

The Invention of Tradition: The Royal Power of Contemporary Malaysia in a Historical Perspective*

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I. Introduction

Monarchies especially in the Western world have widely come to be believed as a political anomaly. In stark contrast, several Asian monarchies still guide their countries' destinies. Indeed, a handful of Asian monarchs — though their positions are not as powerful as they were absolute monarchs in the past — are still politically influential, managing not just to survive, but to remain in the thick of events. The status of monarchs looks secure so long as their subjects regard them not as historical anachronisms but as significant political forces.

One of the most viable constitutional Asian monarchies is that of Malaysia. The Malaysian king — *Yang di-Pertuan Agong* or *Sultan Agong* — is one among nine sultans or *rajas* in the Malaysian federation. Beyond ceremonial duties and symbolic privileges, the king of Malaysia enjoy certain constitutional powers.

All bills passed by Parliament require royal assent (Article 66) before they can be gazetted as laws. Further, there are certain “entrenched” articles of the

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Constitution, which require the Ag[o]ng's (and the Conference of Rulers') consent rather than assent. The Ag[o]ng has discretionary power in the appointment of a Prime Minister, in the withholding of consent to a request for the dissolution of Parliament, and has a supposedly non-discretionary power in the declaration of a state of emergency (Article 150). In addition, the Agong shall exercise his functions under the Constitution and federal law in such manner as may be necessary to safeguard the special position of the Malays (Article 153).

In contemporary Malaysia, armed with the powers, the Malay sultans command considerable authority which has become one of the key political issues of the day. Nevertheless, in my view, most probably because of the Sedition Act of 1969 which was designed to prohibit any public questioning or criticism of "sensitive issues" including the powers and status of the Malay Rulers, little has been written about the topic, and most of the few existing studies have focused on patterns of kingship and authority or the history of their dynasties in premodern era (Carroll 1999; Johan 1999; Khoo 1983, 1985, 1986; Milner 1982, 1985; Gullick 1965, 1985, 1987; Kratoska 1984; Sharifah 1993). There have been a handful of studies on the royal power in modern era. While most of them have been focused on the erosion of the royal power or its problems through modern political realities (Cheah 1988; Chandra 1979; Syed 1993; Gullick 1992; Chamil 1992), only a few studies handle its viability of the day (Kessler 1992; Muhammad 1995; Kershaw 2001).

As yet there is no single piece of scholarship on the viability of the institution of monarchy or Malay sultans which covers prewar, interwar and postwar times. Existing studies are limited to one of the three distinctive time periods. There exists a need to examine the continuity of the viable royal power in perspective of the "invention of tradition" — "the interpretation, creation, or manipulation of

contemporary ideas about the past to bestow an aura of venerability on contemporary social relations" (Kessler 1992: 133), and this study is important in that it will be the first attempt to explore in this direction. The main goal of this study is to fill in gaps in the study of the periods, bringing to light driving forces behind the serviceable tradition of the day. This study will also contribute to a better understanding of the political culture of Malaysia.

II. Royal Power under British Rule

Before British administration was introduced, traditional Malay society was hierarchical in structure. In general, at the apex of the society was the *raja* who was not only supreme in the political structure, but also in social and religious life as well. The Malay believed that the *raja* was invested with an aura of sanctity or an ideology of legitimacy which is better known as *daulat*. The concept of *daulat* has been explained:

..... *daulat*, as a concept of general Malay tradition, comprised several related ideas. *Daulat* was the supreme expression of the quality of the "majesty", and its possession of a ruler constituted divine sanction of his reign. It was a stable, impersonal quality, beyond the influence of its holder's character or abilities. It could act arbitrarily and offensively to protect the ruler, his command and his dignity, and enabled him to accomplish acts of great magic. In short, *daulat* was a foundation of the ideology of legitimation (Moy 1978: 134-135).

A Malay legal digest, the *Undang-undang Melaka* states that almost uncir-

cumscribed authority over *rakyat* (the subject) was in the hands of the ruler.

The qualities required of a ruler's subjects are three in number. Firstly, (he is to be) honourable in all his behaviour; secondly, (he) abides by the commands of the ruler; whether he (the ruler) is tyrannical or not, he (the subject) shall follow his commands; thirdly, he desires mercy from his Lord (Liaw 1976: 67).

In addition to the mystical powers of the *daulat*, the Malay *raja*, who was legitimated further by the symbols of Islam, commanded considerable loyalty among his subjects. Another legal digest, the *Undang-undang Pahang* justifies the very need for a *raja* on the grounds that Allah had deemed it fit that there should be Kings, for the Quran said: "*Inni ja ilun fl-ardi Khalifah* meaning" — "I would like to appoint Kings on earth as my representatives" (Kempe 1948: 25). The *Undang-undang Melaka* also states some form of reciprocity that was expected from the ruler.

The qualities of a ruler are four in number. Firstly (he is) merciful; secondly, (he is) generous; thirdly, (he is) courageous; and fourthly (he is) able to give his verdict decisively (Liaw 1976: 67).

Whether loyalty to the *raja*, which was legitimated by the aura of sanctity, was absolute or reciprocal has been the subject of an important debate (Ariffin 1993; Chandra 1979; Khoo 1991; Milner 1982; Abdul Rahman 1985; Cheah 1988). As a matter of fact, the incident of dethronement was not uncommon in traditional Malay history. Even within the period of the Melaka Sultanate, some rulers were ruthlessly removed as in the cases of Sultan Abu Shaïd (r.1444-1446) and Sultan Alauddin (r.1477-1488). Regarding the regicide, Professor Khoo Kay Kim argues:

Yet the *Sejarah Melayu* is emphatic that “*istiadat hamba Melayu tiada pernah derhaka*” (it is the custom of Malays never to be treacherous to the ruler). When the whole span of Malay history, between 1400 and the mid-nineteenth century, is carefully examined, it will be found that except in 1699, every incident of *coup d’etat* dethronment or regicide, was committed in the name of another member of the ruling house who had a justifiable claim to the regnal title. The implication, although never clearly stated, was that among equals, the principle of *derhaka*[treason] did not apply (Khoo 1991: 20).

He further mentions that “[T]he institution of monarchy, once firmly implanted within the Melaka society, became an essential integral part of Peninsular Malay political culture. Until the advent of British influence in the nineteenth century, there was no concept of ‘state’ (in the Western sense) in Malay society. Contrary to what Gullick claims, the traditional Malay concept of *negeri* cannot be equated with the Western concept of ‘state.’ The Malay conceptualisation of authority was directly linked to the presence of a *Raja*; territory was unimportant, hence the term *kerajaan* (the state of having a *raja*), which is, more appropriately, the Malay equivalent of the Western concept of a ‘kingdom’” (Khoo 1991: 20). Despite wide differences of opinion in the debate, the scholars agree on the Professor Khoo’s implication that the Malay *raja* was the central point of reference, forming the central component of Malay identity.

After 1874, in general, the British colonial administration brought sweeping changes in the Malay states, replacing somewhat loosely-structured indigenous administrative systems with more structured Western systems of administration. The centralization of administration in the hands of British officials undermined the position of the sultans and the chiefs. Under British rule, the rulers lost most of their powers in decision-making. In spite of the British promise not to meddle in

matters concerning Islam and Malay custom, the abolition of slavery and imposition of Western laws and land administration on traditional Malay society removed the control of manpower and treasury power from the hands of the Malay rulers.

Nevertheless, the traditional Malay polity did not undergo major changes. For the British, the institution of monarchy became such an effective instrument of control of the populace that they fully exploited its efficacy. For the purpose, far from the abolishing the institution, the British supplied new props to strengthen the edifice. In order to compensate the lost of income of the Malay rulers, the colonial government gave them allowances. Thus they were allowed to retain their titles and semblances of sovereignty and dignity. Also, the rulers still remained supreme in religious affairs. Furthermore, their position in Malay society was strengthened by “eliminating the traditional in-built mechanism of checks and balances which allowed members of the ruling family continually to contest the royal seat” (Khoo 1991: 21). The British did it by “the reduction of previous competitive territorial chiefs to the status of titled pensioners or government-paid bureaucrats” under the centralized apparatus of government and by throwing “their weight behind favoured candidates” (Roff 1967: 250; Khoo 1991: 21). In addition, the British were very conscious of keeping the traditional ties between the rulers and the *rakyat*. To this end, they made use of the *penghulu* (district ruler) at their lower administrative units, avoiding the direct contact of British officials with the *rakyat*. The *penghulu*, the representative of each village, became cog in the colonial apparatus with a salary. In this ways, the British rule basically did not hamper the traditional patron-client relationship within Malay society. On that matter, Professor Khoo makes a conclusion:

It would not be unfair to say that, in practice, the existence of monarchy, strict-

ly in terms of the stability of the ruler's position, approximated more closely, during the British era, to the ideal as envisaged in the *Undang-undang Melaka* and the *Sejarah Melayu*, than at any other time during the traditional period (Khoo 1991: 21).

III. Royal Power under Japanese Rule

Before their invasion, one of the important questions for the Japanese Military on occupied Malaya was the treatment of the sultans and the Islamic religion. These questions were summarized:

(1) what should be the status of sultans as the heads of the Islamic religion and their political position in relation to the Malays; (2) how much power should they be allowed to retain as spiritual leaders of the sultanates; (3) how should they be persuaded to give up their authority and be induced to cooperate with the Japanese in order to win the confidence of the people of Japan through their prestige and power; and (4) how should the Islamic religion and its related tradition be treated (Akashi 1969: 81).

The concerns of Japanese Military planners toward sultans and the Islamic religion were manifested in the document "Principles of the Administration of Occupied Southern Areas" of March 1941.

Sultans are to be left alone as the nominal rulers under the supervision of a military government, which shall be replaced by an advisory system once public order has been restored. Strict measures must be taken to respect the

freedom of religion and belief as well as customs [in order to win the hearts of the local inhabitants] (Akashi 1969: 82).

In the context of this broad plan, the Japanese came to Malaya without any specific measures for how the Islamic religion was to be handled to gain the cooperation of Muslims. In short, they did not try to make use of Islamic groups, such as religious teachers and Islamic reformists known as *Kaum Muda* through a specific policy. In other words, unlike the policy in Java, they did not seek to establish control over any Malay Islamic groups for nationalist purposes, which would help the Japanese to fulfil their ultimate aim — winning the Pacific war. According to Yoichi Itagaki, there were several reasons for such sluggishness of the Japanese policy toward the Malay Islamic groups.

In Malaya there were no religious leaders or *ulama* who would wield a sufficiently strong influence over the masses in both the religious and political sense. Neither were there any powerful Muslim associations or organizations like Muhammadiyah, and Nahdatul Ulama in Java or PUSA in Atjeh which organized all the Muslim forces in the society (Itagaki n.d. : 21).

As a result, the Japanese policy toward the Islamic religion was to be gradually implemented.

Special consideration shall be given in applying this policy toward Moslems. Premature action with regard to religious innovation shall be avoided our religious policies shall be gradually planned and implemented in accord with local conditions (Benda 1965: 32).

In the first year of the occupation, the Malayan Military Administration (MMA) under Colonel Watanabe Wataru was not mindful of even the sultans. He ridiculed the plan of central army authorities, saying that the plan to “give them [sultans] due respect and to use them for achieving our objectives is absurd” (Akashi 1969: 85). Watanabe’s hard line policy was implemented, giving no special position to the sultans.

(1) To offer their titles, lands, and people to His Imperial Majesty through the Japanese military commanders; (2) Voluntarily to set an example for the people by swearing loyalty as Japanese subjects (McCoy 1980: 80).

Consequently, although the sultans were allowed to retain their status as religious leaders, the MMA neither paid their usual monthly allowances as the British had, nor did it recognize any other special status. With the dissolution of the prewar *Majlis Ugama* (Religious Councils) in early 1942, the sultans lost even their appointment power of Islamic officials.

In the meantime, the turning tide of the war forced the Japanese to alter their whole policy in the occupied areas. Around the end of 1942, an Army directive demonstrated the change.

The need for winning the hearts of the peoples has redoubled, each Army should be especially prudent in the treatment of heads of autonomous areas
 their prestige should be enhanced (Benda 1965: 47).

In Malaya, this order of the Army Vice-Minister forced the MMA to change its policy toward the sultans and other local Islamic leaders. As a result, A Conference of the Sultans of Malaya and Sumatra was held in Singapore in

January, 1943, assuring their improved status. At the meeting, Japanese authorities agreed to:

(1) recognise them as “Sultans” (2) honour them and recognise them as heads of Islam. (3) pay them remuneration which would be less than that of prewar times although Malay chiefs would be paid the same pensions (4) allow them to keep their properties (*The Syonan Shimbun*: January 22, 1943).

On April 5 to 6, a Conference of Islamic leaders was held under the sponsorship of the MMA. The leading *ulama* of each state of Malaya and religious leaders from Sumatra attended the meeting, in which the Japanese emphasized their respect for Islamic religion and customs, asking the representatives to “share the burden of the war to its end and share difficulties of food shortage and daily necessities” (Akashi 1969: 101).

From August to October, 1944, the MMA allowed the sultans to reconstitute the *Majlis Ugama*, restoring their power to appoint religious officials. Also the Japanese established Consultative Councils in each state, appointing the sultans as vice-chairmen under the chairmanship of Japanese Governors (Bamadhaj 1975: 171). The MMA policy aiming at the restoration of the political and religious power of the sultans was furthered by a three-day Malay conference of Religious Councils at Kuala Kangsar in December. After their usual emphasis on the “Grow More Food” campaign and cooperation with Japan to win the war, the Japanese permitted the representatives to freely discuss many issues affecting all Malay Muslims, such as religious festivals and secondary level religious education on a national scale (*The Syonan Shimbun*: December 28, 1944).

In return for Japanese recognition of the sultans and other religious leaders,

they became mouthpieces of the MMA. They occasionally urged Malay Muslims to cooperate with Japan in their "Grow More Food" campaign and other war aims. In 1944, *The Syonan Shimbun* reported an example of a sultan cooperating with the MMA.

In front of the palace of Sultan Abdul Aziz, Sultan of Perak, is an area of 40 acres, in readiness for the purpose, and during this short period 30 acres have been cultivated with sweet potato, tapioca, maize, ragi, papaya, castor, cotton, papaya, pineapple, etc. The Sultan himself every day comes down to the farm, planning. The Sultan, with about 60 persons, works hard and diligently. Cattle-sheds and chicken runs have been prepared for keeping buffaloes, cows, ducks and fowls (*The Syonan Shimbun*: June 9, 1944).

The central intention of the Japanese concerning Islamic religion in Malaya was to control the sultans and unite Malays under them. Therefore, Japanese policy toward the Islamic religion was only formed in line with the policy toward the sultans. In a sense, this Japanese policy was successful. Although the religious-political power of the sultans was more eroded under Japanese rule than that of the prewar days, their position in relation to the *rakyat* did not seem to be altered. Like the prewar period, the erosion of the meager political power of the sultans under the Japanese rule was not noticed by the *rakyat*. More important in the Malay eyes was that the sultans remained their spiritual heads. As a matter of fact, the Islamic religion continued to play an important part in the lives of all Malays during the war. No doubt, the Japanese emphasis on their role was reviewed by the ordinary Malays as the retention of the sultans as religious heads. The *rakyat* continued to remain loyal to the sultans throughout the war period.

IV. Royal Power during the Protest against the Malayan Union

On October 10, 1945, the British Government made the first public announcement of the Malayan Union scheme. The scheme was to merge the four Federated Malay states (FMS), the five Unfederated Malay states (UMS) and the Settlements of Penang and Malacca into a united state with a strong central government under a governor. The Malay sultans were to surrender their full sovereignty to the British Crown. As another cardinal principle of the new constitution, citizenship rights were to be extended to all non-Malays without discrimination (Lau 1991). In short, the Malayan Union scheme represented a complete departure from the whole trend of the British “pro-Malay” policy in prewar Malaya, which had always confirmed that “Malaya was a Malay country.”

Several different interpretations have been offered to explain British motives in abandoning their prewar “pro-Malay” policy. The most possible motive for the reversal of the prewar British policy was related to the need for administrative efficiency. In the decades before the Second World War, the British made several attempts to assert more direct control over the Malay states. One such attempt was the decentralization policy. In the face of complaints from administrators and businessmen regarding the inefficiency in dealing with different governments in Malaya, British policy makers sought to decentralize the FMS government during the 1920s and 1930s. It was an attempt to transform the FMS in line with the UMS, where the Malay rulers enjoyed relative administrative independence under British advisors. Indeed, the decentralization policy aimed to “overcome both UMS suspicion and FMS criticism of British administration, and therefore to increase and strengthen the links between all components of Malaya. It was intended to be decentralization as a prelude to effective recentralization” (Stockwell 1979: xiv). But these prewar efforts were usually frustrated by the sul-

tans, who strongly resisted centralization. As a result, a sense of disillusionment developed among reform-minded officials in Whitehall, who were increasingly impatient with the Malay sultans during the prewar years. They frequently referred to the Sultanate as an “anachronism”(Lau 1989: 223-224).

In the meantime, the British disillusionment was further augmented by the disloyal behavior of the sultans on the eve of the Japanese invasion. The British attempted to remove the sultans to safer places in Australia and India away from the dangers of the war and capture by the Japanese. However, the rulers refused to go, showing their strong reluctance at being separated from the *rakyat*. Shortly after the fall of Singapore, the British received reports of collaboration by the sultans with the Japanese.

On behalf of the native population of the whole of Malaya, nine Sultans called on Lieutenant General Yamashita on April 11th and took a solemn oath of allegiance to His Majesty The Emperor of Japan (Colonial Office hereafter CO 717/147).

This disloyal behavior of the sultans must have dismayed the British government. For the British, however, the sultans’ behavior was to be a good pretext to impose the Malayan Union by threatening the rulers with charges of collaboration.

In efforts to impose the Malayan Union, the first step was to persuade each Malay sultan to repeal old treaties and to sign new treaties in a single form designed to cede all powers of jurisdiction in his state to the British Crown. Given the strong reservations of the Malay rulers at the several British prewar attempts to centralize divided Malaya, British officials foresaw that the task would not be so easily achieved. Whitehall entrusted the task to Sir Harold MacMichael who had been the Governor of Tanganyika and High Commissioner of Palestine and

Trans-Jordan from 1933 to 1944. His mission lasted from October 1945 until January 1946.

The British employed several methods to secure the new treaties. One of their major tactics, as excepted, was utilization of the charge of collaboration and their non-recognition of the sultans appointed by the Japanese during wartime (Lau 1991: 100-101). Each sultan was to come under close scrutiny.

...no course of action should be adopted by British Commanders in Malaya which might be construed as a formal recognition of any "Sultan" until the position has been carefully examined and H.M.G.'s [His Majesty's Government] directions have been received... (War Office hereafter WO 203/5462).

With regard to sultans who collaborated with the Japanese, the British proscribed any political role.

These Sultans will be apprehended as early as possible and will be kept in close arrest, ... They will be treated as distinguished prisoners and with correct punctiliousness ... neither the prisoner nor his staff will be permitted to communicate with the outside world (WO 203/5624).

These two documents clearly imply that if the Malay rulers refused to sign the new treaties, the British government would threaten them, raising the subject of collaboration and the non-recognition of the rulers.

Brigadier H. C. Willan, a Deputy Chief Civil Affairs Officer of Malaya prepared the preliminary ground for MacMichael's mission of September 8-29, 1945, contacting each of the Malay rulers in turn. In his interviews with them,

Willan's principal intention was to remind the rulers of the subject of collaboration, weakening in advance their possible protest against the new treaties. He conducted his first interview with Sultan Ibrahim of Johor and summed up the result.

The Sultan showed no sign of nervousness when I touched on this subject ... He appeared to have no guilty conscience when the question of collaboration with the Japanese was mentioned ... if the policy of the British Government is to proceed with the new constitution and the necessary new treaties, the sooner the Sultan of Johor is approached in his present state of mind the better (WO 203/5635A).

After his interview with Tengku Musa-Eddin of Selangor, Willan reported that "I gathered the impression that Musa-Addin[sic] was very nervous at the beginning of the interview and shoed[sic] signs of relief when I explained what was to happen to him" (WO 203/5635A). On September 17, Willan contacted Tengku Badlishah, the Regent of Kedah. On the subject of collaboration, he informed the Regent that "the policy would be one of leniency, except in cases where investigation proved conclusively that there had been active and serious collaboration with the Japanese to the detriment of the Allied cause" (WO 203/5635A). Two days later, he interviewed the Sultan of Perak. When Willan dealt with the question of collaboration and "informed him that the general poicy is one of leniency but that ringleaders who had been in responsible positions must and should be brought to justice, ... [t]he Sultan showed no nervousness ... and agreed that it was the right policy. "Willan further mentioned that" he [the Sultan] was genuinely pleased to see me and welcomed the British back again. I myself was well satisfied with the interview because I came away under the impression that the Sultan has nothing to fear from us regarding his conduct during the

Japanese occupation” (WO 203/5635A). After completing his interviews with the rest of the Malay rulers by September 29, Willan made a general conclusion regarding his preliminary task for MacMichael’s mission by commenting that he anticipated no serious difficulties in securing the new treaties.

On October 11, 1945, one day after the Malayan Union scheme was publicly announced in London, MacMichael arrived in Malaya. When he first visited the Sultan Ibrahim of Johor on October 18, MacMichael realized that Willan had done his task successfully. No protest was offered and two days later, the new treaties were signed in a friendly atmosphere. Similarly, MacMichael did not face any opposition in the following visit to Selangor on October 23. In Kelantan, his visit met with similar success. In Perlis and Pahang, the sultans accepted his mission with no serious reluctance. However, MacMichael found that Willan’s assessment had been overly optimistic in Negeri Sembilan, Perak, Kedah and Trengganu (Lau 1991: 109-116).

By December 21, MacMichael had completed his contacts with the nine Malay rulers and succeeded in securing the new treaties in spite of some opposition from certain rulers. In all cases, it is hard to deny, however, that together with the brusque and overwhelming manner of MacMichael in military uniform, the tactics that the British government utilized to obtain the signatures of the Malay sultans left a feeling of resentment among the rulers.

On January 6, 1946, MacMichael left for Britain with the new treaties which would allow His Majesty’s Government to exercise full jurisdiction in Malaya. The MacMichael mission was hailed as a great success in London. There was no doubt in the circle of British policy makers that the Malayan Union would be accepted as a *fait accompli*. However, before the ink of the signatures on the new treaties was dry, the new constitutional reform was attacked from various directions in Malaya.

In the early stages of the protest against the Malayan Union, “the general feeling among the Malays included a certain amount of antagonism towards the rulers, who, it was considered, had signed away their birthright without reference to their people” (MSS/PIJ 1946). *Utusan Melayu* bitterly commented that “MALAY RAJAS had been ‘sold’ and that British Government had confiscated rights of MALAYS” (WO 203/6206). Ayob bin Abdullah, who had written a petition to London as a prominent member of the *Kesatuan Melayu Kedah* (Kedah Malay Union), made a startling argument in *Majlis* regarding the sultan’s position in Malay society. In a series of articles, Ayob argued that “the authority of the Malay Rulers rested on the people according to Islam, Malay custom and all world principles; that by signing the MacMicahel Treaties, the Rulers had failed their subjects; and that, without the agreement of the people, the new treaties were invalid” (Stockwell 1979: 66). In Johor, the Malay antagonism toward the sultan was much more vociferous, and consequently some historians labelled it as the Johor “conspiracy.” Some members of the royalist family claimed that “the new treaty was a flagrant breach of the Johor constitution and by signing it Ibrahim had failed to do his duty to his subjects” (Stockwell 1979: 66). In a protest meeting held at the Abu Bakar Mosque, Johor Bahru on February 1, loyalist leaders of the “conspiracy” including Dato Abdul Rahman bin Mohd. Yasin, who became President of the *Persatuan Melayu Johor* (Johor Malay Association), attacked the Johor sultan in wild speeches, calling for Ibrahim’s replacement by a new ruler. At the end of meeting, the *Persatuan* made a strong resolution to threaten the sultan’s position. It concluded with this remark.

... we the Malays of Johor Bahru have finally and unanimously resolved to refuse to accept any longer as our Ruler or Sultan or Leader Ibrahim bin Almarhom Sultan Abu Bakar (CO 537/1550).

Although Dato Onn bin Jaafar, a fifty year old District Officer in Batu Pahat made an effort to moderate the extreme hostility, the Persatuan finally decided to distribute the resolution throughout the peninsula and to telegraph it to Ibrahim who had departed for London shortly after his voluntary agreement on the Malayan Union scheme.

With regard to the Malay protest against the new constitutional reform, the above arguments of the aristocratic Malay intellectuals contained two significant implications. First, through the legal argument based upon Islam and Malay custom, the intellectuals attempted to convince both the British government and the Malay rulers that the treaties signed in their secret meetings were not legitimate. As the first step of an effective protest, in the intellectuals' view, the renunciation by the sultans themselves of their signatures was indispensable for the purpose of overturning these odious agreements. Second, in their approach the intellectuals seemed to consider carefully the traditional Malay political culture. From the beginning, they realized that without mass support, their protest could hardly succeed in repealing the British *fait accompli*. In order to organize the *rakyat* in the protest, the cooperation of the sultan as a politico-religious symbol in Malay society would be difficult to forgo. Only through legal debate could they safely apply an old Malay saying - *Raja adil, Raja desembah; Raja zalim, Raja disanggah* ("If a king just, he is obeyed; If a King is wicked, he is opposed.") (Cheah 1988: 13) - without the misunderstanding among the *rakyat of derhaka* against the rulers. In this context, one can reasonably understand Dato Onn's effort to moderate the extreme antagonism toward Ibrahim of the royalist family in Johor. In the following protests, Dato Onn skillfully made use of the Malay rulers as mouthpieces for the propaganda against the Malayan Union scheme.

While the first Malay protest against the Malayan Union was focused on antagonism toward the sultans, there occurred an effort to develop the reaction in

terms of politics by the establishment of pan-Malayan Malay congress. Dato Onn bin Jaafar formed the *Pergerakan Melayu Semenanjung* (Peninsula Malay Movement) in Johor. On January 24, two days after the announcement of the White Paper, Dato Onn, as President of the Movement, wrote a letter to *Majlis*, suggesting that “a congress of Malays be held as early as possible not only for resolving the differences that existed between the Malay associations themselves but also to discuss the fate of the Malays in the Peninsula” (Ishak 1960: 61). In the face of the dual threats to their political sovereignty from immigrant peoples, in particular, the Chinese as well as the British, the Malays enthusiastically greeted Dato Onn’s appeal for the unity of all Malays. The Malay press soon discussed some details of the congress including the choice of a site. Eventually, on March 1, 1946, some 200 Malays from 41 associations in all parts of Malaya, including Singapore, gathered in the Sultan Sulaiman Club in Kuala Lumpur, and the four-day Pan-Malayan Malay Congress was open. Shortly after the opening ceremonies, Dato Onn was elected chairman of the congress and various debates over how to protect and enhance the privileges of the Malays ensued.

Dato Onn suggested that the name of the nationwide organization be the *Pertubuhan Melayu Bersatu* (United Malays Organization). This suggestion was seconded by Zainal bin Ahmad, the Organizing Secretary to the Congress, who proposed that “the organization be called the United Malays National Organization (UMNO) [*Pertubuhan Kebangsaan Melayu Bersatu*], so that the word ‘national’ [*kebangsaan*] would connote that the Malays were not only a race but a nation” (Ishak 1960: 61). Finally, the congress passed various resolutions largely regarding the opposition to the Malayan Union. A document of the British Colonial Office reported actions of the congress (MSS/PIJ: Serial No. 1: 1946).

(1) They rejected the Malayan Union Scheme as outlined in the White Paper,

demanded its withdrawal and maintenance of the “Status quo.”

(2) They discountenanced the agreements drawn up and contracted by Sir Harold MacMichael with the Sultans. These agreements, they maintained, were unconstitutional and not binding on their subjects.

(3) They agreed to establish a “Malay Victory Education Fund” with an initial sum of \$1,000,000.

(4) They maintained that the White Paper proposals would deprive the Malays of their birthright.

(5) However they invited the British Government to send a mission to enquire on the spot into the situation prevailing in the Malay Peninsula at the moment.

(6) They claimed that MALAYA was a country of, and for the Malays. They stated that they were not prepared to share their birthright with others and that they were entitled to self-determination and not dictation.

(7) They agreed to waive the proposal sending a delegation to London to protest against the Malay [sic] Union, in view of (5) above.

All the Malay sultans except the Sultans of Johor and Kelantan held a protest meeting in Kuala Kangsar, Perak on March 16. In the meeting, the rulers decided to send a petition confirming the manner by which MacMichael gained their approval to cede their full jurisdiction on the Crown by coercion. They also discussed “all visiting ENGLAND in a body to put their case before His Majesty in person” before the Supreme Court would take up the issue (CO 537/1581).

Despite this uproar, however, the British government was to push the inauguration of the Malayan Union on April 1, 1946. And Sir Edward Gent as the first Governor-Designate of the proposed new institution was going to arrive in Malaya on March 29. This firm determination in London convinced the Malay leaders of the congress of the British intention to ignore the anger within the

Malay community. In order to find ways to counter the British decision, Dato Onn convened an emergency meeting of the congress in Kuala Lumpur on March 30. In the bitter and violent atmosphere of the meeting, the Emergency meeting pronounced five resolutions to all the Malays (MSS/PIJ Serial No. 1: 1946).

- (1) That white sashes should be worn in their *songkoks* by all Malays for one week as a sign of mourning for their lost rights.
- (2) That Malay members of H. E. the Governor's Advisory Council should be asked to resign.
- (3) That the Rulers should refrain from attending any ceremonies relating to the Malayan Union, including the installation of H. E. the Governor.
- (4) That Malay associations should not recognise H. E. the Governor at any meeting or in any speeches of welcome.
- (5) That a protest be made to Arab League in Cairo, with a request that it be forwarded to the United Nations Organization.

After the Emergency meeting, Dato Onn called on the sultans and informed them of the resolutions. Despite the vociferous protest of the Malays, the British government according to its original plan promulgated the Malayan Union on April 1. Gent was installed. The Malays who had been invited to serve on the central legislature, the Malayan Union Advisory Council boycotted the British invitation, stating that it was "impossible to attend the funeral rites" of their "birthright and liberty." None of the Malay rulers participated in the installation ceremony. The Malay protest was highlighted when hundreds of *rakyat* "wearing a white band of mourning around their black velvet *songkoks* (caps) stood in front of the hotel where the rulers were staying and cried, '*Daulat, Tuanku!*' ('Long live the Sultans!') and 'Long live the Malays!'" (Miller 1982: 79).

Obtaining considerable mass support during the campaign against the Malayan Union by June 1946, Dato Onn and UMNO leaders forced the British to realize that it might be impossible to impose the Union without the cooperation of the Malays. Confronted by the vigor of popular antagonism toward the Malayan Union, the British government proclaimed the Federation of Malaya as a replacement of the Malayan Union in February 1, 1948. The new Constitution, which evidently marked the return to the traditional British “pro-Malay” attitudes, indicated a great Malay victory over the British challenge to the Malay sense of their special birthright. For the victory, just as on the one hand Dato Onn and UMNO leaders endeavored to coordinate popular reactions to British policy, so on the other hand they harnessed the sultans to this mass movement against the Malayan Union. Under the leadership of the aristocratic intellectuals, the sultans played a role as a bond or cement to unite and strengthen the Malay nation as a whole against its submergence by the large immigrant communities, who were to be granted equal citizenship rights by the Malayan Union scheme. Thus, the Malay raja was portrayed as “a guarantee and emblem of Malay *kebangsaan vis-a-vis* the foreign *bangsa* in Malaya” (Ariffin 1993: 199). Consequently, in the wake of the protest, the Malay *kerajaan* was crystallized as an integral symbol of Malay nationalism, which was a modernized version of the mythical link between the *raja* and the *rakyat* in the sultanate of Melaka.

V. Epilogue: Royal Power Since *Merdeka*

On August 31, 1957 - to cries of “*Merdeka!*” - Malaya lowered the British Union Jack and hoisted its new flag; colonial rule, which had begun with the Pangkor Treaty of January 20, 1874, formally ended. In the independent Malaya,

Malay *rajas* turned into constitutional monarchs in accordance with its Federal Constitution which is well known as “Merdeka Constitution” of 1957. Nevertheless, it is not unfair to say that the status of the Malay *raja* as the symbol of Malay sovereignty - Malay claim to ownership of the country - was more strengthened, when the Constitution provided the monarch with certain powers to protect Malay special rights and Islam beyond ceremonial duties and symbolic privileges. Regarding the royal power to safeguard Malay special rights and Islam, the Constitution says:

Islam is the religion of the Federation ... (Article 3 (1)). In every State other than States not having a Ruler the position of the Ruler as the Head of the religion of Islam in his State in the manner and to the extent acknowledged and declared by the Constitution of that State, and, subject to that Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of that religion, are unaffected and unimpaired ... (Article 3 (2)).

... the *Yang di-Pertuan Agong* 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 and of scholarships, exhibitions and other similar educational 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 ... (Article 153 (2)).

Furthermore, the Constitution elevated the Malay *raja* above the laws of the country, implying that the constitutional provisions for special privileges for the Malay

community could not be repealed without their consent.

When a Bill has been passed by the House in which it originated it shall be sent to the other House; and it shall be presented to the Yang di-Pertuan Agong for his assent ... (Article 66 (3)).

The status of the Malay *raja* was further reinforced after the “May 13” riots of 1969. In an effort to settle down the blood communal strife, the government issued a White Paper that proposed a series of constitutional amendments. The new constitutional amendments were to “prohibit any public questioning or criticism of the *Rukunegara* (National Charter) and certain topics identified as ‘sensitive issues’, including: the powers and status of the Malay Rulers; citizenship rights of non-Malays; Malay special rights and privileges; the status of Islam as the official religion; and the status of Malay as the sole National Language. The proposed amendments would also ‘entrench’ these matters in the Constitution by requiring the consent of the Conference of Rulers for any further amendments to these ‘entrenched’ sections of the Constitution.” Excluding the symbol of Malay identity from public debate, in particular for fear that it is questioned by an increasingly assertive non-Malay community and also giving the Malay rulers the power to protect ‘entrench’ constitutional provisions, the Sedition Act was to make them “the perpetual guarantors of ‘The Racial Bargain,’ which had now been defined largely as a package of ‘inalienable indigenous rights’” (Means 1991: 14).

The symbol of Malay special rights and privileges, the *raja* has, within the last twenty years, faced severe challenges from Mahathi’s executive power, first in the constitutional crisis in 1983 and more recently, in another constitutional crisis in 1993. In mid-1983, the Malaysian government was in a dilemma with the

forthcoming election of a new *Yang di-Pertuan Agong* in February 1984. The next *Agong* by rotation were to be from the rulers of Perak and Johor - the former was then senior. They were considered unpredictable. "Both had records of interfering in state politics to the extent of exceeding their constitutional roles, and through obstructive tactics each had forced out the respective *Mentries Besar* (Chief Ministers) of their states" (Milne 1999: 31). "Further, the Sultan of Perak in 1982 and 1983, and Sultan of Johor in 1983, clashed with the federal government over the date for the end of the fasting month of Ramadan, thus causing confusion and consternation to Malays and disrupting holiday timings" (Milne 1999: 31). Consequently, from the government's perspective, either of those would be a risky choice.

This atmosphere at the government made the Sultan of Johor upset and he "stated at a gathering that when he was elected *Ag[o]ng*, he would be unilaterally declare a state of emergency, and, with the aid of the army, throw out all the politicians." Right after receiving the report, Mahathir decided to take immediate action to eliminate the necessity of getting the *Agong's* consent for any declaration of emergency through the Constitution Amendment Bill. The Bill of 1983 was handed over to Parliament on August 1, and quickly passed both houses. "Hoping to avoid public debate on the issue, which might alarm the population, especially the Malays, the Bill's swift transit through Parliament was accompanied by a domestic press blackout" (Milne 1999: 32). Finally the Bill was presented to the *Agong* and he consulted the rulers. They were united in their opposition and strongly urged the *Agong* not to give assent the Bill. Confronted by the opposition of the rulers, the Mahathir government made use of press and mass rally campaigns to explain the government's position and overcome the impasse. "Support among the Malays was almost evenly split, generally following traditional-modern and rural-urban divisions. UMNO was for the amendments in approximately

60:40 proportions. The split seemed to be roughly between politicians who aspired to lead a new politico-economic power elite, and older-style political figures, some with aristocratic connections, and their clients” (Milne 1999: 33). In the long run, this constitutional crisis ended in a victory for the government when the rulers accepted Mahathir’s proposals on December, 1983. And the Bill gave the Prime Minister alone the right to declare an emergency.

The constitutional crisis of 1993 was erupted when the government attempted to eliminate the immunity of Malay sultans and their power to grant royal pardons from criminal offences by another Constitution Amendment Act. These changes followed an physical attack on a school hockey coach by the former *Agong*, the Sultan of Johor. While the rulers resisted the changes, *Parti Semangat 46* (The Spirit of 46 Party), a splinter of UMNO that was formed by Tengku Razaleigh Hamza supported the Malay sultans” (Muhammad 1995: 43). In an effort to overcome the impasse, the government repeated the press campaign unleashed ten years before. Finally, the rulers backed down again, after having secured minor concessions (Milne 1999: 38).

If so, behind the immediate problems, what were underlying causes of the crisis? Muhammad Ikmal Said explains the most principal cause.

Underlying the crisis between UMNO and the *raja* is the competition for wealth, status and power. With the emergence of the Malay bourgeoisie, the royalty are impelled to ‘involve in business and mass politics’ in order to compete and to maintain their socio-economic status. In its competition for power, the executive wants to arrogate to themselves unhindered legislative power ... The *raja* has incurred UMNO’s wrath because they have infringed upon the material interests of the rising Malay bourgeoisie class. In addition to the hundreds of million ringgit the government allocates for their annual upkeep,

these royal households have also insisted upon a significant share of government, especially state-government, contracts either for their business or for businesses undertaken by their Chinese partners (Muhammad 1995: 43).

No doubt, through the constitutional crises, the royal power was somewhat tarnished. Some scholars even argue that the crises “may have been a watershed in altering the sacrosanct image of the rulers and undoing this feudal Malay tradition” (Milne 1999: 37). Nevertheless, it may be also not unfair to say that the position of the Malay raja looks secure so long as their subjects view them not as historical anachronisms but as significant symbols to protect their special rights and privileges in a plural society.

VI. Concluding Remarks

The *raja* and *kerajaan*, once firmly established within the Melaka society, became the central component of Malay identity. Thus the Malay *negeri* and its *rakyat* existed only in relation to a *raja*. Armed with the mystical powers of the *daulat* and *derhaka*, and legitimated further by the symbol of Islam, the Malay *raja* commanded considerable loyalty among his subjects.

Indeed, for the British eyes, the institution of monarchy became such an effective instrument of control of the *rakyat* that when they began intervening in the Malay states, they fully took advantage of its viability. Far from abolishing the institution, the British provided new props to strengthen the institution. This was done principally by eliminating the traditional in-built mechanism of checks and balances which allowed members of the ruling family continually to contest the royal seat. Instead, the British threw their weight behind the royal seat.

In the first year of the occupation, the Japanese did not attempt to take advantage of the *raja* for controlling the populace. Around the end of 1942, the turning tide of the war forced the Japanese to alter their policy toward the Malay sultans. Like the British before the war, the Japanese made use of the “serviceable past” for the purpose of uniting the Malays under the sultans. In consequence, the *rakyat* continued to remain loyal to the sultans throughout the war period.

In the early stages of the protest of against the Malayan Union, the general feeling among the Malays included a certain amount of antagonism toward the sultans who had signed away their birthright without reference to their people. However, when Malay aristocratic intellectuals employed the same serviceable past, the British had used to control the populace, the ideological position of the Malay rulers was restored. Consequently, in the wake of the protest, the Malay *kerajaan* was crystallized as an integral symbol of Malay nationalism, which was a modernized version of the mystical link between the *raja* and the *rakyat* in the sultanate of Melaka.

Since *Merdeka*, the status of the Malay *raja* as the symbol of Malay sovereignty was more strengthened, when the Constitution of 1957 provided the monarch with certain powers to protect Malay special rights and Islam. The status of the Malay *raja* was further reinforced after the “May 13” riots of 1969, when the government issued the Sedition Act which proposed to prohibit any public questioning or criticism of certain topics identified as “sensitive issues” including: the powers and status of the Malay rulers; Malay special rights and privileges; and the status of Islam as the official religion.

The symbol of Malay special rights and privileges, the *raja*, within the last twenty years, faced severe attacks from Mahathir government in the constitutional crises of 1983 and 1993. In the wake of the crises, the royal power was somewhat weakened. Nevertheless, as long as the Malay *raja* and *kerajaan* form the

central symbols of Malay identity in a plural society, the royal power to protect Malay special rights and privileges, which has been survived and strengthened as the most prominent feature of Malay political culture within the long historical context, will never be easily diluted, continually undergoing the “invention of tradition” in a rapidly changing contemporary Malaysia.

Key Words: Sultan, Daulat, Royal Power, Malay Special Rights, Islam, Serviceable Past, Constitutional Crisis

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초록

현대 말레이시아 입헌군주의 정치, 사회적 영향력에 관한 역사적 연구

소 병 국

본 연구는 말레이시아에서 전통사회의 절대군주제가 식민지배와 전후 탈 식민지화 그리고 독립이후 급속한 현대화 과정을 겪으면서 입헌군주제로 그 체제가 현격히 변화했음에도 불구하고 오늘날 서양과는 달리 입헌군주인 술탄이 여전히 정치, 사회적으로 무시할 수 없는 영향력을 행사하고 있는 원인을 역사적으로 고찰한다.

멀라카 왕국 시기에 확고한 통치체도로 성립된 술탄제도는 전통사회에서 말레이인의 정체성의 핵심 구성요소가 되었다. 이후 영국식민지배 하에서 술탄은 종교와 관습적인 분야를 제외하고 사실상 절대군주로서의 실권을 상실했다. 그럼에도 불구하고 영국 식민정부는 말레이인들에 대한 원활한 통치를 목적으로 그들의 정치적, 종교적 수장인 술탄들에게 막대한 급여를 제공하며 그들의 외관상 지위를 유지시켰으며, 나아가 왕권의 경쟁자들인 여러 귀족계층을 식민지체제의 관리로 편입시킴으로써 왕위다툼을 원천적으로 봉쇄했다. 따라서 술탄들은 그들의 신하에겐 여전히 존경과 경외의 대상으로 머물러 있었다.

1942년 말라야를 점령한 일본은 점령 초기엔 영국 식민정부와는 달리 술탄제의 유지를 위해 별다른 노력을 하지 않았다. 그러나 1942년 말부터 전세가 일본에게 불리하게 전개되자 일본 식민정부는 말레이인들의 원활한 협조를 위해 술탄에 대한 입장을 바꿔 영국인들과 유사한 정책을 폈다. 이로 인해 2차대전 중에도 술탄들의 외관상 지위는 변화됨이 없이 여전히 말레이인들의 정

체성의 핵으로 남아있었다.

전후 영국의 말라야 연방의 도입은 말레이인들의 거센 반발에 부딪혔다. 이 연합안을 철회시키기 위해 다또 온 빈 자파르를 중심으로 한 말레이 민족주의자들은 말레이인들의 단합된 협력을 위해 이들의 정체성의 중심인 술탄들의 협력이 무엇보다도 중요함을 인지하고 그들과 적극적인 협력관계를 맺으며 결국 1948년에 연합안을 철회시키고 독립의 기본 체제인 말라야 연방안을 도입하는데 성공했다. 이러한 맥락 속에서 말레이시아의 술탄들은 전전, 전중, 전후의 시대 변화 속에서도 지속적으로 말레이인들의 정체성의 핵심으로 존재했다.

독립 이후 1957년 헌법에 따라 술탄들은 입헌군주가 되었다. 그러나 이 헌법은 다민족 사회에서 술탄들에게 말레이인들의 특별한 지위와 권리를 보호하는 최후의 보루로서의 권한을 부여함으로써 여전히 현대 말레이시아에서도 비교적 막강한 정치, 사회적 영향력을 행사하고 있다. 1983년과 1993년에 소위 “헌법적 위기”를 통해 그 영향력이 다소 위축된 면을 보이고 있으나 말레이시아에서 술탄들이 말레이인들의 민족의식의 중심을 차지하고 있는 한 사회 전반에 대한 그들의 영향력은 쉽게 회석되지 않을 것으로 보인다. 왜냐하면 술탄과 말레이인의 정체성의 관계는 멀라카 왕국의 성립 이래 오랜 시기를 거치면서 지속적으로 유지되어온 역사적 산물이기 때문이다.

주제어: 술탄, 말레이인의 정체성, 민족의식, 말레이인의 특별한 지위와 권리, 다민족 사회, 역사적 산물