
who are largely women and children. In a country which is proud of protecting its women, these laws should not place anyone on the defensive or warrant criticism on its negative influence on family peace.

Therefore the current arguments on the overcrowding of Sri Lankan prisons as well as the drain on State funds to implement punitive measures and rehabilitation are not valid claims when it comes to perpetrators of domestic violence given the severity of the crime. These violent acts, if committed by a person on a person outside of a home and a family relationship, would not warrant any discussion on the repealing of the Act or the pardoning of perpetrators.

It may be timelier to recognize that those who violate the very people they are supposed to love and honor, and who

are their closest and dearest, may be affected by alcoholism, or a particular mental disability. Furthermore, patriarchy—the unequal power structures with certain homes and family relationships—can also be the cause and result of domestic violence.

Rather than cloak these issues in simplistic discussions relating to family harmony and rice pots, are we ready to take forward the recognition and commitment once made by the State to look into the more serious issues surrounding domestic violence? Or are we going to let the majority of women facing domestic violence situations within their homes fend for themselves? ■

Courtesy *Sunday Island*

THE PUNISHMENT IS THE CRIME

While the country is supposed to be a civilized democracy where the rule of law prevails, it is appalling that extra-judicial punishments of a medieval, barbaric nature are being inflicted on the poor – by persons in authority. Such individuals who have no legal authority to punish, take the law into their hands and administer punishments with impunity.

Three recent scandals

Three outrageous incidents have recently been reported. The first is the case of a Deputy Minister, Mervyn Silva tying a Samurdhi officer to a tree over the latter's failure to attend a dengue prevention campaign in Kelaniya. The police looked on and only a woman present raised strong objections. The incident was widely publicized; Mervyn Silva was punished and then exonerated by a committee of the SLFP appointed to look into the issue.

The second incident that has been widely condemned was a horror story of a Sri Lankan housemaid in Saudi Arabia who had nails and needles inserted into her body allegedly by her employer. This case has been reported in all newspapers locally and attracted international attention. It has served to highlight the plight of Sri Lankan housemaids abroad who have no legal protection or basic rights.

The third incident, reported by the Asian Human Rights Commission is that of a Muslim woman aged 17 being

summarily punished with 100 lashes by men of the mosque committee in Gokarella in the Kurunegala district. The 'offence' was that she had a child out of wedlock, and although she had subsequently married another man, she was harshly punished, leading to her taking treatment at the Mawatagama hospital. The report claims that the husband's efforts to make an entry at the Gokarella police station failed. It is a fact that Moulavis of mosques in Sri Lanka have committees which can resort to such summary punishments of believers.

Summary Punishments

These 'punishments' are a throwback to a feudal period during which kings, chiefs, priests and people in authority imposed summary punishments on those who failed to toe the line. In medieval Europe radical women were called "witches" and burnt at the stake. In more recent times, in post-World-War- 2 France, women who were allegedly Nazi collaborators had their heads forcibly shaved. These acts – all extra-legal – are reminiscent of what Michel Foucault discusses in his work *Discipline and Punish*. He argues that "Discipline 'makes' individuals; it is the specific technique of power that regards individuals both as objects and as instruments of its exercise." It is through disciplining and punishment that people are brought under control and the techniques of severe censure, shaming, and torture used by the mosque authorities, the politician, and

Saudi employer happen because they treat their victims as objects and instruments of their power.

Blind Eye of Law Enforcement

What is significant is that both in the case of the Muslim teen and the Samurdhi officer, the law enforcement authority—namely the police—has committed a grave dereliction of duty. The Constitution of Sri Lanka specifies, under article 11, that “*No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.*” Moreover, article 12 (1) of the Constitution states that “*All persons are equal before the law and are entitled to the equal protection of the law.*” So if people are entitled to equal protection under the law, what was the police doing? In the tree incident, a police officer was at the scene, but action was taken against Mervyn Silva only at a political level – not at the level of law enforcement. The Constitution, under article 28 casts a duty on “every person in Sri Lanka” (inter alia) “to uphold and defend the Constitution” [Art.28 (a)]; and “to respect the rights and freedoms of others” [Art.28 (e)]. The mosque committee and the politician were clearly in violation of this clause. Yet the police looked away, and in the case of the Muslim wife and husband, they were unable to lodge a complaint.

Denial/Justification

When reprimanded, the response by the perpetrators of violence against individuals has often been to issue denials, as in the case of Mervyn Silva and of the

Saudi housemaid. In cases such as punishments meted out through religious institutions such as mosque committees, the justification is that they are enforcing correct morality among the believers. Communities may think they are maintaining discipline and good conduct to keep both men and women in line. What is more many men use this argument to justify violence in the home, in spite of the existence of a law against domestic violence.

Other Violent Actions

During times of peace, violence does not suddenly abate and many other instances of extra-legal violence, killings and acts of humiliation have recently occurred. Some notable examples being the chasing of a mentally disabled man into the sea resulting in his drowning at Bambalapitiya; the assaults on university students by “raggers”; violence of teachers against school children; the persistence of violence in the home against women and children; and the prevalence of punishments by humiliation in some institutions such as the forced shaving of heads of “offenders.” What is dangerous is that if this type of violent behaviour is not checked, it will continue unabated. “Copy cat” incidents of tying people to trees have already been reported in the newspapers and on TV.

During the decades of war in Sri Lanka, the brutalization of society and the culture of violence were blamed for the escalation of violence and the flouting of the rule of law. Today we have no excuses.

Courtesy *Sunday Island*

Call for Papers

Call for papers for new series of Social Science Review (SSR) Published by the Social Scientists' Association (SSA), Colombo, Sri Lanka. Social Sciences Review is a multidisciplinary peer-reviewed journal devoted to publishing research papers in all related fields of social sciences. Since this journal is multidisciplinary, quality papers from various disciplines such as Economics, Demography, Political Science, Geography, Psychology, Literature, History, Anthropology, Sociology, Communication and English would be considered. Aimed at providing an international and local forum for exchange of ideas across cultures, articles submitted must be theoretically rigorous; offer new insights; include recent review of literature; apply appropriate methodologies; and include stimulating discussion of results and conclusions.

Therefore, the Publisher and the Editorial Board of Social Sciences Review invite scholars and researchers to submit original papers for review and publication in the journal. To be considered for publication requires submission of a completed 6,000-8,000-word essay by December 15, 2010. Please do not hesitate to contact the editors for further information.

EDITORS

Prof. Neloufer De Mel, Department of English, University of Colombo, Colombo 03.

Email: Dr. Premakumara De Silva, Department of Sociology, University of Colombo, Colombo 03. Email: prema112@hotmail.com or prema@soc.cmb.ac.lk

Address: Social Scientists' Association, Sulaiman Terrace, Colombo. Tel: 2501330, 2504623, 2586400 Email: ssa@eureka.lk