquire into the 'maladies' at the University. It was not proper, he argued, to give funds to the universities and allow the Vice Chancellors to utilise them to help their stooges, without proper ministerial control over affairs'.<sup>108</sup> In this way, the escalation of control over universities was both a continuation of the need to address injustices of the past, and a response to the deterioration they had contributed to.

Increased state control was also justified, rhetorically, through reference to the right of the majority to be able to mould the system for which they were paying. Universities in Ceylon were financed by the state through a recurrent government grant, voted in the Parliament. Minister Iriyagolle himself said 'he who pays the piper must have the right to call the tune'.<sup>109</sup> If the aim was the proper utilisation of public funds, then a grants commission would be a logical option. There was a sense of exasperation with the universities. MP for Akurana, Mr A.C.S. Hameed said the 'universities have rolled on without any plan and have failed to live up to the aspirations of the people'.<sup>110</sup> There was a claim that reducing the authority of the

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<sup>106</sup> Varsity status for pirivenas 'a grave error', Daily Mirror, December 30, 1965.

<sup>107</sup> 'Minister Iriyagolle on Higher Education Bill: It's a national issue', Daily Mirror, July 26, 1966.

<sup>108</sup> 'Minister Iriyagolle on Higher Education Bill: It's a national issue', Daily Mirror, July 26, 1966.

<sup>109</sup> 'Minister Iriyagolle on Higher Education Bill: It's a national issue', Daily Mirror, July 26, 1966.

<sup>110</sup> 'The Bill will usher in a dark era, says MP', Daily Mirror, July 26, 1966.

universities would simultaneously augment that of the state. In the House, Mr Jayewardene Minister of State analysed the Bill from a 'purely governmental point of view' and noted that the government's main aim had been to achieve harmony between the autonomy of the universities and the authority of government, so that government 'would be able to express its own desires in respect of higher education'. Parliament had no control over the universities, he said. Their affairs had deteriorated to the point here had been 'public agitation for the government to intervene'. Recent events, he claimed, had proven that the universities were enjoying the 'freedom of the wild ass'.<sup>111</sup> There was a sense the universities had not lived up to their promise for the nation. Mr Ponnambalam, in support of the reform, said the university was not responsive to the country: 'Political freedom has seeped down to the masses. Government have been impeded by the passivity of administrators due to the rather antiquated type of training that has persisted from the Jennings era'. He went on to state 'you cannot have arbitrary restrictions to admit students for convincing and inappropriate reasons'.<sup>112</sup> These statements reveal the idea that universities had inhibited progress towards the realisation of the rights and freedoms underpinning the social contract, and political intervention was legitimised to realise the social contract.

The justification for control tactics was not universally accepted as legitimate, however. In the event, opposition to the bill was deep and wide. The Higher Education Act was passed by a majority of 43 votes in the House of Representatives (86 voting for and 43 against) following a debate that lasted four days. Politicians voiced concerns about the motivation to open up a more direct pathway for interference in university admissions. MP for Divulapittya, Mr Lakshman Jayakoddy warned the Minister 'do not interfere with admissions to universities'.<sup>113</sup> Many of the central criticisms were levelled by Mr Bernard Soysa, MP for Colombo South, who talked at length (for over 3 hours) about how the bill would usher in a 'dark era' in higher education by vesting significant powers in 'a politician wedded to some political credo'. Unfettered autonomy was one thing, he said, but that was no justification for completely destroying it, which would prove 'the remedy was worse than the disease'.<sup>114</sup> The leader of the Tamil Congress pleaded with the Minister not to make the bill a partisan matter, or consider it a political weapon.<sup>115</sup> Leader of the Lanka Sama Samaja Party likewise opposed the intrusion, noting that the indiscipline in universities was merely symptomatic of

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<sup>111</sup> 'Home and Home match on higher education Bill', Daily Mirror, July 28, 1966.

<sup>112</sup> 'More light shed on education bill', Daily Mirror, July 29, 1966.

<sup>113</sup> 'Do not interfere with university admissions', Daily Mirror, July 29, 1966.

<sup>114</sup> 'The Bill will usher in a dark era, says MP', Daily Mirror, July 26, 1966.

<sup>115</sup> G.G. Ponnambalam, leader of the Tamil Congress.

the frustration seen in all developing countries.<sup>116</sup> Members of the University of Ceylon Teachers Association held a meeting at which they resolved to ensure the repeal of the act. It took the view that ‘student unrest and the general decline in University standards were primarily due to all the powers being entrusted with the Minister and making all other able university administrators powerless in discharging their duties’.<sup>117</sup> It interpreted the proposals as ‘calculated to undermine and destroy the independence and freedom’ of the universities. As with the three earlier legitimisation practices, however, addressing the legacies of colonialism had provided sufficient justification for political practices, at whatever the cost to the integrity of the education system itself.

## Conclusions

Extending the right to free education up to university level was significant for forging a new social contract as part of a wider process of post-colonial state legitimisation. Injustice had a particularly emotive resonance in the education sphere, where perceived ethnic inequalities and linguistic segregation amounted to no less than the denial of national identity and self-respect. Against these perceived injustices, the landmark passing of the Free Education Bill was instrumentally and symbolically significant for the legitimisation of a new political order. The extension of the right to education, including at university level, helped consolidate the state’s relational ties to the indigenous majority constituency of rural Sinhalese – its primary legitimacy audience - both materially and ideationally. In turn, the introduction of the free education scheme represented the victory of the Sinhalese majority against foreign rule, and signified their political coming of age.

The social contract was enlivened and re-interpreted through the critical political conjuncture of 1956. The pressures to deliver for the Sinhalese majority - the state’s main legitimacy audience - escalated along with the consolidation of two-party, majoritarian state. The political returns to be won from revisiting the ideas of the past increased. In turn, populist legitimisation practices escalated, and were operationalised through the overnight upgrading of the Pirivenas, the unsustainable expansion of university places, the under-resourced switchover to swabasha, and the re-assertion of state control in the sector. These educational reforms were a key arena for expressing and realising the state’s rules of the game, specifically the nationalist resurgence. Indeed, they gave a new, nationalist interpretation to

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<sup>116</sup> ‘More light shed on education bill’, Daily Mirror, July 29, 1966: Dr. NE Naganathan.

<sup>117</sup> ‘Higher Education Act makes minister dictator’, Daily Mirror, February 27, 1969.

the social contract. Equity and justice increasingly meant fairness for the Sinhalese in particular, and rectifying the perceived dominance of Tamils in education. Returning education to the nation meant ‘Sinhalesing’ it, including through the revival of Buddhist higher education. In this way, what was conceived as a universal social contract was politically re-interpreted and realised as a particularistic one.

Each of these legitimisation practices appealed to a moral basis for support, and offered a conscience-based, rather than purely interest-based, justification for action. Each came wrapped in political narratives that channelled a set of new values and ideas that were the antidote to past wrongs, re-affirmed the new rights of the masses, and appealed to moral support from the primary Sinhalese legitimacy audience. They were part of a wider process of de-legitimising and displacing one set of values – elitism, western culture, group privilege, linguistic segregation, university autonomy - and replacing them with a new set in a new political order. Legitimacy claims promoted the rights of the common person, equal opportunity, majority rule, Buddhist values and state intervention to rectify injustice. Surrounding education in these appeals to moral rights, self-esteem and national pride made it a significant legitimacy commodity, and gave reforms added momentum. As a result, they often proceeded without due concern for their practical implications. They also made new commitments and engineered new expectations of the role of the state, and its responsibilities. Yet in the process of appealing to the main Sinhalese legitimacy audience group, populist political elites over-baked their promises, making the conditions on which they hung state legitimacy unrealistic and unattainable. As the next chapter shows, the bar was set so high that the state went to new lengths to deliver on promises that ultimately could not be fulfilled, creating ripe conditions for the very opposite of what was intended – not state legitimisation, but the emergence of a dual legitimacy crisis.

# CHAPTER V

## Breaking the social contract: higher education and state de-legitimation

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The previous chapter examined the role of higher education in the process of post-colonial state legitimation. It argued this process was formative for establishing rights and entitlements in relation to higher education, and the state's responsibility to safeguard them, as part of a new social contract in a changed political order. This chapter now turns to examine a subsequent but distinct critical juncture in the history of state transformation, from 1970 up to 1973. This period saw the emergence and consolidation of a dual legitimacy crisis. The chapter traces the role of the higher education system in helping to motivate and create the structural conditions for this legitimacy crisis.

After 1970, the increasingly Sinhalese-nationalist state faced a challenge to its legitimacy from within both the majority Sinhalese and minority Tamil constituencies. The first act of dissent took the form of an armed insurrection orchestrated by the Janatha Vikmuthi Permamuna (JVP, or *People's Liberation Front*). It was carried out by educated young Sinhalese who had stockpiled weapons on university campuses, from where they launched co-ordinated attacks on the state apparatus. This youth revolt unexpectedly gripped the island in crisis and, though ultimately unsuccessful and short-lived, represented a rejection of the state's legitimacy from within its core legitimacy audience. The second, concurrent, challenge to the state's legitimacy came from the Tamil minority. It took the form of militarisation of Tamil youth, alongside a simultaneous shift in political demands for a fully separate, Tamil state in the north of the island. Tamil militarisation and resort to separatism were precursors to the devastating civil war between the Sinhalese state and Tamil armed groups that lasted almost 30 years.<sup>118</sup>

These two rejections of the state's legitimacy – insurrection and separatism - are typically analysed in isolation from one another, and sometimes bifurcated at a general level into 'class' and 'ethnic' conflicts, respectively (Bastian, 2013). They were different in scale,

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<sup>118</sup> An earlier version of this chapter was published in January 2017 by the Developmental Leadership Program (DLP). See: (McLoughlin, 2017).

ideological impetus, and political organisation. The multiple grievances that fuelled the JVP's attempt to overthrow the state are well documented elsewhere.<sup>119</sup> They included disillusionment with an exclusionary political system, widespread unemployment and restricted social mobility (Moore, 1993). Similarly, several areas of public policy came to symbolise the increasing exclusion of the Tamil minority from access to state power that had rallied militant Tamil separatism. Critical among them were divisive language policies, failure to devolve constitutional power, and land settlement disputes.<sup>120</sup>

This chapter argues that, notwithstanding their complex and multiple origins, both of these legitimacy crises were exacerbated by earlier legitimisation practices in the sphere of higher education. Significantly, both mobilisations were enabled by the radicalisation and militarisation of Sri Lanka's large population of disaffected young people.<sup>121</sup> The legitimisation practices of democratisation, nationalisation and control analysed in the previous chapter helped create the structural conditions and motivational impetus behind this radicalisation. The insurrection demonstrated impatience for social justice among Sinhalese youth. In reaction to it, the state increased its legitimacy claims and practices by adopting drastic measures to engineer university entrance criteria in their favour. In turn, these reforms were perceived as discriminatory, unjustifiable and ultimately unfair by the Tamil minority. Indeed, they came to be highly symbolic of their wider political and social exclusion. As such, they significantly aggravated the militarisation of Tamil youth and helped provide a recruitment base for armed separatism in the north. In this way, the manipulation of the higher education system for the purpose of legitimisation exacerbated the emergence of a dual legitimacy crisis.

The chapter examines each of these legitimacy crises in turn. It begins with a brief synopsis of their significance for state legitimacy, including the political environment in which they occurred, and the state's reaction to these open and violent acts of dissent. For each crisis, the chapter then traces some of the key connections to earlier reforms of the system of higher education, with the aim of showing how they helped create enabling structural conditions and grievances that were conducive to this dual rejection of the state's right to rule.

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<sup>119</sup> For contemporary accounts, see: Arasaratnam (1972) and Obeyesekere (1974).

<sup>120</sup> A large volume of academic work has been produced seeking to examine the cause and consequence of Sri Lanka's civil war. Among them are: Bush (2003), Bastian (2013) and the edited volume by Manor (1984).

<sup>121</sup> Bush (2003, p. 101) argues demographics were significant that in by 1969, 60 per cent of the Sri Lanka's 12.5 million population were under 25.

### **Legitimacy Crisis I: Higher education and Sinhalese insurrection**

On the night of 5th April 1971, gangs of armed assailants attacked police stations in an orchestrated effort to ignite a popular uprising. Over the course of the next 24 hours, insurgents attacked a further 25 police stations, prompting an island-wide curfew.<sup>122</sup> Sporadic attacks on the state apparatus continued through April, when a further 90 police stations were reportedly targeted (Arasaratnam, 1972). Fighting between police, security forces and insurgents continued as the state sought to regain control of ‘pockets of resistance’ dispersed across the Island.<sup>123</sup> Suspicions of dangerous developments had been brewing and a state of emergency declared earlier, in March 1971. At that time, a police raid had discovered a ‘veritable arsenal’ following an explosion at a hall of residence at the University of Sri Lanka, Peradeniya<sup>124</sup>. A government communique released in early April characterised the insurrection as ‘a culmination of insurgent preparations in various parts of the Island calculated to create disorder and to disrupt the machinery of the government’.<sup>125</sup> Only with foreign assistance was the government, some weeks later, able to flush the insurgents out of urban areas into retreat to the jungle. Though the figures are disputed, the government reported that by the time the insurrection was fully quashed, some 1,200 ‘terrorists’ had been killed and 14,000 taken into custody.<sup>126</sup>

This was the first of two insurrections orchestrated by the Marxist Janantha Vimukthi Peramuna (JVP), both of which were ultimately unsuccessful in overthrowing the state. While they failed to gain widespread popular support, they nevertheless represented a significant challenge to its legitimacy. This scale of organised violence was unprecedented in Sri Lanka<sup>127</sup>. Albeit part of a global revolutionary impulse, the insurrection had its origins firmly in local conditions. Sri Lanka’s educated but disaffected youth had mobilised to attempt to overthrow the state. The social base of the JVP was the non-elite, swabasha-speaking rural class (Moore, 1993). The vast majority of the suspected insurgents arrested by the government were aged between 17 and 26 (77 per cent), most were Sinhala-Buddhists (94 per cent) and only a small portion (6.3 per cent) had secure employment with reasonable financial rewards (Obeyesekere, 1974, p. 368). Another distinguishing feature of those who

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<sup>122</sup> ‘An island-wide curfew – 6pm-6am’. The Times of Ceylon, April 6, 1971.

<sup>123</sup> Resistance was reported at: Ambalangoda, Galle, Matara, Hambantota and Tismaharama: ‘125 insurgents killed in 3 days’ The Times of Ceylon, April 8, 1971.

<sup>124</sup> In Parliament in August 1971, the Prime Minister stated that government had been aware that ‘something really dangerous was afoot’ in March, when several halls at Peradeniya were found to contain weapons and materials to manufacture bombs. Hansard, August 11<sup>th</sup>, 1971, col 1829

<sup>125</sup> ‘Curfew imposed in five districts’, Daily Mirror, April 6, 1971.

<sup>126</sup> Others estimated insurgent deaths closer to 3,000 (Arasaratnam, 1972)

<sup>127</sup> (Arasaratnam, 1972) Ceylon had seen no major anti-colonial violence, and no fighting in the World Wars on its own territory.

participated in the insurrection was that they were educated up to or above GCE level (Kearney, 1975). Indeed, many were educated in the Maha Vidyalayas (government high schools) established through the free education scheme (Obeyesekere, 1974). The insurrection's leadership were connected through networks of university alumni (Moore, 1993). In this way, the insurrection came from within the state's core legitimacy audience, and from the beneficiaries of free education in the Sinhalese language.

It is notable that the insurrection occurred in a political environment that was ideologically attuned to delivering social justice to the same support base, of rural Sinhalese. By 1970, the resurgent nationalist state had reached an apex with the landslide victory<sup>128</sup> of Mrs Sirimavo Bandaranaike, who was - in keeping with the SLFP's ethnic brand of nationalism - elected on a platform of social justice for the masses. She had assembled a United Front (UF) coalition, along with the more radical leftist parties, the Trotskyist Lanka Sama Samaja Party (LSSP) and the Marxist Janatha Vimukthi Peramuna (People's Liberation Front) to defeat the unpopular, right-wing capitalist United National Party (UNP). The insurrection was in this sense surprising – it had occurred in a political environment that was, on the surface, amenable to the leftist insurrectionaries. Indeed, the UF coalition had made concessions to the JVP, only to find that it would later rebel against the state. This indicates the leftist ascendance had raised rather than dampened expectations, and heightened impatience for social justice. Less than a year after the election, the JVP had made this impatience clear when its leader, Mr Rohana Wijeweera, said at a meeting of the People's Liberation Front (PLF) in Colombo that: 'the masses of this country expected the United Front government to solve these burned problems without delay. If they failed, the PLF would solve all these problems according to the true Marxist-Leninist concepts'.<sup>129</sup> In its event, the violent insurrection proved this was not an empty threat: patience for social justice had expired.

The significance of the challenge the insurrection presented to the authority and legitimacy of the state was revealed in its response. In Parliament, Mrs Bandaranaike declared 'the insurgency uprising has dealt a severe blow to this country, at a time when we need to strain every nerve and sinew to ensure rapid economic growth.'<sup>130</sup> Evidence began to emerge that the insurrection had come from 'within', that is, from the state's core constituency. The revelation that government had 'encountered a revolt from its most ardent and enthusiastic

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<sup>128</sup> The government achieved a two-thirds majority in Parliament.

<sup>129</sup> 'No intention of toppling government – JMK', Daily News, August 11, 1970.

<sup>130</sup> Hansard, June 24 1971, cols 1839.

supporters' was publicly humiliating, and clearly of grave concern.<sup>131</sup> Speaking at a mass political rally on Saturday 3<sup>rd</sup> April 1971, Mrs Bandaranaike was at pains to distinguish between the proper insurgents and the population of rural undergraduates who had merely fallen prey to them. She implicated foreign involvement, referring to 'several hundred rupee notes' found in the dorms of Peradeniya campus 'along with explosives' and 'queried who were financing such a movement'.<sup>132</sup> The rhetorical impetus was to downplay the revolution from within. She further reminded the undergraduates that it was due to the policies of her late husband, SWRD Bandaranaike – a key figure in the political awakening of the Sinhalese masses - that village students had been afforded the opportunity of university education.<sup>133</sup> Through this simultaneous blame shifting and recall of loyalty, the Prime Minister conveyed both the absolute jolt that the Sinhalese insurrection represented to the state, and the desperate need to rekindle the social bonds to this, its core constituency. There was a degree of public sympathy for the student insurrectionaries, who were cast as easily led, misguided, some went so far as to say 'indoctrinated'<sup>134</sup>, into these ideologies. Indeed, government soon after deployed the higher education infrastructure – the very infrastructure of insurrection - to appease, perhaps coerce, them back into compliance. The Vidyalankara University at Kelaniya was set up as a 'receiving centre' during a four day concession period. Suspected insurgents were provided with books and games and 'interviewed' to ascertain their 'problems and the reasons for joining the terrorist movement'.<sup>135</sup> In this way, universities became simultaneously sites of revolt and, at least ostensibly, spaces of reconciliation.

### **The destabilising effects of state control**

Earlier legitimisation practices in the sphere of higher education helped to create the structural conditions conducive to armed insurrection. Highly politicised education reforms spurred by rising Sinhalese nationalism after 1956 over time produced a series of unintended consequences. One such set of reforms involved the assertion of state control over universities which, as the previous chapter showed, included centralising power in a National Council of Higher Education (NCHE). However, the escalation of state control generated hostility and resentment on university campuses with the effect of reducing rather than enhancing the state's territorial control over them. The relationship between the state and

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<sup>131</sup> 'Corrupt practices led to revolt: Senator lashes out at government', Daily Mirror, May 21, 1971.

<sup>132</sup> 'Revolution rejected by people: PM', The Times of Ceylon, April 3, 1971.

<sup>133</sup> 'Revolution rejected by people: PM', The Times of Ceylon, April 3, 1971.

<sup>134</sup> 'Rebel youth are indoctrinated', Daily Mirror, October 6, 1971.

<sup>135</sup> 'Vidyalankara as receiving centre', Daily Mirror, May 6, 1971.

university students drifted away from the earlier post-colonial paternalism, and became increasingly oppositional. This was an important enabling condition and precursor to universities becoming physical spaces of armed dissent.

In the years leading up to the insurrection, a number of high profile strikes and protests were witnessed on campuses. Protests frequently turned into violent clashes between the students and the police. A particularly acrimonious relationship had developed between the students of the University of Sri Lanka, and its Vice Chancellor, Sir Nicholas Attygalle, who was perceived as a political appointee and representative of the government. There was a particularly bloody clash in 1965 when six medical students, led by the daughter of a professor, attempted to cross a blockade of protesting students to reach a lecture room. In the pandemonium that followed, police fired tear gas and baton-charged the protestors. Students and police alike were hospitalised, and some students set fire to Sir Attygalle's private lodge.<sup>136</sup> Students later called the violent armed response to the non-violent protest a 'gross insult to the entire student population'.<sup>137</sup> In this case, as others, expressions of grievance, however peaceful, were more often greeted with stonewalling, or campus closures, than attempts at dialogue. This was exemplified when in December 1967 undergraduates stormed the House of Representatives and demanded to meet the Minister to discuss their grievances concerning accommodation and student representation and present a petition, claimed to have been signed in blood by over 2000 students. The Minister refused to see them, however, reportedly asking 'how can I meet these fellows who burned my effigy and rubbed the ashes on their foreheads?' This event was symbolic of the growing acrimony between students and the state, borne on an expectation that their legitimate grievances should be heard, but were not being addressed. The Vice Chancellor subsequently declared the campuses at Thurston Road, Reid Avenue and Peradeniya closed to students.<sup>138</sup> In this way, students were radicalised through the heavy-handed response of the state authorities to their expressions of grievance.

Territorially, the universities were increasingly marginalised from state control, paving the way for them to become a physical and discursive space of dissent where insurrection could germinate. As resistance on university campuses grew, the state authorities increasingly lost jurisdiction over them. For example, when a first year allegedly stabbed two final year

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<sup>136</sup> 'Out of bounds! Order on campuses', Daily Mirror, December, 13, 1965; 'Campus fireball', Ceylon Daily Mirror, December 13, 1965.

<sup>137</sup> 'We deplore! says arts students union', Daily Mirror, December 14, 1965.

<sup>138</sup> 'Peradeniya varsity strike worsens', Daily Mirror, December 10, 1965.

students in 1967, the police merely ‘contemplated’ taking action against the student.<sup>139</sup> It was reported that, for their part, ‘a section of the students are of the opinion that the police have no powers or jurisdiction over any matter within a hall of residence or the campus’.<sup>140</sup> As early as 1967, four years prior to the insurrection, police claimed they had found ammunition and weapons that were intended to be ‘put to use to wage war’. When police had entered the campus, students had fled in a stampede in which several were injured.<sup>141</sup> In a territorial sense, universities had become physical spaces of weak state control.

What had been a paternalistic relationship between the state and students – the people to whom new rights had been conferred – increasingly turned acrimonious. This was reflected in public narratives by the state that sought to discredit students and label them volatile. After the strike of 1967, the Minister declared he had no grievance against the student strikers, but against the ‘undesirable elements’ that had misled them.<sup>142</sup> Another government minister called them ‘ungrateful’ of the educational opportunities afforded them.<sup>143</sup> Clashes between students and the army on the eve of Independence Day in 1969, known as the ‘rumpus on the campus’, met particularly ferocious disdain. A high-level decision had been taken to billet the soldiers on university campuses whilst students were expected to be on vacation. However, when students inevitably clashed with the 100-strong army contingent, the campus was closed and police guarded the entrance. The army commander declared the campus out of bounds for army personnel.<sup>144</sup> The Criminal Investigation Department (CID) reported to the press that these clashes were ‘politically motivated with a view to embarrassing the government and disrupting the Independence Day celebrations’<sup>145</sup>. Students met to discuss how to respond to the allegations of blame for the unrest and altercation with the army, claiming the government’s version of events had no basis in fact.<sup>146</sup> Their plight found some sympathy among more left-wing opposition parties. When the rumpus on the campus came up for debate in the House of Parliament in 1969, some MPs expressed concern about the scapegoating and neglect of students.<sup>147</sup> The Education Minister Iriyagolle, in reply, said ‘the

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<sup>139</sup> ‘Police role on campus’, Daily Mirror, April 6, 1967.

<sup>140</sup> ‘Police role on campus’, Daily Mirror, April 6, 1967.

<sup>141</sup> ‘Varsity ‘war’ plan foiled’, Daily Mirror December 11, 1967.

<sup>142</sup> ‘Varsity door will open soon’, Daily Mirror, December 8, 1967.

<sup>143</sup> ‘Philip berates the undergrads’, Daily Mirror, December 18, 1969; Minister of Industries and Fisheries, Mr. Philip Gunawardene.

<sup>144</sup> ‘University out of bounds for army’, Daily Mirror, February 18, 1969.

<sup>145</sup> ‘CID crack down on undergrad uprising: Politicos behind campus rumpus’, Daily Mirror, February 6, 1969.

<sup>146</sup> ‘Undergrads slate army action’, Daily Mirror, February 21, 1969.

<sup>147</sup> The MP for Habaraduq, Mr Prins Gunasekera ‘complained the students were a badly neglected lot and that the authorities had failed to take any steps to assist them’. Communist MP for Colombo Central, Mr. Pieter Keuneman, said the students were made a scapegoat for everything and it was wrong to blame them. ‘I.M.R.A. figures in heated cross-talk’, Ceylon Daily Mirror, February 8, 1969.

people of this country who cherished our national culture and aspirations would endorse the steps taken by the national government in the sphere of education'. He added that 'a properly educated student would never be a menace to society'.<sup>148</sup> In this way, students were cast as disruptive, oppositional, and politically indoctrinated. This signified a rhetorical shift in the paternalistic stance towards the students - the children of the rural poor - that had characterised political narratives after independence.

In the wider public sphere, there was growing concern with campus unrest, for which blame was variably assigned by the press to the state, the education system, and the students themselves. Some considered student indiscipline and frustration a product of their 'clamouring consciously or unconsciously for a reorganisation, a resettling of values.'<sup>149</sup> Others lamented the 'educationally half-baked' students who had degenerated from 'the pride of a nation to a menace to society' due to 'a spirit of braggadocio and cockiness'.<sup>150</sup> While there was some sympathy for the students, there was nevertheless alarm that 'what started as a revolt against autocracy flared up into undue proportions goaded by police indiscretions'.<sup>151</sup> One opinion page claimed 'the man on the street is as amazed as the man in cushioned comfort as to how a batch of teenage students, mainly from rural areas, could have been reduced to the base category of street-thugs or dead-end kids or even hostile harbour workers and bashed accordingly'.<sup>152</sup> These sentiments convey public surprise, and concern, about the radicalisation of the student population. They also reflect a degree of demise of the public image of them, from the deserving generation, to a generation that were squandering their newly won rights and privileges.

By the time a new socialist government came to power in 1970, the crisis of campus instability was pressing. When police and students clashed in November 1970, after a girl was allegedly ragged, police claimed they were compelled to use tear gas to break up the dispute.<sup>153</sup> This 'national episode' prompted concern in the press about the readiness of the students to take the law into their own hands. The Daily Mirror published a front-page opinion piece which stated 'education is fast losing its place as a passport to better living. Instead it is becoming a licence for lawlessness'.<sup>154</sup> The Sri Lanka Teachers Association

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<sup>148</sup> 'I.M.R.A. figures in heated cross-talk', Daily Mirror, February 8, 1969.

<sup>149</sup> 'The ugly face of student indiscipline', Daily Mirror, February 20, 1969.

<sup>150</sup> Front page opinion column, Daily Mirror, February 10, 1969.

<sup>151</sup> Opinion column, Daily Mirror, December 14, 1965.

<sup>152</sup> Opinion column, Daily Mirror, December 14, 1965.

<sup>153</sup> 'Thurstan road clash: 12 cops. & 10 students hurt', Daily Mirror, November 22, 1970.

<sup>154</sup> Front-page opinion leader 'the unruly ones': 'The young 'uns are at it again!', Daily Mirror, November 26, 1970.

publicly claimed that heightened student unrest corresponded with the NCHEs increasing intrusion into university life, and called for repeal of the act.<sup>155</sup> There was a feeling that the new government of the United Front couldn't afford to let this situation continue.<sup>156</sup> The risk of unmet grievances was acute. Aware that the JVP - a radical left-wing political organisation - had gained a stronghold in the Pirivenas and Universities, the new education minister directed the university to probe their grievances, give them a patient hearing and their problems viewed sympathetically. The intention was to solve the problems of, and the potential threat to the authority of the state that emanated from unmet student grievances.<sup>157</sup> By then, however, violent dissent had already found a space on campuses, and deep mistrust was already a fixture of student-state relations. Campus conditions were conducive to the insurrectionary challenge that was to come.

### **The economic limits to democratisation**

In the same way that the control legitimisation practice carried forward negative legacy effects, so too did the democratisation practice. In the two decades preceding the insurrection, it had underscored a so-called 'social demand' model of education that had led to rapid, unsustainable expansions in the university student population. The scale of the expansion had been remarkable. The number of students seeking admission to university rose from 1,612 in 1948 to 14,000 in 1970 (Samaranayake, 1999, p. 101). As the previous chapter showed, the social demand model was catalysed by a political environment of ethnic majoritarianism, and justified through populist appeals to pursue of social justice for the Sinhalese. However, sluggish economic growth eventually restrained this political legitimisation practice. By the mid-1960s, universities could not keep pace with social demand, and the economy could not absorb the sheer number of graduates being produced either. The democratisation of higher education had reached its economic limits. This was a key factor in helping to create a cohort of disaffected young people that could be recruited for the purpose of insurrection.

The democratisation of access to higher education had initially proceeded unimpeded by resource and capacity constraints. As one contemporary observed, populist politicians had sought to 'woo their electorates with promises of indefinite extension of educational opportunities, without any reference to the employment prospects of educated youths' (Pieris,

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<sup>155</sup> 'Higher Education Act makes Minister dictator', Daily Mirror, February 27, 1969.

<sup>156</sup> 'government cannot afford to sit with its hands folded and watch the deteriorating student situation...unless government gets down to the task of grappling with the problems of these youth, it will only breed another Frankenstein monster': Front-page opinion leader 'the unruly ones'; 'The young 'uns are at it again!', Daily Mirror, November 26, 1970.

<sup>157</sup> 'Vidyodaya probe team urged: Give ear to Che Cuevarists', Daily Mirror, August 23, 1970.

1964, p. 466). Perhaps inevitably, however, over the next decade or so, this political impetus proved economically unsustainable. This was not least because Sri Lanka's colonial export economy, dependent originally on coffee, tea, rubber and coconut, was increasingly vulnerable to global market fluctuations, and suffered badly when both raw commodity prices and levels of global demand dropped off during the 1960s and 1970s. Many factories were closed, and some food items became increasingly scarce (Arasaratnam, 1972). Reduced state revenue and with it, greater reliance on foreign loans, precipitated a retraction of the welfarism that underpinned the social contract. Sri Lanka began the transition to a market economy, and in the process also to dismantle its welfare state, beginning with the abolition of the politically salient rice subsidy in 1968. The welfare state proved unsustainable not only because of economic decline, but because of huge population growth. Aided by the eradication of malaria, the population had risen by an average 2.7 per cent per year since independence. The absolute size had nearly doubled, from 6.6 million in 1948, to almost 12.6 million in 1971.<sup>158</sup> It proved impossible to keep extending the rights and entitlements embedded in the social contract to a population growing at this remarkable rate in declining economic conditions.

A shortfall in resources coupled with high population growth created a widening gap between demand for and supply of university education. By the mid-1960s, the higher education system was bottlenecked, and could not accommodate additional intake. The NCHE reported that 'annually thousands of students having qualified to enter the universities were deprived of admission due to the lack of accommodation'.<sup>159</sup> Studies would later show that many of the youth insurrectionaries came from this group of young people who were qualified but unable to progress their education up to university level because of this restricted access (Obeyesekere, 1974). Indeed, by the late 1960s, the social demand model appeared to be in reverse. Under the pressure of limited resources, the NCHE began drastically trying to curb admissions. It announced that it was 'essential that suitable steps be taken to restrict the numbers entering the universities'.<sup>160</sup> To this end, standards for university entrance would have to be raised, it said. It considered reducing the time frame of degrees, and opening 'Junior University Colleges' under the Ministry of Education.<sup>161</sup> These measures signalled a

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<sup>158</sup> Total population recorded in census data was as follows: 1946 - 6,657,300, 1971 - 12,689,897. Department of Census and Statistics, Sri Lanka: <http://www.statistics.gov.lk/>

<sup>159</sup> 'Varsity entrance standards to be raised', Daily Mirror, August 2, 1967.

<sup>160</sup> 'Varsity entrance standards to be raised', Daily Mirror, August 2, 1967.

<sup>161</sup> 'Legal poser on junior varsities', Daily Mirror, August 10, 1969.

revision of the social demand model, and new restraint on the previously unencumbered principle of the right to education.

The social mobility of the youth insurrectionaries was also blocked by limited employment opportunities. Many of them were graduates who could not find employment in Sri Lanka's contracting economy. A period of educational expansion followed by economic decline had, over time, created a structural problem of educated unemployment. An imbalance between the total supply and demand for labour saw a steady increase in unemployment rates from 10.5 per cent in 1959, to 19.9 per cent in 1975 (Jayaweera, 1990, p. 64). Again, this problem was exacerbated by population growth. At the same time that economic growth was stagnating, so too the educated labour force was increasing. The full force of population growth hit the labour market in the 1960s, when the population aged between 15-65 increased from 5.25 million to over 7.5 million (K. M. De Silva, 1981, p. 537). Sri Lanka was later labelled 'an outstanding example of the growing global phenomenon of educated unemployment' (K. M. De Silva, 1981, p. 538). By the late 1960s, nearly half a million young men and women were educated but unemployed. Indeed, the level of education was *inversely* related to the likelihood of employment<sup>162</sup>. The economy could not absorb the sheer number of graduates produced through the earlier democratisation of higher education. This was illustrated when in 1969 the government was unable to recruit medical graduates into government hospitals: some 400 doctors competed for 140 vacancies.<sup>163</sup> Efforts were taken to appease unemployed graduates by offering a small allowance to work in government hospitals for four hours a day.<sup>164</sup> But small compensatory gestures were insufficient. Rapid and unplanned expansions of access to higher education had, by then, produced a ready cohort of disaffected youth, imbued with fresh expectations of social mobility promised after independence, but now facing a harsh reality of (under)employment in a failing economy (Government of Sri Lanka, 1990). The insurrectionaries were, in this way, both the beneficiaries and subsequent casualties of the democratisation of higher education.

Rapid, unplanned expansions without the attendant resourcing had also led to a decline in the quality of higher education, which proved to be another source of grievance among Sinhalese youth. The political legitimisation practice of democratisation was never adequately resourced.

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<sup>162</sup> A survey carried out by the Ministry of Education in 1971, found that there was higher unemployment among arts graduates than at any other level of employment: No education (18 per cent) Grades 1-5 (28 per cent); Grades 6-8 (47 per cent) Grades 9-10 GCE OL 72 per cent; Grades 11-12 GCE (AL) 84 per cent; University Science 2 per cent and University Arts 50 per cent: Reported in Hansard, August 11, 1971, column 515.

<sup>163</sup> 'Meagre deal for new docs', Daily Mirror, December 19, 1969.

<sup>164</sup> 'Meagre deal for new docs', Daily Mirror, December 19, 1969.

In fact, the size of the university grant reduced with the expansion of the university population. While in 1960, a student population of 3,181 was given LKR 3000 per student, in 1966, a population of 10,725 were given LKR 1396 per student (J. E. Jayasuriya, 1969, p. 162). Contemporaries bemoaned how far standards slipped under the weight of this politically driven but under-resourced expansion (K. De Silva, 1978). Indeed, among the insurrectionaries themselves, a government inquiry later found ‘a general belief that the universities have so evolved that they are imparting an education of lesser quality to an increasing number of students’ (Government of Sri Lanka, 1990, p. 33). A Universities Commission of 1962 more directly argued that ‘the deterioration of standards went hand in hand with politicisation of the student population’ (Universities Commission, 1963). Overcrowding and poor facilities were identified as grievances that had fuelled the spike in student strikes. In 1965, for example, an inquiry reported that expansion had reached ‘dangerous’ proportions. Furthermore, the report concluded the universities had neglected their duty in allowing this situation to prevail. In a particularly damning statement, it claimed: ‘I find it difficult to believe how such an eminent body of men could shamelessly have betrayed the confidence the country has placed in them’ (“University Autonomy in Ceylon,” 1966, p. 1). Whether intended or not, deteriorating quality was a consequence of the pursuit of social demand that, over time, exposed the wide gap between the rewards the state had promised, and what it actually had the capacity to deliver.

### **The unmet promise of nationalism**

Along with the push to democratise higher education, reforms after 1956 had, as the previous chapter showed, increasingly sought to realise a Sinhalese-Buddhist version of social justice. In practice, this had entailed changing the language of instruction to Sinhalese, and seeking to re-plant the education system more firmly in Sri Lanka’s cultural and economic roots. Over the course of the 1960s however, these legitimisation practices failed to deliver on their promise of lifting the social mobility of the majority and re-dressing the colonial legacy of social inequalities. The elite system of education was not dismantled, nor was it tethered to Sri Lanka’s economic needs. The swabasha reproduced, rather than ameliorated, segregation – both within university education and the wider employment market. Together with other grievances, these broken promises were significant in motivating and mobilising the Sinhalese youth uprising.

The legitimising idea that national education should be more suited to the needs of the nation had failed to materialise in practice. Indeed, one of the underlying reasons why the education system had produced a structural problem of educated unemployment was that graduates' skills were mismatched with the stage of development and primarily agrarian nature of the economy (Jayaweera, 1969). This problem was acknowledged by the Education Minister in 1969, who claimed 'degrees held by the majority of the unemployed graduates were not in keeping with the needs of the country and only personnel with practical knowledge could find suitable employment in the Government and the private sectors'.<sup>165</sup> A Presidential Commission also later concluded that part of the problem had been not only the expansion but the *orientation* of the education system. Specifically, it had inappropriately 'burdened young people with attitudes such as preference for white collar jobs and absence of dignity of labour which fore-closed many avenues of gainful employment' (Government of Sri Lanka, 1990, p. 21). Contemporaries shared this sentiment. Indeed, the old, post-colonial idea that education was a foreign imposition unsuitable for Sri Lanka's needs persisted. Members of Parliament spoke out in the press against the 'faulty' education system that was to blame for the present food crisis, arguing that 'the country needed to teach trades, and agriculture, not train for white collar jobs'. One recalled that 'foreign rules shaped the educational set-up to suit their purpose and not for the purpose of developing the country'.<sup>166</sup>

There was new recognition that Sri Lanka needed to balance student intake with the needs of the economy. In making this case, the chairman of the NCHE, Dr G.P Malalasekera, claimed that 'unemployment among professional men and graduates arose because no such planning was done previously and as a result universities produced degree holders without any consideration for the requirements of the country'.<sup>167</sup> A retired judge and principal of the Buddhist Ladies College observed in 1971 that 'those young men who pass out of the universities are not willing to go into the rural villages and engage themselves in farming. If they do engage themselves in farming, the country's economy could be developed'.<sup>168</sup> Schemes to resettle unemployed young people on rural land and train them to cultivate paddy, rural livestock and food crops proved unpopular, as were efforts to extend vocational training centre for graduates, to train them in teaching, agriculture and commerce.<sup>169</sup> This, again, was indicative of a shortfall between students' elevated expectations and economic

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<sup>165</sup> 'They want to destroy country before governing', Daily Mirror, April 1, 1971: T.S. Fernando.

<sup>166</sup> 'Educational policy is designed to provide jobs', Daily Mirror, August 2, 1967: Mr. Wijepala Mendis Katana.

<sup>167</sup> 'Varsity intake on par with our technical needs', Daily Mirror, February 11, 1969.

<sup>168</sup> 'They want to destroy country before governing', Daily Mirror, April 1, 1971: T.S. Fernando.

<sup>169</sup> 'Vocational training for graduates', Daily Mirror, February 6, 1969.

realities.<sup>170</sup> Prime Minister Sirimavo Bandaranaike herself reportedly regretted ‘the present tendency among those who graduated or passed the S.S.C to adopt a negative attitude towards labour’.<sup>171</sup> High profile figures agreed that the education system had grown lop-sided, and the nation needed more training in the spheres of agriculture and industry.<sup>172</sup> In this way, the foundational idea in the social contract that the state would create a national system of education adapted to local needs had remained elusive, and further exposed the gulf between student expectations and state capacity.

The promise to nationalise education also fell short of ideals in another sense. That is, the switchover of the language of instruction to the local swabasha languages was not addressing linguistic or wider social segregation. Though the social composition of universities had changed – from elite, English speaking to a mass, swabasha demographic - social segregation on campuses persisted through language streaming. The requirement for universities to teach in all three languages – English, Tamil and Sinhalese – meant that in practice, students were taught by different teachers with different levels of competency in their field. Moreover, when the first students educated in swabasha entered the universities in 1963, there were no science textbooks in Tamil or Sinhalese (only English). The uneven availability of textbooks in different languages created inconsistencies in the quality of education delivered to different linguistic groups. It meant swabasha students were not able to read outside of lectures, and were often dependent on copying lecture notes.<sup>173</sup> Educational segregation continued, in fact escalated, in another sense: the conferring of degrees on ‘external students’ who were registered but did not attend lectures from 1965 onwards had created a disgruntled group of second-class citizens who deeply resented their status (Malasekera, 1969). In these ways, the dynamics of expansion had failed to dismantle linguistic inequalities in learning. Furthermore, it had perpetuated new inequalities.

Changing the language of instruction had not addressed a major driver of group inequalities in educational opportunities. The ethnic composition of university entrants had altered significantly in a short period, with a greater portion of the Sinhalese recorded as attending in 1967 (84.1 per cent) as compared with 1950 (66.6 per cent) (Arachchi, 1973, p. 77). This was a closer reflection of their proportion of the population. However, the distribution of linguistic, and therefore ethnic groups, remained uneven across subjects. Admission to the

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<sup>170</sup> ‘Another bid to help jobless’, Daily Mirror, July 26, 1966.

<sup>171</sup> ‘Churning graduates’, Daily Mirror, October 19, 1970: Anonymous (opinion page).

<sup>172</sup> ‘Lop-sided education will end, says deputy director general’, Daily Mirror, November 16, 1966.

<sup>173</sup> Interview with retired academic, Colombo: October 16, 2014.

science-based courses – the most coveted – was still largely dominated by Tamils from Colombo and Jaffna (C. R. De Silva, 1974). In 1966/67, 40 per cent of science students and almost 50 per cent of Engineering and Medical students were Tamil (C. R. De Silva, 1974, pp. 154-155). Meanwhile, the majority of Sinhalese students were studying in the arts faculties, where limited competence in English was not an entry barrier. By 1967, 68.9 per cent of the 10, 280 students enrolled at the University of Sri Lanka were studying for general degrees in the arts and oriental studies (J. E. Jayasuriya, 1969, p. 162). In this way, the Sinhalese constituted high proportions of the ‘under-privileged’ faculties. In part, this was because the regional inequalities in schooling that Kannangara and his contemporaries had criticised also persisted. In 1969, some 47 per cent of schools with science facilities up to university entrance level were concentrated in the provinces where English-speaking schools had clustered during the colonial era – Northern and Western provinces (C.R. De Silva, 1979, p. 484). The continued denial of science education in most parts of the country meant that social justice was ‘more a mirage than a reality in so far as the masses were concerned’ (J. E. Jayasuriya, 1981, p. 87).<sup>174</sup> Moreover, over time, the ‘overproduction’ of arts graduates had a self-reinforcing effect: arts graduates educated in the swabasha would go on to take up roles as school teachers in the local languages, and in turn educate the next generation of candidates for arts degrees in the swabasha (Pieris, 1964). In turn, this perpetuated a shortage of teachers who could teach the more socially advantageous science subjects in the swabasha.

Segregation in the universities spilled over into segregation in the employment market. The number of unemployed arts graduates was accumulating each year, such that a Member of Parliament had calculated in 1969 that ‘it takes five years for one year’s output of arts graduates to be employed’.<sup>175</sup> He further identified a ‘wide gulf between the education imparted to the school and what society seeks, unless this is bridged the unemployment problem will never be solved’.<sup>176</sup> In this sense, the colonial legacy of English as the language of access to power appeared intact, and a swabasha-educated youth remained shut out of access to the highest paid work opportunities. As Obeyesekere wrote in 1974 (p. 383): ‘rarely could a village lad, even with a B.A., get an administrative job in a firm or large business because of his poor knowledge of English’. The extension of the right to free education in the

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<sup>174</sup> Tiered schooling also remained firmly intact, with prestigious government schools at the top of the hierarchy and free, vernacular schools at the bottom (J.E Jayasuriya, 1976).

<sup>175</sup> In 1969, it was reported in the press that were 16,000 graduates of whom 13,405 were arts graduates. Of this 16,000, 1,750 remained unemployed: ‘20,000 jobless grads in five years – Akurana MPs forecast’, Daily Mirror, February 27, 1969.

<sup>176</sup> ‘20,000 jobless grads in five years – Akurana MPs forecast’, Daily Mirror, February 27, 1969.

local language, so fundamental to the social contract, had not delivered the expected returns on equality.

Restricted social mobility and continued inequalities represented a breach of rights and entitlements promised by the paternalistic state to the rural Sinhalese. The political process of making the social contract, and mobilising the masses, had set up expectations that the state would deliver for them. The historian and then Deputy Chairman of the University Grants Commission later recalled that the expectation of new graduates was that the government that had provided free education to them should also be responsible for finding employment for them (Pathmanathan, 2000).<sup>177</sup> In this context, the staggering levels of educated unemployment represented ‘an abrupt shattering of new expectations’ (Kearney, 1975). The state had broken its promise to the Sinhalese youth. A former MP in the late 1970s recalled that: ‘every graduate who passed out of the University of Sri Lanka got employment in the 1950s. But then with population growth, the government couldn’t keep delivering on these promises. They had promised so much.’<sup>178</sup> Patronage intensified in the context of job scarcity, when open employment was restricted in lieu of favours to the wealthy, elite kinsmen of local MPs. At the same time, Sinhalese youth perceived that jobs were being unfairly allocated by the state: in effect, the avenues for social mobility through patronage were closed to them (Obeyesekere, 1974). Contemporaries blamed the corrupt practices of government and its failure to live up to the promises made to youth for the insurgency. Blocked mobility was more acutely felt in the context of overblown promises of social justice. Students’ own representations to a *Presidential Commission on Youth* (Government of Sri Lanka, 1990), which investigated the causes of the insurrection, demonstrated this frustration over continued restricted opportunities for self-advancement. The commission concluded that in retrospect and as a warning for the future, in the context of unmet expectations, ‘the scope for youth unrest cannot be underestimated’ (Government of Sri Lanka, 1990, p. 30). The words of one retired government official captured the essence of this broken promise: ‘if I can summarise what I am trying to say, or what I’ve tried to say, our problem has been a failure to meet the increasing demand which we have created’.<sup>179</sup>

The insurrection was a critical juncture for the escalation of legitimisation practices in the education arena. Significantly, a key line of the state’s response was to absorb unemployed

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<sup>177</sup> He went on to note that ‘such a perception still lingers and some sections of the public and university employees seem to think so even now’ (Pathmanathan, 2000, p.10).

<sup>178</sup> Interview with former Minister (MoHE), Colombo: April 20, 2016.

<sup>179</sup> Interview with retired academic, Colombo: October 16, 2014.

graduates into public sector employment. On the night of April 15, the Education Minister made this rhetorical commitment in a national broadcast to the nation which called on the insurgent youth to ‘come back to their parents and fellow citizens’.<sup>180</sup> He reminded the people that within months of the government assuming office appointments had been granted to 2,500 graduates as teachers. He further recalled that another 5,000 graduates had been employed by the ministry of planning and under the graduate training programme. Furthermore, he promised to make arrangements to recruit another 2,500 GCE qualified youth as teachers and launch a crash programme to fill all vacancies in government departments.<sup>181</sup> In this way, the solution to broken promises - the underlying cause of de-legitimation - was to make more promises, in compensatory fashion. Legitimacy crisis spawned increasing legitimation claims and practices.

### **Legitimacy Crisis II: Higher education and Tamil militancy**

During the same period as the Sinhalese youth insurrection had taken place across the island, Tamil youth were increasingly agitated and militarised in the north. Militant Tamil youth groups were forming largely from within the student population, including the Tamil Students’ Federation (TSF) (Wilson, 2011).<sup>182</sup> Simultaneously, Tamil political representatives, particularly under the Tamil United Front (TUF), began to shift their demands from federalism towards calls for a separate Tamil state. Youth militarisation and the crystallisation of separatist demands were important markers in an ongoing process of state de-legitimation among the minority Tamil community. Tamil youth groups would be later described as ‘the most militant agitators for separatism’ and ‘a substantial and very volatile element in Tamil society’ (K. M. De Silva, 1981, p. 551). The TUF is considered a precursor organisation to the Liberation Tigers of Tamil Eelam (LTTE) – an armed guerrilla group that went on to launch a violent struggle against what was perceived as an oppressive state administration.

Changes to the rules governing access to higher education contributed to perceptions of state discrimination and exacerbated this process of state de-legitimation among Tamil student groups.<sup>183</sup> Most significant among these changes was the incendiary policy of so-called

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<sup>180</sup> ‘Return to your parents’. The Times of Ceylon, April 16 1971.

<sup>181</sup> ‘Return to your parents’. The Times of Ceylon, April 16 1971.

<sup>182</sup> The Tamil Students Federation was renamed the Tamil New Tigers and later became the Liberation Tigers of Tamil Eelam (Wilson, 2011)

<sup>183</sup> It should be underscored here, as noted earlier, that many more factors were involved in this de-legitimation process. The resort to armed separatism was significantly fuelled by the language policies under the 1956 Sinhala Only Act, reinforced by

‘media-wise standardisation’. This policy applied a new formula for university entrance, based on language (‘media’). Until then, university admissions criteria had been based on pure merit, or raw marks, in secondary school examinations. This new formula introduced varying qualifying marks according to the language in which entrance examinations were taken. A type of quota system was introduced, whereby the number of students admitted to the universities was thereafter proportional to the number of students sitting examinations in different languages – whether English, or one of the two local swabasha languages of Tamil and Sinhalese. At that time, as discussed earlier in this chapter, Tamils represented the larger group of applicants sitting university entrance exams in English and Tamil and were overrepresented in the coveted science and engineering faculties proportionate to their population size. Under the new rules, they would now be required to score higher raw marks than those sitting the exam in Sinhalese to gain access to the state universities (C. R. De Silva, 1974). In this way, standardisation shifted the principle governing entry to universities from one of universal merit, to one of discrimination on the basis of language and, by association, ethnicity.

This highly contentious policy, and the wider concern it raised about fairness in university admissions, became a key issue of contention between the minority Tamil and the nationalist state (C. R. De Silva, 1974). It provoked a particularly hostile reaction among Tamil youth whose rights to education and social mobility were potentially threatened, and further agitated already militant youth groups. Though the government subsequently retracted language-based criteria for university entrance<sup>184</sup>, the damage to the state’s legitimacy was irreversible. Standardisation added to the grievances of Tamil youth and their political representatives, and exacerbated the process of state (de-)legitimation. It created perceptions of distributive injustice in access to this highly desired social good. Moreover, it demonstrated to Tamils that the state was no longer operating on the basis of fair, transparent procedures and signified that the right to education embedded in Sri Lanka’s post-colonial social contract would be applied selectively, rather than universally. Finally, it became a symbol of their increasing exclusion from access to state power and resources. In the process,

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the 1972 Constitution, which gave Buddhism a special state protection. These issues are addressed in depth by Kearney (2011).

<sup>184</sup> Language-based standardisation was later replaced by a number of different formulas based on the birthplace of the candidate, or the place where they sat the entrance exam, rather than the language in which they had sat the entrance examination. These schemes were: 1973 standardisation according to district; 1974 Standardisation with district quotas; 1975 standardisation with 100 per cent district quotas.

standardisation helped to break the social contract between the Sinhalese state and Tamil minority.

### **Pursuing a Sinhalese interpretation of fairness**

Standardisation was an escalation of the post-colonial political legitimisation practice of delivering social justice for the Sinhalese. It was significant that perceptions of distributive injustice in access to university education – and Tamil favouritism - had been remarkably durable over time and provided at least some of the motivational impetus behind new measures to engineer access to university. The following anecdote by the historian M. Roberts in 1979 is illustrative of the social environment at the time. He wrote: ‘a couple of years ago, I had occasion to hear a bitter denunciation of Tamil nepotism and references to their disproportionate share of places in certain departments from an articulate, English-educated Sinhalese nationalist. That these departments were tiny segments of the sprawling, new governmental empire was conveniently forgotten. In such a fashion Sinhalese nationalists gird their loins for battle in the 1970s with grievances of the 1940s; with veritable fictions’ (Roberts, 1979, pp. 77-78). Perceptions of the continued advantage of Tamils, and disadvantage of the majority Sinhalese in the education sphere, also had new evidentiary support. As noted earlier, a government survey carried out in 1971 found widespread imbalances in educational facilities (buildings, laboratories, qualified teachers) between urban and rural areas, and between developed and less developed parts of the country.<sup>185</sup> At the same time, the majority of students in the coveted science faculties came from urban areas (Colombo South) and Tamil areas (Jaffna), while several rural districts – the state’s core legitimacy audience - were still not represented at all in these faculties (Jayaweera, 1969). Moreover, the limited prospects for arts graduates – revealed by the high rates of youth unemployment – seemed to confirm that the education system was still not adequately serving the majority.

The need to rectify these perceived injustices took on added impetus after the legitimacy crisis in the south. The new SLFP government had already committed to delivering a level playing field for the rural Sinhalese masses in the opening speech of a new Parliament in 1970. Crucially, this had also been the first election in which a lowering of the voting age to 18 had come into effect - meaning that the key constituency of young, educated people had a new stake in the political system. The insurrection gave a sense of urgency to address

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<sup>185</sup> Hansard, August 11, 1971, column 515.

inequalities and deliver social justice for them. As the leading historian K.M. de Silva (1981, p. 541) later recalled, the insurrection had demonstrated that the pace of change towards the vision of social justice – and fairness for the Sinhalese - had been too slow, especially given that their ‘political appetites had been whetted by their zeal in working to bring the government into power’. Indeed, soon after the election, MPs began to complain that their constituents were already pestering them for jobs and demanding an immediate reduction in the cost of living.<sup>186</sup> Mrs Bandaranaike quickly gathered MPs to the official Presidential residence, Temple Trees, and advised them to tell their constituents to be more patient.

In this context of impatience for social justice, reported inequalities in access to the science-based faculties were politically problematic. Reforms in higher education subsequently took on a new urgency. This was signalled in strong statements made by Dr Baduidain Mahmud, then Education Minister, in the days and months after the insurrection, in which he called for a complete overhaul of the education system. He particularly stressed the need for *quick* reforms, stating ‘we cannot afford to dilly-dally any longer, so we must take the shortest cut possible’.<sup>187</sup> Meanwhile, the earlier legitimisation practice of escalating state control, particularly the powers vested in the NCHE, had paved the way for political interference in admissions, and exactly that kind of political shortcut. Early in his term of office, the education minister made clear his intention to take full advantage of this, and remove all remaining hindrances to the rural child, when he introduced a new ‘area rule’ giving students residing within a twenty mile radius of a university special access to it.<sup>188</sup> This move exemplified that important political developments had provided the impetus, urgency and opportunity for radical new measures to engineer access to university education.

Political elites revived perceptions of colonial injustice, and Tamils’ educational advantage, to rhetorically justify the engineering of university spaces. Political narratives channelled widely-held views about the need to re-establish fairness in the education system.<sup>189</sup> A key idea was that if the social justice ideology of the post-colonial welfare state was to be fully realised, then maximum educational opportunities had to be extended to the rural majority Sinhalese. Standardisation of marks would counteract the regional imbalance in science teaching regions that was disadvantaging Sinhalese students in particular (C.R. De Silva,

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<sup>186</sup> ‘Be patient, PM tells SLFP’, Daily Mirror, August 20, 1970: front page leader.

<sup>187</sup> ‘Education system to be overhauled’, Daily Mirror, May 11, 1970.

<sup>188</sup> The report of the National Council for Higher Education in 1969-70 had recommended that 25 per cent of places at the University of Peradeniya should be allocated to students living within 20 miles of it, which included the constituency of the Permanent Secretary.

<sup>189</sup> ‘Education lessens job prospects’, Daily Mirror, November 9, 1971.

1979). It was perceived by some as morally justifiable if it could overcome ‘the systemic legacy of division between the elites and the proletariat’, that was a lingering and resented legacy of colonial injustice.<sup>190</sup> Affording less advantaged students equal educational opportunities would, according to some, ‘prevent the emergence of a so-called intellectual elite, with its attendant evil of intellectual robbery’.<sup>191</sup>

The official government narrative struck a similar justificatory tone. A government press statement released to the House of Representatives in 1971 referred to ‘a vicious circle that operates against the rural child, particularly in the field of science and technical education. He has neither the facilities nor competent teachers that would enable him to compete on an equal footing with his more fortunate counterparts from the urban areas’<sup>192</sup>. It continued: ‘however brilliant the rural child may be, he is denied a place in the sun’. This captures the central normative justification for standardisation: its normative appeal was in levelling the playing field for the majority Sinhalese - the state’s main legitimacy audience. In this way, the engineering of university entrance criteria was a short-cut mechanism to ‘appease the masses’ and deliver a Sinhalese version of ‘fairness’ for them.<sup>193</sup>

## Justificatory failure

This pursuit of ostensible fairness and equity for the majority Sinhalese collided with, and contradicted, perceptions of fairness among the Tamil minority. Tamil political representatives, students and civil society organisations reacted with immediate hostility and dissent to the attempt to engineer university spaces. In November 1970, 10,000 students from Jaffna staged a protest at which they burned an effigy of the education minister, and then cremated it on the Jaffna esplanade.<sup>194</sup> The students subsequently delivered an ultimatum to the minister: he should reverse the injustices done to Tamils under the new entrance scheme before 10th December, or they would take ‘further action’. When asked what that ‘further action’ could mean, a student leader replied ‘it can mean anything. We shall show the government what we are capable of doing’.<sup>195</sup> While the objective effects of standardisation on university enrolment are disputed, available data indicates that over time, Tamils’ share of admissions declined while that of rural Sinhalese increased. More significantly, in the most

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<sup>190</sup> ‘MP on varsity admissions’, Daily Mirror, November 19, 1970: Former MP for Batticaloa, Mr A.H. Makan Makar.

<sup>191</sup> ‘MP on varsity admissions’, Daily Mirror, November 19, 1970: Former MP for Batticaloa, Mr A.H. Makan Makar.

<sup>192</sup> Hansard, August 11<sup>th</sup>, 1971, column 515

<sup>193</sup> Interview with retired government official, Colombo: October 11, 2014.

<sup>194</sup> ‘10,000 Jaffna students protest against varsity admissions’, Daily Mirror, November 22, 1970.

<sup>195</sup> ‘10,000 Jaffna students protest against varsity admissions’, Daily Mirror, November 22, 1970.

coveted science and engineering faculties the portion of Sinhalese students increased from 55.9 per cent in 1970, to 62.4 per cent in 1971. Alongside these Sinhalese gains, Tamil's share of engineering spaces also fell, from 24.4 per cent in 1973 to 16.3 per cent in 1974 (De Silva, 1974).<sup>196</sup> However, the immediate hostility to standardisation emerged before these objective, material effects could have been felt. This indicates it was not so much lived experience but the very principle of unfair treatment that rallied the militant Tamil youth.

In the same way that a Sinhalese version of fairness had provided justification for standardisation, perceptions of unfairness were at the heart of its rejection, by both Tamils and even some Sinhalese. Even if language-based standardisation was conceived by some Sinhalese as positive discrimination, there was no doubt it was *received* by many Tamils as blatant racism.<sup>197</sup> Opinion pages condemned it as 'discriminating against a particular community and bestowing undue advantages on others'<sup>198</sup>. The President of the Parents Association of Jaffna similarly complained that 'if 'standardisation' is a euphemism for discriminating against a particular community and bestowing undue advantages on others, it stands condemned as violating a fundamental human right'. He went on 'from its inception our own university prohibited distinctions of race, creed or class. Is not what are seeking to do with your communal quotas a return to the medieval system of privileges based on birth?'<sup>199</sup> The apparent subversion of the principle of merit in lieu of special rights was widely considered unjustifiable. As one former university student recalled, 'there was a clash between the normative goal of social justice on the one hand, and then distributive justice. At one level, you have democratisation of higher education. At the same time, you have these contradictions'.<sup>200</sup> The rejection of merit was also intolerable among Sinhalese. A prominent Sinhalese Senator staged a walk out over the confusion and chaos over admissions, claiming that 'selection on merit had been ignored in admitting students'. He said 'the government only pretended that it was following a socialist policy and equality for all, so in the ostensible pursuit of this, they undermined the very principles they seemed to espouse'<sup>201</sup>.

The given justifications for standardisation were perceived as not only morally unacceptable – illegitimate - but illogical, among sections of both Tamil and Sinhalese society. Even those

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<sup>196</sup> It was not only the English-speaking Tamil middle classes who were disadvantaged by the system. The main urban centres of Jaffna, Colombo and Galle also lost out to Sinhalese from rural areas.

<sup>197</sup> Interview with retired academic, Colombo, October 17, 2014

<sup>198</sup> 'Standardisation violates a fundamental right', Daily Mirror, December 7, 1970: opinion.

<sup>199</sup> 'Voice of the people: Standardisation-no solution', Daily Mirror, December 1, 1970.

<sup>200</sup> Interview with senior staff, Fulbright Commission: Colombo, April 29, 2016

<sup>201</sup> 'Alleged interference with university admissions. Sen. Kalpage slates govt.', Daily Mirror, November 16, 1970.

with sympathy for the government's social justice orientation viewed the engineering of admissions criteria as unjustifiable. A front-page opinion piece is particularly illustrative. In it, a Professor Emeritus of the university<sup>202</sup> objected to standardisation on the basis that it was 'the wrong solution to the right problem'.<sup>203</sup> Whilst he acknowledged that justice for the children receiving education in sub-standard schools 'will be appreciated by all who have the larger interests of the country at heart', he feared standardisation was going about this in the wrong way. Weightage based on school facilities would be fairer than weightage based on language, he argued. An obvious solution would be to ensure that at least one school in every disadvantaged rural district was staffed and equipped properly up to advanced level standard. If the aim was to level the playing field, standardisation did not appear to be the most effective way of going about achieving it. Rather, the solution to remedying the imbalance between the educational facilities in urban and rural areas surely lay in correcting those imbalances in facilities, rather than in adjusting criteria for entry. In November 1971, the principal of Jaffna Hindu College publicly criticised the proposed system to this effect. He wrote: 'If certain areas lacked facilities for higher education, it must be remedied forthwith and those children provided with all amenities for better education rather than denial of admission to children who deserved a place in the university'.<sup>204</sup> This questioning of the logic further undermined the state's justificatory rhetoric, and bred perceptions of discrimination.

Standardisation also suffered a justificatory deficit because it had no apparent evidentiary basis. After the introduction of the policy, a government committee on social overheads encouraged memoranda to be submitted for deliberation. One such memo, submitted by the National Science Council of Sri Lanka, found no evidence to support the given justifications for language-based standardisation and, as such, concluded that it was 'indefensible without proof'. It further stated that pertinent data on examinations and admissions it had requested from the Examinations Department had not been made available to it (National Science Council of Sri Lanka, 1975). It therefore rejected claims that were being made that there were differences in marking standards between different examiners of different languages, particularly in the science-based multiple choice questions, 'where there can be no subjective bias in the marking' (ibid, p.8). It called instead for a district quota system to remedy imbalances in facilities between districts, which, it argued, would also encourage students to

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<sup>202</sup> Dr. A. W. Mailvaganam

<sup>203</sup> 'Voice of the people: Standardisation-no solution', Daily Mirror, December 1, 1970.

<sup>204</sup> 'Head deplores proposed varsity entry scheme', Daily Mirror, November 5, 1971: Mr. E. Babalingham.

study in their own districts. Nevertheless, it noted a lack of transparency around the cut-off point for students from underperforming districts, and the continued need for university to be oriented towards ‘educating the best talent’ (ibid, p. 14). Overall, this report illustrated that the trading of merit for positive discrimination was not justifiable: students from the worst performing areas should be helped, but not at the cost of the best students being shut out.

Even among those communities that stood to benefit materially from positive discrimination, the political subversion of merit could not be justified. The very principle of political interference in university admissions was rejected by some on moral grounds.<sup>205</sup> The principal of the Buddhist Ladies College remarked that although the policy of standardisation was justified in its pursuit of socialist education, ‘the standardisation should not be in the hands of politicians and partisan bureaucrats. The standardising process should more properly be in the hands of the university authorities’.<sup>206</sup> Others argued students’ lives ‘must not be kicked around at the whims and caprices of politicians. Otherwise far from blossoming into the wealth and riches of a future age, they may well become the instruments of eventual ruin’.<sup>207</sup> These public deliberations illustrate concerns about fairness not only among Tamils, but also some Sinhalese.

### **Perceptions of procedural unfairness**

Standardisation was also significant to the ongoing process of state (de-)legitimation among Tamil minority groups and their political representatives because it signalled to Tamils that the state was no longer operating on the basis of fair, transparent procedures. This was a significant impediment to its justifiability, and a key recurring theme in public objection to it among both Tamils and Sinhalese. The attempt to manipulate entrance criteria was later condemned by a cabinet committee on precisely this basis. It noted ‘its contribution both to deepening and indeed institutionalising suspicions between communities and promoting distrust in the fairness or impartiality of public examinations was considerable’ (1974, p. 4).

It was significant that standardisation was introduced in an environment where controversies over university admissions were already testing ethnic relations. After the language of instruction was changed to three mediums – English, Tamil and Sinhalese – examinations scripts were marked by examiners of these respective ethnic groups. This led to rumours of

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<sup>205</sup> ‘Alleged interference with University Admissions: Sen. Kalpage Slates Govt.’, Daily Mirror, November 16, 1970

<sup>206</sup> Mrs Jayaratne

<sup>207</sup> ‘Varsity admissions’, Daily Mirror, November 18, 1970.

cheating. In 1970, allegations of bias in the marking of examination scripts began to surface in the press.<sup>208</sup> There was public scandal when rumours surfaced that 100 of 162 new engineering students were Tamil (C.R. De Silva, 1979, p. 487). When the cabinet authorised the National Council of Higher Education to re-scrutinise marks, there were counter-allegations of undue political interference.<sup>209</sup> A resolution was subsequently adopted at a public meeting at the Dharmaraja College Hall, calling for all university admissions to be suspended until an official inquiry into alleged allegations of discrimination could be undertaken. Speakers at the meeting claimed that the Sinhalese majority had been reduced to a minority in certain spheres, including in trade and commerce, where they had been systematically ousted. Tamils publicly objected to allegations that their representation in coveted faculties was due to corruption and cheating. One opinion piece questioned ‘is it just that most of the admissions were to Tamils?’ It went on to state ‘we hope that whoever enquires into these allegations does not define *corruption* as being Tamil!’<sup>210</sup> After results were re-scrutinised, it was found that a number of students - across all groups - who had qualified for admission had been refused entry, but could not now be admitted because the universities were already full to capacity.<sup>211</sup> Although a later commission found no evidence of marking irregularity or bias, claims of unfairness created an environment of mistrust over university admissions.

Language-based standardisation of marks added to this climate of secrecy and procedural unpredictability around university admissions. Admissions for the academic year 1970 had been particularly fraught, beset by delays and allegations of favouritism. Criteria for entry were not released until October 1970 – almost 10 months after examinations had been sat in December the previous year. All of this contributed to a feeling of mistrust and suspicion of the rules governing entry. At the same time, lingering grievances concerning university admissions were perceived as not being properly addressed. The Sinhala Theruma Sanvidhaanaya (a pro-government youth organisation) alleged that a committee of inquiry appointed by the government to review the marking of engineering scripts had failed to conduct a proper enquiry. As early as 1970, Tamils were complaining they were being admitted to the universities through Tamil rather than English language streams.<sup>212</sup> In

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<sup>208</sup> ‘Entry to varsity: discrimination alleged’, Daily Mirror, August 11, 1970.

<sup>209</sup> ‘Those medical and engineering results: Cabinet confirms ‘mirror’ exposure’, Daily Mirror, August 20, 1970.

<sup>210</sup> ‘Students in a fix’, Daily Mirror, Friday August 21, 1970: Front page opinion column.

<sup>211</sup> ‘Too late for varsity admission – NCHE Re-scrutiny reveals many more have made the grade’, Daily Mirror, November 18, 1970: Front-page leader.

<sup>212</sup> ‘University admissions: Tamil students complain’, Daily Mirror, November 11, 1970.

November 1970, the turbulent year of admissions, a peaceful demonstration over allegations that 23 Muslims had been improperly admitted to the University of Technology, Moratuwa was put down with tear gas.<sup>213214</sup> The strikers alleged that the Muslim entrants didn't have the proper qualifications, and distributed pamphlets around campus to this effect. The minister said if the students would meet with them then he could explain. He later publicly revealed that 'a certain standardisation was made in the selection, and nearly 50 per cent of the students admitted were from rural areas'. He claimed this was beneficial to all students.<sup>215</sup>

The opaque and seemingly unfair process through which standardisation was introduced further exacerbated perceptions of procedural irregularity in university admissions. The introduction of language-based criteria of entry was not publicly debated in advance. Since there was no advance notification of any adjustment, MPs later scrambled to clarify the criteria after adjustments had already been made. In 1971, Mr K. P. Ratnam, the representative of the Tamil district of Kayts, asked the Minister of Education whether he was aware that 'candidates who sat in the Sinhala medium and obtained 212 marks and above, and Tamil medium candidates who obtained 232 marks and above' had been selected for admission to the Engineering Faculty of the Katubedde Technical College.<sup>216</sup> He asked the Minister of Education to 'state the basis on which the standardisation was done'. A subsequent government press release presented to the Parliament dismissed a 'wrong impression that the marks have been tampered with', and called allegations that entry rules had been introduced to benefit students of particular identity or religious identity 'a canard'.<sup>217</sup> Nevertheless, at the same time, it publicly acknowledged that pass marks had been adjusted for different languages. In 1970, for example, students who scored a total of 227 and above in the Sinhala medium and all students who scored a total of 250 and above in the Tamil medium were admitted to the Peradeniya Engineering degree<sup>218</sup>. Overall, the ad-hoc politicisation of policymaking eroded trust in the system of admissions.

Lack of clarity and transparency over the precise meaning and application of the new entrance criteria was another source of contention. The President of the Parents Association of Jaffna implored the Minister to address the confusion behind how standardisation of marks

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<sup>213</sup> 'Strike over alleged favouritism at Katubedde: Police tear gas Students', Daily News, November 9, 1970.

<sup>214</sup> 'Strike over alleged favouritism at Katubedde: Police tear gas Students', Daily News, November 9, 1970.

<sup>215</sup> 'Katubedde students should have seen me: buddy', Daily Mirror, November 14, 1970.

<sup>216</sup> Hansard, January 6 1971, cols.1953

<sup>217</sup> Hansard, August 11 1971, cols. 517: In defence of allegations of favouritism towards Muslims, the religion of the then Minister of Education, the press statement read: 'The total number of Muslims getting places for Science courses including Medicine, Engineering and Dentistry is only 23 out of a total admission of 1107. This figure tells its own story'.

<sup>218</sup> That amounted to a total of 86 Sinhala, and 60 Tamil students: Hansard, August 11, 1971, cols 517-518.

was actually carried out. He wrote ‘you freely use the word standardisation and say that it obtains in most advanced countries. Will you take us into your confidence and tell us what standardisation means?’ Opinion pages were replete with similar scorn over the government’s vacillation. As one observer wrote, ‘the authorities can claim no consistency of standards nor point to any stable principle on which the admissions were granted’.<sup>219</sup> Senators requested that ‘the minister and the government should place before the country on what basis this standardisation was enforced’.<sup>220</sup> The lack of clarity about standardisation underscored doubts about the state’s true motives. As a Tamil academic later recalled, ‘what was more alienating and hurtful to the Tamils was the manner in which the admissions issue was handled’.<sup>221</sup> The apparent ‘casual arrogance’ of discriminatory decision-making, absent of consultation with the Tamil people, became an emblem of their wider grievances against the state.<sup>222</sup>

### **A symbol of wider exclusion**

Standardisation also added to the grievances and Tamil youth and their political representatives, and exacerbated the process of state de-legitimation, because it signified the removal of long-held rights and entitlements that were no longer safeguarded under any social contract. The university entry system had veered away from a fundamental principle laid down through the landmark free education reforms of the Kannangara Committee in 1943 – namely, the right to education. For Tamils, standardisation was not merely a denial of rights, but a removal of them. As one interviewee summarised: ‘Tamils felt they were not getting what they had. It’s a question of what had, you know? Privileges were taken away’.<sup>223</sup>

The denial of the right to education was more acutely felt in a context where educational achievement, including access to university, had been a long-term symbol of social status among the Tamil community. In this context, the removal of rights was also seen as an assault on Tamil identity and social status. This is signified starkly in the Tamil United Liberation Front’s manifesto in 1978, which likens the removal of the right to education to the removal of the very ‘attributes of nationhood of the Tamil people’ (Kearney, 2011, p. 500). Declining access for Tamil students had ‘driven them to the brink of frustration and

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<sup>219</sup> ‘Varsity Admissions’, Daily Mirror, November 18, 1970: opinion column.

<sup>220</sup> ‘Alleged interference with University Admissions. Sen. Kalpage slates govt.’, Daily Mirror, November 16, 1970

<sup>221</sup> ‘Sri Lanka: A Haunted Nation – the social underpinnings of communal violence– Part 5’ Rajan Hoole, Colombo Telegraph, November 1, 2013.

<sup>222</sup> ‘Sri Lanka: A Haunted Nation – the social underpinnings of communal violence– Part 5’ Rajan Hoole, Colombo Telegraph, November 1, 2013.

<sup>223</sup> Interview with academic, Peradeniya: October 15, 2014.

gulfed with anxiety about their future’, it claimed. It said there was no alternative left but to end the Sinhalese reign if equality of opportunity was to be restored, and crucially, ‘if this generation of youth is to live as human beings brimming with self-confidence’. The denial of rights had acute symbolic significance. To many Tamils, ‘university was a symbol of social prestige and upwards social mobility’.<sup>224</sup> The blow to self-esteem was acutely felt. Several new entrants under the first standardisation batch were given entry to colleges in lieu of state universities. One such candidate, a former Vice Chancellor of the University of Jaffna who was moved to Moratuwa (at that time a College with no degree program), recalled that ‘some of us had nervous breakdowns. A few who could afford it, went abroad. The vast majority who stayed for lack of any other choice, were radicalised and moulded into communalists’.<sup>225</sup> In the same way that Sinhalese nationalism fuelled the ostensible pursuit of social justice, standardisation provoked strong recoil to protect Tamil national identity.

In a wider political context in which the nationalist state was increasingly discriminating against Tamil minority groups, standardisation magnified their perceptions of exclusion. Though standardisation reflected these wider processes of perceived state discrimination, the removal of the right to education had a special resonance. It was a tangible and therefore acutely felt blow to the Tamil youth. As one former Tamil student recalled, ‘the riots and even the Citizenship Act were distant to Tamils in the North East. But standardisation was seen even by those who would never entered university as blocking them out.’<sup>226</sup> The prospect of being shut out of the universities was more acutely felt in a context of scarcity. The economic downturn of the 1970s had exacerbated a long-term mismatch between demand for, and supply of, higher education (Little & Hettige, 2013). Accessing state universities was even more crucial because there was high competition for few spaces. University education also represented an avenue to public sector employment at a time when there were very few private sector job opportunities.

The removal of previously held rights to education was also highly symbolic of a wider process of state discrimination and as such, became an emblem of state illegitimacy. One elite Tamil businessman from a family closely connected to the government of the time described how it was ‘the prime minister’s betrayal of her closest advisors and friends that really undermined our status. I mean, Tamils owned a lot of businesses, and the state needed them.

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<sup>224</sup> Interview with senior lecturer, Colombo: October 7, 2014.

<sup>225</sup> ‘Standardisation, the true picture’, Daily News, July 17, 2003: Professor S. Ratnajeevan H. Hoole.

<sup>226</sup> ‘Standardisation, the true picture’, Daily News, July 17, 2003: Professor S. Ratnajeevan H. Hoole.

We were running the state, basically'.<sup>227</sup> In this way, standardisation signalled not only blocked social mobility, but blocked access to power. For these reasons, it significantly aggravated the ongoing process of state de-legitimation among Tamil groups.

## Conclusions

Two separate legitimacy crises consolidated in Sri Lanka during the early 1970s: insurrection in the south of the country, and armed separatism in the north. These distinct crises had multi-dimensional causes and effects, but both were exacerbated by politicised reforms to the system of education that had escalated after 1956. Both crises were partly the unintended feedback effects of legitimisation practices in the sphere of higher education. Reforms intended to legitimise the state with its core constituency - the rural Sinhalese - had the reverse effect of helping to de-legitimise it among elements both within that constituency, as well as among the Tamil minority.

The control legitimisation practice generated hostility and resentment on university campuses, and helped turn them into a physical space for dissent. The democratisation of higher education produced a structural problem of educated unemployment, and a cohort of youth shut out of the promise of social mobility. At the same time, the nationalisation legitimisation practice failed to address persistent linguistic and structural inequalities and, in the process, perpetuated new perceptions of inequality and injustice. Together, these legitimisation practices not only patently failed to deliver on the promise of greater social mobility for the Sinhalese embedded in the social contract: they violated it. They helped create an environment of unrest at the universities, a structural problem of educated unemployment, and a cohort of frustrated young people with both old and new grievances against the state.

The conjuncture of the apex of a nationalist state and the legitimacy crisis in the south gave rise to new measures to deliver social justice in higher education in order to further legitimise the state with its core constituency. Standardisation was introduced in response to impatience for social justice among the majority rural Sinhalese. It was widely perceived as unjustifiable and unfair, both in a distributive and procedural sense, among both Tamils and Sinhalese. It sent a strong signal to the Tamil minority that the state was not operating on the basis of fair procedures nor committed to upholding the long-held right to education and the principle of meritocracy embedded in the social contract. Its significance was magnified in the context of

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<sup>227</sup> Interview with business leader, Colombo: April 27, 2016.

wider discrimination against the Tamil minority and as such it became an emblem of the illegitimacy of the state.

Both de-legitimisations resulted, at a basic level, from breaches in the social contract. The state had violated the legitimacy ideas and values encapsulated in the social contract, on two fronts. On the one hand, it had not gone far enough to satisfy the new expectations of rights and entitlements promised to the 'common man' Sinhalese. On the other hand, it went so far in trying to realise these rights that it violated the rights and expectations of Tamils, and helped to irreversibly alienate them from the state.

These de-legitimisations can only be understood in the context of expectations of rights and entitlements implicit in Sri Lanka's welfare-based social contract discussed in the previous chapter. In boomerang fashion, the solutions had become the problems: legitimisation practices had helped de-legitimise the state. As the next chapter shows, the legacy of both the legitimising ideas and values, and the consequences for breaking them, would be long-lived. Both of these events have left a lasting impression on the state, not least in the higher education sphere. Both the ideas underpinning the social contract, and the consequences for violating them, would continue to mould and shape the higher education arena well into the post-war period. Any challenge to the rights and entitlements embodied in the social contract continues to mobilise efforts to defend the social contract.

## CHAPTER VI

# Defending the social contract: Higher education and contested post-war legitimacy

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The two previous chapters examined the role of higher education in the making and subsequent breaking of the social contract between the state and its core Sinhalese and Tamil minority constituencies. This chapter now examines the significance of higher education for state legitimacy in the contemporary, post-war era.<sup>228</sup> During the critical juncture between 2009 and 2015, the education social contract was again challenged and re-contested in a new political order. Against a backdrop of education crisis, the state's core constituency mobilised to defend the rights and entitlements embedded in the social contract and reassert the state's commitment to safeguarding it. Defending the right to education became significant to a wider process of contesting the legitimacy of the post-war state. It illustrated both the continuing importance of the right to free education for the state's legitimacy, and the enduring legacy effects of the post-colonial social contract.

The war between the Sinhalese state and the Liberation Tigers of Tamil Eelam (LTTE) had widespread, devastating effects on both state and society. Like many areas of public life, state-funded universities suffered from long-term underinvestment, deteriorating infrastructure, and skills drain. After the defeat of the LTTE in 2009, addressing the education crisis by reviving and reinvigorating the universities was an issue of widespread concern. At the same time, the prevailing political climate was not obviously conducive to it: a triumphalist regime, with a market-oriented outlook, and an increasingly authoritarian state apparatus, appeared to be veering increasingly away from the protectionism and rights enshrined in the education social contract. In this context of education crisis and political change, the Federation of University Teachers Association (FUTA) mobilised an extended and high profile campaign to 'save state education'. On the surface, FUTA's demands were

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<sup>228</sup> I use the term 'post-war' here to signify the end of military conflict between the government and LTTE forces, with the understanding that other forms of violence, trauma and repression continued after the cessation of those operations and that Sri Lanka continues to suffer the effects of war.

typically trade unionist. The union was calling for an increase in educational expenditure up to 6% of GDP, an end to politicised control over the universities and enhancements in academic pay and conditions.<sup>229</sup> Yet, through an island-wide campaign of mass rallies, conventions, print and social media<sup>230</sup> and a ‘million signature’ petition, FUTA was able to galvanise a cross-section of public and civil society support for their cause. This popular mobilisation culminated in the so-called ‘long march’ - a 130-kilometre, 5-day, symbolic procession from the south of the country to the capital, Colombo.<sup>231</sup> What had begun as narrow trade union action had developed into no less than a social movement, with the unified goal of defending the right to free education embedded in Sri Lanka’s welfare contract.

This chapter explores the popular movement to save state education as a window to the significance of higher education for state legitimacy in post-war Sri Lanka. It argues that the FUTA dissent was galvanised in response to cracks in the social contract in the form of restricted access, declining investment and quality, and a splintering of the higher education system along class lines. These changes challenged foundational ideas about the right to education for all and the role of the state as patron and protector of the poor that had been the fundamental basis of the post-colonial social contract. FUTA’s campaign gained momentum because it revived and rejuvenated the intrinsic mass appeal of these ideas. This mobilisation was significant not because of its size or scale, but because of the constituency it represented – that is, the majority of rural poor that have been the core bloc of power since independence. In turn, the state’s response to the challenge to its legitimacy was conditioned by the past. While the state’s response was hard-line, and rhetorically sought to discredit FUTA, it was also forced to make reluctant concessions to them. This illustrates that the obligations embedded in the social contract act as a line in the sand that continues to straightjacket the Sri Lankan state, even as an authoritarian regime. It argues that while servicing the social contract is important from a political legitimisation perspective, and is reinforced through continuous negotiation, this political logic does not guarantee that the social contract is optimal from an education perspective. Indeed, over time it has arguably re-produced post-colonial social injustices, making it sub-optimal, dysfunctional even, from an education perspective.

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<sup>229</sup> A global, UNESCO target.

<sup>230</sup> Including a U-Tube channel and Facebook page.

<sup>231</sup> The procession took place 24-28 September, 2012 and culminated in a mass rally in Hyde Park, Colombo.

The chapter begins by outlining the post-war cracks in the social contract in higher education. It then examines how FUTA's campaign narratives revived appeals to the original rights and entitlements embedded in the social contract, and explores why these ideas had intrinsic popular appeal. The chapter then analyses the state's response to the FUTA challenge, which indicated both the significance of the challenge to its legitimacy, and the continued need to navigate the line in the sand laid down by the social contract. Finally, the chapter contrasts the legitimising function of protecting the social contract with its dysfunctions from an education perspective.

### **Cracks in the post-war social contract**

The near 30-year war between the Sinhalese state and the Liberation Tigers of Tamil Eelam (LTTE) took its toll on the system of higher education. Cracks in the education social contract surfaced in the post-war economic climate. Academic salaries had declined, infrastructure had been poorly maintained, unions were inactive, and many academics had migrated abroad along with the broader flight of human capital.<sup>232</sup> It was not that Sri Lanka's economy had bottomed. On the contrary, between 1978 and 1989 it had grown at an average of 5.1 per cent (Bastian, 2013, p. 22). Nevertheless, growth had been lopsided, and had stagnated after the financial crisis of 2001. More significantly, educational expenditure had declined during the final stages of the conflict, from 2005 onwards, when funds were increasingly diverted into the government's final military campaign to defeat the LTTE separatism in the north. As defence expenditure increased, educational expenditure declined. Some 3 per cent of GDP, and 20 per cent of public expenditure, was absorbed by the state military apparatus (Bastian, 2013, p. 1). In contrast, the portion of GDP spent on education had been hovering between 1.4 and 1.7 per cent. In 2009, Sri Lanka was spending a substantially smaller portion of its national wealth on education South Asian countries with comparable economic fortunes (World Bank, 2009).<sup>233</sup> An escalating military budget accompanied a contraction of the state, and increasing market liberalisation (Venugopal, 2011). At the official cessation of military conflict, government funds had been diverted to massive infrastructure investments (ports, highways, airports, railroads, power and energy

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<sup>232</sup> Interview with Senior staff, University of Sri Jayawardenepura, April 19, 2016.

<sup>233</sup> In 2009, Sri Lanka was spending less than 10 per cent of its budget on education – the lowest in the South Asian region and below India and Pakistan, whereas some government budgets allocated up to 30 per cent (Thailand and Malaysia) (World Bank, 2009, p. 21).

infrastructure).<sup>234</sup> This reflected a populist, state-led approach that was presented as a route to economic progress (Walton, 2015). Even in education, the portion of budget allocated to recurrent costs (salaries) reduced in comparison to physical infrastructure.<sup>235</sup> In this way, war undercut and diverted the fiscal capacity of the state to continue to fulfil its legitimising, paternalistic welfare role.

Reductions in the (perceived) quality of state higher education signalled the general decline of the state sector. Years of declining investment damaged the infrastructure and administration of the state universities. Delays and allegations of corruption in the distribution of examination results were rife, as were strikes, boycotts and campus closures that were interfering with the completion of state degrees (Warnapala, 2011). A particularly high-profile fiasco occurred over the miscalculation of the intake for the entrance exams sat in August 2011. The Department of Examinations subsequently received 147,000 appeals to review their marks, and more than 500 students filed petitions to the Supreme Court to cancel the results entirely.<sup>236</sup> As a result, waiting times for public universities were as long as 18 months.<sup>237</sup> Overcrowding in halls of residence - partly a legacy of the under resourced democratisation of access - continued to be a persistent problem.<sup>238</sup> At the same time as huge infrastructure projects were being developed on a national scale, buildings and roads on state university campuses were in a situation of disrepair and decay. One academic bemoaned it had taken ten years for sufficient funds to be granted to build a road (in place of a dirt track) to their faculty building at Colombo University.<sup>239</sup> University classrooms offered limited basic facilities, buildings lacked any air conditioning and in some cases, student's living conditions are unsafe. Electricity sockets were overloaded, and conventional ovens were used to make rotis.<sup>240</sup> The visible decline of facilities was viewed as a symbol of state neglect of education, and of student welfare.<sup>241</sup> FUTA itself described the state of education, including the malfunctioning of admissions, as 'tragic'.<sup>242</sup>

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<sup>234</sup> Interview with Senior staff, University of Sri Jayawardenepura: April 19, 2016; Interview with former Minister of Higher Education: Colombo, April 20, 2016.

<sup>235</sup> Interview with former Minister of Higher Education: Colombo, April 20, 2016. Of the 50bn budget, around 20bn was allocated to capital expenditure, and the remainder on recurrent costs.

<sup>236</sup> 'The state of the free education system in Sri Lanka: Confessions of a disgruntled student', Groundviews, March 23, 2013.

<sup>237</sup> 'The state of the free education system in Sri Lanka: Confessions of a disgruntled student', Groundviews, March 23, 2013.

<sup>238</sup> Second year students have to leave some halls of residence.

<sup>239</sup> Interview with Professor, University of Colombo, 18<sup>th</sup> April, 2016

<sup>240</sup> 'they are so poor they can't go and buy a hot plate. They invent their own hot plate'. Interview with retired govt. official, Colombo: October 4, 2014.

<sup>241</sup> Interview with Senior staff, University of Sri Jayawardenepura: April 19, 2016.

<sup>242</sup> 'Federation of University Teachers' Associations' Continuous Strike Action of 2012 July – Demands', FUTA, 14<sup>th</sup> June, 2012.

The long-term problem of mismatch between the supply and demand of state higher education was further exacerbated through war. The number of students qualified to enter universities had increased, while the number of students admitted had not (Sandarasegaram & Karunanithy, 2009). At the end of the war, as had been a continuing theme since independence, access was highly restricted. The government reported in 2010 that only 17.2 per cent of students eligible to enter state universities - that is, students who had obtained the minimum requirements in the GCE/AL examination - were granted entry.<sup>243</sup> The remaining 82.8 per cent of qualified students would have to seek higher education elsewhere. The Gross Enrolment Rate (GER) was around 16 per cent.<sup>244</sup> These figures illustrate that higher education provision had not kept pace with the post-independence social demand model. The continuing void between supply and demand was not only limiting the prospects for the rural lower and middle classes to enter the universities, but also the prospects of realising the equal right to free university education as a key term of the social contract.

Along with declining quality and restricted access, the state lost its monopoly on higher education provision. The higher education system had segregated along three lines: public (state-funded), private (market-driven) and transnational (overseas study). This segregation also followed class lines. While the rural middle classes and workers/peasants have remained largely educated in the state sector, a new urban middle class could now afford to educate their children in private schools and universities. The capitalist classes were largely educating their children overseas (Hettige, 2000). The figures are illustrative. Between 2005 and 2010, the number of students studying in foreign universities almost doubled, from 5,000 to up to 10,000 (Warnapala, 2011, p. 328).<sup>245</sup> By 2013, more than 60 transnational higher education institutes were operating, offering foreign, fee-paying degrees.<sup>246</sup> Perceptions of deteriorating standards in state education, including admissions delays, campus disruptions, and poor employability prospects, are at least partly to blame for sections of the middle classes having voted with their feet, and opted out of the state sector.<sup>247,248</sup>

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<sup>243</sup> UGC admissions data: <http://www.ugc.ac.lk/>

<sup>244</sup> The GER is the ratio of students enrolled in higher education in age cohort of 16-24. Samaranayake, Professor Gamini, 'The role of State universities in the knowledge hub in Sri Lanka', Convocation speech delivered at the convocation of the Eastern University of Sri Lanka, 20<sup>th</sup> April, 2013.

<sup>245</sup> Samaranayake, Professor Gamini, 'The role of State universities in the knowledge hub in Sri Lanka', Convocation speech delivered at the convocation of the Eastern University of Sri Lanka, 20<sup>th</sup> April, 2013.

<sup>246</sup> Samaranayake, Professor Gamini, 'The role of State universities in the knowledge hub in Sri Lanka', Convocation speech delivered at the convocation of the Eastern University of Sri Lanka, 20<sup>th</sup> April, 2013.

<sup>247</sup> Samaranayake, Professor Gamini, 'The role of State universities in the knowledge hub in Sri Lanka', Convocation speech delivered at the convocation of the Eastern University of Sri Lanka, 20<sup>th</sup> April, 2013.

<sup>248</sup> Group discussion, parents, Colombo: 22/04/2017. Whilst other interviews and conversations suggested these views are typical, further research into reasons for private sector preferences would be needed to fully substantiate them.

The post-war political conjuncture of heightened regime legitimacy, neoliberal ideology, and creeping authoritarianism appeared uncondusive to addressing these pressing issues of access, equity and quality in state education. The incumbent regime accumulated a groundswell of legitimacy among the Sinhalese majority from its final military defeat of the LTTE in 2009. A ‘sigh of relief’, in the south of the Island at least, had accompanied the end of violence (Keerawella, 2013, p. 5). At the same time, the apparent defeat of the LTTE carried significant political capital, and ushered in a period of post-war triumphalism (Keerawella, 2013). Electoral victory followed in 2011 when the SLFP made gains alongside the weakening of the UNP opposition. At the same time, President Mahinda Rajapaksa gained a fresh political mandate. This regime tapped into fear and paranoia about a return to violence to justify a centralisation of power. This was signified in the passing of the 18th Amendment soon after the Presidential victory in 2010, aided by a two-thirds majority in Parliament, which removed constitutional constraints on presidential powers, particularly the two-term limit, and brought the public service, police and judiciary directly under the control of the executive. The post-war state was subsequently characterised by the increasing personalisation of power in the Executive President, who strategically appointed family members into key ministries (see Wijewardene, 2013).

The new regime’s support for privatisation of universities signified a drift away from welfarism, and posed a more acute threat to the social contract. Market forces had operated more freely in education since economic liberalisation took off after 1977, echoing a wider transition from welfarism (Hettige, 2000). However, Rajapakse’s post-war regime openly supported the marketization of education. Accordingly, the Mahinda Chintana (the 2010 election manifesto and subsequent national plan) had reaffirmed the right to pursue higher studies by all students who pass the advanced level (Government of Sri Lanka, 2010). Crucially, however, the *interpretation* of the route to realising the right to education had fundamentally shifted - from the foundational idea that delivering the right to education was the state’s responsibility, to the idea that the same right to education should be realised through market expansion. Significantly, the government’s strategic plans prioritised greater *choice* in education, and a diversification of ‘modes of learning and alternate institutions within a regulatory framework’ (2012b, p. 2). Privatisation would, the government argued, attract overseas students, and help Sri Lanka retain revenue lost to students studying overseas. In a context where the public universities increasingly could not absorb the sheer number of graduates qualified to enter the universities, privatisation was presented as a means

of plugging the gap between supply and demand. For their part, private higher education institutions claimed to provide courses that were more tailored to the needs of the local jobs market, for example in commerce, business and finance, than those of the state sector.<sup>249</sup>

## **Defending the social contract: FUTA's campaign to 'save state education'**

This crisis of state education, combined with an apparently uncondusive political environment for addressing it, provided a catalytic impetus behind FUTA's mobilisation to 'save state education', and an enabling environment for its accumulation of widespread popular support. Significantly, the FUTA mobilisation represented one of the first post-war social movements to transcend ethnic divisions. During the war, relations between universities in the Tamil north and Sinhalese south had entirely severed, and the union had disintegrated in all but name.<sup>250</sup> At the end of the war, Jaffna University had disaffiliated from FUTA. In 2009, a small cohort of individuals began an island-wide tour to re-activate the union, visiting all 17 state universities in a bid to regroup and garner support for the movement. Their success in doing so was significant in that it represented an important post-war mechanism of reconciliation. One of the union activists recalled the following: 'I mean, when I visited Jaffna they asked me "for the last 30 years, where were you? And I told them, I know, you're right, but now we must work together for our own rights"'.<sup>251</sup> The post-war re-convening of FUTA suggests the education crisis transcended the ethnic divide. Unlike at previous junctures, when ethnic interests were broadly divided around arbitrary quota systems, ethnic interests now re-converged around a common claim on the state: to fulfil its obligation to invest in free education. Over time, FUTA itself became a bastion of ethnic unity in the face of continued state paranoia and repression. They frequently mounted a collective front against the suppression of Tamil freedom. In 2013, for example, they publicly condemned the Rajapaksa regime after a group of Tamil lecturers were accused of attending a conference organised by the Elam 'government in exile' and were subsequently questioned by the Criminal Investigation Department (CID) on arrival at Bandaranaike airport<sup>252</sup>. In this way, FUTA actively cultivated an identity as an inter-ethnic alliance. FUTA's role in catalysing a wider process of social mobilisation that eventually culminated in regime change

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<sup>249</sup> Interviews with private degree-awarding institutions: Colombo, October 2, 2014 (Saegis); October 7, 2014 (IDM); April 29, 2016 (SAITM); April 29, 2016 (SLIT).

<sup>250</sup> Interview with Lecturer and FUTA activist, University of Sri Jayawardenepura: April 19, 2016.

<sup>251</sup> Interview with Lecturer and FUTA activist, University of Sri Jayawardenepura: April 19, 2016.

<sup>252</sup> 'FUTA says academics harassed', Sri Lanka Brief, September 4th, 2013.

in 2015 is at least partly attributable to its ability to successfully mount a sustained and inter-ethnic front against an increasingly repressive regime.

The foundational idea about the *right* to education for all Sri Lankans formed the rhetorical heart of FUTA's campaign materials and narratives.<sup>253</sup> The mismatch between supply and demand was portrayed as a threat to the foundational principle that education should be available to all. Declining educational expenditure was presented as a signal of the state's neglect of its responsibility to uphold the welfare of its citizens.<sup>254</sup> Through its popular slogans and material, FUTA elevated the crisis in education to an abrogation of state responsibility to fulfil its legitimate role as patron of the poor.<sup>255</sup> The fundamental basis of its demands, it claimed, was 'the principle of protecting and uplifting state education'.<sup>256</sup> Indeed, protecting state education was presented as nothing less than a matter of safeguarding national heritage. FUTA's campaign materials pointed out that early progress on welfarism, of which free education had been a core pillar, had elevated Sri Lanka beyond the status of many other developing countries, and should rightly be considered a source of national pride. By this measure, Sri Lanka's welfare state was 'of great distinction and therefore needs to be protected at all cost'.<sup>257</sup> Moreover, if the rights and ideals laid down in the post-colonial period of welfarism were left by the wayside, the injustices of the past would, FUTA claimed, resurface. In a pamphlet entitled 'Education Under Attack!', the question was posed directly: 'do we want to go back to the time of colonialism, when only a few were educated?'.<sup>258</sup> These narratives revived both old injustices and the former glory of welfarism. Through them, FUTA appealed to the original legitimating ideas underpinning the making of the social contract in the post-colonial era. This was, in effect, a re-deployment of the legitimising power of those ideas for the purpose of mobilising popular dissent.

Another key line of contestation put forward by FUTA was that declining investment signified that the state was de-prioritising state higher education. Indeed, declining state investment in education was presented not only an issue of neglect, but a direct threat to the future of universities.<sup>259</sup> FUTA argued this decline was less a product of limited resources

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<sup>253</sup> 'Education Under Attack!' FUTA campaign pamphlet, April 2012

<sup>254</sup> 'FUTA online petition: save Sri Lankan schools and universities', Colombo Telegraph, July 7, 2012.

<sup>255</sup> 'Federation of University Teachers' Associations' Continuous Strike Action of 2012 July – Demands', FUTA, 14<sup>th</sup> June, 2012

<sup>256</sup> 'Federation of University Teachers' Associations' Continuous Strike Action of 2012 July – Demands', FUTA, 14<sup>th</sup> June, 2012

<sup>257</sup> 'Federation of University Teachers' Associations' Continuous Strike Action of 2012 July – Demands', FUTA, 14<sup>th</sup> June, 2012

<sup>258</sup> 'Education Under Attack!' FUTA campaign pamphlet, April 2012

<sup>259</sup> FUTA claimed that investment in education declined to 0.27 per cent of the GDP in 2010.

and capacity than a reflection of government policy. Its main campaign slogan – ‘6% for education’ - reflected its central goal of not only increasing resources, but fundamentally reviving commitment to state education. This, in turn, elevated FUTA’s demands beyond a narrow concern with wages, and gave it a basis for popular appeal. It was hard to argue increased spending on education was not in the interests of all. The details of how the 6% investment might be spent were left fairly open to interpretation. In its campaign material, FUTA suggested the additional investment could improve the quality of education and increase the number of students who could be admitted to the universities.<sup>260</sup> This spoke to the acute supply-demand gap, and promised to expand access. It also addressed the perceived unfairness of the high proportion of students being shut out of the university system.<sup>261</sup> Nevertheless, the President of FUTA later termed the slogan as ‘mainly symbolic’. At the time, some close supporters found this non-specific, non-committal response somewhat disconcerting.<sup>262</sup> To others, the very same vagueness held the key to enabling its popular resonance and, in particular, its cross-class appeal. FUTA’s campaign narratives strategically traversed and bridged the divide. There were even reports that some of the people who came to rallies were calling for 6 per cent investment in *private* education. In effect, the details of FUTA’s demands were less significant than their symbolic weight: FUTA stood for *more* investment in education, because this was the obligation of the state.

Protecting the hard-won heritage of state education from interference by an authoritarian regime was another key line of FUTA’s campaign. In practice, this meant defending the right to education from political interference, in two senses: First, by safeguarding the proper and appropriate process through which decisions about education were taken; Second, by buffering the education system against politicisation. Incursions into the autonomy and independence of the universities were symbolic of the curtailment of freedom in other areas of civic life. FUTA campaign materials revived Kannangara’s own words to defend the education system against such undue political interference, reminding the public that ‘Kannangara would surely administer a stern rebuke to those who destroy teachers’ freedom’.<sup>263</sup> Political interference was not only seen as destroying the principle of intellectual freedom, and having pernicious effects on learning, but a challenge to the very meaning and status of the universities.<sup>264</sup> Specifically, FUTA claimed the government was ‘compelling the

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<sup>260</sup> ‘Education Under Attack!’, FUTA campaign pamphlet, April 2012

<sup>261</sup> ‘Education Under Attack!’, FUTA campaign pamphlet, April 2012

<sup>262</sup> FUTA’s ‘6 % for Education’ in Sri Lanka: Sensible or Sensational? Groundviews, September 28, 2012.

<sup>263</sup> ‘Education Under Attack!’ FUTA campaign pamphlet, April 2012.

<sup>264</sup> FUTA ‘Deterioration of autonomy and academic freedom in the university system – press release’, 7<sup>th</sup> May, 2013

university community to follow a path that is quickly leading us to impart an education that is transient, empty of content and ultimately worthless'.<sup>265</sup>

FUTA's stance on privatisation similarly strategically maximised its potential broad-based appeal. Whilst some members viewed privatisation as a direct 'assault on free education', by no means all academics were ideologically opposed to it.<sup>266</sup> Rather than adopting a principled stance against privatisation, the campaign appealed to common ground to address this potential fissure. That common ground was that all academics, regardless of their position regarding private education, were in favour of protecting state education. The campaign also played to a shared concern that private institutions were being supported *at the expense* of state universities.<sup>267</sup> In other words, investments in private education were presented as a trade-off against investments in state education. Moreover, FUTA claimed the decrease in government spending, combined with support for the private sector, was 'a ploy by government to hand over the responsibility of providing education, particularly higher education, to the private sector' that would eventually destroy the state system.<sup>268</sup> It claimed the comparably poor salaries in the state sector threatened to lobotomise it, sucking staff into the better paid, private sector. In this way, FUTA found common rallying ground that cut across class and political affiliations.

Rhetorically, FUTA's movement to save state education appealed to the same constituency with whom the education contract was made. FUTA's mobilisation was primarily led and orchestrated by the generation that had benefited from free education, and had vested interest in protecting it. The majority of the 4,000 FUTA members were Sinhalese, of middle-class background, educated through the free education system (Witharana, 2015)<sup>269</sup>. They represented what Bastian (2013) has termed an 'intermediate class' of state employees. In turn, FUTA was also able to boost its island-wide campaign partly by drawing on a network of alumni from state universities – again, the children of free education – who were strategically positioned across the island in business and government. The campaign also accumulated cross-party backing from the mid-level elite of religious leaders, trade unionists and artists. This was not least because, as one academic put it, 'in the end, we are all children

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<sup>265</sup> 'Education Under Attack!' FUTA campaign pamphlet, April 2012.

<sup>266</sup> Interview with Lecturer, University of Peradeniya: October 14, 2014.

<sup>267</sup> Interview with lecturer and FUTA activist, Open University: April 21, 2016.

<sup>268</sup> 'Education Under Attack!' FUTA campaign pamphlet, April 2012.

<sup>269</sup> It is worth noting that not all academics supported the FUTA action: some were opposed on grounds that students were already suffering too much disruption of interrupted classes. Others felt pay hikes were unjustifiable in the context of Sri Lanka's post-war economy, and the 6 per cent expenditure request was unreasonable.

of free education<sup>270</sup>. In this way, the call to defend state education was boosted by the structural effects of decades of free education.<sup>271</sup> Part of its success lay in its ability to attract support both from those still invested in state education (whether as students, parents or lecturers), and those whose social mobility had been aided by it (graduates).

### **The popular appeal of saving state education**

Much like the extension of free education in the 1940s, FUTA's campaign to save state education had intrinsic popular appeal. Its message that the government had neglected the education system resonated at least partly because parents were absorbing the costs of that neglect. In the context of high competition for limited places, parents who were already supplementing free education - including informal fees<sup>272</sup> and school transport - were now increasingly burdened with the extra cost of private tuition (Witharana, 2015). The portion of households with school-aged children spending on tuition fees increased significantly during the last decade of the war<sup>273</sup>, from 25 per cent to 55 per cent between 1996 and 2010.<sup>274</sup> Household spending on substitutes for state education simultaneously tripled during the same period.<sup>275</sup> This situation represented a significant entry barrier for the rural poor who could not afford to pay the rising supplementary costs of securing a good education (Little, Upul Indika, & Rolleston, 2011). Likewise, middle class families were also stretched by the high cost of private degree programmes.<sup>276</sup> For these reasons, by the end of the war, free education was popularly derided as a misnomer.<sup>277</sup> In practice, the costs of state underinvestment were being privately absorbed. FUTA itself presented the increase in household expenditure on education alongside the reduction of government expenditure as trade-offs. In the words of a former FUTA leader, 'there is no need for government to invest in education...it's on parents' shoulders now'.<sup>278</sup> The grade five scholarship exam - a route to accessing better schools through merit - was popularly referred to as the 'mothers' examination', reflecting

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<sup>270</sup> Interview with Lecturer and FUTA activist: Open University, April 21, 2016.

<sup>271</sup> 'Why some university teachers are not participating in the FUTA strike action', August 25, 2012, Dbsjeyaraj.com: Mahendra Gunawardane, Kelaniya University.

<sup>272</sup> Including, for example, a substantial 'gift for school development' to facilitate entry to a school: 'The State of the free education system in Sri Lanka: Confessions of a disgruntled student', Groundviews, March 23, 2013.

<sup>273</sup> From some 4,937 per pupil in 1996 to 5,765 in 2010. 'How free is free education? Private household spending on education in Sri Lanka: 1985-2010', Groundviews, February 14, 2012: Rachel Cole.

<sup>274</sup> 'How free is free education? Private household spending on education in Sri Lanka: 1985-2010', Groundviews, February 14, 2012: Rachel Cole.

<sup>275</sup> From 5,749 in 1996 to 14,193 in 2010. 'How free is free education? Private household spending on education in Sri Lanka: 1985-2010', Groundviews, February 14, 2012: Rachel Cole.

<sup>276</sup> A degree in business administration, for example, may cost between LK 500,000 and LK 1.3 million for a three year course.

<sup>277</sup> Interview with former Education Minister and Opposition MP, Colombo, April 20, 2016.

<sup>278</sup> Interview with Lecturer and FUTA activist, University of Sri Jayawardenepura, April 19, 2016.

the familial investment in tutoring for the test. Indeed, the heavy toll on parental time of the added social investment in education was, and remains, an issue that inspires lively debate in Sri Lanka.<sup>279</sup> To FUTA, the widespread phenomenon of private tuition was undermining the idea that education in Sri Lanka was (if it had ever been) ‘free’. In turn, popular support for FUTA reflected the social realities and pressures of education rivalry.

The apparent decline of free state education was highly symbolic of a retreat from welfarism and its legitimate, interventionist role as protector of the poor. FUTA’s campaign sought to remind the state of its responsibilities to its core, majority constituency. These ideas resonated with that section of public opinion in particular. One observer commented: ‘in a militarized society where war heroes have been celebrated, the contribution of the working people towards this country’s progress had not been duly recognized or remembered by the State’.<sup>280</sup> FUTA supporters reiterated and promoted the potentially de-stabilising consequences of such a retreat. One commentator, for example, wrote: ‘unfortunately, the war ravaged Sri Lanka is mistakenly taking that path with a strong determination of ending the welfare state. This path would only lead to a tragedy of social unrest and authoritarianism, once again making the ordinary citizens bear the brunt of waging rebellions in the name of eliminating social inequality with class hatred’.<sup>281</sup> The apparent marketization of higher education also raised fundamental questions about whether education was still intended to be, in the words of Kannangara, ‘the inheritance of the poor’.<sup>282</sup> The regime’s justification, to make Sri Lanka’s education system the ‘Wonder of Asia’ by increasing educational choice, could not be tolerated at the expense of inequality. As one commentator wrote, ‘this could be a noble dream of visionary thinking, but if it is to be realised while the social identity that Sri Lanka inherited from free education of welfare state is left for destruction, the future that this regime is making will not belong to the ordinary citizen of Sri Lanka’.<sup>283</sup> These views expressed in public opinion echoed FUTA’s own narrative campaign to cling on to the welfare contract.

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<sup>279</sup> It is popularly held that all of children’s’ free time is taken up with extra tutoring, and parents are continually transporting children to and from tutoring.

<sup>280</sup> ‘Some reflections on the trade union action by the FUTA’, May 20, 2011: Thiruvaraman, Mahendran.

<sup>281</sup> ‘FUTA and free education in Sri Lanka: Question of social justice and democracy in an oligarchy’, Groundviews, October 3, 2012: Athulasiri Kumara Samarakoon.

<sup>282</sup> ‘The State of the free education system in Sri Lanka: Confessions of a disgruntled student’, Groundviews, March 26, 2013.

<sup>283</sup> ‘FUTA and free education in Sri Lanka: Question of social justice and democracy in an oligarchy’, Groundviews, October 3, 2012: Athulasiri Kumara Samarakoon.

Another reason for FUTA's popular appeal was that social demand for free higher education among the majority constituency had not abated through the course of the war. Parental expectations for university education remained high among rural Sinhalese from lower socio-economic groups. A survey of rural schools in three districts in 2011 is illustrative. It found the vast majority of parents expected their child to attain a university education (Little et al, 2011)<sup>284</sup>. Furthermore, around two thirds also expected their child would later take up government employment – whether in the security forces, as teachers, or doctors.<sup>285</sup> The reasons why education remains at the forefront of social aspiration in post-war Sri Lanka are largely unchanged since the colonial period. Obtaining a degree remains an important indicator of social prestige.<sup>286</sup> Over time, intensified competition over university spaces has only heightened this social prestige. At the end of the war, students making it into a state university could claim to be in the top 20 per cent of students in their batch (or year). Education has added significance as a route to social mobility because it is seen as a way to escape the limited prospects offered by rural village life. Stories of underprivileged children making it to the coveted prize of university exemplify the continued social prestige of educational achievement.<sup>287</sup> As one interviewee captured it: 'there are a number of examples of people from very ordinary, low socio-economic backgrounds making it to university and then getting to the top. That is very much part of the 'national imagination'.<sup>288</sup> Moreover, in Sri Lanka's hierarchical and patronage-based society, higher education remains a primary route to advance your position regardless of political or social connections. For these reasons, the working class 'cling on' to the public system, investing resources into maximising the chances of their children getting into school as 'their only hope'.<sup>289</sup> In this context, FUTA's campaign to defend the system of state education was meaningful because it spoke directly to the idealised notion of education as hope.

Perceptions of procedural injustice in the handling of higher education were also a source of popular concern. Indeed, arbitrary changes in the higher education sector symbolised the increasingly unfettered and irregular exercise of power by the state without regard to due

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<sup>284</sup> In Madugalle – a Sinhala district- 61.5 per cent of primary care givers 'realistically expected' their child would obtain a degree; In Nachchaduwa – a Muslim district- the figure was 92.7 per cent; In Park – a plantation district of Indian Tamils, it was 92.7 percent (Little et al, 2011, p. 13).

<sup>285</sup> In Nachchaduwa this figure was higher - around 97 per cent expected government sector jobs.

<sup>286</sup> As a former advisor to the President put it: 'If you have a degree and you go to the village, then you are well received there. You're an important person.' This was a typical account of the social prestige attached to making it to university. Interview with retired govt. official: Colombo, April 18, 2016.

<sup>287</sup> 'FUTA and free education in Sri Lanka: Question of social justice and democracy in an oligarchy', Groundviews, October 3, 2012: Samarakoon, Athulasiri Kumara,

<sup>288</sup> Interview with retired govt. official: Colombo, April 18, 2016.

<sup>289</sup> Interview with retired academic, Colombo, October 16, 2014.

process. The opaque process through which non-state universities were seemingly proliferating was a particularly politically salient issue. It was rumoured that the authority to grant university status to private institutes was placed in the hands of the Minister of Higher Education by gazette notification.<sup>290</sup> FUTA accused the government of facilitating the establishment of private universities ‘in utter and inexplicable secrecy’ through the so-called non-state universities act.<sup>291</sup> FUTA had rejected the establishment of a new private universities act that was prepared behind closed doors in 2011, and to the use of government gazette notifications to seek to accommodate private institutions.<sup>292</sup> It called on the government to declare its policy on education, and to make transparent its plans for investing in both state and private sectors. The politicisation of universities and infringement of academic autonomy represented the wider curtailment of basic freedoms in an increasingly authoritarian, post-war environment.

In turn, FUTA’s moral authority was heightened because its grievances with the education system echoed wider concern about the increasingly arbitrary abuse of state power. FUTA stood for democracy in a context of oligarchy, viewing oligarchy as the enemy of welfarism. As one commentator wrote, ‘the FUTA strike is no longer about FUTA, it’s about you and I and what we do to bring a halt to the caravan of state as it rumbles on to total control of public life’.<sup>293</sup> An academic member of FUTA described how ‘the orange and black t-shirts with ‘Save Education’ and ‘6%’ printed on its back in black or orange became a sign of pride in Sri Lanka in the year 2012’ (Witharana, 2015, p. 3). As one former FUTA leader described it, ‘the government was seen as invincible. No one disagreed with anything they did. No one critiqued anything. This kind of opened up the space to say there is space for dissent, and you can’.<sup>294</sup> Appealing to these wider injustices helped FUTA to achieve legitimacy among the people.<sup>295</sup> In its stand against perceived unfairness in the education system, FUTA came to represent a wider struggle against social injustice and state repression. By 2014, academics were openly calling for regime change. Though education was the main concern and

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<sup>290</sup> ‘FUTA strike and its detractors: A response’, Colombo Telegraph, July 12, 2012: Kusum Kumudu Kumara.

<sup>291</sup> ‘Federation of University Teachers’ Associations’ Continuous Strike Action of 2012 July – Demands’, FUTA, June 14, 2012.

<sup>292</sup> Interview with journalist: Colombo, April 27, 2016; For example, in October 2013, a government gazette notification changed a clause in the universities act from ‘shall’ seek the approval from the relevant professional body to get qualifications approved to ‘may’ seek approval; a move seen as a way of overcoming the resistance of the General Medical Council (GMC) to allow private medical colleges to confer medical degrees. This notification was withdrawn following FUTA opposition.

<sup>293</sup> ‘FUTA and the survival of democratic dissent’, Sunday Island, September 29, 2012: Kumar David.

<sup>294</sup> Interview with lecturer and FUTA activist, University of Sri Jayawardenepura: April 19, 2016.

<sup>295</sup> ‘Challenges for FUTA and changing nature of social movements’, Colombo Telegraph, September 28, 2012: Padmiasiri, Buddima.

mobilising force, FUTA by then also embodied a call to re-establish democracy, rule of law and good governance as a way to address social justice.<sup>296</sup>

Concern that supporting private education was damaging the state sector tapped into a history of popular opposition to privatisation. This was most graphically illustrated in the public outcry over the Private Medical Colleges in the 1980s, when the government allowed private universities to use state hospitals to train private medical students. In that instance, a central point of contention had been that the state was ‘taking resources from the state to build up the private sector’.<sup>297</sup> In other respects, privatisation is considered detrimental to the principle of rights and inclusion in the social contract, and bestowing unfair advantage on those who could pay for a degree. As one arts student commented, ‘those with minimal qualifications but with money attend these private tertiary institutions and graduate’.<sup>298</sup> The strategic positioning of FUTA’s message – not against privatisation in principle – did not align with the more radical stance of the student movement which represented the constituency of the rural, lower socio-economic groups. The student group, the Inter University Student’s Federation (IUSF), took a stronger position against privatisation, campaigning instead to save ‘free’ education. They argued the marketisation of education would ‘ultimately deprive this country poor people the opportunity to climb the ladder of social status through justifiable means’.<sup>299</sup> When it came to the so-called long march, the students literally took their own path, marching from Kandy to Colombo but nevertheless still connecting with the FUTA rally in Hyde Park. Once again, common ground was found. In part, this was because to both constituencies, privatisation symbolised state withdrawal from the commitment to social justice embedded in the social contract.

### **Navigating a line in the sand: the state’s response to FUTA**

The authoritarian state’s response to the campaign to save state education offers insights into the continued significance of state education for state legitimacy. As with the insurrection, the magnitude of the threat presented by the FUTA mobilisation was evident in the state’s response. Its posturing demonstrated that even an authoritarian state has to navigate the historical line in the sand laid down in the social contract. It was not that FUTA presented

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<sup>296</sup> ‘Let us act decisively in the name of generations to come: Declaration by dons on 2015 Presidential Election’, Colombo Telegraph, December 14, 2014.

<sup>297</sup> Interview with retired govt. official, Colombo: October 6, 2014.

<sup>298</sup> Interview with arts graduate, University of Colombo, April 18, 2016.

<sup>299</sup> ‘FUTA and free education in Sri Lanka: Question of social justice and democracy in an oligarchy’, Groundviews, October 3, 2012: Athulasiri Kumara Samarakoon.

any physical challenge, but this pocket of resistance represented a nuisance to an otherwise dominant state. FUTA's narratives had raised a question mark over whether the state was acting appropriately, and legitimately, in the interests of its patrons by reference to a founding value. In reply, state-supported media challenged the legitimacy of FUTA. It rhetorically labelled the strikes and marches as 'unpatriotic'.<sup>300</sup> The regime argued that the call for hikes in salaries was unethical and unjustified at a time when the country was still reeling from war. It sought to dismiss the action as politically motivated, and further argued it was not the legitimate role of a trade union to demand increased state investment in education.<sup>301</sup> Another, much less subtle strategy to neutralise the legitimacy-deficit was to openly discredit FUTA leaders, who were increasingly becoming public figures and accumulating moral authority of their own. The Education Minister, S. B. Dissanayake, was openly dismissive and hostile to FUTA, calling its demands laughable.<sup>302</sup> This rhetorical response sought to downplay the threat to the state's normative basis for rule, and publicly disassociate FUTA radicals from the key legitimacy audience they claimed to represent.

Another theme in the state's rhetorical response involved exaggerating the potential threat FUTA posed to post-war security. The Minister of Higher Education accused university teachers of seeking 'regime change'<sup>303</sup>, and implied they were part of an anti-government, international conspiracy.<sup>304</sup> State media even went so far as to claim that the Tamil diaspora had funded FUTA in order to 'destabilise the country, which had been saved from these forced by the ruling regime' (Witharana, 2015).<sup>305</sup> The history of students violently attacking the state - particularly the insurrections - was recalled. As was the case at the time of the insurrections, government implied universities were being mobilised for political purposes. In a press statement released on 21<sup>st</sup> August 2012, it wrote 'when we analyse the prevailing situation in the academic crisis it is very clear to all that there are some invisible parties who want to use this crisis to achieve their petty political motives whilst they do not seek any positive alternatives to resolve the matter amicably'.<sup>306307</sup> In this way, narratives of insecurity, hidden political forces, and memories of past disruptions, were conjured to

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<sup>300</sup> 'Some reflections on the trade union action by the FUTA', Groundviews, May 20, 2011: Mahendran Thiruvaraman.

<sup>301</sup> 'FUTA strike and its detractors: A response', Colombo Telegraph, July 12, 2012: Kumara, Kusum Kumudu.

<sup>302</sup> 'FUTA demands already met', Daily News, July 21, 2012: Chamikara Weerasinghe.

<sup>303</sup> 'Longest lecturer strike ends with government climb-down', University World News, October 11, 2012: Dinesh De Alwis.

<sup>304</sup> 'FUTA holding university students, parents to ransom – university lecturers', Daily News, September 26, 2012: Athapattu Bandara.

<sup>305</sup> The state-owned ITN network repeatedly made this allegation in September 2012. See: Witharana, 2015, p. 17.

<sup>306</sup> 'Press Release: The Present University Crisis', Ministry of Higher Education, August 21, 2012.

<sup>307</sup> 'Sri Lanka government shuts down universities', BBC News, August 22, 2012: Charles Haviland.

legitimise the regime's response. For their part, FUTA members viewed the propagation of the idea that universities were 'in a constant state of crisis and tension and conflict' as a way to undercut and de-legitimise FUTA, and simultaneously 'reduce public confidence in them'.<sup>308</sup> In this way, legitimacy contestation played out as a battle for the moral high ground between the state and FUTA.

Alongside these rhetorical responses, the state also sought to re-assert its authority over university administration. One aspect of this involved stepping up efforts to strategically position supporters of the regime in key leadership positions. This was not a new tactic, but an escalation of previous practices of exerting state control over universities. Politicised appointments had grown along with creeping post-war authoritarianism. Long-standing conventions for the appointment of the university vice chancellors were no longer adhered to. Historically, it had always been the practice that the University Council would nominate three names for the position, and academics would subsequently vote, then present to the University Grants Commission (UGC) a list of candidates in ranked order. The UGC would, as a mere formality, proceed to accept the candidate with the highest votes from his/her academic peers. This balance of power was shifted under the new regime. Under new rules, the UGC would nominate three names and proceed to select the candidate itself. A high profile debacle around the appointment of the Vice Chancellor of the University of Colombo was particularly illustrative of the fallout. When the husband of the UGC's own chairperson was appointed as VC of Colombo University in May 2013, there was an outcry within the academic community and in the media.<sup>309</sup> In the context of heightened contestation between FUTA, students and the state, this new level of political interference was perceived as more hostile and arrogant than before. One academic reflected: 'I don't know, because I can't read their minds, but my assumption is that the main motivation is to have someone who is very loyal, who is very much committed to their ideas, that will defend the university against these forces'.<sup>310</sup> Those 'forces' were FUTA. In turn, these incursions into university bureaucracy bred an impression among some academics that the university system was being increasingly infiltrated by the state.<sup>311</sup> Thereafter, some academics began to suspect military surveillance on campuses (Perera, 2015).

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<sup>308</sup> Interview with Lecturer and FUTA member, Open University: Colombo, October 6, 2014; Interview with Lecturer, Engineering, October 15, 2014.

<sup>309</sup> Dr Kumara Hirimburegama

<sup>310</sup> Interview with Professor, University of Colombo, October 7, 2014.

<sup>311</sup> Interview with Lecturer and FUTA activist, University of Colombo, April 28, 2016.

The post-war state also sought to re-assert its physical presence on university campuses. Indeed, the history of violent activism on campuses, including the JVP insurrection, was used to justify an escalation of control.<sup>312</sup> With the FUTA strikes, the state appeared to be once again losing territorial control over universities. In September 2011, the Ministry of Higher Education subsequently ordered all universities to hire Rakna Lanka Ltd - a government-owned, commercial security company – to provide all security on campuses. This militarised response also reflected the nature of the post-war political regime. Particularly towards the end of the military conflict, Sri Lanka’s defence establishment had been fortified in numbers, resources and political stature. A large number of military service jobs had been created through war, leaving a hangover of surplus military personnel after it ended (Jayasuriya, 2010). Many under-utilised military personnel had already been re-deployed into other areas of public service, including street cleaning for example, giving the appearance of a visible militarisation of society (Venugopal, 2011). Universities were legitimate spaces for military redeployment because they had been declared ‘un-cleared territory’ – a military synonym for high threat – at the end of the war.<sup>313</sup> However, the state was forced to later rescind the ordering of state security personnel onto campuses following the publication in the press of an open letter objecting to it, which gathered more than a hundred signatures from academics.<sup>314</sup> The academics objected on the grounds that the forced recruitment of state security constituted an infringement of the autonomy of universities to hire and fire at their own discretion. Protests against campus militarisation grew.<sup>315</sup> In this way, the response of militarisation only provoked further resistance and galvanised FUTA’s following.

The introduction of compulsory, military-style ‘leadership’ training for all undergraduates was another tactic of response to the legitimacy challenge that sought to instil loyalty on university campuses. Accordingly, at significant cost to the state<sup>316</sup>, a *Training Programme on the Development of Leadership Qualities and Positive Thinking* was provided at 28 military installations around the island. It was officially justified as a mechanism to instil greater discipline and improve the soft skills and employability of graduates. It would also, the official narrative claimed, counter the destructive practice of ragging – that is, the practice of harassment and violence perpetrated between students. The accompanying handbook opened with a quote from the Minister of Higher Education, stating ‘we commence this

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<sup>312</sup> Interview with Professor, University of Colombo, October 7, 2014.

<sup>313</sup> Interview with Lecturer and FUTA activist, University of Sri Jayawardenepura, April 19, 2016.

<sup>314</sup> ‘An appeal against infringement of university autonomy in Sri Lanka’, Sri Lanka Brief, September 23, 2011.

<sup>315</sup> Including at Ruhuna in October 2011, Peradeniya December 2011, and in September 2012.

<sup>316</sup> Some Rs.320 million was reportedly spent on the program.

theoretical and practical training course to develop leadership ability and positive attitudes, with the objective of creating the ‘universal child’.<sup>317</sup> In this way, the appeal to justification lay within the problematic behaviours of unruly students and their unsuitability for the employment market. To a degree, these justifications were accepted by the students themselves.<sup>318</sup> Some of them appreciated the practical orientation of the training.<sup>319</sup> Government officials themselves considered the training to be popular among the vast majority of students.<sup>321</sup> Others objected on purely pragmatic grounds, arguing it ‘didn’t develop the right skills’, and furthermore, ‘you can’t make a leader in two weeks’<sup>322</sup>. Soft skills could be better developed at universities, they argued, rather than army training camps.<sup>323</sup> Concerns were also raised about the manner in which the programme had been developed: that is, without consultation with students’ unions, university teachers, parents or potential students. Others viewed the given justifications for leadership training as not only illogical but somewhat ironic. One commentator wrote ‘it is sufficiently amusing – in consideration of the egalitarian pretence of boot camp society – that the instruction of an alternative hierarchical system with a similar call for subordination is the solution to ragging’.<sup>324</sup> This amounted to an abrogation of academic values. As one commentator wrote, ‘encouraging military style leadership skills, regimentation and behaviour patterns is contrary to core values of freedom of thought, opinion and expression, and the value of dissent which all universities should strive to inculcate in their students’.<sup>325</sup> This indicates that at least some academics and students had more political interpretations of the motive behind, and justifiability of, leadership training.

There was also perception that leadership training was an attempt to neutralise the potential challenge to the state posed by university students. Civil society groups raised concerns about the ‘insensitive’ choice of venue, the mandatory nature of the training, and the content of the curriculum. In a post-war context, Tamil students had reason to be fearful of spending time at

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<sup>317</sup> ‘Programme to Develop leadership training and positive thinking: perspective of a participant’, Groundviews, August 5, 2011: Harini Weerasekera.

<sup>318</sup> ‘Perspectives and commentary on the leadership training programme for university undergraduates’, Groundviews, June 8, 2011: The Young Researchers Collective.

<sup>319</sup> Lectures included conflict resolution, law, psychology, first aid, sexual harassment, time management.

<sup>320</sup> For example, students were instructed on the formalities of attending a formal dinner as an employee.

<sup>321</sup> Interview with former Minister of Higher Education, Colombo, April 20, 2016.

<sup>322</sup> Interview with Senior Academic, University of Colombo, April 18, 2016; Interview with lecturer, University of Colombo, April 18, 2016.

<sup>323</sup> Training for university entrants in army camps and at district level’, Groundviews, 3<sup>rd</sup> May, 2011: Professor Priyan Dias.

<sup>324</sup> ‘Be young and shut up: A course in civil disengagement’, Groundviews, June 11, 2011: Nigel Nugawela.

<sup>325</sup> ‘Statement of The Friday Forum’, Press Release, June 9, 2011.

army rehabilitation centres.<sup>326</sup> Civil society groups raised concerns about whether this was genuinely a leadership training program, or in fact a military training program. Many viewed the imposition of military-style teaching as political indoctrination - a practice fundamentally inimical to the principle of academic free-thinking considered central to higher education.<sup>327</sup> The ethno-centric nature of course content caused alarm.<sup>328</sup> The Young Researchers' Collective particularly objected to the module on history and national heritage, which appeared to be exclusively concerned with Sinhalese cultural buildings and symbols, with no mention of the cultural heritage of minority communities. This, it warned, did not bode well for the prospects of inclusive peacebuilding.<sup>329</sup> In an open statement, it wrote 'subjecting new university entrants who may well become future leaders of this country to a course which focuses exclusively on the majority community was seen to undermine all the official statements on national reconciliation after three decades of civil strife'.<sup>330</sup> Leadership training was also seen as a way to counter the influence of leftist political parties, including the JVP, on campuses. It was 'a way to inculcate students who can't be controlled'.<sup>331</sup> Some observers surmised the training amounted to nothing more than a show of force.<sup>332</sup> The Supreme Court subsequently dismissed a petition from a collective of students' unions against infringement of rights against the leadership course in June 2011, without stating any reason. In the absence of any procedural redress, and given the training was made a compulsory condition for acceptance into university, students' response was circumscribed. Ultimately, they were left with no choice but to 'put up with these things', as one informant put it.<sup>333</sup> Nevertheless, through the leadership training, the state had found a mechanism for disciplining and demanding the loyalty of students, who represented the core constituency of the state, while simultaneously re-asserting its rules of the game, ideas and political orientation as having primacy over competing sources of authority operating on campuses.

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<sup>326</sup> A small number of recent graduates suggested that while Tamil students were fearful, Sinhalese students had not reacted in the same way, indeed some had even enjoyed it. One recent graduate now teaching at the university said 'I mean, if you ask them, they'll say 'I loved it...I had a great time''. Interviews with arts graduate, University of Colombo, April 18, 2016.

<sup>327</sup> Interview with Lecturer, University of Peradeniya, October 15, 2016.

<sup>328</sup> 'The topics are, in order, the arrival of the Aryans, foreign invasions, (who the foreigners are is not clear) and the development of Sinhalese kingdoms. 'National heritage' focuses exclusively on prominent cultural symbols of the majority Sinhala community such as Sigiriya, the Temple of the Tooth and the Aukana Buddha statue with none from other communities.' 'Statement of The Friday Forum', Press Release, June 9, 2011.

<sup>329</sup> Exclusive: Syllabi and timetables from compulsory University 'leadership' training course, Groundviews, 14<sup>th</sup> June, 2011.

<sup>330</sup> 'Statement of The Friday Forum', Press Release, June 9, 2011.

<sup>331</sup> Interview with arts graduate, University of Colombo, April 18, 2016.

<sup>332</sup> Interview with senior staff, UGC, Colombo, April 25, 2016.

<sup>333</sup> Interview with retired academic, Colombo, October 16, 2014.

This posturing suggests that the authoritarian state felt the symbolic challenge to its legitimacy posed by FUTA. FUTA's mobilisation to reverse the decline in state education was particularly remarkable because it took place in this oppressive, authoritarian environment where any form of dissent against the regime carried significant risk of imprisonment or personal harm.<sup>334</sup> Even in this context, however, FUTA won significant concessions on academic salaries, and successfully buffered some of the political interference into university administration. These victories surprised even some of its own members.<sup>335</sup> FUTA's wider effects, beyond the education sphere, were equally remarkable. By galvanising cross-sections of society and bringing the people to the streets, it demonstrated the possibility of popular mobilisation in opposition to the state. In so doing, it not only established itself as an emblem of anti-state protest, but fortified other pockets of resistance that later went on to contest the hegemonic regime.<sup>336</sup> The campaign to save state education was a significant catalysing event in an ongoing process of regime change that culminated in the surprising victory of a new coalition in 2015. Notably, this coalition publicly promised to address FUTA's demands in full.

The significance of FUTA's challenge to the state's legitimacy did not lie in the number of people who came to the streets, but in the core constituency of Sinhalese it represented. That constituency remains the core voting bloc in Sri Lanka. FUTA academics had initially supported the candidacy of President Rajapaksa and, as part of a massive groundswell of political support, helped usher him to power in 2003.<sup>337</sup> Up until 2010, they had worked closely with the regime, and been in dialogue with it.<sup>338</sup> It was widely reported that the academics had been called to the official presidential residence, Temple Trees, *en masse* in 2009, when the President himself had personally promised to address their salary issues<sup>339</sup>. Indeed, FUTA had suspended an earlier trade union action in March 2011 on the basis of the government's commitment to meeting its demands. Nevertheless, it subsequently re-activated trade union action in 2012, claiming government had not been sincere and had failed to honour its earlier agreements. Thereafter, FUTA's tactics became more radical, as it began to make a broader appeal for popular support. Simultaneously, it escalated its demands from a

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<sup>334</sup> FUTA leaders reported receiving threats of physical harm to both themselves and their families.

<sup>335</sup> Interview with former FUTA VP, University of Sri Jayawardanepura, 25<sup>th</sup> April, 2016; Interview with former FUTA secretary, Open University, 28<sup>th</sup> April, 2016

<sup>336</sup> For example, the Lawyers Collective sought to learn from FUTA's experience after the Chief Justice was impeached in late 2011. Interview with Lecturer and FUTA activist, University of Sri Jayawardanepura, April 19, 2016; Interview with Lecturer and FUTA activist, Open University, April 21, 2016.

<sup>337</sup> Interview with Lecturer, Education, University of Colombo, April 18, 2016.

<sup>338</sup> Interview with Lecturer and FUTA activist, University of Sri Jayawardanepura, April 19, 2016.

<sup>339</sup> 'FUTA strike and its detractors: A response', Colombo Telegraph, July 12, 2012: Kusum Kumudu Kumara.

narrow, interest-based concern with salary increases, to calls for increased state investment in education, protection of university autonomy, and the restoration of collective as opposed to arbitrary decision-making. In this way, motivated by a growing context of broken promises and increased mistrust, FUTA transitioned from core supporters to challengers of the state.

The state's concessions to FUTA serve to illustrate the strategic importance of the constituency they represented. Nevertheless, in the education arena at least, the state's legitimacy audience had splintered along class lines. As noted earlier, while the rural class were still dependent on the state university system, the middle classes had graduated on to the private sector. The regime's narrative justification for privatisation suggested an awareness of the need to navigate carefully between these audiences - that is, between openly supporting private investment while also making concessions, at least rhetorically, to the legitimate role of the state as protector of the state sector and defender of social justice. Furthermore, it illustrated that any departure from this latter role may have to be strategically framed within the terms of the social contract. As discussed above, investments in private education were rhetorically justified to the public primarily as an expansion of access and presented as a way of continuing to address injustice and inequity in the education system. Indeed, privatisation was seen by some within government as a way of tackling unfairness in the system, whereby 'rich people can send their children to a foreign country and get a degree', while 'less than three per cent of qualified students can enter university in Sri Lanka'.<sup>340</sup> Nevertheless, openly supporting privatisation remains a major political risk for any government in Sri Lanka - even a highly centralised, authoritarian regime. The Higher Education Minister's preamble to the government's strategic plan appeared to acknowledge this. In it, he wrote: 'there have been many instances in history and not only in education when groups have sought to create fear in the minds of the public, perhaps for narrow political advantage, when transformative changes are proposed. We recall as if it were today the opposition to the free education policy in this country' (Government of Sri Lanka, 2011, p. 3). This statement reflects a popularly held belief, as one former Minister put it, that 'no government could tackle free education'.<sup>341</sup> For its part, the post-war regimes rhetorical balancing act on privatisation seemed to acknowledge that legitimate policies may need to channel and re-cycle the primary obligations of the state and the rights of the people embedded in the social contract.

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<sup>340</sup> Interview with retired govt. official (MoHE), Colombo, October 11, 2014.

<sup>341</sup> Interview with former Minister of Higher Education, Colombo, April 20, 2016.

## Functions and dysfunctions of the social contract

The FUTA mobilisation, and the state's response to it, suggests state patronage of free higher education remains significant not only for legitimacy, but also for maintaining stability. It is widely held, both within government and outside it, that openly challenging free education will always provoke popular mobilisation.<sup>342</sup> Any action perceived to damage the right to free higher education prompts vocal opposition from those with vested interests in defending it.<sup>343</sup> There is, as one informant put it, 'no going back, because people would be on the streets'.<sup>344</sup> In this way, servicing the social contract remains an important anchor for political legitimacy. However, this political legitimacy logic does not guarantee the social contract is optimal from an education perspective. Indeed, over time the social contract has arguably re-produced post-colonial social injustices, making it dysfunctional from an education perspective.

Free higher education functions for political legitimacy because state universities serve the state's obligations to its core legitimacy audience. A government employability study conducted in 2012 recorded that the majority of state university graduates are now Sinhalese, and a significant portion of them are studying at the arts faculties.<sup>345</sup> The majority of arts graduates (51 per cent) have lived in rural areas for most of their lives (ibid, p. 58). In this way, universities continue to serve the constituency that the 'democratisation' legitimisation practice initially targeted. At the same time, high expectations for government to supply graduates with government jobs also persist across of the country.<sup>346</sup> A majority of state university graduates (61 per cent) seek employment in the public sector (GoSL, 2012, p. 12). Graduates state they prefer government jobs because they want to give back to the country, may not feel university adequately prepared them for working in the private sector, or because and they value 'the free time available in public sector' (GoSL, 2012a, pp. 55-57). Although less well paid, government jobs are widely considered to offer greater security.<sup>347</sup> In turn, political elites act as the gatekeepers of employment, distributing public sector jobs among their own party followers and favoured constituencies of support.<sup>348</sup> In this way, free

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<sup>342</sup> Interview with academic, Open University, Colombo, October 6, 2014; Interview with professor, Colombo, October 7, 2014; Interview with Professor, Open University, October 9, 2014.

<sup>343</sup> Interview with researcher at think tank, Colombo, October 6, 2014.

<sup>344</sup> Interview with retired academic, Colombo, October 16, 2014.

<sup>345</sup> According to the government survey, carried out at across state universities, 81 per cent of graduates from the state sector are Sinhalese; 33 per cent come from rural areas (much lower than the 77 per cent of the wider population living in rural areas); 33 per cent are studying in the arts faculties (GoSL, 2012, p. 13).

<sup>346</sup> IRIN, 'Graduates in north demand government jobs', Jaffna, 13<sup>th</sup> May, 2011.

<sup>347</sup> Interview with lecturer, University of Colombo, October 7, 2014; Interview with Senior Academic, University of Colombo, April 18, 2016: 'Students come, they get their degree, and then they want to return home, then get government jobs, because they're safe'.

<sup>348</sup> A former advisor the President described the process as follows: 'You see it works like this. Say there are 100 vacancies in the fisheries ministry. The fisheries Minister will say 'I'm keeping 50 for myself, I'll allocate them to my local

education acts as a form of welfare-based patronage that continues to tie the state, relationally and symbolically, to its core constituency. Moreover, it reproduces the mutual dependency of this relationship.

Servicing the social contract entails the absorption of unemployed state university graduates into public sector employment. A pattern of accumulation-absorption of graduates appears to follow the political cycle. Governments in power will typically allow a backlog of unemployed graduates to accumulate. With rising unemployment, so graduates increasingly politically organise and agitate to make appeals to opposition parties to successfully secure a promise of future employment. With every election, new governments will absorb tens of thousands of graduates into the public sector to make good on those promises.<sup>349</sup><sup>350</sup> As one former Ministry official described it, ‘there are lots of jobs right after elections, so they all know that when there’s a general election, Presidential or Parliamentary, they know there will be jobs. So they wait for that’.<sup>351</sup> The purpose of the absorption of graduates is, as another academic put it, ‘to keep stability...because otherwise there would be a lot of protests, demonstrations, they distract the university’.<sup>352</sup> This further suggests that state higher education functions from a legitimacy perspective so long as the expectation that state universities provide a route to public sector employment is fulfilled.

The social contract is catered to at high cost to the state, however. This is not least because public sector employment is permanent until retirement, therefore typically for up to 40 or 50 years, and the public sector makes up around 15 per cent of Sri Lanka’s economy. Moreover, there is anecdotal evidence that pressure to provide public sector jobs for state university graduates exceeds absorptive capacity. This is illustrated through accounts of graduates being recruited into fictitious roles that merely exist on paper.<sup>353</sup> The following account, given by a former government official, is illustrative. He told the story of a government official who went to visit 12 female graduates recently posted to a police station, but found them absent. When the official asked where the graduates were, the police told him ‘we asked them to come once a month, sign the register, take the salary, and leave’. When the official asked

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constituents. Then I might give 50 to my favourites from other areas. Political patronage is the normal way of working here’. Interview with former advisor to the President, Colombo, April 22, 2016.

<sup>349</sup> It was not possible to confirm the scale of the absorption in official statistics. In the first-hand accounts of former Ministry officials, development agency staff, and government advisors, figures ranged from between 40,000-50,000 graduates per electoral cycle.

<sup>350</sup> Interview with retired govt. official (MoHE), Colombo, October 6, 2014.

<sup>351</sup> Interview with retired govt. official, Colombo, October 6, 2014.

<sup>352</sup> Interview with Professor, Open University, October 9, 2014.

<sup>353</sup> Interview with journalist, Colombo, April 26, 2016.

why, the police told him ‘they [the graduates] had no place to sit and a police station is not a suitable place for a young girl to come and work anyway’.<sup>354</sup> Though this is just one account, it indicates the possibility that the under-employment of graduates into menial or ghost roles is hardly maximising the return on state investment in higher education.<sup>355</sup> On the contrary, the public sector is absorbing the costs of the patronage politics entailed in servicing the social contract.

While state universities and the route they provide to state employment serve an important legitimising function, it also means that the education system operates as a minimalist form of welfare. Partly a continuation of the post-colonial social demand model, the political focus remains on expanding access to education, rather than improving the quality of education imparted. It is instructive that in contemporary Sri Lanka, almost 60 per cent of university students are enrolled on external degree programs (World Bank, 2000). These students are registered, but do not attend lectures or receive any academic tuition. The World Bank (2000, p. 18) described this as ‘a low-cost option for the government to expand higher education access and coverage’, that comes ‘at the expense of quality’. This expansion is a legacy that dates back to 1965, when external degrees were first hastily introduced to keep pace with social demand. To an extent, the political focus on access rather than quality also reflects the nature of contemporary social demand. Though the public system of higher education remains core to the paternalistic relationship between rural citizens and the state, expectations have been largely limited to access. The majority of graduates surveyed in 2012 reported they were ‘somewhat satisfied’ (54 per cent) or ‘very satisfied’ with their education (31 per cent) (GoSL, 2012, p. 28). The following view expressed by one academic was widely held: ‘there is no demand at all from students for better education. All they want is the degree. They are trained to pass the exams. If I give my students a reading list, probably not even 1 per cent will read any books on it. They just expect the qualification at the end’.<sup>356</sup> This suggests it is the obtainment of a degree in and of itself, rather than its quality, that serves the function of the social contract.

The social contract also continues to operate on the basis that equality of opportunity can be achieved by engineering access at the point of entry to universities, rather than addressing structural inequalities in school facilities. Urban-rural disparities in access to the science and

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<sup>354</sup> Interview with retired govt. official, Colombo, October 6, 2014.

<sup>355</sup> Interview with retired senior staff, UGC, Colombo, April 25, 2016.

<sup>356</sup> Interview with academic, University of Colombo, April 18, 2016.

medical faculties have persisted since the end of colonialism. In 2012, most medical faculty graduates came from urban (47 per cent) or semi-urban (41 per cent) areas. Only 11 per cent of them came from rural areas (GoSL, 2012, p. 28). These structural inequalities are not addressed through a contemporary system of quotas which reserves a portion of spaces for the coveted science and engineering faculties from districts that are considered ‘educationally disadvantaged’.<sup>357</sup> In part, this is because people seeking to improve the chances of their children entering the universities game the system by moving into these so-called ‘disadvantaged’ districts while continuing to send children to school in districts with better-performing schools.<sup>358</sup> The legitimating appeal of the quota system, however, like the mediation of government employment prospects, it is a useful tool for servicing patronage relationships. When an independent think tank questioned the formula for assigning districts with ‘disadvantaged’ status in 2014, officials within the education department could provide no rationale for it.<sup>359</sup> Indeed, the study found that two of the 16 districts that had been allocated disadvantaged status - both in the south of the island, in the President’s own constituency - were actually doing well, educationally. Another reason for the continuation of geographic inequalities is that facilities for science education in rural areas are, as they have been since the end of colonialism, inadequate. Moreover, as it was then, it still remains a challenge to recruit swabasha science teachers to rural areas.<sup>360</sup> These dynamics illustrate that the manipulation of educational access remains acutely politically salient. At the same time, the short-term political returns from engineering access continue to come at the expense of long-term investments in equality.

Segregation along the lines of language and course of study also persists. Whilst bilingual education has filtered through to most faculties, arts students remain largely dependent on teaching in swabasha.<sup>361</sup> A retired Sinhalese Professor further argued that ‘when it comes to writing a literature survey, they’re helpless’.<sup>362</sup> Some districts with low cut offs for entry ‘means very poor performing students from some districts get into university and they are

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<sup>357</sup> Contemporary admissions operate partly on the basis of part merit (Z-scores), and partly on the basis of district where the entrance examination is taken. For example, in 2012, 40 per cent of spaces were allocated on island-wide merit, 55 per cent on the basis of a district population ratio, and 5 per cent are allocated to ‘backward’, educationally disadvantaged districts. Entry criteria from University Grants Commission (UGC): <http://www.ugc.ac.lk/>

<sup>358</sup> For example, on the West Coast of Sri Lanka, parents living in Puttalam, which has a low Z-score send their children to travel to Colombo or Gampaha to study at schools there, thereby benefitting from a combination of education in a well-resourced school in an affluent area along with lower qualifying marks in their examination district.

<sup>359</sup> Interview with researcher from think tank, Colombo, October 6, 2014.

<sup>360</sup> Interview with former education Minister, Colombo, April 20, 2016.

<sup>361</sup> Interviews with academics across the universities visited confirmed this.

<sup>362</sup> Interview with retired govt. official, Colombo, October 4, 2014.

very below other students'<sup>363</sup>. The earlier observation made by Kingsley de Silva (1978, p. 257) that 'most students in the arts and social sciences are pathetically and totally dependent on notes taken down at lectures' still rings true in today's universities. Swabasha education is perceived as limiting because there remains a paucity of literature available in these local languages, particularly in the sciences. In some cases, students are reportedly confined to memorising lecture notes.<sup>364</sup> In this way, the quality of education for swabasha-educated university students is not equal, or optimal. Some academics argued the behaviour of university students has declined along with special entry quotas.<sup>365</sup> This indicates that, as was the case in the 1970s, a lowering of standards has been considered a de-stabilising factor at the universities (Warnapala, 2011).

Educational inequalities reproduce structural inequalities in the wider employment market. English language proficiency remains a significant indicator of class and social status in contemporary Sri Lanka: it is sometimes referred to as a 'sword' in popular discourse. Reflecting this, employment prospects for graduates remain closely tied to English language proficiency. Limited English limits the opportunities for students studying in swabasha to enter the private sector labour market in particular, and reinforces the general trend of dependency on state sector employment noted above.<sup>366</sup> As one academic described it, students with limited English proficiency are likely to 'get ridiculed at [private sector] interviews because they'll be interviewed in English and they'll start muttering and then these guys would laugh'.<sup>367</sup> This is reflected in data that suggests the larger portion of unemployed graduates is from the arts faculties, who studied in swabasha. In 2012, for example, more than half of unemployed graduates (2,373 of 4,170) had studied in the arts faculties (GoSL, 2012, p. 51). In interviews, these graduates stated several obstacles to obtaining employment including 'industry is requiring skills not learnt for the degree', a 'lack of practical knowledge' and 'completing the degree in Sinhala medium' (ibid, p. 53-54).<sup>368</sup> In this sense,

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<sup>363</sup> Interview with researcher from think tank, Colombo, October 6, 2014; this view was echoed in interviews with public and private university academics.

<sup>364</sup> 'If you learn in English, you have access to certain books, you can self-study, and it brings a kind of independent approach to learning. Whereas if you lean in Sinhala or Tamil, you will most likely be given one information sheet about the topic you will have to learn, probably by heart'; Interview Senior Academic, Education, University of Colombo, April 18, 2016.

<sup>365</sup> Interview with Professor, University of Colombo, October 7, 2014.

<sup>366</sup> In the survey cited above, graduates who self-reported as having 'very good' English proficiency were less likely to be unemployed (19 per cent) than their peers who self-reported as having 'good' (27 per cent), 'average' (32 per cent) or 'poor proficiency' (38 per cent). On the other hand, those who self-reported their English proficiency as 'very poor' were the least likely to be unemployed (7 per cent) (GoSL, 2012, p. 30).

<sup>367</sup> Interview with Professor, University of Colombo, 7<sup>th</sup> October 2014

<sup>368</sup> 'needing political connections to get jobs in public sector', 'no personal contacts' and 'most of the jobs are offered through personal contacts'. Others centred on matters of reputation, including 'no recognition of the Arts degree' and 'misconception in the society about university graduates' and 'reputation of the university'.

linguistic segregation in education has failed to address the perceived injustices of the past – specifically, colonial legacies of employment market segregation.

## Conclusions

FUTA's campaign to save state education emerged in response to cracks in the social contract in the form of restricted access, declining investment and quality, and a splintering of the higher education system along class lines. The state was veering too far from both the foundational ideas of equity embedded in the social contract, and its paternalistic role in safeguarding these ideals. FUTA's campaign narratives appealed to the rights and entitlements laid out in the social contract and gained cross-class, popular support because of the continued resonance of these ideas in collective memory and national imagination. The movement to save state education was able to win concessions and agitate for regime change by contesting a central pillar of state legitimacy – the right to free education for all.

In turn, the state's response also recalled the past to justify action in the present. Its hard-line tactics – of heightened politicisation and militarisation - revealed both the significance of FUTA's challenge to its moral authority, and the significance of the challenge from within its main legitimacy audience. This response continued and dramatically escalated a long history of reclaiming control over universities whenever they presented a potential alternative authority structure, or alternative source of legitimacy. The rhetorical attack on FUTA – labelling it a threat to national security – went hand in hand with hard-line actions that dealt with them as exactly that. Leadership training was a further attempt to re-impose, in coercive military-style, the state's moral legitimacy and assert the primacy of its rules of the game.

FUTA's mobilisation, and the state's response to it, illustrates that the social contract remains operative and functional from the perspective of political legitimacy. The state's responsibility to fulfil the contract is kept alive, and reproduced, through the continued threat of mass mobilisation in the event of any perceived wavering or state retreat from it. However, though the social contract functions politically as a call to and a restraint on state action, it is not optimal from an educational perspective. Specifically, it has not achieved enhancements in quality, equality of opportunity, or equity in job prospects. The state compensates for these deficiencies in state education by supplying government employment to graduates. In this way, the social contract is more minimal than progressive, and compensatory rather than redistributive. While minimum state investment to service the social contract is politically vital, it is insufficient to realise the social justice motivation behind free education. These

functions and dysfunctions are a product of historical legacies which, as the next chapter will discuss, are central to understanding the continued significance of higher education for the state's legitimacy over time in Sri Lanka.

# CHAPTER VII

## Service provision in processes of state (de-)legitimation: An historical institutional perspective

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The three preceding chapters develop historical narratives of the role of state-provided higher education in processes of state (de-)legitimation in Sri Lanka. Each of the chapters identifies a period of contested or shifting legitimacy: the transformation of the post-colonial state and its embedding within the Sinhalese majority, the emergence of challenges to legitimacy in the form of insurrection and Tamil militarisation, and anti-regime mobilisation in the post-war period. Each chapter analysed the role of higher education in shaping these legitimacy shifts.

During the first juncture, free education was tied to a process of post-colonial state transformation. It became significant for this process because it had intrinsic mass appeal, and was therefore instrumental to elites vying to consolidate power with the majority Sinhalese constituency of rural poor. This process of embedding a state-society contract, to which education was materially and ideationally important, established some basic ideas about what the state stood for, and what people were entitled to expect from it. In the education arena, both the right to education and the state's responsibility to safeguard it became central legitimising ideas. Later, frequent political contestation in a nationalist political arena magnified the electoral pressures to cater to the majority Sinhalese constituency, and capitalise on the intrinsic appeal of these legitimising ideas for political gain. During the second juncture, the earlier political manipulation of higher education began to generate negative feedback in the form of resistance to the state. Two separate legitimacy crises emerged - Sinhalese insurrection in the south of the country, and armed separatism in the Tamil north. These rejections of the state's right to rule undoubtedly had multidimensional causes and effects, but both were exacerbated by earlier legitimisation practices in the system of education. During the third juncture, characterised by post-war education crisis and creeping authoritarianism, the student body, academic unions, and a cross-class support base mobilised to defend a social contract that appeared under threat. The

Federation of University Teachers Association's island-wide campaign appealed directly to protecting the early ideas underpinning the education welfare contract to remind the state of its obligations to it. Looking across these junctures provides a consistent, albeit punctuated, picture of how higher education has been and remains important for the legitimacy of the Sri Lankan state.

This chapter critically evaluates how the core elements of the analytical framework – the social contract, political conditions, and justifiability of service provision – help to develop an understanding of the services-legitimacy relationship within and across the critical junctures. It argues that the social contract was important for establishing expectations of rights and entitlements. In this way, it laid a foundation of legitimising ideas and values. Over time, political conditions created persistent albeit fluctuating impetus to cater to these highly salient legitimising ideas through legitimacy claims and practices. The normative justifiability, or more specifically fairness, of higher education has subsequently been evaluated against these legitimising ideas and political promises. In this way, the elements of the analytical framework are inextricably linked. The justifiability, or not, of service provision cannot be divorced from historical processes of state formation that embed certain legitimacy ideas, or from the competitive political process through which those ideas are put to use and re-cycled in the pursuit of power.

The relationship between higher education and state legitimation was also *cumulative*, in that each juncture was formative to the next. Legitimising ideas, inherited from the first juncture, appear remarkably resilient over time. Also striking is the circularity of the relationship between legitimation claims and their (un)intended consequences for legitimacy, and the enduring legacy effects of earlier critical events on the political legitimacy functions and dysfunctions of the higher education sector in the present. In this way, history has left a lasting impression on why higher education matters for the state's legitimacy. In turn, why higher education matters for its legitimacy in the present can only be understood in historical context. The chapter develops these temporal findings within an historical institutional framework. It argues, in line with historical institutionalism, that the relationship between higher education and state legitimacy has been historically self-reinforcing. The early critical juncture was formative in establishing incontrovertible legitimising ideas which over time have set steering limits on political action, and institutionalised a degree of path dependency in the system of higher education.

## Social contracts as the origin of legitimising ideas

The case study began by examining higher education at its formative juncture: that is, when the right to higher education was extended to the masses and the state committed to providing it. It did so to locate the relationship between higher education and state legitimacy in the social contract, a central yet underdeveloped concept in state-building models. The social contract's significance in the Sri Lankan case was that it set a baseline of rights and entitlements – what might be termed new legitimising ideas – that would hold constant over time.

The opportunity and impetus to legitimise a new political order came from the vacuum of power left in the wake of colonial rule. Leveraging the political weight of the masses was essential in the contestation between westernised and national elites vying to consolidate a new power base in this new post-colonial order. It required the state to reach out to society in what Gilley (2009, p. 137) has termed a process of 'incorporation'. In this way, much as Tilly (1984) argued in reference to state-building in Europe, the impulse to develop a state-society contract came less from altruism than power politics. The basis of the state's appeal to the masses – in effect, its main legitimisation claim - was extending new rights and protections to them. Here as elsewhere, the extension of new rights was the 'essence' of legitimisation (Kelman, 2001, p. 58). Crucially, the extension of new rights to the majority was also part of their political mobilisation. The social contract established a mutual dependency between the state and its majority Sinhalese legitimacy audience: new rights, rewards and protections were provided in exchange for political loyalty. In this way, the social contract was, as de Waal (de Waal, 1996) has argued in reference to post-colonial India, *made* through a political process intended to entrench social control. He termed the right to freedom from famine 'the conceptual sibling of the notion of political rights' (ibid, p. 197). In a similar vein, the right to education became inseparable from the political rights of the Sri Lankan rural masses. It not only symbolised their empowerment but was a key condition of their political engagement.

The introduction of free education as part of a social contract also reinforced the ideational ties between state and society by reaffirming a set of shared values and beliefs about what was right for society. Shared beliefs about the common good have, as chapter II argued, been theorised as a key condition for establishing state legitimacy. The extension of the right to free state education not only morally elevated the rights and entitlements of the Sinhalese, as noted above, but also embodied new social values: education belonged to the nation, the common person deserved his place, and all people were equally entitled to it. These

legitimising ideas helped make the state ‘legible’ to the Sinhalese (Chau, 2005).<sup>369</sup> They were framed in response to the perceived values and norms of the rural peasantry, and drew on and developed shared understandings of their rights (Goddard, 2010). Alex de Waal (1996) has argued that because the post-colonial Indian nationalist movement used famine to discredit the colonial government, famine prevention thereafter became a key pillar of the legitimacy of the new, national state. As a result, he suggests, ‘famine prevention is intimately bound up with the entire ideology of Indian nationalism’ (ibid, p. 197)<sup>370</sup>. In a similar way, in Sri Lanka, just as educational injustice had been a key area of resentment against the colonial state, educational justice in turn became a key legitimising idea and a pillar of nationalism. Moreover, since this legitimising idea appealed to a moral basis for support, it also embodied a moral commitment on the part of the state to uphold it. In other words, it embedded a specific deal about the legitimate role of the state: if injustices were to be remedied, the state would have to play an interventionist role. As the chapter will later show, over time these legitimising ideas institutionalised new legitimacy norms that were path dependent.

The making of the social contract entailed a parallel process of de-legitimising an old order and legitimising a new one. The ideational springboard for the post-colonial state’s claims to legitimacy was the promise of rectifying injustices of the past. Educational injustice was particularly salient because it visibly reproduced inequalities, and therefore represented a denial of national identity and group self-respect. In this sense, as has been observed elsewhere, legitimation involved challenging illegitimate values and replacing them with counter-norms and beliefs (Walton, 2012).<sup>371</sup> The moral justification for extending the right to free education derived from the moral abhorrence of colonial injustices. In the sphere of higher education, this meant de-legitimising an elite, westernised model of education, and legitimising a new form of mass, popular education for the nation. Sri Lanka’s experience further suggests, in line with Kelman (2001), that processes of legitimation and de-legitimation tend to happen in tandem. Establishing a social contract involved the ‘de-legitimation of oppressive practices and legitimisation of oppressed populations’ (Kelman, 2001 p. 70-71). In this way, as elsewhere, the social contract was not built on a blank canvas. In other cases, for example, the promise of restoring order has had special legitimising power

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<sup>369</sup> In China, Temple bosses legitimised popular religion in the eyes of an otherwise oppositional state by evoking ritual ceremonies that draw on common claims (e.g. meritocracy) that make them ‘legible’ to the state (Chau, 2005)

<sup>370</sup> He continues: ‘It is not that freedom from famine is articulated as a right as such, but that it is part of the same discourse as national independence and establishing political legitimacy. In short, it is a conceptual sibling of the notion of political rights’ (de Waal, 1996, p. 197).

<sup>371</sup> In contrast, NGOs operating in unsupportive environments may seek legitimacy by challenging the norms of the actors they seek to de-legitimise, replacing them with counter-norms and beliefs (Walton, 2012).

in a highly violent and unstable context (Phillips, 2013). In Sri Lanka, foundational ideas about the right to education were all the more powerful because they embodied a promise to rectify past wrongs. In this way, the social contract was, as elsewhere, politically and historically contingent. It was shaped by a particular set of social conditions and point in time.

Over time, the social contract has arguably not been optimal for the state's main legitimacy audience. Rather than being a maximalist contract that forged real structural change, it was a 'minimalist' or negative contract that protected and reinforced the status quo. Hickey (2011) makes this finding in reference to the development of state pensions in post-Apartheid South Africa, which he argued reflected a minimalist social contract that was palliative but neglected to address land exclusion as the cause of deeper structural inequalities (Hickey, 2011). Likewise, it could be argued in reference to Sri Lanka that the extension of free education in the swabasha for the Sinhalese has failed to address structural inequality. This is both because it failed to stimulate investment in upgrading quality or investing in science facilities and because social demand has, over time, been mainly limited to access rather than quality. Quality assurance mechanisms have been slow to develop partly as a result of minimal political commitment (World Bank, 2009). As chapter VII showed, this type of investment in free state universities, effectively treating them as a welfare handout for the poor, may be sufficient from a political legitimacy perspective, but the lower quality of education it affords does not address the social mobility of the rural Sinhalese. Moreover, it has reproduced and embedded new structural inequalities both in the education system and the wider employment market, where segregation along the lines of language and course of study persist. These weaknesses are to some extent compensated for through the absorption of graduates into the public sector. However, in the long term, this absorption is unsustainable. In this way, the social contract is functional from a political legitimacy perspective, but at the same time perpetuates dysfunction from an educational equity or quality perspective. The core of the social contract is politically protected, but in many ways its narrow conception inhibits the original intended ethos of social justice. The significance of this finding is that social contracts may not be the panacea depicted in state-building models. Indeed, Sri Lanka's experience suggests that even where a strong social contract exists, it may not guarantee an optimal or equitable provision of public services.

## **Politics in the virtuous – or vicious – circle**

One of the key findings from the earlier review of the literature was that the relationship between service provision and state legitimacy does not hang free from politics. Politics was therefore placed at the heart of this study's analytical framework, to give a more purposive account of what aspects of 'politics' – a broad category of explanation – are significant for understanding the services-legitimacy relationship. At a general level, Sri Lanka's experience supports a return to the political core of legitimacy: here as elsewhere, legitimacy was manufactured through interactions between political institutions, elites and societies (Leftwich & Hogg, 2008). More specifically, three aspects of politics played a role in determining when higher education supported or undermined the state's legitimacy. Political narratives articulated the connections between higher education and the state's moral appropriateness in public discourse. Political ideas, particularly nationalism, provided a populist lens through which legitimacy values were re-interpreted. Political conjunctures created a legitimacy audience and an impetus to cater to it. However, the political manipulation of higher education to pursue legitimacy with the Sinhalese majority simultaneously undermined the state's legitimacy among the Tamil minority. In this way, political interference simultaneously supported and undermined the state's legitimacy, contributing to both virtuous and vicious circles of (de-)legitimation.

The social contract provided a baseline of ideas about what the state was for, and what it should provide, but its rhetorical significance for state legitimation was manufactured over time, through political narratives. If, as noted in chapter II, and Gilley (2009, p. 75) suggests, the relationship between a state's performance and its legitimacy depends on citizens making connections between their social conditions and moral values, this begs the further question, how does the connection between social conditions and moral values arise? Sri Lanka's experience lends support to the idea that it at least partly arises out of a political process of persuasion and engineering. Across the junctures, this revealed itself in the political act of framing, justifying and defending policies and actions on the basis of legitimate ideas about what was right and proper for society. The ideas about social justice embedded in the social contract continued to provide fertile rhetorical ground for making legitimacy claims in the education sphere well into the post-colonial era. Accordingly, education was democratised – rapidly expanded - because the 'common man' deserved his place in society. It was nationalised because Western education was an alien imposition, unsuitable for Sri Lanka's needs, and misaligned with Buddhist values. The state asserted control over the universities

because they were alternative authority structures, not serving the people but oppositional to it. What these justifications had in common was that they would deliver justice for the majority. As such, they provided a rhetorical safe-haven for political elites seeking their support. Popular perceptions of injustice were not only reflected in political discourse, they were perpetuated – and kept alive - through it. Political narratives are therefore significant for understanding how service provision becomes part of wider process of state (de-)legitimation. Indeed, if (de-)legitimation involves the categorisation of actors or institutions in or out of the ‘domain of moral acceptability’ (Kelman, 2001, p. 59), then it is difficult to imagine how that process would take place without political narratives and justificatory discourses that articulate any explicit claim to moral acceptability. For service provision to influence legitimacy, it has to make a normative claim. Political narratives are the medium through which those claims are made.

The promise and peril of legitimising ideas as the basis for legitimacy claims to a specific audience is that they can also justify actions that can alienate alternative audiences. Legitimacy can involve trade-offs, whereby perceived favouritism towards one group may support the legitimacy of the state in the eyes of that group whilst simultaneously undermining it amongst others (Zaum, 2015). In Sri Lanka, the same ideas that promoted rectifying injustices against one community also provided moral justification for oppressive and discriminatory practices against another. Rising nationalism legitimised the idea that it was morally acceptable to *engineer* university access. Here, the interests of the majority and the minority diverged. The interests of Tamils and other groups remained in a merit-based social contract, whereas the interests of the Sinhalese elites were in positive discrimination. The ostensible pursuit of legitimacy with one group – the Sinhalese – came at the cost of illegitimacy with another – the Tamils. Over time, particularistic policies that favoured the Sinhalese were seen to deny the rights, self-respect and well-being of the Tamil minority. This trade off dramatically illuminates Kelman’s (2001, p. 71) observation that processes of legitimation that ‘bring previously excluded groups into the system, by ending oppressive and discriminatory practices’ may simultaneously ‘provide moral justification to oppressive and discriminatory practices’. Indeed, the history of state legitimation alongside de-legitimation in Sri Lanka exemplifies the ‘problem of multiple audiences’ (Zaum, 2013). That is, it demonstrates that in multi-ethnic, divided societies where the state’s intended legitimacy audience may not be the whole society, making legitimacy claims to this audience can simultaneously undermine legitimacy among another group.

## The special place of education in legitimacy politics

Part of the motivation for this thesis was to give an account of the role of a *specific* service, in this case higher education, in processes of (de-)legitimation. This was in recognition that not all services have the same technical, political or social characteristics, and therefore may not be equally significant for state-society relations or for state legitimacy, in any given context. In Sri Lanka, certain characteristics of education gave it a special place in legitimacy politics. Education was, overall, a ‘lynchpin’ of post-independence welfarism<sup>372</sup> and a major area of *direct* state intervention because of its significance for nationalisation and democratisation – that is, the incorporation of the masses into the state. Its political appeal also lay in its popularity, which was in turn based both on its material promise, associated social prestige and significance for group identity. On the one hand, this made higher education fertile ground for making legitimacy claims, and on the other, at times pivotal for legitimacy evaluations. The flipside of this, however, was that higher education was also persistently subject to political interference that was not always in the interests of the education system itself.

University education acquired a special place in the social contract because of its intrinsic mass appeal. Since at least colonial times, access to university has been and remains highly coveted in Sri Lanka because it has been viewed as an avenue to break through social hierarchies and access (government) employment opportunities (Dunham & Jayasuriya, 2000). The appeal of stable government employment is magnified in a context where agrarian livelihoods are otherwise deemed precarious. Social demand has been further amplified through the supply-demand gap and particularly now in the post-war era, through intensified rivalry for limited spaces. Moreover, the stakes from education attainment are arguably higher in a patronage-based, hierarchical society like Sri Lanka, where life prospects are often defined by who you know and what position of power they hold. Michael Roberts observed in 1979 (p. 72) that ‘it is a tested conviction amongst Ceylonese that it is of some advantage to have a member of one’s caste or community or a friend in a strategic administrative or political post’. This observation still resonates some 30 years later, in contemporary Sri Lanka, where the enduring power of education to open up avenues of employment and therefore influence makes it a highly coveted social commodity, not least from the perspective of navigating everyday life.

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<sup>372</sup> Jayasuriya (2010, p. 76) characterises it as the most politically significant of all provisions under the welfare state for the ‘Ceylonisation’ of the nation.

Aside from its material rewards, university education is also coveted because it can enable poor families to raise their social status through their children's educational achievements. Consistently high levels of social demand for degree-level education arise not only from material advancement, but from the social prestige attached to getting into university. Obtaining a degree is a significant accolade for a young person from a village. As one informant described it, 'when students come from an outstation into universities, it's a big event. The whole family will come. It's very prestigious. Somehow the whole village gets to know. Everyone knows, somehow, this person has made it to university'.<sup>373</sup> Likewise, the status of degree-holder, and the prospect of a government job, often features in adverts in dating columns. This is an indicator that to some at least marriage prospects are associated with educational achievement.<sup>374</sup> It is telling that education reportedly survived through the war even in the most conflict-affected areas.<sup>375</sup> Indeed, whether or not the children go to school is considered a baseline standard for the basic functioning of village life<sup>376</sup>. In Sri Lanka, access to education at all levels matters politically because it matters culturally. It is intrinsically politically salient because it is socially prestigious.

Education also occupies a special place in the social contract because of its significance for group identity. Legitimacy theorists have argued that in general, groups are more likely to confer legitimacy when they feel institutional arrangements are beneficial for their identity and, crucially, for group self-esteem (Jost & Major, 2001). Likewise, in Sri Lanka, education was significant for legitimacy because the social dividends from higher education are not merely individual, but collective. As noted earlier, and explored in Chapter IV, educational de-colonisation was intimately entwined with a wider process of Sinhalese nation-building. Indeed, re-establishing the prominence of the Sinhalese language in education was particularly significant and symbolic for the restoration of Sinhalese identity as a whole. Likewise, to the Tamil community, a long history of educational advancement has been an important marker of group status. In turn, any perceived threat to the right to education – on the part of either the Sinhalese or Tamils - represents an affront to social status. The rhetorical content of the FUTA campaign illustrated exactly this; state retreat from

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<sup>373</sup> Interview with journalist, Colombo, April 26, 2016.

<sup>374</sup> Sunday newspapers regularly advertise 'recent graduate with government job' looking for brides.

<sup>375</sup> 'Education survives amid war in Sri Lanka', Asia Sentinel, May 16, 2007.

<sup>376</sup> In the words of one key informant: 'You know, as a researcher, if I'm going to a village, even a war-torn village, we'll arrive and it will appear there are no resources, nothing. I'll go with donor agencies, and the first question I'll ask is: 'do the children go to school'. Now usually they will say yes, and take me to a place, in a small shack or something, where the children are getting taught. Now, if the children are not learning in a village, that's when you know that everything's broken down in that place'. Interview with independent consultant, Colombo, April 29, 2016.

commitment to providing free higher education raises questions about its commitment to protecting the social status of the majority. Likewise, standardisation was interpreted not only as a denial of rights and entitlements but an intolerable attack on Tamil social identity. Since the right to education was entwined with the both the Sinhalese and Tamil identity, any perceived attempt to withdraw it is perceived as an attack on that identity.

The material and identity-based appeal of free education was not lost on political elites vying to extend and consolidate a power base in a new post-colonial political order. For the same reasons as noted above, higher education was a significant legitimacy commodity. As elsewhere, over time, this helped create consistent political commitment to providing it (Mcloughlin, 2014). Decisions about higher education were always taken at the highest level of government (K. M. De Silva, 1981). These characteristics of education also made it politically susceptible to a certain *kind* of political investment, however. In general, the higher education system has experienced high rhetorical commitment but under-investment in practice. More specifically, it has suffered from a focus on expansion at the cost of quality, and from political interference to engineer access at the point of entry – the quickest route to social justice - rather than to level the playing field through investments in improving facilities and ironing out regional inequalities. In Sri Lanka, the narrow focus on access was partly a response to the low expectations whereby ‘not having experienced the good, the idea of agitating for the good was alien to their [the masses] way of thinking’ (J.E Jayasuriya, 1976, p. 34). But a narrow focus on access is also a familiar political problem with education in general, since while expanding access can produce quick political returns, improving quality usually involves challenging vested interests, and the benefits take longer time to reveal themselves to the public (Batley & Mcloughlin, 2015). For these reasons, improving quality does not offer the same legitimacy capital as expanding access. In this way, the characteristics of education partly explain its operationalisation in the social contract.

The type of political interference that higher education attracts perpetuates a minimalist social contract. So long as there is significant social prestige attached to accessing a state university, and the number of spaces is restricted, then the social and therefore political dividends are satisfied by engineering access alone. By the same token, any degree, irrespective of whether or not it is a good quality degree, serves the legitimacy function. Moreover, since the state periodically absorbs unemployed graduates, higher education also still serves the important social function of social mobility. In this way, a minimalist social contract – one that understands the right to education as access to education - can be served with relatively low

investment. In some respects, the minimalist contract is also self-reinforcing. Demand for quality improvements is partly deflected by frenzied competition over access. Standardisation and quotas provide a short-term, highly malleable political tool to correct regional imbalances in science facilities, without needing to address them in and of themselves. Political interference has followed a pattern of appeasement of the masses at the cost of the integrity of the education system. This has often had unintended consequences since the landmark extension of free education. As J. E. Jayasuriya observed in 1976, ‘the immediate consequence of the principle of free education accepted in 1945 was to give a bonanza to the well-to-do by giving them without payment the good education that had hitherto been paid for by them. The masses continued to receive free the poor quality education that had all along been free to them’ (J.E Jayasuriya, 1976, p. 537). The wider significance of this is it gives a different perspective on the influence of legitimacy politics on service provision. It has previously been recognised that a service can attract political investment when it upholds state legitimacy, and forms part of a social contract – in other words, that legitimacy salience can have positive effects on service provision (McLoughlin, 2014). This case supports an alternative proposition - that service provision can be hampered by political interference precisely when it is a pillar of the state’s legitimacy. Indeed, contrary to how service provision is usually positioned in state-building models, it suggests that services do not have to be objectively ‘good’ quality to serve a political legitimacy imperative.

### **Justifiability: A turn to fairness?**

As the analytical framework outlined in Chapter II, justifiability is considered a central building block of legitimacy. Perceptions of legitimacy are thought to hinge on whether rules or distributional systems can be *justified* against shared moral principles. Overall, the interaction between higher education and the acts of consent and dissent observed in this study lends support to the theory of justifiability as a core pillar of legitimacy. At a general level, legitimisation processes typically involved a claim of justifiability – putting forward a normative rationale for action. Legitimacy was, in turn, evaluated on the basis of whether any given justification was considered normatively acceptable, or not. Acts of dissent were motivated, or at least aggravated, by an unjustified departure from a legitimising idea or a contravention of a legitimacy norm. Significantly, in political narratives and public deliberations, the normative justifiability of service provision was often expressed in terms of fairness and unfairness, or justice and injustice. Looking across the critical junctures reveals

further insights into how (different) perceptions of (un)fairness in service provision are formed, and why they can matter not only for perceptions of service provision itself, but for state legitimacy as a whole.

A key point of debate raised in the literature review was whether service provision can influence legitimacy in a merely instrumental or material sense - that is, because it improves people's lives - or whether it has to make a normative appeal. This study supports the latter interpretation. In Sri Lanka, legitimacy claims in the sphere of higher education were never based on appeals to material rewards alone. In the post-colonial period, the extension of new rights to higher education was a means of transmitting what Gupta (1995) has called the 'main myths and symbols' of the state - in this case, of protectionism and social justice. As noted earlier, the provision of higher education represented social and political rights, state obligations, social status and group identity. Likewise, any assault on it was seen as a threat to them. In all the cases where education was used to claim or contest legitimacy, it was never the material value of education that was appealed to, but the right to it. When politicians were whipping up social demand for education during the 1950s, their political narratives were not about social mobility, or jobs, but always centred on the deeper social meaning of educational access for enabling a more just and fair society. When FUTA was defending the social contract, they were not making overt appeals to people's self-interest, but reminding them of their rights, the state's obligations to them, and ultimately, the significance of higher education for national esteem and heritage. Overall then, this case suggests that services can matter for processes of state (de-)legitimation because of the potential they offer for making value-based legitimacy claims.

In the same way, legitimacy was not conferred or contested *exclusively* on the basis of lived experience or material interests. Even in the case of the insurrection, where perhaps it could be argued that blocked social mobility - a material interest - was a major motivational force, it was equally significant that this failing signalled unfairness, exclusion, and ultimately, broken promises. Likewise, the immediate and highly emotive reaction to the engineering of university spaces, before any effects could be experienced, were as much motivated by what these changes signified in terms of discrimination and unfairness as by the perceived threat to individual and group social mobility. It is not that values and interests are mutually exclusive. In Sri Lanka, as elsewhere, they interacted - individuals and groups contested legitimacy partly because the state violated their own personal interests and preferences, partly because it contravened normative principles (Kelman, 2001). The salient point for the wider debate on

the relationship between service provision and state (de-)legitimation is that services *can* matter for legitimacy evaluations in much more than an instrumental, material sense. Just as social motivations for the conferral or withdrawal of legitimacy extend beyond material self-interest and maximising personal rewards, so too the role of higher education in mobilising consent or dissent extended beyond these concerns also (T. R. Tyler, 2011). In Sri Lanka, access to higher education was significant for aggravating processes of state de-legitimation because of its deeper, normative significance for fairness and social justice.

Perceptions of unfairness and injustice in the process through which decisions about higher education were taken were a key area of legitimacy deliberation. The most graphic illustration of this is standardisation, which suffered a major justificatory deficit because it was introduced in apparent secrecy, and without due regard for norms of transparency or consultation. Post-war privatisation was similarly resisted, and resented, partly because the state was seen to be hiding it from the public domain. In both of these cases, a perceived lack of procedural transparency contributed to an environment of mistrust and, ultimately, a questioning of the state's true motives. These findings align with the central tenet of legitimacy theory discussed in the earlier literature review – that the perceived fairness of decision-making process is a key aspect of people's willingness to comply with it (Tyler 2006). It is interesting to note that perceptions of procedural unfairness were sometimes a source of public questioning of legitimacy independently of the perceived fairness of any associated outcomes or decisions reached. The process through which both standardisation and military-style student leadership training were introduced was rejected by sections of both Sinhalese and Tamil society, whose material investment in these decisions was divergent. In this way, unfair process appeared to represent a common-ground threat to legitimacy, and a cross-group basis for contesting the legitimacy of state action.

Perceptions of distributive unfairness in higher education were an equally potent, but arguably more group-based source of illegitimacy. Standardisation embedded special rights for the majority Sinhalese legitimacy audience at the expense of perceived violation of the universal principle of meritocracy. In so doing, it undermined the common interest principle that is considered an essential component of legitimacy (Kelman, 2001). Indeed, shared values gave way to group favourability, and immediately gave rise to perceptions of distributive injustice. In effect, the ostensible pursuit of 'fairness' for the Sinhalese in turn collided with, and undermined, Tamil minority perceptions of fairness. Policies that violate principles of universalism in this way need to find justification in an alternative normative

principle, based on a common social benefit (Scharpf, 2003). No such alternative justification could be found for standardisation, which was rejected as both amoral and illogical. Put another way, so-called ‘performance legitimacy’ may fail if it sends signals to citizens that ‘government for the people’ (Scharpf, 1999) is government for only ‘some’ of the people. Indeed, standardisation suffered a double justifiability crisis, in the sense that it was perceived as both an unfavourable outcome and arrived at through unfair process. This combination is recognised elsewhere as a tipping point for legitimacy (Kelman, 2001). In relation to the wider debate between distributive and procedural fairness, therefore, Sri Lanka’s experience suggests service provision can be a source of both and, moreover, that legitimacy may be particularly compromised when they overlap.

Sri Lanka’s experience suggests further refinement of the idea of outcome-based, or performance legitimacy, in two senses. First, there is a need to distinguish between perceptions and lived reality. As Davies (1962, p. 8) identified in his analysis of the cause of revolutions, a crucial factor motivating rejections of the state was ‘the vague or specific fear that ground gained over a long period of time will be quickly lost’. In this way, perceptions of distributive injustice and unfairness may matter as much as actual experience, or objective measures of inequality. Surveys of horizontal inequalities in African countries, for example, have found significant mismatch between measureable inequalities and perceptions of inequalities between groups (Langer & Mikami, 2013). Statistical analysis has also shown that perceptions of inequality are more influential in determining social stability than measures of inequality (Alexandre et al., 2012; Stewart, 2000). In line with these findings, this study suggests that objective reality (lived experience) is less significant than perceived reality (cues and signals from political leaders) for political legitimacy (Hanberger, 2003). It indicates, as per the wider literature reviewed in Chapter II, that *perceptions* of unfair outcomes may be a sufficient basis for contesting legitimacy. As Roberts (1979, pp. 77-78) puts it, ‘collective identity and nationalism everywhere have developed on the foundations of imaginary grievances as well as real’. Understanding the role of service provision in supporting or undermining state legitimacy may therefore benefit from de-coupling objective measures of provision and legitimacy, and inserting a politically constructed, subjective reality between them. A further, more substantive challenge to the idea of outcome-based legitimacy can also be made on the basis of the findings here. That is that service provision is not exclusively a question of ‘outputs’, but also an expression and manifestation of processes and values. Other studies have shown that in practice people do not evaluate state legitimacy

in such neat categories of outputs, inputs, or procedures (Gippert, 2016; Lindgren & Persson, 2010). As such, service does not benefit from being instrumentally bracketed as exclusively a source of ‘output’ legitimacy as per the received wisdom in aid debates.

Another qualification to the theory of justifiability is that justifiability is politically contingent. Across the three time periods, political conditions always formed the backdrop of citizens’ assessments of the state’s performance on higher education provision. The anti-colonial struggle, the strong turn to nationalism and, later, creeping authoritarianism were all significant for first moulding higher education, and in turn shaping public reception of reforms. Prominent legitimacy theorists have argued that a degree of deprivation and inequity can be tolerated in a context where the wider political system is justified – that is, broadly perceived as fair (Jost & Major, 2001). On the other hand, the illegitimacy of the state, combined with the illegitimacy of its action, can be a potent combination and a tipping point for justificatory failure, and subsequent de-legitimation (Kelman, 2001). This is evident in Sri Lanka, where reactions to standardisation were rapid and acute because they were introduced in a context of wider perceptions of unfairness in the distribution of resources among different social groups. The significance of changes to rules governing access was amplified by this political context. It has been observed elsewhere that when a group is already excluded from access to services or access to power, services are evaluated in a context of wider mistrust and exclusion (Levi, Sacks & Tyler, 2009). Likewise, a key finding here is that the fairness of service provision is likely to be evaluated in, and cannot be divorced from, the perceived fairness of the distribution of resources and power in society as a whole.

Perceptions of fairness were also conditioned by the history of ideas and expectations embedded in the social contract. As argued in Chapter IV, post-colonial political conditions paved the way for political elites to make new legitimacy claims and promises. Over time, performance was assessed against these promises. The insurrection in the south was at least partly motivated by a mismatch between the promise of new rights, and the weak capacity of the state to deliver on that promise. It was exacerbated by the state’s failure to deliver against a set of rights to which people had been made to feel entitled. Viewed from this perspective, it conforms with Easton’s theory (1975, p. 445) that the *frustration* (rather than meeting) of expectations can jolt the ‘deeper loyalties’ of the members of a system such that their diffuse support falls into precipitous decline. A long period of social development and rising expectations followed by a sharp reversal in fortunes has been shown, historically, to be a causal factor in revolution (Davies, 1962). In a similar vein, both the FUTA mobilisation, and

the reaction to standardisation were also responses to the denial of rights and promises implicit in the social contract. In these cases, the apparent denial of *previously held* rights was, as has been theorised elsewhere, significant for motivating contestations around state legitimacy (Kelman, 2001, p. 58). The wider implication is that perceptions of fairness may be *relative*: relative to what has been promised, what is expected and to what has previously been experienced as a right.

Another point of debate raised in the literature on the link between service provision and state legitimacy is the issue of attribution. Put simply, the question is how an (il)legitimate service or policy comes to influence perceptions of state legitimacy as a whole. This is an under theorised link in the virtuous circle argument (Schmelzle, 2011). This study suggests that perceptions of (un)fairness in service provision – whether distributive or procedural – matter for state legitimacy because they *signal* the wider fairness of the state. Standardisation came to symbolise not only the increasing exclusion of the Tamil minority from fair access to state resources, but also the limited prospect of using fair process to remedy perceived inequalities and redress grievances. Post-war state retreat from higher education sent a strong signal that the state was rescinding its commitment to social justice embedded in the social contract. In turn, claims of unfairness in service provision resonated because of these wider signalling effects. As illustrated in Chapter VI, in its stand against perceived unfairness and decline in the education system, for example, FUTA came to represent a wider struggle against social injustice and state repression. These findings suggest that service provision can become a prominent arena through which wider state-society contestations play out. This is not least because service provision conveys messages to citizens about the operative values and norms of the state.

### **Bringing history back**

While each juncture speaks to wider debates about the relationship between service provision and state legitimacy, the deeper analytic value is arguably in the connections *between* the junctures, over time. Indeed, the driving rationale behind the historical approach applied in this study was to view the relationship between education and legitimation as a long-term process, and to identify temporal dimensions that may be otherwise lost in snapshots. In effect, the aim was to shift the perspective from static pictures, to moving parts. By widening the timeframe of enquiry, and tracing the relationship over time, two observations can be made. The first is the striking continuity of ideas that originated in the social contract,

travelled through time, and continued to set steering limits on state and social action. The second is the self-reinforcing relationship between legitimation claims, practices and their (un-)intended effects over time. As discussed below, historical institutionalism offers a fruitful lens through which to analyse these temporal dimensions of the services-legitimacy relationship.

### **Legitimising ideas in time**

Looking across the three critical junctures, one of the most striking features is the continuity of ideas about the rights of the people, and the legitimate role of the state. The right to education has, over time, been an ‘insistent belief’ (Pieris, 1964, p. 448). As an idea, it represents the glorious history of welfarism that set Sri Lanka apart from its neighbours as an early developer. The provision of free education is no less than a matter of national heritage, and forms part of the national conscience. There is collective, sentimental attachment to it. The resilience of this idea in the face of structural change that threatens to potentially diminish its value, not least the devastating effects of war and the graduation from state dependency of the middle classes, is testament to its durability. The FUTA strikes were able to tap into the continued salience of the right to education as an idea across all social groups. FUTA contested the state’s legitimacy by engaging it in an ideational battle for the rhetorical moral high ground. Their defence of the past revived the language of the past, and a similar intrinsic mass appeal to the time of the making of the social contract. Together, this is testament to the strength of ideas in the binding of states and societies, and to the role of service provision in forming the idea of the state. Indeed, it is testament to the state itself as an idea.

The three periods under scrutiny also provide insights into *how* legitimating ideas travel through time. In part, the idea of the right to education was carried by the living generation of beneficiaries: the children of free education, who continue to defend it. In historical institutionalism, ideas become more important when they are supported by powerful groups in society, for example political parties or elites (Campbell, 1998). Likewise in Sri Lanka, the social contract is persistently resuscitated through the threat of dissent from the core Sinhalese legitimacy audience of the state. At a broad level, this speaks to the debate raised in chapter III about whose views count for legitimacy, and suggests it is not so much the scale of dissent but the power of the constituency being represented that is significant. Likewise, it suggests the magnitude of a legitimacy challenge may be signified in the state’s rhetorical and practical response, which as both the response to the insurrection and to FUTA suggests,

might entail seeking to play down or discredit the normative basis of dissent as well as re-asserting the state's own basis for moral justifiability. This was most starkly illustrated in the post-war era, when the rhetorical response to FUTA entailed labelling it as a threat to stability, the assurance of which was one of the main legitimacy claims of the triumphalist regime. The idea of the right to education has been resilient not only because it is defended by a powerful constituency, but because it is actively promoted by political elites courting them. Their ability to narrate the extension of higher education in terms of national identity and social justice was significant for its normative appeal. Indeed, this illustrates Campbell's (1998, p. 381) argument that 'the ability of elites to transport an idea into influential arenas may turn on their ability to package and frame it successfully'. In Sri Lanka, the right to social justice in education provided 'symbols and concepts that enable(d) actors to construct frames with which to legitimise their policy proposals' (ibid, p. 398). In sum, legitimising ideas were framed and (re-)produced by elites, to political effect. They did not float through time, they were carried by people.

The system of higher education has been shaped by its legitimacy heritage and legitimising ideas. In line with historical institutionalism, this finding challenges the rational choice idea that institutions can be explained because they 'function' to address the needs and incentives of powerful actors in the present (Pierson, 2004; Hall and Taylor, 1996).<sup>377</sup> As chapter VI argued, the higher education system is in many ways dysfunctional from an educational perspective. It reproduces inequalities, is under-resourced, and the emphasis is placed on access rather than quality. It provides as a minimal, welfare-state model of higher education. To a degree, these dysfunctions persist because they serve a legitimacy purpose: regardless of them, higher education delivers the coveted right to education, satisfies social demand (primarily for access), and secures a path to social mobility. Institutional continuity is sustained through legitimacy, rather than functionality (Mahoney, 2010).<sup>378</sup> In wider perspective, this suggests that services may simultaneously dysfunction technically, but function from a legitimacy perspective. In fact, they may dysfunction technically precisely because they follow a different, legitimacy logic.

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<sup>377</sup> Some refute the basic premise of rational choice that 'institutional arrangements are explained by their consequences' (Pierson, 2004, p. 14).

<sup>378</sup> Mahoney (2010) puts forward a useful typology of four explanations for continuity and change within institutions. In his model, institutions are reproduced either through a rational cost-benefit analysis (the utilitarian explanation), because they serve a function for an overall system (the functional explanation) or because they are supported by an elite group of actors (the power explanation). Changes can be explained through changes in competitive pressures, system needs, or the relative power of elites. A fourth explanation, the legitimisation explanation, holds that institutions are reproduced when actors believe they are legitimate.

Historical institutionalists argue that formative events can set a precedent about what is morally appropriate that can be self-perpetuating (Mahoney, 2010, p. 523). Likewise in Sri Lanka, critical junctures have been significant in establishing legitimising ideas and norms that continue to shape the sector. For example, while language based standardisation was widely rejected as illegitimate, the idea of differential treatment of different groups *is* legitimate and has survived since the crisis of the Sinhalese insurrection. Accordingly, as Chapter VII discussed, a system of district quotas (which replaced the system of language-based standardisation) has operated since 1974 to engineer opportunities for access to education and positively discriminate in favour of the vital constituency of rural poor. In this way, the state has been tethered to the idea of positive discrimination, and the inherent favouritism it embodies, in a path-dependent manner. One legacy of casting a social contract as a way to rectify past wrongs for oppressed groups, and therefore hinging legitimacy on that promise, has been that rectifying those wrongs could not thereafter be left to chance alone. In broader perspective, this suggests in line with historical institutionalism that processes of state legitimation may be particularly sensitive to critical turning points when legitimacy claims are first made and norms are established.

The higher education system is path dependent in the sense that legitimacy norms and ideas inherited from the past continue to set steering limits on the present. In particular, it has been argued earlier that the need to protect the right to education embedded in the social contract continues to place structural constraints on the Sri Lankan state. In his seminal piece, De Waal (1996, p. 201) argued that social contracts are ‘enforced by the people and adhered to by their rulers out of political necessity’. This point succinctly captures the durability of Sri Lanka’s social contract in education. The state has faced dissent when it (appears to) neglect its obligations to this contract. Post-war mobilisations to defend state investment in higher education illustrate that ‘the adoption of any course that steers too far from its colonial and post-independence inheritance’ provokes dissent (Wickramasinghe-Samarasinghe, 2006, p. 333). Any attempt to detract from or re-define the contract have to be packaged inside rather than outside its core terms and align with its basic ideas – such as branding privatisation as an expansion of choice. In this way, ideas from the past continue to straightjacket the state, even a repressive, authoritarian regime. This illustrates a broader claim made by Hudson and Leftwich (Hudson & Leftwich, 2014, p. 88) that ‘ideas not only influence and reflect politics; they are themselves critical aspects of the structure of constraints and possibilities that frame developmental prospects and actors’ ‘room for manoeuvre’’. More broadly, it supports the

point made by Zaum (2013) that legitimacy – in this case legitimising ideas – can both confer power and act as a constraint on it.

### **Cycles of performance and (de-)legitimation**

Sri Lanka's experience suggests that the relationship between service provision and state (de-)legitimation can be cyclical. Furthermore, it suggests how these cycles can be triggered and become self-reinforcing. Across the junctures, legitimacy was contested under conditions of crisis and social change: the insurrection, Tamil militarisation, and FUTA mobilisations were enabled by conjunctures of political conditions and major economic and demographic trends. These legitimacy crises were themselves critical junctures, as Krasner (1984, p. 243) describes, because they represented 'a struggle over the basic rules of the game rather than allocation within a given set of rules'. In turn, they sometimes gave rise to new or escalated legitimisation claims and practices. Immediately following the legitimacy crisis of the insurrection, for example, the state made hasty efforts to make up for its broken promises, and rekindle the social contract with the Sinhalese through concessionary measures. It redoubled its efforts to deliver social justice by escalating the political engineering of university entrance in their favour. In turn, legitimisation practices that responded to legitimacy crisis sometimes set the state along a certain course from which it was thereafter difficult to reverse. Indeed, as Mahoney (2000, p. 513) argues, this potential for institutionalising path-dependency is what makes critical junctures 'critical', in that 'once a particular option is selected it becomes progressively more difficult to return to the initial point when multiple alternatives are still available'. The starkest illustration of this occurred when the state appeased the Sinhalese educated classes by absorbing unemployed graduates into the public service after the 1971 insurrection. This has carried forward a legacy effect whereby the state continues to absorb unemployed graduates into the public sector. In part, this path continues because there are high sunk costs in following it. In line with Krasner's (1984) interpretation, these sunk costs are not instrumental or about vested interest, but more about upholding an accepted way of organising power: in this case, the state's legitimate role and obligation as patron of the poor. In this way, cycles of performance and (de-)legitimation can be triggered by critical junctures that become self-perpetuating.

The legitimacy crisis of the insurrection was also significant in shaping the system of higher education in the sense that it re-cast the student-state relationship in a new mould. Thereafter, students were labelled a potential threat to the state. As one academic observed 'the students

are seen as movements. That all came about in 1971'.<sup>379</sup> A former high-level government advisor explained that, after that, there was this attitude towards young people, that they were a challenge and a potential threat, and they can't be trusted unless they prove otherwise.<sup>380</sup> The persistent labelling of students as politically indoctrinated, infiltrated and unruly was used to legitimise measures to control them, most graphically in the post-war authoritarian era. Moreover, this label underlies an institutional incapacity to address student grievances concerning the state of higher education facilities. This, in turn, perpetuates hostile student-state relations and is a significant source of continual unrest in the sphere of higher education. The account of a former chairman of the University Grants Commission (UGC) is illustrative in this regard. He recounted 'now the UGC they merely view students as bad. They are labelled as bad. But we have to think about what they want'.<sup>381</sup> This is an illustration of Nira Wickramasinghe's (2006, p. 333) observation that 'certain critical moments have punctuated the last half century and have, in no uncertain terms, moulded the shape of the post colony and the mental framework of its people'. More broadly, it shows how higher education in Sri Lanka continues to be shaped and constrained by its turbulent past, which was itself a product of political interference in the pursuit of legitimisation.

Looking across the junctures, it is possible to identify a self-reinforcing relationship between legitimisation claims, practices, and legitimacy effects. The pursuit of the social demand model of education is a particularly salient example. It benefited from initially positive feedback effects in that the ethnic composition of university students altered significantly in a relatively short period, and a higher portion of Sinhalese was recorded as attending. Some historical institutionalists argue that positive feedback can make institutions 'stick', meaning that over time a change of course is less likely, and potential alternatives are lost (Pierson, 2004). In a similar vein, the pursuit of the social demand model seemed to set the state on a path from which there could be no turning back. In part, this was because the democratisation of higher education not only responded to social demand, but also stimulated it. Sinhalese politicians propagated ideas about the need to rectify persistent, residual inequality in the system to maximise the normative appeal of this legitimisation practice. In so doing, they both perpetuated these ideas of injustice, and hung political legitimacy on rectifying them. For more than a decade, the cycle between legitimacy claims and legitimacy practices was self-

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<sup>379</sup> Interview with Lecturer, University of Colombo, April 18, 2016.

<sup>380</sup> Interview with retired govt. official (UGC), Colombo, April 29, 2016.

<sup>381</sup> Interview with senior staff, University of Sri Jayawardenepura, April 19, 2016.

reinforcing, as politicians had to expand higher education in order to satisfy their own legitimacy claims.

Across the junctures, it is also possible to trace the connections between legitimacy practices and their (un)intended consequences over time. Negative feedback effects from the earlier, post-colonial legitimisation practices carried through to the later junctures. Free education provided a dividend to the rich who could now get the same education for free, whilst the poor were still served by a second rate education system. The switchover to education in the local languages without the attendant resourcing restricted educational opportunities for the Sinhalese to the arts faculties and therefore reproduced colonial educational segregation along linguistic lines. The escalation of control has taken many forms over the three periods in question, from repeated commissions of inquiry to examine suspected malpractices, to increasing political interference over admissions and high-level appointments, to a more overt militarisation. In turn, this has only created a backlash of further violence and dissent, both during the 1960s and in the post-war era. The higher education system is caught in a negative cycle of control-resistance: as the state seeks to exert its authority over the university population through oppressive or coercive means, so its legitimacy among students and academics is increasingly called into question. The knee-jerk reaction of state authorities to close the universities at the first sign of dissent is another legacy of the turmoil of the 1960s. It is now, according to some at least, ‘the first response of the authorities – if there’s a problem, shut the university down’.<sup>382</sup> Furthermore, as a report of the National Education Commission in 2008 concluded, ‘government control of universities paves the way for the perception among students that the universities are a proxy for government and could serve as legitimate targets in anti-government activities’ (Weeramunda, 2008).<sup>383</sup> In this way, legitimisation practices have had significant, negative and sometimes unintended consequences.

The time that elapsed between legitimacy claims and practices and their feedback effects varied. On the one hand, the insurrection was the culmination of what historical institutionalists might call ‘a slow-moving process’ that unfolded over two decades. It suggests that the relationship between legitimisation claims and effects is cyclical, involving the setting of expectations and then performing (or not) to them.<sup>384</sup> Educated unemployment

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<sup>382</sup> Interview with academic, University of Colombo, October 7, 2014.

<sup>383</sup> The author of this report expressed frustration that the recommendation to hear student’s grievances were never taken up.

<sup>384</sup> Gilley (2009) arrives at a similar conclusion.

resulted from both the success and failure of earlier legitimisation practices – that is, the success of free education, combined with the limits of democratisation, and the failed promise of nationalism. In contrast, the de-legitimising effects of standardisation were immediate, albeit also part of a slow-moving process of de-legitimation. These findings simultaneously support and refute Gilley's (2009, p. 59) assertion that legitimacy is the result of 'an ongoing historical process of performance and feedback, not of a sudden delivery or failure of public goods'. Part of the explanation lies in the nature of the connection between education and these two de-legitimisations. In the case of the insurrection, the political manipulation of higher education helped create a *structural* problem of inequality and broken promises as a basis for legitimacy contestation, which took a generation to come to fruition. In the case of Tamil militarisation, the political manipulation of higher education signalled a more acute, normative contravention of principle that provided an immediate basis for legitimacy contestation. This serves to illustrate that services can both create the structural conditions for long-term de-legitimation, and exacerbate more acute, short-term legitimacy crises. In wider perspective, it also suggests legitimacy can be long in the making, but quickly unmade.

## Conclusions

History, politics and ideas, particularly around fairness, have shaped the relationship between higher education and processes of state (de-)legitimation over time in Sri Lanka. Historically, the post-colonial social contract reinforced the ideational ties between state and society by establishing a set of rights, obligations and a new set of shared values based on social justice. Appeals to the rights and entitlements of the oppressed Sinhalese majority helped make the state legible to this, its primary legitimacy audience. Since that formative critical juncture, there has been a striking continuity of ideas about the right to education and the legitimate role of the state that have travelled through time. These ideas continue to set steering limits on state action and social mobilisation in the present. Over time, legitimacy crises have been significant in shaping important institutional characteristics of the education system, including a curiously hostile but simultaneously paternalistic relationship between students and the state whereby students are cast as oppositional but graduates are incorporated into the bureaucracy of government. In this way, the system of higher education has been, and continues to be, shaped by its legitimacy heritage and legitimacy politics. Furthermore,

looking across the junctures, it is possible to identify a self-reinforcing relationship between legitimation claims, practices, and legitimacy effects that were separated in time.

The significance of higher education for legitimacy was neither intrinsic nor organic – it was politically constructed. Education was fertile ground for political legitimation because of its intrinsic mass appeal, which was in turn based on its material and social significance for both individual social mobility and group identity. Political narratives articulated the normative significance of higher education for legitimacy and therefore manufactured the connections. The characteristics of higher education made it politically lucrative for legitimacy claim-making, but also attracted a limited type of political investment which services a minimal, access-based social contract. The effects of the political manipulation of education for legitimation sometimes had (un)intended consequences on legitimacy. At different times, the political manipulation of education for the purpose of legitimation created the structural conditions for long-term de-legitimation, and exacerbated more acute, short-term legitimacy crises.

Ideas and values, particularly perceptions of fairness and unfairness, have been as significant as the material benefits from education in stimulating or exacerbating processes of (de-)legitimation. Perceptions of (un)fairness in service provision were conditioned by perceptions of the fairness of the operative rules of the state, and of group inclusion and exclusion. Fairness is also relative to the history of political promises and commitments embedded in the social contract and, since different groups are incorporated into the social contract differently, can also splinter along group lines. Ultimately, perceptions of fairness in education – whether distributive or procedural – mattered for state legitimacy because they conveyed messages about the state's commitment to fairness. Together, this illustrates that the idea of 'outcome' legitimacy is narrowly conceived, in two senses. First, perceptions of fairness may matter as much as objective outcomes for legitimacy evaluations. Second, the significance of service provision for legitimacy is as much a question of state process and shared state-society values as of one of state outputs.

Collectively, these findings about the significance of history, values and politics raise specific propositions about when service provision may support or undermine state legitimacy. These propositions, as well as their implications for both the received wisdom and for future research, are outlined in the following, concluding chapter.

# CHAPTER VIII

## Conclusions and implications

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This thesis was motivated by the received wisdom in aid policy literature that the provision of vital public services can help to build state legitimacy. It develops a critique of this overly instrumental framing of the services-legitimacy relationship, and has highlighted its weak foundation in theory and evidence. Based on an examination and distillation of the wider theoretical and empirical literature, I derived a novel analytical framework for a political, historically-informed, qualitative approach to studying the services-legitimacy relationship. The framework bridged disciplines to ground the empirical enquiry more firmly in theories about how legitimacy is won and lost. I positioned the social contract, normative justifiability of service provision and temporal political conditions at the centre of a case study analysis of the relationship between higher education and state legitimacy over time in Sri Lanka. The methodology involved gathering and triangulating first-hand key informant accounts, news archives, official documents and historical texts to develop an historical narrative of whether and how higher education has been significant for processes of legitimation and de-legitimation. The empirical focus was on critical junctures in the history of the Sri Lankan state when legitimacy was consolidating or unravelling. In looking across these junctures, I argue the higher education-legitimacy relationship in Sri Lanka has been historically conditioned, politically constructed, and hinges on ideas, values and perceptions of fairness.

The major finding and claim of this thesis is that service provision can matter for state legitimacy. In Sri Lanka, access to higher education has both supported and undermined legitimacy, at different times, among different groups in society. That is not to say that services continually matter, matter to the same degree as other sources of legitimacy, or evenly across time or space. There can be no universal criteria for when services support or undermine legitimacy. The answer to the question driving this thesis - when does service provision support or undermine legitimacy? - is that it depends. What this thesis begins to develop, however, is a deeper understanding of what it can depend *on*. Specifically, it identifies ways that the history of state transformation, political manipulation of service provision, and normative characteristics of service provision can shape this relationship. In

this concluding chapter, I reflect on the contributions and limitations of the thesis, and put forward specific propositions about when service provision supports and undermines legitimacy that could be tested elsewhere. I make a case for refining the so-called received wisdom that service provision improves legitimacy based on an appreciation that the relationship is neither automatic nor instrumental. I conclude that future research on the services-legitimacy relationship might usefully expand the remit of enquiry: from the material to the non-material, from snapshots to longer-term and historically-informed observations, and by moving politics from background concern to the foreground of explanation.

### **Contributions and limitations of the thesis**

It is worth beginning by acknowledging the limitations of this thesis, since its findings and claims should be read and interpreted in light of them. As outlined in the methodology, this research was limited in time, space and resources. A fuller coverage of history, a different approach to periodisation, or an alternative selection of critical junctures may have highlighted other dynamics in the relationship between higher education and state (de-)legitimation in Sri Lanka. Furthermore, precisely because the study focuses on critical junctures when legitimacy is in flux, and its links with higher education are most explicit and observable, it is possible that the overall significance of higher education for state legitimacy is over-emphasised. Moreover, although the relationship was considered in political context, the significance of higher education is not positioned relative to other sources of legitimacy of the Sri Lankan state. It is therefore conceivable that this narrow account of the specific role of higher education in the making and breaking of the state's legitimacy neglects the significance of other dynamics of state (de-)legitimation.

In important ways, the selected case study cannot claim to be typical. Indeed, such claims are unlikely to ever be credibly made in the social sciences. Sri Lanka was selected precisely because it is an outlier that appears to question any straightforward link between service provision and state legitimacy. Sri Lanka's independence struggle and nationalist resurgence were intimately bound up with and found expression in post-colonial education reforms. In turn, the context of (perceived) ethnic inequality, and subsequent state-society conflict made the distribution of highly coveted goods such as higher education particularly salient for issues of state (de-)legitimation. In more stable environments where these lines of division and are not so apparent, service provision may not be so formative of state-society

contestations. The forging of such a strong, welfare-based social contract in Sri Lanka made performing to the needs and expectations of different groups significant for state (de-)legitimation, but this is not comparable to contexts where no such social contract exists. Sri Lanka is arguably an acute example of when and why service provision can support and undermine a state's legitimacy. For these reasons, the findings cannot be generalised from Sri Lanka to elsewhere.

In a similar vein, higher education was selected as the sector of focus because it has special characteristics that have made it particularly politically salient. In Sri Lanka, it has had a particularly turbulent political history. In turn, the study attributes the special place of higher education in the social contract to its symbolic meaning and value in the wider project of rebuilding a 'Sinhalese' nation. In particular, higher education was an arena where legacies of colonial injustice materialised visibly and starkly, where expansions of access could be used to incorporate the masses, and where the reassertion of national, Buddhist religious values could find expression. These characteristics magnified political investments in higher education, and gave it rhetorical and symbolic meaning beyond its material or social benefits. Collectively, these findings reinforce the earlier observation that 'service provision' is not one monolithic entity, and that different services can have different significance for creating relational ties and shared values between societies. For these reasons, the findings cannot be generalised from higher education to another service in Sri Lanka. Indeed, part of the contribution of this thesis is to give a more fine grained account that shows precisely that: the relationship between service provision and state legitimacy is specific not only to time, space, and social groups, but to specific services. In effect, the study illustrates but also elaborates on the 'problem of historical specificity' (Hodgson, 2001, p. 59) and that for these reasons, generalisations of the complex, historically contingent relationship between service provision and (de-)legitimation are likely to be oversimplifications.

The findings of this study are indicative rather than demonstrative. The exploratory research design did not set out to rule out rival explanations of the observed shifts in state legitimacy. A descriptive study of this kind should not be oversold as causal evidence (Hakim, 2000, pp. 148-151). At the same time, the thesis was never aiming for a generalisable theory. Given the underdeveloped nature of this body of literature, and the absence of ready-made analytical frameworks, it was aiming for a heavily contextualised, exploratory account of the services-legitimacy relationship. There is a trade-off here between the rich, explanatory narrative of a highly contextualised in-depth study, and the limited generalisability of the findings to

different social settings and time periods (Brewer & Hunter, 2006, p. 134). Limited generalisability does not, however, preclude contribution to theory-building because as Mitchell (Mitchell, 1983, p. 207) explains, ‘the validity of the extrapolation depends not on the typicality or representativeness of the case but upon the cogency of the theoretical reasoning’.

In other ways, the study raises but does not resolve some of the inherent difficulties in studying state legitimacy. One such challenge is the problem of differentiating the state’s right to rule, analytically, from the political legitimacy (or support, or popularity) of any particular government or regime. It was not always straightforward to differentiate the perceived rightfulness of a system of rules from perceived rightfulness of government action, or of particular rulers, because in practice they are connected. Nevertheless, the study suggests the significance of higher education for the state’s legitimacy can be distinguished from its significance for government legitimacy, in two ways. First, there was a degree of continuity of ideas that the state has responsibility to deliver free higher education to the poor, which has held constant through the transfer of power between political parties of different ideological orientations. Those ideas originated in the terms and conditions of the social contract itself, and though they have been mobilised into legitimisation practices to different degrees, and with different levels of ideological zeal by political parties and leaders with different leanings, they were at a basic level incontrovertible. Ideas embedded an institutional logic that carried over time through shifts across the political spectrum: all political regimes have to navigate and ultimately safeguard, even if only rhetorically, this line in the sand. In turn, people evaluate not only the regime but the state itself, based on its commitment to navigate this line. Neither support for a regime, nor the coercive power of a regime, can compensate for contravention of the social contract, which rouses opposition even in the most hostile and (putatively) disabling environments. In the extreme cases of the insurrection and resort to armed separatism, legitimacy was not only withdrawn from the incumbent political party or regime, but from the state system itself. Indeed, they were partly motivated by a perception that regime change would *not* alter the fundamental institutional logic on which the state was operating, and hence the operative rules of the game, rather than the government itself, was violently rejected.

### **Contributions of the thesis**

Notwithstanding the above limitations, this thesis makes methodological, empirical and theoretical contributions to understanding why service provision can matter for state

legitimacy. Methodologically, it departs from the major thrust of the literature in that it provides a qualitative, historical account of the role of service provision in processes of both state legitimation and de-legitimation *over time*. The temporal dimension allowed for capturing the dynamic interaction between legitimacy claims and legitimacy evaluations that may be separated in time. This study's qualitative approach illustrates that inquiries into legitimacy can be conducted in the absence of survey data, by drawing on attitudinal and behavioural markers of legitimacy captured in the public sphere. The public sphere can reveal not only the motivations for shifting legitimacy behaviours, but also legitimacy claims and narratives, and public deliberations about their acceptance or rejection. The methodology also demonstrates the potential insights that can come from targeting research on legitimacy at critical junctures when legitimacy is shifting. Indeed, it identifies some of the salient characteristics of such junctures. Critical junctures of legitimation were here marked by new or escalating legitimacy claims and practices, accompanied by political incorporation and mobilisation of the society by the state. Periods of de-legitimation were signalled by rejection of the state's legitimacy claims and practices, accompanied by acts of dissent – both violent and non-violent.

Empirically, the thesis contributes a thick, narrative account of how service provision can become entwined in processes of state (de-)legitimation. The empirical chapters progressively explored why higher education became significant first to the making of the social contract, then later to the breaking of the social contract, between the state and both Sinhalese and Tamil citizens. In so doing, they lend empirical support to a number of key arguments made in the wider literature. The study reinforces the theoretical proposition that legitimacy matters for stability, by showing that the state faced violent dissent when it lost legitimacy among certain elements in society. It shows that services can become significant in both processes of legitimation and de-legitimation when they symbolise the state's commitment to upholding certain social values, expectations and entitlements that underpin a social contract. Furthermore, it indicates why and how services are used and manipulated by states to pursue and reinforce their normative appeal and basis for legitimacy. Finally, the study indicates the effects that such political manipulation of services can have not only on legitimacy but on service provision itself. Higher education is politically contested, and continues to be a space of state-society contestation, partly because of its significance for historical processes of state (de-)legitimation that have carried forward important legacy effects on the functioning of the system.

## **Explaining Sri Lanka's paradox of performance and de-legitimation**

The Introduction to this thesis outlined the puzzle of Sri Lanka's experience of high performance and de-legitimation, which ostensibly appears inimical to the received wisdom that services and legitimation should progress together. In turn, an in-depth examination of the provision of higher education, notwithstanding its specificities, indicates some of the potential reasons for this paradox. Sri Lanka was an early developer and outstanding performer on welfare. The process of post-colonial state transformation embedded a social contract with a strong ideological and instrumental rationale to uphold the welfare of the rural poor. Legitimation claims ideologically and materially appealed to the majority Sinhalese. The state was built on the idea of rectifying colonial injustices. It embodied an idea of realising social justice for the masses. Educational injustice provided fertile ground for making legitimacy claims, and became a key arena in which the wider project of state transformation found rhetorical expression. This underpinned the democratisation, nationalisation and re-assertion of state control over education.

Sri Lanka's welfare-based social contract contained the seeds of its own destruction, however. The seeds lay not in its founding principles, but in their political interpretation, manipulation and operationalisation. The original legitimacy values set out in the free education reforms were non-discriminatory - based on universal rights and equity. Over time, through frequent political competition and rising nationalist ideology, the social contract was realised as an exclusive one. Legitimation claims and practices ideologically and materially appealed to the majority Sinhalese. The essence of welfare provision was nationalist, rather than universal. It was tied to group revival and identity. It embedded special rights for this legitimacy audience, rather than defending meritocracy. In part, this was because the political legitimacy audience was never the whole society, it was the Sinhalese nation.

Nationalist-fuelled legitimation claims and practices that catered to the main legitimacy audience were often overblown. The failure to live up to utopian, nationalist, populist promises broke the social contract between the state and a section of this main legitimacy audience: insurrectionaries in the south. At the same time, the political imperative of servicing the social contract, and catering to the Sinhalese audience, created a strong imperative to violate the rights of other groups. Discriminatory policies had the opposite effect of helping to de-legitimise it among elements both within that majority and within the Tamil minority constituency. The social contract underscored a Sinhalese nationalist version of fairness which collided with Tamil perceptions of fairness, and (re-)produced and

symbolised Tamils' perceptions of unfairness and discrimination in how the state was exercising power. Unfairness in the distribution of services was received as an assault on group identity. The virtuous circle of catering to the state's selected legitimacy audience exacerbated a vicious cycle of de-legitimation with another audience.

The sadness, and irony, of this is that the exclusive social contract, which was meant to lift up the rural poor through the provision free education has locked in institutional arrangements that have held back the Sinhalese, whose education and employment opportunities remain restricted by education in the swabasha. The political imperative of protecting free education for the poor, and with it a key source of legitimacy for the state, restricts the space for alternative policymaking that could address these structural inequalities. The only politically acceptable policies are the ones that support free university education and the values it embodies. In this way, legitimation has been, and continues to be, a strong influence over the functioning of the higher education system. The free university education sector is stuck in a low level equilibrium which functions from a legitimacy perspective, but is dysfunctional from an educational perspective. This reinforces and reproduces inequalities in social mobility and means that the social contract ultimately falls far short of its social justice ideals.

The legacies of the dysfunctions of the social contract are visible on the streets and in popular imagination. Travelling around the capital Colombo, it is not uncommon to see trishaws adorned with the bumper sticker 'I got two As for my A levels, but I'm still on the streets'. Then there's the popular story of the woman who is taken ill on her journey to work, but her trishaw driver comes to her assistance and reassures her she's merely experiencing palpitations. He is a cardiologist. These popular symbols and myths convey the felt mismatch between the education system and the promise of social mobility. The irony of legitimising values – of equity and justice - is that they do not have to deliver on their promises to continue to be politically useful. Catering to them rhetorically may be sufficient, particular in conditions where demand is restricted to access alone, and therefore legitimation practices have also been restricted to it. Sri Lanka's education system requires sustained, long-term investment in infrastructure and quality. Yet one enduring legacy of the post-colonial manipulation of higher education for state legitimation is the opposite: extracting the short-term political legitimacy dividends from the higher education system without making the attendant investments in it.

Legitimacy politics helps explain why higher education is so politically contested, and continues to be a space of state-society contestation. Education has been violent, contested terrain precisely because it represents a core arena where the social contract is animated and continually contested. Universities in Sri Lanka represent the state, and the state's patronage of the universities represents its commitment to the patronage of the poor in general. As such, they remain spaces where the state seeks a controlling influence, where political contestation happens on a micro scale, where realising the core legitimising ideas of democratisation and equalisation continues to drive policy and ultimately where dissent emerges if the state veers too far from these terms of contract. The enduring significance of education for state legitimacy is also what makes it difficult to reform. Changing the politics of higher education would be difficult in light of this institutionalisation – that is, the entrenched interests and political malleability it offers. Furthermore, it is naïve to think that regime change could shift this underlying basis of legitimacy values. While legitimisation practices can change, Sri Lanka's experience is testament to the fact that legitimising ideas can be remarkably durable over time.

### **When does service provision support or undermine state legitimacy?**

The aim of this study was to generate testable propositions about when service provision supports or undermines state legitimacy. Sri Lanka's experience suggests the relationship between service provision and state (de-)legitimation is not direct or instrumental. Rather, it is mediated by values, politics and history. Legitimation depends ultimately on the making and acceptance of a claim to support based on a shared value or justifiable principle. Likewise, service provision needs to satisfy certain shared values and normative criteria in order to be significant for state legitimacy. When it does, it can become significant for expressing and reinforcing the key legitimising ideas of the state. Indeed, it can become formative to the idea of the state. However, service provision can also undermine legitimacy when it sends messages that the state is contravening shared values or acting on the basis of unfair rules and procedures. This process is not automatic, but politically engineered by elites who manipulate service provision to make legitimacy claims. These claims are articulated through political narratives that put forward justifications for the way services are provided and distributed. In turn, these legitimacy claims are evaluated in wider political context. Services can become tied to legitimacy at critical junctures of crisis and change. These critical junctures can be historically reinforcing and institutionalise path dependency not only

in the significance of the service for state legitimacy, but in the functioning of the service itself.

### Values

The category of ‘performance legitimacy’ is misleading if it suggests that merely providing goods and improving wellbeing will necessarily improve legitimacy. There is arguably only one overarching ‘source’ of state legitimacy: that source, derived from the meaning of legitimacy itself, is a normative belief in the moral appropriateness of the state. By this reading, the pertinent question to ask about the services-legitimacy link is not when does service provision support or undermine legitimacy but more precisely, when does service provision support or undermine the norms and values that underpin the moral appropriateness of the state.

If service provision is understood instrumentally as a matter of effectively delivering certain commodities or goods that meet basic needs, then it is difficult to see how it can be significant for forming the shared values or normative beliefs that underpin the state’s right to rule. However, a central claim of this thesis is that the link between service provision and state (de-)legitimation is not instrumental. Service provision can support or undermine state legitimacy precisely because it represents *more* than an instrumental exchange between states and citizens. In Sri Lanka, state provision of higher education was never a merely technical exercise or a matter of outputs: it was a key arena for expressing the values of the state and for making moral appeals to the state’s legitimacy audience.

The findings illustrate that service provision can express a range of values. In Sri Lanka, the rules governing access to higher education and the processes of decision-making associated with making these rules conveyed the state’s commitment to fairness. How higher education was distributed between groups transmitted values of social justice and impartiality. Higher education was also an expression and realisation of rights and entitlements. Indeed, over time, it was not the *provision* of education so much as the *right to it* that was significant for state legitimacy. Lipset (1984, p. 88) argued that ‘groups regard a political system as legitimate or illegitimate according to the way in which its values fit with theirs’. The moulding of the system of higher education has helped the state to express common values that made it legible to its legitimacy audience. However, the state’s values aligned with only some, rather than all, groups. In Sri Lanka, the pursuit of an ethno-nationalist set of values – and version of fairness - ultimately diverged from Tamil perceptions of fairness.

Specific propositions arise from these observations. At a general level, service provision may improve legitimacy when it supports and reinforces commonly-held values of fairness, or extends and upholds rights. That is, when it sends messages that the state is acting in ways that are considered morally and normatively appropriate. Conversely, it may undermine legitimacy when it violates social values, or produces perceptions of unfairness in process or distribution. That is, it can undermine legitimacy when it sends messages that the state is acting on the basis of rules that are considered normatively inappropriate. In divided societies, different understandings of fairness can be a source of contested legitimacy.

### **Politics**

The findings from this study further suggest that the relationship between service provision and state (de-)legitimation is not automatic, but politically constructed. Precisely because service provision is an expression of social values, as discussed above, it is also fertile ground for making political legitimation claims. These claims are articulated through political narratives and rhetoric. In Sri Lanka, education proved particularly fertile rhetorical ground for making legitimacy claims because of its significance for social justice and rights. Nationalist ideology proved to be a particularly powerful source of justification for legitimation claims and practices in the sphere of higher education. Nationalism-fuelled political promises were, however, ultimately overblown: they presented a utopian picture that could not be fulfilled.

Politics was also structurally important in that it helped generate conditions that were conducive to making legitimacy claims. Independence provided a new legitimation impetus for competing elites seeking to consolidate a power base in a changed order. In turn, critical junctures of legitimacy crises, themselves catalysed by significant political change, amplified the political stimulus to realise the legitimising ideas laid out in the social contract. In this way, the manipulation of service provision for legitimation was at least partly motivated by political instrumentalities. In turn, politics was an important aspect of the environment in which the fairness of service provision was evaluated.

The significance of politics is that it can determine whether the services-legitimacy relationship is a 'virtuous' circle whereby services, shared values and legitimacy are mutually reinforcing, or a 'vicious' one, whereby values are violated, groups alienated, and legitimacy undermined. In Sri Lanka, the legitimacy claims and practices of the post-colonial state served the interests of the dominant group, but they did not fulfil the common interest

purpose that is an essential component of legitimacy (Kelman, 2001). Indeed, legitimacy practices in the sphere of higher education had the opposite effect of helping to de-legitimise the state among elements both within that majority and within the Tamil minority constituency. In this way, Sri Lanka exemplifies the ‘problem of multiple audiences’ in the making of state legitimacy (Zaum, 2013).

Together, these insights generate a number of propositions about the influence of politics on the services-legitimacy relationship. Service provision may support legitimacy when political narratives articulate the connection between what is provided with shared values and principles. It may undermine legitimacy where common interest principles are abandoned in favour of particularistic policies. It may also undermine it when political promises of extending new rights or rewards ultimately go unfulfilled. Perceptions of unfairness, discrimination or favouritism in service provision may undermine state legitimacy in a context where that group already perceives the wider political system to be unfair.

### History

The fairness of who gets what services, where and how may be evaluated in the context of expectations of rights or entitlements that are historically embedded in a social contract. In Sri Lanka, higher education was tied to values, rights and entitlements during the making of the post-colonial social contract. This set a threshold of expectations on the part of citizens and obligations on the part of the state. Perceptions of (un)fairness in service provision were historically contingent in that they depended on what groups previously had, and what they believed they were entitled to. Legitimising ideas can be remarkably resilient over time. In Sri Lanka, providing access to highly coveted, university-level, state education remains to this day a central condition for the state’s legitimacy among its core legitimacy audience of rural Sinhalese. In turn, contraventions of those rights and expectations have been significant for the unmaking of the social contract, and have contributed to processes of state de-legitimation. The idea of free education as an intrinsic birth right cannot now be contravened by any government or regime without the risk of violent dissent.

The proposition that arises from this is that the relationship between service provision and state legitimacy depends on the history of state provision and of expectations of it. Specifically, service provision can matter for state legitimacy when it has already been established as a condition of the social contract, and where its value and meaning resonates across space and time. When services are historically embedded in a social contract, the

state's political legitimacy may hinge on whether it continues to fulfil the terms of that contract. Failure to live up to the conditions of a social contract, or to political promises, may undermine state legitimacy.

### **Refining the received wisdom**

The received wisdom that services can instrumentally build legitimacy does not hold up to scrutiny. The evidence base is weak in at least three senses: it is inconsistent in its findings (meagre positive support, but far from proving the intuition), confined to a few contexts (largely multi-country studies), and is not of a sufficient size to infer policy implications. Sri Lanka's experience indicates that the allocation and distribution of highly demanded public services can be significant for processes of state transformation and (de-)legitimation, though not in the instrumental, transactional, or short-term sense depicted in aid-oriented, state-building models. It suggests that what is needed is an altogether more imaginative account of the mechanisms of influence between services and legitimacy, for good and for ill. This contrasts with the positive orientation of the aid debate which, stimulated by the need to demonstrate aid results, has been pre-occupied with proving, even quantifying, the exclusively positive effects of service delivery on legitimacy.

The small body of evidence, together with the findings from this study, raises substantive challenges to the received wisdom. The first is that it is overly reductionist. The narrow instrumental interpretation of the role of service delivery in processes of state legitimation reflects the difficulties donors face in 'getting beyond capacity' (Teskey, 2012). It also reflects a liberal conception of the state, which assumes functioning institutions and a social contract between state and society. However, service provision is never an apolitical pursuit and likewise performance legitimacy is not reducible to objective indicators. Rather, performance is assessed against a backdrop of historical expectations and political relations, and influenced by prevailing norms and values. For these very reasons, legitimacy is unlikely to be 'built' from outside through instrumental improvements in material conditions alone. Indeed, it may well be futile to intervene to seek to build legitimacy through services in contexts where the liberal peace-building model does not apply – that is, where there is no social contract, and no ideational or material incentive for elites to create one either. Moreover, such interventions may exacerbate conflict where it is seen to support a balance of power that favours some groups over others (Zaum, 2012). Blindly delivering services in those areas is akin to building without foundations. There is no basis in this thesis for

thinking that short-term improvements can build moral glue between states and societies in divided societies where power structures are perceived to be unfair. Nevertheless, development agencies are locked in a tension between recognising these social complexities, and the bluntness of the aid instruments available to them.

More broadly, building legitimacy presents a paradox for aid agencies. The technical armoury available to external actors is not easily attuned to changing long-standing, and often highly durable, legitimacy values. On the other hand, because aid always involves choices about where, who and what to invest in, all external interventions have potential to (de-)legitimise some actors and institutions over others. Legitimacy can therefore be risky territory for aid because it can be slow-grown and yet extremely fragile. The key question for aid is how to balance the goal of enabling legitimate, developmental institutions to flourish, whilst avoiding the potential for undermining them. While this thesis cannot address practically address these questions, it can suggest approaches to addressing them. At least part of the answer may lie in taking a step back from the focus on instruments to greater concern with analysis. Aid policy sometimes arrives at the diagnosis and prescription for legitimacy without properly analysing its symptoms and underlying causes. In practice, thinking politically about legitimacy could mean incorporating a legitimacy lens into political analysis and more explicitly risk-assessing the potential impacts of aid on legitimacy.

The findings around the centrality of fairness raise dilemmas for aid to service delivery in fragile and conflict-affected states. Fairness embodies a set of values – around equity, merit, rights - that are by nature context-dependent, and for which there can be no universal criteria. The dilemma for aid is that, as leading agencies already recognise, different groups within society have different criteria of fairness and that, crucially, an equal distribution of allocation may not be perceived as fair (Alexandre et al., 2012). Moreover, expectations of fair outcomes - or distributive justice – may look different in contexts where patronage or caste systems are so engrained that unequal treatment is tolerated (Fisk & Cherney, 2016). People may accept values that discriminate against them as well as for them. Regularity and predictability may be found as much in formal institutionalised procedures as in the informal rules of clientelism. What is fair in any given society is an open question. For these reasons, translating fairness into replicable criteria for service delivery is not straightforward.

One message is that an empirical perspective on understanding what legitimacy is, and where it comes from, is vital. Aid policy literature has delineated the various sources of legitimacy

available to a state, variously categorising them into values, performance, international recognition, and so on. Categorisation is useful for organising ideas but, as Adrian Leftwich wrote, ‘classification is not explanation’ (Laws & Leftwich, 2012, p. 22). This research illustrates that local values are at the heart of explanations of where legitimacy comes from. An alternative, empirical approach to legitimacy requires suspending any preconceived notions about whether people or institutions should be considered legitimate or not, and on what basis. That is not to say this is straightforward: aid often consciously and unapologetically comes with its own set of values. At a minimum, however, more research is required on the moral and normative criteria by which citizens are likely to individually and collectively judge service delivery arrangements in any given context. Understanding group perceptions of fairness in relation to service delivery is significant for understanding the likelihood of service provision contributing to (de-)legitimation and (in-)stability. Indeed, it may be particularly significant in divided societies where perceptions of fairness may differ between groups. This type of research could provide a firmer basis for understanding whether and how the norms and values on which external agencies build services align with or contradict the local norms against which they are likely to be evaluated.

Aid actors could pay more attention to the role of services in forming the normative, not just the material, basis for state-society relations. This case study, along with other research in this field, illustrates that it is not necessarily objective measures of access or uptake – the technical criteria against which services are typically measured - that matter for the link between legitimacy and services. Indeed, apparently to the contrary, free higher education in contemporary Sri Lanka serves its legitimating purpose without necessarily offering an educational service of optimum quality. Perceptions of unfairness and violations of values may matter more than these indicators. In effect, perceptions may matter more than reality. This points to the significance of understanding how service delivery reforms are likely to be perceived by different groups – that is, how it affects group equity, rights and entitlements and values around fairness – as well as how equitable services are in objective terms. It calls for attention to the communication strategies, political narratives and deliberative processes around service delivery, as much as the hardware of infrastructure investment. It also suggests a need to de-couple the idea of services being important for legitimacy from whether or not they are objectively good or bad according to aid criteria.

Finally, the received wisdom needs to be examined in the reverse. The most significant effect of the received wisdom on mental models in aid has been that it has closed off the alternative

possibility - that service provision might actually undermine legitimacy. Indeed, while the expected legitimacy dividends from short-term investment in service delivery seem unlikely, short-term violations of values might rapidly undermine legitimacy. This case study presents evidence of that possibility, but it is just one case. This case study shows how perceived unfairness in service provision can contribute to processes of state de-legitimation and do harm to the stability that international actors seek to support. Services are a tangible, every day and 'real' aspect of public policy where discriminatory procedures or unfair allocation can have immediate consequences, providing a stimulus for popular mobilisation. They send signals to citizens about the operating rules, values and moral justifiability of the state. Where they send signals that prospects for well-being or social mobility are closed off, that the state is not committed to distributing services and goods fairly, or that the chance of ever having an impartial government seems impossible, they can undermine legitimacy. The potential for aid to do harm to legitimacy through aid investment is therefore of greater concern. The emphasis should shift, or at least incorporate into the debate, a discussion and perhaps even research on ways of avoiding the risks of doing harm to legitimacy through the provision of services in ways that undermine the moral and normative basis for the state's authority.

### **Implications for research**

Any exploration of why services matter for state legitimacy is likely to benefit from historical and political analysis. One of the contributions of this thesis is to develop a replicable methodology for such an approach. In turn, its findings support the case for an expansion of the remit of empirical enquiry into the services-legitimacy relationship, and of applied methodology, in three senses in particular: from the material to non-material, from snapshots to long-term observation, and from politics as background to politics as the locus of explanation.

The potential mechanisms through which service provision might support or undermine legitimacy extend beyond improvements in material conditions and lived experience of receiving services. Services are important for the development of shared ideas about the responsibilities of the state, the rights of the people, as well as for group identity and self-esteem. They are value-based, and those values are ultimately derived locally and based on historical legacies. Likewise, the crux of any qualitative approach to studying legitimacy is to understand the 'shared ideas of politics' (Gilley, 2009, p. 141). Legitimacy scholars view state-society relations not as instrumental or functional or transactional, but as evaluative and

underpinned by moral validity. In the same way that legitimacy scholars look to ideas, consensus, justifiability, reasoning and values rather than interests to explain state-society relations, research on the services-legitimacy relationship might usefully do the same. Specifically, it can look to shared ideas about what people believe the state is responsible for providing, shared ideas about what different groups believe they are entitled to, the social prestige and group identities associated with access to services, and the underlying normative and moral framework against which services are judged. Different perceptions of the fairness of service provision could be explored elsewhere, for example. These specific areas of investigation would more directly connect the study of the services-legitimacy relationship with the central concerns of legitimacy theory.

The second call to expand the remit of enquiry relates to the timeframes of research. This thesis embodies a critique of the endeavour to measure that pre-occupies political science research on legitimacy, with its primary emphasis on identifying links between variables. That is not to dispute the merits of measurement, or of identifying correlations. We need snapshots in time to measure legitimacy, to observe changes over time, and to identify cases for further exploration. Adopting a longer-term perspective on the role of public services in processes of state (de-)legitimation may allow for connecting political legitimation strategies with their (sometimes unintended) effects over time, which may be lost in research snapshots. The literature on legitimation claims and legitimation effects is often dealt with separately: this thesis has demonstrated the analytical insights that can come from bringing them together. At a minimum, the enduring legacy effects that history can apparently have on the services-legitimacy relationship suggest a need to put contemporary observations about the services-legitimacy relationship in historical context. There is a strong rationale, as Charles Tilly (1984, p. 79) puts it, to ‘work at getting the history right before generalising’.

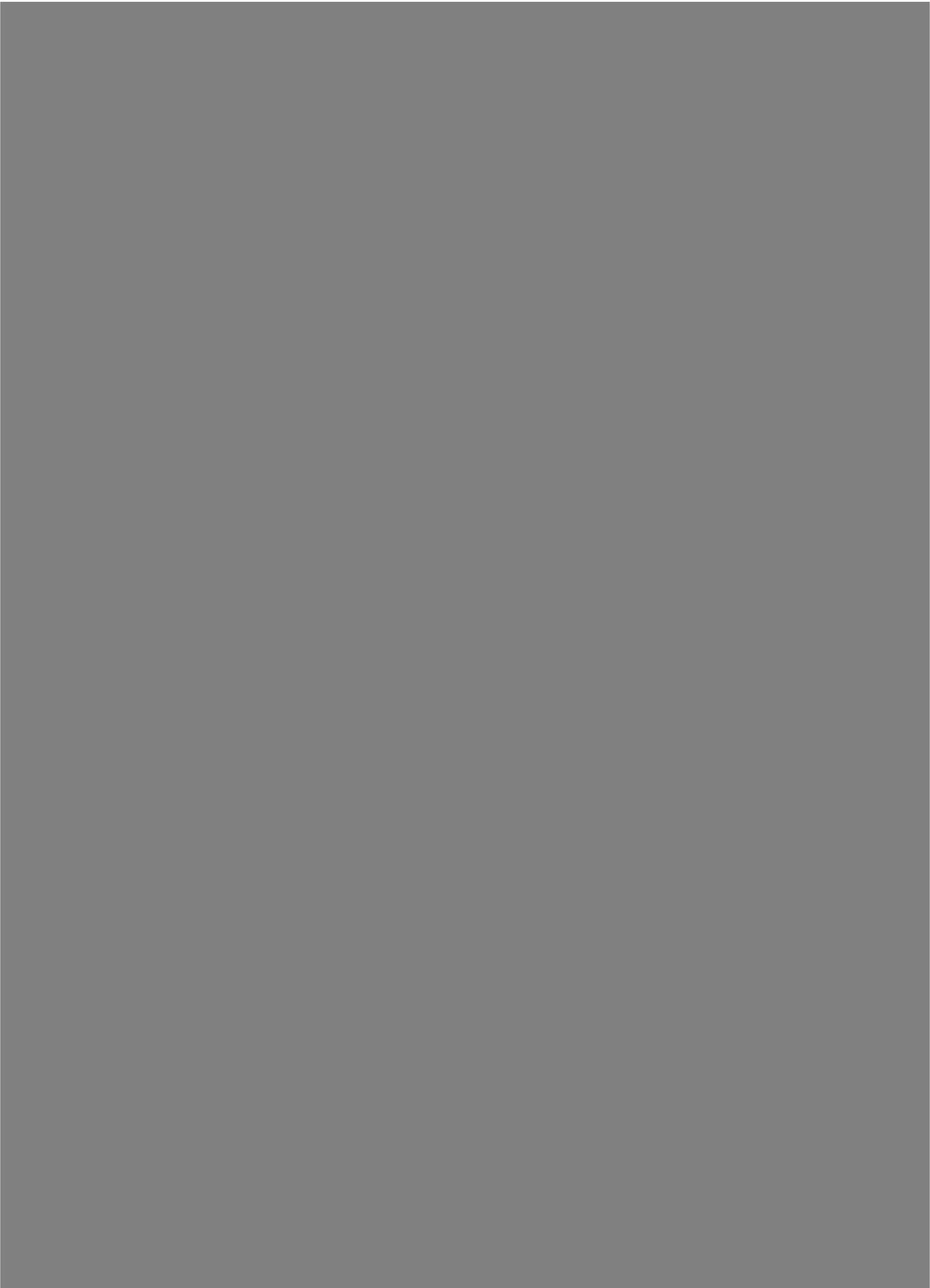
Focusing on critical legitimacy junctures – particularly periods of time when new claims to legitimacy are made and social contracts are made, or when they are unravelling and dissent emerges – presents an opportunity to examine the services-legitimacy relationship in historical context. During these times, the criteria for legitimacy – whether they be values around the (mis-)use of power, or fairness in procedure or outcomes – are often articulated in the public sphere through the narratives of political actors, demands of dissenters, and through media debate and deliberation. In this way, the salient criteria by which the state wins or loses its right to rule, and the threshold of the acceptable use of power, can suddenly be thrown into stark relief. What is otherwise a difficult and slippery phenomenon can be

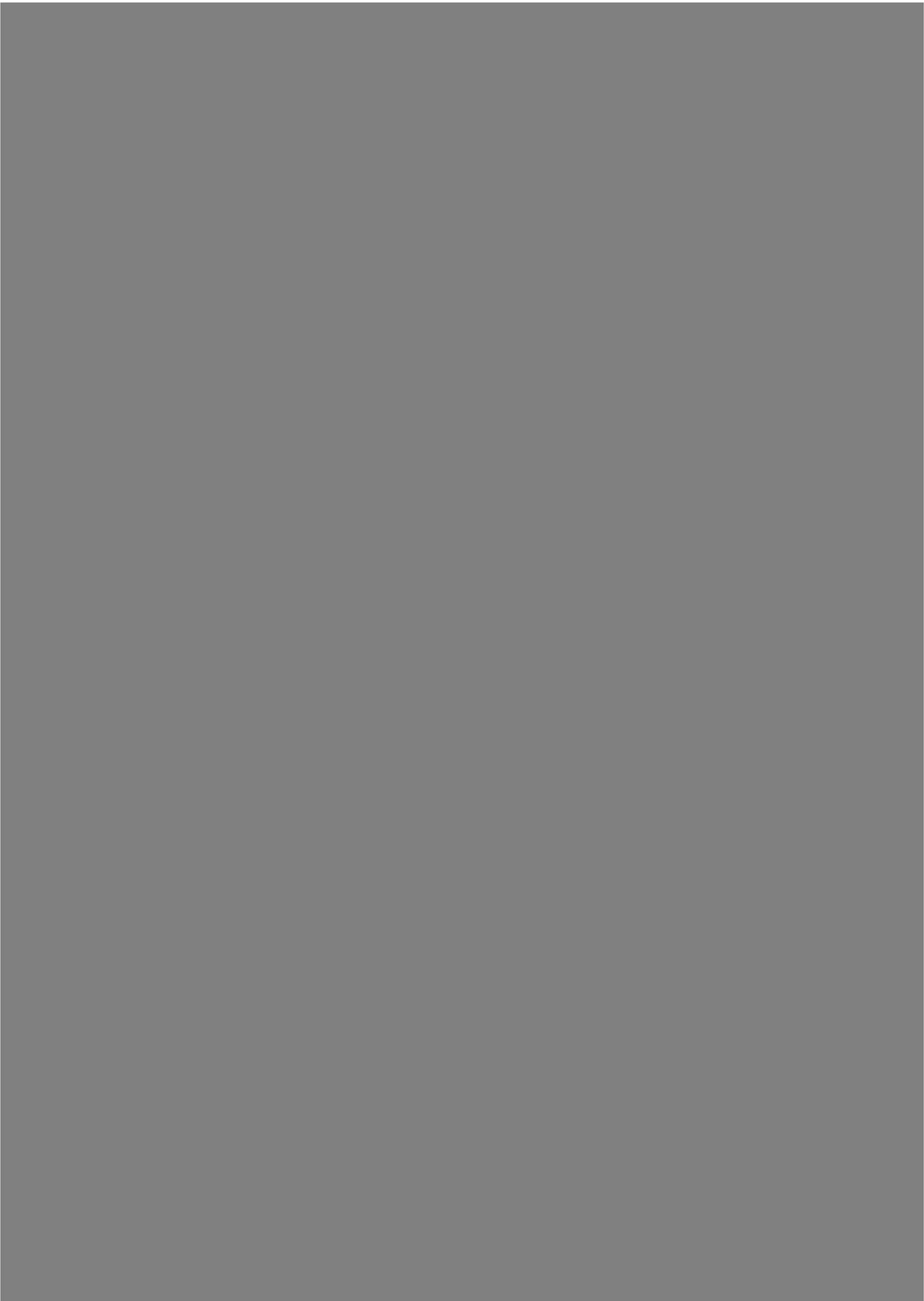
more keenly observed at these periods in time. During either legitimacy juncture, new rules and rights are negotiated, and the significance of service provision for state-society relations may be more keenly observable than during more settled periods when the terms of exchange are accepted.

The final call to expand the sphere of explanation is to look to politics, not as background or passing explanation, but as cause. Crucially, correlation between legitimacy markers and measures of performance cannot take us to the political heart of performance legitimacy, nor can it identify the political processes of contestation involved in its making and unmaking. The case presented illustrates the benefit of a politically-situated account of the services-legitimacy relationship. It shows that conditioning political structures, and in particular the perceived fairness of the wider distribution of power in society, form a backdrop against which those claims and practices are judged by citizens. For these reasons, research into the services-legitimacy relationship does not benefit from divorcing indicators from the wider political environment in which service provision is evaluated. Moreover, the influence of service delivery on legitimacy cannot be studied independently of the broader stock of legitimacy a state has at its disposal. Indeed, service delivery may be particularly significant precisely because it gains political salience through an ongoing process of (de-)legitimation. While sources of legitimacy outside of the service delivery arena may not be the focus of the examination, researchers may still need to be cognisant of them so that the contribution of service delivery to processes of state (de-) legitimation is not over-stated.

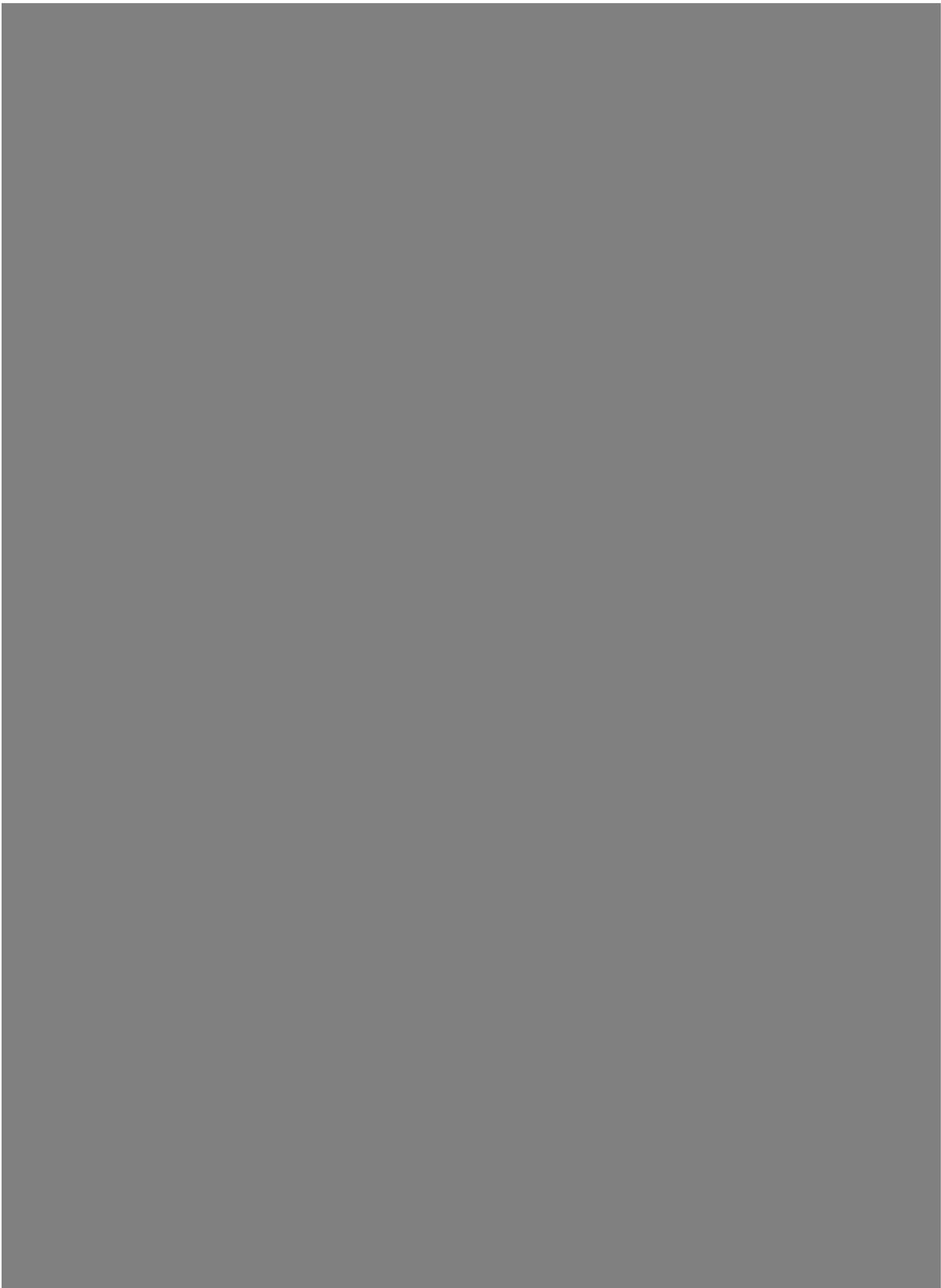
Above and beyond these calls to expand the remit of enquiry, this thesis supports the case for more research, of any methodological or ontological ilk, on the links between service provision and state legitimacy or legitimation. This research agenda remains significant for international aid agencies seeking to understand under what circumstances service provision can fulfil the dual imperative of meeting basic needs and state-building, and whether aid interventions can ever convincingly claim to do both. It also has significance far beyond the aid debate. Understanding the role of service provision in building social contracts and in processes of state (de-)legitimation is relevant for addressing some of the key problems facing service provision in developing countries, particularly divided societies. Among the most acute are weak social demand and weak political incentives for delivery. Tracing the role of services in the making of social contracts could help to develop understanding of how certain expectations and ideas about the state are formed, or not, as a basis for social demand. Understanding when services are susceptible to political manipulation in the pursuit of

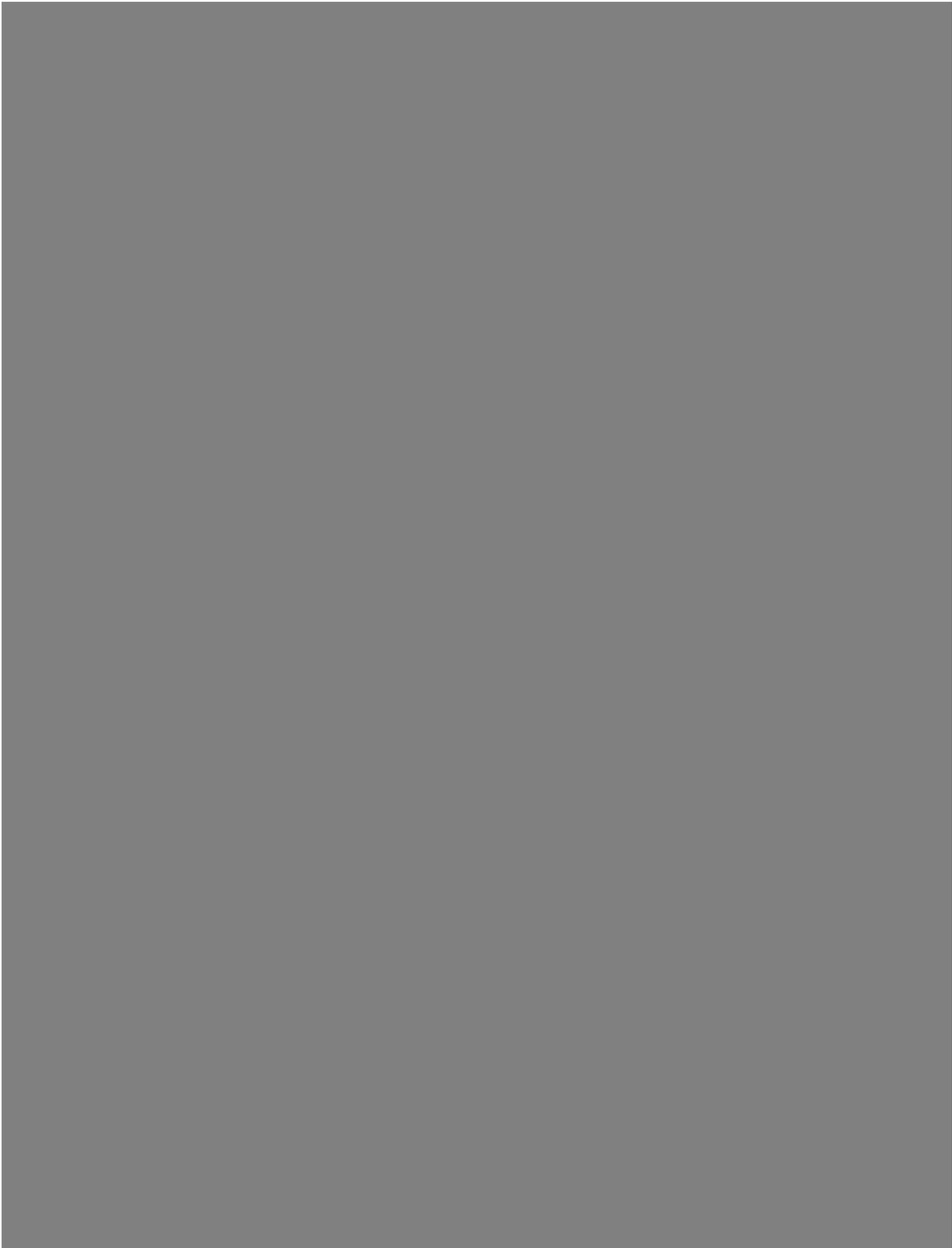
legitimacy, and what impact this has on whether or not services are provided to different groups in society, is an entry point for understanding inequality in provision. Analysing the political legitimacy logic behind service provision may be significant for understanding the room for manoeuvre in policymaking, and the risks to social stability of withdrawing those services without compensatory measures. In sum, there is a pressing case for incorporating the role of legitimacy politics into the fundamentally political problem of who gets what services, when and how.











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