
“WE THE (CHINESE) PEOPLE”: REVISITING THE 1945 CONSTITUTIONAL DEBATE ON CITIZENSHIP

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On August 1, 2006, the Indonesian government passed a new nationality law to replace the 1958 edition, which was deemed outdated and particularly discriminatory. It took approximately a year for a special commission of lawmakers to draft the new law, with the support and active contribution of various civil-rights groups. As a minority group, Chinese-Indonesians are especially pleased with the new nationality law, as it redefines the legal framework of national belonging. It propounds a new definition of “citizen” (*Warga Negara Indonesia*, WNI) that no longer distinguishes ethnic Chinese—formerly known as citizens of foreign descent (WNI *keturunan asing*)—from citizens considered to be indigenous Indonesian (WNI *asli*), and, as such, promises to encode the very notion of equality that has long eluded the Chinese. The new law blurs the boundary between the supposedly “natural” Indonesians and those who have had to go through cultural naturalization (*asimilasi*) in order to become “Indonesian.” More specifically, it no longer defines “indigenous Indonesians”—the natural citizens,² so to speak—as those who are native to the state’s territorial

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² The nation-state operates on the assumption that there is a natural bond between the state and its people, which in most cases is identical with the so-called “natives,” or the majority ethnic group in the nation. In the same way, the deliberations on Indonesian citizenship during the 1945 constitutional convention

jurisdiction, but, rather, as those who were born to Indonesian citizenship and have never held any other citizenship deliberately. So, rather than being based on a hereditary principle, the new definition of “indigenous” becomes strictly legal, in that it hinges on the history of one’s national status.

Immediate reactions after the parliament passed the new law were, as expected, jubilant. News media cited tears of joy, plenty of cheers, and an impromptu rendition of the national anthem from the assembly’s audience. It marks the “dawn of a new era” for the Chinese in Indonesia, proclaimed an article in *Kompas*;³ a monumental achievement, commended President Susilo Bambang Yudhoyono in *Media Indonesia*;⁴ a new paradigm, wrote then-Minister of Law and Human Rights Hamid Awaludin in an op-ed article;⁵ a revolutionary law and a breakthrough, echoed others.⁶ The new nationality law, a *Jakarta Post* editorial concluded, “has effectively put an end to racial segregation as it recognizes Chinese-Indonesians as part of the country’s indigenous people.”⁷ The *Banjarmasin Post* went so far as to proclaim in its article title that “Ethnic Chinese Can Become President.”⁸ A book published in January 2007, *Jalan Panjang Menjadi WNI* (Long Road to Becoming Indonesian Citizens), suggests a discursive obituary, as it recounts the protracted struggle for equality by the Chinese.⁹ Another book, published in February 2008, a compilation of newspaper articles written by young Chinese-Indonesian intellectuals, confidently titled *Cokin? So What Gitu Loh!* (Chinese? So What!), encourages a bolder assertion of the Chinese identity, which presumably has been buried for a long time in the racial closet.¹⁰

The book *Cokin?*, whose contributors teamed up under the name Jaringan Tionghoa Muda (Young Chinese-Indonesian Network), not only recommends a new mindset for the Chinese, but seeks to move away from worn-out discourses such as the *totok* versus *peranakan* (full-blooded vs. creolized Chinese) divide, the contentious designation “Cina” versus “Tionghoa” (the supposedly derogatory and neutral Indonesian terms for “Chinese”), and the so-called “three streams” of Chinese political

focused largely on the status of residents of foreign descent. The indigenous people of Indonesia were naturally Indonesian citizens, according to Professor Soepomo—the architect of the 1945 Constitution; see Saafroedin Bahar and Nannie Hudawati, eds., *Risalah Sidang Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia (BPUPKI)—Panitia Persiapan Kemerdekaan Indonesia (PPKI), 28 Mei 1945–22 Agustus 1945* (Jakarta: Sekretariat Negara Republik Indonesia, 1998), p. 342.

³ Sutta Dharmasaputra, “RUU Kewarganegaraan Disetujui: Sebuah Babak Baru Dimulai,” *Kompas*, July 12, 2006.

⁴ “Karya Monumental Anak Bangsa, UU Kewarganegaraan Hapus Diskriminasi,” *Media Indonesia*, July 12, 2006.

⁵ Hamid Awaludin, “UU Kewarganegaraan: Ketika Paradigma Berubah,” *Kompas*, July 25, 2006.

⁶ See “RUU Kewarganegaraan Revolusioner: Asas Nondiskriminatif Diterapkan,” *Kompas*, July 8, 2006; “Bangsa Indonesia Asli Tak Lagi Berdasarkan Etnis,” *Suara Pembaruan*, July 8, 2006; “UU Kewarganegaraan Baru Disetujui: Pri-Nonpri Dihapus,” *Bali Post*, July 12, 2006; and “UU Kewarganegaraan: Diskriminasi Pada Etnis Tionghoa Harus Hilang,” *Suara Pembaruan*, July 17, 2006.

⁷ “Year of the Rat,” *Jakarta Post*, February 6, 2008.

⁸ “Tionghoa Bisa Jadi Presiden,” *Banjarmasin Post*, July 12, 2006.

⁹ Chris Verdiansyah, ed., *Jalan Panjang Menjadi WNI: Catatan Pengalaman dan Tinjauan Kritis* (Jakarta: Penerbit Buku Kompas, 2007).

¹⁰ Ivan Wibowo, ed., *Cokin? So What Gitu Loh!* (Depok: Komunitas Bambu, 2008).

orientations during the colonial period.¹¹ It invites the Chinese to look toward their future in Indonesia with an attitude of self-reliance, in that their collective self-definition should no longer be narrowly framed by the perpetual quest for approval from the national majority. The new Chinese identity is to be assertive, guilt-free, and unburdened by the perpetual need for any Chinese to prove her or his patriotism—that is to say, to be normal Indonesians.

All the enthusiastic responses and, indeed, daring propositions should rightly make the Chinese optimistic about their standing in the social and political landscape of Indonesia today. But retreats from talking about the past also open the way to historical amnesia. A closer look into past discourses on Indonesian citizenship suggests that the recent Chinese celebration of inclusive legislation is rather premature and, arguably, a corollary of selective memory. The long-held perception that previous nationality laws—specifically the clause on indigenouness—were particularly prejudiced against ethnic Chinese is arguably misconstrued. By scrutinizing proceedings from the 1945 constitutional convention,¹² this essay seeks to demonstrate that the definition of “citizen” in the 1945 Constitution is no less inclusive than that in the 2006 law, both in rhetoric and intention. At this point, a brief history of the national status of ethnic Chinese in Indonesia is necessary to provide the context for my argument.

From Subject to Citizen

The migration of people from the southeastern coast of China to the Indian archipelago had taken place long before the Dutch government took over from the United East Asia Company and formally established the Netherlands Indies. But due to their small number, these mostly male early migrants were largely assimilated, converted to Islam, and eventually absorbed into the local population.¹³ In the latter half of the nineteenth century, however, there were attempts to resinicize these creolized Chinese, which seem to have been motivated by large influxes of new migrants from China.¹⁴ The *totok* newcomers no doubt made the *peranakan* Chinese increasingly aware of their extra-Indies origin and identity. The first Sino-Japanese war and the reform and subsequent revolutionary movements in China at the turn of the century further stimulated the feeling of identification among Chinese migrants, both China- and Indies-born, with a national homeland, which encompassed their

¹¹ Wibowo, *Cokin?*, pp. x–xiii. The three streams are, approximately, political outlooks that divided colonial Chinese groups into those that oriented themselves to China, those that identified with the existing Dutch imperialist structure, and those that sought to be part of an independent Indonesia.

¹² The term “constitutional convention” is used with caution here as it refers to the committee that deliberated and drafted the 1945 Constitution, not the subsequent (much smaller) committee that formally sanctioned the constitution the day after Indonesia declared independence. The latter committee was more representative because it included delegations from Sumatra, Bali, and Eastern Indonesia, but for all intents and purposes, its role regarding the constitution was a formality.

¹³ G. William Skinner, “Creolized Chinese Societies in Southeast Asia,” in *Sojourners and Settlers: Histories of Southeast Asia and the Chinese*, ed. Anthony Reid (Sydney: Allen & Unwin, 1996), pp. 51–93.

¹⁴ Claudine Salmon’s study of ancestral halls and funeral associations in Java and Makassar suggests that there were attempts to revive Chinese customs in the face of newcomers who were contemptuous of the creolized, “degenerated” Chinese; see her chapter, “Ancestral Halls, Funeral Associations, and Attempts at Resinicization in Nineteenth-Century Netherlands India,” in *Sojourners and Settlers*, pp. 183–214.

provincial origins. Meanwhile, the principle of nationality that swept across Europe in the middle of the nineteenth century and that was behind the drive for reform in China (eventually turning the dynastic empire into a republic in 1912) also ushered in a new international system in which intercourse on equal footing (at least in principle) was possible among free and progressive nations. Thus, it was the idea that the standing of the Chinese population in the Dutch colony could somehow be elevated if China were to become a strong modern nation—that the Chinese could somehow become equal to the Dutch and the Japanese.¹⁵—that was behind a series of self-imposed reforms to “recover” the Chinese identity and culture among the *peranakan* in Java. These reforms began with the establishment of a community association for the promotion of Confucianism, Tiong Hoa Hwe Koan (THHK, Chinese Association), in Batavia in 1900, and, subsequently, the development of numerous modern (Japan and France-modeled) THHK-affiliated schools in many parts of the colony.¹⁶ The outcome of these efforts, inevitably, was the sharpening of the imagined distinction between “Chinese” and the “native” populations, which was acceptable and beneficial to the Chinese so long as they existed within the colonial structure. But the same ideological forces that turned China into a nation-state in the early twentieth century eventually came to the Indies, emancipated the populations, and once again put the Chinese in a political (and legal) predicament. The 2006 Nationality Law proves that Chinese national status in Indonesia has been an enduring question.

As stated above, the 2006 Nationality Law (UU No. 12/2006) is a substitute for the one sanctioned in 1958 (UU No. 62/1958). The latter, however, was not the basis of the contentious definition of “citizen,” nor did it present a new delineation as to who constituted “the citizens” in Indonesia. It used, rather, the historical event of the nation’s proclamation of independence, on August 17, 1945, as a defining temporal marker. The citizens, the 1958 law proclaimed, are those who, in accordance with the laws and treaties that have gone into effect since the declaration of independence, have become citizens of the Republic of Indonesia.

¹⁵ In 1899, the Netherlands Indies government granted Japanese people European status in part as recognition of Japan’s growing military power. In essence, this is also an acknowledgement of Japan as a strong modern state, which subsequently inspired a nationalist sentiment among Chinese people in the Indies. See Leo Suryadinata, *Peranakan Chinese Politics in Java, 1917–1942* (Singapore: Singapore University Press, 1981), p. 5.

¹⁶ Historian and THHK treasurer Nio Joe Lan, chronicling THHK and its efforts to rally Indies Chinese under the banner of Confucianism, noted a number of amusing anecdotes arising from the general uncertainty of what being “Chinese” was supposed to entail. Here are three examples: Planned weekly public lectures on Confucianism in Mandarin quickly turned into lectures in Malay, presumably because very few potential audience members actually understood Mandarin; letters were written by insecure Chinese regarding superstitions and the shedding of one’s pigtail (*boeang thauwtjang*); and a plea was issued for the eradication of rickshaws in Palembang, because pulling rickshaws “not only diminishes human dignity, [...] but is especially detrimental to the prestige of the Chinese nation.” See Nio, *Riwajat 40 Taon dari Tiong Hoa Kwee Koan—Batavia, 1900–1939* (Batavia: Tiong Hoa Kwee Koan, 1940), pp. 28, 33, 181. This Chinese revival may also be related to a general effort to raise the national standing of Chinese people overseas, which emanated from China as a response to the Chinese exclusion law in the United States and general anti-Chinese sentiments in the United States and Australia in the last decades of the nineteenth century. The Chinese government promoted moral self-discipline among migrants, and urged them to avoid vices and crimes often associated with Chinese migrants—like opium, gambling, and human smuggling—in order to create a better international image. See Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York, NY: Columbia University Press, 2008), pp. 121–84.

So what is relevant for our discussion here is not the 1958 law itself, but the accepted definition of "citizen" at the birth of the Indonesian state. Many studies have been devoted to the laws and treaties regarding Indonesian citizenship that have gone into effect since the transfer of sovereignty,¹⁷ but there has not been an examination of the definition of citizen at the time of independence. A 1988 article by Mary Somers Heidhues on ethnic Chinese and the Indonesian revolution touches upon the issue of citizenship, but leaves out the 1945 constitutional deliberation that produced the nation's first definition of citizen and the first nationality law.¹⁸

During the colonial period, the Government Act of 1854 granted all Indies-born Chinese the same status as the indigenous population in legal and administrative matters. The existing Dutch civil law defined anyone born in the Netherlands or its colonies as a Dutch citizen, but applied restrictions to non-Europeans in the colonies.¹⁹ This status nonetheless granted colony-born non-Europeans the privileges of Dutch citizenship while abroad. In 1892, by another pronouncement, Chinese in the Indies came to be designated as "foreigners."²⁰ That lasted until 1910, when the Netherlands Citizenship Act redesignated all non-European residents of the Indies—indigenous and native-born—Dutch subjects (*Nederlandsch onderdanen*).²¹ In terms of the civil code, the government organized the Indies population into four categories: Europeans (by *Staatsblad* 1849), Chinese (*Staatsblad* 1917), Natives (*Staatsblad* 1920), and Christian Natives (*Staatsblad* 1933).

When Indonesia declared independence in 1945, those distinctions shifted, as the 1945 Constitution ruled that "citizens are persons who are indigenous Indonesians and persons of another nationality who become citizens by way of law." Thus, rather than citing race and religion as determinants, as was done under the colonial administration's civil code, the defining property of citizenship in independent Indonesia came to pivot on the attribute of indigeneity. In other words, the indigenous people in the former Netherlands Indies territory came to be regarded as the natural, therefore principal, component of the nation.

It was this provision of indigeneity, many scholars and advocates of Chinese groups contended, that had effectively barred the Chinese population from becoming an equal constituent of the nation. Charles Coppel, an authority in the field, wrote of the legal distinction between indigenous and alien as a "virus of racial separation."²²

¹⁷ In particular, see the works by Donald E. Willmott, *The National Status of the Chinese in Indonesia, 1900–1958* (Ithaca, NY: Cornell Modern Indonesia Project, 1961); Leo Suryadinata, ed., *Political Thinking of the Indonesian Chinese, 1900–1995* (Singapore: Singapore University Press, 1997); and Charles A. Coppel, "The Indonesian Chinese: 'Foreign Orientals,' Netherlands Subjects, and Indonesian Citizens," in *Law and the Chinese in Southeast Asia*, ed. M. B. Hooker (Singapore: Institute of Southeast Asian Studies, 2002).

¹⁸ Mary F. Somers Heidhues, "Citizenship and Identity: Ethnic Chinese and the Indonesian Revolution," in *Changing Identities of the Southeast Asian Chinese since World War II*, ed. Jennifer Cushman and Wang Gung Wu (Hong Kong: Hong Kong University Press, 1988), pp. 115–38.

¹⁹ Willmott, *The National Status of the Chinese*, p. 13.

²⁰ Since the early nineteenth century, the term "Foreign Orientals" (*Vreemde Oosterlingen*) had been applied to "Asians" such as the Chinese and Arabs; see Mona Lohanda, *Growing Pains: The Chinese and the Dutch in Colonial Java, 1890–1942* (Jakarta: Yayasan Cipta Loka Caraka, 2002), p. 79.

²¹ Scholars have pointed out that the reclassification of Indies Chinese from "foreigners" to "subjects" (based on *jus soli*) was partly in response to the enactment of the 1909 Nationality Law in China, which recognized all Chinese descendants, regardless of birthplace, as Chinese nationals (based on *jus sanguinis*).

²² Coppel, "The Indonesian Chinese," pp. 131–49.

Most Chinese-Indonesians, too, believed that they were treated as “second-class citizens,” as “outsiders,” even “suspects” in terms of national security, because they were not regarded as indigenous to Indonesia. On the contrary, their “artificial” membership in the nation accounted for the state’s perpetual attempts to assimilate them and efforts by Chinese themselves to validate their claim of belonging. It is precisely for this reason that the 2006 inclusion of ethnic Chinese and other non-natives in the new definition of “*asli*” (indigenous, authentic, original) is seen as revolutionary and, as such, a cause for celebration.

A year after Indonesia declared independence, a law on citizenship was passed (UU No. 3/1946) and then amended (UU No. 6/1947). In it, all indigenous people inside the territory of Indonesia and residents of the former Netherlands Indies of any ethnic heritage who were over twenty-one years of age and who had resided in the former colony for a minimum of five years were automatically granted Indonesian citizenship.²³ The law was inclusive of ethnic Chinese, but hence gave rise to complications, as the government in China, by its 1909 (Qing) and 1929 (Republic of China) Nationality laws, insisted that descendants of a Chinese person, regardless of birthplace, were Chinese nationals.²⁴ As a result, when Indonesia passed its first nationality law in 1946, the involuntary nature of Indonesian citizenship became a matter of contention for those who wished to remain Chinese citizens, and created a condition of dual citizenship.

In 1955, Indonesia came to an agreement with the People’s Republic of China to resolve the problem of dual citizenship for ethnic Chinese residing in Indonesia.²⁵ The agreement was signed into law in January 1958 (UU No. 2/1958), and its implementation was to be concluded in 1962.²⁶ From the point of view of the Indonesian government, the intervening period was to serve as a window of opportunity for individual Chinese to decide their own citizenship status proactively.²⁷ The emphasis on an “active” system reflected a new approach by the government, which aimed “to have as citizens only those Chinese who would be willing to make an official and public declaration repudiating their Chinese citizenship.”²⁸ The 1958 Nationality Law, which was passed half a year later, makes a point in Article 4 that a foreign national who was born and lives in the territory of the Republic of Indonesia “can apply for Indonesian citizenship on condition that upon conferral of the citizenship s/he will no longer hold any other citizenship, or that when applying s/he also submits a disclaimer of other citizenship which s/he may be holding, in

²³ The itemized clause was amended to the original nationality law with UU No. 6/1947. Other adjustments are made in UU No. 8/1947 and No. 11/1948.

²⁴ For an overview of China’s nationality laws, see Leo Suryadinata, “China’s Citizenship Law and the Chinese in Southeast Asia,” in *Law and the Chinese in Southeast Asia*, pp. 169–84.

²⁵ The accord, “Agreement on the Issue of Dual Nationality between the Republic of Indonesia and the People’s Republic of China,” signaled recognition by the two states that their unilateral laws had created the unintended consequence of establishing dual citizenship for ethnic Chinese in Indonesia and thus placed them in a citizenship limbo. See Kementerian Penerangan, *Asian-African Conference: Speeches and Communiqués* (Jakarta: Kementerian Penerangan Republik Indonesia, 1955).

²⁶ The full heading of the law was “Undang-undang No. 2/1958 tentang persetujuan perjanjian antara RI dan RRT mengenai soal dwi-kewarganegaraan” (Act No. 2/1958 on the treaty between the Republic of Indonesia and the People’s Republic of China on the issue of dual citizenship).

²⁷ This is as stated in the Explanation section of UU No. 4/1969, point number 3.

²⁸ Willmott, *The National Status of the Chinese*, p. 47.

accordance with the laws of her/his country of origin or with the regulations for the resolution of dual citizenship between the Republic of Indonesia and the country involved."

With the sanctioning of the 1958 Nationality Law, the right to repudiate became an obligation to choose. Those who had been assigned either a Chinese or an Indonesian citizenship involuntarily had to select affirmatively Chinese citizenship or, for those who wished to retain Indonesian citizenship, to legally renounce Chinese citizenship. Rather than rely on the principle of passive acceptance applied by the 1946 Nationality Law, Chinese membership in the Indonesian nation came to require active endorsement within a limited period of time. By January 1962, all ethnic Chinese regardless of genealogical tenure in Indonesia were obliged to have resolved their dual citizen status. In reality, of course, many Chinese did not take the required steps to clarify their citizenship status, and thus remained in legal limbo. After Indonesia's 1967 regime change, the 1958 treaty, which recognized the condition of dual citizenship for a period of time, was repealed and replaced (UU No. 4/1969). At the time, the possibility of having Indonesian citizens who were simultaneously citizens of a foreign (not to mention communist) country was deemed "hazardous for the security of the Republic." Unfairness toward the indigenous majority and the suspension of diplomatic relations with the People's Republic of China were also cited as reasons for banning dual citizenship.²⁹

Indeed, the national status of the Chinese in Indonesia has been problematic, but it is not true that the country's nationality laws have always been discriminatory against ethnic Chinese. The title of the aforementioned book, *Jalan Panjang Menjadi WNI*, for instance, gives an impression that the laborious process of Chinese integration in Indonesia involved a long journey toward becoming "citizens." This is a mischaracterization, as the majority of ethnic Chinese, by 1980, had become formal citizens,³⁰ even if the legal procedure required for establishing Indonesian citizenship was convoluted and plagued by bureaucratic corruption. If the substantive citizenship—which entails equality in terms of rights, privileges, access to state resources, and political participation—has only recently improved for the Chinese, the formal citizenship has been accorded to them from the very beginning. It is perhaps more accurate to say that the Chinese are citizens (*warga negara*) of Indonesia—insofar as citizenship signifies membership in the state—but are not widely perceived as members of the nation (*warga bangsa*).³¹ This is why an examination of Chinese self-perception is as vital as a review of their legal transformation into becoming Indonesian citizens. My examination of the 1945 constitutional deliberations, in fact,

²⁹ Badan Koordinasi Masalah Cina—BAKIN, *Pedoman Penyelesaian Masalah Cina di Indonesia*, Vol. 1 (Jakarta: Badan Koordinasi Intelijen Negara, 1979).

³⁰ Mary Somers Heidhues wrote that by the time of the 1980 census, the number of alien Chinese had been reduced to fewer than 20 percent; see Heidhues, "Citizenship and Identity," pp. 115–38.

³¹ Stephen Castles distinguishes citizenship and nationality as memberships in, respectively, a state and a nation. As the compound form nation-state has become the most prevalent political unit, the terms "citizen" and "national" have been used interchangeably; see Castles, *Ethnicity and Globalization: From Migrant Worker to Transnational Citizen* (London: Sage Publications, 2000). In this article I use the term "nationality" in a broader sense, as in the national status of ethnic Chinese under the Qing dynasty, whereas I use "citizen" in a stricter sense to mean legal membership in modern polities.

reveals skepticism on the part of the Chinese delegates with regard to Indonesian nationality.

This leads us to question whether or not a new and broad definition of “indigenous” can actually solve the Chinese “second class” problem. To find out if the 2006 Nationality Law is truly revolutionary—an effect of a historical rupture with the past—or merely an empty signifier without significant causative weight, let us look back at the conceptualization of citizenship at the birth of the Indonesian state and, more importantly, at how the Chinese reacted to Indonesian citizenship then.

Defining “Citizen” in 1945

It is a common misconception among Chinese-Indonesians today to think of previous nationality laws, which took the definition of “citizen” from the 1945 Constitution, as particularly prejudiced against them. In the closing months of the Japanese occupation, the Investigative Committee for the Preparations for Independence (Badan Penyelidik Oesaha-oesaha Persiapan Kemerdekaan; in Japanese, Dokuritsu Junbi Chosakai)³² began the process of laying out the grounds for the promised independence of Indonesia, anticipated to be implemented on September 7, 1945. This process came at a time when Japan’s grip over Southeast Asia had become increasingly weak, but the outcome of the Japanese-sponsored Investigative Committee proved to have lasting consequences. The committee commenced its work on May 29, 1945, in Jakarta and, in the second convention, July 10–17, discussed among other things the matter of citizenship in order to draft what was to be the 1945 Constitution.

Far from being rigid and exclusive, proceedings from the convention convey a feeling of novelty, even flexibility, with regard to the concept “citizen” among the sixty-two members of the committee.³³ For these former Dutch subjects (*karwoela*), there was hardly a normative Indonesian equivalent for “citizen.” Soepomo used what is today the standard designation, “warga negara,”³⁴ and Soekardjo Wirjopranoto³⁵ used

³² In the pronouncement dated March 1, 2605 (1945), issued by the Japanese Supreme Commander (*saikoo sikikan*) of Java and Madura, this body was referred to as “badan oentoek menjelidiki oesaha-oesaha persiapan kemerdekaan,” that is, a committee to investigate the preparations for independence; see “Pengoemoeman Saikoo Sikikan,” *Kan Po*, no. 62, p. 26. Later, the name of this body and its spelling was standardized in Indonesian history textbooks as “Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia” (BPUPKI), or Investigative Committee for the Preparation of Indonesia’s Independence.

³³ Minutes of the convention are compiled in Bahar and Hudawati, eds., *Risalah Sidang Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia (BPUPKI)—Panitia Persiapan Kemerdekaan Indonesia (PPKI)* (Minutes from the Convention of the Investigative Committee for the Preparation of Indonesia’s Independence—Committee for the Preparation of Indonesia’s Independence).

³⁴ A book put together by the Japanese Center for Military Operation (*Gunseikanbu*) lists Prof. Raden Soepomo as a legal scholar who received his doctorate from Leiden University and taught at the Academy of Law (*Rechts Hoogeschool*). During the Japanese occupation, he was also head of the Bureau for Legal Affairs (*Houki Kyoku*) and member of the Committee for Customary Law and Governance (*Panitia Adat dan Tatanegara*); see *Gunseikanbu, Orang Indonesia jang Terkemoeka di Djawa* (Jakarta: Gunseikanbu, 1944), p. 159.

³⁵ Soekardjo Wirjopranoto was an activist with Boedi Oetomo and then with Partai Indonesia Raya (Greater Indonesia Party). Later on, he served at different times as head of the newspapers *Berita Oemoem* and *Asia Raya*; as junior chief for the Association of Newspapers in Java (*Djawa Shimbun Kai*); and as a

"penduduk negara" (residents of the state), but Muhammad Yamin opted for "putra negara" (sons of the state),³⁶ while others talked variously of "warga Indonesia" (members of Indonesia), "rakyat Indonesia" (Indonesian people), and used the terms "kewargaan" (societal membership) and "kerakyatan" (peoplehood) for "citizenship."³⁷

Linguistic inconsistencies notwithstanding, the overriding question in the discussion was clear: Who was to be designated as "the people" in the soon-to-be sovereign Indonesia? While nearly all members of the committee were unequivocal in their aspiration to become constituents of the new state, representatives of Chinese groups could not have been more contradictory. The Chinese delegates of East Java, Central Java, and West Java were granted a hearing on July 11, 1945. There were four Chinese members in the committee, but only three of them—Liem Koen Hian, Oei Tjong Hauw, and Oei Tiang Tjoei—spoke in the capacity of representatives of Chinese groups.³⁸ There is no record that the fourth delegate, Tan Eng Hoa, delivered a speech. He was a legal scholar, not a prominent Chinese figure like the others, and his opinion (in this regard) was probably not sought, either.³⁹ Responses by these delegates to the

member of the Committee for Customary Law and Governance and the Central Advisory Board during the Japanese occupation; see Gunseikanbu, *Orang Indonesia*, p. 293.

³⁶ Muhammad Yamin, a member of the House of Representatives (*Dewan Ra'jat*), was appointed advisor for the Department of Propaganda (*Sendenbu*) by the Japanese authorities. Previously he served as chair of the central boards of Partai Persatuan Indonesia (United Indonesian Party), Indonesia Moeda (Young Indonesia), and Jong Sumatranen Bond (Association of Young Sumatrans); see *ibid.*, p. 472.

³⁷ See, for instance, the speeches by delegates Yamin, Liem Koen Hian, Oei Tjong Hauw, A. R. Baswedan, Soepomo, and Soekardjo Wirjopranoto in Bahar and Hudawati, eds., *Risalah Sidang*, pp. 29, 189, 191, 214, 216, 342, 343.

³⁸ The official publication of the State Secretariat, Bahar and Hudawati's *Risalah Sidang* (p. 674), misidentified Yap Tjwan Bing as a member of both the Investigative Committee (BPUPKI) and the Committee for the Preparation of Indonesia's Independence (PPKI) when, in fact, he only served in the latter. From Oei Tjong Hauw's speech, we learn that Yap was involved in the eighth and final deliberation by the Japan-appointed Central Advisory Board (*Chuo Sangi-in*), whose members also served on the Investigative Committee, between June 18 and 21, 1945; see Ananda B. Kusuma, *Lahirnya Undang-undang Dasar 1945* (Depok: Fakultas Hukum Universitas Indonesia, 2004), p. 288. In PPKI, the subsequent, much smaller, preparatory committee, Yap was the sole representative of the Chinese group. But at that point the draft constitution on citizenship had been established and nothing was altered. Yap was a pharmacist, but was active in politics; his pro-Indonesia stand brought him close to the nationalist leaders and made him a member of Partai Nasional Indonesia (PNI, Indonesian Nationalist Party). Soon after the transfer of sovereignty, he was appointed to an advisory body to the president, Central Indonesian National Committee (Komite Nasional Indonesia Pusat, KNIP), and then served in the parliament for PNI from 1950 to 1954. Yap resided in Bandung, but migrated to the United States with his family after the 1963 attacks on Bandung's ethnic Chinese; he remained in the US due to health problems. See Yap Tjwan Bing, *Meretas Jalan Kemerdekaan: Otobiografi Seorang Pejuang Kemerdekaan* (Jakarta: Gramedia, 1988).

³⁹ Tan Eng Hoa was one of nineteen appointed to a committee headed by Soekarno responsible for preparing the draft constitution; see Kusuma, *Lahirnya Undang-undang Dasar*, pp. 292–93. Curiously, very little is known about Tan Eng Hoa, who passed away rather young in 1949. The short biography of delegates in Bahar and Hudawati's *Risalah Sidang* only states that he was born in 1907 in Semarang, attended a Dutch high school (*Hoogere Burger School*) in 1925, and graduated from law school in 1932 (p. 509). Kusuma's edition of proceedings from the constitutional convention notes that Tan eventually relocated to the Netherlands; see *Lahirnya Undang-undang Dasar*, p. 27, n. 84. More information on Tan can be found in Peter Post, ed., *The Encyclopedia of Indonesia in the Pacific War* (Leiden: Brill, 2010), p. 607. Tan is said to have practiced law in Batavia, serving mostly Chinese businessmen, after graduation from the Academy of Law (*Rechts Hoogeschool*). When Japan took over, his well-placed connections arranged for him to be appointed to the Japanese bureau for propaganda and he became secretary of Hua Ch'iao Chung Hui (Overseas Chinese Association).

question of Indonesian citizenship would subsequently determine whether or not ethnic Chinese would be defined by the constitution as members of the new republic.

Proceedings from the convention tell us that, when given the opportunity to deliver his address, Liem Koen Hian, the Chinese representative from East Java, a leading journalist and founder of Partai Tionghoa Indonesia (Chinese Indonesian Party), proposed that Chinese people in the former Dutch East Indies be incorporated in the definition of Indonesian citizen.⁴⁰ The Chinese people in the colony, he argued, were without a national identity to hinder their adoption of Indonesian nationality. In his view, for the historically crossbred people in China and those born and bred overseas, there was no such thing as “Chinese nationality” (*kebangsaan Tionghoa*).⁴¹ To him, the Chinese nation only existed in the cultural sense, and it was only in relation to that sense that he referred to himself as “Chinese.” As if to emphasize, Liem went on to say that even in a cultural sense, the *peranakan* Chinese could no longer be called Chinese. The *peranakan* of the Netherlands Indies, he maintained, habitually called themselves “Chinese” only because of the lack of an appropriate label (*etiket*). They were Dutch subjects, but certainly were not Dutch people. The anticipated birth of the Indonesian state, in his view, was precisely the defining moment that would allow a proper signification—the Chinese would thereby be able to call themselves “Indonesian.”

Speaking on behalf of his constituents, and on behalf of the entire Chinese community that, he said, has the propensity to “shy away from politics,” Liem conveyed that leaders of Chinese communities in Malang, Surabaya, and Bandung had expressed their aspirations to him, “to pass on to the Investigative Committee that when the time comes to draft the Indonesian Constitution, that all Chinese be established as citizens of Indonesia.”⁴² To Liem, the success of Partai Tionghoa Indonesia candidates as representatives of the Chinese group in the People’s Council (*Volksraad*) and the Provincial Council (*Provinciale Raad*) elections, despite the party’s small membership, was indicative of broad support for the party’s pro-Indonesia politics.⁴³ Liem’s personal background, his political orientation, and especially his close association with leaders of the Indonesian nationalist movement made it only natural that he should propose including all Chinese in the definition of Indonesian citizen. In fact, he also indicated to the committee that a discussion of nationality (*kebangsaan*) was irrelevant and that citizenship (*kewargaan*) had to be based on one’s residency, in which case the Chinese in the former colony were also “people of this country” (*rakyat negeri ini*).

The opinions of other Chinese representatives, however, differed from Liem’s. In particular, the delegate from Central Java, Oei Tjong Hauw, pleaded that Indonesian citizenship not be imposed on the Chinese. He insisted that “among the Chinese people residing in Indonesia, there are many who retained their nationality

⁴⁰ Bahar and Hudawati, eds., *Risalah Sidang*, pp. 187–92.

⁴¹ Liem has previously written about the fictional quality of so-called “Chinese blood” in a newspaper article; see Liem Koen Hian, “Darah Tionghoa,” *Sin Tit Po*, December 2, 1929.

⁴² Bahar and Hudawati, eds., *Risalah Sidang*, pp. 189–91.

⁴³ Many Chinese wanted to join his party, Liem claimed, but were harassed by the Political Intelligence Service (Politieke Inlichtingendienst), because the colonial government “did not want to see Chinese and Indonesian people unite.”

[*kerakyatan*], that is, the Chinese nationality, after the abolition of the Dutch nationality,"⁴⁴ thus essentially arguing that since the Chinese were no longer Dutch subjects, the impending transfer of sovereignty should not affect their national status. Unlike Liem, for Oei, the "Chinese" label was more than a cultural attribute; it represented primarily a people, thus a collective self-identification, with inherent as well as inherited nationalistic sentiments. It was implicit in his argument that the identity of the Chinese in Indonesia was not one and the same with "Indonesians," nor could the two be merged. Rather, he imagined the Chinese population as an extra-national constituent, whose members would continue to live and earn their living in Indonesia after the transfer of sovereignty. He assured members of the committee that even though the Chinese might opt for Chinese nationality, they were "100 percent prepared to assist the Indonesian people to establish an independent state, to the best of [their] ability." The question of citizenship, ultimately, for him, was more than a matter of legality—it was a matter of "nationalistic feelings."⁴⁵

The sincerity of Oei's "nationalistic feelings" for China was, however, not unquestionable. Oei was an heir to the sugar and shipping empire Oei Tiong Ham Concern of Semarang, and it is well documented that Oei's extended family was quite cosmopolitan when it came to national attachment. He descended from people whose lives were shaped by the colonial global trade—from his grandfather Oei Tjie Sien, who migrated to Semarang and became an importer of dried fish and exporter of tea, spices, sugar, and tobacco, to his father, the Chinese major and sugar magnate Oei Tiong Ham.⁴⁶ Many descendants of Oei Tiong Ham, from eight wives, were schooled abroad, intermarried, and established roots outside Indonesia.⁴⁷ Additionally, it was not uncommon for Chinese merchants during the colonial period to hold multiple nationalities, which worked to their advantage in terms of business networking and trade tariffs.⁴⁸ A Chinese merchant who registered in the Japan-ruled Formosa, for instance, could simultaneously claim the nationalities of Taiwan, Japan, the Netherlands, and Great Britain. As Man-houng Lin indicates, multiple nationalities were possible due to the flexible nature of China's nationality law, and, in addition, the British nationality law did not require its holders to give up their original nationality. The institutions, culture, and networks of global trade in which Chinese merchants moved inevitably created individuals with fluid national subjectivity in the late nineteenth and early twentieth centuries.⁴⁹ It has been noted that Oei Tiong Ham liked

⁴⁴ Bahar and Hudawati, eds., *Risalah Sidang*, pp. 213–15.

⁴⁵ *Ibid.*, p. 214.

⁴⁶ Liem Tjwan Ling, *Raja Gula Oei Tiong Ham* (Surabaya: Liem Tjwan Ling, 1979). Liem was a proofreader at *Soeara Publik* between 1926 and 1928, when the newspaper was headed by Liem Koen Hian.

⁴⁷ Benny G. Setiono, *Tionghoa dalam Pusaran Politik* (Jakarta: Elkasa, 2002), pp. 249–76. In some sources, Oei Tiong Ham is said to have had nine wives.

⁴⁸ Man-houng Lin, "Overseas Chinese Merchants and Multiple Nationality: A Means for Reducing Commercial Risk (1895–1935)," *Modern Asian Studies* 35,4 (2001): 985–1009.

⁴⁹ Adam McKeown has drawn attention to the global connections, dispersions, channels, nodes, links, and flows related to modern Chinese migration. See his two books, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900–1936* (Chicago, IL: University of Chicago Press, 2001) and *Melancholy Order*. McKeown's discussion of the Chinese migrant elite in Peru is especially illuminating with regard to their cosmopolitan identity. The Chinese in Peru, he writes, "made economic accomplishment the basis for any social recognition" and "presented themselves to the Peruvian public not as the representatives of Chinese associations or the Chinese communities, but as the honorable managers of important companies who worked in the interests of Peru without interfering in the affairs of the people." See his *Chinese*

to describe himself as a “Semarang Chinese,” an identity that was simultaneously local and cosmopolitan, more than it was political.⁵⁰ So it is quite likely that Oei Tjong Hauw’s approach toward Indonesian citizenship reflected the mercantile group’s flexible attachment to nations and nationalities more than it did his proclaimed loyalty to China.

It is also possible that Oei’s preference for Chinese nationality was based on a business calculation. He was one of the founders of Chung Hwa Hui (Chinese Association), a party known to have a close relationship with the Dutch government in terms of commerce and politics.⁵¹ In spite of this, during the Japanese occupation Oei’s business also collaborated with the Japanese authorities as a supplier for the army.⁵² In fact, commercial dealings between *Mata-hari*, a newspaper subsidized by Oei Tjong Ham Concern, and Japanese companies at the height of the second Sino-Japanese War, led other Indies-Chinese newspapers to charge *Mata-hari* with being a sellout and traitor.⁵³ Additionally, from a business point of view, it is not so unexpected that Oei’s opinion was consistent with that of the (soon to be) returning Dutch authorities, who sought to recover their prewar colony. Heidhues has noted that, upon returning to Indonesia, and in his negotiations with Indonesian leaders, Lt. Governor-General Van Mook pushed for a scenario of ethnic pluralism in which Dutch people—along with Chinese, Arab, and Eurasian residents—would form separate (alien) constituencies in independent Indonesia in order to retain some of their distinctive roles, preserve their economic interests, and protect their respective positions as recognized minorities.⁵⁴ From many indications, it appears that economic factors, rather than “nationalistic feelings,” motivated Oei Tjong Hauw’s appeal to the Investigative Committee that the Chinese be left to remain Chinese nationals.⁵⁵

Migrant Networks, p. 137. It is easy to imagine that Oei saw his presence in and relation with Indonesia in just these terms, as an unintrusive foreigner. For a more specific discussion on how transnational practices affect (and create new) Chinese subjectivities, see Aihwa Ong and Donald M. Nonini’s edited volume, *Ungrounded Empires: The Cultural Politics of Modern Chinese Transnationalism* (New York, NY: Routledge, 1997).

⁵⁰ Twang Peck Yang, *The Chinese Business Elite in Indonesia and the Transition to Independence, 1940–1950* (Kuala Lumpur: Oxford University Press, 1998), pp. 24–26. Oei Tjong Ham’s youngest son, Oei Tjong Tjay, however, described his father as having a nationalistic bent, being the first Chinese in the Indies to get rid of the Manchu-imposed pigtail; see Yoshihara Kunio, “Interview: Oei Tjong Tjay,” *Southeast Asian Studies* 27,2 (September 1988): 221–65. A short journalistic novel by Tan Moh Goan, *Doenia Terbalik . . . ?!* (*Tjilik Roman*’s 12, November 1949), gives a survey of Chinese communities displaced by acts of violence at the beginning of the Japanese occupation. Among those affected is the Chinese population in Semarang, where “Mr. Oei T. H.” donates a sum of f75,000 to a local relief organization and mobilizes employees of his firm to assist with the relief work. The company “O. T. H. Concern,” we are told, also donates f50,000. Regardless of the factuality of Tan’s account, one should not doubt that Oei Tjong Ham or Oei Tjong Hauw had fellow feelings for the Chinese in the Indies.

⁵¹ Suryadinata, *Peranakan Chinese Politics in Java, 1917–1942*.

⁵² Yang, *The Chinese Business Elite*, pp. 86–91.

⁵³ “Polemik Mata-hari dan Sin Tit Po,” *Sin Tit Po*, May 8, 1939.

⁵⁴ Heidhues, “Citizenship and Identity,” p. 118.

⁵⁵ In this regard, Oei was an early subscriber to what Aihwa Ong describes as “flexible citizenship,” the selective and circumstantial association with nation-states based less on the notion of duty and political participation than on a calculation of benefits. Ong writes, “Although citizenship is conventionally thought of as based on political rights and participation within a sovereign state, globalization has made economic calculation a major element in diasporan subjects’ choice of citizenship”; see Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham, NC: Duke University Press, 1999), p. 112.

The delegate from West Java, Oei Tiang Tjoei, concurred with Oei Tjong Hauw in many respects. Regardless of where they live, he declared, Chinese people harbor nationalistic feelings and such feelings are quite natural. Even though they have lived in the Indian archipelago for generations, the Chinese, like other people, "shall hold firmly onto the nationality [they] were born with."⁵⁶ In fact, Oei Tiang Tjoei saw the parallels between China's and Indonesia's movements for independence, and, like Oei Tjong Hauw, pledged wholehearted support for the birth of the Republic of Indonesia.⁵⁷ He proposed therefore, that, if it should happen that Chinese people were incorporated into Indonesian citizenship, they must also be granted the opportunity to make individual decisions to retain their Chinese nationality.

There is not much biographical information available on Oei Tiang Tjoei that would enable us to expand on his position. He was the director of *Hong Po* and its successor, *Kung Yung Pao* (Malay edition), which were known to be pro-Japan—especially the latter, which was among a few newspapers allowed to publish during the Japanese occupation. His close connection with the Japanese authorities in Indonesia, as in the case of Oei Tjong Hauw, undoubtedly put him in a position to become one of the forty-three members of the Central Advisory Council (*Chuo Sangi-in*), and, subsequently, of the Investigative Committee. What is clear about Oei was his antipathy toward the Dutch government in the Indies, and to a certain extent all the colonial powers in Asia.⁵⁸ He seems to identify more with Indonesia than with China,⁵⁹ and in his memoir he castigated what he called "five-and-dime" (*klontong*) Chinese nationalists in Indonesia who nonetheless capitulated and became spies for the Dutch government. In his eyes, such Chinese were in effect "traitors to fellow Asian nations."⁶⁰ It appears that he spoke in his capacity as representative of the Chinese population when referring to the Chinese immutable ethno-nationality;⁶¹ he was head of Hua Ch'iao Chung Hui (Overseas Chinese Association), the only association of its kind sanctioned by the Japanese authorities.

⁵⁶ Bahar and Hudawati, eds., *Risalah Sidang*, p. 213.

⁵⁷ Oei was referring to China's sovereignty being infringed upon by Western powers, not to the annexation of its territories by Japan. His pro-Japan stance and close association with the occupying authorities certainly confirmed this.

⁵⁸ Between 1941 and 1942, Oei was detained by the Dutch government because the newspaper under his management, *Hong Po*, was a vocal supporter of Japan and critical of the colonial government. In his memoir he wrote of his experience as a political prisoner from December 8, 1941, until the arrival of the Japanese army in Cilacap in March 1942. See Oey [sic] Tiang Tjoei, *Pengalaman Kita dalam Pengasingan Garoet-Soekaboemi dan Noesakambangan (Tjilatjap)* (Jakarta: Hong Po, 1942). In the memoir, the Malay name for Dutch ("belanda") is always printed in lowercase.

⁵⁹ This is what was puzzling about Oei's politics. Back in 1942, in the same memoir, he wrote rather passionately about Indonesia. When faced with the possibility of being exiled overseas, outside the Netherlands Indies, Oei wrote that he and other detainees were ready to resist, "to shed blood to water Indonesia's seeds of independence, so that it [would] soon be free from dutch [sic] oppressive power," and that they "would rather die in Indonesia, where they were born [and] raised." See Oey, *Pengalaman Kita*, p. 42.

⁶⁰ Oey, *Pengalaman Kita*, p. 25.

⁶¹ This view of ethnic nationalism—that one is born into a nation and is forever stamped by it—was shared by the Chinese consul New Shu Chun, who later remarked, "With regard to citizenship, it is up to the Chinese people [in Indonesia] to choose, but whatever [their choice] and wherever [they are], Chinese people are always Chinese." See "5000 Pengoengi Tionghoa Ingin Kombali ka Djokja," *Sin Po*, August 8, 1949, p. 1.

Needless to say, it seemed natural for both Oei Tiang Tjoei and Oei Tjong Hauw to imagine the Chinese and Indonesians as two distinct national groups. Unlike Liem, whose concept of “Chinese” was rather exceptional, Oei Tiang Tjoei did not perceive the potential inclusion of Chinese people into Indonesian citizenship as a form of or process toward nationalization. The naturalization process, if it occurred at all, was to be in the legal sense only, and not in the cultural or biological sense (in which ethnic Chinese would be assimilated into the local environment in order to become more like Indonesians). So to him, impending Indonesian citizenship, at best, was no more than a legal attribute—not unlike the other nationalities that overseas Chinese customarily adopted—and by no means would it diminish their filial bond with “the nationality they were born with.” Such a conception of citizenship—a formal (legal) attribute that does not entail substantive integration—in retrospect, is precisely what the Chinese were accorded in post-colonial Indonesia. The difference, however, is that today such artificial inclusion is condemned by the Chinese as a form of discrimination.

To be sure, there were misgivings about incorporating the Chinese into Indonesian citizenship.⁶² As Oei Tjong Hauw indicated in his address, a number of Indonesian leaders suspected that some Chinese did not want to become Indonesian citizens because they looked down on this status. He dismissed this suspicion as false, but the perception was not without historical basis. It is well documented that throughout the colonial period, the Chinese tirelessly pressed for equal status (*gelijkstelling*) alongside Europeans and Japanese, which would distinguish them further from the natives (*inlanders*) who occupied the bottom of the social hierarchy. In 1919, the Netherlands Indies government relented by making the European civil code applicable to Indies-born Chinese (except for inheritance and family laws), with a promise that they would be granted equal legal standing with Europeans and Japanese in due course. With regard to criminal law, it had long been a source of grievance and taken as an insult by the Chinese that they were subjected to the same regulations as the indigenous people and were tried in “native courts” by a native judge (*djaksa*).⁶³ The promise of equality with Europeans never quite materialized in part due to lack of funding for new courts—as the Chinese population was five times larger than that of the Europeans—and concerns that it might trigger resentment from the indigenous population.

Another dynamic in the citizenship debate was the Japanese political program in Indonesia. It should be noted that the kind of extra-national residential status defined for ethnic Chinese in Indonesia, as anticipated by Oei Tjong Hauw, was not without a political context. The Investigative Committee and the 1945 Constitution that committee produced were conditioned by a specific political circumstance—the Japanese occupation and its design for the Greater East Asia Co-Prosperity Sphere. In the blueprint of Greater East Asia, formerly colonized nations in Southeast Asia, in addition to China and Manchukuo, would form a special bond as “a family of nations”

⁶² See especially the speech by Wongsonagoro in Bahar and Hudawati, eds., *Risalah Sidang*, p. 192; see also the 1934 polemics on whether *peranakan* Chinese were Indonesians: Leo Suryadinata, *Peranakan's Search for National Identity: Biographical Studies of Seven Indonesian Chinese* (Singapore: Times Academic Press, 1993).

⁶³ Amry Vandenbosch, *The Dutch East Indies: Its Government, Problems, and Politics* (Berkeley, CA: University of California Press, 1941), pp. 24–25, 364–65. See also Kwee Tek Hoay, “Gelijkstelling Bagi Bangsa Tionghoa,” *Panorama* 29, July 2, 1927; and Lohanda, *Growing Pains*, pp. 92–106.

under Japan's leadership.⁶⁴ At the end of the Pacific War, Oei Tjong Hauw envisioned all Asians, regardless of nationality, would be equal, liberated, and prosperous. Oei Tiang Tjoei, too, considered the political context when he proposed flexibility for the Chinese to decide on their national status "in accordance with international rules, in order to unite for the common interests of the Greater East Asia." So the flexibility with which these Chinese delegates approached the question of Indonesian citizenship was grounded not solely on the proclaimed inherent bond with Chinese nationality, but also on the impression that both Indonesia and China might someday soon be members of a united Greater East Asia community.⁶⁵

These choices and political dynamics, rather than the history of hostility among ethnic Chinese and indigenous groups in the Indies, are what factored into the legal distinction between "indigenous" and "non-indigenous" Indonesians. It certainly was not lost on Wongsonagoro,⁶⁶ a representative from East Java, that some Chinese might not wish to be classified as "indigenous residents" (*penduduk asli*), a status that would automatically convert them into "citizens" upon Indonesia's independence.⁶⁷ Essentially, he observed, members of the Investigative Committee saw the alternatives of residency in independent Indonesia in binary terms—"indigenous" or "alien."⁶⁸ But he deemed this categorization too extreme, so he proposed instead a new, third category in-between indigenous and alien—a special residential status. The special status, he elaborated, was to be designated for "our brothers and sisters who are not indigenous, nor alien, but of our fellow Greater East Asian nations." In his judgment, this special category was not only congruent with the principles of co-prosperity, but also constructive in promoting mutual trust among the nations involved. In fact, in drawing up a constitution, members of the committee were rather timid, if not hesitant, in taking steps to "nationalize" people of other nationalities, as committee members did not wish to be perceived as disrespectful of other sovereignties.⁶⁹ Moreover, it is worth noting that in Wongsonagoro's proposal, indigeneity is more of a temporal indicator than a racial marker, in which case all those who established residency prior to Indonesia's independence would automatically acquire citizenship. Thus, it appears from his remarks that the Chinese were not to be classified as "indigenous" (*asli*) as a way to exclude them, but rather to acknowledge their self-identification as non-Indonesians.

⁶⁴ As delegate Parada Harahap remarked, "[T]he Indonesian state that we are about to establish is one member of the Greater East Asian family"; see Kusuma, *Lahirnya Undang-undang Dasar*, p. 264.

⁶⁵ As this convention took place after Japan had lost the Philippines and Burma to the Allied Forces and was increasingly on the defensive, it was also possible that Oei Tjong Hauw was anticipating the return of the Dutch government, in which case the Chinese population's elite position relative to the "natives" could simply be restored.

⁶⁶ Wongsonagoro was the Regent of Sragen, an adjudicator for the Solo royal court, head of the Boedi Oetomo branch in Solo and of Jong Java (Young Java), and co-founder of Indonesia Moeda (Young Indonesia); see Gunseikanbu, *Orang Indonesia*, p. 113.

⁶⁷ Bahar and Hudawati, eds., *Risalah Sidang*, pp. 192–95.

⁶⁸ A similar sentiment was expressed in the first phase of the convention between May 29 and June 1, 1945. As delegate Soesanto Tirtoprodjo summed it up in his speech, "[I]n the system of government of Free Indonesia, there will be only two kinds of residents: Indonesian nationals and foreign nationals." What he meant by "Indonesian nationals" were those who were "normally referred to as Indonesians," as well as residents who "truly felt [themselves] to be solely Indonesian." See Kusuma, *Lahirnya Undang-undang Dasar*, p. 111.

⁶⁹ See in particular Soepomo's argument in Bahar and Hudawati, eds., *Risalah Sidang*, pp. 326–27.

To his credit, Liem Koen Hian tried to dispel the classification of Indonesians based on indigeneity and ethnicity. As early as 1930, he had promoted the concept of "Indonesianship" (*Indonesiërschap*), which defined the Indonesian nation as inclusive of all people who regarded the Netherlands Indies as their homeland.⁷⁰ As a leftist, in his writings he underscored the merits of looking at the question of nationality in independent Indonesia through the prism of class. He argued, for instance, that the wide-ranging Chinese attitudes toward Indonesian citizenship were motivated by class differences. As far as Chinese people were concerned, he wrote just before the Investigative Committee convened, they did not constitute a cohesive unit. "The Chinese communities are composed of various social strata. Each social stratum has its own interests, and sometimes they are contradictory to one another."⁷¹ Chinese business people have conflicts of interest with Chinese clientele, he offered, and the latter may have more in common with the Indonesian labor class than with their wealthy compatriots. Against the prevalent view that tended to conflate the Chinese ethnic with material privilege, Liem tried to draw a distinction along class lines in order to bring together the majority of Chinese and Indonesians. Moreover, perhaps in anticipation of Oei Tjong Hauw's rejection of Indonesian citizenship, his argument implied that Chinese individuals from the entrepreneurial class could not be said to be speaking for Chinese people in general, who presumably were from the (lower) laboring class. These Chinese, he insisted, have much more in common with Indonesians.

From the point of view of some committee members, as a matter of fact, the marker "indigenous" conflicted with the very nature of the Indonesian Constitution.⁷² Sukardjo Wirjopranoto more specifically argued that cultivating the distinction between indigenous and non-indigenous citizens projected an image of fragmentation, which only undermined Indonesia's advocacy of unity and its rationale for independence. He proposed that the modifier "indigenous" be deleted from the draft "to avoid disagreement," in which case "the citizens" would be defined minimally as "the people of Indonesia and those who at the time of inauguration (*pelantikan*) [of independence] have resided in Indonesia."⁷³ The representative of Dutch-Eurians, P.

⁷⁰ Since the late 1920s, Liem had conceptualized an Indies-based national status for the Chinese called "Indisch burgerschap" (Indies citizenship). According to journalist Kwee Thiam Tjing, this concept was endorsed and given the simplified term "Indonesiërschap" in the 1930s by Liem's close friend, the nationalist leader Tjipto Mangoenkoesoemo. See Liem Koen Hian, "Ka-Indonesiërschap," *Sin Tit Po*, April 2, 1930; see also Liem's article written under the pseudonym "Medewerker" (Employee), "Apa Baba Bisa Menjadi Indonesiër?" *Mata-hari*, September 8, 1934.

⁷¹ As cited in Yang, *The Chinese Business*, p. 125.

⁷² The 1945 Constitution also stipulates that the president of Indonesia has to be an indigenous citizen. (Had the modifier "indigenous" been omitted from the definition of citizen, one could only speculate about the presidential proviso.) In the draft constitution, being a Muslim was another prerequisite, but that was dropped after spirited debates and as a concession to delegates from Christian-majority regions.

⁷³ See Bahar and Hudawati, eds., *Risalah Sidang*, pp. 341, 344. There seems to be a crucial error in Kusuma's edition of Yamin's remark on this particular point. When Yamin recited the "revision of [his] suggestion" (*redaksi daripada usul saya*) for the article on citizen, he removed the word "asli" (indigenous) to take into account Wirjopranoto's proposal. In Kusuma's book, the word "asli" remains, thus nothing was redacted; see *Lahirnya Undang-undang Dasar*, p. 400. The word "asli" is omitted in Yamin's own edition of transcripts from the constitutional convention, *Naskah Persiapan Undang-undang Dasar 1945: Disiarkan Dengan Dibubuhi Tjataan*, Vol. 1 (Jakarta: Jajasan Prapantja, 1959), p. 355. Yamin has been accused of embellishing his role in the constitutional convention and of tampering with the proceedings to reflect this. However, taking

F. Dahler, went further, proposing that the committee bypass the difficult delineation of “citizen” by relegating it altogether to legislative acts (*undang-undang*), and thereby shifting it outside the constitution (*undang-undang dasar*), after the transfer of sovereignty. This proposal was initially endorsed by Soepomo and Yamin, but both retracted their endorsements for the sake of technical clarity (regarding who “the Indonesians” were) at the time of independence.⁷⁴

Committee members representing Dutch-Eurasian and Arab constituents were unequivocal in their aspirations for Indonesian citizenship. The representative of the Arab group, A. R. Baswedan, was especially adamant that this status must be acknowledged in the constitution.⁷⁵ In the case of Arabs, he explained, the process of integration was far less complicated than for the Chinese, as Arab people in the Indies did not share a common national origin; at the time there was no single Arab state equivalent to the Republic of China. What’s more, Baswedan elaborated, most Arabs had intermarried with indigenous people in the Indies. Thus, as a stateless group, they were disinclined to give their allegiance to any other country, and as an assimilated group, they were prepared to become citizens of the new nation.⁷⁶

Thus, the sticking point in the debate was the difference of opinion among the Chinese delegates. As Baswedan made clear, the Chinese groups’ divided positions “had put the committee in a bind,” which thus threatened to nullify the Arab group’s desire to be naturalized as Indonesian citizens.⁷⁷ Because the Chinese represented a larger constituency than the Eurasian, Arab, or Indian populations in Indonesia, they had a bigger sway in this matter. Taking into consideration Oei Tjong Hauw’s remarks that, like the Indonesians, Chinese people also had nationalistic feelings, the main architect of the constitution, Soepomo, considered it “imperative” that the committee “respect” the Chinese feelings by not heedlessly naturalizing residents of foreign descent (*kaum peranakan*).⁷⁸

The result of the long debate was a compromise. “Because of the disagreement among the Chinese groups,” Soekarno said later, summing up the situation, “the Investigative Committee adopted a [special] clause” consigning the national status of residents of foreign descent to be determined by legislative acts.⁷⁹ Acts, Soepomo explained, were flexible and easy to amend, unlike the constitution.⁸⁰ While Oei Tjong Hauw must have been pleased with this decision, Liem Koen Hian resigned in protest,

into consideration Wirjopranoto’s proposal to delete the word “asli” does not affect his reputation positively or negatively.

⁷⁴ They were taken aback by this question from delegate Soetardjo Kartohadikoesoemo, “[B]efore there are legislative acts, who then are the citizens?” The concern was that if the citizens were not defined at the time of the proclamation of independence, some Indonesians might think they were still Dutch subjects. See Bahar and Hudawati, eds., *Risalah Sidang*, pp. 344–46.

⁷⁵ Ibid., p. 337.

⁷⁶ Ibid., pp. 337–40.

⁷⁷ Ibid., p. 340.

⁷⁸ Ibid., pp. 326–27.

⁷⁹ Kusuma, *Lahirnya Undang-undang Dasar*, p. 527.

⁸⁰ Ibid., p. 387.

stating that it was inappropriate for him as an “alien national” to be in the Indonesian constitutional committee.⁸¹

In regards to political representation, the legitimacy of the Investigative Committee was questionable. It was assembled during the Japanese occupation, and its members were appointed by the occupying authorities. Additionally, it comprised representatives from only Java and the island of Madura, which were administered by the Japanese Sixteenth Army.⁸² The eastern part of Indonesia was under the authority of the Japanese Navy and therefore did not have a delegation.⁸³ After Japan surrendered, the Committee for the Preparation of Indonesia’s Independence (Panitia Persiapan Kemerdekaan Indonesia), sixteen of whose twenty-seven members also served on the Investigative Committee, in addition to delegations from eastern Indonesia, Bali, and Sumatra, finalized the draft constitution and sanctioned it one day after the declaration of independence. In the concluding session of the constitutional deliberations, except for references to the formal position of Islam in the state,⁸⁴ for the most part the draft prepared by the Investigative Committee remained unaltered, including the articles on citizenship.

Hence, when the 1945 Constitution went into effect, it defined Indonesian citizens as “persons who are indigenous Indonesians and persons of [another] nationality who become citizens by way of law.”⁸⁵ Within a year, the Law on Citizenship and the Population of Indonesia (UU No. 3, 1946, then amended with UU No. 6, 1947) expanded this definition into

(a) persons who are native to the territory of the Indonesian nation; (b) persons not included in the aforementioned group but descended from a person of that group, who were born and reside within the jurisdiction of the Indonesian state, and persons who are not descendants of the aforementioned group but were born and have resided for at least the last five consecutive years in the jurisdiction of the Indonesian state, who are at least twenty-one years of age or have married.

⁸¹ He resigned on the final day of the Investigative Committee convention, July 16, 1945, when the draft constitution was accepted by acclamation; *ibid.*, p. 455.

⁸² Members of the Investigative Committee, however, drafted the 1945 Constitution with the assumption that the new state would, at minimum, comprise the territory of the former Dutch East Indies; see Bahar and Hudawati, eds., *Risalah Sidang*, pp. 66–82, 178–80. In his speech on July 10, Yamin remarked that the Investigative Committee convention was “representative of the people” because the delegates “originated from the island of Sumatra, the island of Borneo, from Java, from Sulawesi, from Ambon,” such that they “could deliberate in the way of the people and for the people”; *ibid.*, p. 229.

⁸³ Sumatra was under the Twenty-fifth Army and had its own less active investigative committee that, in the end, proved inconsequential; see Benedict R. O’G. Anderson, *Some Aspects of Indonesian Politics under the Japanese Occupation: 1944–1945* (Ithaca, NY: Cornell Modern Indonesia Project, 1961).

⁸⁴ For more information on this, see R. E. Elson, “Another Look at the Jakarta Charter Controversy of 1945,” *Indonesia* 88 (October 2009): 105–30.

⁸⁵ Chapter X, Article 26, 1. The wording reverted to what was written in the so-called *Undang-undang Dasar Sementara* (Provisional Constitution), submitted by the Husein Djajadiningrat group on June 15, 1945; see Kusuma, *Lahirnya Undang-undang Dasar*, p. 194. Soepomo, along with A. Soebardjo and A. Maramis, as early as 1942, had drafted *Rencana Permulaan dari Undang-undang Dasar Negara Indonesia* (Preliminary Draft of the Constitution of the Indonesian State), in which “the conditions necessary for being an Indonesian citizen” were written simply as “to be determined by law”; see Kusuma, *Lahirnya Undang-undang Dasar*, pp. 562, 571. “Citizen” in this 1942 draft is still referred to as “rakyat” (the people), not “warga negara” (literally, “member of the state”).

In the 1947 revision, the repudiation clause (Article 3a) was added, stating that an “Indonesian citizen who also holds citizenship [in another] state can relinquish his/her Indonesian citizenship with a declaration of objection.” This declaration was to be submitted in writing to the Minister of Justice within one year after the law went into effect.

Despite Oei Tjong Hauw’s proposition to let the Chinese in Indonesia remain citizens of China, and the viewpoints of Chinese delegates of Central and West Java that ethnic Chinese constituted a separate nationality and could (or should) not be expected to shed their ancestral bond with China, the first nationality law was defined broadly enough to include ethnic Chinese and to accommodate individual aspirations to retain Chinese (or other foreign) nationality and refuse Indonesian citizenship should one wish to do so.

It cannot be denied that in the early years of the Republic, the 1945 Constitution was on rather tenuous footing. Within months after the constitution was sanctioned, the Republican government was forced to desert Jakarta and relocate to Yogyakarta by the Allied Forces. And due to factionalism in the central leadership, and because he had been tainted by his collaboration with the Japanese, as early as November 1945 Soekarno had to relinquish much of his executive power to a parliamentary system to accommodate the different factions and (later on) political parties.⁸⁶ For less than a year after the transfer of sovereignty on December 27, 1949, when Indonesia was officially a federation of the original Republic along with fifteen other Dutch-formed states, the country was governed by the 1949 Constitution of the Federal Republic of Indonesia (*Konstitusi RIS*), in which citizenship is simply defined as being “determined by federal laws.” When the federal states voluntarily or by coercion merged into the unitary Republic of Indonesia on August 15, 1950, the 1950 Provisional Constitution (*Undang-undang Dasar Sementara*) was sanctioned and the article on citizenship remained, except for the word “federal.” The Provisional Constitution was supposed to remain in effect until an elected assembly could draft a more representative one.⁸⁷ The first national election was held in 1955, but the subsequent constitutional assembly experienced gridlock and settled nothing, even though more than half of the assembly members favored a return to the 1945 Constitution. Later it was reimplemented by way of a presidential decree, on July 5, 1959.

Thus, regardless of the way the term “indigenous” was to be politicized, the preliminary definition of “citizen” was hardly discriminatory. Even Donald Willmott, who wrote extensively on the national status of ethnic Chinese in Indonesia, appears to have missed the entirety of the dynamics behind the constitutional deliberations on citizenship, devoting no more than two pages to it in his book *The National Status of the Chinese in Indonesia, 1900–1958*. In reality, the definition of citizen in the 1945 Constitution and in the subsequent nationality law is quite generous, as it reflects ample goodwill on the part of the nationalist leaders and their close relationship with leaders of the Chinese community. Tjoa Sik Ien, the pre-war chairman of Partai

⁸⁶ Benedict R. O’G. Anderson, *Java in a Time of Revolution: Occupation and Resistance, 1944–1946* (Ithaca, NY: Cornell University Press, 1972); J. D. Legge, *Sukarno: A Political Biography* (Sydney: Allen & Unwin, 1972), pp. 149–278.

⁸⁷ M. C. Ricklefs, *A History of Modern Indonesia* (Bloomington, IN: Indiana University Press, 1981), pp. 200–21.

Tionghoa Indonesia, director of the newspaper *Sin Tit Po*, and self-proclaimed supporter of the Indonesian independence movement, wrote of the inclusionary disposition and the democratic quality of Indonesia's first nationality law. In an essay he wrote, "[The Indonesian nationality law] is very different from the Netherlands Indies government which made all Indies-Chinese Netherlands subjects without asking whether or not they wanted the status. The attitude of the Chinese government was like that of the Dutch, as in the agreement between the Dutch and the Chinese in Beijing in 1911, they declared nationality for all overseas Chinese without first asking the opinion of those concerned."⁸⁸

The Chinese may have harbored reservations about being deemed "Indonesian" not only because that status struck some of them as inferior, but also because they had experienced recurring hostility from (other) Indonesian groups during the revolutionary period. Scores of journalistic accounts of outbreaks of anti-Chinese violence in cities like Tangerang, Malang, Surabaya, Palembang, and Bagansiapiapi—ranging from vandalism, assault, to killings—undoubtedly gave some Chinese second thoughts about joining the national fraternity of Indonesia.⁸⁹ The assaults, of course, stemmed from long-held indigenous resentment over the perceived arrogance attributed to some Chinese, as well as resentment of the roles the Chinese had played as middlemen in the colonial economic structure, where a number operated as opium and revenue farmers and retail traders. Given the reputation of the Chinese, many people assumed that they would prefer to collaborate with those seeking the return of the Dutch. Some estimate that one thousand Chinese were killed in Surabaya alone; but the number is relatively small compared with Indonesian casualties from the turbulent years in that battlefield city.⁹⁰ The heavy toll exacted by the revolution—of Indonesians who fell to the Allied Forces and to the Japanese military caretakers when defending the young Republic—and, conversely, the general lack of any Chinese contribution to the independence effort, in the eyes of the Indonesian public, could not but undermine any future Chinese claim of belonging.⁹¹

In the subsequent years, while many Chinese were resigned to a wait-and-see attitude, there were those who exercised the right to remain Chinese nationals.

⁸⁸ Tjoa Sik Ien, *Masa'alah Warga Negara Indonesia* (Jogjakarta: [s.n.], 1946), pp. 20–26. In his translation, Leo Suryadinata used the words "citizen" and "citizenship," although, in this case, it appears that Tjoa was talking about "subject" and the Dutch "subjecthood"; see Suryadinata, *Political Thinking of the Indonesian Chinese*, p. 176.

⁸⁹ See, for instance, accounts by Kwee Thiam Tjing (under the pseudonym Tjamboek Berdoeri), *Indonesia Dalam Api dan Bara* (Malang: Perfectas, 1947); Kwee Kek Beng, *Doea Poeloe Lima Tahun Sebagai Wartawan, 1922–1947* (Batavia: Kuo, 1948); and the aforementioned journalistic novel by Tan Moh Goan, *Doenia Terbalik ... ?!*

⁹⁰ In a footnote, William H. Frederick quotes A. H. Nasution's estimation of casualties as "tens of thousand dead and wounded" on the Indonesian side and a Dutch figure of eight thousand dead; see Frederick, *Visions and Heat: The Making of the Indonesian Revolution* (Athens, OH: Ohio University Press, 1989), p. 288, n. 6.

⁹¹ Frederick's account of Surabaya during the revolutionary years noted that some Chinese tried to profit from this period of chaos, taking possession of deserted homes with Dutch approval; *ibid.*, p. 281. It is also worth noting that in the two arguably most detailed studies of the Indonesian revolution—Anderson's *Java in a Time of Revolution* and Frederick's *Visions and Heat*—references to "Chinese" almost always occur alongside references to "Dutch" and "Eurasians." No doubt this is because, from the perspective of the revolutionary activists and Indonesians at large, the Chinese were not distinguishable from the Dutch politically, and their fate rose and fell with the fates of these other colonial cohorts.

Willmott noted, however, that their actual number remained a mystery, while "unofficial reports gave a wide range of estimates." For instance, Badan Permusjawaratan Kewarganegaraan Indonesia (Consultative Body for Indonesian Citizenship, BAPERKI), a Chinese organization in favor of integration with Indonesia, gave a figure of no more than 10 percent, while an estimate from Peking claimed that more than half of about two million Chinese in Indonesia had chosen Chinese citizenship and repudiated Indonesian citizenship.⁹² Government sources in Indonesia gave unofficial estimates of about 30 percent, but Willmott also observed that "the Courts in many areas were exceedingly slow in 'processing' the declarations of repudiation." The Indonesian minister of justice finally ordered the termination of this processing on January 1, 1958, which means "many cases of repudiation were never officially certified."⁹³

In Willmott's view, most of the Chinese who rejected Indonesian citizenship belonged to the group that was loyal to the People's Republic of China. In light of the civil war in China, pro-Kuomintang Chinese who were born in Indonesia did not reject Indonesian citizenship after 1950, because doing so would put them under the jurisdiction of Communist Chinese consuls. In the end, all these conflicting responses to Indonesian citizenship—so aptly represented in 1945 by the Chinese delegates to the Investigative Committee convention—underscored the distinctions among ethnic Chinese who were leaning variously towards Indonesia, China, and Taiwan; among members of the entrepreneurial and labor classes, as Liem Koen Hian argued; among those from *peranakan* and *totok* cultural backgrounds; and among those with diverse political outlooks. It is worth repeating here what has been said about the diversity of the so-called "Chinese," that they came to the archipelago at different times from different provinces, spoke different languages, moved in different networks, and settled in different grooves. They were pulled towards different identities at different times—as Chinese sojourners, colonial subjects, and new citizens—eventually identifying themselves as Indonesians, but they did so at different speeds.⁹⁴ In retrospect, 1945 was the beginning of what (until now at least) would be the most dramatic identity shift, that is, the shift to become citizens in the era of nation-states.⁹⁵

Yet, this episode of history—marked by the Chinese's mixed responses to Indonesian citizenship—has rarely been considered and discussed. Chinese-Indonesians are more inclined to focus on their politically marginal status, the continuing practices of discrimination, and their lasting pursuit for substantive inclusion. The dominance of exclusionary discourse has made it almost impossible,

⁹² Willmott, *The National Status of the Chinese*, p. 68.

⁹³ Willmott wrote, "The Government published official lists of persons who had repudiated Indonesian citizenship, but these were far from complete. Up until 1954 they included only 24,192 Chinese names. Unofficial repudiation figures for various localities appeared in the press, however. By comparing these with population statistics from various sources, [Willmott] estimates the following local percentages of Indonesian-born Chinese who repudiated their Indonesian citizenship: Djakarta, 25 percent; Jogjakarta, 25 percent; Surakarta, 20 percent; and Semarang, 10 percent." *Ibid.*, pp. 68–69.

⁹⁴ J. A. C. Mackie describes the diversity of the Chinese in Southeast Asia in these terms; see his introduction to *Sojourners and Settlers*, pp. xiii, xxvii.

⁹⁵ The irony here is that the nineteenth-century creolized Chinese who resinicized themselves to become respectable Chinese nationals must not have thought that their descendants would eventually be forced to reverse these changes in order to be accepted as Indonesian nationals. This only points to the malleability of national identity and substantiates what Liem Koen Hian had maintained back in the 1940s.

and perhaps politically unbearable, for the Chinese to talk about their inconsistent past. Chinese-Indonesian intellectuals are far more comfortable talking about Liem Koen Hian, or others like him, who were involved in or contributed to the birth of the nation or to other nationalist causes. The Chinese protagonist in Remy Sylado's popular 1999 novel, *Cabaukan*, was well received precisely for his heroic act in covertly assisting the Indonesian revolutionary fighters. On the other hand, the Chinese would rather forget about Oei Tjong Hauw's and Oei Tiang Tjoei's courteous refusal to give up "the nationality they were born with," as well as, for that matter, their assumption that Chinese people will always remain a separate national constituent in Indonesia.

One explanation for this is selective memory. The concept of Chineseness as perceived by Oei Tiang Tjoei and Oei Tjong Hauw, particularly their skepticism with regard to integration with Indonesians, has not been given proper accounting by Chinese-Indonesian intellectuals, which in turn accounts for the historical amnesia. In contrast, Liem Koen Hian's dedication to Indonesia and his unambiguous political stance have become legendary. No less than esteemed student-activist Soe Hok Gie and veteran scholar Leo Suryadinata wrote about Liem.⁹⁶ Despite his much talked about disenchantment and eventual rejection of Indonesian citizenship, many pages of books and blogs have been devoted to Liem's career, his political thinking, his participation in the Indonesian nationalist movement, and, finally, his bitter falling out with the Indonesian authorities—he was detained for his leftist activities in 1951 and died in Medan as an alien national two years after Indonesia's independence was formally recognized.⁹⁷ Liem's views and politics correspond well with the principles of assimilation in post-independence Indonesia, and with the seemingly endless struggle by the Chinese for inclusion. Editorial annotations of the official publication of the Investigative Committee proceedings portray Liem as politically inconsistent, and his eventual adoption of Chinese citizenship as the revelation of his true national allegiance.⁹⁸ Even the Indonesian constitutional historian A. B. Kusuma, whose 2004 edition *Lahirnya Undang-undang Dasar 1945* (The birth of the 1945 Constitution) is arguably the most comprehensive source on the subject, identifies Liem as among "those who rejected Indonesian citizenship" because "it turns out that he died in 1952 as a citizen of the People's Republic of China."⁹⁹ Today's Chinese-Indonesians can easily identify with Liem's story and project on him their own narratives of disappointment and rejection as citizens in Indonesia.

⁹⁶ Soe Hok Gie, "Liem Koen Hian dan Perjuangannya Pembinaan Bangsa," *Bara Eka* 6, July–August 1965, pp. 6–11; Leo Suryadinata, "The Search for National Identity of an Indonesian Chinese: A Political Biography of Liem Koen Hian," *Archipel* 14 (1977): 43–70. Recent republication of writings by Kwee Thiam Tjing, Liem's friend and junior colleague, has renewed interest in Liem's story; see Tjamboek Berdoeri, *Indonesia Dalam Api dan Bara* (Jakarta: Elkasa, 2004) and Arief Djati and Benedict R. O. G. Anderson, eds., *Mendjadi Tjamboek Berdoeri: Memoar Kwee Thiam Tjing* (Jakarta: Komunitas Bambu, 2010).

⁹⁷ Still troubled by a communist rebellion in 1948, in mid-August 1951 the Sukiman (prime minister) government arrested many left-wing activists, including Liem. He was released in October, but was quite ill and disillusioned by the Indonesian government, such that he renounced his Indonesian citizenship soon after; see Suryadinata, *Peranakan's Search for National Identity*, pp. 74–79. See also the letter from Tjoa Tjie Liang, another former colleague of Liem, to Soe Hok Gie, dated July 5, 1965, explaining why Liem, "who had spent most of his life for the nationalist cause," abandoned Indonesian citizenship out of frustration; see Soe, "Liem Koen Hian."

⁹⁸ Bahar and Hudawati, eds., *Risalah Sidang*, p. 480.

⁹⁹ See Kusuma, *Lahirnya Undang-undang Dasar*, p. 27, n. 84.

Such selective recollection is arguably a form of Chinese self-censorship regarding narratives that are at odds with their political stance today. If this particular episode of history—the Chinese ambivalence towards Indonesian citizenship—has become unrecognizable, it is because the Chinese themselves have evolved quite significantly since the time of independence, no doubt prodded in no small way by the state. As the Indonesian state became increasingly consolidated and more confident, Chinese ambivalence towards Indonesian citizenship became increasingly intolerable. Willmott's study shows that from the late 1950s, legislation influencing citizenship was designed to isolate gradually citizens of China who continued to reside in Indonesia, inadvertently alienating ethnic Chinese as a whole. Citing *Hsin Pao* in 1957, Willmott observed that it had become "more and more disadvantageous to be an alien Chinese in Indonesia," and that "a large number of those who had rejected their Indonesian citizenship in the option period 1949–1951 began to regret it."¹⁰⁰ Meanwhile, those who had intended to return to China, and thus did not choose Indonesian citizenship, were likely to have done so during the political turmoils of 1959 and 1965.¹⁰¹ Following the 1959 incident, in particular, in which the government barred alien Chinese retailers from rural areas, an estimated 136,000 Chinese are said to have repatriated.¹⁰² A similar exodus, albeit smaller in size, took place during the anti-communist campaign between 1965 and 1967¹⁰³ when, after a failed coup attempt tied to the Communist Party, an anti-communist, anti-China US-backed regime took power. In this political atmosphere, the Chinese came to be seen as a communist fifth column, and both citizen and alien Chinese were indiscriminately targeted for harassment, intimidation, extortion, and vandalism.¹⁰⁴ After the new regime was securely in power, however, the specter of communism and of the ethnic Chinese's potentially divided loyalties did not die down, but evolved into a comprehensive state-led effort toward assimilation. Decades of lasting attempts by the state to assimilate the Chinese, and, likewise, by some Chinese to be accepted, have made it difficult for Chinese to see previous nationality laws as anything but prejudiced. And to be fair, the extent to which the notion of indigeneity has been exploited by the authorities to alienate ethnic Chinese has made it challenging to recognize the inclusionary spirit demonstrated by the authors of the constitution in their initial definition of "citizen." Rather, the clause of indigeneity—"Indonesia *asli*"—has taken the center stage in the discourse concerning civic inequality and is identified not only as evidence, but altogether the source of discrimination. This also proves that the original intent of a legal clause does not always transmit unchanged over time; surely Oei Tjong Hauw and Oei Tiang Tjoei could not have foreseen the political implications of "*asli*" that would develop so soon after Indonesia's independence became a legal reality.¹⁰⁵

¹⁰⁰ Willmott, *The National Status of the Chinese*, p. 33.

¹⁰¹ In November 1959, then-President Soekarno passed a regulation (PP no. 10) for compulsory resettlement of (alien) Chinese retailers to urban areas. Following the 1959 and the 1965 events, large numbers of ethnic Chinese left Indonesia. Exact figures, however, are not known.

¹⁰² Setiono, *Tionghoa dalam Pusaran Politik*, p. 795.

¹⁰³ See especially Chapters 3 to 5 of Charles A. Coppel's *Indonesian Chinese in Crisis* (Kuala Lumpur: Oxford University Press, 1983).

¹⁰⁴ J. A. C. Mackie, *The Chinese in Indonesia: Five Essays* (Honolulu, HI: University of Hawaii Press, 1976), pp. 111–28. It must be noted here that the primary victims of anti-Communist aggression were non-Chinese.

¹⁰⁵ Oei Tjong Hauw did not live long enough to see the consequences of his choice. He died of a heart attack on January 21, 1950, at the age of forty-five. See Go Sien Ay, "Lie Hoo Soen Digantung Jepang

The politicization of indigeneity did not, in fact, begin with the nationality law, but derived from a series of policies, not unlike reverse affirmative action, installed in 1950 by the Ministry of Welfare. This discussion, on the emergence of the politics of nativity in Indonesia, belongs to another essay and shall not detain us here. Suffice it to say that the policies were designed to support small business, but equated “feeble economies” (*ekonomis lemah*) with Indonesians of indigenous pedigree. The very first edition of the Chinese-subsidized bi-monthly *Republik*, published under the directorship of the aforementioned Tjoa Sik Ien, criticized this “politics of nativity” (*politik asli*) and demanded “the anthropological measurements” by which one could be said to be indigenous to Indonesia.¹⁰⁶ The consequence of this politics, the magazine argued, was “the emergence of first-class citizens and second-class [*kelas kambing*] citizens.”¹⁰⁷ The economic subtext in the politics of nativity marks a shift in the designation for “natives” in Indonesian—from *boemipoetra* that made up a racial taxonomy alongside “Dutch” and “Chinese” during the colonial period, to *pribumi* that often connotes economic disadvantage vis-à-vis ethnic Chinese.

Nevertheless, for Chinese-Indonesians, it is the definition of citizen, rather than economic inequality, that is the source of discrimination. In a celebratory essay on the ratification of the 2006 Nationality Law, for instance, a representative of a Chinese-Indonesian organization notes,

[T]he passing of this law is indeed revolutionary in that it terminates the polemics on who the indigenous Indonesian citizens are. Admittedly, since [the day of independence] until [the day the law was passed], the term “indigenous” has consumed a lot of energy. In fact, throughout our journey [as a nation], many lives have been lost in racial violence, especially of the people of Chinese descent, who are often regarded as “foreigners” or merely *second-class people* or second-class citizens [emphasis as in the original].¹⁰⁸

Similarly, then-Minister of Law and Human Rights Awaludin wrote of his expectation that the new definition would put an end to divisive disputes on indigenous and non-indigenous citizens, and, accordingly, to the marginalization of ethnic Chinese.¹⁰⁹ For many Chinese in particular, it is difficult to imagine that the clause on indigeneity was initially adopted for a purpose other than to deny them equal rights and privileges as citizens. It is even harder still to imagine that this supposedly exclusionary marker was sanctioned in part due to the Chinese’s own disagreement (i.e., diversity of opinion) with regard to Indonesian citizenship.¹¹⁰

Karena Membela Oei Tjong Hauw, Putera Oei Tiong Ham,” *Sinergi Indonesia* 48 (March 2007): 32, 51; and *Sinergi Indonesia* 49 (April 2007): 53–56.

¹⁰⁶ “Berilah Isi! Pada Pengertian ‘Warga Negara Indonesia,’” *Republik* 1,1 (May 1950). See also “Lima Tahun Soal Warga Negara: Tidak Menjadi Selesai Malahan Timbul Politik Asli,” *Republik* 1,8 (August 1950); and “Siapakah ‘Ekonomis Lemah’?,” *Republik* 1,9 (September 1950).

¹⁰⁷ “Politik ‘Asli’ Tidak Sah,” *Republik* 1,9 (September 1950).

¹⁰⁸ Tomy Su, “UU Kewarganegaraan, Lalu Apa?,” *Jalan Panjang Menjadi WNI*, pp. 131–34.

¹⁰⁹ Awaludin, “UU Kewarganegaraan.” The minister’s echoing of the Chinese critique of “*asli*” suggests that the historical amnesia is not limited to ethnic Chinese.

¹¹⁰ The enduring citizenship problem for Indonesian Chinese seems to go against Aihwa Ong’s argument of flexible citizenship for overseas Chinese—that is, the multiplicity of subject positions available for Chinese individuals in transnational circuits, which enabled them to sidestep the nation-state intervention and localizing reach. In the case of Indonesia, increasing ethnic Chinese integration had to be traded with

Conclusion

The ensuing euphoria upon the ratification of the 2006 Nationality Law tells us that many Chinese-Indonesians saw the previous laws as largely responsible for their marginal status. Using the definition of “citizen” found in the 1945 Constitution, Indonesian laws and regulations thus far had carefully distinguished indigenous citizens from citizens of foreign descent, in effect depriving Chinese-Indonesians of equality in many spheres—cultural, legal, economic, and social. Scholars traced the distinction between “indigenous” and “alien” back to the colonial construction of the Chinese as “foreigners” and the indigenous people of the Netherlands Indies as “natives.” Such categorization and the ensuing marginality of ethnic Chinese in postcolonial Indonesia were thus understood in terms of “colonial legacies.” In other words, the 1945 Constitution was not considered to be the root of the problem, but simply “a carrier of the colonial virus of racial separation.”¹¹¹

While such a view certainly has its merits, this essay takes a different path by highlighting one particular moment in history when definitions and categories were redrawn. My examination of the proceedings of the Investigative Committee for the Preparation of Indonesia’s Independence reveals a lengthy discussion on the question of citizenship, which in and of itself proves that the locus, parameter, and categories of belonging were not straightforwardly inherited. The committee’s hearing with the Chinese delegates, the rejection of Indonesian citizenship by one of the three representatives, and particularly two representatives’ self-identification as Chinese nationals—at a moment as crucial as the drafting of the constitution—cannot be dismissed as inconsequential. It affords us a glimpse of a more dynamic process in the formation of categories—what groups constitute “Indonesians”?—in which the Chinese’s opinions were not only sought out, but proved to be decisive. If anything, the hearing indicates that the distinction between indigenous citizens and those of foreign descent evolved through a complex process and was not simply imposed on the minority group. One can argue that, perhaps, the imagined difference between “Chinese” and “Indonesians,” conditioned in part by Dutch colonization and the rise of Chinese nationalism, was already too substantial to be reconciled even by the constitution. Nevertheless, the conflicting responses provided by the Chinese at the hearing to the question of Indonesian citizenship not only squandered the opportunity to minimize this gap, but reinscribed the difference.

Furthermore, the prevalent perception among Chinese-Indonesians that the “indigenous vs. alien” distinction was motivated by racial prejudice suggests a conditioning of history, the filtering out of narratives that go against the Chinese’s attempts to become legitimate members of the nation. If accounts of the Chinese delegates, such as Oei Tjong Hauw’s statement, had not been filtered out, it would not be so difficult to see why ethnic Chinese had been perceived as non-Indonesians (thus

potential attachment with other polities. The new definition of “*asli*” is a barrier raised against flexible citizenship—that is, against those with a history of dual nationality, whose loyalty is seen as suspect.

¹¹¹ See, for instance, Charles A. Coppel, “Chinese Indonesians in Crisis: 1960s and 1990s,” *Perspectives on the Chinese Indonesians*, ed. M. R. Godley and G. J. Lloyd (Hindmarsh, S.A.: Crawford House, 2001), pp. 20–40.

treated less than equal), or to see that the definition of citizen in the 1945 Constitution and in the subsequent nationality law was actually quite charitable. The 1945 Constitution's reference to indigeneity was not out of the ordinary, or particularly discriminatory, as most Chinese at that time did not see themselves as part of the Indonesian nation. In their defense, it was still four years before the Indonesian state would be formally recognized.