

Talk at the Maxwell School of Citizenship and Public Affairs,
University of Syracuse, U.S.A.
7 April 2005

Democracy In Practice In Malaysia: Some Observations
By
Dato' Abdul Hamid Mohamad
Judge, Federal Court Malaysia

Malaysia's recorded history shows that about 1400 A.D. the Malay Kingdom of Malacca was founded. Under the influence of Arab and Indian traders, the Sultan and his subjects converted to Islam. Malacca was conquered by the Portuguese in 1511, by the Dutch in 1641 and by early 19th. century the whole of Malaya came under British influence or colonization.

Under the British, the Chinese and the Indians came in large numbers. The Chinese settled mainly in towns, the Indians mainly in the estates and the Malays remained in their traditional villages. The British policy was to separate them, socially, geographically and economically. Vernacular primary schools were built to cater for the respective races. English Schools, including secondary schools, were built in big the towns. Besides, the Chinese, being better off economically, had their own private Chinese Primary and Secondary Schools. So the Chinese were in a more favorable position, economically, educationally and so on.

Things remained that way until the Second World War. After the Second World War, the Malays started to clamor for independence. The Chinese and the Indians were not interested. They preferred British rule to what they perceived as "Malay rule".

In 1955, i.e. 444 years after the first European rule started and two years before Independence, the first general election was held. In that election, the Alliance Party (the predecessor to the National Front), consisting of a coalition of the United Malay National Organization, the Malayan Chinese Party and the Malayan Indian Congress won 51 out of the 52 seats in Parliament.

Malaya obtained her independence in 1957. The Constitution was a social contract. The Malays retained their Sultans, the Malay language became the National Language, Islam became the religion of the Federation and special privileges were given to the Malays. The non-Malays were given full citizenship, allowed to practice their religions in peace and harmony in any part of the Federation (Art.3) and, even though, Malay language is the National Language, the Constitution provides that "...no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language." (Art.152). Government Chinese and Tamil schools stand side by side with National Schools. So are mosques, temples and churches.

Malaysia is now a Federation of 13 states, nine of which have Malay Sultans. It is slightly larger than New Mexico, has about 26 million population consisting of about 58% (including other Bumiputras about 65%), about 26% Chinese, about 7% Indians and the rest others.

Since Independence in 1957 there has not been a change of government. The same party, the National Front consisting of 14 political parties has ruled the country under five Prime Ministers and twelve Kings. You may wonder why we have more Kings than Prime Ministers during a given period. The answer is that our King is elected by and from amongst the nine Sultans and holds office for five years only. After five years as King he goes back to his State as Sultan.

When Malaysia obtained her independence, there were doubts whether the country would survive. All the wrong ingredients appeared to be in the same pot. But, somehow it survived.

I would attribute it to the following factors even though I do not claim them to be exhaustive. First, the willingness of the indigenous Malays and later the natives of Sabah and Sarawak to share power with the non-natives. In the first general election, for example, there were very few constituencies with non-Malay majority. To give the non-Malays more representation, non-Malay candidates were fielded in the Malay-majority constituencies and all won. There has never been a single Indian-Majority constituency. Indian candidates, including Ministers, have been winning on Malay votes. In fact, when time

looked bad, important Chinese candidates, e.g. Ministers were fielded in Malay-Majority constituencies.

The non-Malays too, are quite happy to maintain the status quo, of course, with some non-Malay opposition members in Parliament. The country is stable. Law and order is maintained. The government is comparatively fair and moderate. They have their share of the ever-expanding economy. So, the majority kept returning the same government election after election.

However, I think that the economic factor should be emphasized. Since Independence, generally speaking, the economy had been comparatively good. And the policy, as Mahathir explained it and I agree with him there, has been to expand the cake and share it, not to take the share of the Chinese and the foreigners and give it to the Malays or “bumiputras”, which literally means “sons of the soil” that includes all the native of the two Borneo States and, for certain purposes, even Malaysian of Thai and Portuguese origins.

Perhaps, another factor that made democracy work in Malaysia is the part played by the Court. A party dissatisfied with an election result may petition the Court to determine the validity of the election and the result. Courts have decided both ways, for and against the ruling party. In one case, in which I delivered the majority judgment of the Court of Appeal (2:1), a Chief Minister of a State from the ruling party who had won the election was disqualified. A fresh election was held, in which he was barred from re-contesting. I still got my promotion after that!

You will notice that political parties in Malaysia are race-based. The parties appeal to the respective races at the grass-roots and co-operate with the other parties at national level. Perhaps it is easier that way. What is important, though it may not be ideal, is that it works. And, let me add: it was not planned that way. It happened that way. At times, new self-proclaimed “multi-racial” parties were born. They either died in their infancy or a few that survived, survived as race-based parties too.

From the number of political parties in the National Front you will also notice that the national Front is broad-based. Not a single racial or

ethnic group is not represented in the National Front. So, when a section of a racial or ethnic group is unhappy and vote for the opposition, the others save it.

Election campaigns are comparatively tame. As far as I can remember (and I have lived through all the general elections, so far) there had been no election-related murder or assassination in Malaysia. Election time is more like a fiesta. If there is a “war”, it is what is known as “flag war”.

Democracy in Malaysia that was introduced just before the country obtained her independence may not be perfect (which democracy is?) but it has worked reasonably well, against all odds. My personal view is that it is better to be realistic than idealistic. It is better to choose the material according to our climate and to cut our dress according to our size. I do not think that there is a standard material and a standard size for all and for all times.

Thank you.