

Singapore Management University

Institutional Knowledge at Singapore Management University

Research Collection School of Social Sciences

School of Social Sciences

2-2020

Authoritarian innovations and democratic reform in the “New Malaysia”

Sebastian Carl DETTMAN

Singapore Management University, sdettman@smu.edu.sg

Follow this and additional works at: https://ink.library.smu.edu.sg/soss_research



Part of the [Asian Studies Commons](#), [Leadership Studies Commons](#), and the [Political Science Commons](#)

Citation

DETTMAN, Sebastian Carl.(2020). Authoritarian innovations and democratic reform in the “New Malaysia”. *Democratization*, 27(6), 1037-1052.

Available at: https://ink.library.smu.edu.sg/soss_research/3197

This Journal Article is brought to you for free and open access by the School of Social Sciences at Institutional Knowledge at Singapore Management University. It has been accepted for inclusion in Research Collection School of Social Sciences by an authorized administrator of Institutional Knowledge at Singapore Management University. For more information, please email cheryl@smu.edu.sg.

Authoritarian innovations and democratic reform in the “New Malaysia”

Sebastian Dettman, Singapore Management University

Published in *Democratization*, 2020, Advance online

<https://doi.org/10.1080/13510347.2019.1705791>

Pre-print

ABSTRACT

Malaysia’s National Front coalition, one of the world’s most durable authoritarian governments, lost power in national elections held in 2018. Although incumbent turnover represents a significant step toward democratization, the reform of institutions and practices associated with political domination by the country’s Malay Muslim majority has been slowed in the face of challenges from a new configuration of opposition forces. The new opposition, which includes UMNO, the former dominant party of the National Front, has framed democratic reforms initiated by the new government – and the more multiethnic ruling government itself – as a threat to the rights of the country’s largest ethnoreligious community. In turn, the new government, seeking to defuse the opposition’s electoral threat, and in part propelled to power by its commitment to preserve Malay Muslim political domination, has responded by maintaining non-democratic institutions and practices. The case highlights the extent to which the scope and scale of democratic reform are curbed not only by remnants of the former regime but also by newly elected governments seeking to maintain their position in power.

KEYWORDS: Competitive authoritarian regimes, electoral turnovers, ethnic politics, authoritarian innovations, Malaysia

Introduction

In May 2018, for the first time in Malaysia’s history, a coalition government headed by the United Malays National Organization (UMNO) – since 1974, known as the National Front (BN) coalition – lost national power through elections. Long considered as a deviant case in the study of democratization given the persistence of authoritarian rule despite its wealth,¹ Malaysia now seems to defy regional trends in Southeast Asia where authoritarianism remains predominant, and elections have not generally served to usher in democratization.² UMNO’s 61-year reign in office was ended by a coalition of opposition parties headed by Mahathir Mohamad, the former autocratic prime minister who broke away from UMNO in 2016. The coalition led by Mahathir, the Alliance of Hope (*Pakatan Harapan*), won national power despite the institutional and resource advantages available to the ruling government remaining undiminished. As such, major reforms to legal, governing, and electoral institutions remain if the alternation of power is to lead to democratic transition.

However, the dynamics of Malaysia’s reform process since the 2018 election demonstrate the conflicting incentives facing former opposition parties in introducing democratizing and liberalizing reforms after winning power.³ Although the Alliance of Hope quickly made important improvements

to electoral and governing institutions, reform of institutions and norms associated with Malay political dominance have made little headway. This article focuses primarily on the role of polarizing rhetoric and practices employed by the country's new configuration of opposition actors, centered on UMNO and its competitor-turned-ally PAS. The opposition parties, along with allies in civil society, have framed the multiethnic government and potential democratizing reforms as an existential threat to the rights of the Malay Muslim ethnoreligious majority. The opposition has agitated against the alleged upset of racial and religious norms and institutions and questioned the suitability of non-Malay and non-Muslim politicians and parties in steering Malaysia's national government. In doing so, it has led the new government to retreat from key reforms that could erode its electoral support and legitimacy among Malay Muslims. Yet on certain issues, as is detailed further on, there is little difference between government and opposition positions, given that the new government came to power promising to preserve the ethnoreligious balance of power and is partly composed of personnel committed to preserving a Malay-first political structure.

The focus of this special issue is on authoritarian innovations: practices undertaken by political actors, regardless of regime type, that serve to constrain public participation, sabotage accountability, and "disable voice". As the issue's editors argue, these authoritarian practices "curtail attempts to scrutinize and contest power both in formal political institutions and the broader public sphere." This article uses the authoritarian innovations framework to analyse such practices deployed by Malaysia's opposition since the historic election of 2018, focusing on the reform of institutions and norms that ensure Malay political power to the exclusion of minority groups and constraints on civil and religious liberties. Like authoritarian innovations in other cases discussed in this issue, the opposition has used legal and democratic channels, including protests, campaign messaging, and media statements. The objectives of these practices – and the government's subsequent response – are largely rooted in electoral considerations, as UMNO in particular seeks to recover from a loss of political support and access to state power. Yet their cumulative effect is to slow or halt incremental advances that would contribute to Malaysia's democratization.

What makes these practices innovative, as the editors of the special issue argue, "does not lie in the practice per se, but the meanings attached to them". Polarizing ethnic and religious rhetoric has long been a feature of political contestation in Malaysia, where ethnicity is "sown into the fabric of the economy, society, and the state".⁴ Malaysia's politics are built around a degree of multiethnic accommodation but, as Donald Horowitz has argued, the country has often been misclassified as a consociational system.⁵ Instead, the country's constitution, political and economic institutions, and governing policies enshrine the political dominance of Malays and restrict some political rights for non-Malay minority groups. The long-ruling UMNO party governed the country through multiethnic ruling coalitions, but nevertheless championed a Malay-first ideology that justified the political subordination of ethnic and religious minorities. Yet the meaning of these practices shifted in recent years, as the two major parties now in opposition rejected or lost almost all of the multiethnic coalition partners that defined their electoral challenges. At the same time, the new government, elected with significant support from Malaysia's ethnic and religious minorities, features politicians and parties portrayed by UMNO and its partner PAS as threats to the Malay Muslim community. This has imbued any moves toward widening the inclusion of non-Malays in governance and protecting civil and religious liberties with an ethnoreligious valence. The promise of democratization in the "New Malaysia", as the post-UMNO period has been termed, is thus intimately tied to ethnoreligious politics and the balance of power in Malaysia's multiethnic society.

The dynamics of political contention highlighted in this article help illuminate an important puzzle in the study of competitive authoritarian regimes: why electoral turnovers do not always herald democratic transition.⁶ The case of Malaysia offers insight into how the strategies and public stances that political actors take towards democratization and liberalization following such elections condition the advance or retreat of democratic practice through specific policies and political decisions. Malaysia's experience since the election also has implications for recent research on how authoritarian successor parties – parties that emerge from authoritarian regimes – help or hinder

democratization as they seek to “learn to win” in post-transition environments.⁷ Cut off from tools of coercion and patronage resources, former ruling parties are forced to retool their strategies, which may involve delegitimizing the victorious new government and deepening ethnoreligious polarization. However, as the case of Malaysia shows, ruling governments both respond to such opposition strategies and innovate on their own, given that they are in the strongest position to effect change or maintain existing semi-democratic institutions and norms.

Authoritarian innovation within democratizing contexts

Although electoral turnovers are sometimes used to indicate democratic transition, a body of scholarship has observed that the alternation of power does not necessarily lead to democratization.⁸ The distinction between these two concepts is particularly salient in competitive authoritarian regimes like Malaysia, where elections may be competitive enough to allow determined oppositions to win power but the architecture of authoritarian rule remains in place. Incumbent turnover thus offers a moment of opportunity for democratic transition – or alternately, competitive authoritarianism under new management.

If democratization does not automatically follow from electoral turnover, then it relies on the new government to make “a series of discrete changes in the rules and informal procedures that shape elections, rights, and accountability.”⁹ The accumulation of incremental advances in these arenas is the most likely path to democratization in cases like Malaysia, where change in government took place through existing semi-democratic institutions. However, democratization is contingent on the strategic choices taken by both electoral victors and losers. Newly elected governments may come to power having promised democratic reform, but end up maintaining incumbent advantages that could help them maintain power in subsequent elections. Former ruling parties and their allies in opposition can decide to play by democratic rules by legitimating the electoral process and generating support for democracy. Alternately, they can seek to delegitimize electoral outcomes, destabilize the new government, or try to preserve existing authoritarian institutions – effectively preempting democratic change.¹⁰

The broader literature on authoritarian politics has tended to focus attention on changes to electoral institutions, assuming that the “rules of the game” and control over the electoral process are the primary issues over which ruling parties and oppositions contest. But in Malaysia, political controversy has instead centered on the implications of democratization for the country’s ethnoreligious balance of power. The election results open up the potential to increase minority inclusion in politics and governance, reduce the political power wielded by the ethnic Malay monarchy, and strengthen protections of civil liberties and religious freedom. These represent expansions on the dimensions of inclusiveness and public contestation that characterize Dahl’s conceptualization of democracy.¹¹ Additionally, the lack of protection of civil liberties may effectively restrain all or some groups of citizens from exercising control over political decision-making, and therefore “constitute a floor for democracy.”¹² In multiethnic societies like Malaysia, democratization brings with it contestation over the relative status and the balance of power between majority and minority groups, the division of wealth, interest representation, and citizenship.¹³ Rather than examine the many expressions of these issues in Malaysian politics, this article focuses narrowly on practices employed by political actors that directly or indirectly undermine the rights of ethnic and religious minorities to fully participate in politics. They serve as “constraints on meaningful public participation” that characterize authoritarian innovations discussed in the special issue.

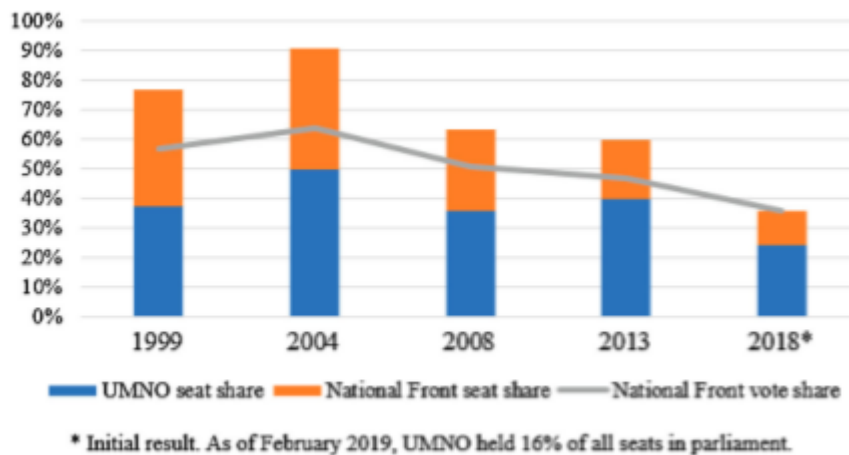
The majority of pieces in the special issue, as well as recent literature on democratic erosion and backsliding, have focused attention on authoritarian innovations employed by incumbent governments, who may use state power to manipulate elections, marginalize opposition, and undermine institutional constraints.¹⁴ Yet the actors that champion authoritarian innovations that seek to restrain or roll back democratic deepening are not only ruling government elites seeking to preserve their position: former authoritarian parties may employ them to mobilize supporters and seek a path

back to power, both directly and indirectly supporting authoritarian institutions.¹⁵ As will be shown in Malaysia, lack of access to state power and resources has provided strong incentives for actors outside of the ruling government to employ authoritarian innovations to retain political influence and for the newly elected government to respond. This electorally motivated interaction between ruling and opposition parties serves to preserve and even deepen democratic restraints since the preservation of existing norms and institutions are seen as key to electoral support.

The 2018 elections and a reshuffling of power

The polarizing politics of post-National Front Malaysia are in part a result of where the country's most important political actors found themselves in the wake of the 2018 election. On its face, the election marked a significant reconfiguration of the levers of power. Despite polls and political observers predicting that the UMNO-dominated National Front coalition would win with a diminished share of the vote, the National Front lost decisively to the Alliance of Hope opposition coalition. As Figure 1 shows, the 2018 elections marked the third straight election in which national support for the National Front declined – but resulted in the most dramatic fall yet in the coalition's share of seats and votes.

Figure 1. Parliamentary election results for UMNO and the National Front, 1999–2018.



Since the election, scholars have focused on a number of factors to explain the Alliance of Hope's win: intra-party conflict within UMNO, the opposition's success in building a strong and cohesive coalition, three-way electoral contests that siphoned votes from the ruling coalition, and not least, the massive corruption scandal involving the sitting Prime Minister Najib Razak that first came to public attention in 2015.¹⁶ The scandal led former Prime Minister Mahathir Mohamad to quit and form his own party, attracting further prominent defectors.¹⁷ Mahathir and his new party, Bersatu, comprised mainly of former UMNO members, joined the opposition Alliance of Hope coalition in 2015, which in turn selected Mahathir to serve as their prime ministerial candidate.

The rout of the National Front on election day turned out only to be the beginning. In the months following the election, the 13-party coalition began losing members and has been whittled down to its original three parties. Defections from National Front legislators at the state level further extended the Alliance of Hope's hold on state governments and reduced National Front-controlled governments to two marginal and resource-poor states. UMNO initially emerged from the 2018 elections with 54 of the 222 seats in the national parliament, a significant drop from its 88 seats in the 2013 elections, but still the most of any single party. However, it began soon began losing politicians. Nine of the thirteen UMNO legislators that left the party joined Mahathir's Bersatu party, while the remainder declared themselves independents.¹⁸ As of September 2019, UMNO holds only 37 seats in the national parliament, with other National Front parties holding just three additional seats. The party also faced a

difficult internal reckoning following the election as graft and money laundering charges were brought against high-level UMNO politicians, most notably in the ongoing trial of the former prime minister and UMNO president Najib Razak. A June 2018 survey of UMNO members revealed that 60% viewed their party's situation as either "shaky" or "dead".¹⁹

The election also cemented the outsider path of the influential Malay Muslim opposition party, the Pan-Malaysian Islamic Party (PAS). PAS is perhaps best known for its conservative Islamic orientation, having championed the implementation of a strict Islamic penal code for Muslims, known as *hudud*, at both the state and national level. Despite its hardline message, PAS had been a consistent member of opposition coalitions competing against UMNO. But beginning in 2015, PAS broke with the opposition and pursued greater ties with UMNO over Islamic issues. Its moderate personnel were purged from the party and formed their own splinter party, Amanah, which joined the opposition Alliance of Hope coalition. PAS contested the 2018 elections without joining either the National Front or Alliance of Hope coalitions. In the election, PAS deepened its hold on regionally concentrated Malay Muslim voters and lost its foothold in multiethnic constituencies.

These electoral dynamics reinforced the gulf between the ethnic and religious electoral support of UMNO and PAS and the victorious Alliance of Hope coalition. Despite the prominence of Mahathir Mohamed and his Malay Muslim party in government, the Alliance of Hope coalition is markedly more multiethnic than the predecessor National Front government: It has significant multiethnic representation in parliament and non-Malay politicians in key cabinet positions. The cabinet, for example, includes an ethnic Chinese Finance Minister, the first in 44 years.²⁰ The coalition is also less numerically dominated by its Malay Muslim component parties, a departure from UMNO's effective control over its coalition, the National Front. Finally, the Alliance of Hope won power primarily on the basis of its support among the country's non-Malay population, having only garnered an estimated 30% support of the country's majority ethnic population of Malay Muslims. By contrast, the bulk of the Malay Muslim vote was won by UMNO and PAS.

For parties like UMNO, electoral defeat requires strategies to deal with what Loxton and Mainwaring call the "authoritarian baggage" of authoritarian successor parties in a new political environment.²¹ UMNO's strategies after the election suggested an embrace rather than repudiation of its previous term in power. UMNO's internal party elections after 2018 displayed the "strength of support for the status quo" within the party, bringing a conservative hard liner to the party presidency and continuing to support former Prime Minister Najib even as he stands criminal trial for corruption.²² Rather than transforming UMNO from a closed race-based party to a multiracial party, mooted by some UMNO leaders after the election and supported by 50% of UMNO members in a post-election survey, the party instead maintained and deepened its ethnic strategy. Working together in an electoral alliance with PAS, and coordinating with a loose coalition of civil society groups, the party quickly converged on campaign rhetoric, statements, and street actions that emphasize the threats to Malay Muslim rights and Malay-first institutions allegedly posed by the new government. These actions both directly and indirectly seek to preserve the authoritarian policies of the National Front, including continued restrictions on civil and political liberties for the country's citizens, the limiting of inclusion of minorities in governing national politics, and the preservation of the political power of the country's hereditary Malay monarchy.

To be sure, the messaging and public actions of both UMNO and PAS draw on familiar tropes and strategies employed prior to 2018. Even while working in multiethnic coalitions, both parties strategically emphasized the threats that Malaysia's minority groups posed to Malay Muslim supremacy. Yet, as Johan Saravanamuttu argues, Malaysian post-independence politics have traditionally featured electoral incentives for opposition and ruling parties to work in coalitions that "[soften] the most extreme ethnic, religious and cultural demands and gravitates its actors towards win-win or variable sum outcomes rather than zero-sum ones".²³ In the current period, both UMNO and PAS no longer draw from multiracial support coalitions. PAS cut ties with its former opposition allies in 2015 and more openly pursued cooperation with UMNO. UMNO saw its multiethnic

coalition collapse after the 2018 elections, furthering the erosion of its non-Malay support as seen in previous elections. The current political dynamics thus represent the continuation of a “pull towards extremist and purist ethnic and religious lines” that gained particular prominence in the years leading up to 2018.²⁴

Ironically, even as UMNO and PAS sought to portray the new government as a threat to the special rights of Malays and Islam, the results of the election also saw the return of many familiar BN-era figures to the new government who express a shared goal of preserving Malay-first institutions and norms. Most notably, Prime Minister Mahathir and personnel from his party, Bersatu, are former UMNO politicians who explicitly sought to attract support from Malay voters. Like UMNO, the party restricts full membership to only “indigenous” Malaysians.²⁵ Although the new government includes multiethnic parties and politicians with civil society and activist backgrounds, their influence over the reform process is tempered by the prominence of politicians espousing a “Malay first” vision – and has receded as the actions and statements of UMNO and PAS have imbued democratic reforms with racial and religious politics.

Political inclusion and civil liberties as threats to Malay Muslim dominance

In the months following the election, the new Alliance of Hope coalition government made important reforms to electoral and governing institutions without attracting public controversy. The Election Commission was removed from under the Office of the Prime Minister and placed under parliamentary authority. The parliament, with support from both ruling government and opposition MPs, passed amendments that would lift bans on university students from engaging in political activities, lowered the voting age from 21 to 18, and provided for automatic voter registration. The government has already enacted other reforms that will reduce its access to state resources and tools of coercion, including the reduction of the power and resources of the Office of the Prime Minister, the separation of the positions of Finance Minister and Prime Minister, and greater autonomy for the Anti-Corruption Commission. A host of other promised reforms remain, including laws to regulate political financing and to reduce the abuse of state resources for electoral purposes, reform of the state-owned enterprise sector, and democratic reforms of parliamentary procedures.

However, public pressure from the new opposition did not focus on support or opposition for these reforms. Instead, through a series of protests, statements, and election campaigns, the opposition campaigned against potential reforms that would provide protection of basic civil and religious liberties, called into question the proper position of ethnic minorities in national politics, and called for vigilance against alleged threats to the country’s racial and religious hierarchy. Although contention over ethnic and religious issues long predate the transition of power at the national level, these authoritarian innovations by the opposition – and the subsequent response by the ruling coalition – have impeded democratic progress in the New Malaysia.

One of the key authoritarian innovations of the opposition has targeted the inclusion of non-Malay Muslim leadership in the new Alliance of Hope government and the purported upset of the ethnic and religious hierarchy of political power following the election. The primacy of Malay Muslim political power is written into Malaysia’s institutions, and was long a justification for UMNO’s dominant role in politics, particularly after the 1969 ethnic riots that solidified UMNO dominance within an increasingly authoritarian ruling government. UMNO leaders espoused a Malay-first ideology that contended that the country’s social contract was based on Malay supremacy (*ketuanan Melayu*) in politics.²⁶ Indeed, the country’s indigenous (*Bumiputera*) population (of which the majority are Malays) receive constitutional guarantees of their “special position” that include quotas in the civil service, the economic sector, and in public education.²⁷ The special rights of the Malays, written into the constitution with the intention of providing a temporary solution to inter-group inequalities in the new Malaysian state,²⁸ became a central motivating feature of UMNO’s rule. Although non-Malay Muslims have assumed a portion of cabinet positions in successive governments, the positions of deputy prime minister and prime minister have always been held by Malay Muslims. There are

additionally restrictions on non-Malays assuming office in state government: Non-Malay Muslims are prohibited in nine of thirteen state-level constitutions from assuming the position of Chief Minister, the highest level of state office.²⁹

In the four byelections held since the 2018 national election, UMNO and PAS have highlighted alleged threats to Malay Muslim rights and institutions by the new government. As documented by the electoral watchdog Bersih, polarizing rhetoric featured prominently in their appeals. A senior UMNO politician on the campaign trail stated that the new government had too many “passengers” (i.e. non-Malays) in parliament and that it had betrayed Malay rights by appointing non-Malays to cabinet positions.³⁰ (The composition of the government, which features multiethnic parties and non-Malay Muslims in important cabinet positions, has been repeatedly targeted by the opposition as proof of changes to the ethnic balance of power.) Another UMNO politician argued that the DAP, an ethnic Chinese-majority party in the ruling government, sought to “disappear” Malays, and as a result Christians had taken over the national government with the agenda of spreading Christianity.³¹ The head of the UMNO Youth Wing stated that “as long as DAP [upholds] their so-called principals of wanting all races to be equal, it indirectly sends a message that they are undermining the country’s social contract”.³² While not directly referring to the new government, several weeks before a January 2019 byelection, PAS leader Hadi Awang warned of the dangers of Muslims being led by non-Muslims, echoing his previous statements about the necessity of Malay Muslims holding top decision making posts in the Cabinet and in national leadership.³³

These messages have not been confined to election campaigning. Since the 2018 election, successive street rallies organized by UMNO, PAS, and allied civil society organizations have focused on alleged degradations of Malay rights and institutions under the Alliance of Hope government. The rallies have touched on a wide range of issues, including threats by the new government to the position of Islam as the national religion, Malay special rights, and proposed government recognition of independent Chinese-language schools. This messaging prompted the new government’s leaders to insist they will not tamper with Malay-first rights. Following a series of opposition rallies, the Home Minister Muhyiddin Yassin declared that “I want to tell the Malays that [after the election, they] did not lose their power. The one losing power was UMNO”.³⁴

The opposition has also sought to claim a role in protecting the institution of the Malay Rulers, an ethnic monarchy that draws from nine regional royal families to elect the King of Malaysia for a five-year term. The Malaysian constitution tasks the King as the guardian of Islam and the special rights of Malays. While not as powerful as monarchies found in other authoritarian systems, the Malay Rulers still qualify as a reserve domain, where “specific areas of governmental authority and substantive policy-making” are removed from the purview of elected officials, and by extension the public.³⁵ Among their powers, the Malay Rulers have final approval over any potential legislative changes to the constitutionally mandated special rights of the Malays. They also exert state-level political power, where they appoint Chief Ministers, the highest position in state government, usually from politicians nominated by the state legislature.

The preservation of the monarchy’s reserve domain has not only been the province of the new opposition. In its election manifesto, the Alliance of Hope pledged its support for the powers of the Malay Rulers, accusing UMNO and the National Front of ignoring the monarchy and promising to “restore the dignity of Malays and Malay institutions”. Indeed, the King played a key role in legitimating the new government, accepting Mahathir as the new Prime Minister (although not without delays to doing so) and issuing a royal pardon for opposition leader Anwar Ibrahim for his jailing over sodomy. However, since taking over again as prime minister, Mahathir has criticized attempts by the Malay Rulers to exert power over political decisions by the federal government, and stated he would amend the constitution to curb their power if the government had a sufficient majority in parliament to do so.³⁶ During his previous tenure as prime minister, the government had passed constitutional amendments stripping the royalty of their power to veto legislation at the state and federal level.³⁷

Even as reforms to the country's monarchy remain politically unviable in the short term, the opposition has used alleged threats to the power and sovereignty of the Malay Rulers to argue against Malaysia's accession to the International Criminal Court (ICC). After the Alliance of Hope government acceded to the Rome Statute of the ICC, UMNO criticized the government for not consulting with the Malay Rulers and claimed that joining the ICC would erode the sovereignty and privileges of the Rulers.³⁸ The Alliance of Hope then scuttled its commitment to the ICC just weeks after its accession. The government reportedly reversed its decision because it was concerned about its hold on power and the perception of a conflict between the government and the monarchy.³⁹

The second area of authoritarian innovation by the opposition has been aimed at halting the expansion of civil liberties and protection of human rights in the name of protecting Malay Muslim identity. Malaysia's civil liberties and religious freedoms were limited under the National Front. The country is classified in Tier Two of the United States Commission on International Religious Freedom (USCIRF) for violations of religious freedom. Restrictions on religious freedom extend both to majority and minority groups in Malaysia: Malaysia's constitution stipulates that Malays are by definition followers of Islam, effectively binding religious identity to ethnic Malays.⁴⁰ Malay Muslims (and Muslims in general) have limited ability to change religion; conversion away from Islam is technically possible but is under the jurisdiction of Islamic courts and is rarely undertaken. Non-Sunni sects of Islam are illegal in Malaysia and adherents are subject to prosecution or forced rehabilitation.⁴¹ Under the National Front, Malaysia did not ratify key UN human rights conventions, including the Convention Against Torture, the International Covenant on Civil and Political Rights, and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

In the wake of the 2018 election, Prime Minister Mahathir addressed the UN General Assembly where he pledged that Malaysia would ratify remaining UN treaties. While their ratification would not likely have immediate impact on domestic policies, the treaties – particularly ICERD, which focuses on the eradication of racial discrimination – became a focal point for the opposition. The controversy was ignited after prominent politicians, including UMNO politician Khairy Jamaluddin, claimed that implementing ICERD would directly conflict with preserving Malay special rights. PAS leader Hadi Awang followed suit, arguing that it was compulsory for Muslims to oppose ICERD as it would put Islam at the same level of other religions in the country. These arguments were refuted by constitutional experts, who noted that the convention allowed exceptions that meant the special rights policies outlined in Malaysia's constitution would not be affected.⁴²

As controversy over ICERD grew, UMNO president Zahid Hamidi warned that its ratification could lead Malays to riot (*amuk*).⁴³ Rallies organized in two of Malaysia's regional cities, one organized by the vigilante anti-vice organization *Skuad Badar* and the other by UMNO and PAS, drew thousands. Two coalitions of Malay and Muslim NGOs planned a massive rally against ICERD ratification in the capital Kuala Lumpur in December 2018. The street mobilizations had their intended effect: As the scheduled date of the December rally grew closer, the Prime Minister's Office issued a statement saying that the government would not move forward on ratifying the convention. The statement offered a justification that echoed opposition claims that ICERD would tamper with Malay rights, stating that Malaysia's constitution already contained a "social contract which has been agreed upon by the representatives of all races".⁴⁴ Ruling coalition politician Anwar Ibrahim declared afterwards that the government needed to assure Malays that their special rights, the position of Malay rulers, and the Malay language would be preserved. Malaysia remains one of 14 countries worldwide that have not ratified ICERD.

The December rally went forward despite the retreat on ICERD ratification by the government. Estimates put attendance of the rally at up to 80,000 participants, the largest such demonstration since the new government was elected. PAS declared a special holiday in its state stronghold of Kelantan to allow state residents to attend. The rally featured speeches by the presidents of UMNO and PAS and included a prominent role for the NGO Islamic Defenders Movement (Gerakan Pembela Ummah), itself a coalition of 300 smaller Islam-oriented NGOs.⁴⁵ Malaysia's Human Rights Commission

(Suhakam) organized a much smaller pro-human rights rally on the same day; Prime Minister Mahathir rescinded his plans to attend after the government reversed course on ICERD ratification.

Political effects

Authoritarian innovations targeting the widening of minority inclusion in politics, the protection of civil liberties and human rights, and preserving reserve domains are likely to persist in the near term. With the effective collapse of its multiethnic supporting coalition, UMNO lost much of its multiracial support and legitimacy and reduced the party's dependence on even nominal support from non-Malay Muslims. Its political disarray and loss of access to state resources in the post-election period limit the party's ability to coalesce support around patronage politics or performance legitimacy as in the past.⁴⁶ For both UMNO and PAS, hewing to Malay Muslim identity is a pragmatic move, given that they emerged from the election with regional and demographic bases of support that are predominantly Malay Muslim. This mobilizational strategy will only grow in importance after the two parties formalized their alliance in elections and as an opposition bloc – what UMNO's deputy president termed their “marriage” after the 2018 elections.

A hardline Malay Muslim electoral coalition between UMNO and PAS could help the opposition make headway among Malay-majority constituencies, which make up slightly more than half of the country's constituencies.⁴⁷ However, to be successful at a large scale, an UMNO-PAS coalition would still have to wrest back a significant portion of the Malay-majority seats won by the Alliance of Hope government, which won 42% of those seats in 2018.⁴⁸ Given the multiethnic realities of Malaysia's electoral districts, UMNO and PAS cannot win national power without attracting support in multiethnic seats via additional coalition partners beyond the remnants of the BN coalition.⁴⁹ Putting aside other scenarios such as the collapse of the current government or one or the other opposition parties joining the ruling coalition, a clear path to national power for UMNO and PAS remains uncertain several years prior to the next general election. Nevertheless, delegitimizing and polarizing rhetoric by the opposition will continue to shape government behaviour, as well as amplifying voices in the current government that resist reform.

Perceptions of the Alliance of Hope's weakness in mobilizing support among Malays, and the post-election effects of the opposition's strategies, appears to be borne out by survey evidence. Two waves of a survey by Merdeka Center in 2017 and 2018 found that Malay voters identified the preservation of Malay rights – an issue tied both to racial and economic issues, given the preferential policies targeted at the country's *Bumiputera* population – as the most important issue.⁵⁰ Post-election surveys have shown a consistent ethnoreligious gap in support for government policies and politicians: The current government and prime minister have relatively strong public support, with Prime Minister Mahathir receiving a 62% approval rating in June 2019. But this support is uneven across racial groups; Malay respondents were 27% less satisfied with Mahathir's leadership than Chinese respondents. In the same poll, only 31% of Malay respondents reported the country was heading in the right direction, compared to 53% of Chinese and 45% of Indian respondents.⁵¹ Another survey conducted between October-December 2018 found that 60% of Malay respondents were dissatisfied with the performance of the government thus far, and 54% agreed that the government was ignoring Malay rights and Islamic interests. In line with the messaging from UMNO and PAS, 62% agreed that the DAP, a largely ethnic Chinese party in the governing coalition, was controlling the government's agenda.⁵²

While majority support from the Malay community was not necessary for the Alliance of Hope to win power, shifts in its existing support among Malays, or reduced turnout, could potentially threaten its hold on national power in the next general election. The Malay swing vote is largely concentrated in Malay-majority seats, while the non-Malay population is concentrated in Alliance of Hope stronghold seats.⁵³ Mooted reforms to other forms of *Bumiputera* social rights, such as quotas in economy and education, could further erode the Alliance of Hope's electoral appeal among Malays. Further shifts in the balance of power in the parliament after the election, however, may have lessened these

apprehensions. The post-election incorporation of defecting UMNO legislators into Mahathir's Bersatu party has strengthened the Alliance of Hope's hold on the national government and further reduced UMNO's sway in parliament. However, the incorporation of UMNO politicians by the government is likely to further shift political discourse away from reform and towards preserving existing semi-democratic institutions and norms.

Although the previous section focused largely on the agency of the opposition and government response, it is important to note that the Alliance of Hope's policy agenda closely aligns with the opposition in several arenas. The current government has continued past practice in rejecting same-sex marriage and failing to institute protection of LGBT rights.⁵⁴ It has also continued to use the Sedition Act, a colonial-era law that in its current form forbids the questioning of Malay special rights, Malay as the national language, and the sovereignty of the Malay monarchy. While the Alliance of Hope government promised to abolish the Act (a promise also made by the previous Prime Minister), it continues to file sedition reports. In one recent case, a politician from the governing party DAP, filed a sedition report against a senior UMNO politician who claimed that the Chinese-majority DAP was controlling the new government and that its agenda was to make Malaysia a republic headed by non-Muslims.⁵⁵ The opposition also supports the Sedition Act's continuation; UMNO's strategic communications unit argued that the repealing of the Sedition Act would lead to a "liberal system" in Malaysia where sedition and slander would go unpunished and would eventually lead to the abolishment of the monarchy.⁵⁶

Similarly, both Mahathir and the opposition have opposed the reintroduction of local elections. Malaysia is one of a minority of countries in the world that does not hold local elections below the state or provincial level.⁵⁷ The last local elections for district and municipal councils in Malaysia were held in 1963. After their official ban in 1964 during a period of deepening authoritarianism, they were never reinstated. Mahathir argued that the reintroduction of local elections could lead to racial conflict, a stance shared by the opposition and associated NGOs. While some politicians in the ruling government support local elections, the association of elections with polarizing ethnic politics will likely further diminish efforts within the government and by civil society to reinstate them.

Conclusion

The alteration of national power in Malaysia after 61 years of dominant party rule is a hopeful breakthrough in a region that has proven stubbornly resistant to democratization. The result of the election has at a minimum led to what Howard and Roessler term a "liberalizing electoral outcome", where elections in competitive authoritarian regimes lead to incremental improvements in elections and civil liberties. Malaysia's ranking in Freedom House indicators has registered a slight uptick in its aggregate score for 2018, although its overall ratings on political rights and civil liberties remain unchanged from 2017. The harassment and targeting of the opposition that marked political competition under the National Front, as well as restrictions on free assembly and massive deployment of media and state machinery are likely to be muted – but not eliminated – under the new government.⁵⁸ Importantly, blatant abuses of power would likely face much stronger resistance and outcry from the general public. It appears unlikely that Malaysians would accept a return to the political restraints that characterized the National Front government. Instead, what is at stake in "New Malaysia" is less a process of democratic backsliding, breakdown, or authoritarian retrenchment – as in the case of other countries considered in this special issue – and more about the scale and scope of democratization.

In Malaysia's divided society, inclusiveness, contestation, and civil liberties are all tightly linked with legacies of racial and religious political competition. This article has highlighted how the interactions between the new ruling government and the opposition have shaped what the special issue's editors call the "micropolitical decisions that changes the character of regimes" within this broader political environment. The opposition has framed the expansion of civil liberties, the rolling back of "reserve domains", and greater inclusiveness for the country's minorities as threats to Malay Muslim

dominance. Its use of polarizing political messages around ethnic and religious domination, and casting doubt on the legitimacy of the new government and rule by non-Malays and non-Muslims, not only directly and indirectly support non-democratic practices and institutions, but also seek to position these issues as fundamentally beyond the scope of democratic debate or discussion. However, while these authoritarian innovations may find their loudest proponents in the opposition, they have proved effective both because they are shared by prominent members of the new government, and also because they induce responsiveness from it. The perceived need of the new government to shore up its electoral support, as well the porous boundary between the former ruling parties and current government, offers ample opportunity for the ruling government to ensure the continuation of non-democratic institutions or even champion further authoritarian innovations themselves.

ORCID

Sebastian Dettman <http://orcid.org/0000-0003-2970-5592>

Notes

- 1 Przeworski and Limongi, “Modernization: Theories and Facts.”
- 2 Morgenbesser and Pepinsky, “Elections as Causes.”
- 3 Levitsky and Way, *Competitive Authoritarianism*; Wahman, “Democratization and Electoral Turnovers.”
- 4 Lee, “Malay Dominance and Opposition Politics in Malaysia,” 179.
- 5 Horowitz, “Ethnic Power Sharing.”
- 6 As Levitsky and Way note, “such cases are too numerous to be ignored or treated as exceptions.” *Competitive Authoritarianism*, 23.
- 7 Loxton and Mainwaring, *Life After Dictatorship*.
- 8 Wahman, “Democratization”; Levitsky and Way, *Competitive Authoritarianism*; Donno, “Elections and Democratization.” Other scholars use alternation of power as the sign of democratic transition, e.g. Przeworski et al., *Democracy and Development*.
- 9 Lust and Waldner, “Unwelcome Change,” 7. Although Lust and Waldner describe this process in the case of democratic backsliding, it can also be used to explain democratic advance.
- 10 Bermeo and Yashar, *Parties, Movements, and Democracy*, 22; Loxton and Mainwaring, *Life after Dictatorship*, 26–7.
- 11 Dahl, *Polyarchy*.
- 12 Coppedge, *Democratization and Research Methods*, 32; Smith, *Democratic Innovations*, 22.
- 13 Beissinger, “Ethnicity and Democratization.”
- 14 Somer and McCoy, “Déjà vu?”
- 15 Loxton and Mainwaring, *Life After Dictatorship*.
- 16 Ostwald, Schuler and Chong, “Triple Duel”; Welsh, “Saviour Politics”; Ufen, “Opposition in Transition.” Najib was instrumental in the 2009 creation of 1Malaysia Development Berhad (1MDB), a state-owned development fund that sought to make strategic investments in large infrastructure projects. In 2015, it was revealed that \$681 million from 1MDB had been deposited into the personal bank account of Prime Minister Najib; later revelations by the US Department of Justice estimated that approximately \$4.5 billion had been misappropriated from the fund, allegedly by Najib and his close allies.
- 17 Abdullah, “The Mahathir Effect.”
- 18 “On the Trail of Defectors post-GE14.” *Malaysiakini*, February 15, 2019.
- 19 *Kajiselidik Pemilihan UMNO 2018*, Merdeka Center for Opinion Research Survey, June 25–28, 2018.
- 20 “Malaysia Appoints First Chinese Finance Minister in 44 Years,” *The Straits Times*, May 13, 2018.
- 21 Loxton and Mainwaring, *Life after Dictatorship*.
- 22 Funston, “UMNO,” 177.
- 23 Saravanamuttu, “Power Sharing,” 11.
- 24 *Ibid.*, 10.
- 25 Although Bersatu is technically a party for all indigenous Malaysians, the motivation for its formation, party platform, and electoral support are all centered around the peninsular Malay Muslim community.
- 26 Funston, “UMNO.”
- 27 In the constitution, these rights are extended to the broader indigenous (*Bumiputera*) population of the country. However, in practice the primary beneficiaries are ethnic Malays. These are referred to as “Malay Special Rights” for the remainder of the article.

- 28 Fernando, "Special Rights." The special rights in the constitution were a continuation of a system developed by the British during the colonial period.
- 29 Faruqi, "Reflections." Although the Malay Rulers can approve candidates nominated by the state assembly who does not fit these ethnoreligious requirements, in practice this has not taken place.
- 30 Bersih Press Statement, March 8, 2019.
- 31 Bersih Press Statement, August 18, 2019.
- 32 "What's at Stake for Malaysia Baharu in the Semenyih by Election?" *Malay Mail*, February 4, 2019.
- 33 "Only Hell Awaits If Non-Muslims Lead, Hadi Says in Piece Calling for Islamic Supremacy," *Malay Mail*, January 8, 2019.
- 34 "Malay Power, Status of Islam Intact under Pakatan Harapan – Muhyiddin," *The Edge Markets*, December 28, 2018.
- 35 Valenzuela, "Democratic Consolidation."
- 36 "Difficult to Curb Malay Rulers but I Try, Says Dr Mahathir." *Today*, October 16, 2019.
- 37 Suwannathat-Pian, "Palace, Political Party and Power."
- 38 "Statut Rom: Keputusan tidak menghormati raja-raja Melayu," *Utusan Melayu*, March 11, 2019.
- 39 "Source: 90pc of Cabinet wanted to ratify Rome Statute," *Malay Mail*, April 6, 2019.
- 40 Malays are defined as only those citizens who practice Islam, speak the Malay language, and follow Malay customs.
- 41 USCIRF, "Annual Report 2018," 191.
- 42 "Bumi not Affected by Malaysia's Signing of Anti-discrimination Treaty, Group Tells Khairy," *Malay Mail*, October 16, 2018.
- 43 "ICERD: Jangan sampai orang Melayu amuk," *Utusan Online*, November 17, 2018.
- 44 Kenyataan Akhbar Pejabat Perdana Menteri (Press Statement by the Prime Minister's Office), Putrajaya, November 23, 2018.
- 45 "Himpunan 812 and a New Rivalry in Malay Politics," *New Mandala*, December 18, 2018.
- 46 Gomez, "Resisting the Fall."
- 47 Hazis, "GE14: The Political Earthquake."
- 48 Ibid.
- 49 Author interview with PAS strategist, Kuala Lumpur, July 21, 2018. Indeed, two byelections in 2019, where the BN ran non-Malay candidates, suggest the parties are also aware of the need to maintain a multiethnic veneer.
- 50 Merdeka Center. 2018. Malaysia General Elections XIV Outlook: Prospects and Outcome II.
- 51 Merdeka Center. 2019. National Public Opinion Survey Perception towards Direction, Leadership & Current Issues.
- 52 "Survey Shows 60pct of Malays Unhappy With Harapan Gov't," *Malaysiakini*, January 30, 2019.
- 53 Interview with DAP legislator, Kuala Lumpur, January 8, 2018.
- 54 "Attacks on Women's Day March in Malaysia Inconsistent with the Government's Commitment to Fundamental Freedoms," Press Statement by CIVICUS, March 18, 2019.
- 55 "DAP Rep Demands Police Investigate Umno's Tajuddin for Sedition," *Malay Mail*, September 2, 2018.
- 56 "Umno: Pakatan and DAP seen as Challenging Sedition Act," *New Straits Times*, June 26, 2018.
- 57 As of 2016, 93% of democracies and 85% of electoral autocracies in the Varieties of Democracy Dataset hold elections for either a local assembly, local executive office, or both.
- 58 The persistent usage of state resources in patronage relationships with voters, for example, both predates the Alliance of Hope's win and is likely to endure; see Dettman and Weiss (2018).

Bibliography

- Abdullah, Walid Jumblatt. "The Mahathir Effect in Malaysia's 2018 Election: The Role of Credible Personalities in Regime Transitions." *Democratization* 26, no. 3 (2019): 521–536. doi:10.1080/13510347.2018.1552943.
- Beissinger, Mark R. "A New Look at Ethnicity and Democratization." *Journal of Democracy* 19, no. 3 (2008): 85–97. doi:10.1353/jod.0.0017.
- Bermeo, Nancy. "On Democratic Backsliding." *Journal of Democracy* 27, no. 1 (2016): 5–19. doi:10.1353/jod.2016.0012.
- Bermeo, Nancy, and Deborah J. Yashar, eds. *Parties, Movements, and Democracy in the Developing World*. New York: Cambridge University Press, 2016.
- Coppedge, Michael. *Democratization and Research Methods*. Cambridge: Cambridge University Press, 2012.

- Crouch, Harold. *Government and Society in Malaysia*. Ithaca, NY: Cornell University Press, 1996.
- Dahl, Robert A. *Polyarchy: Participation and Opposition*. New Haven: Yale University Press, 1972.
- Dahl, Robert A. "What Political Institutions Does Large-Scale Democracy Require?" *Political Science Quarterly* 120, no. 2 (2005): 187–197. doi:10.1002/j.1538-165X.2005.tb00543.x.
- Dettman, Sebastian, and Meredith L. Weiss. "Has Patronage Lost Its Punch in Malaysia?" *The Round Table* 107, no. 6 (2018): 739–754. doi:10.1080/00358533.2018.1545936.
- Donno, Daniela. "Elections and Democratization in Authoritarian Regimes: Elections and Democratization." *American Journal of Political Science* 57, no. 3 (2013): 703–716. doi:10.1111/ajps.12013.
- Faruqi, Shad Saleem. *Reflections on Life and the Law*. Kuala Lumpur: Penerbit USM, 2017.
- Fernando, Joseph M. "Special Rights in the Malaysian Constitution and the Framers' Dilemma, 1956–57." *The Journal of Imperial and Commonwealth History* 43, no. 3 (2015): 535–556. doi:10.1080/03086534.2014.974876.
- Funston, John. "UMNO – from Hidup Melayu to Ketuanan Melayu." In *The End of UMNO? Essays on Malaysia's Dominant Party*. Petaling Jaya, Selangor: Strategic Information and Research Development Centre, 2016.
- Gomez, Edmund Terence. "Resisting the Fall: The Single Dominant Party, Policies and Elections in Malaysia." *Journal of Contemporary Asia* 46, no. 4 (2016): 570–590. doi:10.1080/00472336.2016.1192214.
- Hazis, Faisal S. "GE14: The Political Earthquake That Ended BN's 60 Year Rule." In *Regime Change in Malaysia: GE14 and The End of UMNO-BN'S 60-Year Rule*, edited by Francis Kok Wah Loh, and Anil Netto, 273–278. Petaling Jaya/Penang: SIRD and Aliran, 2018.
- Horowitz, Donald L. "The Challenge of Ethnic Conflict: Democracy in Divided Societies." *Journal of Democracy* 4, no. 4 (1993): 18–38. doi: 10.1353/jod.1993.0054
- Horowitz, Donald L. "Ethnic Power Sharing: Three Big Problems." *Journal of Democracy* 25, no. 2 (2014): 5–20. doi: 10.1353/jod.2014.0020
- Howard, Marc Morjé, and Philip G. Roessler. "Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes." *American Journal of Political Science* 50, no. 2 (2006): 365–381. doi: 10.1111/j.1540-5907.2006.00189.x
- Lee Hock Guan. "Malay Dominance and Opposition Politics in Malaysia." *Southeast Asian Affairs* (2002): 177–195.
- Levitsky, Steven, and Lucan Way. *Competitive Authoritarianism: Hybrid Regimes after the Cold War*. Cambridge: Cambridge University Press, 2010.
- Lindberg, Staffan I. *Democratization by Elections: A New Mode of Transition*. Baltimore: Johns Hopkins University Press, 2009.
- Loxton, James, and Scott Mainwaring. "Introduction: Authoritarian Successor Parties Worldwide." In *Life After Dictatorship: Authoritarian Successor Parties Worldwide*. Cambridge: Cambridge University Press, 2018.
- Lust, Ellen, and David Waldner. "Unwelcome Change: Understanding, Evaluating, and Extending Theories of Democratic Backsliding." United States Agency for International Development (USAID), 2015.
- Mietzner, Marcus. "Indonesia's Democratic Stagnation: Anti-Reformist Elites and Resilient Civil Society." *Democratization* 19, no. 2 (2012): 209–229. doi:10.1080/13510347.2011.572620.
- Morgenbesser, Lee, and Thomas B. Pepinsky. "Elections as Causes of Democratization: Southeast Asia in Comparative Perspective." *Comparative Political Studies* 52, no. 1 (2019): 3–35. doi:10.1177/0010414018758763.
- Ostwald, Kai, Paul Schuler, and Jie Ming Chong. "Triple Duel: The Impact of Coalition Fragmentation and Three-Corner Fights on the 2018 Malaysian Election." *Journal of Current Southeast Asian Affairs* 37, no. 3 (2018): 31–55. doi:10.1177/186810341803700303.
- Przeworski, Adam, and Fernando Limongi. "Modernization: Theories and Facts." *World Politics* 49, no. 2 (1997): 155–83. doi:10.1353/wp.1997.0004.
- Przeworski, Adam, Michael E. Alvarez, Jose Antonio Cheibub, and Fernando Limongi. *Democracy and Development: Political Institutions and Material Well-Being in the World, 1950–1990*. Cambridge: Cambridge University Press, 2000.

- Saravanamuttu, Johan. *Power Sharing in a Divided Nation: Mediated Communalism and New Politics in Six Decades of Malaysia's Elections*. Singapore: ISEAS–Yusof Ishak Institute, 2016.
- Sisk, Timothy. “Democracy at the Local Level: The International IDEA Handbook on Participation, Representation, Conflict Management, and Governance.” Institute for Democracy and Electoral Assistance (IDEA), 2001.
- Smith, Graham. *Democratic Innovations: Designing Institutions for Citizen Participation*. Cambridge: Cambridge University Press, 2009.
- Somer, Murat, and Jennifer McCoy. “Déjà vu? Polarization and Endangered Democracies in the 21st Century.” *American Behavioral Scientist* 62, no. 1 (2018): 3–15. doi:10.1177/0002764218760371.
- Suwannathat-Pian, Kobkua. *Palace, Political Party and Power: A Story of the Socio-Political Development of Malay Kingship*. Singapore: National University of Singapore Press, 2011.
- Ufen, Andreas. “Opposition in Transition: Pre-Electoral Coalitions and the 2018 Electoral Breakthrough in Malaysia.” *Democratization* 13 (2019): 1–18. doi:10.1080/13510347.2019.1666266.
- USCIRF. *2018 Annual Report*. Washington, DC: United States Commission on International Religious Freedom, 2018.
- Valenzuela, J. Samuel. “Democratic Consolidation in Post-Transitional Settings.” Working Paper #150. South Bend, IN: Helen Kellogg Institute for International Studies, Notre Dame, 1990.
- Wahman, Michael. “Democratization and Electoral Turnovers in Sub-Saharan Africa and Beyond.” *Democratization* 21, no. 2 (2014): 220–243. doi:10.1080/13510347.2012.732572.
- Welsh, Bridget. “‘Saviour’ Politics and Malaysia’s 2018 Electoral Democratic Breakthrough: Rethinking Explanatory Narratives and Implications.” *Journal of Current Southeast Asian Affairs* 37, no. 3 (2018): 85–108. doi:10.1177/186810341803700305.

Sebastian Dettman is an Assistant Professor in the School of Social Sciences at Singapore Management University. He completed his PhD in the Department of Government at Cornell University. His articles have appeared in *Electoral Studies*, *Journal of Contemporary Asia*, and *South East Asia Research*.