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TRANSFORMING OURSELVES: THE BASIC ELEMENTS OF A GOOD SOCIETY

LAW & SOCIETY TRUST

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Editor's Note

In this Issue, the LST Review's publication of a reflective piece on societal values and mores by *Mr Sriyan de Silva* is a refreshing departure from the legal topics that we ordinarily focus on.

Mr de Silva's 'back to basics' approach, as it were, emphasizes the core importance of fundamental influences on the shaping of character, as for example, family and education. He dissects first as to why, broadly in a manner of speaking, conflicts have increased in society and looks particularly at Sri Lanka as an example. The role played by the Rule of Law which is often an abstract legal norm for many, is succinctly examined and broken down in its various aspects.

The reference to rights and freedoms as well as the inevitable restrictions on the same contains some observations on individual rights as forming part of 'Western' values as opposed to the group values emphasized by Asian societies that may be contested, along with the author's further contention that the 'Western' view is that 'these rights are applicable across the board and more or less without restrictions.' This is however a point of view that merits further discussion given the many arguments made elsewhere that this distinction between 'Eastern' and 'Western' values is, in fact, a distinction without a difference.

At the level of the public sector, the author's discussion of the deterioration of the independence of public servants has much resonance today. His remark in this context is, apt;

"The rout of the public servants was more or less completed by the emergence of a still newer breed of politician facilitated to some extent by the new electoral system introduced by the UNP Constitution in the 1970s. The constitutional reforms being contemplated currently would be the final nail in the coffin."

Similarly, that part of this paper dealing with the media and non-governmental organizations contains some pertinent observations though it may be said that his view that bodies working genuinely for the good of society have little to fear from government regulation should be qualified by the condition that this is so only if the government is one that works according to the Rule of Law. Undemocratic governments, on the contrary, use regulation as a method to crush even reasonable and deserved criticism which is indeed why effective self regulation is a far better method of ensuring discipline.



Moreover, his outlining of shortcomings in the country's systems of education is interesting for its emphasis on a wider objective than merely job skills.

"Given the situation in Sri Lanka, we need to think about how education helps to mould good leaders – whether they are political leaders, community leaders, corporate (business) leaders, religious or other leaders. While education should help to develop leadership qualities, it must also instill a willingness to accept leadership and the responsibilities that form a part of it. Education should influence the way parents nurture and bring up their children and have a positive impact on the most important unit in society, namely, the family and also on good parenting."

His pointing out that much of the decline in educational standards may be blamed on the pervasive politicization of the system but that this still does not explain the decline of standards even in private schools, is indeed true.

This paper is bound to be of interest not only to students but also to concerned thinkers of all ages who remain bewildered by the troublingly complex nature of society today which celebrates the information age but where human beings appear increasingly to have lost the ability to communicate simply and directly with each other.

Kishali Pinto-Jayawardena

TRANSFORMING OURSELVES: THE BASIC ELEMENTS OF A GOOD SOCIETY

*Sriyan de Silva**

Introduction: Scope, Rationale and Objectives

In Sri Lanka, as in several other countries, society as a stable and cohesive unit made up of individuals and groups of people united by common bonds, is often perceived to be disintegrating. Some observers believe that this is due to people more than ever before being driven by self-interest due to the erosion of value systems which underpin a good society. The factors which led to the global economic downturn in 2008 were underpinned by extreme forms of greed on the part of certain types of institutions and individuals. A number of societies are characterized by poor governance of the country and its institutions. Many societies are afflicted by various forms of internal strife and conflict. Such conflicts tend to brutalize societies. During the period 1990 – 2001 sixty percent of the least developed countries (LDCs) suffered from violent internal conflict, compared to forty percent during the period 1978 – 1989.

Traditionally, the four main influences on the values of young people came from the family, school, religion and the individual's peers *i.e.* those with whom young people normally associate. Family is the smallest unit in society. A strong family unit gives stability to its members, especially children. Families today are increasingly being fragmented, and the extended family has diminished in importance. Often with both partners in a marriage being employed due to economic pressures and high educational achievements, the stress of balancing careers with family responsibilities tends to adversely affect the family unit. Children caught up in such situations suffer emotionally and psychologically because they have less parental guidance than children did in earlier times. In the long term, this has contributed to the weakening of the family unit which is increasingly failing to shape values in children. Educational institutions are also failing to exert a positive influence on the values of youth, such institutions sometimes being more concerned with monetary gains and labour

* I wish to express my gratitude to those who read the script and made useful suggestions which I have incorporated and encouraged me to complete this Paper. Many felt that the subject is timely, given what is happening in and to our society. A few years ago, Mr. Franklyn Amerasinghe initially proposed the idea of this publication and his suggestions and comments on the original script were, as usual, very practical and covered a wide canvas. This Paper is a revised version of the original script. Mr. Priya (D.C.) Amerasinghe assisted me to re-structure parts of it, conceptualize several ideas, and interlink them in a way so as to enhance understanding of the inter-connections. Dr. A R B (Ranjit) Amerasinghe, former judge of the Supreme Court of Sri Lanka, made important suggestions which helped me to avoid several inaccuracies. Dr. Jayampathy Samarakoon helped me to link the environmental issues to the main theme of the Paper, while my son Sanjiv provided me with the main idea for chapter 5. I am grateful to Ms. Barbara Kanathigoda for her assistance in editing the script and her useful insights. To my wife Ratna, I owe an invaluable debt for editing the script, and exercising a critical eye over the text at all times. Even more importantly, she provided practical insights and valuable inputs on several issues which are reflected in the Paper ranging from education, social integration, parental guidance to the world of work.

market needs to the exclusion of other objectives of education. As such they often fail to recognize the full significance of what imparting an education truly implies or means. In many instances politicisation and the lack of interest of many teachers prevent schools from performing their broad role of turning out youth with both knowledge and a sense of responsibility and decent values. The old belief that teaching is a noble profession has disappeared except among a relatively few people. In some cases religious institutions no longer shape or influence young minds in the direction of right thought and action. The influence of the traditional institutions of society – family, educational, religious and others – has in many cases has waned. The rule of law and law and order has been significantly eroded. Differences are increasingly being settled through violence. The increasing use of violence in post-war Sri Lanka has brought home to us that the war was only one important reason among others for the virtual brutalization of our society. These trends in society in Sri Lanka are reflected even in the universities, the so-called seats of learning

There is now an urgent need to restore good citizenship which is broadly reflected in values and individual and group behaviour which are not anti-social and which conform to the law, all of which would contribute to the stability and development of the community. This can be achieved only if youth are also able to influence the direction in which society should develop. To transform society people need to be aware of and to accept not only their rights, but also their obligations and responsibilities to society. At the same time, parents and teachers need to discharge their responsibilities for guiding and shaping the minds of the young, instilling in them desirable values and a knowledge of what sort of behaviour is acceptable to society. The diminishing ability of traditional units and institutions to foster a sense of moral values and good citizenship raises the important issue as to whether change can be effected through these very institutions. If so, how can they themselves be changed to exert positive influences? Is there a need for new institutions or supplementary ones, and if so what could they be? Or if the need is for reform of existing institutions, what direction should reform take and how could it be achieved?

Shaping and adapting to the environment in which we live and work and being good citizens are interconnected. Much of our adult life is spent in the workplace – either in employment or self-employment. The values with which a child grows into adulthood are invariably transported into the workplace. They influence how a person interacts with others in the workplace, as well as the public at large with whom he/she has to deal. This further underlines the importance of the roles of parents, schools and religious institutions.

In adulthood the workplace becomes a mini-society, or a sub-set or sub-system of the broader society. An organisation in which a person works is a community of people. People's behaviour within an organisation has an effect on its performance and survival. The problems one creates or encounters in the world of work are likely to spill over into the individual's life as a member of society and *vice versa*. Problems one creates in society are similarly likely to be brought into the workplace. In short, the values with which a child grows into adulthood determine his/her behaviour in society, as part of a group in society and in the world of work. These values and how people's behaviour is conditioned by them influence how leaders/politicians govern a country, public officials discharge their

responsibilities to society and business people conduct business. They also influence the way we manage family and personal relationships, how each of us views the less fortunate members of society and people of different communities, how we influence future generations and how we treat the environment. The values with which we grow up influence the degree of commitment, tolerance and cooperation needed to build a less conflictual society than we have at present, a society characterized by ethnic, religious and cultural diversity. While we have to recognize that some form of conflict is inevitable in society, we need to build a society in which conflict is better *managed*, minimized and channelled into non-violent solutions.

Whether as a member of society or of a workplace, individuals should be aware of their environment, including the natural environment. Today this would also encompass the environment beyond our national borders because it affects our society as well in view of the world being interconnected to an extent unknown earlier. Youth need to possess certain knowledge and skills beyond the obvious technical ones required for job performance. They should be aware of some of the fundamental elements of a decent society and how these benefit them. They need to understand why good governance, policies and political and other institutions are essential for a stable and well-functioning society; that these contribute to overall political, economic and social development and thereby to sustainable development. This article does not cover questions as to how and to what extent economic growth and the reduction of economic inequalities contribute to a stable society. These are assumed to be important factors. It needs to be emphasized that economic growth alone would not automatically translate into benefits for the majority, especially if the fruits of economic development are captured or enjoyed by a few in society. In the latter event, there is no real development; instead, it would lead to unacceptable divisions and disparities in society as well as to social tensions and conflict.

This article is intended for a wide readership which includes youth in the education system, school leavers and job entrants because they constitute tomorrow's society and it is from among them that future leaders and policy makers will emerge. It is also addressed to those who have a critical role in shaping the minds, values and behaviour of children and young persons, namely, parents, teachers and educationists and most importantly, politicians. The type of leaders we produce reflects the society from which they emerge. The transformation of society into a good society requires vision and concrete actions not only by young persons, but also by those on whom they depend and who are in a position to guide and influence them. Such transformation would depend on whether politicians and others who can effect or influence change are genuinely interested in promoting changes and developments necessary to create a good society. If they are, and they take steps to effect positive changes, it would be a legacy for which they will be long remembered rather than for their roles in undermining practically every aspect of a good society. Unfortunately at present there is no evidence in Sri Lanka that most politicians are genuinely committed to transforming our society into an inclusive and value-based one.

This article therefore seeks to provide some ideas on:

- becoming good citizens;

- integrating positively into society;
- influencing society in a positive way;
- influencing and broadening the aims of education;
- making the roles of parents and teachers more relevant and effective;
- shaping and adapting to the world of work where people will spend most of their adult lives;
- caring for the natural and cultural environment and living in harmony with it;
- creating a more stable and caring society, and
- creating a society which can transform our political processes and institutions so that they work more effectively than they do today for the benefit of those for whom they are intended, resulting in better overall governance.

To achieve these objectives the article provides some basic knowledge on selected subjects which youth should be aware of, particularly since today they are seldom picked up during a school career, or even during a university education.

01. What Is A Society?

Society

Society is made up of individuals and groups of people with common bonds or needs, determined by a variety of factors such as blood ties, language, ethnicity, religious beliefs, cultural ties and geographical location. The family unit is the smallest (but most vital) group. There is the immediate community in which the family resides such as the village, extending and radiating out into the town, province and country, all of which constitute the nation.

A society is more than the sum total of different groups or communities living within specific physical or geographical boundaries. Though society has a physical and geographical foundation, a key feature which holds a society together is its moral foundation, which means a community of shared ideas and values that reinforce or strengthen social life and stability. In short, society is not only held together physically, but more importantly, by the invisible bonds of common beliefs and values.

However, unlike in the past, today people have increased mobility and societies tend to be more diverse and less homogeneous than they were earlier. This fact sometimes results in ties within communities being looser, weaker and of shorter duration than in the past. Though industrialization has provided numerous economic and technological benefits, it has also had negative social consequences. Family and group ties have loosened due to individuals being attracted to work or as a

result of living in distant locations. People have less time than before to devote to their families, the community and to the pursuit of their religious and other interests. All this does not prevent the creation or maintenance of a stable society if its members recognize and attend to their priorities and realize and accept that different groups can learn from and enrich each other, that diversity can be an advantage rather than a disadvantage, and that it can enrich society as a whole.

A Good Society

In order to develop a good society it is not sufficient that people live in a particular geographical area with certain common beliefs. A good society would provide its members with opportunities to fulfil their potential and achieve the fundamental objectives of living together as a society. It is difficult to adequately define a good society, but a few features which help to convert a mere society into a good one can be identified, though they are not necessarily the only attributes. Essential to creating a good society are individual effort and good citizenship. A substantial proportion of people comprising a society should, by and large, share a set of good values and a sense of morality without which the society in question cannot be a good society. The shaping of these values and morals is dealt with later.

It may be argued that a good society is only an ideal and cannot be achieved in reality. Yet this is no argument against searching for ways to improve existing society. Similarly, societies have never enjoyed permanent peace – there have been wars and conflicts which have destroyed many civilizations. The only permanent or constant factor has been the *search* for peace. Though lasting peace has proved elusive, this is not a reason to abandon the search for peace and stability. The same applies to a good society, some of the attributes of which include:

- the recognition and enforcement of fundamental human rights and freedoms;
- equality in the sense of affording equal opportunities to all. However, this attribute needs to be qualified. In a caring society special attention would be paid to disadvantaged persons;
- good governance, both on the part of the government and others such as the business community, all institutions and non-governmental organisations;
- the existence of appropriate institutions and systems such as the rule of law and its observance, an impartial judiciary, a ‘decent’ police force, a facilitative (rather than an obstructive) bureaucracy, a free but responsible media, just and fair laws;
- a system of education which not only equips youth for work, but which also equips them to be good citizens;
- tolerance and understanding of the views, interests and needs of different groups;

- the existence of a system of social security which enables people to live with dignity.

Being a good citizen and integrating into society requires an understanding not only of what a society is, but also of the fundamental freedoms and the institutions that are important to its stability and development in securing these freedoms. These, referred to in the next section, enhance our understanding of how our attitudes, values and behaviour can be a positive or destructive force. Good citizenship springs equally from people's attitudes and behaviour in the wider society, as from smaller units within the society to which they belong. It is surely better to live in a society or community characterized by cooperation, tolerance, various types of freedom with corresponding responsibility, non-violence, public spiritedness, good governance and respect for the law, than one in which these features are absent.

Sustaining a stable society, even if not an affluent one, was easier many decades ago when societies were more homogeneous than they are today. Keeping together a society which is homogeneous in terms of ethnicity, religion, culture, history and customs is easier than one which lacks these common, unifying features. Diversity in the composition of societies flowing from greater mobility has in fact enriched many societies, but has simultaneously added to the problems of keeping society together as a cohesive unit. This diversity has sometimes been exploited by politicians and others, resulting in conflicts, intolerance and hate. Many past and ongoing conflicts within societies are directly or indirectly linked to poor leadership, intolerance, the inability of societies to find a common moral foundation and the hatreds and prejudices promoted by various parties including politicians to suit their own purposes. Even though wars between countries have diminished during the previous sixty years, wars and conflicts *within* countries have substantially increased. These affect a high proportion of the countries of the world, and are commonest among developing countries.

It is instructive to note that the United States of America (USA), a young country, with a population comprising different ethnic groups, is kept together through an identification of common interests creating a national consciousness. It is a good example of how a unifying influence can override the fragmentation that could result from diversity. The origins of the European Union were political more than economic, the objective being to unify a continent which had been marked by centuries of war. Economic integration was one means to ultimately achieve greater political unity, which however, has not been realized as originally envisaged. Perhaps the recent failures to enhance political union was due to a failure to realize that the countries of the European Union are not united by common bonds to an extent that they would be prepared to surrender their distinct identities for a somewhat nebulous one driven by a centre seen as insensitive to local cultures, histories, traditions and even social organisation, and characterized by negative bureaucracy and corruption.

Nevertheless, what has been achieved up to now through a degree of economic integration, however imperfect and controversial at times, makes it unthinkable that these societies would enter into armed conflict with one another as they did before. Instead of conflict, the richer States in the Union have helped the poorer ones to develop and substantially narrow the gap between the developed and less

developed countries within the Union. Conflict has been replaced by a measure of cooperation and a greater appreciation of each other's cultures. Though the South Asian Association for Regional Cooperation (SAARC) has yet to bring similar tangible benefits, regional cooperation can still create many opportunities including, at least indirectly, a stabilizing influence on society in addition to economic benefits, as demonstrated by the Association of South-East Asian Nations (ASEAN) and Latin American groups.

A good society cannot be defined only by reference to how its members treat each other, mutual tolerance and accommodation and the common beliefs and values which would normally keep it together. Equally important is the way society treats its natural environment, the degradation of which is a feature of modern life in many parts of the world. The natural environment and the ecosystems influence the quality of life and society. Today people are compelled to recognize that their own values affect nature in a way that is either beneficial or harmful. Examples from our interaction with nature in Sri Lanka illustrate this relationship. The forest cover in our hilly areas, the catchments that trap, store and release water into streams and rivers have been extensively removed. This has resulted in landslides, floods, droughts and loss of fertile topsoil. Society continues to suffer as a result, while some individuals have made large profits, for instance from timber. An increasing trend in Sri Lanka is land grabs by politically influential people in protected areas. Even forests are being politicized!

Present indications are that many in power are showing a greater disregard than hitherto for preserving our natural wildlife reserves and protected areas. Some individuals and families who are proud of their clean houses have no hesitation in throwing their waste into public areas. The mounting evidence of the irresponsible actions of humankind which contribute to global warming threatens the well-being of future generations. We appear to refuse to learn that the quality of life in society is enhanced when our natural environment is also clean and enriched by a variety of plants, animals and biological communities. Our natural environment is an asset that individuals and society hold in trust, which must be passed on with the least possible harm to the generations to come. Most importantly, bio-diversity is critically important for the survival of our planet. Unfortunately, as Rachel Carson, the brilliant environmentalist who was among the first individuals to help create the world's ecological consciousness and environmental movement and who had a significant influence on social transformation in the USA, has observed;

"We still talk in terms of conquest. We still have not become mature enough to think of ourselves as only a tiny part of a vast and incredible universe. Man's attitude toward nature is today critically important simply because we have

now acquired a fateful power to alter and destroy nature. But man is a part of nature, and his war against nature is inevitably a war against himself.”¹

Half a century later many societies still seem to be on a path of trying to defeat nature. The stability of society is too often regarded as being independent of the ever-changing natural environment. But in a good society people would respect and live in harmony with nature. All this requires an understanding that development has little meaning unless it is sustainable. Sustainable development requires not compromising the needs of future generations in the process of satisfying current needs. We need to achieve a delicate balance between economic development and environmental preservation through trade-offs.

There are many aspects of Sri Lankan society today which suggest that it is in decline as a good society. The rule of law has been severely eroded and according to many, barely exists. Corruption is pervasive, crime is rampant and killings occur for the flimsiest reasons. The public has lost faith in the law enforcement authorities. One detects a general fear among people of the increasing violence and lawlessness that may affect them at any given moment. Individuals have few rights despite the existence of numerous laws, many of which are not enforced, or selectively enforced. To enjoy rights, we appear to need political backing or patronage. If we do have rights and seek to exercise them in relation to people who have political backing or are prone to violence, we find that our rights are virtually non-existent. We may be in physical danger when we seek to exercise our rights through legal means, and even judges are at risk when they seek to apply the law which displeases certain powerful or criminal elements in society. All the evidence suggests that the situation is steadily getting worse, and not better.

The decay of our society has been exacerbated by the extreme politicisation of most institutions that touch our lives in important ways. Politicisation in the present context refers to the process by which people (such as public servants) and institutions (such as the law enforcement authority and educational institutions) are subverted so as to serve the interests of those who exercise political power or who have close ties to such people. Consequently, institutions cease to function as they were meant to and tend to be corrupted. Economic and social decisions are arrived at to serve political ends and not desirable economic and social objectives. The rights and freedoms which people in society should enjoy are denied to them. Law and order are undermined. Inefficiency and economic waste become features of such societies, leading to a lack of socio-economic development and an unstable and conflictual society. If we have an accident on the road, we need to fear that the other party may be politically connected. Law enforcement officers sometimes have no option but to be fearful of making arrests for similar reasons. An element of fear is an ever-present factor.

There is substantial corruption among many in law enforcement. Public servants – whose morale and spirit of public service were destroyed a long time ago – find it easier to give negative answers to the

¹ Columbia Broadcasting System’s television series-C.B.S. Reports, *The Silent Spring of Rachel Carson*, (April 3, 1963)

public for fear of being questioned and required to give reasons if they give positive ones. They are able to exercise very little discretion, though there are many able and qualified public servants. The politicisation of the public service (for which the public servant was not originally and primarily responsible) has had a devastating effect on our society. Sadly, even sports at the national level have been politicized. Sri Lanka has many of the institutions needed for a well-functioning society, but because they have been 'captured' by political or other powerful and self-serving interests, society is deprived of the benefits they are intended to provide. In essence, politicisation of the type we experience results in poor governance, while good governance is a fundamental condition for the creation of a good society.

A society in which many of the necessary institutions and characteristics of a good society are absent (these will be referred to in the next section), or where they exist but do not function properly, is weak and unstable. Such societies usually experience constant civil strife and ultimately decline into a state of chaos. It is also significant that it is in stable and strong societies that one finds a flowering of the arts – literature, poetry, drama, painting, etc. – with people being afforded opportunities to realize their potential and use their talents. Great literature and writing flourish best in societies which recognize and practise the freedom of expression.

02. Good Governance, Democratic Principles, Fundamental Rights and Freedoms,

The Rule of Law and Institutions

It is useful to first identify the fundamental objectives of a good society and thereafter link the subjects in the title above to this objective.

Amartya Sen, Nobel Prize Winner for Economics, has persuasively argued that the ultimate goal of social, political and economic arrangements is freedom, which is the most efficient means of securing the general welfare.² Institutions such as markets, political parties, legislatures, the judiciary and the media, contribute to development by increasing individual freedom and are in turn sustained by social values. According to him, famines afflict societies which are basically dictatorial, not those which recognize freedoms. This way of looking at (or even defining) development has had a major impact on how a large body of persons and institutions - multilateral institutions, donors and funding agencies, academics and scholars – view the objectives of development and the means of achieving them; hence the emergence in recent times of the emphasis on good governance and fundamental rights and freedoms, with the former being considered essential to achieving the latter. The combination of both, therefore, constitutes the foundations of a good society. It is in this background that we will examine the several pre-conditions that promote and support freedom and therefore a good society.

² Amartya Sen, *Development as Freedom* (Oxford University Press, 1999)

It must also be emphasized that development should be sustainable, and requires the integration of the three pillars of development, namely, economic growth, social progress and environmental preservation. Achieving this balance significantly contributes to the well-being of members of society and to creating a good society.

Good Governance

The quality of a society is determined first and foremost by the way it is governed. That is why poor governance is a major reason for the poor performance of many countries and their societies. Governance in turn affects the way a society's resources are used for the benefit of its members; the way a society recognizes, protects and observes fundamental rights and freedoms of individuals and groups; and the type of institutions that have been created, how they function and whose interests they serve. Countries which are poorly governed are characterized by non-recognition of human rights and freedoms, the capture of economic power by a few or an elite and an absence of genuine democratic rights. In poorly governed countries power is invariably centralized, interest groups are not tolerated or are restricted unless they are government-friendly, or else a few interest groups control political processes and the economy. Wealth is invariably siphoned off to those in power, as is the case in Sri Lanka.

Good governance, especially by the State, is extremely wide-ranging, and can comprise most of what is expected of modern governments. Broadly speaking, governance relates to the manner in which power is exercised in the management of a country's resources and the environment. There are four main elements of good governance:

- (i) **Predictability**, which requires an absence of arbitrariness and the observance of the rule of law. Dictatorial governments usually begin by undermining the impartiality and independence of the judicial system which is expected to protect the rule of law and ensure that everyone is equal before the law.
- (ii) **Transparency**. This involves openness in which a free media and civil society organisations play an important role. Highly secretive governments seek to control the media and destroy organisations that highlight government actions which are against the public interest. However, restrictions on complete openness are sometimes necessary especially in the interests of national security. A free media does not mean one that is irresponsible or which distorts facts to damage people or a society.
- (iii) **Accountability**. This exists only where there is equality before the law, where neither politicians nor any particular persons or groups have special privileges, and they are all accountable for their actions.

(iv) Participation of civil society. This involves allowing members of society to organize themselves into groups which are able to monitor and highlight the actions of both the government and other groups in society. Such participation is an essential feature of the democratic process, though their activities, objectives and funding should be subject to supervision and scrutiny. However, several non-governmental organisations (NGOs) have increasingly been abusing the freedoms they enjoy, acting against the interests of the developing country societies in which they operate, becoming proxies to further the destabilizing policies of foreign governments. They have even assisted terrorist organisations. Several also swallow much of the funding destined for the beneficiaries. Experience in Sri Lanka amply supports this view.

The following are a few characteristics of good governance:

- An absence of corruption, particularly among politicians and public officials, and in the private sector as well. The greater the corruption, the poorer tends to be the quality of governance. It results in the subversion or destruction of the fundamental rights and freedoms of people in society and in misuse and waste of a country's economic and human resources. It also results in poor decisions, poor and inconsistent policies and lack of accountability and transparency.
- Governments are responsible for promoting and protecting the rule of law, the independence of the judiciary and the freedom of the media and interest groups. The integrity and independence of the judiciary, the police, the armed forces and public officials are an important reflection of the type of governance that exists in a country. In some countries governments and politicians have been primarily responsible for destroying their integrity and high standards of conduct in the discharge of their official responsibilities. In such countries public officials find it easier and profitable to obstruct than facilitate. In some developing countries several bureaucratic rules do not even have a rationale. Quite often their adverse impact is on the poor than on the rich. The effect of some of these features in developing countries has been demonstrated by the original research of Hernando de Soto in his highly influential books.³ Further, politicisation which corrupts and degrades the public servant also prevents those who wish to make a positive contribution to the administration from doing so.

³ *The Other Path* ((English Version, Harper & Row, UK, 1989); *The Mystery of Capital* (Bantam Press, UK, 2000).

- The capacity of the government to design, formulate and implement suitable policies and discharge its functions. For example, this involves engaging in productive public expenditure – that is, expenditure which positively contributes to overall socio-economic development in areas such as infrastructure development, health and education, as well as the institutions necessary for the economy and society to function effectively.

Responsibility for good governance lies not only with the government, but also with all other non-governmental institutions and organisations. This includes business enterprises in which responsible business leadership, good corporate governance and social responsibility should exist, as well as religious institutions which should foster decent values rather than religious divisions or political objectives.

Democratic Principles

Democracy as a political system developed over centuries through a process of evolution into its current maturity in Western Europe and North America. It was basically an alien concept to many of the cultures of the world's other regions. Yet during the last several decades many countries have been grappling with the task of introducing political democracy. The observance of basic democratic principles is often claimed to be essential for good governance. Quite often poor governance is a feature of societies where such observance is absent. Even countries which do not recognize democratic principles, have sometimes described themselves as democratic so as to confer on themselves a cloak of respectability. It is an implicit recognition of the importance of democracy.

The following are some of the reasons why basic democratic principles are important in a society:

- The principle of pluralism underpins societies which have advanced democratic political systems. This principle is based on the recognition of the legitimate rights of different interest groups in society. These groups should act as checks and balances against the centralisation of power and its abuse. But even in such societies an interest group is sometimes able to exercise disproportionate power or influence to the detriment of the rest of society. That is why many countries have anti-trust laws in the field of business. It is common knowledge that in the USA, the major lobbies such as the religious lobby, the gun lobby, the arms lobby, the oil lobby, the religious lobby and others (including the powerful individuals who lobby on behalf of interest groups), virtually determine the direction American policy takes, with voters ultimately benefiting little from the efforts of these lobbies and many of the burdens being borne by the less affluent members in society. Good citizenship involves a high degree of public spiritedness and consciousness which helps to protect democratic principles and rights. Good citizenship also requires the

preservation of the balance of power in society as well as the rights and freedoms of all members of society. The concept of the separation of powers which calls for the independence of the legislature, the executive and judiciary from each other requires that they should be vested in three separate bodies each of which does not dominate the other. It is intended to guard against the centralization of all these powers in one body and their consequent abuse. But in some countries which espouse the separation of powers the executive sometimes assumes an undesirable degree of control over the judiciary.

- In a democracy, society has a right to elect its representatives, with the right to replace them through an electoral process. But conducting periodic elections does not guarantee a solution to the problem of a centralisation of power and its abuse. It is only a necessary condition and a beginning. In some societies, once elected, governments display totalitarian tendencies. 'Dictatorship of the Cabinet' is a phrase sometimes used to describe the situation in the United Kingdom (UK), even if it assumes a relatively mild form. Political parties sometimes abuse the electoral process to remain in power by vote rigging, vote buying and intimidation.
- A fair and stable society requires the recognition and implementation or enforcement of certain fundamental rights and freedoms which make up a large part of democratic principles and rights, and good governance outlined earlier. This is more likely in a society which lives by basic democratic principles than in those that do not.

A Cluster of Freedoms and Rights

What is the relevance of fundamental rights and freedoms to a good society? We noted earlier that individual and group freedom is an ultimate objective of political, social and economic organisation and is necessary for the well-being of society. Good governance is essential for securing this freedom. Without certain fundamental rights and freedoms, there will be no checks against poor governance, which invariably lead to a denial of these fundamental rights and freedoms. These rights and freedoms are an important route to achieving freedom and a good society, for which good governance is essential. A mere reflection of these rights and freedoms in laws is inadequate, if there is little enforcement and implementation of them. In a sense, freedom consists of a collection or cluster of rights which are guaranteed to members of society through their observance and enforcement. The structure of rules in a society should promote these rights and freedoms in a way that they do not impinge on the rights of others.

Among the rights and freedoms which have been enunciated from time to time, many of which are contained or reflected in international instruments, are:

- (i) The right to life and liberty
- (ii) Freedom from torture
- (iii) Freedom from want or hunger
- (iv) The right to work
- (v) The right to equal treatment before the law without regard to gender, race, religion, etc.
- (vi) Freedom from arbitrary arrest and illegal detention
- (vii) The freedom to practise one's religion
- (viii) The right to vote
- (ix) The right to form trade unions and other associations
- (x) Freedom of assembly
- (xi) Freedom of speech

The freedom of association is a core right because it is essential to secure and give effect to some of the other rights and freedoms referred to above. It enables individuals to associate together for different purposes which are not illegal. Such purposes may include:

- religious purposes (reflected in temples, churches, mosques and religious associations);
- the improvement of terms and conditions of employment and the protection and furtherance of the rights of employees (reflected in employees' associations);
- political purposes (reflected in political parties which seek the acceptance of society through the electoral process);
- social and recreational purposes (reflected in private clubs and sports associations);
- cultural purposes;
- professional purposes (reflected in professional associations);
- associations of businesses to promote and protect business interests.

The freedom of assembly is intimately linked to the freedom of association. It enables those who wish to associate for purposes such as those listed above, to meet together and communicate with each other to further their common interests, even though communication today without actually physically meeting is easier than it was earlier.

These rights and freedoms help to bind people together as smaller units of society and act as a break on, or as a buffer against, the abuse of power. Their recognition and enforcement reduce the potential for tension and conflicts in society, which invariably arise when they are suppressed.

Restrictions on Freedoms

Some of these rights are guaranteed by the Constitution of Sri Lanka in the form of fundamental rights, the violation of which can be challenged before the Supreme Court. They are also found in several international covenants. However, these freedoms and rights are not unrestricted and absolute. Restrictions are justified to ensure that the rights and freedoms of others are not infringed. The freedom of speech does not include the right to make defamatory statements about others. The right to form associations is subject to their objectives being legal. This right may also require compliance with procedures such as registration which confer legal recognition on such associations.

In discussions about freedoms and rights, attention is often paid only to individual rights which form part of so-called Western values. In several Asian societies emphasis is placed on group values as well, which are relatively underplayed in Western societies. Individual freedoms and rights need to be 'reconciled' with the rights of the group or society. As such, one needs to consider limitations on some of these rights.

Notwithstanding the spread of democracy and the recognition and promotion of several rights and freedoms, there have also been challenges to the view that these freedoms should operate in all circumstances. Increasingly, many countries consider the abridgement of some freedoms in certain circumstances to be justified. Those who dispute the existence of such valid circumstances could perhaps be reminded of the fact that, when the great British judge Lord Atkin in the celebrated case of *Liversidge v. Anderson*⁴ said in his famous dissenting judgement that the laws of England speak the same language in times of war as in times of peace, his brother judges of the House of Lords did not agree.

Two major factors have contributed to the debate about justifiable exceptions to some freedoms, such as those relating to free speech, detention without trial for longer periods than may otherwise be justified, and the thin line which divides interrogation from torture. One factor is terrorism, which occurs at the national level and is also transnational. These freedoms have ironically helped terrorist organisations and subversive elements to operate including through 'front' organisations, claiming one right or another while decimating sections of a population. Applying the principle of 'human rights' in their full vigour to terrorists or to suspected terrorists is often claimed to demonstrate scant regard for the 'human rights' of the rest of the population. Similar thinking is sometimes extended to serial killers and mass murderers. Many critics claim that the liberal credo makes the fight against terrorism and other heinous crimes doubly difficult in an environment of strict application of the body of human rights.

⁴ (1945) AC 206 (House of Lords).

If an unbiased poll is taken of people even in the 'advanced democracies', many of the results may well surprise the liberals. Even some such developed countries are searching for ways to limit such rights and most hypocritically breach them in practice (sometimes in secret), while at the same time denouncing developing countries which do the same. The extreme liberal policies of some democracies provide protection for terrorist and like elements and an ideal environment in which they could plot, plan and promote the destruction of ordinary people in society.

It is often urged that the majority of countries (and therefore the majority of the world's population) does not share the 'Western' view that these rights are applicable across the board and more or less without restrictions. As has been repeatedly pointed out by developing countries, the so-called Western world continues to refer to the 'international community' as comprising themselves only, excluding the rest of humanity. The non-Western world has, in several cases, succeeded in creating and consolidating extremely brutal regimes in furtherance of the political and economic agenda of the Western world.

Principles and Institutions

Importance

A good society requires many institutions such as those needed for economic and social development and those essential to maintain law and order. Three key principles are outlined below which need to be supported by appropriate institutions so as to protect them and to enable people in society to live in freedom and with security. Much of the decay in our society as well as in several others has been caused through an undermining of institutions which are intended to maintain stability in society.

The Rule of Law

The rule of law is a fundamental requirement for a society that is free of arbitrariness and unjustified privileges enjoyed by a few (especially those wielding political power), in which the rights of ordinary citizens cannot be easily violated by others including government and other interest groups. It is an essential part of good governance and of basic democratic principles. It is also an important requirement if society is not to be dominated by violence and criminality. Another way of expressing the importance of the rule of law is found in the Universal Declaration of Human Rights (1948):

"It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny or oppression, that human rights be protected by the rule of law."

Important as it is, the rule of law will be covered only in outline here because it has been dealt with by the author in detail in another publication.⁵

In the broadest sense, the rule of law may be said to refer to the machinery which gives effect to the basic rights in a legal system. Several decades ago a well-known legal scholar referred to the scope of the rule of law in the following terms in relation to its practical application, which ideally combined the Anglo and Continental approaches to its protection. It is valid even today:

“The scope of the modern Rule of Law is not limited to cases of safeguarding accused persons, but also has a wide and important sphere of operation in regard to the exercise of state or governmental powers. All modern states which subscribe to the principle of the Rule of Law have found it necessary to develop rules of administrative law which enable either the ordinary courts of law, or some special tribunals or officials, to exercise supervision over the administrative or quasi-judicial functions of the executive in all its branches.”⁶

The rule of law is a complex concept – sometimes an ambiguous one even to some lawyers - because different legal systems tend to approach it in different ways. In essence its meaning consists of the following:

- (i) All actions by the State and its authorities or by groups or individuals must not be contrary to law and rules laid down.
- (ii) As a part of (i) above, the rule of law pre-supposes that no one is above the law and that everybody is therefore subject to the law. As far back as Plato and Aristotle, the Greeks had developed their view of the rule of law by enunciating that the law is subservient to no one. As Aristotle⁷ said, “we do not permit a man to rule, but the law”, since man tends to rule for his own benefit and thus becomes a tyrant.
- (iii) A third concept, recognised by legal systems based on Continental European systems, but not found in the English Law concept of the rule of law, regards the first two above as part of the existing legal system, and introduces an *additional* concept of “Right”, which means good or just laws. This brings in the concept of just and fair laws because even dictatorships have rules and laws which are often unjust. Thus many human rights have their origins in this concept. This third element in the concept provides the basis for the view

⁵ Sriyan R. de Silva *Legal Development, Good Governance and the Rule of Law* (Law & Society Trust, Colombo, Sri Lanka, May 2009).

⁶ Dennis Lloyd *The Idea of Law* (1981 Reprint with revisions, Penguin, UK) at 163.

⁷ *Nicomachean Ethics* 5.6.5.

that it is not sufficient for a society to have laws and rules. They should also be fair and just. Hence the relevance of this third concept to good governance, democratic principles and a good society.

Usually, oppressive dictatorships begin by destroying the rule of law, the independence of the judiciary and the freedom of the media. This in itself is an indication of the importance of the rule of law in preserving the rights of citizens against arbitrary power. The rule of law also represents a set of values and how they should be put into effect. Societies which are characterized by lawlessness and resort to violence to settle disputes and solve problems, are usually ones in which the rule of law does not exist, or has broken down.

Judicial and Other Institutions and Procedures

Institutions and procedures through which rights are given effect to and duties enforced, are central elements of the rule of law and essential to ensure compliance. The English Law remedy of *habeas corpus* (also in existence in Sri Lanka) which can be resorted to in the case of unlawful arrest and detention does not refer to any rights, but prescribes a procedure and remedy. Rights without effective remedies are of little practical value.

A key institution which contributes to fairness in society is a judicial system (used here in a broad sense to include also administrative and semi-judicial bodies which are empowered to make decisions affecting individuals). The judiciary itself should be independent in the sense that it should not be subject to the influence or dictates of the legislature, government, politicians or any interest group. This idea is reflected in the principle that the judicial functions of the State should be separate from the executive and legislature. There is no uniformity in the way in which countries have sought to achieve this separation and it is not surprising that an ideal standard is difficult to achieve. An independent and fair judiciary is essential to guard against the abuse and centralisation of power. That is why politicians in some countries have often sought to control and corrupt the judiciary, as a way of preventing their own accountability. In Sri Lanka the administration of justice has lost some of its earlier high reputation, both among our own people and outsiders. Though the expansion of the concept of public interest litigation by the previous Chief Justice of Sri Lanka was subject to a degree of criticism, yet there were many sections of society that applauded this initiative as it was perceived as a way of redressing the imbalances in the separation of powers.

In modern societies, most decisions which affect the lives of people are made not only by judicial bodies (courts), but also by administrative tribunals and individuals entrusted with specific tasks. The Public Service Commission was intended to ensure that public servants could, among other things, perform their duties without being subject to unfair pressures from their superiors. Institutions are needed to act as 'watchdogs' to prevent the abuse of power. In relation to this, reference may also be made to the rules of the National Police Commission, the Human Rights Commission, the

Ombudsman, the Court of Appeal in the exercise of its writ jurisdiction and the Supreme Court, acting under Article 126 of the Constitution, in preventing and remedying abuse.

The Public Sector

In the modern State, governance is not possible without delegating to people and institutions the authority to make decisions. The way the bureaucracy makes decisions has a powerful impact on members of society. In some countries, the bureaucracy has used its power to deny people their legitimate rights and entitlements, through long delays or corrupt practices. In such cases, those most adversely affected are the poor, rather than the affluent. In Sri Lanka, it has been alleged that the several failures to improve the public services and infrastructure are largely due to corruption and the control of public officials by politicians. Sri Lanka had a very capable, dedicated and corruption-free public service. Its deterioration is the result of historical events stretching back some decades.

The major political and socio-economic changes which followed the General Election of 1956 led to the emergence of a new type of politician who – albeit incrementally at first – commenced a process of using the public service and public servants to achieve their own purposes and agenda, rather than serving the interests of the public. When the process was completed decades later, politicians had succeeded in reducing public servants to a state of near servility, unlike in India where Nehru's legacy was an exceptionally strong and well trained bureaucracy (although also obstructionist at times) with whom even subsequent Prime Ministers were usually averse to come into open conflict.

This destruction of the morale, integrity and effectiveness of the public servant in Sri Lanka was given a legal impetus (or indeed legal sanction) by the Constitution of 1972 introduced by the Sri Lanka Freedom Party (SLFP) - Lanka Sama Samaja Party (LSSP) - Communist Party Government. It hastened the destruction of the independence of the public service by conferring on Ministers wide powers in relation to the appointments, promotions, transfers and disciplinary control of public servants. With the return to power of the United National Party (UNP) in 1977 and the creation of a new Constitution with an Executive President with wide-ranging powers, the stage was set for further inroads into the independence, competence, motivation and integrity of public servants. Consequent to these two events, the only direction the public service could take was to slide further downhill. The rout of the public servants was more or less completed by the emergence of a still newer breed of politician facilitated to some extent by the new electoral system introduced by the UNP Constitution in the 1970s. The constitutional reforms being contemplated currently would be the final nail in the coffin.

Parallel to these events was also a decline in the standards of general education, teaching and training, which resulted in the emergence of public servants with less competence than before and lacking a 'culture' of public service. Taken together with the loss of independence, the public service that emerged lacked those vital qualities and conditions which enable public servants to serve the public rather than politicians. Thus Sri Lanka came to be saddled with a bureaucracy of the type identified

by Hernando de Soto⁸ as being endemic to many developing countries which has been responsible or the major cause for the perpetuation of poverty and for the obstruction of socio-economic development in such countries. It is easy to suggest that public servants should have resisted all these erosions. That was virtually impossible once their future was, in terms of the Constitution, entrusted to politicians, and with time many of them have become the rubber stamps of politicians.

There are however, recent examples of considerable improvement in the services to the public of a few public service institutions – one of the best examples being the Department of Immigration which issues passports. Such examples constitute a ray of hope for the future. In the context of poverty and human development the Asian Development Bank (ADB)⁹, in its report on the subject relative to Sri Lanka, draws attention to endemic weaknesses in the system of public administration which are likely to impede pro-poor development policies and also to some programmes which may in fact perpetuate poverty. The type of weaknesses highlighted, important as they are in the context of the ADB's subject matter, are only the tip of the iceberg.

Custom

Apart from the rules in a society which have been enacted through the law-making process, social customs are an important binding force. These customary rules do not, by virtue of the fact that they are customs, form a part of the body of law. However, some customs are recognized by legal systems and become incorporated into it. In Sri Lanka, Kandyan Law, the Thesawalamai and marriage by 'habit and repute' are examples of the incorporation of such customs into the legal system. Sadly, social customs which acted as a brake on anti-social behaviour many decades ago, have little impact today on Sri Lankan society.

The Media and Information

A free media is a means through which people in society can exercise their right of free expression on a mass scale e.g. by writing books, articles or letters to the newspapers on topical or controversial issues. It therefore enables greater participation by people in public life. A free media (which means not only the newspapers and press but also other means of mass communication) which is not subjected to pressure to reflect only one point of view, or one which is not prevented from reporting events or facts embarrassing to one party such as the government, is essential to preserve freedom and civil liberties. It is also necessary to ensure the protection of free speech and transparency. A free media is therefore regarded as a sort of 'watchdog' over abuses of power and as a means of monitoring and commenting on the performance of the government, business, the administration, etc. It is also the channel of information provision to society. While the media sometimes abuses its freedom or even communicates incorrect or false information, yet the advantages of a free media outweigh this negative factor. Abuse of media freedom should be controlled through appropriate legal

⁸ *The Other Path, op. cit.*

⁹ *Poverty and Human Development in Sri Lanka* (Asian Development Bank, Manila, 2009).

provisions which are not designed to curb legitimate freedom, but rather to protect those who are unjustifiably injured by an irresponsible media. Today the media in different parts of the world present facts which are not facts because they are untrue or totally distorted. A truly independent and responsible media does not disseminate information which is untrue or highly distorted or deliberately suppress other points of view.

A free media and access to information ensure transparency by all institutions in society. Several advanced democracies have legislated for freedom of information, granting everyone the right to ask for and receive information subject to certain exceptions. In Sri Lanka the frequent suppression of media freedom, often through the use of violence, has become almost endemic.

Civil Society Organisations

During the last half century there have emerged a countless number of non-governmental organisations (NGOs) at both the international and national levels. Their origins, agenda, strengths and weaknesses (which are many) are outside the scope of this article. Their relevance in this connection is that:

- Many of them have emerged in response to abuses of power in societies.
- Most of them deal with a single issue related to an aspect of development.
- Several act as 'watchdogs' in relation to subjects relevant to the themes in this article. An obvious one is human rights violations.
- The capacity that many NGOs have to collect information and widely publicize them sometimes has a corrective influence on abuses by governments or different interest groups. They have enormous power to 'internationalise' condemnations of societies and governments. They equally have the power to disseminate false information or present a distorted picture, which they sometimes do.
- Particular NGOs may be regarded as making a contribution to efforts to improve political processes, human rights and freedoms

Nevertheless, there are both international and national NGOs which seek to undermine governments, the national interest and even religions in particular countries. They are driven by an agenda of their own and have little genuine interest in the overall political, socio-economic and cultural development of the country in which they operate. Increasingly they are becoming proxies for other governments seeking to destabilise particular countries. They are basically 'unaccountable' and have consistently resisted attempts to make them accountable, while business organisations are circumscribed by a plethora of laws. Unlike many organisations, the majority of NGOs/INGOs (international non-governmental organizations) do not have a 'membership' to which they are accountable. Much of the funding of NGOs/INGOs is utilized by the NGOs themselves – by way of remuneration, expensive

lifestyles, luxury vehicles, etc, leaving little for the intended beneficiaries. The case for regulating NGOs/INGOs is compelling. NGOs which are free of this criticism have little to fear from desirable regulation. If they are to have a freedom not enjoyed by others, the question arises as to why business organisations should be subject to laws and regulations. Their resistance to be accountable is inconsistent with their very demands for transparency from others.

Law Enforcement Authority

The importance of an impartial and corruption-free law enforcement authority – which in essence means the Police – to good governance, the rule of law, social life without fear and intimidation – needs no emphasis. Such an authority is largely non-existent in Sri Lanka. The general public is widely aware of the endemic corruption, the risks of being assaulted and even murdered or arraigned on false charges by some of the people who are paid by the public to protect them. The number of complaints against the law enforcement authority is almost legendary. Even those who wish to carry out their duties fairly are threatened if they displease powerful interests. It is also well-known that due to these risks many members of the public are frightened to even go out at night. The numerous news items which appear in the local press about the corruption of the Police force in this country bear testimony to its deplorable record of service. The extremely low confidence reposed in the Police by members of the public reflects the disintegration of our society. What the public, especially the weak and the poor, has to undergo at the hands of such officials is not compensated for by the existence of several honest and efficient officials in the force. This is another example of the consequences of the politicisation of a key institution in the country.

03. Education and the Shaping of Good Values and Morals

How Can Education Help an Individual Integrate into Society?

A child should first be taught to distinguish right from wrong and about values and behaviour acceptable to a decent society. Education is one of the most important means by which an individual is influenced and moulded to integrate into society. This does not mean any kind of education, but rather education designed to bring about this result among other objectives such as acquiring formal knowledge, qualifications and preparing to enter the labour market. While in a broad sense, education involves life-long learning, yet the main effects of it – the important foundations – are laid during an individual's childhood.

This section deals with education only in a general way in relation to some of its objectives and the failure of our system to meet them. It will not cover the importance of primary, secondary and tertiary education, nor the complex issue of funding and responsibility for providing particular types of education. Such matters are part of an overall education policy.

Education needs to impart a capacity for life-long learning and therefore should have several objectives which need to be in balance, such as:

- (i) Imparting among other things, knowledge of our country, the world and the environment around us as well as the specific subjects taught in schools. It is not sufficient to learn only about our country. What is happening elsewhere and how other people think, behave and feel have an impact on our lives as well. This knowledge helps to develop an important personal characteristic vital for living peacefully together in society, namely, tolerance and understanding of others' beliefs and cultures. Travel, though available only to a few, has an educational value because it enlarges one's horizons and perceptions. With developments in information technology, the media and increasing movement of people, it is no longer possible to remain ignorant of the larger world and events outside one's country.
- (ii) Fostering and developing a sense of curiosity, an innovative spirit and a thirst for knowledge which can be applied for the benefit of the individual and others. It is of critical importance to learn how to apply or use knowledge and not merely accumulate it.
- (iii) Developing a sense of values so that we are able to distinguish between right and wrong, good and bad and integrate into society and make a contribution to it. Education should develop us as whole human beings and not only our mental capacities. Educational institutions often encourage participation in sports activities and sometimes even provide sports scholarships. This is not only for the pleasure derived from participating in sports, but also because such activities teach youth important lessons, values and skills such as team work and cooperation as ways of achieving common objectives and living harmoniously together. This is despite the fact that sports take the form of competition between teams or individuals. Many may argue that today with politicisation and the dominance of financial considerations in sports, these lessons or characteristics are less valued by sportsmen and sportsmanlike behaviour is becoming increasingly rare. Therefore in Sri Lanka as well as in some other countries, many sportsmen are hardly role models for youth.
- (iv) Understanding that society is composed of members with conflicting interests so that the aim should be to balance such interests to satisfy as many members as possible with the minimum of friction. People should learn from a young age to understand and appreciate different viewpoints. Education must lead to understanding and tolerance and not bigotry. The importance of developing in youth a value system cannot be over-emphasized. A crucial fact about ethical behaviour, without which we cannot

create a good society, is that ethical behaviour is more likely if it is *value-based* rather than only *rule-based*. Even the education system would fail to inculcate a value system which would lead to ethical behaviour unless the family unit initially promotes values in its members. This is not to undervalue the usefulness of rules in society, whether legal or otherwise, which seek to ensure decent behaviour. There was a time when some schools had in their curriculum, a subject which imparted an understanding of ethical values and conduct. This reflected the recognition that was afforded at that time to the broader objects of education.

- (v) Developing the ability to think and communicate clearly and logically. Fostering an inquiring mind with a desire for knowledge creates an ability to learn. It also assists decision-making based on informed choices – important in view of the many decisions people are called upon to make throughout their lives. This is sadly lacking in our education system today. It is common now to find many young people even in the world of work who lack the ability to adequately comprehend what is clearly told to them or asked of them even in their mother tongue. Unlike in the past when most schools stressed the importance of ‘comprehension’ and ‘*précis*’ (summary) writing, today their relevance and importance are barely recognised. Poor comprehension is not due only to inadequate language skills since its absence is clear even when conversing in the language most familiar to the listener. Allied to this inability to comprehend is the fact that today’s youth are not adequately taught to really listen when someone talks to them.
- (vi) Acquiring language skills. In the modern world an increasing number of youth are learning more than one language, enabling better communication and understanding among people of different nationalities or cultures, and providing a gateway to the enhancement of knowledge recorded in other languages. Another valuable skill is mathematics because apart from the fact that it forms a basis for acquiring technical know-how, it also helps people to think logically and with clarity. Sadly many politicians have promoted the idea that in Sri Lanka it would suffice to be proficient in only one language. The adverse consequences of this can be seen throughout our society.
- (vii) Providing a basic foundation of knowledge and skills which can be built upon later to achieve higher levels of skills. This in turn helps the individual to satisfy a basic human need to achieve and realise his/her potential and to match his/her skills and knowledge to the labour market. The latter could be classified as the economic rationale for education. However, no one comes out of the educational system completely fit for employment. This is why countries have various types of institutions such as technical training

institutions and management schools, to provide special training to equip people to better meet job requirements. When a young person enters a job, quite often his/her potential needs to be developed through training, self-development or experience for the individual to be able to perform effectively in the job. There are however, young persons out of university who think that they are highly marketable and are surprised when they find that employers do not think so, or they are found to be poor performers.

- (viii) Developing the ability to visualise change, to adapt to it and create new products and processes.

Religious education outside the strict school system can also be a powerful influence on developing values. However, much depends on what exactly is taught. Merely attending 'Sunday' school to be taught the relevant 'texts' is hardly adequate to achieve the purpose in question. In Sri Lanka today there are some religious institutions which genuinely try to engage with young people to influence and direct their thinking and conduct along desirable channels while others do not. Religious teaching should also be a basis for teaching youth, tolerance, how to behave within the family as well as in the community and the larger society and why it is so important for them to behave according to accepted norms. If youth have received a proper sense of values and attention from their families, religious institutions and schools, they would be better able to resist the many anti-social and corrosive influences and undesirable peer pressure they come up against in our society today. Here too what is important is the practical application of what is taught. If it is true¹⁰ as Democratic politicians and political columnists in the USA have supposedly pointed out that preachers in the South are leading their congregations in prayer for the death of President Barack Obama, what type of impact does such religious practice have on society? Religious teaching should, among other things, foster self-restraint, love, not hate and the avoidance of excesses. Praying for someone's death is not consistent with the examples that should be set by religious leaders and teachers.

Obtaining educational qualifications through success at examinations and conferment of degrees does not necessarily and by itself make the individual an asset to an organisation. Equally important are work attitudes and 'soft skills' such as good inter-personal relationships, the ability to work together with others, and the capacity to communicate effectively and listen to others. Business organisations are increasingly placing emphasis on these skills and not only on examination qualifications, degrees and technical skills. Unfortunately we are living today in an age of private tuition, rather than education, and tuition has become a huge 'industry' geared only to ensuring success at examinations.

The skills and knowledge of a country's workforce (whether they be executives or non-executives) are a critical factor in a country's economic and social development. However, these alone do not ensure the achievement of the other – equally important – objectives of education referred to earlier. As a matter of fact, a society which is characterised by violence, contempt for the rule of law,

¹⁰ As reported in the *Sri Lanka Daily Mirror* 17 September 2009 at p. A10.

intolerance and an absence of a sense of values and the ability to distinguish between right and wrong, will not be saved by skills which are relevant to its labour market. There is an important body of opinion which has demonstrated that management education of the type that has existed in some advanced economies has contributed to Master of Business Administration (MBA) students developing attitudes and behaviour which in turn have contributed to many corporate scandals and even the economic crisis of 2008.

Finally, education should also instil a respect for the natural environment as a fundamental source of knowledge and wealth. With this knowledge and respect comes a sense of responsibility to hold our natural environment in trust for future generations. The education system needs to emphasize the balance of nature, how that balance is upset by irresponsible behaviour leading to natural calamities impacting on society and the fact that "*neither man nor any other living creature may be studied or comprehended apart from the world in which he lives.*" (Rachel Carson). This aspect of education needs to bring home to youth the unity of human beings and nature and how man is a part of nature and dependent on it. Sadly, this does not form a part of the education of youth.

Some Shortcomings in the System of Education

This section will not analyse the education system in Sri Lanka and its shortcomings in any detail, but only highlight a few aspects which are directly relevant to the main purpose of this article.

If we look at the history of our system of education, after independence, we commenced with free educational opportunities for all, including university education. We enjoyed a high rate of literacy (ability to read and write) by any standards, which is an essential foundation for participating in and benefiting from the education system. Some people developed a sound knowledge of an international language. However, in due course they were viewed as having an unfair advantage over others when it came to job opportunities. A political decision was made to downgrade the importance of English. Today we are faced with the phenomenon of even many non-urban people seeking ways and means of learning English and a shortage of people to teach it. A lack of proficiency in the English language has prevented some students, especially postgraduate students, from being able to make the best use of knowledge-enhancement opportunities. Further, it has helped to emphasize ethnic differences unlike in Singapore where the leadership wisely foresaw this possibility and retained an international language. India too has reaped the benefits of retaining English as an important subject or even as one medium of instruction in schools. India has consequently been able to create thousands of jobs as a result of other countries outsourcing services to it. While there is potential for similar jobs in Sri Lanka, some foreign businesses have found, after actual investigation and interview of Sri Lankans that our competitive advantage in this regard is relatively low due to inadequate linguistic skills and even the ability to comprehend. All this is not to suggest that pre-eminence should not be given to our own languages. It is simply that in giving such pre-eminence, it was not necessary to downgrade an international language.

An important aspect of education earlier was that to varying degrees, schools sought to instil in students certain basic moral and religious values, ethical behaviour and discipline. In some schools this was partly achieved through the teaching of a subject relating to Ethics. All of these are important to social cohesion and stability and shape a person's behavioural patterns. This is no longer true of many schools today including the so-called 'elite' schools, where indiscipline and a lack of respect by students for teachers are marked characteristics. At the same time, the education system has produced many youth who were not qualified in terms of the knowledge and skills required for the changing job profiles, which partly accounts for a high proportion of unemployed educated youth. An education system cannot afford to ignore either its economic or its non-economic rationale. While universal access to education is highly equitable in Sri Lanka, this has been achieved through emphasis on quantity at the expense of quality, which has in turn exacerbated problems of unemployment and unrest among youth.

In most countries youth are opting for an education which will increase their employment prospects. In other words, education is now dominated by the economic rationale, while other aspects of education which help young persons towards good citizenship and integration into society, are practically ignored. Policy makers have ignored the fact that education has purposes other than economic benefits – such as social and even political benefits because it determines what type of leaders we produce, and its contribution to good citizenship, less violent societies, decent values, tolerance and cooperation. Today our youth lack role models society can be proud of. Instead, we have some of the worst possible public figures whose antics and reprehensible conduct are even praised by some influential elements in society.

Given the situation in Sri Lanka, we need to think about how education helps to mould good leaders – whether they are political leaders, community leaders, corporate (business) leaders, religious or other leaders. While education should help to develop leadership qualities, it must also instil a willingness to accept leadership and the responsibilities that form a part of it. Education should influence the way parents nurture and bring up their children and have a positive impact on the most important unit in society, namely, the family and also on good parenting.

While attempting to restore the ethical and 'social' objectives of education, we need to recognize the economic objectives of education - that in all societies there is a compelling need for education to help people to find employment or other income earning activities. This is dictated by economic necessity. The challenge is to find ways of weaving in values that serve the wider needs of society, while retaining the objective of acquiring job-related knowledge and skills – in other words, achieving the fine balance between the two.

While many countries are, even slowly, taking meaningful steps to improve the quality of education, ours has been in decline for decades – some might say in terminal decline. New universities have been set up without adequate funding and regard for quality. There is insufficient teaching of high quality in several existing ones. These shortcomings have been highlighted on numerous occasions by those in the education system who are concerned about the direction we have taken. If we cannot

even impart the knowledge and skills required by the world of work, what hope is there for imparting values? The education system, like everything else, is affected by politicisation which has resulted in further deterioration of the standards of education in many schools. The frequent strikes at universities, the extra years students have to spend as a result to complete their courses, the phenomenon of a minority of students preventing, through strikes and disruptions, the majority from completing their education – these are all reflections of the pervasive politicisation of our educational institutions and society. We produced educated youth for whom there were no jobs. This resulted in disillusionment with the education system and national policies to deliver on their implied promise that education would lead to the betterment of a great number of people. Equally important are the social and political upheavals this has caused, culminating in violence. Consequently, there are youth today who are turning to income-generating activities (both entrepreneurial and illegal) without relying on the education system.

We need to avoid focusing on quantity at the expense of quality. At a time when research and innovation and technological capacity are contributing to growth, many fast growing countries and those which are approaching ‘economically advanced’ status, are concentrating on creating centres of excellence because no country can equip all educational institutions with state of the art facilities. In Sri Lanka, extraneous and often unnecessary considerations come into play in the formulation of policy. There was a time when our University could have been a regional centre of excellence even attracting foreign students. Sadly, it is quite the reverse today.

We are also faced with a failure, not restricted to Sri Lanka, to recognise that teaching is a noble profession. The influence of teachers is a key factor in shaping the minds, behaviour and personalities of future generations which will decide the characteristics of their societies. Poor pay, poor training, a lack of facilities, politicisation of education at all levels and of educational institutions are among the several obstacles to enlarging a group of dedicated and able teachers who are proud of their profession, and who will exercise with the highest sense of responsibility the influence they wield on future generations. In earlier times there were many well-educated people who entered the teaching profession. Teachers and principals often used to be role models for students in many schools. This is a rarity today. With diverse avenues of employment and self-employment available to potential teachers, today many capable people have turned away from the teaching profession due to poor pay and conditions and political interference, or else have entered the more lucrative ‘tuition industry’. Appropriate teacher training has also not been available or emphasized. It is very necessary to restore the respect that young persons should extend to their teachers and elders and to provide career guidance and counselling services to students.

At the same time, politicisation and poor policies cannot solely explain the deterioration of our education system. There was a time when teachers had a culture regarding their responsibilities towards their jobs. They viewed their responsibilities as extending to influencing and equipping students to be able to distinguish between right and wrong, and to become responsible members of society with not only rights but also obligations towards others. This culture is fast disappearing, even in private schools where politicisation and political interference are relatively minimal.

Research in other countries has led to the inescapable conclusion that the amount of money injected into the education system is not the key factor that improves the system. The most important single factor is the quality of teachers – not determined only in terms of knowledge and experience, but also by reference to other important criteria such as dedication to vocation, communication and leadership skills, attitudes and sound teacher training. Where the money is directed, more than the quantum is a key factor. The remuneration and conditions of work of teachers are key factors which impact on the quality of education. Today there is a need for a far greater number of teachers than before who understand the full meaning and accept the responsibility of imparting an education.

It may be too much to hope that our politicians and others who have the power to bring about much-needed change, would be prepared to learn from the experiences and actions of countries such as the USA and Britain which have attempted to improve the standards of teaching in their schools. In Britain the programme titled “Teach First”, modelled on America’s “Teach for America”, is training about 4,000 teachers a year with the aim of transforming them into achievers.¹¹ This programme is also expected to shake up educational research and policy. There are countries in Asia as well from which we can learn.

If both youth and society are to benefit from education, the youth of today and tomorrow need to realize that the methods of learning and teaching to equip them with knowledge are changing. Rote-based education/learning – memory-based learning which absorbs (often short-lived) information others (such as teachers) provide students with, without independent thinking on the part of students – has dominated our educational institutions for several decades. Much of learning and teaching in the future will not take place in the classroom. The immense bodies of knowledge developed and available in the past half century, as well as emerging knowledge, make teaching through traditional methods inadequate. Technology has created opportunities for youth to learn with proper guidance given to them. What is likely to happen in the future is that teaching will also be about teaching *how* to learn and the initiatives individuals could take to learn, rather than depending on mainly classroom teaching. This also involves learning not only from books but also from experience. The tuition culture in Sri Lanka unfortunately reflects the opposite trend. Poor policies and teaching in schools have contributed to the huge enlargement of the tuition industry since parents today believe that good results at public examinations can only be obtained through tuition to supplement the inadequacies of the teaching in schools. Besides the financial implications for parents with the affluent being at an advantage in this regard, the long hours students spend at tuition have deprived them of enjoying their childhood in the way many generations of children did before them. They hardly have time on a daily basis for play and social interaction which adds to the undue competitive pressures currently placed on them. When this author was a schoolboy, any student wishing to have tuition had to obtain the permission of the Principal to do so. Teachers were fearful of students seeking such approval in case it was a poor reflection of their teaching in the classroom. The fact that today some teachers even encourage private tuition is indicative of how much standards have declined.

¹¹ See “The Quality of Teachers: Those Who Can”: *The Economist* 01 August 2009 at 45.

In the task of teaching the young how to learn, encouraging their natural curiosity to find out relevant information for themselves and to think logically and work out problems rationally, are invaluable. Fostering these abilities would encourage and enable young people to realize their potential and to satisfy their natural desire for recognition and acceptance. More importantly, 'teaching' whether by parents or teachers, needs to also include the objectives of education other than the purely economic one of matching one's profile to the requirements of the labour market. By doing so, youth would be better equipped to make positive contributions in their work environment where they are likely to spend much of their lives, in addition to promoting good citizenship.

Many otherwise desirable public statements by decision-makers on needed changes in education seem to focus largely on education which would meet labour market needs, which is undeniably crucial. But little attention seems to be paid in such statements to how simultaneously one could impart through education a value-base, discipline, good citizenship, etc. necessary to produce well-balanced individuals. These latter objectives of education have of course been highlighted by some actually engaged in teaching as well as by some principals of schools. But our country's decision-makers are significantly silent on this issue. Problems in our society are partly linked to shortcomings in our system of education, which urgently requires to be depoliticised. Indiscipline in educational institutions has to be addressed through collaborative efforts of parents, teachers and the relevant authorities. While schools have to emphasize the need and rationale for discipline and enforce discipline, this cannot be achieved without parental guidance, understanding and cooperation. Today parents and teachers are faced with the problem of the examples of indiscipline and disregard for rules and laws set by some individuals in authority in our society.

A dedicated and meaningful attempt to reform the system of education is sorely needed, instead of the tendency to shift blame from one authority to another and insincere promises by the authorities concerned. Over the last several decades policies and decisions relating to education have been made on political grounds and not from the perspective of promoting educational excellence, even if some technical/professional fields such as engineering, accountancy and medicine have probably been less adversely affected. On most issues we have become accustomed to the setting up or appointment of committees, commissions, inquiries, sudden changes in policies, lack of implementation, obstruction, etc. Hardly any positive outcomes or improvements have emanated from such inquiries.

One good example of political interference in and politicisation of educational institutions and systems is the case of the National Schools.¹² The concept of the National School came into being in the 1980s with criteria spelt out in 1985 to determine whether a school qualified as such. The number designated as National Schools at that time was 18. By 1990 there were 23 such schools. The criteria were revised in 1990. As has become usual in Sri Lanka over the last few decades, politicians secured the label of National School for schools in their electorates, with the Ministry of Education granting approval in breach of the criteria it had stipulated. By 1992 there were 37 such schools and

¹² The information in the text and the quotations are from an article by Eric J. de Silva: "The Story of the National Schools", *The Island*, 20 October 2009.

by 1994 there were 165 which fact has elicited a comment by Eric J. de Silva that “tragically, politicisation had by now almost totally devoured the education system.” In 2003 the National Education Commission stated that

“.....the new category of a limited number of National Schools created in the early 1980s using strict criteria to identify schools with very good facilities and offering quality education has become meaningless and distorted with the indiscriminate addition of schools that do not conform to these criteria.”

The reward for exposing the manner in which the education system was functioning was the removal of those who dared tell the truth, and a reconstitution of the Commission. Generations of children have thus suffered and continue to suffer from a poor educational system created by irresponsible politicians who simply do not care that they are playing with the lives of generations of children who pin their hopes on obtaining a good education as a path to development and success in adulthood.

In a critical analysis of the education system in an advanced economy, it has been pointed out that:

“The history of public education in any modern democratic state concerns issues of identity and citizenship quite as much as the instilling of more or less utilitarian skills The role that schools play in creating citizens, and in passing on to new generations both an understanding of their own history and society and particular moral, intellectual or religious values, should concern any modern state with a public education system – which means each and every one of them what governments could and should do, ideally, is to concentrate on their core educational responsibility, which is to provide their citizens with a good basic education at primary and secondary levels.”¹³

Shaping of Good Values and Morals

It is misleading to attribute to schools and teachers the entire blame for the failure to influence the values and behaviour of youth in the correct direction, and to increase their potential to take their place in society as good citizens. In this regard, parents have duties and responsibilities just as much as schools and teachers do. It is incorrect to identify the inadequacies of only one of the parties and downplay those of the others.

Several parents and the media have used serious issues in schools relative to students (even suicides) to primarily blame the schools. There is a deafening silence even in many discussions among adult members of the public about parental responsibility, the failure to discharge such responsibility and its consequences and the extent to which the home environment may have contributed to such issues

¹³ Alison Wolf *Does Education Matter?* (2002, Penguin, UK) at 255-6.

and problems. Some members of society shift the blame for such incidents to the school itself, away from parents and students. This no doubt helps to salve the conscience of parents who do not have the capacity, inclination, understanding or time to guide their children and instil in them a value-base. This attitude suggests by implication that the responsibility of parents is to merely produce children, not also to nurture and guide them to grow up into decent, law-abiding and productive individuals. Schools and teachers are faced with the problem of parents objecting to their children being disciplined without any regard to the cause or reason why the child is being disciplined. Such children would be confused between values and behaviour permitted within the family and those expected of them in the wider society. For a desirable change to occur, a transformation in the mind-set of such people *vis-à-vis* their responsibilities in regard to their children is essential. Schools and teachers also have a heavy responsibility to guide children and be sensitive to their needs, but it does not include shouldering the responsibilities parents should discharge. It is clear from high profile cases in Sri Lanka how parental behaviour can have an adverse influence on the conduct of their children.

An important fact often ignored in discussions on youth and adult anti-social behaviour is that the formation of a desirable set of values which enables individuals to take their place in society in adult life begins from a very early age. The inescapable fact is that parents, with whom young children have a strong emotional bond, have the most critical role in shaping their lives and determining what sort of individuals their children are likely to be in adulthood.

The role of schools and teachers in shaping the values of children can only supplement and reinforce values which parents should initially instil in them and by being role models for their children. The initial responsibilities of parents can never be transferred to schools and teachers. If such responsibilities are ignored, by the time a child starts schooling and thereafter, he/she will very likely not be amenable to being guided and disciplined by teachers and they could exhibit anti-social behavioural tendencies. This would make a teacher's role that much more difficult to perform. Many teachers would testify to the widespread indiscipline in schools and the parental interference when attempts are made to enforce discipline. Teachers often receive little respect and support. It is claimed by some that this is because teachers today do not know how to earn respect. Consequently teachers blame parents and children, and parents and children blame teachers. The issues end up in 'chicken and egg' situations, and no honest initiatives are taken by both parties to work together to find solutions.

There is a strong likelihood that children who grow up with the wrong values will engage in dishonest and unacceptable behaviour. The nature of the values with which children grow up enables them to withstand the many corrosive influences they are exposed to in modern society. Therefore the time and attention that parents pay to the development of their children's values and sense of morality are the initial and most important influences on their lives.

Another matter which is often ignored in debates about the causes of certain tragedies in schools in Sri Lanka and elsewhere is the extent to which the treatment of a child by a parent/s or the parent-child relationship accounts for a child's behaviour. In some cases children live in fear of displeasing

their parents and/or of the harsh or unreasonable treatment meted out for their transgressions. Such treatment sometimes results in mental torment in a child with which he/she cannot cope, occasionally leading even to suicide, if not to a dysfunctional personality in later life. While child abuse and abuse of women have always existed in societies to some degree, the proliferation of both kinds of abuse in modern societies should make us wonder about the sort of family environment the perpetrators of such abuse grew up in. The examples of children in other countries bringing guns to schools may soon be emulated by youth here carrying various types of weapons, which according to some reports is already occurring.

There are several individuals in societies who demonstrate a caring for others, go out of their way to help those in need and respect both the needs and rights of others. Such persons are most likely to be from caring and considerate families. On public roads today we witness selfishness, pervasive lawlessness and a denial of the rights of other users of the roads. Invariably many of those who engage in such behaviour also violate laws and rules of ethical behaviour in society. This is all the more reason why parents cannot afford to avoid or seek to transfer to teachers one of their primary roles and responsibilities.

In the process of discharging these responsibilities, parents need to spend time with their children listening to what the children have to say. Parents need to talk to and with their children; not talk down to them – it is only then that parents get to know their children and children listen to parents. In the long run fear of punishment especially when it is harsh, does not bring about positive results. It is basic child psychology that understanding enhances the desire to obey. It is important to explain to children the reason why particular rules are introduced, why rules should be obeyed and why discipline is important. This role needs to be fulfilled by both parents and teachers. Physical, emotional and psychological security constitutes a basic human need, and parents need to assure their children that they could be relied on to support them so long as the children conform to acceptable norms of behaviour. Teachers need to ensure that children can count on their support as well in similar circumstances. Such dual support would provide children with confidence and strength to grow up to take their place in society and interact with people as good citizens.

An excellent article by Ms. Manel Abhayaratna¹⁴ to mark the UN Universal Children's Day, 01 October, as well as the International Day of Older Persons which coincidentally falls on the same day, has identified and articulated some of the key problems and issues today relative to children and their upbringing. It has also dealt with many points made in this Section and is worth a brief review. Ms. Abhayaratna, with a wealth of experience in both administration and counseling, has highlighted the appropriateness of 01 October being dedicated to both children and older people because

¹⁴ "The Silent Loneliness of Childhood", *Sri Lanka Daily Mirror*, 29 September 2009.

*"in....present day society there is a tendency for these two....to be neglected, abused and often emotionally pressurized by the demands of a highly competitive society."*¹⁵

According to her, the current state of the fundamental unit of society is reflected in many children losing their carefree joys of childhood, and in student anger, frustration, violence and suicide.

Ms. Abhayaratna bemoans the fact that the intensely competitive economic environment requires that even before "the breath of the child loses the fragrance of his mother's milk",¹⁶ many parents burden their children with a sense of the need to succeed and preparations for various examinations, which invariably results in tuition classes taking over when school closes for the day. Similar pressures are exerted on children in schools with success and achievement being the only criteria. She points out that psychologists and social analysts continue to stress that,

*"children need love and parental understanding.....that the present crisis of student violence, indiscipline and the lack of moral values is largely due to the breakdown of the family system which included the extended family....."*¹⁷

She also refers to parents who assuage their sense of guilt at leaving their children either at daycare centres or with domestics at home, by showering on them material things as a substitute for their absence, personal care and attention, and telling to the fact that such children

*"grow up in an atmosphere where no blame is attached to them for whatever they do, whether its playing truant or using their parents' position or wealth to get what they want, regardless of who gets hurt in the process; they feel a loneliness, a lack of parental care and love that leaves them angry, vulnerable and frustrated."*¹⁸

When such children act in various antisocial ways because of their need to get parents and teachers to listen to them, parents who do not realize their own inadequacies are confused, because they feel they have given everything to the children thereby discharging their responsibilities. Ms. Abhayaratna has stated that a child needs a guide and model, and has very relevantly quoted a statement by Michael Jackson that

¹⁵ Ibid

¹⁶ Ibid.

¹⁷ Ibid

¹⁸ Ibid

*"Today children are constantly encouraged to grow up faster, as if this period known as childhood is a burdensome stage to be endured and ushered through, as swiftly as possible."*¹⁹

In conclusion, Ms. Abhayaratna has highlighted the separate roles of parents and teachers by quoting a saying that *"a child is not born with values. Parents teach these values and teachers remodel them."*²⁰

04. The World of Work

What is the World of Work?

People spend a major part of their adult life in the world of work. Children and youth still in the education system do not have, due to their lack of experience, adequate knowledge of what the world of work is really like, what one can expect in it, the qualifications and qualities they need to have to adapt to it and how they may benefit from it and contribute to it. In some economically advanced countries this gap has been filled through various types of relationships between schools and businesses, exposing teachers to what businesses really do and what they expect from youth who may join them, and encouraging young people to work during their vacations or gap year. In this regard counselling of would-be school leavers and final year undergraduates on career options, skills useful in the job market, etc. as happens in some countries, is most helpful.

The world of work refers both to where a person is employed and has an employer, as well as the environment in which a person is self-employed. Many rural people and several in the informal economy do not have an employer since they work for themselves. Employment does not mean work in only private sector organisations. A large number of people in many countries work in the government and semi-government sectors. The working environment in rural areas differs from that in urban areas and it is again different when a person is employed or self-employed or is employed by the government or the private sector.

Wealth Creation

It is important at the outset to understand why work is important – why we work at all. It is: to earn a living, to use one's qualifications, to have sufficient income to support oneself and family, to enjoy freedom from want and to be able to enjoy life, etc. These however, comprise only part of the answer, though they are key reasons why people work. They also work to achieve personal goals, to fulfil their potential, to feel a sense of satisfaction and that they have contributed something positive to society or to gain recognition in society. Such considerations apply particularly to the relatively educated people in society who already enjoy a measure of economic security.

¹⁹ Ibid

²⁰ Ibid

There is a third importance attached to work. A society needs to produce goods and services in order to survive. These goods and services are not provided free and have to be bought. There is no such thing as free education or health care. Someone has to pay for it, mostly the tax payer. Therefore work is important also because without it there will be no goods and services that society needs.

Every society has to create wealth. In simple terms this means the difference between what a product or service costs and the price at which it is sold – the surplus or profit. The engine of wealth creation is the business organisations that produce goods and supply services at a profit. Their productivity is important to the creation of wealth. Governments have never been good at creating wealth. They consume or spend the wealth created by others of which they receive a percentage in the form of taxes. The revenue so collected helps the government to maintain its own staff and provide infrastructure such as roads and other essential public services.

Wealth creation is important also because without it there would be no work and no jobs. Jobs are not created by placing people in need of jobs in positions created only for that purpose, as governments have done in many countries, including our own. Such jobs are unproductive jobs – they lead to low productivity, reduce the capacity to improve the terms and conditions of employment of those in productive and necessary jobs and result in losses and huge public debts (if they are government organisations) which burden the people and ultimately the closure of some institutions.

It is not sufficient to know only how to create *material* wealth. The natural environment is also a part of our wealth, and is not 'costed' even when we have destroyed or depleted it. Nature and natural resources are fundamental sources of all wealth in a society. Natural resources are not inexhaustible. Water, topsoil, fish, minerals, timber, etc. are harvested by society for the common good or for individual enrichment. This can be done either with responsibility (using nature without destroying it), or by utilizing resources to exhaustion without regard to long-term consequences. A society may either safeguard this wealth or sacrifice it. Good societies opt for the former.

Fitting into an Organisation

Whatever the design, structure and purpose of an organisation, youth who move from the educational system into working in an organisation are not necessarily equipped to adapt to the organisation or to the world of work. One of the fundamental mistakes youth make is to assume that merely because they have educational qualifications they are fit for employment. Educational qualifications give youth *only* an entry into the world of work. Seldom do people join an organisation *completely* equipped for job performance. There is generally a gap between what a person brings to a job and what the job expects of him/her. This gap is filled through training. The traditional approach to training has been to acquire skills relative to particular tasks. What is relevant today is equipping people with multi-skills and the capacity for life-long learning. Special technical training designed for school drop-outs is another initiative necessary to bring such persons within the mainstream of society, without allowing them to feel alienated from it. The moral strengths and sense of values

which should be acquired in the home and at school would greatly assist young entrants in adapting to the world of work and the 'mini' society within the workplace, as well as to influence it.

There are other attributes or skills which are needed to work effectively in an organisation with other people. They include skills such as good inter-personal relationships, the ability to work in teams and effective communication skills. These skills are often not acquired through the formal educational curriculum, but team spirit may also be fostered on the playing fields in schools. Some children have a natural aptitude for getting on with others at school and in adulthood at the workplace and for working together with others in a team. Many persons who do not have academic degrees are sometimes more effective in an organisation than some with high educational qualifications. Education *creates* opportunities, but this does not necessarily mean that it *guarantees* effective performance. That is why in many advanced economies organisations are increasingly looking for attributes of recruits well beyond their educational qualifications. Greater weightage or importance than before is attached to those qualities which would enable a recruit to fit into the organisation and be effective.

A person's values, work ethic, civic consciousness, sense of responsibility, attitudes to others and behaviour are all important, whether he/she enters the public or private sector. Many of the scandals in recent years in companies in several countries reflect a lack of integrity on the part of the individuals involved in them. Therefore youth in the formal education system, if they wish to be effective in the world of work, should be mindful that:

- education without the type of skills or attributes referred to is often inadequate for the world of work.
- values and civic consciousness have to be developed from an early age. It is more difficult to develop them after entering the world of work. They need to be a part of the family and school environment.
- although organisations should be able to match their objectives with the legitimate aspirations of their staff, and make efforts to help correct any shortcomings and overcome deficiencies, individuals also have to adapt to the needs of the organisation.
- people who work have not only rights but also responsibilities towards the organisation they work for, those they work with and the public at large.

05. Problems in Effecting Change

If our society is not to further deteriorate and disintegrate, a major effort will be required on the part of all parties concerned to influence the youth of today and tomorrow, as well as those who are entrusted with the responsibility to guide them, to bring about changes for the better in our society. During the last few decades traditional units such as the family and educational, religious, legal and

administrative institutions as they presently operate, have too often been unable to bring about stability in society through instilling desirable moral and behavioural values in many segments of our society. In many instances they no longer promote the values needed to keep society together as a cohesive unit, so that we can no longer depend on them as they operate today to influence change in a desirable direction. If this is the case, it poses the following major practical problems, issues and questions:

- Although we can no longer depend on these traditional units and institutions to bring about change, they cannot be replaced. Society cannot exist without legal, educational and religious and other institutions and there would be no society at all without the family unit. Therefore we need to address the reasons which have prevented these institutions from maintaining a good and stable society.
- Do we need to create additional or supplementary institutions? If we do, what could they be? Even if we could, who would have the authority and capacity to create them?
- Are there elements in society who have been responsible for and in fact welcome the unfortunate direction in which our society has been travelling? If so, how can they be influenced, if at all to effect desirable change?

An inevitable conclusion appears to be that the traditional institutions and those who have the power and capacity to reform them need to be convinced of the necessity for change. We cannot do without them. To achieve this, first institutions that have been politicized need to be depoliticised and those that are corrupt need to be reformed and reorganized with suitable individuals to administer them. We perhaps need organisations at different levels of society starting with the family unit, to actively promote change. The possibility of new civil society organisations committed to promoting societal values could be explored, in the same way that some non-governmental organisations (NGOs) have delivered benefits within their mandate to people, which governments have been unable to do. A parallel initiative could be to find ways of encouraging youth to increase participation in community development. This would contribute to greater integration in society and an increased assumption of civic responsibilities at an early age. Such a move is evident at the grass roots level in post-war Sri Lanka.

In the U S A, for example, where participation in community development is more common than in other advanced economies, institutions of higher learning and employers take into account community development activities of students in their enrolment and recruitment policies. In that country a phenomenal amount of time is expended by individuals of all ages in community development and free service activities. Business enterprises too, can contribute through socially responsible activities. Among other things, they should influence the attitudes and behaviour of its

own employees in the communities to which they belong. More importantly, there needs to be an 'inner change' across society through conviction that everybody (except those who benefit from the present state of affairs) can benefit through change. Some who have been prominent in the business sector several decades ago have suggested that business-related education curricula should include (which Companies should also provide), awareness-raising on the importance of ethical behaviour. It is perhaps then that we could hope for desirable change in the form of:

- Traditional institutions freed from politicisation and corruption.
- Greater parental participation in the appropriate and enlightened upbringing of children.
- Educational institutions focusing also on achieving the non-economic objectives of education, such as promoting the principles of ethical behaviour and developing people who would contribute to a more harmonious society and become responsible citizens and leaders in different fields, thus restoring the sense of 'community' which we seem to have lost. Such institutions would simultaneously enable youth to also fulfil their potential and aspirations and be capable of life-long learning.
- Religious institutions actually establishing a close rapport with youth, promoting the core values and ethics of the different faiths and their practice in day to day life and relating them to the creation of a good society.
- A general acceptance that in a well-functioning society we all have rights, but that they are matched by corresponding responsibilities. In many societies this acceptance was secured through social norms and customs, which sometimes had a powerful influence on the society's direction.
- The emergence of a law-abiding society based on the rule of law.
- All professional bodies promoting ethical behaviour throughout the professions and institutions that cater to professional education such as law, medicine, engineering and accountancy, with management schools or departments doing likewise.
- Political leadership different to what we have been accustomed to over the last several decades.

The importance of responsible political leadership in the context of this section cannot be over-emphasized because of its relationship to the functioning of institutions. Such leadership has two aspects. One is that of competence, which in this context means the ability to govern a country so as to develop it in the political, economic, social and environmental spheres. This in turn requires the fostering and development of the institutions which underpin the above and are required for development which benefits everybody. The issue of competence is also of concern, even in some of the advanced economies. In Britain Sir John Hoskyns, an adviser to Margaret Thatcher, observed that

governments are formed from “*a talent pool that could not sustain a single multinational company.*”²¹ The second aspect is endemic corruption. Everyone is aware that even corruption is globalized, the difference being one of degree and the ability of some of these countries despite the corruption, to deliver on what needs to be done for overall socio-economic development. Widespread corruption undermines institutions and freedoms and where it is endemic it destroys any efficiency in the administration of the country. What we have witnessed in Sri Lanka over time is repeated assaults on practically all our institutions whose functioning is critical to the development of a ‘good society’.

Finally, anti-social behaviour which takes many forms and which adversely affects the quality of life of individuals comprising a society is a common problem in many societies. It is instructive to note how one country in the recent past has sought to address this problem. Britain²² developed a tool known as the antisocial behaviour order (ASBO). It is a civil order for a minimum of two years in respect of individuals indulging in anti-social behaviour. Such persons may be bound by a ‘good behaviour’ contract for a defined period. If violated, the individual can be imprisoned. This procedure avoids the more complicated criminal procedure with its higher standard of proof and the excessive time involved for the police and the judicial system. Naturally, the law-abiding public supports this initiative and it has in several affected areas improved the quality of life of the residents. As was to be expected, some have raised questions about the possibility of this procedure leading to abuse and whether it violates personal liberties through by-passing as it does the normal legal process. The victims of anti-social behaviour have even been sometimes compelled to change their residences. Understandably, they view this initiative as being helpful to them to preserve their own personal liberties, which includes freedom from violence and harassment. Cynics would probably say that the introduction of such a system in Sri Lanka would not curb the anti-social behaviour of people. It may lead to a situation similar to one where husbands and wives who have either not consumed alcohol, or have never done so, are threatened by the Police while they are out at night and taken to the Police station. In some such cases the victims have been informed that the Police force has been instructed ‘to catch’ a minimum number of people each night, and the authorities do not care whether they are innocent or not! Such is our society today.

²¹ Quoted in *The Economist* 29 August 2009 at 50.

²² See *The Economist* 05 February 2005 at 49.

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**Announcing –
LASSnet 2010: Siting Law
LASSnet Second Conference, 27-30 December 2010, Pune, India**

The Law and Social Science Research Network (*LASSnet*), established in 2008, brings together all those who are engaged in the research and teaching of issues connected with the law in different social sciences in contemporary South Asian contexts. It aims to provide a space to exchange ideas, work, materials, pedagogies and aspirations from a range of different institutional locations and theoretical frameworks.

The inaugural *LASSnet* conference was held at the Centre for the Study of Law and Governance, J.N.U., New Delhi, in January 2009. Inspired by the diverse number of conversations across disciplines among legal scholars, practitioners, activists, anthropologists, historians, philosophers, social theorists, political scientists, economists and science and technology scholars, the second *LASSnet* conference aims to continue with such inter-disciplinary excavations.

Conference Sub-Themes

Paper presentations and panel discussions are welcome particularly along the following themes, while the themes below are merely illustrative of the goals of the conference and in no way exhaustive.

1. Law's Publics: Counter Legalities and Counter Publics

What role is played by law in the constitution of a public, and what role is played by the notion of a public in thinking about the legitimacy of the law? Conversely, what role is played by the law in the constitution of the hybrid realm of public-private entities which facilitate the flows of globalised capital?

2. Law Like Love: Law and Affect

The 'affective turn' in the social sciences is beginning to speak to legal debates. How do we begin to undertake a genealogy of the affective life of law in which reason and unreason intermingle?

3. The Careers of Constitutionalism in South Asia

How do we account for the various histories of transformative and even insurgent constitutionalism? How does contemporary constitutional theory respond to the challenges posed by the emergence of the new global economic constitutionalism?

4. Theatres of Justice

How do images of legality produced in the media serve as the basis of a new legal imagination? How are we to understand multiple scenes of the law, in which the formal judicial process appears as one of the many competing actors in the theatres of justice?

Further Information

For detailed information on how to submit a paper or panel proposal, and information on conference registration and funding, please visit www.lassnet.blogspot.com and www.lassnet.org or email lassnet2010@gmail.com.



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