Ethnic Politics in Malaysia

R K VASIL

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For my parents
Pushpa and Lal Chand Vasil

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PREFACE

THIS is a study of a polity in a multi-racial society which, when established in 1957 at the time of decolonisation in Malaya, was founded on the principles of multi-racialism and representative democracy and which over the next two decades has tragically declined into a virtually authoritarian *Malay* Malaysia controlled and managed largely by the indigenous Malays to promote their sectional interests. With great fanfare and immense joy and promise, the Federation of Malaya was launched as a member of the family of independent nations in August 1957. Its Constitution based on the paramount principles of multi-racialism and representative democracy, including one man one vote with equal value, had been recommended by a Constitutional Commission consisting of non-partisan overseas experts who, with remarkable success, had achieved a balance between the conflicting demands and interests of the various ethnic groups and had incorporated that into the Constitution that was then fully acceptable to indigenous Malays as well as the immigrant non-Malays as the fundamental law of the land and the foundation of the multi-racial polity of the country. The acceptance by all peoples had represented the high point of an era of admirable racial harmony, goodwill and cooperation that had begun in 1952 with the formation of the alliance including the United Malays National Organisation and the Malayan Chinese Association, the communal bodies of the two major ethnic groups. However, immediately after independence, with the removal of the British and their protective role, Malay fears of the Chinese began to intensify and the government instead of concentrating on the vital tasks of nation-building and strengthening the foundations of multi-racialism and representative democracy began to occupy itself increasingly with attempts to assuage Malay misgivings and concerns and in this launched the country to a course the culmination of which eventually had to be a

Malay Malaysia and not a Malaysian Malaysia where all its peoples, irrespective of their racial origins, enjoy the good things of life on an equal basis.

In Malaysia I am deeply indebted to many people without whose help and kindness I would not have gained the insights into Malaysian politics that have been presented in this work. They include persons of different ethnic origins from the various political parties, trade unions, newspapers, universities and government services. Many of them became dear personal friends and it is a matter of great sorrow for me that the present political climate in the country does not encourage continual contact and communication with them. They would, I am certain, understand the reason why I choose not to identify them individually. This, however, does not in any way reduce the debt of gratitude I owe them.

My special thanks are due to Professor Gary Hawke for his kind interest and useful comments on the manuscript. Finally I must express thanks to the Research Committee of the New Zealand University Grants Committee which made it possible for me to spend several months in Malaysia over two trips and the Publications Committee of Victoria University for its kind assistance in the publication of this work.

Wellington
27 June 1979

R. K. VASIL

I

INTRODUCTION

IN recent years ethnic confrontation and conflict has tended to manifest itself vigorously and has often overshadowed class contradictions as a dominant cause of political crises and turmoil all over the world, whether in the developing societies or the developed societies of the West. In the poorer countries of the world, sometimes one has the suspicion that ethnic confrontation and conflict is deliberately maintained, if not provoked, by political rulers as it keeps the masses of people excessively preoccupied and obsessed with ethnic contradictions and helps keep their attention away from the failure of social and economic policies. Low per capita incomes, rates of literacy and levels of urbanization and the general lack of adequate means of communication make these countries an ideal setting where fears and prejudices thrive and are easily exploited by irresponsible and opportunistic politicians and political organizations. Ethnic solidarity and exclusiveness are more easily established and sustained and directed towards ethnic confrontation and conflict. Problems—social, political and economic—and the failure of governments and leaders to solve them are readily presented in ethnic terms and blame is often put on ethnic adversaries. The political rulers, mostly from the upper and middle classes and primarily representing their interests, find it easier to maintain their support among the masses on the basis of primordial loyalties; they are fearful that the growth of modern secular politics would inevitably make their leadership position untenable and do severe damage to their own and their class's privileged position.

Malaysia is among the more unfortunate and tragic cases. In 1969, following the general elections, the country witnessed vicious communal riots which cost several thousand lives. More important, it did irreparable damage to inter-ethnic relations and intensified Malay fear of the non-Malays to a degree where

it became necessary for their political rulers to give up the pretense of their commitment to democracy and representative government and amend the country's laws and the constitution to ensure the continuation of Malay political paramountcy in perpetuity. Ethnic relations have been so severely damaged by the communal explosion that in all likelihood they may never again be the same as before the riots; bulk of the goodwill and understanding among the various ethnic groups created during the period Tunku Abdul Rahman, the first Prime Minister of the country, dominated the political scene seems to have disappeared. The country's Malay political rulers have given clear indication through their action and attitudes that they do not any more subscribe to the view that in a multi-ethnic society like Malaysia one can successfully build a united new nation based on mutual trust, understanding and goodwill. In their view, the country has to be dominated by one or the other ethnic group and in the circumstances why should they, the *bumiputra*, deny themselves this role if they can acquire it whether by constitutional or extra-constitutional means.

The two outstanding features of the Malaysian situation are: one, Malaysia is essentially, what may be called, a bi-racial society; and two, one of the two main ethnic groups in the country is indigenous and the other immigrant. These have determined in a significant manner the nature of politics and ethnic relationships.

1. Though the country's population consists of Malays, Chinese and Indians (and a number of other smaller ethnic groups), representing the three main peoples of Asia, it is only the Malays and the Chinese who have the numerical strength to play a central political role. The ethnic distribution of Malaysia's population is given in Tables 1 and 2.

The Malays and the Chinese together account for over 80 per cent of the population. And what is more important is that the difference between the size of the two groups is not large. They constitute the two "majority" communities of the bi-racial society of Malaysia; one could hardly designate the Malays as the majority and the Chinese as the minority. Unfortunately, the Malays and their leaders insist on asserting themselves as the "majority" and this, therefore, constitutes one of the fundamental causes of ethnic conflict in Malaysia.

TABLE 1

Ethnic Distribution of Population in Malaysia, 1970

	Number	*Percent*
Malays	4,891,393	46.80
Chinese	3,560 976	34.07
Indians	934,030	8.94
Other indigenous	908,616	8.69
Indonesians	39,607	0.38
Others	117,687	1.13

Malaysia 1973, Official Yearbook, pp. 24-5.

This population situation makes Malaysia significantly diffe rent from the general run of multi-racial societies. The latter are of two kinds: 1) where there is one dominant majority constituting a large part of the population of the country and one or more small minority groups and 2) where the country's population consists of a number of minority groups, none of them constituting an absolute majority or near-majority. In the first type, the relationship that prevails is that of majority-minority or that of ethnic subordination; the ruling majority is dominant and generally has little difficulty in coping with ethnic contradictions and conflict through the use of deterrent and threat systems. However, in societies which consist of more than two or three ethnic groups and where none of them forms a majority or near-majority of the population a state of ethnic co-existence is often to be found; a greater measure of ethnic harmony and the prevalence of an attitude of "live and let live" can be expected. It is significant that in such multi-racial societies relations among the various ethnic groups, on the whole, tend to remain fluid and are not easily frozen into a state of permanent hostility and conflict.

The situation in Malaysia, however, is radically diflerent. Malaysia is a bi-racial society and ethnic relations, as a consequence, are not fluid; they have, by and large, remained frozen in a state of general hostility, distrust and fear. The Chinese and the Malays are very different peoples: their religions, food habits, languages and attitudes towards life are very dissimilar. The religion of the Malays, Islam, sets a strong barrier to intermarriage among the various ethnic groups. Non-Malay men

TABLE 2

Ethnic Distribution of Population in Peninsular and East Malaysia, 1970

	Number	*Per Cent*	*Per Cent*
Peninsular Malaysia			
Malays	4,689,379	53.17	44.86
Chinese	3,126,336	35.44	29.91
Indians	934,030	10.59	8.94
Others	70,183	0.80	0.67
Total	8,819,923	100.00	
Sarawak			
Malays	183,218	18.75	1.75
Chinese	294,731	30.16	2.82
Sea Dayaks	303,118	31.01	2,90
Land Dayaks	83,288	8.52	0.80
Melanaus	53,304	5.45	0,51
Other indigenous	49,961	5.11	0.48
Others	9,818	1.00	0.09
Total	977,438	100.00	
Sabah			
Malays	18,796	2.67	0,18
Chinese	139,909	21.36	1.34
Kadazans	184,547	28.18	1.77
Muruts	31,299	4.78	0.30
Bajaus	77,466	11.83	0.74
Indonesians	39,607	6.05	0.38
Other indigenous	125,633	19.18	1.20
Others	37,686	5.75	0.36
Total	654,943	100.00	
	10,452,309		**100.00**

Malaysia 1973, Official Yearbook, pp. 24-5.

and women desiring to marry Malays first have to accept conversion to the Islamic faith. A lot of the cultural and social life of the various ethnic groups, excluding the English-educated among them, since the days of British rule has been organized around individual ethnic groups; they rarely meet, except in a

superficial way, in a common socio-cultural setting. The British made no special efforts to bring the various groups together; in fact, their policies had the effect of keeping them apart and not develop any substantial mutual understanding and appreciation. The Malays, by and large, have refused to consider the Chinese as citizens of equal worth. They view them as essentially their exploiters and the main cause of their own poverty and lack of economic power. Until recently the Malays rarely pointed the finger at foreign Western capital which has for long played a large exploitative role in Malaysian economic life. The Chinese being more numerous and visible and committed to securing an equitable share of political power and status for themselves (westerners being foreigners have never sought a formal political role), it has been easier to pin the blame on them.

2. The Malays are firmly committed to the view that as they are the only indigenous people the country belongs to them. Malaysia is *Tanah Melayu*[1] (Land of the Malays) and its national language, culture, religion and overall image must reflect this fundamental fact. And the Malays, as the *bumiputra*, must rule the country. But the Chinese are numerous enough not easily to accept this view and are inclined to press claims for an equal political status and voice for themselves. Moreover, many Chinese believe that they had contributed more than their share in the development of the country during the period of British rule and, therefore, they deserve a certain consideration. Either ethnic group does not take

> any consolation from its own advantages, which each firmly believes are its natural right. The Chinese firmly believe that their wealth and Malay poverty are the natural consequences of Chinese industry, thrift, and adaptability to modern ways, and of Malay indolence, thriftlessness, and conservatism. The Malays believe that they ought to control the country's political life because they are the sons of the soil; that Malaya is their country, and that the Chinese were brought in as a result

[1] The official designation of the government of the country in the Malay language is *Persekutuan Tanah Melayu* (Government of the Land of the Malays).

TABLE 3

Distribution of Population by Strata and Race, Peninsular Malaysia, 1957 and 1970

	Urban*				Rural			
	1957		1970		1957		1970	
	No.	%	No.	%	No.	%	No.	%
Malays	349,605	21.0	694,935	27.4	2,775,869	60.2	3,976,939	63.4
Chinese	1,042,668	62.5	1,491,871	58.7	1,291,088	28.0	1,639,449	26.1
Indians	213,863	12.8	324,223	12.8	482,323	10.5	612,118	9.8
Others	60,833	3.7	28,858	1.1	62,509	1.3	41,164	0.7
Total	1,666,969		2,539,887		4,611,789		6,269,670	

*Urban means centres with population of 10,000 and above.

Mid-Term Review of the Second Malaysia Plan, 1971-75, Government Printer, Kuala Lumpur, p. 25.

of foreign rule, with which they collaborated to their own advantage and to the disadvantage of the Malays . . .[2]

The Malays are largely a rural people while the Chinese are substantially over-represented in the urban centres. Most Malays are *padi* farmers and fishermen and naturally, therefore, have a smaller share of economic power and urban economic activity. The Chinese are significantly concentrated in the port cities of Penang and Malacca and other urban areas in the rich west coast States of Johore, Perak, Selangor and Negri Sembilan. Tables 4, 5 and 6 give an indication of the extent of the disparity between the position of the Malays and the Chinese around the time of independence.

TABLE 4

Economically Active Population by Race and Industry (with selected sub-divisions), 1957 (in thousands)

	Malays	*Chinese*	*Indians*	*Others*
Agriculture, forestry, fishing	749	310	174	10
Rice	381	9	0.5	6
Market gardening	23	54	1	0.1
Rubber	260	200	150	2
Coconut	26	4	9	0.1
Mining, manufacturing	36	136	16	2
Commerce	32	127	32	3
Other industries and services	180	174	80	38
Government services	17	5	8	2
Police, home guard	43	4	2	1
Armed Forces	15	2	3	23

*Includes forces of other countries (Commonwealth) stationed in Malaya.

Population Census of the Federation of Malaya, 1957, Report No. 14.

[2] T. H. Silcock, "Communal and Party Structure," in Silcock and Fisk (Editors), *The Political Economy of Independent Malaya*, University of California Press, 1963, p. 5.

TABLE 5

Approximate Aggregate Individual Incomes by Race, 1957

	Malays	*Chinese*	*Indians*	*Total**
Aggregate individual incomes (in million dollars)	1,125	1,975	475	3,675
Percentage of total	30	54	13	100
Average annual income per head (in dollars)	359	848	691	585
Average annual income per adult male (in dollars)	1,433	3,264	2,013	2,128

*Includes Europeans and others.

Household Budget Survey, Report of the Inland Revenue Department, 1958, quoted in T. H. Silcock and E. K. Fisk, *The Political Economy of Independent Malaya*, University of California Press, 1963, p. 3.

TABLE 6

Student Enrollment at the University of Malaya by Race, 1962-63 Session

	Malays	*Chinese*	*Indians*	*Ceylonese*	*Others*
Faculty of Agriculture	6	56	6	6	0
Faculty of Arts	247	319	90	42	25
Faculty of Engineering	5	185	24	9	5
Faculty of Science	16	228	41	25	8

University of Malaya, Document No. AR 344/62, p.2, quoted in Gordon P. Means, *Malaysian Politics*, University of London Press, 1970, p. 20.

This disparity has remained in existence since the time of independence and has naturally caused great concern and fears among the Malays of their country being taken over by the non-Malays, especially the Chinese. Since independence the Malays have lived under the over-powering fear of becoming what one of them called the dispossessed "back numbers" in their own country. During the period that the aristocratic Tunku Abdul Rahman

ruled the country this concern was largely reflected in the desire of the Malay political rulers to maintain and strengthen Malay control over the government and administration of the country. Not much effort was made to secure for the Malays an increased participation in the economic life of the nation, especially in the fields of trade and commerce. A sort of *quid pro quo* arrangement was operated which allowed the indigenous Malays political paramountcy and assured the Chinese substantially unfettered opportunities to pursue trade, commerce and industry. The levels of political articulation and participation among both the Malays and the Chinese still being rather low this arrangement allowed ethnic peace and harmony, at least on the surface. Those days Tunku Abdul Rahman used to frequently boast of himself being the happy Prime Minister of the happiest country in the world. Malaysia was presented by many as the model of a multi-racial society where people of different ethnic origins lived in complete harmony and peace.

However, all this began changing drastically from 1963 with the formation of the larger federation of Malaysia, including Singapore, Sabah and Sarawak. During the period from 1963 to 1969, political articulation and involvement of the masses, whether Malay or non-Malay, increased very significantly. Political and ethnic issues came to be debated and discussed widely and openly. Suppressed feelings and frustrations came to the surface with a new vehemence and vigour on both sides of the ethnic divide. The changed situation reflected itself in the rough campaign and the excitable results of the 1969 general elections. The tragic culmination was the bloody communal explosion which occured immediately following the announcement of the election results. The old bases of politics and ethnic relationships organized around the time of independence in 1957, which had been under severe strain all along since late 1963, now came to be seen widely, both by the Malays and the non-Malays, as non-viable and unacceptable. The Malays and their leaders began to look for ways and means to entrench their community's paramountcy with regard to politics, government and administration in a manner that it could never again be questioned and threatened by the non-Malays through political action. Moreover, they began to show strong disillusionment and dissatisfaction with the idea that Malay political paramountcy by itself

was adequate to protect the Malays and maintain Malaysia as a Malay country, *Tanah Melayu*. Now it began to be viewed not only as an end in itself but also as an effective means to be used to give the Malays a fair share of economic power. On the side of the non-Malays, there was widespread frustration and stunned sadness that much of the progress, however limited in nature, made since the time of independence with regard to their political status, role and voice was being negated. Even their special economic role and power could no more be taken for granted; policies were being initiated to curb it.

The Malays, in virtual control of the government and the key instruments of power, were able to preempt and over the last few years have been laying the foundation of complete Malay rule. The non-Malays have lost much of the political leverage that they had possessed during the pre-1969 period. They now enjoy little political influence, voice and power.

II

THE CONSTITUTIONAL FRAMEWORK

IN plural societies the Constitution, the supreme law of the land, is of more than usual importance as it provides the broad framework for the development of mutual relations among the various communities. It also indicates whether the dominant political group believes in the eventual economic and political integration of the various ethnic groups into a united new nation or that it is committed to the involuntary assimilation or absorption of the immigrant peoples and seeks to establish the paramountcy of the indigenous community through constitutional and political means. In this it is either used as a means to nation-building or is exploited as an instrument of ethnic oppression.

As was the case in most former colonies, the Constitution of independent Malaya and later of Malaysia did not make a break with constitutional development during the British period; continuity was maintained. It would be useful, therefore, to have a look at the origins during British rule of some of the features of the Constitution which have set the framework for politics in the plural society of Malaysia.

THE BRITISH PERIOD

During British rule Malaya consisted of the Malay States of Johore, Kedah, Kelantan, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengannu, and the Straits Settlements of Malacca, Penang and Singapore. The Straits Settlements were Crown colonies and were governed directly by the British. But the nine Malay States, which in the main constituted Malaya, were protectorates under a British High Commissioner. Though, in terms of power relationship, there was not a great deal to

distinguish between Malaya and, say, Ceylon, Trinidad and Guyana, other plural societies under British rule, the distinction was of especial significance. Malaya was never a Crown colony and the basis of Britain's control over the country was a whole set of treaties and agreements between the Malay Rulers and the British Government. One by one, the Malay Sultans had signed treaties which provided that each Malay Ruler would accept a British officer, "whose advice must be asked and acted upon on all questions other than those touching on Malay Religion and Custom." This had formed the basis of the Protectorate System. The important point about this situation was that the Malay Rulers were recognized as independent sovereigns and their States as Malay States and the sum total of them all as the country of the Malays. "The theory behind the treaties of protection with the Malay Rulers was that the Malay States belonged exclusively to the Malays."[1] Under this the British accorded the Malays the status of the only *bumiputra*. Even though for all practical purposes the British administration was all powerful and operated much as it did in Ceylon, Trinidad and Guyana, the Malays enjoyed political paramountcy in relation to the non-Malay immigrants.

The non-Malays, most of whom had come in the wake of British rule, on the other hand, were treated as transient aliens. As Malaya during this period was largely "a glorified commercial undertaking" rather than a State, the non-Malay immigrants were considered by the British only as traders, artisans, and labourers essential for the benefit of Western trade and capitalist interests. The British followed the practice that so long as the non-Malays did not cause any threat to British authority and interests and did not interfere in the affairs of the *bumiputra* they were to be left alone to earn their livelihood; the British saw no special responsibility towards them. They had come to Malaya to earn a living (and had done far better than in the countries they had come from) and there was no question of the British having to worry about their political status, rights and obligations. "Although non-Malay Asians could in some states be naturalized by application, and could also secure passports

[1] Victor Purcell, *The Chinese in Modern Malaya*, Donald Moore, Singapore, 1956, p. 9.

as British protected persons, they could have no such citizenship status in the country."[2] This suited the non-Malays splendidly as it gave them maximum freedom to lead their lives without interference, according to the values and ways they had brought with them. As time passed, the British administration did feel constrained to intervene in the affairs of the non-Malays but only to protect them against the excesses of criminal elements among them and against some of the social evils that had emerged in their social systems as they operated away from their original setting.

An example of the British administration's lack of concern for the non-Malays was the situation with regard to education in Malaya. "Sir Cecil Clementi [Governor of Malaya in the early thirties] laid it down that in the spirit of the treaties which regarded Malaya as a 'Malay' country, the only free education that could be provided by the Government was in the Malay language."[3] The only education available to the non-Malays (for which they had to pay) that was directly provided and maintained by the British was through the medium of the English language. This, however, did not attract large numbers of non-Malays, especially the Chinese, as they found that these schools charged higher fees than vernacular schools and that this system of education over-emphasized literary education suitable only for clerical occupations where unemployment was already common.[4] Generally left to their own devices, non-Malay communities set up a large number of schools teaching through the medium of their own different languages and chiefly about the society, culture, and history of the countries they had come from. For long, these schools remained completely independent and secured the necessary financial support from the communities concerned. It was only from 1920 that they were brought under some Government supervision and given grants-in-aid by the administration.

Towards the Malays, however, the British attitude was quite different. The British were in Malaya as a result of the treaties

[2] B. Simandjuntak, *Malayan Federalism, 1945-1963*, Oxford University Press, 1969, p. 175.
[3] Victor Purcell, *op. cit.*, p. 22.
[4] *Ibid.*, p. 22.

they had signed with the Malay Rulers and, therefore, they naturally had their primary responsibility towards the Sultans and their subjects, the Malays. Despite the drastic changes in the racial composition of the population, the British maintained Malaya as a Malay country and accorded the Malays a special position through the law. Large areas of land were designated Malay Reservations where non-Malays were not permitted to own or lease land. Free education was made available to the Malays including religious instruction through the Koran. From amongst the local people, only the Malays were appointed to higher government administrative positions thereby further ensuring their political paramountcy in relation to the other Asian people within the country. In all

> the British Government had been firm in its insistence that the Malay States formed the country of the Malays and had maintained the position, consciously, subconsciously, and unconsciously, by preferential treatment. Its policy had been dictated by a conscientious regard for the binding quality of treaties, a recognition that its economic policies had flooded the country with aliens, and a realization that without protection Malaya would soon cease to be the country of the Malays and would in fact become, what casual observation had mockingly called it, another province of China.[5]

The system of indirect rule introduced by the British, which meant the superimposition of the colonial administration over the indigenous administrations headed by Malay Rulers, created especial difficulties. As part of their treaty obligations, the British were obliged to maintain the old form of government and its ruling class in the various States. At the same time, for the efficient exploitation of the country and its resources by Western trading and capitalist interests, political power and policy-making had increasingly to be centralized. This situation was to provide the framework for the major ethnic contradiction that emerged during the early part of British rule. The Malays considered this increasing shift to-

[5] S.W. Jones, *Public Administration in Malaya*, Royal Institute of International Affairs, 1953, pp. 136-7.

wards centralization as not only a threat to the position and powers of the Malay Rulers, but to their own special position as the *bumiputra* and the status of Malaya as *Tanah Melayu* (Land of the Malays). To the Malays, the nine Malay States and their Rulers were the symbols of their separate identity and their special position. As far as the Malay *raayat* was concerned, at the time, there was no such thing as British Malaya or Malaya. Thus any obliteration of the identity of the Malay States and usurpation of their power and influence alarmed the Malays. The non-Malays, however, naturally thought quite differently. They had no sentimental ties to the various States and had no special reason to have a sense of respect and loyalty for the Malay Rulers. They certainly favoured the shift towards greater centralization as it ensured greater efficiency and better opportunities for trade and commerce.

The Malays and their Rulers maintained their pressure against centralization throughout. The result of this was that, as Ratnam puts it,

> The year 1932 saw the adoption of a scheme which was aimed at maintaining the legitimate status and authority of the Malay Rulers and which, by encouraging a 'purer' form of indirect rule, hoped to prevent the political submersion of the Malays which would have resulted had the development of popular government on Western lines been permitted.[6]

The decentralization scheme, providing for greater autonomy to the Malay States, was instituted in stages. The gradual approach was a concession to the common opposition to the scheme by Western and non-Malay capitalist and trading interests.

The interesting point to note here is that up to this time, since the coming of the British, the relations between the Malays and the immigrant non-Malays had remained cordial; there was no special basis for rivalry. There was no occasion

[6] K. J. Ratnam, *Communalism and the Political Process in Malaya*, University of Malaya Press, Kuala Lumpur, 1965, p. 40.

for the two to confront each other. The Malays had either lived in their *kampongs*, cut off from the non-Malays, or had occupied privileged positions in the indigenous and British administrations where, at the time, there was no question of a challenge to their special position by the non-Malays. The non-Malays had lived in the urban centres and estates generally away from the Malays and engaged in activities, primarily in pursuit of wealth, which were looked down upon by the Malays and were left to be followed by the non-Malays. But this tranquil situation began changing in the thirties as a result of the controversy over the decentralization question. This was the first time that a definite basis for inter-communal rivalry had been introduced.

Then began the occupation of Malaya by the Japanese which drastically altered the political and communal scene. First, the years of occupation intensified communal antipathies. The Japanese treated the Chinese most brutally and inflicted a heavy loss of life and property among them. Often the predominantly Malay Malayan Police Force was used by the Japanese to control the Chinese community and suppress any resistance movement among them. This naturally caused serious anti-Malay feeling among the Chinese and was to result in serious communal disturbances after the Japanese surrender. Second, the war years changed the character of the non-Malay population from a basically transient group to that of a largely permanently settled one. This gave them a new stake in the political and constitutional changes in the country. There was also a significant change in the nature of the leadership of the Chinese community. It had passed from the hands of the old *Towkay* (businessman) to a younger set of radical left wing leaders whose politics, unlike that of the *Towkay*, was not subservient to their business interests. Third, the Malays who had not been particularly hostile to the Japanese for a while welcomed the Japanese occupation as "it promised to put an end to what they considered to be the economic and political encroachments of the Chinese on their preserves."[7] The Japanese occupation, further, brought

[7] Victor Purcell, *The Chinese in Modern Malaya, op. cit., p. 37.*

the Malays increased political power and in the process dispelled their apathy and complaisance and gave them a new confidence and faith in their ability. "This was no doubt partly due to the fact that the Japanese had, in their own way, disregraded the non-Malay communities and shown that they did not have to be treated as indispensable to the welfare of the country."[8] And finally, among the peoples of Malaya it was only the Chinese who offered any resistance to the Japanese and thereby they earned a certain sympathy and admiration of the British. It was thus a changed Malaya that confronted the British when they returned to the country after the War.

The Malayan Union

The Colonial Office had made plans with regard to constitutional reorganization of Malaya after the war. "A situation was envisaged in which British troops would have reconquered Malaya, and the Malay Rulers, appearing in an equivocal position, would not oppose the planned changes."[9] Even though this circumstance did not materialize, the Colonial Office went ahead, more or less, as planned. It had been decided that as soon as the country had been recovered and the interim period of the military administration was over, a Malayan Union would be established with the principal aims to create a more efficient government organization and to promote a sense of unity and Malayanness among the different people of Malaya. In the post-war circumstances the British policy-makers were moved on the one hand by their desire to see the country progress towards independence and on the other to establish complete colonial control over the country so that they could utilize its primary products, principally tin and rubber, to plug the immense dollar gap between the United States and Britain after the war.[10] Moreover, the role played by the Malays and their Sultans during the period of

[8] K. J. Ratnam, *op. cit.*, p. 43,

[9] J. Norman Parmer, "Malaya and Singapore," in George McT. Kahin, ed., *Governments and Politics of Southeast Asia*, Cornell University Press, 1959, p. 251

[10] James de V. Allen, *The Malayan Union*, Monograph Series No. 10, Southeast Asian Studies, Yale University.

the Japanese occupation when they had little hesitation in collaborating with the Japanese had created a certain anti-Malay feeling among policy-makers in Britain. Along with this there "arose a more genuine admiration for the Chinese. They were the people, it was pointed out in London, who were bearing the brunt of the Japanese occupation and who were being executed *en masse*. Their reasons for doing so were not necessarily appreciative; it was simply felt that the predominantly Chinese Malayan Peoples' Anti-Japanese Army (MPAJA) and its civilian supporters deserved some recognition, some share, after the war, of the colonial cake."[11]

Under the new scheme, the Straits Settlements of Penang and Malacca and the nine Malay States were to be brought under one centralized government, the Malayan Union. Sovereignty was to be transferred from the nine Malay Rulers to the Malayan Union under the Crown. To make this drastic change less unwelcome to the Malays, Singapore was excluded from the Malayan Union and was to be established as a separate Crown Colony. The worry was that the predominantly non-Malay, especially Chinese, population of Singapore would upset the racial balance in Malaya; with the inclusion of Singapore the Chinese would outnumber the Malays in Malaya.[12] As Ratnam has suggested : "The Colonial Office must have been well aware that, for the time being at least, the separation of Singapore would act as a guarantee that democratization could be effected without any immediate danger of the Malays being politically submerged by the Chinese."[13]

[11] *Ibid.*, p 9.

[12] Racial Composition of Population, 1957.

	Malaya	*Singapore*	*Malaya-Singapore*
Malaysians	2,427,834 (49.3%)	115,735 (12.3%)	2,543,569 (43.5%)
Chinese	1,884,534 (38.4%)	730,133 (77.6%)	2,614,667 (44.7%)
Indians	530,638 (10.8%)	68,978 (7.3%)	599,616 (10.3%)

Norton Ginsburgh and Chester F. Roberts, *Malaya*, University of Washington Press, 1958, p. 57.

[13] K. J. Ratnam, *op. cit.*, p. 46.

One of the principal aims of the new scheme was to give the non-Malays a fair deal by abolishing the special position enjoyed by the Malays with regard to citizenship rights. Non-Malays claiming Malaya as their home (based on birth or domicile) were to be accorded equal citizenship rights with the Malays. This, despite the protection given through the exclusion of Singapore, was unacceptable to the Malays. To them the Malay States and the sovereignty of their Sultans were the symbols of their community's special political status and an affirmation of the fact that Malaya was a Malay country. The Malayan Union would destroy these. Moreover, the Malays could see that the Malayan Union would enable large numbers of non-Malays to acquire citizenship and thus any advance towards self-government and representative government, which was at the back of the minds of the policy-makers in Britain, would inevitably result in a sharing of political power between the Malays and the non-Malays.

The expected consequences of the plan and the high-handed manner in which it was forced on the Malay Rulers by Sir Harold MacMichael, sent to Malaya to secure the consent of the Malay Rulers, generated an unprecedented hostility and opposition to the scheme among the Malays. As observed by Jones: "The attack upon their ancient rights had made the Malays politically conscious" and had transformed them "from sleepy beneficiaries of a privileged position into champions of their rights."[14] Dato Onn bin Jaafar,[15] a prominent Malay from Johore, provided leadership and inspiration to the intense nationalism generated among the Malays. As we shall see later, he was instrumental in the formation of the first all-Malaya Malay organization, the United Malays National

[14] S. W. Jones, *op. cit.*, p. 139.

[15] A pompous British diplomat and writer has given the following description of Onn. Dato Onn "became Chief Minister of Johore and was related to the Sultan's family. His breadth of vision and cosmopolitan sophistication may have been partly due to this distinguished background which included some elements of Caucasian heredity." Richard Allen, *Malaysia, Prospect and Retrospect*, Oxford University Press, 1969, p. 84.

Organization, whose principal aim was to mobilize and organize Malay opposition to the Malayan Union. Significantly, the non-Malays, who were to benefit immensely from the new constitutional arrangement as it offered them a legal status and accompanying political rights for the first time during their long residence in Malaya, showed little immediate enthusiasm for the Malayan Union. Possibly they were still shaken by what they, especially the Chinese, had gone through during the period of the Japanese occupation and were preoccupied with the task of reconstructing their lives and businesses. With the long history of not being accepted as Malayans and being treated as aliens they were also unsure of themselves and did not make any serious attempts to counter Malay opposition to the Union plan. At the same time, a large group of British members of the Malayan Civil Service who had held "high appointments" publicly condemned the Malayan Union as "an instrument for the annexation of the Malay States."[16] The Malay Rulers who had earlier signed the new treaties brought by Sir Harold MacMichael, now under pressure from the Malay *raayat* reversed their position and generally alleged that they had been forced to sign the treaties.[17] Under the circumstances, the British Government did not take long to decide to abandon the Malayan Union although it had already been established and think afresh with regard to constitutional changes in Malaya.

[16] One effective expression of their view was a letter signed by seventeen senior members of the Malayan Civil Service including several former Governors, and Chief Secretaries, which appeared in *The Times* on 16 April 1946. For the full text of the letter see James de V. Allen, *The Malayan Union, op. cit.*, p. 180.

[17] The Sultan of Kedah alleged : "I was presented with a verbal ultimatum with a time limit, and in the event of my refusing to sign the new agreement, which I call the Instrument of Surrender, a successor, who would sign it, would be appointed Sultan. Members of the State Council were compelled to sign an undertaking that they would advise me to sign it. I was told that this matter was personal and confidential and was not allowed to tell my people what had taken place." See "Excerpts from the Letters of the Rulers concerning their Interviews with MacMichael" in James de V. Allen, *ibid.*, p. 169.

The Federation of Malaya Agreement, 1948

The British, however, were unwilling to abandon entirely the two main objectives of their policy in post-war Malaya—the establishment of a strong central government and the creation of a common citizenship to promote Malayanness among the different peoples. When the British decided to abandon the Malayan Union plan under pressure from the Malays it was seen as a great victory for the Malays; Malays were jubilant that they had been able to ward off this threat to their position and status in Malaya and had been able to secure the restoration of the separate identity and existence of the Malay States. What they did not realize, and what has proved to be of the greatest consequence, is that they did not achieve a fundamental change in British policy; they had only forced the British to realize that the two salient objectives of the Malayan Union plan could be broadly achieved without destroying the separate identity and existence of the Malay States.

The burgeoning Malay political consciousness made the British seek to effect the change in consultation with the Malays. A Working Committee was set up which included the representatives of the Government and those of the Malay Rulers and the United Malays National Organization (which by now had emerged as the chief spokesman of the Malay community). The Committee's recommendations were examined by a Consultative Committee, which consisted of representatives of non-Malay communities. The changes suggested by the Consultative Committee were referred back to the Working Committee, which made the final recommendations. And these were considered by a Plenary Conference of the Governor, the Malay Rulers and other Malay representatives. The final proposals, which were accepted by the British and were put together in a Federation Agreement, established a Federation consisting of the nine Malay States and the Settlements of Malacca and Penang. The Government of the Federation comprised a High Commissioner, a Federal Executive Council and a Federal Legislative Council. The Federal Executive Council with the function to aid and advise the High Commissoner was to consist of the High Commissioner, three

ex officio Members (the Chief Secretary, the Attorney General, and the Financial Secretary), and not less than five or more than seven Members (called Unofficial Members) appointed by the High Commissioner.[18] The Federal Legislative Council was to consist of the High Commissioner, three *ex officio* members, eleven official members, the nine Presidents of the State Councils in the Malay States and one representative from each Settlement Council (all counting as unofficial members), and fifty other unofficial members, allocated in the following manner : Labor 6; Planting, rubber and oil-palms 6; Mining 4; Commerce 6; Agriculture and Husbandry 8; Professional, Educational and Cultural 4; Settlements 2; Malay States 9; Eurasians 1; Ceylonese 1; Indian 1; Chinese 2.[19] It was estimated that this would be likely to give the Malays 22 seats, the Chinese 14, the Indians 5, the Europeans 7, the Ceylonese and the Eurasians 1 each.[20]

The reasons for the feeling of great achievement and victory among the Malays and their communal organization, the UMNO, were the following. The new Constitution had provided for the separate existence and identity of the nine Malay States. The Malay Sultans were to enjoy the "prerogatives, power and jurisdiction which they enjoyed prior to the Japanese occupation."[21] In the exercise of his executive authority, the High Commissioner was given "special responsibilities" with regard to, among others,

1. the protection of the rights of any Malay State or any Settlement and of the rights, powers and dignity of Their Highnesses the Rulers;
2. the safeguarding of the special position of the Malays

[18] *The Federation of Malaya Agreement, 1948*, Government Press, Kuala Lumpur, p. 11. S. W. Jones further says that of the five to seven Unofficial Members not less than two to three (depending on the total number) were to be Malays. S. W. Jones, *op. cit.*, p. 143.

[19] S. W. Jones, *ibid.*, p. 143.

[20] *Ibid.*, p. 143.

[21] Great Britain, Colonial Office, *Federation of Malaya-Summary of Revised Constitutional Proposals*, Cmd. 7171, p. 5. Quoted in Ratnam, *op. cit.*, p. 54.

and of the legitimate interests of other communities.[22]

English and Malay were accorded the status of official languages of the Federal Legislative Council. A *Majlis Raja Raja Negri Melayu* or Conference of Rulers was established with extensive provisions with regard to the Rulers' Seal, the Keeper of the Rulers' Seal, functions of the Conference of Rulers, Standing Committee of the Conference, etc., but without any real power.

However, in reality the sense of victory was only an illusion; it definitely had little real basis. In fact, the Malays should have commiserated each other. The British had been able to do what they had wanted to do with the only difference that they had to do it with the consent of the Malays; the Malayan Union plan had been discarded but the underlying principle of according a legal status with political rights and obligations to the non-Malays was incorporated into the new arrangement based on the federal idea. The significant point is that non-Malays were accorded a political status, it did not matter that at the time it was inferior to that of the Malays. The net effect of the change was that Malaya got launched, whether the Malays liked it or not, to a new course where it was inevitable that the Malay view of their position in the country and that of the country as *Tanah Melayu* would become untenable and it could only be sustained through an authoritarian political system. Once non-Malays had been accorded the right to vote through acquisition of citizenship it was impossible to sustain, in the long run, through representative government the notion that Malaya was a Malay country and that it belonged only to the Malays. Writing soon after the inauguration of Federation of Malaya, Silcock had warned :

> so long as Malaya remains politically unsophisticated and is firmly controlled by British administrators backed by British troops, it is possible to call it a Malay country and assume that Chinese and Indians are aliens without implying any intention to take drastic action against them. But

[22] *The Federation of Malaya Agreement*, 1948, Government Press, Kuala Lumpur, p. 10.

anyone with a rudimentary sense of political possibilities must realize that a self-governing Malay Malaya is an impossibility unless most drastic action is taken against the other two races over a period of years.[23]

The most significant aspect of the new constitution was the provision regarding the acquisition of Federal Citizenship. In the preamble to the Federation Agreement it was stated as a matter of policy "that there should be a common form of citizenship in the said Federation to be extended to all those who regard the said Federation or any part of it as their real home and the object of their loyalty."[24] This introduced the significant new principle that Malaya belonged not only to the Malays but also to those who considered it "as their real home and the object of their loyalty." Under this, for the first time, large number of non-Malays were to be accorded citizenship of the Federation of Malaya. The significant features of the provisions were :

Acquisition of Federal Citizenship by Operation of Law

(1) On and after the appointed day, the following persons shall be Federal Citizens:

(a) any subject, whether born before, on or after the appointed day, of His Highness the Ruler of any State;

(b) any British subject born in either of the Settlements before, on or after the appointed day who is permanently resident in the territories now to be comprised in the Federation;

(c) any British subject born before, on or after the appointed day, in any of the territories now to be comprised in the Federation, whose father either;

(i) was himself born in any of the territories now to be comprised in the Federation; or

(ii) was or is, at the date of the birth of such British

[23] T. H. Silcock, "Forces for Unity in Malaya", *International Affairs*, Vol. 25, 1949, pp. 455-6. Professor Silcock at the time was a Professor of Economics at University of Singapore.

[24] *The Federation of Malaya Agreement, 1948, op. cit.*, p. 2.

subject, or thereafter became or becomes, permanently resident in such territories;

(d) any person born before, on or after the appointed day in any of the territories now to be comprised in the Federation who habitually speaks the Malay language and conforms to Malay custom;

(e) any other person born before, on or after the appointed day in any of the territories now to be comprised in the Federation, both of whose parents were born in any of such territories and were or are, at the date of the birth of such person, or thereafter became or become, permanently resident in such territories;

(f) any person whose father is, at the date of that person's birth, a Federal Citizen.[25]

Acquisition of Federal Citizenship by Application

(1) Subject to the provisions of this clause, the High Commissioner may grant a Certificate of Citizenship conferring the status of a Federal Citizen on any person not being a minor child who makes application therefor in the prescribed form and satisfies the High Commissioner:

(a) that either

(i) he was born in any of the territories now to be comprised in the Federation and has been resident in any one or more of such territories for eight out of the twelve years preceding his application; or

(ii) he has been resident in any one or more of such territories for fifteen years out of the twenty years immediately preceding his application; and

(b) that he is of good character; and

[25] *Ibid.*, pp. 40-41. The expression "subject of His Highness the Ruler of any State" here means any person who belongs to an aboriginal tribe resident in that State or any Malay born in that State or elsewhere of a father who was at the time of the birth of such a person a subject of the Ruler of that State or any person naturalized as a subject of that Ruler. The word "Malay" means a person who habitually speaks the Malay language, professes the Muslim religion and conforms to Malay custom.

(c) that he has an adequate knowledge of the Malay or English language; and
(d) that he has made a Declaration of Permanent Settlement in the form set out in the First Schedule to this Agreement; and
(e) that, if his application is approved, he is willing to take the Citizenship Oath in the form set out in the First Schedule to this Agreement.[26]

These provisions enabled many non-Malays to become citizens. The number of non-Malays who availed of the opportunity gives an indication of the significance of the provisions. In 1950, out of a total number of about 3,275,000 federal citizens, so many as 730,000 were non-Malays.[27] This was the first time that the Malays had given acceptance to opening up citizenship to non-Malays. It is important to note that what followed after this were only steps in the direction set by the 1948 Agreement.

Within four years citizenship regulations were further liberalized. The context of these changes was the increasing necessity to accord the non-Malays a Malayan identity essential for any advance towards independence (which by now seemed inevitable) and for successfully countering the communist insurrection which had begun in 1948 and had in the main attracted Chinese support and participation. These changes enacted in 1952 allowed the following categories of persons, in addition to those who had already acquired citizenship under the Federation of Malaya Agreement of 1948, to become citizens by operation of law :

(a) any subject of His Highness the Ruler of any State;
(b) any citizen of the United Kingdom and Colonies born . . . in either of the Settlements;
(c) any citizen of the United Kingdom and Colonies born in

[26] *Ibid.*, p. 42.
[27] Federation of Malaya, *Annual Report, 1950*. p. 24. Quoted in Ratnam, *Communalism and the Political Process in Malaya, op. cit.*, P. 84.

the Federation . . . one of whose parents was born in the Federation;

(d) any person who is a citizen of the United Kingdom and Colonies, wherever born, and

(i) if he was born before the appointed day, whose father was born in either of the Settlements and had at the time of such person's birth, completed a continuous period of fifteen years residence in the Federation; and

(ii) if he was born on or after the appointed day, whose father was born in either of the Settlements and was, at the time of such person's birth a Federal citizen under the provisions of this Agreement . . . ;

(e) any citizen of the United Kingdom and Colonies, wherever born, whose father was, at the time of such person's birth, a Federal citizen, or a citizen of the Federation of Malaya, by the grant of a Certificate of Citizenship or a certificate of naturalizaiion . . . ;

(f) any other person who, immediately before the prescribed date, was by operation of law or otherwise a Federal citizen under the provisions of this Agreement . . . ;

(g) any person to whom a certificate of naturalization as a citizen of the United Kingdom and Colonies has been granted under the British Nationality Act, 1948, and who has

(i) within the preceding twelve years resided in the Settlement for periods amounting in the aggregate to not less than ten years;

(ii) resided in the Settlements throughout the two years immediately preceding the date of his application for naturalization as a citizen of the United Kingdom and Colonies; and

(iii) taken within the Settlements the oath prescribed by section 10 of the said Act.[28]

Such citizens of the United Kingdom and Colonies who had liv-

[28] *The Federation of Malaya Agreement, 1948* (including amendments during 1949-55), Government Press, Kuala Lumpur, 1956 reprint, p. 46.

ed in the Federation for ten years immediately preceding their application[29] could secure citizenship of the Federation of Malaya on taking an oath of allegiance.[30] Further, any citizen of the United Kingdom and Colonies who satisfied the following requirements could acquire citizenship by naturalization :

(a) has within the preceding twelve years resided in the Federation for periods amounting in the aggregate to not less than ten years; and
(b) has resided in the Federation throughout the two years immediately preceding the date of his application; and
(c) is of good character; and
(d) is not likely to become chargeable to the Federation; and
(e) is able to speak the Malay or English language with reasonable proficiency or if he is unable to do so that such inability is due to the physical impediment of deafness or dumbness; and
(f) has made a declaration that he intends, in the event of a certificate being granted to him, to settle permanently in the Federation.[31]

These changes enabled a very significant number of non-Malays to acquire citizenship of the Federation of Malaya. It was estimated that at 30 June 1953 out of a total of 4,139,000 persons who had acquired citizenship by operation of law, 2,727,000 were Malaysians (Malays and Indonesians), 1,157,000 Chinese, and 255,000 Indians and others.[32]

The other important aspect of the new arrangement was that when it conceded the Malay demand that the Malay States must remain in existence and retain their separate identity, it gave few powers and accorded only a secondary status to the Malay States. The Second Schedule to the Agreement listed matters

[29] A person who had absented himself from the Federation for a continuous period of five years within the ten years was now entitled to be registered under this section unless he was certified by the High Commissioner to have maintained substantial connection with the Federation during that period. *Ibid.*, p. 47

[30] *Ibid.*, p. 47.

[31] *Ibid.*, p. 48.

[32] K. J. Ratnam, *op. cit.*, p. 92.

with respect to which the Federal legislature had power to make laws; it contained a total of 144 items covering the entire range of governmental activity. According to Clause 100 of the Agreement the Councils of State could pass laws on any subject omitted from the Second Schedule. They could also legislate on matters relating to the Muslim religion or the custom of the Malays and on any other subject in respect to which by virtue of a law made by the Federal Legislative Council they were for the time being authorized to pass laws. The Agreement further gave very wide powers to the Federal Government which could, if it so desired, legislate against the wishes of the State Governments on almost all questions other than those touching the Muslim religion and Malay custom. There was also provision to enable the federal authorities to override the State Governments on administrative issues.[33] Moreover, the States were allocated only extremely limited sources of revenue. In all, the existence of the Malay States and their Rulers, under the Federation of Malaya Act of 1948, was significant much more in terms of their symbolic importance than the powers and status enjoyed by them.

It is important to note here that the Federation of Malaya Agreement, 1948, was the starting point of the critical contradiction to be faced by the country later. Hitherto, British policy had been based on the concept that Malaya was a Malay country and that it belonged only to the Malays. But the 1948 arrangement inaugurated a new concept, that is, Malaya belonged to all those who built it up and who were loyal to it (this certainly was the basis on which citizenship was to be made available to non-Malays). At the same time, however, it did include the notion that the Malays deserved and needed protection through an entrenched special position. It was this principle which was inherited by the Government of Malaya at the time of independence. But soon serious objections were to be raised by many within the Malay community. Firstly, that this concept had never been explicitly accepted by the Malay community; many were still committed firmly to the view that Malaya was a Malay country and that it belonged to the Malays. And secondly, that

[33] *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 11.

the special position and rights of the Malays could not be maintained in perpetuity except through an authoritarian system of government controlled by the Malays.

Constitutional Commission and the Constitution of Malaya, 1957

The inauguration of the Federation of Malaya in 1948 was followed by very rapid and generally unexpected advance towards independence. The rank and file of the Malay community certainly did not consider the quick transition to independent nationhood as an unmixed blessing. Many of them were fearful of the non-Malays and believed that without British protection and proper preparation of the Malays the country would inevitably be taken over by the non-Malays. However, despite the misgivings among the Malays, the country proceeded rapidly towards independence. A sort of competitive nationalism had grown in the country in the early fifties; all major political organizations, the Independence of Malaya Party, the Alliance, and the Pan Malayan Labor Party, had begun demanding independence. The pace for the radical change in the nature of political demands by Malayan political organizations had been set by Dato Onn bin Jaafar when he founded the Independence of Malaya Party in September 1951 with independence as its major goal.[34] However, soon the Alliance, representing the three main communities, emerged as the chief spokesman of the Malayan national aspirations and displaced the IMP as the foremost champion of Malayan independence. Its overwhelming victory in the 1955 Federal Legislative Council elections had proved beyond doubt that it enjoyed the support of all the communities. This was significant as it was to satisfy the main precondition for the grant of independence by the British. Also, on the British side, their experience of the Communist Emergency had made them less averse to the idea of independence for multi-racial Malaya.

The Alliance led a *Merdeka* Mission to London where talks

[34] See my *Politics in a Plural Society, A Study of Non-Communal Political Parties in West Malaysia*, Oxford University Press, 1971, Chap. 2.

were held from 18 January to 8 February 1956. There was no controversy with regard to independence and it was decided that Malaya would become an independent nation by August 1957. The most significant decision from our point of view was the one relating to the appointment of an independent Constitutional Commission to draft a constitution for independent Malaya. This was in line with the position of the Alliance which had been affirmed in a Petition to the Rulers on 31 August 1954 and emphasized in the Alliance Manifesto for the 1955 elections. The manifesto had stated :

> In the petition to the Rulers, the Alliance urged that the members of the Special Independent Commission should be appointed from abroad.
>
> We repeat this appeal to the Rulers, because the Alliance firmly believes that only such a Commission will be free from prejudices and other local influence. Only such a Commission will be able to exercise complete impartiality in the inquiry and in their recommendations. On the other hand, a Commission consisting of local people cannot be completely independent because they are bound to be influenced by local political and other interests.[35]

As we shall see in the following chapter, this was affirmed during the honeymoon period of the Alliance. The years of 1954 to 1956 were a period of general euphoria among the leaders of the Malays and the Chinese. It was characterized by a genuine give and take and a regard for each other's interests. Mutual fears and suspicions were to poison the atmosphere only later after independence had been gained. It was in this context that the Malays and their leaders had accepted the arrangement that the constitution for independent Malaya should be recommended by an independent Constitutional Commission consisting of experts from outside the country. The procedure thus adopted was of the greatest significance and it was to have an immense influence on the nature of the political system in independent Malaya. As we shall see later the recommendations made by

[35] Alliance National Council, *Menuju Kearah Kemerdekaan* (The Road to Independence), Manifesto for the Federal Legislative Council elections 1955, p. 36.

the Commission, a non-partisan body of experts from outside the country, provided a framework with a special prestige which could be altered only marginally. Even though the non-Malays had little bargaining power vis-a-vis the Malays, the recommendations of the Commission strengthened their position and, more important, they set a sort of limit to extremism on both sides. Once the recommendations came to be known, extremists on both sides came under heavy pressure to moderate their position; they found it difficult to make demands which were in complete conflict with the spirit and framework of the recommendations of the Constitutional Commission.[36]

The talks in London, further, finalized the terms of reference for the Constitutional Commission. These are significant as they in no way made reference to the pre-Malayan Union basis of British policy, the treatment of Malaya as a Malay country. In fact, they did not basically distinguish between the different races, except that they sought to protect the special position of the Malays. These were:

> To examine the present constitutional arrangements throughout the Federation of Malaya, taking into account the positions and dignities of Her Majesty the Queen and of Their Highnesses the Rulers; and
>
> To make recommendations for a federal form of constitutionfor the whole country as a single, self-governing unit within the Commonwealth based on parliamentary democracy with a bicameral legislature, which would include provision for:
>
> (i) the establishment of a strong central government with the States and Settlements enjoying a measure of autonomy . . . ;
>
> (ii) the safeguarding of the position and prestige of Their Highnesses as constitutional Rulers of their respective States;
>
> (iii) a constitutional Yang di-Pertuan Besar (Head of State) for the Federation to be chosen from among Their Highnesses the Rulers;

[36] For a comparison of the situation in Fiji in very similar circumstances see my "Communalism and Constitution-Making in Fiji," *Pacific Affairs*, Vol. 45, No. 1, pp. 39-40.

(iv) a common nationality for the whole of the Federation;
(v) the safeguarding of the special position of the Malays and the legitimate interests of other communities.[37]

Thus, significantly, the only directives that the Constitutional Commission was given with regard to the constitution of independent Malaya were that it must establish a strong central government, safeguard the position and prestige f Their Highnesses, provide for a constitutional head of state chosen from among Their Highnesses the Rulers, a common nationality, and safeguard the special position of the Malays and the legitimate interests of the other communities.

The Constitutional Commission headed by Lord Reid and consisting of well-known jurists from Britain, Australia, India and Pakistan arrived in Malaya during May-June 1956 and after holding large number of meetings and securing memoranda from all interested parties made its recommendations in early 1957. Even though these basically reflected the proposals put forward by the Alliance, the differences between the two were with regard to such important issues that there was very considerable controversy about them. There was great excitement within the Malay community which was considerably agitated about the Draft constitution, especially with regard to the provisions relating to language, state religion, and the special position of the Malays. Non-Malays, in general, received it with enthusiasm and a sense of relief.

The Draft Constitution prepared by the constitutional Commission was submitted for review to a Working Party consisting of four representatives of the Malay Rulers, four representatives of the Government of the Federation controlled by the Alliance, and the High Commissioners, the Chief Secretary, and the Attorney General, representing the British Government (all these were either British civil servants or Malays representing the Rulers and the Alliance government except for one Chinese representing the MCA.) The Working Party reviewed the Draft Constitution during March-April 1957 and made recommendations for revision of certain provisions which

[37] *Report of the Federation of Malaya Constitutional Commission*, 1957, p. 2.

were incorporated into the Draft Constitution. The final discussions took place in London in May 1957 between the British Government and a Malayan delegation consisting of the High Commissioner, the Chief Minister, the Attorney General, and the representatives of the Malay Rulers and the Alliance controlled Government of the Federation. The London talks approved the Draft Constitution prepared by the Constitutional Commission with the amendments made by the Working party.

The Constitution thus produced, however, maintained continuity with the past and established a federal polity operating on the principles of parliamentary government. It relegated the Malay Rulers to the position of constitutional and ceremonial heads of state. As for the federal government, it devised a formula whereby the Conference of Rulers (consisting of the nine Malay Rulers) would elect from among their number on the basis of seniority a Paramount Ruler to act as the constitutional head of the federation for a term of five years. We can leave these aspects of the constitution at that as these are not the most important ones from our point of view. What we are interested in is the basic spirit or philosophy of the constitution vis-a-vis the fundamental communal problem of the plural society and its position on the contentious issues of citizenship, language, religion and the special position of the Malays and how this position was arrived at.

Citizenship

Even though there was considerable controversy with regard to the question of citizenship, the task of the Constitutional Commission was facilitated by the fact that the three member parties of the Alliance had come to an agreement through negotiations among themselves and had presented this compromise in its memorandum to the Commission. As a result, the Commission took the position that "the best proposals for dealing fairly with the present situation are those put forward by the Alliance. The parties of the Alliance have given full consideration to this matter and apart from a few minor points they have reached agreement. We are satisfied that this agreement is a reasonable and proper compromise between the views of the parties, each of which has the most widespread

support from the race which it represents, and we are further satisfied that this agreement is a better way of doing justice between the races than any other that has been suggested or has occurred to us."[38]

In its recommendations the Commission divided all those affected into four categories:

(i) those who already possessed rights of citizenship;
(ii) those born in the Federation on or after *Merdeka* Day;
(iii) those born in the Federation before *Merdeka* Day and resident there on *Merdeka* Day;
(iv) those resident in the Federation on *Merdeka* Day but not born there.[39]

There was no problem with regard to the first category. The Commission recommended that those who possessed rights of citizenship before *Merdeka* Day should continue to have them and those who were already entitled to citizenship by registration under the Federation of Malaya Agreement should retain the entitlement. With regard to the second category the Commission recommended the acceptance of the principle of *jus soli*, i.e. citizenship should be obtainable by the operation of law to all those born in the Fedration on or after *Merdeka* Day. The Commission, however, was unwilling to recommend the principle of *jus soli* with retrospective effect as demanded by certain sections of the non-Malay communities. It said:

> We are not satisfied that it is entirely possible or desirable to provide that all those who were born in Malaya, whatever be the date of their birth, wherever they may be now, and whatever be their present nationality, should be retrospectively made citizens of the Federation by operation of law.[40]

With regard to such among them who were now resident in the Federation, i.e., the third category of persons, the Commission recommended that citizenship should be obtainable to them "without undue difficulty" provided they intended to reside in the Federation permanently and were prepared to take

[38] *Ibid.*, p. 14.
[39] *Ibid.*
[40] *Ibid.*

an oath of allegiance and declared that they would not exercise any right or privilege which they might possess under the nationality laws of any foreign country. The only other conditions that such persons must fulfill were that they be over 18 years of age and of good character, that they should have resided in the Federation for five out of the preceding seven years, and that they should have an elementary knowledge of the Malay language.[41] With regard to the controversial last category relating to those resident in the Federation on *Merdeka* Day but not born there the Commission recommended that

> *citizenship should be open as of right* but on somewhat different terms . . . Those to whom this recommendation applies are very numerous, and, in order that a sense of common nationality should develop, we think that it is important that those who have shown their loyalty to the Federation and have made it their permanent home, should participate in the rights and duties of citizenship.[42]

It further asserted that the only differences between conditions applicable to them and those applicable to the third category should be:

(i) the applicant must have resided in the Fedration for eight out of the preceding twelve years, and
(ii) that the language test should be waived only if the applicant was over 45 years of age.

According to the recommendations of the Commission persons could further obtain citizenship by naturalization. For this they had to comply with the following conditions: that the

[41] With regard to residence the Commission recommended that an unduly narrow interpretation should not be put to the term and that periods of temporary absence from the Federation should be included in the applicant's period of residence. In order to avoid delay it suggested that an applicant should be deemed to be of good character if he had not within the previous three years been in prison serving a sentence of imprisonment of more than one year. It further recommended that the language test should be waived in favour of all those who made their application within one year of *Merdeka* Day. *Ibid.*, p. 15.

[42] *Ibid.*, p. 15. Emphasis added.

person had attained the age of 21; that he was of good character; that he had resided in the Federation for ten out of the preceding twelve years; that he intended to reside there permanently; that he had "an adequate knowledge" of the Malay language; and that he was willing to take an oath of allegiance and declare that he would not exercise any right or privilege that he might possess under the nationality laws of any foreign country.

Despite substantial opposition to them amongst Malays not associated with the United Malays National Organization, all these recommendations of the Constitutional Commission were left unchanged by the Working Party and were incorporated into the final constitution adopted at the London talks in May 1957. Dato Onn bin Jaafar, the President of Party Negara, alleged that the Commission's proposals had favored the non-Malays and if the Malays were to avoid being swamped in the future these had to be changed. He suggested three categories of non-Malays who could obtain citizenship: persons who already were subjects of any Malay Ruler; persons who already had become citizens of the Federation of Malaya; and those who were born in the Straits Settlements of Penang and Malacca, provided they were willing to relinquish entirely all allegiance to the Queen. With regard to others he said: it "should be left for us [the Malays] to decide whether they can become Malayan citizens or not." And he added: "It should not be their right to be citizens." This, he believed, was necessary to maintain the Malay character of the country.[43]

The crucial point to note here is that the provisions with regard to citizenship recommended by the Constitutional Commission and accepted both by the Working Party and the Malayan delegation to London talks of May 1957 were not based on the notion that Malaya was a Malay country and that it belonged only to the Malays. They were clearly geared to the aim of creating a multi-racial nation in Malaya and were a continuation or logical extension of the process inaugurated in 1948 that was based on the policy stated in the

[43] Federation of Malaya, Department of Information, *Daily Press Summary of Vernacular Papers*, 4 April 1957. Quoted in K.J. Ratnam, *Communalism and the Political Process in Malaya*, *op. cit.*, p. 96.

preamble to the Federation Agreement of 1948 "that there should be a common form of citizenship in the said Federation to be extended to all those who regard the said Federation or any part of it as their real home and the object of their loyalty."[44] The idea behind the citizenship provisions was certainly not what it was later to be alleged to be by Dr. Ismail, Dr Mahathir and other Malay leaders after the 1969 communal riots.

Language

The commission expressed its view clearly with regard to the question of the language of the new nation when it said that "we think that it is right that for all ordinary purposes Malay should in due course become the sole *official* language. Our recommendations are not intended to put obstacles in the way of that transition, but rather to regulate the transition so that it may take place in a manner fair to all communities."[45] It recognized the special claim of the Malay language and recommended that it should be the official language. But at the same time it suggested that for a period of at least ten years English should continue to be used as an official language. The Commission maintained that there were many citizens of the Federation who had no opportunity in the past to learn to speak Malay fluently and it would not be fair to them to make Malay the sole official language of the Federation "in the immediate future." It added: "After ten years it should be left to Parliament to decide when a change should be made and we have framed our recommendations so as to enable Parliament to proceed by stages if it thinks fit to do so. It may be found desirable first to discontinue the use of English for some purposes and then to discontinue its use for other purposes at some later date."[46] Concerning the languages of the non-Malay communities, the Commission recommended that none of them should be accorded the status of official language as this had not been found necessary in the past and that it would not lead to any great inconvenience. However,

[44] *The Federation of Malaya Agreement, 1948*, p. 2.
[45] *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 74. Emphasis added.
[46] *Ibid.*, p. 74.

it was desirable that, as in the past, notices, announcements and other official documents should be published in Chinese and Tamil and that this practice should continue for "some considerable time."

With regard to the sensitive issue of multi-lingualism in the legislatures the Commission asserted that they had been impressed by the representations made to them that the existing law might be an obstacle in the way of election to the legislatures of persons whom the voters might want to elect. Consequently, it made recommendations for two changes:

(i) that there should be no language qualification for candidates wishing to contest elections (".....we have drafted Article 41 in such a way as to abolish this qualification and prevent its reimposition."); and

(ii) that for ten years there should be a limited right to speak in a legislature in a Chinese or Indian language.

The latter, however, was restricted to such persons who could not speak fluently in either Malay or English.

The final Constitution, by and large, followed the recommendations of the Constitutional Commission with regard to the designation of Malay as the official language and the continued use of English as an official language for a period of ten years after *Merdeka* Day and thereafter until the Parliament provided otherwise.[47] In fact, here the Constitution went beyond the recommendations of the Commission and gave a specific guarantee:

(i) that no person should be prohibited or prevented from using (other than official purposes), or from teaching or learning, any other language.

(ii) that the establishment of Malay as the national language should not prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community.[48]

Further, the Constitution accepted the recommendation of the Constitutional Commission and did not prescribe any language

[47] Federation of Malaya, *Ma ayan Constitutional Documents*, Vol. 1, 1962, Article 152.

[48] *Ibid.*, Article 152 (1).

qualifications for candidates wishing to contest elections. However, the Working Party was unwilling to provide for multi-lingualism and rejected the recommendation of the Constitutional Commission providing for limited right to speak in a legislature in a Chinese or Indian language for a period of ten years from *Merdeka* Day.

Religion

The Constitutional Commission, as a majority view, recommended that Islam should not be designated as the official religion of the Federation. Its argument was that there was universal agreement, including among those who sought to make Islam as the official religion, that if such a provision was made in the Constitution it must be made clear that it would not in any way affect the civil rights of non-Muslims. The Alliance, which had come to an agreement with regard to the issue, had stated in its memorandum to the Commission: " . . . the religion of Malaysia shall be Islam. The observance of this principle shall not impose any disability on non-Muslim nationals professing and practicing their religions and *shall not imply that the state is not a secular State.*"[49] The Commission, further, underlined the fact that the Counsel for the Rulers had stated to them: "It is Their Highnesses' considered view that it would not be desirable to insert some declaration such as has been suggested that the Muslim Faith or Islamic Faith be the established religion of the Federation."[50]

However, this recommendation of the Constitutional Commission was rejected and, following the Alliance Memorandum to the Commission, Islam was designated as the official religion of the Federation. But at the same time the Constitution said that "other religions may be practiced in peace and harmony in any part of the Federation."[51] Further,

[49] Quoted in *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 73. Emphasis added.

[50] The Rulers opposed this for the reason that it would have constituted an encroachment on the right of the States to have complete authority over matters affecting the Muslim religion.

[51] Federation of Malaya, *Malayan Constitutional Documents*, Vol. 1, 1962, Article 3.

with a view to reassure non-Muslims, a whole article, under the title Freedom of Religion, was included in Part II of the Constitution relating to Fundamental Liberties. Here it was stated that no person should be compelled to pay any tax the proceeds of which were specifically allocated in whole or in part for the purposes of a religion other than his own.[52] It also gave every religious group the right to manage its own religious affairs, to establish and maintain religious or charitable institutions, and to acquire and own property.[53] With regard to Muslims the Constitution prescribed that State law would be within its rights if it sought to control or restrict the propagation of any other religious doctrine or belief among them.[54]

* *Special Position of the Malays*

With regard to the special position of the Malays the Constitutional Commission found itself in an awkward position. On the one side, it had been asked in its terms of reference that it must safeguard the special position of the Malays and the legitimate interests of the other communities, on the other it was required to provide for a common nationality for the whole of the Federation and a constitution that guaranteed a democratic form of government. In the circumstances, the basis on which it made up its mind was well expressed in its report:

> In considering these requirements it seemed to us that a common nationality was the basis upon which a unified Malayan nation was to be created and that under a democratic form of Government it was inherent that all the citizens of Malaya, irrespective of race, creed or culture, should enjoy certain fundamental rights including equality before the law. We found it difficult, therefore, to reconcile the terms of reference if the protection of the special position of the Malays signified the granting of special privileges, permanently, to

[52] *Ibid.*, Article 11 (2).
[53] *Ibid.*, Article 11 (3).
[54] *Ibid.*, Article 11 (4).

one community only and not to the others. The difficulty of giving one community a permanent advantage over the others was realized by the Alliance Party, representatives of which, led by the Chief Minister, submitted that "*in an independent Malaya all nationals should be accorded equal rights, privileges and opportunities and there must not be discrimination on grounds of race and creed* . . . . " The same view was expresssed by their Highnesses in their memorandum, in which they said that they "look forward to a time not too remote when it will become possible to eliminate communalism as a force in the political and economic life of the country."[55]

The Commission listed the four areas with regard to which the Malays had enjoyed a special position in the past, based on the original treaties between their Rulers and the British and reaffirmed from time to time. These were:

1. Reservations of land and the system of reserving land for the Malays in the States.
2. Quotas for admission to the public services.
3. Quotas in respect of the issuing of permits or licenses for the operation of certain businesses,
4. Preferential treatment in the grant of certain classes of scholarships, bursaries and other froms of aid for educational purposes.

The Commission emphasized that they had found little opposition to the continuation of the arrangement, but there was strong hostility among certain people to any increase in the existing preferences and to their being continued for "any prolonged period." The Commission asserted:

> We are of the opinion that in present circumstances it is necessary to continue these preferences. *The Malays would be at a serious and unfair disadvantage compared with other communities if they were suddenly withdrawn.* But, with the integration of the various communities into a common nationality which we trust will gradually come about, the need for

[55] *Report of the Federation of Malaya Constitutional Commission 1957*, p. 71. Emphasis added. It should be noted that the present Malay leadership has completely rejected that fundamental principle.

these preferences will gradually disappear. Our recommendations are made on the footing that *Malays should be assured that the present position will continue for a substantial period, but that in due course the present preferences should be reduced and should ultimately cease so that there should then be no discrimination between races or communities.*[56]

With regard to land it recommended that, subject to two qualifications, no more land should be designated Malay reservations and that the States should reduce Malay reservations but at a time considered appropriate by them. The two qualifications were: first, that if any land reserved for the Malays ceased to be reserved, an equivalent area could be reserved provided that it was not already occupied by a non-Malay; and second, that if any undeveloped land was opened up, part of it could be reserved for Malays provided an equivalent area was made available to non-Malays.

As for the other aspects of the special position, the Commission recommended that no new quotas or other preferences should be created. With regard to the existing ones it asserted that the Malays "ought to have a substantial period during which the continuance of the existing quotas is made obligatory."[57] It further suggested that if in any year there were not enough Malay applicants with the necessary qualifications to fill vacancies, the number of appointments should not be reduced and other qualified applicants should be appointed to fill the their quota of vacancies. It also recommended that after fifteen years there should be a review of the whole question. The procedure it suggested for the review was that the Government of the time should prepare and present a report to the Parliament which in turn would decide either to retain or to reduce any quotas or preferences or to discontinue them entirely.

Further, the Commission concurred with the view of the Alliance given in its memorandum: "The Constitution should . . . provide that the Yang di-Pertuan Besar should have the special responsibility of safeguarding the special position of the

[56] *Ibid.*, p. 72. Emphasis added.
[57] *Ibid.*, p. 73.

Malays."[58] But it added significantly that a majority in the Commission took the view that the Alliance intended that the Yang di-Pertuan Besar should act in this matter as in others as a constitutional head and should accept the advice of his Cabinet.[59] The Commission emphasized that in their view the intent of the Alliance was that the whole matter should be dealt with by the Govcrnment of the day, that is by the representatives of the people in Parliament.

It is important to note here that the sole basis on which the Constitutional Commission had accorded the Malays a special position was the fact that they had lagged behind the non-Malays in certain spheres and it was necessary to enable them to catch up. The Commission made no suggestion anywhere, implied or explicit, that the special position of the Malays was due to them as the *bumiputra*, the sons of the soil. The obvious intent was that it was only to be a transitional arrangement.

This was, however, one aspect of the draft constitution recommended by the Constitutional Commission where drastic changes were made by the Working Party. With regard to the reservation of quotas for admission to the public services, issuing of permits or licenses to operate certain businesses, and the grant of scholarships, bursaries and other forms of aid for educational purposes, the recommendation of the Constitutional Commission that the matter be left in the hands of the government of the day was rejected. The final Constitution reflected the minority view of Justice Abdul Hamid of Pakistan. It said:

> . . . the Yang di-Pertuan Agong [Head of State] shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special position of the Malays and to ensure the reservation for Malays of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational

[58] Quoted in *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 73

[59] Justice Abdul Hamid of Pakistand issented with the majority view and maintained that the words "special responsibility" in the Alliance memorandum implied that in this matter the Yang di-Pertuan Besar should act at his discretion and not on advice of his cabinet.

or training privileges or special facilities given or accorded by the Federal Government and, when any permit or license for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licenses.[60]

Further, the Constitution said nothing with regard to the question of unfilled quotas, a matter on which the Constitutional Commission had made an explicit recommendation. This matter, however, was discussed by the Alliance Ad Hoc Political Committee in May 1957, where Dr Ismail, then Minister of Internal Affairs, had given the assurance that the current practice of allocating unfilled quotas for posts and scholarships to non-Malays would be continued.[61]

The Commission's crucial recommendation that the entire matter of the special position of the Malays be reviewed after fifteen years was not accepted. The Malay fear was that, if, as recommended by the Commission, the matter was left in the hands of the Parliament to decide at the end of fifteen years there was no guarantee that the Parliament at the time, which as non-Malays were to have equal voting rights might have a majority of non-Malays members, would not decide to revoke the special position of the Malays without the consent of the Malays. The issue had created considerable controversy in the country. The non-Malay view was that fifteen years was a reasonable time limit. It was in these circumstances that a compromise solution was found by the Alliance. It was presented to a meeting of the Central Working Committee of the Malayan Chinese Association on 4 May 1957:

That the White Paper which the Government proposes to issue will include a note that it will be in the interests of all concerned that the Yang di-Pertuan Agong should review the provisions of this article (relating to the Special Position of the Malays, Article 157 in Draft Constitution

[60] "Constitution of the Federation of Malaya," *Malayan Constitutional Documents*, Vol. 1, 1962, Article 153 (2).

[61] *Minutes of Central Working Committee meeting of the Malayan Chinese Association*, 4 May 1957.

recommended by the Constitutional Commission) from time to time.[62]

It was widely maintained in Malaysia that when the MCA and the MIC insisted on a fifteen year limit on Malay special position, they were told by UMNO leaders (Tun Abdul Razak's name is especially mentioned)[63] that a fifteen year limit was not necessary, because for all they knew the Malays might be able to catch up with the non-Malays within the next few years and these provisions then would become unnecessary. And, therefore, the best course was to leave it to the Yang di-Pertuan Agong who would review the situation from time to time and determine if they were still necessary. It is important to note that it is on this basis alone that the provisions relating to the special position of the Malays were accepted by the MCA and the MIC.

It is significant that Tunku Abdul Rahman, then Prime Minister and the foremost leader of the Malays, in his speech introducing the draft constitution in the Federal Legislative Council in July 1957 did not even once refer to the Malays as the *bumiputra*, the sons of the soil, and as such entitled to a special position.[64] He had asserted:

> When discussing the special position of the Malays and the legitimate interests of other communities, we must never forget that our main object is to unite our people. We should do all we can to remove communal barriers and help build a united and patriotic Malayan people.[65]

Later, in replying to the debate, the Tunku had said:

> He [referring to Tan Siew Sin son of Tan Cheng Lock and a key leader of the MCA] pointed out that as a race the Malays

[62] *Minutes of Central Working Committee Meeting of the Malayan Chinese Association*, 4 May 1957. The White Paper issued by the Government, *Constitutional Proposals for the Federation of Malaya*, Cmnd. 210 did not iuclude the commitment. See p. 19.

[63] Tun Abdul Razak at the time was the Chairman of the Alliance Political Ad Hoc Committee which was mainly responsible for finalizing the Constitution.

[64] Federation of Malaya, *Legislative Council Debates*, 10 July 1957.

[65] *Ibid.*

are well behind the others, and the object underlying the provisions is to ensure that they don't lose the little they have. This is a correct statement. He further stated that an economically depressed Malay community in a prosperous Malaya would not mean a peaceful Malaya—this is very correct too.[66]

S. Chelvasingham-MacIntyre, an associate member of UMNO who had defeated Dato Onn bin Jaafar in the Batu Pahat constituency in the 1955 Federal Legislative Council elections, clearly indicated what was in the minds of the leaders of the various communities in the Alliance with regard to the question of the special position of the Malays:

> The special rights accorded the Malays in the draft constitution is [*sic*] calculated to remove this inequality of opportunity. It is, therefore, manifestly clear that in the long run these provisions would operate not to separate the people into classes but to hasten the process of national unity. *Once national unity is achieved, the special rights will die a natural death.*[67]

It is obvious that the basis on which the Malays were given a special position was that they had lagged behind the other communities in the past and unless this was rectified it would be difficult to set up a united new nation on a firm foundation. This disability had to be removed to allow the Malays a fuller participation in the social, economic and political life of the country. Thus the special position in its very nature was only a transitional arrangement and it was for this reason alone that it was decided that "the Yang di-Pertuan Agong should review the provisions of this article from time to time."

The Spirit of the Constitution and its Working

In all, the Constitution of independent Malaya, as conceived by its framers, the Constitutional Commission and the Alliance leadership, was geared to the creation of a united new nation

[66] *Ibid.*, 11 July 1957.
[67] *Ibid.* Emphasis added.

in Malaya. It accorded an equal political status to all the people of the country, irrespective of their racial origin; it entrenched the principle of one man one vote.[68] The special position of the Malays was incorporated only as an interim arrangement; Article 153 providing for the special position of the Malays was included in Part XII, "General and Miscellaneous," of the Constitution. It is significant that the Proclamation of Independence made on 31 August 1957[69] made no reference to the special position of the Malays when it made a specific mention of the rights and prerogatives of Their Highnesses the Rulers. The Proclamation, reflecting the very essence of the constitution, said

> In the name of GOD, the Compassionate, the merciful. Praise be to God, the Lord of the Universe and may the blessings and peace of God be upon his messengers.
> And whereas the time has now arrived when the people of the Persekutuan Tanah Melayu will assume the status of a free independent and sovereign nation among the nations of the world . . . ;
> And whereas a constitution for the Government of Persekutuan Tanah Melayu has been established as the supreme law thereof;

[68] It would be useful here to look at the position in Fiji where the situation was very similar to the one in Malaya at the time of constitution-making. In Fiji, the constitution does not provide for equal political status for the various communities; it has entrenched the political paramountcy of the Fijians, the indigenous people. In the House of Representatives, the lower house of the Parliament, the Constitution has reserved seats for the different communities in the following manner: Fijians (42.4 per cent of population) 22, Indians (50.6 per cent) 22, and General (including in the main Europeans and part-Europeans closely allied with the Fijians) 8. The upper house, the Senate, consists of the following nominees: 8 of the Great Council of (Fijian) Chiefs; 7 of the Prime Minister; 6 of the Leader of the Opposition; and 1 of the Council of Rotuma. For details see my "Communalism and Constitution-Making in Fiji," *Pacific Affairs*, Vol. 45, No. 1, Spring 1972, pp. 26-29.

[69] This proclamation was read by Tunku Abdul Rahman, the Prime Minister, at the Merdeka celebrations on 31 August 1957, at which constitutional documents signifying the independence of Malaya were formally handed over.

(iv) a common nationality for the whole of the Federation;
(v) the safeguarding of the special position of the Malays and the legitimate interests of other communities.[37]

Thus, significantly, the only directives that the Constitutional Commission was given with regard to the constitution of independent Malaya were that it must establish a strong central government, safeguard the position and prestige f Their Highnesses, provide for a constitutional head of state chosen from among Their Highnesses the Rulers, a common nationality, and safeguard the special position of the Malays and the legitimate interests of the other communities.

The Constitutional Commission headed by Lord Reid and consisting of well-known jurists from Britain, Australia, India and Pakistan arrived in Malaya during May-June 1956 and after holding large number of meetings and securing memoranda from all interested parties made its recommendations in early 1957. Even though these basically reflected the proposals put forward by the Alliance, the differences between the two were with regard to such important issues that there was very considerable controversy about them. There was great excitement within the Malay community which was considerably agitated about the Draft constitution, especially with regard to the provisions relating to language, state religion, and the special position of the Malays. Non-Malays, in general, received it with enthusiasm and a sense of relief.

The Draft Constitution prepared by the constitutional Commission was submitted for review to a Working Party consisting of four representatives of the Malay Rulers, four representatives of the Government of the Federation controlled by the Alliance, and the High Commissioners, the Chief Secretary, and the Attorney General, representing the British Government (all these were either British civil servants or Malays representing the Rulers and the Alliance government except for one Chinese representing the MCA.) The Working Party reviewed the Draft Constitution during March-April 1957 and made recommendations for revision of certain provisions which

[37] *Report of the Federation of Malaya Constitutional Commission*, 1957, p. 2.

were incorporated into the Draft Constitution. The final discussions took place in London in May 1957 between the British Government and a Malayan delegation consisting of the High Commissioner, the Chief Minister, the Attorney General, and the representatives of the Malay Rulers and the Alliance controlled Government of the Federation. The London talks approved the Draft Constitution prepared by the Constitutional Commission with the amendments made by the Working party.

The Constitution thus produced, however, maintained continuity with the past and established a federal polity operating on the principles of parliamentary government. It relegated the Malay Rulers to the position of constitutional and ceremonial heads of state. As for the federal government, it devised a formula whereby the Conference of Rulers (consisting of the nine Malay Rulers) would elect from among their number on the basis of seniority a Paramount Ruler to act as the constitutional head of the federation for a term of five years. We can leave these aspects of the constitution at that as these are not the most important ones from our point of view. What we are interested in is the basic spirit or philosophy of the constitution vis-a-vis the fundamental communal problem of the plural society and its position on the contentious issues of citizenship, language, religion and the special position of the Malays and how this position was arrived at.

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There was no problem with regard to the first category. The Commission recommended that those who possessed rights of citizenship before *Merdeka* Day should continue to have them and those who were already entitled to citizenship by registration under the Federation of Malaya Agreement should retain the entitlement. With regard to the second category the Commission recommended the acceptance of the principle of *jus soli*, i.e. citizenship should be obtainable by the operation of law to all those born in the Fedration on or after *Merdeka* Day. The Commission, however, was unwilling to recommend the principle of *jus soli* with retrospective effect as demanded by certain sections of the non-Malay communities. It said:

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With regard to such among them who were now resident in the Federation, i.e., the third category of persons, the Commission recommended that citizenship should be obtainable to them "without undue difficulty" provided they intended to reside in the Federation permanently and were prepared to take

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an oath of allegiance and declared that they would not exercise any right or privilege which they might possess under the nationality laws of any foreign country. The only other conditions that such persons must fulfill were that they be over 18 years of age and of good character, that they should have resided in the Federation for five out of the preceding seven years, and that they should have an elementary knowledge of the Malay language.[41] With regard to the controversial last category relating to those resident in the Federation on *Merdeka* Day but not born there the Commission recommended that

> *citizenship should be open as of right* but on somewhat different terms . . . Those to whom this recommendation applies are very numerous, and, in order that a sense of common nationality should develop, we think that it is important that those who have shown their loyalty to the Federation and have made it their permanent home, should participate in the rights and duties of citizenship.[42]

It further asserted that the only differences between conditions applicable to them and those applicable to the third category should be:

(i) the applicant must have resided in the Fedration for eight out of the preceding twelve years, and
(ii) that the language test should be waived only if the applicant was over 45 years of age.

According to the recommendations of the Commission persons could further obtain citizenship by naturalization. For this they had to comply with the following conditions: that the

[41] With regard to residence the Commission recommended that an unduly narrow interpretation should not be put to the term and that periods of temporary absence from the Federation should be included in the applicant's period of residence. In order to avoid delay it suggested that an applicant should be deemed to be of good character if he had not within the previous three years been in prison serving a sentence of imprisonment of more than one year. It further recommended that the language test should be waived in favour of all those who made their application within one year of *Merdeka* Day. *Ibid.*, p. 15.

[42] *Ibid.*, p. 15. Emphasis added.

person had attained the age of 21; that he was of good character; that he had resided in the Federation for ten out of the preceding twelve years; that he intended to reside there permanently; that he had "an adequate knowledge" of the Malay language; and that he was willing to take an oath of allegiance and declare that he would not exercise any right or privilege that he might possess under the nationality laws of any foreign country.

Despite substantial opposition to them amongst Malays not associated with the United Malays National Organization, all these recommendations of the Constitutional Commission were left unchanged by the Working Party and were incorporated into the final constitution adopted at the London talks in May 1957. Dato Onn bin Jaafar, the President of Party Negara, alleged that the Commission's proposals had favored the non-Malays and if the Malays were to avoid being swamped in the future these had to be changed. He suggested three categories of non-Malays who could obtain citizenship: persons who already were subjects of any Malay Ruler; persons who already had become citizens of the Federation of Malaya; and those who were born in the Straits Settlements of Penang and Malacca, provided they were willing to relinquish entirely all allegiance to the Queen. With regard to others he said: it "should be left for us [the Malays] to decide whether they can become Malayan citizens or not." And he added: "It should not be their right to be citizens." This, he believed, was necessary to maintain the Malay character of the country.[43]

The crucial point to note here is that the provisions with regard to citizenship recommended by the Constitutional Commission and accepted both by the Working Party and the Malayan delegation to London talks of May 1957 were not based on the notion that Malaya was a Malay country and that it belonged only to the Malays. They were clearly geared to the aim of creating a multi-racial nation in Malaya and were a continuation or logical extension of the process inaugurated in 1948 that was based on the policy stated in the

[43] Federation of Malaya, Department of Information, *Daily Press Summary of Vernacular Papers*, 4 April 1957. Quoted in K.J. Ratnam, *Communalism and the Political Process in Malaya, op. cit.*, p. 96.

preamble to the Federation Agreement of 1948 "that there should be a common form of citizenship in the said Federation to be extended to all those who regard the said Federation or any part of it as their real home and the object of their loyalty."[44] The idea behind the citizenship provisions was certainly not what it was later to be alleged to be by Dr. Ismail, Dr Mahathir and other Malay leaders after the 1969 communal riots.

Language

The commission expressed its view clearly with regard to the question of the language of the new nation when it said that "we think that it is right that for all ordinary purposes Malay should in due course become the sole *official* language. Our recommendations are not intended to put obstacles in the way of that transition, but rather to regulate the transition so that it may take place in a manner fair to all communities."[45] It recognized the special claim of the Malay language and recommended that it should be the official language. But at the same time it suggested that for a period of at least ten years English should continue to be used as an official language. The Commission maintained that there were many citizens of the Federation who had no opportunity in the past to learn to speak Malay fluently and it would not be fair to them to make Malay the sole official language of the Federation "in the immediate future." It added: "After ten years it should be left to Parliament to decide when a change should be made and we have framed our recommendations so as to enable Parliament to proceed by stages if it thinks fit to do so. It may be found desirable first to discontinue the use of English for some purposes and then to discontinue its use for other purposes at some later date."[46] Concerning the languages of the non-Malay communities, the Commission recommended that none of them should be accorded the status of official language as this had not been found necessary in the past and that it would not lead to any great inconvenience. However,

[44] *The Federation of Malaya Agreement, 1948*, p. 2.
[45] *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 74. Emphasis added.
[46] *Ibid.*, p. 74.

it was desirable that, as in the past, notices, announcements and other official documents should be published in Chinese and Tamil and that this practice should continue for "some considerable time."

With regard to the sensitive issue of multi-lingualism in the legislatures the Commission asserted that they had been impressed by the representations made to them that the existing law might be an obstacle in the way of election to the legislatures of persons whom the voters might want to elect. Consequently, it made recommendations for two changes:

(i) that there should be no language qualification for candidates wishing to contest elections (".....we have drafted Article 41 in such a way as to abolish this qualification and prevent its reimposition."); and

(ii) that for ten years there should be a limited right to speak in a legislature in a Chinese or Indian language.

The latter, however, was restricted to such persons who could not speak fluently in either Malay or English.

The final Constitution, by and large, followed the recommendations of the Constitutional Commission with regard to the designation of Malay as the official language and the continued use of English as an official language for a period of ten years after *Merdeka* Day and thereafter until the Parliament provided otherwise.[47] In fact, here the Constitution went beyond the recommendations of the Commission and gave a specific guarantee:

(i) that no person should be prohibited or prevented from using (other than official purposes), or from teaching or learning, any other language.

(ii) that the establishment of Malay as the national language should not prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community.[48]

Further, the Constitution accepted the recommendation of the Constitutional Commission and did not prescribe any language

[47] Federation of Malaya, *Ma ayan Constitutional Documents*, Vol. 1, 1962, Article 152.

[48] *Ibid.*, Article 152 (1).

qualifications for candidates wishing to contest elections. However, the Working Party was unwilling to provide for multi-lingualism and rejected the recommendation of the Constitutional Commission providing for limited right to speak in a legislature in a Chinese or Indian language for a period of ten years from *Merdeka* Day.

Religion

The Constitutional Commission, as a majority view, recommended that Islam should not be designated as the official religion of the Federation. Its argument was that there was universal agreement, including among those who sought to make Islam as the official religion, that if such a provision was made in the Constitution it must be made clear that it would not in any way affect the civil rights of non-Muslims. The Alliance, which had come to an agreement with regard to the issue, had stated in its memorandum to the Commission: "... the religion of Malaysia shall be Islam. The observance of this principle shall not impose any disability on non-Muslim nationals professing and practicing their religions and *shall not imply that the state is not a secular State.*"[49] The Commission, further, underlined the fact that the Counsel for the Rulers had stated to them: "It is Their Highnesses' considered view that it would not be desirable to insert some declaration such as has been suggested that the Muslim Faith or Islamic Faith be the established religion of the Federation."[50]

However, this recommendation of the Constitutional Commission was rejected and, following the Alliance Memorandum to the Commission, Islam was designated as the official religion of the Federation. But at the same time the Constitution said that "other religions may be practiced in peace and harmony in any part of the Federation."[51] Further,

[49] Quoted in *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 73. Emphasis added.

[50] The Rulers opposed this for the reason that it would have constituted an encroachment on the right of the States to have complete authority over matters affecting the Muslim religion.

[51] Federation of Malaya, *Malayan Constitutional Documents*, Vol. 1, 1962, Article 3.

with a view to reassure non-Muslims, a whole article, under the title Freedom of Religion, was included in Part II of the Constitution relating to Fundamental Liberties. Here it was stated that no person should be compelled to pay any tax the proceeds of which were specifically allocated in whole or in part for the purposes of a religion other than his own.[52] It also gave every religious group the right to manage its own religious affairs, to establish and maintain religious or charitable institutions, and to acquire and own property.[53] With regard to Muslims the Constitution prescribed that State law would be within its rights if it sought to control or restrict the propagation of any other religious doctrine or belief among them.[54]

Special Position of the Malays

With regard to the special position of the Malays the Constitutional Commission found itself in an awkward position. On the one side, it had been asked in its terms of reference that it must safeguard the special position of the Malays and the legitimate interests of the other communities, on the other it was required to provide for a common nationality for the whole of the Federation and a constitution that guaranteed a democratic form of government. In the circumstances, the basis on which it made up its mind was well expressed in its report:

> In considering these requirements it seemed to us that a common nationality was the basis upon which a unified Malayan nation was to be created and that under a democratic form of Government it was inherent that all the citizens of Malaya, irrespective of race, creed or culture, should enjoy certain fundamental rights including equality before the law. We found it difficult, therefore, to reconcile the terms of reference if the protection of the special position of the Malays signified the granting of special privileges, permanently, to

[52] *Ibid.*, Article 11 (2).
[53] *Ibid.*, Article 11 (3).
[54] *Ibid.*, Article 11 (4).

one community only and not to the others. The difficulty of giving one community a permanent advantage over the others was realized by the Alliance Party, representatives of which, led by the Chief Minister, submitted that "*in an independent Malaya all nationals should be accorded equal rights, privileges and opportunities and there must not be discrimination on grounds of race and creed* . . . . " The same view was expresssed by their Highnesses in their memorandum, in which they said that they "look forward to a time not too remote when it will become possible to eliminate communalism as a force in the political and economic life of the country."[55]

The Commission listed the four areas with regard to which the Malays had enjoyed a special position in the past, based on the original treaties between their Rulers and the British and reaffirmed from time to time. These were:

1. Reservations of land and the system of reserving land for the Malays in the States.
2. Quotas for admission to the public services.
3. Quotas in respect of the issuing of permits or licenses for the operation of certain businesses,
4. Preferential treatment in the grant of certain classes of scholarships, bursaries and other froms of aid for educational purposes.

The Commission emphasized that they had found little opposition to the continuation of the arrangement, but there was strong hostility among certain people to any increase in the existing preferences and to their being continued for "any prolonged period." The Commission asserted:

> We are of the opinion that in present circumstances it is necessary to continue these preferences. *The Malays would be at a serious and unfair disadvantage compared with other communities if they were suddenly withdrawn.* But, with the integration of the various communities into a common nationality which we trust will gradually come about, the need for

[55] *Report of the Federation of Malaya Constitutional Commission 1957*, p. 71. Emphasis added. It should be noted that the present Malay leadership has completely rejected that fundamental principle.

these preferences will gradually disappear. Our recommendations are made on the footing that *Malays should be assured that the present position will continue for a substantial period, but that in due course the present preferences should be reduced and should ultimately cease so that there should then be no discrimination between races or communities.*[56]

With regard to land it recommended that, subject to two qualifications, no more land should be designated Malay reservations and that the States should reduce Malay reservations but at a time considered appropriate by them. The two qualifications were: first, that if any land reserved for the Malays ceased to be reserved, an equivalent area could be reserved provided that it was not already occupied by a non-Malay; and second, that if any undeveloped land was opened up, part of it could be reserved for Malays provided an equivalent area was made available to non-Malays.

As for the other aspects of the special position, the Commission recommended that no new quotas or other preferences should be created. With regard to the existing ones it asserted that the Malays "ought to have a substantial period during which the continuance of the existing quotas is made obligatory."[57] It further suggested that if in any year there were not enough Malay applicants with the necessary qualifications to fill vacancies, the number of appointments should not be reduced and other qualified applicants should be appointed to fill the their quota of vacancies. It also recommended that after fifteen years there should be a review of the whole question. The procedure it suggested for the review was that the Government of the time should prepare and present a report to the Parliament which in turn would decide either to retain or to reduce any quotas or preferences or to discontinue them entirely.

Further, the Commission concurred with the view of the Alliance given in its memorandum: "The Constitution should . . . provide that the Yang di-Pertuan Besar should have the special responsibility of safeguarding the special position of the

[56] *Ibid.*, p. 72. Emphasis added.
[57] *Ibid.*, p. 73.

Malays."[58] But it added significantly that a majority in the Commission took the view that the Alliance intended that the Yang di-Pertuan Besar should act in this matter as in others as a constitutional head and should accept the advice of his Cabinet.[59] The Commission emphasized that in their view the intent of the Alliance was that the whole matter should be dealt with by the Government of the day, that is by the representatives of the people in Parliament.

It is important to note here that the sole basis on which the Constitutional Commission had accorded the Malays a special position was the fact that they had lagged behind the non-Malays in certain spheres and it was necessary to enable them to catch up. The Commission made no suggestion anywhere, implied or explicit, that the special position of the Malays was due to them as the *bumiputra*, the sons of the soil. The obvious intent was that it was only to be a transitional arrangement.

This was, however, one aspect of the draft constitution recommended by the Constitutional Commission where drastic changes were made by the Working Party. With regard to the reservation of quotas for admission to the public services, issuing of permits or licenses to operate certain businesses, and the grant of scholarships, bursaries and other forms of aid for educational purposes, the recommendation of the Constitutional Commission that the matter be left in the hands of the government of the day was rejected. The final Constitution reflected the minority view of Justice Abdul Hamid of Pakistan. It said:

> . . . the Yang di-Pertuan Agong [Head of State] shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special position of the Malays and to ensure the reservation for Malays of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational

[58] Quoted in *Report of the Federation of Malaya Constitutional Commission, 1957*, p. 73

[59] Justice Abdul Hamid of Pakistand issented with the majority view and maintained that the words "special responsibility" in the Alliance memorandum implied that in this matter the Yang di-Pertuan Besar should act at his discretion and not on advice of his cabinet.

or training privileges or special facilities given or accorded by the Federal Government and, when any permit or license for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licenses.[60]

Further, the Constitution said nothing with regard to the question of unfilled quotas, a matter on which the Constitutional Commission had made an explicit recommendation. This matter, however, was discussed by the Alliance Ad Hoc Political Committee in May 1957, where Dr Ismail, then Minister of Internal Affairs, had given the assurance that the current practice of allocating unfilled quotas for posts and scholarships to non-Malays would be continued.[61]

The Commission's crucial recommendation that the entire matter of the special position of the Malays be reviewed after fifteen years was not accepted. The Malay fear was that, if, as recommended by the Commission, the matter was left in the hands of the Parliament to decide at the end of fifteen years there was no guarantee that the Parliament at the time, which as non-Malays were to have equal voting rights might have a majority of non-Malays members, would not decide to revoke the special position of the Malays without the consent of the Malays. The issue had created considerable controversy in the country. The non-Malay view was that fifteen years was a reasonable time limit. It was in these circumstances that a compromise solution was found by the Alliance. It was presented to a meeting of the Central Working Committee of the Malayan Chinese Association on 4 May 1957:

That the White Paper which the Government proposes to issue will include a note that it will be in the interests of all concerned that the Yang di-Pertuan Agong should review the provisions of this article (relating to the Special Position of the Malays, Article 157 in Draft Constitution

[60] "Constitution of the Federation of Malaya," *Malayan Constitutional Documents*, Vol. 1, 1962, Article 153 (2).

[61] *Minutes of Central Working Committee meeting of the Malayan Chinese Association*, 4 May 1957.

recommended by the Constitutional Commission) from time to time.[62]

It was widely maintained in Malaysia that when the MCA and the MIC insisted on a fifteen year limit on Malay special position, they were told by UMNO leaders (Tun Abdul Razak's name is especially mentioned)[63] that a fifteen year limit was not necessary, because for all they knew the Malays might be able to catch up with the non-Malays within the next few years and these provisions then would become unnecessary. And, therefore, the best course was to leave it to the Yang di-Pertuan Agong who would review the situation from time to time and determine if they were still necessary. It is important to note that it is on this basis alone that the provisions relating to the special position of the Malays were accepted by the MCA and the MIC.

It is significant that Tunku Abdul Rahman, then Prime Minister and the foremost leader of the Malays, in his speech introducing the draft constitution in the Federal Legislative Council in July 1957 did not even once refer to the Malays as the *bumiputra*, the sons of the soil, and as such entitled to a special position.[64] He had asserted:

> When discussing the special position of the Malays and the legitimate interests of other communities, we must never forget that our main object is to unite our people. We should do all we can to remove communal barriers and help build a united and patriotic Malayan people.[65]

Later, in replying to the debate, the Tunku had said:

> He [referring to Tan Siew Sin son of Tan Cheng Lock and a key leader of the MCA] pointed out that as a race the Malays

[62] *Minutes of Central Working Committee Meeting of the Malayan Chinese Association*, 4 May 1957. The White Paper issued by the Government, *Constitutional Proposals for the Federation of Malaya*, Cmnd. 210 did not iuclude the commitment. See p. 19.

[63] Tun Abdul Razak at the time was the Chairman of the Alliance Political Ad Hoc Committee which was mainly responsible for finalizing the Constitution.

[64] Federation of Malaya, *Legislative Council Debates*, 10 July 1957.

[65] *Ibid.*

are well behind the others, and the object underlying the provisions is to ensure that they don't lose the little they have. This is a correct statement. He further stated that an economically depressed Malay community in a prosperous Malaya would not mean a peaceful Malaya—this is very correct too.[66]

S. Chelvasingham-MacIntyre, an associate member of UMNO who had defeated Dato Onn bin Jaafar in the Batu Pahat constituency in the 1955 Federal Legislative Council elections, clearly indicated what was in the minds of the leaders of the various communities in the Alliance with regard to the question of the special position of the Malays:

> The special rights accorded the Malays in the draft constitution is [*sic*] calculated to remove this inequality of opportunity. It is, therefore, manifestly clear that in the long run these provisions would operate not to separate the people into classes but to hasten the process of national unity. *Once national unity is achieved, the special rights will die a natural death.*[67]

It is obvious that the basis on which the Malays were given a special position was that they had lagged behind the other communities in the past and unless this was rectified it would be difficult to set up a united new nation on a firm foundation. This disability had to be removed to allow the Malays a fuller participation in the social, economic and political life of the country. Thus the special position in its very nature was only a transitional arrangement and it was for this reason alone that it was decided that "the Yang di-Pertuan Agong should review the provisions of this article from time to time."

The Spirit of the Constitution and its Working

In all, the Constitution of independent Malaya, as conceived by its framers, the Constitutional Commission and the Alliance leadership, was geared to the creation of a united new nation

[66] *Ibid.*, 11 July 1957.
[67] *Ibid.* Emphasis added.

in Malaya. It accorded an equal political status to all the people of the country, irrespective of their racial origin; it entrenched the principle of one man one vote.[68] The special position of the Malays was incorporated only as an interim arrangement; Article 153 providing for the special position of the Malays was included in Part XII, "General and Miscellaneous," of the Constitution. It is significant that the Proclamation of Independence made on 31 August 1957[69] made no reference to the special position of the Malays when it made a specific mention of the rights and prerogatives of Their Highnesses the Rulers. The Proclamation, reflecting the very essence of the constitution, said

> In the name of GOD, the Compassionate, the merciful. Praise be to God, the Lord of the Universe and may the blessings and peace of God be upon his messengers.
> And whereas the time has now arrived when the people of the Persekutuan Tanah Melayu will assume the status of a free independent and sovereign nation among the nations of the world . . . ;
> And whereas a constitution for the Government of Persekutuan Tanah Melayu has been established as the supreme law thereof;

[68] It would be useful here to look at the position in Fiji where the situation was very similar to the one in Malaya at the time of constitution-making. In Fiji, the constitution does not provide for equal political status for the various communities; it has entrenched the political paramountcy of the Fijians, the indigenous people. In the House of Representatives, the lower house of the Parliament, the Constitution has reserved seats for the different communities in the following manner: Fijians (42.4 per cent of population) 22, Indians (50.6 per cent) 22, and General (including in the main Europeans and part-Europeans closely allied with the Fijians) 8. The upper house, the Senate, consists of the following nominees: 8 of the Great Council of (Fijian) Chiefs; 7 of the Prime Minister; 6 of the Leader of the Opposition; and 1 of the Council of Rotuma. For details see my "Communalism and Constitution-Making in Fiji," *Pacific Affairs*, Vol. 45, No. 1, Spring 1972, pp. 26-29.

[69] This proclamation was read by Tunku Abdul Rahman, the Prime Minister, at the Merdeka celebrations on 31 August 1957, at which constitutional documents signifying the independence of Malaya were formally handed over.

in organizing itself to oppose the Malayan Union plan; it set up two departments—Malayan Union Opposition Department and Propaganda Department. In place of the Malayan Union it proposed the formation of a federation of the nine Malay States with provision for the inclusion of the two Settlements of Penang and Malacca on condition that their entry did not effect the rights and identity of the Malays and their States.[11]

Confronted with the unprecedented united opposition of the Malay community to the Malayan Union, the British Government did not take long to decide to revoke the Union Plan in favour of a federation. The Federation of Malaya was inaugurated on 1 February 1948 and with this the UMNO had achieved the main objective for which it had been founded. And there followed a period of lack of activity in the UMNO; a clear idea of the direction in which the activities of the orgaization were to be directed was yet to crystallize. The UMNO was at the crossroads.

> Although there is no mention of it on the agenda of the Congress (to be held at Johore Bahru soon), they will, explicitly or by implication, decide whether UMNO is to emerge as a real political force or whether it has lost its power and coherence and it is to fall into virtual eclipse.
> Having substantially achieved the purpose for which it was originally formed—rejection of the Malayan Union Plan and establishment of a Constitution in accord with the Malay conception of their basic rights and aspirations—UMNO must now seek a new impetus, direct its energies into new channels and produce a political programme which allies Malay progress to that of the whole country.[12]

Fully conscious of this Dato Onn himself suggested at a meeting of the UMNO General Assembly:

> Though the task of fighting the Malayan Union is nearly complete the Malays must be aware of the fact that it is only

[11] Ishak bin Tadin, "Dato Onn, 1946-1951", *op. cit.*, p. 65.
[12] *The Straits Times*, 2 September 1947. Article by a Special Correspondent.

> the beginning of our struggle. There are many other things that the Malays must do. . . The UMNO has been formed not only for the purpose of opposing the Malayan Union, but also to fight against the Malays themselves. We have to find ways and means of how we shall change the habits and way of life of the Malays in order to enable them to realize their duties and responsibilities.[13]

At this time UMNO was only a central organization with a variety of Malay associations as its affiliates. UMNO Charter gave little power to the central organization to assert control over the affiliates and, therefore, these tended to operate independently. Dato Onn believed that only a threat to all the member associations and as dangerous to the Malays as the Malayan Union proposals had been could hold them all together within the UMNO.[14] He, therefore, proposed a drastic reorganization of UMNO; he suggested that the organization should introduce direct individual membership so as to enable the largest number of Malays to join it. There was substantial opposition within the organization to this proposal but Dato Onn was able to push it through because of the special position that he enjoyed within the UMNO and the Malay community in general.

This, however, was only the starting point of Dato Onn's reorganization program. Soon he was to embark upon a course attempting to alter the very character and aims of the UMNO. In June 1948, the communist "Emergency" began which intensified the racial contradictions in the country. A vast majority of the communists and their supporters were Chinese. The Malays, as a result, saw the movement as a Chinese attempt to take over their country and under the leadership of the UMNO they chose to rally round the Government. Under the circumstances, a further drifting apart of the two main communities in the country, the Malays and the Chinese, was inevitable and the possibility of serious racial friction and strife increased. This

[13] *Minutes of the General Assembly of UMNO*, 2 September 1947, quoted in Ishak bin Tadin, *op. cit.*, p. 70.

[14] Ishak bin Tadin, *op. cit.*, p. 70.

had its impact on Dato Onn's thinking who, during the interregnum between the Japanese surrender and the coming of the British Military Administration, had seen some of the worst communal trouble in the country in Batu Pahat, Johore, where he was then the District Officer. He could clearly see the dangerous potential of the situation and felt impelled to make efforts to bring the various communities in the country together.

Conscious of the feelings and fears of the rank and file of the UMNO, Dato Onn initiated his effort to bring together the various communities first outside the framework of UMNO. On 31 December 1948, Dato Onn invited twenty-one leaders of various communities to his home in Johore Bahru for informal talks. At this meeting it was decided to set up a Communities Liaison Committee "to maintain a happy understanding between the communities and to suggest ways and means of strengthening it through the testing days of the present and the future".[15] The Committee was formed on 10 January 1949 and had among its members Dato Onn, Dato Panglima Bukit Gantang (Member, Central Executive Committee of UMNO and *Mentri Besar* of Perak), Dato Zainal Abidin bin Abas (Secretary-General of UMNO) and Tan Cheng Lock (President of Malayan Chinese Association). The Malay press was generally suspicious of Dato Onn's efforts.[16] Reflecting the Malay view, it questioned the usefulness of the talks and expressed the fear that Dato Onn might surrender some of the rights and privileges that the Malay community had recently secured through its fight against the Malayan Union plan. Even some leaders of the UMNO, those who were not on the Central Executive Committee, had serious misgivings.

Soon, the Chinese established a united organization of their own community; on 27 February 1949, the Malayan Chinese Association was inaugurated in Kuala Lumpur. This further disturbed Dato Onn who believed that the new party would serve the interests of the Chinese and create rivalry with the Malays.[17] Dato Onn was seriously concerned that the growth

[15] Press Statement by the Communities Liaison Committee, March 1949.
[16] Ishak bin Tadin, *op. cit.*, p. 72.
[17] *The Straits Times*, 24 February 1950.

of such communal organizations would keep the various communities apart and stand in the way of their integration into one nation.

It was in the context of these developments that Dato Onn began to view himself more and more as a national leader given the task of creating a new multi-racial nation rather than the leader of the Malays alone. In line with his new thinking he attempted to move the UMNO into a non-communal direction and convert it into a national organization representing all communities in the country. His first aim was to associate non-Malays with the UMNO. At the 11th General Assembly of UMNO, held on 28 May 1949 at Arau (Perlis), Dato Onn pleaded:

> It is absolutely important for Malays to obtain closer relations with other people in this country. It is time for us to take the view wider than the *Kampong* view. Let it not be said that Malays are narrowminded and suspicious.[18]

After a very heated debate the Assembly approved by a majority of 14 to 8 a new constitution to make the organization more political and to allow non-Malays to join it as associate members.[19]

This was only the beginning. In three months, Dato Onn was seeking far more drastic changes. In a Presidential speech at the 12th General Assembly of UMNO at Butterworth (Penang) on 27 August 1949, he suggested that the Malays must accept as nationals all non-Malays who were prepared to give their all to Malaya. He asserted that a single nationality was essential if "we are to achieve self-government and independence in Malaya." He even went to the extent of attacking the feudal system and the Sultans that were seen by the Malays as the mainstay of their separate identity and special status. He declared: "We must find ways and means to end feudal rule and replace it with a constitutional form of government."[20] It was of the greatest significance. *The Straits Times* asserted in an editorial:

[18] *The Malay Mail*, 30 May 1949.
[19] *The Straits Times*, 30 May 1949.
[20] *The Malay Mail*, 28 August 1949.

> Malaya crossed a watershed of its social and political history in the little town of Butterworth . . . when Dato Onn made his speech to the General Assembly of the UMNO calling for a Malayan nationality instead of federal citizenship, acceptance by the Malay race of Malayan nationals of other races. . . Only three years ago Dato Onn headed the UMNO delegation in the Anglo-Malay Committee which drafted the Constitution of the Federation. At that time the idea of a Malayan nationality had not even entered the heads of the UMNO delegates. They were extremely reluctant to accept even the proposal for a new Federal Citizenship open to non-Malays, hedged about though it was with all kinds of restrictions.[21]

Soon, Dato Onn attempted to force the controversial citizenship recommendations of the Communities Liaison Committee upon the UMNO. There was very widespread and strong opposition to the proposals among the Malays who considered it as an "attempt to obtain loyalty by granting citizenship, whereas citizenship should be granted only in return for loyalty."[22] However, Dato Onn had made up his mind. Under pressure from him, on 9 May 1950, the Executive Committee of the UMNO, after a long and heated debate, agreed to accept the proposals in principle.[23]

When these proposals came before an emergency meeting of the General Assembly of the UMNO held at Kuala Lumpur in June 1950, there was open hostility to them and some members of the Assembly even went to the extent of branding Dato Onn a "traitor to the Malays and the country."[24] The opposition was led by Sardon bin Haji Jubir, President of the Singapore Malay Union (and since 1957 a member of the Malaysian Cabinet), who had the support of the Kelantan, Perlis, Selangor and Negri Sembilan Divisions of the UMNO. Sardon bin Jubir, in condemning the proposals, said: "If they are adopted, the Malay race will fade into obscurity as it has done in Singapore."[25] Undaunted by the vehement hostility to the proposals,

[21] *The Straits Times*, 30 August 1940.
[22] *The Straits Times*, 17 May 1950.
[23] *The Straits Times*, 10 May 1950.
[24] *The Straits Times*, 11 and 12 June 1950.
[25] *Ibid.*

Dato Onn, in an attempt to force the issue, resigned as President of UMNO and at the same time announced the resignation of the entire executive committee. The UMNO General Assembly was not prepared for this; Dato Onn was still too powerful and there was no other leader within the UMNO with his widespread appeal and support who could replace him. The opposition immediately reversed its position. Kedah branch flew the UMNO flag at half mast expressing "the sense of loss." On 27 July, 4,000 Malays, men, women and children, from all parts of the country, went in a mile-long procession to Dato Onn's residence in Johore Bahru in a bid to persuade Dato Onn to return to the UMNO. The General Assembly of the UMNO at its annual meeting at Kuala Kangsar re-elected Dato Onn as President by 66 votes to 3 and at the same time it accepted the controversial citizenship proposals.[26]

Towards the end of 1950, Dato Onn took the final plunge. On 20 November 1950, he told a correspondent of *The Straits Times* that he believed that the UMNO had progressed sufficiently to reach the stage where it had to open its doors to non-Malays and allow them full membership. UMNO had to be turned into a national political organization. "Merely opening the door to associate members is not enough. This must be a national body and non-Malay members should be offered all the rights and privileges of the organization."[27] To reflect the changed character of the UMNO he suggested that it be renamed the United *Malayan* National Organization. At the same time he mentioned that he had prepared a detailed programme for a new political party, the Independence of Malaya Party, and added that if the UMNO accepted his proposals he would remain with it and implement his program for the new party through it.

On 5 June 1951, Dato Onn announced that Malaya could attain independence in seven years with the establishment of Independence of Malaya Party.[28] Further, he warned that he would leave the UMNO and form the IMP if UMNO at its General Assembly meeting rejected his suggestion to convert itself into United Malayan National Organization. Outlining

[26] *The Straits Times*, 28 August 1950.
[27] *The Straits Times*, 21 November 1950.
[28] *The Straits Times*, 6 June 1951.

some of the principles for which the new party would work, he said that it would attempt to secure the merger of Singapore into the Federation. More, the party would stand for the elimination of the nine States and Settlements. "We should not even use the term 'State' to denote Johore, or Selangor, or Perak. The word should be 'territory'." These were extremely undesirable and dangerous propositions to most Malays. Within days there was a spate of letters in *The Straits Times*, all by Malays, who gave vent to their disappointment and anger with Dato Onn. Ahmad bin Haji A. Rahim, President of the Johore Peninsular Malay Union, warned:

> . . . to force the Malays to share equal rights with foreigners by giving further concessions to them in this country will lead to incidents similar to those in Palestine or India, which neither Malays nor foreigners desire.[29]

A "Malay" wrote:

> Now it seems the Dato [Onn] is losing his head. He is becoming over-zealous. He is beginning to forget the people who supported him and placed him where he is now. . .
> The Malays like the civilized peoples do want independence, at least self-government within the British Commonwealth of Nations, but it is feared that seven years as the target date to achieve that goal is too ambitious. Dato Onn is trying to ask the Malays to run before they can walk.[30]

A "Malay Realist" wrote from Penang:

> In comparison with the Chinese and Indians the Malays are merely babies just beginning to crawl. Prizes of sweets would still be sufficient to make them believe that Destruction was Protection. . .
> I wish the Dato would stay his hand for another decade and steer the Malays towards economic progress—knowing well that the drive to live, if it is steered by non-Malays, will drive

[29] *The Straits Times*, 19 June 1951.
[30] *The Straits Times*, 23 June 1951

the Malays themselves to only one course, poverty.
Is the IMP the banding together of lambs, lions and tigers to drive out the caretakers ? Who then shall replace these powerful caretakers?[31]

"Kampong Malay" wrote from Kedah:

Dato Onn has evidently embarked upon a certain folly to throw the Malays into confusion and utter helplessness in the face of fierce competition for power. . .
They will be reduced to the status of Red Indians striving to live in the wastelands of America.[32]

The common fear of the Malays was that Dato Onn by speeding up the independence of the country was exposing the Malays to the enterprise and economic power of the Chinese and Indians, when they were unprepared for it. To them the inevitable result would be a non-Malay take over of their counry.[33]

Within the UMNO too there was a widespread feeling of disenchantment with the party's founder, Dato Onn. He had gone too far and was threatening the very status and identity of the Malays the protection of which had been the main objective for which UMNO had been founded. In the earlier days whenever Dato Onn threatened to leave the UMNO there was a clamour within the organization to give in to his demands so as to maintain his leadership. But this was not to be so now; he had gone too far. A majority of the leadership of the organization and most of the rank and file showed little interest in Dato Onn's grand design.

However, Dato Onn's plan to form a new multi-racial political organization given to secure independence for Malaya and bring together the various communal groups was widely welcomed by the leadership of the Chinese and Indian communities and the trade unions. Encouraged by the response of

[31] *The Straits Times*, 30 June 1951.
[32] *The Straits Times*, 7 July 1951.
[33] Interviews with Hussein Onn (son of Dato Onn) and Dato Zainal Abidin bin Abas (first Secretary-General of UMNO), Kuala Lumpur, August-September 1963.

the non-Malays Dato Onn took the plunge and on 26 August 1951 decided to present his resignation even before the UMNO General Assembly had discussed his proposals. This time the organization did not request him to continue to lead it; it promptly elected Tunku Abdul Rahman, a little-known deputy Public Prosecutor in Kuala Lumpur, as its new President by 57 votes to 11.[34]

On 16 September 1951, the Independence of Malaya Party was inaugurated in Kuala Lumpur.[35] It seems that at the time of leaving the UMNO Dato Onn had not thought that he was severing all relations with the organization that he had founded; he had emotional ties with the organization.[36] What he had in mind was that the UMNO was not yet ready to accept his ideas and therefore he had to leave it and establish the new party based on his ideas with the help of non-communal-minded Chinese, Indians and others and the non-communal elements within the UMNO. The rest in the UMNO, as he saw it, would be left under a moderate and responsible leader who would prepare them for eventual non-communal politics and co-operation with the IMP.

However, the new President of the UMNO, Tunku Abdul Rahman, had different ideas and would have nothing of it. On 17 September 1951, a day after the formation of the IMP, he declared that any member of the UMNO who joined the IMP, would be expelled from the UMNO.[37] "We cannot tolerate this ridiculous situation .... We cannot afford to have a split in our ranks. The policies of the IMP and UMNO are opposed." He further asserted: "It is the policy of the IMP to open membership to all persons who are resident in this country. There was no qualification as to their allegiance, loyalty or birthright. Can you form a nation with such flimsy materials?" He said that the UMNO, on the other hand, would want a proper choice of materials. "It is not fair for the Malays to throw in their lot with others when others refused to be naturalized,

[34] *The Straits Times*, 27 August 1951.

[35] For a full survey of the Independence of Malaya Party, see my *Politics in a Plural Society*, Oxford University Press, 1971, Chapter II.

[36] Interview with Hussein Onn, son of Dato Onn, who at this time was the Secretary-General of the UMNO, Kuala Lumpur, July 1963.

[37] *The Straits Times*, 18 September 1951.

refused to study the language, and refused to adopt the customs of the country."

The UMNO had come a full circle. It had been established in 1946 with the objective to secure the revocation of the Malayan Union which was seen as a grave threat to the position and interests of the Malays. It had come into being and had developed for some time as an exclusively communal organization of the Malays. Moreover, this is how it was viewed by the rank and file of the Malay community and the leaders who had founded it. Most in the Malay community had remained committed to this view of the UMNO throughout unchanged. It was only Dato Onn bin Jaafar and some of his friends who had attempted to move the UMNO into a non-communal direction and then eventually to convert it into a national organization of all the people of Malaya. The rank and file of the organization and most of its leaders at the middle and lower levels had never subscribed to this view but were willing to go along with the activities of Dato Onn so long as they did not constitute a threat to the very fundamental aims of the UMNO. But Dato Onn's suggested conversion of the UMNO into a non-communal national organization was completely unacceptable to them. They allowed Dato Onn to withdraw himself from the UMNO and form the Independence of Malaya Party without any great show of sentiment and promptly elected new leaders who were firmly committed to the idea that the UMNO was a communal organization of the Malays committed exclusively to protect and promote their interests. *The Straits Times* wrote in an editorial:

> It is the turning back of UMNO... that is tragic. The unhappy conclusion is that UMNO will return to the purely communal role which, up to a few months ago, it had seemed preferred to abandon. [38]

Tunku Abdul Rahman, the new President, was to declare a few months later on 30 June 1952 even after the UMNO and the MCA together had successfully contested the Kuala Lumpur Municipal Elections which had laid the foundation of the Alliance: "Malaya is for Malays and it should not be governed

[38] *The Straits Times*, 28 August 1951.

by a mixture of races."[39] The Malays must safeguard their rights over this land "which is ours for the benefit of our future generations." Leaders, such as Dr. Ismail bin Dato Haji Abdul Rahman, Tuan Syed Nasir bin Ismail, and Sardon bin Jubir, who had in the past vehemently opposed Dato Onn's moves were elected members of the Central Executive Committee of the UMNO. On the very day that Dato Onn took leave of the UMNO, its General Assembly unanimously adopted a resolution asserting that the organization should remain essentially a Malay political body, looking after the interests and privileges of the Malays.[40] The organization continued to accept independence as a goal but its concept of independence differed radically from that of Dato Onn. Its view was that "when independence comes, power should be handed over to the Malays, since it was from the Malays that the British took over the country."[41]

The Malayan Chinese Association

The salient features about the Chinese in Malaya before the Second World War were the significant divisions among them and their apathy with regard to Malayan politics. Writing a few years before the outbreak of the Second World War, Rupert Emerson had said:

> The Chinese form no single community which can be viewed as a social or political entity for other than statistical purposes. Even leaving aside the vital distinction which must

[39] *The Straits Times*, 1 July 1952. In fact, Tunku Abdul Rahman had started making these extreme statements immediately after assuming the Presidency of the UMNO in late 1951. The Tunku had gone to such an extreme that Raja Ayoub bin Raja Haji Bok, Chairman of the Kuala Lumpur branch of the UMNO, was forced to warn publicly on 13 September 1951 that the Tunku would be blocking all chances of UMNO's success in the municipal elections in the city, where a large part of the electorate was non-Malay, if he went on making "Malaya for the Malays" statements. *The Straits Times*, 14 September 1951. The former UMNO Youth leader, Mohammad Sopiee, branded the Tunku's speeches as "narrow racialism" and "explosive".

[40] *Minutes of the General Assembly of the UMNO*, 27 August 1951 referred to in Ishak bin Tadin, 'Dato Onn, 1946-1952,'.

[41] Ishak bin Tadin, *ibid.*, p. 85.

> be drawn on economic lines between rich and poor . . . there still remain two other cross classifications of basic importance: the local born as against the immigrant Chinese, and the various stocks of Chinese as against each other. . . . When these facts are taken into account it is obviously impossible to expect that the Chinese community will present a united front in any demand for political advance toward self-government.[42]

They had all come to Malaya in search of livelihood and this is what preoccupied them primarily. Beyond this their interest was restricted to matters sectional and non political. They showed little interest in Malayan politics. Only the prosperous Chinese businessmen took some interest in the political developments in Malaya, but largely at the instance of the British administration. Primarily interested in making more money they were in no position to take political action which would alienate the British. As for the rank and file of the Chinese they were still strongly tied to China and it was the politics back home that consumed their interest. Thus their political involvement was restricted to Kuomintang and communism in China.

Even the significant constitutional changes initiated by the British after the Second World War which were of great significance for the Chinese failed to stir them. The Malays formed the UMNO in 1946 with the objective of securing the revocation of the Malayan Union plan but the Chinese remained unmoved. Although the Malayan Union was to their great advantage they, by and large, remained passive and did not press for its retention against vehement Malay opposition. Later, when the Federation of Malaya was introduced in place of the Malayan Union, even though they were dissatisfied with it, they did not present their viewpoint strongly enough to achieve much.

However, with the outbreak of communist guerilla warfare and the declaration of Emergency in 1948, the situation changed. Generally the Chinese viewed the outbreak of ter-

[42] Rupert Emerson, *Malaysia: A Study in Direct and Indirect Rule*, University of Malaya Press, 1964 (first published in 1937), pp. 282-83.

rorism as a matter between the British and the communist guerillas. But the Government, by and large, chose to regard the attempt by the communists as an exclusively Chinese affair, supported by all the Chinese in the country.[43] This forced the Chinese involvement in Malayan politics whether they liked it or not. The British saw the urgent need to woo the Chinese away from the communists through a new political organization. The founding of the Malayan Chinese Association "gave the British a better chance of obtaining cooperation from the Chinese community with a view to ending the Emergency."[44] Sir Henry Gurney, the British High Commissioner in Malaya at this time, was to state later that he wanted the MCA "to be stronger than the MCP [Malayan Communist Party]" and to provide the Chinese with an "alternative standard to communism."[45]

For many years, Tan Cheng Lock, one of the most prosperous and well known among the Chinese in Malaya, had been contemplating the idea of a united organization for the Chinese.[46] The need for such an organization became imperative after the War when significant constitutional changes were initiated by the British. Many leaders of the community had begun to feel that a common organization was essential to protect and promote its interests. The initiative was taken by the sixteen Chinese members of the Federal Legislative and Executive Councils and the Malayan Chinese Association was launched on 27 February 1949 at Kuala Lumpur with Tan Cheng Lock as its President.

An interesting feature of the MCA was that in its early career it was closely connected with the Federal Government. This close connection was due to the fact that its

[43] In his speech at the inauguration of the MCA on 27 February 1949 Tan Cheng Lock had said: ". . .there is an inclination to blame the Chinese as a whole for the existence or continuation of terrorism in Malaya. . . ."

[44] K. J. Ratnam, *Communalism and the Political Process in Malaya*, University of Malaya Press, 1965 p. 152.

[45] *Malayan Mirror*, 14 June 1953, quoted in Ratnam, *ibid.*, p. 153.

[46] For details see Soh Eng Lim, "Tan Cheng Lock", *Journal of South East Asian History*, Vol. 1, No. 1, March 1960, pp. 29-45.

> formation and early development was largely the work of men either closely associated with the Government or Government officials themselves. The idea of the MCA. . . was first mooted by the Chinese members of the Federal Legislative and Executive Councils. The fact that these members owed their position on the Councils through nomination rather than election was a guarantee that anything they did or attempted would not be radically opposed to the Government's wishes. This guarantee of the close identification of the MCA's policies and activities with the wishes of the Government was maintained by the fact that one of the clauses in the Association's Constitution stipulated that "the Chinese members of the Legislative and Executive Councils would automatically become officers of the Association." In view of this guarantee and of the fact that one of the declared objects of the Association was to cooperate with the Government and to devote itself to social work in connection with the Emergency, it was hardly surprising that the Government not only approved but also encouraged its formation and early development.[47]

Since the desire to form the MCA had come from a group of prosperous businessmen within the Chinese community it was naturally they who provided the leadership of the organization. Such leaders as had emerged from the rank and file of the Chinese community were mainly to be found in the ranks of the Malayan Communist Party or in the trade union organizations closely linked with the communists. The leadership of the MCA was not at all broadbased. Tan Cheng Lock, Leong Yew Koh, Yong Shook Lin, H. S. Lee, Khoo Teik Ei, and others were all prosperous businessmen or men from the professions with big business links. Most of them were English-educated and did not have any significant contacts with the Chinese community at the grass-roots level. One important point about them all was that they had close links with the British administration.

It is important to note here that the MCA, unlike the UMNO, was not founded exclusively to protect and promote

[47] Soh Eng Lim, "Tan Cheng Lock", *ibid.*, p. 46.

the interests of the Chinese community; this was only one of its several important objectives. It was expected, especially by the British, that it would emerge as a powerful counter to the predominantly Chinese Malayan Communist Party and help wean the Chinese away from communism. Several leaders of the MCA had close links with the Kuomintang and it is not unlikely that the success of the Communists in China in 1949 forced them to look for an organization to protect their own privileged and affluent position in Malaya. Being a representative body of an immigrant community the MCA included in its aims the attainment of inter-racial harmony and understanding. Tan Cheng Lock in his inaugural address on 27 February 1949 had said that the MCA had been launched

> with the twin fundamental objectives of bringing about cohesion and unity among the Malayan Chinese of all classes and promoting inter-racial goodwill, harmony and cooperation . . . . it is a matter of supreme significance and an indispensable necessity that a basic purpose of this organization must be the attainment of inter-communal understanding and friendship, particularly between the Malays and the Chinese. . . .[48]

The Constitution of the MCA adopted at the General Committee meeting held on 12 June 1949 laid down the following as the organization's objects:

(a) To promote and maintain inter-racial goodwill and harmony in Malaya.
(b) To foster and safeguard the social, political, cultural and economic welfare of the Malayan Chinese by legitimate and constitutional means.
(c) To promote and assist in the maintenance of peace and good order for the attainment of peaceful and orderly progress in Malaya.
(d) Generally to do all such acts and things as may be incidental to or connected with or conducive to the attainment of any of the above-mentioned objects.

[48] *The Straits Times*, 28 February 1949.

(It is not without significance that promotion of inter-racial goodwill and harmony was listed as first of the objects.) The very significant point that needs to be underlined is that the MCA was not committed exclusively to the interests of the Chinese community. Its founders and leaders did not view the organization in as strong and exclusively communal terms as those of the UMNO.

The response of the Chinese community was heartening to the founders of the MCA. But Chinese in large numbers began to join the organization only after October 1949 when the Federal government allowed it to sponsor its own multi-million dollar lotteries. In 1949, the government had introduced a plan to resettle Chinese squatters, who had formed the main source of food supplies for the communists, into "New Villages" which could be more easily defended against communist attack. The MCA closely cooperated with the government in this effort and was allowed to run a lottery to use its proceeds to provide financial assistance and social services for the Chinese being moved to the "New Villages". This "welfare patronage" helped the party in extending its membership.[49]

Encouraged and aided by the British administration the MCA had little difficulty in establishing itself as the main spokesman of the Chinese community in Malaya. It was able to gain some significant achievements. Among the most important of these were the opening of the Malayan Civil Service to non-Malays,[50] and much liberalized citizenship requirements introduced in 1952 which enabled a significant number of Malayan Chinese to acquire citizenship. Despite these achievements and a large membership the MCA still had not emerged as a representative body of the Chinese to the same degree as the UMNO had established itself right from the time of its inception in 1946. The leaders of the organization at the national level were unsure of the potential of the organization and the extent of support enjoyed by them and the MCA

[49] Gordon P. Means, *Malaysian Politics*, University of London Press, 1970, p. 121.

[50] Until 1952 positions in the Malayan Civil Service were open only to Malays and expatriate Europeans.

amongst the Chinese in the country. It is this which had led Tan Cheng Lock, Yong Shook Lin, Khoo Teik Ei and others to acclaim Dato Onn's efforts to form a non-communal national political organization and support it when formed in late 1951.

The Malayan Indian Congress

The Malayan Indian Congress was launched at the beginning of August 1946 at Kuala Lumpur with the objectives: (1) to protect and promote the varied interests of the Indian community, (2) to prevent inter-communal disharmony and misunderstanding during the period leading to independence. It was not able to establish itself as the spokesman of the Indian community as it had to compete with at least two other organizations, the Malayan Indian Association and the Federation of Indian organizations, for the loyalty of Indians. Moreover, since the Emergency in 1948, Indians had come to play a dominant role in the trade union movement of the country. The leadership of most of the large trade union organizations, such as the Malayan Trade Union Council, National Union of Plantation Workers, the National Union of Teachers, Malayan Federation of Clerical and Administrative Staff Unions, was provided by Indians. In 1948, when the Government appointed five Indian representatives to the Legislative Council under the Federation of Malaya constitution, none was chosen from the Malayan Indian Congress. Three of them were trade union leaders, one a businessman, and one a prominent lawyer.

"Many Indians in Malaya have been conscious of the fact that they constitute less than ten per cent of the total population in the country and, therefore, in politics organized on strictly communal lines they would exert extremely limited influence. Many of them as a result have been attracted by non-communal political organizations where they have provided a significant part of the leadership and supporters."

The Independence of Malaya Party and the Formation of the Alliance

On 6 June 1951, a day after Dato Onn had formulated the principles of the new Independence of Malaya Party, it was disclosed that Dato Onn had received a questionnaire from Tan

Cheng Lock, the President of the MCA, on the possibility of forming a non-communal political organization. One of the questions asked by Tan Cheng Lock was :

> Would it be possible to form a political party in the Federation with membership open to all without distinction of race, class, creed, color or nationality?[51]

Tan Cheng Lock was interested in a non-communal political party and therefore when Dato Onn announced his intention to launch such a political organization it was obvious that Tan Cheng Lock would fully cooperate with Dato Onn. A day after Dato Onn's announcement, *The Straits Times*, after interviewing a number of prominent leaders of the different communities, reported that a large number of them had declared their support for the new party.[52] *The Straits Times* reported: "No recent political pronouncement has created so much interest in the Federation as Dato Onn bin Jaafar's proposals for the formation of an Independence of Malaya Party."[53]

In spite of definite indications of Malay hostility to his plan, Dato Onn went ahead with the formation of the IMP as he was certain of widespread support from other communities. On 16 September 1951, the IMP was established at Kuala Lumpur amidst a fanfare of trumpets. It is important to note that the inaugural meeting was presided over by Tan Cheng Lock, the President of MCA. Yong Shook Lin, the Secretary-General of the MCA, and Khoo Teik Ei, the Treasurer, were both elected as members of the Central Organizing Committee of the new party. It was obvious that the national organization of the MCA was fully committed to the IMP. Tan Cheng Lock, in his speech at the inaugural meeting, had called upon the members of the MCA and other Chinese in the country to "give their full and active support to the IMP." However, as we shall see later this attitude was not to last for long.

The Malayan Indian Congress, by and large, fully supported the IMP. Unlike the MCA, it was to remain loyal to the IMP

[51] *The Straits Times*, 7 June 1951.
[52] *Ibid.*
[53] *The Straits Times*, 8 June 1951.

throughout until its end. In fact, later when the MCA showed greater interest in UMNO-MCA cooperation than the IMP, the IMP was referred to by many as a predominantly Indian party.

Soon, the IMP decided to participate in an extremely unfavourable test of strength that proved almost fatal for it. Dato Onn and other leaders of the IMP believed that since what they were doing was right and good for the country it must work and would have the support of the people. They had a highly exaggerated view of the popular response to the party. Within days of its formation a party spokesman had jubilantly announced that pledges of support were "pouring into party's temporary headquarters" and that there was no time to count them.[54] So sure was the party leadership of popular support that it went headlong into the Kuala Lumpur municipal elections for 12 seats on the partly elected council scheduled for 16 February 1952 and ignored the crucial fact that the IMP had only just been started and organizationally was in no position to contest the elections. It had no ward branches in the city and hardly any leadership at the lower levels. Further, it refused to recognize the fact that communal feelings and loyalities were deeply entrenched among the people and that it would take a more substantial effort to move them away from those than good intentions and slogans of non-communalism.

The communal organizations, the UMNO, the MCA and the MIC, on the other hand, approached these first elections in the country with a great deal of caution. The UMNO at first showed little interest in contesting the municipal elections in Kuala Lumpur and George Town (Penang). Soon after the elections were announced in May 1951, UMNO made it known that it did not intend to contest the elections but would give support to members and non-members, Malays, and non-Malays, whom it considered suitable.[55] But within a month, the party announced its decision to contest the elections in both Kuala Lumpur and George Town (Penang). The MCA and the MIC were so unsure of themselves and considered the elections so insignificant that despite rumors that they would participate in the George

[54] *The Straits Times*, 18 September 1951.
[55] *The Straits Times*, 18 May 1951.

opposed to it" any member of the party "encouraging communal representation on the municipal council would be expelled from the party."[58] Further,

> Regarding the position of organizations which had promised support for the ideals of IMP and were now contesting it, it was decided that the Chairman should attempt to see the leaders of such organizations and try to explain to them the dangers of communal representation in the hope of making them join forces with the IMP. It was agreed that the approach should be purely in a personal capacity.[59]

The reference clearly was to the MCA. The MIC, the other communal organization, had decided not to put up any candidates. In fact, the President of the MIC, K. L. Devaser, was to successfully contest the Kuala Lumpur elections as an IMP candidate.

At the next meeting of the Kuala Lumpur Branch Committee held on 3 January 1951, the Chairman, Dato Onn, announced that "the MCA Selangor Branch was not prepared to come in with the IMP for the election."[60] At the same time the earlier decision of the Branch Committee to expel party members who were "encouraging communal representation on the municipal council" was not enforced. Therefore, despite the fact that the President, the Secretary General, and several other national officials of the MCA were fully committed to the IMP, the Selangor Branch of the MCA (this was the State branch that controlled the organization in Kuala Lumpur) went ahead with its decision to field candidates in Kuala Lumpur municipal elections. This meant fielding candidates against the IMP nominees. At this time the Chairman of the Selangor branch of the MCA was Sir Henry Lee, a prosperous tin miner and one of the most powerful leaders of the Chinese in the State of Selangor. He was powerful enough to commit the state organization of the

[58] Independence of Malaya Party, *Minutes of the Branch Committee Meeting*, 6 December 1951 (mimeographed).
[59] *Ibid.*
[60] *Ibid.*, 3 January 1952.

MCA on this course and ignore the commitment of the national leaders of the MCA to the IMP.

It was at this time, just after Dato Onn had announced at a Branch Committee meeting of the IMP that the Selangor branch of the MCA was not willing to work with the IMP in the Kuala Lumpur elections, that the foundation of the Alliance was laid in peculiar circumstances. Sir Henry Lee was the President of the Selangor State branch of the MCA at the time when the IMP was inaugurated. He was not invited to the inaugural meeting of the IMP in Kuala Lumpur on 16 September 1951. Sir Henry on his own did go to the inaugural meeting where he was ignored by the organizers and was not invited to sit on the platform where were seated the representatives of various organizations which had supported the formation of the IMP. He was much better known than many of them but he was not invited even to address the meeting. Sir Henry, at the time a power to reckon with in Kuala Lumpur, was visibly hurt by the treatment given to him by the organizers of the IMP. Also, Dato Onn bin Jaafar had not consulted him prior to the formation of the IMP when he had consulted almost every other important leader in the country. It seems that Sir Henry was so badly hurt that he took upon himself to destroy the IMP. And Sir Henry got his chance not long afterwards. The UMNO had already decided to contest the Kuala Lumpur municipal elections. Its Kuala Lumpur branch had set up an Election Sub-Committee under the chairmanship of Yahya bin Dato Abdul Rahman, who had minor tin mining interests in Selangor and who knew Sir Henry Lee. Right from the time of its formation the UMNO had operated with very inadequate finance, and, therefore, as Chairman of the Election Sub-Committee, the main task before Yahya bin Abdul Rahman was to raise enough funds for the elections. Collection of money was thus foremost in his mind when Yahya happened to meet Sir Henry Lee at the Miners' Club in Kuala Lumpur at the beginning of January. He began complaining about the difficulties in raising money for the elections. Sir Henry immediately saw his chance in this. He told Yahya that his party would be glad to provide funds to the UMNO for the elections on the condition that the two parties did not fight against each other and only fielded joint candidates. Yahya, without realizing the potential and

consequences of the arrangement suggested by Sir Henry, agreed on the spot. As the arrangement was to be effected only at the level of the Kuala Lumpur organization of his party and was of a temporary nature, Yahya did not consider it necessary to consult the Kuala Lumpur branch of the UMNO. When the arrangement was announced in the newspapers on the morning of 9 January 1952 in a joint statement by Sir Henry Lee and Dato Yahya bin Dato Abdul Rahman, it surprised Datin Puteh Maria, the Chairman of the Kuala Lumpur branch of the UMNO.[61] The announcement created a stir. Datin Puteh Maria, wife of Dato Zainal Abidin bin Haji Abas (the first Secretary-General of the UMNO and one of the closest Malay lieutenants of Dato Onn), did not get very far in her attempt to undo the arrangement, and eventually, a few days before the Kuala Lumpur elections, resigned as Chairman of the Kuala Lumpur branch of UMNO.[62] Dato Yahya bin Dato Abdul Rahman, the creator of the arrangement, was promptly elected as the new Chairman of the Kuala Lumpur branch.

Under the new arrangement, the UMNO and the MCA divided up the 12 seats on the council for which elections were to be held among themselves. The joint nominees were not fielded as Alliance candidates; they were designated as UMNO-MCA candidates. The term Alliance was not used. The joint effort proved tremendously successful; the UMNO and the MCA were able to win nine of the twelve seats (the MCA won six and the UMNO three seats). The IMP, their chief rival, was able to secure only two seats. Throughout the elections the IMP had emphasized its non-communal character; it put forward non-communalism as one of its main appeals. Its election posters said: *Vote for Non-Communalism aud Progress: Support the Independence of Malaya Party*. The UMNO and the MCA, on the other hand, emphasized their respective communal appeals. They were also able to set up an organization far more effective than the IMP. The *Straits Times* wrote in an editorial after the elections:

> There are several lessons to be learned from Kuala Lumpur's first elections, and the first of them is that organization is the

[61] *The Straits Times*, 10 January 1952.
[62] *The Straits Times*, 12 February 1952.

> driving rod of political machinery. It was to efficient organization that the UMNO-MCA Alliance owed its spectacular victory. . .
> The Alliance had at its disposal a large fleet of cars, many of which had come from outside Kuala Lumpur for the occasion, some of them as far afield as Ipoh. . .
> . . .one of the more regrettable conclusions is that by and large it was, however, a communal vote.[63]

Within the IMP the view of a group involved in the elections was:

> We as a group which was closely involved throughout the compaign, refuse to believe that it was merely "blind voting" or superior organization and tactics on the day of the polling which led to our defeat. On the other hand, we are convinced that the Chinese voters did not vote for us because our party had nothing substantial to offer them, and in the absence of any such inducements, Chinese voters as a whole fell on their traditional loyalty to a Chinese organization, which has after all at least done something for them in the past.[64]

The two seats that the IMP had won were both in the predominantly Indian Bungsar Ward. The party's candidates in the predominantly Chinese Petaling Ward secured the lowest vote among all its candidates. It had secured a substantial part of the Indian vote while a large part of the Malay and Chinese vote was attracted by the UMNO and MCA candidates.

The result of the election was of immense significance: first, it proved to be the beginning of the end of the IMP, and second, it facilitated the extension of UMNO-MCA cooperation to the national level. The crushing defeat of the IMP not only affected seriously the morale of its leaders and rank and file, but

[63] *The Straits Times*, 18 February 1952.
[64] Independence of Malaya Party, *Memorandum to the Kuala Lumpur Branch Committee from the Former Election Agent, Petaling Ward, Kuala Lumpur*, 10 March 1952.

	Malay		*Chinese*		*Indian*	
	No. of candidates	*Votes Polled*	*No. of candidates*	*Votes Polled*	*No. of candidates*	*Votes Polled*
IMP	2	1,988	4	1,394	6	3,262
UMNO-MCA	5	5,180	6	4,928	1	232

more significant it led to rethinking among the leaders of the MCA. Before the Kuala Lumpur elections the leadership of the MCA was not very certain about the extent to which the Chinese community was behind it. There had been no opportunity in the past to test this, except the elections for the George Town (Penang) Municipal Council held in December 1951 in which the MCA had not participated.[65]

A large part of the activities of the MCA since its formation in 1949 had been relating to the welfare of the Chinese community. During this period the party had functioned largely as a welfare organization. Many of its members had joined the association to avail themselves of the "welfare patronage" distributed by it and to enable themselves to participate in the extremely tempting lotteries conducted by it. The leadership of the MCA was fully conscious that the association, on its own, could not go very far in wielding political power and protecting the interests of the Chinese community. Therefore, when Dato Onn bin Jaafar, who had emerged as the most powerful leader in the country, sought their cooperation they had no hesitation in joining hands with him. They were certain that cooperation with this unchallenged leader of the Malays would not only ensure communal harmony in the country, but would be of benefit to the Chinese community. Moreover, what Dato Onn was offering at the time was extremely fair and attractive. As a result, the national leaders

[65] Penang was one of the two Straits Settlements in Malaya. It is a cosmopolitan and enlightened city. Also there were two non-communal political parties, the Radical Party of Penang and the Labour Party, which had participated in the elections. The MCA was extremely uncertain of its prospects there and even though the UMNO contested the elections the MCA chose to keep out of it.

of the MCA initially went wholeheartedly with the IMP and Dato Onn.

But the Kuala Lumpur elections changed the situation significantly. It gave the leadership confidence in their own organization and their ability to attract Chinese support. They began to see a new and more powerful potential of the MCA. The Chinese had supported it in large numbers and there was no reason why it could not establish itself as the spokesman of the Chinese community in the same way as the UMNO was of the Malays and wield political influence and power in its own right. Its six candidates in the predominantly Chinese areas in Kuala Lumpur had all won with very sizable majorities. UMNO-MCA cooperation in the elections had opened up altogether new possibilities. The leadership of the MCA felt that cooperation with the UMNO (especially without Dato Onn bin Jaafar as its leader) was a far more attractive proposition than working under the leadership of Dato Onn in his non-communal organization, the IMP. Dato Onn was well-known as a tough man and the MCA leaders were afraid of him. On the other hand, the new leader of the UMNO, Tunku Abdul Rahman, had the reputation of a happy-go-lucky playboy who was not known to assert himself. Moreover, they believed that by cooperating with the UMNO they would be able to keep their organization, the MCA, intact whereas working with the IMP would require its eventual disbandment. They knew that Dato Onn would not allow for long the existence of a communal organization closely linked with the IMP. This new thinking on the part of the MCA leaders meant the doom of the IMP; it was hardly possible for the IMP to survive without the support of Chinese as well as the Malays.

In the case of the UMNO, the success of the arrangement caused a weakening of the substantial opposition to the idea of cooperation with the MCA among those within it who were distrustful of the Chinese. Alliance thus had come to stay. The arrangement was tried in all the subsequent elections and it brought great electoral victories for the two parties. It was, however, a terrible irony that Malay-Chinese cooperation had been brought about by those leaders of the Malays who were committed to the idea that Malaya "should not be governed by

a mixture of races" rather than by Dato Onn bin Jaafar who had given up his position as the unchallenged leader of the UMNO, the organization he had himself founded, to establish a genuine non-communal multi-racial political organization.

The Alliance at this time was nothing more than a mutually beneficial election device. Instead of campaigning against each other, the member parties worked together. They divided the electoral constituencies among themselves, by and large, on the basis of the racial character of the constituency and during the election helped each other.

Within days of the Kuala Lumpur elections, Sir Henry Lee, the main architect of the Alliance and the President of the Selangor State branch of the MCA, sent a letter to Tan Cheng Lock, the national President, proposing that the Alliance idea be extended to the national level.[66] Tunku Abdul Rahman held meetings with MCA leaders in Selangor and stated that he hoped to meet Tan Cheng Lock soon to discuss the plan to extend the Alliance to the national level. A series of meetings were held between the leaders of the UMNO and the MCA and there was agreement to link the two organizations on the national level and on a more permanent basis. It was decided to set up liaision committees consisting of representatives of the two parties at the local levels thus providing an institutional link between the two parties throughout the Federation.

The success of the arrangement was soon to attract the Malayan Indian Congress, the communal organization of the third largest racial group, the Indians. On 17 October 1954, after the IMP had gone out of existence and the Alliance had established itself as the chief spokesman of the nation, the Executive committee of the MIC, after a heated debate, decided to join the UMNO-MCA Alliance.[67]

This was the honeymoon period of the Alliance. Even though the formation of the Alliance based upon the idea of Malay-Chinese cooperation had not succeeded in dispelling the traditional Malay fear and suspicion of the Chinese, these feelings had not come out into the open and caused a serious strain on the working of the Alliance during this period. This

[66] *The Straits Times*, 23 February 1952.
[67] *The Straits Times*, 18 October 1954.

was chiefly because, first, the British (whom the Malays had always seen as their protectors) were still in the country, and second, organizations representing the non-Malays were yet to make any serious demands on fundamental issues.

The organization of the Alliance at this time was loose and the relationship of the three member parties had not been clearly defined. As was commented by *The Straits Time* in an editorial on 12 July 1956, the Alliance existed

> by virtue of a gentleman's agreement between three political parties—the UMNO, the MCA, and the MIC. This political marriage has never been regularized to define the precise relationship between these partners. To press the analogy, the partners never became one.
> Each retained its identity and freedom of action. The Alliance has been no more than a voluntary subordination of the identities of the individual parties for cooperative action in the common objective of winning independence and fighting the elections. . . .

It is important to note here that though not explicitly spelled out anywhere, in practice the MCA during this period was able to secure for itself a more or less equal position with the UMNO in the Alliance chiefly because of its superior organization and financial power. Also, as long as elections were held only at the municipal level, the MCA was able to sustain this position as large sections of the electorate in the cities and towns were Chinese. Even though many in the Chinese community were yet to acquire citizenship, it constituted a sizable part of the electorate (then based on a restricted franchise) in urban centers like Kuala Lumpur, Ipoh, Seremban, George Town and Malacca. But this was not to last for long.

Malay Political Paramountcy

From about 1954, with the decline of Dato Onn bin Jaafar and his Independence of Malaya Party and the emergence of Alliance as the representative of Malayan national aspirations, a change began to take place in the relationship of the three member parties within the Alliance. Independence was in the air

and it was imperative to the Malays that they must look for an arrangement that would sustain and safeguard a special position for them and maintain the Malay-Muslim character of the country. The UMNO, reflecting this view, asserted itself as the senior and dominant partner and the MCA and the MIC, representing the immigrant non-Malay communities, accepted a secnodary role as they realized that in any negotiations for independence with the British it was the Malays who had to play the leading role.

This was the turning point. The MCA got caught in a vicious circle: the more it lost its position of equality to the UMNO within the Alliance and gave in to the UMNO the more it lost its support within the Chinese community and the smaller its base among the Chinese the weaker became its bargaining power with the UMNO in the Alliance. After independence, whenever the MCA was to make demands on behalf of the Chinese community the usual UMNO response was: How can you make demands on behalf of the Chinese when you are not able to get their support? Deliver the Chinese vote first for the Alliance and then make demands on their behalf. The MIC, representing the Indians who formed only about 10 per cent of the population in the country, has never been in a position to bargain.

The beginnings of a change in this relationship were obvious at the time of the first elections for the Federal Legislative Council in 1955 for 52 elected seats. At this time even though non-Malays constituted about half the total population of the country, they accounted for only 15.8 per cent (Chinese 11.2 per cent and Indians and others 4.6 per cent) of the total number of voters. The Malays constituted as much as 84.2 per cent of the total electorate. Within the UMNO, the widely held view was that non-Malays constituted only about 10 per cent of the electorate and, therefore, no more than 10 per cent of the Alliance candidates for the Federal Legislative Council elections should be non-Malays; 90 per cent of the Alliance candidates should be Malays. Tunku Abdul Rahman, the President of the UMNO and of the Alliance, was opposed to this demand and called for a more reasonable distribution of seats among the three partners in the Alliance. The showdown took place at the half-yearly General Assembly of the UMNO

at Kuala Lumpur in early June 1955. Tunku, threatened to resign his position as President of the UMNO if its members adhered to their demand that 90 per cent of the Alliance candidates be Malays.[68] He succeeded in demanding and securing a vote of confidence in himself and the Alliance with the MCA.

At first, the Alliance National Council allotted 12 out of 52 seats to the MCA, and there were reports that no seats had been given to the MIC.[69] However, this was revised and the final distribution of the seats was as follows: UMNO 35, MCA 15, and MIC 2. This was accepted by the MCA and the MIC gratefully; the important point to note is that they were able to secure the increased number of seats not through their own efforts and influence but thanks largely to the goodwill of Tunku Abdul Rahman.

The Alliance manifesto for the Federal Legislative Council elections, *Menuju Kearah Kemerdekaan* (The Road to Independence), clearly reflected this changing relationship of the three partners in the Alliance. Even though there was considerable controversy with regard to issues such as citizenship and multi-lingualism and it was obvious that the non-Malays were concerned about the UMNO attitude towards these, the Alliance manifesto generally tended to reflect the UMNO view. Non-Malays believed that the right to citizenship based on brith in Malaya, *jus soli*, must be available to them. But the UMNO was opposed to this and at its behest the Alliance took the decision to avoid the contentious issue during the elections.[70] The Alliance manifesto stated that "the alien problem must . . .come under the scrutiny of the Special Independent Commission, for the appointment of which the Alliance has petitioned Their Highnesses, the Rulers".[71] It asserted that the Commission's terms of reference must include this issue so that it could investigate the problem and recommend measures "whereby the position of alien population in the country can

[68] *The Straits Times*, 5 June 1955.

[69] Gordon P. Means, *op. cit.*, p. 163.

[70] *The Straits Times*, 30 April 1955.

[71] Alliance National Council, *Menuju Kearah Kemerdekaan*, 1955, p. 37.

be satisfactorily resolved." However, on the question of multilingualism, the Alliance, under pressure from UMNO, came out into the open and rejected the demand.[72] The Alliance was only willing to go to the extent of stating that it "wants statutory recognition to be given to other languages by prescribing that citizens of Malaya, whatever their race or creed, have a legitimate and fundamental right to preserve their own language, script and culture."[73] The manifesto maintained that a free country must have its own national language as it facilitated the working of democracy and fostered a more profound sense of common nationhood. It insisted that Malay alone should be adopted as the national language and that this should be written into the Constitution of independent Malaya.[74]

It is important, however, to note that on the whole non-Malays, represented by their communal organizations, the MCA and the MIC, were able to secure a far more reasonable deal out of the UMNO at this time than ever during the entire post-independence period. This was only the beginning of the drift towards a secondary position of the MCA and the MIC within the Alliance and the UMNO had not assumed the position of ascendancy that it was to have in the post-independence years. Also, the position of the MCA as a representative organization of the Chinese community had yet to be effectively challenged and naturally this strong position of the MCA within the Chinese community was reflected in the way the organizations. and the demands that it made on behalf of the Chinese, were treated by the UMNO. With regard to the question of education which later was to cause a tremendous lot of trouble, the Alliance took a reasonable position and showed concern for the non-Malay viewpoint. It asserted that its policy will be, among others:

[72] *The Straits Times*, 30 April 1955. Also, Gordon P. Means reports: "To prevent Malay mistrust of the Chinese in the MCA, Tan Cheng Lock, as its president, went to great pains to try to dissuade the Chinese Guilds from submitting a petition to the Queen for multilingualism." Gordon P. Means, *Malaysian Politics*, *op. cit.*, p. 163.

[73] *Menuju Kearah Kemerdekaan*, *op. cit.*, p. 38.

[74] *Ibid.*

> *To allow the vernacular schools their normal expansion:* To encourage rather than destroy the schools, language or culture of any race living in the country.[75]

With regard to national schools, it said:

> The Alliance policy is to establish a type of national school *that will be acceptable to the people of Malaya* and will meet with their needs in promoting their cultural, economic, social and political development as a nation, so as to facilitate the fulfilment of the Alliance aim to adopt Malay as the National Language of the country.[76]

This meant that schools teaching through the medium of Chinese or Tamil languages were not necessarily considered to be in conflict with a national system of education and that they had a place in that system.[77] It was for this reason that the manifesto asserted:

> The Alliance considers that the standardization of textbooks is most important. Textbooks similar in substance with Malayan outlook should be produced in all the languages used in the country, i.e. English, Malay, Chinese and Tamil.[78]

Significantly, the manifesto made hardly any mention of the special position of the Malays, even though it did deal in some detail with constitutional issues. For example, with regard to the position of the Malay Rulers it had no hesitation in stating:

> As the Alliance has pledged that the special position of the Rulers as Constitutional Heads of their respective States

[75] *Ibid.* p. 22. Emphasis added.

[76] *Ibid.* Emphasis added.

[77] In the post-indepeunence period, as we shall see later, the Alliance was to drastically revise its position and refuse to accept vernacular schools using Chinese and Tamil languages as medium of instruction as part of the national system of education under any conditions.

[78] *Ibid.*, p. 22.

should be recognized, it recommends to the Special Independent Commission that this position should be upheld and should not be in any way impaired.[79]

Recognizing the inferior economic position of the Malays, the manifesto said that the Alliance will take the following measures:

(a) To convince the Malays that they have the aptitude and capability to become big and successful businessmen;
(b) To encourage Malays to start businesses;
(c) To give suitable Malays every opportunity, by scholarships and by arrangements with merchants and industrialists, to receive training and acquire technical skill wherever possible from existing businesses, including banks;
(d) To help Malays already in business to expand with finance from the proposed Land Banks;
(e) To start joint pilot Sino-Malay businesses, and to encourage similar undertakings by Malays and other domiciled races.[80]

The entire tone and content of the manifesto gave impression of reasonableness on both sides, a reasonable give-and-take and a definite understanding and appreciation of the feelings and sensitivities on both sides. Undoubtedly, the Alliance by this time had emerged as the main spokesman of the Malayan nation, but its position of pre-eminence was in no way unchallenged. Dato Onn bin Jaafar, the acknowledged father of Malay nationalism had certainly not given up his fight against the Alliance though his Party Negara now largely consisted of Malays and sought to represent their interests. Dato Onn bin Jaafar was the first Malay to emerge as a national leader and at one time had enjoyed such great charismatic influence over the Malays that the issue between him and the Alliance could in no way be considered settled. Moreover, Onn bin Jaafar, after his disillusionment with the Chinese and the

[79] *Ibid.*, p. 38.
[80] *Ibid.*, p. 21.

collapse of the IMP, had assumed a strongly pro-Malay posture. There was also the Pan Malayan Islamic Party vying with the UMNO and the Party Negara for the Malay vote. In the circumstances, the UMNO was keen not to alienate the non-Malay support, coming through the MCA and the MIC, and maintain its advantage over the Party Negara and the Pan Malayan Islamic Party.

But unfortunately, in the post-independence period as the UMNO became completely dominant in the Alliance, these were not to be the features of Alliance manifestoes, nor of its appraoch to the fundamental problems facing the country.

As independence drew near, the UMNO, representing the *bumiputra*, began to assume increasingly dominant influence and power within the Alliance. The imminent departure of the British, whom the Malays had seen as their protectors against the non-Malays, brought to the front and intensified the Malay fears of the non-Malays. In this situation it was imperative that the UMNO should establish itself as the dominant partner in the Alliance if it was to protect and promote Malay interests and in so doing maintain itself as the representative organization of the Malay community.

The Malays have a deep-rooted feeling that they alone are the *bumiputra*, and as such, have a special right over the country. On 30 June 1952, a few months after the UMNO and the MCA had successfully contested the municipal elections in Kuala Lumpur, which had laid the foundation of the Alliance, Tunku Abdul Rahman, then President of the UMNO, had asserted: "Malaya is for the Malays and it should not be governed by a mixture of races."[81] The Malays must safeguard their rights over this land "which is ours for the benefit of our future generations." More recently, in an interview with *The Asia Magazine*, he said:

> It is understood by all that this country by its very name, its traditions and character is Malay. The indigenous people are Malays and while they on the whole have been left behind in the economic and professional fields, others have been helped along by the understanding and tolerance of the Malays

[81] *The Straits Times*, 1 July 1952.

to be successes in whatever fields they are in. In any other country where aliens try to dominate economic and other fields, eventually there is bitter opposition from the indigenous people. But not with the Malays. Therefore, in return, they must appreciate the position of the Malays who have been given land in Malay reservations and jobs in the Government.

Without those where would they go? They can't go into business which is in the hands of the non-Malays. And anyhow these businessmen quite naturally employ their own people. Therefore, if Malays are driven out of everything, however tolerant they may be, there is a limit. Resentment would build up and there would be trouble, and those who had found prosperity would also suffer.[82]

Understandably, the Malays have a mortal fear of being "reduced to the status of Red Indians striving to live in the wastelands of America." Recently, the Malay view has been presented in an extremely frank and forthright manner by an UMNO leader, Dr. Mahathir bin Mohamad, in his book, *The Malay Dilemma.*[83] He asserts that "the Malays are truly the definitive people of the Malay Peninsula, the real and original rulers and owners of Malaya. No other race has any grounds to dispute this."[84] And when citizenship was conferred on

[82] *The Asia Magazine*, 30 August 1964. It is not without reason that the Government is designated as Pemerintahan Tanah Melayu (Government of the Land of the Malays) and facilities such as railways are known as *Kareta Api Tanah Melayu* (Railways of the Land of the Malays). In the national language, Malay, Malaysia is mostly referred to as *Tanah Melayu* (Land of the Malays).

[83] Asia Pacific Press, Singapore, 1970. At present, Dr. Mahathir is Deputy Prime Minister of Malaysia.

[84] Countering the argument that aborigines, who lived in Malaya prior to the coming of the Malays, should alone be considered as the *bumiputra*, Dr. Mahathir asserts: " . . . the presence of aborigines prior to settlement by other races does not mean that the country is internationally recognized as belonging to the aborigines. Aborigines are found in Australia, Taiwan and Japan, to name a few, but nowhere are they regarded as the definitive people of the country concerned. The definitive people are those who set up the first governments and those governments were the ones with which other countries did official business and had diplomatic relations. . . . In

people of other races, "it is because the Malays consent to this". And what is more important, "that consent is conditional". All that this means is that non-Malays were conferred citizenship on the condition that they were willing to conform to the characteristics of the "definitive" race, the Malays. Their own rights concerning control and perpetuation of their own distinctive characteristics were to be limited. For example, with regard to the language issue Dr. Mahathir asserts:

> In this matter of national language the rights of new citizens are limited. They may not seek to replace it with other languages, even though technically and legally this can be done. The national language of Malaya is clearly stated in the Constitution. As the Constitution may be changed on the agreement of two-thirds of the Members of Parliament, it would seem that a change in the national language could possibly be moved by new citizens. *Any such move however would be against the spirit with which citizenship was offered by the Malays, and accepted by non-Malays.*[85]

The Malays are inclined to extend this argument to the field of national culture as well. Mahathir himself asserts that in other countries of Southeast Asia (and in Australia, the United States, and Brazil) the process of extending citizenship to immigrant peoples was gradual and controlled and, therefore, as small numbers of immigrants acquired citizenship, they adopted the characteristics and the language and culture of the "definitive" race of the country.[86] What is more, they not only forget their own ancestry but they insist on all others who follow them to abide by this crucial condition of citizenship. Mahathir maintains that but for the British colonial interlude

> Malaya the Malays without doubt formed the first effective governments. The Malay States have been internationally recognized since the beginning of Malayan history . . . . The *Orang Melayu* or Malays have always been the definitive people of the Malay Peninsula. The aborigines were never accorded any such recognition nor did they claim such recognition. There was no known aborigine government or aborigine state." Mahathir bin Mohamad, *The Malay Dilemma, op. cit.*, pp. 126-27.

[85] *Ibid.*, p. 137. Emphasis added.

[86] *Ibid.*, pp. 133-34.

this would have occurred in Malaya. He cites the example of Chinese and Indians in Malacca who, according to him, lost the use of their own languages and gave "some evidence of undergoing a typical process of assimilation." Representing the view of most Malays, Mahathir would like to see that happen in Malaysia as well. At the 17th General Assembly meeting of UMNO held in Kuala Lumpur in early September 1964, the National Executive had initiated certain changes in the organization's Constitution. One of these, relating to the objects of the organization, said:

> To protect and promote all fundamental laws contained in the Constitutions of Malaysia and the States, especially those relating to the Official Religion (Islam), national language and culture, the status and sovereignty of the Malay Rulers, and the special rights of the Malays and the indigenous people.[87]

There was a very angry and heated debate with regard to this. The general feeling was that the provision was vague and dozens of representatives from the floor suggested that the word *bahasa* (language) should be clearly specified as either *bahasa Melayu* or *bahasa (Melayu)* and the words *kebudayaan Kebangsaan* (national culture) be replaced by *kebudayaan Melayu* (Malay culture) or national culture based on Malay culture. To calm down the controversy several important leaders of the UMNO, including Tun Razak, Syed Jaafar Albar, Tuan Syed Nasir and Ali bin Ahmad spoke and called on the delegates not to press for the change. And interestingly, when the above-mentioned changes to the amendment were put to vote only a few of the delegates voted in favor of them and as a result the original wording of the National Executive amendment was accepted by an overwhelming vote. The same day when this writer asked Syed Jaafar Albar (then Secretary-General of the UMNO) and Ali bin Ahmad (Assistant Secretary-General) as to why they did not go along with the idea which apparently had the support of a large majority of the delegates and which they

[87] *Kertas Persidangan* (Meeting Papers), Bil: 2.17.64, 17th General Assembly Meeting UMNO, 5, 6 and 7 September 1964.

themselves had always subscribed to, their answer was that they did not want to say publicly that when they speak of national language and culture they mean Malay language and culture. They maintained that the position was clearly understood by the people concerned, referring to the leadership of the MCA and the MIC, and it was useful to avoid making it a contentious public issue.

In addition to Malay domination over politics and government in order to safeguard the Malayo-Muslim character of the country and protect the special position of the Malays, the unity of the Malays has always been considered as of great significance. It was felt that unless the Malays remained united they would be overwhelmed by the non-Malays and their country would be taken over. Malays who dared to leave the ranks of the Malay political organizations, the United Malays National Organization or the Pan Malayan Islamic Party, were called traitors to the Malay cause. The feelings against them have been so strong that they often have been treated as outcasts. There is the case of Dato Onn bin Jaafar, father of Malay nationalism and the founder of the UMNO. Soon after he left the UMNO, its new President Tunku Abdul Rahman, said that Dato Onn, by leaving the UMNO and forming the non-communal IMP, had sold away Malay rights and heritage to other races.[88] One could also cite the example of Dato Zainal Abidin bin Haji Abas. Dato Zainal, coming from Perak, had been a very prominent Malay for over two decades. He, along with his mentor, Dato Onn, was one of the founders of the UMNO in 1946 and was also its first General Secretary. Later, in 1951, he left the UMNO with Dato Onn and joined the IMP. Years later he was to accept the chairmanship of the non-communal United Democratic Party. This completely alienated him from the Malay community. In the 1964 general elections, he contested for Parliament from his home constituency, Parit in Perak, where he was not only defeated by a much younger UMNO nominee but suffered the humiliation of losing his deposit.

Until recently, when the UMNO and the Pan Malayan Islamic Party began to cooperate, the latter's existence as a

[88] *The Straits Times*, 1 July 1952.

separate communal organization was seen by many in the UMNO as nothing more than as a source of serious disunity among the Malays. They believed that there was little difference between the two organizations with regard to the fundamental aim—to establish Malaya as a Malayo-Muslim country; the difference lay mainly in style and tactics. While the PMIP believed in coming out into the open and telling the non-Malays clearly that Malaya was a Malay county where non-Malays were welcome to live and earn their livelihood so long as they did not demand a parity political status with the Malays, the UMNO hoped to achieve the same end without openly proclaiming it to be so.

With the ascendancy of the UMNO, the MCA and the MIC were increasingly relegated to a secondary position within the common organization, the Alliance. This was clearly reflected in the crucial negotiations with regard to the constitution of independent Malaya during 1956-57. As we noted in the previous Chapter, the MCA was forced to make substantial concessions to the UMNO on issues of vital interest to the Chinese community. The extreme pressure felt by the MCA was clearly expressed by Tan Siew Sin (the President of MCA since 1960), at a meeting of its Central Working Committee held on 7 April 1957 to discuss the changes in the recommendations of the Constitutional Commission demanded by the UMNO, when he said that while he appreciated "the force of the argument" of those who were opposed to these changes he felt that "if we insist. . .we may well have to part company from UMNO. This the MCA cannot afford to do."[89] Earlier, in 1956, at the time of the deliberations within the Alliance with regard to the Alliance Memorandum to the Constitutional Commission, when there was considerable concern about the Constitution of Malaya among leaders of the Chinese community, it was again Tan Siew Sin who was so concerned about the excessive demands of the Malays that he felt compelled to write the following in a personal letter to Dr. Lim Chong Eu (at the time a leader of the MCA, later to emerge as the president of the MCA) on 27 September 1956:

[89] Malayan Chinese Association, *Minutes of Central Working Committee Meeting* (mimeographed), 7 April 1957.

> Briefly my views can be summarized thus: In the present stage of the country's development, we must face the fact that communalism exists in a big way. Even the Malays, with their overwhelming voting strength want their, "special rights" written into the Constitution. Some of them are not satisfied with their present plums, i.e., the majority of posts, and the best of them too, in the public service, [and] they want to extend this highly discriminatory form of legislation into industry and commerce. "Warta Negara" talks about the necessity for making the Malays the "master race" of Malaya. This presumably means that non-Malays are to be reduced to the status of hewers of wood and drawers of water. Shades of Hitler: Others want Malaya to join up with Indonesia. I myself have heard this from the lips of one or two UMNO officials. It is unnecessary for me to tell you what this idea, seriously pursued, will lead to. It is difficult to assess the strength of these various forms of racial fanaticism but, at the same time, one cannot blame the Chinese and other non-Malays for being slightly nervous, to say the least. The non-Malays, therefore, have to be communal merely to ensure their survival.
>
> A Malayan nation does not exist at the moment and may never will (*sic*), the way things are going. Such being the case, to my mind, the MCA must uphold Chinese interests, first, last and all the time.[90]

At the time of constitution-making during 1956-57, the MCA was subjected to heavy pressure from within the Chinese community. Lau Pak Khuan, a former President of the MCA in Perak and one of the most powerful men within the Chinese community, declared that if the MCA failed to include the following four points in its joint memorandum (with the UMNO) to the Constitutional Commission, the Perak Chinese would withdraw from the MCA and present their views directly to the Commission:

1. Equal citizenship rights for Indians and Chinese. They should be accorded the same rights as the Malays.

[90] A photo-copy of the original with this writer. *Warta Berita*, now defunct, was then a prominent Malay language newspaper.

2. Those born in Malaya, irrespective of race or parentage, and those who have lived in this country during the last five years and are loyal to this country should be given citizenship rights.
3. Responsibilities and privileges of the citizens of independent Malaya should be equal.
4. Multi-lingualism should be adopted, with the languages of the various races regarded as official.[91]

Even the MCA was forced to admit that its leadership of the Chinese community had been threatened by the controversy over the issue of right to citizenship based on birth.[92] The chief Executive Secretary of the MCA, T. H. Tan, reporting on a meeting of the MCA leaders held in Malacca, wrote to the Alliance National Council that it had been decided that "the MCA, as the political representative of the Chinese, must support the principle of *jus soli*". Soon the Central Working Committee of the MCA "decided that the MCA members of the Alliance Ad Hoc Political Committee should demand unconditional *jus soli*".[93]

However, the MCA was unsuccessful in getting these demands accepted by the UMNO. On several issues, as we noted in Chapter 2, it found it difficult not to give in to the UMNO. This caused very widespread dissatisfaction among large sections of the rank and file of the MCA and within the Chinese community in general. After the publication of the report of the Constitutional Commission in February 1957, a three-man delegation of the newly formed Federation of Chinese Guilds and Associations left for England in May 1957 to make repesentations to the British Government. Before leaving for England, a member of the delegation, Tan Kee Gak declared:

> The 1,094 guilds and associations which represent over 2,000,000 Chinese in Malaya have given us a mandate. We are going to carry it out . . . .

[91] *The Straits Times*, 29 March 1956.
[92] *The Straits Times*, 17 April 1956.
[93] *Minutes of MCA Central Working Committee Meeting*, 7 July 1956.

> *We do not expect the MCA to do anything for the Malayan Chinese.*[94]

This was the beginning of the disillusionment with the MCA among large sections of the Chinese community. They had come to believe that the MCA, as a member of the Alliance, was not in a very strong position to protect and promote the interests of the Chinese community. Some Chinese were so disturbed that they went to the extent of leaving the MCA, thus contributing to its further weakening. At the same time, this ferment led to the emergence of a younger and more vigorous group within the MCA leadership. In early 1958, it was reported that this group was making a bid to depose Tan Cheng Lock, who had founded the MCA and had remained its President ever since, so as to be able to reorganize the MCA "to protect more strongly the interests of the Chinese".[95] To the new group the primary purpose of the MCA's existence was to protect and promote the interests of the Chinese community and they believed that the old guard of the MCA, in order to maintain the Alliance, had not fought strongly enough for the interests of the Chinese community. The difference in the outlook of two similar groups in the Malayan Indian Congress at this time was well-expressed by *The Straits Times* in an editorial on 19 February 1958.

> A major cause of instability is that Congress has become the battleground for two schools of thought. The president regards the MIC as an Indian organization wedded to the national purposes of the Alliance Government. This implies the subordination of communal interests where they conflict with the Government's national purposes. It means more than not recognizing any Indian interest outside the national framework. It calls for active opposition to any Indian interest which is not in harmony. As long as the MIC is a component of the Alliance Government, loyalty to Government policies and priority for national interests in fact must remain the prime consideration.

[94] *The Straits Times*, 6 May 1957. Emphasis added.
[95] *The Straits Times*, 3 March 1958.