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From Malay to Muslim to Melayu Baru ...What next?

By Ooi Kee Beng

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MALAYSIA'S former prime minister Mahathir Mohamad is known for saying controversial things, and his recent view, expressed on the Malaysiakini website, was no different. He opined that Malays should be able to leave Islam, but they must realise that they would lose the special privileges reserved for them.

But for most people wishing to leave the religion, economic matters are usually not among their main worries.

Tun Dr Mahathir takes the conception of religion as a personal choice. This position is controversial among Malays in Malaysia, where Malayness has traditionally been defined through Islam. To be Malay, and therefore eligible for certain state-sanctioned privileges, you must be Muslim.

Politics in Malaysia has long been centred on the protection of the Malay majority from overpowering historical economic forces. The Reid Commission that worked on the first Constitution, before Malaysia's independence in 1957, suggested that such protection be temporary. But the end-result of consultations left the matter to the Malays themselves.

The aim of that protection - initiated during British times as part of a patronising colonial concern for the 'natives' that developed very late in the day - has, however, often been overshadowed by political opportunism among modern Malay leaders.

It is when this aim is forgotten that the so-called Malay agenda goes from being affirmative action to being a racist ideology.

The issue flips from being about the Malays needing special treatment because history dealt them a bad hand, to being one about notions of special rights due to them for being Malays.

In any case, it became necessary to clearly define who was a Malay and who was not. Saying that one was did not make one so. Individual choice of ethnic identity could not be allowed.

This meant that the grey area of hybridity and cultural evolution that exists where contacts between different communities are sustained had to be minimised.

The Merdeka Constitution of 50 years ago has an unusual clause to define a Malay. The definition resulted from the so-called 'Merdeka Compact', which was touted as the deal needed for a peaceful transition from colonial to independent government: Immigrant communities, mainly the Chinese and the Indians, were allowed to become citizens of the new nation on condition that they agreed to the idea of a special position for the Malays.

So who was a 'Malay'? Article 160 of the Federal Constitution of 1957 states that 'Malay means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and (a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or was on that day domiciled in the Federation or in Singapore; or (b) is the issue of such a person'.

In 1963, when Singapore, Sabah and Sarawak joined Malaya to form Malaysia, the idea of indigenoussness became a necessary tool through which the Malay community could reassert exclusiveness vis-a-vis the Chinese and Indians in order to protect its special position.

Malayness became defined more through indigenoussness, something not expressly stated in the Constitution, with the widespread use of the notion of 'bumiputera' ('sons of the soil', or 'the indigenous peoples').

The Alliance solution for inter- ethnic harmony, where each ethnic group was represented by a party within the coalition government, quickly proved insufficient. For most Malays, the special position did not translate into concrete measures in the first decade of independence. Tension grew among the ethnic groups and by 1969 had exploded into street violence.

The new regime under Tun Abdul Razak Hussein and Tun Dr Ismail Abdul Rahman started constructing a comprehensive affirmative action programme to give reality to the special position of the Malays. The result was the New Economic Policy (NEP), the aim of which was to make itself superfluous: to strengthen the economic position of the Malays to an extent where there would no longer be any need to divide Malaysians into bumiputeras and non-bumiputeras.

Tun Dr Ismail, the home affairs minister and deputy prime minister at the time, regarded the special position of the Malays 'as a handicap given to the Malays with the consent of all the

other races who have become citizens of this country so as to enable the Malays to compete on equal footing for equal opportunity in this country. That and that alone is the only aim of the special position of the Malays'.

But Tun Dr Ismail's vision never had a chance to be realised.

When Tun Dr Mahathir became prime minister in 1981, Islamisation became a serious part of Malaysian nation-building. Because of political dynamics both at home and abroad, Islam began to be adopted as the next necessary tool for reasserting Malayness.

In 1988, Tun Dr Mahathir amended the Constitution through Article 121 (1A) to proclaim that civil courts 'shall have no jurisdiction in respect of any matter within the jurisdiction of the syariah courts'. This embedded the country's Malays solidly within Islamic jurisdiction, and defined Malayness further as Muslim-ness.

In line with the development of this logic, he finally declared Malaysia 'a model Islamic fundamentalist state' in 2002.

The NEP did not end after 20 years as had been envisioned by its founders. Now generally known as the Bumiputera policy, it continues to generate a 'Malay first' modus operandi throughout the civil service. The idea that the NEP was meant to make itself superfluous, and not to found a racist system, was conveniently forgotten.

In 1990, Tun Dr Mahathir again surprised Malaysians by proffering the idea of Bangsa Malaysia (Malaysian race). Perhaps this was his way of moderating the increasingly exclusionary tendency of the changing definition of Malayness - from Malay, to bumiputera, to Muslim - which could not be conducive to national unity in the long run.

At the same time, Tun Dr Mahathir also started using the term Melayu Baru (New Malay). Again, the aim was to aid the emergence of economically developed Malays. As defined by Asiaweek in 2001, the New Malay 'is the young, contemporary, modern Malaysian who is able to resolve his Malay-Muslim identity within the multicultural global community...(who) has to live with a diversity of beliefs, ambitions and idiosyncrasies...(and who) does not wield his Malayness and think about it day to day, carrying it like a chip on his shoulder'.

Tun Dr Mahathir's successor, Datuk Seri Abdullah Badawi, has continued in the same discursive vein to favour the emergence of 'towering Malays', while his deputy Datuk Seri Najib Razak reiterates the idea of a 'glocal Malay'.

The tension that will matter in the coming years in Malaysian political discourse will thus be between the sociological idea of a New Malay maturing beyond colonial conditions, on the one hand, and ideological attempts at defining Malayness - through religion, indigeness or other means - as a permanent and privileged state, on the other.

The crucial decision that Malaysians of all races - especially the Malays themselves, whichever way they are defined - have to make is whether to aim for a Malaysianness that is not two-tiered, or to maintain one that is.

The writer is a fellow at the Institute of Southeast Asian Studies, and author of *The Reluctant Politician: Tun Dr Ismail And His Times* (ISEAS 2006). This is a personal comment.

WHEN AFFIRMATIVE ACTION BECOMES RACIST IDEOLOGY

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