

A MALAYSIA OF CITIZENS: ETHNICITY, MEMBERSHIP AND POLITICS OF MERGER

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Abstract

This paper examines the political history of the relationship between Malaysia and Singapore, focusing on the notion of citizenship and its ethnic, civic and political dimensions. It analyses the extent to which the merger of Singapore with Malaysia redefined the citizenship boundaries of the Malaysian national political identity. The incorporation of Singaporean citizens into the Malaysian political community was controversial, as it was closely related to electoral stakes. The ruling People's Action Party and the Alliance Party attempted to delineate the political sphere of the population of each political unit through the demarcation between 'citizenship' and 'nationality'. However, the citizenship crisis continued to trouble the relationship of these states to the point that both parties breached the perceived agreement not to interfere with the other's political sphere of influence. This sphere of influence was delineated on the basis of race, thus cutting across political territory rather than territorial attributes. The ideological clashes over the meaning of citizenship that arose during the political merger of Singapore and Malaya, show that a truly Malaysian citizenship could not be developed – only a Malaysia of citizens.

Keywords and phrases: *Citizenship, Ethnicity, Political Merger, Extraterritorial Electoral Participation.*

A. INTRODUCTION

Citizenship is a frontier of sorts, defining political membership in a nation-state. The question of citizenship was “one of the thorniest issues” that troubled Singapore’s Prime Minister, Lee Kuan Yew during Singapore’s merger with Malaya to form the Federation of Malaysia¹. The citizenship issue relating to Singapore’s merger was caused by restrictions on the political activities of Singaporean citizens on the island. To achieve this aim, the two states carefully drafted the 1961 Singapore White Paper, which resulted in granting Malaysian ‘nationality without citizenship’ to the citizens of Singapore. The Singapore White Paper provided a common nationality, but proposed the creation of “differentiated citizenship”. Integrating the territories of Malaya and Singapore without uniting their citizens under a common Malaysian citizenship challenged the very notion of belonging in the new federation.

¹ Tan, T.Y. 2008. *Creating 'Greater Malaysia': Decolonization and the politics of merger.*

The Malaysian case illustrated the “tensions between the idea of citizenship as an expressive affiliation and citizenship as a form of political equality [or legal status]”.²

Though drafters of the White Paper did not intend to create inequality among the citizens of Singapore, the merger deal between Malaya’s Prime Minister, Tunku Abdul Rahman (Tunku) and Lee Kuan Yew created pre-merger havoc. The restriction of political activities was institutionalised in the 1963 Malaysia Agreement. In devising a constitutional method to differentiate the political rights of the citizens of Singapore, the writers of the 1963 Malaysia Agreement developed the distinction between “a Singapore citizen” and “a citizen who is not a Singapore citizen” in the citizenship provisions of the Malaysian constitution. exclusion of Singaporean citizens from Malaysian citizenship raises three important questions. First, what is the relationship between the state and nation, and why is this distinction important in light of what happened in Singapore and Malaysia? Second, what can be learned about the relationship between race, state and nationality? Third, what are some of the particularities of the case between Singapore and Malaysia regarding the generalised relationship between citizenship and nationality?

B. DISCUSSION

1. Sovereign ruler became automatic Malayan citizens

However, state nationality lost its significance after Malayan independence in 1957³. The merger of Singapore witnessed the revival of the importance of state citizenship; in other words, the distinction between nationality and citizenship emerged from the political usage of Malayan citizenship during the merger.

Although citizenship and nationality both refer to ‘the legal quality of state-membership’, citizenship reflects the mode of participation while nationality is described by cultural characteristics. In French and English vocabulary, the overlapping usage of these terms shows that the concepts of state, nation and sovereignty are intertwined⁴. Throughout

² Jackson, V.C. 2001. Citizenship and federalism. In *Citizenship today: Global perspectives and practices*, eds. T.A. Aleinikoff and D. Klusmeyer, 127–182. Washington: Carnegie Endowment for International Peace.

³ Fransman, L. 1998. *British nationality law*. London: Butterworth. Federation of Malaya. 1962a. *Report of the Commission of Enquiry North Borneo and Sarawak (Cobbold Commission)*. Kuala Lumpur: Government Printer.

⁴ Brubaker, R. 1992. *Citizenship and nationhood in France and Germany*. London: Harvard University Press.

the history of the Federation of Malaya, state membership and nation membership have been used to denote different categories of membership. At the outset, it is important to point out that the state and the nation within the bigger Federation is incongruent. The incongruence between *polis* and *demos* creates problems for democratic consolidation.⁵

Communal politics under the operation of an elitist political structure, known as the elite accommodation system, strengthened the legal definition of citizenship. As Freedman noted, “Malaysian politics is highly ethnicised”. Communal politics in Malaya arose from both a British attempt to consolidate its Malayan territories and the debacle that followed the Malayan Union (1946–1948). The emergence and dominance of communally-based political parties in Malaya was not a certainty at this time; it was only with the reservation of special privileges for Malay rulers and the rise of the UMNO that affirmative policies became embedded in the 1957 Federal Constitution.⁶ Citizenship was a highly contested area of ethnic compromise in the 1957 Constitution. The elite accommodation system, represented by the Alliance, was made up of communal parties – the United Malay National Organization (UMNO), Malayan Chinese Association (MCA) and Malayan Indian Congress (MIC) – that advanced the interests of the communities they represented.⁷ Under the bargaining agreement the member parties entered, Malay citizens, as the sons of the soil, were guaranteed special rights, while non-Malay citizens were granted automatic citizenship based on unconditional *jus soli*. This liberalisation of citizenship law was agreed upon by UMNO politicians in return for the agreement of MCA and MIC politicians to institutionalise the special privileges of the sons of the soil.

The highly institutionalised citizenship norm became an uneasy accommodation when the Federation was to expand. Racial polarisation extended onto the island when the merger took place. In the larger Malaysian Federation, the competing forces of nationalism existed in constitutional tension between ethnic Malay nationalism versus multi-ethnic Malaysian nationalism.⁸ As discussed by Freedman, the elitist accommodation system, or

⁵ Linz, J.J. and Stepan, A.C. 1996. *Problems of democratic transition and consolidation: Southern Europe, South America, and post-communist Europe*. Baltimore: Johns Hopkins University Press.

⁶ Means, G. 1976. *Malaysian politics*. London: Hodder and Stoughton.

⁷ Freedman, A.L. 2000. *Political participation and ethnic minorities: Chinese overseas in Malaysia, Indonesia, and the United States*. New York: Routledge.

⁸ Wee, L. 2001. Divorce before marriage in the Singapore–Malaysia relationship: The invariance principle at work. *Discourse & Society* 12(4): 535–549, <https://doi.org/10.1177/0957926501012004006>

“consociationalism”, was the emblem of the Malayan political system in which leaders of a communal party advanced the interests of each ethnic group. Under consociationalism, each ethnic group “unified behind leaders who are positioned to bargain for their interests”. The term “consociational democracy” was coined by Lijphart to refer to a “government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy”. To accomplish this, the elites found a common platform and accommodated the divergent interests and demands of the competing subcultures.

The consociational nature of the Alliance Party differs from Lijphart’s model. Political scientist, Diane Mauzy defined consociation practices in Malaysia primarily as “a conflict-management strategy” where democracy plays an insignificant role and political power is unequally distributed among the segments. The persistent functioning of the consociational model in the state was supported by a number of favourable societal conditions. First, the Alliance Party had overarching elite cooperation within the context of the ethnically-divided society, in which elite accommodation naturally takes its course. Second, the party portrayed a moderate, rather than a radical, political outlook, which committed to maintaining the British political system. Third, the party was willing to compromise and to accommodate ethnic claims among the leaders of the Alliance in order to reach a consensus; this reflects the sharing of government power among the ethnic components in order to reach an agreement. Fourth, the Alliance Party strategically established a deal, or “rules of the game”, that included ensuring representation of major ethnic groups in government and depoliticising sensitive issues by finding common ground among the elite.⁹

Elitist deals are constitutionally institutionalised. Malayan citizenship is institutionalised, and its institutionalised norm was empowered by the elitist political structure of the Federation. The institutionalist framework to analysing the Federation’s attitude toward a common nationality is guided by the cultural norms and rules of the actors – states, organisations and individuals¹⁰. The very definition of Malayan membership differs from other Asian countries. Authors writing about this subject find it important to introduce the distinct features of formal state membership before conducting any analysis of Malayan citizenship. Verma reminds us that a complete understanding of legal Malaysian citizenship

⁹ Mauzy, D.K. 1978. Consociationalism and coalition politics in Malaysia. Ph.D. diss. University of British Columbia.

¹⁰ Finnemore, M. 1996. Norms, culture, and world politics, insights from sociology’s institutionalism. *International Organization* 50(2): 325–347, <https://doi.org/10.1017/S0020818300028587>

must consider the absence of egalitarian membership. The liberal theories of citizenship are not applicable in an Asian setting specifically in the Malaysian case. Hill and Lian remind us that Federation law is rooted in the 1948 Federation of Malaya Agreement, which served to preserve the “Malayness” of the state and to limit citizenship to non-Malays through the principle of double *jus soli*. In a move towards self-government, Malayan citizenry was expanded in 1952. The elitist understanding of nationality was based on assimilation to the Federation’s way of life; subsequently, state nationality was attributed to the principle of delayed *jus soli*.

Liberal theories of citizenship were considered inappropriate for all countries, but “different formulations of citizenship could evolve under different circumstances of political and social modernisation in societies like contemporary Malaysia”. Singapore’s merger witnessed the most serious challenge to legal citizenship in Malaya, which was later overcome by severing ties with Singapore. Having discussed a brief narrative of Malayan citizenship development, the following section will examine why the Malayan case raises questions about nationality within the politics of the merger. The institutionalised norm, combined with the elitist political structure, explains the failure to develop a common Malaysian citizenship and the relevance of a separate citizenship for Singaporean citizens.

2. Framing the Debates: Citizenship and the Politics of Merger

Federalism as a constitutional structure is an important consideration when determining citizenship. In a federal nation, citizenship is a place of contest between who belongs and who does not belong. Citizenship reflects “an agreed relationship in the same territory between different levels of governments that contemplates direct relations between the national government and the people of the subnational governments”. A merger requires a new definition of citizenship and a redefinition of the *demos*. The notion of citizenship is tied to the state; citizens are formed through the creation, unification, division, partition and succession of new states. Membership in a state changes when the state alters its territorial base.¹¹

During the formation of Malaysia, one of the most complex issues at hand was how to oblige a population with a different citizenship status in the new Federation. As they

¹¹ Oommen, T.K. 1997. *Citizenship, nationality and ethnicity: Reconciling competing identities*. Cambridge: Polity Press.

considered the distinct citizenship laws operating in the four states, the Malayan government was troubled by their diverse racial backgrounds and constitutional development. The populations of North Borneo, Sarawak, Singapore and the Federation of Malaya were all governed by different citizenship laws (Federation of Malaya 1962a, Cobbold Commission, paragraph 27). In contrast with the Federation of Malaya Constitution, which provided affirmative rights only for Malays, the Singaporean Citizenship Ordinance granted the same rights for all citizens regardless of their racial origin. The differences between the two states would cause considerable legal problems if Singapore were to join the Federation on the same terms as the other states. Both governments recognised this conflict¹².

Despite the merger, Singapore and the Federation of Malaya maintained their own distinct models of citizenship, which may have undermined the federal structure of governance. In August 1961, Tunku Abdul Rahman and Lee Kuan Yew reached an agreement for a merger. Considering the existing position of Singapore, both states agreed that Singapore would retain its autonomy in education and labour policy. The special rights for the Malays would not be extended into Singapore, and thus the predominantly Chinese state retained its principle of impartiality of citizenship. In addition, Singapore's state citizenship would still qualify citizens for educational and social welfare benefits and entry into the civil service. The agreement protected the Singaporean status quo, but resulted in a special merger arrangement that differed from the other participating states.¹³

Under the so-called "Ulster Model", both Tunku and Lee agreed that the Federation would control defence, external affairs and internal security, while Singapore would keep control of education and labour. Singapore was given 15 seats in the House of Representatives, instead of the 25 it was entitled to due to its population. Singapore citizens would be granted only Malaysian nationality instead of Malaysian citizenship. The British had originally suggested this scheme to Lee Kuan Yew. The purpose, according to the British, was to ensure that 'the Federation should have complete constitutional safeguards against any possibility of the Singapore Chinese upsetting the political dominance of the Malays in the Kuala Lumpur House of Representatives (Stockwell 2004, see document 131 dated July 1962, 365). For this special arrangement to work, Borneo could not be offered a better entry term into Malaysia. A greater measure of state autonomy, to be enjoyed by Singapore under the

¹² Sadka, E. 1962. Singapore and the Federation: Problems of merger. *Asian Survey* 1(11): 17–25, <https://doi.org/10.2307/3023636>

¹³ Ibid.

Ulster Model, would not be introduced in Borneo. Tunku and his cabinet opposed the British proposal, which allowed Borneo to retain legislative and executive authority in federal matters after the merger. If Borneo were to enjoy equal state power with Singapore, the special arrangement for Singapore would be “utterly indefensible” (Stockwell, 2004, see document 111 dated 13 June 1962, 309).

This paper suggests that the White Paper merger can be interpreted as formalising a local citizenship for Singaporeans. Singaporean citizenship can be equated to a local citizenship in which Singaporean authorities allocate citizenship based on their own criteria. The dominance of state citizenship was spelled out in the “Memorandum Setting Out Heads of Agreement for a Merger between the Federation of Malaya and Singapore” .

Singapore citizens will continue to enjoy their State rights and privileges within Singapore. Singapore citizens will vote in Singapore for their representatives to the new Federation Parliament and the citizens of the present Federation of Malaya will vote in the present Federation for their representatives to the same new federation Parliament.

A separate citizenship is necessary for several reasons. First, citizenship issues were particularly salient because they were related to electoral risks. The political stakes for the Federation were high due to the unique composition of the Singaporean electorate. Tunku felt that the Singaporean Chinese could not be assimilated into the Federation as they “were incapable of adopting a truly Malayan viewpoint”. What convinced the Tunku’s administration to take on the Chinese state was the perceived security threat from a communist government if the PAP lost its state power to the Socialist Front.

The main factor in the citizenship deal is demography, which is closely connected to the ethicised nature of Singapore’s electorate. Both leaders were fearful of the “political repercussions in the mainland of giving the vote to an additional one million Chinese”. According to Milne (1966, 179), “the Singapore electorate was more dynamic and radical”. Without the entry of the Borneo territories, the inclusion of the predominantly Chinese state would bring more non-Malay electors into the newly formed federation. The indigenous population of the Borneo territories was expected to balance the electorate on the side of the Malays. The PAP was ideologically aggressive while the main opposition party, the Socialist Front, was left-wing orientated. To Milne, race was the most important consideration in the restriction of the political role of Singapore in the new Federation.

Second, there was “historical variation” in the citizenship policies of both states. The Straits Settlements comprising Singapore, Malacca and Penang was disbanded in 1946 and Singapore was established as a separate Crown Colony. Malacca and Penang were brought into a new federal entity together with the nine Malay states, was known as the Malayan Union (1946–1948). Singapore had been kept separate from the rest of the Malayan Union in the post-war reorganisation of British territories in Malaya because of the ‘Chinese problem’. This explains the incongruity of the two territories being separated in the first place and the emergence of divisive ethnic politics that permeated the negotiations over citizenship. Citizenship was a tool used by the Alliance to maintain Malay political dominance. Singapore’s more liberal and egalitarian policies threatened this endeavour from the outset. These two widely different citizenship models limited the possibilities of convergence. While the Federation was characterised as an exclusivist citizenship regime, Singapore was characterised as a liberal citizenship regime. Singapore’s notion of citizenship was “liberal” and “inclusivist”.¹⁴

At its outset, the citizenship conflict was rooted in the conflicting conceptions of citizenship developed in both territories during the post-war period. Singapore citizenship was based on liberal ideas, while the Federation’s version lacked an egalitarian understanding of citizenship, as will be discussed below. Citizenship in the Federation of Malaya was institutionalised and remained difficult to change. What happened in Singapore and Malaysia between 1963 and 1965 demonstrated that the state was decoupled from the definition of nation, i.e. citizenship versus nationality. The decoupling of citizenship and nationality raised the overlapping issues of ethnicity and electoral stakes as grounds for exclusion from Malaysian citizenship. The case between Singapore and Malaysia created a special category of ‘Malaysian nationals without citizenship’ for a person from Singapore.

CONCLUSION

1. The merger between Malaya and Singapore raised complex questions about citizenship and belonging. The Singaporean-Federal case is unique in that it suffered from two levels of citizenship disputes.
2. Four factors can explain the contestation over citizenship. First, the institutionalised norm precluded the adaptation of the liberal theory of citizenship. Second, the

¹⁴ Hill, M. and Lian, K.F. 1995. Op.cit.

consociational democracy, or elitist accommodation system between UMNO, MCA and MIC, reinforced the domestic norm, making change impossible. Third, citizenship was a politicised issue, which effectively galvanised public opinion for electoral gain. Fourth, the two nations had divergent models of citizenship – exclusivism versus inclusivism – in which each perceived the other as constituting a threat to their national political community.

3. Tunku's initial concern that the inclusion of the citizens of Singapore, who were mostly Chinese, would upset the voting weightage of the Federation, was correct, so truly Malaysian citizenship could not be developed – only a Malaysia of citizens.

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