

DEMOCRACY, DIVERSITY, AND CONFLICT

Managing ethnic divisions in the Philippines and Malaysia

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Introduction

Another lesson of history may be lost, a lesson that can teach not only Malaysians but others as well about the conduct of Government, the behaviour of politicians, and the discipline required in a democracy in order to prevent a multi-ethnic, multi-religious, multi-lingual and multi-cultural country from going up in flames and destroying itself.

Instead we are seeing today an attempt by foreigners ... to abet inter-racial and inter-religious violence in Malaysia as they do for other countries. They advocate democracy as an end in itself. If the democracy leads to violence and destruction of an otherwise stable and prosperous society, it does not matter. The most important thing is that it is all in the name of democracy. ...

Fanatical belief in the system and ideology lead to crimes being committed in their names. Yet the system or ideology is upheld for its own sake.

...It is not the good results which democracy is supposed to bring about that is important. It is democracy and everything done in the name of democracy that is important. And so we see countries becoming anarchic and unable to develop because democracy in many instances undermined the ability of Government to maintain law and order and to develop the country.

Mahathir Mohamad, Prime Minister of Malaysia, 27.7.2000¹

We are poor because our elites have no sense of nation. They collaborate with whoever rules—the Spaniards, the Japanese, the Americans and in recent times, Marcos. Our elites imbibed the values of the colonizer.

And worst of all, these wealthy Filipinos did not modernize this country—they sent abroad their wealth distilled from the blood and sweat of our poor. ...

How do we end this shameless domestic colonialism? The ballot failed; the bullet then? How else but through the cleansing power of revolution. Make no mistake about it—revolution means the transfer of power from the decadent upper classes to the lower classes. Revolution is class war whose objective is justice and freedom. ...

Cory Aquino goes around telling the world that she restored democracy in the Philippines. Sure enough, we now have free elections, free speech, free assembly. But these are the empty shells of democratic institutions, because the real essence of democracy does not exist here. True to her oligarchic class ... she turned EDSA into a restoration of the old oligarchy.

Francisco Sionil Jose 2004²

How can these two citations be brought together? What is the link that connects them?

Both authors caution against democracy as an end in itself. They argue that, instead, democracy

¹ Datu Sri Dr. Mahathir Bin Mohamad, speech at the Opening of the International Association of Historians of Asia, Kota Kinabalu, Sabah, 27 July 2000, available at <http://www.pmo.gov.my/WebNotesApp/PastPM.nsf> (accessed 14 June 2006).

² Francisco Sionil Jose, “A Call For Revolution,” in *Far Eastern Economic Review* 168, no. 1 (December 2004): 47–50, at p. 48+50. Francisco Sionil Jose is the Philippines’ most renowned living author.

should be evaluated from an instrumentalist point of view. Mahathir Mohamad fears that democracy might lead to inter-ethnic violence in ethnically fragmented societies, while Francisco Sionil Jose argues that democracy enabled not only the establishment, but also the restoration of oligarchic rule in the Philippines, and thereby functioned like a smokescreen behind which a repressive class-based regime is enabled to exploit its own people, while the Western countries abstain from criticism because, after all, the Philippines are “our” staunchest “democratic” ally in the region. In multi-ethnic countries the “domestic colonialism” decried by Sionil Jose not infrequently takes the form of an ethnic hierarchy in which some groups are oppressed by others on account of their ethnicity.

Multiethnicity seems to be a special challenge to any system of governance, as it adds possibly deep-running cleavages to the societies. In marked difference to many other cleavages, ethnic boundaries seem to be natural; they can easily be endowed with a quasi-sacral aura, giving ethnic identity a significantly different flavor when compared with other collective identities. Ethnic identities also lend themselves rather easily to nation-building. The products very often are nations that are exclusively owned by one ethnic group, which in turn denies other ethnicities their right to equality. Sometimes horrible wars with thousands of victims commence as a consequence of such processes of ethnically-framed nation-building.

One option for circumventing the dramatic consequences of ethnic nation-building seems to be to choose a civic frame for the nation and base this on the equality of all citizens before the common state. From a western, liberal-democratic, perspective the natural correspondence to this choice is the democratic type of governance, in which loyalties are not determined by birth and the rulers of the day may be the opposition of tomorrow, and therefore all groups have superior incentives to moderate their behavior while in power. A democratic setting should be functionally superior; that is, in a better position to moderate the escalatory tendencies inherent in multi-ethnic settings and thereby achieve less violence-prone conflict management and eventual resolution.

At the same time it is acknowledged that during the phase of democratization, i.e., the transition from various kinds of authoritarian regimes to democratic ones, the danger of violent inter-ethnic confrontations rises sharply. This can be attributed to the time lag between the democratic opening and institution-building. Whereas the arena for contention and possibly also for

ethnic outbidding is thrown wide open with the first steps toward democracy, the institutional structure that is meant to contain the energies unleashed by open debate and competition is still either absent or in its infancy. Anyway it lacks the durable quality exhibited by the corresponding institutions in consolidated democracies. So high levels of violence seem to be a consequence of an unstable interim phase between two rather stable poles. It is assumed that the violence that not seldom accompanies democratization will be surmounted with the nearing of democratic consolidation.

If this were so, then consolidated multi-ethnic democracies should exhibit peaceful patterns of inter-ethnic conflict management. This might already be doubted when it comes to those economically highly developed democracies that comprise the OECD club. It becomes even more problematic when we take a look at the small number of consolidated multi-ethnic democracies beyond the so-called First World. In Asia only India and Papua New Guinea qualify for inclusion in Lijphart's study on the "Patterns of Democracy,"³ neither of which is known for a situation that might qualify as inter-ethnic peace. If we lower the criteria for qualification somewhat, two further countries come into focus which seem to make an "ideal comparison"⁴ when it comes to the effect democracy might have (or not have) on the management of inter-ethnic relations: the Philippines and Malaysia. Both have subscribed to the democratic form of government since the very day of their independence.⁵ Both deem democracy to be an important segment of their political identity and have long experience in regular elections. Both are multi-ethnic and multi-religious, and have to integrate people who are separated by vast tracts of deep sea. Their experience of colonialism seems to have been both rather similar and vastly different from their neighbor Indonesia, as was the experience of decolonization, which was achieved

³ Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999).

⁴ This obviously means as ideal as can be under real-life conditions.

⁵ It is true that in the Philippines, democracy was superseded by martial law and authoritarian government from 1972–1986, and in Malaysia we find a two-year emergency rule after the riots of 1969. In both cases this should, however, be seen as a clear-cut contradiction to a cherished self-image, and was rectified in due course—even though this process took a long time in the Philippines. Nevertheless, both countries have been governed by elected governments for more than four decades since they became independent in 1946 and 1957 respectively.

without firing a single shot. Both newly-sovereign states basically continued the political systems and constitutional arrangements bequeathed to them by their colonial powers. Looking at the basic institutional features of the political system, Malaysia can still be called a Westminster-type democracy, whereas the Philippines still adhere to the American-derived frame of reference.⁶

When it comes to inter-ethnic relations, however, differences abound. With a few exceptions Malaysia successfully sailed around the cliffs of inter-ethnic confrontation and violence, whereas the Philippines proved unable to devise arrangements acceptable to the Muslims who populate parts of Mindanao and the Sulu archipelago. Since 1972 the region has been engulfed in a drawn-out civil war with several tens of thousands of victims, hundreds of thousands of displaced people, and vast devastation of the local infrastructure. How this difference came about, and why democracy proved to be no antidote to violence in the Philippines, will be the topic of this paper.

1. Multiethnicity: different structurations and their consequences

Both Malaysia and the Philippines are multi-ethnic countries. However, the structuration of multiethnicity is rather different. In Malaysia, we encounter a structure, which might be called a politically salient, “multiple-layered” multiethnicity. In the Philippines multiethnicity is politically salient only at the level of the quest of the indigenous peoples. Both structurations are inheritances of the colonial eras.

The Philippines are probably the most thoroughly colonized country of Southeast Asia. The multitude of tribes, which inhabited the various islands from Luzon to the Visayas, were not only brought under the rule of the Spanish colonial power, but were Christianized in a rather uniform manner by the various Catholic orders, which controlled local society and politics in most of the regions. As a result, Catholicism emerged as the normative bond, uniting the Filipinos when the question of sovereignty and nationality were put on the agenda. Multiethnicity remained salient with respect to the question of the national language only. The only exceptions to

⁶ Interestingly, the federal United States gave a unitary state-structure to the Philippines, whereas the largely unitary British built Malaya as a Federation, after their idea of a Malayan union was not accepted by the local population.

this rule were the small number of non-Christianized minorities in the Cordilleras mountains in Luzon and the Muslims, who inhabited large tracts of Mindanao and the Sulu Archipelago in the South.

Whereas Philippine colonial transformation has been, with the aforementioned exceptions, to a significant extent very thorough and uniform among the various groups and regions, Malaysian colonial history was rather short-lived, culturally much less transformative, and variable across the regions of the future Malaysia. While some small parts of peninsular Malaya came under direct British control in the early 19th century, most of the others were indirectly controlled by so-called British advisers beginning in the 1870s. Eventually some were amalgamated into a kind of loose federation. The states that eventually were to comprise eastern Malaysia were controlled by a British adventurer and his heirs on the one hand and a British trading company on the other.

Nevertheless British colonial rule left its indelible mark on the future Malaysia, as the ethnic composition of the land was thoroughly altered by the massive British-sponsored immigration of Chinese and Indians. At the advent of nationhood in the mid-1950s, the Malays were no more than the largest “minority” in their own land. When Malaysia was created out of the Federation of Malaya, Singapore, Sarawak, and Sabah in 1963, new people entered the national political realm—the various indigenous ethnic communities, who inhabited the formerly British parts of Borneo (mostly Dayak and Kadazandusun). In these Eastern states, the Malays constituted only a small minority and were clearly outnumbered by the combined numbers of the Chinese and the indigenous ethnic communities.

For the Philippines the management of multiethnicity was to a large extent reduced to the question of indigenous people. The multi-ethnic context of the national polity was submerged under the dominance of sub-ethnic loyalties (toward clan and extended family) which formed the cornerstones of political organization of the colonial as well as post-colonial Philippines. Multiethnicity cropped up only with respect to stretching state control to the national fringes, to the peripheral regions in the Far South and in the mountainous areas of Luzon. Here the basic position was rather clear-cut up to the 1970s: assimilation or extinction.

The Malaysian elites were deeply conscious of the fact that Malay(si)a was the whole of Asia on a small scale. All major Asian civilizations “clashed” in Malaysia: the Muslim Malays;

the mostly Hindu Indians; the “Confucian” Chinese, most of whom simultaneously happened to be Buddhists or Daoists; and the indigenous tribal people inhabiting the northern part of Borneo, to whom Christianity had become an often prominent part of their collective identity. In Malay-(si)a ethnic boundaries coincided to a large extent with religious ones; both were drawn very sharply, and, we might add, they were mirrored in an economically plural society, where inter-ethnic intercourse was very limited. All of this seemed to point to the very real possibility of the impending disaster of inter-ethnic violence, probably a civil war. Therefore it is little wonder that national politics in Malay(si)a have, since the inception of the modern state, centered around the double question of

- C how the indigenous owners of the land could be put into a societal position that mirrored their special status as indigenous owners of the land (in their political, social, and economic positioning);
- C how a violence-free cooperation between the various groups that happened to live side by side in the early 1950s could be initiated and upheld. How, in other words, the polity could be stabilized and geared toward a kind of development that takes into consideration the fundamental needs of all the diverse and potentially competing ethnic groups.

Ethnicity and its management have been at the center of politics on all levels. For Malaya and later Malaysia the quest for a constructive management of multiethnicity became the foundation stone of the whole polity, from the federal level downward to the local level.

The differences in the structuration of multiethnicity in the Philippines and Malay(si)a were partly responsible for significant differences in its salience, which consequently resulted in different political conceptualizations and strategies. At all steps in this chain from structure to strategies the differences were compounded by differences with respect to societal organization and cultural patterns, both of which influenced the social categorization applied to ethnicity, its value, and the strategies deemed applicable for its management.

In my comparison between these two states I will center on two questions that pertain to the question of the capability of Democracy as a system of governance: its ability to mitigate inter-ethnic conflict, and its ability to enable the peaceful management and eventual resolution of inter-ethnic conflict.

It might seem logical that democratic societies see more conflicts among contending societal groups, because these are enabled by the very openness of the society to organize politically and to voice and represent their concerns in the open political arena. Autocratic regimes

normally close the political arena, at least to those groups that are deemed critical of the regimes or their policies. Therefore, less open societies should see less open conflict. On the other hand, the open debate on hot political issues within the limits of democratic rules of the political game should help, as is often assumed, to limit the contention and to keep the conflicts well below the “boiling-point” at which peaceful lobbying and protest might change into violent rebellion. Autocracies on the other hand, while being able to suppress conflict for a long time, run the danger that those suppressed conflicts may erupt directly in violence, because all other venues for voicing complaints and striving for the amelioration of grievances are foreclosed.

As just shown, on the eve of nationhood Malaysia had an inter-ethnic potential for conflict and violence of a far greater magnitude than the Philippines. In the Philippines the threat of inter-ethnic violence seemed rather low; and the possible costs for ameliorating the minorities’ fundamental grievances or, to use Burton’s terminology, their fundamental human needs,⁷ seemed nearly insignificant when compared with the potential of the overall polity. Therefore it should have been a rather easy task to devise workable solutions for the minorities. By contrast, the task at hand for the Malaysian political elite seemed tremendous. Many contemporary commentators feared that Malaya and later Malaysia were bound to fail. Rupert Emerson in 1960 commented with admiration that, with respect to Malaya, “on the basis of what has happened elsewhere, the gloom-seeking prophet was and perhaps still is, entitled to assume that radical discord must soon bring open civil strife or strong man rule or both, but the governing coalition, the Alliance, has been able to hold the leading Malay, Chinese, and Indian parties together within the constitutional framework.”⁸

If we put these two arguments together—

a) more open societies enable better inter-ethnic conflict-management;

b) the severity of the problems was far higher in Malaysia than in the Philippines

—then the Philippines should have managed much better than Malaysia, as they are generally also seen as superior with respect to democratic quality.

⁷ John W. Burton, ed., *Conflict: Human Needs Theory* (New York: St. Martin’s Press, 1990).

⁸ Rupert Emerson, *From Empire to Nation: The Rise to Self-Assertion of Asian and African Peoples* (Cambridge: Harvard University Press, 1960), p. 278.

Surprisingly, however, the Malay(si)an polity has survived tremendous inter-ethnic challenges: the basically Chinese-based Communist insurgency, which was eventually put down in the early 1960s; the integration of Malaya with the ethnically completely different British colonies on Borneo (Sabah, Sarawak) and Singapore in 1963; the dropout of Singapore only two years later; the Konfrontasi-policy engineered by neighboring Indonesia between 1963 and 1967; and emergency law between 1969 and 1971 in the wake of inter-ethnic riots in Kuala Lumpur, to mention only a few. Inter-ethnic violence was the exception to the rule of peaceful negotiated settlements. With the exception of the riots of 1969, no single significant inter-ethnic conflict turned violent. Thus for decades Malaysia could boast a peaceful, violence-free society, developing at a pace surpassed in the region only by the city-state of Singapore.

On the other hand, the Philippines, even though ethnicity is clearly not at the centerfold of national politics, has failed miserably in integrating the large Muslim minority that inhabits the southernmost part of the country. Their protest turned violent in 1972, and this civil war is one of the longest-standing low-intensity conflicts world-wide. The Philippine state has equally engendered violent resistance by a host of indigenous communities in the Cordillera region of Luzon, even though now, after two decades of low-intensity warfare, an uneasy truce reigns in the region. Other indigenous people in various parts of the country swell the ranks of the Communist army NPA. At the same time, in marked contrast to Malaysia, the Philippines, while starting from a higher economic level in the 1960s, has had mediocre development results during the last decades, and trails significantly behind its fast-developing neighbor in the new millennium.

In order to explain these surprising developments, the following paper at first reconstructs the cognitive frame of state- and nation-building, especially with respect to the symbolic representation and place of ethnicity within the overarching representation of state and nation. It also seeks to dissect the cognitive frame for the management of possible inter-ethnic conflicts which emerged in the course of national- and state-integration in the two countries. In a second step, the most important national policies with respect to the management of multiethnicity or inter-ethnic conflict are sketched. Once more, the cognitive frames as well as social practices engrained in these policies are carved out of the processes traced for the two cases. In the final

section I present an explanation of the dynamics that drive the various policies and lead to the sharply different results.

2. National politics with respect to the management of multiethnicity: Strong, active state versus weak, passive state

One of the most striking features in any comparison of the Malaysian and the Philippine states is the difference in state activism. Whereas the Philippines can hardly boast of any overall developmental vision for the country, the Malaysian elites, since the early years of the Federation, have developed and tried to implement all-encompassing, multi-dimensional visions of national development. The differences in policy owe much to differences in nation- and state-building, differences that escape the eye if the focus is on the current times only.

2.1 Malaysia: The development and working of an interventionist multi-ethnic bargaining system

2.1.1 The historical development of the multi-ethnic alliance: cooperation and competition among several ethno-cultural nations in one state

Malaysia is the latest product of a protracted process of state-building, by which a certain number of rather small, independent sultanates became integrated within a larger colonial framework, only to be reframed as a federation upon the eve of the colonial era. With the advent of sovereign statehood in 1957 they evolved into the only federal state in the region, the Federation of Malaya. The successful Malay(si)an state-building was enabled by several developments in the ideological and cultural realm which were initiated in the late 19th and early 20th century and resulted in a significant reframing of the concepts of political leadership, power, and identity group.

Traditionally, the *Raja* was perceived to be all-powerful in his local sphere; nevertheless, he was only one of several neighbouring rulers of basically equal rank. Therefore, power and leadership at the very top were conceived of in a framework of conflict and cooperation among equals. The relationship between the *Rajas* was perceived to be non-hierarchical. The Malayan particularistic view of political order exalted the *negeri* (the small state ruled by a sultan or raja), but not the idea of an overarching *negara* (state, nation). Political identity was bound to the

respective *negeri*, even though on the elite level, cultural identity (the feeling of sameness) was increasingly expressed on the basis of the Muslim faith since the late 19th century.⁹

In the 1920s a significant reframing of the political and cultural identity groups followed the influx of western concepts of race and descent. To the religious frame a second, ethnicity-based, identity was added: the *Bangsa Melayu* (the Malay community/nationality). Within a few decades the two were integrated with each other insofar as adherence to the Muslim faith became a central criterion of Malayness. However, political identity remained anchored in the *negeri*. The new cultural Malay nation was not made complete by the construction of a political nation corresponding to the *negara*. Adherence to the *negeri* enabled the representatives of the traditional *negeri* to continue as symbols of political and Muslim identity. This reframing of political and religious identity is clearly mirrored in the federal set-up that eventually emerged in the course of the constitutional debates. The states comprising the federation were offshoots of the old kingdoms, and the rulers succeeded not only in becoming the figureheads of the new states (viz., their former kingdoms), but in maintaining their prominent positions as representatives of the Malays and Muslims as well. As none of them could claim superior status, the “natural” outcome of the debate about their role on the federal level was a council of equals and the rotation of the position of supreme ruler (*Yang di-Pertuan Agong*).

The mainstream of Malayan political players from the very outset of modern state- and nation-building insisted on taking ethnic and religious identities seriously. They did not aim at

⁹ On these and the following themes see, for example: Norton Ginsburg and Chester F. Roberts Jr., *Malaya* (Seattle: University of Washington Press, 1958); B. Simandjuntak, *Malayan Federalism, 1945–63* (Kuala Lumpur: Oxford University Press, 1969); Gordon P. Means, *Malaysian Politics* (New York/London: New York University Press/University of London Press, 1970); Tan Liok Ee, “The Rhetoric of Bangsa and Minzu: Community and Nation in Tension, The Malay Peninsula, 1900–1955” (Monash University, Centre of Southeast Asian Studies, Working Paper 52); Ariffin Omar, *Bangsa Melayu: Malay Concepts of Democracy and Community 1945–1950* (Oxford: Oxford University Press, 1993); Anthony Milner, *The Invention of Politics in Colonial Malaya: Contesting Nationalism and the Expansion of the Public Sphere* (Cambridge: Cambridge University Press, 1995); and, of course, the classical study of J.M. Gullick, *Indigenous Political Systems of Western Malaya* (London: Athlone Press, 1958). An excellent comparative overview is given by Robert W. Hefner, “Introduction: Multiculturalism and Citizenship in Malaysia, Singapore, and Indonesia,” in Robert W. Hefner, ed., *The Politics of Multiculturalism: Pluralism and Citizenship in Malaysia, Singapore, and Indonesia* (Honolulu: University of Hawaii Press, 2001), pp. 1–58.

supplanting them with a fictitious all-encompassing civic identity.¹⁰ The conservative Malay political elite, as well as their Chinese counterparts, defined the political community in ethno-cultural terms. For them it was beyond doubt that political loyalty was owed to one's ethnic community (Malay: *bangsa*; Chinese: *minzu*) above all. Similar to the Malay concept of *bangsa*, the Chinese *minzu*-concept was built upon the idea of rights of culturally-defined ascriptive groups. Both clearly did not stand for individual rights.¹¹

Malay, as Chinese, elites held fast to the view that the community was identical neither to state nor society. Rather, the Malayan state was perceived as an attempt at multi-community co-operation, even though the ethno-cultural concept was employed in securing symbolical primacy for the Malay segment of the population as the owners of the Land of the Malays (*Tanah Melayu*). The *polity* was devised as a multi-ethnic arena, whereas the *land* itself was perceived to be the heritage of one ethno-cultural group. This differentiation was essential for the Malay(s)ian model, because “‘Federal citizenship’ meant membership of a nation, like a membership in a club with rights and duties. Nationality, however, meant a national identity, which was something else.”¹² Although inherently hierarchical, this double standard at least enabled the open

¹⁰ One prominent “dissident” in respect to the question of multi-racial politics was the first president of the United Nations National Organization (UMNO) himself, Datu Onn Jaafar, who left UMNO when he lost his case at the UMNO assembly of 1951. Onn had proposed to open UMNO to members of non-Malay descent. His opponents prevailed and one leading advocate of an exclusionist course, Tunku Abdul Rahman, took over as party president. He argued that there could be no Malayan identity that united the various ethnic identities and asked “who are these ‘Malayans’? This country was received from the Malays and to the Malays it ought to be returned. What is called ‘Malayans,’ it is not yet certain who they are; therefore let the Malays alone settle who they are.” (Tunku Abdul Rahman, 1951, cited in Cheah Boon “Kheng, Malaysia: The Making of a Nation,” ISEAS, Singapore, 2002, pp. 26–27). Datu Onn in 1951 founded the multi-ethnic “Independence of Malaya Party” and in 1954 the “Party Negara,” but neither received any support from the other ethnic organizations of the Chinese or Indians, nor did he gain many votes in the various local elections that his party contested. Tan Cheng Lock, the most influential leader of the conservative Chinese business establishment and president of the MCA, after initially pledging support for Onn’s case, quickly sided with UMNO in order to get his share of influence and power in a multi-ethnic alliance with UMNO and later the MIC.

¹¹ Tan, “The Rhetoric of Bangsa and Minzu” (footnote 9).

¹² Cheah, “Kheng, Malaysia” (footnote 10), p. 5.

settlement of group conflict, insofar as sub-national, ethno-cultural groupness was perceived to be legitimate in the political realm.

In the years to follow, these concepts were translated into a distinct practice of accommodative power-sharing at the elite level which primarily aimed at securing group rights. The elites of the large communal groups legitimized their leadership not by nation- but by successful state-building, which was largely measured by its socio-economic output. So in late colonial and early sovereign Malaya we find a strong drive toward state-building, but a near complete lack of nation-building. Integration was to be accomplished by taking recourse to a joint state, not a joint nation. On the one hand, the federation was defined in civic terms, insofar as all people living in Malaya for a prolonged time-span and willing to pledge loyalty to the new Federation of Malaya could enter the community of citizens—an option that resulted in the naturalization of most Chinese immigrants within a few years. On the other hand, Malaya was defined in ethno-cultural terms as Land of the Malays (*Tanah Melayu*), whereby the *Bangsa Melayu* was understood as a nation constitutive for the state (*Staatsnation*). This collective identity found its expression in the choice of Islam as the state religion and the symbolically strong position of the rulers, by which the modern polity was anchored in the Malay past.

In effect, the Malayan elites fused three different visions of the nation by constructing a multinational state (pluralistic nationalism) based on the idea of citizenship for all people owing allegiance to Malaya irrespective of their descent (civic nationalism). All citizens were obliged nevertheless to define themselves in the categories of ethno-cultural nations for all purposes of political cooperation (ethno-cultural nationalism). The whole of the Malay(si)an population was seen as an assemblage of its constituent ethno-cultural parts. This rather specific mixture of ethno-cultural, multinational, and civic nationalism enabled (and enforced) a permanent balancing act in which competing collective interests had to be negotiated and integrative solutions arrived at.

The emotive foundation of such an ideology has been summed up by the prime minister of the Federation of Malaya, Tunku Abdul Rahman when, in fierce negotiations among representatives of the Malay, Chinese, and Indian ethnic groups, the famous inter-ethnic social contract was hammered out in 1955. Addressing the General Assembly of his party UMNO, he said that:

our responsibilities are not only for the Malays but also for other races living in this country. We believe that Malaya will achieve independence only ... by cooperating with other races. Since we have sworn not to create any bloodshed, we should be considerate in our demands for the honour of our race and without neglecting the rights of other races. We have to work together with a spirit of goodwill and friendship with the other races who have lived here and become loyal citizens of this country.¹³

His Chinese counterpart Tan Cheng Lock argued in a similar vein when he cautioned against radical demands, because “greed can blind us to realities and to the just claims of others. Unless we bear this clearly in mind, we are in danger of sacrificing fundamentals for gains of little consequence.”¹⁴

These two remarks by the most important political leaders of early sovereign Malay(si)a point to one foundation of any working ideology of ethnicity-centered, multinational state-building: the quest for the establishment and upholding of a regime of power-sharing and rule-bound inter-ethnic bargaining.¹⁵

The state was not so much perceived as a symbol of sovereign power but as a rational instrument designed for problem solving. Within a few years, Malay(si)a developed a highly rule- and institution-oriented “quasi-bureaucratic” conflict style for the mediation of inter-communal conflict at the elite level. All groups accepted that all parties to a conflict had a right to be heard and to participate in its resolution, and that conflict resolution had to be compromise-oriented and to take into account the legitimately held interests of all contending parties. Compromise

¹³ Tunku Abdul Rahman, cited in Hng Hung Yong, “Five Men and Five Ideas: Building National Identity,” Asian Strategy and Leadership Institute, Kuala Lumpur, 2004, p. 86.

¹⁴ Tan Cheng Lock, cited in *ibid.*, p. 87.

¹⁵ The connection between inter-ethnic cooperation and a policy aiming at uplifting all ethnic groups in order to pre-empt ethnic violence has always been an important part of the political rationale, and still plays an important part in the political reasoning of politicians and high bureaucrats alike. In an interview in summer 2004 one high-ranking bureaucrat of a Sabahan ministry argued that violence might erupt “provided you don’t take care of the social and political dimension.... In every country violence will take place if one section of the community feels that they have been marginalized, or feels that they have been victimized. Or members of one political party feel they have been victimized. So it is important to manage the economic, political and social ... in such a way that everybody feels that they have a fair stake of everything.” (Interview, Kota Kinabalu, Summer 2004; anonymized).

was seen as an aim of conflict management, not as a strategy or tactic for achieving maximalist aims. As *the* people were not conceived of as *one* fictitious entity, but only as the sum of its constituent parts—the communal groups—none of the groups could subordinate the others by taking recourse to *the* will of *the* people. The collective good could only be determined as the good that could be achieved in a fair bargaining process. It emerged as the largest possible common denominator of all particular aims held by the communal groups comprising the Malayan society.

Paradoxically, the ascriptive lines of ethnicity that structured the modern political system were from its very inception impeded by countervailing practices transcending ethnicity. Since the founding of the Alliance government in the early 1950s (later renamed *Barisan Nasional*), its member parties never competed against each other in elections.¹⁶ In order to maximize its chances of success the Alliance leadership nominates one candidate for any election district. Therefore, with respect to elections, the alliance basically acts like a single multi-ethnic party. To be sure, the ethnic affiliation of candidates most often follows that of the majority of the respective constituencies; however, there have been many exceptions to this rule. Most important, all alliance member-parties recommend their respective clienteles to vote for the alliance candidate, even if he is not of their ethnic or religious background. The political alliance of ethnic parties thus fulfils an important trans-ethnic bridging function. Every new election shows many Malaysians that the basis of the political system is on the one hand ethnicity, but on the other, inter-ethnic cooperation.

The Malayan way can be summed up in the following theses:

1. Give priority to state-building over nation-building;
2. Accept the equality of all ethnic groups in respect to the legitimacy of their basic needs of identity, security, and well-being (equality/justice);
3. Accept the legitimacy of competing identity-claims; and
4. Utilize a conflict-perspective that
 - a) values compromise among evenly balanced collective players and integrative strategies safeguarding the most fundamental interests and meeting the largest possible number of requests of all parties to the conflict and
 - b) stimulates non-public, intra-elite bargaining, while discouraging broad-based political participation and delegitimizing political strategies that rely on mass mobilization.

¹⁶ There have been a few rare exceptions to this practice which, however, were local incidents that most often brought about strict disciplinary measures from the respective party centers.

Even though conflicting issues pitting the various ethnic groups against each other have abounded in the decades of sovereign statehood, the basic position of organizing society and politics along ascriptive group-lines; giving precedence to group rights before individual rights; of accepting the rights to security, identity, and welfare for every single ethnic group; and hammering out integrative deals in closed-door sessions between the political elites of the ethnic groups has been upheld.

2.1.2 Managing multiethnicity in Malaysia: The activist state in action

As is clear from the above, the management of ethnic divisions lies at the heart of multi-dimensional state-politics.

2.1.2.1 Economic management of inter-ethnic relations

In a way, the fundamental developmental ideology and practice of the Malaysian state can be described as an effort at stabilizing inter-ethnic relations by safeguarding a balanced development. After some initial reluctance, the Malaysian state emerged as a decidedly interventionist state that played three key roles in the economic realm:

1. provider of opportunities for the supposedly disadvantaged ethnic group of the Malays;
2. regulator of business, with the openly expressed aim of fundamentally restructuring the economic sphere for the benefit of the Malays and later the Bumiputera;
3. investor using its capital to acquire assets on behalf of the Malays and using its ever-expanding leverage as owner for political ends.¹⁷

This interventionist stance emerged after the short-lived inter-ethnic riots that engulfed the Malaysian capital in the wake of the 1969 elections. In their analysis of the reasons for the riots, the National Operations Council, which devised the policy and organized the eventual return to democratic rule in 1971, pointed to the problem of poverty, which was particularly widespread among the mostly rural Malays. Poverty was supposed to be one consequence of the prevailing ethnic division of labor which clearly seemed to favor the Chinese entrepreneurs who dominated those parts of the national economy that were not in the hands of international capital.

¹⁷ Khoo Boo Teik, "Managing Ethnic Relations in Post-Crisis Malaysia and Indonesia," United Nations Research Institute for Social Development, *Identities, Conflict and Cohesion, Programme Paper Number 6*, August 2004, esp. pp. 6–7.

The path-breaking New Economic Policy (NEP) set the agenda for the next two decades. It was clearly geared toward inter-ethnic balancing insofar as it aimed at “restructuring to abolish the identification of race with economic function”¹⁸ at the same time that it focused on the eradication of poverty, irrespective of race and ethnic group. So poverty eradication was conceptualized in ethnic terms, even as ethno-policy was formulated in class terms. The central aim of politically-induced restructuring required an active state, guiding social and economic development according to the politically defined aims.

Most important was that the betterment of the position of the Malays was not accomplished at the cost of the Chinese or Indians. Especially in the economic realm, the affirmative action policy for the benefit of the Malays was framed in an overarching policy of economic nationalism which also benefitted most of the Chinese. Basically the Malay as well as the non-Malay shares in the modern economy, which increased at the expense of (old) foreign ownership. Here we see one working principle of the ruling inter-ethnic Alliance in practice: no single ethnic group is allowed to come out of any deal as a clear-cut loser. Profits might be partitioned unevenly, but all parties have to share in the profit. Whereas the Malay share in modern capital rose from 2.5 percent in 1970 to nearly 30 percent in 1990, the Chinese share likewise rose from 22.8 percent in 1969 to 40 percent.¹⁹ One by-product of the activist state was a huge increase in the share of public enterprises, which eventually dominated several sectors of the economy (modern agriculture, mining, banking). These enterprises were instrumentalized for the politically prescribed aim of restructuring.

By the time the new Prime Minister Mahathir took office in 1981 several weaknesses of the NEP had become obvious. The strong position of bureaucratic players had encountered growing resistance from the new class of Malay entrepreneurs, who often complained of unfair competition. At the same time it had become obvious that many Malay entrepreneurs worked only as figure-heads in basically Chinese-managed enterprises, thereby circumventing the quota

¹⁸ Khoo Boo Teik, *ibid.*, p. 5.

¹⁹ Khoo Boo Teik, “Managing Ethnic Relations” (footnote 17), p. 7.

policy imposed by the government.²⁰ Mahathir broadened the vision of NEP toward a nationalistic development policy that, while still aiming at the betterment of the economic position of the Malays, focused more on the strengthening of the overall national economic performance. The economic recession in the mid-1980s brought the conflict in the Malay camp between those prioritizing redistribution and those prioritizing growth to a boiling point. Mahathir's strategy of viewing Malaysia as an economic unit, aptly described as "Malaysia Incorporated," along with his decision to accelerate the policies of privatization, decided the conflict in favor of the maximization of growth.

This new orientation was at the centerfold of the new vision, *Wawasan 2020* (Vision 2020), which was meant to replace the NEP. Whereas the aim of the NEP was to equalize the positions of the major ethnic groups by affirmative action in favor of the Malays, the new aim was to construct a *Bangsa Malaysia* (a Malaysian nation), in which ethnic origin would eventually cease to play a defining role. The success of the growth strategy, which led to growth rates of more than 9 percent in the late 1980s, eventually resolved the conflict, because all contending parties received their share of the new wealth. Irrespective of the differing emphases, the various programs did constantly aim at supplying "economic solutions to cultural problems."²¹

The most fundamental characteristics of NEP as well as *Wawasan 2020* can be summarized as follows.²² Both programs:

1. required a high degree of state-intervention;
2. combined a policy of restructuring the economy in favor of the disadvantaged indigenous groups (*Bumiputera*) with an underlying class content, which focused the interventionist measures on the reduction of poverty, irrespective of race.
3. aimed at prioritizing Malays and Malay culture, but accepted the persistence of other cultural orientations and culture-based networks on pragmatic grounds;
4. refrained from impinging on existing non-Malay but Malaysian (i.e., mostly Chinese) capital;
5. aimed at adapting the Malay population to the perceived needs of an open modern economy;

²⁰ This was done under the category of so-called "bumiputera non-bumiputera joint venture." The *Bumiputera* component provided only the necessary political connections in many of these joint ventures. Capital and leadership skills were provided by the Chinese partners.

²¹ Khoo Boo Teik, "Managing Ethnic Relations" (footnote 17), p. 11.

²² *Ibid.*, pp. 11–12.

6. safeguarded multi-ethnic support by a strategy of institutionalized power-sharing among the representatives of the major (and later also the minor) ethnic groups;
7. thereby diminished the likelihood of intense ethnic economic rivalry, while slowly refocusing the strategy on the build-up of a national economic vision, irrespective of race.

Whereas the programs were rather successful with respect to the first task of diminishing ethnic economic confrontation and competition and reducing poverty, they mostly failed with respect to the second, constructing a Malaysian nation. Affirmative action and ethnically-grounded economic imbalances are still on the political agenda.

2.1.2.2 Malaysian language policy

The question of language is hotly contested and has repeatedly led to near confrontations between politicized segments of the various ethnic groups. Throughout the decades since independence, “language policies ... have been closely tied to questions of race, ethnicity, and citizenship.”²³

The ambivalence that informed later policy was already spelled out in the 1947 report of the working committee that was tasked with formulating recommendations for the decolonization of Malaya. The report stated, that “(i)t is important to emphasize that the Malays have no alternative homeland, while the remainder of the population, with few exceptions, retain in varying degrees a connection with their country of origin, and in a very many cases regard that country and not Malaya as the primary object of their loyalty and affection.”²⁴ The logical conclusion to be drawn from this evaluation was that the Malay’s cultural primacy had to be safeguarded on account of them being the original owners of the land. However, even though later reports not seldom concluded that all schooling should be conducted in Bahasa Malaysia, the Malayan government was hesitant in the implementation of that maxim. In order to appease the Chinese and Indian (Tamil) minorities, the National Alliance proclaimed the Education Ordinance of 1957, which “created two types of schools in Malaya: standard primary schools, in which the medium

²³ Šumit Ganguly and Michael E. Brown, eds., *Fighting Words: Language Policy and Ethnic Relations in Asia* (Cambridge: MIT Press, 2003), p. 240.

²⁴ “Report of the Working Committee,” 1947, cited in Ganguly and Brown, *ibid.*, p. 243.

of instruction would be Bahasa Malaysia; and standard-type primary schools, wherein Mandarin or Tamil could be the medium of instruction.”²⁵

In the years to come, UMNO under Tunku Abdul Rahman had to weather several storms of protest ignited by Malay radicals, who aimed at an immediate and complete realization of the official policy of Malaysianization. Even though article 152 of the constitution prescribed that ten years after independence English would cease to be one of the two official languages, the Alliance in effect tried to water down this prescription by issuing the National Language Act in the very same year, 1967, when the constitutional clause would have taken effect. Hence the future role of English was to be at the discretion of state and federal officials to a significant degree. Mandarin and Tamil could be used in all unofficial matters. Radicals on both sides were not happy with this solution, and clamored for either a clear-cut Malaysianization policy or a multi-lingual approach. In the wake of the emergency, which was declared after the severe riots of May 1969, the language question was included in the set of sensitive issues which henceforth could no longer be debated openly. At the same time, however, the government continued to extend government funding to the vernacular (i.e., Mandarin and Tamil) language primary-school system. In 1987 conflict about the status of the Chinese-language schools resulted in popular mobilization by both the radical Malay and Chinese camps, the former led by parts of the UMNO hierarchy, the other by the Chinese schoolteachers association (Dong Jiao Zhong) and the basically Chinese opposition party, DAP. The government reacted decisively by detaining a significant number of leaders of both camps. The next clash ensued in 2000 when the government tried to introduce “Vision schools” (Sekolah Wawasan), that is, schools where “at least two out of three schools with different mediums of instruction—Bahasa Malaysia, Chinese or Tamil—would be housed in the same compound.”²⁶ They were expected to provide chances for a bet-

²⁵ Ganguly and Brown, *Fighting Words* (footnote 23), p. 246.

²⁶ “MCA to ensure Vision School guidelines are met,” *The Star*, 28 November 2000.

ter intermingling of the three races.²⁷ Pressure mainly by Chinese lobby groups²⁸ nipped this initiative in the bud, even though the Chinese representatives in the governing multi-ethnic alliance had initially supported it.

Although the political aim clearly is to arrive at one shared national language—Bahasa Malaysia—actual policy is rather accommodative toward the sensibilities of the non-Malay minorities. At the turn of the 21st century Malaysia still harbored some 1600 Chinese language primary schools,²⁹ which were attended by nearly 90 percent of the Chinese and more than 65,000 non-Chinese children. On top of this there still exist 60 Chinese secondary schools.³⁰ Tamil communities run more than 500 primary schools in which Tamil-language education is practiced. The pragmatic view of the government with respect to language can also be seen in the 2002 decision to return to the former practice of teaching science and mathematics in English in order to ensure that sufficient English proficiency would be guaranteed for future generations.

The late 1990s brought a further opening of language teaching in the regular state-sponsored schools. On the basis of a clause of the 1996 Education Act, which allows for language courses when the parents demand one and at least 15 pupils are willing to take part, several other

²⁷ According to a survey conducted at University Malaya “over 95% of undergraduates interact only with fellow students of the same race.” “A Nation Still Divided,” *Far Eastern Economic Review*, 7 December 2000. Many students even rejected sharing hostel rooms with students from other races.

²⁸ Although the lobbies often pose as the civic alternative to the ethnic mainstream, their arguments are ethnically founded, when they, for example, point out that “DJZ [Dong Jiao Zhong] upholds the right to defend our mother tongue education system because we believe that the mother tongue is the most effective way for the child to be educated and we believe that our respective ethnic languages (our roots) must be promoted for the propagation of Malaysian cultures.” Kua Kia Soong, “Who is Blurring the Vision Schools Issue?” at <http://www.malaysiakini.com>, accessed 11 October 2000; also at <http://youth.scah.org.my/zt-vs-pl120.shtml>.

²⁹ Dong Jiao Zhong gives somewhat lower numbers. They state that the number of Chinese primary schools has decreased from 1342 in 1957 to 1283 in 2000 (Kua Kia Soong “Who is Blurring the Vision Schools Issue?” *ibid.*)

³⁰ “A Nation still divided,” *Far Eastern Economic Review* 7 December 2000; Lim Kit Siang, “Vision schools should be put aside until implementation of RM1 billion fair deal for Chinese education in Eighth Malaysia Plan,” at <http://www.malaysia.net/dap/lks0564.htm>.

ethnic minorities took initial steps to get their languages included in the curricula of those schools where they have a significant presence. Currently three indigenous languages besides Malay are taught in schools. Most prominent are Iban and Kadazandusun, the two languages of the largest indigenous ethnic minorities in Sarawak and Sabah respectively. After having been used as an official language during the days when Sarawak was still a British colony, Iban had for several decades not been taught at school. However, owing to pressure from Iban organizations and politicians, Iban was introduced in the curriculum in the late 1990s. A similar development can be seen with the language of the Kadazan and Dusun. Here the Kadazan Cultural Association had lobbied for the teaching of the Kadazan language since the mid-1980s. Conflicts on which dialect to choose as a foundation for a standard language delayed implementation of state policies, so that the project languished until the mid-1990s. After reaching agreement, however, a new education bill was passed in parliament, which “allowed for the teaching of the Kadazandusun language in school throughout Sabah as the ‘Pupil’s Own Language’” (POL).³¹ Since 1997 the Kadazandusun language has been taught in Sabah. Most surprising should be the case of the Semai, a small group of indigenous people (Orang Asli), numbering no more than 26,000 people. In 1998 a pilot program was put into place, and a few years later regular courses commenced.

Similar plans exist with respect to the Iranun language, which is spoken by about 20,000 people in Sabah. Some of their leaders are doing their best to devise plans for the inclusion of Iranun as an official POL taught in school. However, they seem not to realize that not infrequently such an endeavor comes near to being an exercise in backwards-oriented cultural engineering. As Tan Sri Datuk Pandikar Amin Haji Mulia, an Iranun leader and former Minister for Culture, Youth, and Sports of Sabah complains,

the Iranun community does not realize that their language is on its way to extinction. They are comfortable and are enjoying the fruits of prosperity of the nation. As such it will be challenging to change this mindset. It will be a monumental

³¹ Karla J. Smith, “Minority Language Education in Malaysia: Four Ethnic Communities’ Experiences,” *International Journal of Bilingual Education and Bilingualism* 6, no. 1 (2003): 52–65, at p. 56.

task to make them understand that the development that they are enjoying now is at the expense of losing their language.³²

The problem posed by such a position is obvious: it tries to reconstruct a language-focused indigenous identity, even though the prospective carriers of this identity seem to be willing to integrate into the larger political community. However, even such efforts are not turned down summarily by the responsible education department, but are considered for decision if the respective community comes up with a sound teaching module for the language.

Since independence the Malaysian government's foremost aim with respect to language education has been the establishment of Malay not only as the lingua franca for the whole of Malaysia, but also as the National Language of Malay(sia). Nevertheless, it has by and large respected the desires of other language groups to enable the intergenerational transmission of language skills by providing teaching facilities.³³ Even though the government certainly does not actively support efforts of minorities to establish their languages as part of the national curriculum, they generally accept the minorities' wishes and act accordingly. Thereby even small minorities like the Semai or the Iranun can realistically hope for state-sponsored language education in the Pupil's Own Language.

³² Tan Sri Datuk Pandikar Amin Haji Mulia, "Language development and revitalization in a South East Asian community: An insider's perspective," SIL Conference paper, from a conference organized by SIL and UNESCO on "Language Development," available at http://www.sil.org/asia/ldc/plenary_papers/tan_sri_datuk.pdf.

³³ To be sure, there is a barrage of criticism, especially by Chinese language organizations, who argue that the avowed aim of establishing Malay as the only National Language is depriving them of their human right to have an accepted own mother tongue. It has to be recorded that efforts to push through a universal Malay language education abound; however, time and again, the government has pulled back in the face of active opposition by the non-Malay groups (mainly the Chinese) and settled for pragmatic interim solutions. The actual policy mirrors a policy dilemma between the acceptance of diversity with respect to culture and language on the one hand, and the effort to create one national community out of a diverse multitude of ethnic groups.

2.1.2.3 Drawbacks of the activist state: the policy toward the Orang Asli (indigenous people)

A strikingly different picture emerges when we look at the state policies toward the indigenous people of Peninsular Malaysia (Orang Asli).³⁴ The Orang Asli, who can be subdivided into a large number of different sub-ethnic groups, number no more than 140,000 people; that is, less than 1 percent of the population of Peninsular Malaysia. The crucial question with respect to the treatment of the Orang Asli is the question of land rights. Here the Malaysian state lags far behind internationally accepted standards, which, however, are not legally binding. Traditionally states are very hesitant in granting indigenous land rights, because these are founded on the idea that indigenous people exist as distinct groups with specific rights and claims against the State which are not shared by the other citizens. Furthermore, these rights are collective rights, which not infrequently are perceived “as threats to a single State identity accompanied with their potential to challenge en masse the State’s authority.”³⁵ Even though in various draft declarations by the UN, the ILO, and the OAS, it has been accepted that “due to the particular relationship between indigenous communities and their land, certain land rights are deemed necessary in enabling indigenous populations to exercise their rights to self-determination,”³⁶ many states—and Malaysia is no exception—shy away from accepting this far-reaching provision.

The Malaysian state’s policy is basically characterized by a paternalistic development-oriented approach, which aims at a future in which the Orang Asli are integrated with the Malay section of the community. This view translates into an assimilationist policy that does not try to provide the Orang Asli the means for survival according to their own values and culture, but aims at “re-educating” them in the image of the Malay population. This goes so far as trying to

³⁴ The aboriginal people of Sabah and Sarawak are called Orang Asal. Owing to the specific process of the integration of Sabah, Sarawak, and the Federation of Malaya, they have special rights which set their position clearly apart when compared to the Orang Asli in peninsular Malaysia.

³⁵ Cheah Wui Ling and Sagong Tasi, “Reconciling State Development and Orang Asli Rights in Malaysian Courts,” National University of Singapore, *Asia Research Series*, Working Paper Series No. 25 (May 2004), p. 2.

³⁶ Cheah Wui Ling, *ibid.*, p. 6.

convert the Orang Asli to the Muslim faith. Contrary to the major ethnic groups, which are organized in the political realm on the basis of their ethnic identity, the Orang Asli have been denied this option by the Registrar of Societies on the assumption that they belong to the category of Bumiputera, and therefore are aptly represented in the existing Bumiputera parties. If development can be achieved by empowerment on the one hand or paternalistically-devised “developmental aid” on the other, then the Malaysian state clearly has chosen the second option.

The basic legal position of the Malaysian state is that the Orang Asli have to be treated like all other Malaysian citizens; hence, they cannot claim special rights or treatment.³⁷ With respect to land rights, the Orang Asli were victimized by the modern land laws that were introduced in the newly-independent state. These were patterned on the Australian Torrens system of land registration, whereby all lands belong to the State. As rights to private land rest on the registration of individual titles with the land registrar, the Orang Asli land “passed down by tradition from generation to generation, falls dismally outside the Malaysia’s land registration system, technically belonging to the State.”³⁸ This legal situation enables the Malaysian state to drive the Orang Asli from their territories whenever it sees fit. The Aboriginal People’s Act empowers the Minister to declare certain tracts of land as aboriginal reserves;³⁹ however, ownership does not go to the Orang Asli, but remains with the state. Therefore these measures can be revoked at any time. At the same time state law requires compensation to be paid only for houses, valuables, fruit trees and crops, but not for land in cases of forced resettlement. Time and again large tracts of Orang Asli land have been awarded to state or private corporations for various economic

³⁷ Colin Nicholas, “Orang Asli Resource Politics,” conference paper, RSCD Conference on Politics of the Commons, Chiangmai, 11–14 July 2003, p. 2.

³⁸ Cheah Wui Ling, “Reconciling State Development” (footnote 35), p. 10.

³⁹ The few legal provisions concerning the Orang Asli are results of the anti-communist warfare of the 1950s. At that time the (mostly Chinese) communists received considerable help from the Orang Asli. Therefore the British colonial power devised a new policy which aimed at cutting off Orang Asli aid to the Communist rebels in return for an enhanced position, developmental aid, and modern facilities for the Orang Asli. This rather short-lived concern for the indigenous people was not based on “compassion,” but on strategic calculus. It was part of a strategy of “winning over the Orang Asli to the government’s side” (Colin Nicholas, “The Orang Asli of Peninsular Malaysia,” <http://www.magickriver.net/oa.htm>; accessed March 1, 2005).

undertakings. The Orang Asli are then driven out of their homelands, with often disastrous effects on their individual and collective well-being.

Progress with respect to state policy is tenuous at best. Until now, the most progressive view is propounded in a few Court judgments which try to bridge the gap between Malaysian law and internationally accepted understandings. In 2002 for the first time “the existence of native title to ancestral land at common law”⁴⁰ was declared in a court decision. In its decision the court stated that, based on the fiduciary duty of the state toward the Orang Asli, it has the duty “to protect the welfare of the aborigines including their land rights and not to act in a manner inconsistent with those rights, and further to provide remedies where an infringement occurs.”⁴¹ Considering prominent and less-prominent cases, it can not be denied that the state acts in a very heavy-handed and non-cooperative manner toward this small minority of indigenous people. Even though the appropriation of Orang Asli land at times seems to have been in the interest of a larger developmental interest, in many cases such policies seemed to have been for individual or corporative profit motives, thereby impeding the self-proclaimed paternalistic developmental approach. It does not help that most of the traditional Orang Asli land has up to the present not been gazetted as Orang Asli reserves. Even though the protection given by the title of reserve is minimal, in all other cases the Orang Asli are treated as squatters on state land, which makes their eviction an easy task.

Although the government argues that many of its measures are to the benefit of the Orang Asli, this clearly seems not to be the case. The Orang Asli normally are not consulted, so that they have no voice in the decisions made about their individual and collective future. The often-promised compensation in the form of land, housing, and employment opportunities very often evaporates into thin air, as soon as the forests are cleared of their original inhabitants.

The very characteristics of the Malaysian political system which made the NEP a rather successful endeavor at inter-ethnic conflict management have contributed significantly to the rather disastrous results with respect to the Malaysian policy towards the Orang Asli:

⁴⁰ Cheah, “Reconciling State Development” (footnote 35), p. 12.

⁴¹ Sagong bin Tasi, cited in Cheah, “Reconciling State Development” (footnote 35), p. 17.

- C the active and interventionist state reserved for itself the tasks of deciding the “best” for the people concerned and determined the strategies for their eventual “development.”
- C Orang Asli development was seen in the framework of a catch-up process; the inclusive conception of an elite-centered, multi-ethnic Alliance proved to be sharply exclusionary toward all those groups who, for one reason or another, are not included in the inter-ethnic bargaining relationship. Small groups like the Orang Asli, who for historical reasons neither share the fundamental ideology underpinning Alliance policy nor the aim of modernization and catching up, cannot be represented in the Alliance, and therefore their interests have been largely neglected.

2.1.3 Conclusion: interventionist state and elite-centered bargaining system in action

Looking at the various components of Malaysian management of inter-ethnic relations, it is obvious that one consistent approach is taken. The Malaysian state considers itself a pro-active agent for the definition and management of inter-ethnic relations. Ethnicity itself is interpreted as the foundation-stone of social and economic, as well as political, order. This makes the political representatives of ethnic groups the key players in the political realm.

From the beginning of the independent Malay(si)an state politics was designed as a rule-bound bargaining process among ethnically-grounded political parties that agreed that any conflict had to be resolved by multi-ethnic consent. Even though there might be relative losers and winners in any single political decision, the system was designed to prevent the emergence of absolute losers in order to generate systemic loyalty and an orientation toward win-win solutions, which at times were to include strategies of issue linkage. The basic measure of politics has been national development and structural adjustment in the sense of inter-ethnic balancing. Thereby the state has tried to bind the groups together by their common interest in development. Their readiness to accept the latter aim has been guaranteed by an informal agreement that allows for a mutual veto right if the most vital interests of one component group seem to be violated by a government policy.

The basic political strategy has been to be as inclusive as possible, which has meant that all those groups and parties that accepted the basic contract guiding Alliance policy were invited to partake in government. Inclusiveness, however, is not to be interpreted as highly participatory, but as broadly representative politics; i.e., (nearly) all ethnic groups are represented in the government, but political participation is a privilege of the political elites of the various groups.

Opposition is conceptually understood as a phenomenon that ought to be overcome. Opposition is an accepted tool to voice and canalize protest. However, the aim of the system is not to perpetuate opposition with the eventual establishment of two countervailing camps, which might alternate as governments depending on their success in elections, but to overcome it by the integration of the opposition into the bargaining system of the Alliance government.

The government has the task of intervening actively for the supposed good of the overall community—understood as the sum of the constituent ethnic groups. This interventionist stance is mirrored in the semi-authoritarian set-up of the New Economic Policy and its successors, which defined a sweeping state responsibility for the definition and realization of certain political goals with respect to inter-ethnic relations. The state was deemed responsible for social and economic balancing among the various ethnic groups; this clearly was not up to the market forces, but to the wide-ranging affirmative action program that was put into place. Balancing was seen to be possible only with the participation of representatives of most of the contending ethnic groups comprising the Malaysian citizenry. Thereby the authoritarian drive of the policy has been mitigated insofar as it is negotiated among all major contending groups. Participation, however, is limited to small groups of mainstream representatives of the various ethnic groups, who in their political action by and large balance group and overarching interests in such a way that compromise solutions remain possible. Seen from the outside the system seems rather authoritarian and achievement-oriented; the insider perspective is more one of a balanced mutual restraint. Even though in rare instances the political aim might be the maximization of their own group's interest, mostly we find an orientation towards the maximization of the collective interest of the combined groups represented in the Alliance. Non-negotiable collective needs and interests are safeguarded by the option of veto, the practice of consensual decision-making, and the deferment of disputed issues. Even policies that seemed to be to the advantage of one ethnic group only—such as the strengthening of the Malay participation in the modern economy—were realized in such a manner that the Chinese lost nothing. Language policy, while a major bone of contention for most of the last decades, in effect turned out to be much less hegemonic than anticipated. The demise of the Chinese and Tamil languages has been on the horizon all the time, but they still are spoken by their respective communities and even taught at primary school to most of the children of these ethnic groups. Even though the Malaysian state, for understandable

reasons, does not actively encourage education in the various languages of smaller ethnic minorities, it likewise does not hinder it, if and when the minorities concerned come up with well prepared plans.

The problems encountered in dealing with the Orang Asli of peninsular Malaysia are clearly attributable to the very logic of the system. In a system in which the central organs of state reserve to themselves the authority and duty of defining the aims of national development, the place of the various groups within the grand design, and the strategies toward its realization, neither the idea of self-determination by a group *not* represented in the ruling multi-ethnic alliance, nor the idea of special rights which are not open to bargaining, are acceptable.⁴² A further problem is that the Orang Asli are seen to be sons of the soil like the Malays themselves. This also holds true for the indigenous people of East Malaysia; however, these clearly inhabit territories that have never been defined as part of the Malay lands (Tanah Melayuh), whereas the Orang Asli are, based on the concept of Bumiputera, no more indigenous than the Malays themselves. Therefore, they are conceived of as brothers, with the Orang Asli as the retarded and less developed brother. Their quest for distinctiveness cannot in any meaningful way be incorporated in the ideology of Bumiputera, because the very land inhabited by them is defined as Tanah Melayu, the Land of the Malays.

2.2 The Philippines: the democratic dilemma of ethno-cultural minorities in a civic democracy

2.2.1 Nation- and state-building in the interest of a national oligarchy: democratically legitimated family-rule and Christianity

In the Philippines, there is no clear-cut starting point for the process of decolonization. It can be argued that decolonization began in tandem with colonization in the first years of the U.S.-colonial regime. In significant contrast to all other colonial powers in Southeast Asia, the

⁴² Pure group size is not the problem, as there are numerous rather small political parties in the Alliance which do not purport to represent more than small, regionally-based interests. The problem seems to be the internal fissures within the Orang Asli and the fact that they are not a significant part of the population of any region, whereas the indigenous people of East Malaysia comprise 30 to 50 percent of the population in their respective states.

United States began a politics of indigenization as well as political modernization within the first years of its rule. Within a few years a rudimentary structure of democratically-legitimated governance existed in large parts of the Philippines. The first elections at the local level were held only a few years after U.S. troops first set foot on Philippine soil. From 1907, in most areas of the country, local governments as well as a national parliament were elected through the ballot box. Regular elections culminated in 1935 when the first Philippine president was elected and the Philippine Congress became the highest authority for a host of internal affairs.⁴³

This soft pattern discouraged the emergence of radical anti-colonial counter-positions and the development of corresponding elites legitimized by their anti-colonial stand, as all gains that might have been won by the opposition could also have been achieved by cooperation with the colonial power. From the start of American rule, the indigenous elites understood well enough that the huge number of elective offices, if staffed by themselves or their henchmen, would provide for their own continued rule and control from local through to the national level. Consequently, the indigenous elites by and large collaborated with the American colonial powers in exchange for the latter's readiness to accept them in bureaucratic and political leadership positions, where they could dispense patronage to their clientele. Fast-track Philippinization of the bureaucracy and politics⁴⁴ eventually led to fundamental "institutional and procedural mutations that undermined the project of installing American democracy in the Philippines."⁴⁵

⁴³ Parliamentary elections were held in 1907, 1909, 1912, 1916, 1919, 1922, 1925, 1928, 1931, 1934, 1935, 1938, and 1941 (for detailed election data see, for example, Julio Teehankee, "Electoral Politics in the Philippines" (Friedrich Ebert Stiftung, 2002), <http://www.fesspore.org/pdf/PHILIPPINESFINAL.PDF> (accessed 12/2002), p. 152.

⁴⁴ By the end of 1914 "the American presence in the colonial state 'was reduced from 2,623 to 614' ... and over 90 percent of the administration had been transferred to Filipino hands" [Joseph Ralston Haden, 1942, cited in Patricio N. Albinales, "American Rule and the Formation of Filipino 'Colonial Nationalism'," *Southeast Asian Studies* 39, no. 4 (March 2002): 604–21, at p. 609].

⁴⁵ *Ibid.*, p. 610. It should be added that the economic power of the landed elite was enhanced by American policy—even if unintentionally—when the latter "decided to expropriate much ... of the rich agricultural land hitherto held by the Orders and to put it up for public auction. The mestizos ... were the group with the money and the interest to take advantage of this opportunity, and most of the former ecclesiastical property fell into their hands." [Benedict Anderson, "Cacique Democracy in the Philippines," in Benedict Anderson, *The Spectre of Comparisons:*

The two-party system in effect proved to be a one-party system in practice, with the Nacionalistas reigning supreme for decades. The Nacionalistas, however, “[were] less a political party than a collection of clan alliances ... Networks of patronage emanated from a relatively small number of powerful families that, together with often ‘self-made’ local strong men, dominated both the political and the economic sphere.”⁴⁶ From the very start, the “frequent use of ‘extra-legal measures’ to defend and expand Nacionalista power became the defining characteristic of colonial politics.”⁴⁷

Strongmen, families, and clans, which had already dominated the traditional polity, easily succeeded in usurping the leadership of the modern machinery of government from the local to the national level. Power was exclusively in the hands of the landed elites, which, by following the logic of family- or clan-centered politics, blocked any top-down integration of Philippine politics. Power emanated from the local level and did not diffuse the other way round. The Philippines inherited a “distinctly American pattern of decentralized democracy ... The importance of regular competitive elections and the subordination of local agencies of the state to elected municipal mayors and provincial governors have guaranteed that the accumulation and mobilization of local personal followings would, as in pre-colonial Southeast Asia, remain a key resource of political power in the modern Philippines.”⁴⁸ Philippine politicians safeguarded the continuity of oligarchic family rule by creating a “feudal structure extending from the ‘national leader’ to

Nationalism, Southeast Asia, and the World (London/New York: Verso, 1998), pp. 192–226, at p. 201].

⁴⁶ James Putzel, “Social capital and the imagined community: Democracy and Nationalism in the Philippines,” in Michael Leifer (ed.) *Asian Nationalism* (London/New York: Routledge, 2000), pp. 170–86, at p. 175.

⁴⁷ Albinales, “American Rule,” (footnote 44), p. 613.

⁴⁸ Eva-Lotte E. Hedman and John T. Sidel, *Philippine Politics and Society in the Twentieth Century: Colonial Legacies, post-colonial trajectories* (London/New York: Routledge, 2000), p. 170. Anderson rightly observes that “the American system of single-member districts with legal residence in those districts required of candidates, took on a peculiar oligarchic hue from its linkage with the colony’s ethnolinguistic heterogeneity ... It dispersed power across the archipelago, while assuring the provincial caciques of more or less equal representation in Manila.” [Anderson, *The Spectre of Comparisons* (footnote 45), pp. 273–74].

the party workers in the most distant barrios.”⁴⁹ The nodal points of the system were a limited number of “political dynasties” whose infighting constituted politics in the Philippines to a very large extent. The consolidation of economic and political power in the hands of a small oligarchy of land-based regional elite families, gave “birth to a political system where the central state existed to serve regional elite interests.”⁵⁰ Following the end of colonial rule and the withdrawal of the colonial overlord, the already strong centrifugal tendencies led to a near complete loss of control of the central government over the countryside. Some of the local rulers could best be described as warlords, complete with their own bailiwicks where their will reigned supreme and with family representatives in the capital and the necessary means of coercion: control over the police force and their own private army, which in some cases numbered up to several hundred heavily armed men. Some of the names that gained prominence and notoriety at that time are still prominent in politics—now the children or grandchildren of the erstwhile warlords occupy their ancestors’ places.⁵¹

Even though some aspects have changed during the last decades, the basic set-up has been retained:

the subordination of a poorly insulated state apparatus to a multi-tiered set of elected officials; an impoverished, insecure, and economically dependent electorate susceptible to clientelist, coercive, and monetary inducements and pressures; and an economy in which state resources and regulatory mechanisms remain both available for private appropriation by elected officials and central to local capital accumulation.⁵²

Philippine politics is still to a large extent kinship politics of an oligarchic nature. It always has been and still is characterized by “the family as a circle of trust beyond which lies only betray-

⁴⁹ Hayden, 1942, cited in Albinales, “American Rule,” (footnote 44), p. 614.

⁵⁰ Jennifer Conroy Franco, *Elections and Democratization in the Philippines* (New York/London: Routledge, 2001), p. 14.

⁵¹ For example Ramon Durano (Cebu), Mohamad Ali Dimaporo (Lanao), Rafael Lacson (Negros Oriental).

⁵² Hedman and Sidel, *Philippine Politics* (footnote 48), p. 108.

al.”⁵³ Two phenomena are integrated in these politics—rent-seeking on the national level, and political violence on the regional and local levels: “Unlike Manila elites who operate within a culture of metropolitan civility, provincial families are forced to engage in systematic political violence either as agents or opponents.”⁵⁴

So, in effect, Philippine democracy comprised for most of the last century the rule of an oligarchy of a few hundred families, which, however, had to pose as a national elite, because the ballot box was an important weapon in the political battles between the competing families. They had to present themselves as legitimate rulers of the land, and therefore they had to invent a history that would lay the mantle of rule on their shoulders. As this rule was based on retaining the multiple loci of oligarchic power, democracy—the institutional guarantee of oligarchic family rule in the Philippines—had to be incorporated into the image of the nation. In the absence of a pre-colonial history in which to anchor the modern nation, and in the absence of a common tradition or a counter-religion by which the indigenous community could be distanced from the colonial overlords, national identity became a rather shallow concept. It centered on “democracy and competitive economic development,”⁵⁵ both concepts that safeguarded unfettered oligarchic political rule and economic dominance. Democracy in effect became oligarchy: participation was reduced to the right to choose among contending elite families and family alliances, and competitive economic development became a safety valve against any demands for social and economic justice. One of the most famous dynasty heads and warlords of the modern Philippines even invoked God himself in legitimating continued family rule. Ramon Durano, Sr. argued in 1986 that:

(o)f the 12 apostles ... five are first-degree cousins of Jesus. ... Of the 12, the only one not related to Jesus by blood was Judas Iscariot who betrayed the Lord. ... Now ... don't tell me this dynasty of Marcos, or my dynasty and the dynasty

⁵³ Sheila S. Coronel et al., *The Rulemakers: How the Wealthy and Well-Born Dominate Congress* (Quezon City: Philippine Center for Investigative Journalism, 2004), p. 56.

⁵⁴ Alfred W. McCoy, *An Anarchy of Families: State and Family in the Philippines* (Manila: Ateneo de Manila University Press, 1994), pp. 20–21.

⁵⁵ George Bankoff and Kathleen Weekley, *Post-Colonial National Identity in the Philippines: Celebrating the centennial of independence* (Aldershot: Ashgate, 2002), p. 95.

of Dimaporo in Lanao are our invention. Jesus was the one who invented the dynasty.⁵⁶

As national history was to support continued elite rule, it had to be remembered in a way that legitimized the elite families of the day by the actions and deeds of their ancestors. At the same time, the model revolutionaries and national heroes were supposed to supply the raw material and the pattern for the bond uniting the elite families with the masses (the *masa*) as well. The Filipino elite tried their best to promote the idea of an integrated Filipino history and a single national community as counterparts to the territory claimed by the modern state. As the Philippines could not boast of a significant pre-colonial civilization, the national imagery had to be built upon something else: this basically was the two American-derived values of individual freedom and democracy, and the Spanish legacy of Christianity. Taken together they served well to uphold a system in which continued rule by a small landed gentry was not questioned, in which the threat of regional counter-nationalisms could be nipped in the bud, and in which the broad masses of the people could transform their grievances into a hope for a better afterlife. The national myth basically clothed the Filipinos in a Catholic collective identity, because “(t)he clearest unifying cultural characteristic of the population was the conversion of 85 per cent to Catholicism,”⁵⁷ making this commonality the de facto foundation stone of the nation. However, this imagery also excluded the Muslims populating the Philippines’ South from the symbolic representation of the nation.

In most parts of the Philippines this strategy for upholding elite rule by masking it as “divinely ordained” (“Jesus invented the dynasty”) and democratically legitimized, worked fairly well. Irrespective of their ethnic origin, the political elite knew very well that their future lay not in the eventual imagination of ethnically-grounded counter-nationalisms, but in actively extolling the cornerstones of Philippine identity—freedom, democracy, Catholicism/Christianity. By and large traditional ethnic identities never became ethnicized, because the regional political elites had no interest in furthering their interests by means of creating counter-nationalistic movements. Therefore the ethnic group, united by history, language, and/or culture, never

⁵⁶ Ramon M. Durano Sr., 1986, cited in Coronel, *The Rulemakers* (footnote 53), p. 56.

⁵⁷ Putzel, “Social capital,” (footnote 46), p. 171.

became a politically salient identity—with two notable exceptions: the Igorot of the Cordillera mountains (Luzon), and the Muslim Moros in Mindanao and the Sulu Archipelago. Otherwise community-building and resistance against the state took the form of class warfare—it is not by chance that the Philippines are the only country in Southeast Asia where the Communists still can boast command of a fully-functioning army. Protest and rebellion in the Catholic parts of the Philippines are expressed in class terms, because these are deemed politically salient in the face of continued oligarchic rule. In the Muslim regions, the religious difference, the separate historical developments, the history of independent Muslim kingdoms, as well as the successful resistance against the Spanish colonial power, all converged in an ethno-religiously based counter-identity of the peripheral people.

With respect to state- and nation-building it can be stated that:

1. both have been pushed forward in order to serve the interests of a landed oligarchy, which in the meantime has diversified into the modern economy. However, their members still control the levers of political power and mold the institutions according to their own interests.⁵⁸ As they are an internally highly fractured group, this gives politics an ad-hoc nature. Stability and impartiality, two hallmarks of a reasonably well-functioning state apparatus, are conspicuously absent;
2. the state is highly personalized and localized;
3. ethnic consciousness is by and large submerged under a clan- and family-centered system of political, social, and economic control. To a significant degree Philippine politics is geared toward controlling the masses of the people and safeguarding oligarchic rule by democratic means. The common class interest uniting the ruling classes is still much stronger than the regionalist or ethnic temptation; also, no ethnically-grounded movement can utilize compelling and overawing visions of history.⁵⁹
4. the national imagery still has no place for the ethnically-grounded historical imagination beyond pure folklore. The national imagery seemed to be non-ethnic, because it focused on the supposedly “western” character of the Philippines, on the uniting political ideals of

⁵⁸ It should be added that, since the days of martial law, the military, which traditionally had no political voice in the Philippines, has become a crucial player in politics. In both instances of “people power” it was not so much the people, but the military, who actually toppled the governments by withdrawing their loyalty from the incumbent president (Marcos, Estrada).

⁵⁹ This is a striking difference to most of the ethnically-grounded movements that emerged in the early phase of nation-building. Even counter-nationalisms need an imagined national past or they can only thrive on the thoroughly modern ideology of marginalized indigenous peoples. For most regions of the Philippines (with the significant exception of the Muslim South) a glorious past cannot be imagined; on the other hand, no major ethnic group wants to use the label of backward indigenous people to advance its interest.

democracy and individual freedom. Yet the underlying basis was the Christianization of the Filipinos, which “later led to the development of Filipino Christian nationality.”⁶⁰ The taken-for-granted Christian base of Philippine society and state made the majority of Filipinos simply overlook that “Muslims and Christians in the Philippines are oriented towards two distinct communities from which they draw their religion, culture, law, values and view of history.”⁶¹

2.2.2 Philippine ethno-politics: Strengths and weaknesses of benign neglect of important issues and the drawbacks of non-implementation of good laws in a multipolar polity

The relative homogeneity of the vast majority of the Filipinos, who, even though they belonged to hundreds of different ethnic groups and spoke dozens of different languages, could envision themselves as Christian Filipinos in contrast to the Moros in the South and the other non-Christian tribes in the highlands, made ethnicity a marginal category of national-level politics. What counted within the rather small oligarchic elite was clan and family affiliation, and respective family alliance politics. The masses of the people were supposed to support their local leading families in their quest to secure their slices of the national wealth, which was appropriated in the famous pork-barrel politics.

So ethnicity was (rightly) perceived to be rather irrelevant for political organization at the national level. The only field of politics in which ethnicity featured somewhat prominently was language policy. Apart from this field, inter-ethnic relations were perceived as relevant only with respect to the relationship between the large majority of Christianized lowland Filipinos toward the so-called highland tribes in the Cordilleras and the Muslims in the South. These policies, however, were played out mostly on the local level. The national level became a playing field for combating locally-focused interests.

⁶⁰ Abraham Sakili, “The Philippine Muslim Link to Southeast Asia,” *Kasarinlan* 15, no. 2 (2000): 27–34, at p. 31.

⁶¹ Sakili, *ibid.*, p. 31.

2.2.2.1 Philippine language Policy: the strength of weak implementation and benign neglect

The quest for a national language has been situated in a rather peculiar frame in the Philippines. Here, much more than in Malay(sia), the language of the former colonial power survived the times of decolonization and remained what it had been before, a symbol of modernity as well as of elite membership.

When it comes to communication, the modern Philippines are characterized by a practice called code-switching; that is, basically multi-lingual persons alternate between two or more languages while speaking to others, who are multi-lingual themselves. This rather peculiar practice can be explained by the deep penetration of the English language during the decades of American colonial rule. English was spoken by as many people as the most popular indigenous language, Tagalog—in both cases about 25 per cent of the population claimed ability to speak that language in the late 1930s. This was the result of a policy that made English the basis of all public school instruction and also the official language of government. English thus became at the same time rather wide-spread and a symbol of high status.

The first time the question of a national language was debated after the triumphal march of the English language was in the context of the work on the first constitution in the early 1930s.⁶² Whereas the national assembly argued that a national language should be based on all native dialects, the 1935 Constitution read that it should be based on one of the existing native languages. Spanish and English became official languages, and within a few years Tagalog, spoken around the capital Manila, advanced to be the national language. This could have proven to be a recipe for disaster, had it not been for the lackluster implementation of the constitutional guideline. English remained the principal medium for inter-elite communication for a long time. Tagalog, or Pilipino as it was renamed in 1959, advanced not so much by government fiat, as by the spread of the modern mass media, which relied mostly on either English or Pilipino. Even though in the 1960s there was the period of the “National Language Wars,” in which Cebuano-

⁶² Both the 1897 Provisional Constitution and the 1899 Malolos Constitution provided only some hints for a national language. The first one would have made Tagalog the official language of the republic, while providing that English would replace Tagalog once the Filipinos were educated enough.

speaking groups especially tried to question the hegemony of Tagalog as the major base of the national language, the conflicts never had any real political salience. Under Marcos official policy returned to the multi-language approach toward Pilipino. The 1973 constitution “mandated a new search for a national language, known as ‘Filipino’, which would be based not on Tagalog but on other Philippine languages and dialects.”⁶³ The new 1987 constitution once more changed official policy with respect to Pilipino, which since then is accepted as a national lingua franca the way it is—that is, basically Tagalog-based. In the politically highly-loaded situation of the late 1980s “regional loyalties yielded to national consensus, there was near unanimity on the issue of language, even among Cebuanos.”⁶⁴ However, English has been retained as an official language. The result in everyday language is a mixture normally called Taglish (a mix of Tagalog and English).

In striking difference to other multi-language and multi-ethnic states, language policy never became a real issue of political contention and ethno-political mobilization. Even though none of the other major languages of the Philippines—Cebuano, Bisayan, Hiligaynon, Waray, Ilokano, Kampampangan, Bicol, Pangasinense, Maranao and Maguindanao⁶⁵—each of which is spoken by more than one million people, is taught at school, there is not even a single grassroots language movement trying to include its language in the national curricula. Vernacular languages are reduced to auxiliary languages, which can be used by teachers in order to explain subjects that are not readily understood by the pupils when explained in either Tagalog-based Filipino or English. The objective of language education in the Philippines is not to strengthen vernacular local languages and the national language equally, but to produce a “balanced bilingual equally able to carry on communication and higher order cognitive activities ... in both Filipino and English.”⁶⁶ This might have led to the extinction of the local languages; however, due

⁶³ Caroline S. Hau and Victoria L. Tinio, “Language Policy and Ethnic Relations in the Philippines,” pp. 319–49 in Ganguly and Brown, *Fighting Words*, at p. 343.

⁶⁴ Andrew Gonzalez, “The Language Planning Situation in the Philippines,” *Journal of Multilingual and Multicultural Development* 19, no. 5&6 (1998): 487–525, at p. 488.

⁶⁵ The most important vernacular languages are Tagalog, Cebuano, Bisayan, and Ilokano.

⁶⁶ Gonzales, “The Language Planning Situation” (footnote 64), p. 502.

to social practice and the sheer number of speakers up to now, most of them are alive and well,⁶⁷ even though they are rarely present in the public sphere, which is dominated by a mixture of Filipino and English.

Clearly the debate on the future language policy is, by and large, connected to ethnicity in no more than a spurious way. The formal policies enshrined in the various constitutions seldom had any deeper or longer-lasting impact on actual developments. Even though the adoption of a bilingual education system (English and Filipino) should have been interpreted as a clear-cut language policy aimed at the unification of the Filipino people, it seldom carried any explicit political overtones. The political dimension has been blunted by two non-related phenomena:

First, Tagalog up to now is only one of two national languages (the other being English). Thereby it is in a different structural position than single national languages in other multilingual states. Its implementation is seen more as a rational endeavor for some communicative needs, and is largely stripped of the emotional baggage as a symbol of national unification which is appended to it in those cases where policies center on the imposition of one of the indigenous languages as *the* national language. In the Philippines the national language also has never been employed in a state-driven effort of nation-building. Its legitimization has always been on pragmatic grounds. Not burdened by ideological baggage, Filipino “has been accepted as a national lingua franca, without necessarily being embraced as a linguistic core for the whole nation among the non-Tagalog groups.”⁶⁸ The concurrent usage of English as a national language allows educated members of non-Tagalog groups to turn to English in preference to Filipino

⁶⁷ As mentioned before, they are kept alive on the one hand by everyday usage in small-group communication, but also by the rather large number of regional daily newspapers, which usually are published in English and the major local language. Other important sources for the preservation of vernacular languages are the religious foundations, which normally rely on the regionally-spoken language. At the same time it has to be pointed out that there is no agency charged with preserving Philippine languages.

⁶⁸ J.J. Smolicz, I. Nical, and M.J. Secombe, “Educational Policies and Language Maintenance in Multilingual Settings: Australia and the Philippines,” *International Journal of Bilingual Education and Bilingualism* 3, no. 4 (2000): 242–64, at p. 260.

when they deem it necessary. As Smolicz et al. report, “neither English nor Filipino could be regarded as fulfilling the role of a core value of The Philippines as a whole.”⁶⁹

Second, with respect to Philippine language policy, we encounter a huge difference between policy and practice. The pragmatic acceptance of the use of vernacular languages and the ready availability of vernacular language newspapers are just two points that show the soft approach toward the language question. The rather pragmatic live-and-let-live approach of the government, which aims at the eventual assertion of a national language, accepts at the same time the formal and informal roles played by the multitude of vernacular languages on the one hand and English on the other. Basically “(t)he local language is the language of the home and the neighborhood, Filipino is the national lingua franca for all domains of life except academics, international, and national business, and international relations, the latter domains being assigned to English.”⁷⁰ This soft approach has worked so well that language policy is a non-issue, even in those cases where violent confrontation ensued in the decades following independence: the Igorot of the Cordillera mountains and the Muslims of Mindanao and the Sulu archipelago.

2.2.2.2 The problem of indigenous people: The gulf between good laws and politics on the ground

The question of the treatment of the indigenous people can be traced back to the early years of American colonial rule. Very early the Americans created the “Bureau of Non-Christian Tribes” under the Department of Interior, thereby clearly demarcating the lines between two groups: the “normal” Christian Filipino and the backward non-Christian, a label that was equally applied to the Muslims in the South as to the various groups inhabiting the Cordilleras in Luzon or the Lumad groups, who lived side by side with the Muslims on Mindanao. The Bureau of Non-Christian Tribes and its successor organizations basically aimed at the eventual assimilation of the various groups into the majority population. It was only in the 1970s that the administration for all the various non-mainstream groups was divided into one administration for the Muslims and another one for the various non-Muslim national minorities. The latter administration,

⁶⁹ Smolicz et al., *ibid.*, p. 260.

⁷⁰ Gonzalez, “The Language Planning Situation” (footnote 64), p. 519.

PANAMIN,⁷¹ was eventually split up into two Offices for the Southern and Northern Minorities respectively, only to be re-merged into the National Commission on Indigenous Peoples (NCIP) with the passage of the Indigenous Peoples Rights Act (IPRA) in 1997. PANAMIN and its successor offices, as well as NCIP and the Ministry (later: Office) of Muslim Affairs, are directly attached to the Office of the President.

Rather surprisingly the Philippines have one of the most wide-ranging laws on indigenous people world-wide. The Indigenous Peoples Rights Act passed into national law in 1997 after several years of intense discussion. It rightly can be called a landmark piece of legislation, as it “seeks to recognize, promote and protect the rights of the IPs [Indigenous Peoples]. These include the Right to Ancestral Domain and Lands; Rights to Self-Governance and Empowerment; Social Justice and Human Rights; and the Right to Cultural Integrity.”⁷²

This law astounds, especially in view of the history of the treatment of the various indigenous groups inhabiting specific regions of the Philippines. These comprise less than 20 percent of the population, irrespective of the question of which groups should actually be counted as indigenous people. If Muslims are excluded the number would be around 6.5 to 7.5 million people. Including Muslims would raise the number to 12 to 15 million people.⁷³ The indigenous people are concentrated in the Cordillera mountain region of Luzon, some islands of the Visayas, and in Mindanao as well as the Sulu archipelago (if the Muslims are included). The major groups in Mindanao include the various Muslim groups and the Lumad people, who are subdivided into more than a dozen ethnic groups. The Cordillera people inhabit the similarly named mountainous region of Luzon. In other regions of Luzon live the Caraballo Tribes and the Agta and Aeta. Other major groups live in Mindoro and on Palawan.

Rather similarly to Malaysia, the land issue has emerged as the most conflictual issue of state politics toward indigenous peoples. Even though the various indigenous groups have differ-

⁷¹ PANAMIN: Presidential Assistance on National Minorities.

⁷² Indigenous People’s Rights Act (IPRA of 1997), on the homepage of the National Commission on Indigenous Peoples (NCIP) (<http://www.Ncip.gov.ph/mandate/ipra.htm>).

⁷³ Jose Mencion Molintas, “The Philippine Indigenous People’s Struggle for Land and Life: Challenging Legal Texts,” *Arizona Journal of International and Comparative Law* 21, no. 1 (2004): 269–306; see especially p. 272.

ent concepts of ancestral land, they share a focus on community-owned territories and a historical experience of successive waves of dispossession. The dispossession through which the various indigenous peoples eventually lost much or even most of their ancestors' lands dates back to the colonial laws of Spanish times, which stated that lands not titled up to a certain point in time would revert to the state. This legal fiction of state ownership on all non-titled lands also provided the basis for the American colonial rule and later on for the sovereign Philippines. In 1905 the Land Registration Act,

institutionalized the Torrens System of land titling [whereby] ... (a)ny lands not registered under the Spanish colonial government were declared public lands owned and administered by the state. By virtue of the Public Land Acts of 1913, 1919, and 1925, Mindanao and all other fertile lands that the State considered unoccupied, unreserved, or otherwise unappropriated public lands became available to homesteaders and corporations, despite the fact that there were indigenous people living on these lands.⁷⁴

These and later laws eventually rendered the indigenous peoples in the various regions squatters on their own land.⁷⁵ Not infrequently Christianized lowland Filipinos, more adept at using the modern law for their ends, applied for individual titles to various tracts of state land and, after becoming the legal owners of these tracts, enforced the eviction of the original inhabitants. Basically all regions inhabited by indigenous people were opened up for spontaneous as well as state-sponsored transmigration, or could be claimed by investors for various economic endeavors.

Demographic marginalization of indigenous peoples in their home territories by successive waves of transmigrants and intensive economic exploitation of ancestral lands by either transmigrants or various other economic actors eventually led to violent resistance in two crucial regions: the Cordillera mountains in Luzon and the Muslim regions of Mindanao. The state, which was not able to suppress the resistance, eventually had to accept compromise solutions granting the two regions the status of autonomous regions. Since the early 1990s various policies evolved in a piecemeal fashion by which a legal right to land ownership based on the concepts of

⁷⁴ Molintas, *ibid.*, p. 284–85.

⁷⁵ See also the discussion in Frank Hirtz, "It Takes Modern Means to be Traditional: On Recognizing Indigenous Cultural Communities in the Philippines," *Development and Change* 34, no. 5 (2003): 887–914.

ancestral land and ancestral domain was accepted. These developments culminated in the Indigenous Peoples Rights Act (IPRA), which clearly recognizes the indigenous peoples' rights to their ancestral lands and domain in Section 2 of its General Provisions, where it is stated that "The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain."⁷⁶

This general policy outline is amplified in Chapter III of the IPRA. The land rights are bolstered by accompanying political rights to self-government, whereby the indigenous people have, inter alia, the "right to self-governance and self-determination" (Sec. 13), and "the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and the customary laws and practices within their respective communities" (Sec. 15). IPRA also expressly acknowledges the IPs right "to determine and decide their own priorities for development" (Sec. 17) and the state's intention to "respect, recognize and protect the right of the ICCs/IPs to preserve and protect their culture, traditions and institutions" (Sec. 29). The detailed mechanisms for the eventual delineation and recognition of ancestral domains provided by the law, and the clear-cut policy of empowerment of indigenous people spelled out in the law, seem to leave hardly anything to be desired. This was acknowledged by the UN Special Rapporteur on the Rights of Indigenous Peoples, Stavenhagen, in his debriefing for the Government of the Philippines on occasion of his visit in 2002. However, he continued, "the major concern seems to be not so much the text of the law itself, as the difficulties of its implementation," continuing that "Implementation depends not only on political will but also on the institutional effectiveness of the government agencies that are responsible for it."⁷⁷

⁷⁶ Republican Act No. 8371, The Indigenous Peoples Rights Act of 1997; complete text in Raymundo D. Rovillos and Daisy N. Morales, *Indigenous Peoples/Ethnic Minorities and Poverty Reduction: Philippines* (Manila, Philippines: Asian Development Bank, June 2002), Annex, pp. 83–103, at p. 83.

⁷⁷ Debriefing for the Government of the Philippines by the UN Special Rapporteur on the Rights of the Indigenous Peoples, on the occasion of his visit to the Philippines, December 2–11, 2002.

In his report Stavenhagen quite openly indicates that words and deeds, or law and practice, diverge sharply with respect to the implementation of the provisions of the IPRA. He refers to the obvious protection of business interests that encroach on ancestral domains; the non-recognition of the principle of indigenous empowerment and self-determination with respect to community development by state institutions, often labeled as “development aggression”; and the numerous accounts of human rights violations committed by hired guns of private investors, by members of the Armed Forces, and by the paramilitary CAFGUs (Civil Armed Forces Geographical Units), which are described as ranging from “arbitrary detention, persecution and even killings of community representatives ... coercion, forced recruitment, and also rape” in non-civil war regions to “dispossession, forced displacement, physical abuse, torture ... summary executions, destruction of houses, including the bombing of an indigenous village, as well as the practice of hamleting”⁷⁸ in and near to the civil-war regions of Mindanao. Given the progressive text of the Law, the UN special rapporteur rather surprisingly concludes that he “cannot escape the impression that numerous indigenous communities and organizations have lost their faith in the ability of government agencies and the judicial system to address their concerns effectively.”⁷⁹ The surprise disappears as soon as we stop looking at the basically sound law and turn to the political practice, in which the violation of the law seems to be the rule and not the exception.

Because of legal differences between the IPRA and the National Mining Act from 1995, and a host of loopholes in the IPRA itself, “large scale development projects are still being negotiated only within concerned government agencies without legitimate community participation”⁸⁰ and mining firms can still “push the implementation of their mining plans even within ancestral

⁷⁸ Hamleting is the forced re-organization of rural residents into special camps. It often includes the complete destruction of the original village. *Ibid.*

⁷⁹ Debriefing for the Government of the Philippines by the UN Special Rapporteur (footnote 77).

⁸⁰ Maurice Malanes, “Power from the Mountains, Indigenous Knowledge Systems and Practices in Ancestral Domain Management: The Experience of the Kankanaey-Baguo People in Bakun, Benguet Province, Philippines,” 2002, as cited in Molintas, “The Philippine Indigenous People’s Struggle,” (footnote 73), p. 297.

domains.”⁸¹ At the same time the agency responsible for implementing the IPRA, the National Commission on Indigenous Peoples (NCIP), has time and again been undercut by the build-up of concurrent ad-hoc task forces and commissions that essentially duplicated its functions. At times the NCIP was even denied its operational funds, rendering it unable to tackle the various tasks entrusted to it. The appointment of the various leading positions in the NCIP has effectively become part of the well-known pork-barrel politics. Therefore, when it comes to implementation, IPRA’s record is mixed at best. The crucial task of issuing Certificates of Ancestral Domain Titles (CADT), which would safeguard the rights of the indigenous peoples in the territories classified accordingly, proceeds tiringly slowly. Whereas 181 “Certificates of Ancestral Domain Claim” had been issued by the Department of Environment and Natural Resources in the years preceding IPRA on the basis of an internal administrative order dating from 1993, from the passing of IPRA in 1997 to 2000 not a single CADT-title was issued by NCIP. Up to 2001 only 9 applications had been approved.⁸² By the end of 2003 the number rose to a dismal 11 certificates of ancestral domain title (out of 181 applications), a number that rose to 22 by mid-2004, and to 29 in mid 2005 when the President presented her yearly SONA.⁸³ As Molintas notes, the timing of approval of ancestral domain certificates might be directly dependent on the political opportunity.⁸⁴ In general, the ability of NCIP to issue such certificates remains heavily compromised by what NCIP Chairperson Reuben Lingating has called “meager resources” in a Senate hearing in

⁸¹ Molintas, “The Philippine Indigenous People’s Struggle,” (footnote 73) p. 297.

⁸² Rovillos and Morales, *Indigenous Peoples/Ethnic Minorities* (footnote 76), p. 15; see also Nestor T. Castro, “Three Years of the Indigenous Peoples Rights Act: Its Impact on Indigenous Communities,” *Kasarinlan* 15, no. 2 (2000): 35–54.

⁸³ Ruth Sidchogan-Batani, “Implementation of the Indigenous Peoples Rights Act (IPRA) in the Philippines: Challenges and Opportunities,” Background Paper for Expert Seminar on Treaties, Agreements and other constructive Arrangements between States and Indigenous Peoples, Geneva, December 2003, United Nations High Commissioner for Human Rights, p. 4.; Gloria Macapagal-Arroyo, SONA updates 2004, (http://www.nes.ops.gov.ph/sona2004june_updates.htm); and Glora Macapagal-Arroyo, 2005 State of the Nation Address Technical Report (<http://www.gov.ph/sona/2005%20SONA%20Technical%20Report.pdf>).

⁸⁴ Molintas, “The Philippine Indigenous People’s Struggle” (footnote 73), pp. 296–97.

2005.⁸⁵ So Indigenous Peoples Rights become part of the strategies of symbolic politics, where-by selected favors are doled out before important political dates to further the interests of the respective politicians.

Were it only for legal loopholes, this would be no more than a temporary question; however, the difference between good law and bad implementation can be observed on a durable basis and with respect not only to the handling of the question of the indigenous peoples, but many other political issues as well. The Philippines is a democratic country; nevertheless, each election costs more than 100 people's lives in election-related violence. The Philippines has a modern legal system and a national police force; nevertheless every year several hundred people are killed by vigilante killers, most often with the tacit, if not open, approval of the leading local politicians. In Davao, a city in Mindanao, nearly 200 people were killed by vigilantes in the years 2004 and 2005. In January 2005 alone 45 people, mostly petty criminals, lost their lives. The police have not solved even one of the hundreds of vigilante killings. Whereas the difference between law and societal practice is rather narrow in Malaysia, it is widened to a gulf in the Philippines, where practice often makes a travesty of law. Even though the legal standing of the indigenous peoples in the Philippines is far superior to that of their counterparts in Malaysia, in social practice they are exposed to far greater dangers and harassment than might be envisioned for Malaysia. Whereas in Malaysia the local-level autonomy of political actors is sharply circumscribed, in the Philippines local entrepreneurs in violence have much greater leeway.

2.2.2.3 A short case-study: the way toward civil war in the Muslim south

How did it come about that the Philippines failed miserably in preventing or pre-empting the civil war in the Muslim South in the early 1970s? Can this be attributed to Marcos' proclamation of martial law, or were there deep-seated structural peculiarities that eventually led to processes of escalation culminating in a civil war with up to 100,000 deaths?

After the short more general discussion of the management of ethnic diversity, it seems obvious that Marcos' decision was no more than a trigger for the violence that followed. Even

⁸⁵ Report on the March 8, 2005 Hearing of the Committee on Cultural Communities, April 25, 2005 (http://www.senate.gov.ph/spot_reports/March%20,%202005%20-%20Cultural%20Communities.pdf, accessed 27 September 2006).

though the 1972 martial law marks the beginning of the violent rebellion, it was not the starting point of the conflict between the Muslims and the Philippines. It can be argued that the conflict even precedes Philippines' sovereignty in 1946. Already under American colonial rule Muslim elites attempted to signal their wish for the establishment a Muslim political entity independent from the Philippines. However, at the advent of sovereignty the Muslim regions of Mindanao were included in the territory of the Christian-dominated Philippines. In the following decades up to the violent rebellion of 1972 Muslim leaders lobbied repeatedly for a referendum on secession. However, up to the early 1970s the traditional elites who dominated local politics never contemplated a war of independence.

The war is the result of several developments, spanning several decades:

1. a fundamental demographic and socioeconomic marginalization of the Muslims in their home territories since the early 20th century;
2. the stabilization of a new collective identity as Moros in a "hostile" Christian land, surmounting the separating traditional tribal identities (as Maguindanao, Tausug, Maranao, etc.) since the early decades of the 20th century;
3. the development since the 1950s of Islamic and nationalistic counter-elites who questioned the legitimacy of the traditional Muslim politicians to rule the Moro lands and who were willing to use radical means to reach their political aims;
4. the escalation of the political contestation between the two dominating political parties, the Naçionalistas and the Liberalistas, in the course of which the level of political violence rose dramatically since the mid 1960s.

The closure of all political arenas for legitimate political protest by the declaration of martial law in 1972 was only the trigger for unleashing the uprising.

The eventual development of a distinct Muslim nationalism can be interpreted as a reaction to the development of modern Filipino nationalism itself. In the process of nation-building, clear-cut boundaries had to be drawn between the Filipino "Us" and the "Other," against whom the collective self could be filled with meaningful content. The national political leaders knew full well that the idea of a Philippine nation was held together by the presence of an "other." "The Other, whether it be external or internal, Spaniard, American, Muslim or Chinese, has ... proved a useful counterpoint at times in the manufacture of national identity."⁸⁶

⁸⁶ Bankoff and Weekley, *Post-Colonial National Identity* (footnote 55), p. 3.

During the first years of U.S. control, the Muslim territories of Mindanao were administratively separated from the rest of the Philippines.⁸⁷ The U.S. forces and governors initiated efforts to unite the Moros under their traditional leaders in order to initiate a “process of gradual development.”⁸⁸ Nevertheless, these “noble” ambitions of colonial rule soon slid into a policy of enforced assimilation and demographic marginalization. The first civil governor of Mindanao, Frank Carpenter, argued in 1917 that the

problem of civilization of Mindanao and Sulu according to modern standards, or as it may be termed ‘the Philippinisation’ of the Mohammedan and pagan regions which comprise almost the entire territory of Mindanao-Sulu, has its most expeditious and positive solution in the movement under Government direction to that territory of sufficient numbers of the Christian inhabitants of Visayas and Luzon.⁸⁹

This policy of either cultural assimilation or extermination was continued and forcefully advocated by the Filipino politicians during the Commonwealth era (1935–1946). Independence saw the continuation of exactly the same policies of demographic marginalization by the massive, state-supported immigration of Christian settlers.

Basically, the Moros had to be assimilated into the overarching vision of the Philippine nation, which was to a large extent colored by Christian imagery. The Christian self-image of the Philippine nation could come to terms with the Moros only by either making them disappear physically (by state-engineered demographic marginalization) or by making them disappear culturally in a process of assimilation. The Muslims thereby became the significant other of the Christian self-imagery of the national political elite. They were needed as the other, because only by recourse to them could the ethnically disparate Christian Filipinos construct a unified collective identity. As Bankoff and Weekly summarize,

⁸⁷ See: Patricio N. Albinales, “An American Colonial State: Authority and Structure in Southern Mindanao,” in Patricio N. Albinales, *Images of State Power: Essays on Philippine Politics from the Margins* (Diliman, Quezon City: University of the Philippines Press, 1998), pp. 1–62.

⁸⁸ Najeeb M. Saleeby, *The Moro problem: an academic discussion of the history and solution of the problem of the government of the Moros of the Philippine Islands* (Manila, 1913), p. 15 and 17; see also Thomas M. McKenna, *Muslim rulers and rebels: Everyday politics and armed separatism in the Southern Philippines* (Berkeley: University of California Press, 1998), pp. 105–06.

⁸⁹ Carpenter (1917) cited in McKenna, *ibid.*, p. 115 [emphasis added].

Whatever the nature of the Philippine Revolution ... it was quintessentially a Christian affair: The main events surrounding its inception, the growth and leadership of the Katipunan (the secret society that instigated the revolt in August 1896), most of the soldiers who constituted the revolutionary army, the first president of the Republic, and the delegates who met at Malolos to frame the constitution of 1899 were Christians, largely, in fact, from the Tagalog provinces of Central Luzon.⁹⁰

This Christian heritage survived the colonial era and continued unabated into the sovereign Republic. McKenna points to the fact that

in the new Philippine republic only Christian Filipinos were deemed entirely trustworthy ... Non-Christian Filipinos ... [were] deemed culturally suspect ... and regarded as socially and morally substandard. Muslim-Filipinos, comprising the largest single category of non-Christians, were judged to be dangerously disloyal because of their long history of armed enmity toward Philippine Christians.⁹¹

After World War II, the national government of the newly independent Philippines initiated a huge program encouraging Christian settlers to migrate to the sparsely populated Muslim territories on Mindanao. Transmigration programs abounded, and Muslims and other indigenous groups (the Lumads) were disempowered. They lost large tracts of land, they were economically marginalized, and their elites failed to keep the political power in their own hands, at least at the local level. District after district fell to the Christian newcomers, who viewed Mindanao as the Philippines' "wild west." Violence became an important means of politics, very often between the different ethno-cultural groups. This violence was accompanied by an increasing militarization of politics: politicians became warlords and raised their own private armies in order to survive.⁹² Eventually, the Moros, threatened in their very existence as a distinct cultural group,

⁹⁰ Bankoff and Weekley, *Post-Colonial National Identity* (footnote 55), p. 4.

⁹¹ McKenna, *Muslim rulers and rebels* (footnote 88), p. 142.

⁹² To be sure, warlordism was no new phenomenon in this region. Many of the Muslim leaders fought their way to power during the early days of American colonialism. Not seldom the real traditional leaders (that is, the hereditary Muslim nobility) lost against power-hungry newcomers, as the names of many of the Moro leaders testify. Nevertheless, these conflicts were situated within a local system of feuding and clan war, thereby subject not only to the escalatory dynamics of power-conflicts but also to the de-escalatory dynamics of culturally accepted means of conflict resolution and mediation. These means could not be put to any use in the conflicts which

rebelled. In the past, Islam had been integrated into the local traditional order, but now it came to play a much more prominent role as a modern counter-ideology against the Christian challenge.⁹³ The violent rebellion began in 1972 and is still not finished. Even if the current administration were to manage to come closer to a solution, the fundamental problem of competing identities will not have been solved.

The Philippines' policy toward the Muslims which eventually led to the rebellion in 1972 had several peculiar characteristics that also prevailed in the following decades. The policy:

1. does not center on the actions of a centrally-ruled state. Instead, action and reaction are mostly determined by the complex interplay of the local political elites (Christian and Muslim political clans), who are represented in the national capital at either congress, senate, or administration level;
2. is characterized by unfair practices and perverted use of state law, thereby actively aiding the Christian settler-elite's interests. There is no central policy that formally discriminates against the Muslim minority, but an overwhelming anti-Muslim social practice based on distrust, prejudice, and a selective reading of history, which turns the Philippines into a Christian beacon in the East and the Moros into backward, wayward, and unruly brothers that have to be disciplined;
3. is highly power-oriented. The perceived fact of religious and cultural otherness is used by Christian local and national elites to enhance the economic and political power of their own families and clans (for example by acquiring control of vast tracts of land in Mindanao).

The Filipino conflict-perspective in the Moro conflict:

1. is zero-sum oriented and basically unilateral, insofar as it centers on language similar to the colonial concept of "white man's burden" in order to legitimize state action. This cognitive concept reduces the other to an inferior person, unable to face you at an equal level;

erupted between the Muslim and the Christian camps, and so the conflicts sharpened and escalated.

⁹³ It should be no surprise that Muslim Filipinos do not give prominence to their national identity. In one survey among Mindanaoan Muslims, four other identities were deemed more important: clan/kinship, ethnic group identity as Maranao, Tausug or Maguindanao, religious identity as Muslim, and political identity as Moro. Filipino identity is not mentioned as a feeling of belonging, but only as a matter of fact, "in one way or another, a by-product of alien domination." Bankoff and Weekley, *Post-Colonial National Identity* (footnote 55), p. 77.

2. differentiates sharply between political rhetoric and practice. Time and again the rhetoric seemed to substantiate the fact that the political intentions were good. However, social practice showed completely different patterns;⁹⁴
3. is centered on coupling continuous discussion with social and political action. Whereas the first is destined to guarantee that the critics comply with the rules of the game and continue to voice their grievances within the liberal-democratic arena, the disconnected social and political action normally aims at maximizing the interests of the dominant players and undermining the chances of protest and rebellion. Repeatedly, new factual situations—always more to the disadvantage of the minority—were created by “spontaneous” local action, which had to be debated afterwards. As the debates drag on, new facts are created on the ground. The coupling of perpetual discussion and negotiation with seemingly disconnected aggressive local action created a system of diminishing returns for the Moros. In effect, the system of perpetual discussion of grievances without consequences results in a fundamental democratic disempowerment of protest.

2.2.3 Conclusion: The logic of weak state and non-implementation

As can be seen by the analysis, the non-performance of the Philippine state with respect to inter-ethnic conflict management is not dysfunctional per se. It clearly is dysfunctional with respect to the development of these marginal groups; however, when seen from the perspective of the maintenance of oligarchic family rule, it is simply a part of an overarching pattern using the ideology and institutional set-up of democracy and a worldview centered on individual freedom in order to underpin and stabilize the status quo. Where this seems to be no longer possible, non- or under-performance guarantees that the ruling elite has enough time to adapt to changing configurations of power and legitimacy. From the level of identity-politics (“what is the nation”) down to concrete policies toward the ethnic minorities, inter-ethnic conflict management is subordinated to the overarching aim of safeguarding elite rule.

The fact that the system is based on politics legitimized democratically through elections could possibly make change more difficult than it would be in the case of an autocracy. Whereas autocracies tend to suppress protest and opposition—a pattern of action which first, in many cases, robs the regime of its remaining legitimacy and second, increasingly narrows and also

⁹⁴ This point has also been a crucial aspect of all subsequent peace negotiations and deals. During the negotiations, the government repeatedly agreed to compromises that were undermined later in the processes of implementation, which seemed to aim at minimizing changes to existing constellations of power on the local and national level and clearly advantaged the Christian elites.

isolates it—an “open society” like that of the Philippines fully promotes critical discourse. The system, however, has proved itself capable of toning down the system-critical dynamics (be it from the left, or from marginalized ethnic groups like the Moros) by transferring them into the system on the rhetorical level and allowing them to peter out through constant political debate on the one hand, and discussion of political reform on the other. At times, as is shown by the highly commendable IPRA, pressure on reform translates into law. However, the adverse consequences of those laws are minimized in the course of their implementation. Here the fate of IPRA is not too dissimilar to the fate of the Autonomous Region Muslim Mindanao, which emerged in the peace deal between MNLF-guerillas and the state in 1996, but was politically emasculated in the following years through “democratic” machinations, non-implementation, and the starving of funding.

In this way the established elite gains time and is able to restructure their own organization such that they also remain dominant in a reformed system. The ruling elite proves able to “automodernize” constantly and thereby hold fast to the reins of power. So civil society mobilization and elite automodernization result in a gradual change of many of the political practices, but not in a further democratization of the political system nor in a closer fit between law and political, as well as social, practice. In effect, “state weakness,” lack of state penetration, and the like, which are at times attributed to the Philippines, are not weaknesses at all, but components of a system that aims at safeguarding the continued rule of a rather small elite under conditions of multidimensional and far-reaching social change.

3. Ethno-politics as a product of social practice

3.1 Comparing the two cases

What then might be learned by reviewing these two cases and by comparing them?

Even if, from an observer’s point of view, it might be of decisive importance for multi-ethnic societies to frame their politics consciously in such a way as to minimize the dangers of ethnic antagonism and ethnic outbidding, from the viewpoint of a political elite the management of ethnic diversity and divisions might clearly be subservient to other, more important goals. Therefore even the costs of civil war are born lightly, as the case of the Philippines illustrates, where the 30+ year old civil war up to now has never been an issue occupying the center stage of

national politics. On the contrary, it might, with only slight exaggeration, be called a forgotten war, because it has never figured prominently in either the media or the most important political institutions of democracy: the Congress and Senate.⁹⁵

This neglect of the repercussions of a multi-ethnic set-up of society on politics at times works out positively (for example, with respect to the low level of tension concerning language policy). However, it stands to reason that most often, as in the case of the Moros' growing estrangement of the Philippines, it produces negative results. The symbolic exclusion of the Muslims in the Philippines was at least partially a result of the nation-building strategy, which tried to invent the Filipino and devise some common features, which were supposedly characteristic, for him. The largest common denominator, however, turned out to be the Christian faith. Relying on Christianity as a symbol of national unification meant, in effect, inviting disaster with respect to Christian-Muslim relations.

Malaysia opted for a different form of nation- and state-building, effectively disconnecting nation and state and thereby enabling the development of a working formula for a multi-national state. It thereby undercut the trend toward the capture of the state by one (hegemonic) ethnic group which is visible in many multi-ethnic states. It also kept alive a crucial distinction between citizenship and national identity. The former was equally given to members of all ethnic groups inhabiting the territory of Malaysia; nationality, however, was conceived of in terms of the various component groups. There was to be a Malay nation, a Chinese nation, an Indian (Tamil) nation, and later on an Iban and a Kadazandusun nation, but no Malaysian nation. The idea of a Malaysian nation/community (*bangsa Malaysia*) was explicitly rejected. Politics was then conceived of as a rule-guided balancing act among the interests of the various "nations" comprising the citizens of Malaysia.

Whereas the Philippine strategy of civic nation-building was based on the invention of "the Filipino" as well as on the invention of one, all-encompassing nation, the Malaysian strat-

⁹⁵ The only exception to this rule was the law-making process in the wake of the 1996 peace agreement between the MNLF and the Philippine government, when intensive lobbying in Congress and the threat of congress members to take the eventual law to the Supreme Court, led to a significant watering down of many of the agreements arrived at the negotiation table. The fundamental interest of the opposing congressmen (mostly from Mindanao) lay in safeguarding their vested interests.

egy essentially accepted the existing self-categorizations of the various peoples inhabiting the territory of the state. Therefore, there was much less need for the invention of a unifying history, of national myth-making, and the like. There was no need to subscribe to a new national identity in Malaysia. Correspondingly, there was also no need to suppress or assimilate those people who did not fit the national self-image. In effect, the Philippine strategy equated nation and state and thereby disallowed traditional notions of community as politically salient concepts. As the Christian imagery of the nation provided no place for the Muslims, they had no option other than turning to a counter-nationalism based on their common Muslim identity. By contrast, in Malaysia the Chinese could remain Chinese, the Indians Indian. They, as well as the Dayak and Kadazan-dusun, built up their political parties in order to advance their ethnically-defined interests from within the ruling Alliance. Thus the need for collective identity and its representation was respected, and the emergence of structural losers was avoided. In the Philippines, on the other hand, the Muslims ended up as symbolically marginal people and lost out at the same time with respect to social and economic development. In all respects fundamental principles of inter-ethnic justice and equality were violated by the social practices of the modern state- and nation-builders.

An important difference can be found with respect to the working of the institutions of the state. On the one hand, it can be clearly stated that the Malaysian state apparatus has been and still is far superior to its Philippine counterpart with respect to the delivery of the most important public goods: security, welfare, and even legitimacy. Whereas the Malaysian state safeguards these goods for nearly all of its citizens, delivery is severely hampered in the Philippines. While it might be argued that, apart from the minorities, legitimacy is high, the provision of welfare and security is sketchy at best. The oligarchic nature of Philippine politics tolerates very high degrees of poverty and a dismal performance with respect to human development. Physical security is a relative term in many parts of the country, and especially for the poorer classes. One strategy for dealing with poverty-related unrest has been for decades to turn the poor against the poor—for example, by encouraging the transmigration of poor northern Filipinos into the Muslim territories of Mindanao or building up local (and sometime ethnic) militias, which were given the task of controlling their neighbors and neighborhood.

It might be quite surprising that, in spite of a significant formal similarity of the political institutional set-ups of the two states, the political arrangements and practices with which the political institutions were filled and according to whose patterns they worked were fundamentally different. The crucial aspects determining the behavior of the state institutions (an inclusive, consensus-oriented and elite-centered bargaining system in Malaysia; familistic and localistic organization of political loyalties and the subversion of state law by local political practice in the case of the Philippines) cannot be derived from the formal political systems, which are rather similar in many respects. I would argue that the differences in behavior of the Philippine and Malaysian elites can be attributed much more to differences in behavioral patterns than to differences in the institutional set-up of the two states.

3.2 Differing social practices and their political repercussions

The working principle of Philippine politics has aptly been described in an influential book edited by Alfred McCoy as an “anarchy of families,”⁹⁶ an analytical focus that has been substantiated by a host of studies focusing on the crucial role that political families play in local but also national politics. McCoy argues that “(i)nstead of treating the Philippine past ... solely as the interaction of state, private institutions, and popular movements, historians might well analyze its political history through the paradigm of elite families.”⁹⁷ Otherwise, as McCoy and others argue, the analyst runs the danger that “social science ... diverges from social reality.”⁹⁸ A purely institutional point of view misses the fact that not only political parties, banks, and major corporations “are often synonymous with the history of a few elite families, ... [but] labor unions, Christian denominations, and even the communist party have been dominated by single families.”⁹⁹ In the Philippines state and economic power have been captured by social units, be

⁹⁶ Alfred McCoy, *An Anarchy of Families: State and Family in the Philippines* (Ateneo de Manila University Press, 1994).

⁹⁷ McCoy, “‘An Anarchy of Families’: The Historiography of State and Family in the Philippines,” in *ibid.*, p. 1–32, at p. 1.

⁹⁸ McCoy, *ibid.*, p. 1.

⁹⁹ McCoy, *ibid.*, p. 1.

they families, clans, or family alliances, which have been very successful in their endeavor to “block the state from translating its nominal authority into social action.”¹⁰⁰ So to a significant extent the Philippine political system can be described as based on alliances and counter-alliances of regional elites who have effective control over the state bureaucracies in their respective bailiwicks. The system shares many components with systems categorized on various occasions as “clan polities”—albeit in a democratic setting.¹⁰¹

With respect to the focus of this paper two points are worth stressing: First, families and the politics structured on their basis cannot be thought of in ethnic categories. Families do not possess the symbolic resources available to ethnic groups to create a comprehensive “national” identity.¹⁰² This goes a long way toward explaining the rather weak performance of the Filipino elite in their efforts at nation-building. Second, it can explain why ethnicity never became a politically salient concept, apart from the marginalized out-groups of the Moros and the Cordillera-people (Ifugao).

Political families strive to infiltrate the institutions of the state and convert them into institutional hangers-on of the family. They thereby not only undermine the democratic political process, but likewise administrative efficiency and neutrality. They prefer other families or family-like organizations as political opponents, since these too have a vital interest in stabilizing the order in which families have a key political position. As a consequence, in the political process family alliances with the same goal, i.e., to make family rule a lasting political principle of order, frequently find themselves opposing competing forms of political organization.¹⁰³ So we find, on

¹⁰⁰ McCoy, *ibid.*, p. 1.

¹⁰¹ For a detailed study on clan politics in Muslim Mindanao see Peter Kreuzer, “Political Clans and Violence in the Southern Philippines,” PRIF-Report No. 71 (Peace Research Institute Frankfurt, 2005).

¹⁰² Kathleen Collins, “The Logic of Clan Politics: Evidence from the Central Asian Trajectories,” *World Politics* 56, no. 1 (January 2004): 224–61, especially p. 234.

¹⁰³ Collins, “The Logic of Clan Politics,” *ibid.*, p. 237. They might quite as well try to subvert them. In the Philippines, for example, a number of members of influential families set up their own NGOs in order to be able to influence public opinion and engage in modern-style lobbying practices. Sometimes they also use these NGO to tap the coffers of international development institutions. This is openly debated in the development community behind closed doors;

the one hand, highly integrated, trust-based, intra-family networks which guarantee efficient functioning and the effective wielding of power, and on the other hand a distinctive fragmentation of power along the borders of the territories and spheres of political influence controlled by the families.

With respect to the management of inter-ethnic conflict this system has proved to be highly problematic. The overarching interest of most political actors, as well as the logic of the political process, has aimed at the survival of these very structures and the actors filling them. The anchoring of political power on the local level has resulted in a political process in which partial concessions could be made at the central level which, however, were regularly annulled by action at the local level. The quasi-anarchic nature of the political system—quite appropriate for the aim of system maintenance—proved counterproductive in times and situations where a coherent policy had to be implemented. The large number of veto-players made it impossible to devise sound strategies for dealing with the demands of the marginalized minorities. In political practice, the interests of the local elite mostly took precedence over any competing interests—be they the minority or state interests. Mostly, however, ethnicity and ethnically-based politics simply did not match the categories of Philippine politics. Therefore, the system simply did not foresee the implications of its actions on the ground in the regions inhabited by the minorities, and once problems arose it refused to accept an ethnicity-based frame of politics for its management.

Malaysia can from its very inception be characterized as a consociational polity, especially geared toward managing multi-ethnic relations. However, in marked difference to the suppositions of Lijphart's concept of consociational democracy,¹⁰⁴ consociationalism was not enshrined in the institutional set-up of the new state. Power-sharing and group autonomy existed as social practice, but were neither outgrowths of constitutional design, nor were they ever reflected in the federal constitution or any of its laws. Whereas theoreticians of power-sharing argue against majoritarian electoral systems, the Malaysian system clearly is majoritarian with respect to its

however, there is hardly any “official” work done on it.

¹⁰⁴ For short introductions see, for example, Arend Lijphart, “Constitutional Design for Divided Societies,” *Journal of Democracy* 15, no. 2 (April 2004): 96–109; and Arendt Lijphart, “The Power-Sharing Approach,” in Joseph V. Montville (ed). *Conflict and Peacemaking in Multi-ethnic Societies* (Lexington, MA: Lexington Books, 1990), pp. 491–509.

formal characteristics. Election in single-member constituencies might lead to clear-cut majoritarian politics. However, from the first elections in 1955 onwards, we always encounter an alliance of several ethnically-based parties that cooperate in order to secure the overwhelming support of the electorate. The alliance formula emerged and survived as a social practice completely independent from any constitutional prescription of power-sharing. Likewise, there has never been any constitutional guidance as to the ethnic mix of the executive. The observable practice of multi-ethnic cooperation and representation is also more the product of social practice. Even in those cases when a small number of parties had the numbers to create a stable government, the choice always fell on the establishment of a “maximalist” executive, which included as many parties as possible. Therefore, in most state parliaments and on the federal level, more than 90 percent of the members belonged to the government parties. Even in the rare cases when UMNO, the leading Malay party, might have had sufficient numbers of members in the various state assemblies to rule alone, they constantly refrained from forming a single-party government, but kept to the unwritten rule of maximalist inclusion.

Of equal importance for the working of the system is the right to veto any decision of the government, a right that is exercised by even the smallest component party of the respective alliance. A high-ranking bureaucrat of the Sabah state bureaucracy explained this practice as follows:

Any major decision has to have the consensus of even the smallest component party. Of course, sometimes, when the majority feels that it should be the case and the smallest party in the component says no, a little bit of arm twisting will take place. [But in other cases] ... they will have to contact and thrash it out. That's why the policy of the cabinet here in Sabah is that it is a consensus.... Of course UMNO is the dominant party. They are considered to be the biggest brother. But at the same time the biggest brother, I don't think they take terms to the smaller brothers. Because that is not as good in the Barisan Nasional. Because if that is the case, then you will split. So here I think the philosophy of Barisan Nasional is decision by consensus, other than by a dominant party.¹⁰⁵

A former acting chief minister of Sabah formulated quite similarly:

According to the ... arrangement among all the parties, every party, even the small, whether you are big or small, has a veto. But my experience, I attended the

¹⁰⁵ Interview, Kota Kinabalu, 2004, anonymized.

State Barisan and National Barisan, before the meeting they always try to convince you not to veto. If they are not successful in convincing you, they will not bring it up in the meeting. That's why in the meeting [presentations] always pass.... So this is the internal arrangement. If you don't agree in certain things, they will be set aside for the time being.¹⁰⁶

This concept of multi-ethnic representation and consensual decision-making clearly has significant drawbacks with respect to the forms and degree of individual liberty and the concept of democracy itself. Democracy itself is cognitively framed as an effort toward integrative power-sharing among the contending groups that comprise the broad majority of the politically organized public. Datuk Dr. James Masing, himself a Kadazandusun, long-time opposition representative in the state assembly of Sarawak, and currently a state minister, quite openly lays out his inclusive interpretation of democracy:

I think, the Americans stretch democracy to the farthest extent. We win, therefore we control. Next time your turn to win, you control. We said, "No, share. Let us share the winning. We'll watch, what is your problem, then you in the same time coming to us, as you know what our limitations will be. So let us go together." And that is why in Barisan here, we form the government before the election. While in other countries they form the government after election. And our system is much better. We decide before we go to the polls. "Ok, let us decide what we'll do: You have so much, you have so much and so much, you agree? Yes we agree. Let us go to the poll together." ... Once we agree, let us fight the other.¹⁰⁷

Whereas mainstream consociationalism mostly concentrates on institution-building, the lesson from the Malaysian case points to the fact that the formal set-up of these constitutions is less important for their eventual functioning than the culture-bound practices with which it is filled. For any ethnic group that feels disadvantaged this system promises much reward, once they succeed in entering the ruling circle. The history of ever-enlarged inclusion shows in practice that parliamentary politics can provide an avenue for getting heard, getting accepted, and finally being able to actively participate in the policy-making process and thereby influence their own future. The most significant precondition, however, is that the prospective new party to the Alliance subscribes to the overall logic of the system of inter-ethnic cooperation. This includes

¹⁰⁶ Interview, Kota Kinabalu, July 5, 2004, anonymized.

¹⁰⁷ Datuk Dr. James Masing Interview 1, Kuching, June 27, 2004.

acceptance of various taboos, which can hardly ever be mentioned in public, even though they are hotly debated behind closed doors (for example affirmative action in favor of Malays, language policy, university quota system, and the like). Mobilizing politics are clearly frowned upon.

Taken together, both cases point to two central conclusions:

1. The relative failure of the Philippine arrangements can be traced to inauspicious practices, as can the relative success of the Malaysians. This means that while institutional design is important, it is far from a guarantee for successful political conflict management. Even if democratic institutions are in place, their concrete working principles are to a large degree determined by social practices. Therefore, any effort at redesigning institutions in order to be better able to accommodate inter-ethnic conflict ought to focus on the reform of practice and not so much on the reform of the institutional set-up itself.
2. The relative success of the Malaysian case, when contrasted with the Philippines, shows that the ethnization of politics in a democratic multi-party setting need not result in processes of ethnic outbidding. Quite to the contrary, it might even be a fruitful way for inter-ethnic conflict management. In ethno-political theory it is generally assumed that “the politicization of ethnic divisions inevitably gives rise to one or more ethnic parties. In turn, the emergence of even a single ethnic party ‘infects’ the rest of the party system, leading to a spiral of extreme ethnic bids that destroy competitive politics altogether.”¹⁰⁸

The Malaysian case illustrates, however, that ethnization of politics might just as well result in the opposite dynamic: a heavily ethnicized regime, which, however, explicitly aims at the prevention of ethnic outbidding. This effect might have been the result of the working dynamics of the political arrangement itself.

Kanchan Chandra, in an analysis of the Indian case, argues that the successful “institutionalization of multiple and crosscutting dimensions of identity leads to an initial spiral of extreme bids followed by a stable centrist equilibrium.”¹⁰⁹ This process is initiated and pushed on because politicians who work within the system of institutionalized cleavages can “credibly promise voters concrete rewards within the existing rules of the game,”¹¹⁰ whereas politicians

¹⁰⁸ Kanchan Chandra, “Ethnic Parties and Democratic Stability,” *Perspectives on Politics* 3, no. 2 (June 2005): 235–52, at p. 235.

¹⁰⁹ Chandra, *ibid.*, p. 241.

¹¹⁰ Chandra, *ibid.*, p. 241.

who aim at activating non-institutionalized cleavages cannot promise the same amount of initial benefits, simply because their success depends on a transformation of the existing rules of the game. Any ethnic party that works from within the ruling coalition can provide more returns for its voters than the more radical parties catering to the same group. As long as the policy outcomes provide for gains for all groups who are represented in the multi-ethnic regime, incentives are high for continuing the “winning arrangements.” As a side-effect, even minorities can to a certain extent feel that they belong to the majority on account of their representation in the governing institutions. For the parties that comprise the multi-ethnic ruling coalition, ethnic outbidding is out of the question, because in this case they would lose their options for influencing government policy and could no longer provide the same amount of benefits to their voters.

The Philippines basically decided to depoliticize ethnicity and “leave it to society” to deal with it. The advocacy of one nation for the Filipino people predictably resulted in the formation of an overpowering Christian in-group opposed to marginalized out-groups, which, exactly because ethnicity was anathema as a principle of political organization, had no institutionalized way to voice their grievances and actively influence politics affecting their well-being to a significant degree. The effects were multidimensional marginalization, protest (which was ignored), and lastly violent rebellion.

These results lead to the conclusion that, at least in some cases, it might be advantageous not to try to depoliticize ethnicity, but to “recognize ethnic identities as a legitimate basis for political mobilization without reifying them.”¹¹¹ Even if the development of an ethnicity-based, multinational state that prioritizes group rights might not be an ideal answer to the challenge of multi-ethnic state- and nation-building, it seems able to provide a serious alternative to the purely civic variant. First, by connecting political structure to ethnic group affiliation, it provides for a cognitive framework of politics that seems natural and meaningful to most members of society. Going back to structures that already underlie social and political communication allows the official authority-defined and everyday-defined social reality to be better integrated.¹¹² At the same

¹¹¹ Chandra, *ibid.*, p. 247.

¹¹² This differentiation harks back to A.B. Shamsul. As Claudia Derichs shows in her fine study on nation-building in Malaysia, the central point is the degree of integration of those two interpretative sets. If they match to a high degree, the chances are high that “the government (in Ger-

time political organization of ethnic identities remains a legitimate strategy of political participation and the corresponding units are meaningful for its members. Therefore, there is no need for any efforts at hegemonial re-education according to the terms of a dominant identity. Second, it provides reasonable chances for reducing the sources of potential friction, insofar as many spheres can be relegated to intra-group rule-making, and for channelling and thereby limiting conflict to inter-elite bargaining. Common rules on the cooperation of the potentially contending groups are needed, but not common rules equalizing all members of the society with respect to all aspects of social rights and obligations. The state then would pose as a territorially-bounded assemblage of different (even if not totally equal) nations.

man: Staat) understands the social reality experienced by the people ... and adapts its policies accordingly. The more the definitions diverge, the less the number of people reached by the government's definition and the lower the chances to communicate an identity shared by the whole people." [Claudia Derichs, "Nationenbildung in Malaysia als strategisches Staatshandeln: Bemühungen um die Schaffung nationaler Identität" (Hamburg: Institut für Asienkunde, 2004), p. 84; my translation].