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# Framing Violence: Nation- and State-Building

## Asian Perspectives

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## Summary

At the beginning of the 21st century, ethnic or racial conflicts proliferate in the world. As soon as some conflicts seem to be resolved, new ones break out. Many conflicts resurface each time some kind of path to peace seems to be forged. The conflicts between the Sri Lankan state and the Tamil Tigers, the conflict between the Philippines and the Muslim insurgents in Mindanao are but two prominent cases in point. Most of such cases are characterised by constant efforts at resolution, by intermittent negotiations, interspersed with renewed violence, and cycles of military escalation and de-escalation.

Based on a comparison of three cases (the Philippines, Sri Lanka and Malaysia), we argue that, in order to understand the driving forces of inter-ethnic violence, it is vitally important to reflect on the development and uses of the politically salient collective identities as well as on their interplay in the debate and struggle over the definition of state and nation. Not only the way in which identities are delimitated is important, but their inner structure and content (values, norms and behavioural guidelines) are equally of prime importance, because the structure and content of identity provide the framework for the interpretation of the collective self and the structuring of its relationship with the meaningful other.

We argue that the onset as well as the enduring quality of inter-ethnic violence in some cases as well as its absence or successful resolution in others are partly brought about by differences in the interpretations of community, leadership, state and nation, and the eventual handling of conflicts within these respective frames of reference. Knowledge of these schemes and their relationship with strategic conflict behaviour provides crucial links for devising sound strategies which may eventually enable a resolution acceptable to all contending parties.

What is needed is a comparative look at the most important trajectories of the national histories in multi-ethnic countries, not only with respect to the sequence of events, but, in particular, with respect to the "subjective" driving-forces, which shape the minds of the actors and their views on the nature of the nation and state to be; particularly the interplay between various forms of nationalism, nation and state on the one hand and different understandings of democracy and democratic practice on the other hand.

As in many multi-ethnic countries the majority of the people perceive politics in ethnic terms; the idea of orthodox nation-building with its implications of emotional bonding at the national level runs the risk of turning violent, as various groups may try to impose on the state and the "national identity" their own cultural features. In response, weak minorities may feel tempted to leave the emerging nation-state.

When emotive bonding is understood in ethnic terms and the state perceived as a nation-state, the need for nation-building is often equated with conquering the nation-state and extending one's own culture over the whole national realm – if necessary by subjugating or assimilating other cultural groups. The successful 'nation' (i.e. ethnic group) claims ownership of the state, its resources and the right to rule, because it transforms its collec-

tive identity into the national identity. Its history, its traditions, its mores and religion become the foundation of the nation. State and imposed nation become co-terminous.

Any such effort to impose one vision of the nation against others must end in violence: be it violent rebellion of the suppressed group, or state violence perpetrated by the hegemonial group in order to silence the opponents.

The counter-model to both purely ethnic as well as civic state- and nation-building would be a pluralistic state which refrains from building an overarching nation. We discovered that, in both the ethnic (Sri Lanka) as well as the civic variant of nation-building (Philippines), the most crucial factor pushing ahead the processes of exclusion, assimilation and marginalisation proved to be the direct connex between state and nation, the drive to extend ones' own nation to the periphery of the territorial state. This direct connex has not been established in the case of Malay(si)a. Here, different and seemingly incompatible concepts of nation were employed at the very same time. The concept of indigenous people legitimised the primacy of the Malays and later the other groups comprising the Bumiputera. A liberal concept of citizen guaranteed the political inclusion of the large immigrant communities. The concept of nation, as a political identity group, was applied to ethnically defined groups, which seemed natural for their members and therefore required no great effort of imagination. Whereas in the first two cases durable systems of inter-ethnic violence ensued, Malaysia remained violence-free.

Our report points to the interplay of three "dimensions": (1) the vagaries of colonial history as well as the concrete processes driving decolonisation, (2) the structural set-up of the late colonial states and the newly emerging sovereign nation-states (i.e. the institutional set-up of democracy/state-building) and, furthermore, (3) the processes of collective identity formation in the political sphere ("nation-building"), by which the elites of the new states gave meaning to the formal set-up they had either partly inherited from their colonial overlords or put into place on the foundations of the former colonial regime.

Our study is historical in order to flesh out models of failure and success, which might be employed when putting together "recipes" for hedging against the fatal dynamics of inter-ethnic othering, antagonisation and escalation, spirals of violence and counter-violence in the 21st century.

Based on our research, we provide the following dos and don'ts of nation- and state-building in multi-ethnic, and maybe even post-civil war societies:

1. Don't aim at constructing a nation-state in which there is an equating between nation and state. The more abstract principle of civic nation might displace traditional identities and loyalties, without being able to replace them.
2. Try to incorporate all (minority) ethnic groups into the state in a way that gives them the opportunity to voice their concerns and influence decision-making. The system must not allow for the emergence of structural political losers.

3. Try to induce a process in which all groups thrash out a common vision of the state, which means at least a vision of a common state. They should try to find a common understanding of the nation(s) and their relationship to the state.
4. If ethnic identities are salient, don't aim at depoliticising them (because it hardly ever works), but try to reframe them into a structure, which allows for emotional attachment by the members of the various groups, for participatory interest-formation within the political organisations of the various ethnic groups, for the development of a kind of social contract on inter-ethnic accommodation and a mutual acceptance of each other's basic interests.
5. Don't focus on institutional design only. Institutional set-up is less important than institutional practice. A working democracy ought to be rooted in common practices and less in formal structures enforcing cooperation.
6. Post-conflict peace-building programmes should aim at safeguarding gains in community welfare for all ethnic groups. Concepts for development should be designed in a way that they depend on the cooperation of the various groups.
7. In order to maximise political legitimacy in the crucial phase of systemic transformation, abstain from installing new "modern" elites of our "Western" liking, but work with the elites deemed legitimate and accepted by the majority of the local people.
8. Don't concentrate only on the elite(s). Peace as well as violence are locally grounded. Ethnic mobilisation and outbidding works only, when the people respond accordingly to the stimuli of the political firebrands.
9. State- and nation-building need our long-term support, as they are drawn-out processes spanning decades and not discrete events, which are completed after a few years. Therefore, do not tailor your support according to the sequencing of the international reporting on crises and catastrophes.
10. Try to induce learning at the elite level, so that the various groups and their leaders learn to accept and value the idea of an "ethnic veto", by which ethnic groups can stop policies deemed to be contrary to their most basic needs and interests.

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# 1. Introduction

Despite the variability in form, ethnically founded violence, that is violence along the lines of ethnic group affiliation is often explained by taking recourse to several universally applicable "causes": socio-economic as well as political and cultural grievances. The idea of deprivation driving rebellion is still one of the most prominent interpretative paradigms applied to the explanation of ethnic conflict.

A new perspective en vogue for the last decade, puts this paradigm into doubt, insofar as it posits that "greed" has to be seen as the most important supposedly universal determinant of violent rebellion. The basic assumption is, that it is not so much grievance which drives people to rebel against injustice and oppressive authorities, but greed which in certain cases can best be satisfied by taking recourse to violent strategies. Whereas the grievance-hypothesis basically focuses on the marginalised aggrieved masses, the new explanation points to the self-interest of the elites of disadvantaged peripheral minorities as an important explanation of civil war. It posits that exactly those countries/regions with easily extractable and marketable raw-products (such as diamonds, precious wood, minerals) are most prone to civil war.

The point that economic factors matter in civil war is not new and has been proven in conflicts past and present. However, it cannot account for dissimilar reactions of groups to structurally similar situations. Deprivation, marginalisation, discrimination, poverty are to a certain extent cultural phenomena. They can be measured and quantified, however, their political salience is a matter of perception. You either might or might not interpret your group's poverty as discrimination, you might either accept or rebel against it – in any case, perception and social (re-)action are to a large degree determined by your worldview, by your beliefs, by your norms and values. Greed and grievances have to be understood in cultural terms, as it is culture, which determines, what should be appropriate aims and interests for the cultural group and its members, which of them are worth fighting for and which means are deemed legitimate in the advancement of those individual and group interests. So it clearly is important to talk about the economic roots of conflict but you are warned against reducing discussion to the material side only. A sensible cultural approach aims not at disproving greed- and grievance-based interpretations as such, but tries to unearth and emphasise their underlying cognitive and ideational systems.

Based on an analysis of three cases (the Philippines, Sri Lanka and Malaysia), we argue that it is vitally important to reflect on the development and uses of the various ethnically framed collective identities as well as on their interplay in the struggle over the definition of state and nation. Not only the way in which identities are delimitated is important, but their inner structure and content (values, norms and behavioural guidelines) are equally of prime importance, because structure and content of identity provide the framework for the interpretation of the collective self and the structuring of its relationship with the meaningful other.

The years 1983 for Sri Lanka, 1972 for the Philippines and 1963 for Malaysia signify the culmination points of the processes of mutual identity formation between centre and periphery. These identities are to a large extent still in place and continue to frame the behaviour in all those arenas, where contending groups oppose each other: on the battlefield, at the negotiation table, in the parliamentary process, in the media, as well as in the international sphere of NGOs and inter-governmental organisations.

With regard to inter-ethnic relations, the differences in perception led to fundamentally different practices for the political organisation of ethnic interests and informal institutional arrangements underpinning the formal institutional design of the three states. They also resulted in fundamentally different scenarios of national integration: partly violent political and cultural marginalisation of the Muslim and Tamil minorities in the Philippines and Sri Lanka on the one hand, and Malaysia's quite unique pattern which was able to pre-empt nearly all threats to inter-ethnic peace by enforcing certain patterns of inter-ethnic balancing based on elite-cooperation and rule-guided bargaining, on the other.

As democracy is generally counted as an antidote to political violence, the cases of the Philippines and Sri Lanka which have both been ravaged by civil war for decades are rather disturbing. Their histories of political (often ethnic) violence are inseparably bound to their modern histories as rather successful durable "Third World Democracies". These cases illustrate that it is possible for democracy and inter-ethnic violence to coexist for a prolonged span of time.

By focusing on the cultural frame of processes of group-formation and inter-group conflict, we are able to account for this seeming paradox, that democracy can nurture high levels of collective violence. We argue that, with the demise of colonialism and the advent of sovereign statehood, specific cognitive and emotive meaning-systems were built up, solidified and reified. These systems resulted in specific patterns of action towards minorities and the political as well as cultural aspirations of groups which were perceived to be "different" from the groups in power at the national centres. In Sri Lanka and the Philippines, the worldviews of the national elites were translated into hegemonial and repressive political, social and economic action, which in turn generated protest, and later on peaceful and eventually violent resistance by the affected minorities.

Comparing "failures" alone, however, very often does not make for a good comparison. Therefore, we add Malaysia, which is highly similar in many structural respects to the two other cases: multi-ethnic, with experiences of violence and civil war in its modern history and with clear-cut economic, social and political imbalances during the initial period of state- and nation-building, however, without any significant or durable inter-ethnic violence. With the exception of the city-state of Singapore, Malaysia currently boasts the highest GNP per capita of South and Southeast Asia as well as the lowest poverty level. Multi-party elections have been a regular feature of the country for decades and, contrary to the Unitarian set-up of all of its' neighbours, Malaysia is a federation.

In the cases chosen by us, traditional notions of power and community have not been extinguished by colonial rule but were partially overwritten and reframed in the encoun-

ter. Certain autochthonous patterns of thought and rule became intertwined and amalgamated with western ideas of modern nation- and statehood and the cognitive foundations of the varying practices of colonial rule into rather specific cultural set-ups, social practices and institutional choices. These reformed patterns of political perception were not only developed during the decades of decolonisation, but also put to use in emotionally and motivationally highly loaded conflict situations. The evolving cognitive as well as emotive and motivational patterns were successively and deeply inscribed into the collective memory of the respective societies.

By focussing on the interplay of culture and institutional set-up, we are able to solve the riddle of why ethnic violence can survive in democratic settings for decades. As will be shown, the concepts of nationalism, nation and state are the decisive node connecting democracy to violence in multi-ethnic settings. Contrary to the expectations of mainstream democratic theory it is not the civic concept which scores best, neither is it the ethnic variant, rather an ethnically-founded, group-centred concept of pluralistic (we would even say multi-national) nationalism, which disconnects state and nation, and thereby enables the idea of a plurality of different nations within one state. At least in multi-ethnic settings beyond the First World, democracy in itself is clearly no antidote to inter-ethnic violence.

Even though the processes analysed by us comprise a time-frame from the late colonial era to the early 1980s, the lessons drawn are highly relevant for the present time, where processes of state-failure or -weakening not seldom lead to renewed, and often internationally aided, efforts at state- as well as nation-building. In prominent cases like Iraq, Afghanistan, Somalia, Sudan, the Congo, but also in cases attracting less media-attention like Burma, Nepal, Papua New Guinea, Fiji and the Solomon Islands the question of nation-building and its relationship to state-building is clearly on the political agenda.

Before focussing on the case studies, it seems in order to summarise the dominant dichotomous differentiation of nation(alism). In the conclusions we aim at sensitising political actors to the mostly subconsciously held and applied cultural frames of action. If these are not made conscious in the short and middle term and at least partially changed in the foreseeable future any effort at conflict resolution will lead to partial results at best. We expect that most of our observations hold not only for the cases under study, but for comparable cases of violent conflict as well. Some of the conclusions might also help in devising strategies for putting failed multi-ethnic states on their feet again. Last but not least the results of this study may enable us to devise violence reducing strategies for democratisation in multi-ethnic countries with a high potential for inter-ethnic conflict.

# 2. Introducing a cultural research-perspective and two variants of nationalism

## 2.1 A cultural view on the interplay of nation- and state-building and ethnic violence

A cultural view of political processes does not deny the salience of non-cultural determinants of political behaviour. However, it argues that human behaviour is culture-bound[1], that human beings act in culturally prescribed ways, which necessarily influence the very ways of behaviour and therefore also of societal and political outcomes. Cultural analysis emphasises that the rationale of a certain action is to a certain extent located in the cultural context in which it occurs.

Culture deeply influences the ways of state- and nation-building, as it provides the models of community, legitimacy and authority, on which the states and nations have to be built, with which the more abstract concepts of nation and state have to be amalgamated and into which they have to be translated in order to be understood by the people and become new guiding principles of political organisation. Therefore, in any society, state- and nation-building is a process in which different worldviews fuse with each other. Even if the new visions and philosophies of state and nation partly reframe traditional concepts of community and polity in this process, they are firstly framed by tradition themselves because initially they have to be understood in the language of the tradition.

While interest-based analysis suggests that "basically any human group would behave the same way in a certain situation, an emphasis on motives is far more interested in explaining variation in behavior."[2] Variations of interests and their formation, which may be used to explain differences in collective political style, can often been traced to variations in culture. In the 1990s, cultural psychologists put forward "more and more frequently and persuasively (the argument; P.K.) that [...] basic psychological processes depend substantially on cultural meanings and practices. [...] A good deal of evidence [...] shows that psychological processes can be very different in cultures other than European and American ones."[3] In intra-cultural discourse the cultural foundations are often invisible to the participants as well as to the observer, when he is a member of the same cultural group, because "cultural frameworks are rarely the subject of self-conscious analysis, for people deeply internalize cultural assumptions and rarely see them as problematic."[4] The cultural

1 Culture is about the substance of identity for individuals in a society. An awareness of a common language, ethnicity, history, religion and landscape represent the building blocks of culture.

2 Marc Howard Ross, The Relevance of Culture for the Study of Political Psychology and Ethnic Conflict, in: Political Psychology, Vol. 18, No. 2, 1997, p. 308.

3 Alan Page Fiske, et al., The Cultural Matrix of Social Psychology, in: Daniel Gilbert, Susan T. Fiske, Garndner Lindzey (eds.), The Handbook of Social Psychology, Vol. II, Boston et al. (McGraw-Hill Comp.), 1998 (4th ed.), pp. 915-981, citation p. 915.

4 Ross, see above (footnote 2), p. 308, see also: Kevin Avruch, Culture and Conflict Resolution, Washington D.C. (United States Institute of Peace), 1998 .

dimension of seemingly interest-based arguments becomes more easily visible, when they are observed in an unfamiliar setting. When for example a certain action is explained by arguing that otherwise the ancestors would have become angry and misfortune would have become inevitable, then the actor's interest-based calculation (avoid misfortune) becomes enculturated and visible as culture-bound rationality to the Western observer.

Any kind of social and political action has to be enculturated. Anybody, in order to be understood and "participate in the social world [...] must incorporate cultural models, meanings, and practices into [...] (his/her; P.K./M.W.) basic psychological processes. These psychological processes in turn constrain, reproduce, and transform the cultural system. So while each culture is constructed by the coordinated interaction of many psyches, these psyches are themselves oriented, structured, and motivated by the particular culture in which they operate."[5] So culture is not only a system learned by the members of the cultural group, but also something that emerges out of individual acts of interpretation and reinterpretation. Cultural models, meanings and practices are, as any models by necessity, rather abstract, so that they have to be adapted to and be given a concrete shape in any single situation. This process of adaptation allows for a certain individual freedom of choice and can over time and generations change the cultural meaning-system itself.

As anybody partakes in several (sub-) cultures and culture is "socially distributed within a population"[6], meaning that not all members share the same cultural content to the same degree, reflection on one's culture is possible. Therefore, cultures can be put to manipulative uses. On the political level this may take the form of a particular ruler using cultural frames and arguments to justify their own holding of power. It may also involve the use by one majority group, to oppress, expel, or in extreme cases exterminate those not considered part of that majority. Reframing is possible only to a certain extent insofar as it can be connected to the particular cultural milieu. "That is, people must think, feel, and act with reference to local practices, relationships, institutions, and artefacts. To do this, people must use the local cultural models, which consequently become an integral part of their psychology. These models are not merely categories or concepts: they are relations, scripts, habits, rules, processes, inference and decision procedures, evaluations, motives, goals, mnemonic devices, symbolic encodings – in short, meanings and practices."[7] This insight applies to nation- and state-building as well. Any understanding of new and unknown concepts like nation or state has to be modelled according to locally intelligible cultural codes. Therefore, concepts of nation and state develop out of the traditional modes of community and polity and by necessity carry with them a lot of the meanings and practices which were characteristic for their traditional precursors. Meanings change, but change can always only be evolutionary, as a continuity of intelligible patterns of interpretation has to be safeguarded.

5 Fiske, et al., see above (footnote 3), pp. 915-916.

6 Avruch, see above (footnote 4), p. 18.

7 Fiske, et al., see above (footnote 3), p. 917.

For any understanding of cultural practice it is crucial to understand "how culture constructs social difference and on which differences a social structure is built upon, how difference is enacted in everyday practice and how it is represented symbolically."[8] Culture orders political priorities "meaning it defines the symbolic and material objects people consider valuable and worth fighting over, the contexts in which such disputes occur, and the rules (both formal and informal) by which politics takes place and who participates in it."[9] It must also be pointed out that culture "provides political resources for political organization and mobilization."[10] Exactly because cultural groups share meaning systems to a significant degree, cultural organisation can, as Abner Cohen has argued, be used to overcome problems of collective social as well as political action. A common culture provides distinctiveness, it facilitates communication as all members are knowledgeable of the cultural code, it offers mechanisms for political decision-making and provides authority for their implementation. Shared cultures also simplify the formation of political worldviews, which can be rooted in the shared codes in order to give legitimacy to the political hierarchy inherent in the worldview. Last but not least cultural organisation provides mechanisms for enforcing discipline.[11] However, this does not mean that culture and its use are always functional. On the contrary, it can be argued, that "cultural solutions at the level of local knowledge and practice can be and very often have been … severely 'suboptimal.'"[12] This also holds true of the question of conflict resolution, where many practices might be interpreted as "wrongheaded problem solving."[13]

## 2.2 Contrasting civic and ethnic nationalism

Nationalism as a belief-system, an ideology, and as a political movement has been condemned for setting off processes of violent conflict about the ownership of states, and about inclusion and exclusion, in the course of which millions of people lost their lives in 19th and early 20th century Europe as well as the post-colonial Third World. It has likewise been seen as a panacea for the eventual establishment of modern, strong, democratic and functioning states, which, as argued, need a political identity correlating to the state in extension, and thereby providing the necessary emotional capital needed in order to guarantee an overarching political loyalty to the state. A salient feeling of shared, common citizenship is deemed a necessary ingredient of successful statehood.

8 Carola Lipp, Politische Kultur oder das Politische und Gesellschaftliche in der Kultur, in: Wolfgang Hartwich, Hans-Ulrich Wehler (eds.), Kulturgeschichte heute, Göttingen (Vandenhoeck und Ruprecht), 1996, pp. 78-110, citation p. 96 (our translation).

9 Ross, see above (footnote 2), p. 302.

10 Ross, see above (footnote 2), p. 309.

11 Abner Cohen, Custom and politics in urban Africa, Berkeley and Los Angeles (University of California Press), 1969, pp. 201-210

12 Avruch, see above (footnote 4), p. 20.

13 Ibid.

Usually, it is so-called civic nationalism which is deemed to be benign and capable of leading modernising societies on the path to strong, democratic and functioning statehood. Civic nationalism, at least in theory "(o)ffers a vision of kinship community of equal citizens which is formed on the basis of contract, commitment, loyalty and love. Individuals of various ethnocultural backgrounds may enter this community by committing themselves to loyalty to the public institutions and way of life of their residential homeland".[14] The basic strategy for accommodating ethnocultural diversity offered by this vision of nation is neutrality with respect to ethnicity in the public institutions of the state and the policies passed in the law-making institutions. All individual citizens have to "direct their political loyalty to the state, rather than to their ethnocultural groups".[15] Laws have to be equally applied to all citizens. The citizens have to accept the overall decision-making authority of the state.

Recipes for nation-building which are founded on this paradigm generally do not provide extensive political rights to groups, because the very idea collides to a certain extent with the underlying paradigm of individual freedom of expression. Open and direct political organisation of ethnic or religious interests is normally frowned upon. State-building and national integration along these lines aims at subordinating ethnic and religious identities, at confining them to predetermined spaces beyond the political realm, where a clearly and narrowly outlined autonomy is put in place. This can be described as a policy aimed at the disempowerment of possibly competing group identities and loyalties. They have to be converted into privately held beliefs and practices. This strategy calls for a clear-cut differentiation between a private and a public realm, relegating culture, ethnicity and religion to the former and reserving for the latter not only the right to determine the boundaries between the realms, but also the freedom given to the citizens as private individuals. It is no coincidence, that the vast majority of liberal democracies[16] have no significant political representation of ethnic interests. In spite of considerable variance in a host of details, liberal democratic systems in practice are organised along an ideological right-left scale and not on a regionalistic nor religious or ethnic differentiation. Exceptions do exist, but these are clearly viewed with some unease as aberrations from the idea of liberal politics, which centres on the ideas of individual freedom and equality as an individual citizen.

Though the civic variant of nationalism clearly holds the promise of equality, fairness and individual freedom, many problems arose, when the paradigm was applied to multi-ethnic countries in the context of decolonisation during the 1950s and early 1960s. In social and political practice, nearly all efforts at civic-nation-building ended in failure. Civic nation-building more often meant enforcing unity, disallowing diversity and subjugating competing identities held by the new citizens to newly invented national identities, which normally were patterned along the beliefs, worldviews and historical understanding

14 David Brown, Contemporary Nationalism, London (Routledge), 2000, p. 128.

15 Ibid, p. 128.

16 Even though, theoretically, the two are not of identical meaning nor necessarily connected in practice, the term liberal is frequently seen as a synonym for civic.

of the dominant (ethno-)cultural groups of the new states. Viewed from the margins, the nationalistic endeavour was perceived to be a hegemonial project, by which one group tried to assert primacy over the others. In reaction to this perceived effort at identity destruction or subjugation, the threatened groups developed counter-identities. The former, mostly habitually-held beliefs became crucial markers not only of social, but also of political identity. Tradition was ideologised and reframed in a modern political form as ethnicity-based counter-nationalism, which challenged the very legitimacy of the young post-colonial states. Frequently devastating civil wars resulted from these processes.

This retrospective view on the 50s and 60s makes it clear that even though the idea or the aim of civic nationalism might be dear to us, we have to think about its utility and adaptability in and for certain multi-ethnic societies. Even if the end product – liberal democracy – is worth striving for, any prudent analysis has to account for the costs which have to be borne in the course of its realisation; and it must also be able to assess the chances of achieving the desired result. If these are slim, then it might be sensible to settle for a second-best solution, offering a chance at least to reduce intra-societal violence to a low level.

If we accept that, in certain cases, a nation-building process along civic lines might be counter-productive, then what are the alternatives? Are there any alternatives at all?

Ethnocultural nationalism has a very bad reputation among western democracies, and it seems somewhat hazardous to have a second look at it in order to assess its potential for civilising conflict in multi-ethnic societies. At first sight, mindful of the resurgence of ethnically structured civil wars during the 1990s and the various attempts at genocide, we may come to the conclusion that ethno-cultural nationalism has to be eschewed at all costs. If, however, it is wrong to dismiss civic nationalism just because if failed in a large number of newly decolonised states, it would be equally wrong to discount ethnic-nationalism because of the malign effects it had in the last decade (and maybe in the European history of the late 19$^{th}$ and early 20$^{th}$ century). When seen through the eyes of the last decade, ethno-cultural nationalism certainly seems to provide no answer to the perils of multi-ethnicity. On the contrary, the "return of ethnicity" proved disastrous in several instances. However, in pre-modern eras, ethnic visions of community helped at times to build regimes of toleration – non-democratic and under the rule of an imperial overlord admittedly – which were at times able to guarantee long periods of peace between the various groups cohabiting on the imperial territory. So there might even be some potential for tolerance in an ethnic vision of community.

Ethno-cultural nationalism, like its pre-modern precursors, is based on imagined common ancestry. "It focuses on the belief that the community shares some distinctive racial, religious or linguistic attributes. Individuals who have not inherited such attributes, may nevertheless be able to acquire them (through intermarriage, religious conversion, language acquisition, etc.) and this process of assimilation implies the corresponding acquisition of belief in the common history and ancestry of the adoptive community." (Brown 2000, 128) Large territorial units can then be conceived of as assemblages of a distinct number of such communities.

The problem with many contemporary variants of ethno-cultural nationalism is that they are intertwined with the concept of the nation-state. Therefore, national unity is seen as a necessary condition for successful statehood. It might, however, be exactly this connex between nation and state which is responsible for much of the misery encountered in the history of modern efforts at nation-building during the last five decades. If nation and state are deemed to be of basically similar extension, then there can be only one nation in any state, even if there is no obstacle to the existence of several ethnic groups, races, cultures or religions per se.[17] In a civic nation, there is no need to unify the ethnic identities. They have only to be depoliticised and privatised. In an ethnic nation-state, they have by necessity to be unified – either by "ethnic cleansing" or by the cultural assimilation of the minorities. The best solution to be expected may be the proclamation of an ethnically homogenous nation-state with some kind of second rate citizen status to minorities. Confrontation and violence are frequently the predictive outcomes of such a strategy of ethnic nation-building.

This need for unification, assimilation or "cleansing" does not derive from the cultural definition of political community itself, but from the identification of nation and state, which in effect is shared by the civic variant, which might accept multicultural nations, but not nations, which are disconnected from their states. It is precisely this connex, coupled with the absolute sovereignty given to the state, which entices dominant groups to try their luck in conquering the state. Given the current global set-up of nation-states, ownership of the state and control over the levers of national power have very tangible economic benefits, from the right to represent the country internationally with regard to the opportunities to fill the coffers with developmental aid and wield power by granting or withholding funds for societal groups to the right to conclude internationally binding treaties with transnational corporations, granting rights for the exploitation of resources in exchange for large amounts of money, which can then be used in the interest of the ethnocultural group. Therefore, processes of state- and nation-building are regularly accompanied by efforts at "state-grabbing", in which ethnic groups try to get into a controlling position in state and politics. Both variants of nationalism discussed so far can provide convenient ideological covers for such efforts.

## 3. Comparing cultures and practices of nation- and state-building in the Philippines, Sri Lanka and Malay(si)a

The following studies contrast three cases of ethno-culturally fragmented countries in South and Southeast Asia. Two of them (the Philippines and Sri Lanka) initially followed

17 The actual limits of toleration are currently tested in the European Union in the debates about the possible inclusion of Turkey into the EU. Within the various countries debates about the right for Muslims to build Mosques (Greece), their right to call for prayer five times a day or their right to wear outward symbols indicating their faith clearly point to the strict limits of the rather secular and enlightened Christian Occident.

a civic vision of nation-building. In Sri Lanka, it is shown how the civic basis was slowly submerged by an increasingly ethnicity-oriented conceptualisation of state and nation. In the Philippines, the civic-frame was constantly upheld. Nevertheless, the Muslim minority found itself increasingly marginalised not only with respect to economic development and political clout, but also with respect to symbolic representation in the national-self-image. Outwardly both states held fast to the civic model of nation, however, eventually violence between the ethnic majority group and the structurally disadvantaged minorities ensued. These cases are contrasted with the case of Malaysia which differed insofar as ethnicity provided the foundation stone for the structuration of the polity, even though we cannot speak of a clear-cut case of ethnic- nationalism and a corresponding path of nation-building. In Malaysia state and nation were kept conceptually separate. Even though this model was based on concepts similar to ethnic nationalist visions, it resulted in rather peaceful, inter-ethnic relations with high levels of growth and political as well as economic participation of all ethnic groups. From the very outset of state- and nation-building, balancing ethnic interests became a priority task of the political elite. This task was accomplished with a very high level of success.

## 3.1 The Philippines

### *3.1.1 The democratic dilemma of ethnocultural minorities in a civic democracy*

In the Philippines, there is no clear-cut starting point of the process of decolonisation. In Malaya, we can at least say that decolonisation was a bargaining-process which commenced directly after the end of the Second World War and was effectively brought to an end within one decade. A similar view can be held for the case of Sri Lanka. However, no similar departure point of the new sovereign nation can be identified in the case of the Philippines. It can be argued that decolonisation began in tandem with colonisation in the first years of the US-American colonial regime. In significant contrast to all other colonial powers in Southeast Asia, the USA began a politics of indigenisation as well as political modernisation within the first years of their 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 handful of years after US 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[18] culminated in 1935 when the first Philippine president was elected and the Philippines Congress became the highest authority for the host of internal affairs.

This soft pattern discouraged the emergence of radical anti-colonial counter-positions and the development of corresponding elites legitimised by their anti-colonial stand, as all gains that might have been won by the opposition could also have been achieved by coop-

18 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 Teehankee, Julio (2002), Electoral Politics in the Philippines, Friedrich Ebert Stiftung, 2002 (www.fesspore.org/pdf/PHILIPPINESFINAL.PDF) (accessed 12/2002), p. 152).

eration 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 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 Philippinisation of the bureaucracy and politics[19] eventually led to fundamental "institutional and procedural mutations that undermined the project of installing American democracy in the Philippines."[20]

The two-party system in effect proved to be a one party system in practice, with the Naçionalistas reigning supreme for decades. The Naçionalistas, 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."[21] From the very start, the "frequent use of 'extra-legal measures' to defend and expand Nacionalista power became the defining characteristic of colonial politics."[22]

Strongmen, families and clans, which had already dominated the traditional polity, easily succeeded in usurping the leadership of the modern machinery of government from local to national level. Power was exclusively in the hands of the landed elites, which. by following the logic of family- or clan-centred 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 mobilisation of local personal followings would, as in pre-colonial Southeast Asia, remain a key resource of political power in the modern Philippines."[23] Joseph R. Hayden, American Vice-Governor of the Philippines from 1932

19 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", in: Southeast Asian Studies, Vol. 39, No. 4, March 2002, pp. 604-621, citation: p. 609).

20 Ibid, p. 610. It should be added, that even 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: Nationalism, Southeast Asia and the World, London/New York (Verso), 1998, pp. 192-226, citation: p. 201).

21 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. 170-186, citation p. 175.

22 Albinales see above (footnote 19), p. 613.

23 Eva-Lotte E. Hedman, 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 re-

until the eve of World War II, argued that Philippine politics was characterised by "patronage control over the electoral machinery, the administrative departments, and to a lesser extent, the courts." Filipino politicians safeguarded the continuity of oligarchic family rule by creating a "feudal structure extending from the 'national leader' to the party workers in the most distant barrios."[24] 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."[25] Following the end of colonial rule and the withdrawal of the colonial overlord, the already strong centripetal 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 own bailiwicks, where their will reigned supreme, 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 which gained prominence and notoriety at this time are still prominent in politics[26] – now the children or grandchildren of the erstwhile warlords occupy their ancestors' places.

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."[27] In summary, we do not find, as is often claimed, a weak state and a strong society, but an oligarchically penetrated state coexisting with a rather weak society. It would be wrong to argue that there is a strong society, insofar as the term society has to be differentiated into its constituent parts – the politically strong are elite families, clans and other kinds of kinship network based on real or imagined kinship ties. The politically extremely weak are the broad masses of the people, an observation which holds true despite the famous "people's power movements" and the broad civil society. Philippine politics is still to a large extent kinship politics of an oligarchic nature. It always has been and still is characterised

quired 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, see above (footnote 20), pp. 273-274).

24 Hayden 1942 cited in Albinales, see above (footnote 19), p. 614.

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

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

27 Hedman/Sidel, see above (footnote 23), p. 108.

by "the family as a circle of trust beyond which lies only betrayal".[28] Two phenomena are integrated in these politics – rent-seeking on the national level, and political violence on the regional and local level: "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."[29]

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, as 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 which 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 centred on "democracy and competitive economic development"[30] – both concepts which safeguarded unfettered oligarchic political rule and economic dominance. Democracy in effect became oligarchy: participation is reduced to the right to choose between contending elite-families and family-alliances, and competitive economic development becomes 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 of Dimaporo in Lanao are our invention. Jesus was the one who invented the dynasty."[31]

As national history was to support continued elite-rule, it had to be remembered in a way, which legitimised the elite families of the day by the actions and deeds of their ancestors. At the same time, the model revolutionaries and national heroes are 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. By forging this community and supplying it with a unified "national" history all the other communities were not only depoliticised but also negated

28 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.

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

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

31 Ramon M. Durano Sr. 1986 cited in Coronel et al. see above (footnote 28), p. 56.

as political entities and left bereft of their own political histories. Many contradictions had to be put aside in order to construct the new national history, others had to be reinterpreted. While this was already problematic for the Visayas, for the Muslims in the South, this imagined national history was clearly of foreign origin. 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"[32], making this commonality the de facto foundation stone of the nation. Thereby, the Muslims populating the Philippines south were excluded from the symbolic representation of the nation.

However, in marked contrast to the neighbouring countries, Filipino efforts at national imagination never really took off. Whereas in Malaysia the major ethnic groups constitute the central foci-points in the political arena, in the Philippines none of these levels of collective identity formation became salient, except for the minorities at the fringes of the state – the various highland tribes, which came to form the Igorot in the Cordilleras of northern Luzon,[33] and the various Muslim tribes, which eventually took up the cudgel against the state under the newly invented collective identity of Moro. Putzel argues that in the Philippines "(t)he family and clan basis of economic ownership and politics has made the emergence of civicness particularly problematic"[34] an argument which ought to be extended to a salient ethnicity based political identity, too. In the last one hundred years, neither an elite organisation nor any counter-elite organisation, able to transcend the loyalty to clans and families, was developed. To be sure, parties do exist, however, they work in the logic of a modernised familistic- or clan-based polity. Even though the traditional faction eventually has been superseded by modern political machines[35] these remain bound to one personal leader or leading family. In the Philippines, the family has proven to be a very effective mechanism for making and passing on wealth, as well as political power.[36] This very effectiveness of the family precluded any efforts at meaningful collective identity beyond its purview.[37]

32 Putzel, see above (footnote 21), p. 171.

33 Reinhard Wendt, The Revitalization of Indigenous Traditions and the Prospects of Cultural Decolonization in the Philippines, in: Sri Kuhnt-Saptodewo, et al. (eds), Nationalism and Cultural Revival in Southeast Asia: Perspectives from the Centre and the Region, Wiesbaden (Harrassowitz), 1997, pp. 119-131, citation pp. 121-122.

34 Putzel, see above (footnote 21), p. 170.

35 See K.G. Machado, K.G., From Traditional Faction to Machine: Changing Patterns of Political Leadership and Organization in the Rural Philippines, in: Journal of Asian Studies, 1974, Vol. 33 No. 4, pp. 523-547.

36 For this see the excellent study by Coronel et al., see above (footnote 28) (note also the enclosed CD with a host of data on the Philippine political elite).

37 Even though the Philippines are famed for their lively NGO scene, even they seem to be largely unable to coalesce and surmount the principle of small group loyalties. To be sure, there are a host of holding organizations in various fields of civic commitment, but there is never any organizational streamlining or efforts at merger in order to become stronger, but only ever alliance-building on certain issues under the umbrella of shaky holding organisations.

### *3.1.2 Exclusion and marginalisation of the Muslims*

In the process of nation-building, clear-cut boundaries had to be drawn between 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 "the Other, whether it be external or internal, Spaniard, American, Muslim or Chinese, (this Other; P.K.) has […] proved a useful counterpoint at times in the manufacture of national identity".[38]

During the first years of US control, the Muslim territories of Mindanao had been administratively separated from the rest of the Philippines.[39] The US forces and governors initiated efforts to unite the Moros under their traditional leaders in order to initiate a "process of gradual development".[40] Nevertheless, these "noble" ambitions of colonial rule soon slid into a policy of enforced assimilation and demographic marginalisation. 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".[41] 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 marginalisation by the massive state-supported immigration of Christian settlers.

The idea of cultural assimilation (by whatever means) was underlaid by the ideology of Filipinism put forward in the early 1940s. In this ideology, as exemplified by President Jose Laurel in 1943, there was no place for a Muslim Filipino identity, as the national identity was supposed to centre around a national language called wikang pambansa, which, despite being named 'Pilipino' was based on Tagalog only.[42]

The only organisation, which probably goes beyond localistic and traditional patterns of loyalty is the Communist party with their armed wing, the NPA. However, "(f)amilies also dominated the communist underground. For years, the leading lights of the Partido Kommunista ng Pilipinas (PKP) were four Lava brothers, three of whom became secretary-general of the party." (Coronel et al., see above (footnote 28), p. 57).

38 Bankoff/Weekley, see above (footnote 30), p. 3.

39 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.

40 Saleeby, Najeeb M., 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 MacKenna, Thomas M., Muslim rulers and rebels: Everyday politics and armed separatism in the Southern Philippines, Berkeley/California (University of California Press), 1998, pp. 105-106.

41 Carpenter 1917 cited in: Ibid., p. 115.

42 It was not until 1973 that it was renamed and "made inclusive of all existing Philippine languages and dialects." (Caroline S. Hau, Victoria L. Tinio, Language Policy and Ethnic Relations in the Philippines:

Basically, the Moros had to be assimilated into the overarching vision of the Philippine nation which was to a large extent coloured in Christian imagery. The Christian self-image of the Philippines Nation could come to terms with the Moros only by either making them disappear physically (by state-engineered demographic marginalisation) 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 taking recourse to them, could the ethnically disparate Christian Filipinos construct a unified collective identity. As Bankoff and Weekly summarise: "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."[43] 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 […] 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."[44]

After World War II, the national government of the newly independent Philippines initiated a huge programme encouraging Christian settlers to migrate to the sparsely populated Muslim territories on Mindanao. Transmigration programmes abounded, Muslims and other indigenous groups (the Lumads) were disempowered. They lost large tracts of land, they were economically marginalised, and their elites failed to keep the political power in their 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, not only, but very often between the different ethnocultural groups. This violence was accompanied by an increasing militarisation of politics, politicians became warlords and raised their own private armies in order to survive.[45] Eventually, the Moros, threatened by their very existence as a distinct cultural group, or a number of cultural groups united by their common religion, rebelled. In this rebellion

in: Michael E. Brown, Sumit Ganguly (eds.), Fighting Words: Language Policy and Ethnic Relations in Asia, Cambridge Mass./London (MIT Press), 2003, pp. 319-349, citation p. 319.

43 Bankoff/Weekley, see above (footnote 30), p. 4.

44 McKenna, see above (footnote 40), p. 142.

45 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 to not only escalatory dynamics of power-conflicts but also to the deescalatory dynamics of culturally accepted means of conflict resolution and mediation. These means could not be put to any use in the conflicts which erupted between the Muslim and the Christian camps and so the conflicts sharpened and escalated.

they strengthened their formerly hardly ever mentioned collective political identity as Moros. In the past, Islam had been integrated into the local traditional order, whereas now it came to play a much more prominent role as a modern counter-ideology against the Christian challenge.[46] The violent rebellion began in 1972 and is still not finished. Even if there were some chances of the current administration managing to come closer to a solution, the fundamental problem of competing identities has not been solved.

Finally, it can be summarised that the Philippines' way stands out, insofar as action towards the Muslim minority in the South:

1. does not centre on the actions of a centrally ruled state. Instead, action and reaction is mostly determined by the complex interplay of the local political elites (Christian and Muslim political clans), who are represented at the national Capital at either congress, senate or administration level;
2. is characterised by unfair practice and perverted use of state law, thereby actively aiding the Christian settler-elite's interests. There is no central policy which formally discriminates against the Muslim minority, but an overwhelming anti-Muslim social practice based on distrust, prejudice and a selective reading of history, which turn 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 own family and clan (for example by acquiring control of vast tracts of land in Mindanao).

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

1. neither is of central importance. State- as well as nation-building 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 mould the institutions according to their own interests.[47] 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 personalised and localised;

46 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/Weekley, see above (footnote 30), p. 77).

47 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).

3. the national-imagery still has no place for the Muslim historical imagination beyond pure folklore, as the national vision of the Philippines is founded on Christianity, the revolution of the last decade of the 19th century in which the Muslims had no place, and an ideology of democratic rule and individual freedom.

The Filipino conflict-perspective in the Moro-conflict:

1. is zero-sum oriented and basically unilateral, insofar as it centres on a language similar to the colonial concept of "white man's burden" in order to legitimise state action. This cognitive concept reduces the other to an inferior person, unable to face you at an equal level;
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;[48]
3. is centred 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 maximising 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.

## 3.2 Sri Lanka – The chosen community

### *3.2.1 Between Ceylon and Sri Lanka: Key points of the conflict*

In 1948, Ceylon became independent. The British left two crucial problems to be resolved by the native government: the question of citizenship rights for a section of the Tamils, the Estate/Indian Tamils of the highlands, and the decision on the future national language.

Both questions had long-term implications for the relation between the population groups as well as for the state and for the roles they would play in the nation. By 1949, the Sinhalese government had taken away the right to vote from 50% of the Tamils. The so-called Indian Tamils were stateless, many of them were repatriated to India, only a few

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

became Sri Lankan citizens.[49] From the Sinhalese point of view, this was not only a positive effect on the proportional weight of the population-groups, but it also gave the parliamentary seats of the constituencies in the highlands to the Sinhalese. Until 1956, there was also an intense debate in parliament about the question of national language, either English, Sinhalese or Tamil since the ruling UNP party could not come to a decision itself without alarming its Tamil and Muslim voters. A second Sinhalese party, the SLFP, which won the elections in 1956 and followed an aggressive Sinhala-nationalism policy, finally made the decision for the UNP: In 1956, Sinhalese became the only national language. Typical arguments which justified this choice were culturally framed:

> "Language is one of the most important characteristics of nationality. Without language a nation stands a chance of being absorbed or of losing its identity. With language it has a chance of living for centuries. It is because of our language that the Sinhalese race has existed for 2400 years, and[...] composed as we are in this House, on the eve of freedom as a free country, we should prepare for a national official language".[50]

Attempts to reach an agreement by making pacts with the Tamils failed because of the resistance of the Buddhist clergy, the nationally oriented Sinhalese and the opposition. The compromise introduced later, to declare Tamil the official language in the Tamil territories could not outweigh the neglect of the Tamils. Additionally, the Sinhalese bureaucracy made it more difficult for the Tamils to learn both languages.

The choice of language had major consequences: It was a big threat to the chances of promotion of the Jaffna Tamils (indigenous Tamils), who now had to speak Sinhalese if they wanted to work in the civil service. Additionally, the government nationalised most of the independent mission schools, that had been attended by Tamils in colonial times. By doing this the Sinhalese gained another chance of promotion: At the universities English was often replaced by Sinhalese. This made it much harder for the Tamil to reach elementary, secondary and university level and to obtain education and a good job. Additionally, the SLFP enforced another discriminatory reform concerning the university system. With the help of a complicated access regulation, Sinhalese were able to gain access to universities more easily. According to the SLFP there were too many Tamils as well as too many secondary school leavers from the Jaffna and Colombo districts (70%) studying at those universities. The goal was to increase the impact of university graduates from the remaining 22 districts. This measure discriminated against the Jaffna Tamils and the Sinhalese elite in particular, while access was made easier for the rest. Even though, on a factual basis, this regulation did not lead to a decreasing number of Tamil students, from the Tamils' point of view it was another attack aimed at weakening their position in society.

The SLFP also threatened the Tamils' chances in the economic sector by nationalising and influencing the employment policies of the companies. The Tamils were now systematically excluded from the expanding state economy and civil service. As a consequence of

49 Over a period of 15 years, 525,000 Plantation Tamils were to be repatriated to India while 300,000 were to be granted Sri Lankan citizenship. The status of another 150,000 was to be negotiated later. Ishtiaq Ahmed, State, Nation and Ethnicity; London, (Pinter Press), 1996, p. 251.

50 The latter President Jayewardene 1944, in: Eamon Kariyakarawana/Neil Sri Wijesinghe, JR. The People's President, Colombo, (A Varuna Publ.), 1981, p.108.

the implementation of the Sinhala-Only Bill, numerous riots occurred in the capital and the north-eastern areas. In 1957 and 1966, compromises between the parliamentary representatives of the population groups were quashed by violent Sinhalese demonstrations. There was an increasing demand by the Tamils for more autonomy in their settlement areas, i.e. the north-eastern areas. These developments eventually resulted in the organisation of militant guerrilla movements, which argued for a separate state. They believed that only in a state of their own, could the rights of the Tamils be guaranteed.

On the Sinhalese side, the concept of the Sri Lankan nation was equated with the Sinhalese race. The only suitable form of state was equivalent to the French presidential model. On the Tamil side, the nation was seen as an ethnic and linguistic variety following the example of the Canadian or Swiss state. Demands called for a federal state structure, in which two nations would co-exist. The amendments made by the Sinhalese government since independence showed the growing gap between the population groups, on the one hand, and the ideal of the western secular liberal state, on the other.

It was only on a superficial level that the political elites showed an orientation primarily marked by liberal-democratic principles and co-operation. In fact, the Sinhalese increasingly turned to a Sinhalese-Buddhistic ideology, with whose help they forced back the Tamils from state and society.[51] Basic rights were withdrawn or withheld from the minorities while the majority filled the concepts of nation and state with exclusive content from their own culture. National unit and cultural homogeneity were the bases for the development of cultural growth and state strength. State and nation were patterned by a cultural state nation (Staatsnation). The concept of liberal democracy became mixed with the indigenous patterns, which awarded the ethnic majority of the population the right to power and left the minority of the population behind as second-class citizens. In order to define state and nation, the Sinhalese political elite largely used the communalistic patterns. On the one hand, this was an attempt to disassociate themselves from the colonial power, on the other hand it was used to become "one with the population" and to overcome alienation. Community, state and nation were perceived as a community of culture. Ethnicity and religion became the most potent factors of a national Sinhalese we-feeling. The Sinhalese language was the instrument of transportation by which religious nationalism found access to the population.

### *3.2.2 From civic state-building to ethno-cultural nation-state*

Before British colonisation, Sri Lanka was not a unit seen as a state or nation. There were different kings who claimed the whole territory of the island but in reality they just controlled a small heartland. The British were the first to unite the whole of Ceylon under one administration. Before independence, consciousness of a common national identity did not exist. The feeling of community and identity was shaped depending on local, family,

51 "The fact was that in modern Ceylon a strong Sinhalese Buddhist nationalist identity has been established. That identity seeks to lay the largest claim to all that was available in the state coffers". Alfred J. Wilson, The Break-Up of Sri Lanka, The Sinhalese-Tamil Conflict, London, (C. Hurst & Company), 1988, p. 32.

religious or caste relations. Local elites were at the top of society and prevailed on the basis of old patronage networks and caste loyalties. Ethnic differences were not overbearing in nature, but existed side by side with other patterns of social structure.

The redemption of British colonial power, the state building process and the development of a national consciousness in Sri Lanka proceeded in several stages. From 1931, with the Donoughmore Constitution, the elite were also afforded an extensive share of responsibility and the general and territorial right to vote. In 1948, the Soulbury Constitution of Independence introduced a secular Westminster model. The aim was to clear the way for civic state- and nation-building based on this model. The protection of ethnic and religious minorities was fixed in this constitution, but there were no exclusive minority rights given to protect certain groups. Although there were considerable protests from the Tamils, the Sinhalese majority in parliament voted for in favour and the constitutions were passed. The Tamil demands for 50:50 representation and a local right to vote was no argument as far as the Sinhalese were concerned.[52]

Both groups argued from a minority complex. The Tamils feared assimilation by the Sinhalese, the Sinhalese felt unprotected from Tamil demands, as the latter increasingly approached "mother India" during their construction of group identity[53]. On both sides, ethnically bound parties and organisations formed, which propagated images of their own cultural greatness and superiority. This eventually brought them on a collision course. The Sinhalese were the majority, which enabled them to change the constitution in a democratic way by the help of amendments. By doing so, they started a "dictatorship of the majority".

One of the British conditions for agreeing to the decolonisation of Ceylon was unity among the groups. Therefore, the Sinhalese needed the minorities' consent until the day of independence. By the end of the first elections to the State Council, two Tamils had won seats in the minister cabinet. But by the end of the second elections in 1936, the first pan-Sinhalese cabinet had taken office. The symbols of the state such as the flag[54] predominantly followed Sinhalese patterns; minorities had to subsume themselves under the Sinhalese view of history.

Furthermore a new policy, opening up vast tracts of the countryside to settlers and encouraging resettlement, was initiated. A gigantic irrigation project was also started. Con-

52 "Not only was the population not homogeneous, but the divergent elements of which it was composed distrust and suspect each other. It was almost time to say that the conception of patriotism in Ceylon was as much racial as national and that the best interests of the country were synonymous with the welfare of a particular section of its people" (Report of the Donoughmore Commission cited in Wilson, see above (footnote 51), p. 13.

53 The Tamil Nadus, (once 20, today 50 million) were also seen as Tamils. Later in 1940, Premier Kotelawala said: "I described this question as a matter of life and death for the Ceylonese. I said that if the Indians swamped us it would destroy our identity as nationals of Ceylon." Sir John Kotelawala, An Asian Prime Minister's Story, London, (Georg G. Harrap & Co. Ltd.), 1956, p. 99.

54 The banner shows the big yellow lion as the symbol of the lion-people of the Sinhaleses and their Aryan descent. Only a green and yellow vertical stripe refers to the existence of the minorities, i.e. the Muslims and Tamils.

sequently, original Tamil settlement areas in the east were occupied by Sinhalese settlers. The opening up was justified by the government with the argument that those areas were old settlements of the Sinhalese, which were once occupied by Indian Tamils after they invaded the country. In fact, the Sinhalese did not only plan to rebuild a Buddhist civilisation but their primary objective was to shift the proportional representation in the mixed ethnic areas.

In latter years, the approach to ethno-cultural state- and nation-building was accompanied by increasing rejection of the Westminster constitution. From 1972 onwards, fundamental constitutional changes were planned. The liberal state ideal was repeatedly postponed. Buddhism was established as the religion of the state by the constitution. With the name change from Ceylon to Sri Lanka, the country took on a Sinhalese name and became a centralist "unity-state". The argument basically ran as follows:

> "Federalism must be got rid of in this country. We want an unitary government in this country, but by encouraging the Federalists when they asked for certain things, you are only preventing the consolidation of a strong unitary government in this country. The people in this country will never tolerate Federalism. There is no room for federalism in Ceylon. We are too small a place, and as for our friends, their language is sufficiently safeguarded on the other side of the Palk Street. It is a language that is growing daily and getting richer, and so far as their language in this country is concerned they do not need to be afraid of its future"[55].

More federalism was one aim of the minorities, but with the new constitution there was almost no space for it. Unity of the country was perceived as a pre-condition for the survival of the Sinhala race and the Buddhist religion. Therefore, federalism can only be another word for secession[56]. With the aim of a strong sovereign office, and to guard the religious order/Buddhism and lead the Sinhalese people, a presidentialist constitution was introduced in 1979. In order to return to the golden age – the time of Dhamma society – Buddhism had to receive an appropriate place in the constitution; a strong sovereign office would put an end to the quarrel between the parties and the conflicts within the population. The goals and programmes of the Sinhalese evidently contravened secular democracy and the protection of minorities which was guaranteed by the constitution. Nevertheless, the president at that time, Jayewardene, aimed at rebuilding the Dharmadwipa (island of the Dharma), the Buddhist just and true state.[57] He saw himself as a successor to the old kings. So the amendment led to the consolidation of presidential predominance and to a quasi single-party-regime. Jayawardene justified authoritarianism and violence with his role as "Dharmista leader". He believed his task was to defend the

55 Gunarwardene, Member of Parliament, 1960, in: Lakshmi Dias Bandaranaike, FDB, Colombo, (Aitken Spence Pvt Ltd.), 1994, p. 287.

56 The latter President Premadasa on the LTTE-held territory in the northeast: "Premadasa found this intolerable. He saw both as an affront to the nation and a derogation of the oath he had taken to ensure the unity, integrity and sovereignty of the country. "Whatever the cost, I will not surrender an inch of Sri Lankan territory. Whatever the cost, I will not surrender a shred of our sovereignty". Bradman Weerakoon, Premadasa of Sri Lanka. A Political Biography, New Delhi, (Vikas Publ. Houise Pvt Ltd.), 1982.

57 To the concept of Dhammadipa: Peter Schalk, Relativising Sinhalatva and Semantic Transformations of the Dhammadipa, in: Peter Robb (ed.), The concept of race in South Asia, Oxford/NY, (Oxford University Press), 1995.

country, its citizens and Buddhism. Admiration of relics in public, patronage over Buddhist projects and financial support of the Sangha became indispensable characteristics of any successful politician. The new monumental parliamentary complex was built based on the model of the palaces of Sinhalese kings in the area of the capital of the old independent Ceylon. The Buddhist monks were instructed to update the island chronicle until his assumption of office so that he was virtually promoted in the line of the old royal sovereigns.[58]

From 1977 onwards, the programme of a "just society" was propagated as the idea of order[59]. Inspired by Buddhist ideas of justice, a "righteous society" would develop. This society would not only bring back the "golden age", the plan was to even surpass it. The idea of peaceful villages with monks and a wise sovereign became clear in the "village-revival-programmes" and in the construction of a gigantic water reservoir project.[60] Voters for the government party benefited from these programmes; while at the same time, they were an instrument for the party to control politics in the villages. Religious demonstrations were present in numerous Buddhist inspired rites and monumental statues of Buddha and temples. Everything demonstrated the size, continuity and renewal of the Sinhalese-Buddhist culture within the nation-state. Religious faith, the view of national history as Sinhalese history and the ideal of development met here. From the 1960s onward, this view on history – and the ideals of the Sinhalese nation – were also taught in schools.[61] The utilisation of an alleged Buddhist tradition produced an ethnically exclusive pattern, a homogenised nation, which excluded the minorities economically, politically and culturally. Ideas, mainly aiming at unity and harmony, moreover formed solid cognitive patterns, which opposed visions of a pluralistic society and state.

An image of an exclusive Buddhist state-nation, of a golden history and the fateful link of the selected Sinhalese people to Buddhism took hold in the Sinhalese population. The fundamental political as well as social values focussed more and more openly and exclusively on Sri Lankan Buddhism, even if this kind of Buddhism were the product of modern redesigning. Western ideal types (e.g. democratic system, multi-cultural society) could neither take its place nor stand beside it. The roots of nationalism were not only in the commitment of the political elite, these politicians were the canalisation and catalyst for already existing emotional relationships and structures of order. These involved core values of the common Sinhalese identity. Facing independence, those traditions were re-

58 Jakob Rösel, Buddhismus als Ziel, Methode, Motiv und Schutz „nationalistischer" Entwicklung, in: Sociologus, Zeitschrift für empirische Soziologie und Ethnopsychologie, Neue Folge 1993, Jahrgang 43, Heft 1, Berlin, (Duncker & Humblot), 1993; see also J.R. Jayewardene, Golden Threads, Colombo (Duncker & Humblot), 1986.

59 See: Jakob Rösel, Die Gestalt und Entstehung des singhalesischen Nationalismus, Berlin, (Duncker & Humblot), 1996.

60 Compare: The programme of the village revival: James Manor, Introduction, in: James Manor (ed.), Sri Lanka in Change and Crises, London (Croom Helm), 1984, p. 1-32.

61 In Tamil school books, a multi-cultural version of state was represented while exclusively mono-cultural Sinhala-Buddhist versions are given in Sinhalese books. The Ceylon Churchman, Vol. LXXXI, No. 2, March-April, 1983.

formulated in the image of characteristics of modern times. At first, this view of history was held by a growing number of people for social or political considerations but later it became an inner conviction. As the Intelligensia and the Buddhist Orders adopted those theses, they promoted them and strengthened their credibility. Today, in particular, the Buddhist clergy vehemently opposes any political settlement with a federal outlook.[62] The new unity within the Sinhalese people created a demarcation line, growing intolerance and potential violence towards the west, dissidents, people with different religions, and the minorities living in their own country as well.

Sinhalese nationalism refers to a myth, according to which the island of the Buddha was chosen, in order to secure and to protect the existence of Buddhism. This myth is used as proof of the pre-eminence of the Sinhalese population group. The history was a never-ending struggle of the Sinhalese people against Western, foreign values and Tamil invasions. The use of violence against different religious groups and dissidents is justified by the task to secure the unity of the island in order to protect the reign of Buddhism.[63]. Looking at the different statements concerning the ongoing peace process, it seems to be very difficult to get over this deep rooted cultural meaning. Dr. J. Jayasuriya, President of the Society for Peace and Human Rights of Sri Lanka (SPUR) argues:

> "We also take this opportunity to remind the Government that a peace proposition that has been fashioned by an inner core of Government modernists and treacherous NGOs wedded to the alien concept of Federalism for Sri Lanka will be only acceptable to the terrorist friendly Norwegian peace facilitators and the LTTE."[64]

Furthermore, the radical-Sinhala JVP, coalition partner of the present SLFP Government, has mobilised other Sinhala right-wing parties to come out in opposition to every joint mechanism between the Tamil guerrilla and the SLFP. Senior Buddhist Bikkhus have claimed that there is a hidden conspiracy agenda against the Sinhala nation. Under pressure President Chandrika Kumaratunga assured Buddhist monks in May 2005 that she would dissolve the (still awaited!) joint mechanism, reportedly given to calm Sinhala na-

62 Furthermore the clergy try to promote Buddhism not only in society but also in the political sphere. In 2004, they formed an exclusive monk party and won 9 seats in the parliamentary elections. They see themselves as the moral guide to the nation and a link between the people and the "king". Ven. A. Rathana Thero, spokesman of the all-bikkhu party (JHU), interviewed by the Sunday Leader 2.5.2004: "We have received a mandate to create a Darmarajya [...] this is our final goal. One way to make (it; P.K./M.W.) is to politically take it to the people – politicise it. We should politically interpret it and promote it. [...] the party would oppose any attempt by the UPFA (government coalition; P.K./M.W.) to initiate a Norwegian facilitated peace process with the ISGA proposals (federal proposal P.K./M.W.) as the basis for talks". The JHU has also called on the government to amend the constitution, to foster and protect Buddhism as the state religion. In that respect they presented an anti-conversion bill "to protect the religious freedom". Sunday Leader 4 July 2004, Daily News 11 August 2004, Misna 14 September 2004.

63 In 1953, Premier Bandaranaike argued "To Sinhalese Buddhists, it has a further significance, because it was on that day, as the Buddha passed away, that the Sinhalese race was founded by the landing of Vijaya (a Sinhalese Prince; M.W.) on the shores of Sri Lanka. We are told by the Mahavamsa (old Buddhist chronicle; P.K./M.W.) that the Buddha himself entrusted the care of this land and the nascent race [...]". S.W.R.D. Bandaranaike, Speeches and Writings, Colombo (Government Press), 1963, p. 316.

64 Asian Tribune 25 January 2005.

tionalist anxieties that the agreement would pave way to the division of the country after one year.

The secular civil state-formation developed increasingly into an ethnic-cultural nation-state. State and nation became one. The ideology of the nation-state formed an ethnic-cultural nationalism. There was no space for a different national understanding, ethnic group or a nation, because there was only one nation in this country, viz the Sinhalese. The right to self-determination was vested only in them. Tamils have such rights only in Tamil Nadu. Sri Lanka does not preserve Tamil culture, it would only be preserved in Tamil Nadu.[65] Group, nation and state were defined in a unipolar way, they were characterised by Sinhalese-Buddhist concepts.

### *3.2.3 The completion of the chosen community*

The case of Sri Lanka stands paradigmatically for a situation in which the state-building process after independence initially followed a civic, liberal-democratic model. Formally, all the population groups possessed the same rights to access the resources of the state. This model proved to be a western utopia, in which the history, culture and fragmentation of society had not been considered. The road to democracy and nation-statehood could not be followed as it was planned. Instead the design conflicted with pre-existing indigenous structures and societal fault lines. After just one decade, the systematic, collective and lasting exclusion of the Tamil population began. The political system that developed was a hybrid of a traditional, indigenous model and a western institution, that routinely prefers the use of force to secure power or to solve a conflict and follows an ethnocultural concept of the nation.

In the 1930s and 1940s, there was already a strong tendency to conceive the new state according to the worldview of the Sinhalese majority of the population. This meant that the state should be a Sinhalese–Buddhist nation. Even though this meant the exclusion of the Tamil population, such a conception accorded well with the views and interests of the Sinhalese elite. It proved easier to transform the traditional communalistic and family-centred social relationships into an exclusive and excluding nationalism than to transform them into an extensive all-population-groups nationalism because race, language and religion formed the binding factors of communalism as well as nationalism. In reaction to the Sinhalese exclusionary strategy, the Tamil side finally developed a separatist Tamil counter-nationalism. The elites of both sides were not able and never tried to overcome the division in order to establish a vision of a common state.

Co-operative behavioural patterns and orientation that would have been necessary to form a stable and comprehensive coalition existed only in the beginning. Problems were compounded, as it proved to be impossible to generate unity within the own group: caste, religious and language-differences, the contest of the different family-clans and local differences prevented the formation of one common sense. The westernised elite of both ethnic groups had very little in common with the rural and uneducated population.

65 Sunday Observer 7 March 2004.

Sometimes, they even aimed at creating strong intra-ethnic demarcations. Networks were generated by way of patronage and local affiliation. Common identity-characteristics as Sinhalese or Tamils were only created in the process of nation-building and formed a superstructure on top of a rather fragmented social order.

The Sinhalese political elite considered it necessary for the different groups to become part of a homogeneous nation.[66] They had no idea that a nation could consist of different nationalities with overlapping identities and loyalties. Therefore the ones, who could not be part of the narrow concept of the dominant ethnic group, the Tamils, were excluded. This national concept finds its counterpart in a centralist organised state construction that makes a federal division of power impossible. The populations' majority claimed their concept of state and nation, history, culture and religion to be applicable within the total territory and on all levels of society. But this aim conflicted with the wishes of the minorities, which hoped for individual and democratic self-determination.

In addition, the history and mythology on which the Sinhalese national-consciousness was based, could not provide any solidarity function but offered only conflict material. With no way to fight out all the conflicts in the parliamentary arena (the ethnic conflict as well as local and sectorial conflicts between classes, castes and regions), options for finding a political consensus became nil and the use of force escalated. Between independence and the early 1980s, the conflict between Sinhalese and Tamils repeatedly resulted in violent rebellions. In 1983, the patterns of violence changed. Riots and assassinations transformed into a civil war, that was ended in 2002 when the government and Tamil guerrilla agreed on a ceasefire. During the peace talks it became clear that the Sinhalese still see themselves as the victims of a Tamil guerrilla, western demands and inappropriate moral condemnation, within an adverse climate that denies the right to reclaim their heritage, their rights and their identity to the majority. They feel like a democratic, pluralistic and a mono-ethnically organised group which has to face a fascist and intolerant minority that endangers the democratic history of Sri Lanka. The majority is thus seen as the "victim of the minority". In their view, they endured the repression a long time, before they decided to turn into the "self-defence perpetrator" in order to rescue their culture and themselves from downfall. In the Sinhalese system the demands of the Tamils were seen as an unsus-

66 On the one hand, they need a common element to unite the modern state and overcome traditional structure and at the same time establish new ties which guarantee their power. Subject to their cultural base, they chose Buddhist religion, Sinhala race and language. Premier Bandaranaike said 1963: "We felt that the true and wise course to adopt is this: first to try and unite the Sinhalese, and then to try and win the confidence of other Ceylonese communities, and, with the co-operation of all progressive parties in the country, to put up a united front against reactionaries at home and imperialism and exploitation on the part of the non-Ceylonese. [...] Sinhalese, Kandyan and Low Country, all castes and religions, are members of our Saba (P.K./M.W. a political group) which has formed a national committee in the effort to secure inter-communal harmony; and we offered to co-operate with such parties and the national Congress, in order to attain our common purpose. [...] This change of heart is almost too late. It has only come when people have been faced with the stark reality of an unholy, but very formidable and well organised, alliance between certain sections of the Ceylonese minorities, the Europeans and the Indians, and certain local reactionaries, whose objects are nothing short of 50:50 representation and the enthronement and entrenchment of imperialism and exploitation, and the protection of very vested interests". Bandaranaike, see above (footnote 54), p. 95.

tainable assumption that every group has the privilege to claim their right except the majority. From this point of view, the attempt to silence the Tamils' demands in a military manner was simply reacting to the extremism of the minorities dictating humiliating terms to the Sinhalese.[67]

The Sri-Lankan way can be summarised as follows:

1. The processes of state- and nation-building proceed in a parallel way and are seen as an inseparable unit.
2. Formally, all citizens have the same rights but in fact, the majority is preferred.
3. The loyalty to the nation-state exceeds other group-affiliations.
   a) The fulfilment of the basic needs of the minority depends on the goodwill of the majority.
   b) Fixed group rights refer only to the majority, the minorities enjoy only the civil rights of the individual but no explicit preferential treatment.
4. Conflicts were solved with strategies, which
   a) were not co-operative but are characterised by confrontational and unilateral patterns. The parties aim at negotiating for the best possible outcome for their own group.
   b) Regard for the others party's interests is taken only inasmuch it helps and benefits one's own position.
   c) If the groups have alternatives to negotiating, such as pushing things through by majority vote, the tendency to make further demands to their own advantage or the refusal of the demands of the minorities is even higher.
   d) In extreme cases, the groups were ready to replace negotiations by force.

## 3.3 Malay(si)a:

### *3.3.1 Bargaining between 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 co-

67 Letters to the editor, Sunday Observer 25 January 2004.

operation among equals. The relationship between the *Rajas* was perceived to be non-hierarchical. The Malayan particularistic view of political order, exalted the *negeri* (that is 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.[68]

In the 1920s, a significant reframing of the political and cultural identity groups followed the influx of western concepts of race and descent in the 1920s. 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, which 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 supplanting them with a fictitious all-encompassing civic identity.[69] The conserva-

68 On these and the following themes see for example: Norton Ginsburg, 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) Clayton, 1988, Ariffin Omar, Bangsa Melayu: Malay Concepts of Democracy and Community 1945-1950 (Oxford et al: 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: The 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.

69 One prominent "dissident" in respect of the question of multi-racial politics was the first president of 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, which unites 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 set-

tive 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.[70]

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(si)an model, because "'Federal citizenship' meant membership of a nation, like a membership of a club with rights and duties. Nationality, however, meant a national identity, which was something else."[71]. T.N. Harper argues: "By Merdeka [Independence] the Malay community had been elevated into a nation, and it seems that to [Prime Minister; P.K./M.W.] Tunku Abdul Rahman the nation was a political and cultural entity based on the concept of original sovereignty. Non-Malays could be admitted to the nation, but Tunku Abdul Rahman did not concede that nationality should be the basis of citizenship. [...] in so far as the term 'nationality' was used it was used in its restricted legal sense, almost synonymously with citizenship – but the Tunku would not allow the term bangsa [race/nation] to be used for it. [...] there could be a Malayan nation, but the Malay bangsa [race/nation] would exist as a distinct core within it."[72]. Although being inherently hierarchical, this double standard at least enabled the open 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 legitimised 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 towards state-building, but a near complete lack of nation-building. Integration should be accomplished

tle who they are." (Tunku Abdul Rahman 1951 cited in Cheah Boon Kheng, Malaysia: The Making of a Nation. Singapore (ISEAS), 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 organisations of the Chinese or Indians, nor did he gain many votes in the various local elections, which 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.

70 Tan, see above (footnote 68).

71 Cheah, see above (footnote 69), p. 5.

72 T.N. Harper, The End of Empire and the Making of Malaya, Cambridge (Cambridge University Press), 1999, p. 350.

by taking recourse to a joint state, not a joint nation. On the one hand, the federation was to be defined in civic terms, insofar as all people living in Malaya for a prolonged timespan and willing to pledge loyalty to the new Federation of Malaya could enter the community of citizens – an option that resulted in the naturalisation 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 multi-national 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 co-operation (ethnocultural 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, multi-national, 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 between 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."[73]

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."[74]

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-centred multinational state-building: the quest for the establishment and upholding of a regime of power-sharing and rule-bound inter-ethnic bargaining.[75]

73 Tunku Abdul Rahman cited in: Hng Hung Yong, 5 Men and Five Ideas: Building National Identity, Kuala Lumpur (Asian Strategy and Leadership Institute), 2004, p. 86.

74 Tan Cheng Lock, cited in: Ibid., p. 87.

75 The connex 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

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 participate in its resolution, that conflict resolution had to be compromise-oriented and take into account the legitimately held interests of all contending parties. Compromise 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 which 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 which 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 in *Barisan Nasional*) its member parties never competed against each other in elections.[76] In order to maximise its chances of success the Alliance leadership nominates one candidate for any election district. Therefore with respect to elections, the alliance basically acts like one single multi-ethnic party. To be sure, the ethnic affiliation of candidates most often follow that of the majority of the respective constituencies, however, there have been many exceptions to this rule. Most important is, that all alliance member-parties recommend their respective clientele 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 basic 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. Utilise a conflict-perspective which

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; anonymised).

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

a) values compromise between 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.
b) stimulates non-public intra-elite bargaining, while discouraging broad-based political participation and delegitimising political strategies, which rely on mass mobilisation.

Even though conflicting issues, pitting the various ethnic groups against each other, abounded in the decades of sovereign statehood, the basic position

- of organising society and politics along ascriptive group-lines,
- of giving precedence to group rights before individual rights,
- of accepting the rights to security, identity and welfare for every single ethnic group and
- of hammering out integrative deals in closed-door sessions between the political elites of the ethnic groups

was upheld.

### *3.3.2 Enlarging state and nation*

How the agreement worked in practice will be illustrated by a short sketch of the handling of one of the most prominent issues in the modern history of Malay(si)a: the integration of Singapore, Sabah and Sarawak.[77]

On 27 May 1961, the Prime Minister of Malaya, Tunku Abdul Rahman, commented at a press conference in Singapore that his country was very interested in devising some arrangements by which the Malayan Federation, Singapore and the territories of British Borneo could co-operate more effectively.[78] Directly after his proposal, the Malayan government initiated confidence-building measures. Accompanied by the Head of the Federation of Malaya, Abdul Rahman toured Brunei and Sarawak where he repeatedly stressed that the members of the new state would "be partners of equal status, no more and no less than the other States now forming the Federation of Malaya. [...] The days of

77 Other prominent issues, which for constraints of space cannot be included would be the language question, the preferential treatment for Malays (later Bumiputera) in various spheres of life, the limits of free speech and the debate on the creeping Islamisation of Malaysia.

78 Tunku Abdul Rahman 27 May 1961, cited in James P. Ongkili, The Borneo Response to Malaysia: 1961-63, Singapore (Donald Moore Press Ltd.), 1967, p. 23. This occasion does not mark the beginning of Malayan interest in state enlargement. Its roots can be traced back to the late 1940s at least (see: Mohamed Noordin Sopiee, The Advocacy of Malaysia – before 1961, in: Modern Asian Studies Vol. 7, No. 4, 1973, pp. 717-732). On the process of integration and the first years of Malaysia see also James P. Ongkili, Modernization in East Malaysia 1960-1970, Kuala Lumpur/Singapore, (Oxford University Press), 1972; Robert S. Milne, Kanagaratnam J. Ratnam, Malaysia – New States in a New Nation: Political Development of Sarawak and Sabah in Malaysia, London (Frank Cass), 1974; Margaret, Clark Roff, The Politics of Belonging: Political Change in Sabah and Sarawak, Kuala Lumpur, et al. (Oxford University Press), 1974.

imperialism are gone and it is not the intention of Malaya to perpetuate or revive them".[79] Despite these assurances all indigenous groups in Sarawak and Sabah rejected the proposals and put up a united front in order to defeat the idea of independence through merger with Malaya. The destiny of the plight of the Moros in the Philippines was interpreted as a warning example of failed efforts at integration. The case was understood as a hegemonic endeavour, in which the interests of the people living on the fringes of the national territory were sacrificed on the altar of a fictive national interest, which turned out to be nothing else but the interest of the strongest groups which had usurped national leadership.

In intensive discussions with the Bornean representatives Malayan and Singaporean politicians succeeded in changing this non-negotiable position into clearly spelled out interests which had to be safeguarded in any case. Now, every single reason given could be scrutinised, possible measures for alleviating fears and safeguarding interests could be discussed. A process of rule-bound and consensus-oriented bargaining between partners invested with equal rights was set in motion.

The parties agreed that this would be worthwhile and founded the Malaysia Solidarity Consultative Committee, where all parties to the discussion were represented on an equal footing. The post of chairman went to Donald Stephens, a prominent Kadazan leader from Sabah and one of the most outspoken critics of the Malaysia Plan.

Owing to their control over the chairmanship of the Malaysia Solidarity Consultative Committee, which was entrusted with the task of debating options for an eventual merger, the Bornean leaders could exercise significant influence on the negotiation process. Most of their far-reaching demands were met. The Malayan leadership also accepted that the creation of Malaysia could not be conceived of as an enlargement of the existing federation, but had to be a merger of equal partners: a *new* state. In the end, the Bornean representatives to the Malaysia Solidarity Consultative Committee and the Inter-Governmental Committee which was charged with the formal negotiations on a constitution for the new state successfully pushed through all their demands. Extraordinary guarantees were enshrined into the new Constitution, among others the guarantee that the constitutional clauses on the national religion and language did not apply to the Bornean territories, that these two states could control internal immigration, that the state civil services should be Borneanised and the services of British officers should be retained until enough qualified Borneans were able to do the jobs, both states were over-represented at the federal level, if measured by the share of seats in parliament, last but not least, the provisions relating to the preferential treatment of the Malays were to be applied to the natives of the Bornean territories, too.

In the last moment, Brunei voted against joining the federation. So in the end the "Agreement relating to Malaysia" was signed by representatives from Great Britain, Malaya, Singapore, Sabah and Sarawak on 9 July 1963.[80] Two and a half months later Malaysia came into being.

79 Tunku Abdul Rahman, cited in Milne/Ratnam, see above (footnote 78), p. 26.

80 For the text of the agreement see Ongkili, see above (footnote 78), pp. 130-134.

### *3.3.3 Malaysian style democracy and non-violent politics at the national periphery: Sabah and Sarawak in Malaysia*

A look at the fate of these two states within the federation of Malaysia allows us to see whether and how the basic policy style is enacted at the local political level. Sabah and Sarawak were chosen, because they comprise a resource-rich national periphery, inhabited by a majority of people, who are neither ethnically of Malay stock nor subscribe to the Muslim faith and who have received favourable treatment and guarantees which withdraw rights and competences from the national centre. It can be argued that incentives are high for the national political elite to outmanoeuvre local elites in order to maximise the interest of the national centre. At the same time incentives for local elites to think about the establishment of an independent state are clearly present. Both has happened in the Philippines, as well as in Sri Lanka. In these two cases the national elites tried to marginalise the ethnic minorities and deprive them of their cultural, political and economic standing. In both cases the local elites eventually mounted a counter-nationalistic movement, which aimed at putting up an independent state for their threatened cultural groups.

A very important difference between the Malaysian and all other cases is the developmental policy towards the various peripheral regions inhabited by ethnic minority groups. Whereas in all other cases development at the periphery was stalled, Sabah and especially Sarawak were not neglected in the context of Malaysia. Their pace of development basically kept up with or even surpassed the national average during the last decades.

If we look at the political history of Sabah and Sarawak, what stands out is the rather high degree of autonomous decision-making without intervention from the centre. Even though there have been several instances of open intervention of the central government, these came always on the "invitation" of one of several local contending parties trying to enlarge the political arena in order to win in a local contest. It ought also to be mentioned that the centre always retreated, once the issues were settled. Local parties, partly established in the run-up to the union dominated politics in both countries until the middle of the 90s. Until now, none of the mainland alliance-members are represented in Sarawak.

UMNO, the party dominating federal politics, came to Sabah only after the elections of 1990 in a reaction to a fateful move by the local government party PBS, which had left the Barisan Nasional a few days before the election. PBS won the elections and governed against the federal government for four years during which time the federal BN did its best to make the PBS-government fail. UMNO took part in the 1994 state elections. Even though PBS won by a small degree, its fate had been sealed, when several of its representatives crossed the floor and either joined UMNO or set up new parties which were accepted as new members of the Sabah BN. By 1999, the Sabah BN comprised nine parties, some of which were politically so weak that they could not even muster one representative in the state assembly. In 2002 the remnants of the PBS also joined the Sabah BN, so that currently there is no opposition left at the state level. In order to win in the 1994 elections, UMNO had promised to institute a new practice of rotating the chief ministership between representatives of the major ethnic groups, a practice that worked well for one decade, but was discontinued after the elections of 2004 because UMNO now has a clearly

dominant position within the state BN and argues that the chief minister ought to be a member of the leading BN member-party.

Sarawak has been ruled for more than 20 years by a multi-party alliance under chief minister Taib Mahmud, who is a non-Malay. Although Taibs party, the PBB, claims to represent all indigenous people (*bumiputera*) of Sarawak, it is representative of the local Muslims, but not the Christian "sons of the soil". The other members of the alliance represent the Chinese and the non-Muslim indigenous people. Even though the parties have an ethnic foundation, those representing non-Muslim indigenous groups have a small number of Chinese in responsible positions.

In both states ethnic and state identity coexist. Basically all local politicians and bureaucrats seem to hold fast to a very strong regional identity as Sabahans or Sarawakians. All claim it to be an important task to safeguard the rights of the state against any encroachment by the federal government or its agencies. Even though there have clearly been ups and downs in the democratic quality of Sabahan, Sarawakan as well as overall Malaysian politics during the following four decades, the foundation stone of the working system has never been put in doubt. Politics in Sabah and Sarawak as in all other states and at the federal level are organised along ethnic lines.[81] It is organised as a cooperative endeavour between the contending ethnic groups, and the political system is geared to help bargain win-win solutions between representatives of the various ethnic interest groups. Most importantly, the cognitive foundation of rule-bound and accommodative interest representation has been kept in place for the last few decades. Yong Teck Lee, President of the Sabah Progressive Party and former Chief Minister of Sabah, characterised good leadership in an interview with one of the authors in the following way:

> "The most important factor [...] is to be able to convince his own group, whether a party or a racial group or a geographic constituency that he understands them and can advocate their interests. But he will not be a successful leader if he is so narrow. In the case of Sabah, to be accepted by the people of Sabah as a whole other than to have the bond with the people whom you represent you must convince the others by your own action, your own record, that you also understand the fears, aspirations, and problems of other people – other than those represented by you. […] Taking a few steps backward. […] is not the end of the world, by having some compromise, by saying things to put other people at ease."[82]

The rules of political competition seem to be highly regulated and institutionalised. Several members of the Sabah Alliance, as well as high bureaucrats confirmed that in all important political decisions at the state level, there is a right of veto for even the smallest member parties of the ruling alliance. This option of safeguarding one's own basic interest, even if one is in a minority position, clearly is an extraordinary safety-valve against the danger of "majoritarian dictatorship". One high-ranking bureaucrat explains as follows:

> "any major decision has to have the consensus of even the smallest component party. Of course, sometimes, when the majority feel 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 if other significant

81 This holds true, even though Sabah has been ruled by multiethnic parties for two of the four decades.

82 Yong Teck Lee, interview, Kota Kinabalu, 2 July 2004.

> group says "no", they will have to contact and thrash it out. […] So here I think the philosophy of Barisan Nasional is decision by consensus, other than by a dominant party."[83]

Chau Tet On, a former deputy chief minister of Sabah argues along broadly similar lines:

> "According to the constitution or the arrangement among all the parties, every party, even the small, whether you are big or small, has a veto. In my experience, I attended the 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 always pass. Everybody succumbed. So this is the internal arrangement. If you don't agree on certain things, they will be set aside for the time being. And then they will also try all sorts of ways and means to convince you. There is all sort of negotiation, compromise and so on and so forth."[84]

In critical situations, we find institutionalised patterns of conflict resolution – in Sarawak for example the BN-executive group will meet, in which all member-parties are represented equally.

Obviously, there can be only a very restricted role for the idea of democratic competition and of competing political visions in fair and free elections. To be sure, there is no open fraud in elections in Malaysia, however, the scales are heavily tilted in favour of the ruling coalition. With respect to inter-ethnic conflict-management the practice of agreeing on a joint slate of candidates in advance back-room deals is the most import phenomenon, which helps to outwit the opposition who would seldom act accordingly.

In such a kind of system opposition has a very specific place. It is necessary in order to pinpoint the weaknesses of existing policies and as a safety-valve. However, the aim ought to be to overcome the opposition by re-integrating it into the bargaining system, so that it can advance its cause from within. Success can be measured in the eyes of the politicians by how far they succeed in delivering a performance which either undercuts the opposition or at least enables the ruling system to reintegrate it into the system in the medium term. James Masing, speaking about his experiences as one of the leaders of the Dayak opposition of the 1980s explains, that purely mono-racial parties will lose out in the system eventually, if they are not able to adapt to the fundamental paradigm of common, multi-ethnic interest. The prevailing ethnic paradigm is embedded in the paradigm of multiethnic cooperation and interethnic accommodation. Masing argues that

> "people do not accept ethnic politics. You can start with it, but you cannot move forward if you keep insisting on it […]. And I think that is a good sign. […] looking at it as a national concept, I think that is healthy."[85]

Four crucially important points with respect to inter-ethnic conflict-management can be deduced from the practices described here:

83 High ranking bureaucrat, interview Kota Kinabalu, 2 July 2004 (anonymised).

84 Chau Tet On, interview, Kota Kinabalu, 5 July 2004.

85 James Masing, interview Kuching, 28 June 2004. James Masing currently heads the Parti Rakyat Sarawak (PRS), which was accepted as a component member of the national BN in June 2005. He is Minister of Land Development of Sarawak and after Chief Minister Taib Mahmud probably the second most powerful politician in the state of BN.

1. an intention to tackle the relevant issues, to discuss grievances and interests, but to do this behind closed doors;
2. to search for compromise, which is acceptable to all members of BN. As BN is nearly all-encompassing in the political arena, there is a broad input from various societal groups.
3. a closed door policy and BN hegemony result in a sharp, exclusionary policy against all those forces who are not willing to accept the informal contract underlying BN cooperation.
4. a disapproval of ethnic outbidding by the people. Whoever tries to play the ethnic card loses out at the polls.

## 4. Conclusion: Contrasting conflict perceptions and strategies for management of inter-ethnic relations

### 4.1 The repercussions of different conceptualisations of fundamental political concepts

The comparison of the three cases illustrates that no pure variant of nationalism is superior with respect to its ability to civilise conflict between ethnic groups. The case of Sri Lanka made clear that the largely ethnic variant offers no viable option, insofar as it superimposes an ideology of ethnically based hegemony on a multi-ethnic people, thereby provoking ethnically based counter-nationalisms, which not only claim rights to cultural autonomy but develop an alternative vision of a homogeneous nation-state within the territorial realm inhabited by their ethnic community. The case of the Philippines illustrates the "Myth of the Civic Nation" in multi-ethnic settings. The imagined rational attachment of civic nationalism to a political "community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values"[86] turns out to be at least partially a mask for a hegemonial endeavour of ethnically defined groups, which try to superimpose their vision of past, present and future on the minorities residing at the fringes of the new states.

Civic nationalism purports to be based on the deliberate consent of all citizens of a given state. This myth of consent however is based on "the contingencies and vagaries of a shared memory and identity"[87], even if this is only reluctantly admitted by proponents of civic nationalism. Simply because there is the bonding myth of agreement, there can be no right/option to disagree. As the myth of consent is based on the individual members of the citizenry, forms of groupness which put into doubt the direct political link between the individual and the nation have to be delegitimised. Interests organised along such

86 Ignatieff, cited in Bernard Yack, The Myth of the Civic Nation, in: Critical Review, Vol. 10, No. 2, Spring 1996, pp. 193-212, citation p. 195.

87 Yack, ibid., p. 202.

lines cannot be expressed easily in the political discourse. In spite of these drawbacks, the model might work fairly well in basically ethnically homogeneous and economically developed settings.[88] If, however, we encounter societies fractured along ethnic lines, with rather low levels of development and correspondingly scarce resources, for which the groups compete fiercely, then civic nationalism runs the danger of turning into a masked variant of its ethnic counterpart: a kind of legitimatory ideology for the grabbing of state, economy, social order, history, present and future by the strongest of the competing groups. This is not to say that civic nationalism is merely instrumentalised by ethnic elites in order to further their hegemonial designs. Rather, the nation can only be conceived in patterns and representations which ultimately derive from the cultural past. The result is a melange of pieces of tradition which are partly regrouped and integrated into a new frame, on the one hand redetermining the frame, and on the other being partially reinterpreted by the newly invented modes of structuration. If the idea of a coexistence of several nations in one state is not contemplated, then even adherents to a civic vision of nation are forced to imagine a common past which is able to bind the loyalties of the future nation. The only commonality which most often exists is the anti-colonial struggle and the history of the national-revolution which as a matter of fact often turn out to be particularistic events. Even if they, by and large, could be seen as a basically all-encompassing endeavour, they cannot in themselves provide the sole foundation stone for the new political entity. There seems to be a universal urge to "find" a common history and role model in order to provide secure ground from which to develop the future nation-state. As there are seldom historical precursors accepted by all societal groups as representing *their* past, one of the competing visions has to be chosen, if the plan is to set up a nation co-equal to the national territory. In these situations, the dominant group most often tries to rewrite their history as the national history, and define their cultural norms as the national norms. This need not be by strategic design, but ought to be viewed as a result of a rather natural process of establishing those patterns as "historical truth" which already provided their rationale for engaging in the anti-colonial struggle in the first place.

This difference in development orientation of the states results, we would argue, from different value judgements made in the early processes of nation- and state-building and their continued application during the following decades. In the Philippines, individual freedom is clearly valued "above social democracy and the notion of collective obligations."[89] In Sri Lanka, neither inter-ethnic economic balancing, nor intra-ethnic justice with respect to a levelling of large economic differentials has been included in the ideology of state- and nationhood. Contrary to this, the Malaysian political class committed them-

88 Its limits can be visited in the highly developed but "multi-ethnic" states of Spain, France, Canada and Northern Ireland. Even though all of these states are economically very well developed, they harbour strong ethnicity-bound movements, which aim for independence for "their" groups and territories; in Spain and Northern Ireland underlining their demands with significant amounts of violence clearly aimed at hurting or killing people. In the old case of Corsica, violence occurs, but is aimed at objects only. In such a setting the strategy of separation might also work well, as is exemplified by the lone case of the former Czechoslovakia.

89 Bankoff/Weekley, see above (footnote 30), p. 69.

selves to the construction of a just and equitable society – equitable in terms of inter-ethnic and in terms of intra-ethnic equity. This basic commitment seems to be an outgrowth of the interpretative patterns applied by the elites of the various ethnic groups which safeguard the fulfilment of the basic needs of identity, security, welfare and development of the various groups.

One aspect stands out when it comes to explaining the will and ability to suppress ethnic groups and their aspirations violently, when it comes to the capacity to reign in with violent means citizens of a country: an inability to conceive of these groups and their spokesmen as legitimate political players. In the Philippines, as well as in Sri Lanka, the minorities on the fringes of the state are deemed objects of politics, but not subjects with their own legitimate political will. They had to be nationalised, an imperative which legitimated state policies of transmigration, aiming at the destruction of the culturally rather homogenous people. In none of the cases had they a chance to influence state policy to a significant extent. The Malaysian practice, which gives all parties to a conflict a veto position, which tries to find win-win solutions and opts for issue-linkages, if compromises cannot be found within one issue, has been inconceivable in the other cases. Added to this, we might argue that democracy, both in the Philippines and in Sri Lanka, offered no potential for ameliorative action. In Sri Lanka, all efforts at resolution failed, because unfailingly the Sinhalese party out of power would take to the streets and mobilise ethnic radicals. If necessary, riots could be instigated in order to block any developments which gave even a hint of legitimacy to the claims of the Tamils. In the Philippines, the very fractured nature of democracy helped in reducing the salience of the Moro issue for demagogic electioneering. In spite of possibly up to 100,000 deaths during the first decade of civil war, the Moro conflict is a non-issue at the national level. Energies and political infrastructure used in order to resolve the conflict are very limited.

It seems safe to conclude that the cases presented so far illustrate, albeit in rather different manners, "the naïveté of those who would abolish ethnic differences in short order through 'nation-building'"[90] Any efforts directed at eradicating ethnic loyalties in the short or even medium term seem bound to fail. These failures are always costly in terms of lost lives and retarded development.

As already argued in the introduction, even if we assume civic-nationalism to be the desirable model of state- and nation-building we still have to account for the costs of applying a civic strategy under circumstances, in which it might, with high probability lead to inter-ethnic violence. With respect to freedom and liberties, the model provided by Malaysia is clearly only a second-best solution. However, as nation- and statebuilders have to account for their treatment of liberties, they also have to account for the consequences of their action in terms of loss of live and retardation of development. It is probably simply unrealistic to assume that the civic way of nation-building is a way to modernity, societal peace and development superior to all others under all circumstances. It might be a noble ambition, which in many instances can only be pursued at extremely high costs,

90 Donald Horowitz, Ethnic Groups in Conflict, Berkeley/Los Angeles/London (University of California Press), 2000 (2nd edition), p. 599.

which may even undermine the assumed advantages in the fields of freedom and liberty. It might be more sensible simply to try to devise strategies in order to "manage ethnic conflict, rather than to eradicate it or to aim at either a massive transfer of loyalties or the achievement of some consensus. They involve living with ethnic differences (real or imagined; P.K.) and not moving beyond them."[91] So if in certain cases neither the ethnic nor the civic variant offers a viable option for violence reduction and peaceful inter-ethnic relationships, what is left?

## 4.2 Pluralistic nationalism

If we leave the ethnic foundation in place, but discard the nexus between state and nation, then we arrive at a third variant of nationalism, which, while being different from the two others, is able to integrate various features in a modernised version of pre-modern systems of toleration: the multi-national empires, from Roman to the Ottoman.

Most modern theoreticians argue that nationalism ultimately aims at the construction of a nation-state. This, however, is no necessary nexus. States can be and are often defined without taking recourse to the nation.[92] Seen from this side, there is no necessary connection. State and nation are basically separate phenomena – how else should we explain the idea of nation-building. This process aims at complementing a state with a nation not existing beforehand. Seen from the other side – i.e. from the nation – a different picture emerges. Many definitions argue that nations (i.e. "imagined political communities") aim at freedom and "the gage and emblem of this freedom is the sovereign state".[93] In Emerson's view a

> "nation is not only a community of brethren imbued with a sense of common destiny. It is also a community which […] is characteristically associated with a particular territory to which it lays claims as the traditional national homeland". He argues that "the nation achieves its fullest self-realization in the form of a sovereign state […]."[94]

91 Ibid., p. 600.

92 There is a host of definitions of stateness, which, however, converge on two separate sets of definitional criteria. A first one connects stateness simply to the quality of "recognition from already-existing states. [...] the idea of legitimacy through interstate acknowledgement is central." (Robin M. Williams Jr., The Wars Within: Peoples and States in Conflict. Ithaca, London (Cornell University Press), 2003, p. 42). A second variant of definitions tries to figure out essential structural criteria of stateness, as being "a set of institutions which possess the means of violence and coercion. Second, these institutions in principle control a geographical bounded territory, usually referred to as a society. Third, the state monopolizes rule-making within its territory." (John Hall cited in Stuart A. Bremer, Faten Ghosn, Defining States: Reconsiderations and Recommendations, in: Conflict Management and Peace Science, Vol. 20, No. 1, 2003. p. 21).

93 Benedict Anderson, Imagined Communities: Reflections on the Origin and Spread of Nationalism, London/ New York (Verso), 1983, p. 7.

94 Rupert Emerson, From Empire to Nation, Cambridge Mass. (Harvard University Press), 1960, p. 105. Similarly: John Breuilly, Nationalism and the State, Chicago (University of Chicago Press), 1985, p. 3. and Michael Hechter, Containing Nationalism, Oxford/New York (Oxford University Press), 2000, p. 15.

In this view, there can be no nationalism which does not aim at the complete nationalisation of the political space of a given state or the setting up of a new entity, in which state and nation converge. Stopping short of this might result from political expediency, the small size of the ethnic group and suchlike, but is not conceived as fitting to any nationalist ideology.

In contrast we argue that equating nationalism and nation with the desire to construct a nation-state (be it by cultural assimilation, irredentism or secession dependent on the status of the nationalist group) short-circuits phenomena – nation and state— which, at least in the ethnocultural variant of nationalism do not necessarily belong together. In historical practice, there are several necessary steps to identity-building and identity-transformation in order to imagine an ethnoculturally founded nation. An ethnic group might comprise a group of people who believe that they share some kind of common ascriptive trait – be it descent, language, religion or culture. In a first stage, ethnic identity – the feeling of belonging – is transformed into ethnicity: it is made conscious, cultural symbols are used in order to establish "criteria for inclusion into and exclusion from the group"[95] This is accompanied by "a claim to status and recognition, either as a superior group or as a group at least equal to other groups. Ethnicity is to ethnic category what class consciousness is to class"[96]. By conscious efforts a more cohesive and coherent in-group is brought about. Some ethnic groups go further in the politicisation of the ethnic category by demanding that "corporate rights be conceded to the group as a whole …"[97]. Nations therefore may be created not only "by the amalgamation of diverse groups and the formation of an inter-ethnic, composite or homogeneous national culture through the agency of the modern state", but also by "the transformation of an ethnic group in a multi-ethnic state into a self-conscious political entity".[98] A nation in this understanding might be interpreted as a politicised ethnic community, which either demands group rights or has already been granted such rights in the political system. These demands can include the right of secession, of setting up an own state in order to integrate nation and state, but they can also stop short of this demand. They can aim at "grabbing" the state for the nation constituted by taking recourse to ethnic criteria, they might just as well simply aim at being an accepted partner in a concert of equals within one multinational state.

If politics in a multi-ethnic setting is to a significant degree about nations and their rights, then an ethnoculturally structured polity may be advantageous, as long as each ethnic community has the same right to autonomy. In fact, new options for mutual accommodation between ethnic groups might be opened up. Within some multi-ethnic states a polycentric political universe centring on the various ethno-culturally defined groups could emerge and politics could at least in some respect reflect the problem that it

95 Paul R. Brass, Ethnicity and Nationalism: Theory and Practice, New Delhi/Dewbury Park/London (Sage), 1991, p. 19.

96 Ibid.

97 Ibid., p. 20.

98 Ibid.

is not taking place within a nation, but between several "nations". This does not necessarily mean that all these "nations" have to be of equal status, it is sufficient that the fundamental needs of identity, security and welfare[99] are fulfilled to a certain degree. Such a polycentric vision of the polity would be "multicultural" as well as for all practical purposes "multi-national".

In such a multi-national polity, the multiple ethnic-groups are treated as nations in practice. This kind of nationalism conceives of the nation as a collective political subject, which negotiates – in concert, cooperation and conflict with other similarly constituted nations – the political rules and contents in one paramount entity: the state. The state, however, is devoid of much of the emotive language associated with and created by the connection of nation and state. The state is conceived to be foremost an arena for the negotiation of demands of a certain number of ethnically constituted national players and at the same time a set of rules to which the various nations subscribe. While the notion of pluralistic nationalism borrows its most fundamental support – ethnocultural groupness as structuration device – from ethnocultural nationalism, a similarly important device, which structures the interaction between the units of political agency is borrowed from civic nationalism – the principle of equality and equal rights, not applied to individuals, however, but to groups. Even if the inter-ethnic balance might be precarious in the long run, there is no need for either cultural assimilation or extreme counter-nationalisms, which challenge an official state-nationalism, as the basic needs of all nations can be safeguarded in the common state.

### 4.3 Which nation to build?

What do the studies carried out offer for the present and future handling of multi-ethnicity? They can point to critical points with respect to two different tasks still prominent in many countries and promoted by the international donor community as universal strategies for peace-building at the beginning of the 21st century: state- and nation-building. Advice can be given with respect to strategies for the resolution of violent ethnic conflicts, with respect to the cases presented by us, but also on a more generalised level with respect to similarly structured cases. The questions debated here also matter in current efforts to put such failed multi-ethnic states as Afghanistan and Iraq, as well as Somalia or Liberia, back on their feet and finally on devising possibly violence reducing strategies for democratisation in multi-ethnic countries with a high potential for inter-ethnic conflict.

99 For the concept of fundamental needs as applied to groups see: John W. Burton, Conflict: Resolution and Prevention, New York (St Martin's Press), 1990; for a short overview, see: John W. Burton, Conflict Resolution: Towards Problem Solving, George Mason University (Network of Peace and Conflict Studies, 01.12.1997), (http://www.gmu.edu/academic/pcs/burton.html), see also John W. Burton, Conflict Resolution: the Human Dimension, in: international Journal of Peace Studies, Vol. 3 No. 1, 1998, available on the Internet: http://www.gmu.edu/academic/ijps/vol3_1/burton.htm.

Our three Asian cases illustrate the variation in form, content and historical context, in which state- and nation-building occurs. Nevertheless, there is a commonality between our two cases with high levels of inter-ethnic violence, which distinguish them from the Malaysian case. The political elites of the cases with high levels of inter-ethnic violence conceived of the state and the nation as being basically of the same extension. Ethnically grounded political identities were frowned upon and much symbolic energy was invested in the invention of a new national identity, which all citizens had to share. The idea of the nation as a collective political identity was no longer connected to any pre-existing feeling of groupness. Its construction was founded on the territorial boundaries of the post-colonial state. The state was treated as a given to which a corresponding all-encompassing identity for the various groups, which happened to live within its boundaries, had to be invented. As there were no precedents of such an overarching political identity, the natural strategy was invention, construction and propaganda and coercion if necessary. In this process the strongest groups proved to be unable to devise models acceptable for all the other peripheral groupings, which differed in culture, language or religion. As overarching nations are founded on imagined tradition and history, some histories had to be chosen as the national histories, some traditions became the national traditions and all the others were relegated to secondary status. Anchoring the Philippines in the First Republic of 1896 and Catholicism proved to be as exclusionary as anchoring the newly to be established Sri Lanka in a Sinhalese quest for a Buddhist country. The option for many Filipino Muslims and Sri Lankan Tamils seemed to be either political, economic and cultural marginalisation and long-term assimilation on the one hand or rebellion on the other.

If the basic need of identity is not respected, if one part of the population is excluded from the national imagery, and no viable alternative is provided, then the danger of violent reaction looms large. Liberal democracy in itself is no antidote to this trend, insofar as the civic ideal of citizenship rests no less on a common imagery of community as an ethnically grounded state. Values, norms, mores, history and tradition join together to form a cultural basin of commonality, which binds the citizens of the civic as well as the ethnic community. Liberal democracy is basically incompatible with a culture which differentiates rights and obligations according to group affiliation, even though in practice some pragmatic adaptations might be sought. Equally unacceptable is the subordination of individual rights/interests to group rights/interests below the national level. The political organisation of ethnic interests and its active participation in the parliamentary process is normally frowned upon and discouraged.

The Philippine as well as the Sri Lankan case illustrate that processes of disempowerment and marginalisation, of symbolic subjugation and internal colonisation are by no means specific of dictatorships only, but can happen under rather democratic auspices quite as well. Neither Dahl's criteria of polyarchy[100] nor broader definitions, which include

100 Dahl's list of necessary institutions of polyarchy include: elected officials, free and fair elections, inclusive suffrage, right to run for office, freedom of expression, alternative information and associational autonomy (see: Robert A. Dahl, Democracy and its Critics, New Haven/London (Yale University Press), 1989, pp. 221-222).

rule of law and the existence of a civil society, are sufficient safeguards against the exclusion and marginalisation of minorities. The Sri Lankan radicalised discourse shows that civil society need not be an antidote to repressive politics. Even if political elites might be faulted in the first place, the phenomenon of ethnic outbidding could not work without a society which condones aggressive strategies aimed at consolidating the imagined all-encompassing nation, which is framed as a mirror-image of the dominant group's self-image. In Sri Lanka militarised state-action against peoples demanding self-determination is supported by significant segments of civil society. Even if democratic rule is working fairly well, a return to a politics of inclusion is impossible as long as the majority of people support the exclusion of the minorities. Any effort at compromise is doomed, because its proponents will be chastised at the ballot box, as the case of Sri Lanka demonstrated repeatedly. Two explanations can account for this phenomenon. The idea of a superior self-image, once established cannot be discarded easily. Any compromise, which grants political and economic equality to the other depends on accepting the equal symbolic value of the competing identities. Chances for such a learning process are slim in a populist democratic system. Enlarging the own group-identity into the national identity equal in extension to the state, allows the dominant group to conquer the state and its resources. Control over the state becomes the prey and any compromise in the political and symbolic realm would necessarily entail the consequence of a significant loss with respect to economic power and opportunities for clientelistic patronage. Whereas in higher developed countries the value of the state as an economic resource is limited, in less developed countries the state is a major source of welfare. So gaining control of the state for one's own group becomes a most valuable political aim.

The analysis of our three cases allows for certain tentative generalisations with respect to state- and nation-building in multi-ethnic states: needed is a concept of nation, which keeps a certain distance from the state. The best solution might not be building a nation-state, but disconnecting state and nation, so that a multi-national state becomes possible.

In a way, the problems encountered by the Philippines, Sri Lanka and Malaysia and a host of other countries beyond the first world are currently just emerging in the so-called First World. Their past and present point to our future.

At the onset of sovereignty Malaya had to come to grips with an immigrant population of nearly 50 percent, immigrants which had not been invited by the Malays, but brought into the country by the former colonial overlord in order to serve his needs. Tackling a similar situation would be a formidable task for any Western democracy. The closure of the boundaries of the EU, as well as similar phenomena at the Mexican border of the United States, the notoriously famous camps for asylum-seeking Asians in the Australian deserts show, how civilised, democratic countries try to tackle problems of far lower magnitude. Malaysia opted for the development of something, which is currently hotly debated in Germany and other western countries: the building up of interconnected "parallel societies" (Parallelgesellschaften), which are respected as legitimate political players. This vision of a strong, rule-bound state containing several nations-in-practice, which forge a social contract with the explicit aim of joint survival and development might provide at least partly an answer to the need to live together in one society despite owing alle-

giance to fundamentally different value systems. It has to be stated that the melting-pot idea has not worked well in many of the multi-ethnic states of this world. The purely civic vision has worked considerably well in some cases, but it failed in many others – and we would argue, that it failed, because in political practice nation-building turned out to be a hegemonial undertaking, clearly favouring the strongest ethnic groups and alienating many others, often to the point of rebellion.

Even if the development of a multi-national state, which prioritises group-rights, might not be an ideal answer to the challenge of multiethnic state- and nation-building, it seems to be able to provide a serious alternative to the purely civic variant. Firstly, by connecting political structure to ethnic group affiliation, it provides for a cognitive framework of politics which seems natural and meaningful to most members of society. Going back to structures, which already underlie social and political communication, allows the official authority-defined and everyday-defined social reality to be better integrated.[101] At the same time political organisation 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.

Secondly it provides reasonable chances for a) reducing the sources of potential friction, insofar as many spheres can be relegated to intra-group rule-making, and for b) channelling and thereby limiting conflict to inter-elite bargaining – needed are common rules on the cooperation of the potentially contending groups, but no common rules, equalising all members of the society with respect to all aspects of social rights and obligations. The state would pose as a territorially bounded assemblage of different (even if not totally equal) nations.

The separation of state and nation allows for double identities and loyalties in the political realm: towards the own ethnic group and the multi- or trans-national state.[102] The legitimacy of such a state rests to a significant degree equally on the input dimension, insofar as all ethnic interests have to be represented in a fair way, and on the output dimension, insofar as no group must lose out in the inter-group bargains. Even if benefits are divided up unevenly, there must be no losers.

101 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 German: 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; our translation).

102 This is not so unusual as might first be thought. Basically, this is similar to political structuration in Western democracies, where loyalty to the nation-state coexists with potential loyalty to a certain political party or ideological current. The difference lies in the question of choice with respect to the second loyalty/identity. Whereas membership in any political sub-national group is purely based on individual choice in civic democracies, it is at least partly fixed in ethnic as well as in multi-national states.

Current efforts at rebuilding states like Iraq or Afghanistan, of finding ways for the reform of entities like Somalia tend to focus almost exclusively on institution-building to the detriment of an intensive debate on the possibilities of devising practicable solutions to the pending identity question. Certainly, institution-building must be a central focus and Malay(si)a could not have prospered without a stable rule-of-law, parliamentarian politics and an excellent civil-service. Actually Malaysia thrived on a set of very efficient institutions. However, it is important to point out that institutions are as good as the practices with which they are filled. Formal safeguards do not work, if they are filled with practices which contradict democratic and violence-free standards. Practices are determined by the will of the political elite and counter-elite to abide by the rules of the game. Institutions and practices must be seen as producing legitimate and satisfying outcomes. Their continuity or change depends on how far they safeguard the fulfilment of the basic needs of the various societal groups: identity, security, welfare and development. The most important learning process which has to be passed by political elites of fragile states, working to establish a "multi-national" state, is to realise that inter-ethnic cooperation enables win-win solutions, which are superior to any zero-sum outcome not only for the "weaker" but also for the stronger groups. This is already an eminent exercise in social-learning. However, it is short of being the exercise demanded for a working civic variant.

What, then, might be a tentative list of do's and don'ts of nation- and state-building in multi-ethnic, and maybe even post-civil war societies?

1. Don't aim at constructing a nation-state in which there is an equating between nation and state. As states do not need nations in order to exist, so nations do not need states. Don't enforce their equalisation. In many multi-ethnic states, the culturally and socially meaningful collective identities (ethnic, religious, regional) are not easily superseded by a central, all encompassing political principle of nationality for every single individual. On the one hand, it might simply become a mask for parochial identities, which from then on are no longer part of the open official discourse of political legitimacy, while still driving political action. On the other hand, the more abstract principle of civic-nation might displace traditional identities and loyalties without being able to replace them. In the end this can lead to an anomic breakdown of a fragmented and non-integrated society or the emergence of modern ideologies of ethnicity, which clearly aim at internal homogenisation and external emnification. Taking traditionally meaningful collective identities over into the modern setting might provide the fitting link between state and state-wide society, insofar as it brings the much needed dimensions of bonding and community into the political realm.
2. Try to incorporate all (minority-) ethnic groups into the state in a way that gives them the opportunity to voice their concerns and influence decision-making on all aspects of politics which affect their collective well-being. The system must not allow for the emergence of structural political losers.
3. Try to induce a process in which all groups have to work together in order to thrash out a common vision of the state, which means at least a vision of a common state. They should also try to find a common understanding of the nation(s) and their relationship to the state. If it becomes clear to all that there will be no effort at hegemonial

nation-building in the foreseeable future, and that existing group-identities will be respected, then fears of marginalisation will be dampened and options for practical, policy-oriented inter-ethnic cooperation strengthened. This debate on the common (joint) state has to be set in motion very early in order to prevent either the emergence of a separatist ideology or nip those tendencies in the bud. Experience has shown that once the interplay between separatist demands and negative state reactions has been set in motion, escalatory tendencies are highly probable, whereas options for a balanced inter-ethnic cooperation within one political entity progressively diminish.

4. Frame a political system, which is able to support existing and possible future national, ethnic and religious loyalties simultaneously, because, then, chances of stability and peace are higher. Ethnicity and the idea of a plurality of nations within one state do not contradict the idea of modern stateness. Tradition and history have to be brought in for reasons of bonding. If ethnic identities are salient, don't aim at depoliticising them (because it hardly ever works), but try to reframe them into a structure which allows for
   a) emotional attachment by the members of the various groups,
   b) participatory interest-formation within the political organisations of the various ethnic groups (i.e. check for a best-case scenario of participatory traditional and acceptable modern practices),
   c) the development of a kind of social contract on inter-ethnic accommodation and a mutual acceptance of each other's basic interests (there is no need for the imagination of friendship, only a guarantee for a sustained toleration of each other).
5. Don't focus on institutional design only. Institutional set-up is less important than institutional practice. Constructing a consociational state runs the danger of reifying inter-ethnic balancing at one point in time, so that adjustments cannot be made, which might be necessary in order to reflect changing environmental circumstances. A working consociationalism ought to be rooted in common practices and less in formal structures enforcing cooperation. It has to be learned in political practice. Only if it is able to deliver on the interests of all groups, will it be appreciated as a win-win management-practice to inter-ethnic conflict.
6. Post-conflict peace-building programmes should aim at safeguarding gains in community welfare for all ethnic groups. Concepts for development should be designed in a way that they depend on the cooperation of the various groups. However, neither the maintenance nor the development of economic niches for ethnic groups needs to be eschewed. Most important is a balancing which guarantees that all groups are integrated in circles of interaction, creating environments of mutual dependency. Furthermore, when it comes to distribution, equality ought to be interpreted in the sense of fairness and equity and not necessarily of equal shares for all. The base-line in this respect is the perceptions of the contending groups. Trade-offs between economic, social and political power should be enabled, so that perceived disadvantages in one dimension can be compensated cognitively by advantages in one or several other dimensions. It should again be pointed out that learning through practice is clearly preferable to coercion by institutional design. This holds true, even if we accept the idea of insti-

tutional intelligence, whereby the specific structuration of institutions furthers certain outcomes.

7. Try to induce learning at the elite level, so that the various groups and their leaders learn to accept and value the idea of an "ethnic veto", by which ethnic groups can stop policies deemed to be contrary to their most basic needs and interests.
8. In order to maximise political legitimacy in the crucial phase of systemic transformation, try to abstain from installing new "modern" elites of our "Western" liking, but work with the elites deemed legitimate and accepted by the majority of the local people. Legitimacy of political rule does not rest in the newly invented structures, but in the legitimacy of the leaders manning them. This legitimacy is heavily grounded in traditional criteria of social and political leadership, and only persons who excel in these criteria have a fair chance of providing a sufficient degree of bonding, so that they and the new institutions are able to really implement political decisions which affect those people whom the leader represents on a traditional basis of legitimacy. By aiming at overcoming traditional forms of social- and political organisation, which are frequently clearly at odds with our criteria of gender equality or human rights, by marginalising its representatives and empowering modern counter-elites, it is quite easily forgotten that those very traditional bonds not only stabilise those communities and thereby safeguard them against anomic disorganisation, but also that the majority of people will not accept the alternatives for the time being. Pressurising them opens up new lines of conflict and destabilises already fragile social settings.
9. Do not concentrate only on the elite(s). Peace as well as violence are locally grounded. Ethnic mobilisation and outbidding works only when the people respond accordingly to the stimuli of the political firebrands. The case of Malaysia shows that ethnic outbidding cannot only be hedged at the elite level, but is actually defeated on the level of the electorate, that does not reward extremist rhetoric. The contrast with Sri Lanka is striking. The obvious differences in mindset are still in need of an explanation, as they seem to be highly relevant for the probability of violence, so researching this phenomenon is a pressing task.
10. State- and nation-building need our long-term support, as they are drawn-out processes spanning decades and not discrete events, which are completed after a few years. Therefore, do not tailor your support according to the sequencing of the international reporting on crises and catastrophes.