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Of men and the "Ruling Ring": Destructive resilience of Sri Lanka's executive presidency

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ABSTRACT

In this article, I use Tolkien's three-volume novel *The Lord of the Rings* as an allegory to elucidate the extent of the hegemonic power accorded to the executive president by the 1978 Constitution of Sri Lanka. For this purpose, I compare the nature of the power dynamics resulting from the executive presidency with that of the 'One Ring', which allows its wielder the power to overpower the novel's world. I draw parallels between their design and the effect upon those who possess them. However, the significance of delving into the nuances of this comparison between law and literature lies not only in its capacity to elucidate the current power dynamics of the executive presidency but also in its potential to challenge these power dynamics. Fantasy literature is especially important in this regard because the function of the fantasy genre is to defy convention, defy the status quo, and imagine the impossible. Therefore, I approach fantasy literature as a form of literary resistance. Focusing on law, the capacity to imagine new visions for justice plays a significant role in the development of the law. I explore what *The Lord of the Rings* can offer in attempts to dismantle the powers concentrated in the executive presidency. With this aim, I interpret the novel's quest to destroy the ring as a saga of persistent resistance and apply this interpretation to the Sri Lankan attempts at abolishing and limiting the powers of the presidency so far.

KEYWORDS:

Law and Literature; Fantasy Fiction; Hegemonic power; Executive Presidency; Sri Lanka.

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Introduction

'You say the ring is dangerous, far more dangerous than I guess. In what way?' 'In many ways,' answered the wizard. 'It is far more powerful than I ever dared to think at first, so powerful that in the end it would utterly overcome anyone of the mortal race who possessed it. It would possess him.'

- *A conversation between Frodo, the Ring-bearer, and Gandalf the Wizard in 'the Lord of the Rings'* (Tolkien, J.R.R. (1954), p. 30)

How can Tolkien's fantasy fiction novel *The Lord of the Rings* illuminate the harmful nature and the daunting resilience of Sri Lanka's executive presidency? At the same time, what does this novel's saga to destroy the corrupt object of power teach us in our attempts to abolish the executive presidency in Sri Lanka? In this article, I explore how the genre of fantasy fiction can be used to emphasize the dangers of the current status of the law and thereby, highlight the need to challenge the status quo. I interpret Sri Lanka's executive presidency through *The Lord of the Rings* novel. I use the novel as an allegory to emphasize the dire need to demolish the current concentration of power within the executive presidency if we are to preserve constitutional democracy in Sri Lanka. By constitutional democracy, I mean a form of governance that draws its legitimacy from the people and is limited by legal (constitutional) restraints.

In the first part of the article, I will present the link between law and literature and how *The Lord of the Rings*, which belongs to the fantasy fiction genre, is suitable for my analysis. Then, in the second part, I will compare how the 1978 Constitution concentrates power within the executive presidency similar to how the power to conquer all the realms of Middle Earth was concentrated in the 'One Ring'. I argue that the tendency of the holders of the presidential office to maintain and entrench their power at the expense of promoting public interest compares with the craving inspired by the One Ring. *The Lord of the Rings* saga makes it clear from the outset that the One Ring has to be destroyed if the beings of Middle Earth are to thrive. In the third part of this article, I will analyze attempts thus far to abolish the executive presidency using the quest to destroy the ring as the comparator. The novel's quest to destroy the One Ring highlights the grave difficulty of getting rid of the ring. It also shows the potential of ordinary people, the importance of alliances that continue the resistance in striving for this goal, and the role of women in challenging the oppression resulting from the concentration of power. Taking the women's perspective, I engage in a feminist critique of *The Lord of the Rings* trilogy because the novel only gives a secondary focus to the female characters. The focus of the novel is on men, despite women playing a role in the quest to destroy the One Ring. But in a constitutional democracy, women, or any other marginalized group, should not be relegated to secondary roles. All citizens, irrespective of gender, have a role in the attempts to abolish the executive presidency. In fact, women have a special interest in dismantling this position as it concentrates power within patriarchal underpinnings.

How the ring fits: what constitutional law can learn from fantasy fiction written by Tolkien

In this section, I present the interconnection between fantasy fiction and law. Fantasy fiction and law are linked in two ways: firstly, fantasy fiction is a genre that defies convention and reality and inspires readers with bold imaginations. This genre can be used to challenge existing legal frameworks. Secondly, legal frameworks and concepts are also based on fiction in the sense that they have been constructed by men and women to co-exist in society. Therefore, the law itself is a fiction that people have chosen to endow with a certain degree of authority and have the potential to be reimagined to improve the lives of communities. Based on these two interconnections, I compare Sri Lanka's executive presidency with the One Ring or the Ruling Ring in *The Lord of the Rings* trilogy.

Fantasy fiction as a means to challenge the legal status quo

The study of law and literature is mainly focused on law in literature, involving the depictions of law in literary texts; and law as literature, involving the use of literary techniques to interpret the legal texts (Posner, R., 1986; Ward, I., 1995, pp. 3-4). However, Kieran Dolin (2012) argues that literature can go beyond "poetic imagination" to perform the role of "intervening in the world, of reshaping understandings and challenging relationships of power" (p. 207). Cass Sunstein's *The World According to Star Wars* (2016) is a classic example of this in which he uses the Star Wars series to provide lessons on father-son relationships, freedom of choice, rebellion, and constitutional law. In this article, I use *The Lord of the Rings* to highlight the urgent need to abolish Sri Lanka's executive presidency in its current form that concentrates legal and political power on one individual. Using the novel as an allegory, I emphasize what is at stake by maintaining the status quo and the difficulties of dismantling the executive presidency.

The genre of fantasy fiction is suitable for this kind of challenge to power relations due to the very quality and function of fantasy fiction. Farah Mendlesohn (2008) describes fantasy fiction as "an area of literature that is heavily dependent on the dialectic between author and reader for the construction of a sense of wonder, that it is a fiction of consensual construction of belief" (p. 1). She categorizes fantasy fiction into four: "the portal-quest, the immersive, the intrusive, and the liminal" (p. 3). She states that,

[t]hese categories are determined by the means by which the fantastic enters the narrated world. In the portal-quest we are invited through into the fantastic; in the intrusion fantasy, the fantastic enters the fictional world; in the liminal fantasy, the magic hovers in the corner of our eye; while in the immersive fantasy we are allowed no escape. Each category has as profound an influence on the rhetorical structures of the fantastic as does its taproot text or genre. (p. 3)

Rosemary Jackson (1981) illustrates the function of fantasy literature in the following manner:

fantastic literature points to or suggests the basis upon which cultural order rests, for it opens up, for a brief moment, on to disorder, on to illegality, on to that which lies outside

the law, that which is outside dominant value systems. The fantastic traces the unsaid and the unseen of culture: that which has been silenced, made invisible, covered over and made 'absent'... (p. 2)

She argues that 'the "value" of fantasy has seemed to reside in precisely this resistance to definition, in its "free-floating and escapist qualities"' (p. 1). Peter Hunt (2001) also refers to how fantasy facilitates speculation, and explores possibilities "of expansiveness, of liberation," while also discussing how the fantasy fiction genre falls to the repetition of the same motifs of "young, questing heroes, wise controlling sages, irremediably evil monsters, and (although mercifully fewer these days) damsels in distress" (pp. 2-3). Nevertheless, challenging the status quo through literary imagination and expression is at the core of the fantasy genre.

We see these motifs being captured in dissent and social movements. For example, the phrase "Frodo lives", referring to the hero of *The Lord of the Rings*, was used as a form of dissent in 1960s US counterculture by activists protesting the Vietnamese War, as well as the civil rights and feminist movements (Ciabattari, J., 2014). Similarly, *The Hunger Games* salute was used by the Thai pro-democracy protestors in 2014 against the hegemonic power of the military and the monarchy (BBC, 2014). Fantasy fiction, therefore, inspires people to rebel against the existing hegemonic frameworks and becomes a means through which people can express dissent.

Law as a form of fantasy fiction

The second reason that I have chosen *The Lord of the Rings* as suitable for my analysis is because of the underrated role that imagination plays within the law itself. Michael Taussig (1981) states that "all societies live by fictions taken as real" (as cited in Ruwanpura, K.N., Tozer, C., Kodikara, C., Derinayagala, S., Balthazar, V.C., 2022, p. 2). In a similar vein, Yuval Harari (2015) states in *Sapiens* that the law is a collective fiction that inspires large groups of people to co-exist:

Fiction has enabled us not merely to imagine things, but to do so collectively. We can weave common myths such as the biblical creation story, the Dreamtime myths of Aboriginal Australians, and the nationalist myths of modern states. Such myths give *Sapiens* the unprecedented ability to cooperate flexibly in large numbers. Ants and bees can also work together in huge numbers, but they do so in a very rigid manner and only with close relatives. (p. 27)

Based on Harari's reasoning, constitutional design can also be viewed as an enterprise of fiction building to bind society together to a chosen set of common values and aspirations. Rohan Edrisinha (2008), discussing functions of constitutionalism, states that the constitution has "a norm setting function" (p. 12). He explains that "it should lay down certain values and principles by which a country is to be governed. These values should permeate all sectors of the community, including the government and the governed" (p. 12). This illustrates how the constitutions consolidate a set of principles as foundational for democratic governance. These foundational principles come to existence through the extent to which people collectively believe and uphold them.

For instance, the 1978 Sri Lankan Constitution was designed on the fiction that a strong executive unfazed by the chaotic collective decision making in parliament is important to lead the country toward rapid economic development (Wilson, A.J., 1980, pp. 1-2). This has proven to be a myth. Nevertheless, the executive president's image was then bolstered to a heroic kingly position through Sinhala Buddhist nationalist readings of Sri Lanka's history and religion (Perera, B., 2021, p. 165). Therefore, the position of executive president itself is a culmination of legal, political, and socio-historic fiction spun around in a manner that damages people's welfare. Yet, since the legal frameworks themselves contain an element of fiction, there is potential for these frameworks to be reimagined. This brings us to the importance of challenging fiction through fiction.

Bryan Stevenson (2016), the author of *Just Mercy*, highlights the importance of narratives, focusing on how narratives of racial inequality sustain racial discrimination and their harmful consequences upon Black people in America. He further emphasizes the power of changing narratives to achieve justice. Stevenson argues that justice requires the capacity of imagination for something unprecedented. This is exactly what fantasy fiction does. The inspiration for fantasy fiction lies in its capacity to illustrate the horrors associated with injustice as well as its call for rebellion. Therefore, the role of fantasy fiction in elucidating problematic aspects of the law and challenging these might not be as farfetched as it may seem at first glance.

The allegory of an object of power that corrupts its holder has resonated with writers who have analyzed the executive presidency in Sri Lanka. Basil Fernando (2011) in *Gyges' Ring: The 1978 Constitution of Sri Lanka* compares Sri Lanka's executive presidency to the ring of invisibility narrated by Glaucon in Plato's Republic. According to this story, Gyges who discovers the ring uses its powers of invisibility to infiltrate the palace, murder the reigning king, and take over the kingdom of Lydia to rule for a dynasty (pp. 10-11). Fernando argues that the executive presidency in Sri Lanka provides a similar power of invisibility to the executive president against accountability (pp. 11-12). Andrée Chedid (2012) refers to Gandalf's quote from *The Lord of the Rings* that "all we have to decide is what to do with the time that is given to us" as a call for action to uphold the principles of democracy. Tisaranee Goonesekara (2018) also refers to *The Lord of the Rings* to compare the nature of the executive presidency to the ring's allure and bane. She refers to Gollum's insanity induced by his craving for the Ruling Ring to dramatize the president's actions that plunged the country into a constitutional crisis in 2018 in his relentlessness to reaffirm his presidential authority. Therefore, I am not the first to draw a parallel between the executive presidency and *The Lord of the Rings*.

However, in my article, I seek to engage in a detailed comparison between the two, focusing firstly on the One Ring as an allegory to analyze the design and effects of the executive presidency. This is to highlight the urgent need to dismantle the concentration of power in the executive presidency. Secondly, drawing from the quest to destroy the Ring, I illustrate the challenges pertinent in attempts to transform the concentration of power within the executive presidency.

The One Ring as an allegory: an illustration of the design and effects of the Sri Lankan presidency in light of *The Lord of the Rings*

The central focus of *The Lord of the Rings* trilogy is the destruction of the One Ring. While its immense power is clear to the reader from the outset, Tolkien makes it equally clear that the ring must be destroyed and that is the only way to ensure peace and prosperity in Middle Earth. To impart the overarching danger of the ring, Tolkien uses the character of Gandalf, who would not even touch the ring for the fear of it enticing him. Gandalf impresses the destructive omnipotence of the ring by describing two characteristics of the ring. Firstly, he highlights that the design of the ring is to oppress all races of Middle Earth and remain extremely resilient in achieving its task (Tolkien, J.R.R. (1954), pp. 35-47). Secondly, he emphasizes the destructive effects of the One Ring: how the allure of the ring itself is its bane because the wearers of the ring are ensnared by the greed for its powers and how they go mad as a result (Tolkien, J.R.R. (1954), p. 31). All of the wearers of the rings thus far have met with painful and pitiful ends. Both these factors contribute to highlighting the need to urgently destroy the Ring, no matter how daunting this task may prove to be.

In this section, I compare the One Ring to Sri Lanka's executive presidency, by illustrating how the design and effects of the position are similar to the One Ring. By comparing Sri Lanka's executive presidency to the One Ring, I seek to emphasize that abolishing the executive presidency in its current form that concentrates power in one individual is the only way to uphold Sri Lanka's constitutional democracy.

One Ring to rule them all: how the ring controls the different races of Middle Earth

In this section, I focus on how the constitutional design of the executive presidency in Sri Lanka shows similarities to the constitution of the One Ring. The One Ring or the Ruling ring is the object of all affliction in *The Lord of the Rings* trilogy. The main character of the trilogy, the hobbit Frodo Baggins, receives it as an heirloom from his uncle, Bilbo Baggins. At first, he sees it as nothing more than a ring that allows its wearer to be invisible. But soon their friend Gandalf the Grey, a great Wizard, visits Frodo with the story of the grand but terrible history of the ring and the perilous nature of its power. Gandalf highlights two main features of the One Ring: firstly, how it allows the wearer to control the different races of Middle Earth through the lesser rings of power given to each race, and secondly the near impossibility of destroying the One Ring.

Similar to the first feature of the One Ring, the executive presidency has the constitutional and political capacity to control other branches and institutions of the state in varying degrees. While relating the ring lore, Gandalf states that the rings of power were created on behalf of the different races that dwelt upon Middle Earth: three rings for the Elven-kings, seven for the Dwarf-lords, and nine for Mortal men. But Sauron also created another ring to overpower all these nineteen rings and this is the One Ring. "One Ring to find them, One Ring to bring them all and in the darkness bind them, In the Land of Mordor where the Shadows lie" are the final verses of the ring lore that Gandalf quotes to Frodo (Tolkien, J.R.R. (1954), p. 79).

The executive presidency created by the 1978 Constitution also allows for the president to control and influence the Cabinet of Ministers, public service, legislature, fourth branch institutions, and the judiciary. Provision was made for a strong executive president within a semi-presidential model of governance to ensure that the president was above the “whims and fancies” of the Parliament (Wilson, A.J., 1980, p. 2.). However, the resulting design undermines the principle of separation of powers because, as I have argued priorly in *The unresolved constitutional dilemma: Persisting Imbalance of power exposed by the Constitutional Coup 2018*, the 1978 Constitution created an imbalance of power with the tilt of power in favour of the president (2021, pp. 117-118). Therefore, even though the compositional and functional separation of power is ensured between the three branches of the state through Article 4 and the constitutional chapters delineating their powers, the president has the constitutional capacity to control the executive branch as well as the other institutions.

According to Article 47(2)(a) of the 1978 Constitution as amended by the Twenty First Amendment, the president can remove the Prime Minister at any time by writing under his or her hand. According to Article 44(1) president decides the portfolios of the Cabinet of Ministers “in consultation with the Prime Minister, where he considers such consultation to be necessary.” According to Article 44(3) as amended by the Twenty First Amendment, the president holds the Ministry of Defense and can assign to himself “duties and functions of any Minister of the Cabinet of Ministers or any Minister who is not a member of the Cabinet of Ministers, subject to the provisions of the Constitution, for not exceeding fourteen days during a period within which any subject or function is not assigned to any such Minister.” As a proviso to Article 44(3), president also continues the capacity to assign any subject or function to himself. Therefore, the Prime Minister and the Cabinet of Ministers owe the continuance of tenure in their office and the functions they will perform during such office to the President's discretion. The Cabinet of Ministers has the power to “determine all matters of policy relating to public officers” (Article 55 (1)); and to appoint, transfer, exercise disciplinary control, and dismiss all Heads of Department within the public service (Article 55 (2)). Thereby, the president also has extended control over public service. Therefore, the executive branch falls into full control of the president, like the men who easily succumbed to the power of the One Ring.

“Nine he gave to Mortal Men, proud and great, and so ensnared them. Long ago they fell under the dominion of the One, and they became Ringwraiths, shadows under his great Shadow, his most terrible servants.” (Tolkien, J.R.R. (1954), p. 36)

Focusing on the legislature, the president can prorogue Parliament at any time according to Article 70 (1) of the Constitution. Subject to the procedure in the proviso to Article 70(1) of the Constitution, the president can also dissolve the Parliament any time after the two years and six months of its term. President used the proroguing powers in 2018 to facilitate the constitutional coup whereby he appointed a second Prime Minister on dubious constitutional grounds (Welikala, A., 2018). The President used his powers of dissolution in 2020 and as a result, the Parliament remained dissolved from March to August 2020, throughout the initial lockdown implemented to contain the coronavirus pandemic

(Goonesekere, S., 2020; Uyangoda, J., 2020; Keenan, A., 2020). The fundamental right to freedom of movement ensured to citizens by Article 14(1)(d) of the Constitution can only be limited by law according to *Thavaneethan v Dissanayake* ([2003] 1 Sri LR 74, pp. 97–98). However, the lockdown was not sanctioned by the provisions of the Public Security Ordinance, because a curfew imposed under the Ordinance requires regular scrutiny by the Parliament. Despite calls to reconvene the Parliament, the president refused to do so.

Meanwhile, in 2001, Sri Lanka established fourth branch institutions through the Seventeenth Amendment to the Constitution to curb the powers of the executive presidency. However, the independence afforded to these institutions has been subject to routine amendment in a phenomenon that Dinesha Samararatne (2020) has called ‘constitutional ping-pong.’ The Seventeenth Amendment introduced a Constitutional Council with a majority of non-political members to recommend appointments to independent commissions and high governmental offices (Article 41A). But this was replaced by a Parliamentary Council of five members through the Eighteenth Amendment to the Constitution in 2010. Amended Article 41A states that “the President shall seek the observations of a Parliamentary Council,” but these observations are non-binding. Moreover, the Parliamentary Council consists of the Prime Minister, the Speaker, the Leader of the Opposition, a nominee of the Prime Minister, and the Leader of the Opposition, who are also members of Parliament, unlike the Constitutional Council. The Nineteenth Amendment of 2015 brought back the Constitutional Council, albeit with a majority of members of parliament. The Twentieth Amendment of 2020 returned to the Parliamentary Council and in 2022, with the Twenty-first Amendment, the Constitutional Council is re-enacted. Therefore, I argue that the legislature and the fourth branch institutions are in a similar position to the dwarfs who received seven of the lesser rings: three lost and four reclaimed by Sauron, meaning that they have partly succumbed to the power of the One Ring.

Presidents have also undermined the independence of the judiciary. A classic instance of this is the controversial impeachment of the forty-third Chief Justice of the Supreme Court in 2012. Chief Justice Bandaranayaka was impeached without receiving a fair hearing before the Parliamentary Select Committee appointed for the purpose and without following the due process required by Article 107(2) and (3) of the Constitution, which led to her reinstatement in 2015 (Ganeshanathan, L., & Rajasingham S., 2015a; Ganeshanathan, L., & Rajasingham, S., 2015b). It was claimed that her impeachment was politically motivated to penalize her for the ‘Divineguma’ decisions (Hansard, 2012a; Hansard 2012b), which hindered the government’s development agendas (Sivaloganathan, R., 2012). A more recent example of judicial independence being threatened is how Magistrates were advised to take strict decisions against the ‘aragalaya’ protestors at a Judicial Service Commission meeting in 2021 on the direction of the president (Advocates for Justice and Human Rights, 2021). However, there are instances in which the judiciary has acted as a check against the president, in cases like *Mendis v Kumaratunga*, ([2008] 2 SLR 339) and *Sampanthan et al. v AG* ((13 December 2018) SC FR Application No. 351/ 2018). Therefore, the judiciary remains like the three elven rings, eluding the reach of the One Ring, but not fully capable of resisting its power.

The second feature of the One Ring's design is that it is resilient and can only be destroyed at the Cracks of Doom.

"There is no smith's forge in this Shire that could change it at all. Not even the anvils and furnaces of the Dwarves could do that. It has been said that dragon-fire could melt and consume the Rings of Power, but there is not now any dragon left on earth in which the old fire is hot enough; nor was there ever any dragon, not even Ancalagon the Black, who could have harmed the One Ring, the Ruling Ring, for that was made by Sauron himself. There is only one way: to find the Cracks of Doom in the depths of Orodruin, the Fire-mountain, and cast the Ring in there, if you really wish to destroy it..." (Tolkien, J.R.R. (1954), p. 47)

The position of executive president is similarly resilient in the Sri Lankan context. The constitution itself lays out a stringent process to follow in amending the constitutional provisions which establish the executive presidency. Article 4(b) of the Constitution states that the executive powers of the people are exercised by a President elected by the people. If this is interpreted as affecting the exercise of governmental powers of the people in Article 3, the Article 83 procedure for amending an entrenched provision will be applicable. According to Article 83 of the Constitution, such amendments require the approval of a two-thirds majority in Parliament and the approval of the people at a referendum. Even otherwise, Article 82 of the Constitution requires the approval of a two-thirds majority in Parliament to amend the constitution.

While the required two-thirds majority is often produced in Sri Lanka to amend the Constitution, the use of this majority to abolish the executive presidency or at least limit the powers of the executive and strengthen the system of checks and balances has proven exceedingly difficult. Sri Lanka's constitutional amendments have been consistently driven by partisan interests (Edrisinha, R., 2008, p. 54). Therefore, abolishing the executive presidency is a formidable feat to achieve. Even the attempt at limiting the powers of the executive president through the Nineteenth Amendment of 2015 was reversed five years later by the Twentieth Amendment in 2020, which re-entrenched the position and powers of the president (Twentieth Amendment to the Constitution 2020; Welikala, A., 2020a). Therefore, this was as if the Ring was hidden from men for some time while it was underground in the possession of Gollum, but it bided its time and emerged when the time was apt and Sauron the Dark Lord was amassing power to make a return. After thus restrengthening the executive presidency in 2020, this position faced an unprecedented challenge in 2022 through the mass protests in the wake of the economic crisis. The very slogan of the movement was to oust the incumbent president and this call was reinforced by calls to reform, even abolish, the executive presidency. While the people did manage to compel the incumbent president to resign, the position remains intact. Though the wearer has relinquished the ring, the ring immediately found another wearer through whom to channel its destructive powers. The Twenty-First Amendment of 2022, enacted with the aim of reforming the system, only reintroduces the Constitutional Council and does not limit the powers of the president in any meaningful manner. Such is the nature of the executive presidency in Sri Lanka, resonant with the nature of the One Ring.

My Precious: the One Ring's allure and its bane

While it may not be obvious to someone who might be enamoured by the ring's power, the ultimate effect of the One Ring has been to ensnare the users by greed for power and lead them and their clans to destruction. The executive presidency's effect in Sri Lanka has been similar. The need for an executive president with concentrated powers was justified to usher in economic development, ensure the stability of government, and maintain national unity (Welikala, A. 2020b). However, Asanga Welikala (2020b) argues that the executive presidency does not uphold any of these considerations in Sri Lanka. Comparing the effects of the executive presidency to the effects of the One Ring brings to the spotlight the chaos and destruction that the concentration of power in this position brings to Sri Lanka's people and the country's constitutional governance.

The One Ring's allure is the sheer power it endows on any of its keepers, starting from invisibility to perpetual existence, and the power over all the other rings of powers and the races that possess them. But therein also lies its bane. As Gandalf explains,

A mortal, Frodo, who keeps one of the Great Rings, does not die, but he does not grow or obtain more life, he merely continues, until at last every minute is a weariness. And if he often uses the Ring to make himself invisible, he fades: he becomes in the end invisible permanently, and walks in the twilight under the eye of the Dark Power that rules the Rings. (Tolkien, J.R.R. (1954), p. 31)

Therefore, the ring consumes anyone who wears it, and they bring destruction to those around them before perishing. Sauron, the Dark Lord, lost the ring during battle to Isildur, Prince of Westemnet men. Ever since, Sauron has been wreaking havoc on Middle Earth to recover it. Meanwhile, Isildur lost the ring at the Anduin river while he was trying to flee from the enemy. Gandalf describes this as the treacherous ring abandoning its owner, showing that the ring – as an object of great power – controls its wearers rather than the other way round. “The Ring was trying to get back to its master. It had slipped from Isildur's hand and betrayed him.” (Tolkien, J.R.R. (1954), p. 41)

Later the ring was recovered on one of the banks of the river by Deagol, who was killed by Smeagol to win the ring – who later became Gollum, an ugly, pitiful creature who went mad due to the power of the ring. Gollum continues to vie for the ring, calling it 'my precious', and ultimately dies with it at the Cracks of Doom. The key point of Gandalf's narration of the history of the ring is that it will only enslave its keepers through its allure. “A Ring of Power looks after itself, Frodo. It may slip off treacherously, but its keeper never abandons it”, says Gandalf. (Tolkien, J.R.R. (1954), p. 41)

Gandalf establishes from the very start that the ring "had an unwholesome power that set to work on its keeper at once" and “neither strength nor good purpose will last – sooner or later the Dark Power will devour him.” (Tolkien, J.R.R. (1954), p. 31) Gandalf's only reprieve is that its keeper will succumb to the power of the ring later if he is strong and well-meaning, but he assures that succumbing to the power of the ring at some point is inevitable. Those who sought to possess the ring to exploit its power, from Sauron to Isildur to Gollum, went insane and perished in their greed. Only by giving up on the ring that Bilbo

and Frodo escape such fate, but they both also do not give up on the ring of their own will. Bilbo passes the ring to his heir due to the forceful coaxing of Gandalf. Frodo had to give up on the ring to save himself from falling into the Cracks of Doom.

Similarly, each of the post-war presidents went back on the promises they gave to the public to develop the country, to bring good governance, and to bring meritocracy in their obsession with holding on to the power of the presidency. The presidents who were elected on a manifesto to either abolish the executive presidency or limit its powers later succumbed to the same (Francis, K., 2019). The presidents who claimed that they will only run for one term were seen deciding to run for another term after several months in office (Srinivasan, M. 2021). No executive president elected to power during the post-war period has willingly given up the seat. They have exploited public money for campaign purposes and have even amended the constitution to further entrench their power (Welikala, A. 2020b). The Eighteenth Amendment to the Constitution went so far as to remove the term limit on the position, allowing a person to run for the office any number of times. This shows how the avarice inspired by the Sri Lankan executive presidency is similar to that of the One Ring. To an outside observer, self-destructive madness induced by the executive presidency resonates with Gollum's insane hunger for the One Ring – his precious.

But the overarching danger lies in the gravity of destruction that the wearer who is consumed by the ring can bring upon the world. He or she won't hesitate to kill and wreak havoc for the sake of the ring, as seen from the simple incident of Gollum killing his best friend to Dark Lord Sauron's move to initiate a war across Middle Earth. In Sri Lanka's constitutional democracy, this translates to the fact that presidents have neglected the public interest so long as their power is secure. This is evident in the persisting failure to investigate and prosecute the perpetrators of the Bond Scam of 2015, the Easter Attacks of 2019, the lack of accountability for failure to handle the public health crisis in 2021, and the economic crisis of 2022. All these have had fatal consequences for the people of Sri Lanka.

The Fellowship of the Ring: The arduous quest to destroy the One Ring

The Lord of the Rings is not only useful in analysing the doomed nature of Sri Lanka's constitutional framework that concentrates powers in the executive presidency, but also for the hope that it creates persistent resistance that may dent the status quo in unexpected ways. The novel follows the quest of the protagonist and the others to destroy the One Ring. Therefore, the novel's potential is in its depiction of rebellion against the status quo. While the connection between the ring and the presidency is apparent to many Sri Lankan readers of *The Lord of the Rings*, I also want to emphasize this tenacious rebelliousness in this article. This is the significance of the fantasy genre to law: the inspiration it provides to not be limited by the current legal order in imagining and achieving legal transformations. At the end of the story, the success in destroying the ring is the result of joint effort and many sacrifices.

In Sri Lanka, resistance to the executive presidency is as old as its initial conceptualization. Politicians such as Dudley Senanayake and Colvin R. De Silva refuted J.R. Jayawardena's initial proposals to introduce an executive presidency in Sri Lanka

(Wickremaratne, J., 2015, p. 900-903). They argued that while this model can be sustained in the United States and France without damaging democracy, Sri Lanka will not be able to do so. When J.R. Jayawardena moved to enact the 1978 Constitution with the five-sixth majority his party won in Parliament in the 1977 elections, the leftist parties opposed this (Wickremaratne, J., 2015, p. 903-905). Colvin R. de Silva predicted that this constitution shields the president to such an extent that we can be governed by a mad president for quite some time (Wickremaratne, J., 2015, p. 908).

We have seen two attempts at abolishing the executive presidency, in 1994 and 2015. Both of these attempts started with an electoral mandate for constitutional reform but both died during the political process due to failures in sustaining coalitions. We are currently living through the third attempt at abolishing the executive presidency, the people's movement of 2022, which is demanding the resignation of the incumbent president. This demand of the people also extends to the overarching institutional reform of the executive presidency. Constitutional amendments advanced by the Samagi Jana Balawegaya political party in response to the people's call propose abolishing the executive presidency and returning to a parliamentary system. Yet, the Twenty First Amendment to the Constitution passed in October 2022 did not make any attempt at significantly reducing the powers of the executive president, let alone abolishing the position.

In this section, I highlight three aspects of the quest to destroy the ring that are also significant in abolishing the executive presidency. Firstly, the potential of the ordinary person. Secondly, the significance of coalition building. Thirdly, how the concentration of power also perpetuates patriarchy and the significance of the role that women have played and can play in the attempts to challenge and abolish the executive presidency. In this third instance, I challenge the patriarchal limitations in the novel's world itself, insisting that women in a constitutional democracy need not be similarly hindered.

The potential of an ordinary person

The first act of rebellion in *The Lord of the Rings* lies in its depiction of how an unlikely hero plays an extraordinary role in toppling the status quo of the power dynamic. Frodo, the protagonist, is a Hobbit, a small creature with no great powers. Gandalf calls them "charming, absurd, helpless hobbits," hinting at their insignificance in Middle Earth but also the peacefulness that they enjoy as a result ((Tolkien, J.R.R. (1954), p. 33). Frodo comes from the Shire, a Hobbit village, where they live engrossed in their daily life dramas without being bothered by the power struggles among the kings, wizards, elves, dwarfs, and the dark lord. None of these clans consider the hobbits worthy of notice. Gandalf states that Dark Lord Sauron had "entirely overlooked the existence of hobbits." (Tolkien, J.R.R. (1954), p. 33) Therefore, Frodo the Hobbit is at a disadvantage in terms of physical, intellectual, social, and political prowess. He is an ordinary, even a mediocre being, who inherits the One Ring by chance.

The first reaction of Frodo upon finding out the danger of the ring is to insist "I am not made for perilous quests. I wish I had never seen the Ring! Why did it come to me? Why was I chosen?" (Tolkien, J.R.R. (1954), p. 47) Gandalf provides a cold response to

this, “you may be sure that it was not for any merit that others do not possess: not for power or wisdom, at any rate. But you have been chosen, and you must therefore use such strength and heart and wits as you have.” (Tolkien, J.R.R. (1954), p. 47) Yet, elsewhere Gandalf also states,

“Among the Wise I am the only one that goes in for hobbit-lore: an obscure branch of knowledge, but full of surprises. Soft as butter they can be, and yet sometimes as tough as old tree-roots. I think it likely that some would resist the Rings far longer than most of the Wise would believe.” (Tolkien, J.R.R. (1954), p. 33)

For me, these two quotes resonate with the foundation of the Sri Lankan Constitutional democracy enshrined in Article 3 of the 1978 Constitution: the concept of the sovereignty of the people. Article 3 states that the sovereignty of the people is inalienable and consists of the powers of government, fundamental rights, and franchise. Therefore, the Sri Lankan state gains its legitimacy and its powers from the people, and being a democracy, it is ruled by the people for the people. While the common people may not possess the power or wisdom that distinguishes them from the rest, a constitutional democracy that recognizes the sovereignty of its people recognizes the potential of the people to use their “strength and heart and wits” to surprise the so-called Wise. Sri Lankans have shown this again and again through the localized protests that started in early March 2022 that developed into island-wide protests. The protests have been extremely resilient, resourceful, diverse, and educative.

Protestors showed their strength by gathering to protest sites in large numbers (May 9th and July 9th being days of special significance) and their endurance by occupying Galle Face blocking the entrance to the Presidential Secretariat (with the name of Gotagogama or Gota-go-village) for nearly 100 days (Perera, B. 2022). There were also simultaneous protests in Galle, Kandy, Kurunegala, Jaffna, and across the island (The Sunday Times, 2022). These massive protest rallies and protest villages were the results of the creativity and stealth of the Sri Lankan people. While the protest rallied behind the slogan of “Gohomegota2022,” there was also recognition of the long-term need for institutional reform and specifically of the importance of abolishing the executive presidency (Samararatne, D., 2022b; Uyangoda, J., 2022). The abolition of the executive presidency featured in many protest placards and was mooted in many public forums calling for constitutional and political reforms to sustain the economic reforms.

Democracy is premised on the people's power to rule (either directly or indirectly) and constitutionalism provides significance to individual autonomy (Frankenberg, G. 2012, pp. 252-256; Edrisinha, 2008, p. 9). Although there is a difference in how the two concepts approach the role of people, democracy, and constitutionalism both place faith in the potential of the ordinary people. These concepts recognize that every person has the potential to be Frodo to transform the legal system. It is important to highlight this fact when analysing the attempts to abolish the executive presidency in light of the quest to destroy the One Ring. This is because each of such attempts in Sri Lanka started with a mandate given by people at the elections. During the 2022 protests, however, the people recognized the individual and collective contributions that they can make through

mobilization, protest, and dissent. While the protest movement compelled the incumbent president, prime minister, the cabinet of ministers, and more to resign, we are yet to see the dismantling of the executive presidency.

Significance of coalitions

A fellowship is formed at the start of the quest to destroy the One Ring, consisting of Gandalf the Wizard, two men Aragon and Boromir, Legolas the elf, Gimli from the dwarfs, and the four hobbits Frodo, Sam, Merry, and Pippin. This shows the importance of coalitions in the quest to destroy the ring representing different races of Middle Earth. However, the fellowship is broken at the end of the first part, with Gandalf's disappearance and the members going their own way. Merry and Pippin are caught by the Orcs and Boromir dies trying to defend them. Aragon, Legolas, and Gimli travel to save them. Therefore, the survivors continue the battle by following their paths. While Frodo and Sam make their way to Mount Doom, the others gather forces to create a distraction from Sauron noticing Frodo's arrival. This results in an epic final battle at the gate of Sauron's stronghold whereby all the races join forces together to defeat the madness brought forth by the Dark lord seeking the power of the One Ring.

This highlights the importance of coalitions in the quest to destroy the ring, but also the fragile nature of the coalitions. The novel depicts that there are enemies within all races of Middle Earth who would succumb to the self-interest and the power of the One Ring, but more importantly, there are friends among all races who joined the resistance.

The first attempt at the abolition of the executive presidency came with the opposition coalition building for the 1994 elections. This coalition titled the People's Alliance (PA) was led by the Sri Lanka Freedom Party (SLFP) (Wickremaratne, J., 2015, p. 916). While the leftist parties joined this Alliance, Sri Lanka Muslim Congress (SLMC), Tamil United Liberation Front (TULF), former militant groups such as the People's Liberation Organisation of Tamil Eelam (PLOTE), the Eelam People's Revolutionary Liberation Front (EPRLF), and the Tamil Eelam Liberation Organization (TELO), as well as the Upcountry People's Front (UPF), "a party with a base among Indian Tamil plantation workers" (Wickremaratne, J., 2015, p. 916-917) also joined. The Janatha Vimukthi Peramuna (JVP) also withdrew their candidate when the PA promised that they would set up a Constituent Assembly to abolish the executive presidency and that the office will be abolished within a year of the new president's term (Wickremaratne, J., 2015, p. 918). However, the president set up a Parliamentary Select Committee instead of a Constituent Assembly, which dragged on for three years. The PA failed to reach a consensus with its allies and the United National Party (UNP), the opposition, worked to further weaken the process (Wickremaratne, J., 2015, p. 918-919). Ultimately the reform attempt failed because the parties couldn't agree upon a transitional period up to which the incumbent will enjoy the omnipotent powers of the executive presidency provided for by the 1978 Constitution (Wickremaratne, J., 2015, p. 918-920).

The next attempt to abolish the executive presidency was made in 2015, again as a result of coalition building across party lines, across different ethnic communities. One

of the key presidential election promises of the Common Candidate for the Opposition in 2015 was to abolish the executive presidency. According to Aruni Jayakody (2015), while the English version interchangeably mentioned 'abolition' and 'change' of the executive presidency, the Sinhala version consistently referred to 'change' of the executive presidency (pp. 35-50). The president and the prime minister managed to enact the Nineteenth Amendment to the Constitution in 2015, reintroducing the presidential term limit removed by the Eighteenth Amendment, limiting the powers of the executive president by requiring him or her to seek the advice of the prime minister and the Constitutional Council as well as making the president amenable to the fundamental rights jurisdiction of the Supreme Court (Jayakody, A., 2015, p. 35). The Nineteenth Amendment initially proposed more overarching reforms to the executive presidency but was later watered down in response to political disagreements and the concerns raised about the Amendment creating an executive Prime Minister. But the promise to abolish the executive presidency could not be fulfilled because the constitution drafting process of 2016-2017 collapsed with the failure to maintain the support of the political parties.

Coalition building is at the forefront of the 2022 attempt to abolish the executive presidency as well. The People's movement itself became a space of coalition building among different ethnic groups, gender and sexual identities, professions, and generations. The imperfect unities that arose as a result of such coalition building pressurized the president and his political regime to weaken their tight control over the state apparatus (Samararatne, D., 2022a). The courts and fourth branch institutions such as the Human Rights Commission also responded to the people's call by upholding the people's freedoms of expression, assembly, and association (Article 14 (a), (b), and (c) of the Constitution of Sri Lanka 1978) to engage in democratic dissent (Perera, B., 2022). Samagi Jana Balawegaya (SJB), a political party from the opposition, brought a Twenty-First Amendment to the Constitution before the parliament to abolish the executive presidency (Twenty-First Amendment to the Constitution, 2022). While there were several Amendments in circulation, this was the strongest reform proposal that relegated the presidency to a nominal position. This Bill received the support of several opposition political parties.

However, the president's appointment of a new prime minister (who was the only member of Parliament from the United National Party of the opposition) ensured that the momentum to pass this Bill waned. The majority party in power did not support any amendment that would limit the executive powers of the president (Warawita, P., 2022). However, while the economic crisis worsened with increasing fuel shortages, people continued to protest in various ways they could. This culminated in a massive protest on July 9th, 2022 during which the protestors breached the presidential secretariat as well as the presidential and prime ministerial residences. As a result, the president finally agreed to resign by July 13th, 2022. But the president did not submit his resignation until he used the powers and immunities of the executive presidency to flee the country and reach a safe location. The resignation was signed only on July 14th and confirmed on July 15th, 2022. These events made it all the more evident that the executive presidency is designed for the office bearer to prioritize their own interest to the detriment of the country and its public.

Therefore, the people's demand for constitutional reforms continues. We are yet to see how the parliament would respond to this call.

These attempts show us that we created the momentum towards abolishing the executive presidency, achieved a mandate for the same through elections or people's activism, and even began the work of a Constituent Assembly, only through coalition-building across party and ethnic lines. We failed to reach the end goal of abolishing the presidency because of the fragility of the coalitions and the allure of the presidency. Just like how the men and dwarfs fell to discord under the influence of the ring, the political parties fell into partisan politics. Just like how no wearer would destroy the One Ring of their own volition, the party in power wanted a transition period that ensured that the executive presidency would be abolished after their term.

The concentration of power as the perpetuation of patriarchy

The coalition consists of nine men and the quest to destroy the ring is presented as a journey containing perils that women cannot contend with. Tolkien's focus is indeed on men because the concentration of power through oppression and monarchical forms of governance of Middle Earth are supported by patriarchy. Readers almost take this for granted. How oppression affects women is not the concern of the novel. At a glance, the novel's female characters only have supportive roles in the narratives in a men's world (Roberts, A., 2014, p. 474). Yet, as Robin Anne Reid traces, the female characters found in the novel have been analyzed for their limitations as well as the potential to elucidate feminist issues (Reid, R.A., 2015).

The two important female characters that appear in *The Fellowship of the Ring (The Lord of the Rings Part One)* (1954) represent the role of women in a patriarchal society. Arwen of the Elves is the lover of Aragorn who is waiting for him to complete the quest and return. She is preparing for the ultimate sacrifice of giving up the immortality enjoyed by her race of Elves so that she could be with her lover who is a mortal. While the element of romance is prominent in the story of Arwen and Aragorn, this is also a poetic glorification of women's sacrifice for the sake of catering to a man that she cares about.

The second female character is Galadriel of the Elves, who is a protector of one of the lesser rings of power. She represents a strong female within a patriarchal society who is preserving traditional values. She also indicates the fading nature of these values. Her character portrayal is limited to that of "an unattainable, mystic queen, the sexually 'pure' wielder of strange magic who otherwise takes no place in the action" (Roberts, A., 2014, p. 474). However, Romuald I. Lakowski (2015) in 'The Fall and Repentance of Galadriel' illustrates how Tolkien has added further nuance to Galadriel in his later writings on *The Lord of the Rings* universe. These writings reveal that Galadriel was "in her youth a leader in the rebellion against the Valar (the angelic guardians)" (p. 142). Tolkien writes that "at the end of the First Age she proudly refused forgiveness or permission to return. She was pardoned because of her resistance to the final and overwhelming temptation to take the Ring for herself" (Lakowski, R.I., 2015, p. 142).

A third significant female character is introduced in *The Return of the King* (*The Lord of the Rings Part three*), Eowyn, daughter of the King of Rohan, who is frustrated with being left behind while men ride to war.

'All your words are but to say: you are a woman, and your part is in the house. But when the men have died in battle and honor, you have leave to be burned in the house, for the men will need it no more. But I am of the House of Eorl and not a serving-woman. I can ride and wield blade, and I do not fear either pain or death.'

'What do you fear, lady?' he asked. 'A cage,' she said. 'To stay behind bars, until use and old age accept them, and all chance of doing great deeds is gone beyond recall or desire.' (Tolkien, J.R.R. (1955), p. 41)

These words show her desire to prove her greatness according to the standards of soldiers in a patriarchal society that places prominence on valour shown during battle. As the daughter of the King of Rohan, her upbringing allows her to prove herself according to this measure. It is lady Eowyn who slays the Nazgul (the Ringwraith), one of Sauron's most feared servants. When the Nazgul boasts that 'No living man may hinder me!' she laughs fearlessly.

'But no living man am I! You look upon a woman. Éowyn I am, Éomund's daughter. You stand between me and my lord and kin. Begone, if you be not deathless! For living or dark undead, I will smite you, if you touch him.' (Tolkien, J.R.R. (1955), p. 102)

Ultimately, she slays the Ringwraith who is above being killed by any man. Through this, the novel shows that women also have a distinct role in the quest. In light of her character, I argue that women also have a distinct role to play in the quest to reform the detrimental concentration of state power brought about by the 1978 Constitution just as much as all the different communities. Our interpretation of Eowyn's role need not be limited by the novel's patriarchal focus. Nevertheless, Eowyn remains a supporting character, who takes her place in the monarchy of Gondor after the battle ends, leading Melissa Smith (2015) to call her a "war bride."

Following Carolyn Heilbrun and Judith Resnik's (1990) approach in *Convergences: Law, Literature, and Feminism* to highlight the neglected female voices in their analysis of law and literature (pp. 1913-1965), I also take a step further in this instance to challenge the novel's limitations. A feminist reading of *The Lord of the Rings* sheds light on its limited focus on women in a society that takes patriarchy for granted. However, women's role in a constitutional democracy premised on the sovereignty of people need not be limited to supporting characters. Women's role in the people's protests in 2022 is significant (Samararatne, D., 2022b). They have participated in protest rallies, and protest villages and engaged in social media activism. The protest village in front of the prime minister's residence Temple Trees (with the title 'mainagagama') started with a solo protest by a young woman in front of its heavily guarded gates. Similarly, women politicians and activist groups led the storming of the president's residence in Fort and the prime minister's private residence in Flower Road.

Women have played a critical role in attempts at challenging the executive president. They have a special interest in dismantling the position of executive president because it is not only legal and political power that is concentrated in the position. Cultural power with patriarchal underpinnings is also concentrated in the position of president. Patriarchy is systemic domination of women and men by men who hold positions of power, within the households or in state institutions (Walby, S. 1989, p. 214). In Sri Lanka, all the holders of presidency, apart from one, have been men. The Sinhala Buddhist nationalist rhetoric which glorifies stereotyped notions of men based on historical references to Kings (for example, the stories of King Dutugemunu and Parakramabahu as discussed in Perera, B. 2021, p. 155-156) has added further patriarchal undertones to the position.

Democracy, as a principle, is antithetical to the perpetuation of any form of oppression, including patriarchy. In the Sri Lankan context, the sovereignty of people recognized by the constitution calls upon all people of Sri Lanka across genders, sexual orientations, ages, and capacities to play a role in abolishing the concentration of power in one position to perpetuate oppression. This is because in Sri Lanka concentration of power in the president brings down the quality of the democracy.

Conclusion

In this article, I highlight the doomed fate that our constitutional democracy faces because of the concentration of legal and political power within the executive presidency and the exceeding difficulty of abolishing the executive presidency. But I want the reader of my article to conclude with a spirit of resistance, resilience, and an openness for innovation. This is because this article is foremostly a challenge to the status quo created by the hegemonic power of the executive presidency. *The Lord of the Rings* saga is ultimately a narration of rebellion, resistance, and resilience. Fantasy literature such as *The Lord of the Rings* glorifies the potential of unlikely heroes and unexpected alliances. The novel entertains the reader with its rich alternative reality and, more importantly, depicts the power of imagination. This is crucial as we move to dismantle the imbalance of power tilted in favour of the executive produced by the 1978 Constitution.

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