

# 200 YEARS OF CHINESE EDUCATION IN MALAYSIA

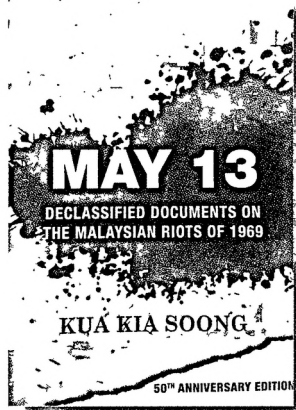
## A PROTEAN SAGA



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KUA

KUA KIA SOONG









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*A PROTEAN SAGA*

KUA KIA SOONG

PUSTAKA PERDANA



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*A PROTEAN SAGA*

By Kua Kia Soong

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**D**r Kua Kia Soong is a director/adviser of SUARAM. He was arrested under the Internal Security Act during “Operation Lalang” in 1987 and detained for 445 days without trial. Upon his release in 1989, he helped to found SUARAM (Suara Rakyat Malaysia), the leading human rights organisation in Malaysia today.

Together with other civil rights activists, he joined the Opposition Front in 1990 and was elected Opposition Member of Parliament for Petaling Jaya from 1990 to 1995. He was prisoner of conscience for a second time in 1996 when he spent seven days in prison with other activists for organizing the Second Asia Pacific Conference on East Timor which was disrupted by a mob from the ruling coalition.

He was the Principal of the New Era College, a non-profit tertiary-level institution run by the Malaysian Chinese education movement (2000-2008); Director of the Malaysian Chinese Research Centre (1985-90) and Academic Adviser to the Independent Chinese Secondary Schools (1983-85).

Kua received his BA Econ (1975), MA Econ (1976) and PhD in Sociology (1981) from Manchester University, UK where he was awarded the Needham Scholarship. He was a lecturer in Sociology at the National University of Singapore in 1978-79.

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*For my father Kua Swee Boon  
And mother Weng Soo Keng*

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I am grateful to my colleagues in the Chinese Education Movement for helping with the material for this publication. The never waning support of the community for their mother tongue education has provided the inspiration for this brief history of the struggles of the Chinese education movement of Malaysia. We are honoured and appreciative that Michael Beloff QC, counsel for our Merdeka University suit, has written the Foreword to this special 200th anniversary edition.

*“If you talk to a man in a language he understands, that goes to his head.*

*If you talk to him in his language, that goes to his heart.”*

*. Nelson Mandela*

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PREFACE

# CELEBRATING 200 YEARS OF CHINESE EDUCATION

**W**hen I first joined the Chinese Education Movement in 1983, I was truly impressed by the fact that our schools had been nurtured by the community since their inception in the nineteenth century. Indeed, this achievement by Chinese Malaysians is worthy of national pride, for there are few if any comparisons of such a community-run education system in the world.

While I was touched by the scope of this achievement, I was surprised that there was no complete account of the history of these important community schools and I was curious to know more about the periodic outbreak of controversies in the Malaysian political arena involving the Chinese schools since colonial times. Thus, I decided to research and write “The Chinese Schools of Malaysia: A Protean Saga” to enlighten others about this heritage and to record this remarkable struggle. It was published in 1985 just as our national car ‘Proton Saga’ was launched. Reviewing its history, I was inspired by the fact that the Chinese school system has come about only through blood, sweat, tears and sheer political will of the Chinese community in this country to defend their mother tongue education...truly, a protean saga!

Allow me to recap the achievements of 200 years of maintaining this mother tongue education system. The first Chinese school in the peninsula was the "School of the 5th Happiness" in Penang in 1819. While some scholars have quibbled about the fact that the first Chinese school was much earlier, this school still stands today on Lebu Chulia in Georgetown, Penang as an inspiring evidence of this 200-year-old Chinese education history.

As Chinese settlements in Malaya grew, so did the number of Chinese-medium schools. The educational reforms in China towards the end of the nineteenth century were a further impetus to the development of Chinese education in Malaya. By the 20th century, the independence of the Chinese school system was already established. Its reliance on the Chinese community itself went beyond financial autonomy since the British colonial authorities "...were so impressed by the high level of communal organisation among Malayan Chinese that they left them virtually alone to manage their own affairs." This struggle to preserve and promote the language, education and culture of the Chinese in Malaya involved the active mobilization of the whole Chinese community through the guilds and associations.

By the eve of the Second World War, the foundation of the Chinese education system up to secondary level had been laid. Mandarin was only then recognized by the colonial government as the medium of instruction in the Chinese schools. Hitherto, it had only allowed Chinese dialects to be used in the schools. In the Unfederated Malay States such as Johore, Chinese schools were almost exclusively maintained by the Chinese community since the colonial state government did not accept any responsibility in this area.

The War Years, from 1941-1945, were the darkest years for the Chinese community in general. Chinese schools were not only suspended, a reign of terror was imposed on Chinese teachers and students by the Japanese occupiers. The anti-imperialist current in the Chinese schools coupled with the bitter war between Japanese fascism and Chinese nationalists in mainland China explained the extreme cruelty meted out by the Japanese occupiers towards Chinese school teachers and students.

After the war, the colonial government went about to forge a "unified system of education" in an effort to do away with non-Malay-medium education. The declaration of Emergency in 1948

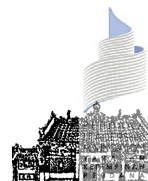
enabled the Colonial Government to control the Chinese schools more easily. In 1950, the Barnes Committee was set up to inquire into Malay vernacular education but it went beyond its terms reference to propose the abolition of separate vernacular schools and their replacement with a single National-type school system using only English and Malay. At the same time, another committee (Fenn-Wu) was appointed to look into Chinese education in Malaya in 1951. In contrast to the Barnes Committee, it reported in favour of the Chinese school system, stressing that this system was totally consistent with the building of a Malayan national consciousness.

The Fenn-Wu Report did point out the weaknesses in the Malayan Chinese education system, such as the shortage of qualified teachers, facilities and equipment and recommended a hefty increase in government subsidy to the Chinese schools. At the time, the Chinese community still had to bear about 90 per cent of the total cost of Chinese education.

The subsequent 1952 Education Ordinance adopted almost wholesale the recommendations of the Barnes Report and only a token gesture was made to the Fenn-Wu. It laid down National Schools as the norm while Chinese and Tamil schools were not recognised as part of the national system. Mandarin and Tamil would only be taught in the National Schools if at least 15 pupils in any standard requested it. This was the harbinger of the P.O.L. (Pupils' Own Language) classes.

The Barnes Report brought together all the Chinese associations in opposition to it. Public meetings in associations and Chinese Assembly Halls were held to discuss the government legislation. This community response set the pattern for the future. This issue brought Jiao Zong (the United Chinese School Teachers' Association) to the fore and thenceforth, it began to play a prominent role in the affairs of the Chinese community.

In 1953, the pinnacle of the Malayan Chinese education system - Nanyang University at Singapore - was achieved. It received



inspiring support of Chinese Malayans of all classes - from the tycoon to the trishaw rider. In 1954, another important organisation came into being - Dong Zong, or, the United Chinese School Committees Association. This was a significant organisational development in the administration of the Chinese schools. Jiao Zong and Dong Zong (better known as Dong Jiao Zong) became two associations which have received non-sectarian support of the whole Chinese community up to the present day.

By 1957, there were already 1350 Chinese primary schools and 86 Chinese secondary schools in the country.

The issue of Chinese education spilled over into the newly Independent Malaya as the Razak Report was legislated in the 1957 Education Ordinance. The controversy surrounding the status of Chinese vernacular education in the national education system and several specific issues led to student unrest throughout the country and was reflected in the defeat of the Alliance candidate at the Menglembu by-election in November 1957.

Consequently, the 1957 Education Ordinance was reviewed by the Rahman Talib Review Committee in 1960. The Rahman Talib Report made recommendations which brought instant protest from the Chinese community. The most important of these was that partial government aid to secondary schools would cease as from 1 January 1962 and only full assistance would be given to schools which had converted to National-Type. Those which refused to comply would be left outside the national education system. Furthermore, public examinations could only be held in two languages: English and Malay.

The main criticism of the Talib Report was that it had violated the principles, policy and spirit of the Razak Report as well as the Constitution and was therefore ultra vires. The Rahman Talib Committee was only meant to be a review committee and had no jurisdiction to effect any fundamental changes to the Razak Report.

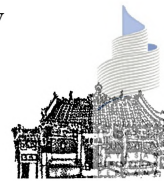
The resultant Education Act of 1961 incorporated the proposals of the Rahman Talib Report but there was a further section 21(2) which made even the existing Chinese primary schools liable to be converted to English/Malay-medium schools at the stroke of the Minister of Education's pen. Because the national-type primary schools were the life-line of all the Chinese Secondary Schools, section 21(2) of the 1961 Act represented a serious threat to the existence of the Malaysian Chinese school system as a whole.

Due to financial constraints, more than half the Chinese Secondary Schools in the country had little choice but to comply with the ultimatum and they converted to English-medium 'National-Type'. The rest - about 14 at the time - refused to give in and hence became the first "Malaysian Independent Chinese Secondary Schools" (MICSS) in 1962.

After 1969, there was an upsurge in enrolment in Chinese vernacular schools especially with the launching of the Revival Movement in 1973. This has been widely recognised as a response to post-1969 government policies and many English-educated Chinese parents also began to send their children to Chinese-medium schools. Before long, there were 60 MICSS in total.

Since the Nineties, the 1,285 or so Chinese primary schools and 60 Independent Chinese Secondary Schools have not been allowed to increase in number despite the doubling of the ethnic Chinese population compared to 1957. The increasing numbers of Non-Chinese pupils in the Chinese-medium primary schools (nearly 100,000), effectively means that the shortage of Chinese schools is today rendered even more acute.

Celebrating such an event is an opportunity to share this heritage with our Malaysian brothers and sisters and to show how this is an essentially Malaysian accomplishment. Apart from the contribution of our schools to nurturing good citizens and productive human resources for the country, the country



should know the facts regarding the resources the community has contributed to subsidize Malaysian education all these 200 years. Since our Chinese schools are attracting the enrolment of Malay, Indian and other non-Chinese pupils numbering nearly 100,000 today, this makes such sharing all the more important.

Even as we celebrate our achievements, it gives us the occasion to stock take. Unfortunately, the status of mother tongue education is still not secure in this country even after the new Pakatan Harapan government took over in 2018. The Education Act 1996 does not give legal backing to Chinese or Tamil schools in this country.

Overcrowding is a serious problem in all the Chinese schools since the Government does not allow the establishment of new Chinese schools despite the ever-increasing demand with population growth. Large classes pose a major obstacle in any attempt to provide quality education. Class size exceeding fifty pupils is common in all the Chinese schools. There is also the perennial problem of teacher shortage which is compounded by the fact that the Government does not recognise the MICSS school-leaving certificate. The twenty-first century requires a quality of education that can equip our students with the new skills to flexibly meet the new demands in the years ahead.

Thus, by celebrating 200 years of Chinese education in our country, we are reminding the government of the enormous contribution of our different mother tongue education systems to the cultural wealth of our society.

\*12 August 2019

# FOREWORD

*By the Honourable Michael J Beloff QC, former President of Trinity College, Oxford, Treasurer of the Honourable Society of Grays Inn and Counsel for Merdeka University Bhd in the suit against the Government of Malaysia, 1981/82*

I have been in active practice at the Bar for over 50 years and have appeared in more than 450 reported cases in the Courts of England and Wales, the European Court of Human Rights and the European Court of Justice. Among the ten other Commonwealth jurisdictions, I have no doubt that the Merdeka University case was the most interesting and arguably the most important case in which I have ever appeared.

The emotions stirred by the case resulted in a threat to my life, taken sufficiently seriously to cause the Lord President to make a public statement that in representing the appellant, I was merely fulfilling my professional duty as an advocate and to cause my opponent the then Attorney-General to organize comprehensive protection for me. I was grateful that the recorded judgement of my submission that it would be "unconstitutional" for the Government to refuse a private University the right to use the Chinese language as the medium of instruction, was expressed "vigorously not emotionally".

Beneath the surface of the rival submissions, there lay a debate, reflected in many countries with an ethnically and linguistically diverse population of, on the one hand, the importance of a national language as a unifying factor and, on the other, the importance of maximising the rights of minorities to use their own mother tongue in the absence of a compelling reason to deny them.

In purely legal terms, what divided the majority from the minority in the Merdeka case was the emphasis placed on different words in the key constitutional provision namely Article 152(6), which prohibits the use of any language other than Bahasa for "any purpose of the Government, whether Federal or state, and includes any purpose of a public authority"; the italicized phrase was itself defined in Article 160(2) as "a statutory authority exercising power vested in it by federal or state law." The majority stressed the word "authority", the minority the word "powers".

The fact that the distinguished Federal Court split 4-1 with the majority being all Malay and the sole dissenter being Chinese cannot and should not be taken as any indication of a departure, on either side of the divide, from the highest judicial standards of intellectual integrity or independence. It is, rather, a reminder that when judges, in any jurisdiction have to fulfil their role in interpreting constitutional provisions with a deep policy content, they necessarily act as persons influenced by their own cultural context and values, as we are belatedly coming to recognize in the United Kingdom with the coming into force in 2000 of the Human Rights Act.

Inspired by my involvement in this seminal case, I delivered a lecture to the Law School of University College, London (subsequently published in the journal *Current Legal Problems* 1987 entitled, "Minority Languages and the Law"), which explored the different ways in which legislatures and courts had up till then dealt with this acutely sensitive issue in their particular countries.

At first blush, the proposition that a private university could be a public authority would seem counter intuitive. The Chinese educational bodies which mounted the challenge had commissioned a supporting opinion co-authored by such legal luminaries as Professor Sir William Wade QC and Sir Peter (later Lord) Rawlinson QC, himself once an Attorney-General of England and Wales. Unhelpfully their view was dismissed in a single sentence, and

without any reasoning, the case was ultimately decided against my clients.

But the decision of the Federal Court is the law and must remain so unless and until (if ever) the relevant provisions of the Constitution were amended so as to remove the basis for the restriction. In 1978, the ability to make appeals from the Federal Court to the Privy Council on constitutional cases was terminated and any application for leave to appeal would have been, in the then Attorney-General's words "an exercise in futility". How hypothetically the Privy Council would have decided on such appeal can therefore be no more than an exercise in somewhat profitless speculation. But I did mention the decision to my friend and mentor Sir Thomas Bingham, later holder of the triple crown of successively the posts of Master of the Rolls, Lord Chief Justice, and Senior law Lord, and he expressed the view, entirely informally of course, that there were at the very least cogent arguments in favour of the putative university.

There is nonetheless the unresolved and much disputed issue as to the reach of the judgment itself. Does it mean that Chinese primary and secondary schools which use Chinese as the medium of instruction (and their Tamil analogues) are also operating unconstitutionally? I have read articles and speeches which express diametrically opposed views on this issue, always vigorously, and sometimes emotionally. I would make four points:

First, the Federal Court nowhere said that its judgement cast any doubt on the constitutionality of vernacular schools. Secondly, the only judicial dictum that I have found on this issue said unequivocally, "there is nothing unlawful in allowing Chinese or Tamil schools to continue" (Public Prosecutor v Mark Koding Mohammed Azmi J). Third, whether viewed through the lens of "authority" or "power", there are obvious differences between the functions of a university on the one hand and a school on the other, which suggest that a read across from one entity to another would be



## FOREWORD BY MICHAEL BELOFF QC

*“Kua Kia Soong, whose commitment to the cause has been displayed in action and not mere words, has done a service by bringing with skill and scholarship the epic history of the Chinese schools’ movement to a wider audience. I am privileged to have been invited to provide this foreword.”*

*“The author, a trained social scientist, is closely associated with the activities of the Chinese educationists and cultural organisations in Malaysia. He is therefore placed in an excellent position to undertake this study.”*

*- Prof. Gwee Yee Hean*

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*Years of Chinese Education in Malaysia: A Protean Saga* by Kua Kia

Soong is the latest and fifth edition of his 1985 title. It was and still is, the first full-length book on the history and politics surrounding the Chinese-medium schools in Malaysia. It has since been in constant demand because of the interest in this unique community-run mother tongue education system. With more than 1,280 primary schools, 60 Independent secondary schools and three tertiary-level colleges, the Malaysian Chinese education system has few comparisons in the world. Their school-leaving Unified Examination Certificate is today recognized all over the world except in Malaysia.

From their birth more than 200 years ago, these schools have been steeped in politics since they have had to struggle against state attempts to impose a mono-lingual education policy in the country. Thus, some aspect or other of the Chinese schools has featured in almost every general election since Independence. Their survival to the present day is a veritable “protean saga” and a truly Malaysian achievement.



Kua Kia Soong is a director of the human rights organization SUARAM. He was Opposition MP for Petaling Jaya (1990-95), Principal of the community-funded New Era College (2000-2008), Director of the Malaysian Chinese Research Centre (1985-90), political detainee under the ISA (1987-89), lecturer at the National University of Singapore (1978-79). He studied for his BA Econ (1975), MA Econ (1976) and PhD in Sociology (1981) at Manchester University, UK

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