

# The impact of Imperialistic invasions on free-will

Imperialists had many reasons to invade the East. Among them,

economic gain

missionary activities

expansion of political dominance are prominent.

- The arrival of Lorenzo De Almeda and his intrigue to Sri Lanka in 1505 has impacted the religious, political, economic and social fabric. It also had affected the free thought .
- Attacking Muslim sailors who were engaged in economic activities in this country
- Attacking Buddhist, Hindu and Muslim communities

- Harassing Buddhist and Hindu clergy
- Destroying places of worship
- Converting to Catholicism by intimidation or offering benefits
- Arbitrary and tyrannical behaviour of Portuguese soldiers
- Exploitation of resources and destroying identities related to the economy using force
- Socializing the missionary education system with the aim of creating an elite class by destroying the traditional educational system
- Invading the culture by going against the existing cultural identities
- Challenging the free thought using power
- Udarata King and the society supported the Muslim community

- The Dutch arrival took place during the reign of Rajasinghe II in around 1638 according to the agreement of Wester World
- They maintained their imperialist attitude and acted against the Portuguese but were aggressive in their own interest
- Attacking Catholic clergy and devotees
- Converting to Protestant Christianity and granting them educational and professional privileges
- Creating a middle class who are suitable for their religious, economic and political agendas
- Since there was no establish law structure in the country, introduction of Roman Dutch law to the country. Enactment of the Law of Thesavalame considering the rights of the ethnicity

- The British in 1822 took over the coastal lands which were under Dutch. By 1815 they took the control of entire island including the up country.
- Producing intellectuals who can help them in governance
- Strengthening religious affiliations to Christian denominations
- Keeping education and culture beyond local limits
- Abolishing the monarchical government system and transforming in to a British colony
- Adjusting the economic and political process according to the needs of the British and disregarding the identity of the country
- Creating the background suitable for educational, economic, legal political process which go in par with the modern world
- Introduced the Up Country law

# Place given to Free-will in the Constitution of Sri Lanka

## **The People, The State and Sovereignty**

### **The State.**

1. Sri Lanka (Ceylon) is a free, Sovereign, Independent and Democratic Socialist Republic and shall be known as the Democratic Socialist Republic of Sri Lanka.

### **Unitary State.**

2. The Republic of Sri Lanka is a Unitary State.

### **Sovereignty of the People.**

3. In the Republic of Sri Lanka sovereignty is in the people and is inalienable. Sovereignty includes the powers of government, fundamental rights and the franchise.

### **Exercise of Sovereignty.**

4. The Sovereignty of the People shall be exercised and enjoyed in the following manner :-

# **Buddhism and Fundamental rights**

## **Buddhism**

9. The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e).

## **Freedom of thought, conscience and religion**

10. Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

## **Freedom from torture**

11. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

## **Right to equality**

12.

(1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds:

## 14. (1) Every citizen is entitled to

- (a) the freedom of speech and expression including publication;
- (b) the freedom of peaceful assembly;
- (c) the freedom of association;
- (d) the freedom to form and join a trade union;
- (e) the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching;
- (f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;
- (g) the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise;
- (h) the freedom of movement and of choosing his residence within Sri Lanka; and
- (i) the freedom to return to Sri Lanka.



# Contradictions on free-will in International Convention and Local Acts

- As a member country to the United Nations Organization, Sri Lanka has agreed to various Conventions
- International Act of Human Rights (civil and political/ Economic, Social and Cultural )
- International Humanitarian Law
- International Convention on Child Rights
- Convention on the Elimination of all Forms of Discrimination Against Women
- Our legal system based on Roman Dutch Law and Law of England

## **Domestic Acts/ implementations**

- *Thesavalame* – lands of Tamil people
- *Vihāra and Devālagam* – law of properties belonging to temples and Devalas
- Up Country Law – Marriage and property / Eka Gei Kama
- *Kathikawath* – on discipline of *Bhikkhus*
- Muslim Marriage Law – *Kathi* Marriage Law
- *Whakub* Act – Mosques and properties

# Review

- Free thought is the independent will or the aspiration of an individual. However, there are certain religious, social and legal interpretations of how it is decided, implementation and assessment.
- Arrival of Buddhism in Sri Lanka is not an invasion. It is a warm welcome. Accordingly, the religious practices occurred in the country, new religions arrived have valued equality.
- However, it is no secret that there were limitations to the free thought in the monarchical form of government and some features of feudalism were visible.
- The imperialistic invasion itself, intimidation and harassments are inhumane. The refusal of futility of the actions taken in their interest and the formulation of law, administration, politics etc. in accordance with global trends are some positive consequences.

- Legal conventions or the implementation related to the free thought are been carried out in accordance with the religion, culture and politics related to the people everywhere in the world. Some countries adjust themselves according to the agreements with the majority of people or groups. However, the current Constitutional law in Sri Lanka does not specify a race or a religion.
- There is no common consensus or international convention on compliance with the racial enactment norms. Thus, the country's performance in the free thought has to be examined closely.

## References

- Free-will and determinism, Munn, Allan M., McGibbon & Kee, London, 1960.
- The constitution of the democratic socialist republic of Sri Lanka, Government Pub. Bureau, Colombo, 1978.
- Sri Lanka: state of human rights 1998, Law & Society Trust, Colombo, 1998.
- Race relation in Sri Lanka, Centre for Society and Religion, Colombo, 1978.
- Sri Lanka: island civilisation, Bandaranayake, Senake, Editions Deroisse, Paris.