

‘Integrity: You Know It but Do You Have It?’

**Excerpts of an Inaugural Lecture by Former Chief Justice of Malaysia,
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I thank UNITEN¹ and the Institut Integriti Malaysia for giving me the honour of delivering the first lecture of this series. I am more honoured by the fact that this lecture is on integrity which makes me believe that I must have some integrity, at least sufficient to deliver this lecture, provided that the invitation is not a mistake!

As I am not an academician, I have decided to speak about what I have seen, heard and experienced throughout my life, *vis-à-vis* integrity. So, if you were to ask me how long I took to prepare this lecture, my answer is “Sixty nine years and ten months!”

I take this opportunity to quote two verses from the Qur’ān:

O you who have believed, why do you say what you do not do? Great is hatred in the sight of Allah that you say what you do not do (61: 2-3).

These verses convey the essence of integrity in one’s speech and personal conduct. In my view integrity has recognisable indicators, which include the following:

1. Integrity has to be earned the hard way throughout our life. You may have spent years or decades doing the right thing and accumulating your integrity, but one misstep, one mistake, one indiscretion affecting your honesty or morality, the whole of what you have accumulated is wiped out. Once you lose it, it is even more difficult to accumulate it again.
2. A person’s academic qualification is quite irrelevant for a person to attain integrity even though it helps to understand it. But understanding integrity does not make one a person of integrity. A person may be an intellectual but he may be intellectually dishonest or he may be dishonest with his maid or driver, both of which, trivial as they appear, would put a blot on his integrity. You will be surprised that what appears to be trivial may have a big negative effect on a person’s integrity.

On the other hand, a person may not be able to define integrity. He may not be able to give a lecture on it. With the *fiṭrah* that Allah has given us, with right upbringing, right surrounding, a person would know what is right and what is wrong. True enough that right and wrong could be subjective, greatly influenced by your religion, culture, society and law. Yet, when it comes to honesty, the core ingredient for integrity, I do not think there is any room

for a difference of opinion. So, lack of integrity is not due to ignorance. You know integrity but the question is: do you have it? Whether you have it or not depends on you, on what you do throughout your life. In other words, it boils down to our character. But, we are all human. Everyone has moments of weakness and indiscretion. However, what makes the difference is how serious and how often. When such moments of weakness and indiscretion become the norm rather than the exception, even more when those wrongs have become normal, then there is something really very wrong with the person.

3. A person's position is irrelevant too. He may hold a very high, important and powerful position. If he has no integrity, the very same people who salute him, bow to him, greet him and try to please him, may not have any respect for him deep in their hearts. A good indicator is what people say behind your back or how the same people treat you after you retire: whether, seeing you walking in the supermarket, people whom you don't even remember or recognise would walk up to you, greet you, introduce themselves, ask how are you and wish you well or, whether even those you recognise just turn away. That is why I used to say that the real assessment of our career while we are still alive is when we retire. The final one is when we die.
4. Integrity requires no advertisement if you have it; neither can you hide it if you don't have it. Actually, a person's honesty can be seen on his face. I am sure you have experienced listening to a speaker whose delivery was impeccable, who was very fluent and witty and who spoke without text. You were mesmerised by him but, when he stopped and the moment the sound of clapping died down, you wondered whether he meant what he said. On the other hand, you will have experienced listening to another person, who read his speech with some difficulty but even as he spoke, to quote the late Tun Mohamed Suffian, "you could see his honesty shining through his forehead."²

Out of curiosity, I tried to check what other people have said or written about integrity, focusing on the word "integrity" itself in relation to individual integrity as against organisational integrity. I find the results interesting. Let us run through a few of them.

- "A person is not given integrity. It results from the relentless pursuit of honesty at all times." – Unknown.
- "Integrity is what we do, what we say and what we say we do." – Don Galor.
- "Integrity is the essence of everything successful." – Richard Buckminster Fuller.³
- "Integrity is doing the right thing, even if nobody is watching." – Anonymous.

- “Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.” – William Clement Stone.⁴
- “Integrity is telling myself the truth. And honesty is telling the truth to other people.” – Spencer Johnson.⁵

Surprisingly, they seem to be talking about the same thing.

I have been talking about integrity at the individual level. To me that is where it begins, whether you are looking at the individual, group, society or organisation level. Of course, at group, society and organisational levels, additional factors come into play.

Let us take a glance at the society level. First, let us take a few random samples focusing on honesty, the key ingredient to integrity.

A professor of Polish origin who taught at the National University of Singapore, told me whenever he crossed the causeway to Johor Bahru (Malaysia) he would take a taxi driven by a man wearing a white cap because he found him more honest.

A professor from the United States left his jacket with his billfold and passport in it in a train in Japan. He rang up the number on the ticket. He was told to go and collect it at the next station. He found everything intact.

A captain of an international merchant ship told me that the worst port in the world in terms of cheating is a port in a predominantly Muslim country in the Middle East.

Travelling in Switzerland, I saw farmers placing a table on the side of the road with vegetables for sale. The vegetables had been weighed and each bundle had a price tag on it. There was a box on the table for you to put money into. If you have no change you could open the box and take your change. Mind you, there was no one around. (I told a friend about it. He said that if we were to do it here, even the table would be gone!)

A friend of mine told me of blatant cheating at a temple that he went for pilgrimage to.

In 1981, I was transferred to a State as the State Legal Advisor. A few days before the *‘Īd al-Fiṭr*, I went to the mosque to pay my *fiṭrah*. The *mu’adhdhin*, who was also an authorised official (*‘āmil*), was there. He asked me whether I had registered. I replied “No. I have just come to live here.” I paid him the required amount. He put it in his pocket. I waited. Then he said (in Malay), “*Dah selesai*” (“Done”). I asked: “What about the receipt?” He replied, “No need because you have not registered.”

If you go to Mecca you will find that the moment the *adhān* is heard, shop keepers would just leave their merchandise and head for the mosque. You are impressed by it. But, when you want to buy something, then you realise that you don’t even know the reasonable price for a particular item. You are at the mercy of the shopkeeper. He may quote whatever price he likes, sometimes taking advantage of the ignorance and the

naivety of the customer. It is up to the customer to bargain. To him it is legal. Strictly from the *fiqhī* perspective it may be legal, but is it honest? Is that what the *sharʿah* is all about? To me, *sharʿah* is not only law. It has a soul. The soul is *īmān* and honesty is an integral part of it.

A few years ago, I went into a sports shop in The Hague, Netherlands. I liked a pair of shoes with a tag of 25% discount on it and I told the shop attendant about it. He went to fetch the other side of the shoe and came back to me. He pointed to a small hole on the side of the shoe.” You see the hole here. We only have this pair, I cannot sell you for 25% discount. If you want this pair, I’ll give you 50% discount. Or you can go to our other branch and get a new pair” (at 25% discount, of course.)

The Mecca and the The Hague experience are very interesting really. The Hague shop assistant was actually practising the *sharʿah* principle that it is obligatory for the seller to disclose the defects in the goods he is selling, without knowing that that is a *sharʿah* requirement. On the other hand, the shopkeeper in Mecca was practising the common law principle of *caveat emptor* (buyer beware) without knowing it either. Between the two practices, which is more Islamic?

Perhaps it is these kinds of things that made Muḥammed ʿAbduḥ⁶ to remark after his trip to Europe: “I saw Islam without Muslims.” I do not know whether back in Egypt he then saw Muslims and Islam or Muslims without Islam.

Looking at these samples, my first comment is that you can find both honesty and dishonesty everywhere, only more here or less there. Neither can you point to one particular factor as the reason why one group of people whether in the same country or in different countries is more honest than the other. You cannot say it is religion, for example, because you will find that people in developing countries who appear to be very religious, at least ritually and appearance-wise, are less honest than the people in developed countries, the majority of whom care very little, if at all, about religion. The examples I gave earlier would bear testimony to this statement.

We also cannot generalise that people belonging to a particular religion are more honest than another. We find that people belonging to the same religion in one country are more honest and less corrupt than in another country.

I think the answer lies in a combination of factors. Including religion, morals, ethics, culture, education, upbringing, level of economy, opportunity (in the case of corruption), greed and competition (especially in the business world) and law and order.

Besides these factors, the behaviour of members of organisations, e.g. in Government departments and companies, I think, depend very much on the leadership and the philosophy of the organisation. The story of the professor who left his jacket on the train in Japan, the story of the shop assistant in The Hague, the story of the shopkeeper in Mecca are examples of the philosophy of the organisation.

At the national level, more so in the fight against corruption, there must be political will: the determination to fight corruption and the example of not being involved in it.

Singapore has been quite successful in this. Admittedly, politics in Singapore is more straight forward. There is no opposition, really. There, a political party does not need big capital to fight an election. On the other hand, there is a completely different election culture here. Sadly, that has become the Malaysian culture. My worry is that we have reached a stage where voters are offering their votes for sale to the highest bidder purely for short-term personal gains and the political parties have no choice but to keep bidding, disregarding the effects on the country and the nation, even more if the politicians have stopped thinking beyond five years!

Once I was in The Hague on a general election day. I would not have known that it was an election day had I not been told about it: there was not a single poster along the road. Still there was an election.

Whatever it is, corruption is not always in the form of political donations. It is more personal and direct.

What is important is that the political leaders, top level administrators, corporate leaders must be serious about combating corruption and must lead by examples, good examples.

When I mention “corporate leaders”, I am referring to all the “givers”. Very often, people tend to focus only on the public sector while the private sector escapes attention: Government, public servants, judges and others must be clean; companies and businessmen need not be clean as they are only to be judged by how much profit they make. That culture has to change.

When I mention “politicians”, I mean all politicians, whether they are at the moment running the government or in the opposition. For those in power, the attitude that they are an exception is definitely not going to help. In the fight against corruption, no one is special and no one is an exception. For those in the opposition, the attitude that today is your turn and tomorrow will be our turn is not going to help either.

Unfortunately, even in combating corruption, political interest still rules. I was Chairman of the Advisory Council of the Malaysian Anti-Corruption Commission (MACC) until I resigned because of my long hospitalisation. During the two years that I was Chairman, I saw the frustrations of the officers who were discharging their duties diligently and honestly. They should get the full support from everyone because the fight for corruption is a common ground for all. Instead, some groups take side according to their vested interests, in the name of the people, justice, fairness, equality, freedom of speech, human rights, democracy and so on. They screamed for action to be taken against their opponents. But when their members were investigated, they alleged that they were persecuted. When their opponent was arrested, charged, tried and convicted, there was a complete silence from them. When one of their men fell from the office of the MACC and died,⁷ they straight away blamed the MACC for it. The NGOs too joined in. When an inquest was held, it was criticised, forgetting that such inquests are normally held in such cases since the

British introduced the Criminal Procedure Code in this country. While the inquest was going on, demonstrations were held, in effect demanding that decision be made the way they wanted it to be. That inquest took 51 working days over a period of 18 months.⁸ It was followed by a Commission of Inquiry of five members which took another 51 working days of public hearing.⁹

Everybody sympathises with the deceased and his family. Nobody wants such an incident to happen. But we should be fair to all. Let the process of the law take its own course first, at least. Independence of the judiciary does not mean only non-interference by the Executive. What applies to the Executive equally applies to everybody.

In a very similar incident involving a Senior Customs Officer¹⁰, which happened about two years later, only an inquest was held. It proceeded quietly and smoothly and it took only 15 working days over a period of three months.¹¹ There was no Commission of Inquiry. There were no demonstrations and even the NGOs that were so vocal in the first case were notably quiet in the second case. How do you explain that?

I am also a member of the Judicial Appointments Commission. (Let me make it clear that I am saying all this in my personal capacity). We are doing our best to recommend the right candidates for appointment as judges and also for promotions. We are also trying to restore the integrity of the judiciary which was at its lowest following the V. K. Lingam video clip incident. I dare say that the integrity of the judiciary has improved significantly in the last four years. Besides, the Courts have succeeded in reducing the backlog and the period taken for the disposal of cases to such an extent that even the World Bank has given a favourable report.

To conclude, and with the voice that Allah has given back to me, let me remind myself and those who do not mind being reminded with the words of Allah:

We have indeed created man in the finest of moulds, then We reversed him to the lowest of the low, except those who believed and did good works; for them there is a reward unending (Qur'ān 95: 4-6).

Hopefully, we will be among the exceptions.

Thank you.

Notes

1. Universiti Tenaga Nasional.
2. He was referring to Tun Hussain Onn (1922-1990), the third Prime Minister of Malaysia (1976-1981).

3. 1895-1983, American systems theorists, architect, engineer, author, designer, inventor, and futurist.
4. Businessman, philanthropist and New Thought self-help book author (1902-2002).
5. Writer (1940-).
6. An Egyptian jurist, scholar and reformer regarded as the founder of Islamic modernism. (1849-1905).
7. Teoh Beng Hock, a political aide to a DAP State Assemblyman; date of incident: 15 July 2009.
8. Source: Office of Chief Judge (Malaya).
9. From the first day of hearing until the report was completed (printed). Source: Office of Chairman of Commission of Inquiry.
10. Ahmad Sarbani bin Mohamed; date of incident: 6 April 2011.
11. Source: Office of Chief Judge (Malaya).

**‘The ‘Arab Spring’:
Prospects and Challenges for Good Governance
in the Near and Middle East
(13 February 2012, Thammasat University, Bangkok)**

Christoph Marcinkowski, IAIS Malaysia

This writer delivered a lecture on invitation at the international symposium “The ‘Arab Spring’: Prospects and Challenges for Good Governance in the Near and Middle East.” The one-day event was organised and hosted by the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), Faculty of Law, Thammasat University (Phrachan Campus), Bangkok, Thailand. It addressed the series of dramatic events across the Middle East, known as ‘Arab Spring’ in which mass demonstrations against longstanding authoritarian regimes have provoked vibrant discussions on prospects for different forms of governance in the region.

The ‘Arab Spring’ saw an unprecedented number of citizens become directly involved, despite a multitude of motivations, in the dismissal of public figures through means of public protest. As the right to participate in government is a recognised aspiration as declared by regional and international laws alike, what will this mean for future constitutional modeling and law-making in those changing societies in the region? Some have voiced preferences for Islamic-based caliphates, as has been reported in Yemen and Libya, while others, such as Egypt’s Muslim Brotherhood, have called for integrative forms of government which seek to combine Islamic values with those forms akin to Western-styled liberal government. Others, meanwhile, call upon states to implement policies more akin to Western-styled secular concepts of political order and society.

The event was made up of two panels – one before and the other after lunch break. The first panel featured Prof. Dr. Henning Glaser (Faculty of Law, Thammasat University), who delivered his introductory lecture, entitled “Patterns and Cleavages