

Reinventing "derhaka" in modern Malaysia



In a recent commentary ([‘Almost there!’: The end of democratic Constitutionalism in Malaysia?](#), *Malay Mail Online*, 24 January 2014) I outlined the origins and development of what may be termed the “fourfold *derhaka*”, the “quadruple rebellion” or transgression. This is a form of treachery of which the “new royalist” theorists now freely accuse those who remain loyal to the original, and even authentic, understanding of the Federal Constitution, its history and meaning.

The “new royalism”: a radical new doctrine

The groundwork for this radical new doctrine — and for the denunciation as disloyal of those who refuse the assertive “new royalist” position, together with its accompanying recasting of the meaning of the Constitution — was laid down, I suggested, in the time of accentuated, and even assiduously cultivated, Malay political anxiety that followed the national elections (GE12) of 2008. Once the groundwork had been laid, that position was gradually yet diligently developed and made explicit in the years leading up to GE13 in 2013.

More, it now bids, in the very changed UMNO-ascendant political circumstances created by GE13, to become not just the prevailing but the mandatory and only acceptable view of the Constitution in

the present and in the years immediately ahead.

The development of that new, and quite heretically revisionist, constitutional doctrine has been the work, and the great achievement, of the “new royalist” Malay political theorists over the last five years or so.

Their position is a very economical one strategically. Strategically economical but substantively expansionist. Breathtakingly expansionist.

“A fourfold treason”

They suggest that Article 3 of the Federal Constitution, contrary to its own origins and well-known history, provides — at least implicitly or prospectively, and even by its initially implied and constitutionally foundational intention — for Islamic religious ascendancy and overlordship in Malay national life.

And, they similarly suggest, Article 153 — which was fashioned to provide for a finite degree of favourable or enhanced Malay access to certain areas of government employment and activity — carried embedded within its innermost semantic depths, and since 1957 always has, the axioms and presuppositions of the post-1986 doctrine of *Ketuanan Melayu*, or categorical and exclusive Malay political ascendancy in perpetuity.

Whoever does not accept one or other of these unilaterally asserted articles of the new political faith — these two radically revisionist and outrageously expansionist readings of those two Articles of the Constitution — is guilty, or so the new royalists theorists and ideologues now claim, of disloyalty, treason, rebellion. Of *derhaka*.

Whoever does not accept both of them is guilty of a double disloyalty, a twofold *derhaka*.

And, to reject either or both of them is not just to reject one article, or two, of the Federal Constitution; it is, for the new doctrinal zealots, to oppose and repudiate, at the level of fundamental principle, the Federal Constitution itself. That constitutes a triple treason, a tripartite *derhaka*.

More, since the Yang Di Pertuan Agong, drawn from among the members of the Council of Malay Rulers, is the personification of the Constitution and the embodiment of Malaysian constitutional principles — and since he, and the Council of Rulers, and its members both in that Council and in their own various states have certain responsibilities in maintaining the integrity and continuity of the Islamic faith and Malay culture — to be guilty of any or some or all of the three foregoing forms of disloyalty is also to be in a state of rebellion or *derhaka* against, or to be fundamentally “at war” with, the “royal institution”, historic “Malay monarchical principle”, the Malay rulers themselves and their constitutionally assured place in Malay public life.

Or so the new royalists maintain. That is the far-reaching force of their doctrine, of their strategically economical but substantively expansionist doctrinal innovation.

To them, to take even one step or two in this direction is ultimately nothing less than a fourfold *derhaka* or rebellion against, a quadruple repudiation of, the constitutional foundations of Malaysian national life.

A radical new heresy is fashioned

In my recent abovementioned commentary, I suggested that informed, attuned and sensitive observers could see those four points beginning to be developed in the year or two after GE12 in 2008. More, it was becoming possible to “connect the dots”. One did not need any gift of rare insight to see the overall shape of the powerful new doctrine that might be formed, and which would soon begin to be articulated, upon the basis of bringing them together — of their artful combination.

All this could not only be discerned, in broad outline, as it approached. More, what it meant and portended, what the implications of the emerging new doctrinal amalgam would be — should it take root and hold — was clear.

It was something that a number of acute observers quietly put into words, amongst themselves, at the time. What would, in fully developed form, become the radical new doctrine of the fourfold *derhaka*, the quadruple treachery and disloyalty, was a possibility that could be discerned, a combination that could be seen coming together. It was an impending threat, one of which a fear could already be voiced.

In some extended exchanges with friends and colleagues over whether or not I should publish a scholarly analysis of the nature of royal power in Southeast Asia generally, and within that context in Malaysia specifically, I began to call attention to the emerging rhetorical device of alleging a fourfold *derhaka*: against Articles 3 and 153, against the Federal Constitution as a whole, and against the Malay rulers and their constitutionally assured standing.

“Can’t you see where this is heading?” I asked my expert colleagues and friends. It was plain and obvious, I said.

The French have an expression: *on peut le voir en venant*, you could see it coming.

What was then happening — and my growing awareness of this approaching expansionist claim and “new royalist” rhetorical bludgeon — is clear. It is a story (as this present extended series will show) whose course, in a plain documentary trail, still remains traceable.

Keeping a “prudent” silence

Seeing these ideas coming together, I redirected my attention to a crucially relevant, if perhaps obscure, area of scholarly expertise in which I had once been active, but which I had neglected for a quarter of a century: the cultural history, the “traditional” and “pre-modern” shape and cultural construction, of the Southeast Asian social and political world; the cosmological foundations of the region’s “generic”, or characteristic and area-wide, royal political framework.

To make a long story short, I did not publish this analysis at the time.

I was persuaded not to do so.

I was persuaded that, to go ahead, would only give some good ideas to people who might otherwise remain ignorant of such “arcane” scholarly matters, and who, if alerted by me and my argument, would only make unwise and unworthy use of them to further a certain restrictive political agenda.

So I did not go ahead, though I did present the argument to a specialist scholarly seminar at a leading international university.

But, as I tried to argue at the time and suggest to various anxious friends, I need not have worried or been so careful.

The “new royalists” had a “politically sacred” cause to uphold and a great sense of urgency and purpose.

They did not need my help, or any advantage that they might derive from misreading and misconstruing my argument.

They could do it all on their own, unaided.

And they did.

Yet it is now instructive to revisit the argument that I developed in 2008 and 2009 and presented publicly in 2010.

Better late than never? An instructive resurrection

In the later parts that follow of this discussion, I do two things.

First, I present, virtually unchanged and unedited, the argument at the time (and please remember that it is a very “academic” and scholarly argument in its manner and style, not polemical or populist in any way).

And second, in an afterword, I also offer a few final, parting observations on the nature of the discussions that took place then, when I showed other scholars and experts some drafts of my analysis and argued with them over the wisdom, or otherwise, of giving these ideas a “public airing” at the time: at a time, and in circumstances, where they might risk being misrepresented and abused for partisan, even obscurantist, and ethnically exclusionary, political advantage.

Daulat, sovereignty, and the colonial “interlude”

One final preliminary: one brief section of my most recent commentary carried the subheading “*Daulat and kedaulatan: An aside*”. In it I declared that, while the issue is a “crucially important” one, “the argument is too complex to put in detail here.”

The analysis that is now presented here, from that very “dry” scholarly analysis written several years ago, offers that argument in all its detail.

The matter is worth noting. Some years later, a huge, pointless and largely incoherent public debate erupted in Malaysia, among the usual high-profile stars of the “national commentariat”, over the question whether Malaysia had even really been colonized.

What was remarkable about that episode was that, in it, those who usually promote themselves as paragons of anti-colonial and postcolonial correctness — and who habitually talk themselves hoarse complaining about the evil effects of the colonial system that was imposed on the land of Malaya and its people — were suddenly to be found rushing forward to argue that the beloved homeland had never really been colonized.

Amazing.

But how did this strange reversal come about?

It came about because for certain “new royalist” doctrinal purposes of their own, these amenable “political truth-makers” wanted, in this specific context, to argue that the political “sovereignty” of the “traditional” Malay rulers had survived — uninterrupted by colonial intrusion or the effects of that brief historical moment, or passing interlude, of colonial rule — from the time of the Malacca Sultanate into the present.

That, in that unbroken and unimpaired form, the ancient *daulat* of the Malay rulers had been passed on directly and undiminished to — and at the moment of *Merdeka* had been transformed into the sovereignty or “*kedaulatan*” of — the Malay-ruled post-colonial state. This, they wished to suggest, was the basis and nature of Malaysia’s modern national state sovereignty.

These ethno-ideologues try to argue this strange case — that Malaysia was never colonized — on the basis of notions of the continuity of the *daulat* of the Malay rulers, of their continuing cultural

prestige and social eminence, during the colonial period.

But this — as I recently suggested, and as the analysis to follow will make clear in detail — is to confuse and conflate, or “run together”, two very different things: *daulat*, the cosmologically based mystical sanctity of the power of the ruler throughout the Southeast Asian world from pre-Islamic Hindu-Buddhist times, on the one hand; and, on the other, the modern jurisprudential notion of “sovereignty”, which these days is rendered in Malay by means of an equally modern linguistic “coinage”, namely the recently constructed abstract noun *kedaulatan*.

But the two are very different things.

Daulat and kedaulatan: linguistic invention, political confusion

If they are so different, why, then, do people confuse them so easily?

Well, for some — including the “new royalist” myth-makers — it is a convenient and useful confusion.

But, more than that, there is a deep conceptual confusion that is “in play” here.

When people wanted to create a modern Malay word for “sovereignty” they asked themselves: who in the old Malay world exercised sovereignty or its pre-modern equivalent?

The rulers, they answered.

What, they then asked themselves, did the rulers have, what was the essence of their eminent position?

Their *daulat*, they then replied to their own question.

So if this strange old thing that the Malay rulers had and have, their *daulat*, is the essence of their royal eminence — of the stature of kings and monarchs with sovereign standing or pretensions — and if a modern word for “sovereignty” needs to be created in Malay, then (so they reasoned, and it was quite “natural” to do so) we may adapt, extend and use the familiar idea of *daulat* — now in a more abstract form as an “abstract noun” — to denote the abstract idea or notion of “sovereignty”.

And so they did.

Hence the term *kedaulatan*. It seemed a natural, sensible and obvious course for modern “linguistic engineers” to follow.

And it is.

It is, so long as people understand and remember what is going on here, what they did, what has happened in the modernization of the Malay language and “thought-world”.

So long as they recall how, and why, the modern jurisprudential concept of *kedaulatan* — meaning “sovereignty” as we modern people now understand and use that term — was generated from ancient regional ideas of the personal royal *daulat* or sanctity with its origins in earlier Hindu-Buddhist times and terms, in ideas of *sakti*.

There is no problem here so long as people remember (and, unfortunately, the heroic “new royalist” spokesmen do not) that *daulat* and *kedaulatan* are two very different things, or ideas, grounded in two very different, and distinctively different, and mutually incommensurate “thought-worlds” or “conceptual universes”.

No problem will arise, when people are tempted to draw simple inferences from one term to the other — such as, from the continuity and survival of ideas of *daulat* to presumed constitutional facts and clear jurisprudential conclusions about the nature and location of “sovereignty” — so long as they recall that these are two different things.

So long as they recall that the two distinct ideas happen to hang and come together as a result of a kind of linguistic accident, by means of a contingent linguistic association.

To put the two unthinkingly together and work from there is to be trapped, ensnared and beguiled by the all too easily misleading consequences of what some philosophers term a “false identification”.

[To be continued in [Part 2](#), next Monday, with a presentation of the original argument.]

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