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McCloughlin, Claire

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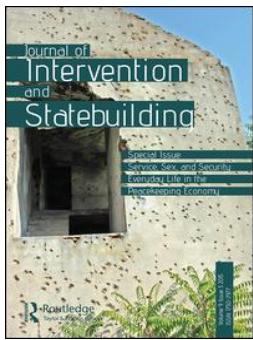
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# When the Virtuous Circle Unravels: Unfair Service Provision and State De-legitimation in Divided Societies

Claire Mcloughlin

International Development Department, University of Birmingham, Birmingham, UK

## ABSTRACT

The mutually reinforcing ‘virtuous circle’ of service provision and state legitimacy posited in prominent statebuilding models can unravel when citizens perceive unfair service processes or distribution. In Sri Lanka, changes to university access catalysed an ongoing process of state de-legitimation among the Tamil minority. Coveted services are lucrative legitimacy commodities that can cater to the core legitimacy audience, leading to perceptions of unfairness among excluded groups. This can have wider de-legitimizing effects through signalling the state’s operative values and norms. In already divided societies, whether services support or undermine state legitimacy can hinge on competing perceptions of fairness.

## KEYWORDS

service provision; Sri Lanka; state legitimacy; legitimacy audience; virtuous circle

## Introduction

Prominent statebuilding models depict a virtuous circle – or mutually reinforcing, positive relationship – between improved state capacity for public service provision and enhanced state legitimacy (DFID 2010; OECD 2008). Recent research has begun to empirically interrogate this logic, testing whether and under what conditions vital services – including health, water, education, and social protection – improve citizens’ perceptions of the state’s right to rule (Carpenter, Slater, and Mallet 2012; Fisk and Cherney 2016; Mcloughlin 2015b). The main finding from this emerging literature is that the relationship between service provision and state legitimacy is neither automatic nor straightforward. Rather, it hinges on certain normative and historically contingent criteria against which citizens judge the quality of the services provided to them. The history of what the state has provided in the past can influence perceptions of what it should rightfully provide in the present, forming a baseline of assessment (Nixon and Mallet 2017) that may depend on perceptions of distributive justice in the allocation of services between groups, as well as on whether or not decision-making and implementation processes are judged to be procedurally fair (Mcloughlin 2015b). These findings have begun to lay the groundwork for a more nuanced, normative understanding of the received wisdom that services necessarily improve legitimacy.

If, as emerging research indicates, services may *improve* state legitimacy when certain normative criteria are fulfilled, it is not inconceivable that they may *undermine* it when

delivered in ways that challenge those same normative criteria. Yet, while the idea that service provision improves state legitimacy has been empirically investigated, this reverse proposition – that services might under certain conditions de-legitimize a state – remains curiously neglected. This stems partly from the policy origins of this research agenda, which grew out of a concern with understanding the potential effects of external aid on peace and stability in fragile and conflict-affected states. However, it follows that if service provision is conceived as significant for a state's legitimacy, there is no intrinsic reason why its influence should be exclusively positive. Indeed, some evidence from fragile states suggests the opposite – that service provision is frequently a source of everyday grievance and contestation between competing groups which, particularly in divided societies, can exacerbate social tensions and fuel instability (Baird 2010; Alexandre et al. 2012). Viewed in this light, the virtuous circle appears not only theoretically lopsided but empirically naïve.

This article takes up these concerns and asks when service provision can have the opposite effect of de-legitimizing a state. Based on a review of evidence from fragile and conflict-affected states and an in-depth qualitative case study of the link between education and state de-legitimation among Tamils in Sri Lanka, it examines why and how the virtuous circle can unravel. It argues that under certain political conditions service delivery can undermine state legitimacy when it is perceived as procedurally or distributionally unfair. In the Sri Lankan case, changes to the rules governing access to university education helped to de-legitimize the state among the already excluded Tamil minority. During the critical juncture of 1970 to 1974, reforms to university entrance criteria had a catalytic effect on the militarization of Tamil youth and the resort to calls for a separate Tamil state in the north of the island. These mobilizations were important precursors to Sri Lanka's devastating civil war between the Sinhalese state and the Liberation Tigers of Tamil Eelam (LTTE), which spanned more than 25 years (1983–2009). The contested university reforms can themselves be interpreted as an escalation of a postcolonial legitimization practice of pursuing social justice for the Sinhalese masses. The ostensible pursuit of *fairness* for this majority in turn collided with, and undermined, the perceptions of fairness of the Tamil minority, who viewed changes to the entry criteria as normatively unjustifiable in both a distributive and a procedural sense. This service-level unfairness was evaluated and magnified in the context of pre-existing perceptions of unfairness and state discrimination among this minority. Perceptions of acute unfairness in the education arena quickly had wider signalling effects, becoming an emblem of state illegitimacy and a rallying cry for anti-state mobilization.

This case and the wider literature suggest qualifications to the model of the virtuous circle and point to a number of testable propositions about when services undermine legitimacy. They highlight that the relationship between service delivery and state legitimacy does not hang free of political context; in practice, it may be actively politically engineered. In divided societies with legacies of inequality, highly coveted services can become lucrative political commodities which political elites may have strong incentives to manipulate in order to maximize legitimacy among their core constituency. In the context of pre-existing conflict, this political process of engineering can generate a backlash among excluded groups who hold competing perceptions of fairness. These perceptions of unfairness in relation to either the process through which services are allocated or the anticipated distributional effects of those decisions – independent of any *eventual*

material outcomes or lived experience – can undermine the normative basis for state legitimacy. Perceptions of unfairness in even a narrow service arena can have wider effects on perceptions of overall legitimacy because services convey the state's operative values and norms: in essence, the normative basis for its legitimacy.

Methodologically, these insights arise out of a politically grounded, historical account of the relationship between the provision of a highly desired good and a process of state de-legitimation over time. This departs from the hitherto dominant method for researching the services–legitimacy relationship, which has primarily involved measuring correlations between perceptions of legitimacy and *objective* measures of service provision at narrow snapshots in time (McCloughlin 2015a). Viewing the services–legitimacy relationship through a wider temporal lens reveals both sides of the legitimation equation – both how states may engineer access to services as part of ongoing legitimation practices and the subsequent effects of these practices on citizens' legitimacy evaluations (Zaum 2013). Understanding the role of services in legitimation is operationalized in the present study through archival research that involved retrieving and analysing policy documentation, political speeches, parliamentary records, and news media reports related to the history, evolution, and political significance of university education in Sri Lanka over more than a decade. To examine the effect of service changes on legitimacy perceptions,<sup>1</sup> more than 250 newspaper articles, opinion pages, and columns were analysed covering public reaction to key reforms during the period of interest.<sup>2</sup> This documentary and public sphere analysis was then triangulated through a series of over 50 key informant interviews conducted in Sri Lanka between 2012 and 2016. The sample includes past and contemporary political elites, retired government officials, academics, and (former) students from both the Tamil and the Sinhalese groups, who gave first-hand, narrative accounts of the significance of education to processes of state legitimation and de-legitimation.

The article proceeds as follows. It first sets the scene by critically evaluating the virtuous circle in light of recent research on the relationship between service delivery and state legitimacy in divided societies. It then examines, through the use of an in-depth case study of education and state de-legitimation in Sri Lanka, how and why this virtuous circle can unravel. Based on these combined insights, it then puts forward testable propositions on the political and normative conditions under which services may undermine legitimacy. Finally, it concludes by summarizing the case for a more political, normative, and temporal perspective on the services–legitimacy relationship, arguing that competing perceptions of fairness may be pivotal to understanding the circumstances under which services may harm perceptions of a state's legitimacy and exacerbate conflict.

## Reversing the logic of the virtuous circle

The underlying logic of the virtuous circle follows what scholars have termed an 'instrumentalist' view of statebuilding (Lemay-Hébert 2009). In the OECD's (2008) account of the causal chain, for example, states with the requisite capacity to provide services in line with citizens' expectations are rewarded with enhanced legitimacy, and legitimacy in turn increases citizens' compliance with the state's rules. Over time, this compliance not only makes the task of governing less costly but simultaneously boosts the state's capacity to deliver more services more effectively, in turn generating improved legitimacy.

This conceptualization squarely aligns with so-called *output legitimacy* – that is, a source of legitimacy derived from meeting people’s everyday basic needs and governing *for the people* (Scharpf 1999). From this perspective, the role assigned to service provision in improving state legitimacy is primarily via its material effects: services matter for legitimacy because they improve people’s social conditions and prospects for well-being. This also aligns with Weber’s (1962) legal–rational category of legitimate authority, which is distinct from the legitimacy derived from the processes through which power is acquired and/or exercised, and from the underlying norms and traditions that may guide these processes. Categorizing service delivery as output-based legitimacy has subsequently infused development policy, wherein similar distinctions are made between how the state acts and what it delivers as discrete sources of legitimacy (World Bank 2011).

Recent research has begun to qualify this instrumental framing of the link between effective service provision and legitimacy by identifying certain normative conditions that may first need to be in place (Schmelzle and Stollenwerk 2018). These conditions drill into the meaning of effectiveness in relation to service delivery, revealing the value judgements that underlie it. Crude measures of access to services do not strongly correlate with people’s perceptions of the state’s rightfulness (Nixon and Mallet 2017). To be viewed as effective, and acceptable, questions of what services are provided and to whom may have to first satisfy certain social goals which are *shared* between societies and governing institutions seeking legitimacy (Schmelzle and Stollenwerk, this issue). Legitimacy, at its core, is always derived from value-based judgements – and these values are what Scharpf (1999) terms the *common good* or Beetham (1991) the *common interest*. Specifically in relation to service delivery, perceptions of distributive justice (who benefits) and procedural fairness (through what decision-making process) have been identified as important shared values across a range of contexts (McLoughlin 2015b). Hence, while the mere presence of a service may not influence legitimacy, aspects of *how* services are delivered – particularly the availability of a grievance mechanism – are significant in shaping people’s perceptions of the state (Nixon and Mallet 2017). Together, these findings challenge the bracketing of service delivery as merely a material or instrumental output, suggesting that services are also a marker of whether or not the state is acting in ways that are normatively acceptable.

A further set of preconditions for the virtuous circle to take hold relates to the connections between this normative assessment of services and citizens’ overall legitimacy perceptions. An important consideration here is how easily ordinary citizens can credit or blame the state for the effectiveness of service provision. This may depend on the state’s visibility at the point of service access, which may affect citizens’ (positive or negative) attributions. It may also depend on the characteristics of the service itself. In complex services (e.g. curative health) information asymmetries between doctor and patient may affect the ability of citizens to judge the quality of what is being delivered to them, for example (Batley and McLoughlin 2015). Even where effective services are readily assessable and attributable to the state, there remains the question of how *specific* perceptions of effectiveness in a single sector translate into a more *diffuse* type of moral approval that underlies the state’s right to rule (Easton 1975). This is what Schmelzle and Stollenwerk (this issue) term the problem of *generalizability* – from service to state as a whole. These links between service effectiveness and legitimacy are undertheorized and yet central to the virtuous circle logic.

If the virtuous circle is conditioned by norms then services may conceivably undermine legitimacy when they violate these same normative criteria. Theory tells us that, in a broader sense, state de-legitimation happens when there is misalignment between how the state exercises its power and the norms which citizens believe *should* govern that exercise of power (Beetham 1991). From this perspective, service provision can potentially exacerbate or catalyse a process of state de-legitimation wherein it creates or amplifies perceptions that the state is exercising power in ways that are normatively unacceptable. As noted above, services are not merely evaluated as a technical exercise; they embody and transmit a set of core values – around process, equity, fairness, and rights. Legitimacy theorists have for some time therefore argued that partiality and bias in service delivery can threaten legitimacy. Beetham (1991), for example, argues that services which are distributed to favour certain political constituencies may contravene the common interest principle that underlies legitimacy; the unequal distribution of service provision may exacerbate the problem of (perceived) relative deprivation (Easton 1975). Some statebuilding scholars argue that consistent partiality in the distribution of state goods can prevent the very emergence of a social contract (Holsti 1996). Together, these theoretical insights suggest that an exclusively positive framing of the virtuous circle may be unjustifiably lopsided.

The alternative proposition – that service provision might also undermine legitimacy – finds (albeit limited) empirical support in contemporary areas of limited statehood, where research has begun to show that the virtuous circle is at best elusive and at worst empirically naive. Identity-based exclusion and a weak political commitment to equitable service provision are hallmark features of divided societies (Baird 2010). Surveys indicate that perceptions of injustice and unfairness accompany popular disillusionment with and detachment from the state (Alexandre et al. 2012). In the same way that material rewards may signal the state's commitment to the welfare of its citizens, unequal or exclusionary access to public goods can be interpreted as a signal of neglect (Dix, Hussmann, and Walton 2012; Bleck and Michelitch 2015). Indeed, in some divided societies, poor service provision and contested legitimacy appear to be locked into a vicious rather than virtuous circle. Recent case evidence from northern Mali is illustrative of this dynamic: here, exclusion from service access perpetuates a cycle of poor state presence, uneven service access, contested legitimacy, and instability (Wee et al. 2014). Political commitment is often at the heart of this cycle. Politicians may have little incentive to provide services to minority or marginalized communities that are not core constituencies for the state (Hamilton and Svensson 2014), and the state, in turn, may need to expend more resources containing dissent from these groups through coercive measures, thus reducing its capacity for effective service provision (Min and Golden 2014). In this way, a vicious circle of weak legitimacy, poor performance, and non-compliance can become self-reinforcing in the same way that a virtuous circle can. While these empirical insights remain potted, they nevertheless indicate the possibility that service provision may violate rather than support the fulfilment of shared values, and that exclusion from *specific* services may reinforce a *generalized* sense of disillusionment with the state.

## Education and state de-legitimation in Sri Lanka

The case of education in Sri Lanka provides a graphic illustration of this potential for a negative relationship between services and legitimacy. In a broad sense, this case sits in



a paradoxical category of states that have demonstrated strong effectiveness in delivering citizen welfare and yet simultaneously experienced significant challenges to legitimacy among certain constituencies (Lipset 1984).<sup>3</sup> In the decades after independence, Sri Lanka was held up as a model of outstanding social development, having displayed exceptional performance on measures of service provision and citizen welfare. By 1960, the country had achieved remarkable progress on poverty reduction, including a life expectancy of 62 years – a feat that would elude many richer countries for at least another decade (Sen 1981, 295). This performance is widely attributed to Sri Lanka's extensive provision of social welfare programmes – from food subsidies to free education and health-care – initiated by a postcolonial state founded on principles of social justice (Jayasuriya 2010). Alongside these markers of effectiveness, however, violent challenges to state legitimacy were mounted both from within the majority Sinhalese constituency – in the form of two insurrections – and from within the Tamil minority community, culminating in the armed separatism of the Liberation Tigers of Tamil Eelam (LTTE).<sup>4</sup> In reference to the virtuous circle then, Sri Lanka appears to be an outlier case<sup>5</sup> that – on the surface at least – contradicts the received wisdom that effective service provision runs neatly in parallel with improved legitimacy. Indeed, it raises an alternative question of whether and how the pursuit of welfarism that was so core to the postcolonial state transformation project may itself have been connected to the process of state *de-legitimation* among some groups.

Events in the education sector during the early 1970s lend support to this alternative proposition. Political interference in the rules governing access to university education became a key issue of contention between the increasingly excluded Tamil minority and the Sinhalese nationalist state during the formative juncture in the lead up to war between them (C.R. de Silva 1974). A series of reforms were introduced that altered the criteria for university admissions. Significant among them was the incendiary policy of so-called *media-wise standardization*, which introduced new qualifying marks that varied according to the language in which the entrance examinations were taken. Until then, university admissions criteria had been based on the principle of merit, or raw marks, in examinations. Under the new standardized rules, the number of students admitted to the universities would be proportional to the number sitting those examinations in different languages – whether English or one of the two local *swabasha* languages, Tamil and Sinhalese. Contemporaries claimed that the students sitting the exam in Tamil or English would therefore be required to score higher raw marks than those sitting the exam in Sinhalese (the language of the majority of the population) in order to gain a place at a state university (C.R. de Silva 1974). In this way, standardization represented an important shift in an underlying normative principle, from universal merit to positive discrimination on the basis of language and, by extension, ethnicity.

Although the government subsequently retracted the language-based criteria for university entrance,<sup>6</sup> this normative shift significantly exacerbated an ongoing process of state de-legitimation among the Tamil minority community (Wickramasinghe 2012).<sup>7</sup> Tamil political representatives, students, and civil society organizations reacted with immediate hostility towards the perceived attempt to engineer university access. In November 1970, over 10,000 students from Jaffna staged a protest, during which they burned an effigy of the minister of education. They subsequently delivered an ultimatum to 'reverse the injustices done to Tamils under the new entrance scheme, or they would



take *further action*'; when asked what that *further action* could mean, a prominent student leader replied: 'it can mean anything. We shall show the government what we are capable of doing' ('10,000 Jaffna Students Protest against Varsity Admissions' 1970a). Perceiving that their long-held right to education was under threat, these reforms aggravated already militant youth groups – including the Tamil Students Federation (TSF) – who would go on to violently challenge the state's legitimacy (Wilson 2011).<sup>8</sup> The reaction of youth groups was particularly significant because they were later described as 'the most militant agitators for separatism' and 'a substantial and very volatile element in Tamil society' (K.M. de Silva 1981, 551).

As described in further detail below, the significance of the changes in education policy to state legitimacy in the Sri Lankan case is intimately related to the political history of the post-independence state transformation process and the special role of education within it. These specific reforms can be viewed as an escalation of the political engineering of access to education as a part of a wider political legitimization project designed to court the state's primary legitimacy audience of the (majority) Sinhalese. However, the given normative justifications for this interference, in turn, had a splintering effect on legitimacy. Reforms framed as the pursuit of *fairness* for this majority were received as unfair both distributionally and procedurally by the minority. Although in one sense narrow – confined to a single sector and directly affecting potential university entrants – these reforms had a disproportional effect on state–society relations because they were highly symbolic of, and in turn reinforced by, wider pre-existing perceptions of state discrimination and bias.

### Education as a political legitimacy commodity

Education has a particular history and social meaning in Sri Lanka that influenced its significance to state legitimacy. Extending the right to free education at all was a cornerstone of Sri Lanka's post-independence, welfare-oriented social contract (Jayasuriya 2010, 76). Access to university has historically been viewed as an avenue for breaking through social hierarchies and accessing (government) employment opportunities (Dunham and Jayasuriya 2000). In the period leading up to the end of colonial rule in 1948, Sri Lanka's education system also came to symbolize the injustices of foreign domination. Colonialism left a legacy of inequality and linguistic segregation between the English-educated and the swabasha-educated, as well as widespread imbalances in educational facilities (buildings, laboratories, qualified teachers) between urban and rural areas ('Column 515' 1971b). These inequalities were reflected in the universities, at which the majority of the students in the coveted science faculties came from urban areas (Colombo South) and Tamil areas (Jaffna), while several rural districts – home to the state's core legitimacy audience – were significantly under-represented (Jayaweera 1969).<sup>9</sup> At that time, education held intrinsic mass appeal and had found a place in the social contract; consequently, rectifying these education inequalities became core to the pursuit of post-colonial social justice.

After 1970, a political conjuncture of rising nationalism and violent agitation from within the majority provided the impetus for the escalation of efforts to rectify these educational inequalities. A new government – led by the ethno-nationalist Sri Lanka Freedom Party (SLFP) – came to power, committed to a Sinhalese-Buddhist version of social justice. Alongside this turn to nationalism, the state faced a legitimacy crisis from within its

majority constituency which took the form of an armed insurrection orchestrated by Sinhalese youth who were frustrated with the situation of high unemployment and blocked social mobility (Moore 1993). As leading historian K.M. de Silva (1981, 541) later recalled, the insurrection demonstrated that the pace of change towards the vision of social justice – and fairness for the Sinhalese – had proceeded too slowly. Reforms in higher education subsequently took on a new urgency, epitomized by statements made by the minister of education in the days and months after the insurrection that called for *quick* reforms: ‘we cannot afford to dilly-dally any longer, so we must take the shortest cut possible’ (Education System to Be Overhauled 1971).

Political elites revived perceptions of colonial injustice, and the Tamils’ educational advantage, to rhetorically justify reforming university entrance, their narratives channeling widely held views about the need to re-establish fairness in the education system (‘Education Lessens Job Prospects’ 1971). A key idea was that if the social justice ideology of the postcolonial welfare state was to be realized then maximum educational opportunities should be extended to the rural majority Sinhalese – and the proposed standardization of marks would counteract the imbalance in science-teaching regions that was disadvantaging Sinhalese students in particular (C.R. de Silva 1974). In public statements, standardization was presented as morally justifiable if it could overcome ‘the systemic legacy of division between the elites and the proletariat’ that stemmed from colonialism (‘MP on Varsity Admissions’ 1970).<sup>10</sup> This captures the central normative justification for standardization: levelling the playing field for the state’s core legitimacy audience. In this way, the engineering of the university entrance criteria was a short-cut mechanism to ‘appease the masses’ and deliver a version of ‘fairness’ to the Sinhalese.<sup>11</sup>

### Competing perceptions of fairness

This pursuit of ostensible fairness and equity for the majority Sinhalese collided with, and undermined, perceptions of fairness among Tamil groups, who viewed the changes to the rules as unjustifiable and unfair in both a distributive and a procedural sense. In material terms, Sinhalese admissions increased in the most coveted science and engineering faculties from 55.9% in 1970 to 62.4% in 1971.<sup>12</sup> Alongside these Sinhalese gains, the Tamils’ share of engineering spaces fell from 24.4% in 1973 to 16.3% in 1974 (C.R. de Silva 1974).<sup>13</sup> However, the immediate hostility towards standardization emerged before these objective effects could have been felt. It was not so much the effects of the reforms but the principle of unfair treatment that rallied the already militant Tamil youth. An election manifesto of the Tamil United Liberation Front<sup>14</sup> later described it as the ‘gravest injustice’ perpetrated against Tamil students. Opinion pages condemned it as ‘discriminating against a particular community and bestowing undue advantages on others’ (‘Standardisation Violates a Fundamental Right’ 1970). The president of the Parents Association of Jaffna came to a similar judgement: ‘if *standardisation* is a euphemism for discriminating against a particular community and bestowing undue advantages on others, it stands condemned as violating a fundamental human right’. Even if language-based standardization was conceived by some Sinhalese as positive discrimination, it was *received* by many Tamils as blatant racism.<sup>15</sup>

The given justifications for standardization were perceived as not only normatively unacceptable but illogical, by both Tamil and Sinhalese commentators. Even those with

sympathy for the government's social justice orientation viewed the engineering of admissions criteria as illegitimate. It was seen by many as the wrong solution to the right problem; even though the pursuit of social justice for rural children would 'be appreciated by all who have the larger interests of the country at heart', adjusting entry based on school facilities would be fairer than adjusting entry based on language ('Voice of the People: Standardisation – No Solution' 1970f). Some called for correcting the imbalances in the facilities rather than adjusting the criteria for entry. The principal of Jaffna Hindu College raised the following objection: 'if certain areas lacked facilities for higher education, it must be remedied forthwith and those children provided with all amenities for better education rather than denial of admission to children who deserved a place in the university' (Babalingham 1971). Others rejected *any* form of political interference in university admissions ('Alleged Interference with University Admissions. Sen. Kalpage Slates Govt' 1970b). The principal of the Buddhist Ladies College<sup>16</sup> argued: 'the standardisation should not be in the hands of politicians and partisan bureaucrats. The standardising process should more properly be in the hands of the university authorities'. This politicization provoked popular concern that students' lives should not be kicked around at the whims and caprices of politicians, 'otherwise far from blossoming into the wealth and riches of a future age, they may well become the instruments of eventual ruin' ('Varsity Admissions' 1970e). The political manipulation of access to university was thus considered irresponsible in the context of the existing ethnic tensions.

In an environment where controversies over university admissions were already testing ethnic relations, the standardization was also criticized as being procedurally unfair. Allegations of bias in the marking of examination scripts had previously surfaced in the press ('Entry to Varsity: Discrimination Alleged' 1970c) and the contested issue of university admissions was already spilling over into violence; peaceful demonstrations over perceived irregularities in admissions were put down by the police using tear gas ('Strike Over Alleged Favouritism at Katubedde: Police Tear Gas Students' 1970d). The new criteria for university entry were not publicly debated in advance of their introduction. Absent of this, members of parliament later scrambled for clarification. In 1971, a Tamil representative<sup>17</sup> argued in parliament that 'candidates who sat in the Sinhala medium and obtained 212 marks and above, and Tamil medium candidates who obtained 232 marks and above' had been selected for admission to the Engineering Faculty of the Katubedde Technical College ('Column 1953' 1971a). He requested that the minister of education 'state the basis on which the standardisation was done'. A subsequent government press release dismissed a 'wrong impression that the marks [had] been tampered with', calling allegations that the entry rules had been introduced to benefit students of a particular ethnic or religious identity 'a canard' ('Column 515' 1971b, column 517).<sup>18</sup> Nevertheless, it publicly acknowledged for the first time that the pass marks had been adjusted for different languages.<sup>19</sup> This process of standardization was later condemned by a cabinet committee as 'deepening and indeed institutionalising suspicions between communities and promoting distrust in the fairness or impartiality of public examinations' (C.R. de Silva 1974, 4).

### The signalling effects of perceived unfairness in services

These de-legitimizing effects can only be understood in the context of the expectations of the rights and entitlements implicit in Sri Lanka's welfare-based social contract.

Standardization added to the grievances of the Tamil youth and their political representatives because it signified the removal of long-held rights and entitlements that were apparently no longer safeguarded under the social contract. University entry criteria had veered away from the fundamental principle laid down through the landmark free education reforms of the Kannangara Committee in 1943 – namely, the right to education. For Tamils, standardization was not merely a denial of rights but a removal of them. As one interviewee summarized: ‘Tamils felt they were not getting what they had. It’s a question of what you had, you know? Privileges were taken away’.<sup>20</sup>

The removal of the right to education was more acutely felt because educational achievement, including access to university, had been a long-term symbol of social status among the Tamil community. In this context, the denial of rights was also seen as an assault on Tamil identity. This is signified starkly in the TULF’s manifesto in 1977, which likens the removal of the right to education to the removal of the very ‘attributes of nationhood of the Tamil people’ (Kearney 2011, 500). Declining access for Tamil students had them driven ‘to the brink of frustration and engulfed with anxiety about their future’, it claimed; there was no alternative but to end the Sinhalese reign if equality of opportunity was to be restored, and crucially, ‘if this generation of youth [was] to live as human beings brimming with self-confidence’. The implied denial of rights had acute symbolic significance, as to many Tamils ‘university was a symbol of social prestige and upwards social mobility’.<sup>21</sup> The blow to self-esteem was also acutely felt at an individual level. Several new applicants under the first standardization batch were given entry to colleges in lieu of state universities; one such candidate, a former vice chancellor of the University of Jaffna who was moved to Moratuwa (at that time a college with no degree programme), recalls: ‘some of us had nervous breakdowns. A few who could afford it, went abroad. The vast majority who stayed for lack of any other choice, were radicalised and moulded into communalists’ (S.R.H. Hoole 2003). In the same way that Sinhalese nationalism fuelled the ostensible pursuit of social justice, standardization provoked strong recoil to the protection of Tamil national identity.

In a wider political context in which the nationalist state was increasingly perceived as discriminating against Tamil minority groups, this standardization magnified perceptions of exclusion. Several areas of public policy had come to symbolize the increasing exclusion of the Tamil minority from access to state power that was rallying militant Tamil separatism. Critical among these issues were divisive language policies, a failure to devolve constitutional power, and land settlement disputes.<sup>22</sup> Although standardization reflected these wider processes of perceived state discrimination, the removal of the right to education had a special resonance. It was therefore a tangible and acutely felt blow to the Tamil youth. One former Tamil student recalls: ‘the riots and even the Citizenship Act were distant to Tamils in the North East. But standardization was seen even by those who would never enter university as blocking them out’ (S.R.H. Hoole 2003). This was more acutely felt in the context of scarcity; the economic downturn of the 1970s had exacerbated a long-term mismatch between demand for, and supply of, higher education (Little and Hettige 2013), and accessing state universities had become even more meaningful for perceptions of distributive (in)justice in the context of high competition for few spaces.

The removal of the previously held right to education was highly symbolic of a wider process of state discrimination and, as such, became an emblem of state illegitimacy. One elite Tamil businessman from a family closely connected to the government of the

time recalls: ‘it was the prime minister’s betrayal of her closest advisors and friends that really undermined our status. I mean, Tamils owned a lot of businesses, and the state needed them. We were running the state, basically’.<sup>23</sup> In this way, standardization signalled not only blocked social mobility but blocked access to power. A Tamil academic later recalled that ‘what was more alienating and hurtful to the Tamils, was the manner in which the admissions issue was handled’; the apparent ‘casual arrogance’ of the discriminatory decision-making – absent of consultation and combined with perceived unfairness – both mirrored and catalysed a wider process of state de-legitimation (R. Hoole 2013 ).

### When the virtuous circle unravels

While the multifaceted causes of the de-legitimation of the state among the Tamil minority are explored elsewhere,<sup>24</sup> this in-depth case study shows how the university reforms exacerbated the process. It provides a norms-based, politically situated understanding of the relationship between services provision and legitimacy, and raises some propositions about the conditions under which the former may undermine rather than support the latter. These include the degree to which different services are political legitimacy commodities, the wider political environment in which they are evaluated, perceptions of (un)fairness in the assessment of services and the wider signalling effects of this, and the significance of competing understandings of fairness, particularly in divided societies.

The Sri Lankan case indicates that the relationship between service provision and state de-legitimation is not automatic, but rather politically conditioned. The provision of this particular service was seen as an expression of social values, as discussed further below, thus offering fertile ground for making political legitimacy claims. The standardization was viewed as a continuation and escalation of political interference in education that came in response to a political conjuncture which gave added impetus to delivering social justice to the majority legitimacy audience. However, education proved to be particularly fertile rhetorical ground for making legitimacy claims because of its significance in the social contract, the ideas it embodied about social justice and rights, and its social meaning for individual mobility and group identity. The elites articulated this meaning through political narratives and rhetoric; in this sense, its significance to legitimacy was politically manufactured. This recalls the basic idea that all processes of (de-)legitimation are engineered through interactions between political institutions, elites, and societies (Leftwich and Hogg 2008). Lipset (1984, 86) more strongly proposes that legitimacy depends on the state’s capacity to ‘engender and maintain the belief that existing institutions are the most appropriate or proper ones for the society’. Future research may look to the social meaning of different services within different contexts – derived partly from this meaning’s role in the social contract – as a basis for understanding their value as political legitimacy commodities.

In turn, this case highlights how political conditions may form the backdrop of citizens’ assessments of the state’s performance. Sri Lanka’s experience suggests that when a group is already excluded from access to services and/or power, service provision is evaluated in a context of wider mistrust and exclusion (Levi, Sacks, and Tyler 2009). In the wider political context in which the nationalist state was perceived by Tamils to be increasingly discriminating against them, the standardization brought to the surface and magnified ‘doubts they [already] harboured about the impartiality of the state in its

dispensation of social justice' (Wickramasinghe 2012, 82). In contexts where the wider political system is perceived as being fair, seeming deprivation and inequity may otherwise be tolerated (Jost and Major 2001). On the other hand, the perceived illegitimacy of the state combined with the perceived illegitimacy of its actions can form a potent combination that creates a tipping point for justificatory failure and subsequent de-legitimation (Kelman 2001). In the Sri Lankan case, the impacts of particularistic reforms in education were magnified in the context of wider grievances about the inequitable distribution of resources between different groups in society, indicating that the fairness of service provision is likely to be evaluated in – and cannot be divorced from – the perceived fairness of the distribution of resources and power in society as a whole.

The relationship between service provision and legitimacy may hinge on perceptions of the fairness of that service, in either a distributional or a procedural sense. The standardization of university entry in this case provoked a double justifiability crisis: a perceived unfavourable outcome was arrived at by means of a perceived unfair process. This combination is a recognized tipping point for illegitimacy (Kelman 2001). Indeed, the reactions to the standardization were immediately hostile, not only because the proposed changes directly threatened material interests but because they lacked any normative justification on process or outcome. This highlights a need to potentially distinguish between perceptions and lived reality in understanding how services may influence legitimacy perceptions. As Davies (1962, 8) identifies in his analysis of the cause of revolutions, a crucial factor motivating rejection of the state is 'the vague or specific fear that ground gained over a long period of time will be quickly lost'. Similarly, surveys of horizontal inequalities in African countries, for example, have found significant mismatches between measurable inequalities and perceptions of inequalities between groups (Langer and Mikami 2013). These findings, along with the in-depth Sri Lankan case, open up the possibility that perceptions of distributive injustice and unfairness may matter as much as lived experience in relation to the impact on state legitimacy.

These findings on the significance of fairness align with the theory that social motivations for the conferral or withdrawal of consent extend beyond material self-interest and maximizing personal rewards (Tyler 2011). Legitimacy ultimately derives from a normative belief in the moral appropriateness of the state. To be considered legitimate, a state has to earn the right to rule by using power in ways that are viewed as normatively appropriate and just (Coicaud 2002; Gilley 2009; Holsti 1996). In other words, it has to deliver not only what is personally beneficial but what people think is right (Tyler 2000, 2011). By this reading, service provision may undermine legitimacy when it undermines the moral appropriateness of the state. A similar finding is made by Fisk and Cherney (2016) in post-conflict Nepal, where people primarily evaluate institutional legitimacy on the basis of the fairness of decision-making and the quality of treatment, rather than on outcome favourability and material gain.<sup>25</sup> Other studies have shown that in practice people do not evaluate state legitimacy in such neat categories of outputs, inputs, and procedures (Gippert 2016; Lindgren and Persson 2010). Categorizing service delivery as exclusively 'output legitimacy' may therefore be misleading in implying that improving material well-being improves legitimacy. Here and elsewhere, service provision matters to legitimacy in terms of not only delivering material rewards but also informing citizens' evaluations of whether or not the state is operating in ways that are normatively fair.



Perceptions of unfairness in even a narrow domain of service delivery may undermine legitimacy if the resulting normative breach carries symbolic weight. Perceptions of unfairness can ‘generalize’ beyond a specific sector or service arena to affect overall perceptions of state unfairness when they become symbols of wider exclusion. In the postcolonial period, the extension of new rights to higher education was a means of transmitting what Gupta (1995) has called the ‘main myths and symbols’ of the state – in this case, rights and social justice. Against this baseline, the Sri Lankan standardization symbolized both the increasing exclusion of the Tamil minority from fair access to state power and resources and the decreasing prospects of using a fair process to remedy this exclusion and redress grievances. Perceptions of unfair service provision may thus greatly harm legitimacy where they symbolize such forms of discrimination.

This also implies that the fairness of who gets what, where, and how may be evaluated in the context of expectations of rights that are historically embedded in a social contract. In Sri Lanka, higher education was intimately tied to values, rights, and entitlements embedded during the making of the postcolonial state. The apparent denial of these *previously held* rights was, as is argued elsewhere, significant for motivating contestations of state legitimacy (Kelman 2001, 58). The effects of the changes to the rules governing entry to university on state legitimacy were also amplified because they were viewed as an assault on group identity. Some legitimacy theorists argue that groups are more likely to confer legitimacy when they feel that institutional arrangements are beneficial to their group identity and self-esteem (Jost and Major 2001). The case of standardization reverses this logic. The wider implication of these findings is that perceptions of fairness may be *relative* – to what has been promised, what is expected, and what has previously been experienced as a right.

Crucially, the standardization in this case was perceived by some as a violation of meritocracy in lieu of positive discrimination. From a legitimacy perspective, it therefore undermined the condition of ‘shared social goals’ (Schmelzle and Stollenwerk, this issue) and was viewed by some as violating the common interest principle (Kelman 2001). Reforms that can be interpreted as an attempt to legitimize the state among its core constituency – the rural Sinhalese – had the reverse effect of contributing to de-legitimizing it among the Tamil minority. Legitimacy scholars have argued that policies which violate universal rights or shared principles in this way need to find justification in an alternative normative principle that is equally universally shared (Scharpf 2003). No such alternative justification could be found for the standardization in this case, however. Put another way, so-called ‘performance legitimacy’ may fail if it signals that ‘government for the people’ is government for only some of the people (Scharpf 1999). In this way, Sri Lanka exemplifies the problem of multiple audiences (Zaum 2013) – that is, in multi-ethnic, divided societies, the state’s intended legitimacy audience may not be the whole society, and making legitimacy claims to one audience can simultaneously undermine legitimacy among others. Competing understanding of fairness can, in such contexts, have a splintering effect on legitimacy.

## Conclusion

This article reverses the dominant proposition underpinning statebuilding models that service provision improves state legitimacy. It presents new empirical data to advance a



number of conditions under which service provision can have the opposite effect of de-legitimizing a state, demonstrating the ways in which highly coveted services are lucrative political legitimacy commodities that can be engineered to cater to the state's core legitimacy audience, potentially leading to perceptions of unfairness among excluded groups. These perceptions of unfairness in even a narrow service arena can have wider de-legitimizing effects because services signal the operative values and norms of the state to citizens. In already divided societies, whether services support or undermine state legitimacy may therefore hinge on competing perceptions of fairness.

These findings both challenge and reinforce the virtuous circle model under scrutiny in this special issue. On the one hand, they call for refinement of the instrumental and exclusively positive framing of the relationship between 'effective' service provision and state legitimacy. On the other hand, they support the idea that the relationship between services and state legitimacy is mediated by the normative criteria against which services are assessed, by showing that service provision can undermine state legitimacy when it violates these same criteria (Schmelzle and Stollenwerk, this issue).

Taken together, these findings call for a more political and non-material interpretation of the relationship between services and state (de-)legitimation. Highly coveted services are politically lucrative commodities that can be manipulated for the purpose of legitimization, with the effect that the circle is not always 'virtuous' for all groups in society. In turn, services matter for legitimacy evaluations precisely because they represent more than just state 'effectiveness' and the instrumental supply of commodities and rewards. Service provision is not exclusively a question of 'outputs' but also an expression and manifestation of processes and values; it signals the state's wider commitment to fairness, impartiality, and the safeguarding of rights and entitlements. It is these normative qualities that make service provision significant to forming the moral glue between states and societies that underpins state legitimacy. When the provision of services signals that well-being and/or social mobility are closed off, or that the state is not committed to distributing services and goods fairly, service provision can undermine the normative basis for state legitimacy such that any expected 'virtuous' circle unravels.

## Notes

1. Citizens' evaluations of a state's legitimacy are typically measured by observing either their reported beliefs or their behaviours – in other words, perceptions of the state or acts of consent or dissent. This study combines both measures, seeking to understand the relationship between acts of dissent against the state and reactions to a change in (access to) a service. It examines public perspectives on why this change is viewed as unjustifiable or illegitimate and why it catalyses a process of de-legitimation.
2. The present approach aligns with that of Gilley (2009); to understand the link between how the state performs and how people evaluate its legitimacy, he studies specific policies, the political discourses surrounding them, and public opinion surveys that indicate levels of public approval of them.
3. Lipset (1984) for example classifies the German and Austrian republics in the 1920s as having featured high performance in combination with contested legitimacy.
4. The two insurrections were both orchestrated by the Marxist Janantha Vimukthi Peramuna (JVP). The first, in 1971, temporarily brought the state's machinery to a halt and, although unsuccessful, both took the state by surprise and represented a significant challenge to its authority. This was followed by a second insurrectionary attempt between 1987 and 1989,

which resulted in a less intense but longer-lasting conflict (Moore 1993). Alongside these challenges from within the core, majority constituency, Sri Lanka also experienced a more protracted, violent war between the state and sections of its Tamil minority population, which culminated in armed conflict between the state and the separatist armed group, the LTTE. This devastating war germinated after independence, escalated after 1983, and reached a climax with the military defeat of the LTTE by the Sri Lankan military forces over 25 years later in 2009.

5. That is, one which appears anomalous to theoretical assumptions (George and Bennett 2005).
6. Language-based standardization was later replaced by a number of different formulas based on the birthplace of the candidates or the place where they sat the entrance exam rather than the language in which they sat it. These schemes were: standardization according to district (1973); standardization with district quotas (1974); and standardization with 100% district quotas (1975).
7. It should be underscored here that grievances concerning many other areas of public policy catalysed this de-legitimation process. The resort to armed separatism was significantly fuelled by the language policies under the 1956 Sinhala Only Act, reinforced by the 1972 Constitution, which gave Buddhism a special state protection. For an in-depth exploration of these issues, see Kearney (2011).
8. The TSF was renamed the Tamil New Tigers and later became the LTTE (Wilson 2011).
9. In 1969, some 47% of schools with science facilities up to university entrance level were concentrated in the provinces where English-speaking schools had clustered during the colonial era – Northern and Western provinces (de Silva 1974, 84).
10. This statement was made by the former MP for Batticaloa, Mr A.H. Makan Makar.
11. Interview with a retired government official, Colombo, 11 October 2014.
12. The total share of Sinhalese places in science-based courses rose from 10.6% in 1970 to 63.6% in 1971 ('Column 515' 1971b).
13. It was not only the English-speaking Tamil middle classes who were disadvantaged by the system; the main urban centres of Jaffna, Colombo, and Galle also lost out to Sinhalese from rural areas.
14. The TUF was formed in early 1971 from several political groups, including the All Ceylon Tamil Congress and, later in 1976, the Federal Party. By 1976 it had changed its name to the Tamil United Liberation Front (TULF) and was calling for a separatist state. In 1977 it contested its first election on that basis, winning 18 out of 168 seats in parliament.
15. Interview with a civil society activist and retired academic, Colombo, 17 October 2014.
16. Mrs Jayaratne.
17. Mr K.P. Ratnam, representative of the Tamil district of Kayts.
18. In defence of allegations of favouring Islam – the religion of the minister of education at the time – the press statement read: 'The total number of Muslims getting places for Science courses including Medicine, Engineering and Dentistry is only 23 out of a total admission of 1107. This figure tells its own story' ('Column 515' 1971b).
19. In 1970, for example, students who scored a total of 227 and above in the Sinhala medium and all students who scored a total of 250 and above in the Tamil medium were admitted to the Peradeniya engineering degree; this amounted to a total of 86 Sinhala students and 60 Tamil students ('Column 515' 1971b, columns 517–18).
20. Interview with a civil society activist and retired academic, Colombo, 17 October 2014.
21. Interview with a senior academic and former activist, Colombo, 7 October 2014.
22. A large volume of academic work has examined the causes and consequences of Sri Lanka's civil war. Among them are Bush (2003), DeVotta (2004), Bastian (2013), and the edited volume of Manor (1984).
23. Interview with a prominent Tamil businessperson, Colombo, 29 April 2016.
24. See note 22 above.
25. Fisk and Cherney (2016) operationalize procedural fairness as respectful treatment, voice, and neutrality, while distributive justice is recorded as whether or not certain castes and income groups receive better services than the poor.

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