



LECTURE SERIES AND BOOK LAUNCH

“RETURNING TO THE CONSTITUTION’S PATH OF MODERATION”

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via Zoom

I wish to thank the Noah Foundation and ISIS Malaysia for this great honour. It adds a warm glow to the colours of my sunset. I thank Dato Rhiza for beautifully summarising what I have to say and what I hold close to my heart

I am also grateful to Joann and her team at ISIS for their expert editing and designing of this Monograph.

This Monograph is about our Constitution, our document of destiny as I like to call it. I sincerely believe that the Merdeka Constitution was a masterpiece of moderation, compassion and compromise.

The spirit that animated it was one of accommodation between the Malay majority and the non-Malay minorities on their mutual rights and privileges in a democratic, monarchical, federal and non-theocratic system of government.

A middle path of moderation is evident if we examine the Constitution in relation to the granting of citizenship without consideration of race or religion; the attempted balancing of the special position of the Malays with the legitimate interests of the other communities; the recognition of religious, cultural and linguistic pluralism; and a right to education for all.

Instead of creating a melting pot, Malaysia painstakingly weaved a rich cultural mosaic. The plurality of lifestyles engendered gave rise to an extraordinary multifaceted society that supplied a model to many other diverse regions of the world.

In 1963, the special position of Sabah and Sarawak in the federal set-up gave to pluralism a territorial dimension.

Sadly, as is the fate of all social bargains, once the original authors pass from the scene, the descendants do not always appreciate the rationale behind the original compromises. Later

governments have to walk the tight rope between the need to honour the pacts of the past and to accommodate the demands and expectations of the new voters in an electoral democracy.

The Malaysian Constitution is undergoing such a process of readjustment and reinterpretation. There is a lively and inconclusive debate about what the document of destiny actually ordained and how far the imperatives of the Constitution should be modified to meet the new aspirations of the present generation.

The problem is made worse by a general lack of constitutional literacy within the population and within the political and administrative elite.

In many areas, politics and administrative policy have trumped and displaced the Constitution. For example, the debate about whether Malaysia is an Islamic or secular state is a political shadow-play. No one familiar with the original constitutional papers will deny that a theocratic state was never in contemplation. Nor was American style secularism desired or considered desirable. Malaya, later Malaysia, sought to walk the middle path. The state should not be indifferent to, or hostile towards, religions. It must promote a tolerance that comes not from the absence of faith but from its living presence.

This imperative of moderation was even more apparent when SSS were invited to federate with Malaya to create a new, enlarged and even more diverse nation.

However, after the 1969 racial riots, the Malay features of the Constitution were enhanced. Since the 1990s the Islamic dimension of the Constitution has gained great prominence. Religious assertiveness and extremism on both sides of the divide are apparent on many issues.

Since 1969, racialism and religious bigotry have become mainstream. The bigots in all communities are relying on fears to fan hatred. Moderates are maligned as traitors to their race or religion. Most of them prefer to remain quiet and live in the shadows.

None of this is, of course, exclusive to Malaysia. Maintaining peace and harmony, engineering social justice and strengthening nation unity in plural and divided societies poses special challenges everywhere.

In some nations the melting pot ideology is employed. In others the model of a mosaic is adopted. Malaya 1957 and Malaysia 1963 settled for the mosaic approach.

Let us keep it that way. Though dark clouds loom on the horizon to challenge national unity, I believe we have decades of experience in living together in peace and harmony. Though we have regressed, we can recapture what our forefathers so painstakingly helped to establish.

This Monograph seeks to provide the constitutional basis for moderation and accommodation. It is about what you and I as citizens can do to tear down the walls of separation and re-build bridges of understanding. It is premised on the assumption that the greatness of a nation and the quality of its civilisation are based, not so much on military prowess or territorial conquests, but on the ability to live together in peace, harmony and mutual respect with fellow human beings on this big blue marble we call the earth.

Thank you again to Noah Foundation and ISIS for the launch of this simple, humble but sincere effort at finding the constitutional basis for national unity.