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Malaysia's 1996 Education Act: The Impact of a Multiculturalism-type Approach on National Integration

Noriyuki SEGAWA

This paper examines how Malaysia's 1996 Education Act, which is based on a multiculturalism-type approach, has influenced ethnic polarization in primary and secondary education. This is done through research on the enrolment trend of Chinese Malaysians. Most Chinese have not regarded the Act as an expression of a multiculturalism-type approach but rather as a continuation of the assimilationism-type approach that had been practiced since 1961. This is due in part to many ambiguities in the 1996 Act and in its implementation. The Act has, therefore, not influenced Chinese enrolment trends to any notable extent. The Act and its many ambiguities have not worsened ethnic polarization either nor has it had much impact one way or another on national integration.

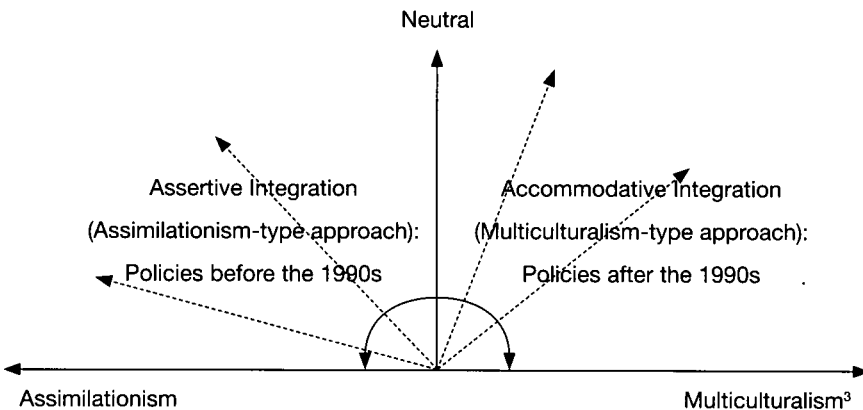
Keywords: Malaysia, 1961 Education Act, 1996 Education Act, comparative analysis, Chinese Malaysian, Chinese community, ambiguities, impact, multiculturalism-type approach, national integration, assimilationism-type approach, ethnic polarization, relationship.

Introduction

Since gaining independence in 1957, Malaysia's government has been experimenting with various ways of creating a national identity that would unite Malaysians of different ethnic and cultural background. In a speech made on 29 April 1997, former Prime Minister Mahathir Mohamed (1997*b*) reiterated that imbuing Malaysians with a sense of common and shared destiny via initiatives such as Vision 2020 promulgated in 1991,¹ was one of the nation's most critical objectives. Current Prime Minister Abdullah Badawi has also noted the importance of enhancing national unity through analysing existing strategies and approaches (*New Straits Times* 4 October 2004).

Until the end of the 1980s, the thrust of Malaysian socio-cultural policies was assimilative in orientation. Over time, Malay identity had advanced as the prescribed centre for Malaysia's national identity, and indeed, the 1971 National Culture Policy was based on Malay culture and Islam.² However, Chinese resistance to the policy's assimilative character was strong, and a substantively national culture had not been formed. The government did expect strong non-Malay resistance, and while it continued to promote Malay-centrism, it nevertheless acknowledged to an extent the cultural autonomy of ethnic minorities. For example, not only Malay but also Chinese and Tamil are recognized as languages of instruction in primary education within the National Education System despite Section 20 of the Rahman Talib Report of 1960 that noted that "it is not possible, within the framework of a policy which is truly national, to satisfy completely all the individual demands of each cultural and language group in the country". Policies implemented before the end of the 1980s can therefore be placed somewhere between neutral and assimilationism on the given dimension (Figure 1). These may also be understood to seek assertive integration (using an assimilationism-type approach) in contradistinction to assimilation.

Figure 1
Fluctuation Band of Socio-cultural Policies in Malaysia



Source: Segawa 2005, p. 83.

In the beginning of the 1990s, the government expanded the level of cultural autonomy enjoyed by ethnic minorities on account of certain factors: the government's assertive integration policies came to a standstill; the human rights movement on the international stage was gaining in prominence; the loss in Chinese votes in the 1990 general election had to be recouped; and the growing significance of the economy in China had to be accommodated. In line with Vision 2020, which affirmed that "Malaysians of all colours and creeds are free to practise and profess their customs, cultures and religious beliefs and yet feeling that they belong to one nation" (Mahathir 1997*a*, p. 405), socio-cultural policies appeared to shift towards multiculturalism in orientation. Mahathir also mentioned the need for such a shift (Mahathir 1996, p. 31).

In practice, however, the governments has not managed to fully recognize the cultural autonomy of minorities and signs of policy movement towards multiculturalism have been few. The government's policies cannot therefore be described as multiculturalist, but are best placed between neutral and multiculturalism (Figure 1) and defined as being accommodative integration (using a multiculturalism-type approach) in contradistinction to multiculturalism.

When accommodative integration policies are compared to assertive integration ones, it is possible to observe a shift in the degree to which Malay-centrism or the cultural autonomy of minorities played a role in policymaking. In short, it can be argued that the government indicated incipient ideological shifts towards national integration in the early 1990s.

Some policies were apparently well received by the Chinese, as argued by Ong (2004, p. 192) who claimed that Vision 2020 provided non-Malays with hope that they would in time be treated as full citizens, and their cultural autonomy would be fully recognized. This shift has the potential of effectively reducing tensions between the government and non-Malays in particular the Chinese community and hence contributing to social stability. However, to what extent an ideology located on a multiculturalist scale (accommodative integration and multiculturalism) can influence national integration

remains to be seen. On the one hand, there is a possibility that by expanding the cultural autonomy of minorities, ethnic polarization will widen and end in national disunity. On the other hand, it is argued that "unity in diversity" based on harmonious apartness is possible.

This paper examines the impact of the shift towards multiculturalism through the study of a specific legislation. The 1996 Education Act, which was an amendment of the 1961 Education Act (an assertive integration policy), softened government control over educational institutions using non-Malay as a medium of instruction, and can therefore be considered an accommodative integration policy. As language is one of the strongest elements of ethnic identity, educational institutions using Chinese as a medium of instruction are regarded as one of the bastions for the preservation of Chinese culture and identity, and therefore as a hindrance to national integration. Zamani (2002, p. 204) argues that separate Malay, Chinese, and Tamil primary schools have helped divide the country as a whole. Therefore, Chinese enrolments in national-type⁴ Chinese primary schools (SRJK-C: *Sekolah Rendah Jenis Kebangsaan Chinese*) and Independent Chinese Secondary Schools (ICSS) where Chinese is a medium of instruction function as a barometer of Chinese identity, of resistance to government's assimilative policies and consequently of ethnic polarization that leads to national disunity. Chan (2004) argues that ethnic polarization in primary and secondary education may perpetuate ethnic polarization. Thus the impact of the ideology shift will be examined through an analysis of ethnic polarization in primary and secondary education as revealed in Chinese enrolment trends since the implementation of the 1996 Education Act. It is hoped that the limitations of multiculturalist-oriented policies in facilitating national integration in Malaysia can be more clearly understood.

The Relationship between Multiculturalism and National Integration

Gellner (1983) claims that nations tend to emerge from homogeneous cultural units, while Smith (1986) asserts in similar fashion that

national identity is strongly based on the dominant ethnic community. Both seem to downplay the possibility of accommodative integration policies and multiculturalism in fostering national identity and integration. Huntington (2004, p. xvi) states that the requirement for a common culture in the forging of national identity has been undermined by the doctrines of multiculturalism and cultural diversity. Additionally, Lasch (1995, pp. 17–18) believes that multiculturalism would lead to national collapse while Schlesinger (1993) warns that it could cause ethnic upsurge and result in national disunity.⁵ What seems to be a common idea is that an ideology located on a multiculturalist scale is not conducive to national integration and may have a negative impact on national identity.

By contrast, advocates of multiculturalism see the concept of “unity in diversity” as an effective tool for national integration. Anderson (1983) purports that a nation is an imagined political community because members will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each of them lives the image of their communion. As such, even if the government recognizes the cultural autonomy of minorities, which may subsequently result in ethnic polarization in socio-cultural aspects, nationhood can still be imagined and national integration attained as long as there are shared values to bind the diverse population. Put simply, loyalty to the state and its governing principles can potentially serve as preconditions binding all ethnic communities together.

This perspective is supported by Brown (2000, p. 128) and Cobban (1945) who have purported that ethno-cultural diversity can be more effectively accommodated when individuals direct their loyalty to the state rather than to their ethno-cultural groups. As such, ethnic diversity and multiculturalism will not be problematic in fostering national identity as long as people are loyal to the state. In Malaysia, political loyalty to the state is recognized as an important factor in fostering “unity in diversity”. For example, Vision 2020 suggested that united Malaysian nation be “made up of one *Bangsa Malaysia* (Malaysian nation) with political loyalty and dedication to the state”

Table 1
Ideological Types of Socio-cultural Policies

	Source of National Identity	Recognition of Minority Cultures
Assimilationism	Malay Culture	Not Recognized
Assertive Integration	Malay Culture (Non Cultural Source)	Partly Recognized
Accommodative Integration	Non Cultural Source (Malay Culture)	Partly Recognized
Multiculturalism	Non Cultural Source	Fully Recognized

Source: Author.

(Mahathir 28 February 1997*a*, p. 404) while it guaranteed that “Malaysians of all colours and creeds are free to practise and profess their customs, cultures and religious beliefs” (Mahathir 28 February 1997*a*, p. 405). In fact, the concept of creating one cohesive *Bangsa Malaysia* living in harmony and fair partnership is an integral part and ultimate objective in Vision 2020.

Myrdal (1962, p. 3) purported that the principles of liberty, equality, democracy, individualism, human rights, the rule of law, and private property have unified the diverse ethnicities in the United States. Indeed, some observers have identified these principles as key elements in American identity (Huntington 2004, p. 67). These have been regarded as an important reason why the United States is still a coherent nation despite its varied multiethnic social complexion. In Malaysia, parties such as the Democratic Action Party (DAP), the *Parti Islam Se-Malaya* (PAS) and the *Parti Keadilan Rakyat* (Keadilan) oppose Malay-centric politics practised by the *Barisan Nasional* (BN), the governmental coalition party consisting mainly of the United Malays National Organization (UMNO), the Malaysian Chinese Association (MCA), and the Malaysian Indian Congress (MIC). Many Malaysians also object to the BN’s communal principles as demonstrated through the significant support to oppositional parties in the general elections.⁶ Thus it cannot be said that the BN’s principles are strongly shared by all Malaysians.⁷ However, Malaysia

does have a national ideology, *Rukunegara*, promulgated after the 1969 riots. Its philosophical principles include Belief in God, Loyalty to King and Country, Upholding the Constitution, Rule of Law and Good Behaviour, and Morality. However, it is likely that *Rukunegara's* first two principles are not easily accepted by the Chinese community since God could be taken to mean Allah and the King is generally thought to be a champion of Muslims. This collection of principles was put together by the BN and does not necessarily reflect the view of all Malaysians, and can apparently not be a nexus for binding them together.

Malaysia has had none of the two preconditions discussed earlier for the creation of a national identity through "unity in diversity".⁸ The inculcation of loyalty to the state is still in its infancy. Active support for the *Rukunegara* is still weak. Therefore, the concept of "unity in diversity" is tenuously held and further ethnic polarization would result in communalism and disunity. As such, the shift towards accommodative integration and multiculturalism in Malaysia will, as argued by Muzaffar (1989, p. 281) and Wan (1983, p. 111), operate negatively on national integration.

Sustained economic growth may be an effective factor in fostering national identity and integration. Malaysia's economic growth has hovered around 10 per cent on average since the mid-1980s until the 1997 Asian crisis. This has reduced the economic gap between ethnicities, and ethnic tensions have stabilized. Sustained growth brings about a common sense of achievement among all Malaysians irrelevant to ethnicities and prompts the rise of a new spirit of success, *Malaysia Boleh!* (Malaysia is able), a slogan that is widely propagated. In addition, growth has generated a new middle class that is multiethnic in composition and new patterns of inter-ethnic action (Abdul Rahman 2001, p. 61). However, the attendant reliance on sustained growth can be unhealthy.

Comparative Analysis of the 1961 and 1996 Education Act

In December 1995, the Malaysian Parliament replaced the 1961 Education Act with the 1996 Education Act. The 1996 Act repealed

Section 21(2) of the 1961 legislation that gave the Minister of Education the power to convert national-type primary schools (SRJK: *Sekolah Rendah Jenis Kebangsaan*) using non-Malay as a medium of instruction into national primary schools using Malay (SRK: *Sekolah Rendah Kebangsaan*). It was generally understood that this section was an obvious reflection of assimilationist thinking. Also, Section 20 of the Rahman Talib Report, the intellectual basis of the 1961 Act, stated that "it is not possible, within the framework of a policy which is truly national, to satisfy completely all the individual demands of each cultural and language group in the country". The implicit assumption was that Chinese education was detrimental to the fostering of national identity and the achieving of national integration.

Section 21(2) of the 1961 Act, which had threatened the existence of a primary education using non-Malay as a medium of instruction, was a main source of tension between Chinese educational organizations such as the United Chinese School Committees' Association (UCSCA: *Dongzong*), the United Chinese School Teachers' Association (UCSTA: *Jiaozong*)⁹ and Chinese-based opposition parties such as DAP¹⁰ on the one hand, and the government on the other (Kua 1992, p. 132 and Loh 1984, p. 110). Since the UCSCA and UCSTA were geared towards maintaining and developing Chinese education, they strongly protested against the 1961 Education Act, in particular Section 21(2). The government also recognized by the late 1980s and early 1990s that if Section 21(2) was not repealed, it would suffer an electoral backlash (Kua 1992, p. 132). The repeal of this section in the 1996 Act can thus be understood as the government giving in to pressure from the Chinese community on the issue of Chinese education.

Section 16 of the 1996 Act provides for three categories of educational institutions in the National Education System, namely government ones, government-aided ones and private ones. This means that the 1996 Act recognizes the existence of ICSS, whose existence was ignored in the 1961 Act.

Although Section 16 of the 1996 Act can be interpreted as beneficial to Chinese education at first glance, the act also possesses some negative aspects. For example, it allows the government to easily control ICSS through placing these institutions within the ambit of the National Education System. In fact, the Minister of Education acknowledged that the state would have more control over private schools when he presented the 1996 Act in Parliament.¹¹ Indeed, Section 76 of the 1996 Act allows the Minister of Education to regulate the supervision of and control over the standard of education in ICSS. Since Section 74 of the 1996 Act dictates that ICSS complies with National Curriculum requirements and prepares pupils for prescribed examinations such as the Malaysian Certificate of Education (SPM: *Sijil Pelajaran Malaysia*) and Malaysian Higher Certificate of Education (STPM: *Sijil Tinggi Pelajaran Malaysia*) set in Malay, the Unified Examinations which are set in Chinese for students in ICSS and serve as an alternative to public examinations may be undermined.¹² These sections may also result in ICSS losing autonomy.

It is also worth noting that the treatment accorded ICSS by the government is still different from how it treats national secondary schools (SMK: *Sekolah Menengah Kebangsaan*) that uses Malay as a medium of instruction, despite the fact that both are included in the National Education System. For example, Section 31 of the 1996 Act directs the Minister of Education to establish and maintain only national secondary schools and Section 64 dictates that the Minister of Education does not give any financial assistance to ICSS. In addition, the Unified Examination certificate has not been approved as a qualification for entry into local public universities financially supported by the government whilst a certificate of public examinations has been.

Of concern to the Chinese community is a section of the 1996 Act which highlights the national language (Malay) as a main medium of instruction even though this reference was not included in the 1961 Act. Section 17(1) of the 1996 Act states that the main medium of instruction in all educational institutions except for

national-type schools established after 1996¹³ or other educational institutions exempted by the Minister of Education shall be the national language. This implies that the national language may be used as a medium of instruction in every educational institution¹⁴ and provides the government with the legal right to terminate education in non-Malay medium. Section 17(1) is thus as threatening as Section 21(2) of the 1961 Act which allowed non-Malay primary schools to be converted into Malay primary schools at the discretion of the Minister of Education.

Even though Section 17(1) of the 1996 Act could still threaten the continued existence of Chinese education, the government's attitude to the existence of Chinese primary education seems to have become more lenient. In comparison to Section 21(2) of the 1961 Act under which the government had the authority to abolish national-type primary schools at any time, Section 17(1) does not directly refer to the abolition of non-Malay primary schools. Mahathir also argued that the government did not plan to eliminate Chinese educational institutions (*New Straits Times* 15 March 2002). It appears that the government has slightly softened its attitude towards Chinese primary education as demonstrated by the elimination of Section 21(2), which had been a crucial point of dispute between the government and the Chinese community. While this in itself may not be said to represent a shift towards multiculturalism, it does constitute a compromise with the Chinese education lobby.

Some sections of the 1996 Act have been more ungenerously interpreted to reflect the government's aim to pressure the ICSS to convert into national secondary schools. Indeed, even though the Minister of Education gave assurance for the continued existence of ICSS, this is not written into the Act (Tan Liok Ee 1997, p. 293 and 2000, p. 245). However, it can be understood that the government's recognition of ICSS by Section 16 is a concrete compromise on Chinese education at the secondary level. There is relief from the need to defend Chinese primary education, which amounts to a guarantee of the existence of ICSS. As much as 97.8 per cent of

ICSS enrolments had a primary education in Chinese schools (Tan Liok Ee 1988, p. 68), and the 1996 Private Higher Education Institutions Act (PHEIA) also supports the ICSS. As a result of its enforcement, many private universities recognizing a certificate of the Unified Examinations as entrance qualification (which local public universities do not) have been established. More importantly, the establishment of the New Era College, Southern College, and Han Jiang College using Chinese as a medium of instruction were also approved.

Some advancement towards accommodative integration can be found in the 1996 Act. In short, it represents a step towards a multiculturalism-type approach, even though the perception persists that concessions have been largely superficial.

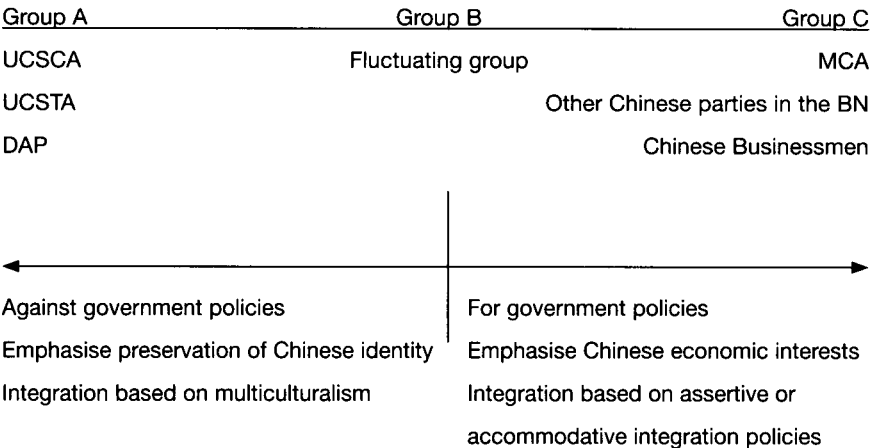
Typologies within the Chinese Community and Chinese Enrolment Trends

In general, Chinese Malaysians have common concerns such as equitable access to economic and educational opportunities, the future of Chinese educational institutions and the maintenance of a multiethnic nation (Lee Kam Hing 2004, p. 178). However, Tan Chee Beng (1988, pp. 149–55) divides Chinese communities into three categories based on accommodation of Malay culture and depth of Chinese identity (Figure 2). Group A is numerically small but the leaders as represented by the UCSCA, UCSTA, and DAP exert a powerful influence in shaping Chinese opinion (*ibid.*, p. 154). They suggest that Chinese culture should be preserved through the upholding of democratic ideals as a basis of multiculturalism that emphasizes human rights and a full recognition of the cultural autonomy of minorities. Such an approach is believed to be the *sine qua non* of national integration (Kua 1990, p. 13) although some Malay leaders view it as Chinese chauvinism threatening national integration (Freedman 1998, p. 260). As such, government policies that are considered to have an eroding effect on Chinese culture and identity are resisted. The government's national system

of education, which mainly uses Malay as a medium of instruction, has been resisted and it has been instead advocated that the Chinese should be educated in Chinese primary schools and ICSS so as to maintain and develop their culture. This group is single-mindedly concerned with Chinese interests and identity, and hence strongly opposes the 1996 Education Act on the grounds that it does not fully recognize Chinese cultural and educational autonomy (Figure 2).

Instinctively, most Chinese belong to Group B, although they nevertheless tend to be sympathetic towards Group A. They recognize the need to adapt to the social, economic and political environment in Malaysia (Tan Chee Beng 1988, p. 153). In terms of education, they wish to preserve Chinese schools and send their children to Chinese primary schools, although the majority reluctantly send their children to national secondary schools which generally provide better educational and job prospects than ICSS

Figure 2
Typologies within the Chinese Community



Source: Based on data from Tan Chee Beng, 1988.

(Crouch 1996, p. 161). In short, Group B appears not to have adopted a firm position with respect to the 1996 Education Act (Figure 2).

Group C consists largely of Chinese community leaders from MCA, other Chinese parties in the BN such as *Gerakan Rakyat Malaysia* (Gerakan) and prominent Chinese businessmen who support the BN system. The MCA officially states that "our basic stand is that any provision which could lead to a change in the characteristics of Chinese primary schools or detrimental to the existence and development of Chinese education must be abolished."¹⁵ On the other hand, they seem to believe that acquiescence to UMNO is a more effective means of maintaining Chinese cultural autonomy. The MCA's official statement for developing Chinese education has been cynically regarded as merely a means of attracting Chinese votes during elections (Heng 1996, p. 52). Therefore, they have been accused of not representing Chinese interests (Mead 1988, p. 31) and are not likely to have much influence within the Chinese community (Tan Chee Beng 1988, p. 154). Significantly, they are strongly concerned with socio-economic advancement rather than the preservation of Chinese culture or identity (Tan Chee Beng 1988, p. 153). In other words, they are willing to accept dilution of the Chinese cultural identity as long as their economic interests are guaranteed. Some Chinese businessmen who have cultivated political links with the Malays¹⁶ are completely at odds with the approach of Group A (Figure 2). They believe that the long-term interests of the Chinese depend on advancing non-communal politics (Tan Chee Beng 1988, p. 152), and are willing not to send their children to Chinese primary schools and ICSS as long as Chinese is taught as a subject and their children have equal rights and opportunities with other students in national primary and secondary schools. Not surprisingly, they are not strongly critical of the 1996 Education Act.

Almost all Group A Chinese have been sending their children to Chinese primary schools and ICSS even before the 1961 Education Act was amended in 1996. Organizations in this group are not

likely to change their position. By contrast, most Group C Chinese send their children to national primary and secondary schools and are unlikely to change their stance as long as the BN system is preserved. In short, these stances have not been strongly influenced by the implementation of the 1996 Act. At the same time, the extent to which the 1996 Act has had an impact on enrolment trends in Group B is significant.

Most Group A and B Chinese, and perhaps some in Group C had chosen to support Chinese primary schools even before the implementation of the 1996 Act. Therefore, the increase of the percentage of Chinese student enrolments in Chinese primary schools after 1996 (Table 2) seems to be attributed mainly to enrolments from Group C. A reason for this trend is the importance of Chinese language in establishing closer cultural and economic ties with China, especially since China became a lucrative market and investment site from the late 1980s onwards.¹⁷ The practical benefits of acquiring Chinese are exemplified through the trend of Malays opting for Chinese primary education. The UCSCA argues that non-Chinese enrolments in Chinese primary schools has increased from 17,309 (3.0 per cent of enrolments in Chinese primary schools)

Table 2
Chinese Student Enrolment in Primary Schools

	Total Number of Chinese Students	Number of Chinese Students in SRJK-C (%)	Number of Chinese Students in SRK (%)
1993	638,714	564,945 (88.5)	73,769 (11.5)
1994	619,950	561,622 (89.2)	58,328 (10.8)
1995	625,062	556,617 (89.0)	68,445 (11.0)
1996	620,890	549,702 (88.5)	71,188 (11.5)
1997	—	— (90.05)	— (9.95)
1998	612,372	555,068 (90.6)	57,304 (9.4)
1999	609,481	554,096 (90.9)	55,385 (9.1)

Note: The number in 1997 is not announced.

Source: Interview with UCSTA on 9 February 2004.

in 1989 to 65,000 (10.7 per cent) in 1999.¹⁸ At the same time, it appears that the 1996 Act has not had a strong impact on Chinese enrolments in Chinese primary schools. Moreover, since the percentage of Chinese students enrolled in Chinese primary schools has been around 90 per cent even before the implementation of the 1996 Act,¹⁹ it appears that ethnic polarization in primary education had already become entrenched. Thus, trends in Chinese primary schools enrolment may not be relevant in studying the impact of the 1996 Act on national integration.

While the majority of Chinese tend to send their children to national secondary schools using Malay, it seems that only a minority mainly consisting of Group A send their children to ICSS. The percentage of Chinese students choosing ICSS has ranged from 10 per cent to 15 per cent.²⁰ In comparison with the percentage of Chinese students choosing Chinese primary schools, the percentage enrolled in ICSS is much smaller. A dramatic increase of enrolments in ICSS after the 1996 Education Act would suggest a change in the enrolment trends of mainly Group B Chinese.

Total enrolments in ICSS declined from the mid-1960s because of the elimination of entrance examinations into Malay national and English national-type secondary schools and because tuition fees at national and national-type secondary schools were removed. However, enrolments revived after the ethnic riots in 1969 (Tan Liok Ee 1988, pp. 61–66), gradually increased until 1995, and then stagnated (Table 3). The percentage of Chinese studying in ICSS has also been levelling off. It thus appears that the 1996 Act, showing the direction towards a multiculturalism-type approach, has not had a strong impact on ICSS enrolments and on ethnic polarization in secondary education.²¹ Why then, one may ask, have enrolments in ICSS not registered a significant change? In other words, why has the 1996 Education Act not precipitated a change in the enrolment trends of Group B?

Table 3
Enrolments in
Independent Chinese Secondary Schools

	Number
1973	28,318
1978	35,930
1983	45,890
1988	49,567
1989	52,155
1990	54,690
1991	55,514
1992	58,365
1993	59,383
1994	59,773
1995	58,948
1996	57,092
1997	55,143
1998	54,002
1999	54,152
2000	53,258
2001	53,635
2002	54,048
2003	52,850
2004	53,005

Source: The UCSCA, Department of Resource and information Affairs (April 2004); Interview with the UCSTA on 9 February 2004.

Chinese Responses to the 1996 Education Act

The government maintains that the 1996 Education Act represents an act of goodwill towards Chinese education. For example, it has demonstrated its commitment to the continued existence of Chinese primary schools by eliminating Section 21(2) of the 1961 Act and acknowledged the existence of ICSS under Section 16 of the 1996 Act. Despite these initiatives, the Chinese generally remain sceptical of the government's commitment to preserve Chinese education, and view it as mere lip service. In particular, Group A members have not perceived the 1996 Act as a form of government compromise and have strongly criticized the act as another

manifestation of assimilationism (Kua 1998 and 1999, and DAP website).

They strongly stressed that the institutional guarantee in Section 17(1) of the 1996 Act could be applied only to national-type schools established after the implementation of the 1996 Act. Except for one or two schools, practically no Chinese primary schools are guaranteed continued existence. This is because they were all established before 1996. The number of Chinese primary schools was 1,287 in 1996, 1,283 in 1997, 1,283 in 1998, 1,284 in 1999, 1,284 in 2000, 1,285 in 2001, and 1,286 in 2002 (Malaysia 1997–2003). The number of Chinese primary schools established after 1996 is very small. In addition, a qualification of exemption from the Minister of Education, which is another way of guaranteeing the continued existence noted in Section 17(1), has not been formally given to any non-Malay primary school. Some human-rights advocates warn that in the absence of new non-Malay schools established after 1996 and of a qualification of exemption from the Minister of Education, all schools in the National Education System, whether they are government, government-aided or private educational institutions, will have to use the national language as a medium of instruction (Yang 1998, pp. 47–51). They believe that Section 17(1) is indicative of government policies remaining within an assimilationism-type approach. Anxiety that Chinese primary schools may be abolished remains due in large part to the ambiguity of Section 17(1), although the government's attitude to the existence of Chinese education in the 1996 Act seems more lenient than in the 1961 Act through the elimination of Section 21(2).

There are complaints that the government's treatment of Chinese primary schools has not improved with the 1996 Education Act. There are still few provisions for new Chinese primary schools, less grants are accorded to Chinese primary schools and there is a shortage of Chinese language teachers (Tan Liok Ee 2002, p. 159). In fact, the UMNO Youth assembly in 2001 explicitly opposed the building of new Chinese and Tamil primary schools on the grounds that separate schools for different ethnic groups impeded national unity (*ibid.*, 2002, p. 160).

Additionally, some Chinese educationists fear that the 1996 Act could abolish the Unified Examinations which are closely tied to the continued existence of ICSS. Since the Unified Examinations have never been officially approved, its certificate cannot be used for entry into local public universities. However, through the efforts of the UCSCA, the examinations have been recognized for entry into private universities in Malaysia and several universities in Singapore, Taiwan, United States, Great Britain, Canada, Australia, and New Zealand. The examinations have also been a basis for private companies to select applicants who do not have a certificate of public examinations. In other words, the Unified Examinations certificate makes it possible for students from ICSS to enrol in higher educational institutions and find employment. As such, the Unified Examinations have maintained ICSS as an attractive alternative to national secondary schools for many Chinese students (Tan Liok Ee 2000, p. 248).

In theory, the 1996 Education Act can obstruct the implementation of the Unified Examinations and threaten its preservation (Yang 1998, pp. 54–55). For example, Section 69(1) states that no person or educational institution shall conduct an examination for any pupil from an educational institution or private candidate without the approval of the Director of Examinations. However, Section 69(4)(C) dictates that Section 69(1) shall not apply to an educational institution conducting its own examination for the purpose of assessing its own pupils. Yang (1998, pp. 54–55), a human rights lawyer, argues that Section 69(4)(C) should not be interpreted positively although some supporters of the BN believe that this section operates to legalize the conduct of the Unified Examinations. It is worth noting that since Section 69(4)(C) states that only an educational institution shall be exempted from Section 69(1), and the UCSCA and the UCSTA are not recognized as educational institutions by law, these organizations setting the Unified Examinations cannot legally conduct examinations. The assurance given by the Minister of Education that the UCSCA will be allowed to continue conducting the Unified Examinations is an oral one and is not written into the Act (Tan Liok Ee 1997,

p. 293 and 2000, p. 245). Because of this, Yang (1998, p. 55) believes that Section 69 is a provision detrimental to the existence and development of Chinese secondary education. In addition, the government's treatment of ICSS is totally different from how it handles national secondary schools even though Section 16 of the 1996 Act states that national secondary schools as well as ICSS are incorporated into the National Education System. For example, while the Minister of Education provides financial assistance only to national schools at secondary level under Section 64 of the 1996 Act, the ICSS has continued to face financial difficulties. School fees in ICSS remain more expensive while students at national secondary schools are free from such costs. As such, the 1996 Act has not been interpreted as a movement towards accommodative integration and multiculturalism in Chinese secondary education.

The strengthening of the Minister of Education's judicial power in the 1996 Act may also be interpreted as a hindrance to the development of Chinese education (Kua 1998, p. 79). The Minister may suspend or dismiss boards of governors under Sections 58–62, refuse and cancel the registration of an educational institution under Sections 84 and 85, and refuse to register a governor, an employee and a teacher under Sections 90, 91, 106, and 107. Section 76 allows the Minister to make regulations pertaining to private educational institutions. More importantly, the Minister's decisions cannot be challenged in court because Section 126(3) states that his decision on an appeal is final. The penalty for breaking the law is much more severe than under the 1961 Act (Kua 1998, p. 79). As such, these sections have rendered the power of the Minister absolute and strengthened the coercive effect of the 1996 Act.

Because of factors noted above, members in Group A do not see the 1996 Education Act as an incremental first step towards multiculturalism (Kua 1999, p. 146) even though the government maintains that the Act is a compromise and a shift away from an assimilationism-type approach. For example, Kua (1998, p. 73), a well-known and influential Chinese educationist, criticizes the 1996 Act for not contributing to the growth of Chinese education

and argues that the government's policies remain mono-cultural in orientation.²² Yang (1998, p. 64) has also argued that the government has not shown much concern for mother tongue education until recently and that the 1996 Act is a far greater threat to Chinese education than any previous legislation. These views originate from Group A, but are strongly felt by the Chinese community in general. According to Tan Chee Beng (1988, p. 154), Group A exerts a powerful influence in shaping Chinese opinion. It appears that Group A's view that the 1996 Act does not reflect the spirit of multiculturalism has thus spread within the Chinese community and become a general Chinese opinion.

Some researchers on Malaysian education seem to agree with Group A, and do not consider the 1996 Education Act as a shift towards accommodative integration and multiculturalism. Pa (2003, p. 28) argues that the 1996 Act promotes the National Education System with Malay as a medium of instruction while Tan Liok Ee (2002, p. 159) asserts that the continued existence of Chinese primary education under the 1996 Act is not a commitment to the multicultural situation, but is part of the baggage inherited from the past and that Chinese primary education remains marginal within the National Education System. She (2002, p. 159) also purports that the government's official position towards Chinese primary education has not qualitatively shifted from the 1961 Act because of the inclusion of Section 17 of the 1996 Act.

Conclusion

Although the 1996 Education Act cannot be regarded as a major shift towards multiculturalism, it does show some advancement towards accommodative integration in comparison to the 1961 Education Act. However, due to the many ambiguities in the 1996 Act, most Chinese see it as an expression of continuous assertive integration policies. The government has no doubt issued statements to explain its recognition of Chinese education, but these are just oral assurances and are not codified in the Act. The Chinese continue perceiving

the government's position as ambiguous and do not understand the 1996 Act to be supportive of a multiculturalism-type approach. Many have not accepted the point that there is a major ideological difference between the 1961 and the 1996 Education Act. As a result, the implementation of the 1996 Education Act has not influenced Chinese enrolment trends and should not be seen as a cause of increasing ethnic polarization in secondary education.

However, this is not a denial that a policy shift towards an ideology located on a multiculturalist scale would increase ethnic polarization and cause national disunity. If the government treats ICSS in the same way as national secondary schools are treated in terms of guaranteed continued existence, financial support and a clear recognition of the Unified Examinations, most Chinese people are likely to be satisfied that there has been a genuine ideological shift towards multiculturalism. Even though it is unlikely that the BN Government will alter communal style politics in the foreseeable future, the acceptance of this shift is likely to attract a majority of Chinese (including Group B) to ICSS instead of national secondary schools. Tan Liok Ee (2002, p. 165) purports that the expansion of ICSS has been limited because of the lack of government financial support and because of the unofficial position of Unified Examinations.

Consequently, it is important that full attention continues to be paid to the direction of a multiculturalism-type approach vector (Figure 1) as a barometer of ethnic polarization and national disunity when socio-cultural policies for national integration and stability in Malaysia are considered. It is also necessary to examine closely policies aimed at increasing ethnic interaction such as Vision Schools and National Services.

NOTES

1. The ultimate objective of the vision is to establish Malaysia as a fully developed country by the year 2020 "in terms of national unity and social cohesion, in terms of Malaysian economy, in terms of social justice, political stability,

system of government, quality of life, social and spiritual values, national pride and confidence" (Mahathir 1997a, p. 404).

2. In the National Culture Policy, national culture is based on three principles: it must be based on the indigenous cultures of this region; the suitable elements from the other cultures can be accepted as part of the national culture; and Islam is considered one of its central component.
3. Multiculturalism can be understood as an ideology where the state fully recognizes the cultural autonomy of minorities. Kymlicka (1995, pp. 6–7) purports that multiculturalism recognizes and promotes the collective rights of each ethnic minority group within society.
4. Primary schools using Malay as a medium of instruction are called national primary schools while those using Chinese or Tamil are called national-type primary schools.
5. A study by Rambaut (quoted in Huntington 2004, p. 203) demonstrated that students in schools promoting diversity rather than unity exhibited strong reactive ethnic consciousness. "After three years of (Spanish) high school, the proportion of students identifying themselves as "American" had dropped by 50 per cent, the proportion identifying themselves as hyphenated American had gone down by 30 per cent, and the proportion identifying themselves with a foreign nationality had gone up 52 per cent. The study suggests that there can be a rapid growth of a reactive ethnic consciousness. He concludes that change over time has not been towards assimilative mainstream identities, but rather a valorization of the immigrant identity for the largest groups". This suggests that the adoption of multiculturalism can result in ethnic polarization and disunity.
6. On the other hand, some argue that promoting Malay-centrism while partly recognizing cultural autonomy of minorities is a principle shared by most in Malaysia. However, since support for the policy shift from an assertive to an accommodative approach is unstable, it cannot be a basis of national identity.
7. However, the politics of developmentalism that claims that the government is legitimate as long as it fosters economic growth and improves living conditions became more entrenched in the early 1990s. This has been prevalent among both Malays and non-Malays, especially non-Malay business and middle classes (Loh 2001, p. 186).
8. There is a view that multiculturalism based on the idea of Western democracy consisting of liberty, equality, and philanthropy can be a principle shared by all people in Malaysia. However, the Malays are expected to strongly oppose its adoption and the BN is not expected to practise such democracy.
9. They have mainly designed the curriculum, edited the textbooks and set the school leaving examinations for ICSS, referred to as Unified Examinations.

10. MCA and the *Gerakan Rakyat Malaysia* (Gerakan), both part of the ruling coalition, also called for the repeal of the section although their efforts were weak in comparison with the UCSCA, UCSTA and DAP.
11. Malaysia. 1995. *Penyata Resmi Parlimen: Dewan Rakyat*, Parlimen Kesembilan, Penggal Pertama. December 1995 (quoted in Tan Liok Ee 1997, p. 293 and 2000, p. 244).
12. Many ICSS have encouraged students to sit not only for the Unified Examinations but also the SPM, which was recognized by local public universities already before the 1996 Act.
13. Section 17(1) notes that "the national language shall be the main medium of instruction in all educational institutions in the National Education System except a national-type school established under section 28...". Section 28 states that "subject to the provisions of this Act, the Minister may establish national schools and national type schools...". These sections only guarantee the existence of national-type schools established after 1996.
14. The Seventh Malaysia Plan (Malaysia 1996, p. 322) also aimed to strengthen the usage of Malay as a medium of instruction in all schools.
15. <http://www.mca.org.my/agenda/agendaFAQ.asp#education> (27 April 2005).
16. Lee Kam Hing (1997, p. 103 and 2004, p. 180) argues that some Chinese businesses have expediently established political links with powerful Malays.
17. Lee Hock Guan (2006, p. 250) argues that this trend could be attributed to the declining quality of education in national primary schools, ethnic discrimination and the failure of multicultural education in national primary schools.
18. The UCSCA, Department of Resource and Information Affairs (April 2004).
19. 87.8 per cent of all Chinese students receiving primary education were enrolled in Chinese primary schools by the 1980s (Loh 1984, p. 107).
20. According to the author's interview with the UCSTA on 9 February 2004, between 15 to 20 per cent of Chinese students enrolled in ICSS every year while the UCSCA responded to the author's questionnaire taken on 7 October 2004 that about 10 per cent of Chinese parents had sent their children to ICSS.
21. It can be also said that the 1996 PHEIA to approve the establishment of private universities, particularly Chinese universities, recognizing a certificate of the Unified Examinations as an entrance qualification has not influenced Chinese enrolment trends in secondary education.
22. According to Kua's response to the author's questionnaire taken on 16 February 2004.

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