Malay Nationalism, Islamic Supremacy and the Constitutional Bargain in the Multi-ethnic Composition of Malaysia

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1. Introduction

In the 30 years since independence, Islam has become increasingly prominent in the public domain of Malaysia, which is a multi-ethnic and multi-religious federation. This may be attributed to the influence of a worldwide Islamic revival and the consequent politicization of Islam by Malaysian opposition political parties, particularly Partai Islam Semalaysia (PAS). The Federal and state governments, under the leadership of the ruling United Malay National Organisation (UMNO)-led government responded by adopting policies designed to out-Islamicise PAS, to retain Malay support and UMNO’s role as the champion of the Malay cause. Most notably, this included a declaration in 2002 that Malaysia was already an Islamic state (since it had a dominantly Muslim population). This alienated the non-Malays, as this push towards increased Islamicization at the governmental level betrays the government’s commitment to multi-culturalism and multi-ethnicity as part of the constitutional bargain.

There are three major ethnic groups in Malaysia. The Malays, who are considered indigenous to Malaysia, constitute about 54 percent of the population. The Chinese and the Indians, who were economic migrants under British colonial rule, constitute 25 and eight percent of the population respectively. Other non-Malay indigenous groups constitute 12 percent of the population.1

Malaysian politics is dominated by three ethno-nationalist parties which existed prior to independence on 31 August 1957. Although formed to champion ethnic

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1 This breakdown was stated by the Abdullah Badawi in keynote address ‘The Challenges of Multireligious, Multiethnic and Multicultural Societies’, at the Asia Media Summit held at Hotel Nikko, Kuala Lumpur on 19 April 2004. The full speech is available on the Prime Minister’s Office website: <www.pmo.gov.my>, visited on 18 June 2005; typically, statistics from the Department of Statistics present the figures classified under Bumiputera, combining the figures for the Malays and other indigenous people. See Press Statement: Population Distribution and Basic Demographic Characteristics Report: Population and Housing Census 2000, Putrajaya, 6 November 2001, Department of Statistics Malaysia, <www.statistics.gov.my/English/frameset_pressdemo.php>, visited on 17 June 2005: Of the total population of Malaysia in Census 2000, about 21,890 thousand or 94.1 percent were Malaysian citizens. Of the total Malaysian citizens, Bumiputera comprised 65.1 percent, Chinese 26.0 percent and Indians 7.7 percent, the ethnic composition being 60.6 percent, 28.1 percent and 7.9 percent respectively in 1991.
causes, inter-ethnic co-operation took place, as a matter of political expediency, in response to the threats of communist insurgency and British influence. This inter-ethnic co-operation took the form of the National Front Alliance. The three components of the Alliance were the UMNO, the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC). Pragmatic partnership allowed each component party to retain their individual mandates of safeguarding ethnic rights and reflected the ethnic-based nature of Malaysian politics and the need to sustain inter-ethnic cooperation.

The process of constitution-making in Malaysia is marked by this pragmatic partnership and compromise. The Federal Constitution of Malaysia (FC) reflects a “tortuous forging of acceptable terms and compromises among the various racial components of the Malaysian society”. It embodies inter-communal consensus on the character of the national polity and the respective rights, privileges and obligations of the various ethnic communities. In return for grants of citizenship to the Chinese and Indian immigrant communities, the Malays received special economic privileges flowing from their status as bumiputera or indigenous ‘sons of the soil’ as well as special language rights. Islam was designated as the religion of the Federation in Article 3 of the FC. This originated from a proposal by Malay nationalists and was accepted by the British and non-Muslims on the basis that Islam in Article 3 would be limited to the sphere of Muslim personal and customary law. The non-Malays, who constituted 60 percent of the population at that time received assurances that the character of the nation would be multi-ethnic and secular.

Today, almost all Malays in Malaysia are Muslims, a status reinforced by strict apostasy laws prohibiting conversion out of Islam. In addition, Article 160 of the FC defines Malay as a person who professes the Muslim religion, habitually speaks the Malay language and conforms to Malay customs. Ethnic and religious identity is thus legally merged for Malay-Muslims, irrespective of personal choice.

As Islam increasingly become a major symbol of Malay-ness in that faith is inseparable from the Malay ethno-cultural heritage, the division between the Malays and non-Malays is widened by the religious divide between Muslims and non-Muslims, creating a distinct, acute awareness of the ‘Other’. The effect has been to aggravate the inter-ethnic fracture in Malaysian society.

This article examines the legal and political developments fuelled by Malay nationalism (Ketuanan Melayu) and demands for Islamic supremacy, which has caused inter-ethnic distrust. Part 1 examines the constitutional history and process of inter-communal bargaining which produced the independence FC. Part 2 examines

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