

Endnotes

¹Periodicals consulted include the newspaper *People's Daily Graphic*, and the weekly magazines *African Concord* and *West Africa*.

²Monetary unit of Ghana; the current official exchange rate of the cedi in US dollar is 365 cedis (c365.00) = 1 US dollar (\$1.00).

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The System of Political and Administrative Corruption in a West Malaysian State

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The Weberian master concept of sultanism argues that political and administrative corruption and high- and low-level corruption are not distinct forms of corruption but are interrelated. An estimate of the magnitude of reported corruption is followed by a discussion of types of corruption at different levels in the state bureaucracy. The final section focuses on the differences between the formal Weberian legal-rational type of bureaucracy and sultanism explaining why and describing how corrupt bureaucrats are protected in a system where the indigenous bureaucracy has become dominant and powerful.

Introduction

In his paper on the "System of Administrative and Political Corruption: Canal Irrigation in South India," Wade (1982:287-382) pointed out that it is indeed surprising that the few studies that there are on corruption tend to "treat 'administrative' and 'political,' high- and low-level corruption as distinct and unconnected forms." In this study of corruption in the southern state of Johore in West Malaysia, we avoid this common pitfall by using the Weberian master concept of *sultanism* to show how systematically interconnected they are in the specific context of a West Malaysian state.

Weber defined sultanism as an extreme form of patrimonialism. Sultanism tends to arise when an administration is developed as a purely personal instrument of the master or ruler. When the ruler exercises his power over the bureaucracy because it is his traditional right, then the bureaucracy is conceptualized by Weber as patrimonial. However, when the ruler operates on the basis of arbitrary discretion, free of traditional limitations and not necessarily rational, then he is behaving as a *sultan*. The members of the bureaucracy and polity are treated as his subjects. The sultan's authority "is his personal right, which he appropriates in the same way as he would any ordinary object of possession. In principle, he can exploit his right like any economic asset—sell it, pledge it as security or divide it

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by inheritance" (Weber 1978:232). Bureaucratic posts are income-generating assets and so have a price (Wade 1982:304). The sultan can allocate the posts as he likes because it is his right. There is active competition for the posts and in sultanism, the posts are reserved for persons who are able to generate revenue to support the sultanate both before and after occupying the post. The more revenue the post is able to generate, the higher the price it is able to command.

During the colonial period, the powers of the sultans in Malaya were restricted to matters relating to the Malay religion (Islam) and race. However, after Malaya became independent in 1957, the sultans became dominant because of their position as heads of states and as protectors of the Malay *rakyat* (subject masses), who formed the majority of the population. This has led to the existence of two parallel bureaucratic systems: one, the Weberian legal-rational model left behind by the colonialists (Evers 1987:669-671), and the other, sultanism. The distinguishing features of the Weberian legal-rational bureaucracy include the separation of office from home, the appointment of officials on the basis of expertise and knowledge, and the substitution of salary for prebendal remuneration or the right to collect taxes and estates (Weber 1978:957-994). Evers points out that during the colonial period, "access to private income through corruption or business was curtailed, and salaries for the higher civil servants rose tremendously" (Evers 1987:670), so as to reduce the incidence of corruption.

The Weberian legal-rational bureaucratic system that worked during the colonial period was written into the postindependence general orders and legislative codes of the states of Malaya. This system did not materialize for a variety of reasons such as, for instance, the bureaucrats' manner of recruitment, the level of education, child-rearing experiences and patterns of socialization; and, the level of economic and political development of the country. As a result, the official accepting the bribe may not consider it as an unlawful act. He may consider it as an act of loyalty to his superior, who in turn may be acting on behalf of the sultan. Acts of corruption may be legitimized by sharing the illicit windfall gains with the sultan, the immediate family, relatives, superiors, peers, subordinates and politicians. The focal point of loyalty of all the citizens is the sultan. Weberian legal-rational norms were therefore rejected for being alien, illegitimate and even as instruments of colonial repression.

However, the Federal and State Legislative Codes continue to provide for the detailed accounting and auditing of public funds and prohibit stealing, fraud, gift-taking, bribe-taking, extortion and the use of public office for private gains. Disciplinary authorities exist within the legal-rational bureaucracy and the courts have jurisdiction to judge and punish the corrupt. The Auditor-General's report, which is released annually, contains endless reports of corruption and voluminous comments on the general reluctance of the authorities to take legal and administrative action against corrupt bureaucrats.

This paper presents a quantitative estimate of the magnitude of reported bureaucratic corruption in Johore to illustrate the importance of studying bureaucratic corruption. A typology of corruption at different levels of the bureaucratic and political system is likewise discussed. The paper subsequently argues that acts of corruption at different levels are not distinct and unconnected or unrelated but are systematically interconnected and can be understood within the context of sultanism. Otherwise, the prevalence of corruption and the reluctance of agencies to punish the corrupt cannot be understood. Although the data pertaining to reported corruption is only collected for the period 1961-1970, the analysis using sultanism as a master concept is still valid today. A recent book on Malaysia describes the relationship between the people and the rulers as follows:

Historically, the Malays always looked to their rulers and government as the protector. The rakyat (i.e. the subject masses) gave their rulers (sultans) total loyalty and obedience, and expected wardship in return.... The New Economic Policy (1970-1990),... restored the historical role of the state as the protector of the rakyat, providing the political as well as an expanding security net (Mehmet 1986:9).

The Magnitude of Bureaucratic Corruption

There is a dearth of studies on bureaucratic corruption probably because it is difficult to obtain data on the magnitude of corruption. In Malaysia, the task is no less difficult and data on the total amount of corruption is impossible to obtain. The Auditor-General reports annually on the extent of financial mismanagement in the State of Johore. His report deals with the state budget and the misallocation of public funds. It does not, however, deal with all types of corruption, such as bribes received by civil servants. In this section, we focus on the extent of corruption in the management of public funds to obtain some indication of the magnitude of the problem.

Table 1 presents data on the extent of mismanagement of public funds in the State of Johore from 1961 to 1970. Column 1 is obtained by adding up the total sums of public money that the Auditor-General has deemed mismanaged and used for private purposes. Column 2 is the sum of total public expenditure for each of the years 1961 to 1970. Column 3, which is the ratio of Column 2 over Column 1, shows that between 6.41% and 26.5% of the total public expenditure was mismanaged each year. A total of 42.5 million Malaysian ringgit¹ or an average of 9.69% of the total public budget per year was mismanaged over the ten-year period. This is considerably significant when the multiplier effects of viable public expenditure programs is taken into account. Of the 42.5 million ringgit, 3.06 million ringgit was lost because of theft from stores and petty cash containers. The remaining 39.44 million ringgit was spent without authorization and proper documentation and which might have been used for private purposes.

Table 1. Extent and Degree of Corrupt Bureaucratic Behavior in the State of Johore, 1961-1970

Year	<i>Extent of Deviant Bureaucratic Behavior</i> (1)	<i>Total Expenditure</i> (2)	<i>Degree of Deviant Bureaucratic Behavior</i> (1)/(2)
1961	2,269,087.25	3,536,965.00	6.4 %
1962	9,930,916.40	37,465,211.51	26.5 %
1963	2,654,728.50	39,043,486.00	6.7 %
1964	5,459,201.13	41,915,658.94	13.0 %
1965	3,420,978.10	44,617,947.80	7.6 %
1966	2,346,608.50	43,478,760.70	5.2 %
1967	3,742,592.00	43,736,367.11	8.6 %
1968	4,303,167.00	47,425,865.76	9.0 %
1969	4,163,562.80	53,729,713.64	7.7 %
1970	4,216,515.70	51,617,274.42	8.1 %
<i>Total</i>	42,507,356.00	43,840,013.00	9.6 %

Source: Auditor-General, *Report of the Auditor-General on the Accounts of the State of Johore, 1961-1970* (Kuala Lumpur: Government Printer), 1971.

Level and Types of Bureaucratic Corruption

The focus in this section is on the levels and types of bureaucratic corruption. We distinguish three levels in the bureaucracy: the lowest, the intermediate, and the highest. The criterion that distinguishes the levels is the rank of the officer involved in corrupt activities. The lowest level refers to junior officers, clerks and peons. The intermediate level refers to district officers, and the highest level refers to the legislative assemblymen, the executive councilors, and the chief minister of the state. The types of corruption that occur within each level are not exclusive to any one level but they can be differentiated by scale. The types discussed are not exhaustive but are representative of those types of corruption that are most frequently reported in the Auditor-General's Annual Reports, 1961-1970, the State Legislative Assembly Reports, 1961-1970, and the daily newspapers.²

Corruption at the Lowest Level

The most commonly reported case of bureaucratic corruption is the sale of government supplies by junior bureaucrats. This occurs on a daily basis and the reason for it is to supplement meager monthly wages. Detection is easy because the departments' stocks and supplies are reconciled monthly and annually. The amount is usually small and the punishment for a one-time offense is usually confined to a verbal reprimand. This type of corruption does not require a complex

organization because the offenders normally operate individually or in groups of two since supplies are not normally plentiful.

The above type of petty corruption involves the relationship between the bureaucrat and his organization. Another type of common corruption occurs in the interaction between junior bureaucrats and the public. The Johore bureaucracy is not unlike other bureaucracies in developing countries which do not provide efficient and fast service to clients. When a citizen goes to apply for land, renew a business license/permit, driving license, passport, or an identity card, he inevitably has to join a long queue. There is every incentive for a client to pay a bribe to jump the queue on one hand and there is every incentive for the bureaucrats to create delays to lengthen the queue on the other. The longer the queue, the higher the probability that somebody in the queue will pay a bribe. The size of the bribe depends on the type of public good demanded, the speed in which the good is demanded, the length of the queue, and the number of bureaucrats who want a share of the bribe. The Attorney-General of Malaysia thinks that "because of delays, many hope to get faster service by giving bribes" (*The Straits Times* 17 February 1976).

The Johore Land Office has for years been severely criticized for being inefficient and for delaying the approval of applications for land from the public. According to the State Commissioner of Lands:

For the past many years, the Land Administration has been the subject of severe criticism and has, therefore, been a cause of embarrassment to the State Government. Members of the public from urban and rural areas have little or nothing to speak of in favor of the Administration; and political bodies, associations, corporations, and the like have time and again criticized the administration. Resolutions have been adopted by these bodies demanding that both Governments should take immediate measures to remedy the situation. Members of Parliament and State Assemblies too have voiced their criticism during Parliamentary and State Assembly sessions. Broadly speaking, the criticism is levelled at the inefficiency of the Land Department, particularly on the considerable delay in entertaining various land applications, corrupt practices by Land Officers, and their rude manner in their day to day dealings with members of the public (Busu 1974:31).

The public outcry against delays and bureaucratic corruption prompted the State Government in 1967 to conduct a survey of the extent of inefficiency in the Land Offices. It was found that 251,836 cases of applications for land were left in trays and filing cabinets awaiting processing (Sivalingam 1977:34-35). According to the survey report, "the relevant files have been lying 'dormant' for a long period and in a few extreme cases since pre-war..." (Busu 1974:34). Some files were also reported missing or not traceable. The study also found that when applications were processed, the average time taken to process and approve or reject

applications was seven years. The State Government, in an attempt to shorten the processing time, launched *Gerakan Licin* (Smooth Movement) in September 1976. By May 1969 or within 21 man months, the land offices were able to process all land applications. This stupendous effort was, however, not sustained after May 1969. The land offices slipped back into being inefficient because attention was not focused on them. Files were allowed to accumulate and by June 1977, the backlog of applications for land from individuals that were not processed had increased to over 40,000 (*The Star* 6 June 1977). This estimate did not include applications from peasants for land in state and federal-funded land development schemes.

Junior bureaucrats cannot only create delays but can also stop payments to clients to generate bribes. Engineers and field supervisors can delay and stop payments to contractors if the latter do not follow contract stipulations. However, bureaucrats are known to use this discretionary power negatively, that is, to enrich themselves. A delay in payment is often interpreted by contractors as a signal to bribe the officer creating delay. Contractors are, therefore, encouraged to cut costs by violating contract specifications if the cost of bribes is less than the savings in construction cost. It is also common for private contractors to offer bribes to civil servants to violate contract stipulations. Civil servants are often bribed to speed up payment for work completed or not completed. In land development schemes, it is quite common for contractors to bribe field supervisors to falsely certify that the virgin jungle has been cleared and burnt when the trees may still be standing upright.³

In some cases, additional payments are made to contractors by civil servants when fines should have been imposed for lateness. Two contracts for the clearing of land in Gunong Gaong and Pulau were terminated in 1963 and 1964, respectively, for unsatisfactory work. At the time of termination, two payments for \$11,654.48 and \$6,575.45 respectively had been made. These payments were the full cost of the contract. The officers-in-charge were directed by the Executive Council to impose a fine of 10% on the contractors for nonfulfillment of contract terms. The officers ignored the directive and instead paid an additional \$13,085 to the contractors (Auditor-General 1966:11).

Junior bureaucrats involved in the allocation of public goods to the poor have also been known to sell these public goods and use the money for themselves. Fertilizer subsidies are provided to farmers by the State Government to improve farm productivity. Under the Rural Assistance Scheme, the government provides farmers with fertilizers at half the market price. In 1965, the government provided fertilizers worth \$33,855.61 but only recovered \$13,634.02. The officers should have recovered \$16,927.80 from the farmers or half the market price of

fertilizers supplied (Auditor-General 1966:16). In 1967, the government distributed fertilizers worth \$65,621.46 but recovered only \$24,903.12. When the Auditor-General asked for an explanation for the shortfall in revenue collection, no explanation was provided by the bureaucrats. In 1970, the Auditor-General raised the same question, and still, no explanation was provided. Later investigations revealed that the bureaucrats had either used the money they collected or had short supplied the farmers and sold the remaining volume of fertilizers and kept the cash (Auditor-General 1967:53).

Corruption at the Intermediate Level

District officers, who are at the intermediate level in the organization, that is, between the state executive councilors and the junior bureaucrats, have near absolute powers in their respective districts. They are appointed by the sultan on the advice of the chief minister. It is not an uncommon practice for the district officer to divert large development funds for his own personal consumption. In one case, a district officer certified that five minor building works, that is, mosques and community halls costing \$49,217 had been completed and paid from federal funds allocated for these purposes (Auditor-General 1966:13). The Auditor General's investigations revealed that the said construction works had either not been started or completed. The district officer, when confronted by the Auditor-General, admitted that he had issued false certificates and that the payments he had authorized were irregular. However, he pleaded that he had done so "without any intention to defraud the government," and promised to complete all five minor building works in a year. However, the Auditor-General discovered that the district officer had gone into a private agreement with the contractors to pay them more than what the contractors had asked for in their tender form. He did this to exhaust all the federal funds allocated to his district. The contractors paid the district officer as kickback difference between the tendered sum and the actual sum paid to them by the district officer. When queried by the Auditor-General, the district officer replied that he "used this money, or kept it to use for other development projects." In fact, the sum (\$5,079.23) he was alleged to have obtained as kickback, was found in his office filing cabinet and in an unauthorized personal bank account. A year later, it was found that the amount of cash in the filing cabinet had increased from \$5,079.23 to \$36,367 and the amount in an unauthorized personal bank account had increased from \$2,091.83 to \$8,268 (Auditor General 1966:13). The district officer explained that these monies were to be used to purchase furniture and equipment and to finance additional public works. The Auditor-General, however, did not find any vouchers, indents, stock certificates and tenders that supported the district officer's claim. The Auditor-General came to the conclusion that it was difficult to verify the district officer's claim. However, no action was taken against the district officer and in fact, the State Executive Council did not take a serious view of the Auditor-General's recommendation that action should be taken (Auditor-General 1966:13).

The above case is not peculiar to one district officer but is a common occurrence. Another district officer falsely certified that certain building works had been completed and paid from federal funds allocated for that purpose. It was found upon investigation that the building was not yet completed. The district officer had, in fact, entered into a private agreement with the contractors, who had deposited part of the money they received from the district officer into a Diamond Jubilee Fund Account (Auditor-General 1966:16-17).

The same district officer had also misused development funds in seventeen other cases. He received \$143,336.31 from the state treasurer for seventeen development projects. Of this amount, he diverted \$4,800 for his personal use. The remaining \$138,356.31 was paid into the Diamond Jubilee Fund Account. Out of this account, he paid \$25,345 for three projects which were not completed. He spent the rest of the money on minor projects for which tenders were not called. Money was also spent on items which were not in the contract specification. In cases where the contract price was less than the amount allocated in the state budget, the district officer paid the allocated sum to the contractor. The difference between the allocated sum and the contract price was paid back to the district officer by the contractors as a kickback. In cases where contractors were liable for lateness penalties, the district officer decided not to impose fines as a favor to the contractors (Auditor-General 1966:16-17).

District officers are empowered to hold security deposits paid by contractors at the beginning of a development project. In case the project is not satisfactorily completed, the deposit is normally forfeited. District officers have been known to return the deposit money to contractors even before the project is completed and collect a portion of the deposit as a commission. In at least five instances, the district officers of Kluang and Mersing refunded the deposit before the expiry of the defects liability period (Auditor-General 1964:13).

The State Government was kept informed about these serious financial irregularities (Auditor-General 1966:47). The state's Public Accounts Committee took a dim view of the district officers' behavior and recommended that they be seriously reprimanded and be trained in financial procedures. However, no disciplinary action was taken against these officers because the State Executive Council did not take steps to initiate action.⁴

Corruption at the Highest Level

In this section, we discuss corrupt practices by the chief minister, the state executive councilors, and assemblymen. The pattern of corruption here is more complex because the chief minister, who is appointed by the sultan, has control over the entire bureaucratic and political decisionmaking apparatus of the state, while the state executive councilors and assemblymen have more access to the political elite than the district officer. The cases reported here are indicative of the

extent of abuse of political and administrative power in the state. The first case deals with state assemblymen who act as intermediaries between private buyers and the state in the sale of the state land. In the second case, we discuss a situation where the chief minister is the intermediary between the private buyer and the state.

Case 1. In October 1962, the *Mentri Besar* (chief minister) was asked by a state assemblyman in the *Dewan Negeri* (state parliament) whether he was aware that the landless peasants were being cheated by state assemblymen, who acted as "land fixers" or middlemen in the sale of state lands (Johore 1963:3). The state assemblyman alleged that peasants had to pay a premium over the price charged by the state. The premium was for the services of middleman. The state usually sells land at a nominal price of \$1 an acre to citizens, but the demand for land normally outstrips supply. Applicants are, therefore, willing to pay a premium to facilitate approval of their application for land. The premium is paid to the middleman, who shares it with other politicians and administrators. The *Mentri Besar* stated in his reply that he was aware that state assemblymen were reported to have acted as land brokers or middlemen (Johore 1963:3). Instead of identifying and taking action against the state assemblymen, he directed the peasants to register directly with the Land Office. He also stated that he issued a directive to the land offices to shorten the time taken to process land applications from landless peasants (Johore 1963:3).

The matter of 'land fixers' and delays in approving applications for land was brought up again in the *Dewan Negeri* in June 1964 (Johore 1964:30). The practice of demanding bribe money became more rampant. The *Mentri Besar* restated his own original solution to the problem, that is, the landless should register in person at the Land Office to avoid paying a bribe. In his reply, the state assemblyman stated that most of the landless peasants were illiterate and could not understand neither the procedures under the National Land Code nor the complicated application forms. This apparent helplessness of the peasants made them dependent on literate, influential brokers, who charged a commission. There were more land brokers in 1964 than in 1962; some of these brokers were more influential than others and charged a fee commensurate with their influence (Johore 1964:30). The more influential were able to pay higher bribes to approving committees and officers and as a result were more successful in their application. The less influential brokers could not deliver due to limited resources and minimal fee collection. Their poorer peasant clients, therefore, had to wait a longer time. Although the poorer peasants had the option of making representations personally, they were afraid to confront the administrators because as one state assemblyman put it:

... (I)t is quite common for people from the rural areas, because their standard of education is lower than people in urban areas, to be treated with lack of courtesy by certain Government Departments (Johore 1964:30).

The poorer peasants often fall victim to state assemblymen, who claim they have power to allocate land without going through the proper channels. This phenomenon of "land fixing" is not confined to the State of Johore. The Sultan of Selangor was in anger when he declared:

... I do not like to see my subjects exploited and suffer as a result of certain people, who claim that they can allocate land without going through the Land Committee or Land Office. It is possible that some of my subjects had paid money to obtain forged application forms issued by these people (*The Straits Times* 21 March 1977).

Case 2. The next case involves the abuse of executive power for personal gain by the Mentri Besar, the chief executive officer of the state. In return for allocating land to a private company, the Mentri Besar received a bribe. Unlike in the other cases discussed above, the Mentri Besar was forced to resign because the state's political elite was embarrassed. There was a public uproar, and the Sultan had personal reason to see to it that the Mentri Besar resigned.

The matter was first highlighted by an opposition member of the state assembly in late 1965. The state assemblymen alleged that the Mentri Besar and the state executive councilors erred in allocating 20,000 acres of land in Kota Tinggi, Johore, to a Singaporean "capitalist" to start a sugar cane plantation. He questioned the legitimacy of this decision to allocate "one of the best projects" to a foreigner (Johore 1966:142). He argued that if the land was allocated to 2,000 landless Malay peasants in Kota Tinggi, they could farm 10 acres of land each and 2,000 poor Malay families benefitted. In contrast, if the land was allocated to the Singaporean company, only 300 to 1,000 people would be able to find wage employment. He argued that it would be more beneficial to the Malay rakyat if they were alienated from the land to plant sugar cane cooperatively, and if the government could provide the capital to start a sugar refinery. He, therefore, felt it was legitimate for him to question the Mentri Besar's decision (Johore 1966:142).

A few days later, the Mentri Besar issued a press statement in which he stated that the Singapore company would employ 2,000 Johore Malays and would invest 45M ringgit in the project. This would set the process of industrialization in motion in Johore. The Singaporean company would be listed in the stock exchange and Johore Malays would be encouraged to become shareholders. Twenty-five percent for the nonprofessional and nontechnical jobs would be reserved for Johore Malays. The remaining jobs would go to other Malaysian citizens and foreigners, whose skill and expertise were urgently needed for the efficient functioning of the sugar industry (*The Straits Times* 12 December 1966). In reply to accusations that the Singaporean company was not serious about growing sugar but was purely interested in the timber resources of the land, the Mentri Besar gave an assurance that one of the conditions for the lease of the land was that it must be planted with sugar. He clarified that little timber was left on the land and the right to log the

timber had already been given to a different licensee. The Mentri Besar also released the detailed conditions under which the Singaporean company, that is, the Federal Miners and Planters Corporation of Singapore, would be alienated from the land. The conditions were:

- (1) At least 50% of the capital mobilized for the project should come from Malaysian citizens;
- (2) Half the 20,000 acres should be planted with sugar cane within 3 years of occupation and the remaining half should be planted with sugar cane within 5 years of occupation;
- (3) All sugar cane growers on the plantations had to be processed by the company at a refinery to be established in Kota Tinggi or elsewhere in Johore; and
- (4) The land must not be subdivided or transferred to another company (*The Straits Times* 12 December 1966).

Within a month of the Mentri Besar's press statement, it was revealed by the opposition state assemblyman that the Mentri Besar misled the public. The 20,000 acres did indeed contain timber worth millions of dollars. The Singaporean company logged the land for an immense profit. After three years of logging, the company could not show its plans to build a sugar refinery or plant sugar cane on the land. The land was overgrown with *lallang* (cogon). The public began to spread the rumor that the Mentri Besar lied because he received a kickback from the Singaporean company. The rumors led to a public outcry because the land was previously allocated to the Federal Land Development Authority (FELDA) which could have resettled 2,000 families in 20,000 acres of highly capitalized land. FELDA land is very attractive to landless peasants because the jungle is cleared and the land is planted with rubber or oil palm trees by the government before the peasants are settled there. The government also builds the major trunk and feeder roads in FELDA land development schemes.

The opposition outcry also gathered public support because the trunk road linking the town to the sugar project was built by FELDA for 1.3 M ringgit (Guyot 1972:382). They felt that this was unfair and unjust. FELDA had developed four land schemes along this new highway and the sugar project was adjacent to FELDA's land development complex. The main agitators argued that if the 20,000 acres was transferred to landless peasants, the peasants would not only be able to farm the land but also benefit from the positive externalities generated by the adjacent FELDA schemes and the trunk road.

Before the decision to alienate the 20,000 acres, a few state assemblymen had suggested to the Mentri Besar that only land that was in the interior and surrounding Malay villages (*kampungs*) should be alienated to the Singaporean company. This was to insure that the company would build an access road to the kampungs. The Mentri Besar rejected the idea because he said that it would be difficult to find a 20,000 acre site surrounded by kampungs. The state assemblymen attacked the Mentri Besar for betraying the public trust by giving the Singaporean company free use of the FELDA road when in fact the Singaporean company should have borne the cost of the road.

The pressure in the state assembly for the Mentri Besar to resign gained momentum "when an assemblyman received a letter charging that the Mentri Besar received a \$167,000 bribe for alienating the land" (Guyot 1972:382). The Mentri Besar did not deny that he received the said bribe.

The Federal Cabinet and the Supreme Council of United Malay National Organization (UMNO), which had a bitter relationship with the Mentri Besar, lent support at this juncture to the call for the resignation of the Mentri Besar. The Sultan of Johore also asked the Mentri Besar to resign. The Sultan had been displeased with the Mentri Besar for a long time because he had taken "a piece of land desired by the Sultan. He took this opportunity to display "his displeasure openly" (Guyot 1972:382).

The Mentri Besar asked for a compromise. In exchange for his resignation, he wanted to name his successor. The political elite in Johore agreed and he named his successor on 3 February 1966, more than a year after the incident was highlighted. The new Mentri Besar, who was the outgoing Mentri Besar's protege, quickly ordered the Singaporean company holding the Kota Tinggi concession to fulfill its commitment to plant sugar cane. The new Mentri Besar, however, continued the old practice of allocating timber licenses on a personal basis. The same Singaporean company was successful in its application for more timber licences. Although the Land Office considered applications from the business community at large, and made its own recommendations, the Mentri Besar and the executive council insisted upon granting the Singaporean company its applications. The latter paid a premium of \$33 per acre, and a contribution of \$10 per acre to the political fund of the alliance (Guyot 1972:382). The Mentri Besar and the state executive councilors were also paid a kickback.

The resignation of the former Mentri Besar did not result in a decline in the incidence of corruption but the public outcry against corruption subsided once the Mentri Besar resigned. The former Mentri Besar became a sacrificial lamb because he had lost favor with the Sultan and the federal cabinet. If he was corrupt but loyal to the Sultan and the federal cabinet, he would have been allowed to remain in power. His successor, although corrupt, remained in power until 1982 when he ran into trouble with the new Sultan and the new federal cabinet.

The Causes of Bureaucratic Corruption

Although bureaucratic corruption was detected in all cases, it was only in one case that the offender was punished. The Mentri Besar had to resign because the Sultan was displeased with him and the public outcry was embarrassing and threatened the cohesiveness of the political and administrative elite. In other cases, the Sultan was not outraged. There was no evidence that he knew about it and the mass media did not give wide publicity to these incidences of corruption and there was no public outcry. Although the Auditor-General and the Dewan Negeri recommended that action be taken, there was reluctance to set the administrative machinery in motion.

To a western observer, this reluctance goes against the spirit of the law and the principle that the personal interest of public servants should be subordinate to the public interest. The Johore civil service was and is expected to operate as a Weberian legal-rational bureaucracy, whose rules and norms do not encourage corruption. Mechanisms to punish corrupt officials likewise exist within the bureaucratic structure. It is suggested here that the Weberian legal-rational bureaucracy exists in form but not in substance. The behavior, attitudes and values of office bearers are consistent with sultanism.

The origins of the Johore civil service can be traced to the corps of professional administrators founded by Sultan Abu Bakar (Burrige 1957:29-36). On 14 April 1884, a written constitution for Johore was promulgated and it provided for a Council of Ministers (the Executive Body) and a Council of State (the Legislative Body). Winstedt has likened the Council of State and Ministers to the British Parliament and Cabinet (Tan 1972:136; Winstedt 1932:118). The Johore civil service included a Secretariat, Treasury, Audit Office, a Supreme Court, government Printing Office, Police Department, Public Works Department, Survey, Education Department, and a Legal Department. This formal arrangement has remained today except for expansion in some of them. After 1957, the Councils of State and Ministers have been renamed the Legislative Assembly and Executive Council. The rules for the succession to the throne and the sultan's allowance continue to be provided by the Constitution. The sultan is the unity of the state, and the state government is called *kerajaan*, that is, the state of having a ruler. Although only a symbol of power and unity in postindependence Malaysia, all appointments to the State Executive Council and Civil Service are made with the formal consent of the sultan. The political stability of the state is dependent on the sultan, who is the source of Malay *adat* (customs) (State of Johore 1951:60-66). The Malay *adat* of loyalty and obedience to the sultan has been and is the primary mode of socialization of all bureaucrats, legislators, executive councilors, and all Malay citizens. Individuals identified as unwilling to accept the sultan as the source of power and unity are normally not recruited into the civil service.

The Johore civil service was created along the lines of the Weberian legal-rational bureaucracy. The 1894 Constitution and the 1913 General Orders intended that the civil service would function as a legal-rational organization with the sultan as the nonbureaucratic charismatic head (State of Johore 1951:64-65). However, in reality, it functions as a traditional bureaucracy because of the pervasive influence of the indigenous political system. The Johore civil service is not free from the political environment because officers recruited into the organization are expected to achieve the goals of the traditional elites and not abstract organizational goals, such as efficiency or economic growth and development.

Civil service appointments are made by the State Public Services Commission (PSC). The members of the PSC are appointed by the sultan. Although only professionally competent persons are expected to be appointed to the civil service, considerable weight is given to other factors such as lineage, contribution towards advancing the superior's interest and loyalty to the immediate superior, the sultan and the state. Persons not possessing the necessary academic qualifications may yet be appointed because they may possess the necessary ascriptive qualities needed to maintain stability. Between 1951 to 1969, more than 40% of the civil service posts were filled by persons of royal lineage, that is, *ungkus* (Fawzi 1978:166). A large proportion of the civil service vacancies were filled by persons from good lineage because they were sent to the best English schools. Persons of good lineage not having the necessary academic qualifications were, however, appointed to the lower rung of the civil service and upon getting some experience, were promoted.

Promotions are decided by the PSC subject to the consent of the sultan. Officers who demonstrate superior academic and work records, technical virtuosity, strict adherence to Weberian regulations and efficiency may be bypassed because they are not acceptable to the traditional elites. Clerks may be promoted over university graduates if they have the experience, come from a good lineage, and are part of the patron-client network loyal to the sultan, the ruling chiefs and the *penghulus* (chieftain) (Fawzi 1978:166). Nearly 39% of the superscale posts between 1951 and 1969 were held by nongraduates and members of the traditional elite.

The General Orders of the Johore civil service clearly spells out the specific sphere of competence of an officer. These involve: (a) the specific sphere of obligations to perform functions, which have been marked off as part of a systematic division of labor; (b) the provision of the incumbent with the necessary authority to carry out these functions; and (c) the means for compelling behavior are clearly defined. Each officer is expected to know the boundary of his roles, his power and authority to command others. The number and types of officers under his command are also clearly written in the job descriptions. This clarification is necessary to avoid the possibility that a bureaucrat may overstep role boundaries and thereby

undermine the whole structure. In reality, however, it is difficult for bureaucrats to adhere strictly to the written rules governing their office because these rules can be easily violated by the traditional elite. The traditional norms are much more powerful than the legal-rational norms because they are backed by the sultan and if an officer has the sultan's support, he can practically do what he likes. The ability to flout rules and regulations and yet remain in office or get promoted is an indicator of power and status. Officers, who are close to the sultan, are able to exercise extrabureaucratic powers and functions. It is difficult to question their actions because it is like questioning the sultan, and may be taken to mean disloyalty and even treason.

The organization of office in Weber's bureaucracy follows the principle of hierarchy. Each lower office is under the control and supervision of a higher one. This is to ensure that no office is left uncontrolled and that compliance is not left to chance and is systematically checked and reinforced. Superior-subordinate relations in the Johore civil service is, however, not determined by one's office but one's lineage. A district officer finding a clerk incompetent or corrupt may be unable to reprimand, suspend, demote or sack the clerk if the latter comes from a good lineage or is well-connected to the traditional bureaucratic elite. A Commissioner of Lands found that "the standard of discipline was somewhat low and it was apparent that certain provisions of the General Orders, Rules and Circulars were not strictly observed" (Busu 1974:31). However, he did not take disciplinary action against his staff because he did not have the traditional authority. The Auditor-General noted that this unwillingness to take action was a feature of the civil service and he attributed the high incidence of bureaucratic indiscipline and corruption "to delays in taking prompt action, lack of supervision by senior officers and proper coordination of duties" (Auditor-General 1966:16). A superior officer who is not from a good lineage may find it difficult to allocate tasks to or supervise his subordinates from a good lineage because his action may antagonize the traditional elite, who may remove him from his post. It may be the career interest of the superior in the long run to support and protect his errant but influential subordinates. There have been some cases where some bureaucrats have been brought before the disciplinary board for breaches of discipline and conduct. The Board in one instance found four junior officers and a clerk guilty of corruption and recommended that court action be taken against them. The State Public Prosecutor, however, did not proceed with the case (Auditor-General 1966:50). Apparently, there was intervention on behalf of the four civil servants from the traditional elite. It was sufficient for the four bureaucrats to ask for forgiveness and demonstrate their loyalty to the sultan or one of the members of a powerful lineage to avoid punishment.

In a Weberian legal-rational bureaucracy, technical competence is the basis on which legitimation is granted to the bearer of the office. In the Johore civil service, technical competence is valued only if it serves the purpose of the tradi-

tional elite. A person with technical competence and knowledge may not move upwards in the hierarchy if he challenges the traditional elite structure. The Johore civil service has been noted to maintain and reward technically incompetent officers. Incompetent officers who cannot read, appreciate, understand, and implement directives, circulars and letters have been appointed and promoted. A state assemblyman commented that he was "bound by his duties to criticize the government servants in some of the departments. I would like to refer particularly to the government servants in the Land Office" (Johore 1964: 1). Incompetence and inefficiency are acknowledged and tolerated because of the shortage of loyal and socially acceptable bureaucrats. The social competence of the bureaucrat is the basis for conferring legitimation to the holder of the office. Social competence may be demonstrated by marrying into a good lineage or building a network of patron-client ties with the politically relevant individuals in the state (Scott 1968).

Weber emphasized the need for the organizational resources to be free from any outside control. The positions cannot also be monopolized by any one individual. The posts have to be free to be allocated and reallocated according to the needs of the organization. This, however, is not the practice in the Johore civil service. Persons who occupy office treat the office as their own personal domain. Subordinates are treated as personal retainers and organizational resources may be diverted for personal use by the office holder or his close kin (Scott 1968). The posts are a monopoly of the sultan; he can order the appointment or removal of any bureaucrat. The organizational needs are subservient to his needs. A bureaucrat cannot, therefore, maintain his organizational status separate from his social status because the former ensures the latter. The aristocratic, political, bureaucratic, and business elites often meet and socialize in the Johore Civil Service Club. The norms that emerge from this constant interaction determine the norms of the bureaucrats. A refusal by a bureaucrat to use his bureaucratic power to fulfill traditional, kin, or social obligations may be interpreted as a mark of disrespect and disloyalty to royalty, friends and relatives. He may be ostracized by the others who may be forced to resign from the formal bureaucracy (Wertheim 1964:121).

Oral communication is valued over written communication in the Johore civil service especially when rules have to be violated to achieve nonbureaucratic political goals. Weber emphasized the need to keep records and files to maintain a systematic interpretation of norms, and for the enforcement of rules. In traditional Malay society, written law is not taken seriously. "No one ever referred to the codes of which copies were very rare, for guidance in settling a dispute." If the laws clashed with the "ideas or inclinations of any individual, who was strong enough to set it at defiance, there existed no power that was able to compel obedience" (Gullick 1958:114). Bureaucrats make decisions on the basis of interpersonal and kinship ties. The traditional elites, who appoint bureaucrats, ensure

that the latter are accountable to them. If their actions are exposed as irregular or deviant in a legal-rational sense but supportive of the traditional elite, they are assured of protection from the traditional elite. All disputes are finally resolved by the sultan and what determines the outcome is the relationship between the offenders and the sultan (Gullick 1958:115). The rules and regulations written in the General Orders are respected but often misinterpreted to protect friends, relatives, and clients (Riggs 1964:183). Most bureaucratic transactions are done by word of mouth and with the oral blessings of the superior. It becomes difficult to trace the events that lead to a corrupt incident because of the absence of written records. Even when written records are available, violations of procedure and discipline are treated as questions of political power.

In the Weberian legal-rational ideal type of bureaucracy, officials are compensated by salaries and it is legal for bureaucrats to receive payment from clients. Corruption is discouraged by explicit rules to ensure that the bureaucrat's primary orientation is to the organization and to its norms. The Johore civil service has a highly-structured salary scheme and officers are paid according to the tasks they are expected to perform. The salaries are commensurate with the bureaucratic status of officers, but are insufficient to maintain the social status of the bureaucrat. An officer is given tremendous respect in society and is expected to demonstrate his wealth to maintain this social respect. An officer's expenditures are not privately determined but socially determined. A clerk is expected to drive a new car, have a house in a good neighborhood, dress expensively, spend lavishly and be generous to relatives, friends and the poor. Junior officers are expected to have all the above attributes and to spend proportionately more to reflect their relatively higher social status. Heads of departments and district officers are expected to drive Mercedes Benz cars to maintain their social status. Civil service salaries are hardly sufficient to meet those socially necessary expenditures (Sivalingam 1983:420-426). If the socially expected expenditure pattern is not maintained, the bureaucrats may lose their social legitimacy, which is crucial to their survival in the bureaucracy. To meet these extraordinary expenditures, some bureaucrats sell their bureaucratic services or the organization's resources to the highest bidder or get into debt. Between 1965 and 1970, 22.3% of the declared bankrupts in Johore were civil servants.⁶ They were unable to discharge their debt which were incurred to meet social obligations. A bankrupt civil servant is not socially condemned but, in fact, receives as much public sympathy as a person who has suffered a sudden turn of fortune. His bad luck is attributed to insincere friends and relatives, who have let him down. It is socially expected that an officer who is well connected will normally be sufficiently protected financially by his superiors. It is believed that if his luck changes, he may regain his lost social status. He may offer his labor services to a more powerful and wealthy patron-client network to catapult himself back again into a position of wealth and high status.

The sultan as nonbureaucratic charismatic head inherits his position but is not expected to set the rules and goals of the bureaucracy. The rules and goals are set by the Weberian bureaucracy introduced by the colonial government. The sultan is expected to serve the important function of nurturing and maintaining the bureaucrat's emotional commitment to rationality. Most bureaucrats find it difficult to commit themselves to an abstract set of norms and rules because their primary orientation is to nonrational norms and rules. Their behavior is influenced by kinship, primordial, political, racial, ethnic and religious ties. Sultanism is expected to be the focus of these emotional needs and yet to be the source of rational action. However, sultanism does not encourage rationality because rationality may be a source of its own weakness. Allocation decisions made rationally may divert large sums of public funds and resources away from the sultan. The constant pressure from the sultan for a larger share of the public expenditure undermines the rationality of the bureaucracy. Rational goals and norms can also be displaced by the sultan to achieve his own personal goals.

The sultan, however, is dependent on the bureaucracy because it serves his needs. Without the bureaucracy which supports his symbolic rule, he may be displaced by a powerful rival chief. The bureaucrats have come to internalize the values, norms and rules of sultanism because they have been socialized in the same rules of the game and are from similar social backgrounds (Tilman 1966:603). The elected politicians are also dependent on the sultan and the bureaucracy. During elections, the bureaucratic machinery has been deployed to campaign for the UMNO and its other two partners in the Alliance, that is the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC) (Ratnam and Milne 1964). Bureaucrats have also been recruited as politicians especially by UMNO, and this fosters a sense of comradeship between politicians and administrators (*Malaysian Centre for Development Studies* 1972; Razok 1960). The politicians and the sultan are also mutually dependent on each other. As the present Sultan puts it: Johore UMNO was formed after the Second World War with the blessings of his grandfather, the late Sultan Ibrahim. "Therefore both the Johore UMNO and the Johore Royal Family would 'sink or swim together'" (*The New Straits Times* 2 September 1985). The leaders of UMNO have to pledge their loyalty to the sultan and obey his wishes. The leaders of MCA and MIC are recognized by UMNO only if they show a willingness to accept Malay culture and behave according to the tenets of Malay adat (Fungston 1980:253). The Alliance Party comprising the UMNO and the MCA and MIC have been very successful in the state elections since 1955. The opposition parties are very weak in Johore (Vasil 1965:20-65; 1972:74), and are not a source of countervailing power.

The business elite is largely composed of Chinese merchants, land and property developers, planters, and small-scale industrialists. They have historically forged close relationships between themselves and the sultans, the politicians and the administrators. They have also been known to go into joint ventures with

Malay sultans, politicians and administrators. The Malay political elite encourages Sino-Malay joint ventures as a means of increasing Malay incomes and participation in industries (Khoo 1972:86-108). The Malays, normally, are sleeping partners and earn a director's fee for lending their name to what is essentially a Chinese company. The Malay names are used to obtain business and trading licenses from the predominantly Malay political and administrative elite. The Chinese have to pay to obtain political access to compensate for their lack of lineage and Malayness.

There is, therefore, unity based on symbiotic social exchange between the sultan, the royal family, the politicians, the businessmen, and the bureaucrats. It is extremely difficult to break this unity because it is not cemented by lineage alone but also by wealth, political power and a community of interests. The center of this unity is the sultan; all elites and institutions owe their allegiance and existence to the sultan.

Conclusion

By using the master concept of sultanism, we have explained how corrupt bureaucrats are protected and rewarded in the State of Johore. The analysis has far-reaching implications because it shows that: not only has the concept of public office as public trust been slow to take hold, but its prospects in the near future are dismal. Given such conditions as the inherited traditions of sultanism, acute scarcity of resources in relation to population and a "wide educational and status gulf between officials and the mass of the population, it is hardly surprising if a sizeable gap between legality and practice persists" (Wade 1982:288).

In summary, this article has shown that reported corruption is of substantial magnitude in Johore, which accounts for at least 10% of the annual public budget. What is more alarming is that it occurs at all levels. The peon selling government documents that are normally distributed free, may be a relative of the district officer. The corrupt district officer may in turn be a relative of the *mentri besar*, who may take kickbacks for the alienation of land. The *mentri besar* in turn is in office at the pleasure of the sultan. Since the Johore civil service is a closed service and all appointments from the gardener to the *mentri besar* are at the discretion of the sultan, it is not difficult to imagine the tight control and extractive powers that the sultan has over the limited natural and public resources (including bureaucratic posts) of the state. The Federal Parliament and the Federal Cabinet have little power over the state, because the state has control over its own natural resources including land, and the sultans have always acted independently. In fact, the ruling party in power is dependent on the sultan's grace to obtain votes in elections. To discuss corruption without reference to sultanism is, therefore, meaningless. To understand corruption at each level as independent acts may be misleading because of the pervasive network of relationships (i.e., kin, economic,

political, social and cultural) from the lower rungs of the bureaucracy to the *mentri besar* and the sultan.

The dominance of the indigenous bureaucracy is underscored throughout the analysis. The institution of sultanism is very powerful and modern forms of organization that attempt to check, control and expose corrupt activities have to confront the institution of sultanism in reality. Most of the citizens are fearful of offending the sultan and the focus of their loyalty is the sultan and not abstract modern organizational norms and goals. The institution of sultanism is also not impersonal; it is, in fact, all encompassing affecting not only the citizens' reactions to the institutions but to the sultan's whole being. A wrong move may cost him his political (citizenship), social and economic status. He is, therefore, in a tight bind with the sultan.

What is to be done? Very little can be offered as policy options because after 1970, the indigenous system has become more powerful and Malay loyalty to the sultan and Malay politicians have increased tremendously. This is tied up with the New Economic Policy, which promises a better economic deal for the Malays. The indigenous organizational form has been chosen in practice because of the cultural training of the Malays. By working through the traditional networks, the Malays hope to achieve rapid social mobility. How this mobility is achieved is seldom questioned. The ethics of accumulating wealth is seldom at the lips of an ethnic group, which perceives relative deprivation in their own country and feels that they have been wronged by immigrants, who have been assisted by the colonialists to seize a disproportionately large share of the wealth of the nation. They look up to the sultans and the politicians to extract the resources by whatever means and to distribute it among the Malays. This is the tacit social contract between the Malays, the Malay politicians in UMNO, and the sultans. However, there are forces for change that are operating. One of them is the Islamic resurgence, which hopes to inject Islamic values into the bureaucracy. The Islamic leaders are advocating that Islamic values are not inconsistent with the Weberian legal-rational norms embodied in the General Orders of the federal and state civil services. It is, however, too early to judge the success of the Islamic movement in injecting Islamic values in the civil service.

Endnotes

¹Also called dollar, monetary unit of Malaysia; 1 Malaysian ringgit is equal to US\$ 0.3630.

²The daily newspapers consulted include *The Straits Times* (English), *The Malay Mail* (English), *The Berita Harian* (Malay), *The Utusan Malaysia* (Malay), and *The Star* (English).

³Personal observation at the Bukit Besar Federal Land Development Authority Scheme in Kulai, Johore in 1971. The author was doing fieldwork on land development schemes at that time.

⁴Reading through the files and annual reports of the State Public Services Commission (the Disciplinary Authority of the State), there is no evidence of any disciplinary action taken against these district officers.

⁵Riggs argues that the system encourages the bureaucrat to facilitate interpretations which permit them to do what they wish or what their clients and proteges find profitable. See F.W. Riggs, *Administration in Developing Countries—The Theory of Prismatic Society* (Boston: Houghton Mifflin, 1964), p. 183.

⁶Calculated from Negeri Johore, *Laporan Pejabat Kebanruptan, Negeri Johore, 1965-1970* (Negeri Johore: Pencetak kerajaan, 1971).

⁷The Sultan of Johore, who is at present also the King (Yang Di Pertuan Agong) of Malaysia, was speaking at a luncheon in honor of 110 Anti-Malayan Union Veterans at the Chief Minister's residence, Seri Bendahara on 1 September 1985. The King said Johore UMNO was formed with the blessings of his grandfather, the late Sultan Ibrahim.

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