

# Preferential Policies and Determinants of Conflict in Sri Lanka and Malaysia

CALIN SCOGGINS

## INTRODUCTION

The twentieth century saw some of the worst ethnic violence in the history of mankind: mass slaughter in Rwanda and the Balkans, civil war in Sierra Leone and Sri Lanka, riots in India. Social scientists have set themselves the task of attempting to understand the causes of such violence and the similarities and differences between various instances. While social science knowledge is piecemeal and probabilistic, the study of such horrific events can still yield practical insight. One worthwhile area for focused research is the violence that has wracked Southeast Asia since the early twentieth century, through British occupation and two world wars. In particular, by highlighting the interactions between preferential policies and state regulation of speech during politically critical windows of time, the cases of Malaysia and Sri Lanka offer a

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CALIN SCOGGINS is an adjunct faculty member of the Government department at Richland College. He is currently a PhD candidate in Political Science at the University of Texas at Dallas, where he also earned his B.A. and M.A. in Political Science. His dissertation focuses on the effect of religion on state behavior, especially foreign policy, interstate conflict, and domestic conflict. He is serving as President of the Richland Adjunct Faculty Association for 2018–2019, and also teaches at Collin College and Dallas Baptist University.

promising opportunity to better understand why some states successfully avoid massive levels of political violence while others fail to do so, despite confronting similar social, economic, and political situations.

## LITERATURE REVIEW

Key research in social science has contributed to our knowledge of civil war, ethnic violence, and preferential policies. First, an important clarification should be made. When speaking of ethnic preferences or ethnicity as causes or factors in violence or civil war, it is clearly not to be taken as implying that the mere existence of different ethnic groups in the same geographical space causes violence or even increases the likelihood of civil war. James Fearon and David Laitin show that ethnic fractionalization or diversity by itself is insignificant with regard to insurgency and civil war.<sup>1</sup> This sentiment is echoed by Thomas Sowell, Lakshmanan Sabaratnam, Neil DeVotta, and John R. Bowen against Samuel P. Huntington and others who subscribe to the “clash of civilizations” thesis.<sup>2</sup> Sowell argues that the link between ethnicity and political violence is not the existence of ethnic diversity, or even ethnic cleavages or interethnic economic disparities, but the *politicization* of ethnic differences and disparities (loc. 971). When ethnic cleavages align with political and economic cleavages, political violence becomes highly likely—preferential policies and group identity politics, Sowell argues, transform ethnic fractionalization (simple diversity) into ethnic polarization (politicized ethnicity). Sabaratnam and DeVotta reach similar conclusions, with Sabaratnam going so far as to title one of his chapters “Politicized Ethnicity: The Disease of the Body Politic.” These scholars argue that preferential policies make ethnicity politically salient—a recipe for political violence. Daniel N. Posner further elucidates that ethnic identity is often seen as a useful political vehicle by

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<sup>1</sup> James Fearon and David Laitin, “Ethnicity, Insurgency, and Civil War,” 75–90.

<sup>2</sup> Thomas Sowell, *Affirmative Action Around the World: An Empirical Study*, Kindle; Lakshmanan Sabaratnam, *Ethnic Attachments in Sri Lanka: Social Change and Cultural Continuity*; Neil DeVotta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka*; John R. Bowen, “The Myth of Global Ethnic Conflict,” 3–14; Samuel P. Huntington, “The Clash of Civilizations?” 22–49.

politicians and other actors seeking to gain political power.<sup>3</sup> This argument is still consistent with Fearon and Laitin's findings (since the key factor is ethnic polarization rather than ethnic fractionalization); but it should be noted that Nicholas Sambanis argues that because of coding problems Fearon and Laitin might have underestimated the independent effect of ethnicity, warning that "ethnoreligious identity may have been written off too quickly as a correlate of large-scale armed conflict . . . by many scholars."<sup>4</sup>

Bowen provides scholars with a cautionary study about making careless assumptions regarding the relationship between ethnicity and political violence. Most importantly, scholars should avoid uncritically assuming that any conflict involving different ethnic groups is automatically a result of ancient and long-standing racial animosities. Although Stathis N. Kalyvas finds that much political violence in civil wars is defined by local rather than national cleavages and is motivated by grievances which pre-date the rationale for the conflict, these are highly particular and narrowly-tailored grievances, not necessarily reflective of or based on ethnic identity; therefore, Kalyvas' conclusion does not conflict with Bowen's warning.<sup>5</sup> Bowen's major lesson for those who would study ethnic conflict is to reject a common myth: "What the myth of ethnic conflict would say are ever-present tensions are in fact the products of political choices" (13). Still, there are some initial conditions to look for when trying to predict and explain ethnic violence, including: ethnically preferential policies, significant economic disparities between ethnic groups, a history of ethnic tension or violence, disproportionate power relations between an ethnic group and the state, and geographic concentration/isolation of ethnic groups. A theory of ethnic violence in Malaysia and Sri Lanka should rely on these factors and on Bowen's emphasis on political decisions.

## THEORY AND HYPOTHESIS

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<sup>3</sup> Daniel N. Posner, "The Political Salience of Cultural Differences: Why Chewas and Tumbukas Are Allies in Zambia and Adversaries in Malawi," 529-545.

<sup>4</sup> Nicholas Sambanis, "What Is Civil War?: Conceptual and Empirical Complexities of an Operational Definition," 856.

<sup>5</sup> Stathis N. Kalyvas, *The Logic of Violence in Civil War*.

The theory put forth here is that political decisions made by politicians and community leaders to politicize racial, ethnic, and linguistic differences for the purpose of demonstrating their superior resolve and credibility are key in understanding and explaining ethnic violence.

Bowen observes that even given animosity between ethnic groups at the “ground level”, violence typically does not erupt under only that condition but requires a “push from the top” (8). That push comes in the form of political decisions made to benefit the elites or politicians in some way, usually with reelection or a higher position within the government as their immediate goal. In a regime with democratic and parliamentary elements, the existence of ethnic differences and disparities can make tempting targets for aspiring politicians looking for an advantage over competitors. Essentially, in the course of trying to gain popular support, potential candidates have an incentive to make rhetorically flamboyant appeals to ethnic solidarity and to promise ethnically-specific benefits to voters—private goods delivered through preferential state policies. Mia M. Bloom and DeVotta each refer to this as the “outbidding hypothesis.”<sup>6</sup> This political incentive structure can eventually create what DeVotta refers to as a culture of ethnic outbidding, which in turn leads to institutional decay and anti-minority sentiments (41). Preferential policies and ethnic outbidding, then, can be mutually reinforcing. Preferential policies make ethnicity politically salient, and this process inculcates a culture of ethnic outbidding among aspiring elites in an electoral system, leading them to propose and secure increasingly extensive preferential policies to set themselves apart from their fellow competitors.

Thus, relevant scholarship and the outbidding theory indicate that preferential policies exacerbate ethnic conflict and contribute to civil war.<sup>7</sup> The case of Sri Lanka and the Tamil Tigers supports this theory; yet the history of 20<sup>th</sup> century Malaysia might serve as a counterexample. Bowen notes as much: “Malaysia ought to have experienced considerable interethnic violence . . . whereas Sri Lanka . . . should have been spared such violence. And yet Malaysia has largely managed to

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<sup>6</sup> Mia M. Bloom, “Palestinian Suicide Bombing: Public Support, Market Share, and Outbidding,” 61–88.

<sup>7</sup> Donald L. Horowitz, *Ethnic Groups in Conflict*, 676.

avoid it while Sri Lanka has not" (12). The twin cases of Malaysia and Sri Lanka, then, pose an empirical puzzle. What accounts for the difference in levels of conflict between these countries if ethnically preferential policies in general tend to result in increased conflict through ethnic outbidding and politicized ethnicity? Is it differences in the content of the policies? Or were external factors mitigating the effects of the policies in Malaysia? Or were other factors exacerbating and exaggerating the effects in Sri Lanka?

The ethnic outbidding framework emphasizing the effects of political choices can still explain this puzzle by incorporating an important factor: freedom of political speech. Ethnic mobilization and polarization become more difficult to achieve when ethnically sensitive issues are excluded from public discourse by law, especially when that law involves heavy penalties. While the theorized link between preferential policies and politicized ethnicity is quite strong, it can be severed if political discourse is truncated. This is illustrated by the logic of the ethnic outbidding framework: if political actors are prohibited from publicly discussing or mentioning the particular issues they have the incentive to rhetoricize, then ethnic outbidding and preferential policies are no longer mutually reinforcing. If political speech is prohibited, then politicizing ethnicity for political gain becomes extremely difficult and costly. Therefore, all else being equal, there will be lower levels of ethnic violence if speech codes prevent a culture of outbidding from arising and higher levels of ethnic violence if political speech is relatively unrestricted. If speech codes in Malaysia and Sri Lanka differ significantly and are demonstrably enforced, while other relevant variables are comparably similar, such a situation would lend strong support to the hypothesis that differences in restrictions on political speech best account for the different outcomes of Malaysia and Sri Lanka.

## **RESEARCH DESIGN**

To explore these questions further, a qualitative, comparative case study design is most appropriate due to data limitations and subject matter. On the surface, these two cases promise analytical leverage because of the generated theoretical predictions involved and since they have important similarities yet variant outcomes on the variable of interest.

The fact that theoretical expectations are confounded by the different outcomes of Malaysia and Sri Lanka provide an opportunity for these two cases to serve as a kind of natural quasi-experiment.

The justification for this case selection is derived from a “most similar” variation of J.S. Mill’s “method of difference”. Although real-world situations never provide two cases which are absolutely identical except for the variable of interest, Malaysia and Sri Lanka are at least comparable in many relevant aspects, yet they ultimately differ on the variable of interest—ethnic violence. The variation between the two cases in the variable of interest helps to guard against the underestimation effects of selection bias.<sup>8</sup> The similarities are remarkable for naturally-occurring cases: Malaysia and Sri Lanka are in the same general geographic region; both have ethnically diverse populations with one dominant ethnic group, one large minority group, and other smaller ethnic groups; both have a legacy of British colonialism; both gained independence from the British around the same time period; both have experienced race riots; both have parliamentary systems of government. Apart from the variable of interest, the relevant aspects in which they differ serve only to make Sri Lanka less likely to experience ethnic violence under the outbidding framework, while Malaysia would be expected to experience higher levels of violence. The opposite is in fact the case, supporting the hypothesis that some factor other than a culture of outbidding or the existence of preferential policies is necessary to explain the variation of outcomes. However, owing to the limitations of case studies, findings will necessarily be particular and not readily generalizable; they could prove difficult to pinpoint with precision or identify as causal factors; and they will be probabilistic rather than deterministic.<sup>9</sup>

## EMPIRICAL ANALYSIS

### SRI LANKA

The island nation of Sri Lanka (called Ceylon until 1972) has been subject to rule by Portuguese (1597–1658), Dutch (1658–1796) and British (1796–

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<sup>8</sup> Barbara Geddes, “How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics,” 131–150.

<sup>9</sup> Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry*.

1948) powers throughout its long and varied history (Sowell, loc. 840). After beginning to agitate for constitutional reforms under British rule in the early 1920s, Ceylon gained its independence with the adoption of the Soulbury Constitution in 1948.<sup>10</sup> For a country with high levels of ethnic and religious heterogeneity, Ceylon's unusually peaceful and harmonious relations among the various sectors of its population during the first half of the twentieth century made the country stand out, especially with regard to its neighbors. Historian K. M. de Silva notes:

Sri Lanka in 1948 was, in contrast [to the situations of Burma and India], an oasis of stability, peace and order. . . . The transfer of power in Sri Lanka was smooth and peaceful; little was seen of the divisions and bitterness which was tearing at the recent independence of the new nations of South Asia. Within a few months of independence in 1948, one of the most intractable political issues in the country—the Tamil problem—which had absorbed the energies of its politicians and the British themselves to an inordinate degree since the early 1920s seemed on the way to amicable settlement.<sup>11</sup>

In fact, one American scientist went so far as to argue that, out of all newly independent countries, Sri Lanka had “the best chance of making a successful transition to modern statehood.”<sup>12</sup> Additionally, political elites of both Tamil and Sinhalese descent had much in common: they were predominantly English-speaking, had experience working together in public and private sector British jobs, were culturally Westernized, lived in Westernized areas, and desired a democratic political structure with basic civil and political liberties for all citizens (Sowell, loc. 829). The picture of Sri Lanka in the first half of the twentieth century is almost idyllic, especially compared to the conflicts seen in its neighbors—and compared to Sri Lanka's tragically violent future.

While interethnic relations were very peaceful, the histories and identities of the ethnic groups were markedly different. One primary difference was the degree of their Westernization. Although the British were the first foreign power to conquer the entire island, they did not do

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<sup>10</sup> U.S. Library of Congress, *Country Studies: Sri Lanka*.

<sup>11</sup> K. M. de Silva, *A History of Sri Lanka*, 489–490.

<sup>12</sup> Howard Wriggins, “Impediments to unity in new nations: The case of Ceylon,” 314.

so all at once, which meant that different sections of the Ceylonese population were exposed to varying degrees of Western influence over differing periods of time (Ibid., loc. 845). Even the type of Westernization differed: the Tamils were mostly educated by American Christian missionaries who emphasized math and science, while the Sinhalese received a classically literary British education. Geography also played a significant role. The Tamils lived (and still live) primarily in the northern and eastern parts of the country, which lack fertile soil and sufficient rainfall, while the Sinhalese faced more favorable climate conditions further inland (Ibid., loc. 846). The geographic harshness faced by the Tamils likely made them more eager to seize upon the new educational opportunities provided by Westerners as a way to overcome the poverty inflicted upon them by nature. The culmination of these differences in Westernization and education led to marked disparity of success in education and employment for years to come—specifically, “the Tamils were particularly well trained in subjects that would permit them to enter the sciences, engineering, and the medical field in the years ahead” (Ibid., loc. 850). Thus, by the time of Ceylonese independence, the Tamils were vastly overrepresented in universities and businesses relative to their share of the population (Ibid., loc. 880).

Furthermore, de Silva notes that the two major ethnic groups, the Sinhalese majority and the Tamil minority, had historically-based tendencies to conceive of nationalism in competing ways. The Sinhalese appeared to make no distinction between Buddhist-Sinhalese nationalism and a more general, country-wide Sri Lankan nationalism—the two were one and the same (de Silva, 490). In contrast, “[t]he Tamils, for their part, developed an inward-looking ethnic nationalism of their own, although this, like its Sinhalese counterpart, lacked cohesion or even the touch of authenticity till language became, after independence, the basis of these rival nationalisms” (Ibid., 490). The linguistic issue was significant to the origins of the Sri Lankan Civil War and the Liberation Tigers of Tamil Eelam (LTTE).

A few decades prior to independence, the Sinhalese majority belatedly began increasing their educational achievements, and newly educated Sinhalese were looking for jobs after Ceylon’s independence, especially in the public sector. However, the Sinhalese were at a seeming

disadvantage. They did not begin seriously pursuing public sector jobs until around the 1930s, several decades after the Tamils and the highly Westernized Burgher minority already held a disproportionate number of civil service positions. However, at the time prior to independence, civil service and public-sector jobs were not nearly as politically salient as they would be in the years immediately following independence (DeVotta, 70).

With public sector positions being disproportionately filled by the Tamil minority employed by the old-guard, English-speaking, Westernized political elite, after independence there was a general tendency to distance from and react against Western influences among the general population, especially regarding cultures, languages, and religions seen as Western (Sowell, 2004). Language in particular became a battleground for preferential policies. Ceylonese government business was conducted in English, and the public education system in Ceylon included officially subsidized education through Christian missionary schools. Seeing these as corrupting influences, newly educated Sinhalese began exerting political pressure in an effort to re-Ceylonize the linguistics of Ceylon (Ibid., loc. 971). These efforts included a strong push to reclaim the language of the government back to the people's "own language"; known as the *swabasha* ("self-language") movement, it included both Tamils and Sinhalese who wished to see their respective mother tongues supplant English (DeVotta, 43). It was not clear at first whether the general "own-language" movement referred specifically to Tamil or Sinhala, since both were languages native to Ceylon. Prior to independence, in the 1940s, similar demands were made for a more general shift from English to both native languages. The fact that the demands shifted after independence to a Sinhala-only preference points to a key factor underlying the language dispute.

It appears that a Sinhala-only language policy was the means directed to the more final end of having access to jobs and educational opportunities that could improve upward social mobility for the economically marginalized Sinhalese majority. Because the Tamils were disproportionately represented in public sector jobs and in higher education, transitioning from English to both Tamil and Sinhala would have enabled "free" competition for public-sector employment—but

such ostensibly free competition would almost certainly simply replace the English-speaking political elite with a Tamil-speaking political elite. Thus, a Sinhala-only language policy became the only politically viable option to sway a Sinhalese-dominated electorate—a fact seized upon in the 1956 elections by Solomon Bandaranaike, a member of the English-speaking government (Ibid., 72).

This narrowing of politically viable options and the permitting of the translation of linguistic nationalism into an entrenched system of ethnolinguistic favoritism are rooted in the political structure and incentives created by the Ceylonese Soulbury Constitution. Specifically, the lack of checks and balances among the branches and explicit protection for minority rights made it possible for Sinhalese pressure groups to “more or less blackmail the island’s politicians” (Ibid., 72). Specifically, Bandaranaike seized upon linguistic nationalism as a surefire method for voter mobilization in the 1956 elections, and accordingly “campaigned on the slogan ‘Sinhala-only, and in twenty-four hours.’ . . . But fulfilling [that slogan] amid the untrammelled passions and firebrand rhetoric of both Sinhalese and Tamils shattered relations between the two communities” (Ibid., 72).

Whether Bandaranaike perceived himself as being “blackmailed” by the Sinhalese electorate and the Ceylonese constitution, as DeVotta argues, is not immediately clear. An equally plausible explanation is that the political structure allowed Bandaranaike to utilize anti-Western and anti-Tamil sentiment created by the disparities between Sinhalese and Tamil economic, educational, and employment success to secure a bid for the office of Prime Minister, as argued by Sowell (loc. 971). This would still be facilitated (though not necessarily determined) by the political institutions of Sri Lanka, though for different reasons. Key pieces of information, however, tip the evidence in favor of seeing Bandaranaike as an opportunist rather than as an ideologue: caveats were included to protect the Tamil language in the original draft of the Official Language Act (though they were eventually removed by hard-line Sinhalese members of parliament); and a quiet order was issued the day after the Act took effect that all non-Sinhala languages should continue to be used in official business until further notice from the Prime Minister (Sabaratnam, 178–179). The hard-

line Sinhala-only position seems to have been merely campaign rhetoric (although as such, it was successful). Once in power, however, Bandaranaike's attempts at moderation were strongly resisted and decried by other hard-line Sinhalese politicians, likely with political ambitions of their own.

Ultimately, DeVotta attributes the deepening of the cleavage between Tamils and Sinhalese and the politicization of that cleavage to the political institutions of Sri Lanka, especially the structure of the Soulbury Constitution. Sowell generally agrees, but narrows the locus of causality to the specifically preferential policies that created government-enforced ethnolinguistic favoritism, such as the Official Language Act and the policy of university "standardization." As shown below, although Sowell's causal explanation is somewhat less deterministic than DeVotta's, both explanations are consistent with a broader theory of ethnic outbidding.<sup>13</sup>

As important as the Official Language Act of 1956 (and its surrounding circumstances) was for setting the political and social stage for the emergence of the LTTE, it was not the only factor—the LTTE was still twenty years away. Political events during the 1950s and 1960s further shaped the environment in which the LTTE coalesced. Apart from the Official Language Act, the other key factor shaping Tamil political sentiment was the Bandaranaike-Chelvanayakam Pact (BC Pact) reached between Prime Minister Bandaranaike and the Tamil-backed Federal Party (FP) (Sabaratnam, 184). The BC Pact, though seen as imperfect by the FP, met with fierce opposition from Bandaranaike's constituency, especially Sinhalese Buddhist monks, who staged protests outside of Bandaranaike's house. The resistance to this accommodation to the Tamils led Bandaranaike to renege on the pact. The creation of the pact led the Sinhalese to see Bandaranaike as a traitor; the dissolution of the pact led the Tamils to see the Sri Lankan state as itself treacherous. The Sinhalese responded to this perceived betrayal by assassinating Bandaranaike in 1959; the Tamils responded to the perceived betrayal by increasing protests and beginning to consider a separate Tamil state.<sup>14</sup>

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<sup>13</sup> See Posner, "Political Salience," and, in a different context, Bloom, "Palestinian Suicide Bombing."

<sup>14</sup> Sowell, *Affirmative Action*, loc. 924; Sabaratnam, *Ethnic Attachments*, 194.

The political institutions of Sri Lanka certainly played a role in preparing the environment in which the LTTE would emerge. Specific policies aside, although the various ethnicities had coexisted on the island for centuries, it was specifically the imposed British political structures that led to ethnic integration, and implicitly set up ethnicity as a qualification for public employment (Sabaratnam, 123). Although the British political institutions contained things generally considered to be political goods, it appears that “universal suffrage and territorial representation did not reduce ethnic loyalties. Instead they may have created forums for further assertion of ethnic difference” (Ibid., 124). The ethnic differences were made particularly intractable because both ethnicities conceived of themselves as besieged minorities: the Tamils saw themselves as a minority within Sri Lanka, and the Sinhalese saw themselves and their culture as a minority within the Indian region in light of the large number of Tamils living in certain Indian states (Ibid., 179).

Throughout the 1960s and early 1970s, legal measures were taken by the Sinhalese majority to attempt to compensate for the Tamils’ historic overrepresentation in education and employment. These measures included: government seizures of private, Tamil-populated schools; the requirement of lower university admission standards for Sinhalese than for Tamils; the removal of Tamil public sector workers who could not speak Sinhalese; and the amendment of the Sri Lankan constitution to remove a key provision on the protection of minority rights.<sup>15</sup> In this manner, “bread-and-butter issues made cultural affiliation relevant” (Sabaratnam, 194).

In reaction against what they perceived as intentional destruction of their prospects for decent lives, the FP and local Tamils began organizing *satyagrahas*, or non-violent public protests challenging the government. The new prime minister, Bandaranaike’s wife, sent in the Sri Lankan military to violently suppress the protests, especially since the Tamils were directly challenging the state’s authority by setting up their own postal system (Ibid.). The violent response to non-violent protests coupled with the increasingly exclusive laws and policies of the

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<sup>15</sup> Robert B. Goldmann and A. Jeyaratnam Wilson, *From Independence to Statehood: Managing Conflict in Five African and Asian States*; Sabaratnam, *Ethnic Attachments*, 198.

country served to solidify a sense of wholesale group discrimination against the Tamils on the part of the Sinhalese government. The Tamils gradually stopped associating their grievances with a particular administration or parliament and started believing that no government would treat them fairly as long as it was Sinhalese (Ibid., 195). The conditions were ripe for the rise of Tamil separatist movements in the 1970s.

In these years immediately preceding the 1976 creation of the LTTE, the most salient issue that solidified the sentiment of Tamil separatism was the policy of university “standardization”, which directly affected the material well-being and aspiration of Tamils. This policy was implemented in addition to existing preferential admissions policies in an attempt to further “correct” the overrepresentation of Tamils in desirable fields, especially the sciences and engineering. This particular policy “standardized” each student’s admissions scores based on scores relative to other students within his or her own ethnic group. In other words, Sinhalese scores were standardized by comparing them to the scores of other Sinhalese students, Tamils were compared to Tamils, etc. Such standardization policies were later expanded to include district quotas, where each district was to be proportionally represented in university admissions. However, because of the historic residential self-sorting of the Tamils and Sinhalese, the district quotas were tantamount to ethnic quotas (Sowell, loc. 930). All of these policies were based on the general claim that “because of the historical advantages and examiners’ biases, Tamils were securing admission to universities in larger numbers than their proportion in the population. Some sort of quota system had to be applied to remedy this Sinhala disadvantage. . . . [T]he situation was defined as a zero-sum matter, someone’s gain had to be another’s loss, and policy followed this definition” (Sabaratnam, 201–202). Statistical disparities attributed to ethnic bias and prejudice were used as justification for ethnic quotas in Sri Lankan higher education.

These policies did more than merely increase the Tamils’ perception of discrimination by the government. Data reported by Sowell and Sabaratnam show that Tamils’ admission rates and proportion of students in high-paying fields declined significantly from

1970 to 1975.<sup>16</sup> Since the Tamils were concentrated in geographic areas barren of natural resources, the decline in Tamil access to education made the Tamils' burden especially onerous — they had traditionally relied on education as a means of overcoming their geographic disadvantage. Tamil protests inevitably followed, but the policies were set by a Sinhalese-dominated government which, partially because of the Official Language Act, had no need to conciliate to Tamil demands — Sinhalese officials could get reelected solely based on the Sinhalese vote. As a World Peace Foundation report noted: “By the 1970s, Sri Lanka had become a country in which Sinhala politicians curried favor with the voting majority by appealing to ethnic mobilization. Nearly all Tamils have experienced what they regard as unjust discrimination, especially since 1956 [and the adoption of the Official Language Act].”<sup>17</sup>

In the minds of many disaffected Tamil youths, these actions solidified the sentiment that the Sri Lankan government was discriminating against them *because* of their ethnicity. In this sense, many Tamil youths began to put the current government on the same level as Ceylon's former colonial oppressors, and to accuse it of “systematic oppression” (Sabaratnam, 203). Tamil youths began to organize to oppose this oppression. Among the first Tamil youth groups were the Great Forum of Tamil Youth in 1972 and the Tamil Students' Federation, renamed the Tamil New Tigers in 1973. These groups received confirmation of their *raison d'être* in 1974 when Mrs. Bandaranaike acted against the World Tamil Conference attempting to be held on the northern Jaffna peninsula by instructing the mayor of Jaffna to block public access to the municipal building where the conference was to be held. The Tamil population protested this decision, and during the protests local police fired at the crowd, severing overhead power lines and causing many civilian deaths (Ibid., 212). Anti-Tamil sentiment and violence on the part of the Sinhalese rose in response to the increasingly public Tamil protests (Sowell, loc. 970).

Several other radical groups emerged in response to Sinhalese government and civilian violence: Eelam Revolutionary Organization of

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<sup>16</sup> Sowell, *Affirmative Action*, loc. 930; Sabaratnam, *Ethnic Attachments*, 202.

<sup>17</sup> Lisa M. Kois, Dana Francis, and Robert I. Rotberg, *Sri Lanka's Civil War & Prospects for Post-Conflict Resolution*, 6.

Students (EROS), The People's Liberation Organization of Tamil Eelam (PLOTE), Eelam People's Revolutionary Liberation Front (EPRLF), The Tamil Eelam Liberation Organization (TELO), and the Liberation Tigers of Tamil Eelam (LTTE), which was the new name of the Tamil New Tigers. As indicated by their names, these groups advocated political violence in the quest for a separate, sovereign state called Tamil Eelam. Especially after the moderating figure of S. J. V. Chelvanayakam (of the BC Pact) died in 1977, radicals increasingly saw the parliamentary route to be futile for the relief of the plight of the Tamil people (Sabaratnam, 213).

At its inception, the LTTE conducted operations on two fronts, or for two separate goals. The first and primary goal was to secure a sovereign Tamil nation-state. The second goal was to achieve organizational ends by establishing dominance among the various competing, rival separatist groups. It is clear in this context that cultural cleavages and ethnic nationalism served as useful vehicles for political competition and that the LTTE was actively engaged in ethnic outbidding.<sup>18</sup> In order to garner (at least tacit) public support and secure primacy over the other separatist groups, the LTTE had to show signs of strength, effectiveness, and success. A crucial event in this regard occurred in July 1975, when Velupillai Prabhakaran, leader of the Tamil New Tigers (later to be renamed the LTTE), assassinated the mayor of Jaffna, Alfred Duraiappah, not only for helping to block the World Tamil Conference of 1974, but also for remaining loyal to Mrs. Bandaranaike—for being a traitor to the Tamil people (DeVotta, 169).

However, the character that would mark the reputation of the LTTE did not clearly emerge until 1983. In July of 1983, the LTTE ambushed an Army patrol near Jaffna and killed 13 soldiers. This, the largest attack against the government by the LTTE thus far, sparked a serious military response. Later in the same year, a government-sponsored pogrom was conducted against the Tamils still living in Sinhalese areas, especially Colombo.<sup>19</sup> Pogroms caused a mass exodus of

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<sup>18</sup> Bloom, "Palestinian Suicide Bombing," 73ff.; DeVotta, *Blowback*, 169; Posner, "Political Salience," 543.

<sup>19</sup> William Clarence, *Ethnic Warfare in Sri Lanka and the UN Crisis*, 45; Sabaratnam, *Ethnic Attachments*, 188.

Tamils into the northern and eastern regions of the island, while also serving as a catalyst for LTTE recruitment; the LTTE recruited newly-displaced Tamils by the thousands, a fundamental shift from its previous membership of less than fifty cadres (DeVotta, 170). William Clarence credits the Army ambush and subsequent anti-Tamil riots with initiating the Sri Lankan Civil War.<sup>20</sup>

#### MALAYSIA

The Federation of Malaysia, like Sri Lanka, was also a former British protectorate. Prior to independence in 1957, Malaysia consisted of a loose peninsular combination of territories collectively known as Malaya.<sup>21</sup> However, unlike Sri Lanka, Malaysia had a history of ethnic tensions which the British accommodated through policies designed to protect and assuage the fears of the indigenous Malay population. Also unlike Sri Lanka, Malaysia would prove capable of avoiding widespread political violence despite facing similar kinds of ethnic polarization.

The British governed Malaya primarily through treaties and agreements with the local Malayan Sultans of each individual state and territory, placing the Malays in general in a privileged position with respect to British rulers and non-Malays in a position of subjection under the Sultans. This partially laid the groundwork for the first true system of explicit preferences for Malays that came in the 1880s when the government granted Malays special rights with regard to land tenure in order to vitiate new laws which might have an indirect adverse impact. Specifically, the preferences were granted in response to Malay concern about the expropriation of traditional lands to newly immigrated European and Chinese speculators. Thus, the preferences given Malays by the British not only “protected Malay peasants from land speculators [but] also insulated peasant Malays from the market economy and tended to encapsulate them in their traditional peasant economy and way of life.”<sup>22</sup> In the course of governing the colony, the British also specifically recruited Malays for local administrative posts while

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<sup>20</sup> Clarence, *Ethnic Warfare*, 44.

<sup>21</sup> D. G. E. Hall, *A History of Southeast Asia*, 839.

<sup>22</sup> Gordon P. Means, “Ethnic Preference Policies in Malaysia,” in *Ethnic Preference and Public Policy in Developing States*, edited by Neil Nevitte and Charles H. Kennedy, 97.

utilizing non-Malays in more menial capacities. This system of ethnically-based privileges and preferences continued and later served as the foundation for special Malay rights and reserved placement in higher education and high-level public sector employment.<sup>23</sup>

The British perspectives on the role of the Crown and the nature of the relationship between British and Malay culture acted in tandem to lay the basis for future policy. Desiring as a matter of pragmatism to defer to existing Malay customs and tradition when they did not conflict with broader royal interests, the British believed that the traditional Malay culture should be preserved and protected from the potentially damaging influence of immigrant competition as well as the destabilizing effects of general economic growth and development: preferential policies were a means of achieving this goal.<sup>24</sup> However, after independence, the policies remained (and expanded) while the rationale shifted—Malay preferences were now seen as the necessary mechanism for bringing Malays up to economic parity with the rest of the country, especially the economically advantaged Chinese population.

When drafting the new Federation of Malaysia's post-independence constitution, a British commission worked with an existing Malayan coalition to negotiate specific terms of the Constitution, especially the future status of Malay special rights. Initially, the commission saw more universalistic and egalitarian policies as desirable and moved to include a timetable for the phasing out of Malay special rights by inserting a provision for such policies to be reviewed and reevaluated fifteen years from the ratification of the Constitution. This also extended to citizenship, where "there was to be no discrimination of race or creed" (Hall, 875). However, the Malay coalition staunchly refused any such measures and successfully lobbied for the enshrinement of the special status of Malays in the new Constitution. Not only would such ethnic preferences be constitutional rather than statutory, but the specific articles of the Constitution which provided the special rights were protected by the Constitution from review or reevaluation in the future.<sup>25</sup> These provisions were concentrated in

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<sup>23</sup> *Ibid.*, 97–98.

<sup>24</sup> *Ibid.*, 98.

<sup>25</sup> Means, "Ethnic Preference," 102.

Article 153, which by design was made nearly impossible to amend since the unanimous consent of the Malay-only Conference of Rulers was required for amendment. The new constitution similarly enshrined and strengthened onerous requirements for the naturalization of non-Malays (Hall, 876–877). The amending of the 1948 Sedition Act in 1971 further entrenched these special rights. Additionally, the drafters created the office of a King or monarch (*Yang di-Pertuan Agong*) charged with the sacred duty of “safeguard[ing] the special position of the Malays” (Ibid., 926). Finally, the constitution declared Islam (the religion of the Malays) to be the official religion of Malaysia and adopted Malay as the official language of the new country.<sup>26</sup>

The drastic amendments to the Constitution in 1971 were not simply fabricated for the moment. The ethnic tensions springing from preferential policies had come to a head during the election of 1969. Similar to the situation facing Bandaranaike and other Sri Lankan politicians, the political climate of Malaysia had become such that older elites who sought cross-ethnic bargains and accommodations were being undermined and outbid by younger, aspiring elites from opposition parties or from within their own parties. A cycle of ethnic outbidding developed in which “each faction made more stridently ethnic appeals to secure the support of its community.”<sup>27</sup> These appeals inevitably revolved around the privileged position of Malays, the Malay language, and the Malay religion, promising either greater Malay privilege, the abolishment of Malay privilege for the purpose of instituting equal treatment, or, as was more frequently suggested, equal or greater privileges for non-Malays.

When the multi-ethnic coalition party won the election of 1969, unseating the incumbents in parliament, the exuberant Chinese population began celebrating with parades down public streets. Incensed at such gloating and intending to contest the validity of the election, Malays retaliated, sparking massive riots in which many Chinese and Malays were killed.<sup>28</sup> The Malaysian government responded by declaring a state of emergency and suspending the Constitution. After

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<sup>26</sup> Gordon P. Means, *Malaysian Politics: The Second Generation*, 3.

<sup>27</sup> Ibid., 3.

<sup>28</sup> Sowell, *Affirmative Action*, loc. 642–643; Means, *Malaysian Politics*, 7–10.

stern rule by the police and military, parliament finally reconvened two years later in 1971, with a package of policy actions ready to be implemented as a remedy to the perceived underlying causes of the May Thirteenth Emergency of 1969. These included the amendments to the Sedition Act of 1948 as mentioned above, as well as a “formal declaration of a national ideology called the Rukunegara[,] . . . designed to assert that fundamental agreements that had been the result of inter-elite ethnic bargaining were not to be challenged in the ongoing process of politics. . . . Challenges to the principles of the Rukunegara were to be answered with severe penalties.”<sup>29</sup> This major legal coupling of ethnic Malay nationalism with restrictions on political discourse backed by heavy sanctions signaled the beginning of a new direction in state policy towards Chinese-Malay relations.

The ambitious New Economic Policy (NEP) capped off the return of the parliament. Citing economic reasons and the “relative deprivation” of the Malays compared to non-Malays as the ultimate causes of the 1969 riots, government leaders unveiled the NEP as a vigorously expanded package of Malay preferences in employment and education, extending and expanding all previous Malay privileges to include the private sector as well as the public sector and mandating that all licensed businesses must be at least 30% in Malay control. Under the logic of relative deprivation, the riots necessitated remedy through extensive ethnic preferences. This conformed with popular opinion at the time, in which the riots of 1969 “were widely seen as an expression of the deep discontent felt among Malays over domination of the Malaysian economy by the Chinese minority” despite the historically disadvantaged political position the Chinese had held since first emigrating to Malaya.<sup>30</sup>

The only other major incidents after the amending of the Sedition Act and introduction of the NEP were student-led rebellions in

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<sup>29</sup> Means, *Malaysian Politics*, 12–13.

<sup>30</sup> Tai Yoke Lin, “Inter-Ethnic Restructuring in Malaysia, 1970–80: The Employment Perspective,” in *From Independence to Statehood: Managing Ethnic Conflict in Five African and Asian States*, edited by Robert B. Goldmann and A. Jeyaratnam Wilson, 44.

1974, eerily similar in nature and timing to the ones in Sri Lanka which were the seeds of the LTTE.<sup>31</sup> Compare Malaysia's response:

Following these demonstrations, far-reaching amendments to the Universities and University Colleges Act were introduced by Minister of Education Mahathir in 1975. Students were prohibited from joining or "allying themselves" with political parties, trade unions, or "any other organisation, body or other group" without the written permission of the vice-chancellor. Further, they were not permitted to "say or do anything that could be interpreted as supporting, sympathizing with, or opposing any political party or trade union."<sup>32</sup>

The combination of preferential policies, selective political repression, and economic growth appears to have spared Malaysia thus far from the fate of Sri Lanka.

#### ANALYSIS

Most accounts of the origins of the LTTE and the Sri Lankan Civil War focus on the issues of ethnicity, language, and political institutions. DeVotta argues that these three factors culminated to create a certain kind of toxic culture: "The culture of ethnic outbidding to which the language issue gave rise, the institutional decay that is concurrently generated, and the anti-minority sentiments and ethnocracy that it ultimately legitimated were the major reasons for Sri Lanka's twenty-year civil war" (DeVotta, 41). The Sinhala-only movement of course played a major role in creating this culture of ethnic outbidding, but the movement saw itself as a response to unfair conditions that prevailed in Sri Lanka prior to 1956. In this context, Sowell argues that it was specifically the preferential policies adopted from the 1950s through the 1970s that created the politicization of ethnic disparities that eventually led to civil war. For Sowell, it was not the existence of ethnic disparities that caused the conflict but the politicization of those disparities, as created by the institution of preferential policies and the demagoguery of ambitious politicians, along with the promotion of group identity politics (loc. 841, 980). This is broadly consistent with Sabaratnam's description

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<sup>31</sup> Means, *Malaysian Politics*, 38.

<sup>32</sup> Harold A. Crouch, *Government and Society in Malaysia*, 93.

of politicized ethnicity as the “disease of the body politic” (119). This outbidding hypothesis as described by Sowell, DeVotta, and Bloom is further lent credibility by Posner’s account of the usefulness of cultural differences and cleavages as political vehicles. When politicians or other ambitious actors see such disparities as useful, they can politicize them for their own gain.

But, even taking into account raw ambition, why would politicians and other actors willingly politicize ethnic differences if the consequences could be so disastrous? Going beyond the specific preferential policies emphasized by Sowell, DeVotta points to the structure of incentives and constraints created by the political system as the key determinant of politicized ethnicity. While individual opportunism and idiosyncrasies still wield influence, governmental and constitutional structure appears to have been the key factor.

Is there anything to take away from the origins of the LTTE? Sowell offers the following appraisal:

If nothing else, Sri Lanka demonstrated that complacency is never in order when racial or ethnic relationships are concerned, for even generations of peaceful co-existence can quickly turn ugly when the right circumstances and the right demagogue come together. Nor are such developments as readily stopped as they are started. Even concession that would have brought peace in the past can fail to bring peace after many bitter experiences have hardened both sides and produced extremists with a vested interest in the continuation of the struggle itself, which enhances their power, rather than concern for any social results likely to be produced by the struggle (loc. 986).

If the power gained from sustaining the struggle becomes the focus rather than the initial social goals, then this reveals that the factors that caused the onset of the war and the creation of the LTTE might not necessarily be the same factors that caused the continuation and prolongation of the war. The original grievances that led to the conflict were eventually buried under a “mutual exchange of mounting insults and violence.”<sup>33</sup> In this sense, as Sowell hints, once started the conflict can become self-reinforcing: “The conflict has moved far from the causes

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<sup>33</sup> S. J. Tambiah, *Ethnic Fratricide and the Dismantling of Democracy*, 16.

that originally produced it; rather, it is the consequences that carry the conflict forward. The consequences of the . . . war have been so overwhelming that influential forces in both Sinhala and Tamil politics appear to believe that the continuation of the war would be less of an evil than a settlement [would be].”<sup>34</sup> This hypothesis would help explain why the revised Constitution of 1978 did little to prevent war from breaking out a few years later. The 1978 Constitution attempted to address many of the issues that the scholars above noted as contributing to the onset of the war, such as the language-only policy and lack of protection for the Tamil minority. The revisions made Tamil the official language of Sri Lanka, alongside Sinhala, and returned the minority protections that had been stripped from the 1972 Constitution (while, admittedly, also giving the newly formed office of the president nearly dictatorial power). However, by that point, the separatist movement had already gained a strong foothold among the Tamil youth, and the new constitution crucially made no provisions for progressing toward a separate, sovereign Tamil state. It appears that the critical window had already passed—the conflict would take on a self-sustaining logic of its own.

A similar critical window can be found in the election and riots of 1969 in Malaysia. The riots and the government response to them in Sri Lanka significantly contributed to the emergence of the LTTE and the civil war. However, while the Sri Lankan government responded with primarily physical force, which further entrenched Tamil separatism, the Malaysian government expanded and strengthened Malay preferences to quell the Malay and *bumiputeras* (“sons of the soil”) who constituted the largest part of the ruling coalition’s base while simultaneously amending the Sedition Act to silence all discussion and criticism of Malay preferences, special status/rights, and any racially or ethnically “sensitive issues” (as defined by the Minister of Home Affairs). Not only were there severe restrictions on discussion, but the enforcement of the sedition laws was lopsided and tended to be more stringently enforced against non-Malays and non-*bumiputeras*, further cementing the government’s particular vision as the only legitimate framework for public discourse (Crouch, 83). Rather than being solely concerned with preventing

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<sup>34</sup> Robert I. Rotberg, *Creating Peace in Sri Lanka: Civil War and Reconciliation*, 158.

terrorist or guerrilla groups from challenging the government, the Malay elite wanted to prevent and inhibit groups from utilizing the established political channels to criticize the party in power. Under the auspices of “social responsibility,” “national harmony,” and democracy, certain foundational principles of the Malaysian regime were officially declared beyond the realm of discussion or debate in perpetuity. Criticism of such principles and policies was explicitly cited as the causal explanation behind the May Thirteenth Emergency by the Prime Minister, who argued that “the last elections resulted in chaos and shook the very foundation of unity . . . because the opposition parties criticized Malay rights and brought up other sensitive issues.”<sup>35</sup> Most blatant was a statement by Mahathir as Prime Minister: “Freedom too can corrupt and absolute freedom can corrupt absolutely.”<sup>36</sup>

Although the restrictions on political discourse were implemented through the Sedition Act of 1948, the amendments that specifically prohibited speech regarding Malay status, privilege, language, or religion were not passed until 1971, after the race riots of 1969. Still, Malaysia had a history of curtailing political and civil liberties for the sake of order and stability reaching back to pre-independence times, specifically regarding ethnic tensions. The fact that Sri Lanka lacked such a troubled history makes the difference in outcomes all the more striking.

The key role of Bandaranaike in exacerbating ethnic tensions and Tamil separatism in Sri Lanka has been extensively documented above. The lack of such a polarizing demagogue in Malaysia is certainly not due to a lack of aspiring politicians who would stand to gain politically from campaigning on ethnic preferences, as the election of 1969 demonstrates. Instead, it seems likely that the draconian restrictions on political speech in the aftermath of the race riots precluded the rise of such actors in Malaysian politics—the threat of imprisonment even for members of parliament simply made such tactics politically infeasible.

It would appear that Malaysia was able to stave off the levels of violence and conflict seen in Sri Lanka by adopting stern measures under British rule and by censoring speech and political discourse after

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<sup>35</sup> *Straits Times*, January 12, 1970: 1.

<sup>36</sup> *New Straits Times*, September 19, 1985: 12–13.

independence and the race riots, leaving the modern Malaysian political setting “relatively authoritarian.”<sup>37</sup> By contrast, Sri Lanka’s Constitution explicitly allows for freedom of speech and expression and does not protect any particular law from criticism or discussion. However, after a constitutional amendment just before the start of the war in 1983, additional power was granted to the president and exceptions were made to the rights of free speech and expression—specifically, they could be restricted in the interest of national security during times of war. Sri Lankan president Mahinda Rajapaksa used this restrictive power in his successful prosecution of the war against the LTTE. The remarkable success of the Rajapaksa doctrine in defeating the LTTE further supports the hypothesis that unrestricted speech helps exacerbate ethnic conflict, while repression and restriction of speech tend to quell it. Additionally, those restrictions on free speech were not enacted until after the important public events and demagoguery which led to the civil war had already taken place—those events and actions took place under relatively unrestrictive speech laws.

While it was certainly not the only factor, the use of harsh military force by the Sri Lankan state proved decisive for its final triumph over the LTTE; and even after the end of the war the President has continued to use the broad grant of power given to him by the Constitution to restrict the political freedoms granted elsewhere in the Sri Lankan Constitution, especially public discussion of racially sensitive matters. Reports of the “white-vanning” of journalists and public figures—warrantless, indefinite detention without trial—have continued years after the circumstances which prompted such (comparatively belated) curtailing of political freedoms have ceased to exist. While the initial hypothesis that restricting speech contributed to public stability has been supported within the ethnic outbidding framework, it remains to be seen if such measures will continue to be effective in the future of either country. Furthermore, while tentatively supported by the case studies presented here, the political speech argument is not without problems and difficulties when confronted by the broader literature.

Much of the literature on political repression and conflict argues that repressing political rights and liberties creates deep-seated

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<sup>37</sup> K. S. Jomo, “Whither Malaysia’s New Economic Policy?” 491.

grievances that will necessarily result in conflict when those with the grievances are presented with an opportunity.<sup>38</sup> This would lead to the expectation that, in general, restrictions on political freedoms and rights would lead to greater ethnic conflict and increase the risk of civil war. Specifically, Malaysia should have experienced greater ethnic conflict following the 1971 Sedition Act amendments, and Sri Lanka should have experienced increased violence following the exercise of enhanced executive powers by Rajapaska. However, as has been demonstrated, the opposite was the case.

A few possibilities emerge. One is that the combination of the end of the civil war and the relative newness of Sri Lanka's free speech restrictions implies that it is too soon to expect to see effects yet but that violence will inevitably increase in the future as a result of the political repression. Another possible explanation is the fact that, with respect to Malaysia, the enforcement and implementation of the sedition laws was quite selective (Crouch, 95). As such, the sedition laws did not mean the end of political freedom of public debate on political issues—only certain freedoms and certain issues were affected, and then only selectively. Yet, the instances in which the sedition laws were enforced were severe (Ibid., 83). One final possibility, suggested by Horowitz and supported by the Fearon and Laitin's general finding that economic growth is negatively correlated with civil war, is that Malaysia's strong economic growth since independence, rather than its restrictive speech codes, accounts for its relative lack of major ethnic violence. Such growth might even be a result of the New Economic Policy, which was itself an ethnically preferential policy favoring Malays. However, there are two problems with this explanation. First, in opposition to Ishak Shari's conclusion, Malaysia's economic growth seems to be largely attributable to increasing oil revenues and not to be a result of the redistribution efforts of the NEP *per se*—the NEP was itself largely funded by oil revenues.<sup>39</sup> Without the oil revenues, many goals of NEP would have been dropped of necessity, although the contracting economy that would

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<sup>38</sup> Paul Collier, Anke Hoeffler, and Dominic Rohner, *Beyond Greed and Grievance: Feasibility and Civil War*.

<sup>39</sup> Ishak Shari, "Economic Growth and Income Inequality in Malaysia," 122–123; Means, "Ethnic Preference," 114.

have resulted from a lack of oil revenue would have likely also increased ethnic violence. Second, while Malaysia's economic growth was indeed greater than that of Sri Lanka, Sri Lanka has not been economically deficient since independence—the economic differences between the countries do not seem significant enough to explain such drastically different outcomes. However, at the time of each country's respective "critical window," their policies regarding censorship and punishment of ethnically sensitive political speech were substantially different. Within the context of ethnic outbidding, such differences would account for why the "toxic culture" was able to be politically exploited in one country but not the other.

## CONCLUSION

Given the limited generalizability of qualitative case studies and the tentative nature of the findings presented here, we must be cautious in the inferences we attempt to draw from these examples. Nonetheless, a few closing comments are in order. It appears that preferential policies can serve as the mechanism by which ethnic fractionalization or diversity becomes ethnic polarization—politicized ethnicity, the "disease of the body politic" (Sabaratnam, 119). And there is tentative evidence that restrictions on free speech may interfere with that mechanism. However, it does not clearly follow that severe restrictions on political speech are either necessary or sufficient to prevent ethnic conflict. Means describes a key moment of decision faced by both Sri Lanka and Malaysia:

With the onset of the nationalist movement indigenous elites had to confront the issue of whether ascriptive and particularistic legal norms should be abolished, phased out, continued, or expanded. In the interest of national integration many former colonial states moved toward more universalistic legal principles, gradually or rapidly terminating ascriptively defined privileges and preferences.<sup>40</sup>

This, then, would seem to be the "critical window" in which the new government of Sri Lanka and Malaysia made important political decisions. It is not necessarily the case that restricting freedom of speech

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<sup>40</sup> Means, "Ethnic Preference," 96.

in Malaysia was necessary for preventing conflict, nor is it necessarily the case that Sri Lanka should have implemented harsher speech codes immediately after independence. Instead, the adoption of more universalistic principles devoted to equal treatment and protection under the law would have likely reduced the tensions which led to civil war in the case of Sri Lanka and to the imposition of severe restrictions on political freedoms in the case of Malaysia. This conclusion is grounded in the role preferential policies play in contributing to ethnic polarization, which in turn drastically increases the likelihood of political violence. However, Malaysia's imposition of regulations on speech specifically relating to race, ethnicity, and language during a critical window (before ethnic polarization erupted into widespread violence) interrupted or "short-circuited" the causal chain just described, whereas the causal chain was uninterrupted in the case of Sri Lanka. Speech regulation, then, was necessary to avoid political violence in Malaysia only because a vast system of preferential policies remained in place; the establishment of equal treatment policies instead would have altogether avoided a key causal factor of ethnic polarization, thus reducing the likelihood of political violence and removing the justification for state regulation of speech in the process. Speech regulation is a way to break out of the mutually reinforcing cycle of preferential policies and ethnic outbidding—remove preferential policies, and there is no mutually reinforcing cycle to disrupt. However, to the extent that the ethnic outbidding framework is correct, the presence of ethnic fractionalization coupled with freedom of political speech will always allow for the opportunity to politicize those ethnic differences (through preferential policies or other means) for mercenary gain. Research into the politics of other former colonial states that made more universalistic and egalitarian choices during critical windows may offer additional insights into the lessons to be drawn from Malaysia and Sri Lanka.

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