Interpreter: *Kes 45-52-2000 PP lawan Kenneth Fook Mun Lee, kes sambung bicara. [Case 45-52-2000 PP vs Kenneth Fook Mun Lee. Hearing continues]*

While the calling of the case would be the cue for the prosecution (the party who initiated the action in the criminal court), to begin the proceedings, it is the judge who actually (who would normally be writing something in his diary) gives the permission to commence. Once permission is granted, the leading Deputy Public Prosecutor (DPP1) would introduce himself and his team and then introduce the defence team: beginning with the leading counsel first, followed by the rest according to rank, as in Example 2 below:

**Example 2: Introduction of parties (in BM)**

DPP : *Dengan izin Yang Arif, pihak pendakwa diwakili Abdul Karim Abdul Jalil, dibantu oleh Timbalan Pendakwa Raya Encik Abdul Wahab Mohamad (.) Timbalan Pendakwa Raya Encik Ahmad Fairuz Zainal Abidin (.) TPR Puan Rosidah Abu Bakar (.) manakala pihak pembela diwakili Encik Muhammad Shafee Abdullah dibantu oleh Encik K Kumarendaran (.) Encik Wong Keong Kong (.) dan Cik Leena Ghosh dan Encik Dev Kumarendran bagi pihak tertuduh dan Cik Hasmaliza* (.) sebagai watching brief. [With your lordship's permission, the prosecution is represented by Abdul Karim Abdul Jalil, and assisted by Deputy Public Prosecutor Encik Abdul Wahab Mohamad (.) DPP Encik Ahmad Fairuz Zainal Abidin (.) DPP Puan Rosidah Abu Bakar(.) while the defence is represented by Mr. Shafee Abdullah assisted by Mr. K Kumarendaran (.) Mr. Wong Keong Kong (.) and Miss Leena Ghosh and Mr. Dev Kumarendran for the accused, and Miss Hasmaliza as watching brief.]

In the days that followed, it was observed that if there was no change in the composition of teams then the introductions would be as follows:

DPP : *Dengan izin Yang Arif, pihak pihak seperti yang ada.* [With your lordship's permission, the parties remain the same.]

There were also times when the prosecution did the introductions in English, if permitted by the court, as shown below:

**Example 3: Introduction of Parties in English**

DPP : If it pleases the court Yang Arif, parties are still the same.

The permission to allow the proceedings in English is yet another prerogative of the judge who can compel parties top use the national language (a rule initiated in1982). Ruling. This is yet another application of social reality as some counsels

were found to be rather incompetent to use Bahasa Malaysia (see Juneidah Ibrahim and Abdul Kahar Yaakob 1993).

The start of a session would also change the atmosphere in the court. There would be minimal or no movement and all eyes would be on the interactions. It was noted that all interactions were addressed to the judge. Counsels were not allowed to address each other directly at all.

As the judge is the one to order a trial to begin, he is also the one with the power to adjourn a hearing. In Malaysia, due to a system that compelled him to listen and take down all the notes of proceedings, the judge is faced with mental and physical exhaustion. The following Example for instance was taken when counsel was in the midst of ascertaining the expert endocrinologist's credibility in the said areas when the judge suddenly decided that he had enough for the day. So, court was adjourned.

(In the Examples that follow, DPP is the Deputy Public Prosecutor, Defence is the Defence Counsel, DW is the Defence Witness, and Judge is the presiding Judge. The underlined words indicate a raised tone and emphatic stress. Two strokes / / indicate overlapping, while parallel = are contiguous utterances. (.) indicate relatively short pauses. The data is authentic and the structures have not been corrected).

**Example 4: Direct Examination of DW3 on 15.11.01, at p. 26**

| | | | |
|---|---|---|---|
| Defence | : | Now Dr. we need to know your knowledge in relation to blood | 1 |
| | | analysis glucose and urine. Could you state your knowledge in | 2 |
| | | these areas? Knowledge and qualifications? | 3 |
| DW | : | As /a/ | 4 |
| Judge | : | /I/think we can continue tomorrow. I need a clear mind, | 5 |
| | | before I get fermented. (To DW) You are educating us quite a | 6 |
| | | bit. We have to talk patiently to you. | 7 |
| | | (Adjourned) | |

Here note how DW's answer in line 5 was overlapped by the judge who directed to end the proceedings and remarked with humour that he "was getting fermented" with all the information. It was rather abrupt and this 'fatigue' of the judge happened several times during the proceedings. Usually, after such a direction, the judge would rise and leave the court immediately.

From my observations, it was rather trying for the judge to sit through such a trial that demands the best, in not only mental health and capacity, but also physical health. The fact that the judge has to listen, comprehend, and at the same time weigh the evidence adduced against the issues, known laws and cases (local and international). This is certainly a Herculean task.

## THE ABSOLUTE POWER OF MALAYSIAN JUDGES

Section 165 of the Evidence Act 1950, deals with the power of the judge in the taking of evidence. The section provides that the judge may ask any question he pleases, in any form, at any time, to any of the witnesses or of any of the parties (counsels), about any fact relevant or irrelevant and may order the production of any document or thing.

The section further provides that the parties or their agents are not entitled to make any objections for any question or order and the judge can refuse to allow any counsel from asking certain questions during cross-examinations

The judge, as the most powerful participant in court, thus have the liberty to address all parties, adversarial counsels, witnesses, the Registrar and the interpreter. This was amply observed and recorded in the case. It was also observed that the court officers mentioned earlier, would speak only when spoken to, except for the non-examining lawyer who may raise objections during the examination of witnesses. The judge had also, at times, addressed the non-examining lawyers: namely, the junior members of the defence team, seated at the left-side of the courtroom. It must be noted that while the arrows in the diagram are two-way, the only one who can initiate the interactions is the judge. Again, the lawyers may initiate the interaction with the witnesses or the interpreter. However, the accused has no speaking part until, and unless, he is called to the witness box.

Due to the nature of the open court, when matters which are deemed confidential, or which may be injurious to any parties need to be raised, these matters will be discussed in the judge's chambers. If such occasion arises, then the judge would adjourn the hearing. It was also observed that this retiring to the chambers also took place when the parties deliberated on hearing dates.

Power is also manifest in the code of conduct and attire of the participants. The judge is robed (in black) and so are the lawyers. This is in adherence to the rules of the High Court and a legacy of the English common law system. Female lawyers are not allowed to appear before the court in skirts that are above the knee. Shoes must be black, and for female lawyers, only 'court shoes' are allowed. In fact, until 1982, judges and lawyers appearing in the higher courts had to don wigs. However, this practice has been discontinued, and male judges had to don the Malay headdress or *songkok* during official occasions. The other court officials, interpreters and the registrar have to wear black coats, and this is supplied by the state. Members of the gallery are also subject to a dress code: i.e., to be 'decently' attired, or otherwise, one is refused entry... During the proceedings, such members of the gallery would have to sit properly (straight up, legs are not to be crossed, and to observe silence). Silence is strictly observed when the judge is in the court.

The way a trial is conducted and the mode of conduct of the lawyers is another important point. Counsels must stand up when addressing the court. We now turn to the role of the judge to maintain harmony and the judicial power exercised.

## THE JUDGE AND CONTESTATIONS IN THE COURTROOM - TO LISTEN CAREFULLY AND ACT FAIRLY

It has been mentioned earlier that contestations usually arise during cross-examinations and the judge must exercise his power to maintain harmony. To illustrate this need let us turn to the following example.

Example 5 that follows is the start of the cross-examination of DW7, a defence expert witness, who is a clinical endocrinologist from a hospital in Penang, who is a British national. Her evidence was to support an earlier testimony by another defence medical expert, DW3. DW3 was a researcher, and thus would not have been considered competent enough to give an opinion. Hence, the defence brought in a clinician. DW7 attested that this was her first appearance in court as an expert, a point which did not escape the scrutiny of both the cross-examining lawyer and the judge.

**Example 5: Cross Examination of DW7 on 12.12.02 on page 35.**

| | | | |
|---|---|---|---|
| Judge | : | Yes? (rising tone, sounds like a question but is really a signal to the DPP to proceed with the cross-examination) | 1<br>2 |
| DPP | : | My lord, I'm going to take some time with this witness especially I'm going to look at this article. I may or may not finish with this witness today. | 3<br>4<br>5 |
| Judge | : | Never mind. | 6 |
| DPP | : | I've not finished reading this article ( pause, gathers notes)<br>Now, Dr. Elizabeth, I put it you can understand the way I ask. If you can't understand please tell me and I will give it again.<br>Now Dr. you were approached by Mr. Kumar to be a witness for this trial in September 2001. And after Mr. Kumar has briefed you, you agreed to assist him do certain things, yes, or no? | 7<br>8<br>9<br>10<br>11<br>12 |
| DW | : | (raises tone) I did not agree to assist him to do certain things but agreed to /come/ | 13<br>14 |
| DPP | : | /Dr! / I would like to advise you one thing | 15 |
| DW | : | May I? | 16 |
| DPP | : | If I ask you to explain, then /explain / | 17 |
| Defence | : | (rises and speaking loudly)/Your lordship!/ I would like the learned deputy to = | 18<br>19 |
| DPP | : | =Let me control this witness not my learned friend | 20<br>21 |
| Defence | : | My lord, he can control the witness through the questions, I don't think we can control then explain the question | 22<br>23 |
| DPP | : | (continues to address DW) Did you come to dislike _____? | 24 |
| DW | : | I dislike the tone | 25 |
| Judge | : | There is nothing wrong to say, yes. Lawyers are not here to do crooked things; lawyers are here to assist me. You are here to present a case, to make sure that justice is done. | 26<br>27<br>28 |
| DW | : | Because this is not a _____ and following by assisting I'm taking great care in my use of words, because that implies I'm not assisting into _____scrutinize of _____ | 29<br>30<br>31 |

| | | | |
|---|---|---|---|
| DPP | : | One thing Dr. Elizabeth, don't think that I have some threat in your questions, threatening into and trying to confuse you | 32<br>33 |
| DW | : | Perhaps I watch too much TV | 34 |
| DPP | : | Dr, I have to ask you questions, | 35 |
| Judge | : | See, the objective of cross-examination is actually to destroy, to destroy your credibility, we may also go into your qualifications, you see, sometimes degrees can be penalized. I'm explaining to you. You have come as an expert, you are an endocrinologist, and they will go to your qualifications. That is the extent to which they can go. Of course there are limitations to what is asked. They cannot scandalize you, or annoy you or, or your lawyer will stand up and object if I am busy writing this say it is very difficult sometimes. _____<br>So, don't worry about the questions, don't get upset, answer and candidly.<br>So you were asked not assist Mr. Kumar, say yes or no, and don't hesitate. Say I do not know if you do not know, say no, 'cos if you want to volunteer and answer everything, say you do not know. It will be for other witnesses, experts. You (.) You see these people who ask questions (.) are very nice people (.) but the process of justice is like that (.) See these people do not have bedside manners like you doctors have (.) There your objective is to serve patients; here their objective is to destroy you. | 36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53<br>54<br>55 |
| DPP | : | If you have not answered me | 56 |
| DW | : | As your lordship has said | 57 |
| Judge | : | Your answer is yes? | 58 |
| DW | : | Yes. | 58 |
| Judge | : | Your answer is, I am not here to assist Mr. Kumar | 60 |
| DW | : | Yes | 61 |
| Judge | : | Leave it like that. | 62 |
| DPP | : | Now, you give the defence on this case was hypoglycemia, it was briefed to you? | 63<br>64 |

Example 5 demonstrates the exercise of absolute judicial power by a very highly involved judge. This stretch of data was taken from the start of the cross-examination and we can see that the judge is the one empowered to start the proceedings for the day. In line 3 the DPP was attempting to ask for an adjournment as he was not fully prepared to cross-examine the witness (lines 3-4) as the defence had tendered a document that he had not finished reading. The judge in line 6 did not entertain this indirect request and from *Never mind* in line 6, the DPP was directed to proceed.

As this is a cross-examination of an expert, the objective of the DPP was to show that this witness was not credible. Literature (for instance Cotterill 2003) has shown that experts may lose their credibility if they are proven to be impartial, for example if they 'were paid' to do the job. Lines 9 to 12 were to lay the foundation of bias and pecuniary interest. The *Now*–prefaced question marked a shift in topic, and *And*-prefaced (line 11) marked an additive to the approach earlier mentioned.

The lexical choices of *approached by, briefed,* and *agreed to assist* were carefully selected to highlight the DPP's contention.

Earlier ethnographic notes showed that this expert was relatively uneasy and seemed a bit nervous, which may have arisen from the fact that she was a novice in court. The rise in intonation and the use of emphatic stress indicated that the insinuations did not go unnoticed. The expert witness knew that she was 'in danger' of having her testimony thrown out. Hence we see the denial in lines 13-14.

We note how the DPP seemed to be losing control of the witness, followed by a rather heated exchange between the counsel and the witness (line 15-16). It is not surprising therefore to see the defence counsel raising an objection in line 18-19, and appealing to the judge, which is an indirect request to for the judge to intervene. At this stage, the counter objection by the DPP to control the witness, was actually a move to regain his lost turn. At this stage it seemed that there was a loss in courtroom control as the contiguous utterances in lines 19 and 20 and the raised voices by both the DPP and the defence counsel.

As in many other instances in the trial, and as provided for by section 165 of the Evidence Act, the judge seized control in line 25 with the objective of re-creating the harmony that was disrupted. In light of the hostility that was brewing and the apparent naiveté of the expert, the judge indulged in a rather long turn to enlighten the court (especially the witness) on the objective of cross-examinations. It would also seem that the judge implying that perhaps the witness had been coached by the defence counsel to respond in a certain manner. So from lines 45, the judge laid out the 'duties' of witness, with a rather gentle comparison of 'bedside manners' of doctors and the destructive 'manner' of cross-examining counsels (line 51). This demonstrates the awareness of the judge of the different discursive practices of different bodies of science: law on the one hand, and medicine on the other. This difference is markedly clear in the question-answer process of the court. Line 47 alludes to this. In the science of law, objectivity is the key variable. There are no grey areas. Questions posed by counsels must be answered in the affirmative or otherwise. In line 58 the judge took over the questioning from the DPP and with a leading question, the witness completed that part of the testimony. Line 62, *Leave it like that* is a directive to both the DPP and the witness. Hence in line 62, the *Now*-prefaced question marked a topic shift.

## FORMS OF ADDRESS : THE ISSUE OF THE 'LEARNED FRIEND'

Tiersma (1999) documented that legalese has allowed the legal fraternity to be kept closed and accessible only by 'insiders'. Linguistically, this has been done in many ways: from the genre to the syntax, lexis, vocabulary, etc. For instance, a word may take on a different meaning in the legal fraternity: for instance, bench, prayer, etc.

In the courtroom, harmony is maintained with the strict recognition of forms of address. Adversarial counsels must refer to each other in the most polite terms, for example, Mr. So and So, or *Tuan* or *Puan* (for ladies). In the case observed, the judge was referred to as *Yang Arif,* loosely translated as *The Enlightened One* (the

English equivalent being Your lordship, or My lord). It is also noted that the judge will not refer to himself in the first person, but as *'the court'* or *'the bench'*. He would however, address the counsels interchangeably by their names of by the parties they represent- prosecution or defence.

In this case, the judge also addressed the defence counsel by his title, *Datuk*, a finding relatively different from tha of Gibbons (2003), which reports that in their courtroom appearances in the UK and Australia, judges address counsels by their name(s) only when they are reprimanding the counsels.

In court, one of the norms of address frequently used among counsels is the concept of the 'learned' used in conjunction with 'friend', or 'colleague', 'counsel' or 'judge'. In several instances in this trial, the counsels have been documented to use this adjectival description mutually for each other. So what is the meaning of the word 'learned'? Is it an adjective to describe someone who has studied a subject for a long time? The following example will show how the court has restricted the use of the word within the legal context.

**Example 6 : Cross-Examination of DW8 on 24.11.01**

| | | | |
|---|---|---|---|
| DPP | : | Now my last question, Mr. Hacharan Singh, we have the | 1 |
| | | evidence of Professor Vincent Marks to calculate | 2 |
| | | (.)backwards from 1.30 to 8, ascertain the amount of | 3 |
| | | alcohol , 8 o'clock actually there is , is no such guideline | 4 |
| | | to I, would you agree with it? | 5 |
| DW | : | You please repeat what the Professor said? | 6 |
| DPP | : | Prof. Marks said that there is no, it is very difficult to | 7 |
| | | ascertain what was the alcohol level at the time of the | 8 |
| | | incident ____ 8o'clock, from 1.30 198 mg, and it is | 9 |
| | | difficult or bad guide to calculate the level of alcohol at 8 | 10 |
| | | o'clock. | 11 |
| DW | : | I don't agree my lord because one, calculations between | 12 |
| | | a range not accurate. I don't agree with the learned | 13 |
| | | Professor | 14 |
| Judge | : | The word 'learned' is only for lawyers means qualified. | 15 |
| | | So when lawyer refers to lawyer, learned friend, is my | 16 |
| | | friend qualified in law (.) not clever | 17 |
| DW | : | Chemist also can | 18 |
| Judge | : | **Cannot!** | 19 |
| Defence | : | In the case of Mr. Hacharan he is also qualified in law. | 20 |
| Judge | : | No, this is Prof Marks. | 21 |

This excerpt was taken in the closing stages of the cross-examination of the expert witness, the forensic chemist. The expert had adduced that the blood alcohol level of the accused was at a certain point at 8 p.m., which would have been lower than the 1.30 a.m. sample, as analyzed by the Chemistry Department. This was the point that the DPP was attempting to dispute, by placing in juxtaposition prior testimony from DW3, another defence expert witness. In order to disagree with deference, he referred to DW3 as the 'learned' Professor (line 14), a person to be

respected due to his knowledge. This point was not well taken by the court as shown in lines 15-17. To the judge, and perhaps the legal fraternity, 'learned' is a term reserved for one who is 'trained in law', and not for any other description.

## CONCLUSION

Malaysian judges have a duty to listen to and deliberate on evidence adduced within a contentious adversarial system. As parties come to court to tell their version of a narrative aided by their counsels , and taking various subject positions, there needs to be a power that can deal with the issues and regulate the behavior of the contending parties. The judge in the Malaysian courtroom may exercise his power through discourse at the macro and micro levels and through directive and constitutive linguistic practices which include the invisible institutional power behind the discourse.

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**Biodata**

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# *MAHIDOL-UKM 3*

## DIFINING HARMONY IN SOUTHEAST ASIA: COMPETING DISCOURSES, CHALLENGES AND INTERPRETATIONS

**The Third International Malaysia-Thailand Conference on Southeast Asian Studies**

29 November – 1 December 2007

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## SESSION 6
## EDUCATION AND YOUTH

## SEMINAR ROOM 2

**Chairperson: Dr. Lalita Sinha**

1. Pedagogical Thoughts: Education, Critical Literacy, and Cultural Identity in a Democratic Society. - *Dale Rorex*
2. Maintaining Harmony in Online Chats. - *Tan Kim Hua*
3. Competing Views of Higher Education. - *Lynken Ghose*
4. Cultural Globalization: The Impact of the Farang on Thai Identity. - *Ninja Weissinger*

# Paper 1 Pedagogical Thoughts: Education, Critical Literacy, and Cultural Identity in a Democratic Society

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## Abstract

Diverse pedagogical thoughts competing within the cultural milieu of Southeast Asia influence the processes of becoming and being literate. This article is organized around three assumptions. First, it argues that the current crisis in education is symptomatic of a broader crisis in the meaning and practice of democracy. Second, it analyzes the critical relationship between literacy and cultural identity in a multicultural, multiethnic society. Third, it calls for educators to rethink leadership vis-à-vis expanding and deepening cultural democracy. In short, critical literacy is a culturally defined construct; therefore, it follows that it should have close links to cultural identity.

## INTRODUCTION

Cultural identity and critical literacy significantly impact the labyrinthine mechanisms individuals navigate in becoming and being literate called *mental negotiating processes*. This paper will explore the relationship between human cultural identity and critical literacy in a multicultural and pluralistic society. Minorities within diverse cultures differ from the perceptions held by the majority in what is perceived as literate behavior or appropriate style. This difference, in turn, influences how individuals function within social constructs (Ferdman, 1990). The type and content of literacy education that individuals receive can markedly influence their cultural identity. The human connections between literacy and culture must be fully acknowledged and respected in order to bring about a democratic society along with attaining the goal of literacy acquisition for all citizens.

Cummins (1996) states that children who enter schools in which cultural diversity is not tolerated, let alone encouraged, soon grasp the fact that their differences are not respected but are suspect. The resulting sense of reduced worth undermines achievement, in other words, pressuring children to conform, or to participate in educational practices that are unfair or discriminatory, causing them to lose their cultural identity. If students are not encouraged to think critically, to reflect, and to solve problems, they are being submitted to a transmission model of pedagogy.

Cummins, along with other pedagogues such as Lem Vygotsky, Henry Giroux, and Giles Ji Ungpakorn, emphasizes the need for structural changes within educational institutions that support positive attitudes and strong social and cultural identities on the part of majority and minority learners.

*Becoming* and *being* are highlighted to stress the dynamic aspects of literacy, rather than conceiving of literacy primarily as a passive characteristic of the

individual regardless of the vocation he or she pursues. The focus of this paper is the transformation of literacy and the ways in which literacy can be consciously thought of as "transformative ways of carrying out social transactions within the social constructed world" (Carraher, 1988). Being literate means the critical engagement of human beings in unique activities that define individuals as they transform and transact within the social constructed environment.

Learning is generally accepted as the holistic phenomenon in which language and cognitive development dynamically interact. Literacy is the ability to read and write, and should be approached as a holistic manifestation of learning. To this extent, the methods used in teaching and assessing first or second-language literacy should critically reflect the holistic nature of learning literacy. Language learning should occur within the context in which the language is to be used.

Language, culture, literacy, and education are inextricably intertwined. Ongoing debates over cultural identity, literacy, and political power are distended by histrionics and alter the focus on what is best for students. The issue of what language or dialect should be taught in school should be put to rest (Banks, 2005).

An individual's identity as a member of a group set apart from the majority is intertwined with the meaning and nature of becoming and being literate. As such, individuals maintain an image of the behaviors, beliefs, values, and norms that is culturally appropriate to the multicultural groups with which they identify. This is *mentally negotiated cultural identity* which is derived from and modulates the symbolic and practical significance of literacy for individuals as well as multicultural groups.

Once students are empowered to recognize their own cultural identity, they can learn to think critically about it and make meaningful decisions about their life opportunities. Problem-posing education, seeks to help students understand the world they live in and critically analyze real-life situations. Inclusion, critical analysis, practical skills, and self-confidence lead to empowerment.

The unique diversity in educational achievement among multicultural groups in the classroom begs the question of understanding the relationship between literacy and cultural identity which is driven by a desire to integrate minorities into the contemporary multicultural environment. At the same time, inquiries into this topic can demonstrate that literacy is comprised of complex, multifaceted, and multi-layered constructs. When one looks at literacy education and acquisition in the context of a multicultural society, one is forced to go beyond viewing the processes called transmission and internalization of a set of cognitive functions and skills and to consider both the symbolic aspects and the content of what is taught and learned.

## CRITICAL ROLE OF VALUES

Accepting differences also means making provisions for them. Multiculturalism consists of values, traditions, and world views created, shared, and transformed by a group of people bound together by a common history, geography, language, social class, religion, or other shared identities (Nieto, 2004). The critical question at this juncture is how multiethnic differences in school performance have been and should be addressed by educators, and how that question—and responses to it—have been confused.

The debate over the relationship of literacy and culture is forced by societal concerns with issues of student and collective rights: To what extent do students and groups within a multiethnic society have a right to define and maintain distinctive identities? To what extent do these rights complement or conflict with each other? In Thailand, the 1999 National Education Act focused on an integrated and holistic scheme of education, religion, art, and culture. The subsequent National Education Plan endorsed equal access to opportunity without any barriers or advantages based on ethnicity, race, or gender (Ministry of Education, 2003). Foremost of these values, students' merit and classroom accomplishment are viewed as the only source of social and economic success. The educational system is promoted as the unique equalizer—the institution that can and should provide citizens with the tools they need to be productive members of a democratic society. In this view, fairness means measuring each student by the same criteria. It also means that all students must be treated in similar ways. To do otherwise would be to repeat inequities. In many other ways, however, to think about equal opportunity is to promote the unique differences among people, in particular, those differences rooted in culture and, therefore, in group membership.

To ignore group membership is to deny an important part of humanity. Indeed, treating everyone the same can be the right thing to do, for the interest of humanity. Be that as it may, not a small number of scholars have claimed that equal treatment creates inequalities.

Multicultural education is a conscious integral part of the effort to create a more democratic society. Therefore, multicultural societies including Thailand must participate in the democratic process as described by John Dewey (1916) in *Democracy and Education*:

> A society which makes provisions for participation of all its members on equal terms and which secures flexible readjustment of its institutions through interaction of the different forms of associated life is democratic. Such a society must have a type of education which gives individuals a personal interest in social relationships and control, and the habits of mind which secure social changes without introducing disorder.

Diverse views on the proper nature of the relationship among ethnic groups in Thai society may also be unique underlying points of disagreement: Should each group create its own way and be free to maintain its own heritage, norms, and values,

following a pluralist-within-multicultural model? Or should the dominant cultural group be emphasized and should assimilation be required?

Preservation of cultural identities, critical literacy, and democracy depends on a system of conscious education that equally prepares all multicultural children—majority and minority—to achieve high standards of success in the basic skills of reading, writing, and mathematics to participate in maintaining their democratic community. As Sanchamuneewongse (2007) explains:

> Multicultural education is three things: an idea or concept, an educational reform movement, and a process. It incorporates the idea that all students—regardless of their gender and social class, and their ethnic and cultural characteristics—should have equal opportunity to learn in school.

If multicultural values are honored and respected, then individual merit also needs to be respected and defined in a cultural modus operandi in which group membership is taken into consideration. Within the educational system, educators must encourage students and parents to give equal consideration to the maintenance and development of distinctive ethnic cultures. To the extent that groups differ, effective programs could be designed to meet the need for multiple perspectives based on students' group membership and academic needs.

Literacy has created a debate among educators for schools are viewed as the social institutions most responsible for literacy education in society. Furthermore, schools affect the thinking or mindset that shapes the way children become literate. It is practical and fair to explicitly link content and outcomes to the cultures of the participants.

Since having 45 students in a class is the norm in public schools in Thailand, there is a propensity for teaching to center around the teacher—a pedagogical style which diminishes interactive learning. Thai students have little or no opportunity to express themselves openly, rather they have to follow what teachers say or instruct them to do. Students' individuality, initiative, and creativity expressed through critical, constructive questioning are not generally welcomed by the teacher and are often regarded as offensive. Students have little opportunity to become involved in extra-curricular activities which would otherwise allow them to appreciate and adopt some desirable social values and attitudes. Values such as internationalization, democracy, the environment, leadership, and service are ignored by the overwhelming majority of teachers. There is a desperate need for practical and workable approaches in Thailand that will educate the whole person and foster active, responsible, and compassionate citizens.

## LITERACY AND CULTURE

Ethnic diversity, of and by its very nature, directs attention to the role of culture in the individual's interaction with the social world. Heller (1987) provides a useful perspective on the type of culture that distinguishes an ethnic group:

> For members of an ethnic unit, shared experience forms the basis of a shared way of looking at the world; through interaction they jointly construct ways of making sense of experience. The ways of making sense out of experience, the beliefs, assumptions, and expectations about the world and how they work underlie what we think of as culture.

Culture includes both specific behavioral characteristics typifying a group and the underlying views of social reality that guide those complex behaviors. Cultural behaviors are referenced as the way in which a group perceives its social environment. These definitions of culture suggest that an individual's view of social reality is mediated or negotiated by collective representations of that reality.

In a multicultural society moving toward homogeneity, it is common to think of literacy in terms of specific skills and activities. Given a broad multicultural consensus on the definition of literacy, alternative constructs are either remote or not conceptualized, so literacy becomes a self-evident personal attribute either present or absent. In such a multicultural environment, literacy is experienced as a characteristic inherent in the individual. Once individuals acquire the requisite literacy skills, they also acquire the quality of mind known as critical literacy, together with the right to be labeled as literate.

Judgments about a person's degree of literacy are not dependent on the situation. Because there is wide agreement on what constitutes literacy, people carry the subjective cultural label regardless of whether or not they continue to demonstrate the behaviors that first earned them the designation.

In a multicultural and multiethnic context, however, the cultural framing of literacy becomes easier to see. Being literate has always referred to having mastery over the processes by means of which culturally significant information is coded. Accordingly, literacy does not consist of a universally defined set of skills constant across the spectrum of time and place. Since cultures differ in the values they attach to cultural texts, they will also differ in literate behavior. Di Gropello (2006) speaks about how the domains of literacy in schools in Thailand have shifted historically from views that until the last three decades emphasized the moral, religious, and civil aspects of literacy instruction to more current views that emphasize functionality, basic skills, and measurability.

An illiterate person is someone who cannot access textual frames that are perceived as significant within a given culture. That same person, in another cultural context, may be classified as being literate. When a number of cultures co-exist within the same social construct, it is more likely that society will produce variant conceptions of what constitutes being literate, for culture exists as a product of social interaction and organization. Chomsky (1989) notes that being literate involves

mastery of conventional experience and common knowledge. These concepts form an unwritten textual contract which determines what will be construed as literacy by a particular group or community at a given point in time. In becoming literate, an individual must master, in addition to a set of defined skills, all the cultural information involved in decoding and producing textual frames of reference for comprehending their contents.

Social and cultural control of society is tied directly to the manner in which knowledge is presented in the educational environment.

> Schools in Thailand, acting as agents of the culture, control the extent to which personal knowledge may enter into the public knowledge of the school curriculum. In selecting what to teach and how it is to be taught and evaluated, schools reaffirm what Thai culture values as knowledge (ONEC, 2002-a).

Since educational institutions in Thailand are agents of culture, minority communities must walk a fine line in advocating equal considerations for all cultures as a common practice for moral justification. International schools in Thailand tend to see reading and creative writing by students as a valued activity. National schools may be uncomfortable with these activities because students are encouraged to learn by rote rather than to produce original work.

The environment of the school and its agents—administrators, teachers, textbook writers, and editors—has, in turn, shaped these preferences. Whether these cultural messages are congruent depends in part on the degree of cultural heterogeneity represented by the agents of education.

In promoting literacy, Thai schools vary in the degree to which the cultural views of ethnic groups are incorporated. To the extent that schools reflect the majority culture, students from the dominant ethnic group in Thailand are more likely than are ethnic minority students to find consistency between the various constructs of literacy. In either case, because literacy education tends to be left primarily to the school, children become literate in the cultural image represented by their school. In the case of minority group members, however, the process may be fraught with problems depending on the extent to which the group's standards of cultural significance differ from the norms of the dominant group.

## CULTURAL IDENTITY

The present analysis focuses on cultural identity as an aspect of ethnicity in a multicultural, multiethnic society. This emphasis is not meant to suggest that other social considerations—gender, race, and class—do not play an important role in linking individuals to groups and, therefore, in helping to form people's identities and conceptualizations of a multicultural world. Indeed, arguments similar to those presented in this paper could be constructed linking literacy to other complex societal components. Krug (1996) identifies the issue as one in which the, "out-group members are too far removed from the context in which distinctive in-group cultural

patterns are displayed. In-group members, on the other hand, are often too close to their own culture to be able to see it."

Cultural identity is an abstract principle which can help to generate these links. By its very nature, culture is meaningful only with reference to the group, yet it is enacted by individuals. Society must clarify what is meant by cultural identity to understand its interaction with literacy.

## GROUP LEVEL

An ethnic group's cultural identity involves a shared sense of the features that help to define and characterize the group. Multicultural attributes are important not just for their functional values, but also as symbols. Vygotsky (1978) explains that as children become cognizant of their environment, they use symbols to code, organize, and internalize all sensory information as new knowledge. On the adult level, for many illegal aliens in Thailand as well as the indigenous inhabitants of the Muslim provinces in the Deep South, the Thai language is not just a means of communication, it is seen to repress their cultural identification and accentuate their differences.

Kochman (1997) makes a distinction between emblematic and non-emblematic ethnic indicators. "Emblematic indicators are those racial and cultural features that serve an identity function or otherwise mark and maintain social boundaries," between the in-group and the out-group. These are the features that in-group and out-group members tend to think of as ethnic identities. Non-emblematic indicators are those cultural patterns that do not serve such functions and of which the behavior of the in-group and out-group members are not otherwise generally linked to the group.

Cultural identity at the group level involves features that are perceived as emblematic by the in-group. While outsiders may consider particular features as characteristic of most group members, these features do not necessarily form part of the group's collective cultural identity unless the in-group has internalized this point of view.

Smolicz (1991) asserts that "whenever people feel that there is a direct link between their identity as a group and what they regard as the most crucial and distinguishing element of their culture, the element concerned becomes a core value." Maintenance of the native language may function as a core value for some groups, for others the centralities of family or religious life may assume this role. Ethnic minority language communities are frequently marginalized from the main stream of their nation's social, economic, and political institutions. If nothing is done to ameliorate the plight of endangered linguistic species, 90 percent of the world's 6,000 living languages—one-third of which are in Asia—will become extinct over the next one hundred years.

## Cultural Identity and Critical Literacy

Critical literacy is a culturally defined construct; therefore, it follows that it should have close links to cultural identity. At the social level, literacy education involves not just the imparting of particular skills, but also the transmission of values which show how literacy programs are carried out in the context of particular social agendas.

> If critical literacy campaigns are seen as attempts to forge or to impose a common cultural tradition, and secondarily as attempts to disseminate competence at reading and writing, then society ought to reconsider the current crises not as failures in the mass transmission of reading and writing but as failures of a far more fundamental kind, failures in the perpetuation of a desired socio-cultural tradition (De Castell and Luke, 1987).

In that cultural symbols can affect the behavior of individuals suggests that the process of becoming and being literate is negotiable. When misunderstandings occur in the learning process as a result of definition and an individual's cultural identity, the individual is confronted with making a negotiated choice that has implications for the acquisition of reading and writing skills, as well as for the individual's relationship to particular texts and the symbols they contain. Minority students must either adopt the cultural perspective of the educational institution they are attending at the risk of diminishing their cultural identity, or else resist externally imposed activities and definitions which foster alienation from the dominant culture. For majority children, the educational institution's perspective is likely to replicate their cultural identity. Clearly this is less likely for members of ethnic minorities.

Giroux (1987) points out how people's "memories, narratives, and readings are inextricably related to wider social and cultural formations." In the context of literacy education, when students perceive a text and its symbolic contents as belonging to and reaffirming their cultural identity, it is likely that they will become challenged and meaning will be transmitted or derived. In multicultural societies, people wishing to acculturate are more likely to engage in activities that will help them to acquire competency in the native-language of the dominant group.

Cultural identity negotiates the process of becoming literate as well as the types of literate behavior a person subsequently develops. It is possible to formulate critical questions as a guide to explore future thinking and research on cultural identity and whether an individual becomes literate as a result of schooling:

- How is literacy defined in the individual's group, and what is its significance?
- How do texts address cultural identity?
- What subtle messages does a curriculum communicate about the value of the learner's culture?
- What relationship does the learner perceive between the tasks assigned in school and his or her cultural identity?
- Must the learner completely alter or modify the nature of his or her self-concept in order to do what is asked?

Critical attention to these questions by politicians, educators, and parents may help society to better understand how the meaning of literacy for individuals is influenced by their sense of self as cultural beings. In turn, such understanding should better serve members of a multicultural society as they acquire literacy.

The most critical points facing educators and parents are how to acknowledge students' cultural identity and consider them in planning the curriculum so that society can consciously provide more effective literacy education. Before one can educate children, one must think carefully about one's own values, beliefs, and attitudes regarding ethnic diversity as well as one's experiences of cultural awareness.

Avoiding stereotyping and over-generalization does not mean avoiding the social constructs of the realities of culture. The classroom should exist to encourage students to explore the ramifications of their ethnicities. Consciously and positively linking educational activities to the students' cultural identity is a way of motivating students. Educators can provide a range of literacy experiences and explicitly integrate students into cultural involvement and understanding. Literacy can take instruction to a more effective level of awareness by permitting and encouraging instructional acknowledgement of the different cultural influences on students.

## CONCLUSION

This paper has argued for education within a multicultural milieu and has demonstrated how cultural diversity plays a critical role in influencing the relationship of literacy and the individual. The perception of people in relation to their ethnic group and to society as a whole can be changed by the process of becoming and being literate. Advocates of extending literacy to all members of society might well incorporate the view that minorities are cultural beings. If this can be done consciously, perhaps more sensitivities and articulated models of literacy acquisition can be developed that will better take into account the social context in which literacy is defined and expressed. When majority and minority students are supported in the development of clear and strong cultural identities, excessive uniformity at the individual level and the divisiveness at the group level are diminished. In such a democratic environment, literacy can become a harmonious universal characteristic that benefits all elements of the human stain.

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# Paper 2 Maintaining Harmony in Online Chats

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## Abstract

With the advent of the electronic media into mainstream communication, one of the developments taking place within the Internet environment has been a shift from face-to-face communication to online chats. Shortis (2001: 92) called this genre "interactive written discourse". This discourse or real-time chat, sometimes referred to as 'instant messaging', is synchronous and offers users the ability to communicate with each other instantly. Although similar to face-to-face talk in terms of spontaneity of response, online chats lack many of the physical cues found in face-to-face communication. This paper examines the nature of coping strategies among undergraduates in maintaining and sustaining harmony in online chats at Universiti Kebangsaan Malaysia. Coping strategies adopted in maintaining a harmonious environment in online chats are analysed and the motivations of such adoption of strategies are also investigated. The findings have implications on the development of online communication skills among undergraduates as online chat sessions, once regarded as a simple social communication device, have now gained a significant position particularly in universities, where most undergraduates are known to spend a large part of their time, both formally and informally, in online communication.

## INTRODUCTION

One substantial impact of the Internet on the 21st century literacy practices in education is that academic and non-academic discourse amongst students of higher learning have not only moved from face-to-face interaction to online modes but also, the preferred online communication channel has shifted from e-mail and discussion groups to online conversations, commonly referred to as online chats. Shortis (2001: 92) called this genre "interactive written discourse". Almeida d'Eça (2002) included the verbal component in her definition of chat. To her, online chat is a two-way form of computer-mediated communication (CMC), a dialogue in real time as we keyboard or speak our words, an online conversation between two or more people. Unlike e-mails and discussion groups, this "written talk" is synchronous communication in real time. Although almost similar to face-to-face conversation, written chat lacks many of the physical cues found in real conversation.

## ONLINE COPING STRATEGIES

The absence of physical cues in online chats can sometimes lead to disharmony in communication because much of the information obtained in face-to-face interaction such as body language, tone of voice and gestures are absent. It is interesting that interactants tend to adopt discernible ways of coping with online chat

discourse which are similar though at times markedly distinct from those adopted in face-to-face interaction due to media differences.

Coping strategies, in general, refer to specific efforts, both behavioral and psychological, that people employ to master, tolerate, reduce, or minimize stressful events (Donovan & MacArthur, 1999). Two general coping strategies have been distinguished: problem-solving strategies are efforts to do something active to alleviate stressful circumstances, whereas emotion-focused coping strategies involve efforts to regulate the emotional consequences of stressful or potentially stressful events (Folkman & Lazarus, 1980).

Whilst the general objectives of both problem-solving and emotion-focused types of strategies are applicable and relevant to online chats, it is not the intention of this paper to categorize the strategies into these two types. This paper focuses on the description of the coping strategies adopted by interactants to sustain conversation if and when there is disharmony in online chats and, the motivation that drives them to do so. Disharmony, in this context, refers to a situation where communication becomes less smooth, uncertain, uncomfortable, or when there is a brief halt or break in communication, usually the result of one interactant failing to respond to the other interactant immediately or appropriately.

## METHODOLOGY

Seventy six undergraduates from the Faculty of Language Studies and Faculty of Education volunteered as participants in the research. Permission was sought from them to have their conversations analysed. All efforts were taken to ascertain the confidentiality of the participants for example, through the use of pseudonyms of their choice, which manifested as logon names when they appeared online. The identity of the participants were only known to the researcher and not to the participants. The participants therefore did not know exactly whom they were chatting with but were only aware that the interactants are university students.

Chat can work in three modes; text, audio and video. This research looked at the textual mode. The software mIRC was used as a medium to facilitate the collection of the typed out chats. By using an IRC programme such as the mIRC (an internet relay chat client developed by Khaled Mardam-Bey) text messages can be exchanged interactively with other people. What usually happens is an interactant enters a channel and joins the conversation in real time, sending named contributions which are inserted into a permanently scrolling screen. Internet Relay Chat (IRC) is one of the most popular interactive services on the Internet. This software provided the users a friendly interface for use with the IRC networks.

Three multimedia labs at the Faculty of Language Studies, Universiti Kebangsaan Malaysia were the location for data collection. To ensure anonymity of participants, three different labs were used for concurrent chatting across the labs. Participants are paired up randomly for a two-way chat. This simulates chatting with strangers as the participants would not know those with whom they were chatting to. The procedure in setting up the computers in the respective laboratories entailed the installation of the mIRC software in all the computers and the configuration of the

mIRC. Administration of data collection procedure included a short briefing to the participants on how to go about chatting online. All the data for this procedure were downloaded after the participants finished talking.

The corpus of 38 chats was 'captured' and downloaded in ascii format or .txt format. However, only 18 chats were deemed to have features of coping strategies.

## FINDINGS

Generally, 'disharmony' in the online chats was largely 'softened up' with the use of online coping strategies. The most prevalent coping strategies identified were strategies that were similar to face-to-face conversation such as language and communication strategies such as checking, rephrasing, abandoning followed by topic change, reinitiating, and delayed responses and those that were more electronically inclined such as the use of emoticons, avatars, abbreviations and code-switching.

## COPING STRATEGIES

### I. The use of harmonizing agents

#### a) Use of Emoticons

Emoticons are definitely an important aspect of online communication as it conveys the emotional cues of the message. It is a short sequence of keyboard letters and symbols, usually emulating a facial expression. Whilst informational text and content is important, emoticons, which are sometimes amusing and at times meaningful, complements and enriches a text message.

In the data, emoticons were generally used sparingly but with a purpose. Postings on online chats are for most of the time taken literally, so it is sometimes hard to detect non-literal meanings such as irony or sarcasm particularly, when the chat is among apparent strangers as in Example 1 below.

Example 1

<buddy>Anway w is ur father working
<girlypink> in the great KTM... u neo wat he gets very angry if we kutuk aboiut train ... he will start his lecture ...
→ <buddy> wait till ur father hear u kutuk im ah... :-p
<girlypink> wat does that suppose to mean?
→ <buddy> :-p , :-p
<girlypink> ok bro

It appeared that it was not the intention of 'buddy' to be sarcastic or the least, to be threatening, it was just a friendly, harmless comment. The emoticon :-p (emoticon with tongue sticking out) was reiterated three times to 'soften' his message.

Emoticons lend themselves to interpretation and can sometimes be ambiguous. For example, emoticons can pose as an alternative when users do not want to commit to an answer. In Example 2 below, the emoticon :-) can be interpreted as non-committal. 'King Undead' evaded the question or statement by choosing not to submit an answer but by using an emoticon :-). However, in Example 3, the emoticon :-) appeared to indicate agreement.

| | |
|---|---|
| Example 2 | <King Undead>btw, dun make ur chat sound like q & a |
| → | too much lar |
| | <Obiwan> Dun like to be asked questions? |
| | <King Undead> :-) |
| | <Obiwan> Yes? |

| | |
|---|---|
| Example 3 | |
| 001 | <sheepoh> But now very sian. Luckily someone |
| →002 | is online |
| | <twiggy> :-) |
| 003 | <twiggy> I can help meh |
| →004 | <sheepoh> You are now |
| 005 | <twiggy> :-) |

In Example 4, the emoticon :-b seemed to suggest that Darth Vader is joking with sexypink.

| | |
|---|---|
| Example 4 | <Darth Vader>where r u? |
| | <sexypink> planet hollywood |
| | <Darth Vader> ??? |
| → | <sexypink> Really, tot u in another lab? Can online from there meh? |
| | <Darth Vader> I'm in the lab lah, :-b |

**b) Use of avatars**

In this study, the participants or interactants were allowed to choose their own pseudonyms, also known as 'avatars' in the virtual world. An avatar has a special meaning as a symbol of identity in the virtual community (Suler, 1999). Avatars can be expressed not only by graphic images, but also by writing style, repeated use of name and self-description. Jordan (1999) notes that an avatar conveys a stable cyberspace identity and it is through them that users come to recognize their own online personality as well as those of others. Users of IRC tend not to use their real names (Reid, 1991; Danet et al., 1997; Suler, 1999) because the purpose of using an

avatar is to build an identity and to disclose oneself. An avatar can free a person from shyness and allows them to interact more openly and honestly.

From the data, females tend to choose what's slender, slim, sexy while males opted for what's more manly, macho and muscular. There is an injected air of mystery in their choice of avatars. The choice of the IRC avatars generally has imaginary and unearthly characteristics. Some of them with such characteristics are, the females used avatars such as 'girliepink, sexypinkl, twiggy, apple pie' while their male counterparts used avatars such as macho, obiwan, King Undead, Darth Vader, Calif, Cornelius, Dizzy duck, Vladi and Sheepoh. Those that are seemingly genderless are such as unokanini, ukaylele, wekmas and ewbanu. With the exception of dizzy duck and sheepoh, the rest sounds truly fictitious and out of this world.

Recently, with the development of graphical interface on the internet, chatters are even willing to pay a large sum of money to take on an avatar as their agents in a virtual community. The significance of a virtual identity encompassed in an avatar certainly promises new and exciting developments in the virtual world.

**c) Use of Abbreviations (Malaysian English features)**

The pace of communicative exchange in an online environment is rapid, especially among those who are "veteran" users in an IRC channel. The tendency toward the use of reduced forms may reflect the importance of minimizing the effort required to communicate one's message in terms of economy of space and time.

Two categories of abbreviation were discernible from the data; Graphemic and Graphonemic abbreviations. Graphemic abbreviations are abbreviations which are found only in paper but when it is spoken, it will be pronounced according to the base form and conventional pronunciation. For example, BTW is not pronounced as 'bee-tee-dabble-u but as the conventional base form, 'by the way'. Graphonemic abbreviations are abbreviations that are used in written and spoken language and can be placed on a phonemic level ( for example GATT is pronounced as 'get')

There are some regularity in the use of abbreviation among Malaysian speakers, part of the abbreviations are derived from Malaysian English features, shortening standard words in English to abbreviations with Malaysian English features according to Malaysian English pronunciation and lexicon particularly, in the reduction of vowels and diphthongs. Table below illustrates some of the abbreviations used that are typically Malaysian.

Table 1: List of abbreviations with Malaysian English features

| **Abbreviations** (Malaysian English features) | **Meaning** |
|---|---|
| dowan | don't want |
| edi/edy | already |
| oni | only |
| dono | don't know |

| | |
|---|---|
| oso | also |
| da | that |
| nw | now |
| n2m | not too much |
| wit | with |
| din | didn't |
| tot | thought |

The use of abbreviations that reflect the Malaysian English pronunciation creates a sense of belonging, solidarity and harmony in the internet chats. This creates a comfort zone for interactants as they can recognize features of Malaysian English and it would appear that interactants will feel more comfortable chatting with their fellow countryman even if it's online.

**d) Face-to-face related strategies**

i. **Code Switching**

Code switching is the use of more than one language or variety of language in the course of a single discourse (Nwoye, 1993). Switching between Malay and English or dialects is a prevalent phenomenon in Malaysia. To Asmah (1992) code-switching is a form of strategy in getting their message across to others. Likewise in an online environment, this strategy prevails. Some of the examples of code switching are as illustrated below:

Example 5

<Guardian Angel> Weeiiiiii Korang !!!!
<Macho> Hallluu there
<Macho> Nampaknya bkn main GEMPAK lagi our chatting ni … he!he!
→ <Guardian Angel> Hey, who are you?
<Macho>I'm someone you want to meet …

Example 6

<Dizzy Duck> dunno where to start
<Sheepoh> Amacam kalau bagi salam dulu
<Dizzy Duck> Hi, hello, can you tell me something about yourself
<Sheepoh> Hey, I'm a fssk student, a heart breaker
<Dizzy Duck> out of this world, reaaly! what to say lah

Example 7

<Calif> hey ini mlm u pree ka
<Cornelius> so… who wants to know
→ <Calif> me
<Cornelius> ya y
<Calif> Tanya aje
→ <Cornelius> Too free lah u

<Calif> Sorry ya

**ii) Checking, rephrasing, reinitiating and topic change**

To ensure that the chat continues smoothly, coping strategies such as checking, rephrasing, reinitiating were used. Topic change was used as an avoidance strategy when the chat becomes uncomfortable. The examples for the respective strategies are illustrated below.

**a. Checking**

Most of the checkings as a coping strategy to maintain talk were expressed in a direct manner. The function of checking was to verify information expressed previously.

Other instances where lexical item 'what' was not used also tends to check for information, or whether the other party was still online. See examples below:

Example 8

<unokanini4> r u still here

Example 9

<unokanini4> hey hey hey!

Example 10

<unokanini4> halo room

Example 11

<unokanini5> hello, please reply!!!!!!!.

**ii. Rephrasing**

As a coping strategy, rephrasing rarely occurred in online conversation. There were only two instances out of the whole data collected. Their occurrences usually emphasized a point made. They could exist in the form of a statement or in the interrogative structure.

Example 12

<wekmas2> what your hobby
→ <ewbanu2> what do u like to do as a hobby?

Example 13

<ewbanu4> are you a women in heart?
<wekmas4> what u think?
<ewbanu4> if you are a guy also ok.
<ewbanu4> can have a women heart
<ewbanu4> can have a women heart too!!
<wekmas4> How about u.
<ewbanu4> come on!!!!
<ewbanu4> speeed up
<wekmas4> I don't get u.
<wekmas4> What u meant.

→ <ewbanu4> i like women talk

In these instances, the interactants either corrected his or her own words (Example 13) or those of the other party's words (Example 12) which, according to Cook (1990: 55) edged the conversaton "towards a situation in which maximum communication is achieved". Cook also called these types of events 'repairs'.

**iii. Reinitiating**

Throughout the data, both parties seemed to agree to reinitiate the conversation when it occurred. In other words, the reinitiating done by the first party was echoed by the other party (see examples 14 - 19). One of the possible reasons for resorting to this strategy could be triggered by technicalities such as a sluggish server.

Example 14

<unokanini2> Hey we have to start all over again!
<unokanini2> How are you doing over there? hello,.
hello- come in..

It could also be due to their eagerness to continue the conversation or the slow response of one party causing the other party to reinitiate.

Example 15

<unokanini2> HUH?? what's 'm'und'???
<ukalayle2> hey say something lah you are so slow lah you wet blanket

Sometimes the reinitiating takes the form of a topic change

Example 16

<ukalayle3> Lets talk about song..can we?
<unokanini3> I AM GOING back to meet my boyfriend

Example 17

<ewbanu2> i like to listen to music, and read...
<ewbanu2> how bout u?
<wekmas2> can u ask me something?

Example 18

<ewbanu5> girl
<wekmas5> what do you want to talk about

At times reinitiating took the form of a negotiation of a topic change.

Example 19

<zilofon2> nolar, i'm not sleepy now b'coz i'm chatting
with you ma
<oxadus2> soo...besides sleep...what else do u do?

And when the same person <wekmas5> (Example 20) perceived no reply from the other party, he or she might reinitiate.

Example 20

<wekmas5> you re too slow tortoise
<wekmas5> are you a guy or a girl

## CONCLUSION

Online chat is an emergent register, and we should not deny nor prevent the younger generation of using this mode of communication. What we could do, as academics, is to exploit the interest of higher education students in internet chats and develop this interest into something that is more useful and beneficial. Aspects of English language learning such as developing socialization or social skills such as greeting others, introducing yourself and leave taking can be built in online chats besides teaching communicative, language and technological skills.

Research into online chats is in itself intriguing, particularly when it involves strategies on maintaining a harmonious environment for cyber conversation to take off smoothly. Creating harmony in online chats through the use of online coping strategies helps to create solidarity, thus encouraging more interaction and communication between and amongst students.

The findings of this research have implications on the development of online communication skills among undergraduates as online chat sessions, once regarded as a simple social communication device, have now gained a significant position particularly in universities, where most undergraduates are known to spend a large amount of their time, both formally and informally, in online communication. However, given the nature of informality of online chats, it is imperative that students should know where to draw the line between formal writing and conversational writing (Almeida d'Eça, 2002).

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# Paper 3 An Analysis of Questionable Western Models of Higher Education and their Adoption in Thailand"

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## Abstract

My presentation will represent a study of the ways in which people are being educated here in Thailand, particularly at the undergraduate and graduate level. My main thesis argument is that Western ways of approaching different areas of studies are being adopted "wholesale" without proper reflection upon the veracity and usefulness of these methods. In fact, sometimes these Western methods and ideas contain fallacies in basic common sense logic which, at the very least, should render them as non-authoritative. Non Western countries could add more to Academia by taking Western models and adding their own particular innovations instead of assuming that the Western ideas are authoritative.

## Introduction

This paper basically consists of three parts; however, they do not necessarily always unfold in a neat order, nor are they entirely discrete. One portion of this paper will attempt to pinpoint certain negative tendencies within Western Academia; another section will explicate the various manifestations of these tendencies; and finally, a third section will offer some specific examples of the harmful effect of these negative tendencies on student bodies, with a particular focus on incidents at Mahidol University in Thailand, the university at which I am currently stationed.

Now, here, I would like to begin by qualifying the term "Western." This categorization has been used here for lack of a better term, and also because the model of Higher Education that is currently dominant in the world seems to have arisen primarily in Europe and North America. However, this model is now being used elsewhere, and also, there are many variations on this model that the term "Western" is attempting to capture. Thus, this term should be considered to be more of a working attempt to define particular tendencies within modern day institutions of Higher Education rather than as an absolute definition or an attempt to pinpoint a certain geographical area as being at cause for the flaws within the Academy.

Although the Western model has many good things to offer, such as an emphasis on precision and rigor, the weak points that I am attempting to bring to light here primarily center around the following three assertions – a) many Western institutions are profit-oriented, or, at the very least, concentrated upon self-perpetuation or a perpetuation of their ideas; b) many of their ideas arise within the spirit of competition for intellectual dominance and thus self-promotion, and this kind of overly competitive atmosphere actually runs counter to a search for some kind of "truth" concerning one's field, as one's actions begin to be motivated by the wrong sorts of things; c) much of the ideological debates, especially within the Humanities

and Social Sciences, center around a hidden agenda which has to do with a strong desire to prove that their methods are also within the realm of science.

Now, before commencing my arguments, I should openly acknowledge that I will not be able to prove all of my assertions with 100% certainty here for a number of reasons. First of all, this paper is far too short to elaborate upon all of my ideas in detail. Second of all, even if I were to write 1000 pages, I would never be able to prove something so subtle and difficult to ascertain as egocentrism within an institution or an individual. That being said, I have tried to use a method of approach that resembles inductive reasoning. In other words, I have based all of my generalizations upon specific examples that I have observed within the various Academic settings in which I have participated. Since I have worked at a number of institutions in three different countries – Canada, the US and Thailand – I have a fairly good sampling universities and colleges under my belt. In addition, although I have not, as of yet, done a stint in Europe, many of my colleagues have been Europeans, so I have had some exposure the European methods of education in an indirect fashion. Yet, this being said, my central motivation here actually does not stem from a desire to prove all of my assertions with 100% surety; rather, it stems from the fact that I see certain negative tendencies within Western Academia as affecting the world in a deleterious fashion. If certain weaknesses with Western Academia are pointed out, this may serve to stimulate thinking and eventually lead to a much needed reform of Academia. Thus, even though this essay is highly critical, it will hopefully have a certain constructive effect.

**Example 1: Jargon and the Accepted Divisions within Institutions of Higher Learning**

My first example of questionable methods within Western models of Academia concerns the use of jargon, and the detrimental effect of this phenomenon on the education process. Now, jargon is often remarked upon as a growing problem within Higher Education, yet the term itself is not usually defined clearly. Thus, I would like to offer a clear definition before I embark upon a critique of this phenomenon and its subsequent effect upon students.

Here, the idea of *jargon* will be defined in distinction to the notion of a *technical term*. The idea of jargon will be given a particularly negative connotation, whereas the idea of a technical term will be given a neutral connotation. However, the labels that I am using here are not of central importance; rather it is the phenomenon which they are attempting to describe that is significant. The use of jargon is characterized by the desire to exclude others whereas the use of technical terms is not done with this motivation; in contrast, technical terms are developed to fill a certain need. Usually, technical terms are developed because there is not a word within the particular language which fits the exact idea that is being represented by the technical term: thus there is a clear need for another word or a new definition for an already existing word. Also, technical terms, particularly in sciences such as Physics and Chemistry etc., usually often require years of solid training to understand, and thus, they tend to represent real notions (such as mitochondria, nucleus, electron etc.) that are just not accessible by commonly known vocabulary, as words are necessarily based upon some body of preconceived knowledge.

In contrast to technical terms, jargon-like words (and/or phrases) do *not* fill a real linguistic need. In other words, their meaning is not dichotomous enough with a previously existing word to justify the creation of a whole other word, nor are the definitions of jargon-like words truly dichotomous enough with previous, accepted definitions of an existing word in order to justify the creation of a whole other meaning. Thus, what I am trying to say here is that – jargon is not marked by any true addition to the existing body of knowledge in a particular language as it adds no real, additional concept. *If this statement is true, then the use of jargon has no educational benefit*, and thus the motivation behind its use must be brought into question.

In addition, jargon is marked by a certain vagueness or inexactness. Hence, those who use it have trouble defining its use in contradistinction to the use of another word because there is not really such a true distinction being made. This often has a negative effect upon those who are on the receiving end of jargon. For example, when speeches or papers are written in jargon, one usually leaves feeling as if there have been a lot of words spoken but no clear meaning communicated: it's almost like eating a huge meal that has no nutritional content. Also, jargon tends to be characterized by a kind of mental laziness: it sometimes appears as if the person who is using jargon does not want to take the time to think and express themselves exactly, and thus, settles for a vague approximation.

As is clear from my basic definitions, I am making the judgment here that jargon primarily represents a desire to exclude other people. By excluding others, Academics are actively promoting their status as an elite group with some particular, unattainable knowledge, and this status helps to ensure the perpetuation of Academia. After all, if a group of people can make a certain technical vocabulary their own province, and also prove that their field is essential to society, this is a way of ensuring continued employment, is it not? Now, perhaps these sorts of judgments could be brought into question. After all, certainly, all Academics do not have exactly the same motivations. Nevertheless, when one considers the fact that each Academic field and subfield now has its own jargon (or technical terms), and that this tendency is on the increase rather than the decrease, I feel that, at the very least, it is fair to question the motivation behind such a phenomenon.

I have noticed a rampant tendency to use jargon here during my tenure in Thailand, as well as in my stints in Canada and the US. My conclusions concerning Thailand in particular have been drawn primarily from my experience at Mahidol University; however, I have also had conversations with students and faculty from other Thai universities, such as Thammasat and Chulalonghorn. Part of my job here at Mahidol is to instruct thesis writing courses for graduate students and the other major portion of my job involves editing abstracts from a variety of departments within graduate studies. Prior to this year, I also spent a year working at Mahidol's College of Religious Studies.

In the abstracts which I have reviewed, there is so much jargon and vague English that the task of editing is almost monumental, and it is quite frustrating. One hypothesis that I have developed is that the students, being non-native speakers, are not sure enough of their English to distinguish jargon and vague wording from clear, precise English. Sometimes, in contemplating this problem, I often feel that the students are being unfairly treated, as the learning of jargon really cannot be a

substitute for the absorption of a real technical term, nor can it be a substitute for truly learning how to express oneself in English in a clear fashion. After all, it is much tougher for non-native speakers of English to distinguish between clear, concise English and jargon, and thus, they are more easily fooled than native speakers. *This puts students in Thailand and other non-English-speaking countries at an unfair disadvantage when it comes to weeding out jargon.*

Here, let me offer two brief examples of jargon-like terms that are used frequently by students here at Mahidol: a) "psychological self-care behavior"; b) "complex multidimensional form of human behavior". When I questioned the students on these terms, they could not explain them clearly. Yet, they insisted that, since they were quoted from articles written in the West, they should be considered as legitimate expressions in the English language. Now, it could be that these terms are indeed technical terms in a specific field, as the students claimed, or, it could be that they are closer to jargon. But, the most important thing here is that, in analyzing these terms, we have to put them to certain tests in order to be intelligent consumers of Academic products. First of all, does a term like "complex multidimensional form of human behavior" offer a clear description of any phenomenon; secondly, how is the creation of such a term adding to the current body of knowledge in English about the subject; and thirdly, are there other words which already exist in the English language that could explain this concept, thus negating the need for the term. Furthermore, does a term like "psychological self-care behavior" even make basic sense? Words like "behavior" and "psychological" seem inherently contradictory, in that behavior is usually physical and observable whereas the psyche is not. If this term is attempting to bring into question the dichotomy between physical behavior and psychological phenomena, then this should be clearly expressed.

When one examines this phenomenon of jargon, it may be important to ask the question as to "why" this is an issue at all. To answer this question, one needs to look at the basic structure of most of the universities and colleges in the West. If one looks through the literature and websites of most Western universities, the curriculum is usually divided up into certain "fields" of study, usually called "departments." These fields are often divided up further into smaller categories called "subfields." Also, larger categories such as Human Sciences (or Humanities), Social Sciences, Natural or Physical Sciences, Applied Sciences and Fine Arts etc. tend to house departments or disciplines that have been deemed to be similar in method and approach. For example, Religion, Literature and Philosophy etc. departments are usually grouped under the Human Sciences; Anthropology, Economics, Sociology, Political Science etc. departments are usually grouped under Social Sciences; Biology, Physics, Chemistry etc. departments are usually grouped under the Natural Sciences (or some similar appellation).

Now, what has happened in the West is that the creation of all these categories has produced a need within each department to justify or explain itself as an entity that exists separate from the other disciplines. This is somewhat understandable from a practical standpoint, as battles over funding for research projects, faculty additions etc. can be based upon such justifications. It is also somewhat understandable from a psychological standpoint, as any professor who is reflective will most certainly ask the question as to why these different departments even exist as discrete units. Thus, in response to certain psychological needs as well as to certain economic ones,

countless articles and books have been written on the scope, content and limits of the various fields of Academia, such as Religious Studies, Philosophy, Anthropology etc. And, each year, the literature within each field becomes larger and larger, as does the list of "technical terms" associated with each field. Thus, subfields are created and then even fields within subfields, and it seems uncertain when this process will end. We can also see this division into smaller and smaller fields within other areas like Medicine and Law. This is the current state of affairs within Academic life in most Western countries.

In addition, there is an additional important issue to consider: judging from their literature, most Social Science and Humanities departments seem intent upon marketing their method of approach as scientific. Even those who do not overtly assert this end up advocating it in a subtle way by the mere fact that their style of writing has the same disinterested tenor of more scientific pieces of writing. And, as far as I can tell from my work with abstracts, this style has been imitated by students from all of the graduate departments at Mahidol University. Yet, their style is often so dispassionate that they go even further than their Western counterparts and offer little in terms of substantial thesis arguments or real ideas of their own. This is a whole other issue that I will not explore in-depth, at least in this paper, but the phenomenon is still significant enough to be worthy of mention.

**Example 2: Social Sciences as "Science"**

I am offering a number of courses at Mahidol University for graduate students who are working on their Academic writing and reading skills. Recently, one group of students asked me to help them with a number of articles on Social Science research methods. Even though my primary field is Religious Studies, which makes my work more closely allied to the Humanities than to the Social Sciences, I agreed to undertake the task.

In preparing for my lectures, I focused particularly on one of the articles given to me from W. Lawrence Neumann's *Social Research Methods: Qualitative and Quantitative Approaches*. One chapter within this book concentrated upon the "method of inquiry" within the Social Sciences, and outlined three basic approaches: "positivist social science", "interpretive social science", and "critical social science" (Neuman, 79). This chapter contained a very detailed analysis of the philosophical underpinnings of each approach, with a particular emphasis upon how each of them could be considered scientific, especially if one were to expand the "positivist" definition of science that is prevalent in "hard" sciences, such as physics, biology, chemistry etc.

Now, although this theoretical discussion was interesting in a certain way and it brought up a valid point concerning the possibility for defining "the scientific" in different ways, there was something left unstated that is very central to the argument: namely, what could be the motivation behind such assertions? More specifically, why would it be in the interest of "Social Scientists" to argue in such a way? In this particular chapter that I read, one could often sense a strong desire to prove that social science is indeed scientific. This conclusion comes from the following three observations – a) first of all, all of the three major methods of social science research

were labeled as scientific; b) secondly, not once were the authors' motivations for writing the chapter discussed in a frank and open manner; c) thirdly, not once was a counter-argument explored such as, for example, the possibility that some or all Social Science methods are indeed not scientific.

These three observations aroused my curiosity, so I went back and checked the introductory chapters of Neuman's work. Chapter 1 was particularly telling. In chapter 1, Neuman defines "social research" as scientific and as the kind of research that social scientists do, and then distinguishes scientific methods from such alternative ways of knowing, such as – authority, tradition, common sense, media myths and personal experience (Neuman, 2-6).

"Social research (is) a collection of methods and methodologies that researchers apply systematically to produce scientifically based knowledge about the social world....
In addition to being a collection of methods, social research is a process for producing knowledge. It is a more structured, organized and systematic process than the alternatives. Knowledge from the alternatives is often correct, but knowledge based on research is more likely to be true and has fewer errors" (Neuman, 2).

Thus, the message of Neuman's book is that scientific methods of knowing are superior to the other ways of knowing, such as experience, common sense or authority etc. Now, if we see the role of scholars in a university as one of questioning all dogmatic assertions (as I do), then it would make sense for us to question this assertion too. So, when I read this, I asked myself two questions that I felt were central. First of all, why would it be so essential for Social "Scientists" to convince *others* that they are, indeed, scientific? And, why is it so important to think of *themselves* as scientific? In fact, this is not the first time that I have encountered such statements in Academic writing. After pondering questions such as these a number of years, I have developed a certain hypothesis about the Western model of Academic learning, particularly with regard to the Human and Social Sciences: *science seems to be revered to such a point in the West that it is almost unthinkable to see oneself as doing something unscientific.* Even in a field like Religious Studies (my own field), a more disinterested, "objective" approach method of approach holds sway, in spite of the fact that religious ideas seem to be based on primarily subjective forms of knowing.

Of course, this conclusion of mine is more inductive in nature and it is difficult to prove it in entirety, but nevertheless, let us assume, for a moment, that it is true and examine this idea in more detail. First of all, are scientific methods of attaining knowledge truly superior? And, if this is being asserted, where would be the proof for such a claim? Also, what would be an example of a non scientific method? Here, I would like to offer my own field – religion – as an example of a method of acquiring knowledge that is not scientific.

Since science versus religion is not the central point of this paper, I would like to avoid going into an elaborate definition of these two fields, but instead, offer a brief definition, just so the reader gets an idea of the contrast that is being made. One could say that religion relies on subjective knowledge and science relies on objective knowledge. By this, I mean that religions believe that the truth of an idea can be

ascertained in one's own mind, whereas science would require a reduplication of an asserted truth by many different people in order to consider it to be even a working truth. Also, science would argue that, because of the very fact that the results of an experiment can be reduplicated in different laboratories across the world and with different people in charge of each laboratory, this makes the particular result objectively verifiable, or verifiable outside of the confines of one's own mind, and thus, more believable.

Now, at first glance, the scientific argument sounds more convincing. After all, religious people can provide no real proof for their ideas, and neither can their ideas be objectively analyzed or truly ascertained by someone else. However, let us take a deeper look at this by examining more down-to-earth examples instead of focusing on monumental religious truths whose understanding almost requires us to be religious saints. Let us take the simple experience of love. The only way to ascertain the truth as to whether or not you love someone is to use a method similar to that of religious mystics. You have to look in to your own mind and know the truth about it internally. This kind of thing cannot be verified independently by another person and it also cannot be proved. Only the person experiencing the whole range of emotions can know if they truly feel love in their heart.

Let us take another example – the recalling of our own address. How do we know whether we have indeed correctly remembered our own address? Do we have, at our fingers, some way of objectively measuring whether we have recalled our home address correctly every time that we are asked for it? I would argue that there is, in fact, a subjective quality to memory as well as an objectively verifiable one. This subjective quality lets us know whether a memory is correct or not.

If we accept even one of these arguments, then it seems that both objective and subjective ways of knowing have some validity. If this is so, then the question still remains – why would it be so important for Social Scientists to be included in science? My answer to this is – not only is science so revered in the West that other methods of knowing are completely neglected, but it is almost as if scientific methods of knowing are so dominant that a counter-argument to scientific ways of thinking no longer exists. Movements that have attempted to mount counter-arguments, such as Feminism and Postmodernism, also buy into the scientific ways of thinking. Feminists and Postmodernists tend to write in the same disinterested style, and they also tend to cultivate the same sort of elitism that they purport to criticize, in that they have created a whole list of jargon-like terms of their own.

**Conclusions**

Now, the final question here is – does Thailand really want to adopt the Western model of education wholesale, without a very careful questioning of its motives? I think it would *not* be entirely beneficial for the students here. There should always be an atmosphere of argument and counter-argumentation in Academia. It should be a place where freedom of thought reigns. However, in most Western institutions, non-scientific methods are being subtlely and not so subtlely squashed, so there is actually not much freedom of thought, particularly within many Humanities and Social Science disciplines.

I am not saying that the entire scientific method is flawed, but rather, that applying it to the Humanities and certain Social Science departments is a *misapplication* of the scientific method or an *overapplication* of it. This desire to apply the scientific method to every subject is what is causing the elimination of a counter-argument to science. In my opinion, this is a dangerous state of affairs, as no one ideology should be allowed to dominate so thoroughly. Ironically enough, this was the state of affairs that the French Enlightenment thinkers, many of whom are foundational thinkers in scientific method, found themselves in when they protested against the dominant ideology of Catholicism.

Also, what seems to have been forgotten in many developing countries is that Western Academia is only one vision or model of Higher Education. To take its view as the absolute truth would be, to take a concept from many Asian religions, a kind of delusion. In fact, an effective argument against overapplying the scientific method could be launched based on certain religious ideas that have been known in Southeast Asia for centuries. For example, Buddhism (as well as other religions) has a vast literature explaining the persistent tendency within all human beings to project their own conceptions of reality onto reality itself, and then believe in these projections. In addition, most of the world's religions speak at length on the insidious effects of egocentrism within all of our endeavors.

In conclusion, while the Western model may have some good points and while it also may be useful to have some structure to university education, it is never useful to be too attached to any codified structure or vision. This makes for a rigidity of thinking within the Administration and this rigidity often carries down into the faculty and the student body. Also, any rigidity in one's approach towards learning can cause a person to project their own conceptions onto reality rather than just listening to experience and letting it unfold in and of itself. Of course, these last thoughts here are inspired by Eastern religious thought as well, yet, in a sense, they are also scientific ones. After all, true science is based upon the spirit of open inquiry. True scientists listen to all experience, not just scientifically-obtained results, and they certainly question all dogmatic assertions, even their own.

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# Paper 4 Cultural Globalization in Thailand: The Impact of the Farang on Thai Identity

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## Abstract

Cultural Globalization leads to new forms of cultures and identities, melting both global and local elements into new hybrid forms. The process of hybridization is supported by stereotyping other cultural forms and referring to them as cultural "Others". This paper shows how this applies to contemporary Thailand, starting with an overview over postcolonial approaches to cultural globalization, and following that analyzing Thai society under the influence of globalization. In this respect, it identifies the white Westerner, called "Farang", as a constitutive outside for an increasing part of the Thai population, describes the attributes ascribed to the Farang and explains how the interaction with the Farang both stabilizes and alters Thai identity.

## Introduction

The "Farang", that is the (white) Westerner, is the "Other" of globalized Thai society. As a representative of the Western culture, he functions as a constitutive outside for an increasing part of the Thai population, and has thereby become a crucial element in the constitution of modern Thai identity.
Cultural globalization is defined as the cross linking of different geographical regions irrespective of national borders. The result of this process is the emergence of hybrid cultural forms, consisting of both, global and local attributes, concertedly constructing national identities. For many Eastern countries, this means a fusion of traditional Eastern and modern Western patterns, whereas the West functions as a constitutive outside.

How does this apply to Thailand? I argue that the part of Thai society which faces the consequences of cultural globalization on a regular basis must be seen as a hybrid, whose identity is based on traditional Thai as well as modern global influences. A major part of these influences originates from the personal or medial interaction with Farangs. Stating this I do neither refer to the personal relationships between Thais and Farangs, nor to any persons as individuals. Instead, I aim at illustrating the concept of the Farang as a general cultural construction, at lining out its impact on modern Thai identity. I support the idea that there is a "Farang stereotype" associated with a set of both positive and negative attributes, complementary to those assigned to the concept of being "Thai". This Farang stereotype contributes to constituting the concept of modern "Thai-ness" itself: as the cultural "Other" of Thai society.

The analysis of the concept of the Farang will be conducted in two steps: first I will locate this paper within the context of postcolonial studies, introducing technical terms and explaining different theoretical approaches to the analysis of cultural globalization. In the second step, I will apply the theories portrayed to contemporary Thailand. This involves examining the structure of Thai society, reconstructing the cultural concept of the Farang, and following that figuring out its impact on Thai identity.

## 1. Globalization from Post-Colonial Perspective

### 1.1 Fundamentals of Cultural Globalization

Globalization, understood as the cross linking of geographical regions all over the world, can be approached from an economic perspective, emphasizing the rise of capitalism and new economic forms after the decline of socialism. Another perspective is the notion of cultural globalization as a cultural phenomenon, creating new forms of cultures as a result of diverse transnational processes in modernized societies.

Globalization is strongly intertwined with modernization, however, the term globalization must not be used as an equivalent for global modernization and, since modernity originated in Europe, Westernization. Modern societies are distinguished by a whole set of cultural patterns originating from former European developments, such as capitalism, democracy and the Enlightenment, which altogether keep on influencing modern societies around the globe. Hence from a global perspective, modernization and Westernization are for the most part the same. This, however, must not be confused with globalization, which unlike modernization is not Eurocentric (Nederveen Pieterse 1993). Instead, it is the process of permanent exchange between various geographical regions, irrespective of the actual distance in between, weaving a dense network between different nations and cultural areas. Even if the West has a strong impact on other cultures, globalization itself is too complex and diverse to be reduced to a spread of Western hegemonies.

### *1.2* The Interrelation of Cultures

In the social sciences, there is one question controversially discussed: does globalization enforce the establishment of one single world culture, eliminating traditional hegemonies in aid of one homogeneous global hegemony (Giddens 1991)? Or should it be understood as a process of increasing heterogenization, enhancing the emergence of various "global mélange cultures" (Nederveen Pieterse 1993)?
I assume that *any* modern society is a hybrid that consists of a plurality of different elements, forming a heterogeneous and sometimes inconsistent culture. Hybridity is one of the essential characteristics of all cultures, as they can only exist as constellations of combination (Bhabha 1995). Accordingly, cultural forms and identities do not emerge out of their own essence, but are constructed by a dynamics of differences towards other cultural forms. According to Jan Nederveen Pieterse (1993, 2002), cultural globalization creates cultural hybrids, which are made up by a dichotomy of global versus local orientations. Pieterse identifies an increasing standardization of cultural forms on a global level, linked with an overall rise of

localism attaching people to their local cultures even stronger than before. People from all over the world, so Pieterse, face the same social, technological and economic influence as the corollary of globalization, yet the multiplicity of impacts does not lead to cultural uniformity. Instead, it produces "crossover cultures", consisting of standardized global as well as particular local elements (Pieterse 1993: 7). Cultural hybridization therefore denotes the process "in which [cultural] forms become separated from existing practices and recombine with new forms in new practices" (Pieterse 1991: 231).

Concerning the relationship between different cultures, this approach disputes two common notions. Firstly it contradicts the idea of multiculturalism, as it assumes that different cultures are getting mutually intertwined, instead of existing as separate parallel cultures. Secondly, hybridization is opposed to the idea of homogenization: although several cultures can be melted into one new one, they still maintain the characteristics of their respective origins.

### 1.3 The Construction of the Other

The construction of hybrid cultures is connected to the process of "othering". Subjects develop their cultural identity in reciprocity with other cultural forms: these are associated with attributes complementary to those of the own culture, and thereby help to define its scope. Thus, it is only the differentiation from the outside that enables the inside to create a distinct identity. The representation of the Other, that is a different cultural subject, is marked by ambivalence and inconsistence (Bhabha 1995). Ambivalence means that the image of the other is the negative counterpart of the image of the self. However, since the representation of the Other is not psychologically neutral but linked to both, antipathy and fascination, the outside tends to appear in a positive connotation as well.

Cultures or hegemonies serving as constitutive outsides involve the stereotyping of the Other, that is the construction of "otherness" by reducing cultures on only few, non-objective and simplified attributes. Stereotyping is a sub-form of social typing in general, which in turn is the basis for all social life and necessary for the orientation within the life-world (Hall 1997). The process of stereotyping maintains the social and symbolic order within a culture, deciding over social affiliations and the distributions of power: within clear-cut power divides, the dominant group is the one who stereotypes the subordinated group, assigning it with attributes antagonistic to those of the own culture. The construction of "otherness" is always ethnocentric, so that the dominant group will be the measure for any other (Hall 1997, Said 1978). Since the process of stereotyping is unidirectional, phantasy plays an important role in the construction of the other (Bhabha 1995, Hall 1997) - thus, once again, stereotypes are collective images which one culture associates with other cultural groups, rather than accurate and objective representations.

A famous example for the othering of a whole hemisphere is the construction of the "Oriental" as it has been described by Edward Said (1979). Said claimed that the Orient was an invention of the West, constructed by European discourses of the 18th century. In these discourses, so Said, the Orient appeared as the "other West", as a mystical sphere that "helped to define Europe (or the West) as its contrasting image, idea, personality, experience" (Said 1979: 1f). From the Western perspective, the

Oriental is described as a static subject being incapable of development, wherefore the European subject as its counterpart appears to be dynamic and innovative. In the European discourse the Oriental languages as identified as plurivalent, an attribute that was supposed to be linked to falsehood and irrationality of the Oriental subject. Consequently, this confirmed the European self-definition of being veritable, rational subjects, expressing their logical ideas in an unambiguous language.

I argue that there are analogies between the phenomenon described by Said and the cultural situation in contemporary Thailand. Firstly, Thai culture and Thai identity are essentially heterogeneous. Within the variety of Thai cultural forms, each of them again is a hybrid of several countercurrents. Secondly, the stereotypical Farang is an invention of globalized Thai culture. He represents the West as perceived from Thai perspective, and thereby functions as a constitutive outside for the construction of Thai identity.

## 2. Thai Culture as a Hybrid

### 2.1 Diverse Thai Cultures

Despite the common impression, Thailand is far from being a homogeneous nation. The invention of a homogeneous Thai national identity is a rather new one, originating form the attempts to westernize Thailand made by King Chulalongkorn. Until that time, "Thai empires [...] were loosely integrated conglomerates, in which the different nationalities and ethnic groups [...] preserved their particular identities" (Cohen 1991: 20). Since King Chulalongkorn declared nation, religion and monarchy as the three pillars of Thailand, the devotion to this nation, to Buddhism and to the King are supposed to melt the Thai people into one homogeneous society. However, until the present Thai society keeps on remaining a hybrid, combining the general national identity with the singularity of various communities. Different ethnic, linguistic and religious groups make Thai society a patchwork society, in addition to social stratifications such as class, gender, religion and occupation.
Furthermore, each of these social spheres is influenced by a variety of competing hegemonies, so that there is never only one dominant culture, being supported by one constitutive outside. In the age of Globalization, international role models for both dissociation and imitation gain increasing significance, whereas in the case of Thailand, the Farang is of particular importance. Naturally there are several cultural groups determining Thai self-definition and challenging traditional Thai culture, like the Japanese or the Chinese. However, due to its physical appearance which is obviously different from Thai people, the stereotypical Farang holds an outstanding position among these constitutive outsides. It is a *visual representation* of cultural otherness, and therefore particularly easy to be stereotyped.

### 2.2 The Scope of Globalized Thai Society

It is evident that within the diversity of Thai culture, the extent of globalization varies greatly across society. In this respect it is the divide between rural and urban areas that is of largest impact. Globalizing factors, such as the consumption of global goods, contact with the mass media or interaction with foreign persons, accumulate in big cities. That is, the larger the cities are, the stronger is the impact

which globalization has on society, whereas in many rural areas people still remain largely unaffected by globalization.
Another major factor influencing the extent of globalization is the present age gap between the adult and the youth generation. Unlike their parents, many teenagers and young adults grew up in the age of mass media. The use of the internet, mobile phones or international TV channels lead to a specific perception of the (international) world, and engage in new modes of communication and social interaction.

Eventually, the impact which globalization has on different strata of Thai society is closely linked to occupational groups. Middle and higher class Thais tend to be in more frequent interaction with foreign people than working class Thais. Thus, they and are more likely to think and act globally. Finally one should not forget about the tourism industry, an economic sector employing workers across all classes. This sector is characterized by an outstanding extent of globalization, since the market is globally oriented, and the workers in the tourism industry are in particular frequent contact to foreign cultures.

Since Thai culture is not homogenous and the different social groups of Thai society are not equally globalized, the impact of Western influences on Thai identity is not equally strong. When defining the Farang as the Other of Thai culture, I thereby narrow that claim to globalized cultural forms: referring to young people rather than the older generation, to urban rather than rural areas, to middle and upper class rather than lower class Thais, and to workers in the tourism industry irrespective of their social status.

## 3. Othering: When the Farang Meet the Thai

### 3.1 Stereotyping the Farang

Despite of the differences and incoherences within Thai culture, there is a set of typically Thai attributes shared by the vast majority of Thais. These attributes are mirrored by the Farang, who, for the group of "globalized Thais" as identified above, plays a major role in the construction of Thai identity. When making claims about Thai people, I will below exclusively refer to the group of globalized Thais. Concerning the Farang, the subject of analysis is the general stereotype as a cultural construction, not a description of a group of actual individuals. In the following, I will refer to the terms "Thai" and "Farang" as specified without giving particular notice.

Mirroring Thai culture means that the Farang reflects elements or Thai culture as their negative image, representing the negative parameter value of Thai cultural characteristics. Namely there can be at least four general character traits assigned to the stereotypical Farang: being hot in emotions, impolite in personal interactions, indecent in general behaviour and top-heavy in the perception of the world.

In contrast to the Thai people, who consider in inappropriate to display their emotions in public, the Farang is renowned for having a hot temper, expressing this whenever emotions emerge. Both positive and negative emotional reactions on a situation can be very intense, wherefore loud laughter or joyous cries, as well as angry gesturing or raising the voice are typical ways of the Farang to express its feelings.

Concerning its personal interactions, the Farang lacks the kind of politeness Thai people claim for their selves. Not only the hot temper of the Farang is considered an affront, but also the direct way of verbal communication. Telling people directly what it thinks, the Farang tends to openly criticize others, make complaints, and state its opinions without taking into consideration that this may affect its conversational partner. Furthermore, Farangs are individualistic rather than "position and group oriented" (Mulder 1994: 231), that is power relationships are not per se determined by age or occupation. Instead, the respective status emerges from individual interactions rather than fixed social rules, wherefore the Farang tends to confuse or ignore what is considered proper status behaviour. Accordingly, the Farang is ascribed as disrespectful or socially incompetent.

Another feature of the stereotypical Farang is indecency. Due to a liberal attitude towards clothing and sexuality, Farangs feel free to show much more of their body than Thai people do. Affectionate feelings between a couple, like holding hands, hugging or kissing, are not hidden from the public. In addition to their open display of sexuality, Farangs are renowned for having romantic relationships starting from a very young age, and changing their partners frequently.
Eventually, the stereotypical Farang "lives in his head" (Redmond 1998: 202), assessing any situation or problem intellectually. Thereby the Farang is used to analyze and categorize details of its life-world to an extent which for Thai people is completely redundant.

### 3.2 Remaking Thai Identity

The character traits of the stereotypical Farang refer to crucial elements of Thai culture. While the stereotypical Thai is "calm, good-tempered and tolerant, [...], makes no complaints, does not show its feelings" (Toatong: 12) and pays "respect to one's superiors, elders, patrons" (Klausner 2000: 253), Farangs are perceived as harsh, hot tempered, argumentative and disrespectful.

Contrasting the Thai hegemony means at the same time doubling its visibility: deviations from cultural norms produced by Farangs lead to an instant awareness of these norms among Thais. As a result, the negative example of conduct encourages Thai people to preserve their norms which have been violated. Thus, the dissociation from the Farang stabilizes the sense of being Thai.

Besides the rejection of the Farang, however, there are other attributes of this stereotype which tend to be admired or imitated. Physically, this applies to the relatively long noses and big physiques, which both are considered desirable. Financially, the Farang is generally supposed to be rich (that is richer than the average Thai), what grants it per se a higher status than it had with less money. Concerning sexuality the Farang has a particular impact on the younger generation. For many young Thais, it becomes increasingly common to have several girlfriends or boyfriends before marriage, to show affection in public, or, with respect to girls, to wear sexy clothes displaying knees, shoulders or the décolleté. Consequently, there is a social shift towards more permissiveness provoked by the Farang.

## 4.Conclusion

Considering the ambiguous impact which the Farang has on Thai identity, Farang people are a means of both, stabilizing traditional cultural patterns and advancing continuous cultural change. In various social roles, Farangs contribute to the ongoing Westernization of Thailand, while at the same time they ensure the preservation of crucial Thai cultural traits. The Farang contributed modeling a globalized hybrid identity, consisting of traditional Thai and modern Western elements, in other words: a modern Thai identity.

Naturally, the image of the Farang equaling the average Westerner is extremely biased. Those Westerners traveling to Thailand belong only to few groups, which in no way are representative for the entire Western culture area. Especially Farang tourists, who are crowding vast stretches of Thailand, occupy the dominant share in modeling the stereotypical Westerner. Due to its overwhelming visibility in everyday life, together with the little effort made to assimilate into Thai culture, the Farang tourist is a fundamental and unspoiled representative of the West. Yet it represents only a fractional amount of the Western population, wherefore in actual fact, it might be considered inappropriate that Thai people draw conclusions from this highly selective group to the entire population. The same is true for other common roles in which Farangs interact with Thais, such as business people or celebrities from the film or pop music industry.

However, although firstly the Farang stereotype is not congruent to Farangs as actual persons, and secondly those Farangs traveling to Thailand do not represent the average Westerner, these deviations do not impede the construction of the Farang as a constitutive outside. What matters is the actual fact that by othering a group of obviously alien people, the Thai nation maintains its particular Thai identity while keeping pace with developments in the age of globalization. The Thai case is thereby an example of how new hybrid forms emerge as a result of globalization, combining global and local influences into a culture ready for the challenges of a global society.

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# *MAHIDOL-UKM 3*

## DIFINING HARMONY IN SOUTHEAST ASIA: COMPETING DISCOURSES, CHALLENGES AND INTERPRETATIONS

**The Third International Malaysia-Thailand Conference on Southeast Asian Studies**

29 November – 1 December 2007

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## SESSION 7
## MIGRANT WORKERS

**Chairperson: Dr. Tang Siew Mun**

1. Ethnic Diversity & Cross-Border Migration in Malaysia: Identifying Areas of Conflicts & Coalition. - *Azizah Kassim*

2. Migrant Worker and Cultural Identity: A Bridge between Cultures. - *Ismail Suardi Wekke & Cholichul Hadu*

3. Hidden Inbetween-ness: An Exploration of Taiwanese Transnational Identity in Contemporary Japan. – *Peichun Han*

4. Legal Protection, Integration and Development for Migrant Worker in GMS. - *Jan Tahir Babar*

# Managing Migrant Workers in a Multi-Ethnic Society: The Case of Malaysia.[1]

Azizah Kassim

## 1.0 Introduction

British colonial administration in Malaysia (then Malaya, Sabah and Sarawak) which began in the late eighteenth century, introduced capitalistic economic enterprises which was accompanied by the importation of foreign labour mainly from China, the Indian sub-continent and Indonesia. This laid the foundation for the country's multi-ethnic population which according to its last Census in 2000, was around 23.274 million. Of these, about 5.6% were immigrants. Among the Malaysians population, 63% were Bumiputra (lit. "sons of the soil" i.e. indigenous groups); 26 % Chinese; 7.5% Indians, and the rest of the "others" category.

After independence in 1957, Malaysia once again becomes a popular destination for foreign workers. Socio-economic development, especially from 1970, created ample job opportunities particularly in agriculture, construction and the service sector. But Malaysians rejected these jobs thus creating labour shortage in some sectors of the economy. Employers resorted to the recruitment and employment of foreign workers, albeit clandestinely for over a decade. With the expansion of irregular migrant workers, then estimated at about a quarter million, and their attendant problems, the government was forced to formulate and implement a policy on foreign workers in the early eighties. Despite the policy, Malaysia is still inundated with irregular migrant workers. In 2007, Malaysia has around 2 million legally recruited foreign workers, forming 10% of the population and 16.8% of the workforce. In addition, there are a large number of irregular migrants estimated between 200,000 and one million. The sheer number alone can lead to complex problems that can make their management an extremely difficult task.

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[1] Draft paper for the 3rd Malaysia -Thailand International Conference of Southeast Asian Studies, Mahidol University, Bangkok, 29th November-1st December, 2007. Not to be quoted without the author's permission.

This paper examines how Malaysia manages in-migration and treats its foreign workers against the backdrop of cultural and ethnic diversity where ethnic division is officially sanctioned and political parties are ethnically based. It seeks to answer such question as: What are the factors which influence the formulation of Malaysia's foreign workers' policy? What are the objectives of the policy and how are its measures implemented? How do Malaysia's multi-ethnic population and multi-ethnic politics impact on migration policy and its implementation; and on migration in-flows and migrants' integration? These are some of the questions being addressed in this paper. The paper is guided by the following assumptions:

- That the multi-ethnic population with its ethnically based political parties (i) negatively influence policy decisions, giving way to a flawed policy on migrant workers, and, (ii) hinders the policy implementation causing a wide gap between policy objectives and its outcome.

## 2.0 The Colonial Legacy: In-migration, Development of a Multi-Ethnic Society and the Nation State.

### 2.1 Development and Migration

Inter-islands migration has been going on for centuries in the ASEAN region but it was the penetration of western colonialism which boosted its pace. In the case of Malaysia, massive in-migration took place under the British colonial rule, with the introduction of capitalistic economic enterprises which began in the early nineteenth century. With the small indigenous population engaged in subsistence economy, and their reluctance to work as "coolies" in the new enterprises, the colonial authorities sanctioned the importation of millions of foreign workers mainly from India (inclusive of Bangladesh, Sri Lanka and Pakistan), China and Indonesia. In the case of Peninsular Malaysia (then known as Malaya), the result of the influx was amply demonstrated by the result of the country's Census which began at the end of the nineteenth century (see Table 1). By 1891 Malaya already had a substantial number of foreigners among its population.

**Table 1: Peninsular Malaysia: The Emergence and Expansion of a Multi-Ethnic Society**

| **Colonial Period** | Total | Malays & Other Ind Grps. | Immig. Chinese | Immig. Indians | Immig. "Others" | |
|---|---|---|---|---|---|---|
| 1891 | 746,297 | 409,235 | **269,902** | **58,069** | **9,091** | |
| | (100) | (54.8) | **(36.2)** | **(7.8)** | **(1.2)** | |
| 1901 | 1,022,289 | 492,183 | **419,355** | **9,7687** | **13,064** | |
| | (100) | (48.1) | **(40.4)** | **(9.6)** | **(1.3)** | |
| 1911 | 2,342,248 | 1,372,290 | **694,970** | **239,786** | **35,202** | |
| | (100) | (58.6) | **(29.7)** | **(10.2)** | **(1.5)** | |
| 1921 | 2,910,214 | 1,569,279 | **857,653** | **439,510** | **43,862** | |
| | (100) | (53.9) | **(15.1)** | **(1.5)** | | |
| 1931 | 3,788,530 | 1,864,135 | **1,285,173** | **572,690** | **66,532** | |
| | (100) | (49.2) | **(33.9)** | **(15.1)** | **(1.8)** | |
| 1947 | 4,908,086 | 2,427,834 | **1,884,534** | **530,638** | **65,080** | |
| | (100) | (49.4) | **(38.5)** | **(0.8)** | **(1.3)** | |
| **Post Independence** | | **Bumiputra** | **Mal. Chinese** | **Mal. Indians** | **Mal. "Others"** | **Non-Citizens** |
| 1957 | 6,278,758 | 3,125,474 | 2,333,756 | 707,108 | 112,420 | |
| | (100) | (49.8) | (37.2) | (11.2) | (1.8) | |
| 1970 | 9,181,674 | 4,841,268 | 3,285,991 | 981,449 | 72,966 | |
| | (100) | (52.7) | (35.8) | (10.7) | ( | |
| 1980 | 11,442,086 | 6,325,444 | 3,869,423 | 1,172,688 | 74,531 | |
| | (100) | (55.3) | (33.8) | (10.2) | (0.7) | |
| 1991 | 14,797,616 | 8,433,826* | 4,250,969 | 1,380,048 | 410,544 | **322,229** |
| | (100) | (57) | (28.7) | (9.3) | (2.8) | (2.2) |
| 2000 | 18,523,632 | 11,135,694 | 4,883,079 | 1,680,132 | 133,665 | **691,062** |
| | (100) | (60.1) | (26.4) | (9.1) | (0.7) | (3.7) |

Source: Adapted from Tey, 2007.

Nonetheless, the local Malay community was still the majority. A decade later, due to further inflow of foreign workers, the local population lost its majority status. In 1911 and 1921 the number and percentage of the local population rose, only to decline again in the subsequent years. Sabah and Sarawak gained independence on joining Malaya to form the Federation of Malaysia in 1963. The two states too were under British administration and like Malaya, they were also subjected to the in-flow of immigrant labour. However, in the case of Sabah, foreign workers were brought in not only from China, India and Indonesia, but also from neighbouring Philippines.

On independence (1957 for Malaya and 1963 for Sabah and Sarawak), the foreign population were given the option to become citizens and many did; resulting in the multi-ethnic population in Malaysia. By the early seventies, most of the immigrants (the largest of which were Chinese and Indians) who came to Malaya, Sabah and Sarawak and their off springs were no longer "foreign nationals". They were Malaysians even though in subsequent Census Reports they are still categorised as "Chinese" or "Indians".

As from 1970, the Malaysian government re-arranged the ethnic categorisation in the country. The population were divided into two major groups: the Bumiputra (lit. "sons of the soil") and non-Bumiputra. In the Peninsula, the former comprise the Malays and aboriginal groups. In Sabah, they comprise at least five major groups such as the Kadazan-Dusun, Murut, Rungus and Bajaus; and in Sarawak, the Ibans, Melanau, Bidayuh etc. The non-Bumiputra comprised mainly Chinese and Indians, and the rest (such as Eurasians, Europeans, etc.) are simply referred to as "Others". These new categorisation can be seen in Table 2. In 1991, the population was around 18.55 million of which the Bumiputra formed the majority. In the last population census in Malaysia in 2000, their number increased accounting for over 63% of the population of about 23.26 million. Over 26% were Chinese , 7.4 % Indians and 3.2% "Others". Due to in-migration in the post independence era, the number of foreign nationals too has increased both in number and in percentage terms.

**Table 2: Malaysian Population 1991-2000**
**('000)**

| | 1991 | 2000 | Average Ann. Growth 1991-1995 | Average Ann. Growth 1196-2000 |
|---|---|---|---|---|
| **Total Population** | 18.55 | 23.26 | (2.7) | (2.3) |
| **Malaysian Citizens** | 17.75 | 21.95 | (2.2) | (2.1) |
| • **Bumiputra** | 10.75 (60.5) | 13.61 (63.2) | (2.7) | (2.6) |
| • **Chinese** | 5.02 (28.3) | 5.6 (26.0) | (1.3) | (1.1) |
| • **Indians** | 1.41 (7.9) | 1.61 (7.48) | (1.5) | (1.4) |
| • **Others** | 0.59 (3.3) | 0.70 (3.3) | (2.0) | (1.8) |
| • **Non-Citizens** | 0.80 (4.3) | 1.31 (5.6) | (12.3) | (5.7) |

**Note:** Figures in brackets are percentages.
**Source**: Adapted from the Seventh Malaysia Plan, 1996-2000,pp 105.

### 2.2 Salient Features of the Malaysian Multi-Ethnic Society

There are several features of the Malaysian multi-ethnic population which need highlighting as it has implications on trans-border in-migration in the post independence era. These are:

#### i. Ethnic Division is Officially Sanctioned.

Ethnic divisions are officially sanctioned. Birth certificates and identity cards indicate a citizens ethnic group - Malay, Iban or Bidayuh, etc. in the case of the Bumiputra category; or a Chinese, Indians, etc. for non-Bumiputra. Ethnic boundaries are marked by cultural differences as expressed in religious practices and language. Such being the case, the perpetuation of these ethnic indicators is important through education and the media. Thus, despite the establishment of national schools in the years after independence, the Chinese and Indians are allowed to have their own vernacular schools, should they not want to enter the national school system which uses Malay medium of education. They

are also permitted to have their own newspapers, radio and television channels. Ethnic religious festivals too are accorded public holidays. Malaysia is a show case for multi-culturalism.

### ii. Religious Divide

Associated with the ethnic divide is that of religion. While the official religion of Malaysia is Islam, the population is given the freedom to practice other faiths. Major religions among the population are Islam, Christianity, Hinduism, Buddhism and Confusionism. While all Malays are Muslims, other Bumiputra's are free to choose their religion. A Rungus in Sabah can be a Christian, a Muslim or an animist. A Chinese may be a Christian, Muslim, Buddhist or Taoist and an Indian could be a Muslim, a Christian, a Hindus or a Sikh. Religious and ethnic divide do not always overlap each other.

### iii. Political Parties are Ethnically Based.

Another feature of ethnic diversity in Malaysia is presence of ethnic based political parties, which is seen by many as the root cause of ethnic division and its continuity. In the Peninsula, Malays have their United Malay National Organisation (UMNO) and the Malaysian Islamic Party (known locally as PAS). The Chinese have their Malaysian Chinese Association (MCA) and the Indians, the Malaysian Indian Congress (MIC) and Peoples Progressive Party (PPP). There are attempts to bridge the political/ethnic divide by forming multi-ethnic parties such as the Gerakan (Malaysian Peoples Movement) and the DAP (Democratic Action Party), but these parties are usually dominated by one ethnic group - the Chinese. In Sabah and Sarawak too, the same political tendency prevails, with major ethnic groups forming their own political organization to further ethnic interest. Examples are the Party Bansa Dayak[2] in Sarawak; and UPKO (United Pasokmomogan Kadazan Organisation) and Parti Bersatu Sabah (PBS) in Sabah.

[2] In 2007, the party changed its name to Parti Rakyat Sarawak.

By forming a coalition, the Barisan Nasional (BN) some of these political have been able to gain power and rule the country for the last fifty years. The BN, formed in 1970 based on an earlier coalition of UMNO, MCA and MIC, has 13 member political parties from Sabah and Sarawak since 2003.

To remain in power, each ethnic party must retain its ethnic boundary, their "Malayness", "Chineseness", "Indianess" or "Kadazanness" must be maintained through preservation of their language, culture, religion, etc. Political leaders must pursue the socio-economic and political interests of their own ethnic communities and in doing so, they often come into conflict with their partners in the coalition and with others.

**iv. Entrenched Kinship/Ethnic Networks Across National Boundaries.**

As a large proportion of the Malaysian population are of recent immigrant descent, many still have relatives in their country of origin with whom they have close contacts. Among Malaysian Indian families, for example, it is not uncommon for parents to look for marriage partners for their children from their family members in India or among Indian diaspora elsewhere. Some Malays/Bumiputra of Indonesian descent are also in touch with their relatives from the land of their ancestors. The same tendency applies to other ethnic groups in the country. As a result many Malaysians have entrenched kinship and ethnic network systems cutting across national boundaries.

### 2.3 Challenged Borders

The establishment of colonial administration (the British, Dutch, Spanish, French, Portuguese and the Americans) in the ASEAN region laid the foundation of the nation state and with it the institution of state boundaries which was drawn to suit the economic and political interests of the colonial powers. These boundaries cut across cultural areas dividing families and ethnic groups into separate nationalities. In spite of the national divide, social and economic interactions between these separated peoples persisted. They cross these borders as if they were non existent, perhaps unaware of the official immigration control and its significance. These borders, at least on the Malaysian side, were highly porous, perhaps intentionally made so in view of the lack of manpower faced by the expanding capitalistic enterprises.

### 3.0 Migration in the Post Independent Era

For the Peninsula, in the post independent era, immigration control was imposed with the establishment of the 1959/1963 Immigration Act. However, along the borders, clandestine entry proceeded at a subdued rate. The early years of independence was marked by internal migration, especially the rural-rural and rural-urban flow. It was only in the seventies that trans-border in-migration began to accelerate with the implementation of the New Economic Policy (NEP-1970-1990). The NEP's emphasis on socio-economic and infra-structural development created ample employment opportunities at the lower rung of the job hierarchy. Unfortunately, these jobs were rejected by most of the locals who have by then benefited from the expansion of formal education in the years after independence. The overcome this labour shortfall employers had to recruit and employ foreign nationals clandestinely. The result was an influx of foreign workers mainly from Indonesia islands of Java, Sumatra and Bawean and nationals of Thailand, in the case of the Peninsula.

In Sabah, the state sanctioned in-migration of workers from Indonesian under the Malaysian Migration Fund Board (MMF) which brought in over 200,000 Indonesians from Kalimantan and Sulawesi (Labour Report, 1983/84). In addition, migrant workers also came from neighbouring islands of the Philippines especially the Mindanao area and from Sarawak. These foreign workers were needed to work in logging and the agricultural sector especially in the plantations. In Sarawak, migrant workers came mainly from across the border with Indonesian Kalimantan.

Other economic factors external to Malaysia also helped boosted migration into the country. Some of the neighbouring countries were and still are experiencing a high rate of unemployment and lower wage levels than in Malaysia. In addition the exchange rate of the Ringgit was high in favour of the Indonesian Rupiahs, the Baht or the Filipino Pesos. There was a strong economic motive to work in Malaysia and passage to the country was made easy with improved air, sea and land transportation.

Apart from the economic migrants, the early seventies saw Malaysia being inundated by refugees. The Peninsula was forced to accommodate thousands of Vietnamese and, to a smaller extent, Cambodians refugees. Sabah became the landing ground for a large number of Filipino refugees escaping political unrest under the Marcos regime in the Southern Philippines islands of Mindanao (Dorall, 1987; Bahrin & Rachagan 1984 and Wong, 2001). While the Vietnamese refugees were isolated and prohibited from integration until their repatriation in the mid nineties, attempts were made to integrate the Cambodians and the Filipino. The Filipinos were given a special pass, the IMM13, to stay and work in Sabah, where they remain as refugees until today (Azizah Kassim, 2004).

The lax immigration control for over a decade in the seventies allowed irregular migrant workers to proliferate and as their number grew and as they moved into a wider range of work sectors in the urban areas, they became more visible, thus attracting the attention of the public. The situation was exacerbated when the immigrant communities began to compete with the local poor for affordable housing in the squatter areas and for economic opportunities especially in petty businesses; and the involvement of a few in violent crimes. By the early eighties, their presence was beginning to be seen as problematic and soon the issue and problems of their employment became an agenda for mainstream political discourse. With political leaders from both the ruling and opposition parties voicing their concern about the negative impacts of foreign labour employment, especially to national security, the government was compelled to take steps to resolve the problems of the "illegal immigrants" who by then was believed to be at least around half a million.

Thus economic and political factors play a major role in influencing policy formulation. There was an acute need for foreign labour but their uncontrolled entry was detrimental to national security and to ensure political stability a policy on foreign workers must be formulated.

## 4.0 Policy on Unskilled and Semi-Skilled Foreign Workers

Malaysia's Employment Act 1955 already had provisions for the employment of foreign nationals, but it was for the expatriate category. What it lacked was one to deal with the unskilled and semi-skilled. The policy on the latter category came into effect in the early eighties. Its main objectives are to sanction legal recruitment of foreign workers to overcome labour shortages in some sectors of the economy. To facilitate legal recruitment it was incumbent on the government to resolve the problem of irregular migrant workers, known initially in the local vernacular as "*pendatang haram*" and later changed to "*pendatang tanpa izin*"[3] (illegal immigrants). Thus a parallel programme to reduce the number of illegal immigrants in the country was initiated.

The employment of foreign workers was seen as a temporary phase and accordingly, policy measures which were subsequently devised were designed to accommodate their temporary stay. While the policy objectives have remained constant, its measures have been changed several times in response to economic and political situation as well as public sentiments. Measures taken to control and monitor foreign workers are discussed subsequently

### 4.1 Policy Measures in 1980's

It was in the Peninsula where initial measures were taken to pave the way for legal recruitment of foreign workers. Among these was the signing of the Medan Agreement with Indonesia, aimed at legal recruitment in May 1984.. This was followed by the signing of memorandum of Understanding (MOU) with source countries such as Bangladesh and the Philippines to recruit workers. In 1989, the first regularization exercise was launched in the Peninsula aimed at registering and legalizing Indonesians in the agricultural sector. At the same time, legal mechanisms were established to facilitate legal recruitment which include the following:

[3] Apparently the term "*pendatang haram*" was strongly objected to by the Indonesians because the term *haram* in Islam also refers to pigs. The Malaysian authorities had to use a more palatable terminology i.e. "*pendatang tanpa izin*" which in essence means the same in Malay.

- The formation of a policy making committee (*Jawatankuasa Kabinet Pengambilan Pekerja Asing*) entrusted with the task of establishing procedures and mode of recruitment, to decide on the source countries and sectors eligible to engage foreign workers; the terms and conditions of foreign workers' employment, fees and levy, etc.
- The formation of an implementing agency (*Jawatankuasa Teknikal Pengambilan Pekerja Asing*) comprising representatives of related state agencies such as the Department of Immigration, Department of Labour, etc.

### 4.2 Policy Measures in 1990's Onwards

In the following years, the policy measures were further improved to include the following:

i. Regularization Exercise in 1990 to June 1992. This was an extension of regularization exercises carried out in 1989. It was aimed at irregular migrant workers in domestic services. The good response from employers in this sector encouraged the government to extend the exercise to the construction and later to the service sectors. The exercise was stopped in 1992.

ii. Formation of Ops Nyah 1, January 1992. This was to stop further illegal incursion into the country by foreign nationals by patrolling land and sea borders especially areas identified as illegal entry points. This is an on-going operation.

iii. Formation of Ops Nyah 2, July 1992. This is also an on-going exercise to root out illegals already in the country who refused to co-operate with the regularization programme. It involves making spot checks at worksites where foreigners are employed or in places where they live. The Ops Nyah 2 was disbanded in March 2005 and replaced with Ops Tegas.

iv. In the mid-nineties, the Malaysian government introduced compulsory medical examination for foreign workers. An agency, FOMEMA (Foreign Workers Medical Examination and Monitoring Agency) was entrusted with the responsibility of conducting medical examination on all foreign workers brought into the country to ensure that only healthy ones are employed.

v. Amendments to the Immigration Act 1959/63 were made in 1997 and 2002. The Immigration Act was found inadequate to deal with violations of immigration laws and new problems related to immigration. The new amendments, among others introduced higher fines, longer jail sentences and canning for violations of immigration laws. It also makes harbouring, trafficking and employment of irregular migrants an offence punishable by jail or fines, or both. In addition there are also provisions to charge those who falsify official documents or official endorsements.

vi. Amnesty Exercise. These were launched in the Peninsula in 1997 and in Sabah and Sarawak in 1998. In 2002 and 2004-2005, the exercise was done on a nationwide basis. Under this exercise, a specific period was allocated for irregular migrants in the country to leave without being charged under the Immigration Act 1959/63. If they wish to re-enter Malaysia and work, they can do so legally according to given procedures. Although over a million irregular migrants participated in these exercises, it is generally agreed that they represent only a fraction of the irregular migrant population in the country. This is evidenced by the number of arrests made in the Ops Nyah 2 Operations which follows the end of each amnesty exercises.

vii. Implementation of a Special Immigration Court to hear cases of irregular workers and migrants in December 2006. The court was set up to facilitate hearing of cases involving violations of immigration laws in the country. Prior to this, such cases were heard in the ordinary court and as the Malaysian courts have a backlog of thousand of cases, delays in hearing of immigration cases were common. This caused overcrowding in

immigration detention camps and slowed down operations to weed out irregular migrants under the Ops Nyah 2 exercises.

## 5.0 The Expansion of the Foreign Workers

With the migrant workers policy in place, two ministries were given the responsibility of managing the foreign workers i.e. the Ministry of Home Affairs through its Department of Immigration (*Jabatan Imigresen*) and the Ministry of Human Resources under it Department of Labour (*Jabatan Tenaga Kerja*). The former is responsible for issuing their visas and work permits and the latter for matters relating to their employment, except for those in domestic services. Through these departments especially the Immigration, records on foreign workers began to be kept. These records enable us to examine the expansion of the foreign work force in Malaysia.

### 5.1 The Expansion of the Unskilled and Semi-skilled Contract Workers

Foreign workers in Malaysia comprise two main groups: the expatriates; and the unskilled and semi-skilled. The former are the technical, managerial and professional category whose presence in Malaysia is much sought after by the state. They are administered separately from the unskilled and semi-skilled and subjected to different terms and condition of service. As they are highly paid and their number is small (around 50,000 in 2007), they are not seen as a problem. Thus much of the discourse on foreign workers excludes them.

The unskilled and semi-skilled contract workers are issued temporary work passes (*Pas Lawatan Kerja Sementara*). The issuance of these passes, which are renewable every year upon payment of a levy[4] and the worker passing a medical check-up by FOMEMA, provides a glimpse of the expansion of migrant contract workers in Malaysia (see Table 3). As shown in the Table the number of these legally recruited workers have

[4] The cost of levy varies according to sectors. The lowest is for agricultural/plantation workers and domestic maids (RM360) per annum and RM1,200 for others sectors, except in Sarawak and Sabah where it is much lower (RM950).

expanded in the last two decades. However, the yearly intake fluctuates in response to the economic situation in the country. The number increases when the economy is booming and declined in periods of economic downturn such as during the financial crisis in 1998. In the following years, as the economy recovered, it rose again to over 1.87 million in 2006. In 2007, their number increased further to around two million.

**Table 3: Expansion of Foreign Workers Based on Issuance of Work Passes by the Malaysia Immigration Department**

| Year | Peninsular Malaysia | Sabah | Sarawak | Malaysia | Notes |
|---|---|---|---|---|---|
| 1985-1991 (May) | 66,758 | N.A | N.A | N.A | Regularization of irregular migrant workers |
| 1993 | | | | 532,723 | |
| | (77.78) | (18.77) | (3.45) | (100) | |
| 1994 | | | | 642,057 | |
| | (80.36) | (15.57) | (4.06) | (100) | |
| 1995 | | | | 726,689 | |
| | (79.32) | (16.61) | (4.06) | (100%) | |
| 1996 | | | | | Ban on Bangladeshi workers |
| | (78.74) | (16.26) | (5.00) | (100) | |
| 1997 | | | | | |
| | (80.89) | (15.40) | (3.71) | (100) | |
| 1998 | | | | 1,127,652 | Asian Financial crisis-,recruitment stopped; voluntary repatriation . |
| | (70.03) | (25.18) | (4.79) | (100) | |
| 1999 | | | | 918,317 | |
| | (74.14) | (17.67) | (8.19) | (100) | Ban on Bangladeshi Workers |
| 2000 | | | | 799,685 | |
| | (79.12) | (9.41) | (11.47) | (100) | |
| 2001 | | | | 769,566 | |
| | (74.85) | (13.67) | (11.49) | (100) | |
| 2002 | | | | 1,057,156 | Econ. Recovery |
| | (76.87) | (14.06) | (9.06) | (100) | |
| 2003 | | | | 1,412,697 | |
| | (79.69) | (12.06) | (8.25) | (100) | |
| 2004 | | | | 1,474,686 | |
| | (78.38) | (13.53) | (8.09) | (100) | |
| 2005 | | | | 1,821,750 | |
| | (79.86) | (12.96) | (7.18) | (100) | |
| 2006 | | | | 1,871,038 | |
| | (80.84) | (11.84) | (7.32) | (100) | |

**Notes**: Figures in brackets are percentages.
**Source**: Adapted from Azizah Kassim, 2007.

**Table 4: Foreign Workers in Malaysia by Source Countries (1985-2007)**

| Source Countries | 1985 | 1990 | 2001 | 2006 |
|---|---|---|---|---|
| | | | | |
| Bangladesh | 1,126 | 361 | 105,744 | 62,669 |
| | (32.3) | (1.5) | (13.74) | (3.6) |
| Cambodia | | | | 8,222 |
| | | | | (0.4) |
| China | | | | 2,482 |
| | | | | (0.1) |
| India | | | | 138,313 |
| | | | | (7.4) |
| Indonesia | 998 | 14,125 | 566,983 | 1,174,013 |
| | (28.7) | (58.5) | (73.67) | (62.8) |
| Myanmar | | | | 109,219 |
| | | | | (5.8) |
| Nepal | | | | 213,551 |
| | | | | (11.4) |
| Pakistan | | | 2,218 | 11,551 |
| | | | (0.28) | (0.6) |
| Philippine | 374 | 5,340 | 17,287 | 24,088 |
| | (10.7) | (22.1) | (2.25) | (1.3) |
| Thailand | 986 | 4,326 | 2,440 | 13,811 |
| | (28.3) | (17.9) | (0.32) | (0.7) |
| Vietnam | | | | 106,751 |
| | | | | (5.7) |
| Others: | | | 74,894 | 4,537 |
| • Sri Lanka | | | (9.72) | 4,421 |
| • Laos | | | | 58 |
| • Other Countries | | | | 48 |
| | | | | (0.2) |
| **Total** | **3,484** | **24,152** | **769,566** | **1,869,209** |
| **Percentages** | **(100)** | **(100)** | **(100)** | **(100)** |

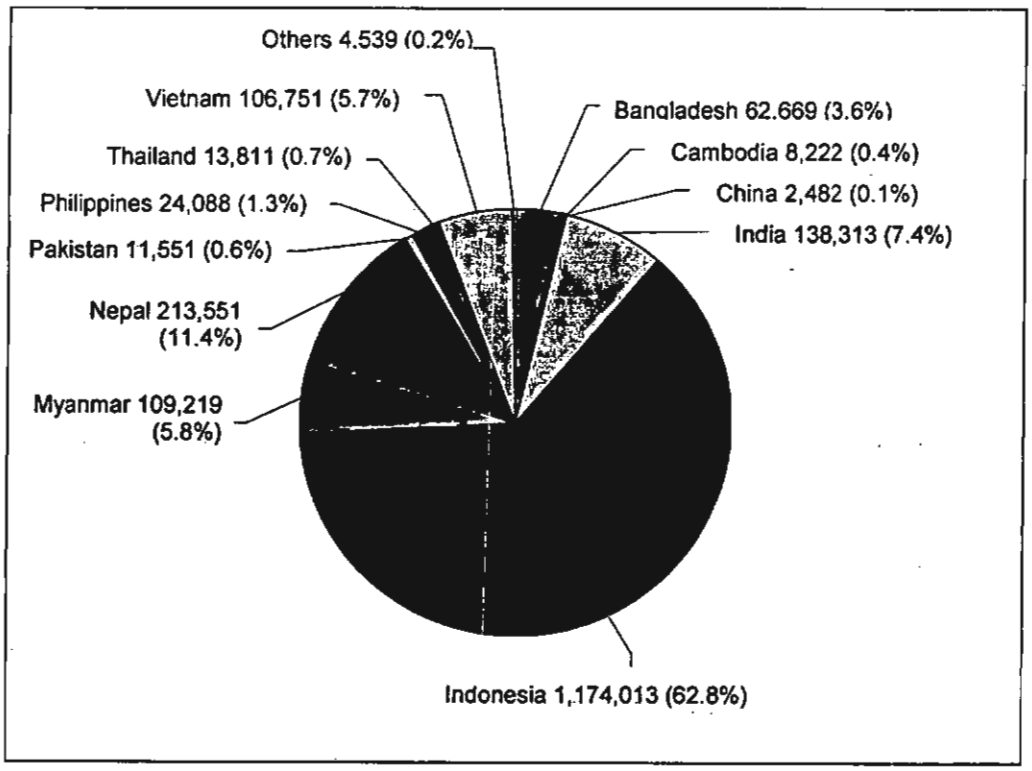
**Notes:**

- The "Other Countries" category includes nationals of Austria, Egypt, Fiji, Ethiopia, Morocco, Russia, Singapore, Syria, Uzbekistan, with workers ranging from 1-36.
- Numbers in brackets are percentages.

**Source:** Department of Immigration Malaysia, Putrajaya & Azizah Kassim, 2007.

In the seventies most of the workers in Malaysia were from Indonesia, Philippines and Thais. The number of source countries rose to four in 1990 and five in 2001. In 2002, following a riot by Indonesian workers in a factory in Nilai, Negeri Sembilan, steps were taken to open up employment to workers from other countries especially among ASEAN members. and Nepal. By 2006, Malaysia imports workers from thirteen source countries (see Table 4 & Chart 1). As shown in the Table, the majority are from the ASEAN region with the Indonesians retaining their position as the largest group. In 2006, Indonesians form over 62% of the foreign labour workforce), followed by those from Nepal (11.4%);India (7.4%); Myanmar (5.8%) and Vietnam (5.7%) and Bangladesh (3.6%).

**Chart 1: Issuance of Work Passes (PLKS) by Country of Origin, Year 2006. (Total 1,869,209)**



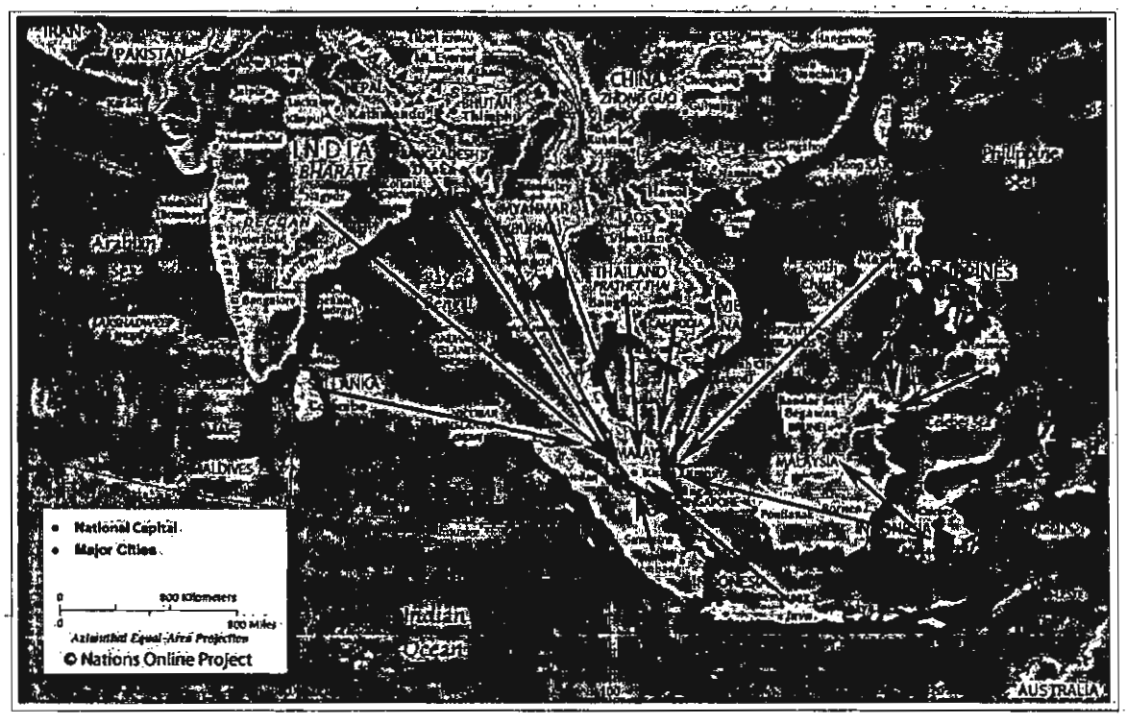



**Table 5: Foreign Workers in Malaysia by Job Sectors.**

| Job Sectors | 1985 | 1990 | 2001 | 2006 |
|---|---|---|---|---|
| Agriculture | | | | 123,373 |
| | | | | |
| Construction | | 288 | 60,197 | 267,809 |
| | | | | |
| Domestic Maid | 566 | 5,838 | 155,883 | 310,662 |
| | | | | |
| Plantation | 2,918 | 18,026 | 214,595 | 354,124 |
| | | | | |
| Manufacturing | | | 283,401 | 646,412 |
| | | | | |
| Services | | | 55,309 | 166,829 |
| | | | | |
| Others | | | 181 | |
| | | | | |
| **Total** | **3,484** | **24,152** | **769,566** | **1,869,209** |

**Source**: Azizah Kassim, 2007.b. based on data provided by the Department of Immigration, Malaysia, Putrajaya.

Patterns of their labour utilization have also changed over the years. In 1985, they were engaged only in domestic services and plantations. By 1990 they were also found in the construction sector. By the 1990's two others sectors i.e. manufacturing and general services were allowed to use foreign labour. In the following decade they were given permission to work in many sub-sectors especially in services such as in laundry outlets, in restaurants, welfare homes, industrial spa, textile retail shops, and island resorts and as barbers, cleaners, security guard, as caddies at golf courses and cargo handlers. .

**Table 6: Foreign Workers by Gender & Country of Origin (2003 & 2006)**

| | 2003 | | | 2006 | | |
|---|---|---|---|---|---|---|
| | Peninsula | Sabah | Sarawak | Peninsula | Sabah | Sarawak |
| Indonesia | 720,479 | 162,636 | 115,241 | 840,358 | 207,651 | 130,315 |
| (F) | *(44.60)* | *(32.70)* | *(38.20)* | *(52.70)* | *(3.20)* | *(34.20)* |
| Nepal | 107,896 | | | 210,074 | 1 | 11 |
| (F) | *(0.01)* | | | *(0.20)* | 0 | |
| Bangladesh | 93,846 | | | 54,472 | | 3,254 |
| (F) | *(0.40)* | | | *(0.30)* | | 0 |
| Philippines | 7,083 | 7,644 | 412 | 11,126 | 13,538 | 616 |
| (F) | *(8.20)* | *(32.80)* | *(1.50)* | *(88.40)* | *(39.10)* | *(3.30)* |
| Thailand | 10,003 | 10 | 28 | 13,538 | 69 | 385 |
| (F) | *(17.80)* | *0* | *(17.90)* | *(27.00)* | *(47.80)* | *(1.30)* |
| India | 63,743 | 134 | | 139,423 | 220 | 98 |
| (F) | *(0.30)* | *(2.20)* | | *(0.30)* | *0* | 0 |
| Myanmar | 47,952 | | | 108,395 | 18 | 3 |
| (F) | *(0.06)* | | | *(5.50)* | 0 | 0 |
| Pakistan | 2,242 | | | 11,406 | 4 | 101 |
| (F) | *(0.30)* | | | *(0.10)* | *0* | *0* |
| Sri Lanka | 1,067 | | | 4,241 | 1 | 6 |
| (F) | *(57.80)* | | | *(23.20)* | 0 | 0 |
| Cambodia | 2,914 | | | 8,200 | | 1 |
| (F) | *(58.10)* | | | *(83.50)* | | 0 |
| Others | 69,451 | | 297 | 106,352 | 39 | 2,124 |
| (F) | *(0.10)* | | *(71.00)* | *(34.20)* | 0 | 0 |
| **Total** | **1,126,676** | **170,424** | **115,978** | **1,507,585** | **221,541** | **136,914** |
| (F) | *(29.60)* | *(32.30)* | *(38.20)* | *(31.00)* | *35.60%* | |

**Note:** (F) = Females.
Figures in brackets are percentages.

**Source:** Computed from raw data provided by Bahagian Sistem Maklumat, Jabatan Imigresen, Malaysia, Putrajaya.

Another interesting feature in the expansion of foreign workers in Malaysia is the increasing number of women among them. As shown in Table 6, in 2003 and 2006, between 29% and 35% of migrant workers in Malaysia were females. They are found in almost all sectors, but their dominance is in the domestic service and as carers in welfare homes. They are also visible in manufacturing, working mainly as production operators, where they form about 30 % of the workforce

### 5.2 Irregular Migrant Workers

Besides the legal contract workers, Malaysia also has a large number of irregular workers comprising the undocumented, over-stayers, contract defaulters, pass abusers, stateless persons and refugees. (see Azizah Kassim, 2007.b). As indicated earlier, Malaysia is not a signatory to the Geneva Convention on Refugees, but it continued to provide temporary abode to asylum seekers and refugees who in the last two decades came from countries such as Myanmar and Indonesian Acheh. To date a UNHCR (United Nations High Commissioner for Refugees) source estimates that there are around 40,000 people of concerns in Malaysia (Fradot, 2007). The Malaysian government views refugees and asylum seekers as irregular migrants (New Straits Times, 3 March 2007). But unlike other irregular migrants, they are permitted to stay once they are verified as genuine asylum seekers and refugees by UNHCR. With their verification card they cannot be arrested, detained and deported for violations of immigration laws.

The Immigration Department estimates the irregular migrants at around 200,000, but other parties give higher figures. The MTUC (Malaysian Trade Union Congress) for example, put their number at around 500,000 and MEF (Malaysian Employers Federation ) at three times the number of legal contract workers i.e. around six million. The actual number cannot be ascertained, however, what is certain is their persistently high number in spite of the various measures taken by the state to reduce their number as alluded to above. This is evidenced by the results of the regularization, amnesty, Ops Nyah 1 and Ops Nyah 2 exercises which apprehended over three million irregular migrants in the last two decades (see Azizah Kassim, 2007a). A majority of them are economically active, engaged in the same jobs as the legal contract workers. In fact, they are found in a wider

range of jobs as they feel that they are not subject to any employment rules and regulations. The consistently high number of irregular migrants put into question the efficacy of the present policy on foreign workers.

## 6.0 Factors Influencing Policy Decision and Implementation: Is Ethnic Diversity a Relevant Factor?

It can be said that the Malaysian foreign workers' policy has limited success. While it has been successful in encouraging legal recruitment and employment of alien workers, it has failed to reduce the number of irregular migrants. There is a gap between policy objectives and its outcome which needs explanation.

Studies on policy implementation has proposed that the gap between policy objectives and its outcome can be attributed to at least three factors – policy flaw; macro-structural factors; and domestic and international political constraints (Cornelius and Tsuda 2004:1-48). These three factors apply to the Malaysian case. The writer had elsewhere discussed the policy flaw, attributed to its faulty assumption .i.e that labour importation is temporary when in reality it is not as the use of migrant labour has been going on for more three decades (Azizah Kassim, 2007a.) Its implementation is also difficult due to "embedded" structural factors – viz. the expansion of formal education, the increasing number of women in the formal economy, the continued rejection by the locals of the 3D's jobs, and most importantly the ethnic diversity of the population with its entrenched cross-border networks. Ethnic political parties in Malaysia too put demands on policy decisions just as international and regional regimes.

As a member of the global community Malaysia is expected to acceded to or abide by such regimes as the ILO Conventions on Migrant Workers, the Conventions on the Rights of the Child (CRC), Conventions on the Eliminations of Discriminations Against Women (CEDAW), the Declaration of Human Rights 1947, UNHCR, etc.. Policy makers have to find a balance between national and supra-national interests. The difficulty faced by policy implementers in trying to balance between these two interests is

well expressed in a special report by the Department of Immigration which mentions the "interference" by UNHCR in some of its raids on irregular migrants. The misunderstanding lies in the fact that some economic migrants arrived in Malaysia disguised as refugees.

How ethnic diversity can affect the making and implementation of the policy on migrant workers will be discussed below.

### 6.1 Ethnic Diversity and Accommodating Attitude Towards Immigrants

As alluded to in section 2, the Malaysian society is born out of in-migration and multi-culturalism, multi-lingualism and multi-religiosity is a common aspect of Malaysian daily life especially in the urban areas. This gives way to a high degree of tolerance towards foreign nationals. It can be said that until the influx of foreign nationals showed its ugly impacts in the early eighties, Malaysians generally accepts migrants especially as they are performing an important economic function. They are a solution to their problem. Such a favourable attitude partly accounts for the delay in addressing the issue of irregular workers. This attitude may have changed among some sections of the public in the last decade, as more people are voicing their resentment against contract worker and irregular migrants in the media. They are increasingly being seen as a threat to national security. Never the less there is still a large section of the population who are willing to harbour and employ them legally or otherwise.

The multi-ethnic population makes identifying aliens in their midst is difficult. In a mono-ethnic society such as Japan, a non-citizen can easily be identified by his physical appearance and cultural bearings (language use, attire etc.). However, this is almost impossible in multi-ethnic and multi-cultural Malaysia where the population can trace descent to China, India, Pakistan, Bangladesh, the Arab countries Indonesia and Europe.

Thus identifying irregular migrants is no easy task[5] and this negatively affects the implementation of the migrant workers' policy.

### 6.2 The Politics of Migration: Who Can Come and Who Can Stay?

In spite Malaysia's long history of hosting migrants, public administrators in post independent Malaysia has no experience in dealing with migrant workers except for expatriates. This partly accounts for the period of neglect of foreign workers in the seventies. When it was incumbent on them to formulate a policy on foreign workers, one major question confronting them was "who can be allowed to come"? Initially, in the Peninsula, it was the Indonesians who were most preferred, not only because a large number were already working in the country illegally, but also because of their historical link and cultural affinity with the local Malay population. Such a decision did not go well with some opposition Chinese political leaders who accused the Malay dominated government of allowing the Indonesians in to increase the number of Malays in the country. They believe Indonesians can easily assimilate with the Malay population, and should they be conferred permanent resident status, their children will become citizens, thus bolstering the Malay population which in turn will increase the voting and political strength in the Malays in the long term. It was to avoid prolonging such allegations that the door was opened to other nationalities except for Chinese, for fear on the part of the Bumiputras that they will bolster the Chinese population, and with it their political strength.[6] Until today such suspicion remains in the minds of non-Malay/Bumiputra political leaders as evidenced by the November 2007 parliamentary debate. A non-Bumiputra parliamentarian, from the opposition Democratic Action Party (DAP) is

[5] In an Ops Nyah exercise after the 2002 amnesty in Sabah, a young girl, a Sabahan of Filipino descent was wrongly deported to the Philippines. The case gained wide publicity, partly because of her claim that she was sexually harassed by officers at the detention camp where she was held prior to deportation. In another exercise after the 2004-2005 amnesty, a man from Peninsula Malaysia on a visit to Sabah was mistaken for an irregular migrant. He was arrested and detained at one of the detention camps. The error was later realised and the man released after media publicity. In June 2006, a Bajau girl of Filipino descent was arrested and detained in Kota Kinabalu. The writer assisted in getting her out of the immigration depot.

[6] In 2007, however, there was a move by some quarters to persuade the government to allow the importation of maids from China. The opposition, however, did not come from the non-Chinese Malaysians but from Chinese women themselves for non-political reasons. They view Chinese women from the mainland as "China dolls" who are capable of breaking their marriages (New Straits Times, 2007).

reported to have ..."alleged that the government practiced favouritism when awarding permanent resident status" (New Straits Times, 22 November, 2007). Although he did not mention which country being favoured, it is public knowledge that he is referring to Indonesia and that he is in fact voicing his concern that Indonesian migrants given PR will benefit the Malays politically.

The influence of ethnic diversity /politics on the management of migrants is also well demonstrated in Sabah, especially with regards to the Muslim Filipino refugees who now form a substantial portion of the state's workforce. Amidst political unrest in their country in the seventies, they escaped to Sabah and were allowed to stay by the former Chief Minister, Tun Mustapha (1968-76), himself a Suluk Muslims with paternal link to the Sulu Sultanate which is now a part of the Philippines Republic. His permission to accommodate the refugees was hailed as good move for the economy as Sabah was then facing acute labour shortage in its plantation and agricultural sectors. However, as he was head of a Muslim based political party, USNO, (United Sabah National Organisation)[7] his move was interpreted as politically motivated i.e. to increase the Muslim population and attain Muslim political dominance in the state. This is well articulate by Bahrin & Rachagan (1984), as follows,

*" For Sabah, the existence of a large number of Filipinos, even while satisfying the current critical labour needs of the state , has immense social and political implications. The Filipinos now perhaps constitute the second largest community in Sabah and their numbers further inflate the percentage of Muslims in the state. The predominantly non-Muslim Kadazans who consider themselves the "definitive people" of Sabah already fear that the influx of Filipino Muslims would jeopardize their tenuous claim to numerical and therefore, cultural and political supremacy in Sabah. ..... The Kadazans are not alone in their fear. The Chinese community, amongst whom are the principal beneficiaries of the cheap labour of the Filipinos have also been responsive to the alarm raised by the politicians...."* (P. 210).

[7] USNO was disbanded in the early nineties and its members absorbed into the Peninsula based United Malay National Organisation (UMNO), the major partner in the ruling coalition Barisan Nasioanl.

Referring to such fears at the Federal level, the two writers added, ....." *Given the communal nature of politics in Malaysia's plural society, .....such inconsistencies are readily converted into communal fears. Some non-Muslim Malaysians fear that the government recent decision to inhibit the entry of foreign wives, the tough stand against the Vietnamese displaced persons, the selection and resettlement in Malaysia of displaced Muslims from Kampuchea, the tolerance shown to the estimated quarter million illegal immigrants from Indonesia and the accommodation of 100,000 persons from the Southen Philippines are all part of a carefully co-ordinated population policy aimed at restructuring the communal balance in Malaysia"* (P.210).

The communal balance referred to is to increase the Muslim Malay/Bumiputra demographic majority and with it, its political supremacy.

Attempts made to accommodate and assimilate the refugees under Mustapha and his successor Haris Salleh, also a Muslim, were later abandoned by the state authorities. Subsequently, the leadership of the state passed to non-Muslim hands, and the Filipino refugees became a neglected group until their case was taken up by the Federal authority at the end of the eighties and put under the care of a special unit, the Federal Task Force for Sabah and Labuan. There are now repeated calls among non-Muslim political leaders to repatriate them. In June 2007, a statement by a Federal Minister announced that part of the long term plan of the Federal government to solve the refugee problems in Sabah is to confer the refugees Permanent Resident status was strongly opposed by many quarters. Objections came from UPKO's (United Pasokmomogun Kadazandusun Murut Organisation.) as expressed by its Youth Chief Peter Mojuntin (Daily Express 1 July, 2007), Parti Bersatu Sabah and Democratic Party (New Straits Times, 13 November 2007). The former is an ethnically based party and the latter two multi-ethnic parties which are dominated by Christian ethnic groups, who will lose out in terms of political strength and votes if the Filipino Muslims are assimilated and their descendents become citizens. On the contrary, responses from Muslim political leaders in Sabah are somewhat subdued and neutral. Such strong opposition makes the management of refugees in Sabah almost impossible.

### 6.3 Ethnic Cross-Border Networks as Informal Recruiting Agency.

Since the mid eighties the government has established recruiting procedure for foreign workers. They have to be recruited formally, either by formal recruiting agencies or by individuals using the "calling visa". However, such formal channels are costly and time consuming and to overcome these, ethnic network are often utilised by prospective job seekers to look for employment; or by prospective employers to recruit workers, viz. illegally. Prospective workers are usually asked to come legally using visit passes and on arrival in Malaysia, they are hired. This practice is common among small enterprises with few workers such as food vendors, hair dressing salons, laundry and restaurant operators, cleaning contractors and domestic services. The following cases serve as examples.

Case I. The Indian *Rojak* and *Cendol* Vendors in Petaling Jaya

*The rojak and cendol vendors, who are usually of Indian origin, operate an ambulatory business, on the back of a van. He is assisted by another Indian, usually a younger man, in his daily business operations which begins at around 11 am until 9 pm every day of the week. Our enquiry on twenty such operators in Petaling Jaya revealed that the assistants are usually relatives from their home town in (Tamil Nadu) who they have brought in as trainees. Some claimed to have brought in these relatives legally on tourist visas and whether or not they subsequently register them as legal foreign workers, they refused to say.*

Based on these lead, the writer also checked on Indian restaurants in Petaling Jaya and a cleaning contractor in an academic institution in Bangi, Selangor. Ethnic recruitment seems common as news of job vacancies are passed on by Malaysians to their relatives in the country of origin by electronic media. A Malaysian citizen of Indian origin who operates a business will recruit workers from their land of origin, first among close relatives before employing others. This kind of recruitment is also practised among Malaysians of Indonesians and Nepalese origin because it is fast and cheap. This mode of recruitment is beneficial to both employer and employee but it is contrary to national interest as it leads to the expansion of irregular workers.

### 6.4 Ethnic Networks as Harbourers Irregular Migrants

Ethnic groups of foreign descent are also known to harbour irregular migrants either out of a desire to help foreign relatives or forced to do so by circumstances. In our research on migrant workers in Kuala Lumpur in the late nineties, we came across many newly arrived Indonesians in a village inhabited by Malaysians of Indonesian origin. Many arrived clandestinely by taxi in the wee hours of the morning knocking on the doors of distant relatives in the village seeking accommodation and assistance to get jobs. The locals were forced to help them at the risk of being charged for abetting in violations of immigration laws. The villagers eventually sort out their problems by allowing the newly arrived irregular migrants to build their own accommodation in a land reserve next to a Muslim burial ground (Azizah Kassim, 2000).

Some local people feel save to harbour foreign relatives who overstay or who came in clandestinely in their homes as these are rarely the target of the Ops Nyah 2 operations. As long as irregular migrants stay indoors, or if they go out, they are not conspicuous (by dressing like Malaysians, not talking in their ethnic dialects, etc.) they can avoid detection.

### 6.5 Limiting Integration and Avoiding Assimilation.

Ethnic relations are tainted with suspicions. With regards to cross-border in-migration, the political leaders of each ethnic group is always keeping an eye on the others to ensure they do not abuse migration as a tool to bolster their numerical strength and political power. Hence, policy measures are tailored towards migrants' temporary stay to avoid full integration and assimilation. They can work to a maximum period of five years only after which they must go home. They can only return to Malaysia and resume work after a period of six months. This policy is to stop the foreign workers from applying for the permanent resident status, for which they are eligible if their stay is longer. Other the terms and conditions of employment aimed at their short stay include prohibitions to take along family members and to get married while in service. As these

terms and conditions deny the workers their basic rights to family life, they are not observed. For example, many foreign workers send for their family members once they are settled, asking them to come as tourists and then overstay. In due course, more children are born, their births unregistered for fear of detection by the authorities, adding to the number of irregular migrants in the country.

### 6.6 Cross-Religious Employments and Its Problems

Other problems relating to migrant workers in multi-cultural Malaysia are cross religious employments. Problems arise when employers are non-Muslims and the workers are Muslim. In the case of domestic maids, employers are known to make their Muslim maids handle and cook non-halal products such as pork which is abhorrent to Muslims. Religiously insensitive employers forbid their maids to observe basic Islamic rituals such as the five daily prayers and fasting in the month of Ramadan.

**Case 2**: *A Muslim Indonesian maid in the employ of a Chinese Christian Family.*

*Yanti, the maid told the writer, she was told by the recruiting agent in Indonesia that she would be working for a Malay family. On arrival in Kuala Lumpur she was given to a Chinese family, but she could not voice her objection for fear of losing her job. Initially, her employer allowed her time for prayer, but this permission was later withdrawn as the employer was concerned that she takes time off five times a day to pray. " Why do you pray so many times in a day?" the employer once asked angrily, thinking that she was just finding excuses not to work. His prohibition to her fasting is born out of fear that she will be too weak to be able to work for a month.*

There are also reported cases of employers in the food making businesses asking their Muslim workers to handle non-halal stuff. A much publicized case some years ago involved a pork sausage manufacturer who hired Muslim Indonesian women to mince pork using their bare hands. They were so traumatised by the job that one of them leaked it to the press leading to a raid by the state Muslim agency to the factory. Another involved Bangladeshi workers hired in a farm rearing pigs.

Other cross-religious faux pas involved Malay families employing Filipino nannies. It was reported that the nannies took their Muslim young charges to church on Sundays without the knowledge of their parents.

Incidences such as these require the state to institute special procedures in migrant management. There was a move to confine Muslim workers to Muslim employers only, but the ruling proved impossible to enforce. Very recently, the Malaysian Immigration Department makes it incumbent of non-Muslim employers wishing to engage Muslim maids to agree to certain conditions. They are made to sign a formal contract not to prohibit the workers from performing their religious duties and not to make them perform duties contrary to their beliefs. Although these forms are signed and stamped by the employers, the terms and conditions are not always observed as there are no checking mechanisms to ensure employers compliance. Thus the affected maids are often left in a state of despair as the employers' neighbours and friends who often know of such violations would not report such matters to the authorities.

## 7.0 Concluding Remarks

Malaysia's foreign workers' policy, instituted about two decades ago, seems to have had limited success. There is a gap between policy objectives and its outcome due to policy flaw and problems of its implementation caused by macro-structural factors and constraints from regional and international regimes. Of the many factors affecting policy decision and measures, ethnic divisions among its population and the presence of ethnically based political parties proved to be the most important. The state accommodation of ethnic interests not only led to a flawed policy, it also interferes with its successful implementation.

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# Managing Migrant Workers in a Multi-Ethnic Society: The Case of Malaysia.[1]

Azizah Kassim

## 1.0 Introduction

British colonial administration in Malaysia (then Malaya, Sabah and Sarawak) which began in the late eighteenth century, introduced capitalistic economic enterprises which was accompanied by the importation of foreign labour mainly from China, the Indian sub-continent and Indonesia. This laid the foundation for the country's multi-ethnic population which according to its last Census in 2000, was around 23.274 million. Of these, about 5.6% were immigrants. Among the Malaysians population, 63% were Bumiputra (lit. "sons of the soil" i.e. indigenous groups); 26 % Chinese; 7.5% Indians, and the rest of the "others" category.

After independence in 1957, Malaysia once again becomes a popular destination for foreign workers. Socio-economic development, especially from 1970, created ample job opportunities particularly in agriculture, construction and the service sector. But Malaysians rejected these jobs thus creating labour shortage in some sectors of the economy. Employers resorted to the recruitment and employment of foreign workers, albeit clandestinely for over a decade. With the expansion of irregular migrant workers, then estimated at about a quarter million, and their attendant problems, the government was forced to formulate and implement a policy on foreign workers in the early eighties. Despite the policy, Malaysia is still inundated with irregular migrant workers. In 2007, Malaysia has around 2 million legally recruited foreign workers, forming 10% of the population and 16.8% of the workforce. In addition, there are a large number of irregular migrants estimated between 200,000 and one million. The sheer number alone can lead to complex problems that can make their management an extremely difficult task.

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[1] Draft paper for the 3rd Malaysia -Thailand International Conference of Southeast Asian Studies, Mahidol University, Bangkok, 29th November-1st December, 2007. Not to be quoted without the author's permission.

This paper examines how Malaysia manages in-migration and treats its foreign workers against the backdrop of cultural and ethnic diversity where ethnic division is officially sanctioned and political parties are ethnically based. It seeks to answer such question as: What are the factors which influence the formulation of Malaysia's foreign workers' policy? What are the objectives of the policy and how are its measures implemented? How do Malaysia's multi-ethnic population and multi-ethnic politics impact on migration policy and its implementation; and on migration in-flows and migrants' integration? These are some of the questions being addressed in this paper. The paper is guided by the following assumptions:

- That the multi-ethnic population with its ethnically based political parties (i) negatively influence policy decisions, giving way to a flawed policy on migrant workers, and, (ii) hinders the policy implementation causing a wide gap between policy objectives and its outcome.

## 2.0 The Colonial Legacy: In-migration, Development of a Multi-Ethnic Society and the Nation State.

### 2.1 Development and Migration

Inter-islands migration has been going on for centuries in the ASEAN region but it was the penetration of western colonialism which boosted its pace. In the case of Malaysia, massive in-migration took place under the British colonial rule, with the introduction of capitalistic economic enterprises which began in the early nineteenth century. With the small indigenous population engaged in subsistence economy, and their reluctance to work as "coolies" in the new enterprises, the colonial authorities sanctioned the importation of millions of foreign workers mainly from India (inclusive of Bangladesh, Sri Lanka and Pakistan), China and Indonesia. In the case of Peninsular Malaysia (then known as Malaya), the result of the influx was amply demonstrated by the result of the country's Census which began at the end of the nineteenth century (see Table 1). By 1891 Malaya already had a substantial number of foreigners among its population.