

Challenging electoral authoritarianism in Malaysia: the embodied politics of the Bersih movement

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Abstract

On April 28th, 2012, Malaysia's Coalition for Clean and Fair Elections, commonly known as Bersih ('clean' in Malay), organized a large-scale rally in Kuala Lumpur calling for electoral reform, catalyzing a public feud between the rally organizers and the government/police over the use of Dataran Merdeka (Independence Square). The third rally of its kind in recent years, Bersih 3.0 drew tens of thousands of citizens to the streets, eliciting a physical, legal, and financial backlash from the government and local police. Government representatives and pro-government media outlets accused organizers of trying to incite racial riots, politically destabilize the country, and oust the government. In this article we focus attention on the antecedents and consequences of the 3.0 rally to investigate the principal actors' contending perspectives about the appropriate uses for public spaces and what this tells us about the future of democratization in Malaysia. As a country controlled by a regime intent on maintaining electoral authoritarianism to ensure its longevity, we interrogate whether such on the ground activities have helped to subvert the political status quo or pushed the ruling coalition into further entrenching its imperious rule.

Keywords: Malaysia, Bersih, Socio-political movement, democratization, space/place

Contemporary scholarly literature about space/place in Malaysia is largely dominated by work emanating from critical urban geographers. Much of this literature focuses on the design, implementation, and economic antecedents of urban infrastructure within Kuala Lumpur (KL) (e.g. Bunnell and Das 2010; Bunnell 1999; Yeoh 2005), the administrative capital Putrajaya, and the Multimedia Super Corridor (now called MSC Malaysia) (e.g. Bunnell 2004; Evers and Nordin 2012; King 2008; Lepawsky 2005, 2009; Moser 2012). Complementary, but limited, research also has examined the relationship between politically oriented art and Malaysia's urban landscape, investigating the ways in which space/place is controlled by the authorities and re-appropriated by citizens (e.g. Hoffstaedter 2009; Khoo 2008; Rajendran and Wee 2008). Others have considered the political obstacles facing specific demographic segments of Malaysia's urban landscape in their struggles for ownership of public and private space (e.g. Baxstrom 2008; Bunnell 2002; Nonini 1998); the socio-economic implications of rapid urbanization (e.g. Sioong 2008); and land rights, especially for indigenous peoples in non-urban

regions (e.g. Doolittle 2010; Wong 2007). The relationship between what Malaysian citizens think about public spaces and how they actually use these spaces for embodied political engagement remains relatively uncharted territory.¹

Mass protests and rallies against ruling authorities are not new to the Malaysian political landscape, spanning back to the 1946 union protests against British rule.² Since the late 1990s, however, the presence of large-scale protest movements promoting an agenda of political reform (i.e., accountable institutions, fairness, and anti-corruption) has become a key distinguishing feature of the country's political environment.³ The most renowned of the present-day Malaysian protest movements is the Coalition for Clean and Fair Elections, commonly known as Bersih ('clean' in Malay). Rooted in the *reformasi* movement of the late 1990s, Bersih has played a prominent role in both reinvigorating opposition forces in Malaysia and in renewing the prominence of calls for political reform in national dialogue (Welsh 2011). This movement has two distinguishing features. The first is its success in leveraging social media platforms to distribute information, counter government-controlled media, and to mobilize and organize its supporters.⁴ Second, the extent to which its support cuts across the country's diverse ethnic, racial, and religious demographics. This has impeded the government's capacity to equate curtailing of civil liberties with a need to quell ethnic/racial divisions (Welsh 2011).

On 28 April 2012, Bersih organized a large-scale rally, Bersih 3.0, in KL to lobby for electoral reform. The third gathering of its kind in recent years, this event drew tens of thousands of citizens to KL's Dataran Merdeka (Independence Square), eliciting a physical, legal, and financial backlash from the authorities. Government representatives and pro-government media outlets accused the organizers of trying to incite racial riots, politically destabilize the country, and oust the government.

¹ A notable exception is Garry Rodan (2013).

² Of particular note are the rallies associated with Operation Lalang (or Weeding Operation). In October 1987, the government arrested over 100 people under the Internal Security Act (ISA), including some prominent political figures, and revoked the licenses of four domestic newspapers.

³ Some well-known examples include: protests organized by environmental groups against the Bakun Dam Project and the Australian rare earths mining company, Lynas Corporation Ltd., which now operates a refining plant in Kuantan; protests calling for the protection of minority rights such as the 2007 Hindu Rights Action Force (HINDRAF) rally mounted by a coalition of 62 NGOs; the 2007 Walk for Justice in Putrajaya initiated by the Malaysian Bar Council to promote judicial reforms; the 2008 Protes Harga Minyak, organized by a group of NGOs against gasoline price hikes and the rising costs of basic standard living items; and the 2009 Anti-ISA protest. See, as examples, S. Nair (2007) and Postill (2014).

⁴ Postill (2014) chronicles changes in the Malaysian online environment, noting that although blogs were important to the *reformasi* movement, Facebook and Twitter, along with Internet-enabled mobile devices, have reached a wider swathe of the domestic population.

In this article we focus attention on the antecedents and consequences of the Bersih 3.0 rally to investigate principal actors' contending perspectives about 'appropriate' uses of public spaces and what this reveals about processes of democratization in Malaysia. Our interest rests in the tensions between government efforts to control public spaces when and where politically expedient, and the counter actions of those struggling for electoral reform. Examining these contrasting views offers a valuable vantage point for assessing how the Bersih movement's occupation of public spaces in the pursuit of its political objectives is challenging the established political order. We posit that using public places for mass protests and rallies is a manifestation of a form of embodied political participation that associates democracy and democratization with participatory and dialogical processes transcending the act of voting; a form of Habermasian communicative action (Habermas 1984). Seen in this light, democracy is both a means and an end inasmuch as it involves agency at the level of individuals and the creation of institutional structures to guide and protect relations between a citizenry and its governors.

Our discussion opens with a brief overview of Malaysia's political landscape, the goals and composition of the Bersih movement, and of the events surrounding the three Bersih rallies prior to the 2013 general election. In the second section we consider what the embodied political participation advanced by the Bersih movement tells us about democracy and democratization in Malaysia. In the third and final section, we discuss the influence of these activities on the governing regime.

For this study purposeful qualitative sampling was used to identify 'information rich' individuals possessing considerable in-depth knowledge about Bersih and its objectives, and of resistance efforts taking place at ground level. Our analysis draws upon information gathered from 37 key informant interviews with representatives of various Malaysia-based human rights NGOs, academics, alternative/critical media practitioners, members of opposition parties, and Bersih's Steering Committee. Given our desire to obtain qualitative data about the interviewees' opinions, views, and reactions to various issues relating to the electoral reform coalition and the future of democracy in the country, a semi-structured exploratory interview approach was used for these face-to-face encounters. This technique enabled interviewees to explain more complex ideas and issues, and to offer insights into the kinds of questions they believed researchers should be asking.

The majority of interviews were coordinated via email prior to fieldwork, relying upon the researchers' existing professional contacts in the region. Before conducting the interviews, we identified key themes to be addressed in our discussions based on the interviewees' area(s) of authority: the composition, actions, and goals of Bersih; the history of, and potential for, embodied resistance in Malaysia; the role of social media vis-à-vis political resistance in the country; and the historical and future trajectory of democratization in Malaysia and how it intersects with 'Asian values'. Many of the interviewees straddled more than one of the above categories (e.g. an academic who is also a

member of an opposition party and writes for an alternative media outlet). In such instances, we customized our interview protocol accordingly.

Since the fieldwork undergirding our study was based, in part, on a flexible emergent design, in which elements of the research project emerged as the study proceeded and as new information came to light via the interviewees, some individuals were identified and contacted once we were in the field. All interviews were conducted between August 2010 and August 2012 in KL and in the state of Penang. The information presented below from these interviews is supplemented with published domestic and international media reports, and relevant scholarly works.

Background to the Bersih movement

Malaysia's political system is based on a multi-party, bicameral, federal parliamentary structure, with the King (Yang di-Pertuan Agong in Malay)⁵ as the constitutional head of state. The 222 representatives comprising the lower house – Dewan Rakyat, House of Representatives – are elected via a first-past-the-post system. The country has been governed by the Barisan Nasional (BN, National Front) coalition, and its predecessor, the Alliance (Perikatan), since gaining its independence from British rule in 1957. The BN coalition is comprised of 13 national political parties with the United Malays National Organisation (UMNO) at the helm. The current Prime Minister, Najib Razak, was appointed in 2009 after his predecessor, Abdullah Badawi, failed to secure a two-thirds majority for the BN in the 2008 general election. Despite repeated government guarantees to ensure democratic elections, a wide range of NGOs, civil society activists, and opposition politicians maintain that Malaysia's electoral process is neither free nor fair and that it unduly benefits the BN.⁶ Long standing concerns are regularly expressed about a host of issues, including gerrymandering, unequal access to government-controlled broadcast and print media, postal voting, the failure to use indelible ink to impede fraud during voting, irregularities with the registered voters' roll, and the impartiality of the Electoral Commission (EC).

These and other related concerns about the need for electoral reform in Malaysia hastened the establishment of the Bersih movement in November 2006.⁷ Its first rally, Bersih 1.0, took place on 10 November 2007, and drew tens

⁵ The current king is Sultan Abdul Halim of Kedah.

⁶ For a historically grounded critique of changes to Malaysia's electoral processes, see Wong, Chin and Othman (2010).

⁷ In July 2005, a Joint Action Committee for Electoral Reform was created by a number of opposition politicians and NGO representatives. An 'Electoral Reform Workshop' was held a few months later in KL, which produced a Joint Communiqué endorsed by 25 NGOS and five political parties that defined 'the long-term objectives and the immediate working goals of the coalition (Bersih 2006). Today, the Steering Committee 'comprises members from the political parties, as well as representatives from the following NGOs: Suara Rakyat Malaysia (Suaram),

of thousands of citizens⁸ to four public places in downtown KL: a local department store, two mosques, and a light rail transit station. During the rally, participants from each location attempted to make their way to the King's palace to petition royal support for electoral reform. Citing the failure of rally organizers to obtain the requisite permits, the government deemed the gathering illegal. This decision was subsequently used to justify the erection of police barricades blocking rally participants from gathering in public places, as well as the use of tear gas and chemically laced water cannons to disperse the crowds.

In the general election which took place four months later, on 8 March 2008, the BN was denied a two-thirds majority for the first time in its history. The primary opposition parties – the People's Justice Party (PKR), Democratic Action Party (DAP), and the Pan-Malaysian Islamic Party (PAS) – won 82 of the 222 seats in the federal parliament. After the election, these three parties formed the Pakatan Rakyat (PR, People's Pact or People's Alliance) coalition, with Anwar Ibrahim, one of the three leaders of the PR coalition, assuming the position of Leader of the Opposition of Malaysia.⁹ While navigating the secular-religious divide among coalition members has since proven to be challenging, the members of the coalition share a common “interest in improving governance, controlling corruption, strengthening the rule of law, and bringing about more equitable development” (Welsh 2013, 138).

In the immediate aftermath of what many observers dubbed a ‘political tsunami’, the BN appeared willing to address the demands of the Bersih movement, mandating the EC, which falls under the auspices of the Prime Minister's Office, to examine potential electoral reforms (Subramaniam 2012). Coinciding with these developments, Bersih disassociated itself from formal affiliations with any political party, defining itself as a civil society movement advocating for changes in the Malaysian political system writ large (Bersih 2013).

In early 2011, Bersih chided the government and the EC for continued inaction on electoral reform, and scheduled a second rally, Bersih 2.0, for July 9. It also added another four demands to its original petition for electoral change: “A minimum 21-days campaign period”, “Strengthening public institutions”, “Stop corruption”, and “Stop dirty politics” (Bersih 2011). Organizers of this event wanted to coordinate a large-scale Walk for Democracy through the streets of KL. They were denied a permit for the rally, meaning that any such activity

Women's Development Collective (WDC) and Writers Alliance for Media Independence (WAMI)', and the coalition as a whole includes 84 NGOs (Bersih 2014a, 2014b).

⁸ Various government and mainstream media sources place the number at 4,000, while some Bersih supporters suggest the number to be as high as 100,000.

⁹ In the five years preceding his expulsion from UMNO, and subsequent arrest in 1998, Anwar served as Deputy Prime Minister under Prime Minister Mahathir Mohamad. In 1999, he was imprisoned for corruption and sodomy, charges that most observers consider to be politically motivated and spurious.

would be deemed illegal and forcibly shut down. Bersih accepted, as an alternative, the government's offer to use of Merdeka Stadium as a venue for the event.¹⁰ Shortly before the rally was scheduled to take place, the government reneged on its offer, authorized the arrest of hundreds of politically influential individuals, and declared the wearing and distribution of yellow T-shirts worn by Bersih supporters illegal (Teoh 2011b). On the day of the rally, those seeking entry into the grounds had to contend with a sizable, intimidating police presence along with police-enforced road and public transportation closures in and around the stadium.¹¹ More than 1,600 people were arrested, most of whom were released by end of day. The government's news agency, *Bernama*, described the event as an illegal rally "meant to serve the political agenda of the opposition parties" in which the demonstrators defied "warnings to disperse and instead charged at the police", thereby forcing them "to take the necessary action under the law, including using tear gas and water cannons" (*Utusan* 2011). The government then claimed that the distribution of photographic and video evidence of excessive police force was little more than "a ploy to raise the ire of the people against the police" (Gooch 2011b). In the aftermath of Bersih 2.0, the government established a Parliamentary Select Committee to further examine the issue of electoral reform. In April 2012, the committee released a report setting out 22 recommendations proposing modest changes to the electoral system.¹² The Bersih movement dismissed the document as failing to adequately address its concerns and called upon the EC to resign and for international observers to be invited to oversee the upcoming 2013 general election (Bersih 2012a). It also began preparing for a third rally, scheduled to take place on 28 April 2012.

The organizers of Bersih 3.0 opted to hold a peaceful 'sit-in' at Dataran Merdeka, the iconic square of independence, with simultaneous rallies taking place in ten cities throughout Malaysia and in 35 other countries (Bersih 2012b). Three days before the scheduled sit-in, the government once again offered Merdeka Stadium as an alternative venue. Rally organizers declined this overture, citing logistical difficulties and concerns that moving to the stadium would situate the rally out of the public eye and, thus, impede fellow citizens from fully appreciating the movement's size, passion, and diversity (Chooi 2012a). Government officials retorted that Bersih's stance was "irrational" and "stubbornly". The mayor of KL warned, "We will do whatever necessary to carry out our duties. We are guardians of Dataran Merdeka even though it is public property" (Yunus 2012) and further stated, "Generally we permit sports and cultural (entertainment) events as these events are beneficial to the public, but we reject events of a political nature" (Nie 2012). Other government officials asserted that the countrywide rally was not a "national event" and that it posed

¹⁰ The stadium is located in downtown KL and has a seating capacity of 25,000 people.

¹¹ Government estimates put the number of participants at 10,000, whereas some Bersih members cite closer to 50,000 (e.g. *Al Jazeera* 2011).

¹² For a critique of the committee and its report, see Rodan (2013, p. 30). For a summary of the recommendations, see Chooi (2012b).

serious “safety” concerns which called for enhanced policing (*Human Rights Watch* 2012, Palani 2012).

This gathering also was declared illegal, with the police given orders to shut down all major transportation routes in and out of Dataran Merdeka and to bar Bersih supporters from entering the square. Nonetheless, the rally attracted the largest crowd to date. Estimates of the total number of participants vary wildly, with the government claiming only 22,000 people, Bersih suggesting upwards of 300,000 people, and some domestic media sources citing between 80,000 and 100,000 (Alibeyoglu 2012; *New Straits Times* 2012a; Pathmawathy 2012). Although it focused predominantly on electoral reform, the Bersih 3.0 rally also included participants voicing concerns about other issues such as environmental protection, religious rights, a new health insurance scheme, and educational reform (Welsh 2012). As the rally drew to a close, skirmishes broke out between a small group of participants and the police. Rally organizers insisted that the aggressive actions (e.g. breaking through barricades, throwing objects at the police, overturning a police car) of a select few were clearly unacceptable, but that the violent retaliation of the authorities was disproportionate and unwarranted (Alibeyoglu 2012; Ambiga 2012). Shortly after the rally, Bersih co-chairperson Ambiga Sreenevasan and steering committee member, Maria Chin Abdullah, were invoiced by KL City Hall for RM 351,203.45 (\$115,632 USD) for the chaos and destruction of public property that had resulted from the illegal use of a public space.¹³

A key struggle for Bersih, and one that it shares with other social movements around the world (e.g., the Arab Spring and Occupy movements), is to transform public places like Dataran Merdeka into spaces where citizens can engage in diverse political activities, including those that challenge the established political order. The focus here then is twofold. First, to counter “*publicity without democracy*”, a concept David J. Madden advances to describe the phenomenon of “the public that speaks of access, expression, inclusion, and creativity but which nonetheless is centered upon surveillance, order, and the bolstering of corporate capitalism” (Madden 2010, 189, emphasis in original). Second, to strive for “a further reassembling of the *res publica* so that it can actually function as a source of democratic transformation” (Madden 2010, 189). To this end, the political contestations surrounding Bersih’s use of public spaces for political rallies offers valuable insight into competing understandings of, and struggles for, greater democratization in Malaysia.

¹³ Some of the line items of the bill include food and beverage costs for the police, their transport expenses, and the cost to erect barricades. At the time of writing, the bill has not been paid and the government has not pursued follow-up measures. See Kamal (2012).

What do the Bersih rallies tell us about democratization in Malaysia?

One recent initiative from the Najib government directly impacting upon the relationship between space/place and democratization in Malaysia is the *Peaceful Assembly Act 2012*. This law, which came into effect only a few days before the Bersih 3.0 rally, replaced Section 27 of the *Police Act 1967* that dealt with the powers and duties of the police in regulating public assemblies, meetings, and processions. The government promotes the *Act* as enhancing political freedom and democracy for Malaysians, and as being fully compliant with Article 10 of the Federal Constitution, which guarantees citizens' freedom of speech, assembly, and association. Yet, this legislation forbids, on the basis of protecting the national interest, all gatherings within 50m of prohibited places including, "dams, reservoirs, water catchment areas, water treatment plants, electricity generating stations, petrol stations, hospitals, fire stations, airports, railways, public transport terminals, ports, canals, docks, wharves, piers, bridges marinas, places of worship, kindergartens and schools" (*The Malaysian Bar 2011a*). Street protests are likewise banned, with gatherings restricted to designated areas such as public halls and stadiums (*BBC News*; Gooch 2011a). While police permits are no longer needed for mass assemblies, organizers are now required to give ten days' notice to the leading police district official who is meant to respond within five days with the specified restrictions and conditions to be followed (Teoh 2011a). Equally noteworthy is the fact that non-citizens and youth under the age of 15 are not allowed to participate in assemblies, and nobody under the age of 21 is permitted to organize such gatherings (*The Malaysian Bar 2011a*).

In a densely populated, multi-religious, and multi-ethnic environment like KL, these restrictions essentially negate the possibility of legally organizing an assembly of any significant size. Additionally, Section 21(1) of the *Act* gives the police a wide berth of control, empowering officers to arrest "any person at the assembly [who] does any act or makes any statement which has a tendency to promote feelings of ill-will, discontent or hostility amongst the public at large or does anything which will disturb public tranquility" (*The Malaysian Bar 2011b*). Human rights and freedom of expression experts from the United Nations have strongly denounced the *Act*, arguing that many of its restrictions are "not justifiable under international law" and contravene basic democratic principles (*UN News Centre 2011*).¹⁴ Among our interview sample, individuals concurred. They repeatedly commented on the importance of peaceful public assembly in Malaysia; however, the majority of respondents also noted that they had not given much thought to the relationship between space/place and democracy. Most interviewees, including those directly associated with Bersih, focused their attention more on pragmatic considerations such as the accessibility, size, and visibility of rally locales. It seems plausible that this finding is influenced, in

¹⁴ A landmark judgement by the Court of Appeals in late April 2014, upheld this view by ruling that criminalizing organizers of peaceful assemblies for failing to provide prior notice to the police is unconstitutional. See Palani (2104).

part, by the prominence of contemporary narratives averring the democratizing power of emergent digital media.

As is well-documented, Malaysians endure a wide range of direct and indirect constraints on their media access and use.¹⁵ In this environment, social media platforms such as *Facebook*, *Twitter*, and *YouTube* serve as effective tools for providing citizens with hitherto unprecedented capabilities for producing and consuming content. Over the past several years, social media-based commentary both inside and outside of the country has exalted the power of digital platforms to transform Malaysia's political environment. The 1999 launch of *Malaysiakini*, along with key listservs such as *Sangkancil*, is often described as the catalyst that pried open the government's stranglehold over domestic media and, in the process, helped the opposition to perform well in that year's general election. Much of the discussions surrounding the 2008 general election also focused heavily on the role of social media in contributing to the opposition's success.¹⁶ Likewise, before, during, and after the Bersih rallies, citizens used a range of social media platforms to coordinate the event, disseminate information, facilitate discussion, and to counter government and mainstream media claims about the movement. Not surprisingly then, the government has actively sought to control and monitor online political activities, as demonstrated by recent amendments to Malaysia's *Evidence Act 1950* removing the presumption of innocence for many online activities, thus rendering website owners and publishers responsible for any and all content hosted on their sites (*Centre for Independent Journalism 2012*).

With attention focused, quite understandably, on the political benefits accruing from access to online space, thinking and talking about access to and usage of material public space does not seem to have been prioritized.¹⁷ And yet, the majority of our interviewees indicated that over the last several years they have seen contestation bubble up to the surface both online *and* in the streets. Instead of privileging the democratizing potential of social media at the expense of the benefits accruing from embodied political action, they emphasized the importance of using online and 'real life' activities in tandem to achieve political objectives. These views echo the claims of Marcelo Lopes de Souza and Barbara Lipietz who argue that while new forms of technology often play a critical role in political uprisings, they have not "rendered face-to-face contact, go-ins, sit-ins and physical presence in general, superfluous" (de Souza and Lipietz 2011, 620; Kimmelman 2011; P. Nair 2012).

¹⁵ Between 2012 and 2014 Malaysia dropped in *Reporters Without Borders'* World Press Freedom Index from 122 to 147 (out of 180 countries) (2014).

¹⁶ In both instances, the emphasis on digital technologies systematically undervalued the candidates' off-line, or embodied, political activities. See Smeltzer and Lepawsky (2010).

¹⁷ One well-known exception worth noting is the creative resistance activities of Wong Chin Huat, a political scientist, activist, and popular contributor to (the recently folded) online news site *The Nut Graph*, who has helped organize peaceful gatherings in places like the Kuala Lumpur City Centre (KLCC) for the sole purpose of promoting citizens' right to assemble and to challenge the *Peaceful Assembly Act*.

Indeed, the majority of interviewees indicated that they have seen a positive shift in the willingness of citizens to *publicly* defy government orders in the name of political change, and in how these individuals view themselves – as both citizens and ‘protestors’ with rights and liberties that must be respected. Respondents emphasized that the most important impact of Bersih has been its success in catalyzing citizens to more openly engage in politics writ large, giving participants the sense that they are part of a broader, pan-Malaysian coalition of concerned citizens. They also repeatedly highlighted that the movement was about citizens working together to create a better Malaysia for everyone as opposed to focusing on specific religious, ethnic, or special interest groups. To this end, there was a widespread belief among interviewees that Bersih has played a positive role in politicizing a younger generation, which they claimed the government has actively sought to keep disengaged from politics. The recurring theme was that the movement has opened the door for ‘regular’ or ‘average’ citizens to voice their dissent and to see other like-minded individuals engaging in similar activities. In the words of an interviewee working for an NGO, “I’ve never seen this kind of mutual support in the country before.”

Moreover, as citizens take to the streets, parks, squares, and other outwardly public locales to express their political dissatisfaction, it becomes increasingly difficult for mainstream media and governments to ignore their concerns, especially in an environment saturated with access to social media platforms (Appadurai 2001; Dhaliwal 2012; Juris 2012). Concomitantly, many interviewees pointed to the role the Bersih rallies have played in revealing to the wider population the extent to which the government tries to control citizens’ freedom of speech, assembly, and expression. As one blogger with whom we spoke argued, the government’s heavy-handed reaction to the Bersih 2.0 rally “painted the government in a really bad light for a lot of Malaysians.”

The nexus between, on the one hand, government efforts to stifle embodied politics in public spaces and, on the other hand, the responses of concerned citizens to such constraints, offers a vantage point from which to examine contending perspectives on the meaning of democracy and democratization. In the case of Malaysia, the government’s long-standing depiction of what democratization means for the country is intertwined with the position it advances regarding the notion of Asian values. This concept revolves around deference to authority and the veneration of collectivity. As Cherian George explains, although the government does not deny that “civil and political rights matter”, it frames “such claims as Western in origin, excessively contentious, and opposed to Asian values that are said to emphasize consensus and harmony” (George 2005, 906). The Asian values argument reached its apex in the 1990s under former Prime Minister Mahathir, but remains a mainstay of a national political dialogue that valorizes collective socio-economic priorities above political development and civil liberties. Beyond contributing to economic growth, it is presumed that citizens need not engage in collective action unless it directly promotes internal harmony (e.g. parent-teacher associations,

religious affiliations, charity organizations, sports teams). In other words, the government aspires to constrain the non-economic activities of citizens to the private realm and assumes that political activities not directly supportive of the ruling coalition will harm the country (Slater 2012). This position was aptly summarized by one interviewee who noted that, “supporting the opposition or wanting electoral reform is painted in the mainstream media and by the government as the same as being a traitor.”

Seen in this light, democracy and democratization are understood to be narrowly circumscribed to the electoral process of voting as opposed to a broader, more dialogically based framework for structuring political and social relations (Held 2006). To this end, it is generally agreed that, like a growing number of other countries around the world, Malaysia’s political landscape operates on the basis of electoral authoritarianism (Case 2009, 2011; Slater 2012; Tapsell 2013) in which the façade of democratic elections is undermined by electoral manipulation and sporadic or ineffective institutional reforms (Tapsell 2013). Given Bersih’s advancement of free and fair elections and its support for the rights of citizens to exercise freedoms and liberties in accordance with Article 10 of the Federal Constitution, its rallies materialize struggles over the meaning of democracy within the Malaysian context and tensions between what Isaiah Berlin calls citizens’ positive and negative freedoms/liberties. Positive freedoms comprise constitutionally protected rights that provide citizens with the *freedom to* participate in a self-determined society and to be their “own master” (Berlin 1958, 203). Article 119 of the Federal Constitution of Malaysia, for example, enshrines positive liberty insofar as it guarantees citizens the right to vote. A narrow reading of positive freedoms maintains that holding elections on a regular basis is sufficient for promoting and protecting self-determination, and for registering dissatisfaction with governing powers. The principal shortcoming with this position is its failure to acknowledge the broader elements of political engagement central to liberal-oriented normative models of democracy (Held 2006).

By comparison, negative freedom refers to the absence of barriers, obstacles, or coercion by an outside body, including protection from state and institutional intrusion. Put simply, it is *freedom from* interference by others. Malaysian citizens’ negative freedoms are protected in Article 10 of the country’s constitution which guarantees freedom of speech, assembly, and association. However, this protection against external interference is heavily qualified by Article 10(2) which specifies that the latter rights are subject to parliament’s authority to impose by law “such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality” (*The Malaysian Bar* 2011a). Seen through this lens, constraining the activities of the Bersih movement is a necessary infringement on the negative freedoms of rally participants, so as to safeguard the negative freedoms of other citizens from its potentially destructive interference. This view is clearly articulated in comments made by Prime Minister Najib shortly after Bersih 2.0: “What the government did with regard to the Bersih illegal rally was to avoid any incident that could lead to rioting... When a large-scale street

demonstration is held, rioting, breaking into shops, assaults and counter-assaults may take place” (*Bernama* 2011). It also is evident in claims made by Kuala Lumpur police chief, Datuk Mohamad Salleh, regarding the Public Assembly Act 2012 which he avers “guaranteed the freedom of expression through the proper channel while ensuring that public order remained unaffected to protect the right to freedom of others” (*New Straits Times* 2013).

In seeking to legitimize the constraints imposed on negative freedoms, the government frequently draws upon the example of the KL-based race riots of 1969.¹⁸ For more than four decades it has routinely employed this crisis as a pretext to justify affirmative action policies benefiting the Bumiputra (or Bumiputera, the majority Malay population and some indigenous peoples) (Ahmad and Kadir 2005; Case 2010), and as evidence to explain: i) why Malaysians are not yet ready for Western-style liberal democracy; and ii) why public safety and national security require vigilant control and monitoring of public spaces/places (Slater 2012, 20; see also Loh Kok Wah 2009). During a panel hosted by the online news site *Malaysiakini* shortly after the Bersih 3.0 rally, an UMNO Member of Parliament reiterated this position, arguing that after Malaysia gained its independence, “there were probably more freedom... i.e. democracy. But because of that freedom we ended up with... racial clash of 1969 and the government had to step in.”¹⁹ Around the same time, the Former Inspector General of Malaysia’s police, Tun Hanif Omar, linked the Bersih movement with communism, announcing to the press that he recognized

from the photos and broadcast images (taken from the [Bersih 3.0] rally), the pro-communist people who were involved in the 1970s demonstrations.... The tactics of using provocateurs to cause the demonstrators to clash with police and to bring children along in the hope they would get injured were tactics learnt from past pro-communist demonstrations (*New Straits Times* 2012b).

The continual rehashing of such familiar and divisive tropes suggests that the ruling coalition is wilfully ignoring how the country has changed over the last several decades. The heterogeneity of the Bersih movement is one such indicator of the shift, as is the diversity of the PR opposition coalition. Indeed, the Bersih movement has advanced a counter narrative regarding the legacy of the 1969 riots that highlights the positive benefits of its ethnic, racial, and religious variegation. This discourse is present in comments made by Ambiga Sreenevasan in a 2012 interview with *Penang Monthly* in which she states: “What is wonderful about this movement [Bersih] is that it is about getting over the fear of May 13. The different races were helping each other during the

¹⁸ For alternative and nuanced perspectives of the riots, see, for example, Butcher (2001); Soong (2008).

¹⁹ To view the entire debate, see:
http://www.youtube.com/watch?v=QmNJ9Nkcd9c&fb_source=message

rallies. It was all very moving” (Bersih 2012b; see also Subramaniam 2012). We also observed it in a number of interviews where respondents stressed that despite the extremity of the provocation, neither the 2009 ‘cow head incident’ in which some citizens carrying a severed cow’s head to the Selangor State government in protest of plans to build a Hindu temple in a predominantly Muslim neighbourhood in Shah Alam, nor the anonymous leaving of pig heads outside mosques in 2010 and 2011, resulted in rioting. These interviewees maintained that if such egregious acts of disrespect failed to incite ethnic, racial, or religious rioting, there is no basis for suggesting that peaceful gatherings of citizens representing the country’s ethnic, racial, and religious diversity will threaten public safety and national security.

On the whole, there seemed to be a general feeling among those with whom we spoke that they were living through an important transformation in Malaysia’s political landscape wherein their fellow citizens appear more willing to challenge the government over broad-based political issues. Indeed, a majority of our interviewees offered optimistic appraisals about the ways in which political endeavours have shifted away from being foremost ethnically, racially, and/or religiously based toward more cross-sectorial cooperation aimed at addressing larger issues of common concern. The question remains, however, whether their political agency can discernibly weaken the government’s electoral authoritarianism. It is to this issue that the discussion now turns.

Can embodied actions undermine electoral authoritarianism?

Debate abounds about whether Malaysia’s variant of electoral authoritarianism is “regime-sustaining” or “regime-subverting” (Case 2011, 439). Proponents of the former perspective maintain that despite manipulating elections, the government remains sufficiently viable to “perform legitimating, co-opting, or information functions” thus protecting its grasp on power, the broad interests of elites, and its permanence (Case 2011, 438). The opposing view counters that electoral authoritarianism can actually subvert the governing regime because “manipulated elections, in their glaring inequity, fuel societal resentments”, thereby fomenting the politicization of citizens and enhancing the scope of participation of opposition parties (Case 2011, 438).

Under former Prime Minister Badawi, who seemed to loosen the reins of power just enough to suggest his administration was becoming more responsive to citizens’ democratic aspirations, the government appeared to be operating broadly in accordance with the tenets of the former, regime-sustaining model of electoral authoritarianism. However, things began to unravel for the BN with the opposition’s strong performance in the 2008 general election. Under Prime Minister Najib, the government has actively cracked down on political activities challenging the governing regime (Abbott 2011; Tapsell 2013; Welsh 2011). Nonetheless, large numbers of people have continued to engage in Bersih-related activities, as well as those of other oppositional movements, suggesting that the government’s electoral authoritarianism may, in fact, result in the

regime being subverted. For example, tens of thousands of people attended the 12 January 2013 Gathering of the People's Rising or People's Awakening Rally (Himpunan Kebangkitan Rakyat in Malay), calling on the government to address a wide range of political issues spanning from clean elections to environmental protection to women's rights (Anthony 2013). A few months later, in the 5 May 2013 general election, the PR opposition coalition performed even better than it had in 2008, capturing the majority of Malaysia's popular vote, but failing to secure overall victory.²⁰ The BN's share of the vote dropped to below 48% for the first time since 1957. In the aftermath, tens of thousands of Malaysians once again gathered on numerous occasions in different parts of the country to protest what they consider to be a fraudulently won victory for the BN, accusing the government of granting greater representation to areas that tend to vote for the ruling coalition, and of facilitating irregularities in the voter rolls (*Al Jazeera* 2013). Although not under the banner of Bersih per se, the protesters have called for the resignation of the EC in light of continued concerns about its impartiality.

Of course, the precise impact of the Bersih movement on the election outcome cannot be measured. There are a host of other factors that must also be taken into consideration, including Najib's lacklustre 1Malaysia initiative of nation-building, the rising cost of living in the country, ongoing corruption, and issues relating to the rights of minority groups (e.g. Liow 2013; Noor 2013; Welsh 2013). We can, however, say with confidence that since 2008, the Bersih movement has contributed to, and benefited from, an expanded civil society in which "exposés on corruption have become the norm; and the scope and content of political commentary have broadened considerably to include more open criticism of political leaders as well as much-needed attention to issues ranging from the removal of draconian laws to economic policy" (Welsh 2013, 138). These changes lead Postill to conclude that Bersih's impact on local politics is "indisputable" (2014, 94). In terms of tangible outcomes, the pressure the movement exerted on the government helped contribute to establishing the Parliamentary Select Committee (noted above). While the ultimate results of this undertaking may be wanting, one interviewee described the pressure as a critical "building block" for "putting the institutions and culture in place" that are essential to a broader notion of democracy within the Malaysian context.

Nonetheless, there is a need for caution here, lest the movement's role in energizing opposition forces be overestimated. As Garry Rodan observes,

Middle-class NGOs will continue to play a valuable role in reform movements and in galvanizing forces committed to removing the BN from office. Nowhere is this more evident than in the Bersih movement. Yet this role should not be overstated. By far the largest mass mobilization – the 12 January 2013 Himpunan Kebangkitan Rakyat, or Gathering of the People's Rising – was principally organized by opposition parties, chiefly PAS, in

²⁰ BN captured 133 seats of 222; the opposition PR coalition, 89. See *CBC* (2013).

protest to a range of BN policies. It is when the memberships and support bases of these parties are fully harnessed that mobilization of civil society forces is most formidable – within and beyond Bersih (Rodan 2014, 837-38).

The growing size and regularity of Malaysians' participation in embodied political actions therefore raises questions about the long-term sustainability of the country's variant of electoral authoritarianism. In an effort to mitigate any further challenges to its authority, Najib's government has promised to repeal or modify some of the country's more repressive laws, including the Internal Security Act (ISA), which allowed for detention without trial (*The Star* 2011). In its place is a new Security Offences (Special Measures) Act (SOSMA), which permits consultation with a lawyer and the notification of detainee relatives. Critics point out, however, that individuals under investigation may be held by police for 28 days before being charged or released (Case 2013). Moreover, and despite a 2012 promise to repeal the country's Sedition Act (*Al Jazeera* 2013; *The Guardian* 2012), the government continues to employ this legislation as a basis for arresting specific individuals who have protested the 2013 election process and outcome, including the PRK's Vice President, Tian Chua, and student activist Adam Adli.²¹ The operational leitmotif of the Najib government may thus be characterized as reflecting a compendium of contradictory stances. For example, in allowing civil society some leeway to engage in politically oriented activities, the government has appeared to make space for a modicum of democracy. Yet, when such latitude fails to satisfy demands for various social, economic and political reforms, the government quickly cracks down on any activities it deems as challenging its continuance (Giersdorf and Croissant 2011). It seems plausible that such contradictions are in no small measure linked to tensions within the BN and UMNO. In light of ongoing jostling for power, rumblings about corruption, and the Najib government's inability to address issues related to higher costs of living in the country, Mahathir's son, Mukhriz Mahathir, has publicly warned that the BN must change its ways or risk losing power in the 14th general election (*The Malaysian Insider* 2014).²² Further complicating matters for both BN and the opposition PR is the challenge of trying to keep together their respective coalitions. As Farish Noor points out, just as UMNO struggles to give pride of place to Islamic concerns without diminishing the status of its non-Muslim allies, within the PR coalition PAS has not been "able to foreground its demand for an Islamic state in Malaysia" (Noor 2013, 95).

Although our respondents unanimously expressed seeing a shift in the country in terms of citizens becoming more politically active, they also noted that, as the

²¹ The latter was detained after he called for street rallies to protest the electoral fraud that many believe marred the election.

²² Internal rumblings within BN and UMNO are also apparent within the domestic blogosphere. A number of posts critiquing Najib have appeared on, for example, both Mahathir's blog, chedet.cc, and that of blogger Syed Akbar Ali, syedsoutsidethebox.blogspot.com.

examples above illustrate, this shift may drive the government to be more defensive and less responsive to their needs. None believed that the government was going to fundamentally change regardless of the pressures faced from political movements. The underlying premise in all the discussions was that one should not underestimate the power of the regime to hold on to power nor the tactics it might employ to do so. The comments of one NGO-based interviewee concisely summed up the dominant view among those with whom we spoke when he noted that “the government isn’t going to change its stripes.”

A key question in this context then is: What will the government do next? The future of Malaysia’s democracy is predicated on, among other things, the opposition coalition’s capacity to challenge the BN’s hold on power and to offer a viable framework for moving forward in a post-BN ruled Malaysia. The central issue is not whether the opposition coalition wins the next general election, but rather the very plausibility of such an outcome in the wake of long-standing impediments to the equitable participation of opposition interests (*Freedom House* 2013). In addition to fair elections, this requires that the opposition remains both cohesive and capable of offering an alternative to the BN that appeals to a wide enough range of citizens. This is no easy task, for it must also be able to persuade voters that neither the BN nor authoritarianism are prerequisites for political stability and economic prosperity.²³

Our inquiry began by asking what we might learn about processes of democratization in Malaysia by investigating contending perspectives regarding the uses of public spaces. Our findings suggest that the differing perspectives about the ‘appropriate’ use of public spaces is illustrative of a classic tension in democratic thought: the dichotomy between equating democracy with people taking to the streets in political protest as part of their responsibilities as engaged citizens versus equating it with the presence of legal frameworks for voting and for defining the relationship between governed and governors. In other words, the core issue is the tension between democracy as individual agency versus democracy as structure.

Through its use of public spaces and embodied political action, the Bersih movement has helped to foment the former: increased levels of political engagement and awareness of the importance of such engagement. Here we see a citizen-led movement applauding the civic virtue and value of communicative action in both on- and off-line locales. By contrast, the government’s position aligns more with the latter as it openly equates democracy in Malaysia foremost with voting in elections and the registering of political concerns through ‘proper’ institutional channels. Hence, the use of public spaces for large-scale embodied political activities aimed at questioning the established political order is actively and forcefully constrained. Further evidence of this can be seen in the

²³ As Tajuddin contends, many Malaysians support, “the central role of the state in providing stable, paternalistic governance for its citizens. This has made any struggle for democratization in Malaysia subordinate to a larger *weltanschauung* – the belief that the state’s delivery of strong economic performance benefitting its citizens would ultimately justify the means of undemocratic processes” (2012, xvi). See also Slater (2013, 20).

government's reaction to the post-2013 general election period, declaring electoral fraud rallies illegal and warning citizens not to attend such events lest they face serious consequences.²⁴

Our findings also point to the need for caution in equating the Bersih movement's apparent success in catalyzing political engagement with fostering progressive change at the institutional level. Put simply, there is no *direct* link between citizens' increased participation in embodied political activities in public spaces and the establishment of more liberal-oriented institutional structures; participation at the ground level does not ipso facto translate into government level democratic transformation. Just as importantly, we must also recognize that while growing political awareness and engagement do contribute to change, change is a dynamic process that often comes with unwanted and/or unintended consequences (e.g. widespread arrests, the possibility of replacing an existing regime with an even less effective or less democratic government). Hence, there is a need to avoid conflating the Bersih movement's apparent success in organizing and mobilizing for change with efficacy in successfully organizing the change it strives to achieve. Resistance is one thing, successfully transforming that resistance into the achievement of particular political objectives is quite another. Nevertheless, we hold hope that Bersih does indeed represent a key building block in the formation of a society that genuinely respects and protects Malaysians' positive and negative freedoms.

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²⁴ For example, the authorities arrested 18 youth for holding a peaceful candlelight vigil in support of Adli that was deemed an "unlawful assembly" (*Amnesty International* 2013).

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