Rule of Law, Human Rights, and Racial Plurality in Contemporary Malaysian Society

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Rule of Law, Human Rights, and Racial Plurality in Contemporary Malaysian Society

Bryan Ji Yang Leong ‘16
Institutional Democracy in Contemporary Malaysian Society

What are the prospects for a robust Malaysian democracy?

On 3 December 2015, the Malaysian Parliament approved a security law allowing for the strengthening of its National Security Council. The passing of this bill will allow Malaysia’s premier to declare a state of emergency without royal consent. The Prime Minister can order lockdowns, curfews, and unwarranted searches and seizures of selected areas for up to six months—a duration renewable at his discretion. Prime Minister Najib Razak provided the rationale that such legislation is necessary to prevent terrorist attacks, but opposition leaders and civil rights NGOs disagree—the Malaysian government had used draconian laws to suppress dissent in the past. The broad ambiguity of this absolute power placed in the hands of one man infuriated Malaysians and the international human rights community. A chief Malaysian opposition leader lamented the decay of Malaysia’s democratic prospects, saying, “This law will take us only to one path, and that is the path to dictatorship.”

Malaysia is a pseudo-democracy. Pseudo-democracies share certain aspects of democracies, but scholars observe even these to be limited. This essay will examine the relevant work of Robert Dahl, who not only committed his scholarship to the understanding of pluralistic democracies (such as Malaysia), but wrote extensively on key institutional features of a democracy. While Dahl does not specifically discuss pseudo-democracies, he described the

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1 Ramzy (3 December 2015)
2 These international human rights organizations include: Human Rights Watch (Asia news Weekly, 3 December 2015), International Commission of Jurists (3 December 2015).
3 Agencies (3 December 2015) cited Azmin Ali, a top opposition politician and chief minister of the Selangor state. Opposition leader Wan Azizah Wan Ismail notably argued that this law will give the Prime Minister absolute powers (The Star/ANN, 4 December 2015).
4 Case (1993), Abbott (2001), and Case (2001) highlight various aspects of Malaysia’s democracy that are better deemed “transitional”, “semi-”, or “pseudo-“.
unattainable “ideal democracy” and the achievable “polyarchy”.\textsuperscript{5} No country can become an ideal democracy. However, through appropriate reforms, any country—including pseudo-democratic states—can meet Dahl’s criteria for a polyarchy, a realistic version of democracy at the nation-state level.

In any case, thoughtful study of Dahl’s work might allow one to conclude that it is not universally applicable. While Malaysia displays clear aspects of pluralism, the nation is home to a host of other factors that disallow the smooth unfolding of Dahl’s ideas of democratic pluralism. Considering the multiethnic and religious politics that are so deeply infused in contemporary Malaysian society, how far is Malaysia from achieving Dahl’s polyarchy?

**Thesis**

With the tensions that erupt from politicized ethnic, racial, and religious issues under the structurally ineffective government led by the *Barisan Nasional* (National Front) coalition, Malaysia’s prospects for democracy are dim unless there are dramatic and lasting reforms in government focusing on transparency and competent governance.

**Overview of Essay**

Dahl’s work will serve as the template for a case study on Malaysia’s democratic prospects. After highlighting relevant scholarship of Robert Dahl on democratic pluralism, the essay will examine briefly the historical context of Malaysia, and provide a rationale for the case study on Malaysia in the context of Dahl’s work. This essay then addresses the concept of an “Asian democracy” that presents itself as a competing argument for a liberalized Malaysian democracy.

\textsuperscript{5} Dahl (1989), Pg. 233
The bulk of the essay examines specific events in Malaysia in the context of Dahl’s work, and attempts to highlight various political events across the history of post-colonial Malaysia that deviates from Dahl’s ideas due to racial, ethnic, and religious complexities so infused in the Malaysian historical and political landscape. The conclusion will reiterate these difficulties as Malaysia’s struggle towards a more liberalized democracy, and includes a recommendation to strengthen governance as a means of achieving Dahl’s polyarchy.

Robert Dahl

Robert Dahl was a prominent American political scientist and educator who taught at Yale University, where he became Sterling Professor Emeritus of Political Science before he retired in 1986. He was the leading theorist of political pluralism, stressing the roles played by associations, groups, and organizations in politics. His rise in the academic sphere were twofold: the first was his theory concerning power. Dahl proposed a definition of power that is now standard in many academic circles, and defined it, in the context of two parties, A and B, as follow: “A has power over B to the extent that he can get B to do something that B would not otherwise do.”

His second contribution, and likely his best known work, was his analysis of local government in the New Haven community, where he noted the role of various minorities in influencing decisions, with the government as mediator. This is published in his book entitled, *Who Governs? Democracy and Power in an American City*. He has completed other works that

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6 Martin (7 February 2014)
7 Ibid.
8 Ibid.
elaborate various aspects of democratic pluralism and organizations—notably, in *Dilemmas of a Pluralist Democracy: Autonomy vs. Control*. Besides that, Dahl discussed the concepts of the unattainable “ideal democracy” and the achievable “polyarchy” in *Democracy and its Critics*.10

Dahl elaborates on the desirability of independent organizations as means of mutual controls and democracy on a large scale. Besides that, he observes that, in a society of multiple interests groups, it is the minorities that “govern” for various decisions. Dahl’s insights will be used as a template against which the experience of Malaysian democracy can be assessed.

**A brief overview of Dahl’s work**

“Democracy” as theory and philosophy can be nebulous. This essay seeks to examine the concept of democracy in terms of its institutions11. Fortunately, Dahl’s work in *Democracy*

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10 Dahl (1989), Pg. 90 discusses the unattainability of ideal democracies, Pg. 226 on the achievable polyarchy.
11 Institution: as an established law, practice, or custom.
and Its Critics, Who Governs?, and Dilemmas of a Pluralist Democracy provide the proper platform to do that.

Unpacking “democracy” and Dahl’s attainable “polyarchy”: In Democracy and Its Critics, Dahl notes the impossibility of an actual democracy in any nation state. Democracy, in the truest ancient tradition, involves direct participation. This meant that the citizens were sovereign and were able to gather in a sovereign assembly to make decisions concerning the polis, which was only possible in a small body of citizens such as that of Athens.\(^{12}\) In this form of government, Athenians were direct participants in legislation and lawmaking. This is the sort of “pure” democracy that Dahl argues is unattainable today in nations characterized by large-scale democracies.

Therefore, the large-scale democracies that characterize nation states, Dahl argues, are not really a democracies. Instead, Dahl proposes the concept of a “polyarchy” as the most realistic version of a democracy that applies to a large citizen body. Table 1 details the seven institutions necessary for a polyarchy.\(^{13}\) In examining its prospects of a robust democracy, Malaysia will be examined against these criteria.

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\(^{12}\) Dahl (1989), Pg. 226

\(^{13}\) Ibid., Pg. 221
Institutions of a Polyarchy

1. **Elected officials**
   Government policy decisions are vested in a group of elected individuals.

2. **Free and fair elections**
   These elected officials are selected in a frequent and fairly conducted election without coercion.

3. **Inclusive suffrage**
   Adults are given the right to vote to elect officials.

4. **Right to run for office**
   Practically all adults can run for public offices in government.

5. **Freedom of expression**
   Citizens hold the right to expression on political matters (broadly defined) without reproach of authorities or those in power.

6. **Alternative information**
   Citizens have the right to seek out alternative sources of information, which exist and are protected by laws.

7. **Associational autonomy**
   To achieve various rights (including those listed above), citizens have the right to form relatively independent associations or organizations. These include political parties and interest groups.

Dahl’s seven institutions of a polyarchy

**Independent organizations in a pluralist democracy**: In *Dilemmas of a Pluralist Democracy*

*Democracy*, Dahl examines the dynamics of a pluralist democracy not with the individual, but with the independent organization as a basic unit. In discussing the function and nature of independent organizations, he highlights the two benefits of independent organizations in polyarchies.¹⁴

¹⁴ Dahl (1982), Pg. 31
Independent organizations are a collection of interest groups that vary in size and power—formed around social and historical events that create a type of mutual identity. These common experiences might include “kinship, language, birthplace, residence, religion, and occupation,” and exist in all democracies. In reality, examples of these organizations include political parties, non-governmental organizations, religious organizations, and others. Dahl argues that these independent organizations are involved in the democratizing (or otherwise) of a country, and continues that independent organizations are desirable for two reasons: mutual control and perpetuation of large-scale democracies.

Independent organizations and mutual control: In *Dilemmas of a Pluralist Democracy*, independent organizations create mutual control and help to prevent *domination* by those in power (typically the government). To operationalize this possibly ambiguous term, Dahl uses the analogy between political actors Alpha and Beta, where Alpha dominates Beta if (1) Alpha’s control is “strictly unilateral” and (2) persists over a length of time. In addition, domination is occurring if this control (3) extends over a variety of actions of great importance to Beta, and (4) compels Beta to “act in ways that on balance are costly to her.”

Dahl presents options for any Beta to avoid such a scenario. On the basis that rulers are at least “moderately rational,” a Beta actor can avoid being dominated by Alpha if the former increased the “costs of control”—defined as the utilitarian approach of weighing expected benefits against the expected costs. If costs exceed the benefits, such domination has no value to the rational ruler, who would “rationally forgo the full attainment of their goals in order to

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15 Characteristics that form an independent organization: Dahl (1982), Pg. 32; On independent organizations existing in all democracies, Dahl (1982), Pg. 4.

16 Ibid., Pg. 32-33
exercise control within the limits of their resources.”¹⁷ A way to increase these costs is through cooperation of weaker Beta subgroups and the combination of their resources, which Dahl argues will lessen the Alpha’s interest in dominating Beta (or the group of Betas).

In his work, Dahl includes Beta groups in the direst conditions of domination when he writes about the above tactic, and citing how it is “[fine] in theory.” However, he then asks “. . . what about the poor devil whose neck is squarely under the ruler’s heel? To contend that subjects can always escape domination will be witless.”¹⁸ This is clear in some countries such as North Korea, Somalia, Sudan, Syria, Turkmenistan, and Uzbekistan, where the state represses even the most basic rights—including independent organization.¹⁹ Even in this case, Dahl notes how, even in such circumstances, there are always some resources present for subjects to

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¹⁷ Dahl (1982), Pg. 33-34; specific quote on Pg. 34  
¹⁸ Ibid., Pg. 34  
¹⁹ Freedom House (2012)
use—however pitiful they may be. In this case, cooperation among subjects (the independent organizations) may prove to be the most effective tactic.

Fortunately, Malaysia does not experience such repression in the same way as the various countries above do. However, this Southeast Asian country does face challenges of its own. This essay will later examine such political collaboration in Malaysian opposition coalitions—representative of Beta groups (the opposition parties) against Alpha that is the ruling government.

**Independent organizations to perpetuate large-scale democracies:** Independent organizations provide mutual controls that allow of democracy on the large scale, leading Dahl to propose these autonomous organizations as necessary elements in a democracy. These independent organizations become both a prerequisite of democratic operation and an inevitable consequence of these democratic institutions. To clarify, independent organizations are needed to maintain a polyarchy (Dahl’s most realistic vision of a democracy), which will in turn give birth to more of these autonomous organizations necessary to sustain a large-scale democracy.

Dahl provides the example of conducting democratic elections: prohibiting the formation of new political parties will disallow the polity from coordinating their efforts to nominate and elect a preferred candidate. This would also violate voting equality and effective participation—conditions of Dahl’s polyarchy as examined earlier. In Dahl’s polyarchy, democracy flourishes because the institutions of a polyarchy impose very high costs on efforts to destroy independent organizations formed to oppose government.²⁰

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²⁰ Dahl (1982), Pg. 37
The establishment of these independent organizations provides a check-and-balance to the power exemplified by political elites. If a government wants to maintain its democratic nature, the governing elites groups cannot destroy them “without destroying the institutions that distinguish polyarchy from more authoritarian regimes.”\(^\text{21}\) However, as this essay will soon examine, Malaysia’s democratic credentials are shaky in this respect.\(^\text{22}\)

**Two roles in a pluralist democracy:** In *Who Governs?*, Dahl’s pluralistic approach to politics. This content of this book is based on his observation of New Haven’s local government. Historically, New Haven witnessed an influx of plural sub-groups. In his painstaking analysis of various social strata that constitute the Connecticut city, Dahl’s goal was to track down potential sources of “direct and indirect political influence.”\(^\text{23}\) Among the groups analyzed included elected leaders, economic notables, social notables, political sub-leaders, and voters. Within these groups, Dahl isolated them by socioeconomic status and examined their sources of influence on various public issues such as urban renewal, income, education, access to information, and political leanings.\(^\text{24}\)

In his extensive research, Dahl found that New Haven citizens of high social or economic positions had little “behind-the-scenes” political influence. However, there is a small group of highly influential citizens who intentionally concentrate the resources they wield on political matters. Dahl found that these “chieftains” govern New Haven through minorities with a loosely-bound coalition of interests. Essentially, he describes how various interest groups (or

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\(^\text{21}\) Ibid.

\(^\text{22}\) Case (2001)

\(^\text{23}\) Dupré (1963), Pg. 413

\(^\text{24}\) Ibid.
minorities) compete in the political sphere, where the government plays the role of mediator between them.

Illustration of Dahl’s concept of democratic pluralism in *Who Governs*—emerging of interest groups and government as mediator

However, Dahl’s analysis does not end there. In discussing these loosely-bound coalition of interests and the “chieftains” that emerge from them to make decisions, he notes that a “skillful political entrepreneur” could bend all these interest to meet a goal. As a shining example of such skillful mediation, *Who Governs?* points to New Haven Mayor Richard C. Lee, who in the 1950s juggled various interests of the community (especially through his support for urban redevelopment, which allowed him to centralize his influence) and gradually
accumulated increasing influence over policy-shaping in the city. In any case, how does this rel ate in a case study of Malaysia?

Malaysia generally practices such democratic plurality, but the essay will discuss an interesting twist: because of the country’s racially- and religiously-based political structures, the government plays both the role of mediator and an interest group.

Malaysia as a case study: Country’s history and intersection with Dahl’s work

Setting the Stage: Malaysia’s political, racial, and ethnic development: Malaysia has witnessed significant historical change since its origins in the ancient, Indian-influenced kingdom of Srivijaya. The rise of Islam led to the fall of the Srivijaya kingdom. Until the cusp of the 14th century, the Malay Peninsula was divided between the religions of Hinduism and Buddhism. In the 15th century, Parameswara established the Kingdom of Malacca that thrived as a port city. The Chinese started to migrate into the nation during this time.

Malaysia colonization period undoubtedly shaped the political and social structure of the nation. Andaya notes Malaysia’s strategic position and its resources that make it a desirable target of colonial powers. In 1511, the Portuguese attacked and conquered the Malacca—bringing the golden age of this port city to an end. The Dutch proceeded to capture Malacca in 1641, but traded it with the British for Bencoleen (in Sumatra) as agreed under the Anglo-Dutch Treaty of 1824. Thus began a period of British colonization that brought about various

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25 Dahl (1961), Pg. 126-129
26 Andaya (2001)
27 Ibid.
28 Geographia (n.d.)
29 Geographia (n.d.); Andaya (2001), pg. 117
changes to what was known then as the “Straits Settlements”. The Settlements proceeded to become Malaya, and then Malaysia.

While initially minimal, British control over the Strait Settlements grew in time. Each state was soon subjected to the Resident system—a British-enforced governing style—that became the motherland’s mode of indirect rule. This system included the appointment of a Resident (akin to a governor) who is placed in-charge of all but spiritual affairs of these Malay states. The Pangkor Treaty allowed the acceleration of British involvement in the affairs of the land, and represented a turning point and preface to the extension of British rule throughout the entire peninsula.30

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30 Andaya (2001), pg. 160
While British influence increased through the Resident system, cultural differences unique to the Straits Settlements posed notions of incompatibility with the British form of governance. British authorities at the time acknowledged the complex puzzle that is the proximity of Malay culture to politics. Malay modes of election, concepts of inheritance, relationships, and “purity of blood” (ethnic pedigree) influenced ideas of government. Even the Pangkor Treaty exhibited this dichotomy by drawing distinctions that were meaningless to Malays, but important to British-Malay relations. While the British sought to increase their influence in the Straits Settlements, Residents could not dabble in the realm of “religion and custom” that was an integral part of governing the Malay states.

Between the 17th and early 19th century, there was a growing influence of non-Malay groups in Malaysia. Distinction between Malays, Minangkabaus, and Bugis tribes became increasingly blurry throughout their enmity, where migrant groups decided to adopt Malay and Malay titles instead of Bugis or Minangkabau honorifics. Chinese migrants, who made their way in during the Malacca period, started to arrive in droves when the Straits Settlements grew in economic opportunity. Chinese intermarriage with Malays produced mixed Sino-Malays or Babas. Earlier Chinese migrants functioned as traders or shopkeepers, but in the 18th century there was a growing emphasis on miners and agriculturalists. Innovations in mining techniques of smelting allowed the Chinese a tight grip on the industry even in the later years. Indian migration to the peninsula increased markedly during British colonial rule to fill administrative

31 Andaya (2001), pg. 160-163
32 Ibid., 96-100
33 Ibid., 99
34 Ibid., pg. 96
35 Ibid., pg. 97
positions, junior and technical ranks, and labor demands.\textsuperscript{36} Feeling the need to create a “vehicle for Malay nationalism and political assertiveness” amongst competing interests, the ethnic Malay political group—United Malays National Organization (UMNO)—was formed in 1946.

Malaysia began taking shape through the formation of the “Federation of Malaya” in 1948—the product of negotiations between UMNO and the British. This arrangement united several former British territories, and included Sabah and Sarawak of the Borneo Island. A topic of great interest to this essay, which found its genesis during this time, is the security of “special guarantee of rights for Malays (including the position of the sultans)”\textsuperscript{37} This clause, a part of the agreement in the formation of the Federation of Malaysia, carried itself to Malaysia today, where Malays are granted special privileges and benefit from affirmative action laws.

However, this development alarmed the poorer strata of the Chinese community, who went on to form the Communist Party of Malaya that opposed the colonial government—sparking a 12-year period of unrest later known as the Malayan Emergency after the Communist Party began a guerilla insurgency. This effort was quashed by the British.\textsuperscript{38}

The British promised independence, and continued negotiations with UMNO, and other newly-formed, ethnic-based parties such as the Malaysian Chinese Association (MCA), and the Malaysian Indian Congress (MIC). In the first ever Malaysian General Election held in 1955, the three parties bound together as a coalition, forming “The Alliance” coalition. Tunku Abdul Rahman led this coalition, and successfully negotiated independence from the British in 1957. The Federation of Malaya became the Federation of Malaysia as we know it today.

\textsuperscript{36} Ibid., pg. 181
\textsuperscript{37} Leinbach (n.d.)
\textsuperscript{38} Ibid.
Britain’s legacy in Malaysia. When reflecting over Malaysia’s colonial history, it becomes clear that Britain had left its mark that carried over into the nation’s post-colonial days. Negotiations for independence from the British had certainly influenced the type of government under which Malaysia would function. According to the report by the Reid Commission tasked with reviewing and recommending the Constitution, the terms of negotiation for Malaysia’s independence included the establishment of a central government, along with state autonomy in certain areas.39

Issues of ethnic and racial distinction, too, stem from British influence. The present racial distinctions between the diverse ethnic groups that exist in Malaysia came from what Andaya described as a “simplistic and ill-defined” colonial British perception of their administration in governing the Strait Settlements that “ignored demographic nuances.”40

This is highlighted by the British ignorantly grouping together various ethnicities as “Malay” because of their similar appearance. These groups include the Eurasians, Malay-Indians or Malay Arabs, Sam-Sams (Thai-speaking Muslims or Malay-speaking Thais mainly found in the northern Kedah state), Orang Laut and Orang Asli, Javanese, and the Bugis. As trivial as these distinctions were made out to be, it certainly formed a foundation from which pluralism in contemporary Malaysia developed. Understanding these aspects of Malaysia’s political and ethnic history allows us to more ably connect with the work of Robert Dahl.

39 National Archives of Malaysia (n.d.)
40 Andaya (2002), pg. 183
Intersection with the work of Robert Dahl

Malaysia, as seen in its history, comprises various “independent organizations” that blend and represent the myriad racial, ethnic and religious dimensions of its population. This is a relatively new nation. After all, the country gained independence from the British in 1957\textsuperscript{41}, and until the time of this writing, had been independent for almost 60 years. However, its crackdown on civil liberties and discrepancies of democratic practices led some scholars to deem Malaysia a “transitional” or “pseudo-” democracy. The nation’s employment of policies and initiatives teeter on the fence between democratic practices and authoritarianism.\textsuperscript{42}

It is worth noting that minorities and interest groups in Malaysia have raised the banner for a more democratic state. These include opposition parties and political non-governmental organizations (NGOs) pressing for reforms toward democracy. These minorities compete against a government seen as opposed to democratic practices as a method of retaining power. Examining the tension between these competing interest groups will tell us where Malaysia is heading—towards, or away from a democracy.

Addressing competing arguments: Why not an “Asian Democracy” for Malaysia?

Is Dahl’s polyarchy even ideal for Malaysia? In Democracy and Its Critics, Dahl writes how it is typical for democrats living under authoritarian forms of government to “hope that their country will one day reach the threshold of polyarchy.”\textsuperscript{43} However, is this true?

\textsuperscript{41} Central Intelligence Agency (n.d.)
\textsuperscript{42} Case (2001) discusses authoritarian government programs under Mahathir Mohamad.
\textsuperscript{43} Dahl (1989), Pg. 222
Before we think about pursuing a Malaysian democracy, competing arguments must be addressed, most specifically, the concept propagated by prominent leaders the East—for that of an Asian Democracy.

Former prime minister of Malaysia, Dr. Mahathir Mohamad, and the late founding father of Singapore, Lee Kuan Yew, were proponents of the idea that liberalized Western values were incompatible with countries of the East. Both leaders agree upon the value of communalism, along with various familial and personal values that are paramount to Asian society and role of government.\textsuperscript{44} In reality, this played out as both countries assumed pseudo-democracies that possessed elements of (that the West would describe as) authoritarianism.\textsuperscript{45}

Hitherto 2001, Malaysia’s pseudo-democracy led by the ruling \textit{Barisan Nasional} (National Front) coalition “represents a success story of political accommodation, survival, and power sharing”\textsuperscript{46} amidst the nation’s multiethnic and multicultural atmosphere. While opposition parties and non-governmental organizations (NGOs) fought for greater democratic practices, Mahathir perpetuated Malaysia’s pseudo-democracy based on his idea of Asian values and “Asian democracy” during his premiership (1981 to 2003)—a leadership and governance style favoring “discipline over freedom.”\textsuperscript{47}

\textsuperscript{44} Zakaria (1994) discussed the idea of Asian values with Mr. Lee Kuan Yew
\textsuperscript{45} Zakaria (1994) described Singapore’s governance as “soft-authoritarianism” that was at times very strict. Case (2001) elaborates on Malaysia’s pseudo-democracy during Mahathir’s era that possessed minimal democratic but various authoritarian elements. Neher (1994) described the concept of “Asian Democracy” as comparable to Western definitions of authoritarianism or semi-authoritarianism.
\textsuperscript{46} Hassan (2002), Pg. 198
\textsuperscript{47} The Economist (21 January 2010) on Dr. Mahathir and his treatment of authoritarian values in an Asian Democracy
Sources cite Mahathir’s desire for a “realistic democracy” in Malaysia—one that does not match the ideal Western-style government, but sports the minimum needed to be considered a democracy. This “limited democracy” laced with authoritarianism, comprised three elements: (1) a recognition of authority and order to which democracy must submit, (2) community and universal moral principles to which the individual must submit, and (3) the revitalization of the *persona religiosa*—an individual’s devotion to a religion and the recognition of the transcendent. Mahathir argued how this will promote civic responsibility by stifling the potential for anarchy—the outcome he fears inevitable of a liberal democracy. His rationale for this “limited democracy” is that it will safeguard Malaysia’s plural society. The physician-turned-politician used this governing method to focus on political peace and stability as a means of achieving economic prosperity.

However, there is a strong case to be made against a Malaysia governed as an “Asian democracy,” and can be seen most especially during the premiership of Mahathir himself.
Demanding obedience to those in power, Mahathir’s authoritarianism imposed a tight clamp on political dissent, and thus, freedom of expression. This is most clearly seen in the removal of his Deputy Prime Minister Anwar Ibrahim in 1998 in the heat of the Asian Financial Crisis. In 2000, Mahathir imposed the Internal Security Act,\(^48\) to suffocate dissenting opposition voices after a by-election loss. Sources report that he had used the ISA to detain hundreds of dissenting voices in the late 80s, and Mahathir proceeded to tighten laws concerning freedoms of protest and press.\(^49\)

The primary reason for the fallout between Mahathir and Anwar was their difference in responding to the Asia Financial Crisis of 1998. Sources suggest Anwar was committed to fighting cronyism, corruption, and nepotism that was so prevalent under Mahathir’s rule. However, Mahathir saw this as a personal attack on him and his allies, who have benefitted from this governmental malpractice. The conflict ended their once dynamic political partnership. Anwar was accused by Mahathir of sodomizing a male aide and was imprisoned—a charge many believe was politically motivated.\(^50\)

Cronyism strengthened the power of the few close to Mahathir in various ways. One of which was through the awarding of industrial projects and business ventures. The uncompetitive procurement of these projects favored the likes of ruling elites and party allies.\(^51\) This allowed for the “patronage” of exorbitant amounts of money through the lacking structural

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\(^{48}\) A draconian law enacted during the Communist period in Malaysia. This law allows for the indefinite detention and questioning of suspects perceived as a threat to national security. Cited from *Laws of Malaysia, Act 82, Internal Security Act 1960* (2006), Pg. 17.

\(^{49}\) Human Rights Watch Backgrounder (n.d.)

\(^{50}\) Ibid.

\(^{51}\) Case (2011)
accountability in this authoritarian regime. Under Mahathir, the judiciary seemed to have lost their independence and objectivity when disputing political or business interest involving the Prime Minister’s party, UMNO. Mahathir’s authoritarian controls clearly paved a way for the benefit of the ruling elite, all done in the name of strengthening the economic position of ethnic Malays.

Mahathir’s pursuit of a limited democracy affected political processes and accountability as well. His insistence on the polity’s respect for authority allowed him to get away with various electoral “mishaps” in the 1999 general elections. For example, he speeded up the dissolution of parliament and called for elections six months earlier than constitutionally required—staving off a cohort of 680,000 new voters expected to support the opposition. In addition, he enjoyed a great deal of autonomy in the UMNO assembly elections of 2000. Holding the highest UMNO position of President (as is usual for the party leader), he maneuvered the nomination and campaign allowances of candidates so as to maintain his power and dominance by ensuring none of the deputies elected will present a challenge to his supremacy.

Mahathir’s practice of strict controls in the name of an “Asian Democracy” (which, scholars termed as “Mahathirism” in Malaysia) left a legacy that allowed William Case to argue how “even a less artful successor will have available institutional tools capable of perpetuating the country’s pseudodemocracy.” This is evident in premierships after his, not least of which

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52 Slater (29 July 2015)
53 Case (2001), Pg. 46
54 Ibid., Pg. 51
55 Discussion of UMNO assembly campaign allowances: Case (2001), Pg. 55. Mahathir “recommends” the candidates: Case (2001), Pg. 54
56 Case (2001), Pg. 57
is current Prime Minister Najib Razak. He retained draconian laws and used them to suppress dissent,\textsuperscript{57} and was allegedly involved in the scandalous 1Malaysia Development Berhad ("Ltd."), where he was exposed as the recipient of almost $1 billion dollars of public funds into his personal bank account.\textsuperscript{58}

It becomes clear that the structural remnants left by Mahathir’s Asian Democracy perpetuate the lack of political accountability, along with the superficiality of the rule of law. Perhaps a liberalized democracy will aid in promoting the transparency and structures needed for reform.

Dahl’s polyarchy is an interesting counterweight to Malaysia’s problematic pursuit of an Asian Democracy. This format of a liberalized democracy would provide a means of political accountability through free and fair elections and civic freedom (freedom of expression, alternative information, and associational autonomy) that will bolster a different and stronger form of government in the country.

**Considering Malaysia in the context of Dahl’s work**

In *Dilemmas*, Dahl writes about the idea of subjects pooling resources and cooperating to increase the ruler’s cost of control over them.\textsuperscript{59} Subjects might collaborate to increase influence and political power, making it less desirable for a ruler to dominate. This is mostly true for Malaysia, where the forming of coalitions had strengthened the opposition against the government. In terms of parliamentary strength, opposition politics had developed very slowly

\textsuperscript{57} Najib, prior to the 2013 general elections, pledged to scrap the Internal Security Act (1960). After his reelection, he introduced a new and similar law known as the Prevention of Terrorism Act (POTA).

\textsuperscript{58} Wright & Hope (15 October 2015)

\textsuperscript{59} Dahl (1982), Pg. 34: On the general and specific ideas of “pooling resources.”
since independence, but sped up rapidly in the two most recent elections (2008 and 2013) due to growing support for Opposition Leader Anwar Ibrahim, and the opposition’s ability to capture the attention and vote of a growing and frustrated middle class. The opposition coalition formed has become a serious contender and thus balancing weight to the ruling Barisan Nasional (National Front) coalition government that had dominated since Malaysia’s independence, but waned in support in recent years.

Still, the practice of pooling resources as a means of balancing power between government and opposition, while functional in various liberalized democracies, plays out differently in Malaysia because of ethnic, racial, and religious factors. The Reformasi ("Reformation") Movement of 1998, a postlude to the Asian Financial Crisis, demonstrates this difficulty in collaboration.

These ethnic and religious ideologies are also paramount factors in the maintenance of coalitions in Malaysian opposition politics. The formation of the Pakatan Rakyat (the People’s Alliance) coalition in 2008 is not the first time opposition parties in Malaysia became united against the government—an almost identical deal was struck in 1998. However, ideological and religious differences became the reason for disbanding opposition coalitions that united before general elections—displaying the subtleties of mutual controls that Dahl did little to emphasize in his work.

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61 Chew (10 February 2013) on charismatic Anwar Ibrahim; Our Correspondant (7 August 2015) on frustrated and growing middle class that led to support for Anwar who presented a viable challenge against the government.
62 Dahl (1982) discusses other nations engaging in mutual controls in different major historical events as a means of avoiding domination, Pg. 35.
In both Reformasi and opposition coalition politics, ideological foundations (religious, ethnic, and/or racial) of specific interest groups seem to supersede the collaborative desire for mutual control against a ruler or dominant power.

**The Reformasi (Reformation) Movement of 1998:** When pooling resources to increase the “costs of control”\(^\text{63}\), Malaysia struggles with the problems imposed by its varied interests of different groups, including its diverse ethnic and racial polity. Something as unifying as the Reformasi Movement of 1998 seemed at first a powerful catalyst toward mutual control of the government. Citizens, the disparate opposition parties, and newly formed NGOs could finally rally around the potent voice of Deputy Prime Minister Anwar Ibrahim who, after falling out with then Prime Minister Mahathir Mohamad over plans to overcome the Asian Financial Crisis, opposed his former National Front coalition for their undertakings in rampant corruption, cronyism, and nepotism.

*Image 4: Anwar Ibrahim and his wife, Dr. Wan Azizah, addressing the Reformasi movement of 1998, a protest demanding government accountability and the adherence to the rule of law.*

\(^{63}\) Ibid., Pg. 35
Anwar, who was also the Finance Minister, believed in “strengthening economic fundamentals and curbing the cronies” to restore international confidence in Malaysia’s economy that suffered during the financial crisis. However, as discussed earlier, Mahathir saw this as an attack on his well-organized system of patronage power, and reportedly forced Anwar to concede his strategy to safeguard the interest of the few over the many.\(^{64}\) Mahathir resorted to sacking Anwar Ibrahim from the government and party, accusing the Deputy of corruption and sodomy—charges Anwar and other sources maintain are politically motivated.\(^{65}\) Anwar was relieved of his position as deputy prime minister and finance minister, and served a six-year prison sentence.

The imprisonment of Anwar created a political divide among the Malays, where a significant number saw the treatment of the country’s number two as symbolic of the Mahathir’s iron clamp over the country. This begged the question, “If this could happen to the Deputy Prime Minister, what could happen to you?” Mahathir’s once popular backing began to thin, and Malay support became divided between these two leaders.\(^{66}\)

The Reformasi movement witnessed mass gatherings in the country and stipulated a variety of democratic goals. While citizens, opposition parties, and NGOs in across the country rallied behind the banner, “Towards a Just Malaysia”, it is careless to assume such a clean unity amidst the various competing ideologies of these interest groups.\(^{67}\) In fact, competing ethnic

\(^{64}\) Journeyman Pictures (12 February 2015), video, 5:55-6:10
\(^{65}\) Journeyman Pictures (12 February 2015) interviews former UMNO district chief, who alleges that the allegations against Anwar Ibrahim were politically motivated. Video, 18:00-19:51
\(^{66}\) Others who observe charges against Anwar to be questionable: Director of Amnesty International Richard Bennett, Human Rights Watch Deputy Asia Director Phil Roberson, National Security Council Spokesperson Bernadette Meehan. Sourced from Buchanan (2015) and Dominguez (2015).
\(^{67}\) Lee (2002)
and religious ideologies began to surface as the various NGOs and political parties made their stance during the movement. Each had their own ideas of how Reformasi would affect Malaysia.

For political parties such as the secular Democratic Action Party (DAP) and Parti Rakyat Malaysia (PRM, or “Malaysian People’s Party), and NGOs such as Suara Rakyat Malaysia (SUARAM, meaning “Voice of Malaysian Peoples”), the Reformasi movement meant enlargement of democratic rights and equality, as well as the alleviation of income disparities in the nation’s society. Contrast this with the views of former members of the United Malays National Organization (UMNO), which is also the chief party of the governing Barisan Nasional (National Front) coalition. For them, Reformasi meant justice for the imprisoned Anwar Ibrahim and the eradication of cronyism, corruption, and nepotism. And for Islamic movements such as Angkatan Belia Islam Muda (ABIM, aka. Malaysian Islamic Youth Movement) and Parti Se-Islam Malaysia (PAS, or the “Pan-Malaysian Islamic Party”), the same movement meant the expansion of Islam’s presence and role in society.

Despite financial and political crises that led to Reformasi vying for greater democratic practices, it is evidently difficult to reconcile the varying interests of the NGOs and political parties. Lee (2002) noted how the reduction of Reformasi’s universal goals as consensus among all Malaysians will produce an inaccurate picture of the reality that is a “varying, sometimes even opposing agenda’s and interests . . .”68 The magnitude of such an event was still unable to

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68 Lee (2002), Pg. 178
settle the differences of competing ideologies among these groups and NGOs, that were bound to a common manifesto: “Towards a Just Malaysia.”

The lack of cohesion among the various ethnic and religious groups in Malaysia caused what was initially a powerful movement to lose steam quickly. The “lack of democratic deepening,” which included the Reformasi movement’s failure to address ethnic and racial divisions between the members (citizens, NGOs, and political parties) caused this movement to lose its initial effect. The various groups agreed on the content of the manifesto, but displayed little shared consensus as to what it meant. Religious and ethnic conflicts, as we will see, manifest itself not only in distinctive Malaysian political movements such as Reformasi, but in political party dynamics as well.

Opposition coalition dynamics in Malaysia (1999): In 1999, KeADILan (People’s Justice Party), Parti Rakyat Malaysia (PRM, or Malaysian People’s Party), PAS (Pan-Malaysian Islamic Party), and the Democratic Action Party (DAP) formed the Malaysia’s first opposition coalition called Barisan Alternatif (the Alternative Front). The collaboration of these four parties presented the most viable challenge to the government’s National Front coalition in the 1999 general election.

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69 Lee (2002), Pg. 178
70 Nair (2007) on problem of democratic deepening, Pg. 365.
71 Lee (2002), Pg. 178
However, even a tremendous increase in the number of parliamentary seats after the general elections could not reconcile the ideological differences between the secular DAP and Islamic PAS. Fundamentally, the disagreement was on PAS’ vision for a theocracy and Islamic state. This included the implementation of *hudud* law, and proposals for social practices that better reflected the tenets of Islam (Muslim women to wear veils at work, separate counters for men and women in supermarkets)—all of which would affirm Islam as a way of life. In the state of Kelantan, even building plans would not be approved unless its architecture contained Islamic symbols and “resembled mosques”. This was contrasted with DAP’s secular and democratic outlook for Malaysia.

![Diagram of political coalitions](image)

**Coalitions in 1999: Barisan Nasional (National Front) vs. Barisan Alternatif (Alternative Front)**

Besides that, the governing UMNO’s manipulation of various race and religious issues revealed gaping ideological differences between DAP and PAS. The non-Malay polity bought

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72 Islamic criminal laws.

73 Al Jazeera English (19 April 2013), from 40:40 onwards.
UMNO’s label of *PAS* as a radical and extremist Islamic party, and as a result became more sympathetic towards UMNO’s Islam.\textsuperscript{74} If this had not already stir up inter-party tension, an alleged militant group led by the son of a prominent *PAS* leader was arrested on Malaysian soil for plotting terrorist attacks.\textsuperscript{75} Fears reached an apex when the world witnessed the international impact of Islamic extremism of the September 11 attacks. These chains of events made DAP decide it could not reconcile its alliance with *PAS*—the former left the Alternative Front coalition in 2001.

Clearly, ethnic and racial issues present an impediment to Dahl’s idea of simply pooling resources together as a means of establishing mutual control against the government. *PAS*’ insistence of an Islamic state made it difficult for other centrist and moderate parties to cooperate as a means of strengthening and exercising mutual control over the government. However, despite these ideological differences and visions for the state, sources note the Alternative Front’s ability to remain united on the loose banner, “Towards a just Malaysia”, and challenge the governing National Front coalition.

“Back Together Again!” *Opposition coalition dynamics in Malaysia (2008)*: Despite the 2001 divorce, it seems that opposition parties realize the importance of coalitions as a means of presenting a challenge—or a viable “mutual control”—to the ruling government. Sources observe the formation of a new coalition—*Pakatan Rakyat*—before the 2008 general elections as ushering the development of a firm, institutionalized, two-coalition system in Malaysia. This

\textsuperscript{74} Lee (2002), Pg. 189
\textsuperscript{75} Ibid., Pg. 191
development broadens access to formal politics and political power through the firm institutionalization of the Malaysian opposition.\textsuperscript{76}

In 2008, \textit{keADILan} (now \textit{Parti Keadilan Rakyat}, or “People’s Justice Party”) led by former deputy Prime Minister Anwar Ibrahim, united DAP and \textit{PAS} again to form the \textit{Pakatan Rakyat} (“the People’s Alliance”) coalition. \textit{PAS}’ political “facelift” in 2005 that leaned towards religious moderation likely made the formation of this coalition possible. Some changes made to the party included the removal of “some sacred hardline goal such as the establishment of an Islamic state.”\textsuperscript{77} This was likely seen by the secular DAP party as a positive political move, drawing them in once more to form a coalition against the governing National Front.

Again, this alliance proved Dahl’s theory of mutual control, clearly seen in the People’s Pact/Alliance’s electoral performance. For the first time in almost 40 years, and despite retaining governing power, the National Front coalition lost their two-third supermajority in the lower house—crippling their potential to pass amendments to the Malaysian Constitution with almost impregnable certainty.\textsuperscript{78}

\textsuperscript{76} Weiss (2013), Pg. 22: on the institutionalization of a two-coalition system in Malaysia, and access to political power through it.

\textsuperscript{77} Liew (2007), Pg. 201

\textsuperscript{78} The Economist (10 March 2008)
Five years later, the People’s Alliance went head-on with the National Front in the 2013 general elections, and garnered the biggest opposition victory in Malaysia to date—50.9-percent of the popular vote. However, gerrymandering of constituencies only garnered the Alliance 89 seats in parliament, while the National Front’s 47.5-percent of the popular vote secured 133 seats. \(^{79}\)

Again, opposition politics witnessed the passing of PAS President Nik Aziz Nik Mat and the succession of Abdul Hadi Awang. Nik Aziz Nik Mat was a close political ally of Anwar Ibrahim known to champion a more conservative (moderate) form of Islam in Malaysia. \(^{80}\) Hadi Awang’s rise to the presidency saw a push for Islamic *hudud* \(^{81}\) laws in PAS-controlled Malaysian states. \(^{82}\)

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\(^{79}\) The Economist (11 May 2013)

\(^{80}\) Hookway (13 February 2015)

\(^{81}\) *Hudud* laws refer to “boundaries of Allah” and are a set of divine laws prescribed by Allah. Criminal offenses, including theft (resulting in cutting of the hands if convicted), extra-marital sexual intercourse (100 lashes if convicted) armed robbery, or *Al-Hirabah* (resulting in a range of punishments depending on severity), drinking intoxicating substances (40-80 lashes), and apostasy (resulting in an afterworld punishment). Citing Fernandez (4 June 2014).

\(^{82}\) The Star Online (15 July 2015)
This led to a back-and-forth spat between DAP and PAS again, and ultimately another split over differences in competing ideologies involving religion.

The examples of the PAS-DAP split in the year 2001 and again after 15 years clearly display a reconciliatory hurdle in opposition coalitions. Clearly, issues of religion in pluralist Malaysia present a unique challenge to Dahl’s idea of mutual control through collaboration.

The Malaysian government: not a mere mediator of minorities, but a fellow minority

In *Who Governs?*, Dahl writes extensively about the various minorities that compete in the political sphere. In this context, the government acts as the mediator between the myriad interest groups that take part in decision-making. Malaysia fits the general trend of Dahl’s pluralist democracy. Parties and NGOs represent specific causal, racial, and religious interests. However, the intersection of ethnicity and political parties begin to display Malaysia’s deviation from Dahl’s theory.
Since Malaysia’s independence, the government has consisted of a ruling coalition, called *Parti Perikatan* (The Alliance Party), which became later known as *Barison Nasional* (The National Front), consisting of more than 10 parties. Emerging from this plethora, are three main, racially-divided parties—UMNO, Malaysian Chinese Association (MCA), and the Malaysian Indian Congress. These also represent the three main races of the country. After ethnic riots of 1969, affirmative action practices including the New Economic Policy (NEP) was introduced as an economic measure to reduce and eradicate poverty, irrespective of race. In addition, it advocated a restructuring of Malaysian society to eliminate the identification of race with economic function. However, these conditions led to the protection of the Malay or *bumiputera* special position as guaranteed by the Constitution, and is now blamed by other opposition politics and other ethnic groups as a stalemate for true economic development—citing the “dulling of incentives to excel.”

Following the various general elections since the country’s independence, UMNO’s position as the dominant government party was reinforced by its strength in parliament. Today, UMNO is the strongest party of the *Barisan Nasional* (“The National Front”) coalition. Being the representative for ethnic Malays, the government’s role as supposed mediator but representative of a specific minority provides an interesting spin on Dahl’s observations. The UMNO party of the governing coalition is acknowledged as the strongest of the other parties. Their dominance in parliament, along with the ethnic segregation of the

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83 Andaya (2001), Pg. 303  
84 The Economist (27 April 2013)  
85 The Malaysian Insider (6 May 2013)  
86 Lim (8 March 2015)
three primary Barisan Nasional parties (MCA for Chinese, and MIC for Indians), suggest an ease of focus on issues concerning ethnic Malays. This is observed in controversial events where the Barisan Nasional government shows bias for Malays over other ethnicities—also presenting a hurdle for democratic prospects. These include the “Allah controversy”, JAKIM’s pro-government campaigning, and government-sponsored mass media support for Malays.

The “Allah Controversy”: This controversy began in 2007, when the Malaysian Ministry of Home Affairs threatened to withdraw a publishing license from the Herald—a Catholic church newspaper—if it did not stop using the Arabic word “Allah” to refer to the Christian God. This was done on the grounds of “national security and public order.” Various Islamic authorities in Malaysia cited the danger of allowing Christians to use the name “Allah” because it would “confuse” the Malay population in their worship of the Islamic God.

In 2009, a lower court ruled in favor of the Herald in a lawsuit against the government—allowing the Christian publication to continue usage of “Allah” in its print materials. However, the government appealed this decision, and the appeals court overturned the ruling in 2014.

The tension between the Christian and Muslim population led to strains of public disorder that witnessed the firebombing of several churches around the country. The message among Muslims was that “Allah” can only refer to the Muslim God.

Government responses to this controversy suggest it has a horse in the race. Some sources observe reluctance on the government’s part to take action against its right-winged Islamic parties that “openly propagate racist ideology and religious bigotry against the non-

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87 Brown (24 June 2014)
88 Al Jazeera English (14 January 2010)
89 Al Jazeera (23 June 2014)
Malays and non-Muslims.” Some of these ideologies were deemed “highly seditious” in nature, a crime of expression typically punishable by a selection of draconian laws that exist in the country. However, no punishments were dealt against their right-winged Islamic parties. This can be contrasted to various sedition charges mounted against various opposition members of parliament and NGO leaders.

Illustration of Dahl’s democratic pluralism in the context of the Allah controversy

Considering the racial division of the parties in government, and proximity of these right-winged parties to the dominant UMNO party, fair governance is hard to come by when the government is supposed to mediate but becomes a fellow minority in a plural society.

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90 Chin (2014), Pg. 183
91 List of those charged can be found in article by Hew (2015), but not limited. Parti Sosialis Malaysia (PSM) leader S. Arutchelvan charged, Divakaran (23 November 2015); Renowned Malaysian cartoonist Zunar charged over tweets about Anwar Ibrahim’s sodomy conviction, Al Jazeera (3 April 2015); Subang MP Sivarasa Rasiah charged for criticism of Anwar’s conviction, Ho (20 October 2015). Many others are not listed here.
**JAKIM’s pro-government campaigning:** The intersection between the ethnic Malay race, Islam, and the United Malays National Organization (UMNO) has been established at this point. Dahl cites the condition for free and fair elections as necessary for a polyarchy. However, Malaysia is governed by the National Front coalition with the dominant UMNO party at the helm. The influence of UMNO through the coalition permeates the federal structures in a way the opposition cannot match, especially during the general election campaign season.

![Illustration of Dahl’s democratic pluralism in the context of JAKIM’s pro-government campaigning](image)

**Jabatan Kemajuan Islam Malaysia (JAKIM)**, or the “Malaysian Islamic Development Department”) is a national body that oversees the federal development of Islam in Malaysia. Through their ties with the Malay and Islamic party UMNO, scholars observed instances where **JAKIM** aided in the dissemination of pro-government propaganda through national public sermons. The gist of the sermon was aimed at reminding Muslims to be “loyal and grateful to
the BN leaders”—even sporting a sermon title identical to the National Front’s campaign manifesto.⁹²

**Media bias in favor of government:** This ethnic bias is not limited to the pre-election period, but post-election as well. Dahl cites freedom of expression and alternative information as, yet, other conditions for polyarchy. Yet, the weeks after the 13th general election in 2013 witnessed again more ethnic tensions between Chinese and Malays because of these.

The UMNO-owned⁹³ *Utusan Malaysia* (“Malaysian Courier”), a national newspaper widely seen as a pro-government mouthpiece, published a headline article titled “*Apa Lagi Cina Mahu?*” (“What more do the Chinese want?”) shortly after the elections. This article attempted to interpret the and share the election results as one that pitted Chinese against Malays because of an overwhelming Chinese support for the opposition People’s Pact coalition led by Anwar Ibrahim.

This media bias recurred some five months later with *Utusan Malaysia*. Writers and editors, under a collective pseudonym, published an article justifying “Chinese ungratefulness” by drawing from the writings of a Chinese businessperson (a Chinese national) who reportedly wrote how he “[pitied] the Malays for not coming to their senses. Even though they have given in to the Chinese, they continue to be hurt and betrayed.”⁹⁴

These articles, published by a government-related source, are an interesting contrast to the government responses to opposition publications when race or religion is concerned. The

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⁹² Chin (2014), Pg. 185
⁹³ Sipalan (27 October 2013) writes that *Utusan* is an UMNO-owned newspaper (line 6 from opening: “. . . the UMNO-owned daily accused . . .”)
⁹⁴ The Malaysian Insider (27 October 2013)
government has charged, among many others, opposition leader Teresa Kok’s politically satirical Chinese New Year greeting video as seditious under the Internal Security Act for “disrupting public order.”95 There exists a clear double standard in government response when Malays and non-Malays are involved in “seditious” activities.

**What, then, are Malaysia’s prospects for a democracy (Dahl’s polyarchy)?**

Malaysia already meets several of Dahl’s criteria for a realistic democracy (polyarchy). The country has elected officials, inclusive suffrage, and the right to run for office. Where it lacks are aspects of free and fair elections, freedom of expression, alternative information, and associational autonomy. NGOs, opposition parties, and other autonomous organizations are strongly advocating free and fair elections while fending off government suppression of expressive freedom.96

**Free and fair elections.** Free and fair elections have become a contentious issue in Malaysia, and the nation’s 13th General Election certainly adds to the discussion of this democratic criteria. Anwar Ibrahim has rejected his Opposition coalition’s loss to the National Front as the Election Commission (EC) failed to investigate evidence of widespread voter fraud. Among the fraudulent practices, the National Front government had been accused of flying (with Malaysian-owned airlines) about 40,000 “dubious” and foreign voters into the country to cast votes in close races.97

A Royal Commission of Inquiry was called to investigate this phenomenon, where the National Front had allegedly approved a secret plan under former PM Mahathir Mohammad in

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95 Tariq (6 May 2014)
96 Sreenevasan (4 May 2013)
97 ABC News (6 May 2013); Sithraputhran (2 May 2013)
the 1980s to provide identity cards (the document of Malaysian citizenship) to immigrants in exchange for a government vote. However, various authorities have disputed the arrival of these some 40,000 dubious voters, citing the lack of hard evidence to back the claims.98

Regarding “dubious voters”, presenter of Australia’s Connect Asia program, Liam Cochrane, cites the difficulty in identifying a foreign voter because of Malaysia’s diverse ethnic mix. According to Azeem Ibrahim, a Professor and RAI Fellow at Oxford University, many of these illegal voters were Indonesians and Bengali workers employed by plantations at the island of Borneo.99 As alluded to at the beginning, this difficulty involved in distinguishing Indonesians from Malays could be credited to the British simple categorization of Malays (and other ethnicities that look similar) by virtue of appearance.

In any case, this was not the first time Malaysia had seen such abnormal voting practices: in the 12th General Election of 2008, voters found discrepancies with their registration.100 The electoral watchdog group Bersih described anomalies in the electoral roll including 40 individuals being registered at a same residential address, and the 9,000 voters who were born more than 100 years ago (of which two were reportedly 128 years old).101 These reports raise suspicion about “phantom voters”102, and continues till this day in Malaysia.

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98 In Al Jazeera English (7 May 2013), Azman Ujang, former head of the government-sponsored newspaper, Bernama, cites the lack of hard evidence to prove the government’s involvement in flying foreigners into Malaysia to exchange citizenship for a government vote. Retrieved from https://www.youtube.com/watch?v=iLhAb-gNevM
99 Ibrahim (7 May 2013)
100 Some voters found their electoral registration was changed without their knowledge to locales outside their home district, which creates inconvenience there since they may only vote in the district to which they are registered. Others, who have never registered, found their names mysteriously appearing on the electoral roll.
101 Human Rights Watch (5 March 2008)
102 Fake identities or alibis created alleged to have been used by the government to increase their electoral majorities.
An additional issue to raise about “free and fair elections” includes the indelible ink easily washed off after voting. Supposedly a fool-proof mechanism to prevent multiple voting, the indelible ink (which was supposed to stain for about a week) was easily removed with hand sanitizer or soapy water. Professor Bridget Welsh of the Singapore Management University cites this to be a serious problem, simply because 72 (or a third of the) seats contested were won with a margin of less than 5-percent. These irregularities represent a great concern to the practice of free and fair elections. 103

**Freedom of expression and alternative information.** In relating “free and fair elections” and “alternative information”: the National Front coalition government controls most of the media outlets, opposition politics has made effective use of social and online media as a means of reaching cohorts of the electorate with alternative information. Australia’s Independent Senator, Nick Xenophon, who has had a long interest in Malaysia, reported the “issue with the media coverage leading up to the vote,” and confirmed that “the opposition didn’t get a second of air time a part from being vilified in the nation’s media. . .” 104

It is unfortunate that a number of the references consulted in the production of this essay can no longer be viewed. *The Malaysian Insider* (TMI), a popular alternative source of Malaysian news was forced to shut down in March for “commercial reasons” and can no longer be accessed online, as was instrumental in the researching certain topics for this essay. This closure can be traced back to when the Malaysian government, which was always critical of TMI’s coverage, decided to block the news site for pursuing coverage of the scandal-ridden

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103 Ibrahim (7 May 2013)  
104 ABC News (6 May 2013)
state investment fund, 1MDB.\textsuperscript{105} The Wall Street Journal indicated that \textit{The Edge}, the parent company of TMI, “began downsizing and laying off some staff in February after the suspensions (from the Malaysian government) and the loss of advertising hurt its earnings.”\textsuperscript{106}

\textbf{Associational autonomy.} Where it becomes most tricky for a Malaysian polyarchy is associational autonomy, which “allows citizens to organize in defense of their own interests and identities without fear of external intervention or punishment.”\textsuperscript{107} As evidence suggests, little prevents the formation of interests groups in the country. However, the nature and interaction of these interest groups—in Malaysia’s case, religious and racial—present an impediment to the realization of Dahl’s polyarchy in the country.

After all, Malaysia is a country formed and developed on a system of race-based and religious politics. The government’s response to the ethnic riots of 1969 was to introduce the New Economic Policy that favored ethnic Malays over the other races.\textsuperscript{108} The rationale for this was to develop the Malay polity in more rural areas to “catch up” to the urban Chinese, who primarily dominated Malaysian business entrepreneurship.\textsuperscript{109} The concept of \textit{ketuanan Melayu} (or “Malay supremacy”) as provided by the Constitution, further reinforced by the various affirmative action policies benefitting the Malays, proves a point of contention among other races with the primarily Malay-elite government’s corruption and misuse of authority.

This essay highlighted prevalent religious and ethnic issues in Malaysia. These factors are imbued into the various layers of the nation’s society—especially the governing principles

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\textsuperscript{105} Ngui (14 March 2016)  \\
\textsuperscript{106} Ngui (14 March 2016)  \\
\textsuperscript{107} Fox (2003), Pg. 392  \\
\textsuperscript{108} Chin (27 August 2015)  \\
\textsuperscript{109} Ibid.
\end{flushright}
and bodies of the nation. Achieving Dahl’s polyarchy might be difficult considering Malay rights and privileges, and the Islamic politics so closely tied to it. The constitution designates the function of the Yang di-Pertuan Agong (the Monarch) to “safeguard the special position of the Malays and natives (or bumiputeras) of any of the States of Sabah and Sarawak . . .” These privileges provide for special quotas for employment, academic scholarship, and special facilities that are unavailable to non-Malays (or non-bumiputeras). This promotes a clear ethnic and religious preference towards Malays and Muslims, and as discussed before, alienates in various spheres the other races and religions in the country.

**Can Malaysia achieve Dahl’s Polyarchy?**

With the volatile cocktail of religion and ethnicity that could so easily escalate into political turmoil, the best chance Malaysia has at achieving Dahl’s polyarchy would be to focus on greater transparency and accountability in all levels of government—something Malaysia has always struggled with. The war on “Kronisme, Korupsyen, dan Nepotisme” (KKN, or “Cronyism, Corruption, and Nepotism”) can bring light into decades of governance that lacked appropriate channels of accountability. For example, UMNO leaders have been implicated in high-level corruption in government contracts and purchases, and are allegedly involved in the murder of Mongolian translator Altantuya Shariibuu to “tie loose ends” in a defense contract submarine purchase sources claim include a corruption of US$1.25 billion.

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110 Designation for Malays and natives of Sabah and Sarawak. Literally translates as “sons/daughters of the land.”
111 Constitution of Malaysia (translated), Pg. 123-124
112 Alam Siddiquee (2009) highlights the acute nature and worsening of corruption.
113 Sithraputhran (27 June 2012)
More recently is the 1Malaysia Development Berhad (1MDB) scandal, where Najib Razak was implicated in the receipt of US$700 million into his personal bank account from the troubled and failing national investment firm. The government proceeded with a variety of troubling moves, silencing critics and dissenters that include even the Deputy Prime Minister Muhyiddin Yassin. Deputy Yassin, along with several other ministers, were removed from cabinet in a sudden and unexpected cabinet reshuffle shortly after the scandal was made public. In place of Yassin, Home Minister Ahmad Zahid Hamidi—known to be more sympathetic towards Prime Minister Najib and his administration—was appointed to the second highest office in the land. Abdul Gani Patail, the Malaysian Attorney General (AG), was also removed “for health reasons” shortly after his alleged plans to expose Prime Minister Najib’s were leaked. The AG was replaced by Mohamed Apandi Ali who cleared the Prime Minister of any wrongdoing. Until today, all of these cases have received no satisfactory closure.

All this is not to say that a Malaysian government should ignore issues of Malay rights, race, and ethnic discrimination. As seen, Malay rights are enshrined in the constitution. However, issues such as these should not consume too much time from public administrative efforts to promote a strong and transparent government. After all, there is evidence for the success of such governing principles in Malaysia.

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114 The Wall Street Journal (22 November 2015)
115 Ng (28 July 2015)
116 Star TV (6 December 2015)
117 Holmes (28 March 2016)
118 Holmes (26 January 2016); Fuller (26 January 2016)
Hope for the Malaysia’s Future: The example of the Penang state

The state of Penang, up to the year 2008, was governed by the Barisan Nasional (National Front) coalition. The general elections during that year saw the switch of various states into the governing hands of the opposition, and Penang was one of them. The case of Penang provides evidence for the importance of transparency and good governance. In fact, when the opposition coalition took control, they launched the concept of “Competency, Accountability, and Transparency (CAT)” as their means of government.

CAT proved to be extremely effective. Prior to the opposition’s role at the helm, the National Front coalition had led Penang since independence. Current Penang Chief Minister, and prominent opposition party leader, Lim Guan Eng, noted the difference made by the opposition government in its six-years of government compared to the National Front’s 50 years—the opposition government announced a state surplus of MYR453 million (about USD105 million), compared to the government MYR373 million (about USD87 million) after half a century. Lim notes this to be the “difference between a clean government and a corrupted
government,“119 arguing that Malaysia, if managed well, can achieve a similar record of accomplishment.120

Some might note that other Malaysian states are performing economically. Government-run states such as Sabah, Sarawak, Johor, Pahang, and Terengganu have recorded or estimated surpluses in their tabled 2015 budget as well.121 However, as a whole, Penang is certainly a success-story when state development is concerned. Besides the quick budget surplus achieved in a short period of time, the Penang administration has improved other sectors such as tourism. The state had recently been recognized by Forbes and the Los Angeles Times as a must-see destination, and is the only Malaysian state to have gained specific mention by an international media source.122

Considering the infusion of race-based and religious politics in Malaysia’s democratic life, it is safe to expect that these tensions will not disappear anytime soon. This might be the cross any aspiring Malaysian polyarchy will have to bear. The prospect for a Malaysian polyarchy might then include the championing of religious tolerance, and a strengthening of governing fundamentals in a similar vein as the state of Penang.

Conclusion

Dahl’s work is influential. He suggests a liberalize democracy one could perceive as antidotal to the Asian-values Malaysian pseudo-democracy driven by Mahathir Mohamad and his successors. However, Dahl’s work on democratic pluralism is not a mold that snugly fits

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119 Shankar (26 February 2015)
120 The Star Online (1 May 2015)
121 The Malay Mail Online (7 November 2014, 10 November 2014); The Sun Daily (13 November 2014, 15 December 2014); Terengganu Times (9 December 2014)
122 Talty (29 December 2015) for Forbes; LA Times (26 December 2015)
every pluralistic country. This essay explored contentions brought about by ethnicity and religion so deeply infused in Malaysian society—events, historical and present, that conflict with Dahl’s theories. The disagreements over the purpose of the Reformasi movement and the divorce of opposition coalitions Barisan Alternatif and Pakatan Rakyat over irreconcilable ideologies all accentuate the nuances of Malaysia’s diverse multi-religious and multiethnic society. In addition, Dahl theorized the government’s role as a mediator of interest groups. However, the ethnically segregated parties of the governing coalition show positive bias toward Malays because UMNO (the ethnic Malay party) is most dominant.

Democracies are not built overnight, and Malaysia has a clear uphill climb. The recent passing of the National Security Council bill\textsuperscript{123} poses a dictatorial threat to the country that has seen a constant use of draconian sedition laws\textsuperscript{124} to stifle challenges against the government. Ambitions of greater democratic prospects rest on gentle deliberation of ethnic and racial tensions, but even more so on pursuing political accountability and transparency, and respecting the rule of law.

\textsuperscript{123} Kamal (18 February 2016): The NSC Bill was recently recommended by the 9 rulers of the Malay states for amendments to rid it of vagueness, thus impairing the bill’s function for now.

\textsuperscript{124} Malaysia still upholds and uses a variety of draconian laws such as the Internal Security Act (1960), Prevention of Terrorism Act (2015) to silence dissent. Both these laws allow for indefinitely detention.
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Image 6: *Dailymail* (n.d.). Image retrieved from i.dailymail.co.uk/i/pix/2015/04/01/article-doc-1h66z-6XT0LSCmE-HSK1-958_634x923.jpg
