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‘Reconciliation’ Problems in Post-War Sri Lanka

The Anti-Muslim Movement and Ulema Council Responses

Abstract: This chapter deals with Sri Lanka’s Muslim council of theologians – the All Ceylon Jamiathul Ulema (ACJU) – and their response to Sri Lanka’s anti-Muslim movement. The anti-Muslim movement emerged after the end of Sri Lanka’s ethnic war and flourished when Sri Lanka was exploring post-war reconciliation measures. The ACJU responded to the anti-Muslim movement using the language of the reconciliation process. Analysing the manner in which the ACJU responded to challenges faced by the Muslim community in Sri Lanka during the past decade, this chapter will argue that given the attacks that the anti-Muslim movement is mounting on Muslims’ religious and cultural life, Sri Lankan Muslims require a less vulnerable institution to provide leadership when engaging with religious others. The anti-Muslim movement’s undermining of ACJU’s authority limits their ability to intervene. This moment also exposes weaknesses of the ACJU approach to reconciliation and offers an opportunity for the emergence of an alternative leadership.

Introduction

The All Ceylon Jamiathul Ulema (ACJU) – or the Council of Theologians – in Sri Lanka claim to be the spiritual guides of Sri Lanka’s two million strong Muslim population.¹ During the past several decades when Sri Lanka was buffeted by a protracted civil conflict destroying thousands of lives, the Islamic reform movement transformed Sri Lanka’s Muslim communities’ religious practice. The ACJU expanded its activities and its stature among the Muslim population of Sri Lanka during this time. The organisation became a significant community institution, organising the *Ulema* across the country, providing halal certification to businesses for a fee, and operation of a *Maktab* school system that provided religious instruction to children after school every day of the week. The civil war ended in 2009 with great devastation in the northern and eastern provinces and

1 See <https://acju.lk>, accessed March 11, 2021.

thousands of civilian casualties. In the aftermath of the civil war a strong anti-Muslim movement has grown and established itself in Sri Lanka. The identity of Muslims in Sri Lanka is currently under threat as all assertions of an exclusivist piety seem to trigger violence and hate. The ACJUs ascendancy as the vanguard of reformist Islam has thereby been undermined.

In 2015 the government instituted a post-war ‘reconciliation process’ jointly proposed at the UN Human Rights Council by Sri Lanka and the United States.² The reconciliation process targeted the war and recovery in the aftermath. The ‘reconciliation’ work mainly targeting Sinhala and Tamil communities, was carried out in a context where a virulent anti-Muslim movement was raging on social media with sporadic outbreaks of violence against local Muslim groups. The government’s post-war reconciliation work did not prioritise either the Muslims affected by the war or the more recent anti-Muslim movement. The crisis brought about by the actions of this movement has compelled Muslim groups to respond. The ‘reconciliation’ and ‘coexistence’ language, generated by the government’s transitional justice process, have served as an entry point for a response.

The ACJU, modelling itself as leaders of Sri Lanka’s Muslims, has used the discourse generated by the government’s reconciliation programmes to respond to the anti-Muslim movement. This chapter will examine the ACJU’s history of addressing conflict among Muslims, managing relations with non-Muslim entities and comment on the limitations of their location in carrying out ‘reconciliation/coexistence initiatives’ on behalf of Sri Lanka’s Muslim population under the conditions of the anti-Muslim movement. Politics in Sri Lanka shifted substantially with the Islamic State of Iraq and Syria (ISIS)-inspired bombings on Easter Sunday 2019. The discourse on politics in Sri Lanka shifted from one where good governance and reconciliation had currency to one that emphasised security alone. This chapter will argue that these difficult times signalled a substantial shift in how Muslims in Sri Lanka related to the world around them, and that the ACJU and – by extension – the reformists monopoly on being an ethical Muslim is currently under attack. This attack emerged not just from the strengthened and enabled anti-Muslim movement, but from middle class activist Muslims’ own despair and difficulty in coming to terms with the bombings.

² This process, although implemented locally, was mainly designed to recover Sri Lanka’s position in the international arena from a country that was accused of war crimes to one that was addressing its past through a human rights framework.

The ACJU's declining popularity can be traced back to the emergence and impact of the anti-Muslim movement. However, their responses to the many crises faced by Muslims in recent years were framed in an idiom, devoted only to appeasing elements of the Muslim community and maintaining their own position as community leaders. Their approach, therefore has proven to be inadequate to address the challenges of a Muslim population under siege. Arguably, the bombings brought some finality to the ACJU's declining status. As the chapter will discuss, however, there were several moments since the emergence of the anti-Muslim movement and a few years prior that were already indicative of the ACJU's inability to give leadership to the Muslims' current crises.

The discussion of the ACJU's community engagement in the chapter will be carried out through an analysis of three moments: the ACJU's attempt to manage issues that emerged with reformist clashes, the response to the halal labelling crisis, and the ACJU's handling of the reforms to the Muslim Marriage and Divorce Act. These will be discussed as emblematic of their imagining of a particular Muslim world. The chapter will propose that such a Muslim World – inadequately responsive to the requirements of a Muslim population living in a tensely plural polity – is no longer tenable in contemporary Sri Lanka.

Transitional justice and 'reconciliation' in post-war Sri Lanka

In 2009, Sri Lanka emerged from a brutal and debilitating three decades long conflict between the state and the Liberation Tigers of Tamil Eelam (LTTE). The LTTE were a militant group claiming to represent the country's minority Tamil population. The war was ended by a military operation that killed thousands of civilians. The transitional justice discourse did not emerge at the end of the war in 2009 but only after a change of regime in 2015. The government of Mahinda Rajapaksha, which 'won' the war in 2009, was defeated in both the 2015 presidential and parliamentary elections. The 2015 elections brought to power the short lived *Yahapalanaya* or 'good governance' regime of Prime Minister Ranil Wickremasinghe of the United National Party (UNP) and President Maithripala Sirisena of the Sri Lanka Freedom Party (SLFP). This regime was in turn defeated in 2019, bringing the Rajapaksha family back to power. During the period of *Yahapalanaya* rule Sri Lanka saw the difficult and often debilitating coexistence of two different political parties in parliament, but also an unprecedented time

of progressive change in governance and human rights in the country. The growth of reconciliation programmes in the country was one such development.

In December 2015, the *Yahapalanaya* regime committed to a ‘reconciliation’ process supported by the United Nations Human Rights Council resolution 30(1).³ The resolution committed the government to institute “a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law”,⁴ as well as “a commission for truth, justice, reconciliation and non-recurrence, an office of missing persons and an office for reparations”.⁵

The government’s commitment to the UN process brought about many programmes by NGOs and ‘reconciliation’ initiatives flourished in the country. Further, there were government-mandated institutions like the Office of National Unity and Reconciliation (ONUR) and the Ministry of National Integration carrying out different programmes. With the support and endorsement of the state and NGOs, the language, if not the spirit, of reconciliation began to have currency throughout the country. Besides *sanhindiya*, meaning reconciliation, the term ‘coexistence’, *sahajewanaya*, was also used widely, especially by those working on Muslim issues. The country’s transitional justice discourse provided a language through which prevailing problems – not necessarily taken up by either the official mechanisms or the many NGOs and quasi-governmental institutions – could be addressed.

The reconciliation programme of the *Yahapalanaya* government, that followed from the defeat of the Rajapaksas, was carried out in the context of the burgeoning anti-Muslim movement led by an organised group of Buddhist monks, the *Bodu Bala Sena* (BBS, the army of Buddhist power), and supported by Sinhala nationalist politicians. The reconciliation work and the discourse – while accepted and popular among the communities of the north and east that had been affected by the war – found little acceptance among the larger Sinhala Buddhist communities of the south. The *Yahapalanaya* regime did very little to make the need for reconciliation acceptable among Sinhala constituencies in the south. The political factions that were defeated in 2015 continued their anti-minority incitement by supporting the anti-Muslim movement. An additional failure of the reconciliation project was practitioners’ inability to link anti-Tamil sentiment that led to the war, and the anti-Muslim movement that emerged in the aftermath of the war. While attempts were made to ‘heal wounds’, little was

3 *Daily FT* 2015.

4 *Ibid.*

5 *Ibid.*

done to change the structural preconditions that maintained the majoritarian character of state institutions.⁶

In April 2019 local Islamic militant suicide bombers, inspired by ISIS, detonated themselves in six locations — three of them churches and three of them five star hotels. Two hundred and fifty persons lost their lives and many hundreds more were injured. After that, the prevailing discourse regarding security in the country — that was critical of the reconciliation programmes of the government — won out. 'Reconciliation' as a project was undermined and 'security' became the overwhelming requirement. Immediately after the bombings, the press in India and Sri Lanka revealed that the security apparatus and political leaders had intelligence about the bombings several days before the attacks but did not act on it. This revelation added to the already existing narrative that the *Yahapalanaya* government had neglected and even undermined the country's security sector by focusing on alleged wartime human rights abuses.

The current regime has abandoned the reconciliation discourse. The government publicly announced that it was withdrawing from the UNHRC resolution 30(1).⁷ President Gotabaya Rajapaksa's election manifesto emphasised security and the president constantly references the fact that he was primarily voted in by the Sinhala Buddhist majority. Under the current presidency, minorities are under pressure with both symbolic and actual preference for the perspectives and interests of the majority institutionalised by the regime. For the first time in the country's independent history, there were no Muslim representatives in the cabinet of ministers proposed after the presidential election, and only one (Ali Sabri, Minister of Justice) after the general election. The practice of singing the national anthem in the country's two main languages at Independence celebrations was suspended and in 2020 it was sung only in Sinhala.⁸ Today the military presence in the Tamil speaking, formerly war affected North has increased substantially under the guise of the COVID lockdown. Check-points have remerged as part of COVID measures, curiously only in the north of the country. New structures are undoing much that was achieved under the previous regime and most governmental and quasi-governmental institutions addressing reconciliation issues are being disbanded.

⁶ Haniffa 2018.

⁷ See Farzan 2020. The government is not able to do so under the rules governing engagement in UN processes. However, the statement was made as an indicator of future government policy.

⁸ All India Radio News 2020.

Sinhala nationalism, ethnic relations and the legacy of the conflict

Sri Lanka is home to four major ethno-religious communities. The majority of the population is Sinhala-Buddhist, with substantial Hindu, Muslim and Christian (mainly Catholic) minorities.⁹ Sri Lanka was engaged in a civil war from the late 1970s to 2009, in which the state engaged in a protracted struggle with the Liberation Tigers of Tamil Eelam (LTTE), a militant organisation claiming to represent the Tamil minority fighting for a separate Tamil homeland in the north and east of the country. Sri Lanka's Muslims are demographically dispersed throughout the island with significant concentrations in the western, southern central and eastern provinces. Since the 1980s, Muslim communities have been influenced by reformists such as Tablighi Jama'at, the Jamaathi Islami and Salafi/Tauheed groups.¹⁰

Sri Lanka's nationalist state project that emerged during colonial rule, and solidified with independence in 1948, eschewed the claims of minority ethnic Tamils for equal opportunities in education and language usage. The state then waged a 30-year long war against Tamil claims to sovereignty and nationhood in the Northeast of the country. While religious freedom is enshrined in the country's constitution, it also provides Buddhism the 'foremost place'. This language in the constitution permits a sense of entitlement for Buddhist organisations. Buddhists monks and laypersons and allows for countless transgressions against which the state uses almost no counter measures. Even when post war transitional justice and reconciliation projects were ongoing during the past five years, 'religious' tensions continued to be rife.

The war in Sri Lanka ended with great brutality in 2009. The government of the time remains under investigation for war crimes and crimes against humanity. Both state forces and the LTTE perpetrated violence against civilian populations during the final weeks of the conflict. The military control of formerly rebel held areas was total and civilian movement was limited. The civilian population of the region was interned pending security checks. Sections of the LTTE that surrendered to the military subsequently disappeared. LTTE leaders that surrendered with white flags were allegedly shot down. The Sinhala speaking areas

⁹ 2012 census of population and housing: 70% Buddhist, 12.6% Hindu, 9.66% Muslim, 6.194% Catholic, 0.015% Other Christian. See: <http://www.statistics.gov.lk/page.asp?page=Population%20and%20Housing> [no longer accessible].

¹⁰ See Haniffa 2008a, Zackariya and Shanmugaratnam 1997, 7–46.

were awash with celebratory rhetoric regarding the regime's military victory and the bravery of the army who were presented as saviours of the Tamil people. The entire campaign was termed a 'humanitarian operation', *manushika meheyuma*, and the victory was touted as being without any unwarranted casualties. The regime mobilised the military victory as a way of ensuring the dynastic power of the ruling family, the Rajapaksas.¹¹

The new government that defeated the Rajapakshas in 2015 committed to setting up four institutions for reconciliation as mentioned above over a two-year period. The 'reconciliation' discourse, however, functioned within a narrow ambit. It foregrounded, as it should, the groups of victims – the most affected persons – for redress. However, even in this targeting of the affected, more recent losses were prioritised over those that had been obsolete for a few decades. Therefore, the issues of Muslims affected by the conflict – mostly from the early 1990s – fell by the wayside. Additionally, the anti-Muslim movement, that emerged and continued to thrive with little state opposition in the aftermath of the war, featured only marginally in NGOs reconciliation programmes. Today, after the Easter Bombings and the violence against Muslim communities in the Northwest of the country, there are initiatives to also include issues related to Muslims.

Muslims in Sri Lanka

Sri Lanka's two million strong Muslim population is 9% of the country's, and are classified as both an ethnic and religious group. Muslims' relationship to past violence from the conflict and the threat of recurring violence can be understood as twofold. The ideology of Tamil nationalism that undergirded the LTTE's liberation struggle attempted to integrate the Muslim – fellow Tamil speakers – into their community of Tamil speaking peoples.¹² Muslim leaders periodically resisted this idea, especially given that 70% of Sri Lankan Muslims lived outside the Tamil speaking areas of the North and East. Therefore, at one point, when some Muslims' resistance translated not just to a refusal of the LTTE ideology but to cooperation with the military, the LTTE expelled all Muslims from the northern province. They also carried out several violent attacks

¹¹ The president Mahinda Rajapaksha had made his brother defence secretary, another brother ran the IDP rehabilitation programmes in the north, the speaker in parliament was yet another sibling, and the president's son was a parliamentarian.

¹² McGilvray and Raheem 2007.

against Muslim communities in the East.¹³ The year 1990 is considered pivotal in terms of the acts of violence perpetrated by the LTTE against the Muslims and the state's failure to prevent the occurrence of such violence. The transitional justice mechanisms proposed by the state mainly addresses the horror of the final months of the war. They have not prioritised acknowledging or providing justice to affected Muslims and have provided little space for the inclusion of Muslim experiences.¹⁴

As mentioned above, the end of the war saw the emergence of the anti-Muslim movement in Sri Lanka. The BBS spearheaded the movement country-wide in the Sinhala speaking areas, through large-scale public meetings, mobilising temple networks and on social media.¹⁵ In June 2014 there was an attack against Muslims in villages along the country's southern coast, in Aluthgama Beruwela and Welipenna. Several billion rupees worth of property owned by Muslims in the area were looted and burnt, and three people lost their lives. Government support and collusion in the violence was evident.¹⁶ The Rajapaksha regime's commitment to a new project inciting ethno-religious animosities, in the aftermath of the war victory, became evident. Politics based on such incitement have been standard fare in the Sri Lankan electoral system since before independence from the British. A decade of anti-Tamil violence – similar to the violence that Muslims are facing today but with far greater targeting of lives – preceded the break out of war in the 1980s.¹⁷ The defeat of the Rajapaksas in 2015, assisted by widespread Muslim support for the opponent, seemed to augur an end to that brief but intense period of anti-Muslim mobilisation. However, the occurrence of further events of violence in Galle in 2017 and in Amapara and Kandy in 2018 meant that the structural preconditions that made violence a possibility, and lackadaisical state response to such violence an inevitability, were still in place. It also indicated the extent to which anti-Muslim sentiment had become normalised within a few years.

In the aftermath of the ISIS-inspired bombings in April 2019 everything changed. The Rajapaksas were able to legitimately claim that their agenda of nationalism and security was an urgent necessity. There were attacks against Muslims in May 2019 in the north-eastern districts of Kurunegala and Halawatha in a pattern that is now familiar. And as this chapter emphasises, the Ra-

¹³ Hasbullah 2001. Also see Haniffa 2011, 49–62.

¹⁴ Mihlar 2018.

¹⁵ See Haniffa 2016a, Holt 2016, Nuhman 2016.

¹⁶ See Haniffa 2016b.

¹⁷ Manor 1984.

japaksa family is back in power and their Sinhala supremacist politics are now state policy.

Recent analyses describe the Easter Sunday 2019 events as emerging from and as an inevitable outgrowth of the 'Wahabi' infiltration of the Sri Lankan Muslim population.¹⁸ Some writers emphasise the diversity within the Muslim population and warn against using the terrorist label on all Muslims. However, all commentators seem committed to the narrative of Muslims' now decades-old transformation through religious reformism¹⁹ as the necessary contextual determinant of 'radicalisation'.²⁰

The All Ceylon Jamiathul Ulema

The ACJU website claims that the organisation was founded in 1926, while M.M. Mahroof, a scholar exploring the history of the Ulema in Ceylon and Sri Lanka, dates the initiative to organise the Ulema to 1945.²¹ The ACJU was officially recognised by the state in 2000 by an act of parliament. While initially the membership consisted of Ulema located in and around the city of Colombo, later the organisation incorporated Ulema from other regions, and now it is an umbrella group with branches in all districts in the country. Currently they boast 134 branches throughout the country and 5000 members. The head office consists of 15 committees that are run by members of the ACJU together with a few professionals and many volunteers. In addition to the community level interventions, the ACJU has also been periodically consulted and mobilised by the state as a representative institution of Muslims. The ACJU spoke in support of the government delegation to the UNHRC sessions in 2011 when the regime was pressured to investigate war crimes allegations.²² Currently, in the aftermath of the Easter bombings, the government is in conversation with the Ulema concerning 'deradicalisation'.²³ The ACJU has also been a representative body in meetings with the UN and bilateral and multilateral donors.

¹⁸ Gunasingham 2019, 8–13.

¹⁹ See Haniffa 2008a, Nuhman 2007, Mihlar 2016, and Faslan and Wanniasinkam 2015.

²⁰ Ibid.

²¹ Mahroof 1995, 25–50.

²² See ACJU website: <https://acju.lk/en/>.

²³ Interview with ACJU at head office, January 2020.

ACJU and reconciliation

As stated earlier, the language of the transitional justice discourse, and especially its least controversial terminology of coexistence and reconciliation, has become thoroughly integrated into the Sri Lankan NGO and civil society language. Substantial amounts of money were spent on the government programme, and also for NGO programmes that support the process. The ACJU uses the term ‘reconciliation’ as a matter of course in all of its statements on Muslims and their dealings with ‘religious others’. This work included producing a series of publications in the Sinhala language addressing the racist assertions of the anti-Muslim movement. The ACJU also issued a statement on coexistence that offers an analysis of the current problems and provides the country’s Muslim population with instructions on how to maintain coexistence.²⁴ The ACJU proclamation is entitled *Declaration (...) Regarding Coexistence among the Communities of Sri Lanka*.²⁵ In making this declaration the ACJU draws from the examples of the prophet and the Sahabas and the manner in which they treated the minorities under Muslim rulers.²⁶ In an interview in January 2020, ACJU representatives stated, that they engaged in reconciliation activities through carrying out welfare work with low income multi-religious communities.

However, as already stated, the reconciliation discourse was constantly undermined by the *Yahapalanaya* government’s political opponents and its popularity in the South was not uniform. Additionally, the fact that the anti-Muslim movements’ main target is Muslims’ too obvious religiosity, the ACJU as representatives of the religious leadership are constantly under attack.

²⁴ ACJU 2016.

²⁵ The document lists activities that Muslims should engage in to ensure coexistence. In listing such activities the ACJU document mirrors the accusations of the anti-Muslim movement. While the ACJU can perhaps be commended for being reflexive regarding Muslims’ own way of life, the uncritical acceptance of the terms of the anti-Muslim movement are troubling and require further analysis. ACJU 2016, 9.

²⁶ Examples of court rulings among the early Muslim community with evidence of fair treatment of religious others in litigation, the case of early Muslim leaders providing sustenance for the weak, etc., were cited. All of the examples quoted were about the benevolence of Muslims when in a position of power over minority communities under their rule. The fact that in Sri Lanka Muslims functioned as a minority, affected by two sets of majoritarian ideals, did not inform the declaration.

ACJU attempts at mitigating conflict among Muslim piety groups

One of the most significant interventions of the ACJU in recent years was its attempt to pull together the differently affiliated Muslim piety groups under one coordinating body to minimise the conflict among such groups in the country due to their respective *da'wa* projects (to bring 'straying' Muslims back to the fold). This section illustrates an intervention by the ACJU that was brought about in a context where its authority was not under attack.

During the conflict years, reformist groups experienced great success and were able to substantially transform the country's Muslims' relationship to practice. During the more than 30 years of the war, when the reformists flourished, violence often broke out among different groups who would demonise one another as part of their propagation strategies. The most significant of the disagreements have been documented as being between the Salafis and Tarika groups.²⁷ However, the Muslim religious field in Sri Lanka involved not just Salafi and Tarika groups, but the Tabligh Jamaat, and the Jamaathi Islami, and more recently as documented by Rasiah,²⁸ newly formed Shia groups as well. The majority representation in the ACJU is from the Tabligh Jamaath, and the Tabligh networks are arguably the most widespread and influential among Muslim communities across the country. The Jamaathi Islami has significant influence in particular communities. The Tauheed Jamaat, a Salafi group, is smaller but has mobilised urban working class communities and is vocal and public in its interventions.²⁹ The 'Sunnat Jama'at' is an umbrella term used to refer to members of different Tarika groups that are relatively well organised. The reformists of all hues have historically carried out their particular *da'wa* activities by positioning themselves as different from the Tarika affiliated groups and through denigrating beliefs and practices of such groups as *shirk* (engaging in idolatry) and *bidat* (unsanctioned innovations).

In 2009, there was an incident in the town of Beruwela along the island's southern coast. The South of Sri Lanka has been the centre of the Muslim elite

²⁷ The term 'Tarika group' is one that is commonly used among the middle class Muslims in Sri Lanka to refer to those who are members of Sufi Tarikas. These groups identify as members of the All Ceylon Ahlus Sunnah Wal Jama'ath. See Spencer et al. 2015.

²⁸ Rasiah 2020.

²⁹ Their public interventions are somewhat muted in the aftermath of the Easter Bombings since they have been identified as the 'Sunnat Jama'at'.

and the concentration of Muslim economic, social and political power. It is a place where the Muslims pride themselves on having been entrenched since the first Arab settlers of the 6th century and where Tarikas have long antecedents. There is also a concentration of Muslim gemstone trading wealth in Beruwela. The gemstone trade, for which Sri Lanka is internationally renowned, was a Muslim monopoly since the time of the British colonial administration. Although that has now shifted, a considerable percentage of the trade continues to be in Muslim hands located to a large extent in the village of Beruwela.

An altercation occurred between the congregation of a Tauheed Jamaat mosque established in 2002, called the Masjidul Rahuman, and members of the Alaviya Tarika. The Alaviya Tarika had their annual feast at the Beruwela Ketchimalai mosque with the participation of a crowd of close to 80,000 people. The next day, on July 24, 2009, the Quadiriya Tarika, organised around the Buhari mosque across the road from the Masjidul Rahman, were to have their *kanduri* (feast). The Masjidul Rahman Jumma sermon that day stated that the feasting, carried out by the Alaviya Tarika and planned by the Quadiriya Tarika, was not permitted in Islam and those carrying them out were *kafirs* (nonbelievers). The Masjidul Rahman was attacked by a large crowd that same day and it resulted in the death of two persons. The event sent shock waves across Muslim communities in the south of Sri Lanka.

Such altercations between Tarika and Tauheed groups had been previously reported from the war-affected eastern province. The Tariqathul Mufliheen (TM) had been excommunicated by the ACJU in 1989 on the basis that their beliefs were 'un-Islamic'.³⁰ The group took the ACJU to court, and in 1996 the ACJU withdrew the *fatwa* that declared them *murthads* (apostates from Islam) and deemed the proclamation as not having been made. In 2004, and later in 2007, there was widespread violence in the town of Kattankudi against the group by groups known as 'Tauheed'. An added indicator of the bad relations in the community was the distribution of handbills prohibiting the "Muslim" people in the village from having any social or economic relations with the '*murthads*'.³¹

In December 2006 and January 2007, the newspaper *The Sunday Leader* reported that, in the aftermath of the revocation of the Fatwa in 1996, the members of the TM were denied the registration of births and were prevented from burying their dead in Kattankudi. There were two incidents reported where the leader of the group and a follower, who were buried in Kattankudi, were ex-

³⁰ Handunnetti and Wamanan 2007.

³¹ ACJU 2006. The distribution of the handbill occurred in the aftermath of the incidents of December 19, 2006.

humed by the Tauheed group, and in the case of Payilwan (the leader), his body was burnt and buried elsewhere.³² The ACJU did not intervene to manage the conflict. In fact, an ACJU representative had stated to newspapers that the ideas of Abdulla Payilwan, the head of the Tarika group, were 'un-Islamic'.³³ The Eastern Province is far away from the political and social centres of Colombo, and Kandy in the Western and Central Provinces. It was also a time when the war was being fought in the area. The political and economic power that was wielded in a southern town like Beruwela was not comparable to the distant and war-torn Eastern town.

The violence in Beruwela, happening two and a half years after the last incidents in the East, was indicative of a trend that required intervention and management. Additionally, internal Muslim community altercations were already being written about in terms of the global discourse of a Wahhabi invasion threatening terrorist violence.³⁴

The Declaration of Unity

In 2009, in response to the violence in Beruwela, the ACJU organised a structure under their leadership that would work to resolve differences between the many Muslim groups. It was the first time since the advent of such different groups that an attempt was made to bridge differences and to acknowledge their existence as something positive, and as having antecedents in Islamic history. The ACJU published a document entitled *The Declaration of Unity*, in which it stated its position on unity among the various Muslim groups, listed the groups that had joined together, and outlined the principles on the basis of which an adjustment of differences were made.³⁵

Asserting that "our Imams as well as Islamic Scholars have given us ample guidance on how to act during disagreements", the statement calls attention to the fact that "prominent Ulema who represent Tarikas, All Ceylon Tabligh Jama'ath, Jamathi' Islami together with other Thowheed institutions will be the members of this council".³⁶ The council was to be called "The Council of Coop-

³² The incident was aired repeatedly in the press as indicative of the spread of Wahhabism among Muslim communities in the East and its terrifying consequences.

³³ Handunnetti and Wamanan 2007.

³⁴ Haniffa 2008b.

³⁵ ACJU n.d., 2.

³⁶ Ibid.

eration and Coordination". The document also references the fact that the various Tarikas, as well as the Daa'wa organisations, have a long history in the country and have always worked for the "spiritual fortification of the community". The document stated:

Although few minor disagreements do exist over different views and interpretations among these factions, their overall objectives had been identical and hitherto, there were no serious conflicts among them that could impede the general accord of the Muslim community.³⁷

The document further stated that

[d]uring several sittings the council agreed that it is of paramount importance to reestablish the unity of the Umma" and established "certain guidelines" so that "no similar unpleasant incidents occur in the name of the religion in the country."³⁸

The importance of the manner in which differences are incorporated into a common Islamic heritage cannot be emphasised enough. In the 1990s, when the reformist ideologies were being consolidated among Sri Lanka's Muslim communities, substantive damage was wrought on middle class' kin networks through the different *da'wa* groups' insistence on different realms of practice. The recognition of the possibility of difference, which informed the bedrock of the faith here, is a significant shift. However, as many subsequent developments indicated, the shift required much greater engagement to provide tangible results.

This assertion of equanimity was also a fundamentally male exercise, the rhetoric regarding tolerance of different ideas and approaches was not transposed to address issues that emerged with regards to women (more on this below). The agreement also further consolidated the leadership and authority of

³⁷ ACJU n.d., 2. Their lack of reference to the violence in the East is disingenuous and must be recognised as such.

³⁸ ACJU n.d., 3. The justification that the ACJU produces for the inclusion of the various groups draws from what they claim are accepted Islamic principles. For instance, the *Declaration of Unity* states that the Imams, and Sahabas too, had differing opinions and that there were "four main reasons" for such differences. These are differing views on the authenticating Hadith narrations, the differences of views in Hadith narrations that are considered authentic, linguistic ambiguities, and the different criteria for establishing laws. The declaration also states that therefore these differences should be treated as blessings of the Almighty and it should be further understood that each of them are just "practical, logical, natural, as well as unavoidable in their own rights" (ibid.). The acceptance of this position is of central importance to the management of theological differences in the future.

the ACJU. While the composition of the council is said to be made up of members from all organisations, the leadership is held by Sheikh Agar Mohamed, the long serving deputy head of the ACJU. The statement is presented by the ACJU and the signatories are Sheikh Rizwi Mufthi, the head of the ACJU, and Sheikh Agar Mohamed. The names of representatives of other groups are not included.

There are still groups – like the Tauheed Jamaat, for instance – that are left out of the ACJU's council, and who question their legitimacy.³⁹ After the advent of the anti-Muslim movement in 2013 the Tarika groups found a new champion. They branded themselves the 'traditional' *sampradayaka* Muslims of the country, following the rhetoric of the BBS monks. They call themselves the Muslims of Sri Lanka who have resisted 'Arabisation' and who were in fact victimised by the *anthavadi* (extremist) Muslims.⁴⁰ They in turn have provided the Ven. Galabodaththe Gnanasara with language through which to depict non-Tarika groups as 'extremist'.⁴¹ Representatives of the Tarikas have appeared before commissions investigating the April bombings and have given evidence regarding Muslim 'extremist' excesses.

Resolution of the halal issue

Anti-Muslim messaging began to increase across social media in 2010 and 2011, and the monk-led Bodu bala Sena (BBS) organisation emerged as the movement's public face in 2012.⁴² The BBS' first countrywide campaign in early 2013 was against the ACJU's halal certification programme. Halal certification be-

³⁹ Faslan and Wanniasinkam 2015.

⁴⁰ Quotation marks indicate the prevalence of these terms in the language used by known anti-Muslim activists.

⁴¹ Haniffa 2019a, 2019c.

⁴² As a result of the groups' emergence, messages criticising Muslim women's dress practices as 'Arabisation'; halal meat production as inhumane; halal-labelling practices as illegitimate and as exploitative of non-Muslim consumers, became widespread. Additionally, rhetoric regarding the 'backwardness' of Muslim women, Muslims' businesses as deliberately undermining Sinhala ventures, Muslims' tendencies to buy up land and 'colonise' neighbourhoods, and a Muslim conspiracy to procreate and become the majority population in the country, attained the status of fact throughout the island. The movement's initial method of dissemination was to hold large-scale public meetings using the trappings of Buddhist ritual gatherings. The meeting rhetoric was supported by a media campaign that mirrored the same language. Today, the hate rhetoric has become part of common-sense knowledge and Sinhala Buddhist groups have been mobilised for violence against Muslims quite frequently.

came a requirement when multi-national food companies arrived in Sri Lanka, and Sri Lankan companies began to export consumer goods to Southeast Asian and Middle Eastern markets.⁴³ The BBS accused the ACJU of implementing a 'Muslim extremist' plan through the halal certification process.

The ACJU involvement with halal certification began in 1999, and the first certification was granted in 2000 to two companies providing poultry products. The ACJU engaged professionals in food science, agriculture and chemistry, prior to beginning to certify food-processing establishments in 2004. In a bid for greater professionalisation, ACJU representatives visited halal certification bodies in Malaysia, Indonesia, Singapore, and South Africa in 2005. There had been an institution issuing certifications prior to the ACJU, but with the increasing influence of reformism and Muslims' preoccupation with authenticity and authentication⁴⁴ the ACJU, as a more authoritative entity with 'gatekeeper' aspirations, was considered to be best suited by sections of the Muslim community (and endorsed by the political leadership).

The chief ideologue of the anti-halal campaign, the Ven. Gnanasara, stated that halal was a process of sanctifying goods for the worship of Allah, and that these goods were then given to Buddhist monks in temples. He claimed that non-Muslims were being forced to consume halal-labelled goods and to pay for a process that they did not require. He argued further, that the ACJU was insisting on having access to secret product recipes prior to providing certification, and thereby forcing Sinhala businesses to reveal trade secrets. The ACJU was also accused of controlling the market by asking Muslim consumers not to use uncertified products. He argued further, that the money raised through halal was funding jihadist violence.⁴⁵

Ultimately the issue became identified as one about the legal basis for ACJU's certification process and critiqued for not abiding by prevailing market logic. In 2006, the ACJU attempted to acquire state recognition as the only legally entitled body for providing certifications. According to the government's commitment to market principles, however, the state could not endorse a monopoly even for the provision of religious authentication.

⁴³ Field work in Sri Lanka in 2013. This is also documented in my essay of 2017 (Haniffa 2017).

⁴⁴ Deeb 2006.

⁴⁵ While the BBS focus was on the certification process, other commentators also discussed the issue of halal slaughter and the meat industry. This issue, however, was not foremost in the discussion regarding the halal certification process. For a fuller discussion of the halal crisis, see Haniffa 2017.

When the halal controversy erupted in early 2013, there was no directive on halal by the Consumer Affairs Authority, or any other government body. The ACJU was accused – by the then-leader of the opposition, among others – of having no legal basis to provide certification. The opposition leader echoed sentiments that were widely expressed in both traditional and social media: halal was said to be ‘immoral’, ‘illegal’ and an ‘unethical trade practice’.⁴⁶ The ACJU’s claim that it was issuing certification on the basis of its religious authority, and the endorsement they received for their processes from international halal certification bodies, was considered inadequate without state authorisation.

The ACJU failed to control the narrative regarding Halal in any way. Their usual means, the pulpit, backed up by the formidable organisational strength of their mosque network, could not meet the challenge first posed by the BBS and later by proponents of the market logic. Initially no media outlet would give them time to tell their side of the story. They could not even buy space. Then, when they did have time, their assertions of authority as members of the Ulema council had little purchase on the Sinhala media. Their lack of experience in speaking with anyone who was not a Muslim and who did not question their authority, was immediately apparent. Their attempt to claim that they were not carrying out halal certification for profit but as a service to the community was dismissed. In February 2013, the ACJU attempted to offer the government ownership of the halal certification process. The ACJU, as mentioned earlier, had good relations with the regime in power, but those relationships were not adequate to withstand the momentum generated by the anti-Muslim movement’s campaign. The government refused to entertain the ACJU’s request. The state appointed a Parliamentary Select Committee to investigate the issue, but the mandate of the committee was framed in the logic of the anti-Muslim movement. Its objective was to investigate “whether locally- or internationally-funded religious extremism had infiltrated Sri Lankan society.”⁴⁷

In order to diffuse prevailing tensions and to preserve the halal certification process the loosely organised Muslim Business Council came together with the Chamber of Commerce and formulated a transition plan. The main aim of the initiative was to preserve certification for export purposes, as required by the Sri Lankan economy, and erase any gratuitous religious signage linked to the process. Halal labelling on consumer goods was suspended, giving in to the anti-Muslim movement’s call. The ACJU was to give up the halal certification to an

⁴⁶ Documented in Haniffa 2017.

⁴⁷ *Khabar South Asia* 2013. See also Thirupathy and Nathaniel 2013.

independent company. Until the setting up of the company, halal certification was provided at no cost for export purposes. The Halal Accreditation Council (HAC) was registered according to the Companies Act and branded itself as a 'market responsive' and a 'market friendly' institution. The halal label was changed from the mosque and Arabic lettering, used by the ACJU, to the initials HAC, the Halal Accreditation Council. Muslim consumers could check certification through a website and there was an app they could download.⁴⁸

The ACJU's inability to adequately represent the perspective of the country's Muslim population during conflicts with religious others was laid bare with the halal crisis. Given that they were running a fee levying enterprise in monitoring and providing halal certification, it was possible for commentators to critique them in keeping with a notion of 'market ethics' and deemphasise their role as religious leaders. Additionally, the anti-Muslim racism prevailing in the country provided licence for the media as well as for politicians to show no respect to ACJU members' identity as religious leaders. The ACJU seemed surprised by this reaction and unable to navigate the dismissal of their authority. The Muslim Business Council's intervention indicated that the larger Muslim community, too, would work to limit the role that the ACJU should play in the future.

Reforms to the Muslim Marriage and Divorce Act (MMDA) of 1951

Another arena in which the ACJU has made its presence felt has been the debate on reforms to the *Muslim Marriage and Divorce Act (MMDA)*. A committee appointed by the Ministry of Justice in 2009 under Justice Saleem Marsoof was mandated with producing a report with suggestions to amend the current MMDA (1951)⁴⁹ Unfortunately, the report released in 2018 (after nine years of deliberations) was a split report, with the group led by the Ulema objecting to some key recommendations made in the main report. Permitting women to become *quazis* (judges), specifying the age of marriage to 18 years in keeping with the general law, removing the reference to 'sect' and thereby rendering a particular *Madhab* (school of Islamic jurisprudence) that a person belongs to as irrelevant in the application of the MMDA, are some of the provisions that the ACJU is rejecting.

⁴⁸ Interview with Ali Fatharali of the HAC.

⁴⁹ See Hamin and Cegu Issadeen 2016.

Under the *Yahapalanaya* government, and in tandem with its reconciliation programme, the government instituted a committee to entertain public representations on constitutional reform – The Public Representations Committee (PRC). Muslim women activists organised at the regional level and asked for either a reform or a repeal of the MMDA.

In response to the activism around the PRC, and given the delays of the Marsoof committee, the government announced the appointment of a Cabinet Sub-Committee to make proposals to amend the MMDA of 1951.⁵⁰

In March 2017, the Jamiyyathul Ulama (ACJU) after sitting on the Marsoof committee since 2009, stated in a confidential submission to this subcommittee that the MMDA was perfect as it was and required no change. The statement contained justifications based on *hadith* for leaving the age of marriage unspecified and women barred from being *quazis*. It was leaked to the media and was published in the *Colombo Telegraph*.

Justifying their opposition to the amendment that permits Muslim women too, to become *quazis* under the MMDA, the ACJU document states:

With regards to the appointment of female *quazis*[.] the majority of the *Ulema* are of the opinion that there is no basis for this in the Shariah.

It is not permissible for a woman to be appointed as a judge, and if she is appointed, the one who appointed her is sinning (...) her appointment is invalid and her judgements carry no weight[.] no matter what ruling she passes. This is the view of the Malikis, Shafies and Hanbalis and some of the Hanafis.

Rationale behind this view is based on Quran and Sunna which states: Men are the protectors and maintainers of women (4:34), [m]en have a degree of responsibility over them (2:228), and Hadeeth says [that] no people will ever prosper who appoints a woman in charge of their affairs.⁵¹

The statement further reads:

The majority of the community will also not accept the appointment of female *quazis* due to practical reasoning. One should not consider this as injustice to women but rather as protection of the rights, [the] honor and [the] modesty of women. However[,] the appointments of females in the advisory board and also as members of the [j]ury is recommended. That would support the *quazi* court system in a valuable manner.⁵²

50 Minister of Justice, Wijeyadasa Rajapakshe was quoted in the Daily News saying that “he was compelled to appoint the Cabinet Sub-Committee as the previous committee appointed in 2009 to look into MMDA reforms had not submitted their report even after seven years of deliberations” (Imtiaz 2016).

51 *Colombo Telegraph* 2017a.

52 Ibid.

The ACJU had discussed its position in Friday jumma sermons utilising its formidable network across the country, and claimed to have the support of the wider community. However, there was strong opposition from fellow Muslims in the English press. It must be noted at this point that Sri Lanka already has many Muslim women magistrates, and one president's council who is Deputy Solicitor general. The ACJU's position on refusing women to adjudicate on matters of personal laws made little rational sense.

In an unprecedented intervention Justice Marsoof, head of the Committee on recommending reforms, also came out strongly against the ACJU, and made a statement on his Facebook page that was subsequently published. He accused the ACJU of acting in bad faith and attempting to influence the committee. According to Justice Marsoof:

Mufthi Rizwie and Mubarak Moulavi[,] both of ACJU[,] are members of the Committee chaired by me. According to news reports, a delegation of ACJU have gone around meeting Muslim Members of Parliament and handed over various documents including working drafts prepared by me for consideration of the Committee under confidentiality.⁵³

He went on to say:

Already Jumma sermons and signature campaigns have been conducted to object to any amendments to the MM&D Act on the purported basis that it is of divine origin, and some members of my Committee feel intimidated and may tow the ACJU line.⁵⁴

The Women's Action Network (WAN) – that had given leadership to the activism around the PRC – also responded strongly to the ACJU statement. They released a statement entitled “Religious Leaders Cannot be Trusted to reform the MMDA” and urged the government to intervene to protect women's rights.⁵⁵ According to WAN:

The ACJU's extreme and rigid position on legal reform shows the regressive nature of their perspectives. WAN is of the firm belief that actors who are unable to win the trust and confidence of [their] own community should be disqualified from serving on a Committee meant to usher in positive changes.⁵⁶

⁵³ *Colombo Telegraph* 2017b.

⁵⁴ *Ibid.*

⁵⁵ *Colombo Telegraph* 2017bc

⁵⁶ *Ibid.*

They concluded by stating: "It is time for the State to act like the State and protect the rights of all Sri Lankans, including Muslim women and girls, from those who seek to allow injustice in the name of religion!"⁵⁷

It seemed as if the statement from the ACJU had pushed the WAN to ask for the state to intervene, overriding the concerns of the Ulema. In the wake of the ACJU submission, stating that the reforms were unnecessary, there was an outpouring of 'angry' articles criticising the ACJU and questioning their scholarly competence to decide legislation.

In an article entitled "MMDA: Angry Civil Society Demand Radical Changes to the ACJU", veteran Muslim journalist Latheef Farook stated the following:

(T)he ultimate question has never been raised; what is the credibility of the ACJU and Rizvi Mufti? What are the criteria for scholarship to legislate in Islam, and do the members of the ACJU meet those criteria? Are they really scholars? As an intellectual body that is also granted the privilege to legislate, what knowledge does the ACJU have regarding law? Can a scholarly institution that refuses to acknowledge and accommodate female intellectuals be trusted to demonstrate equality?⁵⁸

What the ACJU demonstrated through their concerted attempt to stall MMDA reforms can be explained in several ways. First, their lack of awareness as to the developments with regards to Muslim women's participation in the labour force and, particularly, educated elite Muslim women's presence in the legal profession as well as in professional and academic sectors was apparent in their insistence on the limits of women's leadership.

The ACJU seemed to be wedded to a norm with regards to women's behaviour that was propagated by reformist groups with little understanding of how to accommodate the many women who negotiated those norms on a daily basis. For instance, the strict segregation of spaces as male and female was insisted upon by most reformist groups and generally practiced in Muslim social spaces across class and region. However, such segregation was not possible in public spaces or in common work contexts, that Muslims shared with others. In the normative context of legislation, the ACJU found itself unable to shift the norms to be in line with general practice. Their inability to compromise or find a solution in the scripture, as they did in the case of conflicts between the reformists and the Tarikas caused much distress and confusion. Furthermore, the spectacle of religious Muslim men 'oppressing' Muslim women was a favourite trope of the anti-Muslim movement and the ACJU, and their supporters were emblematic

57 *Colombo Telegraph* 2017c.

58 Farook 2017.

of this trope. Unfortunately and perhaps for good reason it was a position that Muslim women activists also amplified in their activism.

With the release of the split report the MMDA reform process stalled. In the aftermath of the Easter Bombings talk emerged again to expedite the reform, partly as a process of bringing the Muslim community in to line. As I have documented elsewhere,⁵⁹ the bombings were spun as entirely and solely being the fault of ‘extremism’ in the Muslim community, and as a direct consequence of reformist-led transformations. Muslims performance of religiosity was seen to be the problem, and there were calls to abolish the special status given to Muslims by way of the MMDA. *One country one law* was the slogan under which the MMDA was to be either reformed or done away with. Today, the current authoritarian government that profits from the demonisation of Muslims has stated that it will reform the MMDA, despite opposition from the ACJU.

Conclusion

The chapter has discussed three instances where the ACJU has attempted to provide leadership in the context of difficulties faced by the Sri Lankan Muslims who are a minority located in a tensely plural polity. The stories speak to the complexity of the circumstances Muslim communities in Sri Lanka are compelled to navigate. The Sri Lankan state’s long history of anti-minority politics – the emergence of an organised anti-Muslim movement in the war’s aftermath and, more recently, the Easter Sunday bombings of 2019 – impact Muslim lives in various ways. The Muslim leadership is compelled to negotiate these influences on a daily basis. This is in addition to the linguistic, regional, class, sectarian and political party divisions among the two million strong Muslim population. The ACJU gained strength from the reformist movement that has been active in Sri Lanka for decades, but became visible through transformations of dress and other everyday practices among Muslim communities since the 1980s. This period –coinciding with the ethnic war in Sri Lanka – led to reformist influence and the ascendance of the ACJU in keeping with reformist ideology. After the end of the war in 2009, Sinhala nationalist groups were in search of a new enemy whom they could scapegoat for the many ills afflicting the country in general and the Sinhala Buddhist population in particular. Sri Lanka’s Muslims, a minority, are being targeted, and specifically the changes embraced by

⁵⁹ See Haniffa 2019b.

Muslims as a result of reformism are now being discussed as leading to extremism. This chapter has argued that the ACJU is not capable of addressing the new challenges that the Muslims of Sri Lanka face, due to the following reasons. As a product of the reformist sensibility and ideology – as represented by the Tablighi Jamaat – the ACJU marginalised sections of the Muslim population that did not follow their line. In relation to reforms to the MMDA the ACJU – by adopting a position that is contrary to the requirements of most Muslims and a position that feeds anti-Muslim stereotypes – is proving itself to be lacking foresight in the current context. Additionally, as religiosity is the main target of the anti-Muslim movement the ACJU, as a religious organisation, is not tactically equipped to address the challenges they pose. Therefore, regardless of the fact that they are one of the few organised institutions among the Muslim population, their acceptance as community mediators is unfortunately dwindling.

The dwindling acceptance of the ACJU has been recognised by many within the Muslim community, and there are organised groups that are moving forward with an agenda tailored to meet the many challenges that are emerging. The strident Sinhala nationalism, laced with hatred of Muslims, has state support. Since March 2020, the government has prohibited burials of COVID dead, thereby severely distressing the Muslims. In addition, Sri Lanka faces an economic crisis with a looming balance of payments issue exacerbated by the pandemic. There is unrest throughout the country and militarisation is on the rise. Addressing the interests of Muslim communities in the midst of such challenges will be a task that will require great organisation and vision. It will need the ACJU, but it will also need the mobilisation of all of the intellectual resources that the Muslim political and civil society leadership can muster without being constrained by the perspective, working requirements, and limitations of a single organisation.

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