CHAPTER-ONE

INTRODUCTION

The federal state of Malaysia comprises the 13 states and the three federal territories of peninsular Malaysia. The area of Malaysia is 329,847 sq.km. and the population is (2000 census) 23,274,690: density 70.6 per square Kilometer. Around 63% of people live in cities. Putrajaya, a planned new city became the administrative capital of Malaysia in 1999. Malaysia is endowed with an extremely rich natural resource base. The country has extensive tin deposits. However in east Malaysia the main wealth remains the coastal and offshore deposits of hydrocarbons.

1.1. A Brief history

The federation of Malaysia has ancient historical roots. It is proved by recent excavations (at Niah in Sarawak, East Malaysia) that there were human settlement from 38,000 B.C in this area. The indigenous people known as the Orang Asli, who still live in the remote, mountainous part of the Northern Malay peninsula, are considered to be the descendents of the Neolithic farmers. Indian traders first visited the Malay Peninsula in 1st century B.C and introduced political ideas and art forms and the Sanskrit language. Hinduism and Buddhism gained a foothold and were practiced alongside traditional animist beliefs.

In the mid-15th century Malacca emerged as the key trading port in the region- it was host to indigenous Malays, Sumatrans, Javanese, Gujaratis, Arabs, Persians, Filipinos and Chinese – and grew rapidly in prosperity. A pattern of government was established in Malacca that became the basis of Malay identity and it was emulated by subsequent Malay kingdoms. Gujarati sailors introduced Islam to the region through Malacca in the 15th century. In 1511 the port was captured by Portuguese navigator Alfonso de Albuquerque. In the late 17th century the Malay Peninsula came under the influence of Bugis merchants from the Indonesian island of Sulawesi.
In the mid-18th century Johor and Malacca became entreports for the trade in tea between China and Europe; ships owned by the British East India Company (EIC) began plying the Malacca strait in greater numbers. The British foothold in India allowed them to expand eastwards, and their control of India’s poppy fields enabled them to dominate the lucrative opium trade. In 1786 Francis Light of the EIC leased the island of Penang from the sultan Abdullah of Kedah, who hopes that British would provide protection against attacks from Siam or Burma, Penang grew swiftly luring trade away from Malacca. In 1819 British signed a treaty with sultan Hussein Shah of Johor and founded Singapore. Five years later the British formally acquired the Malacca from the Dutch. From 1826 Penang, Singapore and Malacca were ruled by the British authorities in India under a joint administration known as the Straits Settlements.

The discovery of tin deposits at Larut (western Malay Peninsula) in the 1850s led to large scale immigration by Chinese miners and labourers. They organized themselves in to HUI (brotherhood), which eventually became powerful political and economic organizations. At the same time piracy was on the increase in the Malacca straights and merchants asked the British to intervene and restore order. A series of agreements in 1874 introduced the British residential system to Perak, Selangore and Sungei Ujung. In each region a British resident functioned as an advisor to the Malay sultan on all aspects of administration apart from matters relating to the Islamic faith and Islamic tradition.

In 1896 the three states and pahang were grouped together as the Federated Malay States, presided over by British resident general at Kuala Lumpur at the heart of the tin mining district. By the end of the century a British colonial structure was taking shape, in the form of public buildings municipal services, rubber plantation and road and rail construction, which required a stream of low cost workers. Tamils from south India and Sri Lanka arrived as indented (and later as licensed) labourers.

Rubber Plants, originally from the forests of Brazil and introduced to Malaysia in the 1880s, were planted in every state in Malaysia and by 1908 rubber had eclipsed tin as the countries chief export. Rubber, tin and oil made Malay a focus for imperial Japan from early in the Second World War. So during the war, Japanese troops quickly took
over from the British colonial officers and controlled Malay from Singapore, meting out harsh treatment to the Chinese population.

When the British returned in 1946 they organized the colony into the Malay union. The Malay elite, fearing an end to their privilege by virtue of equal rights for Chinese and Indian subjects, campaigned via the united Malays national organization (UMNO, led by Datuk Onn) to demand the continuing of individual sultanets. The British were forced to compromise and established the federation of Malay in Feb. 1948, consisting of 9 Malay states. Within months the federation was under attack, in the form of armed struggle organized by the Malay communist party (MCP). The Communist insurrection, known by the British as the emergency, hastened the transition to Malayan independence and local elections were held in Penang in late 1951. Four years later federal level election was held and won convincingly by the Alliance party, a loose coalition of Indian, Chinese and Malay parties, led by Tunku Abdul Rehman. On 31 Aug. 1957 the federation of Malay became an independent state and Tunku Abdul Rehman became the prime minister.

The concept of Malaysia, as a broader federation including Sarawak, Sabah, Singapore and the British protectorate of Brunei, was first suggested by Abdul Rehman in 1961. It was opposed by neighboring Indonesia and Philippines, but public support in Sabah and Sarawak led to Malaysia’s formation in 1963, although Brunei declined to join. The new nation faced continued hostility from Indonesia over the sovereignty of Borneo. There were also disagreement with Singapore Prime Minister Lee Kuan Yew, leading to Singapore declaring independence in 1965. Tensions arose between the Chinese and Malay communities over the use of Malay language and Malay fears about Chinese economic dominance. The 1969 elections were fought on the highly emotional issue of education and language and the Alliance party failed to obtain a majority. Rioting and serious inter ethnic violence followed and an emergency government was brought in led by Deputy Prime minister Abdul Razak. Parliamentary rules were restored in 1971 and Razak launched the New Economic Policy (NEP) - a series of five year plans to eradicate poverty and restructure society to improve ethnic relations, specifically by increasing ethnic Malays, the bumiputeras, to shift from subsistence agriculture into the mainstream economy.
Mahathir Mohammad was the first non royal or non-aristocrat to become prime minister of Malaysia, winning the 1981 elections for the UMNO and leading the national front coalition to further victories in 1986, 1990, 1995 and 1999. Mahathir shifted the economy from dependence on commodities and toward manufacturing, services and tourism aided by substantial Japanese and East Asian investment in manufacturing. The prolonged spell of economic growth and stability was broken by the 1997-1998 recession, but Mahathir refused to accept financial aid from the International Monetary Fund. In Sep. 1998, Mahathir dismissed Anwar Ibrahim, his finance minister, deputy prime minister and his heir apparent. Anwar was found guilty of corruption charges in 1999 sentenced to prison for 6 years. In 2002 Mahathir announced that he would resign from the presidency of UMNO and stepped down as prime minister on 31st Oct. 2003, to be succeeded, by Abdullah Ahmed Badawi, who won a landslide victory in 2004 general elections for national front.

1.2. The constitution of Malaysia and its political system

The constitution of the federation of Malay became effective at the independence on 31st Aug. 1957. As subsequently amended, it is now the constitution of Malaysia. The main provisions are summarized below:

1. Supreme Head of the State: The yang-di-pertuan Agong (king or supreme sovereign) is the supreme head of Malaysia. Every act of government is derived from his authority, although he acts on the advice of the parliament and the cabinet. The appointment of a prime minister lies within his discretion and he has the right to refuse to dissolve even against the advice of the prime minister. He appoints the judges of the federal court and the high court’s on the advice of the prime minister. He is the supreme commander of the armed forces. The yang-di-pertuan Agong is elected by the conference of rulers, and to qualify for election he must be one of the nine hereditary rulers. He holds office for five years or until his earlier resignation and death.

2. Conference of rulers: The conference of rulers consists of rulers and heads of other states. Its primary duty is the election by the rulers of the yang-di-pertuan Agong and his deputy. The conference must be consulted in the
appointment of judges, the auditor general the election commission and the service commission.

3. Federal parliament: Malaysia has a bicameral parliament, consisting of a 193 member Dewan Rekayat (House of representatives), and a 69 member Dewan Negara (Senate) - also known, respectively, as the lower and the upper houses. The dewan Rekayat is by far the most important. It provides most of the cabinet, initiates all bills and has exclusive powers over finances. Each state legislature acting as an electoral college elects two senators: these may be members of state legislative assembly or otherwise. The remaining four senators represent the two federal territories, Kuala Lumpur and island of Labuan. The Yang di pertuan Agong appoints the other 40 members of the senate. Members of the senate must be at least 30 years old. From the constitution it appears that the chambers powers are much the same as the dewan rekayat, except for financial matters, but in practice it does not initiate legislation and has no power to delay a bill. It does have power to block amendment of the constitution. In a formal sense parliament has exercised control over legislation and the nation’s purse strings. However the legislature sometimes handed these powers to the executive through its tendency to confer wide powers on ministers to enact delegate legislation. There are additional reasons for parliamentary weakness. Unlike many of its counterparts the Malaysia parliament has few committees to probe government performances, and does not have research support staff.

4. The executive: The Agong is the chief executive but the effective executive power rests with the cabinet, collectively responsible to parliament. It comprises ministers heading all portfolios plus the deputy prime minister and other ministers. Members are appointed and dismissed by Agong, on the advice of prime minister. They must be members of parliament and by tradition most are from the lower house.

The prime minister must be a citizen by birth, the only minister for whom this is required. He is appointed by the Agong, but as noted must come from the
largest party represented in the lower house. He is assisted by deputy ministers, a position not mentioned in the constitution.

In practice the Malaysian bureaucracy has never been sharply separated from politics, particularly in the early years of independence most political leaders came from a bureaucratic background, inclining them to look directly to the bureaucracy for advice. Senior bureaucrats were expected to be sympathetic to the UMNO objectives, and the prohibition on political party activism was not rigidly enforced. More importantly, several parts of the bureaucracy have served transparently as virtual adjuncts of the ruling BN party, including Radio and Television Malaysia, and a special section, both under the information ministry: the 14000 strong Kemas under the rural development ministry. The bureaucracy is overwhelmingly Malay, with a legal preferment of 4:1 in the elite administrative and diplomatic service.

The OPM is far more influential than other ministries. Apart from the benefits of having the prime minister as its head, several important agencies come under it, including the public service commission, the election commission, the Malaysian Islamic development department, the attorney general’s department, the anti corruption agency, the national oil corporation and the economic planning unit.

The executive has also been strengthened by an ever expanding array of legislations giving it discretionary powers. Among the most important is right to declare a state of emergency- effectively in the prime ministers hands-and to rule by decree. This has been invoked on four occasions- in 1964 because of confrontation with Indonesia, in 1966 and 1977 to address state level political problems in Sarawak and Kelantan, and in 1969 after racial riots in the national capital. The most important period of emergency rule was in 1969, when parliament was suspended for 21 months and the government ruled by decree through a national operations council (NOC).

5. The Judiciary:
The judiciary was established as an independent arm of government, with primary responsibility for defending and interpreting the constitution. The court system is made up of superior courts (High court, court of appeal and federal court) and subordinate courts (sessions, magistrate and native courts). In the early years of independence the judiciary maintained a high reputation for independence and integrity, though analysts saw it as adopting very literal interpretations of constitutional provisions related to civil liberties, and consistently upholding parliamentary acts even when these made substantial inroads on fundamental liberties (Tommy Thomas:1987). But the government relations with the judiciary changed dramatically under Dr. Mahathir, the first prime minister not to come from a legal background.

6. The States:

The head of nine of the thirteen states are hereditary rulers. The ruler of Perlis has the title of raja and the ruler of Negri Sembilan that of Yang-di pertuan Besar. The rest of the rulers are sultans. Each of the 13 states has its own written constitution and a single legislative assembly. Every state legislature has powers to legislate on matters not reserved for the federal parliament.

1.3. Understanding the concept of Civil Society

Civil society is the outgrowth of historical development in social progress. It comes into existence when the conscious member of the society notices the gap between social aspirations of people and opportunities given to them by the state. Trust and honesty are fundamental to the concept of civil society and the purpose is to build the block against the trio of aristocracy, ecclesia and the royalty. By now, a great transformation has occurred in its meaning. It entered into the new millennium with a broader meaning and scope by the rival of liberal democracy into its two wings: libertarianism and communitarianism.

Seeking a free society

Civil society today, in its normative sense is a more or less direct translation of Cicero’s 'societal civil framed in the thirteenth century (Chandhoke 1995). This was the line when the established Roman Catholic Church exercised considerable hegemony over the social and political life. The concept then was coined to mean a
free zone independent of papal influence or divine origin, but governed by laws. This culture in the medieval society gave birth to secularism, a new concept in political theory. The combined effort of these two [civil society and secularism], paved the way for the construction of a democratic social order in modern times.

'No' to state of nature:

Civil society of the 17th century designates a distinct idea of political society. None other than John Locke reflected this idea forcefully in his 'The Treatises of Civil Government'. For him the establishment of civil society rests on the 'act of will' (Locke 1962). His core idea was civil/political society, that comes into existence, when men possessing natural rights [of life, liberty and Property] come together, sign a contract and constitute a common public authority for the benefit of all the members of the society. In all his theories he emphasized 'the primacy of rights,' (McPherson 1979:247-250), that was subsequently used to society, far from the state of nature, where individual rights were giving challenge to the existing pattern of social and political discrimination. These simultaneously curtail the arbitrary use of power by the political sovereign.

Civil society distinct from the state:

It is clearly reflected in Hegel’s writings who gave the most systematic notion of civil society in the 19th century. His basic premise was the separation of family, civil society and the state from one another. Like Locke, he maintained that civil society is a system of relations that supports and enhances freedom of all. Upholding the Lockean principle of freedom, he defines civil society as a 'form of ethical life'. This form of ethical life fabricates a harmonious society built upon mutual recognition of rights of the self and others Rights and obligations then become complementary to each other in the collective.

The collective refers to associations and institutions that are premised on the system of individual rights. Thus civil society exits to protect individual life and liberty. Its common concern for welfare and freedom of all binds the members together both Locke and Hegel were concerned with the protection of individual Rights. While the former links the protection of individual rights with the realization of freedom, the latter carried this idea further and asserted that the sphere of civil
Society denotes the structure of relationship where the primacy of individual rights are recognized and upheld by law. Hegel maintained that the civil society is the realm of appearances and as a moment in progress of spirit towards 'universality of the state.' (Keane 1988:47). The civil society consists of not just economic but social and civic institutions that include classes and corporations, concerned with social, religious, professional and recreational life of individuals so it is a process of mediation between the individual and the state. The systematic elaboration of the concept of civil society by Hegel is an achievement in the development of political theory.

Limitation of civil society:

If Hegel developed the first systematic theory of civil society; he was also the first thinker to highlight the limitations of the civil society. According to his idealistic dialectics, civil society was an "immature form of state". After him Marx presented the most trenchant criticism of bourgeois civil society, where the individual right to selfishness, and the society based on these rights was believed to lead 'not to the realization, but to the limitation of individual freedom. In fact, the theory of Marxism was developed by focusing on the property rights in the society. Marx argued that there is a nexus between economic interests and political institutions, where political institutions lacked the ability to express the universal interests of society. Defining civil society he says it embraces the whole material intercourse of individuals, and the social organizations evolve directly out of production and commerce. Civil society develops only with the bourgeoisie, and remains as the voice of the ruling class, for him 'civil society was a bourgeoisie society', a particular historical form of material production.

Gramsci: comments on civil society:

Italian Marxist Gramsci sets himself against the purely economic interpretation of civil society, associated with Marx. For Gramsci, civil society is not to be found in the sphere of production or economic organizations, but in the state. So his formula is, the state=political society +civil society [the state is the combination of coercion and domination, civil society is 'the arena of consent and freedom] (Gramsci 1983). The ruling class expressed its hegemony through the organic relations between the two spheres of the state. He emphasized the central role of civil society in the
manufacture and maintenance of hegemony. This is identified with 'the realm of struggle for hegemony by an economically dominant or ascendant class'. Thus civil society is a site of constant struggle for power with different classes and social groups seeking to define popular aspirations in their own terms.

Tocqueville:
Alexis De Tocqueville effectively identified three distinct realms in the society. Firstly, the state represents a system of formal political structure with its parliamentary assemblies, courts bureaucracy, police and army. Secondly, civil society, which is essentially the arena of private, interests economic activities. It is the sphere of voluntary associations sustained by the unique set of customs, habits and social arrangements, which he calls democracy. Thirdly, political society draws upon the fullest developments of law, controlling human societies that are the art of associations. He says, it is politics that spreads a general habit and taste for associations. This associational experience engenders an internal capacity to participate in pursuit of the common good, in the larger community.

In the light of the above discussions, it can be summed up that these thinkers have argued for building up a law abiding state, which guarantees individual rights including the right to association. It reflects the expansion of public space by the recognition and protection of civil and political liberties, particularly those bearing upon the ability of people to engage in free political discourse and to freely organize in pursuit of public interest.

Contemporary Debate on Civil Society:
Civil society organizes and educates people for political participation, as an expression of the whole civilizing vision of the modern society. It is the 'society of civility' (Shills 1991: 9) in the conduct of members towards each other. Today the context has become more important than the text, so also in the contemporary debate on civil society attempts are being made to bring the normative value base closer to its practical expression. So the concept is much more useful in present days, because it not only analyses the contemporary politics, but also has the capacity to inspire action.
In his structural definition: Perry Anderson (Anderson 1998) locates the sphere of civil society within the modern political discourse. That is necessarily the practical indicator, which marks the institutions and mechanisms outside the boundaries of the states. This is the arena of non-state institutions and practices which enjoy a high degree of autonomy. The contribution of John Keane through his two exploitations, 'Democracy and civil society' and 'civil society and the state', is a landmark in the field of political theory throughout these two volumes he maintains that the democratic approach in the revival of civil society is an integral part of 'Democratic socialism'. His attempt was to maintain balance between the state and non-state institutions. He cautions that the whole solution of the problem of democracy and social justice does not lie in the non-state sphere, rather in the institutions of civil society. He rather maintains that "both state and civil society must become the condition of each other's democratization." He writes: I am arguing that without a secure and independent civil society of autonomous public sphere, goals such as freedom and equality, participatory planning and community decision making will be nothing but empty slogans. Without the protective, redistributive and conflict mediating functions of the state, struggles to transform civil society will become ghettoized, divided stagnant. However, He contains that civil society can functions as a public sphere to check the powers of the state. Keith Tester commences his argument with the idea that "civil society' is the way of conceiving the possibility of society that is peculiar to the experience of modernity" (Tester 1992:7-9). He treated the voluntary associations and contractual arrangements as the source of human civilizations. He also believes that reflexivity is the condition of the society, where human subjects are able to separate the social from the natural world and act to shape their own lives, free from the tradition and authority.

More positively Michael Walzer contrasts civil society from the unrealistic conceptions of good life and forces a 'conflict free social order' (Walzer 1991:297). His civil society argument offers a peculiar type of good life where individuals have the capacity to freely associate, form and reform their attachments. Thus the civil society encompasses good life in details.

John Hall examines civil society in a different context based upon pluralist trends. He starts his argument with the social processes that support the structure of
civil society and vary immensely across the globe. The viability of civil society as an autonomous space permits a degree of harmonious social differentiation. It depends greatly on the kind of resources and conditions specific to the natural contexts.

Cohen and Arato located the concept of civil society within the contemporary debates in political theory, e.g. elite vs. participatory democracy; right oriented liberalism vs. communitarians, and the defense of welfare state vs. neoconservative antistatic. They developed the suggestions of Keane and Walzer into a normative theory of democratic legitimacy. The site of civil society constitutes the fruitful site for the cultivation of democratic communication. Thus it serves as the ‘basis of procedural attainment of a rational consensus’ (Keane and Arato 1993:2-3). Through which social norms can be democratically agreed. As Cohen and Arato (Cohen and Arato 1994) comments their argument:

“The current discourse of civil society focuses presently on new, generally non-class based forms of collective action oriented and linked to the legal, associational, and public institution of society, and thus we are convinced that the recent reemergence of civil society is at the heart a sea change in contemporary political culture.”

So the recent revival and development of the concept involved learning from the experiences of the transitions to democracy. The revival of civil society is not something that is due to the normative debates, instead the emerging social aspirations and conscious efforts forced if to get a secure and dominant place in the socio-political theories. With its long history and changing significance, the concept is presently posited at the heart of democracy and has been accepted as the basis of human governance.

1.3.a.Democracy and civil society:

The global preference for democracy represents the victory of popular pressure. Liberty and rights of the individual and their protection by the state through popular participation is the hallmark of democracy. The promotion of the individual rights and conditions for subjective freedom by associating the individual to the state is the defining feature of the civil society. so the civil society as an instrument of
democratization energizes the struggles for individual liberty and assists in the gradual transition to a more open and transparent polity.

The civility that makes the democratic politics possible can only be learned in the associational networks of civil society. Roughly Equal and a widely dispersed capability that sustains these networks have to be fostered by the democratic nature of the state. In defending this position Walzer says, “only a democratic state can create a democratic civil society and only a democratic civil society can sustain a democratic state” (Walzer 1991).

Political experiences in the 20th century compel us to respect pluralism in associational networks of civil society. Individual autonomy is the precondition for the pursuit of this pluralism and associational life. There is no need to be confused with the dilemma of the individual rights.

SOCIAL CAPITAL:

Tocqueville claims that the associational experience in civil society has an effect on the inner moral life of those who participate in it. Sense of fellow feeling, efficaciousness and capacity to trust and influence others develops among its members. It builds what James Coleman and Robert Putnam called “social capital” (Putnam and Coleman 1993:169). Putnam defines it:

‘Social capital here refers to as a feature of social organization such as trust, norms and networks that include the efficiency of society by facilitating coordinated action. It develops from historical experiences.”

Civil society is the realm of fragmentation and struggle but also of concrete and authentic solidarities that socializes the human beings. It shows the picture of people freely associating and communicating with one another forming and reforming groups of all sorts, not for the sake of any particular formation but for the sake of sociality itself. Has what we are by nature social beings before we are political or economic beings. Thus the greatest virtue of associational engagements lies in its inclusiveness, which is only possible in a civil society. The resource mobilization paradigm views social movements as the vehicle employed by socio-economically
marginalized groups interested insisting power structures. Civil rights, feminist and ecological movements and their goal having less the attainment of political power, than to influence the power structure. Hence all these movements are pragmatic instances of the influence of civil society on political society.

1.3.b. Civil society and development:

Towards the end of the twentieth century, Development theory was reoriented and role of civil society become central to it. It was realized that support for democracy and protection of basic human need are the pre-condition for sustainable development. Individual participation in decision-making in cultural, economic and finally political legal processes of the state in cooperation with the government has been recognized as an important factor. This new conception of development requires the cultivation of social and political consciousness and willing participation of citizens in the process of development. The participatory development has focused on decentralization and democratization and finally led to the promotion of civil society and its institutions. Empowerment of local actors [individuals and groups] is necessary for sustainable participation and civil society is the safest door to it.

Today human development is the key concept in the development theory. It broadens the development dialogue from a discussion of mere means of GNP growth to the discussion of ultimate ends individual. Thus it is as concerned with the generation of economic growth as with its distribution as concerned with basic needs as with the entire spectrum of human desire. The concept of human development draws its aspiration from the long term goals of society. Sustainability of human development describes the conditions for a healthy public life, where civil society is only one of several legitimate arenas of public action. So it 'weaves development around people, not people around development' (Ginther 1998:85).

1.3.c. Civil society and the state:

The distinction between public and private is central to liberal political theory. Accordingly, the public sphere is based on representative government and rule of law; its purpose is both to govern and to protect private sphere of individuals. The state has been treated as the public and political sphere, limited both in its scope and its functions. Private sphere is that of individual action contract and market exchange,
protected by and independent of the state. Thus the associations of civil society are private matters.

Last quarter of the twentieth century witnessed the loss of faith in the institutions of the state, and this led to the reconsideration of the earlier concept to the civil society. The new civil society exists as a source of authentically democratic social movement need to have a strong civil society does not demolish the state to legal constraints and public accountability. Civil society also cannot block against every aspect of state action, sometimes it needs to support the state in respect of social good. So both complimentary and countervailing tendency are necessary and appropriate at times for the state and the civil society, and ‘each has its justifiable extremes’. All theorists grant some degree of autonomy to both the sides of state-society dichotomy, and also warn that neither side should expect total autonomy but must act as the guardian of the other. The state lays down laws that set the diverse sphere of the society. The civil society also outlines its side by laying down limits on the actions of the state. Both are bound together by the constitution and tradition that stresses the obligation of each to the other as well as their rights vis-à-vis each other.

There are things, which the state can do, while there is other things which civil society can do. The civil society raises certain demands, but it requires the state to fulfill them. Luins Roniger reiterates the fact that civil society should be strengthened through the existence of the effective and accountable state structure. Unless the state upholds the rights of all persons as equal citizens and strengthens institutions that protect the rights of individual’s possible violations, civil society would remain extremely weak. Diverse views exist either to defend or object to the role of the state.

1.3. Components of civil society:

Conceptually, civil society refers to the social sphere that is neither private, in the sense of family life; nor public, in the sense of monopolization of the state. Practically, it exists in the associational structure of society in separation to the state apparatus. The organizational structure of civil society composes of voluntary associations, social movements, religious and cultural institutions, Informal groups and media. These represent the value of autonomy, solidarity, common responsibility in sharing the interests and concerns of the collective, if not for all. So civil society is
a sphere of common values, where balance between self-interest and common responsibility is advocated and demonstrated.

Though in the definition, civil society does not include the state, it presupposes its modern conceptualization, when it comes to prevail as the basis of democratization, it requires a distinct set of political institutions, that demand universal suffrage [equality with individual rights] rule of law [protection of rights and liberties], Representation [representation of public interests as the mirror of the society], Free press [free opinion, diverse ideas].

These are the primary institutions for civil society as they safeguard it against the state. But they cannot guarantee for its continuous existence. Therefore, the sustenance and furtherance of civil society is always determined by the social forces in conjunction with the political institutions.

FUNCTIONS:

Going by its focus on action orientation civil society is to be posited between the public and private spheres. As a sphere of action, it exists out of individuals, but stands autonomously as the representatives of collective interests that symbolizes the public interests. So civil society is the site of 'expressed politics' where individuals in association integrate with each other and receive values and opinions through deliberations and debates. Secondly, it is the site of 'negotiations, where the dialectic between the private and public are compromised. Thirdly, it creates the space where the state intervenes to shape public opinion and perceptions 'in order to create consent for its own policies. Fourthly it is treated as 'the economic forum' where the institutions of the market and the site for crucial social processes provide for a much needed vital context for production process. Fifthly, it is being treated as 'the political forum; where the domain of rights bearing individual brings into existence a political community that has the liberty to engage in debates and discussions about the internal arrangements of society. Thus the contest present for potential engagement in the political terrain in the transformation of the public sphere.
CLASSIFICATIONS:

The debates on this issue are prominent in recent days. It is difficult to deal with all the arguments here, as it varies from one to another. In a broader perspective they can be categorized into three schools of thought. They are:

1. Definition from left: They uphold this sphere can only be possible in a political community and within the democratic structure of the state, where citizens are freely engaged and fully committed decision-making members and economically represent a cooperative economy.

2. Capitalist definition: they argue, civil societies in the context to the market place, where individuals are consumers, who can choose amend a maximum number of options.

3. Nationalist definition: civil society should be within the framework of nation, where all individuals are loyal members and are bound to one another by ties of blood and history.

The existing structure of civil society varies according to their social realities, based on its role in democratizing attitude, civil society has been categorized into three types namely, democratic, mediating and elective civil society. Democratic civil society's primary business is to shape citizens with a sense of political efficacy and public deliberation on behalf of the common good. The problem with this is that it gives undue priority to political participation.

Mediating civil society tries to orient people towards the social network believed to inculcate civility, sociability and responsibility. The problem here is that enthusiasm for associational life eclipses the political and legal institutions necessary to sustain it. The elective civil society creates a climate for the ongoing formation of new association and for shifting involvements among them.

1.3.e. Religion and civil society

Andre Beteille mentions that in the civil society project, religion will not pass away or wither away. As he points out, religions deepest truths are not about this world but about the other world. Hegel did not view religion and its role in the civil
society project so seriously. He felt that if anything, it brings knowledge, and thus
caters to human ignorance. Moreover, he felt that religion located ultimate human
redemption in a life beyond this world. However the historical project of civil society
was to have its fulfillment on this earth.

Ernest Gellner offers a different explanation of the relationship between civil
society and religion. Drawing heavily from David Hume’s ‘Natural History of
Religion’ Gellner contends that Hume worked out sociology of religion, which was at
the same time, sociology of the emergence of liberty. In Hume’s formulation,
according to Gellner, there is a contrast in terms of one which opposes classical
religion—social, civic this worldly, communal, traditional, tolerant—to the world
religion which replaced it, which by contrast is egoistic, other worldly, doctrinal and
intolerant. His code for the former is ‘superstition’ and for the latter ‘enthusiasm’. He
further points out that the priests administering the rites of civil religion inculcate
civic virtues, and are not concerned with doctrinal orthodoxy, barely possessing any
doctrine or the means for fixing and codifying it. By contrast the zealots of individual
salvation through adherence to doctrine of the one hand, encourage their followers to
place the salvation of their own private souls above all else, and of the other, define
members of the community to the saved in terms of commitment to formally defined
conviction.

One more issue which needs to be addressed with regard to the relationship
between civil society and religion is that of Islam. This is of particular importance
because, some elements were found both in Christianity and Islam. Moreover, this is
so, as Michel Ignatiff points out that Gellner in his book conditions of liberty: civil
society and its rivals, considers Islam to be modern competitor of civil society. This is
because of its claim to offer shared moral vision which civil society lacks. In other
words Islam is an exceptionally effective response to the spiritual and practical needs
of a disoriented urban population in the throes of modernity. It offers the real world of
political and social life. However in Christian world modernity came along with
secularism whereas it did not happen in Islam. Now Gellner analyses the reason of
this in terms of the interaction of enthusiasts and superstitions. Gellner points out that
in Islam the enthusiast’s variants prevailed at the centre and the superstitious were at
the periphery and in lower levels of the hierarchs. Though sometimes conflict erupted
between the two, social factors eventually restored the balance and thus the circle

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repeated itself. Further he reasons that because circle repeated itself forever, Islam never broke out of the traditional world. However, with the coming of modern world and due the extraneous forces, the balance tilts in favor of urban centre [superstitions]. According to Gellner “this is the reason for civil society-secularization resistant nature of Islam”.

1.3.f. Civil society and citizenship:

Civil society, as mediating institutions, which lie conceptually between individual and state and citizenship and its practice, raises several questions. The first few are about mediating institutions. The questions like citizenship rights and citizenship practice, types of citizens and finally the relation between citizenship and civil society are important.

Moving on to mediating terms of its literal meaning, it means something which mediates. Not only in modern society marked by this kind of have institution, but they occurred in pre-modern society as well. An example of this could be caste system in India and kinship in all societies, where these mediating institutions were and exist, though in traditional society the character of mediating institutions was very different from those in modern societies. In other words, in traditional society intermediary / mediating institutions were hierarchical in nature and membership in it was based on inscriptive values. Whereas in modern societies, intermediary institutions are no more hierarchical, their membership is based on achievement. In non-democratic states, the need for mediating institutions was justified on the ground that the form of state and enormous power in comparison to the individual. So to put a counter check on state power, mediating institutions are needed. This is in line with Tocqueville view that mediating institutions acts as buffers which protect the individual against the unmitigated power of the state (Chandhoke 1995: 127).

According to Tocqueville, apart from acting as a check against the absolute power of the state, it is the prime ground for practice of political liberty and the democratization of power. For Hegel, even though it protected the individual, it can be argued that its emergence was not intended for protecting the individuals from the unmitigated power of the state, it relates individual to the state to each other and thus to the society.
Then come the question of mediating institution as non-state affairs. But then at one level mediating institutions of the state, at the same time it acts in furtherance of the goal of the state. So these institutions curb state powers but at the same time, it links individual to the state. But then the former aspect of mediating institutions is emphasized more than the latter. It is generally perceived that the emergence of mediating institution is along with state for acting as a check; though it can be argued that emergence of it was not intended for this reason.

But for contract theorists like Locke, Rousseau and even Hegel mediating institutions did not exist with democratic state. And in case it can be said that the aim of mediating institutions was to link citizens with the states, because in earlier forms of government people were not citizens but right bearing individual. Rights bearing individuals are those who have rights without those being granted or guaranteed by the constitution or by the state. Individuals are therefore bearer of natural rights. Natural rights constitute the right to property, liberty of movement etc. citizens are different from natural rights bearing individual, by having the rights guaranteed by constitution and state. For the protection of those rights there are various institutions like the courts, which the citizens can employ even against the state. Therefore it can be said that citizenship, democracy and intermediate institutions came at once. But the reliance of autonomous mediating institutions for civil society, poses problems for citizenship. Because, though mediating institution is necessary for civil society, it may act inimical to citizenship practice. This is because autonomy, as discussed earlier, lets off the state for performing its role for welfare in the interest to citizens. So what happens in that mediating institution pushes citizenship to the background. In other words, mediating institutions autonomy becomes opposed to citizenship i.e. national well being. But then question emerges: what is the relationship of citizenship with mediating institutions?

The relationship between civil society and citizenship exists since the conception of the idea of the society and state. Though individual was not a citizen but then he certainly was a right bearing individual. The connection of citizenship and civil society was not entirely lost. But it has certainly received attention on the post-welfare state era. So moving on to citizenship which has been defined by many, the most accepted and debated one is that of Marshall’s. He defines citizenship as a
‘status’ bestowed on those who are full members of a community (Marshall 1963:67-127). This includes civil, political and social rights. These rights are associated with particular institutional sphere.

In contrast to liberal individualism, citizenship in civic republicanism is not a status, but a practice or an activity. That is by acting and by public service; individuals demonstrate that they are citizens. Through this public service citizens define or establish a political community. So for civic republican line of thought individuals are not taken prior to society. They get their role of citizens in society along with the duties attached to it. Therefore, individuals don’t have sovereignty or moral priority. So claims may legitimately be made on their time, resources, because if only the community is sustained that the practice of citizenship is ensured and identity of individuals as citizen is preserved. So the relations and social bonds are not contractual.

Feminist scholars have tried to build a synthesis of these two conceptions of citizenship, taking account the strength of both traditions. In this conceptualization prime importance is given to human agency. In this form, citizenship participation represents an expression of human agency in the political arena; whereas citizenship rights enable people to act as agents. However, the rights of citizenship are not fixed, this remains the object of political struggle to defend, reinterpreted and extend them. So citizenship is a dynamic concept in which process and outcome stand in dialectical relationship to each other.

Apart from this conceptualization, Angus steward and B.S turner also conceptualized it. Now after analyzing these conceptions, it appears that those rights and practices in the modern world are for the protection of individuals from the ever enlarging powers of the state. Therefore, the relation of civil society and citizenship depends upon the kind of conception of civil society and corresponding conception of citizenship.

1.4. Multiculturalism and the role of civil society in Malaysia

Multiculturalism is not the mere presence of different communities or the attitude of tolerance in society. "Multiculturalism is concerned with equality: it asks
whether the different communities, living peacefully together, co-exist as equals in the public arena” (Mahajan 2002:63).

The emphasis on equality between different cultural groups distinguishes multiculturalism from pluralism. Unlike pluralism, which points to the amicable coexistence, of different cultures, multiculturalism makes a value statement. It asserts that the many cultural communities that are present in our society must live as equals in the public domain. Multiculturalism is not just tolerance. It says that in a democratic setup, all cultural communities must be entitled to equal status in the public domain.

Although pluralism is an old concept, multiculturalism as a coherent political theory with its distinct conception of democracy and citizenship has emerged only in the recent past. Perhaps the most distinguishing mark of these recent enunciations is that they question the idea of universal citizenship and speak instead of ‘differentiated citizenship’ with group differentiated rights.

With the rise of multiculturalism discourse, it was argued that the ‘melting pot theory’ had in fact, resulted in another form of inequality. By expecting the minorities to be assimilated through ‘blending’ or ‘cultural admixture’, in fact resulted in the suppression of the minorities. The idea of assimilation was aimed at creating a homogenous society where the state would not be seen differently from the nation. It was not realized that different nations in fact, cohabit in a state. This way nation and the ‘state’ were mistaken to be the one and the same thing. This eventually gave way to the dominance of the majority culture in the public realm of life. Political community is constituted of cultural communities (Dyke 1995, Kymlicka 1989, 1995) and the ‘difference-blind’ policies of the nation-state, which vowed to remain neutral among different conceptions of good life, pushed the minorities further to the margins.

Different scholars have tried to capture the essence of multiculturalism in their own way. To Raz, it is one of the three ways in which liberalism has tried to respond to the problems of diversity. The other two ways according to him were the ‘attitude of toleration’ and providing individuals with non-‘discrimination rights’ (Raz 1994).
Multiculturalism or 'liberal multiculturalism' as Raz calls it, aims at cultural and material prosperity in the industrial and post-industrial society and is, in fact, a condition for freedom and human dignity. He feels that multiculturalism is suitable in those societies in which there are several stable cultural communities both wishing and able to perpetuate themselves.

Chandhoke has treated multiculturalism with the collapse of grand vision - that of culturally homogenous state. She holds that it is an ‘umbrella concept’ which best captures culture, diversity, pluralism and politics of recognition and its presupposition being cultural diversity and valuing this diversity (Chandhoke 1999). Supporting the idea of cultural diversity, Carens has suggested application of the policy of ‘evenhandedness’ in the cultural affairs. (Carens 1999). To Bhikhu Parekh, ‘Central insight’ of multiculturalism is three. First human beings are seen as culturally embedded. They grow up and live within a culturally structured world and organize their lives and social relations in terms of a culturally derived system of meaning and significance. They are deeply shaped by it. Human beings are able to overcome only some of its influences and not all of it. They ‘necessarily view the world from within a culture, be it the one they have inherited and uncritically accepted or reflectively revised, or in rare cases one they have consciously adopted’ (Parekh 1999).

Secondly, different cultures are seen as representing different systems of meaning and vision of good life. Thirdly, every culture is internally plural and capable of interacting with other cultures (Parekh 1999).

1.4.a Primacy of Individual Rights in the Liberal Tradition

Democratic polity seeks to uphold equality in order to negate social differences of the past. Division of societies into different categories of castes, classes, races; religions and cultures have proved to be sources of discrimination and injustice.

The liberal tradition has stood against organization of societies along differences. Prevailing social differences is held to be the reason behind individual inequality. To overcome the injustices of the group based inequality, reorganization of communities was suggested. Advocates of liberal democratic polity held that a
‘neutral’ category should be applied, which would take care of social differences. A society to be liberal as well as democratic would be so organized as to ensure equality of individuals and at the same time to deny privileged treatment to erstwhile dominant groups. The liberal aspect would allow individuals to be ‘free’ to pursue their own ends and democracy would lead to ‘equality’. So, “a liberal democracy’s most basic commitment is to the freedom and equality of its individual citizens. This is reflected in constitutional bills of rights, which guarantee basic civil and political rights to all individuals, regardless of their group membership. Indeed, liberal democracy emerged in part as a reaction against the way that feudalism defined individual’s political rights and economic opportunities by their group membership” (Kymlicka 1995:35).

The liberal society has argued for and stood for equality and equal rights, as we have seen. Does it really provide with equality and equal rights to every individual? Equality of opportunity as Dworkin has talked about has prime place. Is it really available? Even if it is claimed that it is, does every individual enjoy it? Granting rights is one thing. Important is their enjoyment. Unless I enjoy what is given to me, the ‘given’ remains non-available.

Another important aspect is non-desired and unintended consequences of ideas and principles. Related to it are deficient results accruing out of the application of certain principles. Equality may be declared to all by the political community. Application of equal treatment has also to be taken care of. So, equality in principle has to be made consistent with enjoyment of equal treatment.

It has been emphasized in the multicultural discourse that liberalism has mainly concerned itself with the ‘liberal’ way of life. It has remained indifferent to, if not intolerant to diverse ways of lives. In its effort to maintain ‘neutrality’ among diverse ways of lives, it has in effect promoted a uniform way of life according to the principles of liberalism. Fairness principle has been allowed to be swayed away by the dominant ethos. It is being alleged that policies of the state best serve the interests of those who belong to the dominant group or the majority.

This has happened, according to multiculturalists, because treating individuals in their capacity alone has not amounted to equality. Only when diverse cultural
groups, which the individual is born into, treated with equal respect, real equality would be possible. The (traditional) liberal polity by giving primacy to individual life and her preferences has been unable to pay adequate attention to the ‘inequality’ resulting from the unequal capacities of diverse cultural groups. Task of the liberals, according to them, is to ensure inter-group equality so as to achieve substantial equality.

Multiculturalists have advocated for ‘group rights’ to achieve this end. The weak and vulnerable cultures should be preserved so that diverse ways of life can be preserved. In order to argue for minority rights, importance of diversity has been emphasized. In this process the position which ‘diversity’ and ‘cultures’ have been accorded to have been pointed out. Arguments for ‘diversity’ and minority rights in the multicultural discourse have its own limitations, as the way ‘individualists’ can be accused of ignoring community life, the same way multiculturalists can be seen giving inadequate attention to individual life. On the other hand, they can be seen making the democratic project richer by placing the rights of vulnerable categories in the forefront for debate. The point has been made that different approach may be applied to tackle the problem of inter-group equality and renegotiate the relationship between the groups at the margins and the dominant groups’ vis-à-vis the state. Their arguments have acquired increasing importance in the wake of rising ethnic conflicts and demands for secession by different ethnic groups.

Overlooking diversity meant exclusion of any other preference, which an individual can have, apart from those which the political community recognizes. It would consider only those aspects of lives which are common to all. If persons have opted for or born in a particular culture then it should form their private realm of life. Diverse views regarding ways of lives should not enter political arena. If they would have a bearing on political decisions, it might lead to conflicts. Besides, different claims of good life might be equally good in the eyes of their followers. If the state would try to prefer any one of them, it would amount to injustice.

The state would, thus, do right, if it remained neutral in not deciding ‘good’ for its citizens. This kind of state has been described by Sandel as ‘procedural’ republic (Sandel 1984:81-96).
Treating an individual in her capacity can be a necessary condition for the distribution of goods, Services and recognizing her worth as a human being. This is not a Sufficient Condition. For the treatment to give equality in result, Consideration of ‘Who’ has to be supplemented with ‘Where’. This means that for proper recognition that an individual has to be supplemented with where she has come from. Identity of an individual, this way, is her identity plus her background. The latter is formed by a dialogical process, that is groups vis-à-vis other groups and not monologically (Taylor 1994).

Not only individual is inseparable from her background, the latter is a valuable resource for her. Individuals shape their desires, tastes and options and aspirations in the background of their identity. Simply by considering individuals and ignoring their background identity would have an uneven effect. This can be seen the way groups placed at margins in the historical context found it hard to get proper recognition for them.

Individual dignity will have meaning seen only in the light of their respective cultural backgrounds. Her dignity is inseparably linked to her cultural background. An individual cannot be treated respectfully at the same time when her community or culture is either discriminated against or disrespected. Since the self can choose in her cultural background, the paradigm of equal treatment (Kymlicka 1989) needs to recognize difference based practices. The cultural background gives individual valuable insight to decide for them good and moral. The latter can be distinguished from bad and immoral only on the bases of what culture has taught them (Chandhoke 1999b, Kymlicka 1989, 1995). The politics of equal dignity, hence should give way to politics of difference. Along with universal human potential, ‘universal group potential’ should also be recognized.

It has been suggested by writers such as Kymlicka, Taylor, Parekh, Mahajan and Chandhoke among others that since group has been the basis of discrimination, the same should be taken as a category for equality of treatment. Different ways have been suggested in which this can be done. Different rights to different groups have been argued for.
1.4.b. Cultural Discrimination and Community Identity:

Multiculturalism begins with the understanding that liberal democracies have not been able to ensure equal citizenship for all their members. While they have by and large, included all communities by granting them equal rights to participate in the public and political domain, they have not been able to incorporate them as equals. Discrimination in other words, exists and takes many different forms within the nation-state. It is evident in the laws and the policies of the state as well as in the forms in which communities are represented in the public arena.

The historically advantaged position of the majority community is only one of the many sources of discrimination in contemporary liberal societies. On many occasions, it is the cultural policies and orientation of the nation-state that place minority community at a disadvantage theorists of multiculturalism maintain that most states, including western liberal democracies, have a majoritarian cultural bias, i.e., their policies and practices express the culture of the majority. The choice of official national language, declaration of public holidays, curriculum of educational institutions etc., all exhibit the culture of the majority. This cultural orientation of the nation-state places ethnic and cultural minorities at a disadvantage in the public arena, it even discriminates against them.

According to the multiculturalists, disadvantages of this kind that accrue from the prescription of norms in social and public sphere are reinforced by the nation-state through its policies on language and education. So, the theorists of multiculturalism question the presumed neutrality of the liberal democratic state. In their view, no state can be entirely neutral. Indeed “a morally neutral state, making no moral demands on its citizens and equally hospitable to all human choices, is logically impossible” (Parekh 1994:207).

A few theorists take the argument even further. They claim that liberal state cannot be neutral because it has a moral universe in which individual freedom and autonomy are values that trump all else (Mendus 1989:125). Hence it is not hospitable to all forms of life, or even all forms of diversity. Liberalism celebrates diversity but
only at the level of the individual. It values differences of tastes, opinions and lifestyles but is less accommodative towards differences of culture.

For the multiculturalists, liberal intolerance of cultural differences is a cause for concern because it disadvantages some forms of life. To quote Joseph Raz, there are “certain conceptions of good that are worthless and demeaning... political action may and should be taken to eradicate or at least curtail them” (Raz 1994:67-79). Not all votaries of multiculturalism share in this assessment of liberalism but they nevertheless accept that the policies of cultural homogenization are a major source of minority discrimination. Homogeneity promotes, in their view, assimilation. It encourages uniformity in social and public life and this tends to disadvantage minorities. The emphasis on uniformity obliterates group differences and at times does not even allow differences of form to exist within the public arena. Since uniformity works to the disadvantage of minority communities and often camouflages the dominant position of the majority culture within the nation. State, multiculturalism is deeply skeptical of the ideal of uniformity. Indeed it questions the very principle of formal equality or identical treatment, particularly because it eclipses differences. Within multiculturalism, the issue of cultural discrimination is coupled with the idea that community identities are constitutive of the self. Multiculturalism underlines the importance of collective identities in everyday life. Indeed it finds fault with liberalism for neglecting the cultural context of experience and action. Cultural discrimination, according to supporters of multiculturalism, remains unattended within liberalism because this framework imagines individuals as separate, atomized selves, delinked from their cultural context. It sees individual as autonomous persons whose moral agency lies in their ability to make choices. The notion of a freely choosing atomized self invariably ignores the constitutive dimension of personal identity.

The concept of individual self and the community of multicultural theory are greatly influenced by communitarianism. Both locate the individual in community; both cherish community membership and argue that the community forms the backdrop against which individuals give meaning to their lives. The idea that individuals are situated in specific communities, and that they approach their circumstances as bearers of particular social identity is endorsed by both multiculturalism and
Communitarianism sees individuals as being constituted by their communities. The notion of a constituted self entails two things: (i) collective community identity gives my life its moral particularity; (ii) as members of specific communities, individuals are defined by shared collective goals.

Several theorists of multiculturalism consciously dissociate themselves from this idea of a constituted self. They place the individual within her cultural community but in principle at least they accept the possibility of shared practices and collective goals being revised. According to Kymlicka, it “is not easy or enjoyable to revise one’s deepest ends, but it is possible and sometimes, and sometimes a regrettable necessity. New experiences and circumstances may reveal that our earlier beliefs about the good are mistaken ... No matter how confident we are about our ends at a particular moment, new circumstances and experiences may arise... that cause us to reevaluate them. There is no way to predict in advance when the need for such a reconsideration will arise” (Kymlicka 1995:91).

Multiculturalism is particularly wary of imagining the nation-state as a political community committed to shared conceptions of what is good and desirable. Against the communitarian vision of a nation state that is anchored in the politics of common good, multiculturalism aims to construct a nation state that can present and accommodate diverse conceptions of good life. They also question the very pursuit of common good at the level of the nation-state, though not always at the level of the community.

1.4.c. Multiculturalism and Group Rights:

Individuals are not born as atomized individuals. They are born into a particular cultural community. Culture this way is important, in the first instance, because they provide individuals with an identity. Individuals are identified as situated in the particular culture for the purposes of intra culture as well as inter-cultural interactions.
Secondly, the culture provides the individual with the background. This gives her the feeling of belongings or rootedness. It offers a sense of security to the individuals. If the culture is threatened, members feel insecure. Conversely, strong cultural background gives a sense of self-confidence to the individual. Thirdly, cultures provide the human beings with what Chandhoke says ‘evaluative resources’ (Chandhoke 1999:484). It helps making sense of the world. It provides cultural capital to think with. It helps understanding and interpreting the world. Fourthly, individual’s tastes, desires and choices are shaped in the background of her identity. The cultural practices tell her to choose from the available opportunities. This would be based on a conception of ‘good’ and ‘moral’ which the community has taught her.

Culture, this way is an important human necessity. The need for identity and culture is the basic need in the same sense as what Rawls feels about ‘primary goods’ for human beings (Chandhoke 1999). Group differentiated rights have been advocated not to bestow favour to minority cultures. They have been argued for to provide them with equal respect, best available to other cultures. They are the conditions necessary for their members to fulfill themselves. Secondly, cultures are one of the basic human needs, as suggested above, then they are equally valuable for all human beings, be they from the weak and the vulnerable community or from the dominant and the majority. Background to the individual is given in the first instance, forming an identity as an individual act can take place only at a later date. So, the possibility of choosing a culture is limited for her. It is due to this reason that weak cultures should be protected from dying out through ‘benevolent neglect’. This can be done through the measure of minority rights. Otherwise ‘varieties’ of good life will vanish and we would have what Parekh has called ‘uniform mass culture’.

Thirdly, the functioning of the liberal democratic polity often reflects the dominant ethos. These are generally related to the culture of the majority. Fourthly, every culture has been seen in a particular context. They are valuable. To the members, but they are not complete in themselves. At the same time every culture may have something valuable which might prove equally valuable for other cultures as well. Fifthly, and it is related to the preceding argument, by preserving a culture, a way of life is preserved. Certain aspects of the weak culture can come in handy if the dominant ways of life have either been found insufficient or they have been exhausted. They are this way ‘savings’ on which in times of emergency can be fallen back upon. Sixthly, minorities have their
own way of conducting affairs related to language, education, land use and other cultural practices. The functioning of the liberal democratic state has run counter to those of minorities in these matters. They have often resulted in devaluation and disintegration of minorities. Seven, many cultures were assimilated involuntarily into certain political boundaries. That they did not choose to be assimilated but were made to be, entitles them to observe and preserve certain ways of life. Had they not been assimilated to the dominant way, they would have been fully free to conduct their affairs. Eight, the law would recognize certain reasonable group practices through minority rights. Lastly, minority rights help recognizing certain community based practices, symbols and meanings. This makes understanding or individual’s behaviour from a minority community easier and sympathetic.

Requirements of different groups are different. So are their demands. Any single criterion for the rights of the minority culture would be insufficient in itself. The nature of the minorities, their position vis-à-vis the dominant culture and the state and their needs are the important considerations for the advocacy of such rights. All these things are also have to be balanced against the bearing they shall have over the society and the polity as a whole.

The most important outcome of the rights of the minority culture would be the ‘effect’ it will have on the life of the individual members. Minorities would expect their members to be what their group wants them to be and not what the state wants them to become. Primary of the claims of the community over that of individuals can not be a remote possibility. Individual’s claim may even be suppressed. Identity, choices, tastes and desires might become groups’ prerogative alone. This way suppression of individual rights and sacrificing individual’s interest for that of the community can be perceived as the ‘unintended’ consequences of group rights. Various questions have been raised in this connection. Would it mean treating groups more sacred? Would individual’s importance be minimized? Would the group suppress individual’s right in order to preserve its identity and cohesiveness? Now we need to see these and various other related questions.

If we argue in favour of ‘Group Rights’, that raises certain questions too. Liberals point out that individuals do in fact pursue certain goods collectively what is
not accepted as desirable is the good of the ‘community’ should be concurrent with
the good of the individual to put it another way, the community may have certain
conceptions of good life but the individual may not consider it good for her as well.
The point made is, by granting collective rights, would the groups acquire personality
of their own? By seeing the groups as right-bearing entities, are we going to treat the
group more sacred? Although Kymlicka tries to address the concerns of the liberals,
but he is not able to satisfy them.

Further, the rights of the minority culture have been questioned both on
philosophical grounds as well as the utility it would have for the members. The first
point made in this context is regarding the identity of the individual. Individual’s
identity is not chosen. She is born into that. An individual has ‘identities’. Sometimes,
it becomes difficult to decide what identity should be taken into consideration for
political Judgments (Horowitz 1985). At some point of time the individual can decide
to acquire completely different identity.

Kymlicka has argued that individual needs culture to ‘exercise meaningful
choice’. Individual becomes free to choose from a range of options only due to her
cultural heritage. It is according to him, within the culture that through ‘examples’
and ‘stories’ we come to learn the kind of life it is possible to lead and to distinguish
meaningful from the meaningless. Culture is important this day’ because they provide
the context of choice (Kymlicka 1991).

We can argue that the above argument has limited acceptability and by citing
examples from different cultures it can be shown that not every culture allows
exercising freedom of choice. This way we intend to see the individual vis-à-vis the
cultural community. The importance of the process of socialization cannot be and
should not be denied. Culture does play a role as context of socializing. But the same
role is also played by the family, the church, the school and other associations, of
which individual is a member. To say that culture alone shapes the desire, tastes and
aspirations of the individual is to stretch the point too far.
Some critics point out that, the groups should be right bearing entity also raises the
tendency of inviolability among the groups.
1.4.d. Special Rights, not Group Rights:

In response to the above criticism, multiculturalists say that multiculturalism does not empower communities or restrict the freedom of internal members. Kymlicka adopts a twofold strategy. On the one hand, he makes a distinction between two kinds of community rights: those that protect a culture against external pressure and those that stifle internal dissent. On the other hand, he justifies rights for only a 'few' 'national' minorities. Kymlicka posits a distinction between two kinds of community rights—group rights and special rights. The former are given to communities independent of the rights of individuals who constitute them. The latter are 'owed to people as members of a particular community rather than as being universal and owed to all people as human beings. By this reasoning, special rights address the issue of inter-group relations and organizations granted to check the imbalance that exist in the cultural marketplace. Group rights refer to intra group relations and can be a means of strengthening the community against the decisions that come from within.

Special rights are intended to protect the survival of a community in a hostile environment dominated by the majority. Consequently, Kymlicka maintains that they serve the interest of promoting equality and pose no danger to individual rights and freedom.

1.4.e. Citizenship and Group Differentiated Rights:

Setting aside the ideal of universal citizenship with identical rights for all persons, multiculturalism claims that a system of group differentiated rights is needed for ensuring equal citizenship. At the most general level, differentiated citizenship implies that people should be included not merely as citizens but also as members of communities and those diverse categories of citizens be brought into the state by extending special and different rights to them. These claims challenge our most deeply ingrained idea of justice and fairness as well as the dominant thinking within democratic theory. One needs, therefore, to take a closer look at the notion of citizenship and rights that is articulated within the framework of differentiated citizenship.

From the point of view of multiculturalism, a major problem with the idea of universal citizenship is that it speaks only of individuals as citizens. It recognizes only
one membership: namely, of the state and dismisses all other affiliations and loyalties. As a consequence, it makes no attempt to accommodate the latter. According to the "multiculturalists, this unitary model of citizenship is endorsed in the liberal tradition as well as the republican tradition (Carens 2000:484).

Besides ignoring the existence of multiple loyalties, the idea of universal citizenship assumes the presence of a homogenous public, for advocates of differentiated citizenship; it judges everyone, even those belonging to different cultural contexts and endorsing different values and wage of life- by the same rules and standards. Multiculturalism advocates a heterogeneous public culture. It pursues this ideal through the framework of differentiated citizenship. The latter begins with the understanding that people have multiple identities and overlapping loyalties. The identity of a person as a citizen is only one of the many identities. More importantly, the presence of these other community identities does not weaken or threaten his or her identity as a citizen. Besides, individuals often carry their cultural identities into the public domain.

1.5. Observation

It has long been acknowledged that the development of a middle class civil society in Malaysia has driven the emergence of a new form of political organisation that eschews the traditionally ethnic basis of mainstream politics. More recently, scholars have also argued that the state itself is attempting to reduce the overtly ethnic form of politics in the country, moving from a 'discourse of ethnicism' to one of 'developmentalism'. However, despite these convergent - although not necessarily cooperative - attempts to de-ethnicize Malaysian politics, ethnicity remains the dominant political 'masterframe'. This thesis presents an explanation of this apparent paradox by arguing that whilst the discourse of politics in both civil society and the state has become less ethnic, the processes of political mobilization - in terms of both the 'normal' channels of electoral mobilization and the structures of protest mobilisation - remain rooted in ethnicity. This is particularly evident at times of regime crisis, when contenders to the state are most able to press their claims, but when the overwhelming imperative to mobilize means falling back on ethnically-determined networks and frames. The argument is also illustrated through a careful examination of the Islamic movement. The political ambitions of the movement led to
some kind of suspicion among the non- Malays. Whilst ethnicity in Malaysia and elsewhere is a 'constructed' phenomenon, it is not so easily 'deconstructed'. Institutional arrangements - both in the state and civil society - can perpetuate ethnic politics, even when the concomitant discourse is absent or reduced. From a policy perspective, this suggests that governments wishing to reduce the political salience of ethnicity must ensure an institutional framework that opens avenues of political protest for people to express their grievances without falling back on ethnic forms of association. At a time when scholars are increasingly arguing that the introduction of democracy in ethnically-divided societies can worsen social tensions, this conclusion reasserts the potential role of substantive democracy in overcoming ethnic divisions. Most importantly this thesis probes in to the rights enjoyed by the non Malays in Malaysian civil society by elaborating the historical cultural settings of the non Malays and the nation building process of Malaysia.
**Important Referred Works:**


Parekh, Bhikhu (1999), "What is Multiculturalism", *Seminar*, 1999, 484.


