Public opinions on Malaysia's Affirmative Action: Discerning the attitudes of Malay students towards the selective admission policies in Malaysia's public universities

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Abstract

Malaysia remains one of the few countries that has a permanent affirmative action policy in place, which favours its majority rather than its minorities. The Malays, which constitutes more than 60% of Malaysia's population enjoy a set of special rights or privileges in politics, social and economic sector. These policies were a result of interracial socio-economic disparity between the Malays and the non-Malays, which could be traced back to its colonial past. The Malays therefore enjoy a set of privileges such as special subsidies in buying houses, cars, as well as being given priority when it comes to scholarships. Despite the controversial nature of these affirmative action policies, the public are often reluctant to openly speak on this matter due to the legal repercussion that could befall those who. However, when the issue of ratifying the International Convention on the Elimination of All Racial Discrimination (ICERD) was floated by the government in 2018, the subject of Malaysia's affirmative action policy is now being openly discussed among members of the public. Based on this newfound voice, this research aims to analyse the attitudes of Malay students towards these affirmative action policies, with particular focus on the admission policy in Malaysia's public universities. Using questionnaires and semi-structured interviews, the data on students' attitudes are collected and analysed using the Intergroup Contact Theory, the Social Dominance Theory and the Intergroup Threat theory as part of the methodology. From the analyses of the data, it was found that the students are largely in support of the affirmative action policy, with varying degree of support depending on their educational and socioeconomic background.

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Introduction

Background

Malaysia is a country which consists of a multiethnic demographic, with the Malays making up the majority, accounting for around 62% of its population.[1] The rest consists of the Chinese, the Indians and the aborigines.[2] This multiethnic demographic was a result of Malaysia's colonial past as a British colony and the hub for tin mining and rubber planting. In order to prop up the production of tin and rubber, the British brought migrant labours from the Indian subcontinent and Mainland China.[3] As a result, the Malay peninsula which were originally homogenous, inhabited by the Malays and the aborigines, became a multiethnic society due to this influx of migrant labour in the 19th century.

Unlike other multicultural models in the West, such as Canada and the United States, the status of the majority in Malaysia is clearly delineated and defined in the constitution so that it could be protected through a set of affirmative action policy.[4] In this sense, Malaysia practices affirmative action that privileges the majority rather than the minorities. The affirmative action includes prioritizing the Malays, mainly in political and socio-economic sectors, which can be seen in the special status of the Malay cultural assets in the country as well as specific subsidies in education and capital purchases.[5] Undoubtedly, these forms of positive discrimination posed a stark difference compared to the more commonly employed affirmative action that gives priority to minority groups. However, the reasoning behind Malaysia's preservation of majority rights can be traced back to its colonial past, which laid a

[1] "Malaysia Demographics Profile" IndexMundi, last modified, November 27, 2020. https://www.indexmundi.com/malaysia/demographics_profile.html
[2] Ibid
[3] Paul H. Kratoska, "Rice cultivation and the ethnic division of labor in British Malaya," *Comparative Studies in Society and History* 24, no. 2 (1982): 282
[4] Malaysian Constitution, art. 160, clause 2. Web.
[5] Malaysian Constitution, art. 153, Web.

foundation for a socioeconomically segregated society with an ever-increasing ethnic cleavage in the years following its independence. This created an environment where Malays felt marginalized due to their inferior economic position in society compared to their non-Malay counterparts, such as the Chinese. This perception of threat led to the New Economic Policy (NEP) in 1970 following a deadly racial riot in May 1969.[6] The NEP drew a guideline on a series of policy that would alleviate the Malays from poverty and correct the alleged socioeconomic injustice that has plagued the country.[7] However, this form of affirmative action became a permanent fixture in Malaysian society and is still being practiced even after more than 50 years since it was initially written.

This continuous reminder of distinction and privilege of the Malays does not help improve racial relations and trust between ethnic groups in Malaysia. In addition, it is also argued to be contributing to lost talents, particularly through the outflow of non-Malay intellectuals due to the perceived sense of injustice.[8] Despite these shortcomings, criticisms of Malaysia's affirmative action policies are hard to come by, not due to lack of any criticism but rather due to the legal measures put in place to safeguard Malay special rights. As a result, news outlet and the public were very cautious in voicing their opinions regarding this matter due to the possibility of arrest and legal persecution through the 1948 Sedition Act.[9]

This changed in late 2018 when the newly-elected Pakatan Harapan (Coalition of Hope) floated the idea of ratifying the International Convention on the Elimination of All Racial

[6] K.S. Jomo, *Racism and public policy*, (Palgrave Macmillan, London, 2005), 182
[7] Ibid
[8] Justin Ong, "Malaysia losing talent it needs to climb world ladder, Fitch unit says," *Malay Mail*, June 25th, 2020, https://www.malaymail.com/news/malaysia/2020/06/25/malaysia-losing-talent-it-needs-to-climb-world-ladder-fitch-unit-says/1878715
[9] Jennifer Pak, "What is Malaysia's sedition law?" *BBC News*, November 27, 2014. https://www.bbc.com/news/world-asia-29373164

Discrimination (ICERD).[10] For the first time, the issue of Malaysia's affirmative action policy is being discussed openly in the public sphere. This sudden rush of outspoken opinions could also be attributed to the recent May 2018 election, which saw the Barisan Nasional (National Alliance) coalition ousted from office.[11] Barisan Nasional was led by the United Malay National Organisation (UMNO), which is known for its pro-Malay stance and constant use of identity politics.[12] In addition, the previous government was also known to use the Sedition Act to silence dissenters or any critical voice to the supremacy of the Malays in the country. Therefore, when they were voted out of office, there was an increase in willingness to speak out which was not seen prior to May 2018 election. This opens up a new possibility of public discussion not only about politics but also on more sensitive topics such as Malay special rights, which refers to the affirmative action policy that grant certain privileges to the Malay people.

This research is built upon this new shift in the discussion of Malay special rights after the events in 2018 as there are possible oral accounts that could be included into the conversation, which was not possible before due to the threat of legal persecution hanging over the heads of those who dared speak up publicly. This shift was capitalized by journalists and scholars, who produced works pertaining to the subject. One such work is the paper presented at the 5th World Conference on Media and Mass Communication (MEDCOM) by Jalli and Joharry, which discussed the role of media consumption and the public opinion on the implementation of ICERD in Malaysia.[13] Building on their work, I aim to study the opinion on Malay special rights among a specific group of people; university students.

[10] Su-Lyn Boo, "Malaysia decides not to ratify ICERD," *Malay Mail*, November 23, 2018. https://www.malaymail.com/news/malaysia/2018/11/23/malaysia-decides-not-to-ratify-icerd/1696399
[11] NSTP Team, "Pakatan Harapan wins 14th General Election," *New Straits Times*, May 9, 2018, https://www.nst.com.my/news/politics/2018/05/367907/pakatan-harapan-wins-14th-general-election
[12] "UMNO history," UMNO, accessed June 10th, 2021, https://umno.org.my/en/sejarah/
[13] Nuurrianti Jalli & Aeisha Joharry, "ICERD in Malaysian English Online News Reports: Analysis of rhetoric and public opinion." Paper presented at 5th World Conference on Media and Mass Communication (MEDCOM)

Research scope

Among the sectors included in the affirmative action implementation is the education sector, particularly with access to public higher education institution, either through admission quotas or scholarships. This led to the establishment of university programmes and scholarship schemes that exclusively cater to Malays. As these are publicly-funded universities, the exclusion and limited access for non-Malays from these institutions put them at an economic disadvantage as these universities are the cheapest way of accessing higher education. Therefore, the Malay students in Malaysia's higher education system rely and benefit from the racially-based affirmative action in the country's public universities at the expense of their non-Malay peers. I intend to study how these Malay students would feel about the removal of this privilege through the admission of non-Malays into their education space. Therefore, I propose the following research question; what are the opinions of Malay students on Malay special rights in public universities in Malaysia?

Paper outline

This paper is constructed around the aim of answering the aforementioned research question. In order to do so, the paper will be divided into two main chapters apart from the literature review and the conclusion. The introduction will be followed by a literature review, which would provide an overview on the theoretical frameworks used for this paper, as well as a brief look on existing works in this subject matter. This will be followed by Chapter 1, which would provide a historical context on Malaysia's affirmative action policy and the impact of

Kuala Lumpur, Malaysia, April, 2019. https://www.researchgate.net/publication/332317301_ICERD_in_Malaysian_English_Online_News_Reports_Analysis_of_rhetoric_and_public_opinion_Paper_presented_at_the_5th_World_Conference_on_Media_and_Mass_Communication_April_2019

the British colonial legacy on the dynamics of intergroup relations between Malays and non-Malays. Chapter 2 will discuss Malaysia's education structure and feature the empirical data collected from quantitative-based individual surveys and selected oral interviews. This chapter will be followed by the conclusion, where the findings are summarized and presented in the context of current academic and political situation.

Literature review

Affirmative action policy in Malaysia

There is no shortage on scholarly or journalistic works on the affirmative action policy in Malaysia. From education to economy, scholars and journalists alike have been publishing analyses and researches on the origin, implementation and the impact of those affirmative action policies. Most of the works framed affirmative action policy in Malaysia in terms of socioeconomic, where the preferential treatment was attributed to the need to uplift the Malays' economic status. This approach can be seen in the works of Helen Ting and James Chin, who discussed the role of socioeconomic dissent as the justification behind the implementation of the affirmative action policy in Malaysia. In Chin's paper, he discussed the legitimization of the affirmative action policy which follows the incident in 1969, where Malays and Chinese clashed in a deadly riot.[14] The clash was argued to be a culmination of years of economic dissatisfaction by the Malays who viewed themselves to be economically marginalized in comparison to their Chinese fellow citizens.[15] This argument is supported by Ting, who added an ideological element to it, arguing that the "ethnic based preferential treatment" was a formalization of a form of Malay paramountcy, which places the Malays as the intended superior ethnic group within the country.[16] This idea of paramountcy, or more commonly known as "Ketuanan Melayu" in Malay remains central to the discussion of affirmative action policy, and can be seen in the works of Jomo, who argued that the

[14] James Chin, "The Malaysian Chinese Dilemma: The Never Ending Policy (NEP)," *China Southern Diaspora Studies* 3, (2009): 167. https://www.researchgate.net/publication/303991284_The_Malaysian_Chinese_Dilemma_The_Never_Ending_Policy_NEP

[15] K.S. Jomo "Malaysia's new economic policy and national unity." *Third World Quarterly* 11, no. 4 (1989): 36-41

[16] Helen Ting. "The politics of national identity in West Malaysia: Continued mutation or critical transition?" *Japanese Journal of Southeast Asian Studies* 47, no. 1 (2009): 31

formalization of those policies to be a form of consolidating the status of "Malay capitalists and middle classes" in Malaysia.[17] From these instances, the publications reflect the intertwining relationship between ethnic group identity with the notion of privilege in Malaysia.

Although it is commonly thought to have stemmed from the racial riot, the actual notion of Malay having privilege over their non-Malay fellow citizens did not stem from that incident in 1969 or the New Economic Policy (NEP) that followed suit. Instead, there have been few publications arguing that the entire structure of Malay nationhood and the privilege attached to it to be the colonial legacy of British colonisation of Malaya. Despite mentioning the 1969 racial riot incident as a catalyst for the establishment of an affirmative action policy in the form of NEP, Helen Ting traced back the origin of Malay special rights to the time when Malaysia was a British colony, calling it a "relic of Malaysia's colonial past".[18] This narrative is also echoed by scholars such as Sheila Nair, who traced back the prototype of Malay special rights during British colonial era where the Malay peasants receive protection from the British against the Chinese migrant workers.[19] This colonial legacy of privilege is also mentioned by Shamsul, who cited the Malay Reservation Enactment of 1913 that included a special provision for the Malays on the use of land in the colony, as an early form of Malay special rights.[20]

[17] K.S. Jomo. "The New Economic Policy and Interethnic Relations in Malaysia." United *Nations Research Institute of Social Development*. 7, no. 9 (2004), 9 http://www.unrisd.org/80256B3C005BCCF9/(httpPublications)/A20E9AD6E5BA919780256B6D0057896B.
[18] Helen Ting, "Malaysian History Textbooks and the Discourse of Ketuanan Melayu." In *Race and Multiculturalism in Malaysia and Singapore*, ed. Daniel P.S. Goh, Matilda Gabrielpillai, Philip Holden, Gaik Cheng Khoo (Routledge,2009), 22
[19] Sheila Nair, "Colonial" Others" and Nationalist Politics in Malaysia." *Akademika* 54, no. 1 (1999), 68
[20] Amri Baharuddin Shamsul. "A history of an identity, an identity of a history: The idea and practice of'Malayness' in Malaysia reconsidered." *Journal of Southeast Asian Studies* 32, no. 3 (2001): 360

These works are few among many that show the intertwining relationship between racial identity and privilege, as well as the role of colonial policies in shaping the dynamic of this relationship. Therefore, in order to contextualise the affirmative action policy in Malaysia, the role of colonial policies as well as the formation of the Malay nation should be taken into consideration as well.

Theoretical framework

There are few theories that would be involved in this research, both in the research design and the data analysis. Due to the racial or national categorization involved in the demarcation between Malays and non-Malays being a colonial construct, the standard Anderson's 'imagined community' would not be fully applicable in the case of Malaysia. Instead, I opted to use Chatterjee's idea of the imagined community in colonial and post-colonial space, where the conception of nationhood itself is imposed by the colonizing force, rather than imagined by members of the nation themselves.[21]

This categorization is significant as it creates socially (or rather colonially) constructed groups within the Malaysian society, which contributes to the emergence of a form of social hierarchy within the country. The British *divide et impera* was involved in causal loop with its racial categorization in its colony, where ethnicity determined and can be identified from economic activities. During British Malaya, Malays were agriculturalists, the Chinese were miners and the Indians were rubber tappers.[22] This economic specialization combined with the categorization of race contributed to the emergence of a hierarchy which could be explained through Sidanius and Pratto's Social Dominance Theory. According to Sidanius

[21] Partha Chatterjee, *Empire and Nation*, (New York: Columbia University Press, 2010), 61-67
[22] The National Archives of the UK, CO 273/675/11, f. Future Constitution of Malay Peninsula, 7

and Pratto, Social Dominance Theory operates on the basis of hierarchy between social groups, which could be derived from 3 forms of categorization; age, gender and *arbitrary set*.[23] In the case of Malaysia, the categorization falls under the arbitrary set, where the entire group structure was externally constructed and imposed upon the population. This form of categorization was maintained and reinforced throughout the years through the affirmative action policies and Malay special rights. This "hierarchy-enhancing" behavior fits into Sidanius and Pratto's third assumption on the Social Dominance Theory, which states:

> "Human social systems are subject to the counterbalancing influences of hierarchy-enhancing (HE) forces, producing and maintaining ever higher levels of group-based social inequality, and hierarchy-attenuating (HA) forces, producing greater levels of group-based social equality."[24]

The Social Dominance Theory could also be used alongside the Intergroup threat theory, where the existing inequality in the social hierarchy could be perceived as a form of threat, which could lead to bias among members of interacting groups.[25] In the case of Malays in public universities, their perceived socio-economic inferiority could cause certain biased and discriminatory behavior, such as refusal to engage with outgroup members i.e. non-Malays in public universities.

In addition to the aforementioned theories, the research would also utilise the Intergroup Contact Theory, particularly in explaining the differences between students' attitudes pertaining to the affirmative action policies in public universities. Using Allport's Intergroup Contact Hypothesis, this research operates under the assumption that intergroup contact i.e.

[23] Jim Sidanius, & Felicia Pratto, *Social dominance: An intergroup theory of social hierarchy and oppression*. (Cambridge University Press, 2001), 33

[24] Sidanius & Pratto, *Social dominance*, 38

[25] Walter G Stephan & Cookie White Stephan. "Intergroup threat theory." *The international encyclopedia of intercultural communication* (2017): 1-2

via exposure to non-Malays in public university affects conflict between Malays and non-Malays.[26] For this research, Allport's fourth "positive factor", which is the role of authority and law in facilitating intergroup relations, would be applicable as the Malaysian government was actively involved in controlling the level of integroup contact within Malaysia's public universities.

Existing literature and Relevant works

In general, there have been few works on the impact of colonial policies on intergroup relations. Bobowik et al compilation on researches done on the aforementioned dynamic serve as a useful guide for understanding colonially-induced intergroup tension in Malaysia. They observed that collective memory or social dynamic constructed during the colonial period were carried forward to post-colonial times and continued to be practiced and reinforced within society.[27] Depending on these memories and social constructs, post-colonial society could either have better or worsening intergroup relations.[28] Although those works were not specific to Malaysia, the dynamic observed in those societies can provide a reference point in analyzing and contextualizing post-colonial intergroup relations in the country.

Pollis was more specific in her study on how the colonial perception of the social dynamic was transmitted and indoctrinated into the colonial subjects. In the case of Malaysia, the British perception of ethnic division or the need for one manifested in their categorization of ethnic-based groups in British Malaya. This perceived division "fostered the conditions" for

[26] Thomas Pettigrew & Linda Tropp, "Allport's Intergroup Contact Hypothesis: Its History and Influence," in *On the nature of prejudice: Fifty years after Allport*, edited by John Dovidio, Peter Glick, and Laurie A. Rudman,(John Wiley & Sons, 2008), 264-266

[27] Magdalena Bobowik, Joaquim Pires Valentim, & Laurent Licata. "Introduction to the Special Issue: Colonial past and intercultural relations." *International journal of intercultural relations* 62 (2018): 3

[28] Bobowik et al, "Colonial past and intercultural relations," 3

future intergroup tension or conflict in society.[29] This observation also confirms the notion that Malaysia's racial category to be an arbitrary set of groups which later develops into a form of hierarchical structure that promotes racial cleavages and intergroup conflict.[30]

There have also been researches that deal with intergroup social distance in Malaysia's educational institution. Scholars such as Noor and Ahmad and Mohd Yusof conducted studies to measure the social distance between undergraduates and pupils in educational institutions in Malaysia. Noor studied Malay and Chinese undergraduates using the Bogardus social distance scale, Multicultural intimacy scale and Quick Discrimination scale in order to gauge the level of intergroup tension between the subjects.[31] She found that both Malays and Chinese students exhibit higher level of intergroup social distance compared to ingroup social distance. In addition, it appears that Malays are more bias towards their Chinese counterparts compared to vice-versa.[32]

Ahmad and Mohd Yusof also studied the social distance but with school pupils as their subjects. They gathered data from monoethnic and multiethnic schools via questionnaire based on the Bogardus Social Distance scale to discern the social distance and ethnic boundary between these pupils. Using Allport's Intergroup Contact Hypothesis and his 4 factors, the study found that there is a larger social distance between pupils in monoethnic school compared to multiethnic schools, thus implying that intergroup contact reduces conflict.[33] However, the narrow differences between the students led to the conclusion that

[29] Adamantia Pollis, "Intergroup conflict and British colonial policy: The case of Cyprus," *Comparative politics* 5, no. 4 (1973): 576
[30] Sidanius & Pratto, *Social dominance*, 33
[31] Noraini M. Noor, "Polarisation and inequality in Malaysia: The future of Malay-Chinese relations," *Intellectual Discourse* 15, no. 2 (2007): 194
[32] Noor, "Polarisation and inequality in Malaysia," 191
[33] Yasmin Ahmad, & Najeemah Mohd Yusof. "Social distance and ethnic boundary among pupils in multiethnic and monoethnic school environment in malaysia." *Science Journal of Sociology and Anthropology* (2012)

teachers also play a role in reducing conflict instead of mere intergroup contact with students from other ethnic group.

For a more recent study, Jalli and Joharry presented a paper on media rhetoric and public opinions on ICERD in Malaysia. Using sample that consists of Malays and non-Malays from different age groups, they found that 54.1% of the surveyed population refuse the ratification of ICERD, with some citing the *bumiputera* rights i.e. Malay special rights and preservation of Islamic identity as the main reason for their stance.[34]

From the introduction and the literature review, it is apparent that the construction of the Malay nation, along with the Malay national identity plays an important role in shaping the public discourse around the notion of Malay special rights and the affirmative action policy in Malaysia. Therefore, this chapter aims to chart the construction of the ethno-national group of "Malays" in Malaysia, tracing its origins to British Malaya as well as its evolution into post-independence Malaysia.

[34] Jalli & Joharry, "ICERD in Malaysian English Online News Reports,"

1 The Relationship between identity and privilege

1.1 Who are the Malays?

The concept of a single and unified Malay people or nation is a recent phenomenon which has only existed for less than 100 years. Prior to 1946, the Malay people were not defined solely by ethnonational or ethnoracial means, but also along geographical categories. Therefore, we could see the existence of Johore Malays, Kelantanese Malays or other Malay groups being defined differently depending on their geographical location.[35] In fact, there were no specific guidelines or set of traits which could be used to define who is a Malay or who is not. For example, the way the word Malay was defined in the northern state of Kedah would differ from the way it is defined in the southern state of Johor.[36] In addition, the Malay identity were often attached to the Malay rulers i.e. the Sultans ruling over a specific state, mainly through subjecthood as the Sultans were considered as the guardian of the Malay customary practices.[37] These inconsistencies implied that the definition was rather arbitrary and did not have a concrete template or guideline in determining who gets to be called a "Malay".

The lack of specific criteria meant that the categories remained ambiguous and subject to self-identification. In addition, there was no single 'imagined community' but rather multiple imagined communities of Malays existing at the same time. This also contributes to the lack of gatekeeping when it comes to defining oneself as a Malay, thus rendering the category more or less open for membership.

[35] Shamsul, "History of an identity, an identity of a history," 361
[36] Ibid
[37] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 1-2

1.2 The colonial legacy of division

Although the Malay themselves did not provide any official categorization for the membership to the Malay community, the category of 'Malay' did exist and was used bureaucratically by the British colonial administration. This usage was made apparent in official documents and memos circulated among colonial administrative units, particularly when it comes to population census of the colony.[38] In the 19th and 20th century, Malaysia or rather the Malay peninsula was part of British Malaya, which consists of three separate administrative units, each with its own set of distinct administrative systems.[39] The three units consisted of the Federated Malay States, the Unfederated Malay States and the Straits Settlements.[40] From these units, we could see that the label Malay was already used as a political and administrative category by the British colonial force. The usage of the word 'Malay' here however did not refer to the population of those administrative units but rather to the local ruling system in those states, where each has their own Malay ruler or Sultans that co-govern the unit along with a British governor or advisor.[41] Therefore, the term 'Malay' in those Malay states refer to the Malay rulers who were in charge of those administrative units.

That being said, it is also inaccurate to imply that the sole indicator of 'Malayness' was the Malay ruler in their respective state. According to the census conducted in 1941 by the British Colonial Office, there were racial categories of the population from all across the colony, including those in the Straits Settlements where there were no Malay rulers.[42] In those censuses, the categories include the Malays, along with the Chinese, Indians and Eurasians.[43]

[38] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 26
[39] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 1
[40] Ibid
[41] Ibid
[42] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 26
[43] Ibid

From this, we could surmise that the British colonial administration had another way of using 'Malay' as a category beyond the attachment of the population to the Malay rulers in their respective states. However, the Malay rulers remained the point of reference in establishing a set of traits that would later be used by the British colonial administration in categorising the Malay community in British Malaya.

From the circulated memo in 1946, the Malay people were described using their faith, their bureaucratic function and economic activities. According to the document published by the Colonial Office in 1946, the Malays practice 'Mohammedan religion', is the 'native' and are 'agriculturalists'.[44] These keywords were repeated multiple times across the document, suggesting that they were being used to identify or describe the Malay community in the colony. The implication of the 'Mohammedan religion' is referred back to the Malay rulers, who the British administration described as the protector or guardian of said religion.[45] It is difficult to establish whether the Malay rulers defined the Malay population through their patronage over this group of people, or whether the Malay community itself helped define the rulers through their subjecthood to the royal family. Nevertheless, prior to 1946 the Malay rulers and the royal institutions played important roles in helping shape the notion of the 'Malays' in the eyes of the British colonial administration.

Another implied trait of the Malays is the attachment to land i.e. the Malay peninsula, which can be seen in the usage of the word 'native' to describe this group of people.[46] This was contrasted with the usage of the word 'immigrant' to describe the Chinese and Indian labourers that were brought into the colony to work in tin mines and rubber estates.[47] This

[44] TNA: CO 273/675/11, f. Future Constitution of Malay Peninsula, 7
[45] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 1-2
[46] The National Archive of the UK, CO 273/675/21, f. Long Term Policy Directive, 1
[47] TNA: CO 273/675/11, f. Future Constitution of Malay Peninsula, 7

perception of the Malays as natives and the non-Malays as immigrant had a repercussion in the way those people were treated, especially in terms of decision-making process in British Malaya. Typical to the British modus operandi in their colonies, Malaya was ruled by proxy i.e. through the use of local rulers in the form of the Malay rulers. These rulers were Malays and as aforementioned, served to uphold and protect the interest of their Malay subjects. As the non-Malays were not considered as natives, they were not included in that sphere of protection. In addition, as the Malays were considered as the local population, they themselves had the opportunity to participate in the running of the country, either directly or through the rulers of the Malay states that were representing their religious and socioeconomic interest.

Apart from religion and bureaucratic function, the Malays were also recognizable through their economic activities. According to the documents issued by the Colonial Office, the Malays were 'agriculturalists', referring to the majority of the Malays being farmers residing in the rural parts of the country.[48] Again, this description of the Malays was placed side by side with the description of the non-Malays, who were described as tin miners and rubber tappers.[49] This economic function was not a sole determinant of someone's 'Malayness' but rather one of the traits observed and assigned by the British administration to the Malay community in British Malaya. This economic function or rather, stereotype would serve an important role in later years, especially in providing a justification for a form of affirmative action for the Malay people in post-independent Malaysia.

All of these traits were not assigned by the Malays themselves as part of an ethnonational self-identifier. Instead, it was a result of observed traits by the British colonial force, which were

[48] TNA: CO 273/675/11, f. Future Constitution of Malay Peninsula, 7
[49] Ibid

then turned into a set of descriptors that would aid the bureaucratic works of the administration. Although the pre-1946 Malays can be counted as a form of 'imagined community', the qualifier of 'imagined' could not be taken in the sense that Benedict Anderson had meant it. According to Anderson, a nation is defined as such:

"…socially constructed community, imagined by the people who perceive themselves as part of that group."[50]

Here, Anderson specifically mentioned that the nation is imagined 'by the people', which in this research, would refer to the Malays. However, from the accounts of describing the Malays, we could argue that the nation was imagined not by the Malays themselves but rather imposed onto them by the British colonial administration. In this sense, it is more accurate to use Partha Chatterjee's essay of "Whose imagined community?" as a theoretical reference, where he argued that the communities in colonial and post-colonial spaces were not imagined but rather modeled after existing communities that were imagined by their colonial masters.[51] Therefore, the pre-1946 definition of a Malay, be it as a nation or an ethno-racial group, was a colonial construct that would eventually pave the way for the current definition of a 'Malay' being used in Malaysia today.

1.3 The Malayan Union: A Historical Turning Point

The year 1946 was used multiple times as a turning point in the history of the Malay nation in British Malaya. Although the British colonized Malaya for most of the first half of the 20th century, the Japanese managed to take control of Malaya in December 1941, thus ending the

[50] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991), 6
[51] Chatterjee, *Empire and Nation*, 61-67

British rule in the peninsula.[52] The Japanese ruled Malaya until their WWII surrender in 1945, when the British returned and reoccupied the Malay peninsula.

As aforementioned, the British colonial administration was divided into three separate units in Malaya, which made defending the peninsula a bureaucratic nightmare. This was one of the contributing factors to the loss of Malaya to the Japanese force in 1941, as it was argued that it took the British colonial force too long to mobilise their defense, which was mainly located in the south of the peninsula.[53] As the Japanese attacked Malaya from the north, the British army that was stationed in Singapore could not make it in time to defend the peninsula from the advancing Japanese army. To remedy this defensive issue, the British colonial force proposed a unification of all the administrative units (excluding Singapore) to be ruled under one Governor General.[54] This new proposed standardization of bureaucratic and political system was called the Malayan Union, which came into effect in April 1946.[55]

Up until 1946, the British ruled alongside the local rulers and these Malay rulers enjoyed a level of autonomy in ruling their subjects and land. However, with the Malayan Union, the rulers were made to sign away any control to the Governor General, thus surrendering the position they previously occupied.[56] In addition, any remnant of distinct Malay identity was stripped away with the new citizenship scheme of Malayan Union, where a *jus soli* citizenship was introduced, thus allowing non-Malays to be Malayan citizens as long as they were born

[52] Brian C. Cooper, *Decade of Change: Malaya and the Straits Settlements 1936-1945* (Singapore: Graham Brash, 1998), xxxviii
[53] Cooper, *Decade of Change*, xxxiv
[54] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 21
[55] "Malayan Union – Teladan buat generasi kini, akan datang," Arkib Negara Malaysia, last modified November 20, 2019, http://www.arkib.gov.my/web/guest/malayan-union-teladan-buat-generasi-kini-akan-datang?p_p_id=56_INSTANCE_Oj0d&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-inner-3&p_p_col_count=1&page=1
[56] TNA: CO 537/2145, f. Malaya's Constitution, p. 262

in Malayan soil.[57] As discussed before, although there were no definitive traits that could be used to define a Malay, the Malays were considered the natives while the non-Malay labourers were considered as immigrants.[58] With the new citizenship scheme, as well as the removal of the Malay rulers who were considered the guardian of the Malay faith i.e. Islam, the establishment of the Malayan Union posed a threat to the social status quo in the Malay peninsula.

Unsurprisingly, the establishment of the Malayan Union led to the mobilization of the Malay people and arguably the first time where Malay Nationalism appeared in public spaces. The announcement led to the establishment of the United Malay National Organisations (UMNO), marking the beginning of Malay political nationalism in the Malay peninsula.[59] A year after the announcement, the Pan-Malay Congress was held to organize the opposition to the Malayan Union, as well as calling for the end of the British colonial rule.[60] The initial intention of the Malayan Union as a mean to better defend the British colonial rule disastrously backfired. Not only were the Malays unhappy, the establishment of the Malayan Union also acted as a catalyst for an anti-colonial political movement. Realising the risk it posed to their colonial rule, the Malayan Union was put up for revision so as to quell the dissent among the Malay anti-colonial nationalists.

As a result, the following years from 1946-1948 saw the process of revising the structure of the Malayan Union along with its controversial *jus soli* citizenship. In this process, the Malays were represented by UMNO and the Malay rulers, who were given the chance to propose their own set of constitution for the newly reformed ruling structure in the Malay

[57] The National Archive of the UK: FCO 141/7427, f. Malayan Union Citizenship Order in Council 1946, 1
[58] TNA: CO 273/675/21, f. Long Term Policy Directive, 1
[59] "UMNO history,"
[60] The National Archive of the UK(TNA): CO 537/2145, f. Malaya's Constitution, 2

peninsula.[61] Due to the anti-Malayan Union movement being largely dominated by the Malay population, this group of people appeared to be placed in the bargaining position with the British colonial rule. During this process of constitutional revision, the Malay rulers and UMNO submitted a proposal for the constitution of the Federation of Malaya as a potential successor to the infamous Malayan Union.[62] It was in that constitutional proposal that the tangible concept of the Malay nation was born.

Unlike in years preceding the 1946 incident, the definition of a 'Malay' became officialised and set in stone in the new constitutional proposal for the UK – Malay States Agreement of 1948, where there is an article that delineates the specific traits that would qualify an individual to be categorized as a Malay.[63] In this proposal, a Malay is defined as someone who:

i) Habitually speaks the Malay language

ii) Professes the Islamic religion

iii) Conforms to Malay custom[64]

Compared to the definition of a Malay before 1946, this proposal maintained the previous trait of faith in defining a Malay, where Islam became the de-facto religion for this group of people. However, there are two additional traits consisting of language and custom that would also be used to define a Malay in this newly formed Federation of Malaya. It is also worth noting that these criteria came from the proposal solely drafted by the Malay political and

[61] TNA: FCO 141/7427, f. Proposals of Their Highnesses the Rulers of the Malay States and of the United Malays National Organisation
[62] Ibid
[63] The National Archives of the UK (TNA): DO 118/298, UK – Malay States Agreement of 1948, 41
[64] Ibid

royal elites, making a shift towards an 'imagined community' that is more in tune with Anderson's theory rather than Chatterjee's. In this sense, this nation was truly constructed by its own members rather than being perceived and defined by an external force such as the British colonisers. That being said, we should also take into consideration that the British colonial force laid the foundation of the categorization of the population based on ethnic or racial criteria through their implementation of census or their *divide et impera* policy that separated different ethnic groups in economic and geographical sense.[65] This need for categorization remains till this day as the succeeding 1948 definition of a Malay was adopted into Article 160 of the 1957 Federal Constitution that continues to be used till this day in Malaysia.

1.4 Malay privilege and the affirmative action policy

What is in a name? Why is it so important to identify who is Malay in Malaysia? The answer lies not in being Malay but rather, what being Malay means for an individual in the country. We have established that the Malays were considered the native of the land and that the Malay rulers occupied a special position within the colonial administration. In addition, we have seen how the mobilization of Malay nationalism led to the abolishment of a colonial establishment that was replaced by a precursor to Malayan self-rule in the form of the Federation of Malaya in 1948. From these instances, it was apparent that the Malays were treated differently compared to their non-Malay counterparts in British Malaya. This form of special treatment could be attributed to the perception of the Malays as the 'native' of the land, which puts them in a position where their loyalty or rather the elites' loyalty was needed to ensure the smooth running of British Malaya.[66] As a result, they received certain privileges

[65] Molly N. N. Lee, "Education and the State: Malaysia after the NEP." Asia Pacific Journal of Education 17, no.1 (1997):28. doi:10.1080/02188799708547741.
[66] TNA: CO 273/675/21, f. Long Term Policy Directive, 1

that were not accorded to the Chinese and Indian immigrant labourers. For example, the Malay elites such as the Malay rulers maintain a certain level of autonomy when it comes to safeguarding the interest of the Malay people.[67] Matters such as religion and custom remained under royal patronage and were free from British interference. In addition, there were instances where the Malay peasants received special provision to use the land British Malaya as enforced in the Malay Reservation Enactment of 1913.[68] Therefore, the Malay identity at that moment came with a set privileges that were not accorded to those who did not qualify as part of the Malay race.

In 1946, the British colonial administration attempted to establish a "Malayan nation" where all ethnic groups or race would unite together under the banner of the Malayan Union, removing any distinction between them. This plan backfired and led to the inclusion of a legal clause within the new 1948 constitution, which clearly defined the criteria that could be used to identify oneself as a Malay. The same legal clause was adopted in Article 160 of the 1957 Federal Constitution. However, Article 160 was meant to be used alongside Article 153 which underlines the role of the Malay rulers in safeguarding a set of special rights reserved for the Malays.[69] The special rights include the Malays and the indigenous being prioritised in few different sectors, two of which includes *bumiputera* (sons of soil) quotas for scholarship and in public education.[70]

When these two articles were adopted, the justification was made on the basis of the Malays' position as the native of the land and to distinguish between them and the non-Malays, which by this point was naturalized as citizens of the country. This informal 'social contract' was

[67] TNA: CO 273/675/11, f. Future Constitution for Malay Peninsula, 1-2
[68]Shamsul. "A history of an identity, an identity of a history," 360
[69] Malaysian Constitution, art. 153, Web.
[70] Ibid

agreed by both Malays and non-Malays alike. In return for citizenship, the non-Malays would overlook the special rights granted to the Malays in the country.[71] This arrangement remained in place until 13th May 1969, when a racial riot broke out between the Malays and the non-Malays over an election result in the capital.[72] Although the direct cause of the riot was the dissatisfaction over the celebratory parade of the election, it was understood to be the straw that broke the camel's back. For years, the Malays were perceived, both by themselves and others as socioeconomically weaker compared to their Chinese counterparts. The increasing economic gap lead to a widening ethnic cleavage between the Malays and the non-Malays in the country as the Malays believed that they were being left out in the economic race. The aftermath of the riot saw the implementation of the New Economic Plan (NEP) in 1970, that included plan to raise the Malays from their low economic position in order to correct the interracial economic imbalance between different ethnic groups in Malaysia.[73] The NEP serves as the template for Malaysia's affirmative action policy and it is being used to supplement and build upon the pre-existing set of privileges stated in article 153 of the Federal Constitution.

As of today, the quota system and affirmative action-based admission policy remain in public education, especially in higher education where there are multiple programmes that would either prioritise Malay students over non-Malays or completely exclude non-Malays from being admitted in their university programmes. In the next chapter, I would provide a brief overview on the structure of the Malaysian higher education system along with the affirmative action policies that are in place. This brief overview would serve as a transition

[71] Elizabeth Looi & Khairil Anhar, "Deconstructing the social contract," Malaysian Bar, accessed June 10th, 2021, https://www.malaysianbar.org.my/article/news/legal-and-general-news/general-news/deconstructing-the-social-contract
[72] "May 13, Never Again: The 1969 riots that changed Malaysia," *Malaysiakini*, May 13th, 2019, https://pages.malaysiakini.com/may13/en/
[73] Jomo "Malaysia's new economic policy and national unity," 36-41

into the empirical part of the thesis where data from the questionnaire and the interviews will be analysed in detail.

2 Affirmative action in Malaysia's public universities

2.1 Overview: The Malaysian higher education

From the previous chapter, we have gathered that there is an arbitrary set of groups that were colonially constructed when Malaysia was a British colony. This set of groups, called ethnic groups or races was applied to all sectors of society and is particularly essential in the implementation of its affirmative action policy in higher education. As this paper is geared towards discerning the attitudes of Malaya students towards racially-based discrimination in public universities, it is useful to have a brief overview on the structure of Malaysian higher education system and how widespread is the practice of racially-based admission policy.

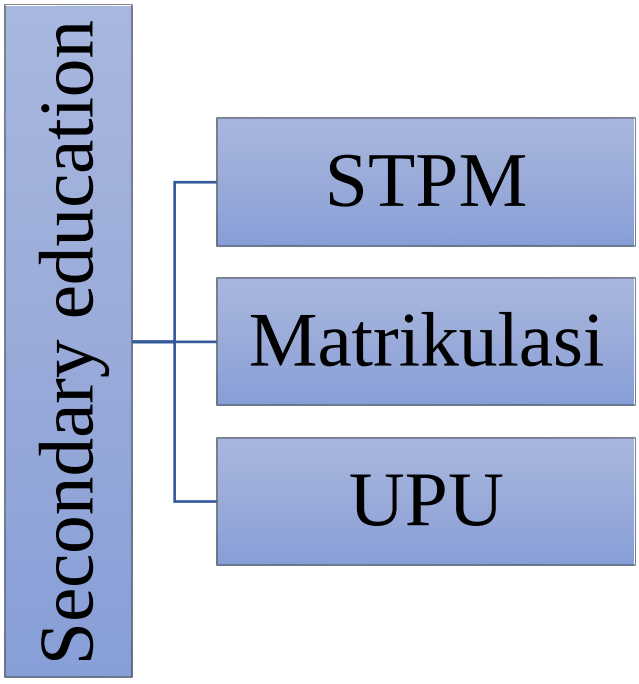

Figure 1: The pre-university pathway in Malaysia's public higher education system

From the figure above, there are three main and most common pathways to enroll into a bachelor's degree i.e. first degree at a public university. The Sijil Tinggi Pelajaran Malaysia (STPM) is the least discriminatory as it serves as the equivalent of Sixth Form, and therefore

held in secondary schools.[74] As most secondary schools in Malaysia has no racial barrier to entry, students entering the university through this method would encounter their first racially-based admission policy only at the university level. On the contrary, the UPU and Matrikulasi pathways are racially-selective, either in offering Malay-only admission or heavily imposed Malay quotas in their institution. For example, although most public universities offer open admission, their foundation programmes would often be classified as *bumiputera*-only, which exclude any non-Malays or aborigines from applying.[75] According to the website of the Malaysian government, there are 20 public universities in the country, with one university i.e. UiTM only accepting enrolment of *bumiputera*(son of soil) students and 5 other universities offering pre-university education i.e. foundation that only admits Malays and the indigenous.[76] As for the Matrikulasi programme, the institutions have an extremely strict Malay quotas, which put non-Malays at a disadvantage.[77] From these, we could deduce that even prior to entering universities, the pre-university programmes themselves are already racially-discriminatory in their admission policies. Although this research will focus on Malay students at public universities, it is important to contextualise the entire process of enrolling into these higher education institutions for a better insight into their attitudes towards the aforementioned admission policies.

2.2 Methods

Attitudes are not easy to discern. There are nuances and contexts that need to be taken into account in order to analyse data being gathered. For this reason, the data will be collected in

[74] "Memasuki pengajian tingkatan enam", MyGovernment, accessed on June 10th, 2021, https://www.malaysia.gov.my/portal/subcategory/134
[75] "Memasuki ASASI" MyGovernment, accessed June 10th, 2021, https://www.malaysia.gov.my/portal/subcategory/137
[76] Ibid
[77] Xin Yi Tho, "Outcry over retaining ethnic quota for pre-university admission in Malaysia," *Channel News Asia*, May 8, 2019, https://www.channelnewsasia.com/news/asia/malaysia-outcry-ethnic-quota-matriculation-admission-11514578

two phases; questionnaire and interviews. The use of questionnaire or individual surveys have been shown to be effective in gathering mass amount of data in a short amount of time. Based on the work of Ahmad & Mohd Yusof, their study on the social distance and students and pupils' attitudes towards members of the outgroup also utilized questionnaires.[78] Those questionnaires were based on the Bogardus Social Distance scale, which was adapted to suit the needs and nuances of their respective studies. The studies used a set of close-ended questions to establish the attitudes of the students and their general perception towards members of a different race.[79] Based on this logic, I have devised my own set of questionnaires, which consists of two main parts.

The first part would consist of questions on the general information of the participants, which would help in establishing an individual profile for the purpose of further analysis on their questionnaire results. For example, the participants were asked to state their age, where they study, their place of residence and their race. As the questionnaire was mainly circulated among Malay students, the question on race serves as a safety net to filter out any participants that does not fall into my sampling category.

This will be followed by the second part, which consists of these close-ended questions;

1. Should university programmes be opened to non-Malays?
2. Should YOUR university programme be opened to non-Malays?
3. Should there be a quota system for Bumiputera at IPTA?
4. Should there be a quota system for Bumiputera at YOUR university?

[78] Ahmad & Mohd Yusof" Social distance and ethnic boundary among pupils in multiethnic and monoethnic school environment in malaysia."
[79] Ahmad & Mohd Yusof, "Social distance and ethnic boundary among pupils in multiethnic and monoethnic school environment in Malaysia," 3

Although the main aim of this research is to discern the students' attitudes on racially-based discrimination, the language of the questionnaire made no mention of the subject. This is due to the sensitivity of the topic, which may hinder the participants from answering truthfully. Due to the moral value attached to the word 'discrimination', participants may be compelled to give an answer that would put them in the best light to the researcher. In addition, due to the sensitivity of the topic of Malay special rights and its manifestation into racially-based admission policy in public universities, avoiding certain keywords could shield the participants and the researcher from any legal action.

Initially, I intend for the interviews to be a complementary means of gathering data to the questionnaires. An in-depth interview could provide additional information that could help contextualise the answers given by the participants in the questionnaire. However, due to the sensitive nature of this issue, I had some difficulty securing enough interviews for this research. Nevertheless, the few interviews available will be used to support the questionnaire analyses. Albeit taking a smaller role than I intended it to be, the interview remains an important part to the process of data collection and analyses.

2.3 Methodology

As there are two phases to the methods i.e. questionnaire and interviews, the analysis will also consist of two parts. The questionnaire will be analysed quantitatively, with data being converted into a table that cross sectionalizes a variable with the close-ended questions. For this research, there will be two variables, which are the types of universities and the socio-economic status of the students.

The analysis for the questionnaire would be based on the aforementioned theoretical frameworks of three main theories; Social Dominance Theory, Intergroup Perception of Threat and Intergroup Contact Hypothesis. As the questions set in the surveys were built to test these theories, each result will be analysed using one or more of these theories. The questions will be used to test these hypotheses;

1. Students from Malay-only universities are more likely to support racially-based admission policy than their counterparts in universities with open admission
2. Students from lower socioeconomic background are more likely to support racially-based admission policy than their counterparts with higher socioeconomic status.

These hypotheses were constructed to test the aforementioned theories to see if they are applicable in the case of Malaysia's affirmative action and its impact on intergroup relations in the country.

As for the interviews, despite the initial intention to complement the questionnaires with interviews, there is not sufficient data to enable us to effectively arrive to a generalizable conclusion. Nevertheless, the few interviews that are available serve as a means of getting an insight behind the results of the questionnaires. As the questionnaires were quantitatively tabulated, the intention behind those answers could only be inferred. However, in-depth interviews could help confirm some of the assumptions made from the hypotheses and the theories used in this research. Using discourse analysis, particular keywords would be extracted and identified from the interviews. This extraction of keywords was based on the theories mentioned above. Keywords such as, but not limited to, 'competition', 'rights', and any mention of authority figure such as the 'government' will be paid close attention to.

2.4 Sampling

The issue of Malay special rights has always been a sensitive topic. Although it is discussed in private, public discussion is hindered by the 1948 Sedition Act.[80] However, this changes in November 2018, when the issue of ICERD ratification was highlighted in the news. Thus, the issue of Malay special rights was discussed openly then.

My sampling approach follows this incident, where my population i.e. students in public universities was chosen due to their direct contact with one of the special rights, which is the racially-discriminatory admission policy in Malaysia's public university that favours Malay students. In addition, my sample was taken from this population, with two additional criteria; Malay and 21 years and younger. This is a group of people that entered university at the height of the ICERD debacle, while at the same time being directly affected by the policies that ICERD threatened to abolish if its ratified. By establishing a closer distance between the policies and the students, I aim to test the hypotheses with regards to the aforementioned theoretical framework.

In short, the sample consist of:

- Students in Public universities in Malaysia (from both mixed and Malay-only programmes)
- Malay
- 21 years old and younger *or* entered university in 2018 or later

[80] Pak, "What is Malaysia's sedition law?"

From this sampling approach, I managed to gather the responses from 47 students, two of which was discarded due to them not fulfilling the sample criteria.

2.5 Findings: Questionnaire analysis

2.5.1 Malay-only v. Mixed universities

Hypothesis 1: Students from Malay-only universities are more likely to support racially-based admission policy than their counterparts in universities with open admission

Table 1: Questionnaire responses from Malay students in Malay-only universities

Question/answer	**Yes**	**No**	**N/A**
Should university programmes be opened to non-Malays?	17	1	1
Should YOUR university programme be opened to non-Malays?	10	6	3
Should there be a quota system for Bumiputera at IPTA?	15	4	0
Should there be a quota system for Bumiputera at YOUR university?	10	2	7

Table 2: Questionnaire responses from Malay students in mixed-admission universities

Question/answer	**Yes**	**No**	**N/A**
Should university programmes be opened to non-Malays?	24	2	0
Should YOUR university programme be opened to non-Malays?	22	3	1
Should there be a quota system for Bumiputera at IPTA?	8	12	6
Should there be a quota system for Bumiputera at YOUR university?	8	13	5

The first hypothesis was built upon the notion that intergroup contact affects conflict, with scholars from different camps arguing that it either reduces or increases conflict.[81] These differences in the trajectory of the impact of intergroup contact depends on the conditions where these contacts happen. Based on Allport's Intergroup Contact Hypothesis, intergroup contact has the potential to reduce conflict when conducted under four *positive* factors or conditions, which are equal status, common goals, intergroup cooperation and support from law and authorities.[82] For this research, the fourth condition would be the centre of analysis. The fourth condition involves the act of intergroup contact being facilitated or encouraged by a governing body or authority.[83] However, instead of using this condition as a positive factor, the role will be reversed to see if it would have any effect on intergroup relations between the Malays and the non-Malays. This serve as the basis of making the type of university as the first variable. As Malay-only universities are officially sanctioned by the government to conduct racially-based admission policy or the quota system, intergroup contact is officially hindered by the authority. In contrast, in universities with open admission i.e. mixed universities, there is no authority facilitating intergroup segregation through admission policies. Therefore, the Hypothesis 1 operates on the assumption that due to the role of authority in facilitating intergroup segregation, intergroup relationship is worsened between Malays and non-Malay students.

At first glance, there appears to be no significant differences between the responses from students to the question "Should university programmes be opened to non-Malays?". Most students, regardless of the universities they come from, agreed that their non-Malay counterparts should be welcomed in public higher education spaces. Although students from

[81] Pettigrew & Tropp, "Allport's Intergroup Contact Hypothesis," 264-266
[82] Pettigrew & Tropp, "Allport's Intergroup Contact Hypothesis," 264
[83] Ibid

mixed universities are slightly more open to welcoming non-Malays into higher education spaces (92%) compared to their counterparts in Malay-only universities (89%), the difference is negligible and not significant enough to conclude that authority plays a role in determining students' attitudes towards the universities' admission policy. That being said, the differences between the two group of students becomes more apparent when the question includes a personal link to themselves. Question 2 is almost exactly the same as the first one, except it asks if the students would agree to the admission of non-Malays into their respective universities. By decreasing the gap in social distance, the question is no longer a hypothetical or generalized situation, but rather a possible event that would involve the students themselves.

Despite Question 1 and 2 being almost identical, the addition of the possessive pronoun 'your' showed a significant change in the response from the students from the two types of universities. For those from open-admission universities, there are little to no changes to their response. In fact, the results are almost identical. It shows that the perception of social distance did not play a role in affecting the how the students feel towards their non-Malay counterparts, with only 2 people changing their response from 'yes' to 'no' or 'prefer not to answer'. However, the same could not be said about the students from Malay-only universities. The percentage of those who agreed to admit non-Malay students into higher education dropped from 89% to 52%. In numerical terms, 7 students ceased to agree on this matter. The stark differences between the answers to Question 1 and 2 suggests that the type of universities correlates to the students' attitude towards racially-based admission policy and by-proxy, the Malay special rights itself. This would go towards confirming Hypothesis 1 stated in this research.

Question 3 offers a starker contrast between the students from the two universities. This could perhaps be attributed to the nature of the question which is more specific due to its use of the term 'quota' and '*bumiputera*', both being closely associated with affirmative action in public universities. The question asks if there should be a quota system that prioritises the *bumiputera* i.e. the Malays and the indigenous in the admission process. Here, the students from Malay-only universities seem to largely agree that there should be a form of priority in admitting Malay students, with only a fourth out of the participants disagreeing with that notion. On the contrary, almost half of the students from mixed-universities disagree with the implementation of quota in public universities. When the question is repeated in Question 4, similar addition of the possessive pronoun 'your' was included to gauge the students' reaction. Similar to the change from question 1 to 2, there was a decrease in the number of students agreeing to the quota system in Malay-only universities, with only half of the total participants. However, there are no significant change in the response of those from mixed-universities. On the surface, it may appear that students from Malay-only universities are less likely to support the quota-based admission policy, implying their decrease in support towards affirmative action in their universities. However, this decrease should be contextualized with the structure of the universities themselves. For these Malay students, a quota system would actually break the exclusivity of Malay-only admission policy. As they are already in an institution that only admits Malay students, the notion of quota would imply that there will be an admission of non-Malays into their universities. Operating on this assumption, them saying 'no' to the quota system fits the hypothesis that they are more likely to support a Malay-exclusive admission policy in their university. Meanwhile, the almost identical response from students in mixed universities to question 3 and 4 is harder to explain. Despite the addition of the personal pronoun 'your' to question 4, decreasing the social distance in this hypothetical

situation, the students' did not have any significant change in the way they view affirmative action in public universities.

However, the most intriguing part of the responses to question 3 and 4 is not the protest or support towards affirmative action. Instead, it is the increasing reluctance of the students to provide a definitive answer to those questions, particularly for those from universities that has an open admission policy. Compared to the first two questions, there are 18 instances of students opting for the 'prefer not to answer' option for question 3 and 4, which is a huge increase from only 5 in the first two questions. Here, the framing of the questions, as well as the usage of specific terminologies such as 'quota' and '*bumiputera*' could have played a role in producing this result. As aforementioned, the issue of Malay special rights and its manifestation as a form of affirmative action remain a sensitive issue in Malaysia. The reluctance to give a definitive answer could be attributed to this factor. However, as the participants were given 3 options in the questionnaire, it is also possible that the 'prefer not to answer' option would be the most attractive to those that were either on the fence regarding the issue or those who did have a definitive answer but with their own personal caveat to their answers. Nevertheless, the responses still show that those from Malay-only universities are more likely to support any form of affirmative action in Malaysia's public university, either through complete exclusion of non-Malays from being admitted or to the policy that prioritises Malays in the admission process such as the *bumiputera* (son of soil) quota.

The confirmation of this hypothesis correlates to the type of the universities themselves, as well as the structure of their administration. Malay-only universities are officially sanctioned to exclude non-Malays from their admission process. In fact, during the application through the UPU platform, certain university programmes have the label '*bumiputera sahaja*' next to

the programme title, which translates to *bumiputera*-only in Malay.[84] This form of intergroup segregation is therefore being facilitated by the authority, which is one of the conditions affecting intergroup conflict according to Allport's Intergroup Contact Hypothesis.[85] This facilitating nature could be argued to trickle down into the student body, as Malay students may perpetuate this form of thinking when it comes to initiating contact with their non-Malay counterparts. This would certainly explain why students from Malay-only universities were more supportive of the racially-based admission policy as they were echoing the policies implemented by the authority in their respective universities. This is further supported by the differences between the response to the first two questions. When the questionnaire asked about the hypothetical situation of admitting non-Malays to public universities in general, these students were largely in agreement. However, the moment it involves their own universities, which are officially reserved for Malays by a source of authority i.e. the government, their agreement decreased significantly. As there is no official authority implementing these affirmative action policies in mixed-universities, students are less likely to endorse racially-based admission policy as they had no point of reference to echo the sentiments of Malay special rights in their higher education institutions.

Another theory that could be used to explain the results is the Intergroup Threat theory, which describes a phenomenon when intergroup contact is viewed negatively or as a threat due to their shared past or their 'fears' of what these contact could potentially do in the present and/or future.[86] As aforementioned in Chapter 1, there were already enmity and perception of threat towards non-Malays from the Malay community. Their colonial and post-independence history were fraught with racial tension and struggle for the maintenance of the Malay status

[84] "Memasuki ASASI"
[85] Pettigrew & Tropp, "Allport's Intergroup Contact Hypothesis," 264
[86] Stephan & Stephan. "Intergroup threat theory," 1-2

quo, exemplified in the Malayan Union and the 1969 racial riot incidents. Therefore, it is not too much of a stretch to assume that the reluctance to forgo this form of special rights stems from those historical enmities. According to Walter and Cookie White Stephan, the perception of threat triggers negative responses, which in turn lead to an array of problematic behavior in intergroup interactions.[87] In the case of these Malay students, the perception of threat led to the need to avoid or prevent intergroup interaction from occurring. This could easily be achieved by maintaining support for the pre-existing system of Malay-only admission into certain Malaysian public universities. This can also be complemented with the explanation via the Social Dominance Theory which indicates the desire to either maintain or reinforce the existing group hierarchy in society.[88] In the case of the Malays in Malaysia, this struggle to maintain the upper hand over their non-Malay counterparts have been going on since 1946 and is now a protracted war that is continually being waged in the public sphere. The Malays precarious economic position lead them to perceive egalitarian policies via the removal of their privilege to be a form of threat towards their position in society. In this sense, the perception of threat is compounded onto a desire to maintain this specific dominance or group superiority over their non-Malay counterparts.

However, due to the quantitative nature of the questionnaire responses, it is really difficult to discern the intention behind these supports shown towards the affirmative action policy in Malaysia's public universities. In order to confirm these assumptions, further data collection has to be done, ideally through an in-depth interview with all the participants. As such, few interviews were conducted with few volunteers from the participants of the questionnaire, which will be analysed later in this chapter.

[87] Ibid
[88] Sidanius & Pratto, *Social dominance*, 38

2.5.2 The socioeconomic factor

Hypothesis 2:

Students from lower socioeconomic background are more likely to support racially-based admission policy than their counterparts with higher socioeconomic status.

Table 3: Questionnaire responses from Malay students in the B40 income bracket

Question/answer	**Yes**	**No**	**N/A**
Should university programmes be opened to non-Malays?	7	1	0
Should YOUR university programme be opened to non-Malays?	6	1	1
Should there be a quota system for Bumiputera at IPTA?	1	4	3
Should there be a quota system for Bumiputera at YOUR university?	1	4	3

Table 4: Questionnaire responses from Malay students in the B40 income bracket

Question/answer	**Yes**	**No**	**N/A**
Should university programmes be opened to non-Malays?	10	2	0
Should YOUR university programme be opened to non-Malays?	6	4	2
Should there be a quota system for Bumiputera at IPTA?	7	4	1
Should there be a quota system for Bumiputera at YOUR university?	4	2	6

Table 5: Questionnaire responses from Malay students in the T20 income bracket

Question/answer	**Yes**	**No**	**N/A**
Should university programmes be opened to non-Malays?	14	0	1
Should YOUR university programme be opened to non-Malays?	11	3	1
Should there be a quota system for Bumiputera at IPTA?	11	3	1
Should there be a quota system for Bumiputera at YOUR university?	8	6	1

From the questionnaire, I extracted the information on the socioeconomic class of the participants, which was derived from their household income. Using the latest statistics on mean and median household income, I've tabulated the responses into three separate tables; B40, M40 and T20.[89] Each category represents their socioeconomic status, namely the bottom 40% (B40), the middle-income 40% (M40) and the top 20% (T20). Although 45 participants filled up the questionnaire, 10 of them refuse to give any information on their socioeconomic status, which explains why the tables only consist of 35 responses across 3 socioeconomic categories. As a result, the distribution between the 3 categories is uneven. To mitigate this issue, percentage will be used when referring to the results of the questionnaire. The refusal to answer could be attributed to the sensitivity surrounding the topic of money and income, which is not unique to Malaysia and can be seen in other cultural spheres as well.

Here, we can see a similar pattern emerging, where there is a decrease in support towards intergroup contact across all 3 socioeconomic categories when the question was personalized to include a personal pronoun. This is true for the responses towards the first two questions, where regardless of socioeconomic status, the students were less likely to accept non-Malays into their respective universities. The most significant decrease came from students from the M40 category, with acceptance decreasing from 83% to only 50%. As for the B40 and the T20 groups, the decrease was less significant. This appears to go against the hypothesis, which saw the students from middle class families being most opposed towards welcoming non-Malay students into their universities. Again, due to the number of students participating in this research, the differences would be too small to be representative of the entire target demographic.

[89] "T20, M40 and B40 income classifications in Malaysia" CompareHero, accessed June 9th, 2021, https://www.comparehero.my/budgets-tax/articles/t20-m40-b40-malaysia

The most intriguing part of the results however lies with the responses to the third and fourth question, which deals with the implementation of the quota system in Malaysian public universities. Based on the intergroup threat theory, I assume that those from lower socioeconomic status i.e. the B40 would be more likely to support measures of affirmative action in the admission of students into Malaysia's public universities. This is due to the fact that public universities, such as the Malay-only institution, UiTM, serve as the most affordable option to pursue higher education. Therefore, they stand to benefit the most and most reliant on the priorities being given to them as Malays. Surprisingly, their responses to the implementation of a quota system are almost unanimously negative. Only 1 person agreed to the implementation of quota, which amounts to 12.5% out of the entire sample. In addition, there is also no change between their responses to the third and fourth question, suggesting that they saw no threat in forgoing the quota system at their own universities. This goes against the assumption that poorer Malays view the removal of affirmative action in public universities as a threat towards their opportunities to pursue higher education. In fact, it was the middle and upper class i.e. M40 and T20 group that are most adamant towards the implementation of the quota system, with more than half agreeing to the quota system in general, and at least a third supporting affirmative action in their respective universities.

From these responses, it appears that instead of the initial hypothesis of the poor being more supportive towards affirmative action policies, it is the ones from higher socioeconomic group that are more likely to do so. Therefore, the idea that intergroup enmity stemming from perception of threat would not applicable, at least with socioeconomic status as a variable. So, how could we explain these responses?

It appears that there is no significant or discernible trend or pattern in the students' attitudes when they are grouped in economic terms. This could also be attributed to the small number of data available due to participants refusing to disclose their household income. As aforementioned, 45 students participated in the questionnaire but 10 out of those did not disclose their socioeconomic status. In addition, there is also a smaller proportion of participants belonging to the B40 and M40 groups despite those groups theoretically accounting for 80% of the Malaysian population. Therefore, in order unpack the reasoning behind the responses, further interviews have to be conducted with these participants.

2.6 Findings: Interview analysis

Questionnaire questions:

1. Should university programmes be opened to non-Malays?
2. Should YOUR university programme be opened to non-Malays?
3. Should there be a quota system for Bumiputera at IPTA?
4. Should there be a quota system for Bumiputera at YOUR university

Table 6: Information on interview participants

Respondents	**Type of universities**	**Socioeconomic group**	**Gender**	**Responses**
Respondent 20	Mixed	B40	Female	1:Yes, 2:Yes, 3:Yes, 4:No
Respondent 40	Mixed	T20	Male	1:Yes, 2:Yes, 3:Yes, 4:Yes
Respondent 42	Mixed	B40	Female	1:Yes, 2:Yes, 3:No, 4:Yes
Respondent 46	Mixed	T20	Male	1:Yes, 2:Yes, 3:Yes, 4:Yes

As seen above, it is apparent that the interviewees are neither representative of the participants pool nor the population in general. Nevertheless, these interviews can give an additional context and nuance to the questionnaire results. So far, the result of the questionnaire was analysed based on the assumption on the application of few social theories.

Therefore, the interviews would serve to check if those theory assumptions were solidly grounded or mere speculation.

2.6.1 Interview structure

The interviews are conducted one-on-one and would last 40-55 minutes, depending on the responsiveness of the interviewees i.e. respondents. The sample are taken from those who participated in the questionnaire and volunteered to be interviewed. Prior to being interviewed, the interviewees received a consent form, to which they would give verbal consent before the interview commences.

The interview revisits the respondents' answers to the questionnaire, particularly asking the reason behind those answers. In addition, I also posed general questions to discern their feelings towards members of the non-Malay communities as well as their prejudice (if there is any) towards these groups of people.

2.6.2 Intergroup threat theory: the perception of interethnic 'competition'

From the data in the table above, it appears that all of the interviewees are opened to receiving non-Malays into public universities, both in general and in their own universities. However, when asked about the implementation of the quota system, it appears that their opinions are divided. Respondent 20 wants the quota system to be implemented in universities but prefer if her university does not implement this feature of affirmative action. Meanwhile, Respondent 42 wants the general feature of quota for *bumiputera* to be abolished in public universities but wants the system to be implemented in her own university. The other two interviewees agree that non-Malays should be allowed into public universities, but both want to maintain the

quota system in the admission process. In general, all interviewees supported the affirmative action measure in the form of quota, either completely or partially.

When asked about the reason behind their support, 3 out of 4 interviewees mentioned the word 'competition', in the context of students competing for places in public universities. It should be noted that the usage of this word was initiated by the respondents themselves and was not a part of the interview questions. The association between open-admission policy with increased competition between students from different ethnic groups suggest that the respondents perceive the non-Malays as a form of 'threat' to their positions in their respective universities. In addition, the students also mentioned few stereotypes when asked "based on your experience, what do you think of the non-Malay students?". Phrases such as "they are hardworking", "smart", "they are more inquisitive", and "they understand things quickly in class" were mentioned. As all the respondents came from mixed-universities, their perception can be argued to be based on their experience at their universities. From their accounts of the non-Malays, it appears that the non-Malays, particularly the Chinese were viewed as better equipped than the Malays. The phrases above indicate values that are considered as 'good'. These evaluations also gave rise to statements such as "if there is no quota system, the Malays will be left out". Therefore, these interviews, albeit short, imply that the Intergroup Threat theory can be applied in the case of students' attitudes towards affirmative action in public universities, or at least for these respondents. Ideally, each respondent should be interviewed in order to map their response with the aforementioned theory. However, due to time constraint, sensitivity of the issue as well as reluctance of some students to speak about the topic, I had to rely on those that had volunteered to share their opinions and experiences for the research.

2.6.3 Social Dominance Theory and the Colonial legacy of ethnic categorization

The perception of threat can be argued to be rooted in the notion that the Malays are supposed to be the 'superior' group to their non-Malay peers. This idea was echoed by all of the respondents, who when asked about the reason behind their support for affirmative action, cited the fact that they are 'Malays' and the Malays are supposed to maintain their status quo as the majority. Respondent 46 argued that the student body should reflect the demographic of the country's population, implying that the Malays should remain the majority in public universities. This sentiment is echoed by Respondent 20 and 42, who both stated the need for the Malays to remain the majority in public universities. This need to maintain the status quo can be linked to the Social Dominance Theory by Sidanius and Pratto, where the hierarchical structure of society tends to be maintained and reinforced. This Hierarchy Enhancing (HE) forces could be attributed to the 'unequal distribution of social values' to different groups within society, such as the case with the ethnic groups in Malaysia.[90] As Malaysia's ethnic groups were categorized and hierarchized by the colonial administration preceding its establishment, the logic behind the categorization system was justified using a set of traits in order to form these imagined communities which would later be called 'ethnic groups'. As part of the colonial legacy, the justification of these categories remains in use in Malaysia today, such as can be seen in Article 160 in the Federal Constitution, where the traits of a 'Malay' were written and put into law.[91] The Article states that among the traits that qualify someone as a Malay is the individual being "born from a Malay parent." This sentiment of ties by blood to the land was also echoed by the colonial administration which was involved in the drafting of Malaysia's constitution in 1948. In a circulated memo in 1946, multiple use of the word 'native' to describe the Malays and the word 'immigrant' to describe the non-

[90] Sidanius & Pratto, *Social dominance*, 38
[91] Malaysian Constitution, art. 160, clause 2. Web.

Malays was recorded.[92] This formed the basis of the constitution in 1948 that would eventually be used as a template for the current Federal Constitution in the country.

Here, the unequal distribution of social values comes in the form of nativity and link to the land. To a certain extent, the Malays were viewed as the owner of the land, which is apparent from the name of the country itself. The unequal distribution of social values of 'nativeness', was accorded to the Malays but not to their non-Malay counterpart. This unequal distribution of the social value of nativity continued to be reinforced and recycled in the public sphere in order to justify the Malay special rights in all sector of society, including in higher education. Despite having only 4 interviewees, the answers given by them implies a level of Hierarchy Enforcing (HE) behavior, where their justification for the maintenance of the affirmative action policy is the maintenance of the status quo that has been in place ever since the country gained independence in 1957.

2.6.4 Intergroup contact theory: the role of authority in influencing opinions

In the examples shown in the application of the two aforementioned theories, a trend seems to emerge among the students being interviewed. The sentiments that echo the theories of Social Dominance Theory and the Intergroup Threat Theory are often accompanied with one justification; because that's the way it is in this country. In the case of maintaining the existence of all-Malay university programmes or the quota system, all of the interviewees cited some form of authority as the reason behind their answers. For example, respondent 20 cited the law or more specifically Article 153 as the reason behind her support for the affirmative action policy. However, when asked to explain what the article entails, the respondent was not able to accurately do so. Similar incidents occurred with respondent 40

[92] TNA: CO 273/675/21, f. Long Term Policy Directive, 1

and 42, where the law was cited as a justification for their answers, but both were merely echoing the sentiments being repeated in their social circle. As for respondent 46, he stated that he knew that "it is the way it is [paraphrase]" but cited no legal or authority source for his opinions regarding the matter. In fact, when asked about Article 153 or the term 'social contract', he said that he had never heard of those terminologies prior to our interview.

From these accounts, the significance of the role of authority is highlighted even further. In the prior analyses of the questionnaire results, the higher tendency among students from Malay-only universities to support affirmative action was attributed to the role of state and university authority in imposing racially selective admission policy. Based on Allport's Intergroup Contact Hypothesis, intergroup conflict is affected by 4 factors, with the role of authority and law being one of them.[93] In his studies, the factors were framed as positive factors, where their presence of would help facilitate better intergroup relation when members of the two groups came in contact with one another.[94] In the case of the students in Malaysia's public universities, the fourth condition i.e. role of authority serves as a negative factor, as it encourages intergroup conflicts through its implementation of intergroup segregation via the racially-based admission policy. This is especially the case in Malay-only university programmes, where the requirements of admission serve as the source of authority which imposes affirmative action in the admission policy. Although we have established that this can be applied to the results of the questionnaire, how can the same logic be applied to the interviewees, all of which hailed from mixed-universities where there is an absence of source of authority in imposing intergroup segregation among the students?

[93] Pettigrew & Tropp, "Allport's Intergroup Contact Hypothesis," 264
[94] Ibid

Although all 4 respondents are currently studying at a mixed-university, two of them spent their pre-university studies in either an all-Malay university or Malay-only university programme, where they would have been exposed to the notion of Malay privilege or affirmative action policy that is officially sanctioned by a source of authority, such as the government or their university management. Based on this additional information collected during the interviews, the interviewees' responses can still be explained using Allport's Intergroup Contact Hypothesis, with authority as a factor influencing intergroup relations.[95] This would also imply that the impact of authority in influencing perception between members of different groups outlasts the initial stage of exposure. In the case of the interviewees, despite the absence of the source of authority imposing affirmative action policy in their universities, their previous exposure to said authority still influences their attitudes towards their non-Malay peers in higher education. Nevertheless, there is simply not enough sample for the findings to be generalized in the case of the students' attitudes towards affirmative action policy in Malaysian public universities.

2.7 Summary of Findings

It is apparent from the data collected from the questionnaires and the interviews that there is a significant level of intergroup enmity or tension among students in Malaysia's public universities, especially when it pertains to the issue of Malay special rights and the affirmative action policy imposed in the sector. With the issues of ICERD resurfacing in 2018, these new cohorts of university students spent their first years in higher education having been exposed to the public discourse of Malay special rights. Unlike their predecessors, they entered university at a point where those discourse coincided with the regime change in Malaysia, where the new government was less stringent towards freedom of

[95] Ibid

expression regarding critical and sensitive issues such as the affirmative action policy.[96] As a result, researchers are presented with the opportunity to examine the opinions of these students that had gone through the Malaysian education system and the affirmative action-based admission policy themselves. The lived-in experience of these students proved invaluable as it could provide an insight into how their socioeconomic and educational background affect the intergroup relationship between them i.e. the Malays with members from an outgroup i.e. the non-Malays.

The findings indicated that factors such as level of exposure to members of the outgroup plays a very significant role in determining whether a student would support affirmative action in their higher education institutions, confirming the first hypothesis made earlier in this research. This level of exposure is measured through the type of universities attended by the students, with mixed universities providing higher level of intergroup contact compared to Malay-only universities. However, Malay-only universities provided more than just an ingroup-exclusive space. The follow-up interviews that followed the questionnaire also revealed that these universities provided a source of authority or reference when it comes to the issue of affirmative action in Malaysia's public universities. As Malay-only universities are run by a system that gives approval to those affirmative action policies, the students were more likely to be supportive towards those policies. This can be seen through the students referencing the authority as a justification for their answers in the questionnaire. Although the follow-up interviews only consisted of students from mixed-universities, it was later discovered that most of the interviewees went to some form of all-Malay or Malay-majority pre-university institutions. Therefore, although the questionnaire and the interviews' findings supported the first hypothesis, it would be inaccurate to assume that it was the level of

[96] "IFJ: Reforms slow despite progress in press freedom since GE14," *Malaysiakini,* Nov 22, 2019, https://www.malaysiakini.com/news/500907

intergroup contact that catalyzed this form of reaction to the affirmative action policy. Admittedly, there is a correlation between the level of intergroup contact (represented by type of university) and the level of acceptance towards the affirmative action policy in Malaysian public universities. However, as the interviews have shown, the justification behind the answers to the questionnaire did not relate to the students' exposure to non-Malays counterpart in their universities. Instead, it was the source of authority encouraging these affirmative action policies that shaped the students' opinions regarding those policies. As this source of authority can only be found in Malay-only universities, it inadvertently created a correlation between type of universities with the students' attitudes towards affirmative action policy in Malaysia's public universities.

Another variable is the socioeconomic status of the students, which the second hypothesis argued to be a determinant of their opinions towards the affirmative action policy in Malaysia's public universities. Unlike the first variable, the socioeconomic status of these students, represented by their family income, did not produce any discernible pattern that could lead to a conclusive finding that can be generalized to their income group. The initial assumption was that students from the lower income group would have a higher level of perception of threat towards the abolishment of the affirmative action policy as they would be reliant on those policies in order to pursue their studies. However, from the available data, the socioeconomic factor seems to play no significant role in influencing the students' responses to the questionnaire. Admittedly, the sample was rather small, which resulted in a disproportionate distribution of the sample into respective socioeconomic categories, which may have contributed to the lack of a generalizable pattern in the findings. Therefore, the initial assumption of affirmative action preference being rooted in the intergroup perception of threat could not be confirmed through the available data.

3 Conclusion

3.1 Overview

At the time of writing, the affirmative action policy remains a significant part of life in Malaysia. The Malaysian higher education system, particularly public universities continue to implement the quota system and their Malay-exclusive admission policy. Just a few days ago from the time of writing, Malaysian high school graduates received the results of their high school graduation examination i.e. the SPM and social media such as Twitter and Facebook are buzzing with tips and advices on how these students should proceed into higher education.[97] One of the most common posts would be about scholarships and application to a pre-university programmes. Among those optimistic tweets and posts, there are also information being circulated on which universities and scholarship providers that would only accept application from *bumiputera* students.

It is apparent that not only the affirmative action policy maintains its strong position within the higher education system, it is also continuously being passed down and normalized among new generations of students seeking to pursue their undergraduate studies. As most student would have to go through pre-university programmes, they would undoubtedly encounter this information informing them of the nature of the affirmative action policy in Malaysia's public universities. This exposure prior to the actual experience of being enrolled in a public university has the potential to shape the way these new generation of students feel about affirmative action policy as well as their attitude towards members of a different ethnic group.

[97] Rebecca Rajaendram, "SPM 2020 results to be released at 10am today (June 10)" *The Star*, June 10th, 2021, https://www.thestar.com.my/news/nation/2021/06/10/spm-2020-results-to-be-released-at-10am-today-june-10

The continuously recycled narrative of Malay special rights undoubtedly leaves a mark on the way intergroup relationship works in Malaysia.

From the findings of the conducted surveys and interviews, the Malay students largely accept the implementation of the affirmative action policy, albeit in varying degrees. However, this general overview of the findings should be contextualized with the current political climate in Malaysia. As aforementioned, this research was built upon the idea that the ICERD debacle of 2018 being the catalyst for the public to be more engaging with the topic of Malay special rights and affirmative action in Malaysia.[98] However, ever since early 2020, the newly elected Pakatan Harapan (Coalition of Hope) that was more open to criticism has been removed from power only to be replaced by a new government led by former members of the pro-Malay, UMNO-led coalition.[99] This inadvertently created a sense of insecurity when it comes to addressing an issue as sensitive as the Malay special rights. Historically speaking, the pre-2018 UMNO-led government had a history of imprisoning their oppositions and political dissenters, which sometimes would also include students. Recently, a graduating student held a placard protesting against the vice chancellor of his university.[100] The vice chancellor had given a speech at the Malay Dignity Congress, which the student felt was in support of "racism" and was inappropriate due to the political nature of the event.[101] This resulted in the university lodging a police report for the student's action in the graduation ceremony.[102] That was not the first time a student was in trouble for voicing criticism towards the government or their pro-Malay policies. Therefore, although the issue of affirmative action is becoming more commonly discussed, there are still hurdles in trying to get people to voice their opinions due to fear of persecution from the authority.

[98] Boo, "Malaysia decides not to ratify ICERD"
[99] Jonathan Head, "How Malaysia's Government collapsed in two years," *BBC*, March 5, 2020, https://www.bbc.com/news/world-asia-51716474
[100] "UM denounces graduate's 'VC resign' protest, lodges police report," *Malaysiakini*, Oct 15, 2019, https://www.malaysiakini.com/news/495925
[101] Ibid
[102] Ibid

3.2 Application of theories

From the second chapter, few social studies theories were put forward to explain the phenomenon or trend that emerged from the data collection. At the initial stage of this research, the two hypotheses were constructed under the assumption that intergroup contact and threat perception played significant roles in determining the attitudes of students towards affirmative action policy in Malaysian public university. The assumption was based on Allport's Intergroup Contact Hypothesis and the Intergroup Threat theory, which manifested as variables in the form of university types and the socioeconomic status of the students. Prior to data collection, it was hypothesized that those in Malay-only universities would not be exposed to non-Malays student and would be less likely to be accepting towards the presence of non-Malays in their universities, making them more likely to be in support of the affirmative action policy. In addition, the Intergroup Threat theory operates under the basis that those in lower socioeconomic position would rely on those affirmative action policies, making them more likely to support such measures in their universities as the abolishment of such measure would pose a threat on their positions. From the questionnaire alone, the first hypothesis was confirmed, while the second one was inconclusive. However, as we proceed into the interviews conducted with few of the students, the application of the two aforementioned theories, albeit correct, was not representative of the full picture.

For instance, although Allport's Intergroup Contact Hypothesis is still applicable to the findings from the interviews, it was not exposure to members of the outgroup that played a role in shaping the students' attitudes towards affirmative action. Instead, it was one of Allport's conditions that appears to influence the way the students reacted to the affirmative action policy in their universities. The role of authority appears to play a role not only in the

way the students feel towards the affirmative action policies, but also in the way they behave when asked about this sensitive matter. Rather than replying with their own opinions, the students would cite and defer the question to the source of authority, which in this case would be the Malaysian government or the university administrators. Therefore, although the types of universities can still be used as a variable in measuring the students' attitudes, it should be viewed as a correlation rather than the cause of the way the students react to the issue of affirmative action in public universities.

With the Intergroup Threat theory, the 'threat' was represented through the students' socioeconomic status, where the removal of affirmative action would negatively impact their chance of pursuing their studies in higher education. Although the questionnaire could not provide any conclusive correlation between the perception of threat and attitudes towards affirmative action policy, the interviews offered some insight into the form of threats that are being perceived by the students and influencing how they feel towards the aforementioned policies. The threat came in the form of 'competition', a word being used by the interviewees to justify why they support full or partial affirmative action in their universities' admission policy. The interviewees viewed the non-Malays as their competition in higher education spaces, therefore the removal of affirmative action policy would remove the upper hand that the Malays have at the moment. The Intergroup Threat theory can be used alongside the Social Dominance Theory, where there is a constant need by the dominant group to maintain and reinforce the higher position they occupy in the social hierarchical structure. This Hierarchy Enforcing (HE) behavior manifested itself in the form of the Malays trying to maintain and reinforce their position as the ethnic majority in the country through the use of these affirmative action policies in Malaysia's public universities.[103] Similar to the first

[103] Sidanius & Pratto, *Social Dominance*, 38

hypothesis, the notion of perceived threat is applicable but not in terms of socioeconomic status but rather in terms of academic competition and maintaining the social status quo of the Malay people.

3.3 Limitations

From the overview of the findings and the theoretical application, it is apparent that there are few limitations in this research, particularly with data collection. This can be seen in the disproportionate distribution of sample in the analysis of the second hypothesis, where the income of the students was used as a variable in the tabulation of the data. This resulted in inconsistent data that could not be discerned into any pattern that could be used to confirm the second hypothesis. In addition, due to the sensitivity of the issue of income, few students also refused to provide any information regarding their socioeconomic status. The issue with reluctance to provide information can be seen throughout the process of data collection. Due to the sensitive nature of the questions, some students refused to answer some parts of the questionnaire, most likely for fear of legal persecution. At the time of writing, the Sedition Act of 1948 is still in place, causing a sense of anxiety among those who were asked to speak about matters considered as seditious, which Malay special rights does fall into. Nevertheless, due to the anonymity provided by the questionnaire, a considerable number of students did reveal their opinions regarding affirmative action policies in Malaysia's public universities. Unfortunately, the follow-up interview, which was a significant part of qualitative data collection could not provide the same level of anonymity, as the interviewee would have to be interviewed by a researcher instead of just filling in a form online. As a result, only 4 people agreed to be interviewed for this research. As such, the qualitative data available collected in this research was limited in terms of quantity. That being said, the existing data from those

four interview sessions provided usable data that was used to construct a set of findings for this research.

3.4 Further research

Despite all the limitations of this research, the findings from the collected data revealed few points of interest that could potentially be developed into further studies. The research could be expanded to include a more diverse and larger sample of respondents that consist of both Malays and non-Malays. As the research deals with affirmative action through the lens of intergroup relationship, it could benefit from a comparative study that collects data from both Malays and non-Malays alike. In addition, the study of attitudes towards affirmative action can also be expanded beyond the admission policy to also include scholarships and financial aid that were only reserved for the *bumiputera*.

Admittedly, there have been many publications on affirmative action policy in Malaysia, especially with regards to the economic sector. However, the subject of affirmative action in the educational sphere is not as commonly discussed, especially from the perspective of students. Often, affirmative action in public universities would be mentioned in news articles entailing government policies rather than the point of view of those that are most affected by it. Despite the potential legal hindrance of the Sedition Act of 1948, there are signs that the public is now more open towards voicing their dissatisfaction with the system, either in general or with particular reference to the affirmative action policy. With this research, I hope to contribute to the existing works on racial relations and affirmative action policy in Malaysia, either with the research on its own or as a catalyst for further research in the future.

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