

Peradeniya Law Journal (2025), Vol. 1
ISSN: 3084-8784
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Is the *Aragalaya* in Sri Lanka an Awakening of the Sleeping Sovereign? A Reading through the Lens of the Social Contract Theory

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Abstract

The social contract theory is a venerable concept in philosophy which accounts for the origin of government and state-society relations. Through the social contract, individuals forfeit some of their rights and freedoms to a political ruler, and subject themselves to the coercive power of the state. In the event the ruler repudiates the terms of the contract, the social contract theory allows people the right to rebel. The mass people-led protests that took place in Sri Lanka between March and July 2022 (which came to be dubbed as the '*aragalaya*') saw a revival of academic interest in the social contract theory. While many commentators invoked the notion of the social contract to defend the rebellious behaviour of the protestors, a counter argument was also made to the effect that the protests were illegal and demonstrated the supplanting of the rule of law by the rule of mob. This article places the *aragalaya* movement and the political context within which it erupted against the frameworks of the metaphor of the 'social contract' propounded by Hobbes, Locke and Rousseau, and develops a critical analysis of the role of contractarian thought in the evolution of modern democratic governance. In particular, the article considers the 'extra-legal' means of challenging the authority of government in situations where regular political procedures have proven incapable of holding the democratically elected representatives accountable.

Keywords: Social contract theory; *Aragalaya*; People's movements

Overview

The social contract theory is a venerable concept in philosophy which accounts for the origin of government and State-society relations. The essence of the theory is that people, in a pre-political society, implicitly agree to forfeit some of their rights and freedoms to a political ruler, who, in turn, undertakes to provide security for the advancement of the contract. In the event the ruler repudiates

the terms of the contract, the social contract theory allows people the right to rebel.

A perusal of literature reveals that many commentators have invoked the social contract theory to conceptualise the mass people-led protests that took place in Sri Lanka since March 2022 (which came to be dubbed as the '*aragalaya*' - loosely translated as 'struggle') and defend the rebellious behavior of the protestors.¹

In light of the revival of academic interest in the social contract theory, this paper develops a critical analysis of the role of contractarian thought in the evolution of modern democratic governance.

For theoretical clarity, the paper begins in Part 1 by outlining the salient features and philosophical differences of the social contract theories propounded by Thomas Hobbes, John Locke and Jean-Jacques Rousseau. Part I also comments on how contractarian thought of the Enlightenment era has transcended theoretical realms and seeped into modern constitutional documents. Drawing from the theories of each classical contractarian, Part 2 assesses the extent to which the notion of the social contract is reflected in the *aragalaya* movement in its different forms in Sri Lanka. In particular, the paper considers the 'extra-legal' means of challenging the social contract in situations where rulers renege on their obligations towards the people. The paper concludes by arguing that the legacy of the social contract continues to inspire and shape modern constitutional governance, especially in challenging the legitimacy of governments during times of crisis.

1 Revisiting the Social Contract Theory: From Hobbes to Rousseau

Although the social contract theory claims its roots in ancient Greece, particularly in the writings of Socrates, it took hold in Western intellectual thought in the 16th and 17th centuries.

One of the greatest exponents of the theory is Thomas Hobbes, who, in his seminal work *Leviathan* espoused that, before the establishment of law and government, people lived in a 'state of nature,' where every person was at war

¹ Ayesha Wijayalath, 'Sri Lanka in a Constituent Moment' (*IACL-AIDC Blog*, 26 July 2022), available at: <https://blog-iacl-aidc.org/new-blog-3/2022/7/7/sri-lanka-in-a-constituent-moment> (visited 10 Nov, 2024); Varun Mohan, 'Sri Lanka Crisis: A 21st Century French Revolution' (*Geopolitical Monitor*, 25 July 2022), available at: <https://www.geopoliticalmonitor.com/sri-lanka-crisis-a-21st-century-french-revolution/> (visited 10 Nov, 2024).

with the other.² In the absence of any political authority above them, and without any restraint of law, people resorted to all means at their disposal to achieve selfish ends, in particular their quest for self-preservation.³ The result of this situation was a state of fear and a constant danger of violent death, in which the lives of people were solitary, poor, nasty, brutish and short.⁴ Hobbes's solution to this predicament was the creation of a contract, whereby each person surrendered his rights to an all-powerful sovereign ruler – a source of all morality and law, who, in return for absolute subservience guaranteed peace and security to the people.⁵ In the opinion of Hobbes, such a totalitarian ruler was needed to maintain a stable and secure government.⁶

In the succeeding age, the mythical social contract theory was refurbished by John Locke. Locke's theory of the social contract also begins with people in the state of nature.⁷ However, Locke's characterisation of the state of nature was less bleak than Hobbes's.⁸ In contrast to the anarchical state which Hobbes imagined, the state of nature that preceded Locke's social contract was a 'state of liberty, not of license.'⁹ Consequently, Lockean men were more naturally inclined to civil society and supposedly more governed by reason.¹⁰ Unfortunately, there was one defect in this near paradise, namely, property *i.e.*, life, liberty, and estate, was insecure. According to Locke, it was to remedy this that man renounced his otherwise idyllic natural condition and by contract gave up part of his liberty to a sovereign.¹¹ In order to ensure that the sovereign did not abuse its authority, Locke proposed a three-fold division of governmental power, namely, legislative, executive, and federative. In Locke's analysis, legislative power concerned the creation of rules to give effect to and protect the inalienable rights of men, the executive power concerned the execution of domestic law within the State, and the federative power concerned the State's security and external relations.¹² It was Locke's view that the government held these powers in trust, in a fiduciary capacity, *vis-a-vis* the people. That power, however, was conditional upon the government acting in furtherance of the basic rights of its people and the

² Suri Ratnapala, *Jurisprudence* (Cambridge University Press, 2009), p. 150.

³ Charles Devellennes, *The Gilets Jaunes and the New Social Contract* (Bristol University Press, 2021), p. 46.

⁴ Ibid.

⁵ R.W.M. Dias, *Jurisprudence* (4th edn, Butterworths, 1976), p. 92.

⁶ Ibid.

⁷ Note 2 above.

⁸ A. John Simmons, 'Locke's State of Nature' (1989) 17(3) *Political Theory*, p. 449.

⁹ Dias (note 5 above), p. 93.

¹⁰ Michael P. Gresson, "Hobbes, Locke and the State of Nature Theories: A Reassessment" (1994) 5 *Episteme*, p. 1.

¹¹ M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 2008) p. 107.

¹² Dias (note 5 above), p. 96; Neil Parpworth, *Constitutional and Administrative Law* (Oxford University Press, 2012, 7th edn), p. 19.

common good of society. The moment the constituted authority breached its trust,¹³ the power shifted back to the ‘oppressed people’ who could ‘resist tyranny’ and overthrow the government.¹⁴

The notion of the social contract underwent yet another revision in the writings of Jean-Jacques Rousseau. Rousseau commences Chapter VI - Book I of his work *Social Contract* by describing men as benign creatures, free to pursue their natural tendencies for self-preservation and enrichment.¹⁵ This is much in line with Hobbesian philosophy which focused on self-preservation by insisting that man was in a state of strife. However, Rousseau’s belief was more specific and flexible.¹⁶ For instance, unlike liberal theorists such as Locke, who insisted on inalienable rights vested in the individual (particularly the right to property), Rousseau’s solution to the problem of the state of nature was the total alienation of each associate and his rights to community’s ‘general will.’¹⁷ As perceived by Rousseau, by becoming part of the social whole, people relinquished their natural freedom and received liberty in exchange. It is clear, therefore, that in Rousseau’s social contract thinking, the political participation of the people was no longer limited by the rights extended by the King or Parliament; instead, sovereignty resided with ‘the people’ who could directly participate in making general and unbiased laws according to the common interests of the people.¹⁸ For Rousseau, this implied an extremely strong and direct form of democracy¹⁹ and popular sovereignty linked with the idea of the ‘constituent power’ of the people.²⁰ It is widely recognised that the French revolution was inspired by the philosophy propounded by Rousseau.

Although the contractarians of the Enlightenment era were merely responding to the political realities of their time and of the respective countries they represented and were trying to find a means of legitimising the emerging political orders,²¹ most modern written constitutions and political manifestos demonstrate how the

¹³ Maegan Nation, ‘Locke’s Social Contract: Is it Legitimate’ (2019) 7 *CLA Journal*, p. 85.

¹⁴ Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory* (Oxford University Press, 2012, 3rd edn), p. 20.

¹⁵ Christopher D Wraight, *Rousseau’s The Social Contract: A Reader’s Guide* (Continuum International Publishing Group, 2008) p. 21.

¹⁶ Brian Gilmore, ‘American Rousseau: Barack Obama and the Social Contract’ (2009) 35 *T Marshall L Rev*, p. 9.

¹⁷ Note 3 above, p. 76.

¹⁸ Jens Rudbeck, ‘Popular Sovereignty and the Historical Origin of the Social Movement’ (2012) 41(6) *Theory and Society*, p. 581.

¹⁹ Celeste Friend, ‘Social Contract Theory’, *Internet Encyclopedia of Philosophy*, available at: <https://iep.utm.edu/soc-cont/#SH2c> (visited 10 Nov. 2024)

²⁰ Joel Colón-Ríos, *Constituent Power and the Law* (Oxford University Press, 2020), p. 30-35 and 44-50.

²¹ Dharshan Weerasekera, ‘Legal Implications of Aragalaya Protests’, *The Island*, available at: <https://island.lk/legal-implications-of-aragalaya-protests/> (visited 10 Nov. 2024).

notion of the social contract has transcended theoretical realms and has come to be tangible.²² For instance, the commitment to the social contract is reflected in the Preamble to the Constitution of the United States of America (USA) 1787 which declares that governmental power comes from “We the People” who retain the Lockean right to take it back.²³ The American Bill of Rights which prevents the government from overstepping its bounds in the interests of individual liberty, is also consistent with contractarian thought.²⁴ An example of a political manifesto which reflects contractarian thought is President Barack Obama’s election manifesto, ‘The Audacity of Hope: Thoughts on Reclaiming the American Dream’ wherein he cites a passage from Hobbes’s *Leviathan* to note that, free men would form governments as a “bargain” to ensure that “one man’s freedom” will not become “another man’s tyranny”; that they would sacrifice individual license to better preserve their liberty.²⁵

Likewise, history has shown how, at times of great crisis, when regular political procedures have proven incapable of holding the democratically elected representatives accountable, the social contract theory enables ordinary citizens to challenge the authority/legitimacy of governments through extra-legal means such as mass public mobilisations and acts of civil disobedience. Fresh examples of such uprisings where people rallied around the constitutional principle of peoples’ sovereignty to challenge authoritarian regimes include, the South Korean Candlelight protests of 2016/17,²⁶ the Sri Lankan protests during the

²² Niko Mak-Wasek, ‘The Modern Legacies of the Social Contract Theory’, *Mc Gill Journal of Political Studies*, available at: <https://mjps.ssmu.ca/2017/11/16/the-modern-legacies-of-the-social-contract-theory-written-constitutions/> (visited 10 Nov. 2024).

²³ Paul Lermack, ‘The Constitution Is the Social Contract So It Must Be a Contract Right - A Critique of Originalism as Interpretive Method’ (2007) 33 *Wm Mitchell L Rev* 1403. Likewise, the Preamble of the 1978 Constitution of Sri Lanka which declares that “The People of Sri Lanka having by their Mandate.... entrusted and empowered their Representatives....to draft, adopt and operate a new Republican Constitution.... in order to achieve the goals of a Democratic Socialist Republic” is consistent with the notion of the social contract that governments hold powers in trust for the people.

²⁴ Note 22 above.

²⁵ Brian Gilmore, ‘American Rousseau: Barack Obama and the Social Contract’ (2009) 35 *T Marshall L Rev*, p. 9.

²⁶ The South Korean Candlelight Protests which witnessed the participation of approximately 17 million people were triggered by the corrupt practices of President Park Geun-Hye and her advisors in collusion with the conglomerates. For a full discussion on the same, see Jai Kwan Jung, ‘The candlelight protests in South Korea: a dynamics of contention approach’ (2022) *Social Movement Studies*, available at: <https://www.tandfonline.com/doi/abs/10.1080/14742837.2022.2053515> (visited 10 Nov. 2024).

Constitutional Coup of 2018,²⁷ the Venezuelan protests of 2019,²⁸ and the Algerian Smile Revolution of 2019.²⁹

2 An Analysis of the *Aragalaya* Movement in Sri Lanka through the Lens of the Social Contract Theory

9th July 2022 marked a watershed moment in the annals of Sri Lanka's constitutional and political history as thousands of protestors stormed into the official residence of Sri Lanka's seventh Executive President, Gotabhaya Rajapaksa, and demanded his resignation. Powerful images and videos were circulated on social media depicting average citizens using plush furniture, marveling at the swimming pool, and using the gym at the President's house.³⁰ The breach of the President's House was the culmination of months of sporadic country-wide peaceful protests and nightly vigils carried out under the tagline '#GoHomeGota.' While the trigger for the protests (*aragalaya*) was the declining economy, it was apparent that the demands of the *aragalaya* were for 'a system change'; a change that involved, but was not limited to structural change.³¹ The demand was for a new political order based on values of accountability, transparency and responsiveness, including the end of the despotic Rajapaksa rule.³²

2.1 The Philosophical Argument

²⁷ The 2018 protests in Sri Lanka were actuated by President Maithripala Sirisena's conduct in removing the then Prime Minister Ranil Wickremesinghe from office and the (unconstitutional and/or illegal) appointment of Mahinda Rajapaksa as the Prime Minister. For a full discussion on the same, see Asanga Welikala, 'Paradise Lost? Preliminary Notes on a Constitutional Coup', *Centre for Policy Alternatives*, available at: <https://www.cpalanka.org/paradise-lost-preliminary-notes-on-a-constitutional-coup/> (visited 10 Nov. 2024).

²⁸ Citizen protests in Venezuela began in January 2019, with their opposition-led, National State Assembly President Juan Guaidó, challenging the authoritarian president, Nicolas Maduro, who won the previous election through fraudulent measures. For a full discussion on the same, see Binendri Perera, 'People's Movements as a Strand of Popular Constitutionalism: Driving Forces, Distinct Features and Dilemmas' (2020) 29(2) *Washington International Law Journal*, p. 341.

²⁹ The Algerian protests set off following authoritarian ruler Abdelaziz Bouteflika's announcement confirming his intention to run for Presidency for the 5th time. For a full discussion on the same, see Adel Abdel Ghafar & Anna L. Jacobs, 'Lessons for Algeria from the 2011 Egyptian Uprising', *Brookings*, available at: <https://www.brookings.edu/opinions/lessons-for-algeria-from-the-2011-egyptian-uprising/> (visited 10 Nov. 2022).

³⁰ Dinesha Samararatne, 'People in the Palace', *VerfBlog*, available at: <https://verfassungsblog.de/the-people-in-the-> (visited 10 Nov. 2024).

³¹ Ibid.

³² Ibid; Asanga Welikala, 'Economic Crisis and Constitutional Reform in Sri Lanka', *International Institute for Democracy and Electoral Assistance*, available at: <https://constitutionnet.org/news/economic-crisis-and-constitutional-reform-sri-lanka> (visited 10 Nov. 2024)

If one were to view the *aragalaya* movement through the lens of Hobbes's philosophy, it could be argued that the political and economic turmoil within which it took place provided a vivid example of a '*state of nature*.' For instance, with the government adopting drastic measures to manage depleting foreign reserves, many people were compelled to endure hours of power cuts and stand in long queues to procure scarce essentials such as fuel, gas, medicine, and milk powder. The Sri Lankan rupee depreciated against the dollar and hyper-inflation pushed people into acute poverty.³³ This was compounded by the global economic impact of the war in Ukraine, particularly on food and energy prices. To use Hobbesian language, it was a state of '*solitary*' and '*poor*' existence with no sense of security, hope or prosperity. Intrinsically, the protests were the projection of the consequences of the lack of a (credible) central government, in light of the scarcity of resources,³⁴ and facilitated by the natural and culturally induced traits of humans and their motivational dispositions³⁵ including a desire for a commodious living.

Escalation of these tensions paved way for President Gotabhaya Rajapaksa to flee the country and tender his resignation, and for veteran politician and five-time former leader, Ranil Wickremesinghe, to rise to power as the eighth executive President of Sri Lanka. Despite making a promising inaugural speech in Parliament appealing for the unity of all Sri Lankans and recognising the transformative power of the protest movement,³⁶ certain measures taken by President Wickremesinghe in his capacity as the Minister of Defence to quell the protests and stifle dissent, such as the declaration of a State of Emergency and the detention of protestors under the draconian Prevention of Terrorism Act, 1979 (equating the actions of protestors to terrorist activities),³⁷ not only replicated the authoritarian nature of the previous Rajapaksa regime, but also resembled an all-powerful sovereign envisioned by Hobbes. In Hobbesian vein, President Wickremesinghe justified his actions on the basis that such moves were

³³ The World Bank, 'The World Bank in Sri Lanka: Overview', *The World Bank*, available at: <https://www.worldbank.org/en/country/srilanka/overview#2> (visited 10 Nov. 2024).

³⁴ James Penner and Emmanuel Melissaris, *McCoubrey & White's Textbook on Jurisprudence* (Oxford University Press, 2014, 5th edn), Chapter 10.

³⁵ *Ibid.*

³⁶ 'Speech by President Ranil Wickremesinghe', *Business Today*, available at: <https://businesstoday.lk/speech-by-president-ranil-wickremesinghe/> (visited 10 Nov. 2024).

³⁷ Centre for Policy Alternatives, 'Statement on the use of Detention Orders issued under the PTA by President Ranil Wickremesinghe', *Centre for Policy Alternatives*, available at: <https://www.cpalanka.org/statement-in-regard-to-the-use-of-the-pta-to-issue-detention-orders/> (visited 10 Nov. 2024).

needed to re-store political stability, a vital condition in overcoming the economic crisis.³⁸

Conversely, if one were to situate the *aragalaya* against the backdrop of the Lockean ‘agency’ contract theory, it could be argued that the actions of the protestors represented the declining trust between the former government (which was widely accused of corruption and embezzlement of State finances)³⁹ and the oppressed people.⁴⁰ In Lockean terms, where the agency gap between the rulers and the ruled widens, people are increasingly more frustrated and compelled to actively take a stand.⁴¹ Slogans, demands and formulations such as, ‘#GotaGoHome’, ‘Go Home Rajapaksa’, ‘#Aragalayata Jayaweve’ (Victory to the struggle), #225Epa⁴² chanted, displayed on placards or echoed in protests, encapsulated the populace’s profound ‘anger’ stemming from the perceived breach of the social contract between the representatives and the represented. For the first time in the country’s history, the protestors established a protest village (#GotaGoGama - Gota Go Village) right outside the Presidential Secretariat, which eventually expanded to historical numbers and size. However, according to Locke, such uprisings are not to be viewed as an act of revenge, rather an act of restoration or the recreation of the violated political order.⁴³

On a final note, it could be argued that the *aragalaya* is also in consonance with the principal theoretical presupposition upon which Rousseau’s social contract theory was thought to rest: popular sovereignty. The sight of mothers carrying infants, university students sporting bandannas, elderly couples holding placards and pedigree dogs at the *Gota Go Gama* on the Galle Face Green and in other parts of the island,⁴⁴ the pride march by the LGBTQI community of Sri Lanka, stood as a testament that the *aragalaya* was an organic and broad-based movement

³⁸ Isha Gupta, ‘Ranil Wickremesinghe’s Quest to bring ‘Stability’ to Sri Lanka’, *9Dashline*, available at: <https://www.9dashline.com/article/ranil-wickremesinghes-quest-to-bring-stability-to-sri-lanka> (visited 10 Nov. 2024).

³⁹ Thisuri Wannirachchi, ‘10 Allegations Against Rajapaksa re State Finances’, *Sri Lanka Brief*, available at: <https://srilankabrief.org/10-allegations-against-rajapaksa-re-state-finances/> (visited 10 Nov. 2024).

⁴⁰ Ayesha Wijayalath, ‘Sri Lanka in a Constituent Moment’, *IACL-AIDC Blog*, available at: <https://blog-iacl-aidc.org/new-blog-3/2022/7/7/sri-lanka-in-a-constituent-moment> (visited 10 Nov. 2024).

⁴¹ Binendri Perera, ‘People’s Movements as a Strand of Popular Constitutionalism: Driving Forces, Distinct Features and Dilemmas’ (2020) 29(2) *Washington International Law Journal*, p. 341.

⁴² ‘Epa’ in Sinhala translates into ‘Don’t need’ in English. The number “225” references the total number of members in the Sri Lankan Parliament. This hashtag succinctly conveyed the sentiment of rejecting or expressing dissatisfaction with the entirety of the parliamentary body.

⁴³ M.D.A. Freeman, *Lloyd’s Introduction to Jurisprudence* (Sweet and Maxwell, 2008) 109.

⁴⁴ Dinesha Samararatne, ‘People in the Palace’, *VerfBlog*, available at: <https://verfassungsblog.de/the-people-in-the-palace/> (visited 10 Nov. 2024).

constructed upon the ‘general will’ or the ‘constituent power’ of the people of Sri Lanka.

The philosophy which Rousseau envisioned further reverberated across the Galle Face Green when the Workshop Players’ choir joined thousands in an open-air rendition of the famous song about the French revolution from the Broadway musical *Lé Misrables*: *do you hear the people sing, singing the song of angry men? It is the music of the people who will not be slaves again!*⁴⁵

2.2 The Constitutional Argument

Arguably, the most important constitutional provisions which captured this historic moment of re-democratisation were Articles 3 and 4 of the 1978 Constitution of Sri Lanka. For instance, Article 3 declares that sovereignty (which includes the powers of government and franchise) is in the people and is inalienable. Article 4, which fleshes out Article 3, declares, *inter alia*, that the legislative power of the people is to be exercised by Parliament comprising of elected representatives,⁴⁶ executive power through a President elected by the people⁴⁷ and the franchise directly by the people.⁴⁸ In the celebrated *Eppawala Case*⁴⁹ the Supreme Court clarified that Article 3 is an expression of democratic values in that it affirms that ultimate sovereignty rests with the people and that holders of governmental power are merely temporary custodians of those powers.⁵⁰ Following the same judicial trend, in the *Water’s Edge Case*⁵¹ the Court elucidated that, the powers that originate with the people are entrusted to the legislature, executive, and judiciary under Article 4 as a means of exercising governance and with the sole objective that such powers will be exercised in good faith and in furtherance of the interests of the people of Sri Lanka.

The necessary implication of Articles 3 and 4, read in light of the public trust doctrine is that, it is the elected representatives of the people who function as the oracles to pronounce and implement the people’s will – in trust, while the people

⁴⁵ ‘Do you hear the People Sing | Sri Lankans unite at Gotagogama’, available at: <https://www.youtube.com/watch?v=ZBldsCkWsI> (visited 10 Nov. 2024).

⁴⁶ The Constitution of the Democratic Socialist Republic of Sri Lanka 1978, art 4 (b).

⁴⁷ Ibid, Art 4 (a).

⁴⁸ Ibid, Art 4 (d).

⁴⁹ *Bulankulame v The Secretary, Ministry of Industrial Development and Others (Eppawala Case)*, [2000] 3 Sri. L.R., 243.

⁵⁰ Dinesha Samararatne, *Public Trust Doctrine: The Sri Lankan Version* (International Centre for Ethnic Studies, 2010), p. 28

⁵¹ *Sugathapala Mendis et al v Chandrika Bandaranayake Kumaratunge*, [2008] 2 Sri. L.R., 339.

themselves play a passive role.⁵² Consequently, if the people wish to exercise their sovereignty, including a change of government, they could do so only through the specific means enumerated in Articles 3 and 4, namely, through periodic elections and/or referendums.

In a system which offers limited scope for the exercise of popular sovereignty (including ousting the President or government through popular uprisings or revolutions) and in the absence of a constitutionally recognised ‘right to recall’⁵³ elected representatives, the *aragalaya* was an excellent portrayal of how people were compelled to mobilise themselves to act as a direct check against their representatives who reneged on their obligations derived from the social contract. From a constitutional theory perspective, the protests reflected the tension between the established constitutional framework, under which a regime that no longer enjoyed popular support continued to function, and a direct challenge to the authority of the government and the social contract. This challenge materialised through the awakening of the sleeping sovereign - people’s ‘extra-legal’ constituent power⁵⁴ - reminiscent of Rousseau’s ideals.⁵⁵ To put differently, the metaphor ‘awakening of the sleeping sovereign’ speaks to the resurgence of people power. It encapsulates the idea that the people, the ultimate sovereign entity in a democracy, traditionally engaging in the system of political patronage rather-passively, i.e. through their vote, have now reclaimed and re-asserted their long-dormant political agency as citizens. This reawakening is driven by a shared commitment to the common good of the larger political community, arising from a dire distrust over representative rule.⁵⁶

Notwithstanding the merits of the above arguments, sceptics have observed that changing governments, other than through constitutionally prescribed means, creates potential for perpetual instability (rule by mob – as opposed to rule of

⁵² Note 42 above; Dharshan Weerasekera, ‘Legal Implications of Aragalaya Protests’, *The Island*, available at: <https://island.lk/legal-implications-of-aragalaya-protests/> (visited 10 Nov. 2024).

⁵³ For a fuller discussion on how the ‘right to recall’ procedures were adopted in the U.S. and Europe see, Francesco Campodonico, ‘Revisiting Historical Justifications of the Recall Procedures of Elected Representatives’ (2016) 57 *Hung J Legal Stud*, p. 348.

⁵⁴ For a fuller discussion on the meaning and significance of the constituent power see, Martin Loughlin, ‘The Concept of Constituent Power’ (2014) 13(2) *European Journal of Political Theory*, p. 218.

⁵⁵ Ayesha Wijayalath, ‘Sri Lanka in a Constituent Moment’, *LACL-AIDC Blog*, available at: <https://blog-iacl-aidc.org/new-blog-3/2022/7/7/sri-lanka-in-a-constituent-moment> (visited 10 Nov. 2024).

⁵⁶ Jayadeva Uyangoda, ‘The #GotaGoHome Protest Movement: Significance, Potential, and Challenges’, *SSA Lanka*, available at: <https://ssalanka.org/gotagohome-protest-movement-significance-potential-challenges-jayadeva-uyangoda/> (visited 10 Nov. 2024).

law) thereby negating the very purpose for which the social contract was formed, namely, the security and well-being of the people.⁵⁷

It could also be argued that the *aragalaya* movement was a call for expulsion without the suggestion of a substantive solution. No concrete suggestions or proposals as to an alternate form of governance or even as to how the economic crises and shortages should be dealt with or solved were espoused by those involved. This also perhaps explains why the *aragalaya* was destined to end when and where it did.

Conclusion

Though support for the *aragalaya* movement waned over time, it stands as a powerful reminder of the people's latent power to reassert their sovereignty when their government fails to honor the implicit social contract. Viewed through the lens of the social contract theory, the protests represent a manifestation of the collective will, driven by demands for accountability, transparency, and justice in governance.

From a Hobbesian perspective, the economic and political turmoil preceding the movement could be seen as the unraveling of the very order the sovereign was meant to preserve, leading to chaos akin to a 'state of nature.' Locke, on the other hand, would interpret the protests as a justified response from an oppressed citizenry to a government that had breached its fiduciary duties. Similarly, Rousseau's view is reflected in the movement, as it captures the people's reassertion of their sovereignty - an awakening of the metaphorical 'sleeping sovereign' and the reclamation of their political agency during a constitutional crisis.

However, while the movement symbolised a stern call to reclaim a lost political agency, it also raised complex questions about the rule of law, stability, and the long-term implications of extra-legal actions. Critics argue that without presenting concrete alternatives and solutions to the crisis, the *aragalaya* may have served more as a reactionary force than a blueprint for sustained political and economic reform.

As the country moves forward with a significant shift in political dynamics and leadership following the recent Presidential election - which saw the rise of a progressive, left-leaning leader - this inquiry underscores the need for ongoing dialogue on how to channel peoples' energies toward shaping a path of genuine

⁵⁷ Dharshan Weerasekera, 'Legal Implications of Aragalaya Protests', *The Island*, available at: <https://island.lk/legal-implications-of-aragalaya-protests/> (visited 10 Nov. 2024).

democratic governance. This dialogue, in the author's view, must extend beyond transient shifts in leadership and instead focus on the fundamental structures and processes that underpin effective and responsive governance, that truly aligns with the will of the people.
