“The rights of citizenship necessarily carry with them its obligations. A Chinese sage says, “If you would take, you must first give”. Ceasing to give, we ceased to have. Such is the law of life” (Tan Cheng Lock, 1951)

Theoretically, political involvement and citizenship awareness of the non-Malays, especially the Chinese community in the politics of the Malay Peninsula began after Malayan Union scheme in 1946 opposed by the Malays and replaced by the Federation of Malaya in 1948. Many papers stated that the formation of the Malayan Union Constitution 1946 does not cause any reaction, issues and claims as well as opposition from the non-Malays because they are the beneficiaries of this scheme, particularly in terms of citizenship rights. But actually if examined, political involvement and citizenship awareness of the non-Malays actually began earlier, led by Tan Cheng Lock (TCL). Thus, this paper will examine first, the role of TCL in shaping up the Malayan citizenship during that time and second, the issues and claims presented by TCL on Malayan Citizenship. The primary source materials exclusively collected from the National Archive Kuala Lumpur, London National Archives and Australia National Archive were used to complete the study. The findings showed that TCL as Chinese leader is the one who insistently demanding the full status, rights and privileges of Malayan citizenship to which he assumed they are entitled. From the view point of TCL, those who are loyal and do their duty to the country in the hour of its danger, whatever their race may be, should be given full rights of citizenship in consonance with the dictates of natural justice and morality, human reason and the law of the nations.

Keywords: citizenship, Malayan Union, Jus soli, Federation of Malaya, rights of non-Malays
“MALAYAN CITIZENSHIP” VERSION OF TAN CHENG LOCK (1946-1948)

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INTRODUCTION

This article will discuss the issues and claims regarding the rights of citizenship by non-Malay community and this will be viewed through the perspective of Tan Cheng Lock (TCL) as Chinese community leaders at the time. Through this we could see the version of Malayan citizenship in the eyes of TCL.

BACKGROUND OF STUDIES

Prior to 1945, there had been no real widespread demand from Chinese or Indians for citizenship, hence there was no real justification for jus soli. Even after the announcement of the Malayan Union (MU) there was no move from non-Malays, voicing whether they accepted or opposed the new scheme. Lot of the writing stated that early formation of the MU and the fall of MU was due to the lack of feedback and support by the immigrant community whom will gain profit from this scheme.

Theoretically, political consciousness and nationalism among the non-Malays, especially the Chinese community in the politics of the Malay Peninsula began after the MU scheme in 1946 opposed by the Malays and replaced by the Federation of Malaya 1948. Many papers have been written that the formation of the MU Constitution does not cause any reaction, issues and claims as well as opposition from the non-Malays because they are the beneficiaries of this scheme, particularly in terms of citizenship rights. Only after the dissolution of the MU and the formation of the Federation of Malaya tightening the conditions in citizenship rights, then the non-Malay groups began to react, raise issues and make claims against the new constitution that brought a big impact on their citizenship rights.

However, according to Oong Hak Ching, political involvement and awareness of the non-Malays specifically group of traders have actually started earlier. The emergence of political consciousness and nationalism among the Chinese began earlier on the end of the 19th century. The involvement and political activities of Chinese traders had created "The Chinese Problem" to the British government. British beliefs that this community had the potential to become a “Fifth

Column", to serve their motherland, China, or another foreign power, notably Communist Russia. Thus, the Chinese created a so-called “Chinese Problem” for the British in Malaya, including Singapore. The strength of this community lay not only in its size but also in its economic power vis-à-vis the Malays or bumiputra.

The development of Chinese political consciousness and activities in Malaya, could be divided to three main groups. First is the Kuomintang and China; second, the communist movement, which was dominated by Chinese, and whose activities included the promotion of Chinese nationalism, in addition to the anti-imperialist and anti-British movements; and third, the Straits Chinese, as represented by the Straits Chinese Association and the Straits Chinese newspapers which were written in the Baba Peranakan-Malay language and were locally oriented. The Chinese in the Straits Settlements, which constituted a Crown Colony, their status of the Chinese had two divisions. Those locally born or naturalized were recognized as British subjects and the immigrant Chinese were considered aliens. As the Straits Chinese were locally born in the settlements, they enjoyed certain rights. These included being able to hold positions in the administration and the political organizations of the Straits Settlements.

The growth of the Straits Chinese political consciousness emerged from a group of English educated Straits Chinese from local and overseas educational institutions. They were educated in British universities and when they returned to Malaya, they published various newspaper and magazines and formed various social and cultural organizations which reflected their intentions of spreading reformist ideas in educational, social and cultural fields. Their activities reflected the growth of social and political consciousness among the Straits Chinese.

It was apparent that the political thinking of the Straits Chinese was divided into two main strands during this period. The first strand of thinking was to strengthen the community by reorientation towards China and the introduction of pure Chinese cultural elements into the society. But at the same time these people maintained the status of the Straits Chinese as British subjects and continued to show loyalty to the colonial government. In other words, they advocated a dual role and the maintaining of dual loyalties and therefore developed an identity full of ambiguity. The second strands of thinking which majority of the Straits Chinese society held, was the promotion of Straits Chinese status and identity as British subjects through English education and westernization. As far as they were concerned, they belonged to Malaya and vice versa.3

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2 Ibid.
TCL came from the second part of Straits Chinese group. TCL was the most outspoken critic of British policies and played a crucial role in promoting Malayan national consciousness among the Straits Chinese and the Chinese community in general. Therefore this study aims to examine the role of TCL in shaping up the Malayan citizenships in Malaya and see the issues and claims by TCL regarding citizenship for Malayan.

WHO IS TAN CHENG LOCK

Tan Cheng Lock (TCL) was born on 5 April 1883 in 111, Heeren Street, a stone’s throw from the orange, silt-laden Malacca River and the famous red Dutch Stadthuys. TCL’s great great grandfather migrated to Malacca from China, arriving between 1771 and 1781 and founded a flourishing junk trade plying between Malacca, the Rhio Islands, Bandjarmasin, Macassar, and after 1786, Penang as well. His father Tan Keong Ann, his industrious grandfather Tan Choon Bock, and his great grandfather were also born there while his great great grandfather Tan Hay Kwan, who had migrated from Fuxien as a youth to Malacca in the latter part of the eighteen century died there in 1801. The Tans by now have been part of Malacca for over two hundred years.

TCL came from a large family, four brothers and three sisters. TCL completed Standard VII in Malacca High School in 1899. The next phase of his academic career was in Raffles Institution, Singapore. Unable to win overseas’s scholarship and without finance to pursue his ambition to do law in the United Kingdom, he turned to teach at Raffles Institution from 1902-1908. In 1908 he left teaching and Singapore at twenty five years old and return to Malacca. This is due to his mother argumentation that a teacher is not a well paying occupation. Thus TCL plunged into the rubber industry. From 1908 to 1910, he was the Assistant Manager of his cousin’s estate, the Bukit Kajang Rubber Estates. By 1910, tired of working for others, he floated his own rubber companies named Malacca Pinda Rubber Estates, Ayer Molek Rubber Company and the United Malacca Rubber Estates.4

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In 1913, TCL married Yeok Neo, the daughter of the leader of the Hokkien Community in Malacca. In the life of public service that began with his appointment in 1912 to the Malacca Municipal Council, TCL stood forth more and more clearly as a leader of the Straits Chinese.  

“MALAYAN CITIZENSHIP” VERSION OF TAN CHENG LOCK (1946-1948)

If examined, the Straits Chinese political consciousness emerged at the end of the nineteenth century. Their attitude was manifest strongly in Straits Chinese newspaper with the objective to promote social and political awareness among the Straits Chinese. TCL, like other Straits Chinese leaders, was frustrated by the attitudes and policies of the British, which excluded this community from responsible posts in the civil service. After he joined the Straits Settlements Legislative Council, he continued the battle for better treatment of the Straits Chinese and other British subjects. Therefore, this part of the article will seek to assess four issues highlighted by TCL in promoting Malayan national consciousness among the Straits Chinese and the Chinese community in general, namely (i) discrimination against the Chinese people, (ii) a request to jus soli, (iii) the pro-Malay policy by the British government, and (iv) the issues of status of the Malays in the Malay States. It focuses on the period started before and after World War two, and continuously until the Federated Malay States.

Oong Hak Ching asserted, Tan Cheng Lock from Malacca, was the most outspoken critic of British policies and played a crucial role in promoting Malayan national consciousness among the Straits Chinese and the Chinese community in general. Even when he lived in India during the Japanese occupation in the Malay states, he never ceased to express his views on the rights of non-Malays. This four issues are often the backbone or the main thing that touched in his speeches and letters to the British government to defend the plight and rights of non-Malays.

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6 According to K.G. Tregonning, The distinction among the Chinese in Malaya at this time between the Straits Chinese and the China-born must be kept in mind. Millions of Chinese (six million between 1895 and 1927) poured down to Malaya from Canton and Hong Kong, but nearly as many returned. These China-born were birds of passage. Their disinterest in the affairs of Malaya – apart from the personal opportunities of making a living – although perfectly proper for visitors, was one of the major weaknesses of state. There were completely apathetic towards ideas of public service; while the whole concept of democracy and political rights had no substance whatever in their culture and remained alien to them. TCL made no claim to represent them. Although, as it turned out, many of the reforms in which he engaged bore on the life of these Chinese in Malaya, they were never Chinese of Malaya, Tan Cheng Lock, A Malayan Nationalist, Southeast Asian Studies, No. 1, Mac 1979, pg 25-88.


According to K.G. Tregonning, Tan’s criticism of the government in his first speech was “unprecedented in the Annals of the Legislative Council”. Tan Cheng Lock’s viewpoint was also far in advance of other Straits Chinese leaders. For instance, he raised the ‘Colour Bar’ issue, whereby Asians were discriminated against and Europeans favoured, in government services. TCL also proposed in the Legislative Council on 1 November 1926, that the ultimate political goal should be a united self-governing British Malaya with Federal Government and Parliament for the whole country. He said, “...it is a high time that we commenced to take action towards forging the surest and strongest link of that united Malaya by fostering and creating a true Malayan spirit and consciousness amongst its people to the complete elimination of racial or communal feeling”.

In his speech at the Legislative Council of the Straits Settlements, (meeting of the Legislative Council) 1 November 1926, he has advised a number of views that is,

1. The responsible leader of the domiciled Chinese and other non-malay communities are extremely apprehensive of the menace to their interests and welfare and those of their children that will result from the so-called strong pro-Malaya policy of the local government. It will create inter-racial disharmony in this country and is not in accordance with the principles of impartiality and equal treatment for all, on which British Colonial administration is based and which have made the British Empire the amazing success it is to-day.

2. The Government’s educational policy, besides being characterized by the same pro-Malay tendency, deliberately aims at the restriction of English education, will do harm to the cause of education in this country and diminish the opportunities for the children of poor parents to secure a secondary education.

3. A reform of Legislative Council will not only increase its efficiency, but will also tend in the direction of giving the people here some of the elementary rights and privileges of free and civilized society and of teaching them at the same time the duties and responsibilities of citizenship, thereby leading them along the path of progress.

4. The Chinese community being an important and the most numerous section of the Colony’s population, the appointment of a Chinese to be a member of the Executive Council will benefit both that community and Government.

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5. The withdrawal of the Colour Bar against the admission of locally-born British subjects to the Malayan Civil Service will not only be an act of simple justice in that it will restore a birthright formerly theirs and redress a long standing grievance, but will also earn the eternal gratitude and strengthen the devotion and loyalty of British subjects to the crown. The above is presentation of our grievances, which call for redress.\(^{11}\)

He added that they should aim at building up a Malayan community with a Malayan consciousness closely united with the British Empire.

In December, 1932, the TCL sent a memorandum to Sir Samuel Wilson, expressed his dissatisfaction with the British government for discriminatory policies implemented by the government to the Chinese people. TCL first slammed the British government at the expense of the Chinese community to restrict the rights of the Chinese people and the non-Malays to be given land to cultivate rice. Whereas according to his, paddy cultivation is an activity that has been done by this group for several generations in various parts of the Malaya.

In July, 1930, His Excellency appointed a Committee to consider “what are the best steps to be taken in order to encourage rice cultivation in Malaya”. It was in the course of his participation in the labours of this Committee that the writer of this Memorandum, who served on it, learned for the first time to his astonishment that the High British officials of the Malayan Civil Service who were his colleagues on the committee were vehemently and vigorously opposed to the idea of the Chinese and the other non-Malays (of whom there have been rice planting colonies for several generations in various parts of Malaya) being given land by Government for the purpose of rice growing.

It was also then he first came to know that the proprietors of Chop Chin Leong and Co. of Penang, who are Straits-born Chinese and British subjects, found it impossible to acquire land to plant padi by modern mechanical methods in Kedah, so that they were compelled to go outside Malaya to Southern Siam to carry out their original and enterprising scheme. He was further made to understand that it may become the aim of the Government and the State Councils in the Malay States to include in the Malay Reservations all areas of potential padi land estimated to be from 600,000 to one million acres in this country. This policy will exclude even the Malayan-born Chinese from the right of acquiring land on which to grow rice, while foreign Malaysians from Sumatra, Java and other parts of the Dutch East Indies are granted this privilege.\(^{11}\)

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\(^{11}\) Extract from Mr. Tan Cheng Lock’s speech at the meeting of the Legislative Council held on 1\(^{st}\) November, 1926, dalam Tan Cheng Lock, Malayan Problems, Tannsco, 1947, hlm 92-93.
carry out their original and enterprising scheme. He was further made to understand that it may become the aim of the Government and the State Councils in the Malay States to include in the Malay Reservations all areas of potential padi land estimated to be from 600,000 to one million acres in this country. This policy will exclude even the Malayan-born Chinese from the right of acquiring land on which to grow rice, while foreign Malaysians from Sumatra, Java and other parts of the Dutch East Indies are granted this privilege.\textsuperscript{12}

Secondly, the proposed of Sri Menanti Scheme of decentralisation designed to develop a more autocratic form of administration in each of the Malay States under the overwhelming control of the British Resident and the Malays, and other measures giving preferential treatment to the Malays at the expense of the other Asiatics races are indications of the trend of Government policy, which have made the Chinese, who have permanently settled down in this country as their home, feel gave misgivings and apprehension as to the security of their interests and future prospects and of those of their children in Malaya. Simple word, Sri Menanti Scheme of decentralisation did not do justice to the representation of the non-Malays. This is due to the amount of the non-Malays in the Malay states were overcome or equal to the population of the Malays. As shown in the British Malaya 1931 census, the total percentage of the non-Malays had overcome the Malay population. Chinese and Indians combined form: 71.5 percent of the population of Straits Settlements, 63.7 percent of the population of Federated Malay States, 51.5 percent of the population of Johore and 51.2 percent of the population of British Malaya. Moreover the males, who are the workers, preponderate in the Chinese and Indian population of Malaya.\textsuperscript{13}

Therefore, in view of TCL, is not desirable for representatives of the State Legislative Council, dominated by the British Resident and the Kings and Malays chief while a small representation will be given on each of their State Councils to the Europeans, Chinese and Indians.

One naturally fears that the scheme will tend to produce, develop and perfect in the Federated Malay States a purely autocratic form of Government based mainly on the taxation of the non-Malay people, whose energy, labour, capital and enterprise are the mainstay of these States without their adequate and effective representation therein as is largely the case in the Unfederated Malay States. A powerful State Council dominated by the Malays and a pro-Malay British Resident may, for instance, shape the land, educational

\textsuperscript{12} Memorandum to Sir Samuel Wilson, December 1932, dalam Tan Cheng Lock, Malayan Problems, Tannsco, 1947, hlm 74-75.
\textsuperscript{13} Memorandum to Sir Samuel Wilson, December 1932, dalam Tan Cheng Lock, Malayan Problems, Tannsco, 1947, hlm 76.
and other policies of the State, should it have control over them, to the detriment of the non-Malay inhabitants therein\textsuperscript{14}

TCL also stressed that the British government adopted a policy of pro-Malay to discriminate other races.

Such a policy of preference for one race and discrimination against another (a) will for the first time in the history of Malaya create a distinct breach in the relationship between the Malays and the other non-Malay races inhabiting this Peninsula particularly the Chinese and Indians, which will inevitably in course of time widen into open antagonism between them, and (b) will tend to set up a sort of caste system dividing Malayan society into three principle sections based on race with the British, who naturally as the ruling class constitute the dominant group, as the Brahmins of the land, the Malays as the next superior and twice-born caste, and the Chinese and the others as the lowest in caste rank i.e as the Sudras or Pariahs\textsuperscript{15}.

In addition to the existence of the Aliens Ordinance applied to the 1,250,000 Chinese living in the Malay States, the fate of the Chinese people oppressed.

By alienating the sympathies of the Malayan-born Chinese through its so-called strong pro-Malay policy and by the recent enactment of the law known as the Aliens Ordinance to institute an unnecessarily harsh form of control directed primarily against the 1,250,000 Chinese resident in Malaya, the local government affords some justification of the belief that it intends to execute in future an anti-Chinese policy, probably with a political objective, founded on fear and distrust, which the Chinese on the whole as a community have done nothing and have given absolutely no cause to merit, and which should not be a fitting return to them for what they have done to make Malaya what it is today and for their consistently good behavior and continuous devotion to the British government and the interests of this country during the last 100 years since the British occupation\textsuperscript{16}.

TCL said that the number of Malayan-born Chinese enumerated at the 1931 census was 534,000 and was more than doubled since 1921. By the effluxion of time many of them have lost all touch with China and have been strengthening and consolidating their attachment to this country.

\textsuperscript{14} Ibid.

\textsuperscript{15} Memorandum to Sir Samuel Wilson, December 1932, dalam Tan Cheng Lock, Malayan Problems, Tannsco, 1947, hlm 78.

\textsuperscript{16} Ibid.
If accorded fair, equitable and equal treatment and made to feel that this country is their home the Malayan-born Chinese, as experience has proved in the case of the Straits-born Chinese of Malacca, Singapore and Penang, will become true Sons of the Soil, identify themselves completely and absolutely with the interests of this country and the Empire and give undivided allegiance to it. If their loyalty is doubted and they are distrusted and made to feel they are regarded as semi-alients and not wanted, they will lose hope in this country and in despair will naturally turn their eyes to China. They will then incur the charge (already used as weapon against them) of bearing a dual allegiance, which will not only do infinite damage and injury to their interests and welfare here but will certainly not be to the good of Malaya as a whole.\(^{17}\)

In the issue of the status of the Malays, TCL asserted that improper efforts of the British government to give assistance to the Malays, the rights of non-Malays should not be ignored.

The recent establishment of the closed clerical Service for Malays in the Federated Malay States, from which the non-Malays are excluded, and the general preference given to the Malays in the matter of employment in the Government Service in this country furnishes further proof of the policy aiming at conferring an undue advantage on the Malays to the disadvantage of the Chinese and other non-Malays.

I should like to emphasise here that we are very sympathethic with the Malays and consider it the duty of the Government to assist them where they are badly handicapped in their competition with the other races. Let government help them in every way so long as the interests of the non-Malays are not seriously and prejudicially affected thereby and when and where necessary similar assistance and treatment will be extended to the other races.\(^{18}\)

TCL declared that the Straits –born Chinese, who have formed a continuous colony in this country for more than 500 years and have been staunch British subjects and traditionally loyal to the British Crown, and their brethren the locally-born Chinese of the Malay States, who are equally loyal and faithful to the government and to the interests of Malaya, have made and regard this country as their permanent home.\(^{19}\) Furthermore according to TCL it is legitimately pointed out that great numbers of the Malays are immigrants or the descendents of immigrants just as are so many Chinese and Indians.\(^{20}\)

\(^{17}\) Memorandum to Sir Samuel Wilson, December 1932, dalam Tan Cheng Lock, Malayan Problems, Tannsco, 1947, page 79.

\(^{18}\) Ibid, page 75.

\(^{19}\) Ibid.

\(^{20}\) Ibid, page 94.
It may be pointed out here that after all a very large percentage of the Malays of the peninsula are either immigrants themselves or descendants of immigrants from Sumatra, Borneo, Java and the Celebes. In Johore, for instance, the native Malays are actually outnumbered by the other Malaysians, that is immigrants from the Dutch East Indies or their descendants.  

Subsequently, in October 1933, Tan Cheng Lock as the Straits Chinese leaders in the Legislative Council of the Straits Settlements, have expressed the same thing he has said before, that is, the government

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\text{kerajaan tidak mempunyai dasar yang tetap dan membina untuk mengambil hati orang Cina di Negara Selat dan orang Cina lain yang telah dilahirkan di Tanah Melayu. Mereka adalah rakyat negara ini dan mempunyai semangat yang berkobar-kobar berjuang untuk negara tumpah darah mereka, begitu juga dengan mereka yang bertujuan menganggapkan negara ini seperti negara mereka sendiri.}^{22}
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He added that, he did not see any signs of interest, sympathy and encouragement shown by the government in recent years. Therefore no doubt that Aliens Ordinance was part of the British policy against the Chinese people. Perhaps this policy has political agenda because of the fear and place no trust to the Chinese people.

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\text{“Saya tidak nampak sebarang tanda yang menunjukkan minat, perasaan simpati dan galakan yang ditunjukkan oleh kerajaan di beberapa tahun kebelakangan ini. Tak syak lagi bahawa Rang Undang-undang Orang Dagang sebahagian dari dasar menentang orang-orang Cina. Barangkali dasar ini ada mempunyai tujuan politik kerana adanya perasaan takut dan tidak percaya kepada orang-orang Cina”}.^{23}
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Tan Cheng Lock again voiced his opinion that he did not agree with Alien Ordinance as restricting the entry of the Chinese into Malaya. While it is right that a country should exercise immigration control, every care should be taken to ensure that such control does not discriminate against any particular race without just cause. Therefore the ordinance discriminates against the Chinese more than any other race except possibly Europeans.

During World War two, the era of Japanese occupation in Malay states, some prominent Chinese fled to India before the Japanese occupied Malaya. Under the leadership of Tan Cheng Lock, they formed the Overseas Chinese Association. Their activities were mainly concerned with

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21 Ibid, page 77
23 Ibid.
the constitutional matters for the future of Malaya. TCL made a demand to the British government for a greater role for the Chinese in the proposed constitutional development of post war Malaya.

TCL letter to G. Edward Gent, the Colonial Office, London, on October 24, 1943, explained that he had written a memorandum on the Malay States, and he hoped that the information got the attention of the Secretary of the state for the Colonies and the Colonial Office. 24

Herewith I also forward for your consideration a Memo, which I have written on the future of Malaya, which may be of some little use to his Majesty’s Govt. in dealing with the question of the future of the country. 25

Memorandum On The Future of Malaya (written while TCL in India), said that the people in the Malay states should be notified in future issues of the Federated Malay States,

...the writer would like to take this opportunity to say that we, the Malayans now temporarily resident in India and who are representative of the bulk of the domiciled population of Malaya, are extremely anxious about the future of Malaya after its re-occupation, and respectfully to point out that we feel strongly that it is only fair and proper that we, as part of its permanent inhabitants who must necessarily live, toil and sweat, and die in that territory, should be kept informed and consulted as to the plans and proposals that may be made in London with reference to our future and regarding measures of its economic, political and social reconstruction and rehabilitation and be given an opportunity to participate in the solution of the post war problems confronting Malaya and in the making of plans for our future. 26

Memorandum by TCL stressed the issues of the Chinese and Malay community. To TCL, the Chinese have become the majority in the Federated Malay States,

The population of Malaya according to the latest official estimates was in 1940 nearly five and a half millions comprised of approximately (1) 2,400,000 Chinese, (2) 2,300,000 Malays and other Malaysians, (3) 750,000 Indians and (4) other races including the European British, whilst its area is about fifty thousand square miles. With the exception of the comparatively undeveloped states specified under (d) above (i.e Unfederated Malay States Kedah, Perlis, Kelantan and Terengganu), the Chinese have largely preponderated in most of the rest of Malaya particularly in the urban areas. About three-quarters of a

24 Surat TCL kepada G.Edward Gent, 24 October 1943.

25 Surat TCL kepada Rt Hon. Colonel Oliver Stanley, Secretary of State for the Colonies, Colonial Office, London pada 1 November 1943.

million of the Chinese population should be locally-born and therefore British or British Protected subjects by birth according to British law". 27

and the Chinese are a people who have contributed significantly to the economy of the Federated Malay States.

The phenomenal prosperity of Malaya can be attributed to its natural resources, to British administration and the introduction of British and foreign capital and Western scientific inventions, and lastly but not least to Chinese energy, enterprise and initiative. Sir Frank Swettenham, the creator of the Federated Malay States, however, put the Chinese next to nature as one of the bases of the success of Malaya. 28

The TCL also stressed that in order to overcome the "Chinese Problem" in the Federated Malay States, the best way is to give citizenship rights to Chinese communities who have lived long in the Malay States.

The writer has every confidence that if the China-born Chinese are given a fair deal in Malaya they will, like the Straits-born Chinese, regard themselves in course of time as Malaysians first and Chinese secondly as long as they make Malaya their home—a safe and logical conclusion to come to on the basis of the actual past record of the Chinese community in Malaya.

The best way of treating the Chinese is to trust them and to give them an opportunity to those of them, who have resided in Malaya, especially if they have done so with their families, for a sufficiently long period and have become domiciled in the country, to acquire the right of Malayan citizenship by naturalization, so as to enable them to identify themselves completely with the interests of the land of their adoption. That is the best and wisest course to adopt by way of solving the so-called Chinese problem in Malaya in the humble opinion of the writer. 29

For Malay society, TCL maintained that this group is also the immigrant community as non-Malay communities.

From Malacca the Malays must have since then spread out to the rest of the mainland, while their numbers have been also continually increased in recent years by immigrants from Sumatra, Java, the Celebes and the rest of the East Indies, with the result that a very considerable proportion of Malay population are Malaysian (non-Malay) immigrants from the neighbouring territories and the descendants of recent immigrants therefrom. The Malays themselves are therefore comparative newcomers to Malaya, having disposed the

27 Memorandum on the future of Malaya, dalam Tan Cheng Lock, Malayan Problems, hlm 11.

28 Ibid.

29 Ibid.
still earlier aboriginal inhabitants viz the Sakais, Semangs and Jakoons, who still exist in little settlements over some parts of the country. 30

On 7 November 1943, TCL again sent "Supplemental Memorandum", some suggestions that he felt that he has left out an important thought to write in the first memorandum given to the British government. In the Supplemental Memorandum, TCL suggest a few things, and among them, "a constitutional Reform and the Formulation of a complete constitution scheme and the ideal of 'Malayan First' irrespective of race. 31

In 1944, the Association of Overseas Chinese in India, TCL replied to comments submitted by the Associations of British Malaya to Memorandum On The Reconstruction of Malaya. He stated that the British government should take out a policy that meets the demands, aspirations and feelings of the people who settled in the Malay States, especially on the non-Malays who have long lived there.

The non-Malay domiciled inhabitants of Malaya feel that they have won as good a title to be regarded as the sons of the soils as have the Malays and the domiciled Malaysian who together form less than 50 percent of the whole population, and that they should be accorded an equal and adequate share in the government and administration of the country. 32

In addition, he stressed that, anyone born here, regardless of race anywhere in the British colonies in the Malay states should be given British citizenship. He gave an example,

In the Dutch East Indies the native rulers are themselves Dutch subjects and the native states are Dutch territories, so that it follows that all those born within the confines of the Dutch Empire owe direct allegiance to the Dutch Crown. 33

In citizenship requirements, TCL also explained that,

While it is necessary to confine political rights to persons of British nationality by birth or naturalization, the period for acquiring a Malayan domicile should be five years ( a rule obtaining in important and enlightened countries) which qualification should make it eligible for a person, who is prepared to renounce allegiance to any foreign power, to obtain naturalization. 34

30 Memorandum on the future of Malaya, dalam Tan Cheng Lock, Malayan Problems, hlm 23.
31 Surat-menyurat Tun Tan Cheng Lock, 1943-1945, National Archives of Malaysia
32 Surat-menyurat Tun Tan Cheng Lock, 1943-1945
33 Ibid.
TCL letter again on August 31, 1944, a copy of G. Edward Gent, hope that the policy of discrimination against Asians in the Malay states were abolished,

...I sincerely hope that the subordination of merits to colour will be completely eradicated. In the West Indies and in Ceylon all are equal. May Malaya be the same and British rule be loved by all. 35

On March 4, 1945, TCL send a letter to Robinson to reject the view of Malay Students' Association of Great Britain to Malayanize all comers.

In the Dec and Jan Nos of the ABM Magazine have appeared the two parts of an article said to be a memo by the Society of Malay Students in G.B. advocating the 'Clementi' form of the policy of homogeneous Malay Mohammedan population in all Malaya (and the whole of the East Indies incidentally), to achieve which objective the authors of the Memo want to see Chinese, Indians and others absorbed and assimilated into the people of the Malay race and religion. This apparently is to be done by force, as those who refuse to agree must be excluded from Malaya or made to suffer economic and political disabilities. To be logical and just they should also insist that English and other Europeans in Malaya should, undergo the same process of being Malayanized. In essence this is much by the same policy ruthlessly executed by Japs in Japanizing the Coreans and Formosans. Fortunately for us the Malays are not even yet a nation and are not so powerful military and otherwise as the Japs to compel other peoples to become Malays or be transformed in to their nationals, nor is Malay culture and civilization so rich and magnificent as to make such conversion a benefits to the converts. On the contrary it would be so obviously a most retrograde step on the part of Chinese, Indians and English to become Malays! The basic idea is something like “Pan-Malayanism”, its ultimate aim to unite the East Indies or Indonesia, and make a single, strong and united nation of all the so-called Indonesians. To me the whole conception is simply not practicable- not for another millennium. 36

The idea of denying the right of Chinese people as a group of immigrants who were born here as a son of the soil also really angered TCL, so he insisted that the Malay community too is a group of immigrants,

You cannot after legally admitting immigrants into a country say that they have no rights especially if they have become domiciled. Even the Malays themselves were originally immigrants into Malayan and Sumatra. They originally came from Yunnan in China and were civilized by the Indians according to Winstedt. I wonder whether you would advise me to reply to the Malay Memo. 37

35 Ibid.
36 Ibid
37 Surat Tan Cheng Lock kepada Robinson 4 Mac 1945, dalam Surat-menyurat Tan Cheng Lock, 1943-1945
TCL also hope the British government will announce the new administration of the Malay States before the British occupation in the Federated Malay States in order to win the feelings of all people, especially when they are the one who suffered most during the Japanese occupation.

I would very much like to see H.M.G. making a pronouncement of a generous scheme for Malaya before re-occupation in order to win over the people of all communities. It will pay fat dividends in the future, and might do much to assuage their naturally most bitter feelings after the terrible ordeal they have gone through. These bitter feelings will come to surface again and again after the suffering inhabitants have been rehabilitated economically. The pronouncement of policy must be definite and precise and not vague and general. It should make specific pledges to be carried out within a specified time. As regards the fundamentals of the policy, such as a new liberal constitution and a share in the administration and govt., and a square deal to all communities, and Malayan Union, these can be announced beforehand, as there can be no disagreement among them on these points. The policy of complacency and too late with too little should give way to a positive one of change and growth and progress, so that all the communities can aspire to something beyond the mere animal state of thriving in peace and can look forward to a share in the legislation, administration and government of the country, which they have made their home. A Chinese proverb says that “What the mouth speaks proves nothing; it is by their deeds that men are judged”. So I cherish the hope that both H.M.G. and the various communities will prove by deeds what they say in words to make a Malaya “an outstanding example to all the others”- a paradise of progressive development and a model of inter-racial harmony, where the East and the West may also meet on equal terms and to mutual benefit, within the orbit of the British Commonwealth and Empire.  

This proves that before the announcement of the formation of the MU, TCL have expressed his views and request showing that there is a plan by British to occupy and administer the Malay states again. TCL asserted that our members from Malaya include (a) those born in Malaya who have spent all their lives in the country and (b) those who have spent most of their lives there. They are people who have a big stake and important and extensive interests in Malaya, and who have acquired intimate and valuable knowledge and experience of the country, which may be useful towards helping the solution of the many post-war problems affecting its future.

TCL also stressed that the Malay states belong to the British colonies and the British people,

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38 Ibid.
39 Letter from the President of the Association to the Secretary of State for the colonies, London, 1st November 1943, page 4.
Whatever the names maybe, Malaya as a whole is in actual practice part and parcel of the British Empire, and the people born in any part of it are, to all intents and purposes, British subjects and must own allegiance to the British Crown, “Malaya”, though officially is only “Malaya”, is in truth “British Malaya”. At least the non-Malays is in Malaya, cannot be Malay subjects, and therefore must be British subjects. The outside world could not recognize the status of Malay subjects, which is meaningless term.

TCL additional letter to Robinson on March 8, 1945 to continue his debate earlier that the British government should build a new conception based on the concept of equal (equal partnership) between all those who are in the Federated Malay States and resisted the implementation of pro-Malay policies. With the other races will be very proud to be a citizen of the Malay states and thus would be willing to defend their homeland.

My ambition is to see Straits and Malayan Chinese being in the same manner made to be loyal and patriotic to the British Crown and Empire. You cannot get this result by adopting the so-called “pro-Malay” policy of giving preference to the race thereby creating racial enmity and chronic dissatisfaction. The British policy in Malaya should be that representation to the difficult communities in the Government and administration of the country should be on the basis that no single community should be in a position to dominate or outvote all the others put together. If Ceylonese and Burmese have learnt how to vote at elections perhaps Malayan too may be taught to do so. I am in favour in this connection of a scheme of reservation of communal seats with joint electorates on the basis of the above principle of non-domination by any one community.

The TCL also suggested a number of things related to the nationality of people in Malaya,

Further there should be a definition in the constitution of “Malayan citizenship”, which as far as I am concerned should be British nationality. They may be enacted a law conferring “domicile” on the basis of residence for 5 years at least in the country for the purpose of qualifying electors, if such people really want to make Malaya their permanent home. The representatives on the Cos. should of course British subjects or Malayan citizens.  

In his speech on 2 April 1946, organized by the Chinese community in Melaka in conjunction with Sir Edward Gent and Sir Franklin Gimson, Governor of the Malayan Union and Singapore, TCL questioned the anti-Chinese sentiment stoked by former British officers who had served in the State Malay States in connection with the establishment of the MU. Among the accusations was first, the Chinese block trading activities of the Malays and second, the MU scheme of the new constitution paved the way for the Chinese to make the Malay States as a

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territory of China. This is based on two articles published that seeks to cast the anti-Chinese propaganda. The first article, "Sharp Practice in Malaya" by Sir Richard Winstedt,

The Chinese everywhere exclude the Malay from commerce. A Kelantan Malay began dealing in Malay rice, where at the Chinese lorry-owners raised their charge for transport with such discriminatory effect that the Malay could only compete with Chinese dealers by buying lorrries of his own. A Malay co-operative society arranged to dodge the Chinese middlemen and sell direct to a British firm; that firm’s clientele forced it to cancel the agreement by threatening to transfer their custom elsewhere. Cases of such boycott are innumerable. 41

TCL commented,

One ex-Malayan personality has uttered the falsehood that the Chinese actually prevented the Malays from becoming artisans by combined guild action and everywhere excluded the Malays from commerce, in order to support his unveracious thesis that the Chinese are bent upon the economic and political submerge of the Malays. This is of course a palpable untruth, which is too preposterous to be believe in, as the evidence of one’s senses can testify. 42

The second article, "Malaya Betrayed" by Whittingham-Jones, published for purposes of anti-Chinese propaganda in the May 1946 Number of the “World Review”, went so far as to stigmatize the new constitutional scheme for Malaya as opening the door to Malaya ultimately becoming the 35th province of the Chinese Republic. 43. TCL clarified that,

Before the war the accusation leveled at them was that the Malayan Chinese wanted to make Malaya the 19th province of China. This myth, for which the Chinese are not responsible and which was originally concocted in the imaginative brain of some European writer of the globe-trotter type, has since been used as a weapon with which to attack the Chinese. I affirm that it is a lie and a slander reiterated maliciously to injure the Chinese out of jealousy and envy of Chinese economic success in Malaya, which has been won by sheer dint of hard work, by their industry, enterprise and initiative as well as by untold sufferings endured by them in the past, without any outside help and without any protection or aid from the Chinese Government throughout the whole period of Malayan history. 44

41 The London Spectator, 8 Mac 1946, dalam Tan Cheng Lock, Malayan Problem.
42 Ibid
43 Ibid
44 Ibid.
TCL also stressed that the Chinese people have inherited a tradition of self-help and self-reliance, as Chinese proverb says,

Nothing is difficult in this world and nothing is easy in this world. Help comes to those who help themselves; with our own strength we shall live again; Dig within; within is the foundation of good, ever dig, it will ever well forth water.45

TCL continued his speech by saying that the Chinese people who live here hope to live in peace and harmony with other races. Naturally those of them who intend to settle down in this country permanently and regard is as their homeland welcome the opportunity to acquire the rights of citizenship, so that they may completely identify themselves with Malaya and be loyal and faithful to the land of their adoption, to which they are prepared to give their undivided allegiance. For TCL this certainly should be to the good of Malaya as a whole and help to make it one country and one nation. Experience has shown that whenever aliens are treated as citizens they become citizens, whatever may be their religion or their race.46

He cited the writings of Ian Morrison, who argues that,

...the Chinese emerged from the two months of warfare in Malaya with flying colours and that of the native sections of the population the Chinese put up the firmest front against the Japanese. In consequences the Chinese community were hardest hit and suffered wholesale slaughter and the worst atrocities at the hands of the brutal and sadistic Nips during the period of their occupation. The Europeans then interned in Singapore and elsewhere in Malaya spoke with deep gratitude of the practical help and kindness which the Chinese at the risk of their lives extended to them during their imprisonment. 47

With the introduction of the MU, in his appeal to the leaders of the Chinese in the Malay States on July 6, 1946, he informed that the meeting agreed to investigate, gather information from the public, and take action from the recent announcement by the British government to ensure Chinese people will receive equal treatment and fairness with other civil society groups. This proves that the non-Malays are sensitive and cares about the future of their people in the Federated Malay States.48

The next letter TCL to K.W. Blackburne, Director of Information Service, the Colonial Office London, on August 13, 1947, make recommendations on the position of the Chinese in the new Constitution to be introduced.

45 Ibid.
46 Ibid.
The only effectual way of weaning the China-born Chinese from being obsessed with Chinese national politics is to make generous offer to them, as, for instance, under the original Malayan union scheme, of Malayan citizenship, which alone can reconcile them to their loss of interest or participation in the Kuo Min Tang. The best method of detaching or alienating the affections of an immigrant population from the country of their origin is to afford ample or adequate facilities for them to transfer such affections to the land of their adoption.

TCK add if all communities are accorded equal rights and responsibility, politically and economically, including their balanced representation in the government, this will ensure that no one community will be in a position to dominate or outvote all the others put together.

As long as the immigrant population remain and are treated as aliens, for so long will there be necessarily compelled to turn their eyes to, and retain intact their love of, their mother land, which may constitute them as a potential danger to the land where they are permanently settle down. It follows as a corollary that the policy, such that underlying the existing Federation Constitution of Malaya, which aims at precluding the possibility of the immigrant population becoming a potential source of menace to the country of their adoption by excluding them from a legitimate share in its public life, will have the opposite effect of bringing about or perpetuating the very danger it seeks to obviate.49

TCL also explained that if the strangers are treated as their own people will be people, regardless of religion or race. Introduction to the Constitution of the Federation of Malaya would deny people the right to become citizens of the state.

Experience has shown that whenever aliens are treated as citizens they become citizens whatever may be their religion or the race. In my estimate 80% to 90% of the total Chinese population of Malaya will be denied automatic citizenship under the terms of the New Federation Constitution, whilst that of the late Sir Edward Gent is 70%. Citizenship by acquisition will not only be difficult to procure but cannot confer the same status, as, for instance, it will be revocable. We cannot have it both ways i.e. prevent the Chinese from becoming Kuo Min Tang or object thereto and at the same time refuse to permit or place obstacles to their becoming Malayan citizens. They must be the one or the other. No man can serve two masters at the same time.50

TCL was violently disturbed by the new scheme to replace the formation of MU. He had welcomed the Union plans, and endorsed the policy of citizenship for all within one country. But the Sultans and UMNO were able to secure during the 1946 discussions a new compromise agreement, whereby in return for a unitary state being retained, albeit it was to be named a


50 Ibid.
Federation, the sovereignty of the Malay State reverted again the Sultans, and citizenship for all but Malays became strictly limited. TCL felt that there should be a democratic equality of all peoples. In his reactions to these new proposals, which were embodied in the Federation Agreement, he emerged as the national leader of the opposition.\footnote{K.G. Tregonning, Malayan Nationalist, Southeast Asian Studies, No. 1, Mac 1979, pages 25-76.}

In an effort to maintain the concept of MU, a "hartal" was designed by him as a protest against the existence of a new constitution, which in his opinion is not based on justice and racial equality.

Although the “hartal” had not really succeeded, the failure has not deterred TCL to fight for the rights of the Chinese community. In his speech in Malacca on December 5, 1948, TCL asserted that they are the one who changed the economy of the Malay States into a modern and developed state.

We have no alternative but to identify ourselves completely with this land, which we and our ancestors have substantially helped to make what it is today. It was Chinese mining enterprise which originated and set in motion the vital process of changing the face of the Malayan hinterland and transforming it into a land brimful of wealth and prosperity. The Chinese pioneers of the tin-mining industry penetrated into the inaccessible parts of inner Malaya which had not been populated or cultivated before. Since then hundreds of thousands of Chinese labourers and other Chinese have suffered unspeakable woes and perished miserably from the ravages of fever and ligen and other causes incidental to perilous pioneering labours such as the clearing and opening up of new or primeval jungles for mining and other productive operations. The innumerable Chinese graves holding within them the bones and skulls of those brave and industrious pioneers scattered all over Malaya, whose energy and sacrifices have brought forth the tin and rubber and the taxes, that have created Modern Malaya, have established the indisputable claim of those of us, who intend to settle down here permanently and make this country the object of their loyalty, to share, fully and equally with the others, the rights and privileges and the duties and responsibilities of Malayan Citizenship.\footnote{SP 13/H/16 – speech delivered by Tan Cheng Lock at Malacca on 5\textsuperscript{th} December 1948.}

In order to ensure the rights of the Chinese community not neglected the TCL proposed the creation of an association to protect the interests and welfare of the Chinese people.

We must have an All-malaya Chinese Organization to look after our general interest. This is my humble opinion is absolutely essential, so that we may have a strong and permanent political body with a highly paid and whole time secretary or secretaries, for the specific purpose of making a systematic study of all the problems ther and protect our interest politically, socially economically. Unless we do this we shall be only drifting and get no where, in which case our future will be jeopardized and dark. We cannot afford in the
present state of affairs to depend solely on efforts of individuals to look after our collective interest. We must organize ourselves strongly and effectively for the purpose.\textsuperscript{53}

Finally, TCL urged all the Chinese in the Malaya,

we must prepared to shoulder the duties, responsibilities and obligations of citizenship, whilst at the same time insistently demanding the full status, rights and privileges of Malayan citizenship to which we are entitled, until success crowns our efforts. It is my considered opinion that those who are loyal and do their duty to the country in the hour of its danger, whatever their race maybe, should be given full rights of citizenship in consonance with the dictates of natural justice and morality, human reason and the law of the nations.\textsuperscript{54}

CONCLUSION

TCL, born before the motorcar, when all Southeast Asia was submerged under European colonialism, when Malaya did not even exist, took part in the celebrations on 31 August. His dream, or part of it, had come true. As he said so many years before, when all had scoffed at him: “Our ultimate goal should be a ultimate political goal should be a united self-governing British-Malaya, with a Federal Government and Parliament functioning at a convenient centre, say at Kuala Lumpur...We should aim at building up a Malayan community with a Malayan consciousness...” \textsuperscript{55}

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\textsuperscript{53} SP 13/C/179.\textit{Surat-menyurat Tun Tan Cheng Lock dengan Mr. Lee Kong Chai, dari Lee Rubber Co. Ltd mengenai perpaduan bangsa Cina di Malaysia} (9.5.1947 – 22.9. 1948).
\textsuperscript{54} Ibid.
\textsuperscript{55} K.G. Tregonning, \textit{Malayan Nationalist, Southeast Asian Studies}, No. 1, Mac 1979, pages 25-76
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