

REDEFINING THE "CONSTITUTIONALITY" OF THE MONARCHY: THE 1983 CONSTITUTIONAL AMENDMENT CRISIS IN MALAYSIA

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[Dalam beberapa negara di dunia semasa - sungguhpun bilangan negara ini semakin kurang - monarki-monarki masih memainkan peranan yang berfaedah dalam sistem politik. Sedikit sebanyak peringkat, mereka menjalankan tugas sebagai raja perlembagaan tanpa kuasa yang besar, sambil mendapat kekasihian dan kehormatan dari sebilangan besar penduduk-penduduk. Dalam negara-negara sebegini, kelambanan politik yang di tawarkan oleh institusi ini ialah satu sumber politik yang penting oleh sebab emosi dan sentimen yang diberi kepada institusi tersebut. Institusi monarki melambangkan negara secara "tangible". Ia melambangkan "consensus" moral berhubung dengan apa yang dianggapkan baik dalam kelakuan, cita-rasa dan kebudayaan. Dalam negara-negara yang sentiasa merasa ketentangan oleh sebab persaingan pemilihan dan konflik, monarki mewakili satu kesetiaan yang lebih tinggi dari satu punca pengesahan yang boleh menyatukan dan memberi asas yang sama untuk mencapai persetujuan.

Di Malaysia, institusi kesultanan berfungsi untuk dua kaum besar - kaum Melayu dan kepada mereka, ia mengambil bentuk yang konkrit. Untuk hujah yang orang Melayulah kaum bumiputera, dan kepada orang Cina institusi kesultanan mewakili pemerintah perlembagaan dan prosedur yang teratur untuk persertaan politik. Oleh sebab-sebab sejarah, kedudukan institusi kesultanan sebagai lambang utama kuasa Melayu berakibatkan dalam peranan dan kedudukan yang dilindungi dalam perlembagaan tulis. Walaubagaimana pun, baru-baru ini satu krisis diantara institusi ini dengan pemimpin politik negara menunjukkan bahawa kepentingan politik institusi kesultanan agak kurang.

Artikel ini mengkaji krisis ini dan implikasinya terhadap peranan dan keadaan kesultanan. Khasnya, kertas kerja ini cuba mengenalpastikan isu-isu dalam krisis tersebut dan memeriksa implikasi-implikasi kelak tentang hubungan diantara pemimpin politik dan institusi monarki.

In not a few countries in the world today - although this number may be decreasing - monarchies continue to play a useful role in the political system. To different degrees they function as constitutional monarchs with little if any real power, while continuing to enjoy the affection and respect of the larger part of their populations. In such states, the political symbolism offered by that institution, is an important political resource because of the political affect accorded to it. The institution symbolises the state in a tangible form. It symbolises a moral consensus concerning what is good and desirable in behavior, taste and culture. In states continually subjects to the stresses of electoral competition and conflict, monarchies represent a higher loyalty and a source of legitimacy which bind, unite the provide common ground for agreement.

In Malaysia, the monarchy is functional to both the two major races: the Malays to whom it signifies in concrete form the argument that they are the ascendant race, and the Chinese to whom it represents constitutional rule and proper procedures for political participation. For historical reasons, its position as the chief symbol of ultimate Malay power resulted in it being given entrenched roles and positions in the written constitution. Recently however, a crisis erupted between the nine traditional Sultans and the political leadership of the country which showed that the institution's political significance may be diminishing.

This article looks at this crisis and its many ramifications for the continued role and existence of the Sultanate. In particular it tries to identify issues in the crisis and to examine the implications on future political relationships between the political leadership and the monarchy.]

The Problem

In this paper, we will focus on the Malaysian Sultanate, an institution involved in the recent constitutional crisis. The crisis was precipitated when an attempt was made by the political leadership to modify some of the entrenched provisions on the Sultanate in the constitution. The ensuing crisis and its resolution - a case of how a traditional institution like the monarchy withstood this challenge, and at what cost and with what gains - will be the main focus of this paper. We will also examine what implications this crisis will have on future political practice.

The source of the crisis was a fear that a king would be elected who would not follow the spirit of the constitution which while stipulating that the King's assent is necessary to complete the legislative process before a bill becomes law, does not however specify a time limit within which assent must be given. The amendments proposed and passed by parliament specified a time limit and extended this provision to all state constitutions. Since the King's assent was withheld from this piece of legislation (mostly by rulers arguing that consent rather than assent was needed since the new act impinged on their rights and prerogatives), there was a stand-off between the executive and the monarchy.

The focus on this crisis allowed of a blending of several perspectives. First it is accepted that Malaysia's constitution plays an important role in delineating and balancing state and federal rights, where the ruler epitomised state rights in several respects. Received political theory however is cognisant of the fact that constitutions can at best, be incomplete guides to actual political practice. Any study therefore of political practice should eschew the purely legalistic approach and supplement it with elements of behavioralism. In this crisis, the entire process of resolving the conflict is purely behavioral although the crisis originally emanated from differing perceptions of amendments that were being made to the constitution. Another dimension to this crisis was how different interpretations of the notion of "assent" had to be resolved by redefining the idea of what was "con-

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stitutional", i.e. which practice should have more moral force and should therefore be enshrined in the constitution.

In this paper "constitutionality" refers to appeals to what is commonly accepted or understood as constitutional behaviour either as enshrined in constitutions or commonly considered as being legitimate behaviour between the parties concerned. The political leadership appealed to what is a widespread constitutional practice, that constitutional monarchs should act only on the advice of the executive. The rulers based their case on what is provided for in the constitution, that any move to change or modify their powers should follow procedures stipulated in the constitution, i.e. that their consent should first be secured. One appealed to proper procedure (consent from the rulers before any constitutional limit on their powers is imposed) while the other asked for substantiation and a limitation of a convention (assent) left silent and unspecified in the constitutional clauses. The reconciliation on their differing views could only come about by redefining both views into a commonly acceptable one in the present constitution.

This paper will try to address the questions of whether the utility of the Sultanate as a political symbol and for identity boundary maintenance is perhaps of less value now to a confident Malay political leadership after nearly 30 independent years of Malay-dominated rule. A follow-up question is whether or not the Sultanate in the aftermath of this crisis, can continue to maintain itself as a viable basis of legitimacy for Malay political practice, in the face of possibly competing and higher valued legitimization formulae, such as Islam.

Another question to examine is whether or not tension between two sets of elites can be due to their overlapping domains, a subject historically often alluded to and for which practical examples do exist. "In modern constitutional monarchies, the king reigns but does not rule; authority derives from popular consent through elections, parties, and legislatures",¹ Or to quote Aristotle's dictum on monarchs: "the less the area of his prerogative, the longer will the authority of a king last unimpaired."² It is conceivable that in Malaysia, the circumstances under which the constitution was drawn up resulted in a greater area of prerogative being given to the sultans. Elsewhere, monarchs have resolved the choice of whether to reign or to rule in many ways. One way is by either combining both, as in Iran during the late Shah's regime, or by abdicating one in favour of the other, as in Sihanouk's case in Cambodia when he chose to rule as prime minister. The choice often is a stark one between maintaining one's claim to legitimacy or to possess the actual power to govern.

¹P Huntington, *Political Order in Changing Societies*, Yale University Press, 1968, p. 177.

²Quoted in Huntington, *ibid*, p. 178.

Malaysia's Modified Constitutional Monarchy

The monarchical system in Malaysia is made up of nine traditional sultanates, each the traditional ruler of a state in this federation, with a paramount king who is elected by and from among the rulers. The term of each king is five years, during which time he exercises functions delegated by the other rulers, and performs both ceremonial and substantive roles in the affairs of state.

The Sultanate represents the Malay claim to be the indigenous of the country. When independence was achieved in 1957, the Sultanate became and was used as the main instrument of legitimacy for establishing a state that would have primarily a Malay character. The institution had two main functions. One was to define the boundaries of Malay identity³ through epitomising Malay culture. Secondly, the institution was used to legitimise the programme of special rights for Malays and the government's intention that several spheres such as the army and bureaucracy are to be a special preserve of the Malays.

The constitution provides the instrument of such legitimacy itself, the rulership, with certain entrenched provisions. In addition to these reserved and protected prerogatives, they have in some cases control over separate policy domains. They have power to oversee some aspects of the political process, as in the appointment of a prime minister, or in the decision whether or not to grant a dissolution of parliament and the state assemblies. In the sultanate states that make up the federation, each ruler is the head of Islam, the official religion of the state and country, and still continues to enjoy many of the perquisites of royal office. In the federal constitution, all legislation requires the assent of the paramount king.

Their own roles and prerogatives are given protection in the constitution from legislative action in several ways. One way is to require the prior consent of the rulers for any legislation that touches on the "rights, privileges and powers of the rulers".⁴ Any matter that touches on these must first be discussed in the Conference of Rulers, a consultative body made up of the rulers and governors (who are symbolic heads of the non-sultanate states,) and their chief executives or *menteri besar*. The Prime Minister has to be in attendance at these meetings. Only after such consent has been obtained, should such legislation be put to parliament where it has

³Malay ethnic identity was defined in the Federal constitution as someone who is Muslim, speaks Malay habitually and practices Malay customs.

⁴Article 38(4) of the Federal Constitution.

to gain at least a two-thirds majority to obtain approval. In the case of ordinary legislation, "assent" by the King is one of three legislative steps required to complete the process of any legislation before it becomes law (the others are the necessary majority in parliament and senate, and the final step in the publication of the legislation in the government gazette or a step better known as "gazetting". If assent is withheld, then the legislation does not become law.

Although ostensibly the country's political system is a constitutional monarchy, these modifications were intended to make it more of a monarchical system, with many prerogatives given the sultans and the paramount king, or the Agong. Apart from those discretionary powers already discussed earlier, some discretion is also built-in into other roles. One example is the power to declare an emergency which is vested in the King and which seems to have been worded to provide leeway as to whether or not accept cabinet advice. The actual phrasing is that "if the king is satisfied that a grave emergency exists whereby the security or economic life of the Federation is threatened, he may issue a Proclamation of Emergency."

The reasons why the monarchy is given such secure and entrenched powers and roles are steeped in the nation's history from before independence was gained until the onset of this crisis. The first such event was a popular Malay nationalist awakening sparked by their need to protest against the British-inspired scheme to unite the country into Malayan Union. The rallying point for defeating the scheme was the rulers whose consent was either coerced or ignored, and whose roles would be those of community not state of federal rulers if the scheme had been successful. The rulers therefore were responsible for and rode the crest of this nationalist wave. The impetus for this popular movement was carried into the independence movement when the rulers support was won over to help secure independence by promises that their position, rights and privileges would be safeguarded. Thus was also developed a symbiotic relationship between UMNO, the chief Malay political party and the rulers -- a relationship which was to result in each subsequent amendment to the constitution bolstering the position of the monarchy. The most recent of these amendments were passed in 1971 which allowed the King rather than the prime minister to have discretionary power on the declaration of emergencies and that seditious public discussion of the position of the Sultanate would be proscribed. Parliamentary immunity was waived in so far as discussions of the position of the monarchy was concerned.⁵

⁵for a detailed discussion of these issues, please refer to my PhD dissertation, "Sovereignty and Politics in a Multi-racial Society - the case of the sultanate in Malaysia," M.I.T., 1978.

In the individual sultanate states, the ruler enjoys several powers, the most significant of which is the freedom to grant or withhold assent to legislation, and secondly, that decisions by the state executive council on matters of land rights should have the agreement of the State authority, presently defined to mean the ruler or governor of the state. In general, such power extends to being able to alienate state land, issue Temporary Occupation Licenses, and permits to extract rock minerals. Under the National Land Code, the State authority has no power to issue timber and mining concession.

The Crisis: An Analytical Chronology

For about five months towards the end of 1983, the country stood on the brink of a constitutional crisis, caught in an intra-elite struggle between the nine hereditary ruling houses and the political leadership of the country. Although previously there had been clashes between individual rulers and their state chief executives sometimes involving national leaders, this was the first crisis pitting the two sides against one another openly.

The crisis began on August 3, 1983, with the tabling of Constitutional (Amendment) Bill 1983 in parliament. There were three main changes proposed.⁷ First, clause 66(5) was modified. Where before the clause read:

"A bill shall become law on being assented to by the king, but no law shall come into force until it has been published, without prejudice, however, to the power of Parliament to postpone the operation of any law or to make with retrospective effect," The proposed new bill adds the following sentence:

If for any reason whatsoever the Bill is not assented to within 15 days, it shall be deemed to have been assented to and shall accordingly become law."

The second change suggested was to Article 150 on the power to proclaim an emergency. The original clause read that "if the King is satisfied that a grave emergency exists whereby the security or economic life of the Federation is threatened, he may issue a Proclamation of Emergency." The proposed new clause substituted the name of King with the "prime minister", and instead of giving power to the King to issue an Emergency

⁷See Tun Mohamed Suffian b. Hashim, *An Introduction to the Constitution of Malaysia*, Government Printer, 1976 p. 166; also Section 40 of the National Land Code in West Malaysia. The National Land Code Amendment Bill tabled at the Dewan Rakyat, Thursday, 5th April 1984 added additional words to the effect that the Ruler or Governor under the definition of "State Authority" in the National Land Code "shall act on the advice of the State Executive Council," *Star* 6th April 1984

⁷See *Star*, January 11, 1984 for a tabular summary of these changes.

Proclamation, instead states that the prime minister "shall advise the King accordingly and the King shall then issue a Proclamation of Emergency".

The final change proposed was to the Eighth Schedule of the constitution which deals with Royal assent for State Bills, making the provision similar to clause 66(5) of the Federal constitution, i.e. putting a specific time limit to the granting of assent, failing which assent would be assumed to have been automatically given, apply to all State rulers.

Given very short notice, the bill was passed after three days of debate. By October of the same year, the bill had not received the signature of the paramount king. The stage was set for a crisis which was not solved until a compromise formula was agreed to and the amendments except for some changes were for the most part, revoked. Until the final act of revoking the amendments on January 9, 1984, the leadership of the leading political (Malay) party within the ruling coalition and the rulers were on a collision course.

How did each side view amendments? The protagonists took opposite views of Article 38(4) quoted earlier which states that "no law directly affecting the privileges, position, honours or dignities of the Rulers shall be passed without the consent of the Conference of Rulers". The rulers took the view that their consent should have been sought first before the bill was presented to Parliament. There was the reiteration of the theme that proper procedures had not been followed and the actions taken by the government had been improper. The government position was that this bill did not affect the rulers "privileges, position, honours and dignities". The government further insisted that apart from specified discretionary functions, the Agong has to follow the advice of the executive, and that he has no right to withhold assent from any law duly passed by parliamentary processes. The underlying argument appears to be a fear hinted at but otherwise unarticulated that a future elected Agong might not behave according to the norms of a constitutional monarch.

What followed were a series of manoeuvres by each side running in parallel to negotiations, until the crisis was resolved. In the ensuing period, each side marshalled its resources for what was tantamount to a test of strength. The struggle between these two groups can be divided into several stages.

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In the first stage between August and October, very little publicity was given to the issue. In fact editors of all newspapers were called in to a brief-

ing by the Home Affairs ministry and asked to play down the issue. A virtual black out of all news on the issue followed. Public silence on the issue, however, was broken when an open letter sent by a former minister, Datuk Senu to the prime minister advising him of the dire consequences of the amendments was circulated publicly.⁸ In addition, the retired first prime minister of the country, Tunku Abdul Rahman, broke public silence by allowing himself to be interviewed on the issue in mid-September. He also highlighted the issue in his weekly newspaper column. The first of these articles appeared on the 17th of November headlined "Put off the Amendment Bill", followed closely by a second article on November 7, 1983.

On the same day the Raja of Perlis speaking at his birthday celebrations discarded his prepared text and commented on the issue.⁹ While conciliatory, saying he and the other Malay rulers were making efforts to find ways to solve the problem, he also said that the Conference of Rulers could remove any Agong (paramount king) who fails to act constitutionally. The ruler had put his finger on one of the many factors which caused the crisis, the fear of the political leadership that a headstrong Agong can make things difficult, and there was no other recourse but to modify the constitution.

Phase II

In the second stage, the government mounted a public relations exercise to gain support for its stance. Political mobilisation took place through the use of the mass media, informal rumour mills, public rallies, and meetings of political groups to support the government position on the amendments. Intermediaries were used by both sides, and meetings were held between the two groups. In contrast to the earlier phase, where there was little or no discussion either because of strict observance of the Sedition Act which prohibits any public discussion of the rulers position, or because the government wanted a minimum of discussion so that the issue is foreclosed quietly, this phase saw unbridled public discussions.

Several tactics were used in the mass media. There was of course predominant coverage of the government position. No dissent from the government position was given news coverage. However, foreign weeklies had reported that several UMNO divisions had expressed support for the Sultans. Secondly, a series of features were run syndicated by the national news agency, Bernama, as well as produced by the newspapers themselves on the position of the Sultans in a constitutional monarchy. Unprecedented

⁸Star, 8, November 1983.

⁹Star, 8, November 1983.

¹⁰Star, 28, November 1983.

¹¹Asiaweek, 16,

stories were also run on the theme of the extravagance of the royal houses. Reports were carried of the household expenses of palaces, royal weddings, and palace renovations, focussing on the two royal houses, Johore and Perak, thought to be the most likely among the rulers to be selected the next paramount king.¹⁰

In this phase too, speeches by the political leaders raised the spectre of separatist groups who are fighting for the establishment of a republic. The stated implication to be drawn was that the government stands between the present political system and republican designs. Follow-up stories concerned the travel of these groups to places like Iran, and that several capitals had financed the travel of groups to these countries.

Escalation of the crisis took several forms. There were rumours that meetings between the UMNO delegations and the rulers had not gone well. Statements made by each side both inside as well as outside meetings appeared to be the cause for more intransigence. The rulers were angered by a statement purportedly made by Ghafar Baba, UMNO senior vice-president, (who was to lead a political delegation to see them on November 20 at Shah Alam) that the amendments had to be signed by the end of that month. A few of the rulers interpreted that as an ultimatum being delivered to them. The prime minister took umbrage at a statement purported to have been made by one or some of the rulers at the Shah Alam meeting between them and the UMNO representatives that the crisis could only be solved if he resigned. (Star, 27 November 1983) In the meantime, rallies organised by UMNO to support the prime minister drew large crowds, but did not spark off any chain reaction of support. UMNO youth, the more extreme wing of the party was used to articulate positions which would put pressure on the rulers. One such example was a statement by its leader, a cabinet minister, in the gazette the bills regardless of whether assent was given.¹¹

Counter rallies of royalists took place in Kelantan and Trengganu amidst charges that these might have been organised by PAS, the opposition Islamic party or even by political contenders within UMNO, dissatisfied with the present leadership. Meanwhile there were suggestions that each state ruler would be met by an UMNO state delegation to seek a solution to the crisis -- a suggestion which echoed the tactics adopted by UMNO in the 1946 Malayan Union crisis to get the rulers to rescind their signatures on the agreement. In the 1946 crisis UMNO threatened to "disown" any ruler who did not follow the party's advice.

¹⁰Star, 28, November 1983.

¹¹Asiaweek, 16, December 1983.

Several rulers had in the meantime decided to make public statements. The Sultan of Perak on November 14, 1983, addressing a subscription dinner crowd in Kuala Lumpur, (the federal capital and seat of the Federal government, and away from the ruler's home base) complained that the government had only told one side of the story in explaining the amendments. The Sultan of Selangor on another occasion said that a solution could be found if the matter was done in a proper manner. In Johore, a directive was issued by a source within the state government presumed to be acting at the behest of the ruler, to take down any publicly displayed pictures of the prime minister and his deputy.

Phase III

In the final and third phase, a combination of factors brought about willingness and an urgency to resolve the crisis. The constitutional amendment bill also included other pressing legislative changes that had to be signed before a certain date, such as Article 46 which sought to increase the number of seats in parliament from 154 to 176 - a measure that would require modifications to the delineation of constituency boundaries. The task had to be completed within a specific time frame in order that elections based on the new delineation may take place before the term of the present government expired. The Constitution Amendment Bill contained clauses in all involving by one account, easily a hundred amendments to the constitution. No clear evidence is available as to the government's motive in trying together such legislation. One construction is perhaps that the government wanted to force the ruler's hand in signing the legislation in law within a certain time frame. A less malevolent interpretation is that perhaps the government not having anticipated any problems in assent being given to the bill, had inadvertently lumped together the legislation. Whatever the motive, the effect was to hasten solution of the crisis. As it turned out, the rulers could more easily bide their time, while for the political leadership, it became more important that the pressure this created in concert with other factors should be relieved.

Other factors which accelerated the need for an amicable solution included an impending split in the cabinet on the issue. Attempts to check the disunity included a cabinet resolution which asked each minister for his view on the issue. The news story on this item also mentioned that ministers who were overseas and did not attend the meeting would be asked to declare their stand on their return.¹² The UMNO youth wing leader attacked two unnamed ministers who had yet to express support publicly for the amendments. Another factor was that the run-up to the UMNO party elec-

¹²Star, 26, November 1983.

...ions was getting shorter and if the issue was not settled challenges to the leadership would be encouraged with consequent effects on the stability of the party. Yet another factor not to be discounted was the massive reshuffle in the top leadership of the Army which resulted in the retirement of six generals announced in a statement by the prime minister in his capacity as defence minister¹³ This fuelled rumours that there was a connection between this move and the constitutional crisis.

How the solution was arrived at showed the use of symbolism to express the acrimony and mistrust that had been generated by the crisis. Both sides were accorded face-saving gestures. The amendments would be assented to and would be signed by the Deputy King.¹⁴ These would be withdrawn at a later sitting of parliament in favour of a toned down version, and the prime minister would give a written undertaking to this effect. The announcement of a breakthrough in the negotiations was made by the Deputy Prime Minister.

It is pertinent now to specify the compromise formula agreed to by both sides. Assent shall be given by the King to all bills within 30 days of being presented with them. In the case of money Bills, he has no choice but to assent. In the case of non-money Bills, he may return the Bill to be reconsidered by Parliament. If after reconsideration and the Bill is passed by a two-thirds majority, the king shall give his assent to it within 30 days. The original versions of the other clauses were restored.

Conclusions and Implications for the Future

It is perhaps useful to recount what had been the gains and losses from the point of view of the nation and each side in the crisis. The obvious point about the country having weathered a crisis of fairly large proportion has to be stated. In the struggle, the position of the rulers was pitted against the sovereignty of the people in democracy. Given the changes that took place, the net effect is that the latitude hitherto permitted the Federal King in the exercise of some of his functions has been reduced. The principle of parliamentary democracy was used to wrest concessions from the rulers despite their rights and roles being protected by constitutional guarantees. The principle that the King acts on advice was also established beyond doubt in all cases except those still specified in the constitution which any use applies only in restrictive circumstances. What both these moves amount to was to make explicit hitherto "silent" provisions in the constitu-

¹³New Straits Times, 21, December 1983.

¹⁴The King was recuperating from a mild heart attack.

tion and to define further the notion that to be constitutional, monarch save in special circumstances, act only on advice of their executive.

In the history of Malaysian politics, the crisis signifies the first such occasion when parliamentary democracy as a doctrine has "taken precedence" over one of the chief symbols of Malay political dominance. Previously when clashes between these two principles took place, symbols of Malay predominance have always been given precedence. The aftermath of the May 13th 1969 riots saw the most such modifications made to parliamentary democracy in deference to Malay political symbolism. Such was the case with the redistricting of Kuala Lumpur as federal territory, which took away opposition political strength from being used to capture the Selangor state assembly. The formulation of the national ideology as well as the revisions made to the Sedition Act prohibiting public discussion (to the point of waiving parliamentary privilege even) on the constitutional provisions protecting Malay dominance, are further examples.

The additional point has to be made that the principle of "parliamentary democracy" was used as an instrument in the crisis by the Malay political leadership - dominant, strong and assertive enough to symbolise Malay supremacy on its own without any accretions of legitimacy derived from the royal houses.

The crisis, seen in this light, allows for two broad inferences to be made. First, that there is a breach, and the first one that, in a monolithic cluster of symbols representing Malay political supremacy. It is as though with *de facto* Malay political supremacy, some of these symbols, specifically the Sultanate, have lost their potency or utility. Secondly, since Malay dominance in the parliamentary processes is so complete, the sultanate is no longer needed as an ideological rationale for Malay supremacy. Therefore its assigned role of overseeing and intervening in normal political processes, which previously guaranteed ultimate Malay control, now becomes an encumbrance. Both these inferences beg the question of whether further constitutional curbs will be placed on the Sultanate and whether they would face competition from other bases of legitimacy such as Islam.

In the area of political practise, the role of the royal assent in the law-making process of the country has been made more explicit. Some ambiguities that had had been resolved. In terms of the effect of this change, the ground has been prepared for any withholding of assent to become a political issue.

¹This is not to say that dents have not been made into Sultanate power. Quietly through administrative means the rulers power over religious schools have been taken over in the majority of states. Administrative rule changes in UMNO, doing away bloc voting by state, reduced the role of the *Menteri Besars* as party "bosses". Since the *Menteri Besar* is susceptible to pressure from his own ruler, this indirectly reduces the ruler's influence over party

one that this occurs. However, it is difficult to assess how much moral suasion this requirement at the federal level will exercise on political practice in the states, where this requirement had been revoked. Politically, this concept had legitimised public discussion of assent as a public issue, so that its discussion in future would not cause it to fall within the limits of an offense under the Sedition Act.

In this crisis, "assent" can be looked at as an impingement on civil policy domains. The resolution of the crisis limited this impingement by specifying the time frame within which assent has to be given and by requiring any withholding of assent to be backed by valid reasons. Such a delay has a definite limited "life" and may be over-ruled by parliament - an attestation of parliamentary supremacy. The resolution of the crisis still leaves some overlapping of domains but with the added difference that the final say now rests with parliament. Any future tussle over legislation will leave no doubt as to who can and will emerge victorious.

The irony would not have been missed that assent can be a powerful bargaining lever, judging by the acrimony and strength of the power struggle. The second irony is that this is probably the last time that the power of assent can be used to gain or maintain any prerogative or power so conclusively for the federal king.

From the viewpoint of the political leadership, there had been some short-term as well as long-term gains. In the short run, challenges from party factions to the top leadership, the prime ministership and presidency of UMNO, the main government party had been forestalled. If the crisis remained unsettled, spilling over to the electioneering for the UMNO party elections, more factionalism may have been encouraged. In the longer term, both elite groups, the rulers and the Malay UMNO leadership can no longer take one another for granted. It can no longer be assumed that old agreements, covenants and conventions will automatically be held sacrosanct by the newer generation of leaders. For instance, younger UMNO cadres during the crisis talked of removing the clause in the UMNO party constitution pledging to defend and protect the rulers' position.

In the crisis, the changing mood of the general Malay electorate should be quite apparent. The crisis would have been informative of the areas of strengths and weakness in general for support of the various competing positions. Mobilisation of public rallies for the royal cause took place only in the two East Coast states of Kelantan and Trengganu. Although for the most part, the rural Malay electorate appeared to be under considerable influence over having to make a choice in the issue, urban Malays however seemed to have given more support for the amendments.

From the point of view of the rulers, it is apparent that they can no

longer rely solely on the political mobilisation channels of the government. In similar crisis situations, it is apparent that they may need their own channels of mobilisation. In the case of this crisis the rulers had the help of the former prime minister of the country to bring the issue to the public attention. His not inconsiderable prestige and statesmanlike stature as well as his pivotal role writing for the *Star* newspaper, helped their cause. In any intra-elite struggle with the executive, mobilisation outside of normal channels is necessary in order to carry one's different viewpoint to the public. Hence the circulated open letter to the prime minister by an old UMNO stalwart was useful in precipitating public discussion. It is difficult to envisage the rulers allowing themselves in the future to be monopolised in all symbolic and symbol-creation activities. The Sultans' ability to wield symbols and use appropriate occasions for it as shown in this case should however by no means be under-rated.

Such symbol-creating power was visibly demonstrated by the newly elected Federal King, the Sultan Johore who donated all his allowances to the King into an educational foundation to benefit all Malaysians regardless of race.¹⁶ This foundation posed a counterpoint to governments policy in the main respects. It acted as a foil to the government's policy to favour Malays in educational aid, and to subjugate the "merit" principle to racial criteria. On another occasion, his speech opening the Koran reading competition this year was laced with koranic quotations in Arabic, showing his facility to use the new *liet motif*.

In a more recent event, the King acting on the request of several Malay sectors and personages, overruled a political decision to have a national television debate between the Islamic opposition party and UMNO. Whatever the interpretation of the event, whether the King was in fact urged by all parties to retract from a growingly unpopular decision or whether the King himself made a popular decision, the intervention showed that the Malays in particular and the nation in general, still needed an overarching non-political decision maker to save the community from being rent apart by the strains of political competition.¹⁷

Signs are present that conflicts have been avoided with parallel legislation passed recently. One such legislation, the National Land Code Amendment Bill tabled in Parliament on the 5th of April, 1984, was passed without any demurring from the rulers. The bill modified the current definition of "State Authority" from its present meaning on the ruler or governor to

¹⁶*New Straits Times* and *Star*, 11, June 1984.

¹⁷*New Straits Times*, and *Star*, 9, November 1984.

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¹⁸*Star*, 6, April

constitutional meaning of such a term, viz. that the ruler of governor would only act on the advice of the State Executive Council.¹⁸ The fact that this issue did not erupt into a crisis, showed that the redefined notion of "constitutionality" was being accepted and observed.

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¹⁸Star, 6, April 1984.