Ideological-Structural Analysis of External Influences on Current Human Rights Discourses in Malaysia

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ABSTRACT

In Malaysia the government of Prime Minister Dr. Mahathir Mohamad and members of the country's opposition are currently engaged in a lively debate concerning basic human rights (HR). Major players in the contestation of the State's HR policies are political leaders and Reformasi *activists, as well as several HR-oriented NGOs. The present paper aims to present an analytical tool–the Ideological-Structural Analysis–which asks questions concerning the nature of culture, values, belief systems and the underlying ideology binding human societies together. Having examined the nature of cultural communities, it then attempts to assess how and to what extent outside human rights discourses might serve as a catalyst for current activism found in Malaysia.*

Keywords: human rights, ideological-structural analysis, activism, Malaysia

ABSTRAK

Di Malaysia, kerajaan pimpinan Dr Mahathir Mohamad dan ahli parti-parti pembangkang sedang terlibat dalam suatu perdebatan hangat mengenai hak asasi manusia. Pelaku-pelaku utama yang mempersoalkan dasar hak asasi manusia pemerintah terdiri daripada pemimpin politik dan aktivis Reformasi, di samping mereka daripada kalangan NGO yang berorientasikan hak asasi manusia. Makalah ini bertujuan mengemukakan suatu alat analisis yang dipanggil Analisis Struktural-Ideologikal, yang meneliti soalan-soalan mengenai sifat budaya, nilai, sistem kepercayaan dan ideologi yang mendasar yang mengikat masyarakat manusia. Setelah meneliti sifat komuniti budaya, makalah ini kemudian cuba menilai bagaimana dan setakat mana wacana hak asasi manusia dari luar mungkin menjadi mangkin bagi aktivisime yang terdapat di Malaysia kini.

Kata kunci: hak manusia, analisis struktural-ideologikal, aktivisme, Malaysia

INTRODUCTION

The Malaysian State has long maintained that it is necessary to curtail certain civil and political rights in order to achieve economic development, implicitly prioritising one set of rights (economic and social well being) over others (freedom of speech, association, assembly, etc.). The logic behind this position lies in the assumption that social and economic well being are prerequisites to the enjoyment of civil and political rights, or 'citizens' rights' in a democracy (Saliha & López C. 2001). Prime Minister, Dr. Mahathir Mohamad, a major proponent of the Asian Values discourse, has expressed the following concerning the imposition of Western Human Rights narratives around the world:

The West's interpretation of Human Rights is that every individual can do what he likes, free from any restraint by governments... Governments, according to liberal democrats, cannot in any way act against the personal wishes of the individual in society. The result is perhaps not quite what the original liberal democrats expected. Individuals soon decided that they should break every rule and code governing their society. Beginning with simple things like dress codes, they went on to discard marriage as an institution. Extramarital sex became the norm. The family was redefined to mean cohabitation between a man and a woman, with frequent changes of partners, or between a man and a man or woman and woman. Children were begotten without known fathers, which in time will lead to incest between brothers and sisters and even father and daughter or mother and son. But then incest to them is not wrong either, if that is what is desired by the individual. Hedonism and total immorality are the norms of absolute freedom for one and all. Yet women dressed and behaving provocatively object to being sexually harassed...

But it is with regard to freedom from oppression and brutality that Western hypocrisy is at its worst. Western governments, their media and their NGOs, are tireless in their condemnation of non-Western countries for their human rights records. They threaten sanctions, withdrawal of aid, stoppage of loans, economic and trade union boycotts and actual military strikes against those they accuse of violating human rights (in Chandra 1996: 9).

In a speech to the *Forty-Eighth Session of the United Nations General Assembly*, the Prime Minister stated:

Many countries like Malaysia were smeared ... for allegedly refusing to accept the universality of human rights. We do subscribe to the universality of human rights, but not to the irresponsible variety propounded by the West. Human rights are not a license to do anything without regard to the rights of others. The rights of the majority are just as valid as the rights of the minority or the individual. A society has a right to protect itself from the unbridled exercise of rights by individuals or a minority, which in the West, has contributed to the collapse of morality and the structure of human society... We also hope you accept that freedom from poverty and the wish to develop are also essential elements of human rights... A statement in the UN Assembly is not going to change the world. But there is really nowhere else that the woes of the Third World can be aired. Not to air them is to encourage the kind of supercilious arrogance on the part of those who are

most responsible, and yet still presume to extol their own virtues and preach to others (in Hashim 2000: 74).

These, and other statements may sum up official reasoning concerning why the State must, for the moral good of society, limit the rights of individuals and small groups who engage in the unbridled exercise of their own rights, thereby compromising the rights of other Malaysians.

Meanwhile, members of opposition parties, *Reformasi* activists and HR-oriented NGOs are currently leading a widely supported movement in CS which contests the State's systematic handling of HR issues. These groups are exerting their civil and political rights, all the while contesting State hegemony in an effort to ensure basic rights ranging from socioeconomic well being, independence of the judiciary, freedom from arbitrary detention and police brutality, among others. On 14th April 2001, *Reformasi* activists presented the *People's Memorandum to the Human Rights Commission* to SUHAKAM[1], asking for the guarantee of freedom of speech; assembly; press; independent judiciary; socio-economic rights of the marginalised; the elimination of racial discrimination; the abolition of tyrannical laws [i.e. Internal-Security Act and Emergency Ordinance, Official Secrets Act, Sedition Act, Police Act, Printing Presses and Publications Act, Trade Union Act, Universities and University Colleges Act]; the ratification of international HR conventions; the investigation of corruption, cronyism and nepotism; and the investigation of police incompetence (*Malaysia Kini* 14 April 2001).

Interestingly, official response to the opposition's announcement of its plan to present the document to SUHAKAM, was that the State promptly arrested seven opposition leaders under the Internal Security Act. Initially, justification for the arrests was that these individuals were planning for the 'armed and violent overthrow of the government' on April 14 2001 – the day the Memorandum was to be presented to SUHAKAM. In addition, some of the detained had purportedly gone abroad to recruit foreigners to take part in the violent demonstrations to be held that day (*New Straits Times* 12 April 2001). Over the following days, as no evidence was made public of any of the alleged crimes, press statements heralded the wisdom of the State's pre-emptive moves, which had been crucial in aborting the violent overthrow of the government.

Curiously, one of the major demands of the opposition movement calls for the repeal of the Internal Security Act (ISA), deeming it a violation of human rights for the government to jail citizens' without charge nor trial. Government use of precisely the ISA on those calling for respect to HR provided a case in point for the demands expressed in the *People's Memorandum.*

What is actually happening here? Is it that the 'plotters of the violent overthrow of the government' have been permeated by the irresponsible HR understandings propounded by the West? Are there legitimate claims to be found in the *People's Memorandum* to SUHAKAM? Is the opposition being manipulated by foreign interests who induce them to topple the present regime?

CONTEXTUALISATION

Official positions on HR are often depicted by the powerholders and local media in the following manner:

A State finds itself interacting within the milieu of the present-day global paradigm (GP). National authorities reflect a concern that the traditional structures and beliefs binding society together are threatened by a 'cultural' incursion from the power centres of the global system, which is viewed as being highly individualistic, secular and amoral (Hassan 1999). Global HR accords, such as the United Nations' Universal Declaration of Human Rights (UDHR), are considered to be ideological spearheads for the penetration of Western values and consumption patterns into the national belief system and way of life. In short, the country finds morality and socio-cultural traditions threatened by the incursion of the GP's values constructions within its national boundaries. The incursion of GP messages threatens to disrupt the existing social order, and subvert traditions, values and beliefs held as sacred for so long (Latapí 1994; Barcia 1994; Chapa Granados 1994; Orozco 1994).

In many respects this seems to describe the scenario faced by the Malaysian State concerning global HR discourses entering local spaces. Yet, from the perspective of the opposition, the picture concerning national HR may look somewhat different. This paper aims, not to provide a case study of globally-induced shift in Malaysian HR narratives; but instead to put forth an analytical tool useful for examining the manner and the nature of this shift, induced partly by the incursion of global HR narratives into Malaysian CS. In order to examine how the UDHR-based HR articulation[2] impacts on local cultural traditions and values, it may be useful to look *within* the contrasting HR rhetoric of the Malaysian State and that of the *Reformasi* movement to examine how both are structured and organised.

ANALYTICAL FRAMEWORK: IDEOLOGICAL-STRUCTURAL ANALYSIS

In the context of global HR narratives penetrating into Malaysian society, the Ideological-Structural Analysis (I-SA), (López 1997), begins by examining the nature and the dynamics of the cultural collectives possibly impacted by the said incursion. The focal point for I-S Analysis is known as the *critical juncture*, where two or more agents (human or non-human) meet and interact in a communicative situation. Thus, any point of contact among diverse actors becomes a point of critical juncture and therefore, may be analysed using the I-SA lenses. In the present study, the agents are 1) the Malaysian State and, 2) *Reformasi* and other CS actors contesting the State's HR policies. The I-SA aims to detect what these actors bring to the critical juncture inherent *within* themselves–in terms of values, understandings, world knowledge, etc., concerning basic HR. SUHAKAM is situated within the critical juncture as it is, at once, a creation of the State, and

the recipient of CS grievances concerning HR cases. To understand how the analysis is to be applied, it would serve to explain some of the major constructs and assumptions upon which this analytical framework rests.

TERMS, ASSUMPTIONS AND CONSTRUCTS

The term 'Western Human Rights Narratives', in this case, refers to the United Nations UDHR, to pressures exerted on the Malaysian State by foreign governments, and to international NGOs' HR narratives and activities. The Ideological-Structural Analysis begins its examination of the diverse positions on HR with the assumption that human beings carry around great stores of information within ourselves through which we will filter and evaluate life's experiences. These internal filters, which link cognitive and affective responses, tend to systematise the manner in which we, as products of a socio-cultural community, will sort out and give interpretation to information received through media, religious institutions and other sources of input. The I-SA posits that the *critical juncture*–where the HR narrative of the State meets with that of the opposition–

State

- Asian Values
- Economic Development
- Foreign Investment
- Stability
- NEP
- Ethnic and Religious Issues
- Need for Regime Maintanence
- Etc.

People's Memorandum
* Free...
Speech, Assembly, Press, Judiciary
* Socio-Economic Rights
* Racism
* International HR Covenants
* Cronysim, Nepotism, Corruption
* Police Competence
* Restrictive Laws
SUHAKAM

HR Actors

- Justice
- NEP
- Anwar Ibrahim Case
- Human Rights NGOs
- Ethic and Religious Issues
- Sense of Marginali- sation
- Disenehantment with Regime
- Etc.

Global Human Rights Narratives

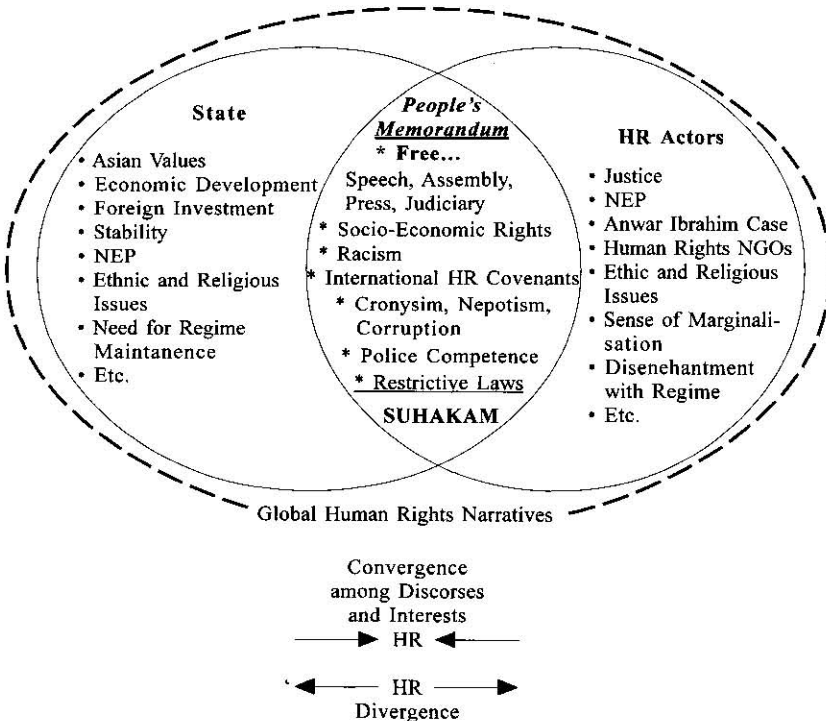Convergence among Discorses and Interests
⟶ HR ◄──
'◄── HR ⟶
Divergence

FIGURE 1. Ideological-Structural analysis of human rights dicourses

does not truly constitute the starting point from which the interpretation of incoming messages will occur. Instead, it asks what State and CS actors may bring to the critical juncture *within themselves*, i.e. values, world view, interests, etc., which will affect how HR messages are interpreted and internalised. It further aims to examine the same type of content–implicit values and world view– which may be found in the different HR narratives.

CIVILIZATIONAL PARADIGMS

The term 'civilizational paradigm' refers to the historical belief system to which a cultural community traces its roots. These paradigms are often tied to a particular history and religious heritage, which may form the foundation for the collective ways of knowing, interpreting and valuing which are shared within a community. In the case of Malaysia, general reference may be made to the traditions commonly found within the national populace, which are the Muslim, the Buddhist-Confucianist, the Hindu and the Christian civilizational paradigms. Discourse concerning HR coming from the Western Enlightenment tradition may be viewed in broadly different terms from the perspectives of the diverse civiliza- tional paradigms. As the present analysis proceeds to examine contestation between State and CS HR narratives found in Malaysia, it aims to be mindful of the role played by underlying civilizational paradigms in the interpretation and valua- tion of what constitutes HR, and how they should be exercised and protected.

WORLD VIEW

The term 'worldview' refers to an overarching conception of how the things of life are understood. Worldviews vary from culture to culture, nation to nation, tradition to tradition. Our worldviews are structured on socially-constructed systems of values, meaning interpretation and understanding, which find com- mon threads within the cultural community in which the person is socialised. In the Malaysian context we find a diverse range of worldviews due partially to the ethno-demographic makeup of the populace, as well as to the Western paradigm permeating today's globalised world system. Of major interest in the present reflection is the question of how the relationship between 'the rulers' and 'the ruled' is understood from the diverse worldviews–arising from the different civilizational paradigms of actors involved with HR discourses in Malaysia.

IDEOLOGY

What constitutes the power of the idea? Ideas, or ideologies, are not tangible structures; yet they have the power to set parameters around people's under-

standing and interpretation of phenomena encountered in day to day experiences. Only when we have attempted to understand how the sharing of ideas/ideology has the enormous power to hold people together within human groupings, may we begin to address the question of how the incursion of ideas from outside-such as through global HR documents, international NGOs, and foreign governments-has the power to cause change and shift within existing cultural, societal, and national paradigms.

For the purpose of this paper, ideology is understood as a set of beliefs or reality constructions shared by members of a group, polity or culture, largely structuring the individual and collective worldview. The dominant ideology found within a given system is traditionally based upon the values, attitudes and beliefs of the group/s holding power, in this case the State. Ideologies and 'truths' are internalised by a critical mass of individuals and are considered by the I-SA as being subjective and varying from culture to culture, or group to group. In addition, ideology and truth constructions are dynamic, meaning that they change over time through exposure to the belief systems of different instances of power, i.e. the Malaysian State, the United Nations, inter/national NGOs, and other purveyors of 'truth' (López 1997).

Michael Apple (1990) defines ideology as a system of ideas, beliefs, fundamental commitments or values about social reality. *Ideology, then, has to do with the legitimisation of actions, values and beliefs placed on society, forming a part of the structuring mechanism which holds it together.* It serves for...

...the justification of [State] action and its social acceptance. This holds whether the writer speaks of rationalisation of vested interests, attempts to 'maintain a particular societal role', or justificatory, apologetic...activity concerned with the establishment and defence of patterns of belief. When basic assumptions underlying a social arrangement seem to be seriously challenged, the resulting need for legitimisation may well take the form of concern for the sacred... Ideology [often] seeks to sanctify existence by bringing it under the domination of the ultimately 'right' principles.[3] (Apple 1990: 23)

In this light, the contestation currently witnessed between the State and it challengers may be partially due to differences in what each side considers to be the 'the ultimately rights principles', as understood through their diverging HR narratives. In today's globalised world, powerholders find it increasingly difficult to unify citizens under an official ideology, as people are constantly exposed to a broad range of ideas through contact with narratives other than the official line.

STRUCTURES

Human beings group into collectives of different types, such as ethnic, linguistic and/or religious groups, families, nations states, non-governmental organisations, political parties, regional blocs, etc. Structures are the commonal-

ties which bind them together into the groupings and provide the basis for common ways of interpreting life experience and of interacting. For example, religious codes and social norms provide structures through which people interpret phenomena, as well as setting guidelines shared by the community for what are deemed as appropriate behaviours. Other structuring mechanisms for human groupings are culture, language, ritual, common history, familial ties, etc. These structures are found outside the individual-held by the social grouping-and are imprinted internally within memory store to evoke both cognitive and affective responses to life experiences (López 1990). Structures-both held by the collective and holding the collective together-are carried around *within* each individual and will inform how they view, interpret and interact with the world around them.

The internalised interpretative lenses are held largely below the level of consciousness as long as stimuli in the external environment do not challenge the way in which "understanding" is structured. It often takes an affective response to something which falls outside the parameters of understanding, or our sense of justice, to begin seeing how our individual and collective interpretive structures are organised (Rokeach 1969).

A major factor which gave rise to growing CS consciousness concerning HR was widespread shock at the 1998 sacking of Dato' Seri Anwar Ibrahim, the accusations levelled against him, and the ensuing trials. As many people's internalised sense of justice was violated, they became more conscious of what, for them, constitutes justice-injustice; said awareness lead many to take a critical look at the existing governing apparatus and its policies toward citizens.

When receiving information from outside the community or the collectives where our world views are structured, we often find phenomena which challenge our implicit ways of knowing, thus providing rich opportunities for increasing awareness of what binds our own individual and community understandings together. According to historians and proponents of Asian Values, Malaysians have a long tradition of deference to authority, thus promoting a political culture of relative passivity and acceptance of State power. How is it then that *Reformasi* actors and others are engaging in an open challenge to the State concerning HR? Might these actors have become politicised through exposure to the anti-values of the West? Could there be other internal reasons for engaging in this type of contestation?

MEMORY STORES OF KNOWLEDGE AND WORLD VIEW

The nature of memory store in the human mind lends itself to simplistic, overgeneralised interpretations of that for which we lack detailed first hand knowledge. The shaping of human understanding quite literally leaves a complex network of imprints in the brain. How? One of the ways in which our interpretive filters are stored in memory is through schema and scripts which, when

activated by exposure to external stimuli, bring these mental representations to the fore in order to provide parameters of understanding of the phenomena currently faced by the person or group. The content or information held within schema and scripts (mental representations) activated by the external situation creates lenses (structures of interpretation) which lend themselves to a particular interpretation of events as filtered through the mind's activated semantic networks (López 1990). The structuring of these networks in terms of how they tend to filter interpretative and affective responses to external stimuli, depends largely on collective understandings held in the community where the perceiver has been immersed.

Figure 2 provides a simple representation of how schema concerning the role of the State may be held in permanent memory stores. Most often, we are unaware of our schematic knowledge concerning, for example, understandings-expectations of State structures, obligations and behaviours *until* our unconscious notions of appropriateness have been violated. It is the shock at this violation of implicit understandings which triggers growth in consciousness, critical examination, and evaluation of the *status quo*. In some people, this leads to disenchantment and goes no further. In others, it may lead to politicisation and outright resistance to the perceived source of the violation.

When expectations delimited by semantic and affective schema are violated, people experience what is known as an 'alarm' response, calling conscious attention to the act which crossed the boundaries of expectation. The
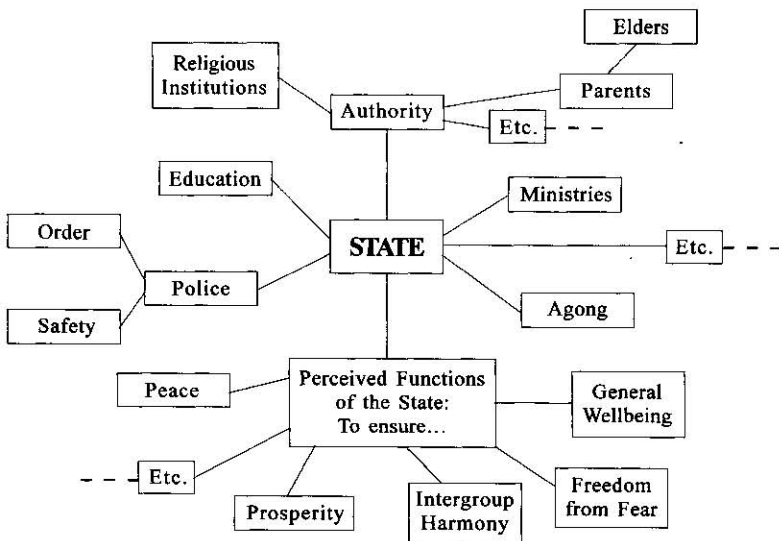

FIGURE 2. Mental schema: Internalised information store concerning the role of the state

range of interpretations arising depends largely on the affective and values links held by the perceiver in world knowledge store. The alarm response is not necessarily negative. It may be interpreted in a positive manner; it may cause confusion or ambiguity in the perceiver, or it may give rise to feelings of offence, anger, etc., particularly if taboos, norms, or the sense of justice are felt to have been violated (López 1990). Conversely, those messages and images which can be accommodated within the viewer's schema without causing an alarm response may be internalised below the level of consciousness, thus expanding the store of information attached to that particular schema. Those members of CS whose interpretive schema are not violated – for example, by the recent ISA detentions of opposition leaders – will not experience alarm response. They will tend to accept and possibly condone State action. However, those who find the detentions to be outside their parameters of acceptable State behaviour toward its citizens will experience the alarm response. This gives rise to a sense of injustice and indignation. Once awakened, alarm response will cause reflection concerning the perceived abuse, leading to increased consciousness about HR. While some go to the extent of engaging in active contestation, a silent majority of the 'alarmed' will consciously reflect, and begin to discuss the issues which gave rise to the sense of injustice, or alarm. This invariably affects CS' perceptions of the structures of authority, over time setting in motion a dynamic of change.

CULTURE

Cultures are essentially common ways of thinking and doing which develop historically because of somewhat isolated in-group communication (Littlejohn 1992). They differ among others due to less contact between cultures than within cultures. In the globalising world, exposure to hegemonic cultural narratives has set off a tendency toward greater similarity across cultures. The UDHR as the dominant global HR narrative has linked certain segments of CS around the world in a shared understanding of basic rights. Conversely, its hegemonic presence has set off a rejectionist response from certain quarters as well. Still other actors – such as many non-core nation states – can be found somewhere in the middle, embracing certain aspects of the UDHR, adapting others to the local milieu, and rejecting still others.

National or sub-national societies consist of connected groups that cluster together according to common history, beliefs, values and behaviour. Groups vary to the extent to which they share common ideas (Kincaid 1987). Culture is then a shared set of interpretations and rituals, constituting a major structuring mechanism around which human communities group. Constructs such as *shared history, religion, political understanding, values* and *general ways of knowing* are some of the ideological threads holding cultures together. This is not to say that culture is monolithic; instead, it is viewed as the set of commonalties

binding a particular societal group together. Cultural structures are dynamic in as much as there is not a complete homogeneity within cultures; those members or subgroups who do not entirely fit within the structures (i.e. dissenters, minority groups) of the cultural belief system, may act as agents of change as their differences serve as a catalyst through which the culture experiences shift and flux as it aims to continue unifying the grouping (Gramsci in Manacorda 1981). The post-independence Malaysian State has long had to balance the needs and interests of the diverse cultural groups comprising national society. It has made attempts to engineer a national culture, *Bangsa Malaysia*, which has not entirely succeeded, given political, historical, religious and other differences among groups. A major concern expressed by the State is that it must maintain harmony among the rich composite of cultures comprising national CS. The overarching imperative for harmony and stability is said to be the reason for the continuing existence of the restrictive laws currently being contested by HR actors.

In addition to internal agents of change impacting on the dynamics of cultural life, there are also outside catalysts which exert pressure for the culture to shift, accommodate and adapt. In this case, the global HR narrative expressed in the UDHR, international HR-oriented NGOs, and foreign governments which exert pressure on the State are the primary external catalysts impacting on national HR narratives. The State finds itself 'sandwiched' between the global and local HR actors which exert pressure on it, both from above and below.

Henry Giroux (1981) views culture as being embedded in the dynamics of class, power and conflict. He argues that the distinction between 'power' and 'culture' is false. His politicised notion of culture includes the dialectical character of the relationship between ideology and the socioeconomic system. Culture, then, is more than an expression of shared experiences forged within the social and economic spheres of a given society; it is a complex realm of contending experiences mediated by power and struggle, and rooted in the structural opposition between the more and the less powerful – here, between the State and those struggling for changes in national HR observance. In the imposition of culture, power is used unequally to produce different meanings and practices, which reproduces a particular kind of society that functions in the interest of the dominant classes. This concept applies to both national culture and the 'culture' of the Neo-liberal paradigm being perpetuated around the world (Giroux in López 1997). This understanding of culture as a structure of power relations may shed light on State concern about global HR narratives entering into local spaces. States typically act as ideological hegemons over their national populace. However, the power of the global hegemons – in both the economic and cultural spheres – threatens to override the State's ability to impose its own ideology on the national populace. This, naturally, may lead to the authority's concern about its grip on power, as well as the preservation of 'national culture' and values. Power holders at the national level-who would determine the shape, values and norms of local culture – find their control threatened by outside forces which

could encourage change away from the way of life which has sustained stability and power relations within the polity. The globalisation process, which already compromises national economic and political autonomy, also threatens to change national ways of life. The I-SA argues that political, economic and social (cultural) control form part of the same overarching structures of hegemony and domination. The local authority – in this case, the Malaysian State – may wish to resist external economic, political and social forces through a reiteration of national traditions, religious beliefs and values as a means of encouraging unity so as to maintain current power relations. The aim, conscious or unconscious, may be for citizens within the polity to join together to resist the external messages which assail cultural traditions, *as well as political and economic aspects of national life.*

VALUES

Shared values are one of the foundational structures around which human societies are built. The existence of 'values' within social groupings takes as its point of departure a dichotomised notion of the existence of 'good' and 'bad', usually as understood within a dominant religious tradition. Different phenomena are placed, un/consciously by the historical collective, somewhere along the continuum of 'Good and Bad' upon which human values systems are structured (Burleson 1989). These value-attached understandings of the world carry a great deal of affective weight with them.

People thus learn what is 'good' and 'bad' through the affective responses and feedback which conduct/behaviour and other phenomena in the environment elicit from family members, teachers, State or religious authorities, and others within the society in which they live. Through the learning process, we become increasingly able to understand abstracts, or non-tangible phenomena in the environment. People become implicitly perceptive to the general sentiment or the value-laden tone with which authority figures respond in given situations, due to our own internalisation of the values system in which we are immersed during the formative years and beyond. In addition to the outright teaching of values, which States, media, religious and educational institutions do, these inherent messages about how the societal collective views, understands and values social phenomena are instilled very deeply within both the individual and the collective psyche. 'Good' behaviours on the part of individuals elicit positive feelings and feedback from their authority figures. 'Bad' behaviours elicit powerful negative feedback, ranging from anger, violence, to arrest or other punitive measures.

Given differences in ideological-structures each side brings to the critical juncture *within themselves*, how should the *Peoples' Memorandum* be 'valued', or judged? SUHAKAM's role is to be the scales on which to weigh the

HR Actors

State

People's Memorandum
?

- Stability
- *Grip on Power*
- Legitimise use of restrictive laws
- *Investment*
- Asian Values
- Need for Regime Maintanence

- Rights to free assembly
- Freedom of expression
- Indignation at past perceived abuses
- Disenchantment with Regime
- Resentment of Authoritarianism
- Perceived inequalities and injustices
- Lack of Access

'Bad'   **SUHAKAM**   'Good'
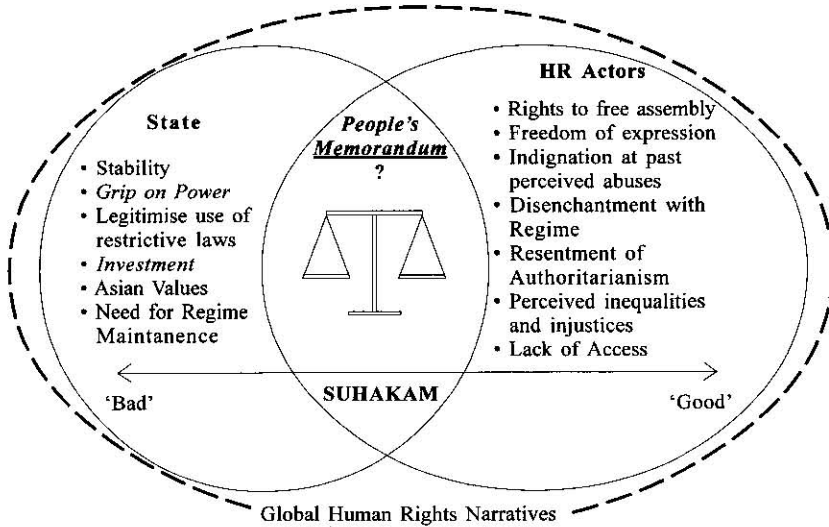
Global Human Rights Narratives

FIGURE 3. Values assessments of *The People's Memorandum* by the state and by HR actors

concerns voiced by both sides. The question is whether, and to what degree, the scale may be is weighted toward its Creator. If SUHAKAM is beholden to the State, will it be able to make balanced values assessments concerning HR in Malaysia?

Values are stored in the mind as cognitive and affective attachments to symbols and events, often placed on continua of 'good – bad', 'virtuous – evil', and other opposites which denote positive and negative valuing of phenomena and experiences encountered in the external environment (Burleson 1989). These value constructions provide powerful guidelines for how things should be done, what should or should not be done, etc. Values, then, serve as a set of prescriptive guidelines (structures of weighing and understanding) which inform the manner in which people interpret, classify and respond to the 'shoulds' and 'shouldn'ts' of human behaviour. Value attachments vary widely across cultures; however, the I-SA posits that cultures arising from civilizational paradigms found in Malaysia hold their core values and virtues in common. Pertaining to the question of HR, how much of the contestation between the State and its challengers is based on differences in underlying values systems, and how much is based on the 'political arithmetic' of 1) the State struggling to maintain power and, 2) the desire of opposition forces to promote a shift in the balance of power? How much of the HR dissent is motivated by the activists' desire for 'the armed and violent overthrow of the government', and how much is based on genuine moral indignation concerning what are perceived as abuses to the basic rights of citizens?

TABOO

Taboo constitutes a category of behaviours which are considered out of bounds, not to be done, nor discussed. Common areas where taboo abound pertain, for example to religion, 'superstition', and sexual behaviour. Violation of taboo provokes powerful negative reactions toward actor/s believed to have caused the violation. Responses to the violation of taboo range from rejecting the violator's action, rejection of the person himself, to possible violent acts or arrest against the parties having transgressed the sacred boundary in question.

The shock felt throughout the nation concerning accusations levelled at Dato' Seri Anwar Ibrahim (DSAI) is linked to a strong taboo attached to the alleged sexual misconduct. People on all sides of the State-CS equation largely feel that said behaviour, if true, constitutes a major violation of taboo. The primary question raised by many in the opposition concerns whether or not said acts were in fact committed. Those not believing in the veracity of the accusations feel that such shaming of a person – once heralded as an example of morality – constitutes the violation of another taboo, concerning the loss of face. Those believing in Anwar's innocence are beset by a sense of moral indignation and injustice. Where people stand on this particular issue depends largely on their belief in either the innocence or the guilt of the person in question. This particular issue forms part of a major cleavage dividing CS opinions concerning regime legitimacy. As such, the segment of CS believing in DSAI's innocence tends to support the HR opposition movement, whereas those convinced of his guilt are more inclined to agree with official HR policies and practices.

STEREOTYPING

Can humans avoid stereotyping each other? Since our memory and world knowledge stores are clustered around heuristic prototypes (López 1990), is it possible to avoid seeing our interlocutor through the stereotyped lenses evoked in our memory stores by the mere presence of the interlocutor? Level of experience in interaction with members of Group X, i.e. the West – depending on both the nature of the interaction and on interpretations given through our filters – may reinforce, or they may help break down stereotypical notions concerning the other.

It's commonly heard that, '*Mat Salleh* are like this...', 'Chinese do this...', 'Indians do that...', 'Malays behave like such...', These 'truth' constructions come from one group's interpretations of the other, and are spread among, around and across cultural communities.

When we encounter members of X group, we tend to unconsciously see and interpret them through the lenses of our information/misinformation stores in individual and collective memory (Fry & Fry 1986).

It is often through simple visual input – but *just seeing the person*, that semantic networks pertaining to stored information about 'that category of person' are activated, setting off a whole series of generalisations stored in long term memory. Whether or not the person fits the stored mis/information becomes a secondary issue. The fact is that generalised, stereotypical memory clusters have been stimulated by visual, and maybe auditory input, from simply being in the presence of that person. Is there such a thing as a typical Hindu? Muslim? Chinese? *Mat Salleh*? Probably not, but humans tend to operate unconsciously on these embedded filters in memory store, which impact strongly on how we will interpret our interactions with the person, or that group of people (Burleson 1989).

All people and human communities hold within themselves the potential for a complete range of human characteristics, emotions, actions – ranging on the collectives values scales from 'evil' to 'virtuous'. But if we look at how each group characterises individual and collective others, we tend to find projections of the negative aspects of human beings cast on 'other'. How much do cultural communities define themselves in a positive manner, by casting negative human characteristics on 'other', and juxtaposing the collective self to the collective 'other', thus facilitating a positive casting of self? For example, a 'truth' construction sometimes expressed in non-core countries is that 'Westerners are highly individualistic, concerned only with their rights, and not with the corresponding duties or responsibilities'. Furthermore, they are thought to 'have discarded marriage as an institution; or to engage in extra-marital relations with frequent changes of partner'. While it appears from the perspective of many that there is a basis for these assumptions, the problem caused by articulating this type of generalisation is that, in the mind's semantic schema, these stored particles of generalised memory are awakened by simply seeing someone who fits the visual prototype, without having any idea about the person himself, his values, nor his understandings of rights and responsibilities. In summary, it is not the person with whom we interact, but the *stereotyped memory stores awakened by visual and/or auditory input upon seeing him or her*. This holds true across human groupings, and leads to endless misunderstandings, offence and – ultimately – conflict.

TRUST AND GOOD FAITH

Trust is an essential ingredient for successful interaction among individuals and human communities (Rokeach 1969). Trust in the 'other', and the belief that both are acting out of good faith go a long way in helping all sides tolerate differences in opinion, ideology and interests among them. When trust and belief in the interlocutor's good faith are lacking-which is often the case when our 'understandings' are based on unconscious stereotypical assumptions-to continue

interacting becomes a delicate matter, particularly when there exists a power disparity among the sides. In the case of the State and it HR opponents, there is a history of dispute and mistrust, consolidated around 1987 and intensifying markedly since 1998. Given the problem in maintaining good faith, successful negotiation between the sides is somewhat problematic. In this case, history may tell one or both sides that the other is 'definitely not trustworthy'. It is the role of SUHAKAM to mediate effectively among the HR discourses found within the country. In order to do so, the Commission must enjoy both the trust and the good faith of all actors involved in the current HR contestation.

FURTHER DISCUSSION

To further explore the nature of global HR narratives' penetration into non-core nations, it may be useful to examine the construct of *nation state*. We have long spoken of 'autonomous' nation states as a basic point of departure for our understanding of the human political organisation. Socio-political organisation within the nation state aims to create a stable, peaceful environment where a diverse population will be content enough, will have their basic needs met, so as not to threaten the existing social order. The structuring of society along race, class and gender lines aims to be so ordinary and everyday as to be invisible to the conscious mind. In this manner, people tend not to consciously think about the nature of the society in which they are immersed, neither questioning nor disputing existing social, political and economic arrangements. However, human organisational structures inherently create patterns of super-ordination and subordination. Those in the super-ordinate positions are not likely to rebel, as their lot in life is not stifled nor limited by the existing structures; rather, it is favoured by placing these members of society in a position of privilege within the given system. When dissent does arise within a polity, it often comes from those who experience a sense of marginalisation or injustice. In any nation state, there are relatively small numbers of actors in positions of power and privilege; yet it takes a widespread sense of discontent for a critical mass of those ruled to become politicised and dissent against the system.

Both Liberal and Critical economic analysis would say that the polity or the State structure must provide an acceptable level of material sustenance for individuals and families in order to maintain social stability. Another factor, not seen, and thus usually not discussed, lies in the 'reality constructions' that we as individuals and as members of human society have internalised to the extent of calling them 'good' or 'virtuous', 'correct' or 'sacred', and so on.

At the group level, societal leaders often construct and articulate understandings of the *desired collective selves* through juxtaposition with an 'evil other'. It is through the contrasting of local world views, values and inherent beliefs with those of others that we are able to bring to light and articulate our

own implicit understandings. When these implicit, largely unconsciously held 'truth structures' are not challenged by a sense of prevailing injustice, they tend to remain unchallenged and, thus, largely invisible to ourselves and others. It is often when something goes against internalised assumptions concerning good-bad, just-unjust, etc., that members of the collective are able to see what is valued within local society.

In the case of non-core States faced with incoming HR narratives, those values and traditions deemed threatened by the incursion of outside messages become more clearly articulated. A prime example of this can be seen in the articulation of the Asian Values narrative, which has been useful in the attempt to reiterate and preserve the *status quo* as expressed through traditions and values. The threat to a virtuous way of life presented by Western HR articulations may also be accompanied by a threat to remaining threads of political and economic 'autonomy' as both global and local actors exert pressures on the nation State. In the global realm, the I-SA posits that cultural, political and economic changes impelled by outside forces are all part of the very same structures of globalisation. The ideological aspect of this shift-in values, traditions, and HR articulations-constitutes only one foundational aspect of the larger politico-economic changes occurring both within and outside of the country.

In terms of ideological shift, of primary interest in I-S Analysis, the definition and articulation of the collective self of through implicit juxtaposition with other facilitates the construction of the local collective in an idealised fashion-actually, 'what we *should be* as a society', while placing the anti-values on the 'other'. This comes through quite clearly in the contrasting of the Asian Values narrative with generalised Western values.

While the potential for 'good' and 'bad' (culturally defined) exists in all human communities, nations choosing to adhere to non-secular moral and ethical foundations are particularly challenged as global capitalism's imperative toward expansion may not obey the 'rules' largely held in that society. Are the State's HR challengers serving as ideological spearheads for the incursion of Western decadence into the national way of life? Are there other factors politicising these actors and causing them to engage the State in HR contestation? How widespread is this dissent among Malaysian citizens?

Do the authorities have a valid point in resisting the worldview and values imposed by global hegemonic power? The author believes that they do. Yet, while the nation should decide its own values and world view, the State must ensure that it does not use its own hegemonic power to suppress legitimate differences in values and world view found among its citizens. How to decide what constitutes legitimate contestation in this area is a task with which SUHAKAM has been entrusted.

Concerning these modes of contestation, the exercise of civil and political rights through mass public gatherings is seen by many as part of the 'democratic' process, as a means of expressing grievances, or of pressuring the State

on a given issue. Meanwhile, rulers, religious authorities and other segments of CS may view these actions as destabilising, or as eroding ethical and moral traditions, (as well as local markets control). This socio-cultural erosion is feared to promote amoral and individualistic values, thus posing various threats to national society and way of life, i.e. increased divorce rates, the spread of AIDS, the disintegration of families, sexual promiscuity and, in general, the 'anti-values' found in the global system. These phenomena, if not kept under control, could pose a threat to national stability and way of life, which are based on specific hierarchical social relations, values constructions and other collective understandings. Thus, it is important to legitimate structures of authority, both public and private, in order to ensure stability. The boundary of nation state serves as a powerful tool for constructing those structures of authority organising and aiming to control highly heterogeneous national societies, such as that found in Malaysia.

Since the events of 1998, Malaysian CS has experienced an unprecedented awakening where – contrary to the tradition of accepting the authority of national rulers – people of all backgrounds are increasingly questioning the legitimacy and the wisdom of many of the actions carried out by the State. A major area of contestation can be seen in the ongoing debate concerning HR policies, bearing in mind that the notion of human rights propounded by the opposition is itself an 'older vintage' import from outside, arising from the European Enlightenment tradition, and leading to the 1948 creation of the UDHR. In Malaysia, the struggle for basic guarantees against perceived abuses of power, has been – in a sense – indigenised, meaning that although the HR construct came long ago from outside sources, the current struggle arises from specifically Malaysian issues, affecting Malaysian citizens within whose values paradigm there exists a belief in the importance of certain basic rights for all people.

If a nation state desires that its citizens not question nor dissent against local authority structures, it serves power interests to construct the traditional collective identity as 'virtuous', and the dissenters as a somehow 'deviant' or anomalous group, to be resisted as a threat to the virtues of life within the nation state. It thus becomes a 'moral struggle' which may serve to unite citizens within existing national and sub-national structures. Successful unification of a critical mass within CS in reaction to a 'deviant internal threat'– spurred by outside narratives – serves to enhance stability and perpetuate the rule of national authorities.

SOME FINAL REFLECTIONS

To cast Western values as a monolithic, amorphous entity would be inaccurate. It would be equally erroneous to assume that there exists one overarching set of values, traditions and beliefs within the Malaysian polity. However, there may

be reason for concern about global HR messages for those national actors wishing to maintain the *status quo*, and/or the traditional ways of life. Malaysia is simply a case in point. Cultural shift, encouraged partially by diverse global narratives, is occurring in countries and cultural communities throughout the world. The present phase of world capitalism is not the first outside force to cause shift in national and sub-national traditions. Cultures have always been fluid, dynamic and ever-changing, both from within and due to outside influences. Mercantile capitalism and colonialism are two of many examples of external penetration causing shift and disruption within societies. A primary difference now may be that fast-paced globalisation, with its secular, individualistic messages-serves as a dynamic force/catalyst toward the homogenisation of world culture precisely toward a more consumeristic, secular 'world culture'. The traditional ways, particularly in terms of values and local understandings of the role and the duties of a person to society, seem to be shifting toward the notion of the *individual* rights, pleasures and property as the overarching 'values'. While the State often points this out to help maintain its grip on power, ordinary Malaysians should also be aware of the direction of this shift, so they may make conscious and informed decisions about what they wish to harness from the globalising world, as well as what they would decide to keep out, in order to preserve those aspects of family and community which they deem essential to values, collective identity and the conservation of a world view and belief system that each community should reserve the right to decide.

External HR narratives surely serve as agents in the process of cultural shift, particularly when linked with struggles occurring within the boundaries of a nation state. They may encourage change in ways which the power holders and others feel are not for the general good.

There are dynamic forces both within and outside national societies which serve as impulses for change. Nations and sub-national groups wishing to preserve the *status quo* are faced with great challenges as global HR narratives, foreign governments and g/local actors join voices in exerting pressure on a State concerning HR issues. The widening incursion of global messages into national culture occurs simultaneously with the ever-greater transnational presence and control over national economic and political life. The Ideological-Structural Analysis suggests that the cultural penetration is part and parcel of the same globalising structures which are changing the shape of economic and political life in non-core nations around the world. It is the author's hope that the Malaysian State and all of its citizens will be able to capture those aspects of globalisation which are best suited to the people's well being and ways of life.

NOTES

1. SUHAKAM stands for *Suruhanjaya Hak Asasi Manusia,* name of the Malaysian Human Rights Commission, unilaterally formed by the government in the midst of

mass local and global outcry concerning the 1998 sacking of Deputy Prime Minister
Datuk Seri Anwar Ibrahim.

2.   Please refer to the *Universal Declaration of Human Rights*, adopted and proclaimed
      by the United Nations General Assembly, Resolution 217 A (111) of 10 December
      1948.

3.   A recent example of justificatory ideologico-rhetorical discourse can be found in the
      official rationale concerning the necessity of engaging in the 'preventive arrest' of
      seven opposition leaders, as the means to keep them from 'staging an armed and
      violent overthrow of the government'. Authorities felt that these detentions were
      necessary in order to 'ensure the preservation of values long held sacred in Asian
      societies, i.e social order and respect for authority' (*New Straits Times*, 13 & 14
      April 2001).

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