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Trends in  
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THE PERAK SULTANATE:  
TRANSITIONING INTO THE  
21ST CENTURY

BARBARA WATSON ANDAYA

**ISEAS** YUSOF ISHAK  
INSTITUTE

# Trends in Southeast Asia



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# FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

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# The Perak Sultanate: Transitioning into the 21st Century

By Barbara Watson Andaya

## EXECUTIVE SUMMARY

- Although Dr Mahathir Mohamad's earlier government (1981–2003) limited the powers and privileges of Malaysia's nine hereditary rulers, the political influence that they could exercise was still evident in the "Perak Crisis" of 2009, which also generated public debate about royal rights.
- In recent years, public wariness in Malaysia about politicians has helped the rulers present themselves as alternative sources of authority. "Monarchical activism" has been especially evident in the state of Perak, dating from 1984 when Sultan Azlan Muhibuddin Shah, who was until then Malaysia's Lord President, was installed as the thirty-fourth ruler. In 2014, he was succeeded by his eldest son, Sultan Nazrin Muizzuddin Shah.
- Sultan Nazrin Shah has presented himself as a modern, educated and approachable ruler who consistently endorses the rule of law and is aware that public support for the monarch is highly dependent on meeting expectations in regard to ethical conduct and good governance.
- This paper argues that although Sultan Azlan Shah and Sultan Nazrin Shah have embraced the idea of a "new" Malaysian monarchy that actively responds to changing political and social contexts, two issues with especial relevance to the situation today can be tracked through the history of Perak's royal line since its inception in the sixteenth century. The first, arguably now of lesser importance, concerns royal succession. The second issue, still highly important, involves the ruler's relationships with non-royal officials and with elected representatives and the public at large.





# The Perak Sultanate: Transitioning into the 21st Century

By Barbara Watson Andaya<sup>1</sup>

## INTRODUCTION

It is difficult for students of contemporary Malaysia to write dispassionately about the institution of monarchy in a country where the Malay rulers have been protected from criticism, where they have been so embedded in Malay culture, and where they are perceived as guardians of Malay rights and of the Islamic faith. Yet in a world in which royalty is increasingly seen as anachronistic, Malaysia's nine sultans occupy a special place. Not only do they constitute almost a quarter of the world's monarchies, they continue to exercise considerable influence in Malaysia's political life.<sup>2</sup> More particularly, over the last two decades a growing public disenchantment with the dishonesty and self-interest of politicians has led many Malaysians to look to the sultans as an alternative source of leadership. To a considerable degree this has been encouraged by the rulers themselves, alienated by the limitations on royal privileges imposed during the earlier regime of the current Prime Minister Mahathir Mohamad and by the depth of corruption in

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<sup>1</sup> Barbara Watson Andaya is Professor of Asian Studies at the University of Hawai'i at Manoa and former Visiting Senior Fellow at the ISEAS – Yusof Ishak Institute, Singapore. She would like to thank Francis Hutchinson, Ong Kar Jin, Simon Smith, Andrew Harding, Serina Abdul Rahman and Ooi Kee Beng for their generous and helpful comments, while stressing that any errors or oversights are her own responsibility.

<sup>2</sup> Andrew Harding, *The Constitution of Malaysia: A Contextual Analysis* (Oxford and Portland, OR: Hart Publishing, 2012), pp. 113–32.

the government of Najib Razak as revealed by the 1MDB scandal. In October 2015, after the domestic inquiry was halted by Najib's dismissal of the attorney general, the Conference of Rulers issued a joint statement calling for a revival of the investigation and "stern action" against those incriminated. Two years later, the government's unabashed politicization of Islam prompted another royal warning about the deepening of racial and religious divides.<sup>3</sup> On the other hand, it has sometimes been difficult for individual rulers to take the moral high ground; in Pahang, Najib's home state, 1MDB disclosures indicate that the sultan received large sums of money taken directly from development funds.<sup>4</sup>

The elections of May 2018 (GE14) brought a new coalition government to power under the banner of Pakatan Harapan, currently led by Dr Mahathir Mohamad, the erstwhile nemesis of the sultans. It is not yet clear whether Pakatan Harapan leaders will be able to set aside a baggage of resentment towards royal privilege and form a solid working relationship with the sultans at both state and national levels. Mahathir's supporters claim that he is a changed man, while the sultans, energized by what one observer has called "monarchical activism" are in a far stronger position than they were in the 1980s and 1990s.<sup>5</sup> This activism has been especially evident in the state of Perak, dating from 1984 when Sultan Azlan Muhibbuddin Shah, formerly Lord President (the highest judicial authority), was installed as the thirty-fourth ruler. In 2014 he was succeeded by his eldest son, the present ruler, Sultan Nazrin

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<sup>3</sup> Amanda Hodge, "Malay Sultans Take a Swing at Najib's Harnessing of Political Islam", *The Australian*, 11 October 2017 <<https://www.theaustralian.com.au/news/world/malay-sultans-take-swing-at-najibs-harnessing-of-political-islam/news-story/5d4865455e5fb679d31ea8a648838aa5>> (accessed 6 September 2018).

<sup>4</sup> Clare Rewcastle Brown, *The Sarawak Report: The Inside Story of the 1MDB Exposé* (Petaling Jaya: Malaysiakini and Gerakbudaya, 2018).

<sup>5</sup> Nile Bowie, "Malaysia's Sultans Back in Political Swing", *Asia Times*, 9 November 2017 <<http://www.atimes.com/article/malaysias-sultans-back-political-swing/>> (accessed 5 September 2018).

Muizzuddin Shah, who, like his father, has offered his own views on the role of a constitutional monarchy.<sup>6</sup>

This essay argues that while Sultan Azlan Shah and Sultan Nazrin Shah have both embraced the idea of a “new” Malaysian monarchy that actively responds to changing political and social contexts, they and their successors face two issues that can be tracked through the history of Perak’s royal line since its inception in the sixteenth century. The first, arguably now of lesser importance than in the past, concerns royal succession. The second issue, still highly relevant, involves the ruler’s relationships with non-royal officials and, in modern times, with elected representatives and the public at large. These issues, which have played a central role in shaping the history of Perak and have continuing relevance for the future, can only be understood through an appreciation of underlying processes that stretch back to the dynasty’s very beginnings.

## **ROYAL SUCCESSION IN PERAK: A LONG HISTORY**

The interrelated issues of succession and ruler–commoner relationships in Perak are nicely captured in the most well-known Malay text, the *Sulalatus Salatin* (“genealogy of kings”, commonly known as *Sejarah Melayu*, the “Malay Annals”). According to the account in the text known as Raffles 18, which bears the date 12 Rabi’ul-awwal 1021 AH (13 May 1612), the last ruler of Melaka, Sultan Mahmud Shah, had two sons. The elder, Raja Muzaffar, had been designated Raja Muda (“younger ruler”, a title normally given to the heir to the throne), but he fell from favour

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<sup>6</sup> Sultan Azlan Shah, “The Role of Constitutional Rulers in Malaysia”, in *The Constitution of Malaysia: Further Perspectives and Developments: Essays in Honour of Tun Mohamed Suffian*, edited by F.A. Trindale and H.P. Lee (Singapore: Oxford University Press, 1986), pp. 76–91; Raja Nazrin Shah, *The Monarchy in Contemporary Malaysia* (Singapore: Institute of Southeast Asian Studies, 2004); Kobkua Suwannathat-Pian, *Palace, Political Party and Power: A Story of the Socio-Political Development of Malay Kingship* (Singapore: NUS Press, 2011), p. 385.

after the birth of his half-brother Raja Alauddin, born of a much-loved wife. When Raja Alauddin was only forty days old he was accorded the higher title of Sultan Muda, and named as heir. He duly succeeded as ruler of Melaka after Sultan Mahmud's death, and the *bendahara* (the highest ranking commoner) and the other chiefs drove Raja Muzaffar from the palace. A trader named Si Tumi from Manjung (probably in lower Perak) encountered the refugee prince in Kelang, and took him back to Perak where he was installed as ruler with the title of Sultan Muzaffar Shah.<sup>7</sup>

These prestigious origins became a key element not only in the dynasty's self-perception, but also in the eyes of others, especially after the death of Sultan Mahmud of Johor, the last of the Melaka line, in 1699. In 1766, when the Bugis head of Selangor sought a royal title and a "drum of sovereignty" that would legitimize his independent status, he therefore turned to Perak.<sup>8</sup> In the early nineteenth century another ruler reminded the British that he was descended from the progenitor of the Melaka dynasty. "I am a king of the ancient race", he wrote. "I am the oldest of all the kings in these parts, such as the kings of Siak, Selangor, Riau [i.e. Johor], Kedah and Terengganu".<sup>9</sup>

As described in the *Sejarah Melayu*, this episode also provides a departure point from which to examine the complex issue of succession in Malay culture, and especially the ramifications in Perak. As numerous scholars have reminded us, male primogeniture (succession by the eldest son) was far from universal, and even in Europe this took some time to be accepted.<sup>10</sup> Although the oldest son of the first wife was usually favoured,

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<sup>7</sup> C.C. Brown (trans.). *Sejarah Melayu or Malay Annals* (Kuala Lumpur: Oxford University Press, 1970), pp. 165–66, 188–89. *Dari sana dia dibawa pedagang dari Manjung, Si Tumi, ke Perak di mana dia dinobatkan dan digelar Sultan Muzaffar Syah.*

<sup>8</sup> Barbara Watson Andaya, *Perak: The Abode of Grace. A Study of an Eighteenth-Century Malay State* (Kuala Lumpur: Oxford University Press, 1979), p. 271.

<sup>9</sup> Cited in Andaya, *Perak*, pp. 21, 36n31 and n32.

<sup>10</sup> Jeroen Duindam, *Dynasties: A Global History of Power 1300–1800* (Cambridge: Cambridge University Press, 2017), p. 153.

he could well be challenged when a ruler had fathered several sons who could be the same age as the potential heir, or be born of a mother who was particularly favoured. This pattern was most evident in societies where male rulers had multiple wives or concubines (*gundik*), as was the case in traditional Malay culture. At least by the fifteenth century it is clear that the preference was always for a male of fully royal descent from both the paternal and the maternal line. The sources thus make a distinction between such individuals (*anak gahara*) and others born of a royal father but a non-royal mother, who was often a concubine. Yet because a Muslim ruler could have four legal wives (and take others if these were divorced) he could father several *gahara* sons of the same standing. Furthermore, it was quite possible for the son of a *gundik* to possess exceptional abilities that could make him preferred above his peers. In such cases, succession was often determined by the influence of key court figures (especially mothers) or by personal achievement rather than birth rank.

A second element in this episode, Raja Muzaffar's banishment, highlights the power of chiefs and nobles in the traditional Malay system of governance. The *Sejarah Melayu* frequently reminds rulers to consult senior officials in matters of government, and prominent ministers felt it was their prerogative to offer words of advice or admonishment when they felt tradition or protocol had been disregarded. Here and in other Malay texts, there are repeated instances of the tension that could develop when high-ranking ministers (who were often linked to the royal family through marriage) exercised greater influence than the ruler himself. For example, in Melaka, Sultan Mahmud's *bendahara* (the first minister) was so powerful that he was able to appoint his own followers to high positions in the court. Although he was praised for his humanity and sense of justice, Sultan Mahmud ordered him put to death after a disgruntled rival spread false rumours of treachery.<sup>11</sup>

Finally, the Perak case provides an intriguing twist on the ruler–commoner relationship, for according to the *Sejarah Melayu* it is a

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<sup>11</sup> Brown, *Sejarah Melayu*, pp. 58, 128, 157–58.

common trader, known only as Si Tumi, who takes the refugee prince under his wing and brings him to Perak, at that time tributary to Melaka.<sup>12</sup> The text reveals nothing about Si Tumi, who has faded from Perak's dynastic history, yet his role was obviously crucial. We can only imagine how his encounter with Raja Muzaffar was envisaged by the Malay audiences who in after years listened to the recitation of this chronicle, but they would have fully understood the significance of descent from the prestigious Melaka line. They might even have imagined how they themselves would have acted in such circumstances, for the story implies that it was Si Tumi's decision to bring Raja Muzaffar to Perak, and that it was with local support that he was "drummed" in as ruler and accorded a royal title. Through this simple statement — *dia dinobatkan dan digelar Sultan Muzaffar Syah* — the text affirms Perak's independence from Melaka and the origins of its independence as a sovereign state. While this account probably reflects popular memories rather than a historical episode, the chronicler's desire to provide ordinary people with their own agency in the founding of Perak and the installation of its first ruler compels attention.

Supported by Portuguese documents, the sequence of events following the fall of Melaka indicates that Raja Muzaffar's arrival in Perak can be dated to the early sixteenth century (1528 is commonly accepted).<sup>13</sup> Over the last 500 years the dual themes of succession disputes and ruler–commoner relationships have infused the state's history. For example, on several occasions in the seventeenth century a cabal of nobles under the leadership of the *bendahara* defied the ruler and attacked the Dutch East India Company post. Because they had authority over certain areas of the state from which they could draw tribute or service, the great chiefs, the *orang besar*, could essentially act as independent agents, and without their support the sultan was virtually powerless.<sup>14</sup> It is hardly

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<sup>12</sup> Brown, *Sejarah Melayu*, p. 189.

<sup>13</sup> <<https://www.perak.gov.my/index.php/en/state-gov/about-perak/brief-history>> (accessed 12 November 2018).

<sup>14</sup> Andaya, *Perak*, pp. 29–30.

surprising that ordinary people often saw the ministers and chiefs as the most powerful forces in the government. As a Malay *pantun* puts it, “The worms may master the tallest tree/The Dutchman’s glass sees far and knows/That seeming great though our princes be/They are stately ships that some dinghy tows”.<sup>15</sup>

Nor was it merely powerful nobles who might oppose the ruler; he could also meet challenges from a coterie of royal relatives, often dissatisfied with their title or resentful about failed ambitions. In Perak this issue was made more complex by the *waris negeri* (heirs of the country) system. Well established by the beginning of the eighteenth century, it is not found in other Malay states and thus gives a particular cast to the state’s dynastic traditions. In 1899, Resident Hugh Low listed twenty-five princes who were regarded as *waris negeri*, princes of the highest status, but added that many other names had been omitted “being those of children”.<sup>16</sup> Their titles, such as *raja di hilir* (“raja of the downstream”) and *raja kecil besar* (“important junior raja”) were ranked in general order of precedence and their place in the line of succession, but movement up the line was flexible, and on occasions some titles were not held at all. Unlike the great commoner chiefs, the *waris negeri* had no territorial base and their income came from the ruler’s bounty. In a sense they were marking time, waiting for the death of the ruler in the expectation that they would then be promoted to a position closer to the sultanate itself.

The history of Perak shows that the greatest challenge to the sultan’s position typically came from the *raja muda* (“younger raja”), a position set aside for the presumptive heir, who could be the ruler’s eldest son but

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<sup>15</sup> *Besar ulat dipokok kayu/Anak belanda main teropong/Besar daulat raja Melayu/Kapal dilaut ditunda jongkong.* R.J. Wilkinson, *A Malay-English Dictionary*, vol. I (Singapore: Kelly and Walsh, 1901), p. 225; translation from R.J. Wilkinson, *A Malay-English Dictionary*. Romanised, vol. I (London: Macmillan, 1959), p. 478.

<sup>16</sup> W.G. Maxwell, *The Laws of Perak from the 11th September 1877 to the 31st December 1903*, vol. 1 (Kuala Lumpur: Government Printing office, 1905), pp. 20–21.



was at various times a brother or even an uncle. When the ruler and his *raja muda* were of similar age and status, the possibility of opposition was heightened, especially if the ruler himself was unpopular among his peers. Should a ruler feel threatened, he might pass over the claims of the *raja muda* and name another *waris negeri* as successor. Yet even when a *raja muda* was willing to wait his turn, his succession was not automatic. On the death of a sultan an election was normally held and a consensus reached by the assembly of princes and chiefs. If there were several contenders, a *raja muda* would need to seek support among the nobles and especially the *waris negeri*. Situations when a *raja muda* asserted his own interests proactively were well documented in the nineteenth century, when almost every royal dispute involved the *raja muda* and the sultan in opposing camps.<sup>17</sup>

Given the potential for elite rivalries, it is not surprising that factionalism and disputes emerged as a central theme in pre-twentieth century Perak history, at times erupting into civil war. Occasionally certain individuals stand out because of their ability to dominate the court, deal with outside influences, consolidate their own position and contain these centrifugal tendencies. One such individual is Sultan Iskandar (1752–65), who (in expectation of the imminent death of his uncle, the ruler) assumed the title of “sultan” even as *raja muda*. Sultan Iskandar has a high standing in Perak history, but he had no children by his royal wife, and his half-brothers were therefore the most eligible to succeed. However, there were frequent disagreements with the *raja muda*, and to buttress his authority Sultan Iskandar appointed another half-brother as *raja bendahara*. This radical change meant that the hereditary position of *bendahara* was no longer held by the well-born commoner family to which it had traditionally belonged, but was now reserved for the individual placed third in line of succession.<sup>18</sup> When this *raja bendahara* succeeded as sultan in 1773, he adopted the same tactic, attempting to resolve the problem of a rebellious half-brother by

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<sup>17</sup> Andaya, *Perak*, pp. 33–34.

<sup>18</sup> Andaya, *Perak*, pp. 194, 221–22, 228.

promoting him from *raja kecil bongsu* (last in the *waris negeri* line) to *sultan muda*, a position associated with the ritual and interaction with the supernatural.<sup>19</sup> He was able to secure his own promotion to *raja muda* in 1789 and three years later was installed as Sultan Mansur (called Sultan Ahmaddin in the genealogies), the eighteenth ruler of Perak.

For modern observers this genealogy may seem only marginally relevant to contemporary issues, but the accession of Sultan Ahmaddin in 1792 marks the origins of the complex system by which the sultanate rotated between three branches of the same family — a system that distinguishes the Perak line from all other Malay dynasties. The contemporary Perak constitution specifically states that the sovereign must be “legitimately descended and lawfully begotten of the body and flesh of the eighteenth sultan”,<sup>20</sup> and Article XI includes a telling phrase, taken from English common law: “The sovereign never dies” (*Maka raja pemerintah itu disifatkan tiada mangkat*).<sup>21</sup> The decision to include this phrase must have its own history, but it reflects European political theory which held that the ruler may pass away, but is immediately replaced by the appointed heir, so that royal sovereignty exists in perpetuity.<sup>22</sup> In the Perak case this provision is freighted with historical memory, since between 1877 and 1887, in the aftermath of British colonial intervention, the state had a regent but no ruler. Seventy years later, when the constitution was being drawn up, memories of nineteenth-century disagreements over succession would have raised the possibility of a

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<sup>19</sup> Andaya, *Perak*, p. 363.

<sup>20</sup> Phillip Raworth, ed., *Constitution of the State of Perak Darul Ridzuan: February 1, 1948 (as Amended to March 28, 1997) (Perak)*. Oxford: *Constitutions of Dependencies and Territories, Oxford Constitutions of the World* (Oxford: Oxford University Press, 2016), p. 23.

<sup>21</sup> Raworth, ed., *Constitution*, p. 25. This phrase is also found in the constitution of Kelantan. See *The Constitution of the State of Kelantan* (Kuala Lumpur: Government Printing Office, 1963), p. 47.

<sup>22</sup> Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, MA: Princeton University Press, 2016. Reprint of 1957 edition), pp. 31, 314–17.

situation where sovereignty could in fact “die”, albeit for a short period. The royal genealogy of Perak, affirming the legitimacy of the dynasty, is thus a fundamental historical document.

## THE ORIGINS OF THE ROTATION SYSTEM

Since all of Sultan Ahmaddin’s five wives were commoners, he had no heir of fully royal descent, and no sons could therefore claim uncontested superior status by right of birth.<sup>23</sup> On his death in 1806 the court agreed to accept Raja Abdul Malek, his son by the daughter of one of Perak’s highest chiefs, as ruler. Nonetheless, this choice met fierce opposition, notably from the *raja bendahara*. Supported by various *waris negeri* and commoner chiefs he was able to control his own domain upstream until his death in 1815.<sup>24</sup> Largely bereft of support from his royal relatives and the *orang besar*, but still remembering his prestigious descent, Sultan Abdul Malek passed away in late July or early August 1819 (see Figure 1). When his son too died without issue, the court reached a compromise arrangement, apparently on the advice of an unnamed European. The positions of sultan, *raja muda* and *raja bendahara* would be circulated among the descendants of Sultan Abdul Malek, and his two brothers, Raja Inu, and Raja Abdul Rahman, all sons of Sultan Ahmaddin Syah but by different mothers. At that point the male descendants of their sister, Raja Mandak, were not considered viable candidates.<sup>25</sup>

A complicated system of rotation that would theoretically see a smooth transition by which selected royal sons from each of the three descent lines moved from *raja di hilir* to *raja bendahara* to *raja*

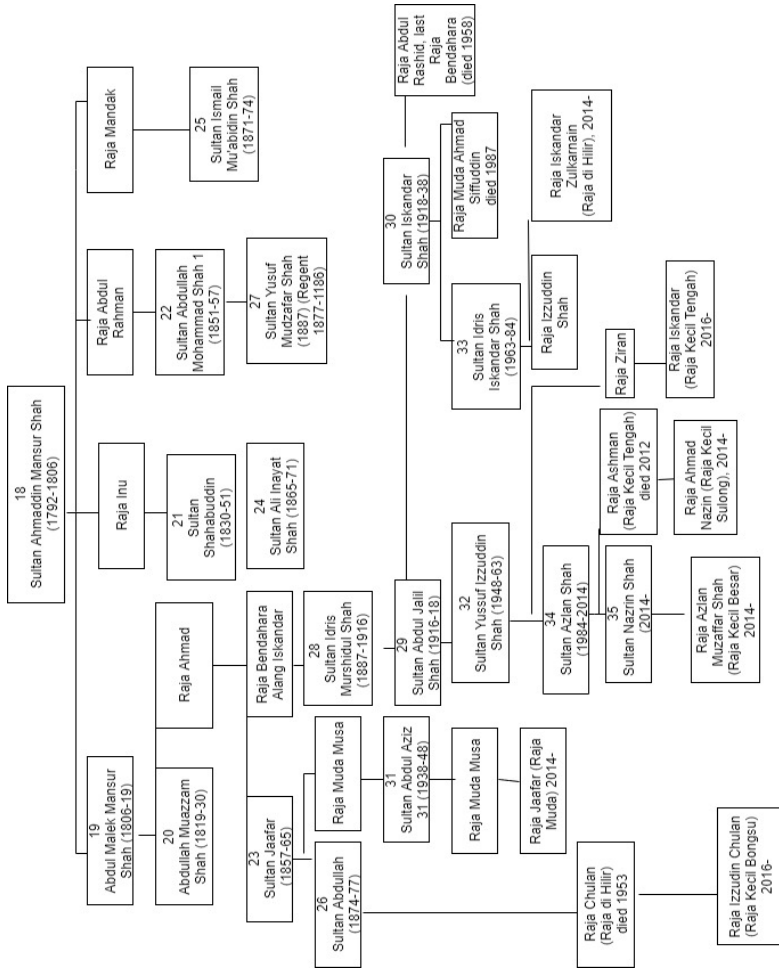
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<sup>23</sup> Andaya, *Perak*, p. 386n139.

<sup>24</sup> Amelia Ceridwen, “The Silsilah Raja-Raja Perak 1: An Historical and Literary Investigation into the Political Significance of a Malay Court Genealogy”, *Journal of the Malaysian Branch of the Royal Asiatic Society* 74, no. 2 (2001): 57.

<sup>25</sup> W.E. Maxwell, “A History of Perak from Native Sources”, *Journal of the Straits Branch of the Royal Asiatic Society* 14 (1884): 315.

**Figure 1: The Perak Dynastic Line**



*muda* and finally to sultan, almost inevitably encountered problems.<sup>26</sup> Throughout the nineteenth century, there were repeated challenges from competing claimants, and the rotation order was not always followed. A major crisis occurred when Sultan Jaafar passed away in 1865. This situation, which the bemused British encountered when they intervened in Perak affairs in the early 1870s, deserves some attention. Although the *raja muda*, Sultan Jaafar's cousin, duly succeeded as Sultan Ali, Perak's twenty-fourth ruler, the *raja bendahara*, Raja Ismail, was not elevated to *raja muda* because he was descended from Sultan Ahmaddin's daughter (Raja Mandak) rather than one of the three sons. Nor was he the only resentful individual; because of his unpopularity in court circles, Raja Yusuf ibni Sultan Abdullah had been passed over for both *raja bendahara* and *raja muda*, despite his superior rights by birth and descent. The line of succession was further disrupted in 1871 when Sultan Ali died. His son, Raja Muda Abdullah, did not attend the funeral as custom required, explaining that he had stayed away because he had suffered "personal embarrassment".<sup>27</sup> In his absence, the claims of Raja Bendahara Ismail through his mother Raja Mandak were recognized, and he was elevated directly to sultan even though he had never held the position of *raja muda*.

Raja Abdullah did not willingly relinquish his position. Now also claiming the title of sultan but lacking the regalia, which were in the hands of Sultan Ismail, he appealed to the British. Although the *waris negeri* and the *orang besar* were divided, merchants and government officials in Penang and Singapore were inclined to support Abdullah as the rightful heir, seeing him as more sympathetic to their commercial interests. Accordingly, in 1874 the British backed Raja Abdullah while Sultan Ismail, now persuaded to surrender the regalia, was given the old

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<sup>26</sup> Khoo Kay Kim, "Succession to the Perak Sultanate", *Journal of the Malaysian Branch of the Royal Asiatic Society* 56, no. 2 (1983): 7–29.

<sup>27</sup> J.M. Gullick, *Rulers and Residents: Influence and Power in the Malay States, 1870–1920* (Singapore: Oxford University Press, 1992), p. 255n9; Salma Nasution Khoo and Abdur-Razzaq Lubis, *Kinta Valley: Pioneering Malaysia's Modern Development* (Penang: Areca Books, 2005), p. 8.

title of *sultan muda*. In the dynastic history of Perak, this was a turning point. The rationale for the British intervention in 1874, the background to the signing of the Pangkor Agreement with Sultan Abdullah and the appointment of a British resident in Perak are well known, but the repercussions of these dynastic rearrangements are still apparent today.

## **THE PERAK DYNASTY UNDER COLONIALISM, 1874–1957**

From London’s perspective, the Pangkor Agreement was based on the assumption that a British representative would work with a compliant sultan who would accept the resident’s advice “in all matters of administration, except those pertaining to religion and Malay custom”. The first Resident, James Birch, lost no time in informing his superiors that Sultan Abdullah was an unsatisfactory ruler, being “eminently silly and foolish”, and by mid-1875 British authorities in Singapore were already contemplating his removal.<sup>28</sup> Following Birch’s murder in 1875 and the subsequent Malay uprising, the leading chiefs were hanged and both Sultan Abdullah and Sultan Ismail tried and exiled.

The elimination of most of Perak’s leading Malays left the British government without an obvious candidate for the position of sultan. In 1877 they reluctantly appointed the unpopular Raja Yusuf as regent in recognition of his willingness to preside at the trial of those accused of killing Birch. Ten years later he was installed as sultan, and when he died later the same year he was succeeded by a fellow-judge, his son-in-law Raja Idris, whose father was a former *raja bendahara* but whose mother was non-royal. Though his standing in genealogical terms was therefore rather weak, Raja Idris was quickly cycled through the position of *raja muda* to sultan. As such, he soon gained British respect as an “outstanding figure” who was “a keen and appreciative observer of

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<sup>28</sup> Barbara Watson Andaya and Leonard Y. Andaya, *A History of Malaysia*, 3rd ed. (London: Palgrave, 2017), p. 170.

foreign ways” and who acknowledged the value of the British presence even as he was concerned to protect the interest of his subjects.<sup>29</sup>

The reign of Sultan Idris (1887–1916), now ruler of British Malaya’s senior state, is considered to mark a new epoch in Perak history. It also marks a new stage in the relationship between rulers and subjects. As Donna Amaroso has argued, if the fiction of indirect rule was to be maintained, it was necessary to enhance the visibility of the indigenous elite so that the reality of colonialism was obscured. Even before he succeeded, Sultan Idris was already “fond of travelling about his state, both by river, by elephant and horseback”. Specifically encouraged by the British, such trips became easier following the introduction of horse-drawn carriages and subsequently the motor car, and as road transport improved.<sup>30</sup> Serving as regent in place of the ailing Sultan Yusuf, Raja Idris had become the co-ordinator of “a new administrative machine”, personally selecting and appointing village headmen all along the Perak River. As sultan, his popularity “with all sections of the public” was an important prop in supporting the colonial order.<sup>31</sup> Colonial officials in British Malaya brought with them images of the staging of sovereignty during Queen Victoria’s golden and diamond jubilees in 1887 and 1897, and were well aware that impressive displays of royal ritual could infuse public opinion with new enthusiasm.<sup>32</sup> What might be termed the

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<sup>29</sup> Kobkua Suwannathat-Pian, “Thrones, Claimants, Rulers and Rules: The Problem of Succession in the Malay Sultanates”, *Journal of the Malaysian Branch of the Royal Asiatic Society* 66, no. 2 (1993): 20; Gullick, *Rulers and Residents*, p. 270n132; Henry Norman, *The Peoples and Politics of the Far East* (London: Scribner, 1885), p. 61.

<sup>30</sup> Thomas A. Williamson, “Leaving Town: Kuala Kangsar’s Colonial Past and the Postponed Nation in Malaysia”, PhD thesis, University of Michigan, 1998, p. 178.

<sup>31</sup> Donna J. Amaroso, *Traditionalism and the Ascendancy of the Malay Ruling Class in Colonial Malaya* (Singapore: NUS Press, 2014), pp. 83–84; Husain bin Mahmud, “His Royal Highness Sultan Idris Murshidul ‘Adzam Shah: A Personal Study”, *Malaysia in History* 13, no. 1 (March 1970): 13–20.

<sup>32</sup> Greg King, *Twilight of Splendour: The Court of Queen Victoria During Her Diamond Jubilee Year* (London: John Wiley and Sons, 2007), pp. 18–19.

“performance of royalty” was impressively demonstrated when Sultan Idris hosted the first gathering of the rulers of the Federated Malay States (FMS) in 1897, a month after widespread celebrations for Victoria’s diamond jubilee. It was said that “thousands of people” from all over the country flocked to Perak’s new capital of Kuala Kangsar, where they were entertained by “water sports, amateur theatricals, picnics at waterfalls, displays of fireworks, and other forms of entertainment”.<sup>33</sup> The unprecedented gathering of the four FMS rulers was captured through the orchestrated ritual of an official photograph, showing the four rulers, with Sultan Idris seated next to the High Commissioner.

While the reign of Sultan Idris, his public persona and his concern for the position of Malays certainly fostered the relationship between ruler and subject, his accession also signalled a weakening of the rotation system, now operating only in a modified form. British administrators, notably W.E. Maxwell, had expended considerable effort in investigating and explaining the complexity of royal succession in Perak. Colonial officials understood the Malay attachment to tradition, and recognized that any ruler should be acceptable to his subjects and his nobles. If indirect rule was to function effectively, the installation of a new sultan should not be a controversial matter so that it could be publicly celebrated without complications. Yet the very basis of colonialism in Malaya rested on the assumption that the ruler would be generally willing to abide by the “advice” he received from the British resident. Accordingly, any sultan of Perak should not only be an individual whom the British saw as co-operative, but also “a man of ability and character which would give him an influence with the other rulers beyond that of his position”. These beliefs became paramount in the appointment of rulers and in the selection of those in line of succession. A significant step in formalizing succession was the colonial decision to scale down the previously long list of *waris negeri*, reducing the number to less than twelve and sometimes as few as

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<sup>33</sup> Yeo Kim Wah, “British Policy towards the Malays in the Federated Malay States, 1920–40”, PhD thesis, Australian National University, 1971, p. 61.



six.<sup>34</sup> In addition, the formula by which the rulership was rotated between three branches of the ruling house was adapted and at times set aside by the colonial regime, even though it had no constitutional or legal right to do so. In this regard the British were fortunate because the entanglement of genealogical lines meant that it was possible to justify the appointment of a *waris negeri* of whom the British approved to a position that might guarantee his future succession. Other positions could be left vacant until a suitable candidate was located — for instance, there was no *raja bendahara* between 1875 and 1907 — and although the brother of the exiled Sultan Abdullah was appointed *raja muda*, it was decided that his sons should be excluded.<sup>35</sup> Since 1920, no member of this line has reached the office of *raja muda* or *raja bendahara*.<sup>36</sup>

There were other influences that helped shape attitudes towards the rotation system, since colonialism provided its own models of male inheritance and demonstrated how pervasive the principle of primogeniture was in the British royal family and the British aristocracy. Nor is it surprising that rulers themselves were anxious to ensure that their own sons and grandsons be placed squarely in the line of succession. For example, Sultan Idris himself oversaw the movement of his eldest son Raja Abdul Jalil, of fully royal birth, from *raja di hilir* to *raja bendahara* (1907) and to *raja muda* (1908). Abdul Jalil duly succeeded his father in 1916 and after his death two years later was succeeded by his half-brother Raja Muda Iskandar. In 1933 the latter appointed his nine-year-old son, Raja Idris, to the position of *raja di hilir*, despite opposition

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<sup>34</sup> Adib Vincent Tung, *Adat Pusaka Raja-Raja & Orang Besar-Besar Negeri Perak Darul Ridzuan* (Ipoh: Compass Life, 1999), pp. 15–16. The colonial formulation of government is laid out in the appendices to R.O. Winsted & R.J. Wilkinson, *A History of Perak*, Malaysian Branch of the Royal Asiatic Society, Reprint No. 3, 1974; Gullick, *Rulers and Residents*, p. 290.

<sup>35</sup> Sultan Abdullah's eldest son, the able Raja Chulan, was appointed *raja di hilir* in 1920.

<sup>36</sup> Khoo "Succession to the Perak Sultanate", p. 25; Gullick, *Rulers and Residents*, pp. 285, 289–90.

and support for another candidate.<sup>37</sup> Thus, although the sequence of *raja bendahara*, *raja muda* and finally sultan was generally observed, after 1918 all Perak rulers except Sultan Abdul Aziz (1938–48) have been directly descended from Sultan Idris, and through him to the eldest son of the eighteenth ruler.

The exception to this descent line, Raja Abdul Aziz, the son of a *raja muda* and grandson of Sultan Jaafar, succeeded his cousin (Iskandar Shah, a son of Sultan Idris) as ruler in 1938 (see Figure 1). Though less well known than his athletic and publicly visible predecessor, the British regarded Sultan Abdul Aziz as one of the most perceptive and intelligent of the Malay sultans.<sup>38</sup> It is also worth mentioning that his mother, the daughter of a respected sheikh, was not of royal birth, which would have strengthened his ties among ordinary Malays, to whom he was already familiar because of his field experience as a district officer. Following his appointment as *raja muda* in 1918 he joined the Malay Volunteer Infantry as a private, and rose through the ranks to become a commissioned officer. In the twenty years prior to his installation as sultan in 1938, he became known for his progressive ideas, such as the suggestion that a school like Kuala Kangsar College serving elite Malay boys should also be established for well-born Malay girls. He appears to have been well aware of how his subjects might view him as a ruler, and the document produced at his installation stressed his desire to promote the welfare of his people in a manner that was more than formulaic.<sup>39</sup> More unusual was his decision in 1939 to pass over his son as a candidate for the post of

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<sup>37</sup> Hashin Sam, *The Royal Commoner: The Life and Times of Imam Perang Jabor 1858–1921* (Kuala Lumpur: National Library of Malaysia, 2002), pp. 7–8.

<sup>38</sup> “Perak Sultan Strove for His People”, *Straits Times*, 26 March 1948, p. 7; Amaroso, *Traditionalism*, p. 93. British intervention in the Selangor succession in the 1930s is detailed in Simon C. Smith, “The Rise, Decline and Survival of the Malay Rulers during the Colonial Period, 1874–1957”, *Journal of Imperial and Commonwealth History* 22, no. 1 (1994): 90–91.

<sup>39</sup> Anthony Milner, “How ‘Traditional’ Is the Malaysian Monarchy?”, In *Malaysian Islam, Society and Politics*, edited by Virginia Hooker and Noraini Othman (Singapore: Institute of Southeast Asian Studies, 2003), p. 184.

*raja di hilir*, third in line of succession, because he wished to honour the principal of rotation between descent lines. He also wanted to avoid the impression that he was supporting father-son succession, especially since the son in question had not performed well academically. To counter any talk of favouritism, he appointed Raja Abdul Rashid ibni Sultan Idris, then *raja kecil tengah*; who, though still fifth in line of succession, had thirty years of service in the Perak administration.<sup>40</sup>

The links between Sultan Abdul Aziz and commoner Malays were evident in his connections to the nascent Malay nationalist movement. Despite his favourable reputation in British circles, Sultan Abdul Aziz, a committed Malay nationalist, gave his support to the anti-colonial Kesatuan Melayu Muda (Young Malays Organization) and its goal of including Malaya in a new independent state of “Indonesia Raya”. Included in the cabinet of the KMM’s proposed Malaya Demokratik Rakyat (Democratic People’s Malaya), he was reportedly scheduled to be a member of the Malay delegation at the celebrations for Indonesian independence in August 1945.<sup>41</sup> However, the Japanese surrender on August 15 and the establishment of the British Military Administration in September required a rethinking of Malaya’s future. In November, Sultan Abdul Aziz reluctantly agreed to the British proposal for a Malayan Union that would give equal rights to all citizens, regardless of ethnicity, and substantially reduce the role of the Malay rulers. “I signed,” he wrote, “because I was caught in an atmosphere of haste ... because I [had] full confidence that my rights and those of the people would not be disturbed”.<sup>42</sup> Already uneasy about the implications of the agreement, his concerns would have been fuelled by his realization that

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<sup>40</sup> Khoo, “Succession to the Perak Sultanate”, p. 23. Raja Abdul Rashid was a son of Sultan Idris. He had attended the Malay College at Kuala Kangsar and had held the positions of *raja kecil bongsu* and *raja kecil tengah*.

<sup>41</sup> Cheah Boon Kheng, *Red Star over Malaya: Resistance and Social Conflict during and after the Japanese Occupation, 1941–1946* (Singapore: NUS Press, 2012; Reprint of 1983 edition), pp. 30, 119, 121.

<sup>42</sup> Williamson, “Leaving Town”, p. 299.

the rulers were the targets of rising Malay hostility, vehemently expressed in left-wing Malay newspapers circulating in Perak.<sup>43</sup> The warning in a letter to the Ipoh-based *Seruan Rakyat*, for instance, was unequivocal; royal acquiescence to a new socio-political order in which rulers would lose their sovereignty and Malays their special status in relation to other races “will plant the seeds of Malay resistance against the sultans, who did not consult the people. Malays ... will not be loyal (*ta'at setia*) like in ancient times.”<sup>44</sup> Against this background, Sultan Abdul Aziz took the lead in attempting to recruit support from influential members of the British government and the House of Lords, specifically arguing that further consultation was needed, not only with the rulers but with “the Malayan public.”<sup>45</sup> In addressing the crowds of protesters, he stressed that he was speaking to them as a Malay, not as a sultan, and emphasized the cultural bonds through which all Malays were united.<sup>46</sup> In an unprecedented sign of royal support, his consort, Tengku Permaisuri Cik Kalsom, accompanied by the wife of the *raja di hilir*, led demonstrations of Malay women opposing the Malayan Union.<sup>47</sup> The skills of Sultan Abdul Aziz in bridging political divisions were soon evident, for it was he who presented the idea of a federal scheme that provided the basis of

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<sup>43</sup> Amaroso, *Traditionalism*, p. 124.

<sup>44</sup> Amaroso, *Traditionalism*, pp. 154, 160; Omar Ariffin, *Bangsa Melayu: Malay Concepts of Democracy and Community, 1945–1950* (Kuala Lumpur: Oxford University Press, 1993), p. 175; Simon C. Smith, *British Relations with the Malays Rulers from Decentralization to Malayan Independence 1930–1957* (Shah Alam, Malaysia: Oxford University Press, 1995), pp. 63, 65, 171.

<sup>45</sup> “Sultan’s Protest”, *Malaya Tribune*, 8 February 1946, pp. 2–3; “Perak Sultan Protests against Union: Appeals to House of Lords & Secretary of State for Colonies”, *Straits Times*, 8 February 1946, p. 1.

<sup>46</sup> Ariffin, *Bangsa Melayu*, p. 104.

<sup>47</sup> “Perak Sultan’s Wife leads Protest”, *Singapore Free Press*, 30 May, 1946, p. 5; Cik Kalsom’s title indicates she was not of royal birth. The newspaper report has confused her with Raja Perempuan Kalsom, a daughter of Sultan Idris, who died in 1938.

the structure eventually adopted for independent Malaya, ensuring that the rulers would maintain their position and the Malays their rights.<sup>48</sup>

## THE PERAK CONSTITUTION AND ROYAL SUCCESSION

While colonial rule had made the rulers more visible, Ariffin has argued that the Malayan Union controversy worked to reshape their relationship with their Malay subjects. Now even the traditional expression of loyalty, “Daulat, tuanku”, could be interpreted to mean that sultans should reign in accordance with public consensus.<sup>49</sup> Nonetheless, the view that the rulers had betrayed their people by serving as agents of British colonialism was not easily allayed, and in 1947, hints of this disenchantment were suggested when Perak Malays involved in an Islamic inspired-demonstration linked to nationalist leaders failed to respond after Sultan Abdul Aziz ordered them to disperse.<sup>50</sup> Organizers of the left-wing Movement of Aware Youth (Angkatan Pemuda Insaf) urged their followers to flood the “feudal town” of Kuala Kangsar in support of a parade protesting against the power still held by the old elite.<sup>51</sup> Other Malays trod more carefully. Members of Malay League of Perak (Perikatan Melayu Perak), established in January 1946 and later subsumed under UMNO, affirmed their loyalty to the ruler “even if we ... now criticise his actions”. Nonetheless, they asked Sultan Abdul Aziz to boycott official functions related to the Malayan Union.<sup>52</sup> By this time, however, proposals were already in train for an independent Malaya in which rulers would be bound by a state constitution and where elections would give ordinary citizens a voice in choosing their government. Before

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<sup>48</sup> Suwannathat-Pian, *Palace, Political Party and Power*, p. 149.

<sup>49</sup> Ariffin, *Bangsa Melayu*, pp. 175–76; Amaroso, *Traditionalism*, pp. 154–63.

<sup>50</sup> Christopher Bayly and Tim Harper, *Forgotten Wars: Freedom and Revolution in Southeast Asia* (Cambridge, MA: Harvard University Press, 2007), p. 357.

<sup>51</sup> Amaroso, *Traditionalism*, p. 207.

<sup>52</sup> Ariffin, *Bangsa Melayu*, p. 103; Williamson, “Leaving Town”, p. 302.

his unexpected death in March 1948, Sultan Abdul Aziz put his signature to two significant documents: the first part of the new Constitution of Perak, and shortly afterwards the agreement by which Perak became part of the new Federation of Malaya. These developments marked a new stage in the history of the Perak dynasty.

One of the main purposes of the constitution was to lay out the regulations concerning succession, including the *bakal sultan* (heirs to the sultanate) and the positions of the titled rajas (*raja-raja yang bergelar*) as the most senior of the *waris negeri*.<sup>53</sup> A second section was added in 1953 during the reign of Sultan Yussuf Izzaddin Shah, a grandson of Sultan Idris. This addition was highly significant because Section 7 specifies that the sovereign shall be the son, grandson or great grandson of the male line descended from the eighteenth Sultan of Perak (i.e., Sultan Ahmaddin Shah). No other person can be installed as sultan as long as legitimate candidates are alive, and are not insane, dumb, or blind or possessed of any “base quality”. Preference would be given first to any of the *bakal sultan* in the prescribed order, and secondly to any of the “titled rajas” (given as *raja kecil besar*, *raja kecil sulong*, *raja kecil tengah* and *raja kecil bongsu*, without reference to the order of precedence); four royal titles listed in 1935 were now revoked.<sup>54</sup> The new constitution also recognized the formation of the Dewan Negara Perak (Perak State Council) to advise the Sultan and empowered it to take charge should a ruler be incapable of carrying out his duties. If necessary, the Dewan Negara could call on the sultan to abdicate. Significantly, no reference was made to the rotation system, since it was decided that the title of *raja bendahara* would end with the demise of the incumbent, Raja Abdul Rashid, a son of Sultan Idris (which occurred in 1958). The

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<sup>53</sup> *The Laws of the Constitution of Perak* (Kuala Lumpur: Government. Printer, 1960); Raworth, *Constitution of the State of Perak*.

<sup>54</sup> Raworth, *Constitution of the State of Perak*, p. 31. The titles were *raja di hulu*, *raja di darat*, *raja di baruh* and *raja kecil muda*. Tung, *Adat Pusaka*, pp. 15–16. The title of *raja bendahara* would end with the death of the incumbent, Raja Abdul Rashid ibni Sultan Idris.

position would then revert to a high-ranking commoner, as had been the case until the late eighteenth century.<sup>55</sup>

In some respects, the Perak constitutions of 1948 and 1953 represent a forthright articulation of traditional attitudes towards a Malay ruler, and were retained even as other parts were modified followed the formation of Malaysia in 1957 and the inauguration of a Federal Constitution, which now took primacy. The Perak ruler is still described as the fountain of honour, of justice and of mercy (*pancuran kemuliaan, pancuran keadilan, pancuran rahmat*); he is head of religion, protector of Malay custom, and ultimate owner of the soil (*Tuan tanah yang sebenar*). Sanctity is attached to his person and “the sovereign can do no wrong” — *Maka perbuatan raja pemerintah itu tiada boleh disangka salah* — so that prior to 1993 he could not be subject to court proceedings when acting in a personal capacity.<sup>56</sup> Yet the very listing of royal prerogatives also outlined in broad terms the limits of royal authority. Although the Perak ruler has the power to issue pardons and can act “at his discretion” in regard to specified matters, notably the appointment of the chief minister, the menteri besar, the dissolution of the Legislative Assembly, and the granting of titles and selection of heirs, he is expected to act “in accordance with the advice of the Executive Council”.<sup>57</sup> The primacy of the Federal Constitution means that his discretionary powers became subject to the Eighth Schedule of the Federal Constitution, which deals with the “essential provisions” that should be inserted in state constitutions. Those sections dealing with a

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<sup>55</sup> *The Laws of the Constitution of Perak*, p. 36; Raworth, *Constitution of the State of Perak*, pp. 25–27, 33. This position may have been considered redundant, since there was some overlap with the duties of the *raja muda*, especially in the transition period between the death of one sultan and the succession of another. The fact that Raja Bendahara Abdul Rashid had children from eight wives may have also been a complicating factor in maintaining this descent line.

<sup>56</sup> *The Laws of the Constitution of Perak*, pp. 9, 11, 29. The Malay text is found on p. 26 of the Jawi version.

<sup>57</sup> *The Laws of the Constitution of Perak*, p. 9. For a discussion of these issues as pertains to Johor, see Francis Hutchinson and Vandana Prakash Nair, *The Johor Sultanate: Rise or Re-emergence?* Trends in Southeast Asia, No. 16 (Singapore: ISEAS – Yusof Ishak Institute, 2016).

constitutional monarchy accord with the “Westminster model” inherited from Britain, including the provision that a ruler must act on the advice of the Executive Council or one of its authorized members.<sup>58</sup> Certainly, the Federal Constitution guarantees the rights of state rulers to “hold, enjoy and exercise” rights and privileges as allowed in the state constitution, but there is an underlying assumption that the royal prerogatives should be exercised in a context that takes into account both political logic and constitutional understanding of existing conventions. Only in any matters regarding religion or Malay custom are Malaysian rulers truly able to exercise “discretion”. Yet this power is significant because throughout Malaysia the rulers have a special role to play as guardians of the “special position” of the Malays and their access to the civil service, to scholarship funding, and to educational or training facilities.<sup>59</sup>

There have been, of course, differences in interpretation with regard to the boundaries of royal authority. For instance, according to Tunku Abdul Rahman, himself a trained lawyer, the rulers actually enjoyed “more rights” in the new Malaysia than they had under the British, especially for the sultans of the four FMS, which included Perak.<sup>60</sup> Expressing a similar view, Hari Singh argued that in terms of cultural and political influence, the status of the rulers was virtually equivalent to that of the largest political party, the United Malays National Organization (UMNO).<sup>61</sup> Indeed, because they are specifically charged with the task of guarding Malay rights and the Islamic faith, support for the rulers became a central plank in UMNO policies. While most rulers had close personal ties with UMNO, the connections were especially meaningful in Perak, which was the home base of several early UMNO officials

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<sup>58</sup> Andrew Harding, *Law, Government and the Constitution in Malaysia* (The Hague and London: Kluwer Law International, 1996), p. 64.

<sup>59</sup> Harding, *Law, Government and the Constitution*, p. 63; *The Laws of the Constitution of Perak*, p. 11; Raworth, *Constitution of the State of Perak*, p. 10.

<sup>60</sup> Tunku Abdul Rahman, *As a Matter of Interest* (Kuala Lumpur: Heinemann Asia, 1981), p. 31.

<sup>61</sup> Hari Singh, “UMNO Leaders and Malay Rulers: The Erosion of a Special Relationship”, *Pacific Affairs* 68, no. 2 (Summer, 1995): 190–91.



and where Sultan Abdul Aziz had been closely involved with the local nationalist and early youth movements. Soon after the founding of UMNO in 1946, he had commended the example of its leaders “to all the *rayats* [common people] in whose interest they, along with the rulers, are waging their national struggle”. Prominent among opponents of the Malayan Union was Haji Abdul Wahab (Panglima Bukit Gantang), one of Perak’s eight major chiefs. He served as the first secretary-general of UMNO and following the formation of the Federation of Malaya in February 1948, the sultan appointed him Perak’s first menteri besar.<sup>62</sup> Meanwhile, the possibility that Malay nationalism could successfully incorporate socialist ideals effectively ended a few months later. In June 1948 the killing of three Perak plantation managers by members of the Communist and Chinese-led Malayan National Liberation Army marked the onset of the Malayan Emergency, strengthening Malay perceptions that the bulwark in their defence was the staunchly anti-Communist alliance between the rulers and UMNO.

## **MAHATHIR, UMNO AND THE PERAK RULERS**

From 1957 and until 1973, UMNO was the dominant party in the governing coalition, the Alliance, and subsequently in the larger reconfiguration of the Barisan Nasional. To maintain this position, UMNO was heavily reliant on votes from rural Malay constituencies, where the rulers were held in high esteem, and two decades after independence, the UMNO elite still accepted the constitutional rights and prerogatives the sultans enjoyed. In 1981 this relatively amicable relationship came to an end with the appointment of Dr Mahathir Mohamad as Prime Minister of Malaysia. As the first individual of non-royal descent to hold this post, he accepted the value of a constitutional monarchy that was primarily symbolic and ceremonial, but had long deplored the extent to which

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<sup>62</sup> Bayly and Harper, *Forgotten Wars*, p. 361; Khoo and Lubis, *Kinta Valley*, p. 300; Williamson, “Leaving Home”, pp. 294, 298–99, 304. He later left UMNO to form the Parti Kebangsaan Perak (Perak National Party).

the rulers were able to influence political life, and was highly critical of the “feudal” attitudes and cultural subservience of Malays.<sup>63</sup> He was particularly opposed to the constitutional provision that the passage of any bill required royal consent from the Yang di-Pertuan Agong, elected every five years from among the nine sultans. In August 1982, Mahathir therefore proposed a constitutional amendment by which any bill would become law if it had not been signed within fifteen days after being presented to Yang di-Pertuan Agong, even if he had not given consent.

The bill was passed by both houses of the federal legislature, but the Yang di-Pertuan Agong (then the Sultan of Pahang), under pressure from his fellow rulers who feared this law would lessen their power at the state level, refused royal assent.<sup>64</sup> Malaysia then faced a constitutional crisis. Mahathir had strong support within UMNO, although some influential figures supported the rulers, fearing the increasing centralization of power in the prime minister’s hands. The Prime Minister then embarked on an aggressive media campaign, describing the authoritarian regimes of earlier rulers, highlighting their ambivalent role in the Malayan Union negotiations and encouraging the dissemination of salacious details about the extravagant lifestyle of several sultans.<sup>65</sup> As “the struggle for popular support” gained momentum, little or no coverage was given to rallies in support of the rulers.<sup>66</sup> The attorney-general also supported Mahathir, but Raja Azlan of Perak, at that time Lord President of the Supreme Court, did not publicly express his views, although many people expected him

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<sup>63</sup> Barry Wain, *Malaysian Maverick: Mahathir Mohamad in Turbulent Times* (Basingstoke: Palgrave Macmillan, 2009), pp. 197–202; Mahathir Mohamad, *A Doctor in the House: The Memoirs of Tun Dr Mahathir Mohamad* (Petaling Jaya: MPH Publishing, 2011), pp. 452–54.

<sup>64</sup> Mahathir, *A Doctor in the House*, p. 457. A summary of these events is given in H.P. Lee, “The 1983 Constitutional Crisis”, in *Constitutional Landmarks in Malaysia: The First Fifty Years*, edited by Andrew Harding and H.P. Lee (Singapore: LexisNexis, 2007), pp. 157–64.

<sup>65</sup> Hajrudin Somun, *Mahathir: The Secret of the Malaysian Success*, translated by Lejla Somun-Krupalija. (Petaling Jaya: Pelanduk Publications, 2003), p. 111.

<sup>66</sup> Lee, “The 1983 Constitutional Crisis”, pp. 160–62.

to do so. In this case he may have seen a conflict of interest because of his own position as a *bakal sultan*, but he was nonetheless deeply involved as an intermediary between the Conference of Rulers and the government.<sup>67</sup> By December 1983 these negotiations resulted in a compromise agreement and a constitutional amendment the following year. This gave the Yang di-Pertuan Agong thirty days to give assent and allowed him to express disagreement, in which case the bill would go back to the Dewan Negara for further debate. But if it still had legislative support, it would become law without royal assent. Presenting this arrangement as a victory, Dr Mahathir told a cheering crowd in Melaka that “the feudal system was over”.<sup>68</sup>

Nonetheless, the ramifications of this confrontation stretched over into the following year, when a new Yang di-Pertuan Agong was due to be installed in April 1984. By seniority, the most obvious candidate was Sultan Idris Iskandar of Perak, who had been one of the key figures in the previous year’s confrontation, and the likelihood of his selection as Yang di-Pertuan Agong was obviously a matter of considerable concern to Mahathir and UMNO leaders. Sultan Idris had argued, for instance, that the legislature had no power to rule on the position of the rulers, because “the people have given us the power to be their protectors and it is up to the people if they want to take it back”. He even accused “certain people” of plotting to dethrone him.<sup>69</sup> In earlier years Sultan Idris had been a loyal supporter of UMNO, and in 1969, when the opposition coalition garnered a one-seat majority in the state assembly, he refused to receive the opposition leader when the latter came to ask permission to form a government. Over time, however, this support had waned and he had gained a reputation for outspoken statements and controversial positions. In 1974, when the leader of the Perak branch of UMNO, Ghazali Jawi, was nominated as menteri besar, Sultan Idris refused to give his assent

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<sup>67</sup> Mahathir, *A Doctor in the House*, p. 457.

<sup>68</sup> R.S. Milne and Diane K. Mauzy, *Malaysian Politics under Mahathir* (London and New York: Routledge, 2002), p. 34.

<sup>69</sup> “Amending the Amendments”, *Asiaweek* vol. 10, 20 January 1984, pp. 8–9.

and rejected invitations to any function where the menteri besar was in attendance. He even declared he would not shave as long as Ghazali Jawi remained in office. Faced by royal ostracism, Ghazali Jawi resigned in 1977, and the sultan then reportedly publicly shaved his beard.<sup>70</sup> Another political storm had been generated the following year when Sultan Idris said that six Chinese members of the opposition Democratic Action Party (DAP) were not his subjects because they had not tendered their loyalty by taking a second oath of allegiance.<sup>71</sup> Like Sultan Mahmud Ibrahim of Johor, Sultan Idris had also asserted his position as Perak's head of Islam by determining the start of the fasting month locally, rather than according to the national standard. He had already twice (in 1975 and 1979) declined to rotate to the position of Yang di-Pertuan Agong, in part because he felt this would place restrictions on his lifestyle, and also because the federal government dismissed his request to simultaneously remain as ruler of Perak.<sup>72</sup> By early 1984, when he was the preferred candidate, he indicated that he was willing to assume the office of Yang di-Pertuan Agong. His unexpected death in February of that year led to speculation that Raja Azlan Shah, then Lord President of the Supreme Court, might be selected, since he had cordial relations with the governing elite and had been an intermediary in the previous crisis. The rulers, however, adhered to the established rotation system, and elected Sultan Iskandar of Johor, perhaps because they saw him as more willing to confront Mahathir.<sup>73</sup>

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<sup>70</sup> H.P. Lee, *Constitutional Conflicts in Contemporary Malaysia* (Oxford: Oxford University Press, 2017), p. 36n10.

<sup>71</sup> Roger Kershaw, *Monarchy in Southeast Asia: The Faces of Tradition in Transition* (London and New York: Routledge, 2001), p. 102.

<sup>72</sup> Wain, *Malaysian Maverick*, p. 203.

<sup>73</sup> Murugesu Pathmanathan, "Malaysia in 1984: A Political and Economic Survey", *Southeast Asian Affairs* (Singapore: Institute of Southeast Asian Studies, 1985), pp. 211–34; Harold Crouch, *Government and Society in Malaysia* (Oxford: Oxford University Press, 1996), p. 144; Kershaw, *Monarchy*, p. 102; Milne and Mauzy, *Malaysian Politics*, p. 35.

The death of Sultan Idris also meant the succession of Raja Muda Azlan as Perak's sultan. This would probably not have been predicted a few years earlier, although his intelligence and his legalistic skills were long recognized. The youngest of the four sons of Sultan Yusuff (1948–63), only he and his eldest brother (Raja Ekram) had been included in the list of titled rajas. But Raja Ekram died in 1978 as *raja di hilir*, followed by Raja Muda Musa in 1983.<sup>74</sup> Since the new *raja di hilir* (a surviving grandson of Sultan Abdullah who had been exiled over a century earlier) was already elderly, it was decided to appoint Raja Azlan, then Lord President of the Federal court (Malaysia's highest judicial position), to the vacant position of *raja muda*.

It is generally agreed that Sultan Azlan's long reign (1984–2014) placed a new stamp on the Perak monarchy. Raised with his non-royal mother in a bungalow at Batu Gajah rather than in the Kuala Kangsar *istana*, Sultan Azlan had attended a local government school before going on to the Malay College at Kuala Kangsar and then to the University of Nottingham where he met his future wife. Born in Penang, she subsequently became Malaysia's first commoner Raja Permaisuri Agong. To the public, Sultan Azlan was well known as a hockey player, but it was primarily his career as a judge and Lord President of the Supreme Court that has confirmed his place in Malaysian history. In an essay published in 1986, he clearly set out his ideas on a Sultan's constitutional obligations and privileges, and his view that matters such as the appointment of a menteri besar, and decisions regarding the dissolution of parliaments rested with the ruler.<sup>75</sup> As the first Perak ruler who had not been brought into the system through the British, he appeared to have little toleration for old traditions that were seen as non-Islamic or for the political culture that had shaped the Perak administration in the past. In his speeches and

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<sup>74</sup> Khoo, Kay Kim, "The Perak Sultanate: Ancient and Modern", *Journal of the Malaysian Branch of the Royal Asiatic Society* 56, no. 2 (1986): 26n54.

<sup>75</sup> Sultan Azlan Shah, "The Role of Constitutional Rulers in Malaysia", in *The Constitution of Malaysia: Further Perspectives and Developments: Essays in Honour of Tun Mohamed Suffian*, edited by F.A. Trindale and H.P. Lee. Singapore: Oxford University Press, 1986), pp. 76–91.

published writings, he often expressed criticism of the lack of dedication, experience and even honesty that he perceived among state officials. Although he supported a diversification of Perak's economy by giving more attention to industrial development, he remained concerned about the environment, and about pollution in Perak rivers.<sup>76</sup> Nonetheless, for his subjects, his very level of education and his status as judge and university chancellor meant that he was respected but seen as a rather aloof figure, despite his reputation among hockey fans. Between 1989 and 1994 direct engagement with his subjects was also limited because as Yang di-Pertuan Agong, he was legally required to appoint a regent, in this case his son Raja Muda Nazrin Shah.<sup>77</sup>

In the latter part of his term as Yang di-Pertuan Agong his preoccupation with national matters can be readily explained, for Malaysia faced another constitutional crisis in 1993. Stories of royal extravagance and indiscretions had circulated for years, and in the UMNO assembly of 1991 Prime Minister Mahathir, supported by several UMNO leaders, had railed against the abuse of privileges by sultans, their interference in political matters, the favouritism shown in business contracts, and their disdain for the restraints implicit in the idea of constitutional monarchy.<sup>78</sup> In February 1992, in an effort to curtail what its members saw as royal excesses, the UMNO Supreme Council had presented a memorandum of a “code of conduct” to the Conference of Rulers by which the sultans would agree to accept as state menteri besar whoever had majority support in legislative assemblies, and to refrain from personal involvement in business. However, although the principle of self-regulation was accepted by a majority of six rulers (including Raja

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<sup>76</sup> “Protect Water Sources”, *Star Online*, 3 August 2007 <<https://www.thestar.com.my/news/nation/2007/08/03/protect-water-sources/>> (accessed 5 November 2018). For more detail, see Khoo Kay Kim, *His Majesty Sultan Azlan Shah* (Petaling Jaya: Pelanduk Publications, 1992).

<sup>77</sup> Williamson, “Leaving Town”, pp. 284, 287–89; Harding, *Law, Government and the Constitution*, p. 68.

<sup>78</sup> Smith, *British Relations*, p. 206; Suwannathat-Pian, *Palace, Political Party and Power*, p. 361.

Nazrin, as regent of Perak) a minority refused to agree, and newspapers under UMNO control then seized the opportunity to point to examples of alleged royal extravagance; even the Yang di-Pertuan Agong, the highly respected Sultan Azlan Shah, was not exempt.<sup>79</sup>

Questions of expenditure and luxurious living, however, were overshadowed by the more serious issue of royal immunity from prosecution, which resurfaced dramatically in late 1992, because of claims that Sultan Iskandar of Johor had assaulted a hockey coach. Resurrecting memories of his alleged implication in the death of a golf caddie in 1987, public outrage meant that in January 1993, the government faced little difficulty in ushering in a new constitutional amendment removing the personal immunity of rulers that had been provided in Article 181 of the Merdeka constitution. According to Mahathir's memoirs, the only ruler willing to accept the principle that a citizen's rights should be protected from royal wrongdoings was Raja Muda Nazrin Shah, then acting as Perak regent for his father, Sultan Azlan, the Yang di-Pertuan Agong.<sup>80</sup> However, it was Sultan Azlan who oversaw the discussions that led to the incorporation of this historic amendment, and despite resistance from some rulers, he signed the bill on 22 March 1993. He may also have been instrumental in persuading Mahathir to concede on the question of legal jurisdiction over offending rulers. Sultans would be tried not in a regular court but by a special tribunal of five members, including two nominated by the rulers themselves. An extra layer of privilege was provided by the fact that this special court required the consent of the attorney general. To some degree these modifications demonstrated the "bargaining power" that the rulers still wielded, and the support that they still had amongst rural Malays.<sup>81</sup> Nonetheless, as a leading constitutional lawyer later remarked, the abolition of royal immunity from suit meant

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<sup>79</sup> Wain, *Malaysian Maverick*, pp. 208–12. Lee, *Constitutional Conflict*, p. 58n21.

<sup>80</sup> Mahathir, *A Doctor in the House*, pp. 461–62.

<sup>81</sup> Abdul Aziz Bari, "The 1993 Constitutional Crisis: A Redefinition of the Monarchy's Role and Position?", in *Constitutional Landmarks in Malaysia: The First Fifty Years*, edited by Andrew Harding and H.P. Lee (Singapore: LexisNexis, 2007), p. 239.

that “the Malaysian monarchy [would] never be the same again”. In a dramatic illustration of this far-reaching and nationwide change in royal status, the phrase “the sovereign can do no wrong” (*tiada boleh disangka salah*) was excised from the Perak constitution.<sup>82</sup>

In April 1994, Sultan Azlan returned to Perak following the end of his term as Yang di-Pertuan Agong to confront new challenges from within the royal family itself regarding the ranking of those in the line of succession. In Sultan Azlan’s view, one of the roles of the Conference of Rulers was to ensure “the appointment of the best persons to important constitutional positions”.<sup>83</sup> One can assume that he felt the same principles should apply at the state level as well. In the view of historian Kobkua Suwannathat-Pian, by cultivating a new image of a “well informed, caring and responsible royalty”, the Perak ruling house was then at the forefront of the self-generation of Malaysian rulers.<sup>84</sup> Despite the royal promotion steps described in the constitution, the category of *waris negeri* did permit some flexibility in appointment to the “titled rajas” positions, and had thus allowed certain descent lines to be preferred. For example, when Sultan Azlan took office in 1984 the *bakal sultan* and *raja bergelar* (including two of his own sons<sup>85</sup>) were all descended from the line of Sultan Abdul Malek Mansur Shah, eldest son of the eighteenth sultan, Ahmaddin Shah. The descendants of two additional lines originating from his two other sons have been quietly pushed to the background, presumably in the interest of acceptability.<sup>86</sup>

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<sup>82</sup> Harding, *Law, Government and the Constitution*, pp. 61, 78; Singh, “UMNO Leaders and Malay Rulers”, p. 202; Raworth, *Constitution of the State of Perak*, p. 25; Abdul Aziz, “The 1993 Constitutional Crisis”, pp. 240–42.

<sup>83</sup> Sultan Azlan Shah, “The Role of Constitutional Rulers and the Judiciary Revisited”, in *Constitutional Monarchy, Rule of Law and Good Governance*, edited by Visu Sinnadurai (Kuala Lumpur: Professional Law Books Publishers, 2004), pp. 395–96.

<sup>84</sup> Suwannathat-Pian, *Palace, Political Party and Power*, p. 372.

<sup>85</sup> In 2012 the then *raja kecil sulong*, Raja Ashman Shah, passed away of an asthma attack.

<sup>86</sup> Suwannathat-Pian, “Thrones, Claimants”, pp. 21–22; Suwannathat-Pian, *Palace, Political Party and Power*, pp. 373–75.



This development did not go unnoticed, and in April 1993 a spokesman for the marginalized line alleged that since Sultan Azlan's succession, Perak's Dewan Negara had given priority to the descendants of Sultan Ahmaddin Shah's first wife and ignored the rights of candidates descended from his other two wives. A memorandum sent to the Perak Dewan Negara in July 1996 argued that because of this omission the royal titles from *raja muda* down to the *raja kecil bongsu* should be re-examined. The existing appointments, it was contended, were not in accordance with the traditional rules of succession or the rotation between the three branches. In response, the petitioners were told that since 1948, the Perak Dewan Negara had taken other factors into consideration, apart from customary practices, and these considerations included matters such as acceptability and suitability for high office. "Certain candidates are bypassed" because the members of the Dewan Negara "might not have been satisfied with the candidate's conduct, track record or behaviour befitting of a ruler". It was therefore "improper" to question existing appointments.<sup>87</sup>

More than twenty years later questions of "acceptability" became evident in Sultan Azlan's decisions regarding the *bakal sultan*. In 2006 the *raja kecil besar*, Raja Izzuddin Iskandar Shah, then third in line to the throne, was stripped of his royal title, having been declared a bankrupt. It did not help his cause when he was accused of cheating two women into paying money for state titles, although he was later acquitted.<sup>88</sup> For many, the publicity surrounding this episode must have revived stories of Raja Izzuddin's reputation as a young man, when as *raja kecil bongsu* he had been briefly imprisoned for hitting a policeman. Though pardoned by his father, Sultan Idris, he had been demoted in the

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<sup>87</sup> "'Improper' to Query Perak Rulers' Appointments", *Straits Times*, 22 April 1993, p. 22; Suwannathat-Pian, *Palace, Political Party and Power*, pp. 375–77; Williamson "Leaving Town", p. 285.

<sup>88</sup> "Court Clears Raja Izzuddin", *Star Online*, 2 December 2008 <<https://www.thestar.com.my/news/nation/2008/12/02/court-clears-raja-izzuddin/#yoZ77oHjM51xQWsk.99>> (accessed 9 September 2018).

list of titled rajas for ten years.<sup>89</sup> It is hardly surprising that his appeal in 2016 to be accepted again as *raja kecil besar*, which would restore his claim as potential heir, was rejected.<sup>90</sup> In fact, his petition was moot, since Sultan Nazrin's young son, Raja Azlan Muzaffar, had already been appointed as *raja kecil besar*, thus affirming the ruler's right to grant or retract titles. By contrast, the imprimatur of acceptability may have helped the *raja di hilir*, Raja Jaafar Raja Muda Musa (see Figure 1), who has a good education and a degree from Cornell University, to remain largely untouched by a scandal in October 2002, when his second wife was murdered, and several members of the Perak royal family, including Raja Jaafar's first wife, were questioned.<sup>91</sup> Following the installation of Sultan Nazrin Shah as Perak's thirty-fifth Sultan in 2014, Raja Jaafar was promoted to *raja muda*.<sup>92</sup>

## OLD ISSUES RESURFACE

While recent precedent has thus re-established royal authority in regard to the *waris negeri*, the old problem of conflict between rulers and

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<sup>89</sup> "Putera Sultan Perak Dijel", *Berita Harian*, 25 June 1978. p. 1; "Sultan of Perak Pardons Raja", *Straits Times*, 22 April 1979, p. 19.

<sup>90</sup> Hidir Reduan, "Raja Izzuddin Denied Leave over Bid to be Reinstated as Raja Kecil Besar Perak", *New Straits Times*, 18 February 2016 <<https://www.nst.com.my/news/2016/02/128135/raja-izzuddin-denied-leave-over-bid-be-reinstated-raja-kecil-besar-perak>> (accessed 13 September 2018).

<sup>91</sup> "Princess Held over Co-Wife's Murder", *BBC News*, 25 October 2002 <<http://news.bbc.co.uk/2/hi/asia-pacific/2360021.stm>> (accessed 9 September 2018). Four men were later found guilty of the crime. "Empat Dipenjara 20 Tahun — Sebabkan Kematian Isteri Kedua Raja Di-Hilir Perak", *Utusan Online*, 26 March 2003 <[http://www1.utusan.com.my/utusan/info.asp?y=2003&dt=0426&sec=Muka\\_Hadapan&pg=mh\\_01.htm#ixzz5TOLYoYXY](http://www1.utusan.com.my/utusan/info.asp?y=2003&dt=0426&sec=Muka_Hadapan&pg=mh_01.htm#ixzz5TOLYoYXY)> (accessed 5 October 2018).

<sup>92</sup> "Raja Muda, Raja Di Hilir Perak Take Oaths", *New Straits Times*, 2 July 2014 <<https://www.nst.com.my/news/2015/09/raja-muda-raja-dihilir-perak-take-oaths>> (accessed 6 December 2018).

ministers had not been laid to rest, and resurfaced in 2009 in a major political crisis which highlighted public views on royal powers. Problems, however, were already evident the previous year. Following the 2008 elections, the Pakatan Rakyat (People's Front) coalition gained control of the Perak legislature and nominated Datuk Seri Mohammad Nizar Jamaluddin, a member of the Islamic party (PAS), as menteri besar. In May, Nizar ordered Datuk Haji Jamry Sury, the state religious department director and concurrently secretary to the Perak Council of Islamic Affairs and Malay Custom, to be transferred. A storm broke out when it was revealed that the sultan had not been consulted. Raja Muda Nazrin, then acting as regent in his father's absence, invoked the constitutional position of the ruler as head of Islam and ordered Jamry to be reinstated. Although Nizar apologized, and agreed he had been in the wrong, the prominent DAP lawyer, Karpal Singh, as a member of Pakatan Rakyat, argued that Jamry was a civil servant and thus outside the domain of Islamic jurisdiction.<sup>93</sup> Karpal was subsequently convicted of sedition, with the court edict asserting that he had committed a serious offence involving the sovereignty of a ruler and his prerogative powers.<sup>94</sup>

The following year, the confrontation between Pakatan Rakyat and Sultan Azlan became more serious and more controversial. Although the power to appoint a menteri besar is listed in the constitution as one of the ruler's powers, there is no specific mention of the power of dismissal. Indeed, in 1978, when discussing a hypothetical case in Pahang, Tunku Abdul Rahman had specifically stated that "the constitution does not provide that the ruler can dismiss the menteri besar."<sup>95</sup> In February 2009, just after Sultan Azlan's silver jubilee, three members of the Pakatan Rakyat coalition switched their allegiance to the opposition Barisan

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<sup>93</sup> Suwannathat-Pian, *Palace, Political Party and Power*, p. 397.

<sup>94</sup> "Sedition Conviction against Karpal Upheld", *Star Online*, 31 May 2016 <<https://www.thestar.com.my/news/nation/2016/05/31/sedition-conviction-against-karpal-upheld/#HKBLWgrgrMcMK0fl.99>> (accessed 9 September 2018).

<sup>95</sup> Tunku Abdul Rahman, *As a Matter of Interest*, p. 30.

Nasional, which thereby gained a majority of three seats. As menteri besar, Nizar Jamaluddin then asked Sultan Azlan to dissolve the state assembly and call for a new election. Sultan Azlan, having ascertained that the Barisan Nasional members would support their leader, Dr Zambry Abdul Kadir, as the new menteri besar, refused the request. He then asked Nazir Jamaluddin for his resignation on the grounds that he no longer had the confidence of the majority. When Nizar would not comply, the ruler's office issued a press statement to say that the office of menteri besar was now vacant and that Zambry had been appointed.<sup>96</sup>

There could be no doubt that the Sultan's decision was a bitter disappointment to many Malaysians who believed that democratic principles should prevail. For some, it was difficult to avoid the impression that the sultans were being exploited for political ends. In Kuala Kangsar, it was even necessary to use tear gas to break up demonstrations along the road to the palace, and public opinion was shaken by reports that the Pakatan Rakyat Speaker of the Assembly had been forcibly removed with no intervention by police.<sup>97</sup> The prolonged court proceedings demonstrate the divisions in legal opinion as to whether a ruler had the authority to dismiss a menteri besar by declaring the office vacant and appointing another member, without calling for a vote. In May, the Kuala Lumpur High Court ruled that the Sultan was not constitutionally permitted to dismiss the menteri besar, and that Nizar was the rightful head of the state government. Eleven days later, the Court of Appeal overturned this decision, confirming that Zambry should remain as menteri besar; this became the final decision. Nonetheless, a decade later the ramifications

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<sup>96</sup> The crisis is detailed in Audrey Quay, *Perak: A State of Crisis. Rants, reviews and reflections on the overthrow of democracy and the rule of law in Malaysia* (Petaling Jaya: Loyal Burok Publications, 2010).

<sup>97</sup> "Sultan Upsets Perak Despite Silver Jubilee Joy", *Malaysia Today*, 7 February 2009 <<https://www.malaysia-today.net/2009/02/07/sultan-upsets-perak-despite-silver-jubilee-joy/>> (accessed 9 September 2018); James Chin, "Malaysia: The Rise of Najib and 1Malaysia", in *Southeast Asian Affairs*, edited by Daljit Singh and Tin Maung Maung Than (Singapore: Institute of Southeast Asian Studies, 2010), pp. 166, 177n1.

are still unclear. As Andrew Harding has pointed out, the court's ruling appears to give any ruler considerable latitude in reaching his own judgement regarding the degree of confidence in the head of government. Furthermore, in terms of constitutional precedent, "the Perak decision seems to be a high-water mark for expansion of the ruler's constitutional powers and creates some uncertainty as to where this kind of reasoning could lead".<sup>98</sup> In her otherwise favourable assessment of the Perak ruling house, Suwannathat-Pian notes that the crisis of 2009 put a break on "royal ascendancy" and slowed any movement towards a genuine constitutional monarchy.<sup>99</sup> It may be significant that in August, while the controversy was still raging, Raja Muda Nazrin delivered a speech in which he referred to the "Last Will and Testament of the Malay Rulers" (*Wasiat Raja-Raja Melayu*), said to have been issued three weeks before the formal enactment of independence on 31 August. By this *wasiat*, widely publicized in the Malay media, the sultans had accepted their joint responsibility for protecting the special position of their Malay subjects, together with the legitimate interests of other groups. Given their long-standing links to the rulers, UMNO's leadership accepted the existence of this *wasiat* as a definitive pre-Merdeka pledge, although to this point no supporting documents have been found in archival depositories.<sup>100</sup>

Raja Muda Nazrin thus already had a national profile when he succeeded his father, Sultan Azlan Shah, who passed away in May 2014 at the age of 86. He too had attained high academic distinction, having received a PhD from Harvard University, and brought with him many years of experience, since he had often acted as regent. Like Sultan Azlan, he has gained a reputation for speaking his mind on matters of governance,

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<sup>98</sup> Andrew Harding, " 'Nazrinian' Monarchy in Malaysia: The Resilience and Revival of a Traditional Institution", in *Law and Society in Malaysia: Pluralism, Religion and Ethnicity*, edited by Andrew Harding and Dian A.H. Shah (London and New York: Routledge, 2018), p. 88.

<sup>99</sup> Suwannathat-Pian, *Palace, Political Party and Power*, p. 411.

<sup>100</sup> Clive Kessler, "Merdeka and the Malay Rulers", *The Nut Graph*, 17 August 2009 <<http://www.thenutgraph.com/category/multimedia/pictures/>> (accessed 5 October 2018); Andaya and Andaya, *A History of Malaysia*, 3rd ed., p. 352.

judicial independence and the maintenance of a multicultural society.<sup>101</sup> He is frequently in the news, since the royal household maintains an active public relations office which ensures that his speeches, writings and books receive considerable media attention.<sup>102</sup> His family life is exemplary, and in Perak, his willingness to take his place in a queue to buy books or renew his licence are much appreciated.<sup>103</sup> Involvement in local sports has long been a key to public approval of royal performance, as indicated by popular appreciation of Sultan Nazrin's participation in fun runs and his support for Perak's football team, winner of the 2018 Malaysia Cup. Over the last four years, he has come to be regarded as the most intelligent and liberal of the sultans, eminently able to negotiate the complex world of politics and often hostile politicians. His standing among his fellow rulers is indicated by his election as Timbalan (deputy) Yang di-Pertuan Agong in 2016. Some see him as emblematic of a new style of "Nazrinian-style" monarchy, and representative of a coming generation of rulers who will be better educated and more open to change than their predecessors;<sup>104</sup> his willingness to support the Pakatan Harapan coalition as a possible alternative to Barisan Nasional in the days leading up to the May 2018 elections is a case in point. Furthermore, after the votes for the state legislature yielded a stalemate, it was Sultan Nazrin's ultimatum that forced the parties to negotiate so that the Pakatan Harapan gained the majority that enabled them to form a government. The chairman of Pakatan Harapan, Ahmad Faizal Azumu, was duly installed as menteri besar, but was warned that he should carry out his tasks with

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<sup>101</sup> Raja Nazrin Shah, *The Monarchy in Contemporary Malaysia* (Singapore: Institute of Southeast Asian Studies, 2004).

<sup>102</sup> "Sultan Nazrin Launches Book on History of Perak Sultanate", *New Straits Times*, 2 July 2018 <<https://www.nst.com.my/news/nation/2018/07/386549/sultan-nazrin-launches-book-history-perak-sultanate-nst-tv>> (accessed 14 September 2018); Mohd Annuar bin Zaini, ed., *His Royal Highness Sultan Nazrin Shah*, 2nd ed. (Kuala Lumpur: RNS Publications, 2016).

<sup>103</sup> Jalil A. Hamid and Aniza Damis, "The Evolving Role of the Monarchy", in *His Royal Highness Sultan Nazrin Shah*, edited by Mohd Annuar bin Zaini, 2nd ed. (Kuala Lumpur: RNS Publications, 2016).

<sup>104</sup> Harding, "'Nazrinian' Monarchy," pp. 82–84.

integrity and be ready to admit when he had made a mistake. Nonetheless, his appointment was not without controversy because it points to the domination of Mahathir's party, Parti Pribumi Bersatu Malaysia, in the coalition. Ahmad held the only Bersatu seat, but it was he who was given the position of menteri besar.<sup>105</sup> Far less problematic are Nazrin's outspoken comments on the need for administrative integrity and fiscal transparency, especially in the wake of the 1MDB scandal. On a number of occasions, he has openly confronted the problem of corruption, asserting that in many cases it has become an "addiction" of the elite. No doubt Perak Malays will remember that when he himself married in 2007 he did not draw on any state funds.<sup>106</sup>

Yet in an odd twist, Sultan Nazrin has also echoed many of the views expressed by Mahathir, as he calls on Malays to be "bolder in changing their mindset" and to take on the challenges of the new globalizing environment, for otherwise they are in danger of being eclipsed by other races. As head of Islam, he believes that "we need to reclaim religion from those who would distort its truths" and reject all forms of extremism.<sup>107</sup> Although Islam is "an essential part of the check and

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<sup>105</sup> "Pakatan Secures Perak with 31 Seats", *Star Online*, 12 May 2018 <<https://www.thestar.com.my/news/nation/2018/05/12/pakatan-secures-perak-with-31-seats/>> (accessed 9 September 2018); "Perak Pakatan Chairman Ahmad Faizal Sworn in as Perak MB", *Star Online*, 12 May 2018 <<https://www.thestar.com.my/news/nation/2018/05/12/perak-pakatan-chairman-ahmad-faizal-sworn-in-as-perak-mb/#VCX8KjlrqXqrf3g.99>> (accessed 9 September 2018); James Chin, "Commentary: The Bittersweet Return of Anwar Ibrahim to Malaysian Politics", Channel News Asia, 23 September 2018 <https://www.channelnewsasia.com/news/commentary/anwar-ibrahim-returns-to-malaysian-politics-port-dickson-107446660> (accessed 23 September 2018).

<sup>106</sup> "Raja Nazrin Declines Using State Funds", *Star Online*, 13 May 2007 <<https://www.thestar.com.my/news/nation/2007/05/13/raja-nazrin-declines-using-state-funds/>> (accessed 6 October 2018); "Corruption Rife Because Elites Wield Too Much Power, Says Perak Ruler", *Malay Mail*, 9 August 2018 <<https://www.malaymail.com/s/1660740/corruption-rife-because-elites-wield-too-much-power-perak-ruler-says>> (accessed 13 September 2018).

<sup>107</sup> "Multicultural Societies No Longer the Exception", *Star Online*, 19 November 2008 <<https://www.thestar.com.my/news/nation/2008/11/19/multicultural-societies-no-longer-the-exception-raja-nazrin/>> (accessed 6 October 2018).

balance system on the powers of the monarchy”, ensuring that rulers act justly and fulfil their obligations to the community, he has been careful to present himself as a ruler of a multicultural society rather than simply a “Malay sultan”.<sup>108</sup> The focus now, he has said publicly, should be on acceptance of the rule of law and on a new commitment to good governance. He has consistently upheld the view that rulers should keep to their constitutional role, that minority groups should be accepted, that freedom of religion and democratic values should be respected, and that politicians should not seek undue power. In a speech delivered in mid-August 2018 he described Malaysia as a “work in progress”, and emphasized the necessity of working on the “cracks and fissures”.

We need to work on the separation of powers. We need to ensure the role of the monarchy is not abused, and neither should its role as the safety net and protector of all citizens be diminished. We need to ensure that the majority do not suppress the rights of minority groups to their culture and religion, and neither should we have tyranny of the minority over the majority. Our democracy works, as we saw in the recent peaceful transition of power, and we are encouraged by the commitments that have been made to strengthen our institutions and by the reforms that have been articulated.<sup>109</sup>

Thus far, Sultan Nazrin’s reign has not been unsettled by political crises, since the parliamentary deadlock following the state elections in 2018 was resolved without legal conflicts. Nevertheless, the fact that he made

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<sup>108</sup> “Sultan Nazrin: Monarchy Not Just Decorative Ornament”, *Malay Mail*, 7 May 2015 <<https://www.malaymail.com/s/891691/sultan-nazrin-monarchy-not-just-decorative-ornament>> (accessed 14 September 2018); “Sultan Nazrin Shah Wants Malays to Change Mindset to Face Changes”, *Sun Daily*, 21 July 2018 <<http://www.thesundaily.my/news/2018/07/21/sultan-nazrin-shah-wants-malays-change-mindset-face-changes>> (accessed 9 September 2018).

<sup>109</sup> “Sultan Nazrin Calls for Deeper Reforms in Restoring Rule of Law”, *Edge Markets*, 14 August 2018 <<http://www.theedgemarkets.com/article/sultan-nazrin-calls-deeper-reforms-restoring-rule-law>> (accessed 20 September 2018).



the final decision on acceptance of the menteri besar points to the potential for a recurrence of the old tensions in situations where a Malay ruler becomes involved in political battles. Given the complexities of Perak politics, the public will need repeated reassurance that the decisions of elected representatives have been made independently of any pressure from the palace.<sup>110</sup>

At the federal level, there are wider issues. Considering the previous relationship between the sultans and Prime Minister Mahathir, and the two-week impasse over the question of appointing a non-Malay to the position of federal attorney general, there are justifiable concerns about the possibility of future confrontations.<sup>111</sup> While the rulers conceded on this issue, there may be stormy waters ahead. Anwar Ibrahim, who will almost certainly be prime minister by 2020, was an active supporter of Mahathir during the tense 1993 negotiations regarding royal immunity, justifying the media's disclosure of royal expenditures as a necessary move "to persuade the rulers to consent [to the amendment]".<sup>112</sup> There is no reason to think that the views he expressed twenty years ago have changed: the sultans may represent continuity with the past, he said, but they must accept that times are now different. Ideally, they should represent a just, responsible and humane relationship and to achieve this they must be above "party squabbles, partisan politics and racial and religion antagonism".<sup>113</sup> In principle, these are the same views expressed

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<sup>110</sup> "Itu Keputusan Saya: MB Perak", *Sinar Harian*, 2 November 2018 <<http://www.sinarharian.com.my/edisi/perak/itu-keputusan-saya-mb-perak-1.899877>> (accessed 2 November 2018); "Palace Denies Tycoon's Claims That Sultan Stopped His Appointment as Perak Advisor", *Free Malaysia Today*, 2 November 2018 <<https://www.freemalaysiatoday.com/category/nation/2018/11/02/tycoon-says-sultan-stopped-his-appointment-as-perak-adviser-palace-denies/>> (accessed 5 November 2018).

<sup>111</sup> "After Two Weeks Malaysia's King Consents to PM Mahathir's Choice of Attorney-general", *Straits Times*, 4 June 2018 <<https://www.straitstimes.com/asia/se-asia/after-two-weeks-malysias-king-consents-to-pm-mahathirs-choice-of-attorney-general>> (accessed 15 September 2018).

<sup>112</sup> "A Limit to Our Patience", *Asiaweek*, vol. 19, 3 March 1993, p. 23.

<sup>113</sup> *Ibid.*

by Sultan Nazrin, but past experience has shown that rulers, lawyers and politicians may have somewhat different interpretations of the role of constitutional monarch in the Malaysian context.<sup>114</sup> In the view of Sultan Azlan, for instance,

A King is a King whether he is an absolute or constitutional monarch. The only difference between the two is that whereas one has unlimited powers, the other's powers are defined by the Constitution. But it is a mistake to think that the role of a king, like that of a President, is confined to what is laid down by the Constitution. His role far exceeds those Constitutional provisions.<sup>115</sup>

On several occasions, Sultan Nazrin has cited the views of the nineteenth-century public intellectual, Walter Bagehot (1826–77), who believed that a constitutional monarch needed no additional powers beyond the three rights he or she possessed: “firstly, the right to be consulted, secondly, the right to encourage, and thirdly, the right to warn”.<sup>116</sup> While ministers should receive royal support, said Bagehot, a monarch of sense and sagacity could invoke these three rights to “singular effect”, using his experience and wisdom to offer advice or forestall a “bad” proposal.<sup>117</sup>

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<sup>114</sup> “Fair and Forthright”, *Star Online*, 19 April 2007 <<https://www.thestar.com.my/news/nation/2007/04/19/fair-and-forthright/>> (accessed 7 December 2018).

<sup>115</sup> Azlan Shah, “The Role of Constitutional Rulers”, p. 88.

<sup>116</sup> As Sultan Nazrin has put it, “Pertama: hak untuk menyampaikan nasihat dan pandangan; kedua: hak untuk memberi galakan dan dorongan; ketiga: hak untuk memberi peringatan dan teguran. Raja yang arif, tidak memerlukan sebarang tambahan kuasa jika ketiga-tiga hak ini berjaya dikendalikan secara bijaksana lagi berhemah”, “Titah Sultan Perak di Konvensyen Memperkukuh Pasak Negara”, *BH Online*, 5 August 2017 <<https://www.bharian.com.my/berita/nasional/2017/08/309033/titah-sultan-perak-di-konvensyen-memperkukuh-pasak-negara>> (accessed 4 November 2018).

<sup>117</sup> Walter Bagehot, *The English Constitution* (London: Chapman and Hall, 1967), pp. 103–4.

Anwar (or whoever becomes Prime Minister) will also be dealing with a new Yang di-Pertuan Agong, due to take office in 2021. According to precedent, the Timbalan Yang di-Pertuan Agong is next in line, and this office is currently held by Sultan Nazrin. However, if the rotation system is followed, the next Yang di-Pertuan Agong should be the sultan of Pahang (the sultan of Johor, having previously declined to serve, moved to the bottom of the list). The Conference of Rulers elects its leader, and although it is unclear where their preference will fall, the incoming Yang di-Pertuan Agong will oversee a critical period in Malaysia's history. Unless parliament is dissolved earlier, voters will go to the polls for the next general election in 2023. While it is encouraging to see that Anwar has had at least two meetings with Sultan Nazrin following the 2018 elections, the slim Pakatan Harapan majority in Perak and the issue of selecting a menteri besar from a coalition could possibly lead to a situation when some might feel that royal intervention is necessary.

The question of succession may also be problematic. Currently 77 years old, it seems unlikely that Raja Jaafar will outlive Sultan Nazrin (now 62), and Raja Iskandar, the current *raja di hilir*, is a year older. It is significant that Sultan Nazrin's son, Raja Azlan Muzaffar Shah (born 2008), has been appointed *raja kecil besar*, and as a "titled raja" is thus third in the line of succession to succeed his father. If that occurs, there will have been three generations of father-son succession and after 200 years of pragmatic adjustments, the royal rotation system may well see its final demise.

Yet as a final comment, it is important to note that Sultan Nazrin understands more than any previous Perak ruler the influence of the media, especially the expansion of electronic communication. As he has stated, "the rulers and the members of the royalty are not exempted from being targets of public attention" and because voters have more information available to them, "they are capable of conducting an evaluation on the institution of the monarchy".<sup>118</sup> In providing an opportunity for the public

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<sup>118</sup> "Rulers Can Boost Democracy", *Star Online*, 6 August 2017 <<https://www.thestar.com.my/news/nation/2017/08/06/rulers-can-boost-democracy-sultan-nazrin-play-a-positive-role-to-protect-citizens-interests/>> (accessed 5 October 2018).

to register judgement, GE-15 will undoubtedly see an intense period of campaigning as the Perak electorate assesses Pakatan Harapan's performance and implicitly the shifts in the leadership models that have accompanied the "Nazrinian" style of monarchy. For instance, increased support for the Islamic party PAS, now holding three seats in the Perak legislature, may indicate some dissatisfaction with Sultan Nazrin's effort to present himself not only as a ruler for the Malays, but for all Perak's citizens, regardless of ethnicity. In a compelling statement, however, he has left no doubt about his commitment to this ideal:

A pluralistic society is one that not only tolerates but appreciates and encourages the active participation of those of different races, cultures and lifestyles... If there is someone in my society who is hungry or unemployed or sick and cannot afford treatment, then it diminishes me even if he is of a different race or religion.<sup>119</sup>

## CONCLUSION

In reviewing 500 years of Perak's dynastic history, two themes that recur concern firstly, issues of royal succession and secondly, the shifting relationships between rulers, high-ranking officials and the public more generally. Despite the traditions that presented kingly status as virtually sacrosanct, precolonial rulers are best regarded as first among equals. Because of the numbers of royal progeny, it was extremely difficult to guarantee a direct line of succession, even when an heir had already been appointed. As a result, the death of any ruler typically meant intense manoeuvring among the elite as preferred candidates marshalled their supporters among other princes and especially among the "great men", the *orang besar*. As high-ranking commoners, the latter might have kinship links to the ruler and their control over large tracts of territory,

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<sup>119</sup> *Star Online*, "Multicultural Societies No Longer the Exception: Raja Nazrin", 19 November 2008 <<https://www.thestar.com.my/news/nation/2008/11/19/multicultural-societies-no-longer-the-exception-raja-nazrin/>> (accessed 6 October 2018).

including people and resources, gave them an independence that (as seventeenth-century history shows) could allow them to take effective control of government.

At times, however, a strong individual could emerge to impose his authority over what was often a fractious court environment. The civil war that marked the early eighteenth century came to an end with the installation of Sultan Iskandar as ruler in 1752 and his decision to renew a treaty with the Dutch East India Company. The income he drew from this alliance, and the implicit promise of Dutch support against his enemies, allowed him to take further steps to overcome potential challenges from either his relatives or powerful nobles. The position of *bendahara* was taken from a commoner and given to his half-brother, establishing a precedent by which the *raja bendahara* was next in line of succession after the *raja muda*. In the 1820s, this innovation was further refined to become a rotation between three branches of the royal family. But such measures were insufficient to overcome the royal conflicts that escalated in the nineteenth century as Perak's tin industry expanded, and as Chinese miners were willing to take sides in royal conflicts in hopes of gaining preferential treatment. The development of new tin fields also emboldened *orang besar* like the ambitious menteri of Larut, who was sufficiently confident to claim that "in Perak ... the most powerful man, no matter what his claims may be according to birth is always in the end acknowledged Sultan".<sup>120</sup>

During the colonial period the influence of the traditional *orang besar* was drastically reduced, but it was never easy to regularize the succession, especially as the British always privileged individuals they believed would accept their advice and direction. They were fortunate in that the first ruler appointed under colonialism, Sultan Idris, was willing to work with the British administration, even though he always insisted on his own position as ruler of a sovereign state. Since 1948 the sultans of Perak have all been his direct descendants.

Presented to the rulers in late 1945, the Malayan Union Plan marked a historic moment in the relations between Malay rulers and their

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<sup>120</sup> Cited in Andaya, *Perak*, p. 31.

Malay subjects. Although Sultan Abdul Aziz initially agreed, he did so unwillingly and the support he gave its critics in the budding nationalist movement was a clear response to the pressure of Perak's Malay public. Yet in the ensuing years, royal rights in regard to the political system underwent little change. Perak's first constitution, drawn up in 1948 and expanded in 1953, spelt out the legal position of the ruler, determined the lines of succession from *bakal sultan* to the titled rajas, clarified the roles of the *orang besar*, and identified the powers of the elected legislature. The special status of the sultan was hardly questioned until Mahathir Mohamad became prime minister in 1981, when the constitutional amendments he introduced gradually whittled away many royal privileges.

In 1993 an experienced journalist, Michael Vatikiotis, speculated that the position of the rulers had been fundamentally changed by these events and that the sultans may be facing "a new era, with a reduced status".<sup>121</sup> In legal terms this may be the case, but royal influence can hardly be discounted. The powers the rulers could still exercise were evident in the "Perak crisis" of 2009, when Sultan Azlan's controversial decision to recognize the Barisan Nasional leader as menteri besar raised new questions about the role of royalty in political life.<sup>122</sup> One could well argue that royal status rose during the latter part of Najib Tun Razak's term as prime minister when the 1MDB scandal broke and the depth of corruption at the highest levels of government became public knowledge. The idea that rulers can provide a different kind of leadership has gained some momentum. As some predicted, the rulers have begun to act as a more coordinated "pressure group" and to assert their role as "titular heads of Islam".<sup>123</sup> Collectively they are also more alert to the enhanced role of the press, the Internet and social media in shaping public opinion.

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<sup>121</sup> Rodney Tasker, Michael Vatikiotis and Robert Delfs, "Thrones that Count", *Far Eastern Economic Review*, 29 April 1993, p. 17.

<sup>122</sup> Quay, *Perak: A State of Crisis*.

<sup>123</sup> Tasker, Vatikiotis and Delfs, "Thrones that Count", p. 17; Hodge, "Malay Sultans".

In this context, Sultan Nazrin of Perak has been foremost among several rulers who are attempting to refashion a new image of themselves as trustworthy, compassionate, and more in touch with the needs of their subjects than the elected officials. We may still be in a situation where, as Dr Abdul Aziz Bari, constitutional law expert and currently DAP member for Tebing Tinggi, once put it, “the population continues to go to the palace when they face a dead end”.<sup>124</sup>

In 2018, it appears that Malaysia’s new government is taking hesitant steps towards a more open and more democratic form of government and attempting to detach itself from the ethnic parochialism that has characterized politics for so many years. Despite the limitations on their powers, Malaysia’s status as home for almost a quarter of the world’s monarchies will remain unchallenged. At the same time, however, the environment in which they move is rapidly changing, notably in regard to popular expectations of the role of rulers. Forty years ago, Tunku Abdul Rahman reminded readers of his newspaper column that although sultans were head of their respective states, the Malaysian constitution provides for a democracy; it should therefore be understood that “the people are virtually the rulers”.<sup>125</sup> It is unlikely that Perak citizens ever read the state constitution, but they are fully aware of the power of the ballot box and of the influence that can be exercised by popular opinion. As the twenty-first century advances, public approval will be crucial if the Perak dynasty is to retain its relevance for a modern, evolving and multiethnic society. In a climate where racial issues can always rise to the fore, the great challenge in Perak, as in other states, is for rulers to present themselves not just as “Malay” rulers and custodians of Malay privileges, but as guardians of the rights of all Malaysians.

Even more importantly, they must be seen as working in tandem with the elected representatives of their people in ways that are constitutionally acceptable; rulers can well negotiate, advise and remind, as Bagehot put it, but they must recognize the boundaries of political involvement to

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<sup>124</sup> Abdul Aziz, “The 1993 Constitutional Crisis”, p. 240.

<sup>125</sup> Tunku Abdul Rahman, *As a Matter of Interest*, p. 30.

which a constitutional monarch is subject. The advent of “Nazrinian monarchy” suggests that the public face of royalty and the manner in which sovereignty is presented will be central in determining the future of the Malaysian rulers. On the one hand, they are not expected to be “of the people”, and the ritual and protocol that surrounds Malay rulers are a visual reminder that they are not ordinary men. Indeed, words of advice or exhortation gain authority precisely because of this distance. Yet this distance can be at odds with the idea that rulers should be approachable and humble, which requires a different kind of “performance”, be it participation in fun runs, visiting victims of some disaster, or joining with subjects through cell-phone photography. Balancing social detachment with approachability is not easy, but Sultan Nazrin appears to have perfected the art of mediating between ruler and ruled, and it is clear that he understands and appreciates the importance of meeting the electorate’s expectations.<sup>126</sup> In his words, “The result of the (2018) election shows that the political culture in Malaysia is based on the people ... the majority of the voters want a more transparent, open and trustworthy government”.<sup>127</sup>

This is perhaps a timely moment to look back to the past and recall the story of the manner in which Perak’s first sultan arrived in the state, with an ordinary man, a common trader, as his sponsor and advocate. If this account is approached as a historical allegory, Si Tumi may be seen as a still relevant emblem of governance that ultimately resides with the people.

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<sup>126</sup> “Proud of Their Beloved Sultan”, *Star Online*, 2 November 2018 <<https://www.thestar.com.my/news/nation/2018/11/02/proud-of-their-beloved-sultan/>> (accessed 13 November 2018).

<sup>127</sup> “Sultan Nazrin: Most Voters Want a Transparent, Trustworthy Government”, *Malay Mail*, 20 October 2018 <<https://www.malaymail.com/s/1684889/sultan-nazrin-most-voters-want-a-transparent-trustworthy-government>> (accessed 1 November 2018).



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