

GIFT-GIVING AND BUREAUCRACY: THE BRITISH  
POLICY AGAINST CORRUPTION IN MALAY  
ADMINISTRATIVE SERVICES, 1900-1940

BY

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A thesis submitted in fulfilment of the requirement for the  
degree of Master of Arts in Islamic Thought and Civilisation

International Institute of Islamic Thought and Civilisation  
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International Islamic University Malaysia

JULY 2022

## ABSTRACT

The thesis will discuss about the era of 1900-1940 had witnessed the clash of norms on lifestyle and cultural mentality that was expressed in a bureaucracy and government amongst two races British and Malay specifically, and classes; superior-subjugated. Malay Administrative Service and the reformed government had also become the epitome of social mobility in administration back then and was said to be the British's colonisation tool in Malaya. The reformed governmental system played a major role in realising the dream which was introduced through the propaganda of British indirect rule. The dream had been regulated by major modifications starting with the inclusion of residence and advisory witnessing the reformation attributed to other social classes. This replaced the older era which only regulated royals and aristocrats of the elite group from incumbent bloodlines. Furthermore, what has become the major aspect of study is how the bureaucracy depicted the Gift-giving either it is a corruption or not, still left indefinite by previous researchers. Therefore, this study fills this gap by examining the motion and compares inter alia corruption; its forms and types, through retrospectively and introspectively probing the element of gift-giving. The incumbent power and position of hierarchical organisation had given rise to the expression of competence and reformation of administration and governance. Since corruption was not only regulated on what was known as presenting gifts during that time, the cronyism and favouritism were believed to intricately moving along and influencing each other. The findings in this study broaden the concept and scope of the previous researches upon the co-existence of corruption and gift-giving conceptuality therein in Malay Administrative Service (MAS) under British policy of Anti-Corruption.

## مُلخَصُ البَحْثِ

شهدت الحقبة ما بين عامي 1900-1940م صراع وجهات النظر في نمط الحياة والعقلية الثقافية التي عُبر عنها في وسط منهجي للسلوك الاجتماعي بين عرقين تحديداً، وطبقتين؛ متفوقة وخاضعة، وقد أصبحت أيضاً صورة مصغرة للحراك الاجتماعي في الإدارة آنذاك، وقيل إنها أداة الاستعمار البريطاني في عالم الملايا، وقد كان للنظام الحكومي الذي أُعيد تشكيله دور رئيس في تحقيق الحلم الذي قُدِّم من خلال قاعدة الدعاية "غير المباشرة"، وجرى تنظيم الحلم من خلال التعديلات التأويلية الرئيسة التي تبدأ بإدراج الإقامة والاستشارات التي تشهد الإصلاح على مستوى القيادة المنسوبة إلى الطبقات الاجتماعية الأخرى، وهذا ما استُبدل بالعصر القديم الذي نظَّمته الأسر الحاكمة والنخب الأرستقراطية عريقة السلالات، ومن ثم؛ أصبحت مهمة دراسة ما للبيروقراطية من دور رئيس في تحليل المعيار الغامض الذي لا يزال يعرض أحكاماً واضحة عن قيمة الفساد بالنسبة إلى الباحثين السابقين، وعليه؛ يسدُّ هذا البحث الفجوة بدراسة حركة الفساد ومقارنة أشكاله وأنواعه من خلال التحقيق في عنصر تقديم الهدايا بأثر رجعي ونفسي، فقد أدت السلطة الوظيفية ومكانة التنظيم الهرمي إلى التعبير عن المسار نحو الممارسات المعيارية للنظام المزدوج للحكومة؛ الملكية التقليدية، والحكومة الإصلاحية، ويعدُّ المعيار فاسداً في المعرفة العالمية والقيم التي عارضت في وضوح وجهة النظر الاجتماعية التي كانت أكثر قبولاً بين الناس، فالفساد لم يقتصر فقط على ما كان يُعرف بتقديم الهدايا آنذاك، وكان يُعتقد أن المحسوبية

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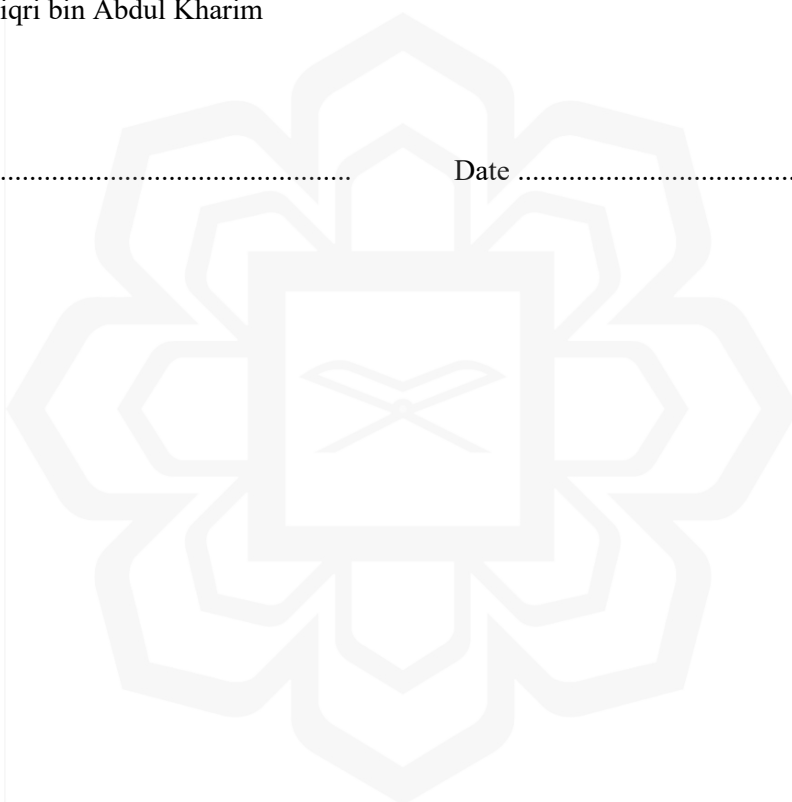


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## ACKNOWLEDGEMENTS

Whilst I am totally responsible for all errors and shortcomings in this thesis manuscript, I cannot claim total credit for whatever merit it has. I am indebted to many, amongst them are my parents who support and give me insight what to study about and be in line with my major besides supporting me financially in total aspect of expenses.

I do found difficulty in defining to what extent of my study which I do like give this credit to my mentor, which is my co-supervisor, Dr. Mohd Helmi Mohd Sobri for facilitating everything and willingly spending a lot of times doing the readings together and having deeper discussion of corruption especially Gift-giving during the British era.

Also, I would like to express my gratitude towards International Institute of Islamic Thought and Civilisation (ISTAC) and IIUM for giving me opportunity and providing me facility along my journey of study.

Finally, I do like to extend my appreciation to my beloved best friend and companion for the countless support. Also, thank you to my classmates for the support and contributed ideas as well.



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## LIST OF ABBREVIATIONS

F.M.S	Federated Malay State
IIUM	International Islamic University Malaysia
ISTAC	International Institute of Islamic Thought and Civilisation
M.A.S	Malay Administrative Service
M.C.S	Malayan Civil Service
MCKK	Malay College Kuala Kangsar



# CHAPTER ONE

## 1.1 INTRODUCTION

Nowadays, corruption portrays an alarming and critical polemic rate. As described by Syed Hussein al Attas (1991), corruption is cancerous-like that vitiates every organ and function of a body due to the improbity of the people. The term corruption itself was generally described as an act that permeates and spreads manipulation until it is no longer able to be eradicated as it turns into a norm in the midst of organisations and people (Al- Attas,1991 & 1999; Xuyun Tuan, 2016; Jong-Sung & Sanjeev Khagram, 2005). Corruption takes place through extortion, manipulation, and nepotism which involve graft and gifts.

In regards to this case study, gift-giving is woven together with the element of corruption in the scope of work (al Attas, 1991; Fethi Ben Jomma Ahmed 2005). It fundamentally urges people to contemplate more elements and forms of corruption itself. Moreover, corruption is viewed as an alternative to the attainment of fame, wealth, or social status. It is a form of retaliation to despotism by a group of people. However, Al Attas and other scholars have provided more insight to the definition of corruption in the context of certain Asian cultures as a sort of check and balance. According to al Attas (1991), presumably, Asian countries especially Southeast Asian countries, have exercised gift-giving as a way of paying respect and appreciation with regards to meritocratic and hierarchical system which became common since the traditional period. However, in the West, such behaviour or action could be considered as wrongful and an act of misconduct that tends to lead to bigger corruption in the context of law and regulation. Therefore, by contemplating thoroughly on how gift-

giving and its subtlety of function in socio-culture of races especially the Malay people, this might reveal other critical views on gift-giving, especially in specific cultures and etiquettes.

Cultures and etiquettes are the aspects that are widely known to play crucial roles in conducting work administratively. However, the effectiveness of a policy can be ensured by looking for ways to construct a certain mind-set and manifest social change. Administration which normally exists between two different groups of people would urge to a new culture in terms of social aspect either in a way towards development or vice versa. This could be viewed in some polemic cases which subtle corruptions such as cronyism and appreciation gifts are discreetly taking place in the first hand, but afterwards, they keep expanding in larger scale. These practices henceforth, are criticised in the norms in certain societies such as Chinese and South-Eastern societies. These contradictory views between globalisation and localisation would not help in bringing forth the views of corruption and gift-giving. However, the influence of the global view would be pacifying the confusing perspective of the local norms due to the clash of ideas and norms that take place. Thus, in the context of studying these clashing overviews and ideas, there are two paradigms that should not be neglected in conducting this re-overview which begins in period of 1900-1940. This study intends to discover the co-existence of culture and norms of gift-giving whilst considering the Western views upon it as well.

Besides, instead of having different overviews both in global and local contexts, gift-giving can be studied from the religious point of view as well. In this overview, the contradiction might be observed in relation to each other in the context of societal adaptation. To be specific, it is a general view that gift-giving is a sort of corruptive feature in South-Eastern countries especially in Nusantara, whereby adaptation and focus on corruption has become one of the polemics in the current period. Sharia became a basis towards the formation

of organisation as a full commitment resisting corruption. Indeed, this could be regarded as the conciliation of etiquette and rightful conduct amongst people that led by the government as an alarm towards moral development since the 1970s onwards. In Surah al-Baqarah verse 188 which means “And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]”, this could be seen in the 1970s in Indonesia whereas the people started going against Nasution’s misconduct (Ezam, 2015) and in 1980s in Malaysia where organisations disagreed and went against corruption which began during the era of Mahathir. Moreover, until today, the understanding of corruption as wrongful act has been developed, and the society seems to take over as religiosity has played its role. This is the reason why gift-giving in the current period is not an issue of disposition amongst local cultures. Nevertheless, how far did this kind of envisagement and adaptation take place during the colonial era? The corruption was openly practiced during that time, while, the British policy was holistically to go against corruption which seemed congruent with the religious point of view. How far does religion become an intricate element of change? These questions will be mentioned in the three main discussions in later chapters.

The anthropological and universal views on gift-giving justify the objectives of this thesis, which is to comprehend the subtlety of gift-giving in society and the law or policy-making sphere. This is in line with the context of the study which is the establishment of the Malay Administrative Elite in the 1910s whereby it was stated that during the colonial era under the dominant control of the British in Malaya, the Malay Administrative Elite did not accrue corruption such as bribery and extortion (Al Attas, 1991). Khasnor (1984) stated that the reduced numbers of involvement in corruption was due to the full supervision and mould of etiquettes by the British in school trainings and probationary phases. In this regard, the overview of bribery and extortion were clearly contradicting with the culture. However, how

about gift-giving that was practiced traditionally? For example, did the British respond dishonestly with cultures and norms? This entangled norm is the polemic and objective of this study which requires critical observation.

Although the paradoxical statement which expresses corruption is specific, gift-giving is intertwined with the hierarchical system which impairs the system in terms of efficiency through favouritism and assimilation. In this regard, generally, religion became one of the major institutions that criticising the hierarchy which closely resembles any relation with corruption. However, religion itself shows a strong resemblance with practising the tendency of several forms of corruption especially in the case of gift-giving. It is interesting to contemplate the modus of corruption between the two differing worldviews. This is the basis of the anti-corruption idea that expresses the spirit and ambition to have a genuine governance for the sake of the people, especially towards development of the country and nation. However, religion itself could perpetually become the factor against a model country and nation. It is widely known that gift-giving has been practiced in every culture, even in Christianity and the Western lifestyle (Turner F, 2005). This can be confusing for the people in two aspects generally; either it is permissible, or how the West sees gift-giving wrong despite practicing it? Specifically, the major objective for this study is to provide a critical justification and view that would not be biased to any side. Instead of bringing forth the dichotomy of ideas and cultures of certain societies in regards to the complexities of attitudes and ideological contexts, religion and culture should be taken into consideration as a guide and benchmark to educate the society. All relevant records and documents must be analysed thoroughly and rationally through the method that is used in this research. This endeavour of studying corruption would encourage the proliferation of socio-cultural studies afterwards which acts as a 'check and balance' for other studies.

At this point, this study's main trajectory is to be the medium in defining the ambiguity of gift-giving. Along with this observation, supported by al Attas (1991) himself, the working gamut of gift-giving could be a medium of defining a fiscal validation of gift-giving's exertion. However, by restricting any cross-cultural study which copes with some ambiguities, the researcher should use some rational, appropriate examples and also, definite sphere of its agreements in order to justify the validities and relevance of gift-giving. Besides, he must also be familiar with some inconsistent words and verses. Therefore, the working sphere of the Malay Administrative Services (MAS) is the main scope of understanding gift-giving. It works as the foundation of the analysis in the aspect of social-administrative medium; policies and working culture in relation to the local cultural-religious views. In addition, the period in which MAS was purported, provides a realistic point of view for these objectives of study. It is not only in the existing corruption practices, but also, offer a clear depiction on certain evaluations in contradictory views and practices of two different cultures.

MAS since its establishment in 1905 (recruitment) has recruited around 314 Malays gradually until the 1940s through vibrant schemes those of whom were not just serving for one department only, but several departments with different class of workers; clerks, assistant officers for certain units or departments, and also in the Legislative sectors such as magistrates. In this spatio-temporal time, the monetary factor of its establishment was in the initial step of the governance's changing system, even though MAS was as an undeveloped institute in public service at the time. This was the 'first phase' of the foundation of anti-corruption policies in the next eras that would have come gradually especially post-independence.



## 1.2 Problem Statement

Gift-giving possesses a certain value in the aspects of culture and norms of a society for almost entire stratification of societies from the past. It has also encountered several phases in the sense of the legitimacy of practice since there are certain ambiguity of opinions which in turn became the foundation of an anti-corruption policy. Generally, as it can be described in terms of forms, types, and spheres, there are certain aspects which have persistently received much attention since post-independence until now. The issue on gift-giving has come out as questionable decisions in certain nations periodically; in subtle manners such as through bribery and extortion, and also its ambiguity might act as a threshold of reviving the pejorative practices and haphazard exploitation of powers. To be cleared of this conflict of corruption, in some decades of governance, it could be established that the legal prohibitions took place either in a limited way of value or a holistic way of exertion. Therefore, this study examines gift-giving among the Malays together with other subtleties of corruption and thus, links the practice of corruption among the corrupt groups.

Gift-giving among the Malay traditional bureaucracy was practiced centuries ago until today. However, the practice can also be seen in other Eastern countries such as China, Thailand, Myanmar and Japan. In this study, the Malay community was seen as very synonymous with the culture of gift-giving and it can easily be mistaken as a medium of appreciation and respect to government officials, and still practice up to these days. Therefore, this study investigates the grey areas of gift-giving and corruption to comprehend the different perspectives of the Malay culture of gift-giving, especially during the British era which experienced two different mentalities and attitudes that clashed among administrators and the public.

### 1.3 Research Objectives

The overview or anticipation amongst the Malay community about gift-giving experienced a slight change or lapse in governmental sphere from early 20th century and afterwards under the reformed government taken over by the British particularly in Federated Malay States (FMS). Therefore, since gift-giving were often being an ambiguous issue of corruption act especially amongst Eastern Asian, this thesis aims to study the norm or trend of Malay society in the reformed government as different views implemented in certain policies have slightly changed it.

According to previous research, corruption and its many forms except gift-giving, had a small numerical effect in administration and the British's disposition towards such fault and crime was very clear as can be seen in their anti-corruption policies based on what they have perceived of gift-giving in the period of pre- and in colonialism. Therefore, this thesis purposely covers the anti-corruption conducted in education and governmental policies which perhaps capable to manifest how gift-giving (presenting gift) was allegedly prohibited as part of corruption values.

Gift-giving is a sensitive and ambiguous polemic in socio-administrative issue amongst Eastern Asian society. However, it was somehow depicted perceptibly as a door of corruption that contradicts the view of norms based on during the British era included it into corruption, and the previous undefined arguments of its congeniality to corruption. Perhaps this thesis can apply and reconcile certain aspects of gift-giving in the modus of corruption itself based on the justifications variably made before by two dimensions; universal and local view. As it can be seen that conceptual analysis and study conducted now will be quite challenging and complicated in way to discuss how the other subtleties of corruption can be involved from gift-

giving conducted majorly based on the early researches in order to present clearer about cronyism or favouritism that encourages the usurpation of negative influence purposely to preserve one's private interest.

## **1.4 Research Questions**

The research questions are as follows;

- a. How does the Malay society from 1900 to 1940 view gift-giving, especially from the context of socio-cultural values and practices?
- b. Why did the gift-giving culture survive in British Malaya colonial administration despite the implementation of policies on corruption?
- c. How should gift-giving be justified despite its intricate relationship with culture and subtlety of corruption?

## **1.5 Significance of Study**

In this study, the socio-cultural context plays a vital part in comprehending the different connotations of certain aspects of gift-giving that are in line with the norms and thoughts during the era.

There were pervasive discourses pertaining to corruption and its impacts on the contemporary scale before Independence. Thus, this research could fill the gaps of culture and cases of cultural comprehension upon corruption and gift-giving demarcation in the context of socio-administrative.

This study covers the ideology of corruption – gift-giving, in the Islamic view and also, custom. Hopefully, this discovery would encourage more academic discourse that related to corruption in the context of socio-culture which is impossible to eradicate, but can be controlled, restricted or constrained especially by understanding through universal knowledge capably expounding the difference with another presenting gift.

Gift-giving is a sentimental and serious issue as it comes at a crossroad of traditional norms and law. This has resulted into misjudgement and ambiguity. Therefore, this study could contribute as a medium for other studies to fill the gap in the literature and justify the nature of gift-giving and how can it be included of corruption subtleties in the aspect of socio-administrative.

## **1.6 Research Methodology**

As this study focuses on a past period which also entails the examination of a group of society in the past, the qualitative approach is used to answer the main research questions of this study. In the context of this study, the framework used is content analysis as the study focuses on old documents which include past court cases from Arkib Negara Malaysia, library collections, newspaper website collections; Newspaper SG, literature website collection, Malay Concordance Project, and other possible institutions. This study not only looks into the definition of gift-giving among Malays in FMS and the Strait Settlements, but also provide a benchmark in viewing the gift-giving. Since the data cases are unfortunately scanty to show how many cases involved in FMS and allegedly convicted in court, but this will precede towards the stance of gift-giving or presenting gift in local perspective and reformed administrative view which in line with the approach to project more understanding on gift-

giving based on cases and documents perceived of the norm and practices during that time. It also takes into consideration the cultural sensitivity when looking through the texts or documents. This research will examine the old documents, such as office documents, court cases and also newspapers in order to illustrate cultural norms and their responses to the British policies and laws against corruption. As a guideline, the Islamic view is taken into consideration when analysing the corruption. This is in line with this study as it examines gift-giving from a cultural-religious perspective along with presenting a sort of comparison with other views that are opposite to the anthropological observation.

## **1.7 Literature Review**

### **1.7.1 The Formation of the Malay Administrative Service**

At a glance of British imperialism, Malaya as one of the homogenous powers under British subjection, experienced a devastating perseverance of rights and embezzlement of power whilst continuously witnessing retaliation and battle of local rights and sovereignty as similar to other empires or nations. The British approach was the control of subjection and administration through direct and indirect rule throughout the colonised lands. In Malaya, the British attempted to subject the country to indirect rule which could be classified through local leaders as intermediaries as argued by Gerring J, Ziblatt D, Gorp J.V, & Arevalo J (2011).

In Malaya, British faced massive resistances in conquest and could hardly maintain their power which brought rise the system of indirect rule later on. The establishment of the Federated Malay States was the proof that the British had taken on the betterment of dealing

with subjected people by benefiting from the traditional bureaucratic system. In regards to maintaining sovereignty in their conquest, an exercise of adopting a Resident as an advisor to the Royals in every Federated state began. This attempt was propitiated thoroughly by the establishment of Malay Administrative Service in handling the Malay community on behalf of the British in terms of taxes and so on (Khasnor Johan, 1984). Historically, the Malays have experienced traumatic incidences pertaining to British rule and their scourge of ruling especially involving the taxes and lands since their early proclamation of conquest in Malaya. In the past, in perennial wars and the calamitous relationship between the British and Malay Royals and people, the Malays were said to be rigorous in dealing and reciprocating with the British which resulted in local intermediaries to intervene between the British and the Malay people. The attempt of the British to maintain power and the breakthrough of exercising indirect rule was stated by Khasnor (1984):

Colonial rule had resulted in the loss of real power and political control by the traditional Malay Elite. However, the British had preserved the existing social order through the recognition of the ascriptive status of indigenous elite. In their attempt to placate the Malay ruling class and gain its cooperation, the British gave its members personal allowances and pension. They categorized the Malay upper class into Chief and Waris Negeri for the purpose of making these compensatory payments, the amounts of which varied in proportion to their rank and standing within the traditional society (Khasnor Johan, 1984: 3).

In this attempt of ruling, the relationship between Sultan and Rakyat was very tightly bound to each other which meant that any attempt of intruding the boundaries will be calamitous and weaken the position of the British. Therefore, this socio-cultural sphere of Malays benefitted the British by depriving the position of the Malay rulers to adhere to the modern bureaucratic system laid out by the British. As mentioned by Khasnor (1984), “By treaty arrangement (Malay’s modern bureaucracy), the Malays still remained subjects of their Sultans while the British portrayed themselves as benevolent overseers (advisor to Sultan) from outside the society (p. 3). This indirect rule confined the people to the antecedent system of

Malay hierarchies where Royals and their people were being managed holistically but to which they merely provided advice in developmental aspects. This kind of control sought and dreamt by the colonialists was done to achieve power and economic conquest continually by controlling the locals.

The accumulated references in this study are likely being helpful by providing the depiction of rule and its theories upon the Malays. Furthermore, the British were careful in managing their relations with the Malay Royals politically by making sure certain aspects of offers and self-benefits were maintained. Rupert Emerson (1964) explained in a complex way that Malaya political intrusion by the British especially in the creation of regents played an important role in this mission which focused on adopting from the Elites. The book of *Malaysia; A Study in Direct & Indirect Rule* by Emerson seemingly passed in a long period of discourse's references which was similar to the book of *Malaya; The Making of A Neo-Colony* (1977). However, in this respect of adopting the concept of rules, these books provide detailed manifestations and theories especially in combining and comparing to the rule of Dutch in Indonesia. The excitement of manipulating power to the Malays could be seen as an attempt to influence perspectives, ideas, and alien ways of ruling which favoured the British Advisors instead of the Malay Elites. The British did not expect to receive such challenges from the Malays when they began to question the polemic of taxes and lands. Occasionally, the British exercised direct managing over the revenues when the power of advisory took place in government to which calamitous situation rose up among the locals in Pahang and Perak at the time. In this aspect of rule, the British attempted to conquer by checking over the management and realised that the loyalty of the Elites to their people needed to be broken.

Generally, developmentalism played a vital part in changing the situation, from oppression towards dependence either in economics or politics way. The establishment of

Federated Malay States contributed to prolific achievement of the British political endeavours in Malaya. The British successfully transformed the people's rejection into the people's acceptance throughout economic and political survival whereby the Malay Aristocrats began to come together gradually. In this respect, the evolvement of the political sphere experienced gradual changes Rupert (1964) manages to provide a picture of dependency of both sides to one another.

Of course, the Malay Aristocrats that depended on the British more during the urbanisation period erupted by the British. Despite this, the British wanted to create a stronger way out of conflict with the locals even when the political connexion had existed and became a subject of anticipation between both sides of the Elites. Thus, the locals somehow failed to show the obedience to them. In this regard, the situation as depicted in the accumulated monograph of references was helpful in interpreting a slight contradiction of what was seen as the consent of locals (Kennedy, 1993).

The effectiveness of indirect rule was gradually accomplished through contiguous struggle towards real implementation. This was to cope with the social sphere which hardly addressed in those references. The complexity of indirect rule functioned as one of the pillars to envision the political sphere during that time. Theory and impact became the measurement of understanding on how certain policies and plans were projected to deny and recognise in the intervention stage. This complexity became the reason of comparison with other colonial powers that practiced indirect rule. Practically to be in line with the topic discussing next, those references do not help much in term of exposing clearer how the indirect rule conducted in administrative and governmental view towards Malay native especially in interaction and conduct vis-à-vis after the reformed government. Plus, to understand this and standard socio-