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Remedial Strategy or Subliminal Racism?
A Comparative Study on the Origins of Affirmative Action Policies in South Africa and Malaysia

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Abstract

Contrary to most countries practicing affirmative action, Malaysia and South Africa established policies whose beneficiaries make up their demographic majority. Despite their socio-historical similarities, their respective justifications for these policies were extremely different: Malaysia's rationale was "retributive" in nature, whereas South Africa's was "restitutive." This comparative-and-historical paper seeks not only to determine the factors that caused these different outcomes, but also to provide an alternate perspective to existing scholarship on affirmative action policies, most of which focus on minority-beneficiary nations. I argue that the differing outcomes can be traced to their history of colonial rule, which influenced processes such as state formation and policy and resulted in two societies that differed in how political and economic power were initially distributed and how it transformed to their present-day outcomes.

Malaysia and South Africa are both former colonies of the United Kingdom that have been organized along racial and ethnic lines, which persist to this day. In the same vein, both countries are also similar in that political and economic power has not been concentrated among a single dominant ethnic group. Rather, the largest ethnic group of both nations' populations (those considered 'natives' at the time of colonization) wields political power, while economic power is concentrated among members of an ethnic – and immigrant – minority. Most importantly from a public policy standpoint and the focus of this paper, both nations have established affirmative action policies whose intended beneficiaries make up the majority of their respective populations. Both nations' affirmative action policies seek to address the same problem: to redistribute wealth from their respective minority economic elites to members of the less prosperous majority ethnic group.

Generally speaking, affirmative action policies in majority-beneficiary democratic nations (e.g. Malaysia, South Africa) strongly suggest some degree of political pressure from the electorate. In contrast, the same case cannot be made for minority-beneficiary nations (e.g. the United States, Australia), as segments of the political electorate majority would be opposed to giving up any advantages, perceived or not, they have gained from historical inequalities. This strongly suggests that minority-beneficiary affirmative action policies stem from other pressures, such as international pressure and human rights discourse.

Despite these striking similarities, there is one glaring difference. Malaysia's ethnic groups coexisted relatively peacefully prior to independence, whereas South Africa had a very well-known history of institutionalized racial discrimination under apartheid. Specifically *because* the oppressed majority groups in both democratic countries make up the beneficiaries of these affirmative action policies, conventional wisdom suggests that the country with peaceful

race relations (Malaysia) would be more likely to adopt "restitutive" policies; whereas the country with turbulent race relations (South Africa) would more likely have harsher, "retributive" policies. *Retributive* affirmative action policies are policies which incorporate measures which assign blame to and therefore actively place restrictions on members of a specific group or groups. In contrast, *restitutive* rationales seek consensus and therefore do not seek to assign blame nor bestow benefits on members of any specific group. Rather, restitutive rationales acknowledge the broad inequalities which exist within a society and propose measures framed in the language of inclusiveness. Theoretically, the benefits of restitutive policies could be enjoyed by all members of society, rather than just the members of a particular group.

While policymakers in both countries advanced very distinct rationales to justify the implementation of affirmative action policies in the two countries, these rationales did not correspond to the characterization above: South Africa's policies were based on a restitutive rationale; Malaysia's policies were advanced for retributive reasons. These differences in rationales inform and explain the specific measures that are incorporated into the policies. What accounts for the disjuncture between the history of inter-group relations and the nature and rationale of policies to redress inequalities? I will broadly address this in the theoretical overview, focusing specifically on debates surrounding racial/ethnic group formation and identity.

More specifically, in order to understand why these affirmative action policies came to be the way they are, one has to first understand the origins of their underlying causes. This leads to the research question that informs the core of this paper: what was responsible for Malaysia's peaceful racial coexistence and South Africa's violent repression of their various ethnic groups, and how did this affect the affirmative action policies that both countries eventually adopted? I find that despite their many similarities, Malaysia's and South Africa's differences in affirmative

action policies can be traced back to the circumstances surrounding each country's respective transition to independence, as this transition to independence essentially set in motion the historical processes responsible for the two nations' different policies. Central to this claim is the causal logic that a country's colonial history influences the type of state that forms upon independence, and that state policies are an integral component of state formation. I will elaborate in greater detail about this causal logic in the theoretical overview.

Case Selection

What was responsible for Malaysia's peaceful racial coexistence and South Africa's violent repression of their various ethnic groups, and how did this affect the affirmative action policies that both countries eventually adopted? The research question can be focused further: how do we understand the different rationales for affirmative action policies given the two cases' different transitions to independence? As I will elaborate upon in the theoretical overview, I am essentially assuming that different rationales for affirmative action emerged from two unique societies (and their respective societal divides), which owed their existence to the different strategies which were imposed upon them during colonial rule. Both Malaysia and South Africa are ideal cases for this comparison for many reasons. Despite their different transitions to independence and the nature of their resulting affirmative action policies, both countries were colonies of Great Britain and had multiple ethnic groups where the majority group did not hold economic power.

As mentioned in the introduction, there are two possible outcomes to consider: affirmative action policies with retributive rationales, as was observed in Malaysia; and affirmative action policies with restitutive rationales, as was the case in South Africa. I have

chosen to examine both countries' history of colonial rule; and more specifically, their respective transitions to independence, since independence represents the convergence of strategies symbolizing the ideas and policies of the colonial era and the ideas and policies of the post-colonial state.

The connection between colonial strategies and policies enacted in the resulting independent state reflects Wimmer and Min's (2006: 869) finding that "[the] logic of nationalist politics … may drive civil wars [and other forms of conflict], as majorities and ethnic minorities compete for control of the state." Nationalist politics are likely in the post-colonial era because although nationalism provides unifying and empowering rationales and symbols for the newly-liberated as they seek to build their new state, different groups – who have been treated differently under colonial rule – are likely to have different visions of what the state should be. Advantaged groups would seek to use the state to preserve their advantaged status, while marginalized groups would strive for equality and/or retribution.

This comparative and historical analysis will be organized in three sections based on the causal mechanisms I develop in the following theoretical overview. The first section of my analysis – history of colonial rule – seeks to define and contextualize the reasons behind Malaysia's relatively peaceful transition to independence, in contrast to South Africa's violent struggle for independence. The second section – ethnic relations in the post-colonial state – seeks to examine some of the key historical processes which I have deemed to have had the most influence on the two observed outcomes. These processes include: the basis of franchise, the distribution of economic opportunities, and the role of international pressure. I will then briefly discuss the two policy outcomes before concluding this paper.

Theoretical Overview

Racial/ethnic group formation is a core concept in political sociology. After all, there have historically been few ethnically-homogenous nations, and even then it was impossible for them to avoid coming into contact with outsiders who spoke different languages, adhered to different religions, and followed different cultures. Hence, the division of societies among ethnic lines is a very commonly-observed phenomenon, as the following theoretical overview will illustrate. Since both Malaysia and South Africa are states with multiethnic populations, it is important to see how these theories apply to their specific cases.

Colonial Strategies as Processes of State Formation

The origins of affirmative action policies are directly tied to processes of state formation, as state formation is directly responsible for the creation and transformation of social groups – and by extension, societal divides (Larson and Zalanga 2003). Closely related to the origins of societal divides is the subject of identity formation, particularly as it relates to issues such as citizenship (Brubaker 1998). In the cases of Malaysia and South Africa, the primary divides that their affirmative action policies seek to remedy is political and economic inequalities resulting from their respective history of race and ethnic relations.

Since South Africa and Malaysia were both former colonies of the same colonial master, Great Britain, what factors could account for the extremely different societal structures and policies which emerged? I argue that differences in colonial strategies are important not only for the societal structures (and divides) that they create, but also because they shape social and political identities. Go (2007) offers the concept of "provinciality:" policies of governance have been different because of "the distinct characteristics of those whom empire aimed to rule" (77). It is in the interest of the colonizer "to cultivate consent and compliance" (Go 2007: 99)

wherever possible because, from a political and economic perspective, coercion of an oppressed people is costly both economically and politically (Ikenberry 2001). This resulted in regimes that "ultimately went native, shaping themselves to local conditions and incorporating what they found there" (Go 2007: 99). Although the examples that Go provides were not settler colonies, we will see later that the Afrikaner settlements that were established prior to the arrival of the British were a very real "local condition" that the British colonizers had to deal with as they tried to consolidate their power. From a different perspective, Steinmetz has claimed that policy formation can be influenced by factors such as "geopolitical and economic interests [and the] responses by the colonized" (Steinmetz 2008: 589). An example of this would be the reason the British prevented native Malays from tin mining: not only the British had an interest in minimizing competition for the valued resource; the rulers of the native Malays were mainly cooperative with the British, being largely content with their arrangement with the British to retain some authority over their subjects and domains. This reinforced the perception that specific ethnic groups were assigned specific roles within Malay society; perceptions that could not easily be broken. Tin mining became perceived as being immigrants' jobs; while subsistence farming remained the domain of the Malays.

By extension, the effects of the identities created by these colonial strategies influence other elements of society such as markets and other institutions of economic activity. Based on this premise, Larson and Zalanga (2003: 76) claim that "[s]uch economic activity and the benefits that some derive from a system of categorical inequality create interests that advantaged groups aim to protect." The nature of these advantaged groups, however, is ambiguous; do they constitute a ruling elite, or are they simply one among many interest groups?

In the specific cases of Malaysia and South Africa, historical evidence appears to lean toward the interest group explanation, best articulated by Block (1987). Arguing from a Marxist perspective, he writes:

> …capitalist rationality emerges out of the three-sided relationship among capitalists, workers, and state managers. The structural position of state managers forces them to achieve some consciousness of what is necessary to maintain the viability of the social order … [however] the fact of consciousness does not imply control over the historical process (67).

Larson and Zalanga claim in their analysis that contradictory class positions, as articulated by Wright and others, do not "provide adequate insight in ethnically-divided societies" (Block 2003: 77) because by focusing solely on class structures, one fails to consider the influence of a competing ethnic-based hierarchy. They state that "multiple axes of identity – class and ethnicity – may be used to attempt to mobilize popular support for policies of ethnic redistribution" (Larson and Zalanga 2003: 77). One can easily see how ethnic redistribution can be easily framed as a viable remedial strategy; after all, in all cases of historical legal exclusion – South Africa and Malaysia being no exception – legal exclusion has invariably been linked with economic exclusion. In their study, Larson and Zalanga claim that the beneficiaries of favorable state policies "successfully pursued [them] based on class interest, but mobilized support using rhetoric of indigenous identity" (2003: 77). Calhoun (2007) reminds us that ethnic groups are the creation of elites seeking to protect themselves and/or gain political/economic advantages. Although it is beyond the historical scope of this paper, the same can be said of both South Africa and Malaysia. Critics of affirmative action policies claim that these favorable policies are examples of cronyism, where "[t]he government transferred wealth to a small pool of politically

well-connected businessmen" (Fuller 2001) and effectively excluding the majority of the 'favored' ethnic group from enjoying the benefits.

In summary, although South Africa and Malaysia were both governed by the British, the British did not enter the two countries with the same goals. Hence, the British employed different strategies to govern these two colonies. Because the British only intended to exploit Malaysia's material resources, they did not see the need to bring in colonial settlers; their power was consolidated by exploiting the already-existing divides between the country's various ethnicities. In contrast, the British had to contend with Afrikaners settlers for influence and power in South Africa. The different strategies employed meant that different societal structures and divides were created, directly influencing state attitudes and activities in each country's respective postcolonial era.

Thus far, we have examined theories which deal with the effects colonial strategies had on societal structures and divides. This, however, is not a unidirectional influence. Edward Said (1978) and others observed that, rather than rejecting the colonially-imposed – and therefore alien – identities, members of these identities instead internalize them by forming groups which advocate for and influence policies reinforcing these colonial identities (Larson and Zalanga 2003).

Effects of Colonial Strategies on State Policy

Because the influence of colonial strategies is not unidirectional, the resulting societal divides and identities end up being self-reinforcing. This is reflected in differences in policy outcomes, such as affirmative action (Dobbin 1994, Skocpol 1985). The application of Dobbin's framework to our cases suggest that the problems associated with inequality were perceived by postcolonial political leaders in both countries as different sorts of problems requiring different

solutions. In the cases of South Africa and Malaysia, relations between the post-colonial politically-dominant group, the state, and the British (the common colonial elite) is a core component in understanding why affirmative action policies in South Africa and Malaysia diverged so sharply given their similar historical backgrounds.

Citizenship as State Policy

Citizenship policy bears a closer examination, as it is closely related with affirmative action. The central question pertaining to citizenship is seemingly simple: should affirmative action be considered a citizenship right? If we consider affirmative action to be an undeniable and fundamental right of a privileged group of citizens of a nation, who is eligible for this right? More specifically, should any group *deserve* types of state assistance such as affirmative action? If so, then why are certain groups denied state assistance, and what can they do to attain it? This question is related to the fundamental logic of retribution and restitution that is central to this paper: why do some states adopt conciliatory policies, while others adopt antagonistic ones? Because the dominant minority groups in both South Africa and Malaysia are foreign in origin, the logical follow-up question is: are immigrant groups eligible for citizenship, and if so, what are the criteria for citizenship? In addition, are citizenship rights universal for everyone, and if not, how are they divided?

According to Brubaker (1998), the issue of citizenship for immigrants falls somewhere in between two extremes. On one extreme, which Brubaker classifies as "traditional countries of immigration," citizenship is unconditionally granted to all people born in the country. On the other extreme, citizenship is ethnically-based – meaning that immigrants, no matter how long or deep their ties are to the country, can never be considered full citizens.

In the cases of South Africa and Malaysia, there are two different ways one can interpret this statement. Because the political elite in Malaysia were primarily made up of ethnic Malays, given their history of legal exclusion from institutions of economic power, they had an interest after gaining independence in sustaining ethnicity-based citizenship policies which classified other ethnic groups as immigrants, regardless of their historical attachments to the country. On the other hand, because the Afrikaners of South Africa were a non-indigenous minority group, they had an interest in promoting assimilationist citizenship policies when their post-independence policy of apartheid ended.

As colonies of empires gained their independence, part of the exercise of self-determination involved answering questions of who should have citizenship rights. Common bases for citizenship exclusion include religion and race (Larson and Aminzade 2009). In states with racially-divided histories, such as Malaysia and South Africa, the non-indigenous origins of the economically-dominant group allowed indigenous groups to portray them as foreign, and therefore inassimilable. Citizenship rights are extremely important for several reasons. They determine, for instance, who gets the right to political representation (Mamdani 2001, Brysk and Shafir 2004), the right to enjoy social welfare provisions (Kale-Lostuvali 2007), and the right to legal protection from a state's coercive mechanisms (Einolf 2007). Anything less should be considered a status that is less-than-full citizenship. In essence, debates on citizenship policy center on two very closely-related questions: "whom the state really is supposed to represent and which groups are legitimately resident in the country and merit membership in the nation-state and citizenship rights" (Larson and Aminzade 2009: 171). If the purpose of the state is perceived to be the representation of all citizens, then restitutive policies are more likely to be adopted, especially when it is officially acknowledged that specific ethnicities have been historically

mistreated and exploited. On the other hand, if the state exists to represent a chosen segment of the population, particularly a historically marginalized one, then policies are more likely to be retributive in nature.

There is one important point that should be noted about citizenship. According to Gellner (2000), "[p]eople seem willing to accept and internalize any degree of inequality, however extreme, provided it is *stable*, complex, and habitual" (282). Essentially, inequality on its own does not stoke tensions between, in the cases of Malaysia and South Africa, different ethnic groups. However, it is when this stability is disrupted, regardless of whether inequalities are ameliorated or worsened, that racial tensions can be expected to rise. This claim should be kept in mind as we examine how the dual political processes of historical events and both countries' respective legacies of race relations affected affirmative action policies (Tilly 1995).

Data Analysis

History of Colonial Rule

Although both Malaysia and South Africa share a common colonial master, the situation that their British colonizers faced when they first arrived was extremely different. In line with Julian Go's concept of "provinciality," the policies the British ended up adopting also turned out to be extremely different.

Mamdani (2001: 10) writes, "It is more or less a rule of thumb that the more Western settlement a colony experienced, the greater was the violence unleashed against the native population. The reason was simple: settler colonization led to land deprivation." This was definitely the case in South Africa, where there were numerous existing Afrikaner settlements when the British seized control from the Dutch in 1806 (CIA 2008b). Because of their isolation

from the urban centers where political power was concentrated, the British takeover of South Africa did not initially have a great effect on the Afrikaner settlers, as they felt no strong allegiance toward central authority. To begin with, the Afrikaners did not have much in common with their new political leaders. Not only did they speak a different language, they also differed culturally and religiously: the Afrikaners identified themselves as white, Afrikaans-speaking Calvinists who were racially superior to the indigenous peoples they encountered (Dubow 1992, Giliomee 2003, Lovell 1956, Tummala 1999).

Being rural frontiersmen, the Afrikaners had numerous clashes with natives as they expanded further into the interior over issues pertaining to ownership of land. In addition, since slavery was legal at the time, the Afrikaners relied heavily on the indigenous peoples – particularly the Khoisan – as an inexpensive supply of labor. Although the Afrikaners were already facing pressure from their clashes with indigenous peoples on the frontier, the British colonizers further strained their relations with the settlers by implementing policies that the Afrikaners perceived as threatening:

> When that authority [the British] did not support [their frontier culture], they were disappointed. When it went further in challenging their values in the late eighteenth century by cautiously nibbling at theoretical black-white equality, including mild approval of mission institutions, or land reserves, for Hottentots [in more neutral terms, the Khoisan], they were outraged at government for endangering both their group identity and their labor supply (Lovell 1956: 310).

Specific examples of such measures include the Nineteenth Ordinance (1826) which permitted slaves to testify against their masters in criminal cases, and the Fifteenth Ordinance (1828) which declared that "all free persons, regardless of color, had equal rights, including

landholding," essentially the antithesis of Afrikaner values (Lovell 1956: 311-2). Another example of colonial policy coming into conflict with Afrikaner values was the British push to free slave labor and to bring these former slaves under wage labor. These ideological clashes were eventually transformed into a full-fledged Afrikaner nationalist movement, culminating in armed and violent clashes such as the Anglo-Boer War of 1899 (Lovell 1956, Sakarai 1976). This history of violent struggle became a defining characteristic of South Africa's transition to independence in 1910 (CIA 2008b).

In contrast, there was negligible resistance to the British takeover in Malaysia. First of all, unlike South Africa, there were no European settlements in Malaysia when the British first arrived during the late 18th century (CIA 2008a); nor did the British attempt to establish any. As a result, the British did not attempt to blatantly interfere with pre-existing power structures in the territory. More specifically, the British "allow[ed] the sultans to retain the trappings – but only the trappings – of authority, and … encouraged the rest of the Malay population to continue its traditional activities," that of subsistence farming (Wyzan 1990: 50-1). Consequently, physical labor for Malaysia's British-run rubber plantations and tin mines was almost entirely dependent on immigrant groups such as the Chinese and the Indians (Sowell 2004).

By mandating that the indigenous peoples remain subsistence farmers and fishermen, the Malays did not participate in and become competitors for British interests – namely, plantation agriculture and tin mining (Wyzan 1990). At the same time, the British tacitly approved the existence of a burgeoning Chinese merchant class (Larson and Zalanga 2003, Sowell 2004, Wyzan 1990), as it for most part did not compete with the main British economic interest of tin mining and processing. It is noteworthy that the British did provide Malays with some preferential treatment under the rationale of trusteeship and tutelage, privileges which were

enjoyed largely by a small, select group hailing from elite families (Wyzan 1990). This included education preparing them for careers in the civil service via positions that had been explicitly earmarked for Malays (Larson and Zalanga 2003, Sowell 2004, Wyzan 1990). This resulted in political power being shared between the British and Malays on the lower levels of the bureaucracy; overall, however, the British made sure to maintain the upper hand.

It is important to note that the British nor any of its subject populations attempted to blatantly push for the exclusion or expulsion of any other group in the same manner as South Africa – largely because these different populations voluntarily kept themselves apart: they worked in different industries, lived in segregated neighborhoods, and had different power bases – rural areas for Malays; urban areas for the Chinese (Sowell 2004).

This cooptation of Malaysia's various ethnic groups was an integral part of British colonial strategy, one that has been replicated in some of Great Britain's other colonies. This strategy stands in sharp contrast to the British strategy in South Africa, where the British actively sought to weaken and displace Afrikaner power and authority. Since the British valued Malaysia simply for their material resources, as long as they were able to obtain it, they did not see any need to reform, much less disrupt, the state of Malaysian society.

As a result, Malaysia's transition to independence was relatively peaceful. Because Malaysian independence in 1957 did not come as a result of an armed struggle, the British were able to retain significant influence over the transition itself and place conditions on the newly-independent country. The most significant conditions included: the formation of a broadly-based pro-Britain government capable of holding together a culturally heterogeneous Malaysian society, guarantees of Malaysian political supremacy, guaranteed protection of Chinese capitalist interests, and the liberalization of citizenship requirements (Larson and Zalanga 2003: 78).

Ethnic Relations

   Basis of Franchise. Due to the different transitions to independence that both states experienced, both states experienced very different legacies of ethnic relations. To begin with, bases of franchise established were extremely different. Because of the peaceful nature of the Malaysian transition, the United Kingdom was able to influence not only the creation of a fully democratic government, but also its preliminary framework for citizenship. In essence, everyone who was a legally-recognized citizen of Malaysia was eligible for political participation. Even though the British had guaranteed the indigenous Malays political supremacy, British guarantees to the other ethnic groups enabled them to mobilize politically. Because Malaysian society was, from the very beginning, split along racial and ethnic lines, three dominant political parties emerged, each representing one of the major ethnic groups: the United Malays National Organization (UMNO), the Malaysian Chinese Association (MCA), and the Malaysian Indian Congress (MIC) (Larson and Zalanga 2003, Sowell 2004). In part owing to the ethnic proportion of Malaysian society, the dominant party has long been the UMNO, with the MCA as their primary coalition partner to this present day. This ethnic divide in political participation is far more pronounced among the chief opposition parties, such as the Chinese Democratic Action Party (DAP) and the Malay Partai Islam (PAS), a fundamentalist group. These parties have "generally taken more forceful stands in favor of their ethnic constituencies" (Wyzan 1990: 53).

   There is an interesting side note to Malaysia's political situation. Prior to independence, the continuing flow of Chinese immigrants into the country meant that, at one point, the indigenous Malays were a demographic minority in their own country. For instance, in 1948, Malaysia's population was 45% Chinese, 43% Malay, and 10% Indian (Mills 1964). An eventual slowdown in Chinese immigration, coupled with Malays' higher fertility rates, restored the

indigenous Malays' majority. However, upon independence, Malaysia's population was still fairly evenly split between indigenous and non-indigenous groups (Larson and Zalanga 2003). In 1965, in a bid to strengthen their political situation, the Malay government took the unprecedented decision to expel Singapore, a city with an extremely large Chinese population, from the Malaysian state (Sowell 2004). The expulsion of Singapore left the indigenous Malays firmly in political control in Malaysia.

In contrast, South Africa established a far-from-democratic government upon independence. Although the British had granted indigenous natives the right to vote prior to independence, Afrikaner nationalists took advantage of the low voter turnout rates of the indigenous natives by introducing new measures designed to lessen their political impact. For example, in 1931, the Statute of Westminster was approved and enacted; an important issue which the statute legalized was the enfranchisement of all European women and the small population of disenfranchised European men (Lovell 1956: 324-5). Although the natives had been politically weak since before independence, this measure essentially stripped them of their franchise. As history shows us, the natives (classified as Blacks) were excluded from economic and political participation until the landmark elections of 1994.

The Distribution of Economic Opportunities. This historical process is one where the effects of the colonial strategy employed by the British colonizers proved to be enduring. As previously mentioned, while under colonial rule, the various ethnic groups in Malaysia were assigned to non-competing roles. However, after independence, Malaysian society remained voluntarily segregated. The heart of the issue is not difficult to determine: after all, the different ethnic groups spoke different languages, adhered to different religions, and basically had

different lifestyles (Sowell 2004: 57). During colonial rule, the British colonizers were able to find common ground by using English as the primary language in government and in schools.

Although different ethnically-based political parties were founded during independence, these parties were initially organized around an inclusive coalition known as the Alliance Party (Jomo 1990, Larson and Zalanga 2003). Central to the Alliance were goals seeking to increase indigenous Malay representation in business and the promotion of joint business investment between the Chinese and Malays (Larson and Zalanga 2003: 79). Not surprisingly, sections of the growing Malay elite were unhappy with the Alliance's policies, and they made their views known in the May 1969 elections which sparked the race riots. According to Jomo (1990), the results of the elections were an indication of three related developments:

> (1) growing disillusion among the Malaysian public with the Alliance government's policies, especially in the economic and cultural spheres; (2) rejection among the growing Malay middle class of the Tunku's [Tunku Abdul Rahman was the Malaysian head of state] accommodative policy to Chinese and foreign capital; and (3) the electoral rejection of the Alliance, especially in Peninsular Malaysia, in favour of an ethnically divided opposition (471).

The election results were also noteworthy because of the proportion of people who voted against the Alliance. Based on the Alliance Party's goals, one would be tempted to conclude that members of non-indigenous ethnic groups would be strongly in favor of the party and the policies they were promising to implement. This was not the case, however: according to estimates, "about half the Malays voted against the Alliance together with about two-thirds of non-Malays" (Jomo 1990: 470).

Indigenous Malay interest in the economic sector can be attributed to a basic supply-and-demand model. As mentioned previously, Britain's colonial legacy designated education and government as the near-exclusive domains of the indigenous Malays. Specific examples of such colonial policies include the guarantee of free education and the earmarking of jobs within the colonial bureaucracy for ethnic Malays (Sowell 2004, Wyzan 1990). Upon independence, the rapidly-growing Malaysian university-trained middle class were initially absorbed into the government, which had been guaranteed by the British to be the near-exclusive domain of the indigenous peoples. However, since there were only a finite number of available positions in the government bureaucracy, the members of the middle class shifted its focus to the economic realm (Jomo 1990), pushing their government for policies that would favor their entry into business while inhibiting perceived sources of competition (namely, the Chinese and foreign investors). Larson and Zalanga's claim that beneficiaries of state policies favoring class interests justify their interests using indigenous identity is confirmed by Jomo, who states that those responsible for drafting the NEP were aware, to some extent, that "[t]he growing ethnic divide had a class texture" (Jomo 1990: 471).

The situation in South Africa is, in comparison, far less complicated. Under apartheid, discrimination in employment (among other fields) was institutionalized in laws such as the Industrial Conciliation Act of 1956. Prior to 1979, access to skilled work was virtually monopolized by white trade unions, who essentially served as gatekeepers restricting the access of blacks to apprenticeships required for skilled work. Although most of these laws were found to constitute unfair labor practices and legally abolished in 1979, *de facto* racial discrimination in employment still persisted (Horwitz, Bowmaker-Falconer, and Searll 1995).

Like the British in Malaysia, the Afrikaners sought to assign the various ethnic groups in South Africa to clearly-defined roles. General Hertzog, an Afrikaner nationalist during the 1930s and 1940s, believed that since both groups had the right to self-determination in South Africa, there had to be a balance of power in South Africa, as the realization of self-determination for one group would invariably infringe on the claims of the other. Therefore, because blacks had numerical superiority, the minority Afrikaners were entitled to political, economic, and military superiority. Furthermore, he also believed that this 'stale-mate' could only be resolved either through war (in other words, 'ploughing under' the other group) or 'separate development,' his idea of a peaceful solution (Giliomee 2003: 386-7).

Horwitz et al. (1995: 683) confirms that General Hertzog's views were indeed influential in the apartheid-era South African state: "Until 1994, the fragmented nature of South African society offered few unifying symbols. Systems were designed to keep people apart, and more emphasis has been put on differences rather than those aspects on which to build a common testing."

At this point of the comparison, both South Africa and Malaysia had converged on very similar and exclusionary policies, despite whatever differences they may have had during their respective transitions to independence. These similar policies seem to share a common root: a rebellion against the colonial legacy that their British colonizers tried to implement shortly before or during the nations' respective transitions to independence. In Malaysia's case, the introduction and implementation of preferential policies for indigenous Malays ran directly counter to British guarantees of protection for Chinese capitalist interests. In the case of South Africa, apartheid was effectively a reversal of British attempts to reform race relations between the Afrikaners and indigenous peoples. In addition, the ideas employed to justify both

preferential policies for Malays and apartheid are somewhat similar – that both groups had an inherent right to their social positions. The wording of these rationales appears to suggest that their authors expected them to be open-ended, infinite, and lasting. Given this claim, what is responsible for South Africa's dramatic reversal of their existing ethnic policies in the early 1990s? In addition, why has Malaysia not experienced a similar turnaround in their pre-NEP ethnic policies?

The Role of International Pressure on Domestic Policies. Any discussion about the transformation of domestic policies would be incomplete if we disregard the effects of international pressure, particularly since the two cases examined here implemented their respective affirmative action policies in the latter half of the twentieth century. It is during this time that improvements in methods of communication and the rising popularity of global discourses such as human rights, coupled with the post-World War II order that was constructed (most notably, the United Nations), that gave the international stage the prominence and legitimacy to function as a source of pressure on domestic policies.

An example of this is the South African political elites' attempts to use the discourse of indigenous rights to justify their policies. As evidenced by General Hertzog's claims, the Afrikaners used this discourse to defend their rights to self-determination, and by extension, their claims to the land.

It is generally accepted among scholars of indigenous peoples' movements that there is no universal and all-inclusive definition that can be used to define who and/or what indigenous peoples are. Hence, as things currently stand among the international community of indigenous peoples, a group is considered indigenous if other indigenous groups deem it as such (Anaya 2004, Daes 1996, Kingsbury 1998). This determining factor is very important, especially when

applied to the case of the Afrikaners (Niezen 2003: 22) – although they have a legitimate claim to many 'factors' that could classify them as 'indigenous,' such as having a longtime connection to the land, a distinct culture and language, etc., it is difficult to bestow upon them the status of 'indigenous people' and its accompanying 'advantages' such as international networking and special recognition from their national government simply because they have not been accepted into the international indigenous people community.

Because the Afrikaners were denied the use of indigenous claims to justify their actions, it made them much more susceptible to international criticism over their apartheid policies, particularly in the aftermath of the Second World War. International organizations such as the United Nations took the lead in providing increasingly hostile positions against apartheid – a notable example of this was a "post-war series of UNESCO-sponsored pamphlets in which top scientific authorities were afforded the opportunity to destroy prevailing racial myths" (Dubow 1992: 231). In addition, the international anti-apartheid struggle waged an ideological campaign which linked apartheid to Nazi policies of racial purity, and by extension, portrayed apartheid as a crime against humanity (Dubow 1992, Giliomee 2003). While it is true that the Afrikaners initially employed pro-Fascist ideologies formulated during their struggle for independence from Great Britain, their sensitivity to international pressure forced them to find other ways of alleviating the criticisms being leveled at them. This, according to Dubow (1992: 201), led "to a coyness about the use of explicit racist formulations and a withdrawal from the pro-Fascist sentiment which was evident during the war." More specifically, "one of the favored responses [to this onslaught of international criticism] was the disavowal of any connexion between apartheid and notions of innate racial superiority" (Dubow 1992: 235). In addition, the government found it necessary on two occasions – in 1979 and again in 1988 – to repeal laws

upholding statutory discrimination, such as the Industrial Conciliation Act of 1956 (Horwitz, Bowmaker-Falconer and Searll 1995: 673). Although it would take somewhat longer for the government to formally acknowledge and challenge the presence of *de facto* discrimination in the workplace, continuing international pressure predominantly based on the themes of human rights eventually led to the downfall of apartheid and the reversal of laws and policies that have long excluded the indigenous natives from mechanism of political and economic power.

In contrast, the Malays in Malaysia did not face the same difficulties affecting the Afrikaners in South Africa. For one, the British colonizers' grand strategy institutionalized the role of the state as the protector of the indigenous peoples (Kale-Lostuvali 2007, Larson and Aminzade forthcoming, Wyzan 1990). More specifically:

> It was official British policy to preserve the use of the indigenous forms and institutions of the Malays, and to be solicitous of their views, in keeping with the philosophy that colonial rule was a form of trusteeship for the Malays, with the British acting as "umpire" mainly to keep the alien Chinese at bay (Comber 1983: 11).

It is clear that international pressure figured only minimally in shaping Malaysian domestic policies, in contrast to South Africa. When the indigenous Malays assumed political power, they inherited state mechanisms from their former colonial masters, along with the idea of the state as the defender of indigenous rights. A key factor that legitimated this arrangement was something that could not and was not applicable to the Afrikaners of South Africa: namely, although the Malays had political power, they lagged far behind the Chinese in terms of economic power. Hence:

[b]y grounding claims in purported indigeneity advocates of race-based policies of redress based their arguments either on entitlement of indigenous peoples to resources distributed by the state or the need for state policies designed to redistribute wealth and income by limiting ownership and property rights for non-indigenous citizens (Larson and Aminzade 2009: 172).

This factor enabled the ethnic Malays to frame their legal justifications for their ethnically-preferential domestic policies in a way which deflected and decreased international criticism, particularly those pertaining to ethnic redistribution. More importantly, it also denied the non-indigenous Chinese a platform – namely, the international discourse of civil and human rights – which they could use to voice their grievances. For example, while the Malaysian government acknowledges that some of their preferential policies run counter to international norms (Jomo 1990), their official view is that "civil liberties and democratic rights have to be sacrificed in the interest of export growth" (Jomo 1990: 490). Although the Malaysian government has framed their reasons for these preferential policies along the lines of "eliminat[ing] the identification of race with economic function" (Jomo 1990: 474), Jomo warns that this ideology is ultimately dishonest and self-serving, biased toward the interests of the ruling elite.

At present, it is difficult to predict how long the indigenous Malays will be able to continue using this rationale to justify their preferential policies. Although it is beyond the specified scope of this paper, evidence has shown that despite their claims that these policies benefit a large swath of the Malay population, the chief beneficiaries have been a very small core group of elite Malays; the majority of ethnic Malays have not benefitted economically from these policies. Most significantly, despite the legal hurdles that have been placed before them, the Chinese have made the most of their disadvantaged position by actually *increasing* their share of the Malaysian economy (Jomo 1990). A rough estimate showed that the Chinese controlled

27.2% of Malaysia's wealth in 1970. Despite three decades of government favoritism toward indigenous businesses and enterprises, the Chinese increased their share of the Malaysia economy to approximately 40% by the early 1990s (Fuller 2001). Based on the available evidence, I believe that as long as the Chinese continue to control a demographically-disproportionate percentage of the Malaysian economy, the indigenous Malays will have reasons to continue employing the same rhetoric which have kept the international community (and their criticisms) at bay.

Policy Outcomes

Because Malaysia did not experience international criticism over their preferential policies, the present-day views of the economically-dominant group have not changed since colonial times. Present views of the dominant group is an important consideration while analyzing the historical origins of these cases' affirmative action policies, because it sheds some insight into why Malaysia's ethnically-preferential policies have not changed since the 1960s – and still persists so strongly today, while South Africa experienced an almost-complete reversal of apartheid. Although Malays at present have already enjoyed some benefits from the preferential policies of the NEP, this continues to be an important issue, especially since the NEP was originally designed to have a finite start and end date: 1971 – 1990 (Jomo 1990). At this point, the rationale for the NEP is still very much a valid and important point, particularly because there is much pressure for the Malaysian government to extend the affirmative action policies under the NEP past 1990 (Jomo 1990: 469).

Because the indigenous Malays still have relatively-uncontested claims to political power, the other ethnic groups are still considered to this day to be immigrants – and as such, less-than-full citizens. Although there are some who claim that these preferential policies have,

in part, drastically reduced the incidences of "serious ethnic clashes" in Malaysia (Fuller 2001), others have claimed that interethnic tensions have actually worsened (Jomo 1990: 492). This is the essence of Malaysia's rationale for implementing and sustaining retributive affirmative action policies: colonial identities established during British rule have persisted to this day primarily due to the lack of external pressures mandating for change.

In contrast, South African policies have changed dramatically since their experience with colonialism. Precisely because the Afrikaners lost their bid for legitimacy for their claims of self-determination on the international stage, they have had to find new ways of integrating themselves into a society in which they are an undisputed minority.

The solution the Afrikaners stumbled upon was that of economic cooperation. During the early 1990s, business managers realized that apartheid policies had left South Africa with a severely underdeveloped human capital resource base. Compared to many other nations, the legacy forged by apartheid included high unemployment and low literacy rates. The presence of a growing unskilled labor pool coupled with high unemployment rates contributed to low economic growth, in addition to poor labor and capital productivity. The private sector was the first to address these economic shortcomings in the early 1990s, employing the rhetoric and context of a growing global movement toward multiculturalism (Adam 1997, Horwitz et al. 1995). The late apartheid government soon followed suit through efforts at building national unity, ultimately resulting in the enshrining of the bases of affirmative action policies in the new Constitution in inclusive terms. More specifically, the Constitution pledges to "recognize the injustices of our past," states that the country belongs "to all who live in it, united in our diversity," and promises to "heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights" (Tummala 1999: 499).

The political changes bought about during South Africa's transition period during the mid-1990s provided South African firms with two main reasons to embrace inclusive affirmative action policies. First was the threat of potential government enforcement of new anti-discrimination legislation that stemmed from the new Constitution. Second was the need to capture the allegiance (and consumer base) of the newly-enfranchised Blacks – this was most commonly achieved by the increased hiring of blacks, particularly into management positions (Adam 1997: 233-235). In simpler terms, South African firms began to rationalize affirmative action in terms of legitimacy and credibility, principally in the marketplace. Consequently, where discrimination was once viewed favorably, it now was seen as inhibiting benefits that could be gained, both in terms of the labor and consumer bases of companies. According to Adam (1997: 238), "[a]ffirmative action represent[ed] a rational response to the removal of the artificial constraints in the labor market."

Of all the similarities that Malaysia and South Africa share, both historically and presently, there is one that has not yet been explicitly mentioned. Since both nations in the present day have achieved legitimacy, from the perspectives of both the international arena and the domestic electorate, their focus is now on the pursuit of economic growth. The findings of this paper show that although the current political elite in both nations has made economic growth a national priority, they also see very different strategies for achieving this goal. Malaysia favors the continuation of their retributive affirmative action policies, as their articulated envisioned goal is to achieve Malay control over the nation's political and economic spheres. On the other hand, in South Africa, history has conclusively shown that exclusionary policies such as apartheid do not encourage economic growth, from the standpoint of both international standing and the effective use of the domestic labor force.

Conclusion

     Despite their many similarities, Malaysia's and South Africa's differences in affirmative action policies can be traced back to the circumstances surrounding each country's respective transition to independence, as this transition to independence essentially set in motion the historical processes responsible for the two nations' different policies. Although both countries were former colonies of Great Britain, the British left two very different legacies of ethnic relations behind, legacies which persisted long beyond the act of independence itself. In Malaysia, political power was handed to the majority ethnicity – the indigenous Malays – whereas in South Africa, control of the political and economic spheres was forcibly seized by the non-indigenous Afrikaners. These distinctions led to several notable differences between the two states. South Africa ended up being ruled by an ethnic minority; consequently, this meant that they had to resort to coercive (and non-democratic) means to hold on to their advantaged position in South African society. Being unable to obtain legitimacy from the international community for their claims to indigeneity, and therefore to self-determination, the Afrikaners were extremely susceptible to international pressure as they were increasingly isolated on the world stage. This eventually led to the downfall of apartheid and resulted in the Afrikaners' search for other unifying symbols, such as economic success and multiculturalism, to justify their continued existence in South Africa. In contrast, although the British implemented a fully democratic government in Malaysia before they left, several colonial legacies of the British colonizers exacerbated ethnic tensions and made it very difficult to forge a national unity among the various ethnicities. Because political power for the Malays were guaranteed by the British, along with their being a demographic majority, the Malays were able to use the post-election

riots of 1969 as an excuse to implement economic policies which favored Malays and directly targeted the Chinese. Because the British colonizers had always intended for the state to protect the interests of ethnic Malays, the Malays were able to avoid criticism from international actors such as other states and the United Nations. That the Chinese have continued to do well economically despite the Malaysian government's unfavorable policies toward them have provided the political Malay elite with the mandate granted to them by the electorate to continue the current policies of economic redistribution.

From the claims and data presented in this paper, there are many possibilities for further research. At several instances, I have cited notable points that were beyond the scope of this paper. One of them is a more focused and elaborate analysis into whether these affirmative action policies have actually aided their intended beneficiaries, and if so, then by how much. Based on my analysis thus far, it would seem as if retributive policies are the less-effective method for affirmative action, benefitting only a small portion of its intended beneficiaries. In the Malaysia's case, I hypothesize this to be so because it is in the interests of the ethnic-Malay political elite to maintain the status quo in race relations for political gain. Because much of their political platform is based on exploiting the ethnic tensions in Malaysian society, any improvement in the social and economic conditions of most ethnic Malays would prove to be detrimental to the elite's grip on political power. In contrast, the only way the minority Afrikaners were able to hold on to power throughout most of South Africa's history was through coercion. When international and economic pressure eventually rendered apartheid policies unfeasible, the Afrikaners – who controlled both political and economic power – quickly capitulated, essentially giving up their political power by employing inclusive policies and enfranchising the previously-oppressed Blacks in exchange for continued economic success.

Both of these examples support Calhoun's (2007) claim that ethnic groups are the creation of elites seeking to protect themselves and/or gain political/economic advantages.

More specifically, it would be interesting to investigate whether the differing natures of the two countries' policies had any effect on how successful the policies were at meeting their aim of economic redistribution. This may, of course, be difficult to determine in the case of South Africa, given how recently their affirmative action policies were actually implemented. It could very well turn out that we will not be able to draw any definite conclusions about the effectiveness of the Employment Equity Act. Another narrower topic for further research would be an examination into how and why the Chinese in Malaysia were able to increase their share of the Malaysian economy despite of all the policies that have been placed against them. For a more theoretical focus, one could examine how the Chinese in Malaysia attempted to remedy or alleviate the effects of the discriminatory policies they were faced with, as this is something that did not come up in the various sources cited in this study. What mechanisms of redress did the Chinese seek to employ? Did they attempt to mobilize international discourses (for example, human rights, multiculturalism, etc.), and if so, why were they not successful? The answers to the potential research questions posed above would not only enrich the analysis of historical papers such as this one, but it would also contribute to a better understanding of affirmative action policies itself: whose interests it serves, who it helps, and what dangers it faces to achieving its noble (or ignoble, depending on intent) goal of alleviating the inequalities apparent in many societies in the world.

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