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Malaysia: Between Democracy and Authoritarianism

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Jiří Holík *September 2011*

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Malaysia: Between Democracy and Authoritarianism

Malaysia is a country that boasts rapid economic development, political stability and calm racial and religious relations which are unrivalled in the region. Its modern history has been portrayed as a remarkable success story of transformation of a colonial backwater dependent on the exploitation of raw materials into a vibrant economy and tolerant society worthy of the 21st century. Yet, however attractive this narrative is, it is not without limits.

For one, as we will discuss in greater detail later on, Malaysia is not a democracy. As Adam Przeworski once laconically observed, “democracy is a system in which parties lose elections” (1991: 10). Yet, the governing coalition led by the United Malays National Organization has been safely in power since the country’s independence in 1957. Moreover, till 2008 the government commanded on average 80 per cent of parliamentary seats which allowed it to change the constitution at its whim. Although presented as an example of extraordinary national unity, there are a number of reasons – electoral engineering included – which suggest otherwise.

On a similar note, the country has not been observing crucial political principles and human rights, such as freedom of speech and assembly, or the right to be apprehended only by an order of an independent court.

Also, the image of racial harmony is somehow tainted. To the frustration of other races, the Malays – by a provision of the constitution – have been enjoying a “special position” in the country which has implemented a massive policy of affirmative action for their benefit. Moreover, virtually all the positions of political power in Malaysia have been held by Malays at least since the early 1970s.

It is the examination of this ambivalent nature of Malaysia’s success story that is the object of this paper. Since the late 1950s when Seymour Martin Lipset first famously proposed that “the more well-to-do a nation, the greater the chances that it will sustain democracy”, the so-called modernization theory has been subject to an intense debate. Nonetheless, throughout the years the thesis has gained prominence. As one recent incarnation puts it, “democratic institutions tend to emerge only when certain social and cultural conditions exist. But economic development and modernization push those conditions in the right direction and make democracy increasingly likely” (Inglehart, Welzel 2009).

Looking through the prism of historical empirical material the proposition suggesting a correlation between the level of economic and social development and the regime type seems sustainable. Extensive amounts of data have been compiled and ideas of thresholds of democracy applicable for countries ranging from Spain to South Korea have emerged. There are a few exceptions, though. Malaysia, as well as Singapore, is among them. For this reason these two countries have been labelled as “principle challengers to any thesis that economic development and democracy goes hand in hand” (Diamond 2006: 97).



Research objectives and main hypotheses

Standing out as an exception to the rule, the case of Malaysia warrants a closer examination. Therefore, this paper will deal with the question why has the UMNO-led regime been able to survive more than fifty years without crumbling down in spite of the predictions of the modernization theory. How can we explain its survival if the rapidly improving economic performance of the country would – according to both theory and experience from elsewhere – suggest a regime change?

This paper will focus on four possible explanations which have been put forward either by the regime leadership itself or in the literature: they are 1) government as a necessary guardian of national unity and security, 2) economic success of the regime, 3) Asian values thesis, and 4) authoritarian measures of the government.

Based on the examination of the four proposed explanations this paper is going to argue that the regime led by the UMNO has been able to survive thanks to a toolbox of repressive and authoritarian measures combined with limited responsiveness and populist policies directed especially towards the Malay majority. Rhetorically, it has been able to portray itself as a guardian of national unity and safety in the face of complex internal and external situation of Malaysia which helped augment its legitimacy.

Malaysia as a nondemocratic regime

Before discussing these possible explanations in detail, it is necessary to provide evidence for the claim that Malaysia is not a democratic regime and answer the obvious question how can the country be classified. With this purpose in mind, the following part will rely upon concepts of the so-called hybrid regimes theory, especially those introduced by Andreas Schedler and Steven Levitsky and Lucan Way.

As there is no general consensus as far as the conceptual boundaries of democracy are concerned, it is similarly unclear what exactly a hybrid regime is and if there indeed is such a thing. In any case, for the purpose of this paper we will employ the concept of the “chain of democratic choice” which was presented by Schedler (2002). This concept follows the notion that democracy either is or is not and proposes seven conditions connected with the electoral process which the regime in question must fulfil in order to qualify as democratic. “Together, these conditions form a metaphorical chain which, like a real chain, holds together only so long as each of its links remains whole and unbroken“ (Schedler 2002: 40).

These seven conditions are: 1) Empowerment: Elections exist to accomplish the binding selection of the polity’s most powerful collective decision makers. 2) Free supply: The idea of a democratic election presupposes the free formation of alternatives. 3) Free demand: Democratic elections presuppose the free formation of voter preferences. 4) Inclusion: In the contemporary world, democracy demands universal suffrage. 5) Insulation: Once citizens have freely formed their preferences, they must be able to express them just as freely. 6) Integrity: Once citizens have given free expression to their will at the polls, competent and



neutral election management must count their votes honestly and weigh them equally. 7) Irreversibility: Like elections that begin without choice, elections that end without consequences are not democratic (taken from Schedler 2002: 40-41).

As far as these conditions are concerned, the Malaysian political system does not fare well.

There are certain provisions in the Constitution of Malaysia (namely the clauses 152, 153 and 181) which symbolize the political domination of the Malays and provide the basis for the policy of affirmative action from which they and other ethnic groups considered indigenous (the *Bumiputera*) benefit. Importantly, unlike the rest of the Constitution it is virtually impossible to change or even critically discuss these provisions with the result that the minority communities are left with no other choice but to accept them (Harding 1996).

Opposition is generally allowed to compete in elections and operate in the Parliament, but only on the condition that it accepts the rules of the game set by the Government and does not threaten the dominant position of the ruling coalition. When it was possible and convenient, the regime has sought to co-opt and integrate principle opposition figures; at times of crises, however, harsh repressive measures have been employed. They have included administrative detention and criminalization and exclusion of adversaries with the compliance of the courts and the media. The most notable case was the treatment of the prominent opposition leader Anwar Ibrahim (Mauzy 1998, Crouch 1996a, Lee 2006, Amnesty International 2004, Human Rights Watch 2004, Lee 2006, Case 2010).

Freedoms of speech and assembly are tightly curtailed and association of citizens is allowed only with the consent of the Government. This is being done in accordance to the Constitution which nominally guarantees these rights, but at the same time allows the Parliament to restrict their exercise. Independence of the media is circumscribed also by the fact that their overwhelming majority is either directly run by the government, or is owned or controlled by parties of the ruling coalition (Crouch 1996a, Lee 2006, Case 2010).

Fulfilment of the principle of universal suffrage has also been put to doubt. Before 2002 when the corresponding regulation was amended, the way the electoral rolls were handled by the Election Commission was often subject to criticism. In 1999 as many as 680,000 eligible voters were said to have been disqualified from voting on administrative reasons (Felker 2000: 53-54).

There have been a number of reports documenting the practices of vote buying and voter intimidation in Malaysia. Additionally, government funds have regularly been channelled to electoral districts where election results seemed uncertain. Finally, as William Case observed with Malaysia in mind, “single dominant parties fuse with the state bureaucracy, then mediate patronage. They dispense clientelist benefits that placate elites. They oversee populist programs that ease social discontents“ (2004: 84). In this context, to freely form and express one’s own preferences might not be an easy task.

Malaysian electoral institutions are not neutral but heavily biased in favour of the ruling coalition. Usual disproportional effects of the first-past-the-post system are magnified by an unfair distribution of districts over the territory of the country which, coupled with widespread gerrymandering, results in a vast overrepresentation of government parties. On



average, parties of the ruling coalition have been overrepresented by nearly 21 per cent since independence. Election Commission exists but is not allowed to function as an independent body; its duties are merely administrative and boundaries of electoral districts are redrawn by a political decision. Without an effective oversight mechanism in place, irregularities in the electoral process have been widespread (Zakaria 1987, Crouch 1996, Lim 2002, Slater 2003, Brown 2005, Liow 2005, Tsun 2010).

Despite some historical precedents of reverting election results by resorting to extraordinary means (1966, 1969 and 1977/78), developments after elections of 2008, when the government lost the two-thirds majority it has long enjoyed and relied upon, suggests that the ruling coalition can accept some changes in the balance of power. However, reactions to a possible electoral defeat are impossible to predict with any credibility (Crouch 1996a, Harding 1996, Zakaria, Sharifah 1999, Case 2010).

Having applied Schedler's tool of "chain of democratic choice" we must conclude that Malaysia cannot be considered democratic as its political system does not fulfil most of the minimal democratic criteria. The question left to answer, however, is what kind of regime the country sustains.

For the rest of this part we will build upon the concept of competitive authoritarianism which was introduced by Steven Levitsky and Lucan Way.

In competitive authoritarian regimes, formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such an extent, however, that the regime fails to meet conventional minimum standards for democracy (Levitsky, Way 2002: 52).

As far as Malaysia is concerned both parts of the definition are applicable. Democratic institutions are indeed viewed as the principal means of obtaining and exercising political authority, elections are regularly held and their victors assume power and rule. On the other hand, we have seen the extent to which the incumbents violate democratic procedures.

What is less clear, however, is the conceptual boundary between *competitive* and *closed* authoritarianism. As the name of the concept implies, it is the competitiveness of the regime which matters.

Although incumbents in competitive authoritarian regimes may routinely manipulate formal democratic rules, they are unable to eliminate them or reduce them to a mere façade. Yet even if the cards are stacked in favour of autocratic incumbents, the persistence of meaningful democratic institutions creates arenas through which opposition forces may – and frequently do – pose significant challenges. As a result, even though democratic institutions may be badly flawed, both authoritarian incumbents and their opponents must take them seriously (Levitsky, Way 2002: 53-54).

Levitsky and Way have laid down four conditions for closed authoritarianism: 1) multiparty elections on a national level do not exist, 2) major opposition parties are regularly barred from competing in elections, 3) large-scale falsification of vote makes voting essentially meaningless, and 4) repression is so severe that major civic and opposition groups cannot operate in a public manner; thus, much of the opposition is underground, in prison, or in exile (Levitsky, Way 2006: 63-65).



Political system of Malaysia does not meet any of these criteria. National-level multiparty elections are regularly held. Opposition parties are generally free to compete in elections. There are a number of irregularities in the electoral process; however, votes and elections results are not being falsified. And finally, although crucial political rights – such as freedom of speech, assembly and association – are restricted, repression against the opposition is applied only selectively and opposition is generally free to operate.

As the political system of Malaysia has not qualified as democratic and does not fulfil the conditions of closed authoritarianism either, for the purpose of this paper we will assume that it can be described and analyzed as an instance of competitive authoritarianism as defined by Levitsky and Way. In other words we will treat Malaysia as a hybrid regime.

Now we can safely move on to the main objective of this paper which is to discuss the reasons for the remarkable survival of the current regime in Malaysia despite the fact that the empirical evidence from the rest of the world would suggest transition to a democratic regime of some sorts.

Government as a guardian of national unity and security

Malaysia is an ethnically complex country with a segmented society. 50 per cent of its population of 28.2 million are Malays, 24 per cent Chinese, 11 per cent the indigenous people of Sarawak and Sabah (so called *Orang Asli*), 7 per cent Indian and the remaining 8 per cent are made up by various ethnic groups. Islam is a dominant religion with 60 per cent of adhering population, followed by Buddhism with 19 per cent, Christianity with 9 per cent, Hinduism with 6 per cent and other religions (Central Intelligence Agency 2010a).

The situation is made even more difficult by enduring grievances of the respective communities. The Malays and the indigenous people of Malaysian Borneo consider themselves *Bumiputera*, “Sons of the Soil”, and thus expect to command political privileges. The Chinese and Indians, on the other hand, first migrated to the peninsula in large numbers at the end of the 19th and the beginning of the 20th century with the intensification of rubber cultivation and tin mining. Both ethnic groups had to wait till the end of the WW2 to even see the prospect of citizenship. Despite being relative newcomers, the Chinese have quickly assumed the position of economic preponderance in the country. It is thus clear that racial relations are the crucial issue in Malaysia.

In the mid-1950s, when the day of independence was drawing near, a solution for governance in Malaysian complex conditions was found. Essentially, the formula has successfully endured till today. Under the leadership of the United Malay National Organization main political parties representing the three respective communities joined into an election alliance, fielding candidates together according to an agreed quota. Markedly successful, the Alliance won 51 of 52 seats in the newly created legislature. From now on, it could credibly claim to represent the newly born Malayan nation.

The issue of national unity forcibly resurged with the events of 13th May 1969. Racial riots which broke out in the streets of Kuala Lumpur and according to an official account brought 196 victims led to what was in effect an authoritarian intermezzo. In the name of preserving



peace, order and national unity the Parliament was dissolved till February 1971. The Emergency Ordinance issued in 1969, which among other things allows for an indefinite detention of suspects without trial, remains in force till this day.

Although at the time this strong-arm solution seemed to be accepted by the majority of population as a necessary measure, the lingering threat of possible racial riots has allowed the government to play the card of national unity when it was convenient. For example, in 1990 Prime Minister Mahathir warned the electorate five days before the elections that if the ruling coalition would not hold its two-thirds majority in the Parliament, events similar to those of May 1969 may occur. Newspaper advertisements paid for by government parties brought similar message (Lim 1991: 9-10).

National security is yet another dominant topic in the narrative of the Government of Malaysia. One should not forget that the country emerged amidst an insurgency campaign waged from the jungle by communist guerrillas and in face of fierce and at times even armed opposition of neighbouring Indonesia and the Philippines. To quell the insurgency, extraordinary measures were required including the resettlement of hundreds of thousands of Chinese squatters. Despite the fact that the state of Emergency was officially repealed in 1960, the Government felt it could not let go of extraordinary powers it wielded and retained them in force in the form of the Internal Security Act of 1960. Thus, in the name of security of the Federation from both internal and external threats the Government assumed widespread emergency measures including unlimited administrative detention of suspects. As the threat of communist insurgents waned, other justifications for the employment of the ISA have emerged, including national security, racial harmony or Islamist terrorism.

It has been a standard practice of the Malaysian Government to portray itself as the only body capable of preserving national unity and security. This line of argumentation is based on the segmented nature of country's society and augmented by a careful utilization of historical precedents and security threats, be they genuine or perceived. Although this reasoning seems to be accepted at least by a part of the electorate and thus helps to shore up the legitimacy of the regime, there appears to be no evidence that it would sustain its survival by itself.

Economic success of the regime

From a macro-perspective, Malaysia has been a remarkable economic success. Its leadership has succeeded in converting the country from a colonial backwater valuable only as a source of raw materials into an industrial and technological hub of the region with the goal of reaching the status of a developed country in the year 2020.

This transformation has enabled the standards of living to significantly improve over the years. Not everyone has benefited equally, though. After 1969 the Government intensified its programme of affirmative action towards the Malays and other indigenous groups perceived as economically underprivileged when the so-called New Economic Policy was launched. Although doubtlessly immensely successful in improving lives of many Malays, it has been criticized by some observers for having produced “a large number of people dependent on the Government”, instead of “creating a new entrepreneurial class which would drive the



economy by its hard work” (Harding 1996: 235). From this perspective, the practice of giving away scholarships, government loans, subsidies, licences and jobs to Malay majority could be perceived as an essentially populist measure aimed at buying the allegiance of the Malay majority. As such, it has cemented the legitimacy of the regime in the eyes of those who have benefited, while eroding the support of others who feel left out and disadvantaged.

Naturally, the country leaders claim economic competence superior to that of the opposition and warn against any change of government. More compelling issue for the electorate, though, might be a fear that an opposition victory – dependent largely on the votes of the minorities – would result in dissolution of the preferential treatment of the Malays.

Overall, however, the proposition that economic success helps ensure the survival of the regime contradicts the principle thesis of the modernization theory which suggests that the economic development lays potential seeds of destruction for nondemocratic leadership.

Asian values thesis

The notion of the so-called Asian values gained prominence especially in the 1990s. Among its most vocal promoters belong former Prime Ministers Lee Kuan Yew of Singapore and Mahathir Mohammad of Malaysia. It suggests that, culturally, East and Southeast Asia differ from the rest of the World and that what has been presented as universal human rights is in fact a reflection of Western values. Since the Asian societies were said to be dissimilar from those from Europe or North America they – as the argument goes – cannot and should not be expected or forced to have the same political system, namely democracy. The so-called Asian values were said to include

a stress on the community rather than the individual, the privileging of order and harmony over personal freedom, refusal to compartmentalize religion away from other spheres of life, a particular emphasis on saving and thriftiness, an insistence on hard work, a respect for political leadership, a belief that government and business need not necessarily be natural adversaries, and an emphasis on family loyalty (Milner 1999).

While the debate remains unsettled with both Asian and Western scholars joining both sides of the argument, the Asian financial crisis of the late 1990s reduced much of the attractiveness of the claim. Importantly, empirical evidence – from other countries of the broader region which moved to more open regimes or that from values surveys – suggests that the Asian values thesis might be more of an exercise of political marketing and justification than a compelling sociological explanation for the peculiarities of Southeast Asian political regimes including that of Malaysia.

Authoritarian measures of the regime

Preceding parts have focused mostly on the discussion of the rhetorical justification put forward by the Malaysian leadership for its continuing grip on power. Although often presented as the reason why the ruling coalition of *Barisan Nasional* must continue to govern, it is unclear why a different coalition would necessarily fare worse or why a transition to a more open polity would be undesirable.



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What is clear, though, is the fact that such a transition would be highly undesirable from the perspective of the current ruling elite which has ruled over Malaysia for more than fifty years. In order to secure its control, it has not hesitated to strictly confine the rights of the Malaysian citizens, the independence of the judiciary and of the media and bend the electoral institutions to its own advantage. At the same time, the regime has been able to offer rewards to its supporters, be it in the form of affirmative action policy, governmental contracts or patronage. Also, as was stressed by Harold Crouch who described the UMNO-led regime as “repressive-responsive” (1996a), the Government has been careful enough not to travel too far from the sentiments of the majority – that is mainly of the Malay segment of the population. Regularly held elections, which fall short of providing a means of selection of rulers, have nonetheless supplied the regime with a valuable feedback mechanism as well as a safe vent for frustration. Similar “tribunal” role has been played by the opposition which was allowed to function but not to endanger the foundations of power of the ruling elite. Additionally, the regime has been able to justify its authoritarian measures by stressing out its indispensable role in preserving national unity and security in the context of Malaysia’s complex situation.

Conclusion

This paper has focused on the examination of the nondemocratic nature of the political regime in Malaysia. Using the concepts of hybrid regime theory, it has reviewed crucial aspects of this polity and has demonstrated that Malaysia could be analyzed as an instance of competitive authoritarianism which was conceptualized by Levitsky and Way.

Malaysia has been labelled a “principle challenger to any thesis that economic development and democracy goes hand in hand“ (Diamond 2006: 97). For the purpose of examining its exceptional position, four different explanations were explored. In doing so, the paper has argued that the regime led by the UMNO has been able to survive thanks to a toolbox of repressive and authoritarian measures combined with limited responsiveness and populist policies directed especially towards the Malay majority. Rhetorically, it has been able to portray itself as a guardian of national unity and safety in face of a complex internal and external situation of Malaysia which has helped augment its legitimacy.



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