**Homoarchy, heterarchy, and hierarchy-enhancing tendencies: a comparative analysis of the Sultanate of Malacca’s Rules of Law of Land and Sea**

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The issue of hierarchy-enhancing tendency in Malaysia’s domestic policy has been plaguing the country ever since its independence from the British Empire. Here, hierarchy-enhancing is defined as the act of “producing and maintaining ever higher levels of group-based social inequality” (Sidanius and Pratto 2012). The Malaysia’s affirmative action policy is infamous for being atypical, in a way that it seeks to reaffirm inequality within the country’s social hierarchical structure rather than dismantle it. For many years, the scholarship on Malaysia’s affirmative policy and insistence on hierarchy-enhancing force in its domestic policy tend to evolve around the colonial construct and legacies that led to the creation of said policies. However, it would be amiss to completely attribute the current preponderance towards hierarchy-enhancing policy to the colonial experience. There has been scholarship arguing that the hierarchy-oriented nature of the Malay society today is institutionalized by the British colonial rule. In his article on the Malay world, Wiryomartono (2013) describes the local villages in Malaya operating in a less rigid hierarchy, where although there was a head of village, his role was to facilitate action rather than serve to rule above the rest. This form of “unranked” structure of society can also be called “heterarchic”, from a term “heterarchy” brought over by Carol Crumley into social science from biophysics (Crumley 1995, Bondarenko 2006). That being said, existing legal documents dating back all the way to precolonial Malaya (pre-1511) did contain rules and records of very strictly imposed hierarchical structure in Malay society. Given the existence of these two contrasting accounts on the structure of Malay society pre-1511, this paper seeks to analyse this contradiction, and in the process, attempts to map out the structure of Malay society prior to any colonial interference and influence. Using the legal documents used during the Malacca Sultanate (the last sovereign entity prior to colonial subjugation), I attempt to first map the hierarchical structure of that period, and then proceed to identify any semblance of hierarchy-enhancing tendencies within those documents. For this paper, I would be using the Malaccan Maritime Law, the Malay Annals, the Malaccan Rule of Law, and the Malaccan Royal Law, utilizing both content and textual analysis as the main form of data collection. Preliminary examination of the first two documents mentioned revealed a very rigid hierarchical structure i.e. homarchic in that time period, where no alternative way of structuring society could be achieved without a further reform and complete restructuring of the entire system (Bondarenko 2006). The same rule of law was written for seafaring to parallel the structure on land, where each position on the ship mirroring their counterpart on land. However, unlike the hierarchical structure on land where the Sultan held absolute and unchallenged position, the “*Nakhoda*” on a ship can be held accountable by the Maritime Law if the interest and safety of the ship were to be compromised. The same mechanism was not seen in the Malacca’s Rule of Law. In fact, there were few mentions that admonish any challenge to the Sultan, acting as a form of hierarchy-enhancing force to maintain that current status quo. It would be interesting to utilise the aforementioned documents, some of which were still in their original *Jawi* transcription and rarely, if ever used in in tandem, especially in English-language works. As the work is still in progress, the current conclusion drawn from preliminary examinations of the documents would reveal a heterogenous form of social categorization of society, in which every section of society had its own level of rigidity and fluidity when it comes its hierarchy. Additionally, it is also discovered that although there were semblances of hierarchy-enhancing tendencies in precolonial Malaya, the intensity of such tendencies was mild compared to what is in present-day Malaysia. This could be attributed to the level of rigidity of the social hierarchy in precolonial Malaya, where there was no need or threat to warrant hierarchy-enhancing policies to safeguard the status quo. Therefore, from this correlation, one could surmise that more rigid social structure would have minimum level of hierarchy-enhancing tendencies, just enough to sustain the status quo at the time.

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