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Citizenship Regimes and the Politics of Difference in Southeast Asia

Lian Kwen Fee

With the exception of Thailand, independent states in Southeast Asia have evolved from territories formerly under colonial administration. Even in the case of Thailand, state-formation has been the indirect consequence of colonial encroachments. The territorial limits of these states were drawn with no reference to the extant ethnic communities. Moreover the idea of the nation-state had very limited relevance to the overwhelming majority of the local population. When political power was eventually devolved to the colonial-educated and westernized local elites, they were left with the institutional apparatus of the colonial state without a congruent nation and a collective identity. As such, the development of citizenship was not consonant with the emergence of national identity.

This disjunction between citizenship and nationalism is a feature of Southeast Asian states. This paper examines the relationship between the policy and practice of citizenship - as a necessary constituent of state-formation - and the development of national identity in three Southeast Asian societies namely, Thailand, Malaysia, and Indonesia. In doing this I do not wish to suggest that conceptions of nationhood directly and unproblematically influence the substantive practice of citizenship. Following Brubaker (1994:17):

Differences in citizenship policies and practices are not produced exclusively or immediately by differing understandings of nationhood. Of course definitions of citizenship are conditioned by state interests. But conceptions of nationhood, to adopt Weber's metaphor, have determined the tracks along which the politics of citizenship has been driven by the dynamics of interests.

In this paper, I will comparatively examine the development of citizenship regimes in the period of decolonization, using three case studies in Southeast Asia. I frame this development conceptually by linking it to the political processes of nationalism, migration, and democratization in these countries. In analyzing the trajectories that citizenship regimes have taken, I draw attention to the politics of identity and the construction of difference through the mutually exclusive categories of indigene and the 'Other' – the Chinese in all three cases.

Citizenship, nationalism, and democracy

Decolonization was neither a planned nor a gradual process. Under pressure of nationalist struggles, the transfer of power from colonial administrations to emerging local political elites was at best hurried. Independence leaders were then left to deal with the heightened expectations and demands of a multiethnic population. In Southeast Asia, governments readily resorted to authoritarian measures to deal with the political and economic instability that inevitably followed independence. The political elite who were often representatives of dominant ethnic groups used citizenship, to draw on Brubaker (1994:23), as a powerful instrument of social closure. Hence citizenship eligibility was used either as an inclusionary or exclusionary device to regulate membership of a political community with the effect of according or denying political and economic advantage to its recipients. The ethnically plural character of the societies discussed is a legacy of colonial policy in encouraging the free movement of labour within and without Southeast Asia. Decolonization devolved power to the dominant and 'indigenous' communities,

whose political representatives then granted automatic citizenship status to its members. Given the history of migrant labour in the region and the instrumental use of such labour in the economy, both the colonial and post-colonial state have adopted from time to time what Castles (1997:7) - in referring to contemporary immigration – describes as a policy of differential exclusion. Immigrants are incorporated into certain areas of society such as the labour market but denied access to others, such as welfare entitlements and political participation. Exclusion, Castles continues, may be effected through legal means (refusal of naturalization and contrasting distinctions between the rights of citizens and non-citizens), or through informal practices such as discrimination.

In this paper, I focus on the formal rather than the substantive aspect of citizenship. Marshall identified the civil, political, and social elements of citizenship (Marshall & Bottomore, 1992:8). The formal refers to the civil element, which pertains to the rights of the individual to free speech, owning property, and justice. The substantive relates to both political participation and social entitlements i.e. educational, economic, and cultural opportunities. Marshall applied his theory of citizenship to Britain from an evolutionary perspective. Civil rights were established in the eighteenth century, followed by political rights in the nineteenth century, and finally social access to education and social services in the twentieth century. I suggest that Marshall's analytical scheme is of relevance to Southeast Asian societies without its evolutionary bias. In the early stage of nation-state formation governments were occupied with issues of formal citizenship that not only involve status but also identity, membership, and social closure. Marshall's theory of citizenship was formulated in relation to social class in Britain; in Southeast

Asia any theory of citizenship should address the racial and ethnic divisions that underlie the distinction between immigrant and indigene status.

Immigration is an important consideration in any discussion of citizenship and nationhood in the region. Migration has been an inherent feature of pre-colonial and colonial Southeast Asia. In particular, Chinese immigration to the region and their settlement was critical to the trajectories citizenship/national identity had taken in the societies examined. In both Malaysia and Indonesia, 'indigeneity' is a political construct based on territory abstractly defined instead of place concretely lived (Benjamin quoted in Aguilar, 1999:314). The concept is just as relevant to Thailand. It has evolved as a political status (*bumiputra* in Malaysia, *pribumi* in Indonesia, and the cultural construction of *Tai* identity) that privileges and distinguishes local inhabitants from the Chinese because the economic influence of the latter in all three societies has periodically been perceived as a threat to the political dominance of the so-called indigenous population.

The relationship between the development of citizenship policy and practice and the formation of nation-state and national identity, the focus of this paper, is a complex one. I draw on the work of Faulks (2000:29-54) who identifies some critical issues relevant to the present discussion. Faulks argues that there is an essential contradiction in modern citizenship, which in my view both scholars and policy-makers have found difficult to resolve. On the one hand, citizenship confers on the subject an egalitarian and universal status. On the other, the emergence of the bounded nation-state since the 18th century and concomitantly the idea of an exclusive national identity/nationality have resulted in citizenship being used as an instrument of social closure. For this reason, few countries in the world have been able to come up with satisfactory solutions to

deal with, in the first place, that most societies are multiethnic and multicultural in composition, and secondly that immigration in the past as it is in the present is an inherent process in the formation of most societies. Academic discourses of citizenship have not always given due consideration to the relevance of contested conceptions of nationhood and national identity. In this sense citizenship is both a status (a source of entitlements) and identity (membership of and belonging to a community), and it is useful to maintain an analytical distinction between the two.

How do nationalism and national identity, so central to the evolution of the nation-state, influence the way in which the state conceives of citizenship status and its conferment. The modern nation-state, Smith (1988: 8-10) argues, is simultaneously a civic and ethnic concept. The civic conception of the nation treats its inhabitants as occupying a common territory, possessing a common economy, and subject to a common law and education. As a bureaucratic and economic organization, the state necessarily imposes this uniformity on the population and creates a shared rational and instrumental identity. The status of citizenship and the rights and duties associated with it is fundamental to such a civic identity. The ethnic element, while of pre-modern origin (Smith, 1988:8), undergoes a process of politicization in the course of state and nation-formation. It refers to ideas of common descent, history, and culture; and is an affective identity. Naturally, in Southeast Asian societies ethnic nationalism has been constructed around the ethnic core, the ethnic majority that inherits political power on independence. As Faulks (2000:36) comments, Smith correctly identifies the inevitable tension within the modern state between these two kinds of identity. Moreover, he continues, Smith is right to reject the argument that civic and ethnic nationalism are mutually exclusive. Civic nationalism necessarily

entails ethnic nationalism however much political elites espouse civic nationalism and vice-versa.

The interplay of civic and ethnic nationalism is consequential for the practice of citizenship. Where a civic nationalism is dominant, states take a more liberal interpretation of citizenship status and adopt an inclusive and expansive policy toward 'outsiders'. However when ethnic nationalism prevails citizenship is exclusive. While it may be argued that ethnic nationalism has been a significant influence in both Malaysia and Thailand and civic nationalism in Indonesia, their citizenship policies contain, as I discuss later, both inclusive and exclusive elements. Moreover in newly independent states such as these, state-formation (enhancing infrastructural capacity such as administration, public education, modern economy) is as important, if not more so, than nation-building (cultural-symbolic construction of collective identity and allegiance). For this reason, while Southeast Asian governments may be dominated by ethnic majorities, state elites will resort to the language of civic nationalism as rhetoric to ameliorate tensions with ethnic minorities (Brown, 2005:9). In practice, authoritarian governments will find it in their interests to promote what Brown calls a collectivist civic nationalism, even if it is for cosmetic purpose, in order to legitimate its nation-building efforts. However, this does not mean that they will neglect appeals to ethno-cultural nationalism for political reasons. Political elites in control of state power, as in the case of Thailand, sometimes find themselves having to reconstruct the civic-ethnic balance in nationhood. The ebb and flow of civic and ethnic nationalisms are inevitably reflected in inclusive and exclusive citizenship policies.

I make three points in summary. First, authoritarian regimes in Southeast Asia are likely to resort to citizenship policy as an instrument of social closure. Second, the political history of Southeast

Asian societies is marked by cycles of authoritarian-inclined regimes followed by democratic-inclined regimes. Generally, citizenship policies have been more liberal in the democratic phase and more restrictive in the authoritarian phase. Third, inclusive or exclusive citizenship policies are contingent upon the relative significance of civic or ethnic nationalism.

Any discussion of the development of citizenship and nationality should take cognizance that the state, nation, and citizenship have, as Silverman asserts (1991: 347), different origins and histories and are therefore not inherently bound to be constructed within a common formation. To these I add an extraneous variable which has been a catalyst to the interactions of state, nationalism, and citizenship. I refer to the immigrant histories of the societies concerned. Hence, divergent nationhood traditions and immigrant experiences are relevant to understanding the form in which nation-states evolve and their consequences for citizenship (Joppke, 1999:631). For example, a settler society such as the USA routinely absorbs permanent immigrants and has an expansive citizenship policy. An ethnic nation such as Germany only recruits temporary labour migrants and adopts a more exclusionary citizenship policy that is restrictive toward non-German immigrants.

The immigrant history in Southeast Asia - namely Thailand, Malaysia, and Indonesia - was different from North America or Europe. First, the major source of immigrants from outside the region was southern China, hence these immigrants belonged to one ethnic group. Second, Chinese immigration to Southeast Asia was the direct consequence of the expansion of colonial economies, in which they were able to insert themselves by cultivating an economic niche and exercising significant influence after independence. Third, their racial and economic visibility

posed a formidable obstacle to their acceptance within an evolving nation-state. This paper demonstrates the contradiction, tension, and ambiguity inherent in the development of citizenship - in Thailand, Malaysia, and Indonesia – as consequences of differing experiences of nationhood, from the late colonial period to decolonization. This was the critical years in which the foundation of the modern nation-state was laid in these countries. All three societies regarded the Chinese as the ‘Other’ and the very antithesis of what the ruling and indigenous elites conceived as a nation-state and national identity. Yet each took a different path in how they responded to a common ‘Other’ as reflected in variable citizenship regimes. These differences can be explained by linking nation-state formations to the experience and perceptions of the indigenous elite toward the Chinese. This period is also critical for it laid the basis for post-independence disputes and contestation over national identity and citizenship.

Thailand

Traditional Siamese society was an absolute monarchy and social membership was based on the principles of ruler-subject, hierarchy, and domination. Despite the visible presence of the ‘Chinese’ in Siam in the 19th century, they were not regarded as an ethnic group within the traditional monarchical state as it is conceived in the modern nation-state of Thailand today. The traditional Siamese kingdom, which depended on the mobilization and control of manpower so necessary for both the cultivation of land and the service of the military, operated the *phrai* system (Rabibhadana, 1975:95). Essentially a *corvee* labour system, the population was divided into either *nai* (masters) or *phrai* (serfs). The presence of non-Thai groups such as the Malays and Chinese, apart from the numerically dominant Thai population, did not matter as much as whether the former were assimilated into the *phrai* polity (Kasian, 1992:106-7). In this sense

traditional Siam was a non-ethnic state, and the Chinese were not regarded as foreigners but one of many migrant groups and as subjects of the Siamese King. The Chinese who settled in Siam came under the *phrai* system until the middle of the 19th century when they were given the option of not becoming *phrai*, as a consequence of labour demand in an expanding economy. This facilitated the mobility of the Chinese, who moved into trade and skilled labour and quickly came to establish their dominance in the economy.

It was not until the turn of the 20th century that the political construction and ethnicization of the Chinese began as a consequence of several developments. The rise of modern China, accompanied by both political turmoil and the spread of Chinese nationalism, resulted in the influx of Chinese immigrants and the circulation of political ideas of the Chinese Revolution amongst the local Chinese community (Batson, 1984:166). These, together with the growing economic power of the Chinese, were of particular concern to the monarchy and the Siamese ruling class. The ascension of Vajiravudh (King Rama VI) to the throne in 1910 marked the period when the concept of a Thai nation and national identity was constructed albeit elite-inspired. Vajiravudh espoused a political nationalism by referring to the 'Thai nation' as a trinity of nation-religion-king, in which all three elements were inextricably bound (Wyatt, 1984:229). He also espoused a cultural nationalism stressing an identity based on Thai values, traditions and history. The concept of nation is expressed in the Thai term *chat*, referring to common descent based on language and culture (Reynolds, 1991:23-4). In doing so Vajiravudh emphasized a clear distinction between Thai and non-Thai, namely the Chinese whom he branded as unassimilable, opportunistic, and economic parasites (Kasian, 1992:116). The political construction of a Thai identity as simultaneously national and ethnic was achieved by singling

out the Chinese as the antithesis of such an identity (Kasian, 1997:77). Despite his anti-Chinese views Vajiravudh - as subsequent governments did - realized that the collective entrepreneurial skills and labour of the Chinese were critical to the modernization of the Thai state (Kasian, 2001:189). For this reason the King offered the Chinese the possibility of assimilation and wrote in his much quoted tract, 'They (the Chinese) must throw their lots in with us *absolutely* before we accept them as one of us' (Kasian, 1997:78).

In summary, two points are worth reiterating. First, the premise of Thai nationhood was an ethnic nationalism embodied in the concept of *chat*, common descent that was culturally embedded. *Chat* as the basis of Thai national identity was to inform the application of citizenship status on non-Thai communities in the transition to the modern nation-state. Secondly, the ambivalence inherent in the official policy toward the Chinese was to be reflected in the uncertainty of the citizenship regimes that evolved over the next fifty years.

By 1910, the end of Chulalongkorn's and the beginning of Vajiravudh's reign, Siam had more or less a clearly-defined territory, instigated by colonial pressure to cede parts of Laos and Cambodia to France, some border areas in the north to Britain, and recognition of British control over several Malay sultanates to the south (Keyes, 1987:56). The modern state of Siam retained the heartland of central Thailand, the tribal areas of the north, the Lao and Khmer-influenced areas in the northeast, and the Malay-speaking areas of the south. These disparate populations were brought under the control of a modernizing and centralizing state that began as early as the middle of the 19th century. Appropriately, Siam followed the international practice of sovereign states of regarding any person born in its territory as a Thai citizen by birth (*jus soli*) irrespective

of the parents' status (Coughlin, 1960:170). The first nationality law of 1913 recognized *jus soli*. The practice of conferring citizenship status on the basis of birth in the country was implicit recognition of a civic nationalism that inevitably accompanied the early phase of state-formation. If the territorial-based modern state in Thailand was a colonial construction forced on its rulers, I suggest that the monarchical government had no alternative but to adopt the practice of *jus soli* citizenship, in accordance with western and modern political practice, to maintain its territorial integrity and sovereignty. Although *jus soli* was formally maintained until 1952, citizenship policies disadvantaged Chinese and non-Thai citizens. This discrepancy between formal and substantive citizenship will be discussed next.

In 1932 the absolute monarchy came to an end in a coup led by a loose alliance of civilian and military groups, the latter headed by an officer Phibun Songkhram who later became Prime Minister in 1939. The monarchy was replaced by a constitutional government. Although the coup was supported by an emergent bourgeoisie who were largely of Chinese origins, the new regime was wary of the Chinese becoming politically influential within a constitutional democracy (Chai-anan, 1991:68). As Chai-anan comments, 'the easiest way was simply to deny access of this group to the political process. This was possible by applying the criterion of citizenship, and it was legitimate to do so. A more serious problem was how to deal with this potential threat in the long run, since Chinese born in Thailand would one day become Thai citizens.' Following the constitutional government in 1932, Thailand's first election laws established a clear distinction between citizens of Thai parentage and all other citizens (Coughlin, 1960:177). Ethnic Thai citizens were granted the right to vote in local government and national parliament elections. Citizens whose fathers were aliens could only vote if they

satisfied additional criteria: competence in Thai language up to third year in middle school, military service, employment in government departments for not less than five years. This change in the substance of Thai citizenship reflected the policy of the new administration in actively encouraging the assimilation of the Chinese. Formally, this included the adoption of a Thai name, use of the standardized Bangkok-Thai language, a career in the state bureaucracy, and the cultivation of a Thai political patron (Kasian, 1997:78), particularly pertinent to Chinese business.

Chinese education and immigration were also curtailed. The formal distinction made of citizens of Thai and non-Thai parentage marked a shift in the concept of citizenship from a civic emphasis in nationhood to an ethnic emphasis incorporating a Thai cultural identity, as embodied in *chat*.

Phibun took over the reins of government in 1939 and for the next decade embarked on a policy of ultra-nationalism. Responsible for the name change of Siam to Thailand, he signaled his intention to unite all the Tai-speaking peoples who lived in Thailand and in Laos, Burma, and southern China (Keyes, 1987:68). He used the bureaucratic structure to shape a new Thai consciousness and nurture cultural nationalism (Chai-anan, 1991:70). His government promoted economic nationalism as a consequence of several reasons: local resentment against Chinese prosperity, significant Chinese remittances to relatives in China were seen as a drain on the Thai economy, and the growth of Chinese nationalism in Thailand (Wyatt, 1984:254). He was also in favour of abandoning assimilation as official policy toward the Chinese (Skinner, 1957:269). When Phibun returned for a second term of office in 1948, he pursued a policy of ‘containment’ against the Chinese. These included measures to restrict Chinese economic participation,

clamping down on the activities of Chinese associations and schools, and controlling the Chinese press (Wyatt, 1984:267). The political construction of ‘Chineseness’ as an alien presence in Thai society, begun in Vajiravudh’s reign, was institutionalized through state-formation under Phibun. Citizenship by *jus soli* since 1913 was terminated and replaced by a law in 1953 that granted citizenship by reason of birth only if a person had at least one Thai parent (Coughlin, 1960:171). Birth was mitigated by blood (*jus sanguinis*). This was tantamount to declaring local-born Chinese to be aliens henceforth. Restrictions on the right of non-Thai citizens to vote further tightened in the early 1950s. In the absence of having served the military or government department for a minimum of five years, they were eligible to vote only if they attained proficiency in the Thai language equivalent to the sixth year of middle school (Coughlin, 1960:178). The consequence of these legislative measures was that many second generation Chinese were either denied Thai citizenship or did not qualify to vote in elections in Thailand.

The constitutionalist coup of 1932 marked the formal transition from a traditional polity to a modern nation-state. As I referred to earlier, it was the Chakri dynasty under Vajiravudh that initiated and espoused a nationalism centred on the king and Buddhism. The benefits of constitutional democracy were promoted by the new government to undermine the legitimacy of the monarchy. It was only subsequently during Phibun’s tenure of power that the state was given a distinctive Thai character: claiming jurisdiction over Tai-speaking peoples in the region, suppressing ethnic Chinese influence in politics and the economy, and constructing Thai culture (Chai-anan, 1991:69-70). The construction of an ethnic Thai identity and its institutionalization in provisions governing citizenship status and rights during this period resulted in the merger of ethnic identity and citizenship. Hence when ethnic minority groups or individuals acquire Thai

citizenship they are said to become 'New Thai' and are required to adopt a Thai name and surname (Rhum, 1996:347). The evolution of Thai nationality since Vajiravudh's reign was concomitant with the development of citizenship. It reflected both the transition of subjects to citizens and the replacement of the sovereignty of the ruler by popular sovereignty.

In 1955, however, the Phibun administration embarked on a democratization process, lifting controls on political freedom and introducing parliamentary elections. It repudiated its containment policy against the Chinese and encouraged their assimilation. In the following year the government reverted to *jus soli* citizenship, amending the Nationality Act so that all persons born in Thailand were automatically Thai citizens (Skinner, 1957:378). This change in policy toward greater democratization and toward the Chinese has been attributed to Phibun's fear that he was in danger of losing power to his political rivals and that by the mid-fifties, fears of Chinese Communist subversion and fifth-column activities had diminished (Skinner, 1957:379).

Malaysia

Until the Second World War the British pursued a protectionist policy toward the Malays, in light of their fear that the latter could be swamped by increasing Chinese immigrants who had made significant inroads into the local economy (Emerson, 1964:174; Lau, 1991: 64). The British regarded the position of the Malay rulers as sacrosanct and resisted calls for democratization that would give political rights to the Chinese, notwithstanding the belief that colonial control of the Malay states was best maintained through the institution of the sultanate. The British announcement of plans to establish a unitary state over the Federated Malay States, Unfederated Malay States, and the Straits Settlements in a Malayan Union in 1946 was a radical

departure from British policy. Under the proposal, the sovereignty of the Malay rulers would be transferred to the British Crown. Citizenship (*jus soli*) would be automatically conferred on anyone born in the Straits Settlements or Malay states (Hill & Lian, 1995:41). Eligibility for citizenship was even extended to those who were eighteen years and over if they had resided in either territory for a minimum period and were willing to affirm allegiance to the new state. These were very liberal provisions for the overwhelming majority of the Chinese population would have qualified for citizenship (Cheah, 1978:101-2).

Several reasons have been proposed for the plan to establish the Union (Hill & Lian, 1995:41-2; Lau, 1991:70-2). First, the British hoped to rationalize the administration for the whole of Malaya that had previously operated under three separate arrangements. Second, the proposal for a common citizenship was in recognition of the contributions of the immigrant populations to the economy and to the war effort against the Japanese Occupation. The Japanese invasion had impressed on the British how difficult it was to mobilize a racially divided society in the war effort. Furthermore, charges of collaborations with the Japanese had created sufficient mistrust that the British could no longer take the loyalty of the Malay Sultans for granted. Lastly, under international pressure, Britain was committed to preparing independence for her colonies. A liberal citizenship policy reflected in official British thinking that a 'civic nationalism' was a prerequisite to achieving political progress and cohesion in the Malayan 'community'. Edward Gent, a senior official in the Colonial Office dealing with Malayan affairs, stated in 1944 that the development of a sense of common citizenship in Malaya was important as a basis for linking the various communities in the country (Lau, 1991:71). Britain's willingness to prepare Malaya for early independence was not simply altruistic, for as early as 1950 London officials accepted that

‘premature’ independence was necessary to contain nationalism (Tarling, 2004:149), presumably to protect British interests in the region for as long as it was feasible.

Malay protest against the proposed Union was spontaneous and widespread, precipitating a Malay nationalist movement under the auspices of the United Malays National Organization (UMNO). The Chinese were largely indifferent. Most Chinese, whether they were of radical or conservative persuasions, were unconvinced that the British had any sympathies for them and perceived the Union as an attempt to maintain colonial control (Lee & Heng, 2000:198). As a result of Malay opposition and the political apathy of the majority of the non-Malay population, the British abandoned the plan. Belatedly realizing that they (the non-Malays, the Chinese in particular) stood to gain from the liberal citizenship provisions and political rights of the Union, a loose alliance of English-educated intellectuals, radical Malays, several prominent Chinese entrepreneurs, and the Communist Party of Malaya fought a rear guard action to rescue the proposal (Hill & Lian. 1995: 44-47). By then it was too late, and more critically the British had no intention of entering into serious negotiations with a group that was stridently anti-colonial and supported by the communists.

Private discussions, to establish general principles for a new constitution, were held by representatives from the British government, Malay rulers, and UMNO; and a working committee was set up. In essence, the Malay representatives objected to Malayan citizenship proposed in the Union because this would mean the end of an exclusive Malay nationality and the eventual subordination of the Malay race; and argued for more restrictive conditions of eligibility for the non-Malay population. The working committee’s recommendations laid the

basis for the Federation of Malaya Agreement of 1948. The agreement excluded Singapore, which retained its status as a Crown Colony, because its inclusion would have added a million Chinese to the population of the Federation. Maintaining the principle of *jus soli*, citizenship was automatically granted to any subject, whenever born, of the ruler of any state or to any British subject born in the Straits Settlements (either Penang or Malacca) (Ratnam, 1967:76). However, others - namely the non-Malay population - were required to fulfill residential and language criteria before they qualified to be citizens. Citizenship was uncoupled from any conception of national identity. Indeed federal citizenship was conceived as a legal status for the purpose of social closure. It was estimated that over 60 per cent of the total Chinese population in Malaya in 1946 would have automatically become citizens under the liberal provisions of the Malayan Union (Cheah, 1978:102). In contrast, only 24 per cent of the Chinese in 1950 would have automatically qualified to be citizens under the Federation of Malaya Agreement (Ratnam, 1967:84) because of residential and language requirements.

Although the subjects of the Rulers were eligible for citizenship, only Malays would be given automatic federal citizenship (Ratnam, 1967:78), by virtue of *jus sanguinis*. It was specified that 'Malay' referred to a person who habitually spoke the Malay language, professed the Muslim religion, and conformed to Malay custom. This particular provision belied an ethnic nationalism that emerged in the formation of UMNO in 1946, which was reflected subsequently in the development of an exclusive citizenship regime. The Federation of Malaya Agreement in 1948 was negotiated principally between the British, UMNO, and the Malay rulers (Lee & Heng, 2000:198). Hence, the constitutional blueprint at this stage overwhelmingly favoured the Malays.

However, events took a turn in 1948 when the colonial administration declared a state of emergency in response to a spate of attacks and murders inflicted on European plantation managers by the Communists. Realizing that there was significant support from the Chinese population - particularly amongst deprived rural squatters - for the Communist cause, the British encouraged the formation of the Malayan Chinese Association (MCA) as a political alternative and to help in countering the Communist insurgency (Heng, 1988:54-55). They found in Chinese business interests the logical choice of leaders of such a political organization. As the role of the MCA expanded in the next five years, its leaders realized that its political influence in an independent state would be greatly diminished as long as a large number of Chinese remained disenfranchised (ibid:149-50). They committed themselves to fighting for more Chinese to become citizens. On this issue they found ready support from the British, who presented to UMNO that an expanded citizenship would weaken Chinese support for the Communists. More importantly, UMNO opposition to liberal citizenship provisions was finally removed when the MCA leadership agreed that in exchange it would recognize the special rights of the Malays particularly with respect to economic opportunities. Consequently, the Federation of Malaya Agreement was amended in 1952; the percentage of Chinese who became citizens grew from about 24 per cent in 1950 to 50 per cent in 1953 (ibid:153).

Political citizenship (following Marshall) in the lead up to independence and the birth of the nation dominated the racial politics of Malaya, and revolved around whether *jus soli* should be universally applied to the local population. The British had skillfully steered the constitutional process toward a power-sharing arrangement between the major races, including a tacit

understanding that *jus soli* citizenship would eventually be recognized. Until the political parties representing the major races could come to an agreement on these issues, independence would be delayed. Onn Jaffar the first President of UMNO was cognizant of this, and on the encouragement of the British took the radical step of proposing that UMNO be open to non-Malay membership. He miscalculated and was soundly defeated by Tunku, who took over the leadership of UMNO in 1951 by riding the tide of ethno-nationalism. It did not take the Tunku long to come to the conclusion that the only way UMNO could become the first independent government of Malaya was to forge an alliance with its non-Malay partners (MCA and the Malayan Indian Congress or MIC) to fight the federal elections of 1955. This required some deft negotiations between UMNO and MCA.

Both parties entered into a private agreement that citizenship based on *jus soli* would be granted to non-Malays - to be applied on or after independence – in exchange for a guarantee of special rights for Malays (Heng, 1988:206-7). As the Malays constituted over 84 per cent and the Chinese only 11 per cent of voters, the top leadership of UMNO and MCA agreed that the concession to the Chinese would not be made public to avoid alienating the Malay vote. The MCA, on the other hand, did not object to public statements on the special position of the Malays because it was confident of securing the Chinese votes on the basis of the Alliance manifesto which promised to safeguard Chinese education. In the election that followed, the Alliance demonstrated to the British that it had overwhelming support by winning 51 of the 52 seats contested (Andaya & Andaya, 1982:261). The British was now convinced that a popularly elected government was now ready for independence, which was proclaimed in 1957.

It is worth noting that in the 1955 elections the Tunku had insisted on fielding 35 UMNO, 15 MCA, and 2 MIC candidates despite the Malays constituting 84 percent of the electorate (Cheah, 2002:30). As Cheah (ibid:27) commented, the Tunku, like his predecessor and successors, followed the path “from exclusionary Malay nationalism to inclusive ‘Malayan nationalism’ “; or in today’s language, the politics of multiculturalism. As I have argued earlier, civic nationalism and ethno-nationalism are not mutually exclusive processes. In *realpolitik*, state elites manoeuvre between the two. My discussion of Alliance politics also illustrates how democratic politics tend to, though not necessarily, favour the expression of civic nationalism and nurture the development of inclusive citizenship regimes.

The Tunku’s tenure of office between 1957 and 1969 has been the subject of a recent analysis that is particularly revealing in the context of the issues discussed here. Cheah (2002:76-77) argues that ‘Malayness’ as the ethnic core of the new nation-state was framed legally and constitutionally before independence. However for the next twelve years, the Tunku’s administration moved away from this concept to a more inclusive multiculturalism and citizenship. Political citizenship was extended to non-Malays through *jus soli*; social citizenship – the right to participation and social heritage – was implemented through the continued recognition of vernacular schools which helped to preserve Chinese and Tamil cultural identity. However, the disaffection with the Tunku’s government – generally attributed to the Malay rural population who perceived themselves as no better off twelve years after independence and the glaring economic disparity between them and the Chinese – came to a head in the 1969 general elections and the race riots that followed. A declaration of emergency and suspension of parliamentary rule ushered a period of authoritarian rule and the resurgence of Malay

ethnonationalism. Citizenship rules were strictly applied, as a result of which 24 per cent of mostly Tamil estate workers found themselves without citizenship status and unemployed (Ramachandran, 1994:295). The full implementation of Malay as the sole official language by 1967 had been delayed under the Alliance government led by Tunku. After 1970 the government ordered all English-medium schools to be progressively converted into Malay-medium schools.

Indonesia

As I have sought to trace the development of citizenship within the evolution of nationhood and state in Thailand and Malaysia, the point of departure has been the presence of the Chinese in these societies. Nationstate-formation and citizenship development have inevitably been responses to this immigrant 'Other'. Indonesia is another such example. In Malaya, the colonial administration encouraged a secular nationalist movement (Milner, 1986:55) amongst the elitist group of aristocrat-administrators, in order to cultivate a moderate Malay leadership who would agree to power-sharing with the Chinese and Indian elite, as the British committed itself to a peaceful withdrawal from Malaya. The Dutch, on the other hand, had no intention of giving up the Indies voluntarily. The Netherlands, Feith (1962:2) comments, was more dependent on its colony than any other European colonial power in Asia. In 1940 it had huge investments of over \$1,400 million US in the Indies alone. Moreover, there were more than 200,000 Dutch nationals – mostly Eurasians – living in the colony in 1930. Feith suggests that this was akin to a settler-type society and a colonial relationship that was almost nonexistent in Asia. Furthermore, the Dutch had encouraged and nurtured the intermediary role of the Chinese in an economy that the former had long monopolized. Consequently, the Indonesian nationalist response to Dutch intransigence was overt, confrontational and pervasive in a way that was absent in Thailand and

Malaysia. Local resentment of foreign control over the economy continued long after independence, the Chinese bearing the brunt of it. This was to inform the citizenship status of the Chinese even to this day.

In 1854, the population of the East Indies was divided into Europeans (which included Indonesian Christians) and 'natives' (inclusive of the Chinese) for the purpose of colonial administration and jurisdiction (Coppel, 1997:567-8). However, in the following year, the Chinese and other Foreign Orientals in Java were subject to Dutch law at the request of European business interests. Yet in 1870 restrictions were imposed on the Chinese: they were prohibited from acquiring native land, required to reside in specified districts, and were not allowed to travel to other parts of the colony without a government pass. In 1920, the binary racial division was modified to include a separate category of 'Foreign Orientals' that included the Chinese. In the first half of the twentieth century, the racialization of the population was accentuated by several developments: the growth of national consciousness among Indonesians, Chinese and Europeans; the influx of European and Chinese immigrants including women to the East Indies; and the introduction of racially segregated Dutch-language schools (Coppel, 1997:574).

In 1929 the Republican Government in China passed a new act that recognized all Chinese living overseas as Chinese citizens, on the basis of *jus sanguinis*. Particular attention was paid to the Chinese living in Indonesia, with the Chinese Consul making attempts to register the local Chinese. As the Dutch entrenched themselves economically and politically in the Indies, their prestige rose as that of the indigenous elite declined (Coppel, 1983:13-15). Upwardly mobile

Chinese aspired to European status and this included conversion to Christianity (Coppel, 1997:569). In the late colonial period some Chinese were engaged in political activity to achieve parity in status with the Europeans. In the long run, these activities distanced the Chinese from the indigenous population (Skinner, 1963:109). The overall effect of colonial rule was to increase the visibility of the Chinese and the ‘racialization’ of the Chinese population vis-à-vis the indigenous population.

The end of War II and the struggle for independence led by Indonesian nationalists against the Dutch between 1946 and 1949 was a time of uncertainty and anxiety for the Chinese. Both sides cultivated the support of the Chinese. From the Dutch point of view, the Chinese were critical to the economic recovery of Indonesia after a protracted period of political and economic upheaval. Politically, the Dutch administration was keen to promote the idea of ethnic pluralism in Indonesia, which could justify its continued influence in Indonesia, and to this end the Chinese presence was essential (Heidhues, 1988:118). On the other hand the leaders of the Indonesian Republic were eager to win the support of the economically influential Chinese in the struggle for independence (Suryadinata, 1992:114). They approved an independence constitution in 1946 that automatically bestowed citizenship on all non-indigenous peoples - including the Chinese - born in Indonesia and had resided there for five years, provided they did not deliberately reject Indonesian citizenship. This was a far more liberal concession than the Malay nationalists were willing to give the Chinese in Malaya. However, like the Federation of Malaya Agreement of 1948, the Citizenship Act in Indonesia established the principle of *jus soli* for determining the citizenship of the Chinese and others of foreign descent, but the principle of *jus sanguinis* for persons of ‘Indonesian’ descent (Wilmott, 1956:22) or *pribumi*. In the event, some Chinese

supported the Dutch cause and only a small minority supported the Indonesian Revolution; the majority, however remained neutral and were encouraged to do so by the nationalist government in China (Coppel, 1976:41-2; Wilmott, 1956:19). Ultimately, the general perception was that the Chinese did not support Indonesian independence, could not be trusted, and together with their dominance of the Indonesian economy, became the basis of resentment and political agitation against the Chinese in subsequent years. Suryadinata (1992:114-15) estimated that 1.5 million of the 2.1 million Chinese in 1950 were Indonesian-born and automatically qualified to be citizens. However, the Indonesian government revealed that in the early 1950s, 390,000 local Chinese rejected Indonesian citizenship. About half of the 2.1 million Chinese in Indonesia were therefore designated aliens.

As the Indonesian nationalist movement gathered pace in the years approaching independence in 1949, its leaders espoused a civic nationalism. The Political Manifesto issued by the Government of the Republic of Indonesia declared, 'In our internal policy we intend to implement the sovereignty of our people by putting into effect citizenship regulations which will in the shortest possible time encourage all groups of European and foreign Asian descent to become true Indonesians.....'(Wilmott, 1956:55). That minorities should be treated with absolute equality and without discrimination and that a unified society was critical to the nation were views consistently articulated by most sides of the nationalist movement during the heady years of independence. Indeed the fourth principle of *Pancasila*, the founding charter and national ideology of Indonesia, refers to popular sovereignty and commitment to democracy. The significance of this principle, Feith (1962:42-2) argues, lies not so much in an affirmation of the practice of western constitutional democracy. It was, as articulated by Indonesian nationalist

leaders at that time, essential to nation-building because it would educate people to greater national and civic awareness and provide them opportunities to realize their interests.

Indonesian nationalism, McVey (1996:12) asserts, was driven by the idea of achieving modernity. A civic rather than an ethnic appeal was only appropriate to a nationalist movement spawned within the ethnically pluralistic and territorial diverse nature of Indonesian society and the competing demands of various factions in the movement. However, in later years, the liberal policy quickly gave way to uncompromising efforts to marginalize the Chinese through a series of discriminatory measures.

The so-called liberal period of constitutional democracy in Indonesia between 1950 and 1957 saw the appearance of numerous parties competing for electoral support. By the 1955 elections four major parties had emerged as the major players in Indonesian politics. The two Muslim parties, Masjumi and the Nahdatul Ulama, need not concern us here. Of greater relevance was the rightwing Nationalist Party (PNI) who directed its attention, after the revolution, to the 'Indonesianization' of the economy at the expense of Chinese and remaining Dutch interests and the pursuance of a non-aligned foreign policy (Legge, 1964:141). Its bitter rival, the Communist Party (PKI) drew its support from the labour unions and the rural peasantry, and by the second half of the 1950s it had gained substantial political influence. Significantly, the PKI had consistently defended the Chinese against racially-motivated attacks and discrimination.

Under the Ali Sastroamidjojo nationalist government 1953-55, a vigorous policy of 'Indonesianization' of the economy was pursued. In 1954, the nationalist forces within the Indonesian government signaled its intention to make it difficult for the Chinese to obtain

citizenship when it introduced a draft citizenship act. The draft proposed that Indonesian citizens of Chinese origin should actively sought to declare their citizenship status by producing evidence that their parents were born and had resided in Indonesia for at least ten years, and by making an official declaration that they rejected Chinese citizenship (Surydinata, 1992:115). Political opposition to the bill in the Indonesian Parliament was widespread and included both opposition and pro-government parties, notably the PKI (Willmott, 1961:39-40), which had close links with the communist government in China. The bill was eventually withdrawn. It was four years later that the bill was successfully introduced in Parliament. By then the conditions had changed as an increasingly authoritarian government, supported by the army, rode the tide of ethnic nationalism. By the late 1950s there was no pretence that the Chinese could share a common Indonesian nationality. Citizenship status was now an instrument of social exclusion, to be used to diminish the influence of the Chinese in Indonesian society.

The period of parliamentary democracy in Indonesia was characterized by the formation of weak coalition governments. The Chinese found themselves caught right in the middle of a bitter struggle for power between rightwing nationalists increasingly aligned with the army and the leftwing PKI. Already beset with economic problems, political infighting contributed to the deteriorating social order and bolstered movements for regional autonomy. Serious internal unrest began in Sumatra and spread to eastern Indonesia. The Chinese were partly blamed for this, exacerbating existing anti-Chinese sentiments among the Indonesian population (Vlekke, 1959:56-7). Martial law was proclaimed in 1957. Chinese language schools, which flourished during the Japanese Occupation as a consequence of the closing down of Dutch language schools, attracted enrollments from *peranakan* children. This was perceived by the Indonesian

government as a dangerous trend in resinification (Somers, 1964:19-23). A campaign was launched in 1957 to close down such 'alien' schools leaving thousands of children stranded. In 1959 a ban was imposed on retail trading by aliens outside selected regional centres. Although the ban was officially directed at alien Chinese and unevenly applied in Java, the damage was done with over 100,000 Chinese returning to China (Mackie, 1976:82-97).

The broader appeal of civic nationalism in the early years of independence was displaced by the ethnic nationalism of *pribumi*, as *realpolitik* replaced the rhetoric of revolutionary nationalism. Unlike the ethno-nationalist appeals of Thailand and Malaysia which drew on notions of an homogenous cultural identity – Thai and Malay – the ethnic diversity of Indonesia precluded recourse to particular *ethnie*. As Feith (1962:28) describes it, “The Javanese or Bugis villager could readily be brought to understand the new idea that he was an Indonesian when this was explained to him in terms of not being Chinese, European....” ‘Chineseness’ was anathema to being Indonesian in the Republic. In less than a decade - between 1949 when the Netherlands transferred sovereignty to the Indonesian Republic and 1958 when the Citizenship Act came into force – *jus soli* citizenship, captured in the spirit of Pancasila, rapidly gave way to *jus sanguinis* citizenship. Once Soeharto seized power in 1966 his authoritarian regime pressured Chinese Indonesians to repudiate their ‘Chineseness’ through a series of presidential decrees that limited the use of Chinese names, public use of Chinese language, education, and economic opportunities (Lindsey, 2005:54-56).

Conclusion

As this paper has demonstrated there is an inherent tension between the practice of citizenship and nation-state formation in the three Southeast Asian societies discussed. This stems from the belief that the conferment of status and entitlements on individuals must necessarily assume that the latter share a common cultural identity or that such an identity may eventually evolve from within ethnically plural societies. In reality, the colonial construction of such societies has resulted in the development of states without nations and governments striving to maintain the integrity of both its physical and moral boundaries after independence. What is even more distinctive about these societies is that their early modern foundation was accompanied by the large-scale movements of Chinese migrants, who rapidly accumulated economic influence under colonial auspices and became visible minorities. In the years before and after independence, the political construction of indigeneity (embodied in *chat* in Thailand, *bumiputra* in Malaysia, and *pribumi* in Indonesia) led to the distinction between the ‘original’ inhabitants from foreign ‘guests’; in order to establish the former as privileged status in the nation project. This distinction became the basis of discriminatory citizenship policies in Thailand, Malaysia, and Indonesia. The practice of citizenship during this period was formal and defensive rather than substantive and expansive.

A similar pattern in the development of formal citizenship may be discerned in all three societies. In the early years of independence, the newly formed governments favoured the practice of *jus soli* citizenship, in recognition of egalitarian and universalistic values, and modern governance. They exemplified a normative - formal but not substantive - conception of

civic nationalism, with a view toward establishing international legitimacy: a monarchy in Thailand eager to assert its modern credentials, leaders of the Indonesian Revolution motivated by the need to forge a popular nationalism, and ethnic representatives persuaded by the British to share a democratic government in a peaceful transfer of power in Malaya.

Substantively however, both Thailand and Malaysia subscribed to a narrowly conceived ethno-nationalism; the reason being that in both cases, nationalism was cultivated by a conservative 'ruling class' who promoted it as a national project. Initially instigated by the monarchy, Thai nationalism was maintained and consolidated by a military elite who, with the support of a liberal civilian faction, overthrew the absolute monarchy. Phibun promoted a state nationalism while downplaying the role of the king. In Malaya the British carefully nurtured the conservative western-educated bureaucratic elite, closely associated with the Malay ruling class, because they feared that a radical Malay nationalist movement, which had the potential to mobilize commoner/peasant support in a class-divided Malay society as well as collude with the communists, would jeopardize British interests in the region. As it turned out the conservative elite managed to mediate between the feudal aristocracy and commoners, by racializing the Chinese. They did this by promoting an exclusive *Melayu* (Malay) nationality. However, in Indonesia, nationalism took a different path. A popular nationalism was articulated by a middle class of professionals and intellectuals - many exposed to a Dutch education - who transcended ethnic and regional loyalties and were united by a common opposition to the feudal aristocracy and colonial rule.

As the holders of state power increasingly found it difficult to manage the political and economic problems of a plural society in the post-independence years, they were only too

willing to abandon the inclusiveness of a modern nation-state and a civic nationalism; and succumbed to populist but narrow ethnonationalistic appeals. Citizenship was used as an exclusionary device to curtail Chinese economic and political potency, and to this end a bias toward *jus sanguinis* emerged. Birth was replaced by blood as the basis of nationality.

The development of citizenship in these societies did not follow an evolutionary sequence in Marshall's terms. The shift from civic to ethnic nationalism was reflected in the change from an inclusive citizenship to an exclusive citizenship regime. Civic and ethnic nationalism are not mutually exclusive at any one time, they vary in emphasis. Hence, citizenship policies simultaneously contain ethnic and civic-territorial proclivities to a greater or lesser extent. The political regime that replaced the monarchy in Thailand in 1932 sought to legitimize its position by nurturing a distinctive Thai cultural identity, and to this end, curtailed the rights of citizens of Chinese descent to vote. In 1952 citizenship was only available to those who had at least one 'Thai' parent. Three years later the government reverted to citizenship as a right of birth. In Malaysia, as in Thailand and Indonesia, a mixture of birth, residence, and blood was utilized in citizenship laws and differentially applied to various population groups. A critical distinction was whether such groups were regarded as indigenous or immigrant. To make sense of the checkered development of citizenship in any of these societies requires us not only to maintain the analytical distinction between citizenship and nationalism, but also to factor in divergences in nation-making and the political history of migration. The historical association of the early Chinese migrants with the Siamese monarchy and later the Thai ruling class including miscegenation; the begrudging acknowledgement of the ruling Malay elite that the Chinese constituted an *ethnie* within a plural polity; and the deep-seated local hostility toward

noncommittal Chinese in the midst of a bloody revolution against the Dutch in Indonesia testify to the separate trajectories that the Chinese immigrant experience had taken. Their consequences have been reflected in the variable citizenship regimes of these societies.

Liberal or restrictive citizenship policies were pursued when governments had been democratic or authoritarian respectively. Phibun's first term in leading an authoritarian regime in 1939 and a subsequent attempt at democratization in 1955 had respectively resulted in restrictive and liberal policies with regard to the citizenship status of the Chinese. Power-sharing amongst the elite representatives of the three major ethnic communities in Malaysia and the practice of consociational democracy have been responsible for curbing the excesses of an exclusionary citizenship regime until 1969, before the introduction of the *bumiputra* policy which privileged indigenes and discriminated against immigrants. As Indonesia plunged into political and economic turmoil in the second half of the 1950s and moved toward authoritarianism, the citizenship laws that were passed in 1958 singled out the Chinese for blatant discrimination, to an extent not experienced in either Thailand or Malaysia.

Formal or civil citizenship dominated the politics of independence in Thailand, Malaysia, and Indonesia. It would be premature to argue that formal citizenship is no longer relevant to post-independence Southeast Asia. The Indonesia Parliament not long ago introduced a law that does away with the distinction between indigenous and non-indigenous citizens (The Jakarta post, 12 July 2006); thereby removing the need for the Chinese to obtain a court declaration that they are Indonesian nationals, and reverting to *jus soli* as the basis of Indonesian citizenship. It would also be misleading to consider formal citizenship in isolation from substantive (political and

social) citizenship as they are analytically and inextricably linked. Formal citizenship has been contentious during the independence years of all the three societies simply because the Chinese has been widely perceived as having greater access to socioeconomic opportunities relative to the local population. In Marshall's terms the Chinese had made significant progress in social citizenship by the eve of independence. While arguably it is less likely for Southeast Asian governments now to use formal citizenship as an instrument of social closure because of the increasing role of China and the Chinese in the regional/global economy, it is also unlikely that these governments will agree to full political participation for the Chinese in the near future. Marshall posits an evolutionary sequence of citizenship in Britain beginning with civil, to political, and finally social. I suggest a theory of formative citizenship in Southeast Asia would be civil, social, the final phase being political. The realization of political citizenship for all will be delayed until the other ethnic communities are perceived to have achieved economic parity with the Chinese

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