

## INDEX

- ACBC. *See* All-Ceylon Buddhist Congress  
 Adam's Peak, 108, 270  
 Administration of Justice Act of 1973, 167  
 affirmative action, 241  
 Afghanistan, 4  
 Agrama, Hussein, 214  
 All-Ceylon Buddhist Congress (ACBC), 50, 52, 54, 63, 66–67, 69–91, 167–168  
   on Buddhism Resolution, 112–114  
   on Buddhist privileges, 42–55  
   on Christianity, 225–226  
   Commission of Inquiry, 123  
   Committee Report, 78–79  
   on democracy, 55–56  
   memoranda from, 112–114  
   Ministry of Constitutional Affairs and, 112  
   on promotional paradigm, 57  
   on rightful place, 107, 141–142  
   on Section 29(2), 54  
   on virtues, 112–113  
 All-Ceylon Hindu Congress, 235–236  
   on Buddhism Resolution, 118–119  
 All-Ceylon Moors Association, 118  
 Anglicans, 227–228  
 Anti Conversion Bill, 242  
 Anuradhapura, 90, 108  
 Asigiri branch of Siyam Nikaya, 80–83, 141, 196–197  
 Assisted Schools and Training Colleges Act, 88–89  
 Atlantic Charter, 45–47  
 autonomy, 161–162, 213–214  
 ayurvedic physicians, 64–65  
 Aziz, Abdul, 124–126  
 Bandaranaike, S W R D, 63, 82, 90–91, 123, 132–133  
   assassination of, 84  
   Buddha Sasana Commission appointed by, 78–79  
   on Buddhism, 68, 70–71, 77–78  
   campaign rhetoric of, 71–72  
   on Constitution of 1948, 67–68  
   constitutional reform and, 66–72  
   on democracy, 66, 82  
   election of, 67  
   on Free Lanka Constitution, 66–67  
   on freedom, 26–27  
   on fundamental rights, 61–62, 67–68, 70–71  
   on Joint Select Committee, 72–73  
   personal style of, 65–66  
   as prime minister, 61–62  
   rise of, 65–66  
   Senanayake, D S, and, 66–67  
   on SFLP, 66  
   ten policies, 71  
 Bandaranaike, Sirima, 91, 100, 159–160  
   on Buddhism, 85–87, 166–167  
   De Silva and, 106–107  
   education system overhauled by, 88–89  
   election of, 85  
   on United Front, 101–102  
 Bandaranaike Committee, 91  
 Batticaloa, 53, 119–120, 159  
 Berger, Benjamin, 13–14  
*bhikkhu*, 51–52, 200, 205–209

- Bhutan, 150  
 Bill of Rights, 39  
 Bodu Bala Sena, 185  
 Bombay, 47  
 Britain  
   Buddhism and, 51–52  
   Ceylon and, 27–33  
   colonialism of, 27, 224  
 Buddha, 2500th anniversary of  
   enlightenment of (Jayanthi),  
     69–70  
 Buddha Sasana, 10–19, 171–172,  
   176–177, 213–214  
 Buddha Sasana Act, 79–80, 85  
 Buddha Sasana Commission, 71–72,  
   77–81  
   Bandaranaike appointing, 78–79  
   criticism of, 80  
   deliberation of, 79  
   establishment of, 78  
   implementation of, 84–85  
   members of, 78–79  
   offenses caused by, 80–81  
   registration of places of worship, 78  
   UNP on, 89  
 Buddha Sasana Commission Report,  
   85–87, 123  
 Buddha Sasana Council Act of 1950, 79  
 Buddha Sasana Mandalaya, 54–55, 85,  
   113–114  
   branches of, 79  
   creation of, 79  
 Buddhism, 15–16  
   ACBC on privileges, 42–55  
   activism and, 24  
   advocacy, 90  
   autonomy of, from state, 161–162,  
     213–214  
   Bandaranaike, S W R D on, 68,  
     70–71, 77–78  
   Bandaranaike, Sirima, on, 85–87,  
     166–167  
   battles within, 188–190  
   Britain and, 51–52  
   capitalism and, 179–180  
   Christianity and, 56–57, 236–237  
   colonialism and, 52  
   competing visions of, 168–169  
   in DBR3, 107–110  
   debates over, 214–215  
   decline of, 50–52  
   defining, 168–171  
   democracy and, 82  
   foremost place of, 14–15, 143–144,  
     186–187, 197–198, 239–242  
   freedom and, 82, 248–249  
   fundamental rights and, 83, 109  
   human rights and, 82  
   law and, 262–263  
   legal battles for, 149–154  
   Malalasekera on, 55–57, 90  
   nationalism and, 156  
   in 1950s, 62–65  
   in 1960s, 84–85  
   Places and Objects of Worship Bill  
     and, 164  
   places of importance in, 170–178  
   promotion of, 68–70, 79, 96–97  
   protection of, 165–166  
   protection of orthodoxy, 167–170  
   pyrrhic constitutionalism and,  
     212–216  
   rightful place for, 85–90, 107–111,  
     115  
   in Sri Lanka, 7–9  
   as state religion, 89  
   territorializing, 157–159  
   theocracy and, 119  
   Theraveda, 203–206, 213–214  
   thought processes in, 250  
   traditionalist, 201–205  
   UNP on, 71  
 Buddhism Chapter, 1–8, 20, 121, 140,  
   154–156, 163, 179, 264  
   ambiguities in, 1–19  
   Buddhist-interest litigation and,  
     166–167  
   consolidating, 183–187  
   constitutional microhistory of,  
     266–268  
   development of, 104–107  
   dismissals of, 264–265  
   expanding, 183–187  
   foremost place in, 239–240  
   interpretations of, 184–185  
   language of, 189

- Buddhism Chapter (cont.)  
 meaning of, 11–19  
 microhistory of, 24  
 politics of, 100–104  
 ratification of, 144–145  
 ratifying, 20  
 successes of, 99–100  
 supporters of, 188–190  
 Supreme Court on, 175–176  
 YMBA on, 173
- Buddhism Resolution, 110–111  
 ACBC on, 112–114  
 All-Ceylon Hindu Congress on, 118–119  
 amendments, 124  
 assembly debates, 121–122  
 Dharmalingam on, 133  
 drafting, 110  
 Federal Party on, 131–132, 135–136, 139  
 introduction of, 122–124  
 language in, 118–119, 138–139  
 memoranda from Buddhist groups, 111–117  
 memoranda from non-Buddhist groups, 117–121  
 proposed amendment one, 124–126  
 proposed amendment three, 131–137  
 proposed amendment two, 126–131  
 Ratnam on, 135, 137  
 SFLP on, 122–124  
 Siyam Nikaya on, 114–115, 142–143  
 translations of, 110, 132  
 UNP on, 127–128
- Buddhism Subject Committee, 144  
 Buddhist Committee of Inquiry, 113  
 Buddhist constitutionalism, 149–150  
 in Sri Lanka, 154–156  
 Buddhist Ecclesiastical Law, 29–31, 155, 205  
 Buddhist monks, 1. *See also bhikkhu*  
 in courtrooms, 1–2, 261–263  
 driving and, 204–205  
 human rights and, 207  
 laypersons and, 1–12  
 legal status of, 207  
 ordaining of, 79  
 registering, 79  
 Senanayake, D S on, 195  
 Ven. Wimalawansa on, 209–210
- Buddhist rights, 49–55  
 implementation of, 77–81
- Buddhist Socialist Republic, 112–113
- Buddhist Temporalities Ordinance of 1889, 30, 61–62
- Buddhist Temporalities Ordinance of 1931, 30
- Buddhist-Hindu Committee, 230–231, 234–236, 253–254
- Buddhist-interest litigation, 155–156, 184, 188–189, 214–215  
 Buddhism Chapter and, 166–167  
 Buddhist orthodoxy protected through, 167–170  
 in Colombo, 186–187  
 defining, 156  
 expanding, 183–187  
 idioms of, 161–162  
 protection from profanation, 178–183  
 protection of Buddhist autonomy, 161–162  
 protection of Buddhist places, 170–178  
 triadic prototype, 218–219
- Burghers, 9–11, 27–28
- Burma, 69, 150–151
- Cambodia, 69, 206  
 Constitution of 2008, 149–150
- capitalism, 179–180
- Catholic Action, 225–226
- Ceylon, 24. *See also* Sri Lanka  
 Britain and, 27–33  
 colonialism in, 27–28  
 communal representation in, 31–33  
 constitution-making in 1940s, 26–27  
 Jennings on politics in, 64  
 legal reform in, 61  
 Legislative Council, 31–32  
 name of, 25–26  
 national dress in, 65  
 in 1950s, 62–65  
 in 1960s, 84–85  
 Order-in-Council, 31–32, 36, 38

- populism in, 64–65
- representation in, 31–32
- riots in, 32
- self-rule of, 26–27
- State Council, 32–33
- in United Nations, 92–93
- voting system in, 103
- Ceylon Catholic Union, 80
- Ceylon Communist Party, 73
- Ceylon Government Gazette, 140
- Ceylon Harijan Union, 118–119
- Ceylon National Congress (CNC),
  - 39–44, 59, 66–67, 102
  - Declaration of Fundamental Rights, 48–49
  - INC and, 47
  - Senanayake, D S, and, 44–45
  - Working Committee of, 41–43
- Ceylon Tamil League, 119–120
- Ceylonese Tamils, 9–11
- Chandananda, Ven. Palipanne, 95–96
- change, 199–200
- Charities Act, 113
- Charter of Fundamental Rights, 68–69
- Charter of Justice, 28
- Christianity, 7–9, 113, 137–138
  - ACBC on, 225–226
  - adoption of, 182
  - Buddhism and, 56–57, 236–237
  - Code of Ethics, 229–230
  - in Colombo, 181–182
  - colonialism and, 217, 224–225
  - conscience and, 248–249
  - conversion to, 182
  - Evangelicals, 29–31, 227–229
  - freedom and, 248–249
  - Fundamentalist, 227–229
  - incorporation of, 51–53
  - limiting, 231–232
  - missionaries, 29–31
  - power of, 226–227
  - proselytizing, 182
  - Supreme Court on, 182–183
  - threats from, 173–174, 217
- citizenship, 11–19, 205–209
  - religion and, 115–117
  - for Tamils, 61
  - Theravada Buddhism and, 205–206, 208–209, 215
- CMT. *See* Commissioner of Motor Traffic
- CNC. *See* Ceylon National Congress
- Coca Cola, 179–180
- Colombo, 27, 32, 50, 64, 92–93, 174–175, 215–216
  - Buddhist-interest litigation in, 186–187
  - Christianity in, 181–182
- colonialism, 5–8, 24, 128
  - of Britain, 27, 224
  - Buddhism and, 52
  - in Ceylon, 27–28
  - Christianity and, 217, 224–225
  - Dutch, 224
  - end of, 25–26
  - Malalasekera on, 51–52
  - religion and, 25–33
- Commissioner of Buddhist Affairs, 201–202
  - Ven. Wimalawansa and, 203–204
- Commissioner of Motor Traffic (CMT), 190–191, 199
- Common Program, 104–105
- communal representation
  - as abortive paradigm, 57–58
  - in Ceylon, 31–33
  - Ponnambalam on, 58
- Communist Party, 84–85, 104–141
- comparative constitutional law, 24
- conscience
  - Christianity and, 248–249
  - conversion and, 242–243
  - freedom of, 75–77, 243–245
  - proselytism and, 248–249
  - structure of, 247–248
- consensus, 12–13
- Constituent Assembly, 137–140
  - changes made after, 140–144
  - Subject Committees, 140–141
- Constitution of 1948, 25
  - Bandaranaike, S W R D on, 67–68
  - contests over, 25
  - enactment of, 38
  - Malalasekera on, 55–56

- Constitution of 1948 (cont.)
  - Ministers' Draft, 35–37
  - promotional paradigm and, 37–39
  - protectionist paradigm and, 37–39
  - Section 29(2), 35–39, 52, 54, 60–61, 74–76, 79, 93–95
- Constitution of 1972, 20, 25, 60, 154–156
  - language in, 99
- Constitution of 1978, 25, 154–156
  - Article 9, 223, 238–239
  - Article 10, 10–11, 223–224, 231–233, 238–239
  - Article 12(2), 10
  - Article 13(1), 223–224
  - Article 13(2), 223–224
  - Article 14, 223–224
  - Article 14(1)(e), 10–11, 223, 232–233
  - drafting of, 171–172
  - elements introduced in, 171–172
  - entrenched articles, 222–223, 238–239
  - Thirteenth Amendment, 223
  - YMBA on, 173
- Constitutional Affairs Subcommittee, 106–122
- constitutional law, 151–153, 255
  - comparative, 24
  - conflict and, 7
  - conversions and, 219, 231–234, 253–256
  - costs of, 5–7, 261–264
  - English language and, 17–18
  - language and, 17–18
  - renaissance of, 17
  - rethinking, 267–272
  - Sinhala language and, 17–18
  - in Sri Lanka, 7–8
  - Tamil language and, 17–18
- constitutional microhistory, 18–19, 23–24, 220
  - of Buddhism Chapter, 266–268
  - religion and, 264–265
- Constitutional Theocracy* (Hirschl), 151
- constitutionalism and constitutions. *See also* pyrrhic constitutionalism
  - in Ceylon, 1940s, 26–27
  - conflict and, 6–7
  - consensus in, 12–13
  - defining, 150
  - discrimination and, 6–7
  - as dominant form, 4
  - implementation of, 147–149
  - in India, 6–7
  - Islam and, 150
  - Jennings on, 34–35
  - language in, 12–15
  - law and, 2–5
  - ratification, 13
  - reform, 66–72
  - religion and, 2–5
  - revolution and, 60
  - in Sri Lanka, 11, 265–272
  - top-down, 152
- conversions
  - anxieties over, 226, 228–229
  - to Christianity, 182
  - conscience and, 242–243
  - consolidating conflict, 234–238
  - constitutional law and, 219, 231–234, 253–256
  - forcible, 253
  - JHU on, 233
  - negative freedom and, 245–248
  - outlawing, 231–232
  - positive freedom and, 243–245
  - problems with, 224–231
  - prohibition of, 258
  - pyrrhic constitutionalism and, 219
  - religion and, 217–218
  - unethical, 258
- Cooray, J A L, 43–44, 48–49, 66–67, 73, 102
  - on fundamental rights, 41–43
  - on religion, 42
- Court of Appeals, 192, 214
- Dayaka Sabhava, 192–193
  - in Court of Appeals, 192–193
  - Ven. Wimalawansa and, 202
- DBR3. *See* Draft Basic Resolution 3
- DBRs. *See* Draft Basic Resolutions
- De Silva, Colvin R., 104, 109, 121–143
  - Bandaranaike, Sirima, and, 106–107
  - on fundamental rights, 93

- on Kandyan Convention, 128–129
- on popular sovereignty, 93
- on proposed amendments, 108–126
- on religion, 106–122
- de Silva, K M, 43
- De Tocqueville, Alexis, 16
- Declaration by the United Nations
  - 1942, 45
- Declaration of Fundamental Rights,
  - CNC, 48–49
  - Nehru Report and, 48–49
- Declaration of Fundamental Rights for India, 47
- decolonization, 26–27
- Deegawipaya Bouddha Janapadaya, 176–178
- democracy, 241–242
  - ACBC on, 55–56
  - Bandaranaike, S W R D on, 66, 82
  - Buddhism and, 82
  - promotional paradigm and, 55–57
- Democratic Socialist Party, 117
- Democratic Workers' Congress, 117
- Department of Buddhist Affairs, 186–187
- Dhamma, 86, 108–109, 122–123, 163, 209–210
- Dhammapada, 210
- Dharmalingam, Visvanathan
  - on Buddhism Resolution, 133
  - on fundamental rights, 134
  - on rightful place, 133–134
- Dharmapala, Anagarika, 141
- Dighavapi Mahavihara, 175–176, 179, 185–186
- discrimination, 2
  - constitutionalism and, 6–7
- Donoughmore Commission, 32–33
  - language of, 36–37
- Draft Basic Resolution 3 (DBR3), 115–117
  - Buddhism in, 107–110
  - fundamental rights in, 108
  - translations, 121
  - vagueness of, 121–122
- Draft Basic Resolutions (DBRs), 102–103, 109–111
- Drafting Committee, 102, 109–110
- Dry Zone, 185
- Dutch colonizers, 224
- educational institutions, 75–76
  - Bandaranaike, Sirima, changing, 88–89
  - nationalization of, 88–89
- Eelam Self-Determination and Freedom Front, 119–120
- Egypt, 4, 150–151
- equality, 74–75, 111
- European Union, 4–8
- Evangelicals, 29–31, 227–229
- Federal Party, 73, 84–85, 131, 135
  - on Buddhism Resolution, 131–132, 135–136, 139
- Fernando, Oshan, 258
- Fernando, T S, 73
- First Amendment (U.S.), 6–7, 164–165, 217–218
- foremost place, 175–176
  - of Buddhism, 14–15, 143–144, 186–187, 197–198, 239–242
  - in Buddhism Chapter, 239–240
  - rightful place contrasted with, 144
  - Siyam Nikaya on, 143–144
- Four Freedoms Speech, 45–47
- Free Lanka Bill, 43
- Free Lanka Constitution, 43, 48–49, 102
  - Bandaranaike, S W R D on, 66–67
- Free Trade Zones, 160
- freedom
  - Bandaranaike, S W R D on, 26–27
  - Buddhism and, 82, 248–249
  - Christianity and, 248–249
  - of conscience, 75–77, 243–245
  - ICCPR on, 110
  - negative, 245–248
  - positive, 243–245
  - of religion, 71, 75, 110
  - Roosevelt on, 45
- Freedom from Foreign Rule, 45
- fundamental rights, 10–11, 21, 42, 68–69, 92–93. *See also* human rights
  - Bandaranaike, S W R D on, 61–62, 67–68, 70–71

- fundamental rights (cont.)  
   Buddhism and, 83, 109  
   Cooray on, 41–43  
   in DBR3, 108  
   De Silva, C, on, 93  
   debates over, 94–96  
   Dharmalingam on, 134  
   implementation of, 72–77  
   in India, 47–49  
   Joint Select Committee on,  
     73  
   legitimacy of, 44–47  
   politics of, 91–94  
   protection of, 60–61  
   religion as, 39–44  
   Supreme Court on, 222
- Galle Face Green, 63  
 Geneva, 92–93  
 goduru gammana, 177–178  
 Government of India Act of 1935,  
   57–58  
 Government of Ireland Act of 1920,  
   32–33, 37–47  
   influence of, 44  
 Gunasekera, Prins, 162–164, 167–168
- Hegel, G W F, 17  
 Hela Kithunu Urumaya, 237–238  
 Hinduism, 6–7, 118–138  
   in Sri Lanka, 7–9  
 Hirschl, Ran, 151, 156, 164, 187  
 human rights, 24. *See also* fundamental  
   rights  
   Buddhism and, 82  
   Buddhist monks and, 207  
   legitimacy of, 44–47  
   religion and, 244
- ICCPR. *See* International Covenant on  
   Civil and Political Rights  
 ICESCR. *See* International Covenant on  
   Economic, Social and Cultural  
   Rights  
 Ilangaratne, T B, 122–124  
 INC. *See* Indian National Congress  
 India  
   constitutionalism in, 6–7  
   fundamental rights in, 47–49  
   religion in, 27–28  
 Indian Constituent Assembly, 103  
 Indian National Congress (INC), 58–59  
   CNC and, 47  
 Indian Penal Code of 1860, 29–31  
 International Covenant on Civil and  
   Political Rights (ICCPR), 92–93  
   on religious freedom, 110  
 International Covenant on Economic,  
   Social and Cultural Rights  
   (ICESCR), 92–93  
 International Religious Freedom Act  
   (IRFA), 252–253  
 interreligious bargain, 99  
 Inter-Religious Council, 258  
 intrareligious bargain, 99  
 Iraq, 4  
 Ireland, 37–47  
 IRFA. *See* International Religious  
   Freedom Act  
 Islam, 3, 6–7, 137–138, 175–176  
   constitutionalism and, 150  
   personal law, 29–31  
   settlements, 176–177  
   in Sri Lanka, 7–9  
 Island of Dhamma, 49  
 Israel, 3–4, 150–151
- Jaffna Tamils, 62–63, 159  
   personal law, 29–31  
 Janatha Vimukti Peramuna (JVP), 132,  
   139  
 Jatika Hela Urumaya (JHU), 231–232,  
   253–254  
   bill of, 232–236, 242  
   constitutionality of, 242–243  
   on conversion, 233  
   legal battle over, 248  
   ratification of, 256–257  
 Jayewardene, J R, 64, 66–67, 74,  
   160–161, 167  
 Jennings, William Ivor, 42–55  
   on Bill of Rights, 39  
   on Ceylonese politics, 64  
   on constitutionalism, 34–35  
   preventative paradigm and, 33–35  
 JHU. *See* Jatika Hela Urumaya

## INDEX

299

- Joint Select Committee of 1957, 71–77,  
92–93, 133  
Bandaranaike, S W R D on, 72–73  
Draft Constitution of, 73–74, 76–77  
on fundamental rights, 73  
passage of, 73  
Joint Select Committee of 1967, 97  
Judaism, 3
- Kahn, Paul, 13  
Kalmunai Regional Council Meeting  
Group, 121–143  
Kandy, 28–29, 77–78, 174–175  
Kandyan Convention, 28–29, 94–95,  
126–127  
Article 5, 28–29, 109, 123, 127, 130  
De Silva on, 128–129  
language of, 130–131  
SFLP on, 131  
United Front on, 128–129  
UNP on, 129–131  
Kandyans, 29–31  
personal law, 30  
Karachi Resolution, 47–48  
Kataragama, 270–272  
Kulatilake, S S, 123–124
- labor unions, 63  
language, 99  
of Buddhism Chapter, 189  
in Buddhism Resolution, 118–119,  
138–139  
in Constitution of 1972, 99  
constitutional law and, 17–18  
in constitutions, 12–15  
of Donoughmore Commission,  
36–37  
of Kandyan Convention, 130–131  
of law, 16  
of Ministers' Draft, 36–37  
Sinhala, 17–18  
Tamil, 7–9, 17–18  
Lanka Bauddha Mandalaya, 69  
Lanka Sama Samaja Paksaya (LSSP),  
73, 84–85, 104–141  
on religion, 106–122  
Laos, 206  
*laukika*, 194–195, 200, 208  
law. *See also* constitutional law  
Buddhism and, 262–263  
equality before, 74–75, 111  
expanded archive of, in Sri Lanka,  
17–19  
Islam and, 29–31  
Jaffna Tamils and, 29–31  
Kandyans and, 30  
language of, 16  
legal life of, 221–224  
modern, 16–17  
personal, 29–31  
positive, 41–42  
pyrrhic constitutionalism and, 17–18  
Shariah, 150, 214  
Smith on, 266–267  
societal life of, 221–224  
in Sri Lanka, 156–157  
Legislative Council, Ceylon, 31–32  
liberalism, 161, 167, 248  
Liberation Tigers of Tamil Eelam  
(LTTE), 156–158, 172–173,  
272–273  
Local Government Buddhist  
Organization, 69–70  
*lōkōttara*, 194–195, 200, 208  
London, 29–32  
London School of Economics, 33–35  
LSSP. *See* Lanka Sama Samaja Paksaya  
LTTE. *See* Liberation Tigers of Tamil  
Eelam
- Maha Sangha, 108  
Mahabodhi Society, 115  
Mahajana Eksath Permuna (MEP),  
84–85  
Mahaparinibbana Sutta, 198–201  
Mahiyangana, 108  
Malalasekera, G P, 50–51, 57  
on Buddhism, 55–57, 90  
on colonialism, 51–52  
on Constitution of 1948, 55–56  
Malayan Constitution, 39–40  
Malaysia, 3, 150–151  
Malvatu branch of Siyam Nikaya,  
80–83, 141, 196–197  
Manor, James, 65  
Maritain, Jacques, 212



- Marxism, 62–63, 132–133  
 master-narratives, 17–18  
 Medhananda, Ven. Ellawala, 175–176  
 Menzingen case, 187  
 MEP. *See* Mahajana Eksath Permuna  
 Mettananda, L H, 86  
 microhistory, 23. *See also* constitutional  
     microhistory  
     of Buddhism Chapter, 24  
 middle way, 112–113  
 Minister for Religious Affairs,  
     54–55  
 Ministers' Draft, 35–37  
     language of, 36–37  
 Ministry of Constitutional Affairs, 74,  
     111–112, 121  
     ACBC and, 112  
 Ministry of Cultural Affairs,  
     163–164  
 minority rights, 57–58  
 Misuse of Religious Symbols and  
     Expressions, 185–186  
 Monastic Councils, 69–70  
 Moor, 7–9, 27–28  
 mosques, 186–187  
 multivalent principles, 212  
 Munnesvaram, 270  
 Muslim Progressive Association of  
     Kalmunai, 117  
 Myanmar, 206  
     Constitution of 2008, 149–151  
 myths, 271–272  
  
 National Christian Council, 118–119  
 National Christian Evangelical  
     Alliance, 237–238  
 National Christian Fellowship of  
     Sri Lanka, 237–238  
 National Sangha Conference, 237–238  
 nationalism, 24  
 negative freedom, 245–248  
 Nehru Report, 47–49  
     Declaration of Fundamental Rights  
         and, 48–49  
 Nepal, 4  
 New Left, 101  
 New Zealand, 4  
 noble conduct, 113  
  
 Old Left, 101  
 Order-In-Council, Ceylon, 31–32,  
     36, 38  
  
 Pali Tipitaka, 69, 203–204  
 Pannaloka, Ven. Pannala, 261–262  
 Penal Code, 29–31  
 People's Forum of Jaffna, 119–120  
 People's Liberation Front,  
     132–133  
 Perera, Sara Malani, 186–187  
 Perera, Sasanka, 227–228  
 Pirivena Education Bill, 162–163, 165  
     challenges to, 167–168  
     petitioners for, 163–164  
 Places and Objects of Worship Bill,  
     162–163  
     Buddhism and, 164  
     challenges to, 167–168  
     petitioners for, 163  
 pluralism, 4–5  
 Police Ordinance, 29–31  
 Polonnaruwa, 173–174  
 polygamy, 164–165  
 polysemy, 15, 153–154  
 Ponnambalam, G G, 57–58, 63, 68,  
     95–96  
     on communal representation, 58  
     on territorial constituencies, 57–58  
 popular sovereignty, 93  
 populism, 64–65  
 positive freedom, 243–245  
 positive laws, 41–42  
 postcolonial countries, 5–8  
 preventative paradigm, 25–26, 58–59  
     Jennings and, 33–35  
     origins of, 33–35  
     Section 29(2) of 1948 Constitution  
         and, 35–37  
     Senanayake, D S, and, 33–35  
 Principles of State Policy, 106–122  
 Private Member's Bill, 221, 223,  
     257–258  
 Proclamation of September 1799, 28  
 promotional paradigm, 19–20, 25–26,  
     58–59  
     ACBC on, 57  
     Constitution of 1948 and, 37–39

## INDEX

301

- as democratic device, 55–57
- origins of, 49–55
- rationalizing, 81–84
- routinizing, 81–84
- proselytism, 113
  - Christianity, 182
  - Code of Ethics, 229–230
  - conflicts over, 218
  - conscience and, 248–249
- protectionist paradigm, 19–20, 25–26, 58–59
  - Constitution of 1948 and, 37–39
  - origins of, 39–44
  - rationalizing, 81–84
  - routinizing, 81–84
- Protestants, 226–227
- public-interest litigation, 153
- pyrrhic constitutionalism, 11, 61, 147–149, 212, 259–260
  - Buddhism and, 212–216
  - conversions and, 219
  - law and, 17–18
  - religion and, 15
  - sources of, 258–259
- race, religion and, 27–28
- Ratnam, K P, 135–136, 139
  - on Buddhism Resolution, 135, 137
  - on religion, 139–140
- Reid Commission, 39–40
- religion
  - citizenship and, 115–117
  - colonialism and, 25–33
  - conflict and, 248–251
  - constitutional microhistory and, 264–265
  - constitutionalism and, 2–5
  - conversions, 217–218
  - Cooray on, 42
  - De Silva on, 106–122
  - debating, 238–239
  - in European Union, 4–8
  - freedom of, 71, 75, 110
  - as fundamental right, 39–44
  - holidays, 29–31
  - human rights and, 244
  - ICCPR on, 110
  - in India, 27–28
  - limitations to, 113
  - LSSP on, 106–122
  - managing, 144–145
  - manifesting, 247–248
  - propagation of, 76–77
  - protection of, 2
  - pyrrhic constitutionalism and, 15
  - race and, 27–28
  - Ratnam on, 139–140
  - reification of, 250–251
  - rights, 61
  - social classification and, 27–28
  - in Sri Lanka, 4–8, 14–15
  - tolerance, 95–96
  - United Front on, 105
  - in United States, 2
  - UNP on, 89
  - in the West, 250
- rightful place
  - ACBC on, 107, 141–142
  - for Buddhism, 85–90, 107–111, 115
  - Dharmalingam on, 133–134
  - foremost place contrasted with, 144
  - Siyam Nikaya on, 114–115
- rights. *See* fundamental rights; human rights
- ritual practices, 271–272
- Roman Catholicism, 121–143, 224–225, 227–228
- Roosevelt, F D, 46–47
  - on freedom, 45
- Rule of Law Index, 12
- Salvation Army, 237–238
- Sanghadhikaranas, 86
- Sapru Committee, 47–49
- Sasanasanrakshaka Bauddha Mandalaya, 85–87
- Saudi Arabia, 4, 175–176
- Section 29(2) of 1948 Constitution, 38–39, 52, 61, 63, 74–76
  - ACBC on, 54
  - challenges to, 60–61
  - interpretation of, 93–95
  - preventative paradigm and, 35–37
  - revision of, 79
- secularism, 137–140
  - separatism and, 157–159

- Senanayake, D S, 40, 42–55, 63, 67–68  
   Bandaranaike, S W R D and, 66–67  
   CNC and, 44–45  
   critics of, 63  
   death of, 64  
   on monks, 195  
   preventative paradigm and, 33–35  
   as prime minister, 62–63  
   on religious tension, 34  
   Young Turks and, 40–41  
 Senanayake, Dudley, 90–91  
 Senanayake, Matripala, 87  
 separatism, 157–159  
 Shariah, 150, 214  
 Sinhala, 7–9, 27–28  
 Sinhala Bauddha Sandvidhana,  
   115–116  
 Sinhala Jathika Sangamaya, 237–238  
 Sinhala language  
   constitutional law and, 17–18  
   in Supreme Court, 18  
 Sinhala Only Act, 83  
 Sinhala Prajatantravadi Sangamaya,  
   137–144  
 Sinhalese Buddhists, 64, 70–71, 116  
 Siyam Nikaya, 54, 80–83, 85–87, 90,  
   95–96, 121, 141  
   on Buddhism Resolution, 114–115,  
     142–143  
   Buddhist Sangha, 114  
   on foremost place, 143–144  
   memoranda from, 114–115  
   monastic fraternities breaking off of,  
     196–197  
   on rightful place, 114–115  
 SLFP. *See* Sri Lanka Freedom Party  
 Smith, Steven D, 266–267  
 Sobhita, Ven. Omalpe, 234  
 socialism, 161, 167  
 socialist democracy, 119–120  
 Soulbury Commission, 38  
   mandate for, 38  
 Sri Lanka. *See also* Ceylon  
   Buddhism in, 7–9  
   Buddhist constitutionalism in,  
     154–156  
   constitutional law in, 7–8  
   constitutional system in, 2  
   constitutionalism in, 11, 265–272  
   courts in, 1–12  
   expanded archive of law in,  
     17–19  
   Hinduism in, 7–9  
   history of, 156–157  
   Islam in, 7–9  
   law in, 156–157  
   name of, 25–26  
   religion in, 4–8, 14–15  
   state ideologies, 159–161  
 Sri Lanka Freedom Party (SLFP), 73,  
   85, 104–141  
   Bandaranaike, S W R D on, 66  
   on Buddhism Resolution, 122–124  
   formation of, 66  
   on Kandyan Convention, 131  
   leadership of, 90–91  
 State Council, Ceylon, 32–33  
 Steering and Subjects Committee,  
   102–103, 106–122  
 SUCCESS, 173–174, 184–185,  
   237–238  
 Sudan, 4  
 Sumana, Ven. Nakulugamuwa,  
   167–168, 185–186, 189–190  
   on Buddhism, 169  
   Supreme Court and, 169–170  
 Sunstein, Cass, 11, 98, 242  
 Supreme Court, 74–76, 168, 172–173  
   on Buddhism Chapter, 175–176  
   on Christianity, 182–183  
   on fundamental rights, 222  
   Sinhala language in, 18  
   Ven. Sumana and, 169–170  
 Supreme Court (U.S.), 164–165  
  
 Tamil Congress, 84–85, 95–96  
 Tamil Eelam, 157–158  
 Tamil language, 7–9  
   constitutional law and, 17–18  
 Tamil United Front, 68–69  
 Tamils, 7–9, 27–28, 57–58  
   Ceylonese, 9  
   citizenship for, 61  
   ethnic categories, 9–11

- Jaffna, 29–31, 62–63, 159
- Up-Country, 9–11
- Temple of the Tooth, 77–78
- territorial constituencies, 57–58
- Thailand, 69, 196–197, 206
  - Constitution, 149–150, 172
- theocracy, 119
- Theravada Buddhism, 203–204, 213–214
  - citizenship and, 205–206
- Thirteenth Amendment, 223
- The Thought, Conscience and Religion Act, 258
- Tipitaka Compilation Board, 208–209
- traditionalist Buddhism, 201–205
- triadic prototype of the courts, 218–219
- tsunami of December 2004, 175–176
- tulsi leaves, 28
- Tunisia, 4, 150–151
- UNESCO, 185–186
- United Front, 91, 100–101, 121–122, 159–161
  - Bandaranaike on, 101–102
  - on Common Program, 104–105
  - on Kandyan Convention, 128–129
  - manifesto, 100–107, 109–110
  - on national unity, 105
  - parliamentary seats of, 103
  - propaganda of, 104
  - on religion, 105
- United Front Election Manifesto, 105
- United Kingdom, 4
- United National Party (UNP), 62–63, 73, 100–101
  - on Buddha Sasana Commission, 89
  - on Buddhism, 71
  - on Buddhism Resolution, 127–128
  - Joint Select Committee, 90–91
  - on Kandyan Convention, 129–131
  - membership of, 63–64
  - on religion, 89
  - success of, 62
  - unity of, 63–64
- United Nations, 12–21, 44–45, 58–59, 108–109
  - Ceylon represented in, 92–93
  - United Nations Association, 92–93
- United States
  - First Amendment in, 6–7, 164–165, 217–218
  - religion in, 2
  - Supreme Court, 164–165
- Universal Adult Suffrage, 48–49
- Universal Declaration of Human Rights, 94–95, 212
  - Article 18, 108–109
- universals, 248–251
- University of Ceylon, 33–35
  - Chair of Buddhism at, 69
- UNP. *See* United National Party
- Up-Country Tamils, 9–11
- Vaddukodai Resolution, 157
- Veddas, 9
- Velupillai Prabhakaran, 158
- Victoria's Secret, 179
- Vidyalankara Pirivena, 50, 195–196
- Vietnam, 149–150
- Vimalananda, T, 115–116, 137–144
- Vinaya, 88, 199–200, 204, 208
- Vinaya Pitika, 168
- Vishnu, 271–272
- Vivekananda Vedanta Society, 118–138
- voting systems, 103
- Weeramantry, C G, 210
- the West, 254
  - religion in, 250
- Wimalawansa, Ven., 191–194, 201–202, 214–215
  - on Buddhism, 198–200
  - on Buddhist monks, 209–210
  - on change, 199–200
  - citizenship and, 206, 208–209, 215
  - Commissioner of Buddhist Affairs and, 203–204
  - Commissioner of Motor Vehicles and, 199
  - constitutional microhistory and, 190–192
  - court decision, 209–212
  - Dayakas and, 202

Wimalawansa, Ven. (cont.) on fundamental rights, 215 interview with, 211–212 pragmatic Buddhism, 198–201	Young Men’s Buddhist Association (YMBA), 51–53, 85–87, 142, 158, 167–168 on Buddhism Chapter, 173 on Constitution of 1978, 173
Working Committee of Ceylon National Congress, 41–43	
World Justice Project, 10	Young Turks, 39–57, 59, 66–67
World War II, 44–45	Senanayake, D S, and, 40–41