

# Cross-cultural Ethics and Corruption

#### **John Hooker**

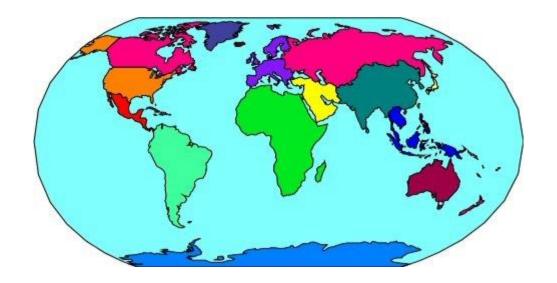
Tepper School of Business, Carnegie Mellon University, USA

Indiana University East March 2022



#### Culture and ethics

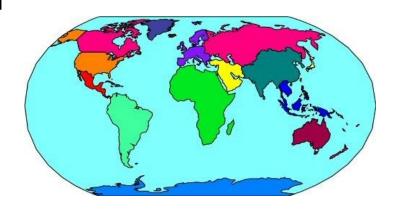
- Every culture has ethical norms that allow the culture to function.
- But cultures often operate differently.
- So they often have different norms.





### Outline

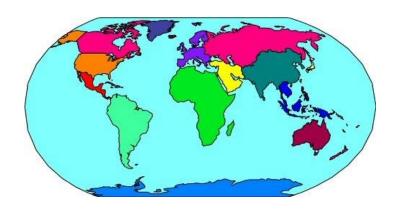
- Part 1: Differences in ethical norms
  - Rule-based vs relationship-based
  - Implications for ethics and business



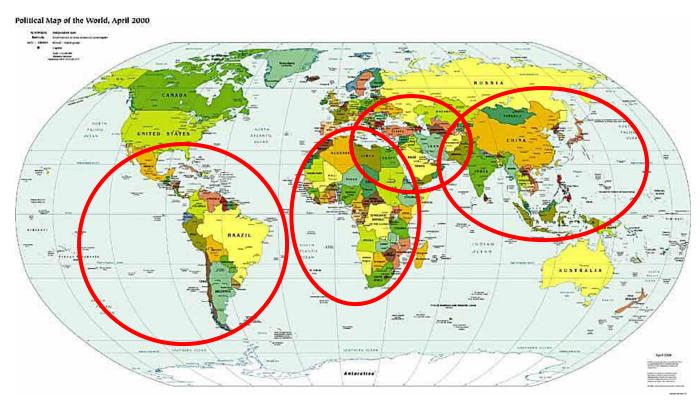


#### Outline

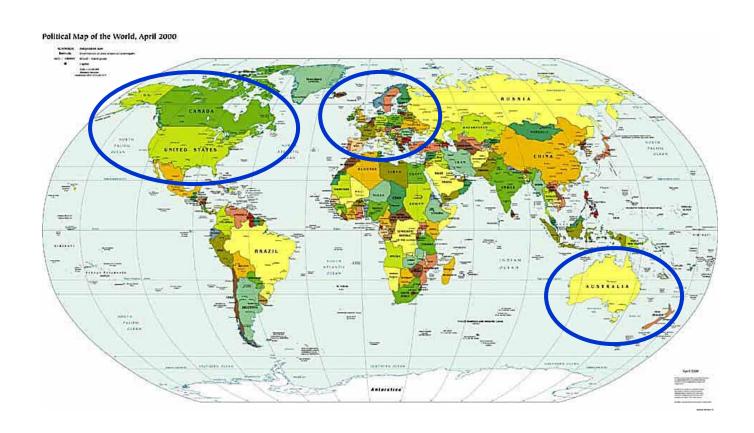
- Part 2: Corruption around the world
  - What is corruption?
  - Kodak in Taiwan
  - Financial crisis
  - Enron in India
  - LKK in China
  - Leighton in Asia and Middle East
  - Celtel in Africa
  - Supply chains: Mattel in China
  - Supply chains: Apparel industry in south Asia



- - \* Relationship-based = life is organized primarily around **personal relationships**.
    - Africa, Asia, Middle East, South America



- \* Rule-based = life is organized primarily by **rules**.
  - Australia, Europe, North America





# Implication for ethics

- Relationship-based cultures
  - Ethics based on loyalties that relationships require.
    - Family, friends, coworkers.
    - There are rules, but their authority comes from **people**.
  - Obligation to respect and obey those with authority.
    - Parents, grandparents, ancestors, boss, ruler
    - Or society will break down.
    - Authority is based on who one is.
  - Value system emphasizes care and respect.





# Implication for ethics

- Rule-based cultures
  - Ethics based on rules that have authority in their own right.
    - Since no person has inherent authority.
    - The rules must be inherently **logical** and reasonable, because only logic and reason are **universal**.
  - Value system emphasizes equality and fairness.





# Implication for business

- Relationship-based cultures
  - Business consists of building relationships.
    - To develop a mutual understanding based on **personal trust**.
  - Nothing matters unless it is part of the relationship.
  - Close supervision is expected.





# Implication for business

- Rule-based cultures
  - Business consists of making deals.
    - To draw up **contracts** enforced by **law**.
  - Nothing matters unless it is **in the contract**.
  - **Self-enforcement** is expected.





# Corruption around the world

- Focus on corruption.
  - Where different ethical norms are most obvious in business.





# Corruption around the world

- Nothing said here is meant to imply that one culture is more corrupt than another.
  - Corruption occurs everywhere.





# What is corruption?

Corruption corrupts.





# What is corruption?

- Corruption corrupts.
- It undermines the system.





# What is corruption?

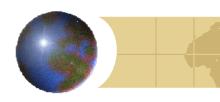
- Corruption corrupts.
- It undermines the system.
  - Rule-based and relationship-based systems are corrupted in different ways.





# Corruption as culturally defined

- What is corrupt in one system may be acceptable in another.
  - For example: **cronyism** may be OK in a relationship-based culture.
  - Cronyism = taking care of your friends first.
  - But cronyism must be distinguished from bribery...



U.S. manager was posted in Kodak's Taiwan branch.

He met with a team representing a potential Taiwanese

supplier.







- U.S. manager was posted in Kodak's Taiwan branch.
  - He met with a team representing a potential Taiwanese supplier.
  - When the team left, he noticed that one of them left his briefcase.





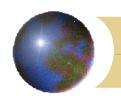


While looking for the owner's name, he found the case to be full of cash.



- Kickbacks ("commissions") are common in some industries but are corrupting nonetheless.
  - They are a form of **bribery**.
  - Why are they corrupting?





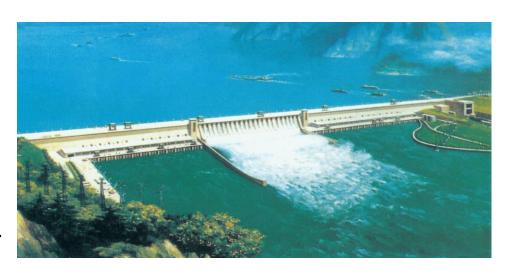
- Chinese/Taiwanese business is often based on guānxì.
  - Relationship of mutual obligation and mutual trust.
  - Legal enforcement is unnecessary.
  - Requires cultivation over a long period.
  - A legitimate form of cronyism.







- Bribery short-cuts the process of building guānxì.
  - Relationship-based systems tend to slide into bribery.
    - As rule-based systems can slide into cheating.
  - Bribery/kickbacks do not provide the stable, long-term relationships required by a complex civilization.



Three Gorges Dam, Yangtze River



- Receiving kickbacks (anywhere in the world) is strictly forbidden by Kodak company policy.
  - "Offering, giving, soliciting, or receiving any form of bribe is prohibited" (page 11).

# Kodak BUSINESS CONDUCT

Guide



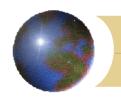
- What to do about the briefcase?
  - The manager dispatched a trusted subordinate to return the briefcase to the owner.
  - He sent a vaguely worded message to the owner's boss, stating that he was returning lost property.
    - The owner clearly got the cash from his boss.
    - Otherwise the manager would think the money was delivered.





- Lesson:
  - Cronyism is not the same as bribery.
  - Responsible cronyism is not corrupting in a relationship-based culture.
    - Responsible = deal with friends because you trust them to deliver, not simply because they are friends.





- Lesson:
  - Cronyism is not the same as bribery.
  - Responsible cronyism is not corrupting in a relationship-based culture.
    - Responsible = deal with friends because you trust them to deliver, not simply because they are friends.
  - However, cronyism is problematic in government.
    - Chinese civil service exams introduced by Han Dynasty >2000 years ago.



Ming Dynasty exam booths, 1873



- Common legal distinction:
  - A bribe is a payment intended to influence a decision.
  - An **extortion** payment is required to obtain something to which you are already entitled (in a timely manner).
  - A facilitating payment is a small, routine extortion payment
  - Example: Driver's test.



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  - Example: Driver's test.
- Laws governing payments in foreign countries
  - U.S. Foreign Corrupt Practices Act (1977)
  - U.K. Bribery Act (2011)
  - These laws tend to govern international norms, with the UK act gaining influence.

Legal requirement	US	UK
Prohibits paying <b>bribes</b> to foreign <b>government</b> officials	Yes	Yes
Prohibits paying <b>bribes</b> to individuals in <b>private</b> firms abroad	No	Yes
Prohibits receiving <b>bribes</b> in foreign countries	No	Yes
Prohibits <b>facilitating payments</b> in foreign countries	No	Maybe
A company is responsible for bribes paid or received by associated persons abroad (e.g. subcontractors)	Ask your lawyer	



- Payments/gifts may be illegal in the host country.
  - Especially when government officials are involved.





# Efficiency vs. Stability

- Bribery is a natural weakness of relationshipbased cultures.
  - It is a shortcut to relationship building.

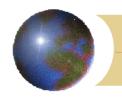




# Efficiency vs. Stability

- Cheating is a natural weakness of rule-based cultures.
  - Due to minimal supervision.
  - As in financial crisis of 2008...





- Subprime mortgage loans were popular in U.S. in early 2000s.
  - 20% of mortgage market
  - Borrowers failed to meet normal standards.





- Lenders sold mortgages to big banks.
  - To be repackaged as "Collateralized debt obligations" (CDOs)
  - Lenders became extremely lax on due diligence.
  - No one was watching.





- Ratings agencies gave CDOs triple-A ratings.
  - Banks pay agencies for ratings, resulting in conflict of interest.
  - Banks sold AAA-rated CDOs to unsuspecting funds worldwide.
  - Standard & Poor's finally indicted in January 2015.







- Credit default swaps gave the illusion of security.
  - \$62 trillion outstanding.
  - Form of insurance, but not regulated as such.



Sold without regard to adequate capital reserves.



# Financial Crisis of 2008

- CDOs became "poison" in 2008.
  - Credit froze worldwide because assets could not be valuated.
  - Highly-leveraged banks collapsed, or threatened collapse.
  - Massive bailout by taxpayers and U.S. Federal Reserve Bank.







# Financial Crisis of 2008

- Result: Worst recession since Great Depression of 1930s.
  - International scope.
  - Europe is still recovering.
  - Political fallout: More polarization, Congressional gridlock





## Financial Crisis of 2008

- Western-style corruption Minimal supervision risks cheating and irresponsible behavior
  - Mortgages without due diligence.
  - Over-leveraged banks in search of short-term profit.
  - Improper ratings.
  - Unsecured credit default swaps.





- The Dabhol electric power plant.
  - India's largest-ever private foreign investment.
  - Spearheaded by Enron (1992).
  - Bechtel & General Electric also involved.

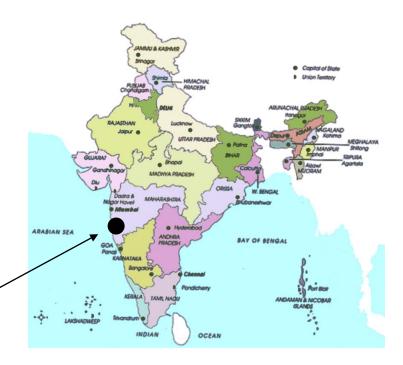




Located at Dabhol in Maharashtra State (1992).

Dabho

- Addressed growing Indian economy & unreliable electricity supply.
  - Spearheaded by Enron executive Rebecca Mark.
  - In principle, a brilliant idea.



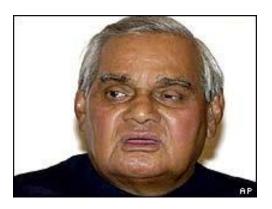


- Rebecca Mark of Enron obtained guarantee of 25% ROI from Indian government.
  - Yet electricity price projected to be 2 to 5 times prevailing rate.
  - Due partly to reliance on LNG from Enron subsidiary in Qatar.
  - Some suspected **bribery** on Enron's part.



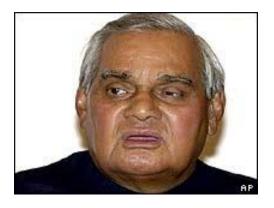


- Indian political situation.
  - Congress Party was in political trouble.
    - Party of Nehru, Indira Gandhi, Rajiv Gandhi, Sonia Gandhi.
    - Accused of **corruption**.





- Indian political situation.
  - Congress Party was in political trouble.
    - Party of Nehru, Indira Gandhi, Rajiv Gandhi, Sonia Gandhi.
    - Accused of **corruption**.
  - BJP (Bharatiya Janata Party) exploited Hindu nationalism & discontent with Congress party.
    - Hindu nationalists destroy Babri mosque at Ayodhya in 1992.
       Riots result in 2000 deaths.
    - BJP comes to power in 1998, with Vajpayee as P.M.





- Enron's apparent bribery became an issue in BJP campaign.
  - BJP leader Gopinath Munde stated...
    - "It is reasonably clear that several unseen factors and forces seem to have worked to get Enron what it wanted."
  - Journalist Raghu reported Enron's offer of \$1 million per year for him to keep quiet.





- Much public protest.
  - Amnesty International cited rough treatment of demonstrators.







- Indian government backed off from deal after BJP took power.
- Bush administration pressured India.
  - Visits from Dick Cheney, Colin Powell.
  - Dropped the matter after 9/11, Enron troubles.





- Power plant sat mostly idle for years.
  - 2 state-owned companies took it over in 2006.
    - NTPC Ltd and GAIL Ltd
    - Through joint venture
       RGPPL = Ratnagiri Gas
       and Power Pvt Ltd





- Power plant sat mostly idle for years.
  - 2 state-owned companies took it over in 2006.
    - NTPC Ltd and GAIL Ltd
    - Through joint venture RGPPL = Ratnagiri Gas and Power Pvt Itd
  - Resumed operations in 2010.
    - Now operates at a loss.
    - *Debt = Rs 10,000 crore* (\$1.5 billion)
    - Supreme Court dismissed all legal claims in 2019.





- The lesson:
  - Work through connections in India's relationship-based culture.
    - Family, friends of family.
    - Contacts with high-ranking people.
  - Bribery is corrupting.
    - Bribery of government officials is illegal.
  - Bribes are different from facilitating payments
    - which are common, seen
       by bureaucrats as a necessary
       salary supplement.



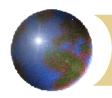


### Nepotism

- Nepotism may or may not be corrupting.
  - Nepotism = hiring or promoting your relatives.
  - Often questionable in rule-based cultures.
    - May put an unqualified individual in the job
    - Viewed as unfair.
  - May be functional in relationship-based cultures...



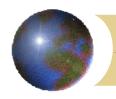
"Nepotism" is a polite way of saying "you have no chance in hell of ever being promoted."



#### LKK in China

- LKK (Lee Kum Kee) food and health products.
  - Founded in rural Guangdong province in 1888.
    - By 2005, 3900 workers.
    - Markets in 80 countries.





#### LKK in China

- Remains a family-run business.
  - Lee Man Tat is group chairman.
    - Appointed 4 sons to head company divisions after they studied in USA.
    - He was well aware of their talents/weakness and placed them accordingly.
    - Authority of father/uncle/ grandfather in a Confucian culture can be an advantage for nepotism.





#### LKK in China

- Lesson:
  - Responsible nepotism need not be corrupting in a relationship-based context.
    - Responsible = hire relatives based on their loyalty to family and known talents, not simply because they are relatives

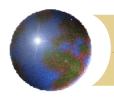




#### Wasta vs. Bribery

The Middle Eastern practice of wasta can slip into bribery...

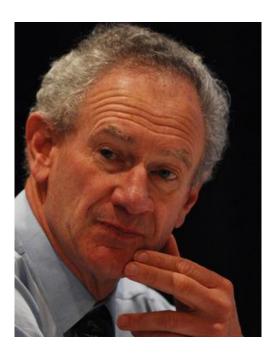




## Leighton in Asia and Middle East

- Major Australian construction firm.
  - Grew from minor firm to \$7 billion business
    - Under leadership of Wal King.
  - Corruption scandal breaks
    - Shortly after Wal King's departure in 2010.



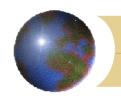




#### 2007

- Leighton buys 45% stake in Dubai-based Al Habtoor Engineering.
  - To provide access to Gulf customers thru Riad al Sadik (left), Chairman of joint venture Habtoor Leighton Group.
  - Got \$515 contract to build Habtoor Palace Hotel.
  - So far, no problems.





- **2009** 
  - Malaysian middleman Pakianathan Srikumar helps Leighton secure \$1 billion in projects.
    - ...in Asia, Middle East, Iraq, India.
    - He funneled kickbacks from Leighton to customers.
    - Took a 10% cut himself.
    - According to a Leighton whistle-blower.





#### **2009**

- Internal memo by acting Leighton CEO David Stewart says top executives knew of \$42 million in kickbacks.
  - To get \$750 million oil pipeline contract in Iraq.
  - Paid to a firm (Unaoil) run by Iranian family with connections to Iraqi PM and oil minister.
  - **Srikumar** was reportedly involved.





- 2018 (May)
  - Leighton (now CIMIC) charged by UK Serious Fraud Office with violations of UK Bribery Act.
    - Due to bribes paid to Iraqi officials.
    - Still under investigation by Australian authorities.



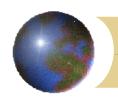
- 2018 (May)
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    - Due to bribes paid to Iraqi officials.
    - Still under investigation by Australian authorities.
- 2018 (August)
  - Leighton Asia (part of CIMIC) involved in Hong Kong railway construction scandal.
    - Shoddy construction of underground station.
    - Contractor fled Hong Kong.





- Wasta is influence.
  - A **wasta** is a person who provides influence through connections with important people.
    - Originated in Arab culture as an intermediary between tribes.
  - Srikumar and al Sadik were wastas for Leighton.





- Wasta need not be corrupt.
  - Ideally, a wasta screens requests judiciously for a sheik, important family, or government official.
    - Helps the sheik to exercise his power wisely.
- However, wasta can be corrupted.
  - Especially if the wasta receives money from the client.
    - Conflict of interest.





- Lesson:
  - al-Sadik appears to be a legitimate wasta.
  - Srikumar...





- Wasta is a necessity in the Middle East.
  - More effective than bribery.
- Legitimate wastas don't take bribes or kickbacks.
  - They are compensated in other ways.
    - Increased prestige
    - Gratitude from authority figures they serve
    - Expectation that the favor will be returned someday.





- Wireless service founded in 1998.
  - Mo Ibrahim (Sudanese) & Terry Rhodes (British)



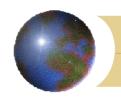


Terry Rhodes Director



- Wireless service founded in 1998.
  - Mo Ibrahim (Sudanese) & Terry Rhodes (British)
  - Purchased \$750K operating license, approval bogged down.





- Wireless service founded in 1998.
  - Mo Ibrahim (Sudanese) & Terry Rhodes (British)
  - Purchased \$750K operating license, approval bogged down.
  - Requested meeting with officials.
  - Awkward silence after introductions.





- Fax had requested \$50K bribes for meeting.
  - Was sent to Amsterdam office that morning.





- Celtel gave up on this country.
- ...but found ways to avoid bribery elsewhere.
  - Helped finance schools in lieu of payments to politicians.
  - Organized event to publicize coming mobile phones.
    - Consumers pressured politicians to issue permit without further delay... or bribes.





- Lesson:
  - In many relationship-based African cultures, bribery results from corruption of village leadership customs.
    - Rational redistribution of wealth through leader's patronage.
    - Undermined by colonial-era disruption of village life and installation of Western-style government.





## Supply Chain Ethics

- Supply chains often stretch from a rule-based to a relationship-based culture.
  - Contractual specifications may not cross the cultural divide.





- In 2007, Mattel discovered that many of its toys were coated with lead-based paint.
  - Lead additive tastes sweet but is toxic to children.
  - Mattel recalled about 1 million toys.
  - Toys were sourced through a supply chain from China.
  - What went wrong?





Mattel/ Fisher-Price



Lee Der Industrial Co.

Fisher-Price sourced from Zhang Shuhong, manager of Lee Der Industrial Company. Zhang was totally dedicated to his job. He even lived in a small room at the factory.







Mattel/
Fisher-Price

Lee Der
Industrial Co.

Dongxiong
New Energy

Zhang obtained paint from his trusted *guanxi* partner Liang Jiacheng at Dongxiong New Energy



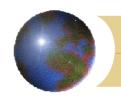


Mattel/ Fisher-Price Lee Der Industrial Co. Dongxiong New Energy Dongguan Zhongxin **Toner Factory** 

Liang was short of pigment and ordered it

over the Web from people he didn't know.

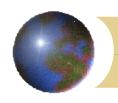




Mattel/ Fisher-Price Lee Der Industrial Co. Dongxiong New Energy Dongguan Zhongxin **Toner Factory** 

The supplier send lead-based pigment along with a forged certificate.





Mattel/ Fisher-Price Lee Der Industrial Co. Dongxiong New Energy Dongguan Zhongxin **Toner Factory** 

When Mattel discovered the problem, the Chinese government revoked Lee Der's export license. Zhang committed suicide.





Chinese Toy
Exec Commits
Suicide After
Recall

China banned exports from the company

Aug 13, 2007 7:59 AM CDT



Mattel/ Fisher-Price

Lee Der Industrial Co.



Dongxiong
New Energy



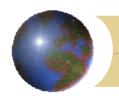
Dongguan Zhongxin
Toner Factory

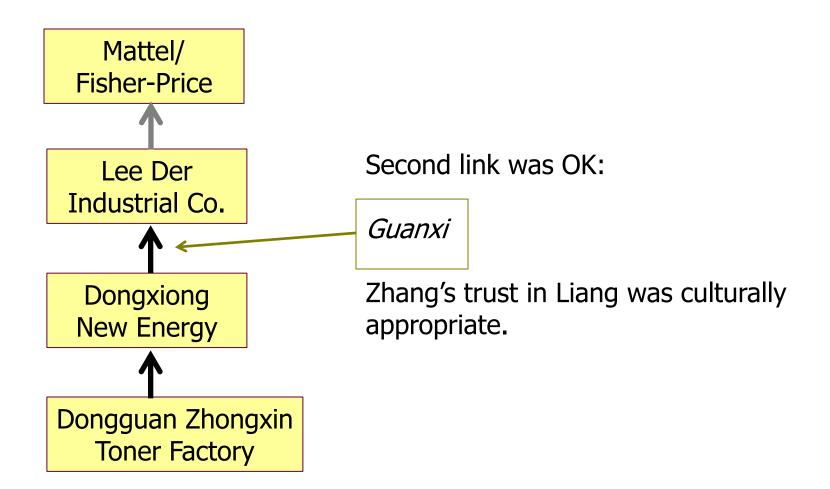
Weak link in the supply chain:

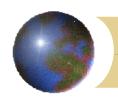
Transition from contract-based to relationship-based business.

Zhang considered it sufficient to trust his supplier Liang.

A Fisher-Price purchaser who had *guanxi* with Zhang could have learned that Zhang was not performing lead-free certification as required by the contract.







Mattel/ Fisher-Price



Lee Der Industrial Co.



Dongxiong
New Energy



Dongguan Zhongxin
Toner Factory

Chain broke at third link:

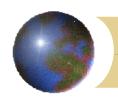
Culturally inappropriate trust of unknown party on the Web.



In April 2013, garment workers in Rana Plaza heard a loud noise.

- 8-story factory complex.
- A large crack formed in the building.
- An engineer urged everyone to evacuate.



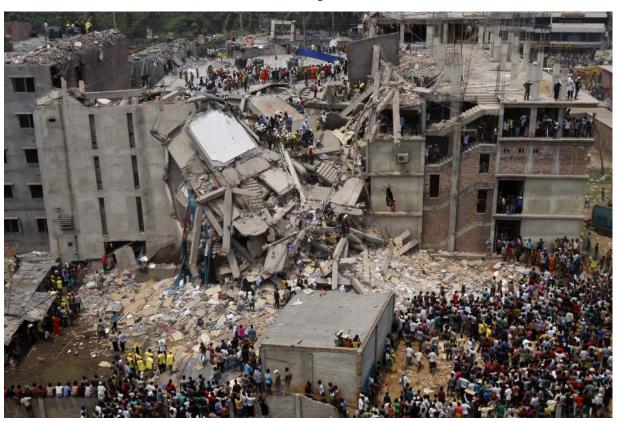


- Sohel Rana refused to close the building.
  - Factory owners ordered workers to show up the next morning.
  - Or lose their jobs and several weeks back pay.





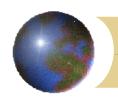
- At 8:45 am, the building collapsed.
  - 1129 workers killed, >2000 injured





- Worst disaster in history of garment industry.
- But not an isolated event.
  - 289 killed in factory fire, Karachi, Pakistan, Sept 2012
  - 25 killed in factory fire, Lahore, Pakistan, Sept 2012
  - 117 killed in factory fire, Dhaka, Bangladesh, Nov 2012.
- Common theme: unsafe working conditions.
  - Locked exits
  - No fire extinguishers
  - Building code violations





- Journalists found evidence in the rubble that Western firms were sourcing from these factories.
  - Most firms claimed they didn't know about it.



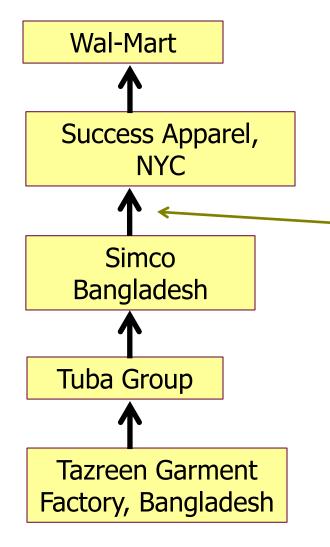






Calvin Klein





Supply chain from factory that burned in September 2012, killing 117.

Cultural divide occurs here.

Tuba sent order to Tazreen rather than its own Wal-Mart compliant plant.

Contractual safety requirements didn't cross the cultural divide.

Desire for worker safety can become part of relationships down the chain.



SAI •

RINA Group, Italy

1

Renaissance
Inspection and
Certification
Agency, Karachi

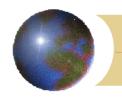


2 hired inspectors who declared the plant "safe"

Third-party endorsement doesn't always work.

Karachi plant received prestigious SAI (Social Accountability International) endorsement only a month before it burned.

NGO endorsement is itself subject to supply chain problems.



Relationships can also convey information about personal reputation.

This is key in relationship-based cultures.

Sohel Rana was a known corrupt political boss and

drug dealer.





