

THE BRITISH COLONIAL CONTRIBUTION TO DISUNITY IN SRI LANKA

BY DR. LAKSHMAN MARASINGHE*

Constitutional law has often been compared with carpentry. As a carpenter fashions a piece of wood to produce the piece of furniture according to a given pattern, so would a constitutional lawyer provide a Constitution according to the desiderata provided to him. As must all the pieces of carpentry fit and fix together, so must the Constitution.

Dr. Joseph Cooray, over several decades, has shown how constitutionalism lies at the crossroads of political science and jurisprudence. His contribution spread over several monographs and learned articles has provided a valuable insight to the avenues along which constitutional law may evolve to respond to the growing demands of the modern world.

Dr. Cooray's tenure as one of the members of the first Constitutional Court ever to be established in Sri Lanka helped to lay a whole set of guiding principles for the regulation of the relationship between the citizen and the state and the relationship among institutions created by the state, to provide the infrastructure for good government. His judgments provided a wealth of ideas for future development of a new jurisprudence of constitutionalism.

This appreciation is written both as an expression of gratitude to a great teacher and a provocative academic for stimulating thought and thinking along new avenues of Constitutional Law, and as a felicitation of his invaluable contribution to the science of law. This is additionally to wish Dr. Cooray good health, longevity and continuing strength to his elbow, to keep on crafting and casting concepts and ideas of constitutional theory for the benefit of succeeding generations.

(This paper forms a part of a forthcoming Study: *Ethnic Crisis in Sri Lanka: Causes, Lessons and Solutions*. No part of this paper may be used by any person without the prior consent of the author.)

A PROLOGUE

At the point of *Parinibbana*¹ of Gautama, The Buddha, in 483 B.C., the great chronicle, the *Mahavamsa*, records, that addressing Sakra, Buddha cautioned him thus:

*"My doctrine, O'Sakra, will eventually be established in the Island of Lanka; on this day, Vijaya, eldest son of Sinha Bahu, king Sinhapura in the Lanka country, (arrives) there with seven hundred followers, and will assume the sovereignty there. Do thou, therefore, guard well the king and his train and the Island of Lanka?"*²

* Professor of Law, University of Windsor and Visiting Professor of Law, University of Colombo, Sri Lanka