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The Rise of Constitutional Patriotism in Malaysian Civil Society

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Abstract: *This paper aims to account for the resurgent interest in the protections provided in the Malaysian Federal Constitution and to understand the rights-based language used by Malaysian civil society actors over the past few years. Observers of Malaysian politics have concluded that since the 1980s the country has been “taking the long march to desecularisation” (Kessler, 2008). I argue, however, that Habermas’ notion of “constitutional patriotism” is alive and well in Malaysia and that it stands as a counterpoint to the trend of desecularisation. Constitutional patriotism is in fact growing, partly as a response to the concatenation of Islamisation and the discourse of Malay ethnic hegemony (ketuanan Melayu) which perpetuates identity boundaries between Malays and non-Malays and between Muslims and non-Muslims.*

Using discourse analysis to examine blogs and media reports, this paper illustrates that conscientious individuals and civil society invoke the discourse of citizenship and constitutional rights to counter the dominant politics of race perpetuated by the National Front (Barisan Nasional). They actively assume or perform “acts of citizenship” (Isin and Nielsen, 2008) that invoke patriotism towards the Constitution. I posit that constitutional patriotism in the Malaysian case is a call to return to the Constitution’s liberal democratic ideals that recognise religious and ethnic diversity.

Keywords: *Constitutional patriotism, cosmopolitanism, Malaysian politics, Malaysian civil society, internet and politics, the MyConstitution campaign, Bersih 2.0*

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Introduction

A man's country is not a certain area of land, of mountains, rivers and woods, but it is a principle; and patriotism is loyalty to that principle.
(from video on activist Wong Chin Huat's blog)

Although recent political events in Malaysia have led long-time observers to conclude that the country was “taking the long march to desecularisation” (Kessler, 2008), contrary to disappearing in a supposedly desecularist moment, a semblance of Habermas' notion of “constitutional patriotism” has grown in strength, thanks in part to the politics of religion. Using discourse analysis to examine blogs and media reports, this paper shows how elements of civil society have invoked the discourse of citizenship and constitutional rights to counter the dominant politics of race perpetuated by the National Front (Barisan Nasional). They actively assume or perform “acts of citizenship” (Isin and Nielsen, 2008) that invoke patriotism towards the Constitution with particular focus on the protections provided therein. This paper aims to account for the resurgent interest in these protections and to understand the rights-based language used by civil society actors over the past few years in Malaysia. Might the European concept of “constitutional patriotism” be used to categorise this phenomenon? What are the local inflections or manifestations of constitutional patriotism? I argue that the rise of constitutional patriotism in the Malaysian public sphere is a reaction to politicians undermining constitutional supremacy to the point where “constitutional supremacy has become merely notional” (Faruqi, 2008, p. 88). It is a growing response to political corruption (which leads to the weakening of democratic institutions such as the judiciary) and the concatenation of Islamisation and the discourse of Malay ethnic hegemony (*ketuanan Melayu*) that perpetuates identity boundaries between Malays and non-Malays and between Muslims and non-Muslims. Thus constitutional patriotism is a collective bid to restore the liberal tenets of the law of the land for a secular, democratic multiethnic society. I further show that constitutional patriotism manifests itself as “creative acts of citizenship” that energise democracy, and in its attempt at forming alternative but ultimately patriotic forms of solidarity, constitutional patriotism becomes a constituting process of citizen-making.

I will briefly define what constitutional patriotism is, discuss its principles and debates and consider how it manifests itself and is adapted to the Malaysian case. The second section will then explain the factors that led to the rise of constitutional patriotism in Malaysia, followed by a few examples. I will then conclude by identifying the common theme running through these Malaysian cosmopolitan patriotic endeavours and ask how this sentiment can be extended to Others without undermining the delicate balance between cosmopolitanism and constitutional patriotism.

Constitutional Patriotism

The proponent of constitutional patriotism is German philosopher, Jürgen Habermas whose account emerged from West Germany in 1986 in response to a fear that German reunification might facilitate the return to a conventional form of national pride based on common culture and which would be prone to cultural nationalism or ethno-nationalism.

Constitutional patriotism on the other hand is tied to shared political principles based on universalist norms and “actually conceptualizes the beliefs and dispositions of a citizenry committed to justice or other values [like *sharing political space on fair terms*]” (Müller, 2007, p. 79). Constitutional patriotism provides minorities “with a language to contest majority decisions, when they feel they have been treated unjustly” (Müller, 2007, p. 56). For Habermas, as opposed to Sternberger, the public sphere enabled the emergence of a proper constitutional patriotism, one that is based less on historical identities than on the rule of law and democratic procedures (Müller, 2007, p. 30). In the public sphere, rationalised identities are formed because “citizens could recognise each other as free and equal, engage in democratic learning processes and subject each other’s claims to the very universal principles which they endorsed patriotically” (Müller, 2007, p. 31). Müller focuses on the relationship between immigration policies and multiculturalism, diversity and the value placed on equal rights by using the European Union as his point of reference. Another social theorist, Craig Calhoun, equates constitutional patriotism with cosmopolitanism, developing the notion of the Constitution “beyond the narrowly legal-political senses to include a broader idea of ‘world-making’ in Hannah Arendt’s sense” (2005, p. 2). Calhoun was discussing how Europeans could be cosmopolitan and patriotic to the EU Constitution as opposed to their national constitutions by developing a specifically European public sphere. By “cosmopolitan”, Calhoun was referring to a human affinity to others that transcends national boundaries. Constitutional patriotism in the European case is a response to the problem of how to integrate ethnic minorities and new migrants; not to merely unite European countries into a shared economy.

In Malaysia, however, where the Constitution has recognised multiculturalism since Independence (for example, in permitting the practice of different faiths besides Islam, the official religion), the reasons for the rise of constitutional patriotism are very different. Thus I use this concept in a very specific way to talk about the widening of the public sphere in Malaysia. In passing I will highlight parallels that exist with the way constitutional patriotism is defined and invoked in other geographical locations by social theorists such as Jürgen Habermas, Craig Calhoun and others.¹ What bears stating at the outset is that a comparison of the Malaysian and the EU experiences suggests that Malaysian constitutional patriots might do well to consider broadening their rights discourse to encompass the better protection of the rights of the Orang Asli, the indigenous peoples of Peninsular Malaysia,² sexual minorities³ and non-citizens such as migrant workers and refugees.

In *Imagining Solidarity* Calhoun wants to broaden the idea of constitutional patriotism beyond its legal-political parameters and to include “culture-forming and institution-shaping senses of constitution” (2002, p. 149). “New ways of imagining identity, interests, and solidarity make possible new material forms of social relations. These in turn underwrite mutual commitments. The moment of choice can never be fully separated from that of creativity or construction” (Calhoun, 2002, p. 149). In other words, he wants to combine or “to complement” the idea of the Constitution as legal framework with “the notion of *constitution as the creation of concrete social relationships*: of bonds of mutual commitment forged in shared action, of institutions, and of shared modalities of practical action” (Calhoun, 2002, pp. 152–53).

According to Calhoun, people come together (to form nations) on the basis of identity (cultural similarity) and/or interest (implicitly or explicitly, a social contract).

Both of these things can be invoked to explain why people accept shared institutions and accept each other; i.e. as Malaysians share some cultural similarity – language, a belief in religion, etc. – it is in their interest to accept each other for the sake of social harmony and to advance the national economy. In other words, people are, for instance, “Europeans” or “Malaysians” because they are culturally similar to one another, or they are “Europeans” or “Malaysians” because to be so is in their interest. For Calhoun these two reasons cast peoplehood as something that is passive and merely continuing; it does not allow for creative action on the part of the citizens through public engagement. Habermas obviously feels that nationalism is tainted by the need for cultural similarities and therefore posits a form of constitutional patriotism, whereby rational discourse or communicative action in the public sphere can create a sense of peoplehood. Calhoun is critical of Habermas for drawing a dichotomy between cultural nationalism and constitutional patriotism. He says that “there is no reason to accept the rhetoric of ethnic nationalists who treat tradition as ‘the hard cake of culture’, simply to be affirmed on the basis of its pre-political antiquity” because “[c]ulture is subject to continual reformation or it dies; reproduction involves an element of creative practice” (Calhoun, 2002, p. 156). Moreover, ethnic sameness does not constitute the whole of the nationalist imaginary – collective action is another part of nation-building. Calhoun wants us to think of the public sphere as also being “a form of social solidarity” whose counterparts are “families, communities, bureaucracies, markets, and nations” (Calhoun, 2002, p. 159) – all arenas of social participation that are created and reproduced through discourse and discursive practices (Calhoun, 2002, p. 160).

Malaysian inflections of constitutional patriotism

I am sympathetic to Calhoun’s position as I see his more flexible view of peoplehood and the public sphere becoming manifest in contemporary Malaysia. The Malaysian case presents simultaneously both modular and divergent understandings of constitutional patriotism: similar to West Germany, it is predominantly a response to ethnonationalist discourse – specifically Malay hegemony and its corollary, Islamisation – and the perceived broader abuse of political power by the ruling party UMNO in imposing its ethnonationalist agenda, which operated an affirmative action program since the introduction of the New Economic Policy (NEP, 1971–90).⁴ Interpreting and carrying out the latter policy subverted the idea of special privileges and ended up abusing the constitutional provisions related to Article 153, which is commonly interpreted as the basis of the special position of Malays even though it concurrently mentions the legitimate interests of other communities. Malaysian constitutional patriots who openly invoke the Constitution as a legal framework are, to use the language of Calhoun, discursively constructing new subjects in the public sphere, and invigorating or activating citizenship and peoplehood through increased demands for justice, thus creating solidarity with other Malaysians. Such political acts or claims reiterate a firm belief in the secular liberal tenets enshrined in the Constitution, reflecting a longing on the part of ethnic and religious minorities – as well as liberal Muslims – for civic nationalism.

Yet there are differences. Malaysian constitutional patriotism focuses solely on the rights of its citizens (within and outside Malaysia) as guaranteed by the Constitution, without trying to extend these rights outside Malaysia’s geographical and social-civic boundaries. This is different from the EU’s form of constitutional patriotism which is

sometimes likened to a form of cosmopolitan transnationalism that brings the French, Italians, Germans and Swiss together under the unity of a predominantly economic entity. Habermas' EU patriotism for the newly unified Germany aims for "a deracinated legal formalism" rather than a "genuine cosmopolitanism [which] entails a respect for and interest in difference" (Turner, 1997, p. 128).

In multicultural Malaysia, the Constitution is not racially blind but it does provide room and protection for ethnic-religious diversity under Articles 3,⁵ 8⁶ and 11.⁷ Malaysian constitutional patriotism is in creative tension with cosmopolitanism: Malaysians invoke constitutional patriotism to argue for their rights as citizens, but seldom do they realise that these rights might equally apply to non-citizens. Furthermore, Turner, like Calhoun and others (Markell, 2000), argues that Habermas' legal-rational scheme pushes out "an account of pre-political, symbolic-expressive modes of collective belonging which cannot be willed away" (Turner, 1997, p. 128). In the case of Malaysia, indeed the allure of the narrative of cultural nationalism is so strong that Malay-rights groups such as Perkasa, which want to preserve ethnic Malay hegemony, also invoke patriotism to the Constitution to cloak themselves with rational political legitimacy.

Habermas' idea that constitutional patriotism emerges in the public sphere (in Müller, p. 30) holds true in Malaysia. Constitutional patriotism has arisen on the part of civil society actors (rather than from intellectuals or the State) since Abdullah Badawi's prime ministership (2003–09) as a reaction to various matters that are seen as violating the original spirit and intent of the framers of the Constitution. Badawi's consultative and approachable style of leadership allowed for diverse groups and individuals, progressive and conservative, to make competing claims in the public sphere.

Reasons for the Rise of Constitutional Patriotism in Malaysia

While there are numerous factors that led to the rise of constitutional patriotism in Malaysia, they arguably stem from the fact that Malaysia, a constitutional monarchy, has been under the control of an UMNO-led alliance of communal parties – first the Alliance Party, then Barisan Nasional (National Front) – since Independence. Today the BN is discredited, particularly among the urban-based educated middle classes and those who have not benefited from its policies, for its abuse of power and its corruption – especially its sponsorship of corrupt networks of patronage and its engagement in money politics. The Mahathir years (1981–2003) saw the enhancement of executive power and the introduction of anti-democratic laws and policies that extended existing constraints on basic freedoms. These repressive initiatives prompted latent social activism and oppositional politics, which became manifest during Reformasi in 1998 when then Deputy Prime Minister Anwar Ibrahim was sacked. "Sang Kancil@malaysia.net" was the first internet discussion forum. It started broaching issues of politics, religion and minority rights in Malaysia in the mid-1990s. Later the Reformasi movement also saw the sudden mushrooming of many pro-Reformasi websites and heralded a broadening of civil society (Weiss and Saliha Hassan, 2004, p. 12). The rise of constitutional patriotism from civil society actors and groups in Malaysia in the mid-2000s built on these earlier acts of citizenship but came to a head during then Prime Minister Abdullah Badawi's era (2003–09) due to several factors: greater Islamisation and the increasing power of government-aligned NGOs and Islamist NGOs to play a major force in Malaysian public life; popular

frustration with Badawi for not fulfilling his promise to crack down on corruption and introduce higher levels of government accountability; and continuous racial and religious politicking (Lee, 2010, p. 48). The same factors continue to sustain constitutional patriotism under the present Prime Minister, Najib Razak. Badawi's initial years had promised "greater public space for discussion and criticism" (Ooi, 2008, p. xviii) and after Mahathir's authoritarian rule, the public had hoped for change. Instead, a series of cascading events collectively heralded Malaysia's long march towards desecularisation, which peaked during Badawi's leadership (Kessler, 2008, p. 61). Anthropologist Clive Kessler regards these events as part of a strategy "to place the secularists and religious pluralists on the back foot" and to move Malaysia into a "post-liberal or 'post-progressivist' political phase" (Kessler, 2008, p. 63). He argues that the long march can be traced back to the political competition between UMNO and the long-time Opposition Islamic Party PAS to win the support of Malay voters by trying to out-Islamise each other. The 1980s and 1990s saw increasing signs of Islamisation in Malaysian society as a result of this competing bid to project piety and creeping syariahsation of civil laws. For example, the effects of Islamisation can be seen in the 1988 amendments to the Federal Constitution during Mahathir's time: in particular, the new clause (1A) in Article 121 which says "... the civil courts shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts". This specific amendment severely restricts Article 11 on freedom of religion in the Federal Constitution and has had a significant impact, as is demonstrated by court cases such as those over Lina Joy's conversion (which is studied in more detail in the next section), Shamala's child custody, and Moorthy Maniam's "body snatching" battle.⁸ Islamisation was accompanied subsequently by a renewed sense of ethnic entitlement when concepts such as *ketuanan Melayu* (Malay dominance) emerged just as discussion of whether to dismantle Malay affirmative action was getting under way.

"Malay dominance" as perceived to be tied to the "social contract" first arose in UMNO MP Abdullah Ahmad's controversial speech in 1986 (Puthuchery, 2008, p. 12). It may be tempting to read this as an earlier catalyst for constitutional patriotism, since Abdullah's speech prompted many public responses in the media about whether the social bargain or "contract" was ever enshrined in the Constitution, but in fact the debate died down after about a month.⁹ Rather, the acts of citizenship spurred on by constitutional patriotic fervour in the post-Mahathir era are significantly different from earlier events that protect or draw attention to the Constitution.¹⁰ This is because the current forms of constitutional patriotism – enabled by developments in technology that have produced the internet, social networking and citizen journalism – all helped to rapidly build, mediatise and intensify feeling, creating a broader alternative public sphere and a space for reacting to the cascading series of events. For instance, people can be mobilised for actions such as flashmobs entirely through text messages, email or social networking sites, within a few hours if necessary. In Malaysia, where the government controls the traditional media, the uncensored internet thus provides a viable channel for the expression of alternative opinions and the semblance of rational debate.

Constitutional patriotism in Malaysia: Article 11 Coalition and the Lina Joy case

There have been several cases of conflicting jurisdiction between the syariah (Islamic family court) and civil courts,¹¹ but the decisive catalyst for constitutional patriotism was the case of Lina Joy, a Malay Muslim woman who had converted to Christianity

and wanted to change the religion on her identity card from “Islam” to “Christianity”. When the state authorities refused to recognise her conversion she appealed to the courts on the basis of Article 11 of the Malaysian Constitution, which guarantees freedom of religion. The Lina Joy case in 2006 sparked much media controversy and panic among ethnonationalist Malay Muslims who regarded this case of apostasy as one that could potentially signal mass conversions out of Islam by Malay Muslims if the court decided in her favour. Unlike the 1986 Abdullah Ahmad controversy, the Lina Joy case snowballed. A group calling itself the Article 11 Coalition held roadshows to educate citizens on their constitutional right under the said Article while Malay-rights groups, which perceived Article 11 (and the Lina Joy case among many others) as threatening the dominant position of Malays and Islam in Malaysia, disrupted the roadshows with noisy protests and managed to shut down the event.¹² The media visibility of these so-called Muslim non-governmental organisations,¹³ usually through their placards, media statements and public acts that demonstrate religious intolerance, has led G. Hoffstaedter to characterise the phenomenon as “Islamising the public sphere” (unpublished).¹⁴

I refer to the Lina Joy case because the irrational defensive and intolerant response and the wide media coverage of the case provoked the rise of constitutional patriotic gestures, including the Article 11 Coalition, the push for the establishment of an Interfaith Commission (2005–06), The People’s Parliament blog, and the Malaysian Bar Council’s two-year education campaign, MyConstitution (PerlembagaanKu). Not coincidentally, such campaigns are headed by lawyers. While Clive Kessler sees the Lina Joy decision as heralding Malaysia’s path to desecularisation, I argue that it is precisely the undermining of the Constitution and the freedoms it enshrines that has led to a rise in constitutional patriotism and increasing acts of citizenship; each of which contributes to broadening the public sphere. Kessler bleakly emphasises the growing forces of desecularisation but this paper points out that these forces are actively resisted by pro-secularist individuals and civil society that operate through the prism and dynamics of constitutional patriotism; their activism should be recognised as being an expression of Malaysian identity that is just as significant and legitimate as that of the contrary forces. Nevertheless the question of whether Malaysian society is becoming more Islamic and less secular originates from the contradictions and inconsistencies in the Constitution itself.

Interpreting the Constitution

The point of contradiction is that the Constitution upholds the supremacy of Islam as the state religion and the freedom of religious expression (most likely intended for non-Malays) with equal force, allowing much room for contradictory interpretation. First, Malays are constitutionally defined as Muslims [Article 160(2)] and secondly, Article 3 (1) in the Malaysian Constitution stipulates that Islam is the religion of the Federation but that all other religions may be practised in peace and harmony. On the one hand, ethnonationalists read both these Articles to mean that the religion of the majority group, Malays, is the dominant one and that Malays have no official room to practise other religions. On the other hand, the liberal view of the law focuses on Article 3(4), arguing that it implies that “despite Islam’s special and exalted status, the Syariah is not the basic law of the land” (Faruqi, 2008, p. 84).¹⁵ The Alliance Memorandum of 1956 also supports this point: “The religion of Malaya shall be Islam. The observance

of this principle shall not impose any disability on non-Muslim nationals professing and practising their own religion, and shall not imply that the State is not a secular State” (in Sreenevasan, 2007; Thomas, 2005, para. 10). Moreover, under Article 11(1), all individuals are granted protection in matters of conscience (Faruqi, 2008, p. 329). While matters involving marriage, divorce, inheritance and others for Muslims fall under the jurisdiction of the syariah court, in all other matters Muslims are regulated by secular law. Thus provision in the law under Article 11 gave Lina Joy an opportunity to seek to legitimise her right to practise a religion into which she was not born, but which she had freely chosen. On 30 May 2007, a three-judge Federal Court panel ruled by a 2–1 majority that only the Islamic Syariah Court has the power to allow Azlina Jailani, who changed her name to Lina Joy after becoming a Christian, to remove the word “Islam” from the religion category on her government identity card. This ruling has been read as a civil court decision that privileges Islam ahead of her rights under Article 1.

Aside from the integral nature of Malays’ constitutional identity as Muslims, defending their particular reading of Article 153 – which “enjoins affirmative action in favour of ‘Malays’ and ‘the natives of Sabah and Sarawak’” – is the reason that right-wing Malay Muslim rights groups protested against Lina Joy’s claims (Faruqi, 2008, p. 694). Although it is commonly regarded as the enshrinement of “Malay special rights”, constitutional lawyers argue that this Article has been applied beyond the permissible limits of its protection, beginning with the affirmative action introduced as part of the NEP in 1971 and extended during Prime Minister Mahathir Mohamad’s years (1983–2003). In fact, when read in conjunction with the Reid Commission report and the Rulers’ statement in the Report of the Federation of Malaya Constitutional Commission, these special measures were meant to be a stop-gap measure rather than inalienable rights (Azmi Sharom, 2009). Yet their scope and extent has never been litigated (Faruqi, 2008, pp. 693–94) and the safeguards against them in Article 136 have not been honoured (Faruqi, 2008, p. 89). Thus this encourages right-wing Malay Muslim NGOs such as Perkasa with the tacit and not-so-tacit support of UMNO when they, for instance, appeal to the monarchy to “securitise” the pro-Malay outcomes of the operation of the Constitution, knowing that the traditional rulers are charged “to safeguard the special position of the Malays and the natives of Sabah and Sarawak *and the legitimate interests of other communities*” (Article 153, italics mine).¹⁶ Yet, groups like Perkasa conveniently exclude the fact that this Article also stipulates that the monarch is responsible for safeguarding the legitimate interests of non-*bumiputeras*.¹⁷ Perkasa interprets “Malay special rights” as encompassing even the private sector, which actually exceeds the stipulations in the Constitution under Article 153(8A),¹⁸ whereas the operation of Article 153 is supposed to be limited to a specific range of public sector operations.¹⁹

While some groups regard the Constitution as enshrining their liberal secular rights and offering protection, the Constitution is not perfect. For example, Malaysian Constitutional law expert Shad Faruqi states that, from the beginning, freedom of speech and expression was left at the mercy of Parliament so it is one of the less protected rights (Zainon Ahmad and Phang, 2005). Article 153 on special status does not extend its protection to the true indigenous peoples of the Peninsula, the *orang asli*, who as a collective ethnic group are the worst off in the nation. Since Parliament has been dominated by Barisan Nasional, constitutional amendments and bills have usually been

passed easily into law. As of 2005, the Constitution had been amended 42 times over 48 years. Shad Faruqi estimated that the true number of individual amendments by 2001 was 644 (Zainon Ahmad and Phang, 2005).

Constitutional Patriotic Projects

Aside from the Article 11 Coalition, there are other examples of progressive individuals and civil society groups which are based on constitutional patriotism: MyConstitution, the blog The People's Parliament, a group known as SABM and the Bersih 2.0 Global Solidarity Network. These projects, some more popular and enduring than others, are arguably driven by middle-class, urban and web-based people who are assumed to be a minority within the population. The MyConstitution (PerlembagaanKu) campaign, for instance, was launched on 13 November 2009 by the Malaysian Bar Council, and lawyer Haris Ibrahim started up and moderated the blog, The People's Parliament, in 2007 and also founded the antiracist nationalist movement, Saya Anak Bangsa Malaysia (SABM or I Am A Child of the Malaysian Race/Nation).²⁰ Some of its members are associated with several groups simultaneously²¹ and it is too early to tell the impact these groups might have on non-English-speaking rural working-class Malaysians.

What is notable about these groups is that they seek to educate the general public on their Constitutional rights and to empower ordinary people. The two-year MyConstitution campaign (2009–11) most overtly addresses constitutional patriotism through the production and dissemination of pocket-sized guides, short service video advertisements, public talks and publications outlining recommendations for constitutional reform. Constitutional Law Committee chairperson of the Bar Council, Edmund Bon emphasised that the “MyConstitution campaign is a campaign for the *rakyat*, by the *rakyat* [citizens]”. The name of the project, “PerlembagaanKu” or “MyConstitution” (using the more familiar first pronoun “*aku*” rather than the more formal “*saya*” to imply a close relationship between the speaker and the object of her speech) suggests a pro-people effort that wants the *rakyat* to take ownership of the Federal Constitution by implicitly suggesting that access to information is the first step to activating one's citizenship. In other words, arming oneself with the proper tools to be an informed citizen will enable individuals and groups to participate in a rational dialogue in the public sphere and to lobby the State. Another slogan of the campaign, “*untuk merakyatkan Perlembagaan*”, implies both an attempt to get the *rakyat* to take ownership of the Constitution and an attempt to make the Constitution more accessible (by simplifying it) to the common person/citizen for whom it constructs meaning and identity. As Bon explains, being the supreme law of the land which determines how all other laws are made, the Constitution provides a general direction or blueprint for how things should be done, as well as what is permissible or not permissible in general.²² The advertorials use scenes from the ordinary lives of Malaysians to raise questions and then provide answers at the end.²³

Blogs such as The People's Parliament provide legally informed opinions and a space for rational debate and exchange of ideas. Motivated by disillusionment with ministers, politicians and judges “who have breached the people's trust and reneged on their oath of office to defend and uphold our Constitution” (posting April 2007), lawyer-blogger Haris Ibrahim, explained that the blog:

is about civil society reclaiming its power to determine who are the law-makers in Parliament today who are worthy of the trust reposed in them by the people and if, sadly, we discover there are none presently, to make an informed decision of who we will next install in the people's parliament.²⁴

The blog maintains a sense of populist or civic democracy in its attempt to provide a space for diverse opinions, even those which might be deemed racist, without fear of being banned.²⁵ The People's Parliament therefore became a mini public sphere where rational communication can take place between people of diverse identities and ideologies.

Commensurate with its egalitarian and antiracist spirit, the People's Parliament speaks to many others who share the same beliefs, and who address Haris as "Bro" or sign off using universal or cosmopolitan slogans and names such as "we are all of 1 race, the Human Race" ("dpp") or "Imagine Power To The People' John Lennon".²⁶ Similarly to the stated goal of MyConstitution, it is driven by a strong sense of civic empowerment and an understanding of political legitimacy where the "claim to have one's interests served has become basic to citizenship" (Calhoun, 2005, p. 274). This claim is followed up by the blog's calls for transparency and accountability from politicians and institutions, and more importantly, for ordinary citizens to do more than vent their views at the local coffee shop. To that end the People's Parliament encourages people to become active by writing letters to their MP, getting advertisers to boycott the mainstream newspapers, and by posting information about offline gatherings such as the *Saya Anak Bangsa Malaysia* roadshows. Haris also conceptualised and wrote 'The People's Voice and the People's Declaration', a long document endorsed by the Opposition in the run-up to the 2008 general elections that expresses their fears and hopes for Malaysia, calling for the end of race-based political governance, strengthening democracy and the supremacy of the Constitution over all other laws.²⁷

These gestures by Haris can be read as "acts of citizenship" (Isin, 2008) that produce activist citizens, citizens who are created by the very process of undergoing or performing the act. The activist citizen is to be distinguished from the active citizen who merely acts out already-written scripts. For example, exercising democracy at the ballot-box is considered to be acting out an already-written script since it allows the semi-authoritarian state to legitimise itself. However, for usually apathetic Malaysians unused to street protests, to actually participate in a mass demonstration – despite it being deemed illegal – also constitutes "an act of citizenship" that, according to Isin, "produce[s] actors that become answerable to justice against injustice" (2008, p. 39). This idea of active citizenship is embodied in the many witnesses or citizens who participated in the mass sit-in rally for electoral reform, *Bersih 3.0* on 28 April 2012, and who later came forth to testify against instances of police brutality as the peaceful demonstrators were dispersing. The point about justice is important as it would exclude the claims made by *Perkasa* for "Malay rights" from being defined as "acts of citizenship". After all, constitutional patriotism should be something that appeals to all and be for the common good, not merely something that caters supposedly to the ethnic majority.²⁸ This undermines *Perkasa's* interpretation of "Malay rights" in the Constitution, since its reading violates the universalist spirit of the Constitution.

Blogs such as the People's Parliament and SABM are not merely virtual communities or a space to air and vent one's frustrations: they function to connect citizens and existing civil society with each other offline and in that sense, have effects in the real world that also transfer back online (Tan, 2010, p. 281, p. 287). For example, members of the group *Saya Anak Bangsa Malaysia* attended the Bersih 2.0 rally for free and fair elections on 9 July 2011 and then posted photographs or wrote testimonials of what happened that day on the website.

SABM, a civic movement, was inspired by an article on The People's Parliament website which spawned discussion about how communal and race-based politics have hindered Malaysians from uniting as a single people.²⁹ While SABM's main concern is about uniting Malaysians across racial divides, two out of seven points in its declaration refer to the Federal Constitution while the rest focus on emphasising aspects of equality and national unity.³⁰ A constitutional patriotic fervour resounds through the SABM Charter as it galvanises the emotional impact of the imagined community: "One People One Nation". Moreover, its self-description embodies a spirit of optimistic, ordinary non-partisan people of all ages and backgrounds ("citizen volunteers, commoners, faceless [...] but not spineless") who feel they can yet make a change together:

It's a spirit borne of our faith in this country, of its land and its people. It tries to look beyond its nose. This spirit believes more in the walk rather than the talk. It is anchored in love, and is adamant about being much, much more than skin-deep.³¹

The insistence on exercising democracy through practice ("walk rather than talk") characterises activist citizenship. Moreover, this self-description is tellingly patriotic ("anchored in love") and cosmopolitan ("look beyond its nose") in its dual recognition of differences and shared commonalities among Malaysians. The SABM Charter reflects a "rooted cosmopolitan" sentiment – to be both national and cosmopolitan. It begins with, "We, *Anak Bangsa Malaysia*, herewith undertake to engender a *National Mindset* to think and act first and foremost as Malaysians". This is followed by its manifest intentions to promote

the *humanitarian values* of inclusiveness, equality and justice for all; to advance the principles of good governance, namely, stewardship, integrity, accountability and transparency; and lastly, to educate Malaysians to be responsible and caring *Global Citizens* contributing to peace, prosperity and sustainable development (italics mine).³²

Evidently, the ideal Malaysian envisioned by the Charter is a modern cosmopolitan subject who is a patriot who loves both her country and the other diverse Malaysians in it "because we are all of a single human race and born equal"; who understands that Malaysia, while sovereign and independent, is also a "member of the global community of nations" and that its citizens should therefore commit to being "caring Global Citizens".

Such creative tension between constitutional patriotism and cosmopolitanism is keenly felt by Malaysians now living in Sydney, Australia, who attended a SABM gathering:

Australia, our adopted country loves us and we love it back. However, to quote SK in her email response to a critic saying that we should be concentrating in helping Australia first, “.....love and care does not have to be mutually exclusive: we have so much love and care to give, one should never jump to conclusion that doing for one deprives from the other. In fact, we are citizens of the world and the plight of all those who have no voice is our problem. [...]. We come into this world only once, let’s all make it a better place for our future generations and NOT just for the one country we live in (Q. Khoo, 2010).

This sense of combined cosmopolitan patriotism (cosmopatriotism) and constitutional patriotism shows that citizens are motivated and moved in their constitutional patriotism by collective love (and compassion) for each other, as well as for the abstract notion of the imagined community (or cosmopolis) that consists of activist citizenry (SABM’s “citizen volunteers”) working for social and political change. Haris Ibrahim, after attending the first Bangsa Malaysia Merdeka get-together on 25 August 2007, wrote: “Love, respect and tenderness was planted. Let’s nurture it, people”.³³ He is not alone in expressing a passionate hope and patriotic zeal for an ethnically inclusive and diverse democratic peoplehood. Haris’ public letter to Anwar Ibrahim dated 18 August 2008 elicited 173 responses. Most people were supportive and in their replies talked about how emotionally moved they were. Even those who were sceptical about whether Anwar will bring about change nevertheless reflected love for Malaysia.³⁴

Shared themes: Love is the national glue

Indeed, patriotic love is a central motif that runs through other anti-racist citizen initiatives such as the Malaysian Artists For Unity (MAFU) music video ‘Here In My Home’, 15Malaysia short films, *Malaysian Gods* (Amir Muhammad, 2009) and the independent feature film *Nasi Lemak 2.0* (Namewee, 2011).³⁵ Similarly, the reference to patriotic love arose in another case: Writers Alliance for Media Independence (WAMI) chairperson Wong Chin Huat – upon being arrested with five others for gathering peacefully outside Parliament to hand the Bersih memorandum to opposition parliamentarians – made a final request before being taken away by plainclothes police officers. He held up the Constitution and sang the national anthem *Negaraku* after stating that the only crime he had committed out of his conscience was to uphold the Malaysian Constitution.³⁶ Interestingly, while Wong did not use the word “love” in his statement, Democratic Action Party (DAP) leader Lim Kit Siang, who posted the video on his blog, did, claiming that Wong did it “to tell the world that he committed no crime except for his love for the country and to protect and promote the Malaysian Constitution”.³⁷

The recourse to the idea that love is acting as a force for political change may seem to be a bit novel, but it nevertheless accords with the insights of the philosopher James Martel, who wrote in 2001:

Love transposes us from our ordinary lives. It gets us to think beyond ourselves; it causes us to sacrifice ourselves for others and generally to act as we would otherwise not act. [...] The love of the polis, the requirement of ethics, philoso-

phy itself (the love of knowledge), are all predicated on a relationship with love (Martel, 2001, p. 2).

Closer to home, political scientist Farish Noor claims that not only is love “the foundational idea that underpins all ethics”, but it can be a force for political and social change that serves as a way to link human beings to one another in solidarity, “provided we understand its true import and the responsibilities it entails” (Farish, 2005, p. 131). Such a responsibility, he says, “compels us to act for and defend the Other” (Farish, 2005, p. 131). This sentiment was also manifest in Anwar Ibrahim’s thinking when he announced that Malaysian children of all ethnicities were also his children and in blogger Raja Petra Kamaruddin’s declaration that Malays would lay down their bodies to defend their Chinese and Indian brothers and sisters.

For Hannah Arendt, the full extent of one’s citizenship involves doing “more than voting for someone else to act and speak on one’s behalf” – but rather, citizenship “requires the full experience of acting and speaking” (in Isin and Nielsen, 2008, p. 141). Thus, acts of citizenship (and examples of constitutional patriotism) might include the “528 flashmobs” highlighting the lack of media freedom and protesting against political interference in television programming,³⁸ EPIC Youth (a volunteer youth organisation that launched a 2 million nationwide voter registration drive called “Voice Your Choice” in 2010),³⁹ and individuals who initiate poll watchdog groups in various cities to prevent electoral inconsistencies (Loh, 2010). Arendt’s call to activate one’s citizenship by going beyond voting presupposes the operation of Western-style liberal democratic societies where citizens have opportunities to exercise various forms of democracy. In Malaysia, even the minimum performance of democracy – voting in an election – is an exercise to be cherished. This is especially the case as its liberal institutions are undermined by semi-authoritarian political leaders, and peaceful street protests met with tear gas canisters and water cannons. Like the response of constitutional patriots in the Article 11 Coalition to the rise of Islamisation, citizens made aware by the alternative media of electoral inconsistencies and vote-buying (Sipalan, 2011) regard the act of voting in a new light: as an act of citizenship that holds out the possibility of social change and is a significant exercise in democracy. More importantly, in highlighting that this basic form of democracy available to its citizens is undermined by charges of vote-buying, and in working to ensure that the whole electoral process is a free and fair one, the Bersih 2.0 Coalition (2011) functions to activate citizenship and is a kind of constitutional patriotism.⁴⁰

Exploring the question of whether an act of citizenship can be creative, Melanie White turns to Bergson’s method of intuition, applying his theory of society to theories of citizenship. To summarise Bergson, society is made up of static and dynamic tendencies: the former plays out as “pressure” to conform to social obligations and old habits and the latter as “aspiration” for change. White regards aspiration as “a pure tendency towards movement and change” (2008, p. 48). This aspiration towards openness represents a profound break with, rather than a logical extension of, old habits and a closed society (White, 2008, p. 52). Such aspirations for change are clearly expressed by Haris Ibrahim:

The time has come to change. And change must begin with us. We need to change our mindset of apathy. We need to forge a new alliance among ourselves,

a unity founded on a love and respect for all peoples of this nation. [...] There is no other road to restoration but that of commitment. We must rise as a people if we want a People's Parliament.⁴¹

Perhaps then the strain of patriotic love in these Malaysian accounts can be equated with Henri Bergson's idea of transformative emotion as an "affective stirring of the soul" (White, 2008, p. 52), one that is "truly creative" in aspiring towards openness, stimulating action and motivating the new (White, 2008, p. 52).

These acts of citizenship illustrate Calhoun's point about constitutional patriotism as "*the creation of concrete social relationships*: of bonds of mutual commitment forged in shared action, of institutions, and of shared modalities of practical action" (2002, pp. 152–53). For example, SABM explains that they are working to build up a network of individuals to develop a series of SABM neighbourhood get-togethers to share their anti-racist message. It invites fellow like-minded "anak-anak Bangsa Malaysia to step forth" because "[w]e have a nation to build". A new kind of citizen subject (the "anak Bangsa Malaysia") is thus formed through these "shared modalities of practical action" in the public sphere. Blogs, peaceful rallies, SABM, independent Malaysian film/video projects and MyConstitution try to give form to such participatory democratic and localised acts by assuming an active role in the public realm. What is crucial in formulating a different notion of Malaysian identity and what it means to be a Malaysian citizen in these projects is that "such acts implicitly ask questions about a future responsibility towards others" whose differences are accepted (Isin and Nielsen, 2008, p. 4).

Conclusion

But for what kinds of Others do constitutional patriots bear a future responsibility? A video clip of a protest outside the Malaysian Anti-Corruption Commission (MACC) Selangor office (to demand that the MACC be investigated for the death of an opposition politician's aide) is illustrative (Media Rakyat, 17 July 2009).⁴² In the melee, a man whose leg is injured sits on the ground, surrounded by police, protestors and media. The police seem ready to pull him up, but in fact they just try to drag him along without giving him a chance to stand and walk. Other protestors react with predictable horror and are heard verbally abusing the police and appealing to them to stop. In between, a man in the crowd is heard calling out to the police, "*Lu jangan [indecipherable] undang-undang di tangan tahu, dia orang Malaysia, bukan orang asing!*" and a few seconds later again, "*dia orang tempatan tahu, bukan orang asing!*" ["Don't ... the laws in ... hand, he's a Malaysian, not a foreigner!" and "He's local, not a foreigner!"]

The problem with the current discourse of constitutional patriotism is perhaps that its focus on anti-racist national unity leads to a myopia with regard to broader human rights concerns that may not fit into the Malay/Muslim versus non-Malay/Muslim dichotomy. Although as a general principle, national laws and some rights in the Malaysian Constitution extend to foreigners visiting or residing in Malaysia (the right to practise their own religion, for example), in practice foreigners, especially migrant workers and refugees, experience scapegoating and discrimination.⁴³ If anything, this incident exposed the psychological limits of constitutional patriotism, if not the inherent tension between cosmopolitanism and constitutional patriotism, in Malaysia. At this

public rally where justice and institutional accountability is being sought for the death of a citizen while in custody and being questioned by the MACC, compassion and solidarity are limited to fellow citizens, not foreigners.

How then can the Malaysian public sphere develop a more cosmopolitan consciousness? Perhaps what is needed is a situation where “more robust international legal tenets bind states to recognisable rules of conduct and sovereign legitimacy, which if properly practised could create a cosmopolitan legal condition” (Brown, 2009, p. 12). Such a form of cosmopolitanism must necessarily be accompanied by “cultural cosmopolitanism” which asserts that individuals feel interconnected on the basis of common humanity and therefore have a sense of moral duty and obligation to each other that transcends localised ethnicity, culture and nationality.

Contrary to assertions that Malaysia is becoming a desecularised society where syariah law curbs or encroaches on the jurisdiction of civil laws, constitutional patriotic discourse, coupled with acts of citizenship, demonstrates that liberal democratic ideals are being exercised by activists and individuals. The theme of love and compassion, evident in the linked discourses of constitutional patriotism and cosmopolitanism, is used to galvanise individuals for social change. Based on the conceptual linkages between cosmopolitanism, constitutional patriotism and acts of citizenship that I have made in this paper, clearly the ethnonationalist position with regard to constitutional patriotism is tenuous since it subverts the universalist nature of the Constitution. Despite invoking the Constitution to protect their rights, ethnonationalists who resort to provocative language and acts do not command a large following among the Malays they purportedly represent.⁴⁴ While this may speak more to the distaste of the larger Malaysian public for racial discord and violence, I prefer to read it as a positive sign that rationalist constitutional patriotism appeals to independent-minded critical individuals able to evaluate and assess the facts for themselves.

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Notes

1. There is ongoing and extensive debate and discussion about constitutional patriotism, including points of disagreement with Habermas, complexity and varying applications which are too extensive to delve into in this paper. See Habermas (2001) and Müller (2007). For applications to the Canadian experience, see Fossum (2001); to the Lebanese experience, see Reinkowski (1997). For a complex account see Markell (2000). Some critics of Habermas’ cosmopolitan patriotism include Baumeister (2007), Gaudreault-DesBiens (2008) and Turner (1997).
2. The Constitution offers little protection for the Orang Asli, mentioning them only in four areas (Chong, 2007).
3. In November 2011, Seksualiti Merdeka, an annual sexuality rights festival was banned. See the group’s press statement here: <http://www.seksualitimerdeka.org/>, accessed 21 March 2012.

4. Though the NEP ended in 1990, it was replaced by a similar affirmative action-style policy for Malays: the National Development Policy (1991–2000) and is largely still in place despite Prime Minister Najib Razak’s attempt to introduce a merit-based system under the New Economic Model (2010–20).
5. “Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation.”
6. Article 8 stipulates that all persons are equal before the law and entitled to its equal protection without discrimination on the basis of religion, race, descent, gender or place of birth.
7. Article 11 guarantees the freedom of religion.
8. Moorthy’s case reflects a common scenario where there is conflict between Islamic religious bureaucrats who demand custody for burial of the body of a recently deceased Muslim, and surviving family members who deny the reality or legality of the deceased’s status as a Muslim convert (Whiting, 2010, p. 10). Shamala’s case offers another context of “a civil law marriage breakdown, when one spouse converts to Islam and unilaterally converts the children of the marriage, and then files for divorce and custody in the *syariah* courts, leaving the non-Muslim spouse to seek redress in the secular courts” (Whiting, 2010, p. 10).
9. K. Das compiled and contributed letters, interviews and articles from newspapers and responses to Abdullah’s speech (Das, 1987).
10. Examples include the 1981 Lake Club march by lawyers and others to protest the enactment of amendments to the *Societies Act 1966* which were designed to curtail freedom of expression, assembly and association (Whiting, 2011); or even further back to The People’s Constitutional Proposal of 1947.
11. Cases such as Hindu temple demolitions, Revathi Moososai and the body-snatching case of Moorthy by the Islamic authorities galvanised Indians to participate in the Hindraf (Hindu Rights Action Force) mass demonstration in October 2007 (Bunnell, Nagarajah and Willford, 2010; Whiting, 2010).
12. Suaram, a Malaysian human rights organisation, cites growing religious intolerance on the part of state and non-state actors in its 2006 annual report: “...the denial of the right for non-Muslim [sic] to seek redress in a civil court in cases involving both Muslim and non-Muslim [sic] such as the case of Moorthy and Subashini, the denial of the right to choose a person’s own religion such as in the case of Lina Joy, the violent protests staged by certain groups in stopping a peaceful forum in Penang, and the most serious intolerance being the death threats issued against Malik Intiaz Sarwar, a lawyer that acted in some of these cases defending the right to freedom of religion” (‘Human rights regress and protective systems collapse under Abdullah Badawi’s administration in 2006’, Suaram media press release, 29 May 2007).
13. The groups opposed to recognising Lina Joy’s right to leave Islam included the opposition Islamic party PAS, FORKAD (Action Front Against Apostasy), Badai (Anti-Inter Faith Commission group) and Teras (Malay empowerment movement). Many Islamic NGOs in Malaysia tend to be linked to political parties and/or the government (Lemière, 2007, p. 47).
14. Similar points can be found in Hoffstaedter’s book *Modern Muslim Identities* (2011). Also see Yeoh (2011). A consideration of these lines of analysis is beyond the scope of this article.
15. Though Islam is the religion of the Federation, Article 3(4) states that nothing in Article 3 derogates from any other provision of this Constitution. This means that the right to religion guaranteed by Article 11(1) is not extinguished as a result of Article 3(10).
16. See Perkasa President Ibrahim Ali’s speech ‘Sekuritisasikan Perlembagaan Negara’ (Securitising the Federal Constitution) given in Malay at the first Perkasa general meeting, 27 March 2010, at the PWTC, Kuala Lumpur. Available at <http://wargamarhaen.blogspot.com/2010/04/sekuritisasikan-perlembagaan-negara.html>, accessed 23 August 2011.
17. *Bumiputera* (Sanskrit lit. sons of the soil) refers to the Malays and indigenous peoples of Sabah and Sarawak. Although not a term found in the Constitution, it has come to represent Malay Muslim special rights in the Peninsula and is used to exclude Malaysians of Chinese and Indian descent as well as the genuine indigenous peoples of the Peninsula, the Orang Asli. See ‘Speaker shoots down motion on Orang Asli’s Bumiputera status’. *Harakah Daily*, 19 October 2010. Available at <http://malaysia-today.net/mtcolumns/newscommentaries/35337-speaker-shoots-down-motion-on-orang-aslis-bumiputera-status>, accessed 24 August 2011.

18. One of Perkasa's major demands is that all private sector companies, especially those owned by non-bumiputera, be required to sign an official pledge (*akujanji*) that they will neither hinder nor discriminate against the Malays in getting employment, participation in business and gaining access to markets. 126 NGOs were represented at Perkasa's launch, including the Malaysian Coalition of Malay Writers (Gapena), Perkasa, Prowaris Malaysia, Pekida and the Malaysian 4B Youth Movement. These Malay NGOs are against Najib's New Economic Model (NEM) as they fear the end of the quota system would affect "Malay special rights".
19. Article 153 privileges cover a number of specified areas such as positions in the public service; scholarships, educational or training privileges or special facilities; permits or licences for the operation of any trade or business required by Federal law; and places in institutions of higher learning providing education after the MCE (Malaysian Certificate of Education). See Article 153 clauses (4), (5), (7) and (8); also 89(2).
20. While there may be other influential English-language blogs with a larger following such as Art Harun's ARTiculation, I selected The People's Parliament for its determinedly activist agenda of civic empowerment. Both are lawyers by profession but Haris is more activist. 'Saya Anak Bangsa Malaysia'. *Ipo Echo*, 7 February 2007. Available at <http://ipohecho.com.my/v2/2010/02/07/saya-anak-bangsa-malaysia/>, accessed 21 March 2012.
21. Haris Ibrahim, for example, was the President of the Malaysian Civil Liberties Movement, legalised in London on 30 October 2010. He resigned after differences with its chairman, Raja Petra Kamaruddin, in January 2012.
22. 'Bar Council launches its MyConstitution campaign'. *The Malay Mail*, 13 November 2009. Available at <http://www.mmail.com.my/content/18846-bar-council-launches-its-myconstitution-campaign>, accessed 20 August 2011.
23. Available at <http://www.perlembagaan.com/2010/01/myconstitutionperlembagaan2nd-rakyat-service-advertisement-constitutional-institutions-separation-of-powers/>, accessed 20 August 2011.
24. Available at <http://harismibrahim.wordpress.com/about/>, accessed 25 August 2011.
25. Available at <http://harismibrahim.wordpress.com/2009/08/31/ban-warrior-231-you-decide/#comments>, accessed 25 August 2011.
26. "dpp" responds here: <http://harismibrahim.wordpress.com/2011/07/28/press-release-by-tian-chua-on-the-brutal-teargas-attack-at-the-kl-sentral-tunnel/#comments>, and the slogan "Imagine Power To The People" John Lennon' is found here: <http://harismibrahim.wordpress.com/2010/02/27/the-sabm-message-goes-to-ground/>; both accessed 25 August 2011.
27. Available at <http://harismibrahim.wordpress.com/the-peoples-voice-the-peoples-declaration/>, accessed 24 August 2011.
28. Habermas argues that the people who abide by the Constitution must think of the common good and that individual rights (private autonomy) and democracy/collective rights (political autonomy) are connected to one another: "The demand to orient oneself to the common good, which is connected with political autonomy, is also a rational expectation insofar as only the democratic process guarantees that private individuals will achieve an equal enjoyment of their equal individual liberties. Conversely, only when the private autonomy of individuals is secure are citizens in a position to make correct use of their political autonomy. The interdependence of constitutionalism and democracy comes to light in this complementary relationship between private and civic autonomy: each side is fed by resources it has from the other" (Habermas, 2001, p. 780).
29. See Jayanath Appudurai, 'Break the shackles of "tribal think"'. The People's Parliament, 26 July 2007. Available at <http://harismibrahim.wordpress.com/2007/07/26/break-the-shackles-of-%E2%80%9CTribal-think%E2%80%9D/>, accessed 25 August 2011.
30. From the Saya Anak Bangsa Malaysia Charter: Available at http://sayaanakbangsamalaysia.net/index.php?option=com_content&view=article&id=64&Itemid=85, accessed 5 October 2011.
31. From 'What is Saya Anak Bangsa Malaysia?' Available at http://sayaanakbangsamalaysia.net/index.php?option=com_content&view=article&id=68&Itemid=84, accessed 5 October 2011.
32. The Saya Anak Bangsa Malaysia Charter can be accessed here: http://sayaanakbangsamalaysia.net/index.php?option=com_content&view=article&id=64&Itemid=85, accessed 17 December 2012.
33. 'Bangsa Malaysia Merdeka get-together: The real thing'. The People's Parliament, 26 August 2007. Available at <http://harismibrahim.wordpress.com/2007/08/26/bangsa-malaysia-merdeka-get-together-the-real-thing/>, accessed 25 August 2011. 67 people attended the forum and 150 attended the get-together, including many bloggers.

34. <http://harismibrahim.wordpress.com/2008/08/18/dear-anwar/>, accessed 25 August 2011.
35. The MAFU music video and the fifteen short films 15Malaysia were non-profit projects made to be distributed for free on the internet. Amir Muhammad's documentary *Malaysian Gods* was inspired by the Reformasi events in 1997 and the Hindraf street demonstrations in 2007. See <http://www.youtube.com/watch?v=gNbAnX9SJrw&feature=related> and <http://15malaysia.com/>, accessed 25 August 2011.
36. 'Four BERSIH petitioners arrested within parliament compound', 11 December 2007. Available at http://www.youtube.com/watch?v=VD6d8OIyy6I&feature=player_embedded, accessed 25 August 2011.
37. 'Sanctity of parliament violated – Chin Huat sings Negaraku on arrest (YouTube)'. Available at <http://blog.limkitsiang.com/2007/12/12/sanctity-of-parliament-violated-chin-huat-sings-negaraku-on-arrest-youtube/>, accessed 25 August 2011.
38. A series of flashmobs, a new cultural urban phenomenon in Malaysia, was organised by the 528 Media Action group together with the Centre for Independent Journalism and Writers' Alliance for Media Independence (WAMI). Groups would appear in masks outside malls, on the light rail transit reading the mainstream newspapers upside down (Hazlan Zakaria, 2010). See also 'Another TV producer claims political meddling'. *Malaysiakini.com*, 28 April 2010. Available at <http://www.malaysiakini.com/letters/130435>, accessed 20 August 2011.
39. Extraordinary People Impacting Community (EPIC). Available at http://dosomethingepic.net/?page_id=18, accessed 20 August 2011.
40. Closer to Arendt's idea of citizenship would be Occupy Dataran, "a new independent and autonomous grassroots initiative to reclaim Dataran Merdeka as an open and democratic space for people to gather, discuss and explore the true meaning of democracy beyond the representative system, to redefine democratic participation beyond the ballot box, to imagine a new political culture beyond race, ideology and political affiliation". Available at <http://www.facebook.com/occupydataran?sk=info>, accessed 16 February 2012.
41. Haris Ibrahim, 27 February 2010, after a SABM meeting. 'The SABM message goes to ground'. Available at <http://harismibrahim.wordpress.com/2010/02/27/the-sabm-message-goes-to-ground/>, accessed 25 August 2011.
42. Available at <http://www.youtube.com/watch?v=0BAxeFy2NA4>. See 'Justice for Beng Hock: Protesters arrested 17/07/2009 (Part 1)'. YouTube, accessed 25 August 2011.
43. Under Part II of the Federal Constitution – Fundamental Liberties (Arts. 5, 6, 7, 8, 11, 12(2), 12(3) and 13) where the words "any person" are mentioned, these constitutional rights apply to migrants as well as citizens. However, Article 10, which delineates freedom of speech and expression, of peaceful assembly and association, is subject to clauses (2), (3) and (4) and therefore is not in line with international law – i.e. Article 19 of the UN Universal Declaration of Human Rights. This is problematic as such fundamental freedoms should be enjoyed by all regardless of immigration status or citizenship. The author thanks lawyer Angeline Shannan for this point.
44. Perkasa's vocal boasts are not followed through with actions, as demonstrated on the day of the Bersih 2.0 rally when it failed to show up (Aw, 2011). In another controversial incident, the Shah Alam cow head protestors only succeeded in alienating other residents from both neighbourhood associations who deemed the protestors' actions extremist (Mahavera and Siti Nurbaiyah, 2010).

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