

CONFLICTING PREMISES IN RACE RELATIONS: BEYOND RESOLUTION?

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Introduction: Issue Perception

Needless to say, the issue of race relations in Malaysia can be viewed from a number of perspectives. K.J. Ratnam, analyzing the question (in pre Malaysia Malaya), for instance, opted for an approach that emphasized the communal factor. This factor, to him, supercedes the economic one in importance.¹ Writing about two decades later, Hua Wu Yin finds this pluralist framework rather inadequate. While recognizing that ‘communal division in Malaysia society is a material reality’, Hua proceeds to place the issue in the context of a class analysis, seeing the state using communalism as a means to suppress working class interest.² Collin E.R. Abraham also takes to combining the communal approach with that of the class analysis when dealing with the roots of race relations in colonial Malaya. He does this in order to overcome what he sees as the shortcoming of the pluralist concept which ‘is not so much analytical as descriptive’ and to, at the same time, avoid the ‘rigid two-dichotomy’ which would place ‘unnecessary limitations on an analysis of a socio-economic structure undergoing radical transformation under the impact of colonialism’³ No doubt the right diagnosis of the problem is crucial. Without the benefit of a precise identification of the real root of the malaise, one might argue, the appropriate handling of the entire issue might not be at all possible. However, critical though this particular aspect of the study is, this paper will not, regretfully, dwell further on it. Instead, it will focus on the place of the special position of the *bumiputeras* and how its consideration or reconsideration could have a bearing on the practice of race relations in Malaysia. In the course of the exercise, premises deemed to be held by the parties debating the issue would also be looked at. This is done so as to see whether or not they have any common meeting ground between them. On the other hand, should their premises clearly stand in direct conflict with each other, and then the question that perhaps needs to be raised is whether or not the conflict could somehow be resolved? If they are mutually exclusive, could it be that the conflict is in fact beyond resolution and what remains then,

¹ See K.J. Ratnam, *Communalism and the Political Process in Malaya* (Kuala Lumpur, University of Malaya Press, 1965).

² Hua Wu Yin, *Class and Communalism in Malaysia: Politics in A Dependent Capitalist States* (London: Zed Book 1983).

³ Collin E.R. Abraham, *The Roots of Race Relations in Malaysia* (Kuala Lumpur: Insan, 1997).

at best, is the hope that it can be assiduously and wisely managed.

The August 10 Episode

One notable recent incident that has spurred the a sudden resurgence of this debate, or polemics, on the special position of *the bumiputeras* was a report that appeared in the August 10, 2000 issue of the weekly magazine, *For Eastern Review*. The article, 'Affirmative Reaction: Thirty-year old quotas to help Malays may be curbed, boding well for the Chinese population', hinted at impending policy revision in Malaysia that 'would change the face of the country'.⁴ David Chua, a vice-chairman of the National Economic Consultative Council (NECC) was reported to have dismissed the policy of favoring the bumiputeras as 'not doing anybody any good'. He was also alleged to have said that 'we want to see increased liberalization and competition in our society based on merit.'⁵

The issue reported by *Far Eastern Economic Review* developed into an open a controversy soon after the local media took it up. On the 14th of August *Utusan Malaysia* carried Chua's view for the benefit it of its readers who were thus informed that for the Malays to succeed in their respective professions, then special assistance from the government should, according to Chua, be discontinued.⁶

Given the sensitiveness of the issue, the voicing of adverse criticisms to the view of Chua from a number of *bumpier* quarters is perhaps to be expected. On the other hand, one can also point out to a number of developments prior to the Chua incident that could be interpreted as, if not actually paving the way for the position that Chua advocated then at least for creating an atmosphere that could possibly make his statement none too shocking to some.⁷ Perhaps as a partial reflection of that atmosphere, the *Ming guan Malaysia* Awang Sulung defended Chua's stand in his weekly column saying that 'the view of Chua is not extreme and, from the point of view of a non-Malay Malaysian, has a basis'⁸. Awang Sulung cautioned the Malays not to react in an emotional manner to what had been said by Chua and should instead have 'the self confidence to discuss the special position that

⁴ Bruce Gilley, 'Affirmative Reaction: Thirty-year old quotas to help Malays may be curbed, boding well for the Chinese population', *Far Eastern Economic Review*, August 10,2001, p.26

⁵ *Ibid.*

⁶ *Utusan Malaysia*, 14 August 2000.

⁷ See Bruce Gilley, *op.cit.* See also Abdul Aziz Bari, 'Kontroversi Hak Keistimewaan Melayu di Sisi Perlembagaan', *Dewan Masyarakat*, November 2000, pp.28-29.

⁸ *Utusan Malaysia*, 20 August 2000.

they enjoy with the non-Malays'.⁹

The Suqui Issue

Perhaps the cautionary note come a little too late. A few days earlier, on the 16th of August the Malaysian Chinese Organization Election Appeals Committee (Suqui) had repeated their 17-point claim first voiced prior to the 1999 General Elections. The Organization claims that it was not questioning the special position of the Malays as such, but their call for the abolition of any distinction between *bumpier* and non-*bumpier* could only have the same meaning and effect i.e. to undermine the basis of the position. In Point 1 of its 16th August 1999 document, under the sub-heading Promote National Unity, it was stated that national unity ought to be based on the concept of non- racial differentiation among the populace. Two of the relevant points in this regard have been spelt out thus:

- . Affirmative action should be based on the protection and enhancement of the status of the weaker sectors and not on race, social background and religious beliefs;

- . Take steps to abolish in all aspects, the “bumiputera/non-bumiputera” distinction.¹⁰

Anyway, the many Malay politicians who reacted almost immediately to the latest development certainly viewed the Suqui stand as tantamount to questioning the legitimacy of the Special Position of the Malays and bumiputeras. On the same day that Suqui revived its claim, the Pahang Menteri Besar, Adnan Yaakob retorted that the issue should no longer be raised as such an action amounts to an attempt to undo ‘a fundamental agreement’ previously agreed by all parties in the pre-independent days. Elaborating he said, ‘the agreement at that time was based on a reciprocal arrangement amongst the various ethnic groups...’ and the arrangement clearly guarantees the special position of the *bumiputeras*.¹¹ On the following day, an UMNO vice-president, Muhammad Muhd Taib, issued a ‘stern warning’ to the various Chinese parties to be more ‘circumspect in saying anything that questions the special position of the Malays.’¹²

⁹ *Ibid.*

¹⁰ *The Malaysian Chinese Organizations 'Election Appeals, 16th August 1999* (Official Translation of the Chinese Text), http://www.suqui.org/suqui_english.htm

¹¹ *Utusan Malaysia*, 17.08.2000.

¹² *Ibid.* 18.08.2000.

Signaling perhaps how sensitive the issue is, or how easily it could be sensationalized, about 500 Malays representing various non-government organizations presented 13 memoranda to the Prime Minister at the new Putrajaya administrative complex on the same day that Muhammad Muhd. Taib issued his stern warning, 17th August. The aim was clear enough: to register their displeasure at what have been voiced by David Chua and Suqui. The Prime Minister did not disappoint them the least giving them the assurance that ‘the government will not retreat even a step in defending Malay rights as we realize that they [the Malays] are still weak’.¹³

The Putrajaya incident could very well have been the beginning of the end of the episode. On the 18th of August, the UMNO Youth Vice President, Abdul Aziz Sheikh Fadzir, echoing one of the parent organization’s Vice Presidents, delivered his own warning to the Suqui committee: ‘other things we can discuss but don't touch on Malay rights’. On that same day too David Chua had a meeting with the Prime Minister and subsequently issued a statement on it. On the following day, he said this of his meeting with the Prime Minister,

I stressed to the Prime Minister that I had never at any time raised the question of abolishing the [*sic*] Malay Special Rights and Privileges as these are enshrined in the Federal Constitution.¹⁴

With that and with the Prime Minister subsequently accepting Chua's explanation, the MCA distancing itself from the controversy and Gerakan’s President, Lim Keng Yaik advising ‘all parties to uphold the “contract social”, which was, arrived at after a long process’, a top Pas leader saying that the affirmative action in favour of the *bumiputeras* still needed and the Cabinet urging that the debate on the issue be stopped,¹⁵ Suqui was set, or so it must have seemed then, to be marginalized. Suqui refused to be beaten into retreat. After convening an emergency a meeting on 18th August, Suqui made public its decision to stand its ground. It declined to apologise to the Malay community as demanded by Pemuda UMNO. Its secretary, Ser Choon Ing, said that Suqui saw no reason for such a move as it was but striving for ‘a democratic society’ for the good of ‘every race in the

¹³ *Ibid.*

¹⁴ *Ibid.*, 20.08.2000.

¹⁵ For the Prime Minister's acceptance of Chua's explanation see *ibid.*, 23.08.2000, MCA Youth's statement that Suqui does not represent the majority of Chinese. *ibid.*, 20.08.2000, Lim Keng Yaik's 'social contract' statement, *ibid.*, 21.08.2000, PAS Vice President Abdul Hadi's statement, *ibid.*, 17.08.2000 and the Cabinet's, *ibid.*, 24.08.2000. Abdul Hadi was quoted as saying, ‘We view the special position as an assistance for the poor and as many of the Malays are poor when compared to the other races it [the provision on the special position of the Malays] therefore is based on the current reality.’

country' in the long run.¹⁶

Conflicting Premises

This explanation or justification by Suqui reveals in no uncertain term the premise that it holds dear: democracy little imagination is needed, surely, to realize that such a principle cannot harmonize well with another that upholds the practice of affirmative action that favours one ethnic group over the others. The discriminatory action, its noble aim notwithstanding, is in direct conflict with the principle and practice of democracy. In the context of Malaysian history, however, this 'undemocratic' principle is intertwined with another principle: that of a 'gentleman agreement'. In fact, it is more that just a gentlemen agreement. The special position of the *bumipier* has, as is all too well known, been incorporated in the Federal Constitution of Malaysia.

On the 24th of August it was revealed that Suqiu in a letter dated the 22nd of August (to Hishammuddin Hussein?) had explained that 'it was not Suqui's intention to question [the] Malay special rights and privileges and Article 153 of the Federal Constitution'. Hishammuddin Hussein, on behalf of the Barisan National Youth, 'accepted in good faith the explanation by Suqiu' and added,

Based on this premise and in accordance with Article 153 of the Federal Constitution, the BN Youth unanimously adopts a stand that the issue should not be questioned and disputed.¹⁷

However, the controversy was not about to die down ostensibly because Suqiu, despite the explanation of its position *vis-a-vis* the Constitutional provision relating to the Special position of the Malays and bumiputeras, was not yet predisposed towards rescinding from its Appeal pronouncements deemed to be actually challenging that very constitutional provision.

The Historical Context

As noted in passing prior to this, the incorporation into the Federal Constitution of the provision for

¹⁶ *Ibid*, 19.08.2000.

¹⁷ *Ibid*, 25.08.2000.

the Special position of the Malays and bumiputeras has a historical context of its own. Insisting that independent Malaya be bequeathed to a multiracial government and populace, the departing British naturally favoured a political arrangement whereby the many Chinese and Indians migrants in colonial Malaya then would eventually gain their Malayan citizenship. They eventually did, on the basis of the *jus soli* principle. As a *quid pro quo*, the Malays secured a constitutional guarantee whereby they are accorded with Special Privileges. With Special Privileges as embodied in Article 153 of the Federal Constitution the Malays, and later the natives of the Borneo States as well, have access to certain state aids in economic, educational and other matters. The idea was to ensure that they were not going to be simply submerged in the post independent economic and political life of the country - submerged by the mostly urban dwelling, and because of a host of historical and other reasons, relatively more advanced non-Malay communities. In the constitutional package deal that was finally sealed, it was also agreed that Malay be made the national language of independent Malaya. This was provided for in Article 152 of the Federal Constitution.¹⁸

The Constitutional Provisions

Following the May 1969 Civil Strife, certain amendments were made to the Federal Constitution. Article 153 of the Constitution, i.e. the one guaranteeing Special Privileges to the indigenous population was submitted to Parliament for amendment; and the amendment was duly passed in 1971. The new enactment, which become Article 153 (8A), empowered His Majesty the King to direct universities to reserve a certain number of places for Malay and indigenous students in faculties where the number of successful Malay and indigenous applicants was found to be negligible. What this quota or positive discrimination system means is that the universities, in many instances, would have to admit indigenous candidates whose entry points are lower than some of those of the non-indigenous applicants. In introducing this amendment to Parliament, the Prime Minister of the day, Tun Abdul Razak, made clear that it was part and parcel of the government New Economic Policy, aimed at, as was observed, restructuring society. The constitutional amendment has to be made, he said, as 'education... has so direct a bearing on economic and social progress',¹⁹ The end result was not just to redress economic imbalance but also to 'contribute to national unity'.²⁰ In trying to work out a kind of *modus vivendi* between groups with conflicting

¹⁸ See Dato'Visu Sinnadurai 'Rights in Respect of Education under the Malaysian Constitution' in F.A. Trinadade & H.P. Lee (eds.). *The Constitution of Malaysia: Further Perspectives and Developments Essays in Honour of Tun Mohamed Suffian* (Oxford University Press, Singapore, 1986) p. 46-58.

¹⁹ *Parliamentary Debates on the Constitution Amendment Bill*. 1971. (Government Printers, Kuala Lumpur, 1972) p.6 as quoted in Sinnadurai. *op.cit.*

²⁰ Sinnadurai, *op.cit.* pp.48-49.

interest, a clear intention towards the implementation of an even-handed policy is most crucial. The ruling party with regard to the new education policy gave assurance of this. The prime Minister promised Parliament that the affirmative policy in favour of the indigenous students 'will be implemented with care'.²¹ Repeating this very same sentiment, the Minister of Finance, Tan Siew Sin, emphasized 'the intention [of the Government] to be fair and just to all communities, so that even though reservations are made for Malays, the non-Malays will still have their fair share of places in these courses of study'.²²

The Sedition Act

There was also another amendment that had a far-reaching impact passed by Parliament in 1971. Article 10 of the Constitution (dealing with the freedom of speech) was amended to give Parliament the power to prohibit the act of questioning the status and the legitimacy of certain subjects already enshrined in the Constitution, namely Section 3 (Citizenship), Article 152 (National Language), Article 153 (Special Privileges of the Malays and bumiputeras) and Article 181 (the Status of the Malay Rulers). With this new set of amendments, one can only question the powers that be should they fail in justly implementing the said provisions but not their very basis. Anyone indulging in the later could automatically run foul of the country's Seditious Law.²³

The 'Social Contract' Defence

It was to this constitutional defence that many of those intent on fending off the Suqui memorandum (or the part relating the issue of Special position of the Malays and bumiputeras) resorted. Hence others had repeated what had earlier been said by, for instance, the Menteri Besar of Pahang and the President of Gerakan and the phrase 'social contract' inevitably resurfaced many a time. In September a Malay academician, Ahmad Atory Hussain, reiterated that this 'social contract' ought not to be politicized. "Like it or not", he said, "that is the reality." For good measure he added,

I believe that even if it turns out that Pas takes over the rein of government in this country, the Special Rights of the Malays and bumiputeras will continue to remain relevant and will be defended at the very least until the end of the century.²⁴

²¹ *Parliamentary Debates on the Constitution Amendment Bill. 1971. p. 7 as quoted in ibid.*

²² *Ibid.* It ought to be noted that up to 1971 there still existed secondary schools that use English as the medium of instruction and, traditionally, it is from these schools that the country university students have originated.

²³ See Ahmad Ibrahim *et.al.* *Perkembangan Undang-Undang Persekutuan* (Kuala Lumpur: Dewan Bahasa dan Pustaka. 1999) p.31.

²⁴ See Ahmad Atory Hussain, 'Hak istimewa Melayu bersifat kekal', *Ulusan Malaysia. 15.09.2000.*

In December the Prime Minister argued in the same vein and stressed that if the government were to accede to the demands by Suqui then ‘the government would have to ignore its social contract and also side-step the Constitution.’²⁵ On this occasion too the Prime Minister repeated his earlier labeling of Suqui as extremist and likening its members to the communists.²⁶

The Retreat By Suqui

In the following month, in January of the year 2001, Suqui retreated. Following an Umno Youth. Suqui meeting, a joint statement by UMNO Youth chief, Hishamuddin Hussein and Suqui chairman, Quek Suan Hiong, was issued. The statement among others stated that ‘UMNO youth and Suqui agree that the seven matters [touching on the position and special rights of the *Bumiputera* community Suqui made in its petition] be set aside in view of the present ethnic tension.’²⁷ The seven matters or demands are:

Affirmative action should be based on the protection and enhancement of the status of the weaker groups of society irrespective of religious belief, social background and race,

Take steps to abolish in all aspects the “Bumiputera/non-Bumiputera” distinction,

Distribute land fairly to needy farmers irrespective of race,

Abolish the quota system based on "race" and replace it with a distribution system based on “merit”,

Abolish the racial-based quota system for university admission,

Accord fair treatment to all religions with regard to propagation, development and official support as well as access to official government media,

Introduce a system of grants and loans for all students, irrespective of ethnicity, based on

²⁵ *Utusan Malaysia*, 12.12.2000.

²⁶ The first occasion when the Prime Minister did that was in his National Day address in August. See *Utusan Malaysia*, 31.08.2000.

²⁷ *Utusan Malaysia*, 06.01.2001

merit.²⁸

Title Implications and the Evaluation

The point that the seven demands have been set aside rather than withdrawn has been highlighted. Presumably, the relevant and interested party could and would resuscitate the whole thing again at the appropriate time in future. If it is assumed that indeed there would be such an occasion later, then Suqui ought to be faulted not so much for raising the issue that they have raised but rather for its poor sense of timing. A number of quarters have, in their own ways, leaned towards such a position. To Ling Liong Sik, Suqui 'has chosen the wrong time to raise the issue'. 'Who knows', he said, 'in 30 or 40 years time when the Malays are economically successful, it might be the right time for such demands'.²⁹ Accepting this assumption, then the time frame would be the critical factor and there is no guarantee that a consensus on it can readily emerge. Countermanding Ling Liong Sik's 30 to 40 years there is, as already noted, Universiti Utara Ahmad Atory Hussain's 'at the very least until the end of this century' time frame.³⁰ But then again one might argue that the appropriate time could be as elusive as ever as the better off community (taking this entity as, in this argument, given) would not be setting aside time to conveniently allow the *bumiputeras* to do the catching up.

The fear, justified or otherwise, that the Malays or *bumiputeras* might not ever make it bring to the fore yet another set of argument: that the crutch needs to be taken or weaned away from them so that they could and would develop better survival instincts. Not only the *non-bumiputeras* but also some *bumiputeras* themselves have advocated this strategy or course of action.³¹ But here again conflicting premises can hardly be avoided. The future cannot be gauged with any prescience and therefore, to some, the risk is overwhelming and taking it borders on foolhardiness. Representing this opposing view, a quotation from Ungku Aziz can be illustrative. Asked to comment on the views of some Malays that an open competition would enable the Malays to improve their position, Ungku Aziz retorted, 'Bullshit...I am not that confident. In all sincerity [let me say this], I am

²⁸ *Utusan Malaysia*, 06.01.2001

²⁹ *Utusan Malaysia*, 16.12.2000.

³⁰ See above. Makmor Tumin of the University of Malaya believes that at least another 20 years is needed to correct the inter-racial imbalance.

³¹ See for instance M.Bakri Musa, *The Malay Dilemma Revisited* (Gilroy: Merantau Publisher, 1999)

amazed as to why the Malays themselves want to destroy the Malay race.³² To Ramlah Adam of University of Malaya, the Malays sold on the idea of the abolition of the Special Position of the Malays are really those who have somehow lost touch with the aspirations of their own people at the grassroots.³³

The ‘Social Contract’ Versus the ‘Democracy’ Argument

The ‘social contract’ or the ‘historic bargain’ argument has of course been utilized or marshaled many a time in the past.³⁴ A sterner or more emphatic version of the ‘compromise’ argument has also been articulated:

From the historical perspective the status of the Malays as the original people (*penduduk jati*) of this country is self-evident and need not be questioned. However, it seemed that UMNO had emphasized this status by turning it into a special issue in its negotiations with the MCA and MIC. The insistence of MCA and MIC that UMNO should agree to the *jus soli* principle possibly had sowed fear within UMNO that the rights of the Malays would be endangered and hence [UMNO] had invented a ‘special position’ for the Malays. This ‘special position’ cannot accurately be described as an ‘advantage’ to the Malays. In reality such a position had long existed.³⁵

Of course there is also the argument that all the ancestors of the races in the country had at one stage or the other in history migrated to this land. But then again the counter-argument to this has also been put forward and surely with no less force: it was with the Malay rulers that the British colonialists negotiated their treaties and no others and hence the term the ‘definitive people’ has emerged to distinguish the historic status of the Malays from that of the others.³⁶ Nevertheless, in this present age, and to be politically correct, one should also take into due cognizance of, for the lack of a better term, ‘the unarticulated interest of the indigenous’ population.³⁷

³² See Baharom Mahusin-Ungku Aziz Interview, *Mingguan Malaysia*, 20.08.2000. See also *Dewan Masyarakat*. November 2000, p.26.

³³ *Dewan Masyarakat*. November 2000, p.27.

³⁴ See for instance, James Ongkili, *Nation building in Malaysia 1946-1974* (Singapore: Oxford University Press, 1985) p.130 and Chandra Muzaffar, ‘Tolerance In The Malaysian Political Scene’ in Syed Othman Alhabshi & Nik Mustapha Nik Hassan (eds) *Islam and Tolerance* (Kuala Lumpur: Institute of Islamic Understanding Malaysia, 1994) p.123.

³⁵ See *Malaysia Kila* (Kuala Lumpur: Institut Tadbiran Awam Negara (INTAN), 1991) p.504.

³⁶ See Mahathir Mohamad, *The Malay Dilemma* (Kuala Lumpur: Times Book International 1970)p.127.

³⁷ In this regard see for instance, Um Heng Seng, ‘Towards Vision 2020: Law, Justice And The Orang AsH’ in Hassan Mat Nor (ed.) *Warga Pribumi Menghadapi Cabaran Pembangunan*, Kertas Kadangkala BiLS (Bangi: Jabatan Antropologi & Sosiologi, Fakulti Sains Kemasyarakatan Dan Kemanusiaan, Universiti Kebangsaan Malaysia, 1995) pp.IIS-142.

In addition there is also the argument that the present generation of *non-bumiputeras* should not forever be “burdened” by an ‘historic agreement’ to which they were not a party. But this argument cuts both ways for the present generation of *bumiputeras* can also argue that they have been “unnecessarily burdened” by the “shortsighted generosity” of the earlier generation of leaders. Proceeding from this they could then allege that the present generation of *non-bumiputeras*, having gained the benefit from the earlier historic arrangement, wishes now to deny the present generation of *bumiputeras* the benefits due to them (the *bumiputeras*) from the very same arrangement; hence the need to uphold the ‘social contract’.

All this goes to show that there is a plethora of arguments and related premises that might not be easily resolvable i.e. to the satisfaction of all contending parties.

Conclusion

If arguments and counter-arguments are aplenty and the protagonists continue to buttress their respective positions with premises that are not necessarily shared by all, one could not be too optimistic to believe that the verbal conflict is anywhere near resolution. In fact, it can well be argued that the debate arising out of the August 10, 2000 episode had not had a chance to really take off despite the plea by Awang Sulong³⁸ and the decision not to charge those that questioned the special position of the Malays under the Sedition Act. In the end the status quo remains unchanged. Would this be an indication of the kind of trend that would continue into the foreseeable future? Of course changes in the political landscape of a country do not necessarily occur as a result of verbal exchanges alone. The political and economic situations could very well be the more important determining factors. Hence to some the re-emergence of the kinds of demands as articulated by Suqui was made possible only or largely because of the political disarray of the Malay community.³⁹ Such a view, if accepted, does suggest as well that a new ‘social contract’ could indeed be negotiated in a changed economic and political scenario. Be that as it may, the discussion in this paper however is limited only to the consideration of some of the premises underlying the arguments arising out of August 10 2000 episode.

³⁸ See above.

³⁹ See Mustapa Mohamed, *Kemelut Melayu* (Petaling Jaya: Media Centre, 2001).

A Paper presented at the First SEACSN Malaysian National Workshop on Issues and Challenges for Conflict Resolution in Malaysia, Penang 7th – 9th November 2001

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