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## **Getting rid of race-based decisions**

By Ooi Kee Beng

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Before unity comes trust. Indeed, distrust is the prerequisite of disunity. Once distrust has been injected, disunity is a given effect.

The recent public row over the decision by Malayan Banking Bhd, a government-linked company, to use law firms based on a 50% bumiputera equity ownership requirement reveals the depth of the problem of disunity that faces the country after 50 years of independence. It also reveals the depth of the distrust that exists.

Although the bank retracted its policy a few days after it was announced, suspicions will remain strong for a long time to come that the spirit of that attempt at racial discrimination will continue to dictate the bank's choice of law firms. Once trust is destroyed, it stays destroyed until something dramatic occurs.

The elusive national unity that many complain is so badly lacking in Malaysia today cannot be attained without trust — trust in the present government and its ministers, trust in the sincerity of its policies, trust in its ambition to build a just Malaysia and trust in its ability to put its weight behind its words, even if they are sincere.

It was indeed an encouraging sign that many voices were immediately heard criticising the bank, forcing it to change its decision. Otherwise, a precedent would have been set that bodes ill for whatever liberal tradition Malaysian governance has left. Deputy Prime Minister Datuk Seri Najib Tun Razak reportedly said the government wished to help bumiputeras and non-bumiputeras and regretted that certain parties interpreted things any way they wished.

Here lies the problem. What happens when affirmative action, whatever its policy name, is allowed to run wild?

The justification for aiding one ethnic group before another is stronger in basic fields such as education than it can be, for example, when it comes to subsidising rich bumiputera families in the buying of high-end housing or providing scholarships to the same. Justification is weak indeed when giant banks practise discrimination in giving out contracts.

To approach the question another way, one should perhaps ask when race-based decision-making is out of place in Malaysia today. And are there fewer such occasions or are they becoming more prevalent?

After 37 years of affirmative action, the logic of "Malay first" has crept into all levels of Malaysian consciousness. This was surely not the aim of the New Economic Policy, which was to eradicate poverty and dissociate race from profession? What this meant was that to the extent the NEP succeeded, race would increasingly become irrelevant in Malaysian economic life. National unity, inter-ethnic harmony and economic strength would then have been achieved. That was the idea in any case — idealistic and overly optimistic perhaps, but nevertheless admirable.

The trick in the long run builds on two processes. First, make race a decisive factor in public policy, especially in education and business; second, as the first increasingly succeeds, initiate a counteracting process against the ubiquitous consciousness about race started by the first process. Over the last four decades, the first process has rolled along unhampered. The second has yet to start.

One can of course argue, and quite convincingly no doubt, that the NEP, although impressive in its achievements in some ways, inflicted quite a lot of collateral damage on inter-ethnic relations. But one would err to conclude that this means that the policy should therefore continue since it has not succeeded fully. Surely, one should not insist on continuing a policy exactly at the points where it has failed? Instead, a reform and a rethinking would be a wiser option.

The Maybank case should be seen as an example of where the starting shot for the second process should begin. A conscious effort is now needed to set clear limitations to race-based thinking. Who are in a position to start such a process?

Perhaps the government? Of course, but the problem with sustained affirmative action, especially one meant to favour the ethnic majority, is that it nurtures, and has nurtured, populists. The political culture is therefore corrupted in that sense, limited by its own fixation with race. This goes for politicians of all races.

Perhaps civil society? Of course, but this is a disparate segment that seldom has a common agenda. In fact, it is not always clear what the term "civil society" denotes. Nevertheless, the participation of non-governmental organisations is required for the paradigmatic shift that is called for.

Perhaps individual citizens? Of course, given the ubiquity of the racial discourse that has painfully divided Malaysians for so long, a renegotiation of relations between the races is very strongly needed at the lowest levels. The trust between ethnic groups, lost through the divisiveness of politics, is best rebuilt, not through politics and politicians, but through a renewed meeting between them outside of politically defined spaces.

The highest hurdle is faced by those nominally favoured by the NEP. A consciousness has to grow — in the face of political populism working in the opposite direction — that affirmative action programmes need to be rethought and reformed in such a way that they can roll back the racial consciousness that Malaysia is mired in.

Simply put, the rolling back of race-based discourses is a regaining of dignity, for both Malays and non-Malays. With a mere shift in focus, the Malays may say with confidence: “My children have the right to government aid, not because they are Malays or non-Malays, but because they need the aid.” Likewise, the non-Malays may also think without cynicism that “my children have the right to government aid, not because they are Malays or non-Malays, but because they need the aid”.

Affirmative action is about rectifying uneven playing fields. This is very clear in the area of education and other basic areas such as housing and jobs. But when its logic is warped for making playing fields uneven, as in the Maybank case, then no individual, organisation or government should accept it.

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