

## Islam and the Struggle for Democratic Transition in Malaysia

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### Abstract

The 50th anniversary of Malaysia's independence in 2007 stands for a twofold development. Whereas the economy grew strongly, the political development remained weak. Some scholars, such as Huntington (1996) and Kepel (2002), have questioned how democratic values could be successfully implemented in a Muslim society. This paper aims to clarify the impact of Islam for the democratic transition process in Malaysia. Based on a brief discourse about the co-existence of Islam and democracy, the paper will discuss the role of Islam for the weak implementation of democratic values in several selected examples, such as the independency of the judiciary, press freedom and human rights. Particularly the case of Anwar (2006) provides important insights into the underlying value system of Malaysia's society.

This paper is qualitative study based on a constructivist perspective in which Islam is selected as the independent variable and its impact on the democratic transition as the dependent variable. The research is based on a broad range of academic literature that critically analyses the political performance as well as research made on the relationship between Islam and democracy. The research findings indicate a strong correlation between conservative forces and religious values, but the argument that Islam stands as a barrier for democratic transition process can not be concluded.

**Keywords:** democratic transition, Islam, Malaysia's society

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## 伊斯蘭教對馬來西亞民主化之困境

施馬可

### 中文摘要

2007 年為馬來西亞獨立 50 週年。獨立紀念日對馬來西亞而言，象徵著兩種不同方向的發展。縱然馬來西亞的經濟蓬勃成長；反觀政治發展的進程，卻始終緩慢。部分學家，如 Huntington (1996) 和 Keipel (2002)，都曾對馬來西亞該如何成功地將民主價值實踐在回教社會，表示質疑。對此，本文的重點，將試圖理解伊斯蘭教對馬來西亞民主化之影響。以現有伊斯蘭教與民主之間的共存模式作為基礎。以司法獨立、媒體自由和人權等議題為例，探討伊斯蘭教對馬來西亞欲實踐民主價值所扮演的角色和困境。其中，又以馬來西亞前副首相 Anwar (2006) 所提供的重要見解，洞悉馬來西亞社會。

本文主要以建構主義為途徑，選取伊斯蘭教為自變數；伊斯蘭教對民主化之影響為因變數，為研究設計。根據廣泛的學術文獻對政治績效提出的批判性地分析，以及伊斯蘭教與民主之相互關係，為本文之研究基礎。最後，研究成果將顯示保守立場與宗教價值之間強烈的關聯性。對於將伊斯蘭教視為民主化過程的障礙，結果為無法斷定的。

**關鍵字：**民主化、伊斯蘭、馬來西亞社會

## Introduction

After the attacks of the September 2001, Islam as a world religion was criticized by many people. The attacks were partially motivated by religious reasons, but it is questionable whether religion or Islam was the driving spurs behind these terrorist acts. However, people often ignore the fact that there are various different forms of Islam as a religion. In fact most Muslims are living peacefully together with people from other religions, but they are generally suspected to support terrorism. Malaysia is only one example of a pluralistic society state where Islam is the prevailing concept of societal order whereas people from different religions live together peacefully. In this context it appears worthwhile to have a closer look at the question whether Islam is compatible with Western values.

On the one hand there are scholars, for example Ganguly (1997), who reject the simplification that Islam is the main reason for modern terrorism and argue that other factors are more decisive while religion is only politicized for the mobilization of the disadvantaged. One prominent example is the Kashmir conflict where a high percentage of the Kashmir population faces severe challenges, for example, few job opportunities, a restricted access to political positions and military service. As a result it was possible for the ISI (Inter-Service Intelligence) to recruit many young Kashmir, train them in Islamic training camps as resistance fighters and send them back to Kashmir to fight for the interests of the ISI (Ganguly 1997). Similarly, Nader and Mellon (2009) argue that democracy is feasible in an Islamic society. They emphasize that the Western Standard of Secularization is not a necessary condition for non-Western countries for the implementation of a liberal democracy.

On the other hand, scholars like Huntington believe that Islam is the major reason for a clash between the Western and the Muslim civilization (Huntington 1996). But what are Western values, what are Islamic values? Is the Western civilization identical with Christianity? Are all Muslims violent? Where is this clash

in Turkey, Malaysia or Indonesia? Yet conservative Muslim thinkers argue that Islam and democracy are incompatible, because (1) the absolute sovereignty of God, (2) the law is given by God in Islam and can not be altered by elected parliaments, and (3) the idea of parliaments as sources of law is seen as blasphemous (Hunter and Malik 2005).

Similarly, Christianity faced difficulties when facing modernization. The modern economic system together with globalization caused serious challenges in societies all over the world. The transformation of the economy formed a new world order within such a short time that traditional values and religions often struggle to adjust to the new conditions. Likewise globalization causes serious changes and hence amplifies the challenges for many societies. Yet many people feel disadvantaged by this development as they loose their jobs because, for example, production was outsourced. It is only comprehensible that people feel disadvantaged and take a very critical perspective towards globalization.

At the same time, most countries managed to adjust to the new global order very well in terms of economic development. The facts are convincing: Even in countries where most people apparently are disadvantaged, the economy increased instead of decreased. For example, the GNP as well as the income per capita of mainland China increased along with higher live expectancy rates and living standards. Despite the fact that the disparity between the coastal regions and the inner land increased, the over all development is strongly positive. Similarly the GDP in Malaysia increased from US \$54,285 millions in 1980 to US \$494,544 millions in 2005 (Bożyk 2006). Nevertheless many societies face serious challenges in modern times. In this context it is worthwhile to examine the co-existence of democracy and Islam in Malaysia in order to understand the new global order a little bit better.

This paper aims to show the specific characteristics of the democratic transition process in Malaysia in order to discuss the impact of Islam on the democratization process. Whilst Malaysia's economic development is growing continuously it seems

that the democratic transition falls far behind. For this reason it is worthwhile have a closer look at the specific politic order in Malaysia. The paper aims to answer the question whether Islam is one of the major obstacles in the transition process the paper follows the following sequence. The first three sections will provide an overview about the terms democracy and Islam as well as their co-existence in Malaysia. The subsequent section discusses the political development in Malaysia by analyzing the impact of Islam on the democratization process. Finally a conclusion will summarize the research findings.

## Research Background: The Co-existence of Democracy and Islam in Malaysia

### *Democratic Political Order*

This part reviews the characteristics of democracy and Islam as well as their co-existence. Both concepts are important keystones of political systems in the modern world, but they developed separately in different societies within different value systems. So far only few countries accomplished establishing a sound democratic political order that is based on a predominantly Islamic society. Therefore, it is worthwhile to analyze the specific characteristics of the democratization process in Malaysia as an example for the co-existence of democracy and Islam.

When analyzing democracy it is worthwhile to reconsider the definition of democracy itself. Its original meaning does not include the specific concept that one could observe in Western countries. The contemporary Western consciousness of democracy developed over time and during the process of the formation of today's democracies historic events had important impacts. The term democracy itself is not explicitly defined and describes in its original meaning "the rule of the people for the people." Hereby the state power is assigned to the whole nation, i.e. every citizen, but the origin, amplitude and content of this power is not defined. Abraham Lincoln expressed this abstract concept by the "rule of the people, by the people, for the

people.” In contemporary democracies the people’s will is determined by free elections, but this is no guarantee that the outcomes of the process of decision making are good, i.e. beneficial for the public. Because the rule of the majority is not necessarily conform to the people’s will and even could be realized within a totalitarian rule, it is necessary to add the rule of law to this principle. Montesquieu stressed the necessity of the division of powers including a mechanism of check and balances in order to guarantee mutual control for an effective implementation of democracy (Schwarz 1990: 77).

The contemporary manifestation of democracy in the Western sphere also includes among others its institutions, the division of powers, a system of check and balances, free elections, the existence of political organizations and parties as well as parliaments and the right of free speech. In other words, most people think of a complete set of specific characteristics of democracy (Dahl *et al.* 2003). The modern concept of democracy is the result of a process over a long period and emerged in correlation with the environment of each country. Therefore, it is questionable whether democracy in its final version could be adopted by countries without making the experience of an organic transformation process. In fact many countries implemented democracy, but according to Freedom House the number of liberal democracies levelled off and most political systems could be better described as pseudo democracies, e.g. in many African countries (Freedom House 2007).

The path to a liberal democracy is rather long and includes a longer process of consolidation. Yet there are certain criteria that need to be fulfilled before any democracy can be considered to be well established. For example, the level of a democracy can be measured referring the likeliness that the democracy will break down or erode. It is a difficult task to determine exactly the stage of political development, but it is an essential criterion to estimate the ability of a political system to withstand crises. Another criterion is the double turnover test, i.e. the party in power should change twice, but this is not always eminent. Furthermore, one of the

most important aspects is whether the people believe in the democratic system as the only political system or not. Finally, a democratic government needs to hold legitimacy which depends on the performance of the government itself, i.e. in terms of a wealth theory of democracy (Diamond and Morlino 2004).

Obviously the relationship between development and democracy is not very clear-cut. For example, a power could persist for a long time without implementing a democratic order, just because it manages to create a strong economic development that reduces inequalities among its citizens. On the other hand, there are democracies that come along with economic growth, but fail to increase the public wealth and instead increase inequalities. The form of political order that partly determines economic development is also determined by the values of a society. Religion is both source and representative of values. For the purpose of this paper, it is necessary to analyze the specific value system in the Malaysian society. One of the most important aspects in this context is the Islamic order in Malaysia. Esposito (1992), for example, argues that democracy with its various meanings will take different forms and could even develop into a religious democracy.

Hence the subsequent section will discuss the importance of Islam in Malaysia. This way it will be possible to shed some light on the co-existence of Islam and the democratic political order in Malaysia.

### *Islam in Malaysia*

Currently over 60% of the population in Malaysia are Muslims and the fact that almost 40% of the population are non-Muslims shows the religious diversity of this country. Still the majority of the population believes in Islamic values, but Islam in Malaysia essentially differs from the political Islam in many Arabian countries. Nagata (2000), for example, argues that the conservative Islamic party PAS has a split personality as it supports universalistic values with its non-Muslim partners while allowing for inequality of citizenship rights between Malay-Muslims, Chinese, men

and women. This shows both that the PAS adheres to and departs from the traditional public order in Islam. Still the PAS considers the primacy of Islam more important as the banishment of the Dakwah movement shows: The Dakwah movement aimed to enhance the secular development, including more transcendental ethical issues, such as justice, social morality, rights and democracy. But finally the movement was banned for alleged religious deviance (Nagata 2000). This was partly because during 1970s the government underwent a broad Islamization process: Politicians from both the UMNO and PAS pushed for a stricter implementation of Islamic values. Mahatir Mohammad, for example, tried to elaborate on the nature of Islamic rule, and in the early 1980s even Anwar called for a fuller implementation of the Shariah (Mitsui *et al.* 2001). These actions followed social disturbances during the implementation of democratic values. In 1969, bloody riots between Malays and Chinese caused the declaration of a state of emergency, but in the end several policies were enacted that affirmed the predominant status of the Malays (Nagata 2000: 6).

In order to evaluate the impact of Islam on the society in Malaysia, it is necessary to examine which of those values are predominant because there is no universal Islamic order of state. For example, the word Islam itself means "Submission to Allah." For this reason, Jedaane (1990) argues that Islam is incompatible with democracy. Despite this general principle it appears that only Muslims are bound to this tradition whereas in some countries non-Muslims are exempt from this principle, for example Malaysia. Bakar (Mitsui *et al.* 2001) shows that Islam is tolerant towards non-Muslims, i.e. they can practice their faiths, obtain public office, engage in economic activities and own property. Hence Islam pursued a policy of equity of all citizens (Mitsui *et al.* 2001). After a brief overview over Islam as a religion, the subsequent section will discuss its importance as a keystone of the political order in Malaysia.

The origins of Islam are the teachings of the prophet Muhammad who was a religious and political figure in the 7th century. By now it grew to the second largest



religion in the world with 1.8 billion Muslims. There are two main groups, namely the Sunni (85%) and Shi'a (15%). Their religion refers to the fundamental norms, named the Five Pillars of Islam, which include five duties of a Muslim for the society as well as the Islamic law, called the Sharia. These principles developed over a long period of time and established a tradition of rules that defines all aspects of life and society. This tradition, for example, encompasses everything from practical matters like dietary laws and banking to warfare and welfare. The most distinctive feature of this religion for the purpose of this paper is that in mainstream Islam there is no difference between church and state (Wright 1996). Obviously, there are different modes of Islamic state order in different states, where the societal order diverges from the traditional rule. This is among others due to the fact that Islam as a religion itself evolves into new forms in certain areas (Diamond and Morlino 2004). Hence it appears worthwhile to discuss the different forms of Islam and democracy as well as their co-existence as the subsequent section shows.

### *The Co-existence of Islam and Democracy in Malaysia*

In Malaysia the combination of Islam and democracy is somewhat an exemption from the traditional Islamic state order. This becomes clear when discussing the political development in Malaysia.

The democratization process in Malaysia began after the independence declaration in 1957. The political system is closely designed after the Westminster parliamentary system, which is a legacy of the British colonial rule. In this Parliamentary Democracy with Constitutional Monarchy the Royal Highness is the Paramount Ruler. The democratic system is based on a federation system where states give up control over finance, defence, education, foreign affairs and others. Political power is by Constitution distributed to the institutions of Yang Di-Pertuan Agong, the Paramount Ruler, and the hereditary rulers of the nine states and the Council of Malay Rulers. The king has the power to safeguard the customs and traditions of the Malay

people and the Administration of the Islamic Religion in each state. He is also the highest Commander of the Armed Forces (Hooker 2003).

The predominance can be illustrated by the authority of the Paramount Ruler to safeguard Islam which became the official religion of Malaysia in 1957 (Nagata 2000). The Malaysian government operates at a multi-dimensional level in order to pursue its policy goals: For example, it applies coercive elements together with electoral and democratic procedures and it propagates religion in society but pursues secular economic goals. The suppression of the above mentioned Dakwah movement shows how this coercive power it used. Heufers (2002) argues that the maintenance of public peace stands as a top priority of the political agenda and concerns about ethnic tensions even outweigh the implementation of a democratic order. Hence the growing number of detentions that seek to maintain public order already started to undermine the legitimacy of the government. Finally, one of the most significant flaws among others is that ministers are seldom held responsible and accountable before parliament (Heufers 2002).

Last year Malaysia celebrated its 50 years of independence while upholding democratic as well as Islamic values at the same time. This success was accomplished without major civil clashes like civil wars. Some scholars, for example Sani (2009) take an optimistic view and conclude that Malaysia is on its way towards a more liberal form of democracy. Yet others believe that there are tensions between democratic values, e.g. liberalism and freedom, and an Islamic political order (Huntington 1996). The most popular policy towards a peaceful co-existence of both Islamic and liberal values was made by the new Badawi-led coalition which seeks to implement a new progressive program called Islam Hadhari. According to this idea there should be several general ethical principles that should be acceptable to non-Muslim citizens (Bomhoff 2009). On the economic level the government pushed development by promoting economic activity, but at the same time it also spent quite a big proportion of the GNP on education, including overseas exchange programs

where young Malaysians can pursue tertiary education in a variety of technical and scientific fields abroad. The Petronas Towers are among others exponents of the rapid economic development, but the political development falls short compared to the economic development.

One way how the government deals with the differing demands of the Malaysian people is the implementation of a dual legal system. The legal system in Malaysia is divided into the Shariáh court for Muslims and a civil court for Buddhists, Christians, Sikhs, Hindus and others. A Malay person would be automatically referred to the Shariáh, because it would be assumed that he is a Muslim. Other citizens are required to rely on the civil court. The division breaks up the traditional claim of the traditional Islam as the predominant state order (Peletz 2002). In general this dual system works very well, but there are cases where the limits of its implementation become obvious: For example, the case of the Muslim Lina Joy who seek to marry a Christian, but was refused because she was unable to provide required documents. Other examples however indicate a comparably high degree of religious tolerance in the highly pluralistic state of Malaysia. For example, Muslims in Malaysia are allowed to convert to other religions, which is a peculiar issue in traditional Islam and forbidden in most Islamic countries (Puthucheary and Norani 2005).

The government in Malaysia further reduced tensions in the society by pursuing poverty eradication. This was much more aggressively conducted than in the Arab-Muslim world and was arguably more successful than in other developing countries. Poverty and income disparities are considered as one of the main spurs for modern terrorism in many other Islamic parts of the world. In this context the author argues that the economic policy furthermore reduced tensions between different religious groups. In contrast to the positive economic development, the weak political development threatens the smooth co-existence of various groups within the society as well as the successful co-existence of democratic and Islamic values. Major

**Table 1 Country ranking referring to the democratization process**

Rank	Country	Score
1	Sweden	9.88
32	Taiwan	7.82
39	Turkey	7.05
72	Malaysia	5.07
112	Iraq	4.01

Source: Kekic (2007).

obstacles on the process of democratization are: (1) the present ethnic-based politics, (2) the Internal Security Act which allows detention without a trial, (3) the control of the media by the government, and (4) an inefficient system of checks and balances as shown by the limited independence of the judiciary (Hunter and Malik 2005).

In 1996, Means stated that “basic democratic institutions survived in Malaysia, while democratic ideals and practices have not (Means 1996).” After 50 years of the existence of modern Malaysia, the democratic transition is far away from its completion. Malaysia’s withdraw from democratic values was also expressed by Ibrahim, the opposition leader, in his speech at the Kuala Lumpur Convention Centre in 2008 (Ibrahim 2008). This statement is supported by Malaysia’s poor democratic development as shown in table 1 which is an extraction of The Economist Intelligence Unit’s index of democracy of the year 2006. In table 1, Malaysia ranks on position 72 and the score of 5.07 indicates a low level of democratic implementation on a scale of 10 points for a liberal democracy. Hence, Malaysia’s political system is considered a flawed democracy.

Further evidence supports the argument that Malaysia gave up some democratic values during the last decades: Press freedom, for example, declined dramatically in Malaysia and is currently one of the worst in the world. A decline of press freedom in recent years is shown by the table 2.

**Table 2 Country ranking referring to press freedom**

Country	Ranking		
	2006	2007	2008
Thailand	122	135	124
Malaysia	92	124	132
Singapore	146	141	
Vietnam	155	162	168

Source: Ooi (2008).

These figures might not reflect the actual development of Malaysia's democratic transition because they refer to a selected range of criteria, but they indicate the tendency that Malaysia's democratization process lost ground during the last decades. Further support for this argument is given by one of most prominent cases.

The case of Anwar illustrates Malaysia's struggle for democracy: Anwar, the former deputy prime minister, was sent to prison twice after clashing with governmental policies, because he supported peasant protests. His popularity in the Muslim society rose when he was honoured as the "Muslim Democrat of the Year" by the Centre for the Study of Islam and Democracy (CSID) in 2005. He rejects the argument that democracy can not be achieved in a Muslim country, but ascribes difficulties of the democratic transition to the limitations of freedom in Malaysia (Ibrahim 2006). His protest against the policy of the government should under normal conditions be legal in any democracy; hence the imprisonment of Anwar Ibrahim further shows the low level of the implementation of democratic values in Malaysia. Obviously, it is rather difficult to implement democratic values with its claim for freedom in a Muslim society, but there remains uncertainty about the reasons for the

weak democratization process. The subsequent two sections aim to propose possible answers this question.

## Islam and Democracy: Limits and Prospects

This section discusses the limits and prospects of democracy with a Muslim society. As mentioned above there is no common sense whether the two concepts are compatible or not. The answer about the complementary of these two concepts basically depends on the form that serves as a basis for the debate. Both democracy and Islam are no monolithic concepts. For example, illiberal democracy or semi-authoritarian democracy appears being very different from a liberal democracy. Similarly there is no single eternal Islam like some militant radicals claim. Likewise Western democracies, Islam could develop from authoritarian theories and systems into an Islamic democracy. Nowadays most Muslims take moderate rather than radical perspectives and consider Islam and democracy as compatible concepts (Hunter and Malik 2005: 86-95). Furthermore it is questionable whether democracy should take the same form as in Western countries.

Accordingly, Nader and Mellon (2009) argue that democracy is possible under different founding conditions, especially when discussing political development in non-Western countries. They further question Huntington's assumption that Islamic values are obstacles for the implementation of democracy. Moreover, they emphasize that the Western standard of secularization is not a necessary condition for non-Western countries for the implementation of a liberal democracy. Yet the division of religion and the public sphere inherits the biggest challenge: a secular order of society is necessary to sustain and maintain liberal democracy. As religion is a predominant marker of identity in Malaysia, the political system is consequently defined by religious politics. For this reason, it becomes obvious that until now Malaysia has not succeeded in adopting the normative role of Islam to the requirements of liberal democracy (Welsh 1996). Instead the predominance of Islam

surely impedes the implementation of democratic values, but it is not the main obstacle. In this context, the author argues that historical and especially structural constraints are the biggest obstacles. Similarly a study on political liberalization and democratization in the Arab world noted that political culture should not be seen as the prime or overriding variable in any process of regional democratization. Cultural attitudes not only influence political realities but are also themselves influenced by political context (Nader and Mellon 2009).

Finally, liberal democracy requires secularism. As Malaysia is considered a secular state, religion itself is not an inherent obstacle for the implementation of democracy in Malaysia. The main question is whether a secular consensus emerged via a transformation of religious ideas toward politics. Without such a transformation religion tends to undermine the secular order of society that is needed to sustain liberalism. A successful transformation can be illustrated by the case of Catholicism because Europe similarly faced the question of how to implement democracy in the nineteenth century and overcame similar obstacles (Nader and Mellon 2009). A successful implementation of democracy therefore requires Malaysia to push for a broader secularization of the political order, like for example in Turkey.

In order to push further for a broader implementation as well as incorporation of democratic values, Malaysia's society needs to face the challenge of modernization. By deepening the Islamization process Malaysia's government reinforces totalitarian forces and at the same time limits the freedom of the people (Hunter and Malik 2005). Each country adopts a form of democracy which restricts individual liberties. But religion can play an important role to define those restrictions. Dependent on religious beliefs citizens will face more or less severe constraints of their liberties. Accordingly Islam curbs many aspects of the daily life and hence, particularly for women, constrains many liberties of Muslim people. Therefore, Islam could be interpreted as an obstacle for modernization rather than for democratization (Voll 2007). Politicians, for example, sometimes interpret the meaning of Qur'an in a way

that is beneficial for their political faith. And it is only comprehensible that political parties resist modernization whenever changes would endanger their political faith, but this way religion impedes necessary changes (Khatib and Bouma 2007), as illustrated in the following section.

## Major Obstacles in the Transition Path Towards Democracy

Obviously there are several obstacles in the path of democratic transition. These include a lack of institutional change, independence of judiciary, human rights, press freedom and gender equality. The following examples discuss several cases that had a significant impact on the transition towards a democratic order in Malaysia.

Democracy in Malaysia has been widely defined as a functional electoral system, i.e. opposition candidates do win seats in the federal Parliament and state assemblies, but the political power remains concentrated in the coalition parties. The struggle about the dismissal of the previous ruling National Barisan (BN) from office shows small signs of deregulation and freedom, but still many observers call democracy in Malaysia a well-oiled electocracy.

In addition many parliamentary laws restrict public expression of oppositional thoughts. Hence many Malaysians are still unable to participate in public discourse which is an integral part of a functioning democracy. Press freedom and the freedom of speech are both essential elements of a democracy; therefore any limitations of these rights hinder the democratic transition.

Furthermore, the dependency of the judiciary on the government shows difficulties that Islamic countries have when establishing a political system in terms of a separation of powers. In Muslim dominated countries power is traditionally concentrated in the government and refers closely to the guidance of the church. The Malaysian government used its power over the judiciary in 1988, for example, when



the government removed several senior judges who did not comply with the official policy. This case is known as the operation Lalang crisis. Aware of the threats to their careers, judges acted in favour of the government in politically charged cases. A clearer division of powers is one of the future tasks of Malaysia's government. A close correlation between religion and political power is accompanied by a concentration of power. It remains unclear whether this principle of concentration can be interpreted as an underlying pattern of Malaysia's societal structures or whether the two spheres are independent, but the tolerance of other religions seems to be bigger than other political thoughts (Human Rights Watch 2006).

Another important case, as mentioned before, is the imprisonment and the release of Anwar. The imprisonment of the former Deputy Prime Minister caused widespread protests domestically and internationally. The public discussion about this case puts pressure on the government which finally led to a back down of the government. The release of Anwar from prison in the year 2004 signalled a shift towards a greater judicial independence. However the court faces further challenges towards more independence when considering human rights. The release of Anwar and the opening of a notorious detention facility in 2004 both mark slight improvements of Malaysia's human rights record, but many issues remain unsolved. Those concerns include the arbitrary detention of alleged militants under the Internal Security Act (ISA), restrictions on media, abuses against refugees and migrants as well as the above mentioned constraints on judicial independence. The following sections describe concerns of human rights and press freedom (Transparency International 2005).

In the case of Irene Fernandez the court sentenced the human rights activist in the year 1995 for maliciously publishing false news under Malaysia's restrictive press laws. In one of her reports she made beatings, sexual violence and inadequate nutrition in detention camps public. Under the ISA many detainees are arrested without any type of judicial review. Many of those detainees are considered to be

political opponents, but are alleged being members of international terrorist groups. In this context the ISA is used as a tool to suppress critical voices towards the official policy. The government promised to investigate the reported cases, but the Malaysian National Human Rights Commission (SUHAKAM), who is responsible for the investigations, has not delivered any findings so far.

In 2002 dozens of refugees died in transit areas while waiting for deportation to their home country. Reports point out that these people died from dehydration and disease. Most of them are from Indonesia of the war-torn region Aceh, but they were denied status as refugees. In addition the police was reported of being engaged in abuses of those refugees. (Freedom House 2007)

Another example for human rights violations is the treatment of migrant workers. The working hours and payment of the migrant workers is much worse than those of domestic workers. Indonesian workers earn less than half the amount of low-wage workers, they are typically not allowed to leave houses even when not on duty. In the worst cases employers fail to pay fully salaries or not pay at all. Furthermore migrant workers face physical, verbal, and sexual abuse from employers and labour agents. The efforts of Malaysian government to monitor the situation of the migrant workers not only falls short, but excluded migrant workers from Indonesia from section XII of the Employment Act of 1955 which limited their work to eight hours per day and entitled them to one day of rest per week. Migrant workers immediately lose their legal status when escaping abusive working situations and are threatened by being deported. This is among others due to the fact that the immigration laws in Malaysia and policies are not appropriate to protect the migrant workers (Freedom House 2007).

The above mentioned examples illustrate the poor implementation of democratic order but they do not point at a repressive role of Islam. These problems seem to be correlated to weak governance rather than being religious motivated. Abused military detainees, for example, are also often Muslims. In some cases one could argue that the

repression of the political opposition is the reason behind human rights violations. In other cases economic interests could be used to explain arbitrary treatment, but there is no reason to argue that the Islam is the main obstacle for a more liberal and equal development. The ultimate issue is about gaining and maintaining political power by applying various instruments, most notably patronage and corruption. In this context religious issues are politicized in order to pursue their political objectives by mobilizing their supporters (Nagata 2000). Furthermore Kahn (2006) argues that democratization has the potential to reduce many problems of the Muslim world.

The poor democratic performance in Malaysia appears most blatant for the restrictions on media freedom. It is worthwhile to focus on this issue, because a repressive Islam as an obstacle in the democratization process could be easily tracked down. Media in Malaysia is controlled through a network of laws which is backed by a direct day-to-day monitoring. The only independent news website is Malaysiakini. The government of Prime Minister Abdullah continued the censorial policies of the Mahathir government and any changes are not in sight. Instead the government implemented further restrictions in 2006 in order to suppress public discussion of political issues that could potentially undermine the political power of the leading parties.

The constitution entails the right to freedom of speech and expression, but in reality the Printing Presses and Publications Act (PPPA) which was implemented in the year 1984 limits this freedom drastically. According to this law all publishers and printing companies are required to obtain an annual operations permit. Furthermore the prime minister as well as the minister of internal security has the right to revoke the licences at any time without judicial review. In 2006 the PPPA was used to suspend the permission for the Sarawak Tribune. A prominent example is the publication of the caricatures published in a Danish newspaper. The cartoon showed the prophet Mohammed as a terrorist. By prohibiting any kind of materials about the Danish cartoon the PPPA proved to be an effective tool for suppressing the media.

In 1988 the government implemented the Broadcasting Act. Therefore the information minister has the right to decide who can own a broadcasting station and provide television service. Due to the various restrictions, media in Malaysia adopted a system of self-censorship. The limitations of press freedom are accompanied by the Official Secrets Act, the Sedition Act, the ISA, the Emergency Ordinance, the Essential Regulations and the Universities and Universities Colleges Act. Furthermore the public has no access to controversial data. In 2006, for example, the prime minister banned all reporting on issues of race and religion. In addition to print media the prime minister threatened to detain those who used the internet and text messages to spread untruths. Yet government ministers called for extending the PPPA to censor information provided in the internet. Finally books and films and TV programs are also controlled by law. As a result pluralism of expression is vastly limited to topics that are in accordance with the official policy respectively with Islamic values. The exodus of press freedom can be illustrated by a merger which granted UMNO, the ruling party, direct ownership of most local media through a partnership with Media Prima Bhd (Human Rights Watch 2006). The severity of Malaysia's poor record of press freedom was also shown above in table 2.

As shown, press freedom is one of the most severe obstacles in the process of democratic transition. Without critical voices of the opposition made public, the interests of many Malaysians are kept silent, but they are expressions of many people who feel dissatisfied with the policy of the Malaysian government. If there were only few people expressing their discontent this would not threaten the power of the ruling parties and restrictions would not be necessary because the impact on public opinion would be negligible.

On the one hand, there are many restrictions that aim to suppress critique on Islam and on the other hand, as the example of a tolerated religious conversion shows, there is a high level of religious tolerance in the highly pluralistic country. In general the various ethnic groups live together in harmony although there are almost 40%

non-Muslim citizens. However, critical voices on Islam are suppressed, as the case of censoring the publications about the Danish caricature illustrates. Any challenge for Islam is oppressed by the government. The close correlation between the predominantly Muslim government and Islam is the basis of this mechanism. At the same time, any critical voices regarding the political order are evenly suppressed and examples for the suppression of political critique outnumber the cases of censorship of religious issues. Hence there seems to be no direct linkage between Islam and the slow or even reverse democratic transition. However it is fair to conclude a pattern of suppression of critical voices towards prevailing ideas, no matter they are political or religious motivated. This could be used to further analyze the value system of the Malaysian society, but it goes too far to argue that Islam is a major obstacle for the implementation of democracy in Malaysia.

## Conclusion

In conclusion the religious freedom in Malaysia shows a relatively high level of tolerance in the society towards other groups, but at the same time it does not allow for critique on Islam. Though Islam itself does not seem to be one of the major reasons for the weak performance of the government in terms of implementing democracy, it still illustrates how restrictive the policy of the Malaysian government towards any kind of critique on the prevailing concepts of Islam as well as political order. In this context the author argues that the most significant reason for the poor implementation of democracy in Malaysia is the claim to power by the ruling parties. It appears that they are not intrinsically motivated by religious reasons, but by self-interest in terms of maintaining their political power. Major obstacles are the various restrictions of press freedom and the numerous human rights violations. Those obstacles can be distinguished by political and religious issues. The first kind of constraints aims to maintain political power, whereas the latter seeks to protect cultural values, including Islam. Nevertheless both limitations imply a pattern of protective behaviour.

Similar to democracy in Japan or other Asian countries it is unlikely that Malaysia will adopt a democracy which is identical to any Western counterpart. It is rather likely that democracy in Malaysia would take a form with specific characteristics that are determined by cultural values of this society (Voll and Esposito 1996). The issues of press freedom in Malaysia show that censorship includes topics that are not restricted in Western democracies, but this not necessarily states an example of a poor implementation of democratic order. The suppression of reports about the Danish cartoon, for example, instead exemplifies that a liberal democracy in Malaysia would be of a different kind according to the specific value system of the Malaysian society. In addition to the above mentioned examples for suppressions of critique regarding religious issues there are further examples that support the argument that liberal values are oppressed in Malaysia. However, one should acknowledge the particular values of the Malaysian people. Those values would, for example, include religious issues like gender roles. Even under the condition of total press freedom certain issues would still be excluded from any kind of media, for example topics that discuss sexual behaviour which is traditionally excluded from media in Muslim countries. Finally this shows that Islam in some selected cases could be located as an obstacle in the democratization process – particularly towards a Western style democracy, but Islam itself does not appear to be a major barrier for a successful implementation of democracy. However the goal to establish a secular democracy in Malaysia appears more and more difficult. Many Arabian societies Islam might not be ready to absorb the basic values of modernism and democracy, but in Malaysia non-religious factors appear to be prevalent.

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