STRANGE VIRTUES: ETHICS IN A MULTICULTURAL WORLD

SEVEN: ETHICAL THEORY AND BRIBERY

In interviews with Christians from all parts of the world working in "Third World" countries, the most commonly cited moral problem is corruption or bribery. This chapter explores how Western ethical theory of moral choice might contribute to a sharpened perception of the nature of moral reality in relation to this thorny issue. I will examine a case study in order to consider how classical ethical categories and more recent conceptions contribute to an understanding of what is at stake in a particular crosscultural problem. This will provide both an in-depth ethical analysis of bribery and the outlines of an ethical method for evaluating other crosscultural dilemmas.

As an individual case, the situation presented in the following story is relatively trivial. But behind it lies a much larger problem of how to "act well" in a bureaucratic, patronage-based social structure in which relationships, and even survival, are structured through the giving and receiving of gifts.

The Case Study: Elusive Justice

Bill looked at the police officer with uncertainty and frustration. The officer had asked him for 200,000 rupiahs for the return of his driver's license. It was Bill's twelfth weekly visit to the headquarters since the license had been confiscated, and his resentment rose as he faced the possibility of yet another wasted week clouded with uncertainty and unpleasantness, unable to use his car. Must he sacrifice his principles in order to resolve the matter?

The problem began when Bill had returned from a missionary assignment out of town. He was coming into Bandung, West Java, along the main highway from Cirebon, the same road on which he had left the city two days before. The chaotic congestion was about normal in this heavily populated part of town. Animals, trishaws, and people were weaving their way in and out among the motorized traffic that crawled along the road toward the urban open market. For some time Bill had been caught behind a slow-moving, overcrowded bus, and there was little chance of getting past it, even when it stopped to allow passengers to alight.

Suddenly Bill was jolted to attention when something hit the side of the car. Before he knew what had happened, he caught sight of a policeman approaching the car and shaking his fist. By the time the officer had picked up his baton from the street, Bill was out of the car and prepared for the worst. Fellow missionaries had warned him never to tangle with the police. In fact, it was missionary policy not to call the police, even in the case of a house burglary. Experience had shown that it was cheaper to sustain the losses of robbery than to bear the frustration of red tape and loss of further property taken to headquarters to test for fingerprints.

Bill did not have to wait long to find out what he had done wrong. For several hundred yards approaching the market area, the highway became a one-way street. Buses and other public vehicles were permitted to use it in both directions, but private vehicles had to detour around back streets and rejoin the highway several blocks beyond the market. Bill pleaded that he had seen no sign and had simply followed the bus. The officer walked Bill back twenty yards and pointed out to him a small, mud-spattered sign obscured by a large parked truck. This did not seem to concern the officer at all. There was a law and a sign—and Bill was guilty.

Officer Somojo escorted Bill to the local police post in the market. Five other officers

materialized from the stalls in the market, so Somojo began to explain how very embarrassing it was for him to have to prosecute a foreigner, and how he regretted that Bill had put him in this difficult position. After some time, Somojo suggested that the whole thing might be smoothed over quietly and without further awkwardness if Bill would pay a token fine of 2,000 rupiahs ($1.20) on the spot. Bill had been expecting just such a request. Without even asking if it was a formal, legitimate fine for which a receipt would be given, Bill quickly protested that although he might be technically guilty, Indonesian law had a system of justice and courts where such matters were to be settled. He would go through proper channels and requested to be allowed to do so. The officer scowled and told Bill that he would have to hold his driver's license until the case was settled. Bill could come to the police headquarters the following week to get it back. Since no receipt was issued for the license, Bill secretly feared that he would never see it again. The following week, Bill went to the appointed office, only to be informed that the license had been sent to another department on the other side of the city. After a slow trip by trishaw, Bill finally found his way to the other office. The policeman in charge had a record of Bill's offense and said Bill could talk to the captain who would probably be prepared to settle the issue for 4,000 rupiahs. Bill suspected dishonesty and requested an official receipt for the money. The man just smiled. Bill told the policeman that he had come to Indonesia to build efficiency, justice, and a high standard of morality in the country. He would prefer to go through official channels. At that, he was told to return in a week's time. So week followed weary week, with hours wasted in travel and more hours spent waiting in offices. Each time the amount requested for settlement rose higher.

Bill worried about what he should do. He didn't want to be a troublemaker, but as a missionary he had to take a stand for honesty. His Christian witness depended on it. His whole upbringing as the son of an evangelical pastor had been one of strict integrity, and he had managed, so far, to maintain this standard in previous encounters with immigration officers and postal clerks. Yet, while he felt he had done the right thing, he still felt uneasy, for he knew full well that government officials were so poorly paid that they had to make at least double their official salaries on the side if they were to feed and clothe their families. The whole system was unjust, and he was caught in it. Bill talked to some other missionaries. They just laughed and said, "Let us know how you get on!"

Now it was the twelfth week, and he still did not have his license. Moreover, the amount being asked to settle the case had risen to 200,000 rupiahs (U.S. $120). Should he pay the official and end the case? Or should he appeal to a higher-level officer in hopes of a just settlement? Bill looked at the officer and said...[2]

Responses to the Case Study

As I have presented this case study to Christians from various countries, most felt that "Bill" should have paid the bribe or fine in the first place. Others, including a few Indonesians, Filipinos and North Americans, thought "Bill" should stand firm. Of the minority who said Bill should refuse to pay, the Americans appealed to a moral principle: "Bribery is always wrong." The Filipinos explained that the only way for Christians to escape the straitjacket of corruption is for them, as a community, to become known as people who never compromise in such matters, no matter how trivial the situation. Some Indonesians suggested that because of his role as a Westerner and a missionary Bill should not pay. But of course Indonesian Christians would just pay; they would have no choice.

The majority from all nationalities felt that in this situation the money should have been paid in the first place. Various reasons were given in justification:

1. The situation involves a conflict of values—the values to be gained by paying are greater than the values lost by compromise.
2. Since the police are paid so poorly, the money should be thought of as a tip for services

rendered rather than a bribe.

3. Bribery is an accepted mechanism for legal transactions in this context. Westerners have no right to impose their own legal norms on a context in which small-scale bribery has almost the status of customary law.
4. Corruption should be fought, but you must choose your enemy. If you refuse to compromise at such a trivial level, you will waste all your time struggling with the victims of the system and have no time to address the real villains—the structures of the system and those who enforce them at a high level.
5. Unless Bill has friends in high places he has no choice. He must pay and should be considered a victim of petty extortion, not a criminal.

Sources of Moral Decision-Making in Ethical Theory

How does Western ethical theory correspond to the reasons stated in these various opinions? The concern of this chapter is to clarify why some people think one way and others another way. What follows is a brief description of theoretical ways of moral thought. I will use two traditional, philosophical approaches to moral decision-making and see how far they take us in understanding why people differ on their opinions. More recent ethical theory attempts to move beyond the "decision" by focusing on the moral qualities of the person(s) within their particular tradition and social structure.

Deontological ethics: absolute right and wrong. The first traditional approach is often called "deontological" ethics, from the Greek *ontos*, which means "that which exists by itself." A deontological approach to ethics argues that goodness and evil are intrinsic to an act or an actor. Certain actions and attitudes are right or wrong in and of themselves, no matter what their effect on the world. Some Christians argue that we must do or not do certain things, regardless of culture, and leave the results in God's hands. For example, a Christian pacifist may argue that it is always wrong to kill another human being. Even if by killing a person you save ten lives, it is still wrong. Some would say the same for lying. George MacDonald said, "I would not favor a fiction to keep a whole world out of hell. The hell that a lie would keep any man out of is doubtless the very best place for him to go to. It is truth . . . that saves the world."[3] In this quote, lying is seen as deontologically wrong. A deontological approach draws the line at a certain point and suggests that if your behavior crosses this line it is wrong, no matter what your motives are or how salutary the outcome.

A simplified deontological approach to Christian ethics is sometimes labeled "moralism." There are clear moral rules derived from Scripture, reason or society. These are moral absolutes that should never be violated under any circumstances: don't lie, don't bribe, don't kill, don't drink alcohol, turn the other cheek, and so on. A value of this approach is that it is clear, uncompromising and objective, and it precludes rationalization. Some students who argued that "bribery is always wrong" exhibit this approach.

The biggest problem with moralism is that a person's choice of moral rules is likely to be deeply related to culture. No one follows all the rules of the Bible, so determining what is absolute requires selection. Bribery may feel wrong to me because it is considered illegal and "sleazy" in my culture. To someone from another context, small-scale bribery may seem perfectly all right. One Third World pastor told me that he felt great relief and peace after paying a small bribe to a police officer who stopped him for a minor infraction. He felt that God had rescued him from a potentially very dangerous situation! Moralism ignores the fact that sometimes moral rules conflict with each other or with broader moral principles. Moralism can lead to legalistic self-righteousness and concentration on trivial rules at the expense of larger, less definable issues. For legalists, all morality is flattened out. All rules are equally important. Those in the fourth group, who argued for ignoring the small-scale problem and fighting against corruption at a higher level, were trying to avoid this problem. Similarly, those who felt a Westerner could afford

to resist but they could not were applying different rules to different people according to their power in the situation: it is better not to pay, but for some it is just too costly. Moralism is a shallow example of a deontological approach that insufficiently recognizes the complexity of reality. The narrow rigidity of legalism is an inherent danger of deontology.

Teleological ethics: goodness determined by the outcome. The second philosophical stream is called "teleological" ethics, from the Greek *telos*, which means end, result or goal. Teleological ethics argue that goodness lies not in an act or actor but in the act's real effect on the real world. People and actions are judged good or evil not by some inner quality but by the results of their action in human history. As Jesus said, "You will know them by their fruits" (Mt 7:20). For example, some Christians would object to an absolutist interpretation of the commands not to kill or to lie. To kill or lie in order to save the lives of innocent people may be seen as good. Of course the results or "fruit" of an action cannot be measured only for the short term; the long term must also be considered. If the judgment of God is factored into a teleological approach, its distance from deontology is lessened. God's sovereign final judgment is the ultimate guarantee that good action produces good results and sin leads to death.

Situation ethics is a popular attempt to escape the dangers of moralism. Joseph Fletcher argued that since Christians are not "under the law," there are no moral rules, only the law of love. Every situation should be judged uniquely on the basis of love: what is the most loving thing to do in this situation? On the one hand, goodness is determined by motivation—does the action spring from love? On the other hand, it is based on realistic calculation of what action will most effectively show love to those involved. Situation ethics recognizes the primacy of love and the uniqueness of each individual circumstance. In regard to the case study above, those who considered the low pay of the police and the conventional acceptance of the system of "gift giving" exhibit a situational rather than a moralistic approach.

Situation ethics has many problems. There is the obvious danger of subjective rationalization. Almost anything can be justified by an appeal to love. As Stanley Hauerwas observed, "The ethics of love is often but a cover for what is fundamentally an assertion of ethical relativism. It is an attempt to respond to the breakdown of moral consensus by substituting the language of love for the language of good and right as the primary determinate for the moral. Love becomes a justification for our own arbitrary desires and likes."[4]

The short- and long-term effects of an action rarely can be accurately predicted. The true situation ethicist chooses the good by calculating what course of action will have the most loving results. Morality by calculation assumes that it is possible to know the moral results of an action. But the moral results of action are often unknowable, even after the event. What can scarcely be known in retrospect can hardly be known beforehand. Situations do not stand alone but are part of a larger historical, sociocultural and economic context that is impossible to master. An Indonesian professor responded to the story of Bill by writing out his own hypothetical story of the policeman, showing how hard his life was and the desperate material needs of his family. His conclusion was that Bill should have paid out of love and respect for the policeman. But his imagined circumstances are just the sorts of things that a person cannot know on the spot, when a decision has to be made.

Situation ethics promotes an individualistic approach that exchanges the absolutism of rules for an absolutism of the personal conscience. By doing so, it ignores the usefulness of moral rules as a shorthand for judgments of society or the Christian community on right and wrong. Situation ethics devalues all principles except love and oversimplifies the relational meaning of morality. Love may be our highest norm, but it is not the only one. In a case of bribery, other principles such as justice, honesty, gentleness and obedience to the state cannot be ignored. Finally, situation ethics is too time-consuming. To judge every situation afresh, without the benefit of rules, is impossible for human beings, for we must all categorize reality in order to avoid being overwhelmed by data. To be sure, emotivist situationalism is easy and quick. But if a situationalist is serious about calculating the most loving action, each decision could be long

and torturous. The dangers of a situational approach were recognized by respondents to the case study who argued for a principled rejection of all bribery. They saw a principled approach as the only way for a community to resist the enslavement of corruption. Some even argued that it was working, that officials no longer tried to receive payments from the Christian community because they knew it was futile.

On the other hand, the Indonesians who said that Bill should refuse to pay but that Indonesians would have to pay were not situationalists. Their conclusion was based not on the love commandment but on a power assessment of the situation: a Westerner might be able to get away without paying, but they could not. Furthermore, they thought it was appropriate for Bill to go through all the hassle of refusing to pay because of his role as a Western missionary who would be expected to bring unexpected values into the situation. At the very least they did not want to judge Bill in his decision to take a costly stand.

Situation ethics is a shallow example of a teleological approach that overestimates the power of an individual to calculate and bring about loving results without the restraints of law and community.

Distinctions, Synthesis and the Problem of Bribery

Deontological and teleological ethics are often treated as mutually exclusive. The polarization of means and ends, the antithesis between principles and results, is a characteristic weakness of Western dualistic thought. It leads to a war between the absolutists and the relativists. The absolutists are thought to be too narrow and rigid. The relativists are thought to be too wishy-washy.

Actually, the distinctions between deontology and teleology helpfully show two necessary and contrasting elements in moral choice. These are not contradictory but complementary. The way they fit together cannot be determined by abstract philosophical principle. The concrete situations in which moral choices are embodied reveal the ways in which principles and results interact.

Absolute moral principles. As a Christian I believe there are absolute moral principles and rules that reflect the character of God. These moral principles underlie all human behavior and are based on the fact that we live in a moral universe. Human beings were created in the image of God and have an intrinsic value. In the words of the Westminster Confession, we were created "to glorify God and to enjoy him forever." While these deontological absolutes are expressed and emphasized differently in different places and times, they are clearly affirmed by Christians in all cultures.

The central moral absolute that follows from these Christian affirmations is "'The Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.' . . . 'You shall love your neighbor as yourself.' There is no commandment greater than these" (Mk 12:29-31).

Out of love for God and neighbor come the deontological proscriptions against idolatry and covetousness. From love of neighbor and the inherent dignity of the human person (rooted in creation and confirmed by redemption) come the absolutes of beneficence (the quality of charity or kindness) and the commands to seek justice and love mercy. Most would accept the further implication that one should never torture or degrade a human being made in the image of God.[5]

Some Christians see bribery as one of these absolutes. Bribery is seen as a form of dishonesty, of cheating, which favors the rich. They reject any compromise and are willing at any cost to resist the pressure to smooth their way with money. An American businessman in the Middle East has told me some marvelous stories of his absolute refusal to compromise on the issue of bribery. Though he faced enormous obstacles to his business, he always kept his priorities straight. He knew he was there not primarily to make money but to serve God.

Bribery as a general concept may be fit into this absolute category if a moral condemnation is

included in the definition of bribery. If a bribe is defined as a gift intended to corrupt an official and cause him to act unjustly, then it must always be wrong to bribe. Some have tried to rigidly define bribery as only gifts given to obtain illegal favors. Given that definition, gifts to obtain just or legal service can be called tips.

But this is an unfortunate solution to a complex dilemma, because it allows proscriptions against bribery to be considered absolute while it disregards the most common kind of bribery in the modern world.[6] By this definition there is nothing amiss when individuals or corporations pay large sums of money for special treatment, provided the treatment is not illegal.

Certainly gifts, especially large gifts given to obtain basic services, easily become a means of oppression. As a result of such gifts, those who cannot or will not pay may be denied even minimal justice. Similarly, gifts given by large foreign companies to win contracts routinely squeeze out the local industries that cannot afford such gifts. As John Noonan has observed, size is an important clue to whether a payment is a tip or a bribe.[7]

But what about small gifts? Is there anything wrong with small gifts given to induce a poverty-stricken civil servant to bypass mountains of (quite legal) red tape? Whether such gifts are considered a bribe or a legitimate tip may amount to a matter of definition. The word *bribery* has strong moral connotations. Characterizing a transaction as a gift, tip or bribe makes a great deal of difference. Our tradition, our culture and the assumptions embedded in our experience usually determine how we describe a given activity.[8]

Some Christians reject an absolute prohibition on bribes because they believe that what a Westerner calls a bribe may be a necessary mechanism for sharing wealth in poor countries. A prominent scientist of unquestionable Christian integrity suggested to me that paying a bribe in the Soviet Union is permissible if it is really an accepted part of a person's salary. Where salaries are low, everyone knows that officials must require gifts in order to survive. The money is not meant to corrupt but to expedite a sluggish process. People need money to live, and you have to make small gifts in order to get things done.

A moral distinction may be made on the basis of whether a person has the freedom to give or not to give. If a small gift is freely given to obtain better service and there is no fear or threat involved, it is possible to consider it a tip. Presumably the service would be given in any case, but would probably take a little longer. The tip speeds up the process and benefits both parties. Little or no harm is done to the poor who either do not need the service or can obtain it with a little more time.

On the other hand, if fear or force is involved, or if the expected delays are extreme, the freedom that characterizes a gift or a tip is removed.[9] A gift or a tip is never compulsory.

While a gift is never compulsory, it may be strongly expected. When my neighbors bring me a bunch of bananas from their tree, they expect that sooner or later I will share with them the papayas that grow in our yard. Yet I would never suspect them of bribery! As Anthony Gittins has pointed out, gift giving is a rule-governed activity in which obligations are a constant.[10] The obligations, however, are not usually to be seen as the requirement to pay the person back on a tit-for-tat basis. Rather, the obligation is to continue the relationship that is symbolized by the gift: "gift exchange is seen to be patterned behavior embodying clear moral values; it creates and maintains personal relationships, not simply between private individuals, but between groups and between 'moral persons' or statuses."[11]

This is a far cry from bribery, in which either the briber buys special service from the bribee through an illegal gift or the bribee forces an illegal payment by refusing to give fair treatment. A gift helps create or maintain a moral relationship, while a bribe undermines it.

Small gifts paid to poor officials are ambiguous because they occupy a gray area between a gift, a tip and a bribe. Usually they are not compulsory, but neither are they free. They may help establish a relationship of trust and mutual help, but they are also underlined with the threat of poor service and time delays. Certainly they are a part of the establishment of status relationships, but they are also sometimes a pure economic exchange that takes place outside

the law.
This ambiguity was echoed by many Christians I interviewed. For example, a Christian who worked in the Dominican Republic suggested that the clear definitions we assume in the West do not apply to some other countries. He suggested,
In the U.S. there is a clear line between a bribe and a non-bribe. But in many places it is a continuum. In the States a person may get a 30% commission while their counterpart in the third world receives only 5% but expects a bribe. Sometimes you don't know you are paying a bribe. You may receive a bill for 125% import duty where 25% of it is a bribe. The equivalent of not paying the customs officer a tip is not paying a waitress a tip. He deserves a tip as payment for his services because his salary is so low.[12]
The complexity of the meaning and value of gift giving is reflected in the book of Proverbs, where there are three negative and three positive references to bribery (Prov 15:27; 17:8; 17:23; 18:16; 21:14; 22:16). John Noonan Jr., in his massive historical study of bribery, faults the Old Testament for having a double standard. He suggests that while the extortion of bribes is roundly condemned, the giving of bribes (or gifts to officials) is not condemned in the Old Testament.[13] Such equivocation in the Old Testament seems to reflect a recognition of the power differential between a poor person who gives a gift in order to stave off injustice and the rich who uses his power to exploit the poor. The powerful and the powerless are not judged by the same abstract absolute, but by the relationships and intentions of their situation. Thus
If you close your ear to the cry of the poor, you will cry out and not be heard. A gift in secret averts anger; and a concealed bribe in the bosom, strong wrath. When justice is done, it is a joy to the righteous, but dismay to evildoers. (Prov 21:13-15)
The way a moral act is described is part of the texture of a narrative. If the narrative experienced is of a righteous poor person who escapes injustice by giving a culturally appropriate gift to his or her potential oppressor, the reality described is very different from the narrative of a policeman who threatens torture unless he is given a large gift. The definition of what is going on springs not from a philosophical category such as "deontology" or "teleology" but from a much larger tradition and narration of experience.
The positive references to bribery in the Bible appear to reflect a utilitarian approach to ethics for those who have no other means of receiving justice. However, Proverbs unequivocally condemns those who accept bribes in order to do wrong: "The wicked accept a concealed bribe to pervert the ways of justice" (Prov 17:23). It also warns that giving gifts does not always work: "Giving to the rich will lead only to loss" (Prov 22:16). A single perspective on bribery cannot be forced on the Bible, because different verses were written at different times for different contexts and different people.
Certainly the great majority of Old Testament references to bribery are negative. The God of the Bible is one who does not accept *šōḥad* (bribes), who judges impartially. We are called to be like God in love of righteousness. Nevertheless, there is enough ambiguity in the biblical record to allow for hesitancy in making the prohibition of bribes an absolute.
Right and wrong "on the face of it." A helpful intermediate category between the relativism of teleology and the absolutism of deontology has been developed by Roman Catholic moral theology. The concept of *prima facie* moral rules and principles is founded in the recognition that we live in a fallen, sinful world where what ought to be is sometimes impossible. *Prima facie* means "on the face of it" or "on first assessment." *Prima facie* rules ought to be absolutes in all cultures and all times. On the face of it, all things being equal, one must always obey these rules.
If you break a *prima facie* command or principle, you cannot escape doing evil. Nevertheless, there are tragic circumstances where, because of sin, values come into conflict and one commandment must be sacrificed if we are to uphold a higher value. Such an action, even though justified, should never be done without regret. In a real sense it still remains wrong. For there are tragic consequences from such a violation that undermine the fabric of society. Evil

still clings to the act, even if it is morally justifiable.
William Frankena suggests that if certain actions are *prima facie* wrong, they are "intrinsically" wrong. In other words,
They are always actually wrong when they are not justified on other moral grounds. They are not in themselves morally indifferent. They may conceivably be justified in certain situations, but they always need to be justified; and, even when they are justified, there is still one moral point against them.[14]
Commonly cited *prima facie* rules include the prohibitions against killing, lying, work on the sabbath and divorce. If you kill to stop a maniac gone amok, lie to save an innocent person hiding in your house, overwork to meet an urgent deadline, or divorce to end a situation of physical and mental abuse, in each case your action may be necessary and morally justifiable. But your action is not *good*; it is a necessary evil. Tragic consequences will follow. A fellow human will be dead, truth and human trust will be undermined, the quality of your inner harmony and worship will be threatened, what God has joined together will be torn apart.
The "necessary" evil that is done in all these cases will affect the actor, the immediate people involved and the broader society. Their effect is not only personal but also social. That is why these moral rules, on the face of it, should never be broken.
Some Christians deny this category and treat examples such as the above as absolutes never to be broken. But the *prima facie* category has the virtue of taking moral rules seriously without trivializing the power of evil to frustrate the best intentions of law. *Prima facie* principles may only be broken to avert some greater evil. Unlike in situation ethics, *prima facie* rules and principles are not nullified by moral calculation. They remain strong guides for behavior which must be reckoned with even when we tragically break them.
How can we determine when a *prima facie* moral law must be set aside in favor of a higher value? Some ethicists reject the implication that a Christian may face unavoidable evil. Instead of a *prima facie* category of morality, they suggest a fixed hierarchy of values in which to choose a higher value over a lower is not a lesser evil but a higher good. For example, to lie to save innocent life is in no sense wrong, but the highest possible good in the situation.[15] Others admit the tragedy implied by the *prima facie* category but also suggest a fixed hierarchy of values to guard against creeping relativism.
Unfortunately, no fixed hierarchy of values can be demonstrated from Scripture, reason or experience. Where is it written that death is worse than deceit? Is divorce worse than lying? Is neglecting the needs of your family worse than neglecting a friend in despair? Is stealing a car more honorable than allowing a criminal to escape? There is no abstract answer to such questions apart from detailed knowledge of the situations in which they are embedded. The fact that there is no fixed hierarchy of values does not imply that such values are relative, subjective or changeable. All of the actions in this paragraph are intrinsically wrong. But their relative seriousness depends on many factors not revealed in the moral principle itself. Cowardice may sometimes be worse than killing.[16]
One thing can be known for certain. The double love command does not admit exception. Augustine suggested that every other command of God must be filtered through the eyes of the command to love God and your neighbor. "On these two commandments hang all the law and the prophets" (Mt 22:40). The love commandment does not set aside the other commands but interprets their true meaning in a concrete situation. Unlike in situation ethics, love is not all that matters, but love is a part of all that matters. All moral situations receive their true weight in relation to the love of God and neighbor.
The category of *prima facie* rules is helpful for thinking about bribery. If bribery is defined as the giving of gifts in exchange for privileges or services that either are illegal or are meant to be administered impartially, then bribery is a *prima facie* evil. Each case of bribery undermines the cause of justice in society by making it difficult for the poor to be treated fairly. Bribery is officially illegal in almost every country in the world. On the other hand, it is possible to conceive

of situations where greater harm may be done by refusing to pay a bribe. In the case of Bill, were fifteen hundred rupiahs ($1.50) and the principle of not paying an unofficial gift to an impoverished police officer worth the weeks or months of frustration and the possible permanent loss of private transportation? Should Bill be fighting other battles?

Whatever your answer, the effects are not simple. The escalating amount of money required symbolizes a growing alienation between Bill and the authorities. Is this a case of justice holding out against tyranny or a case of a foolish neocolonialist foreigner insisting that his hosts conform to his rules? In either case Bill is unable to ensure that justice is done. If he pays, he violates his own conscience and may well reinforce the structural injustice of a society that treats those with money better than those without. If he doesn't pay, he may end up without a car because he quibbled over paying less than two dollars to a poor official.

Our individual actions cannot always overcome evil that is a structural part of a situation. Many Christians have told me stories of instances where they paid a small bribe to avoid what they understood as a far greater evil. Were they without sin in doing so? Perhaps not. The *prima facie* category does not absolve the lawbreaker from guilt. It only allows us to recognize our weakness in the face of a sinful world. Sometimes we are not wise enough or strong enough to act well in situations of ambiguity. Sometimes we cannot see any good course of action. Sometimes the law we break seems insignificant in the face of the enormity of our situation. If so, we dare not claim innocence. Nor may we rescind or denounce our action. It throws us on the mercy of God.[17]

Relative moral situations. Many moral situations are not determined either by absolute principles or by *prima facie* commandments. One need not be a relativist to see that many decisions are relative to a particular situation. Those who argued that the "bribe" was really a tip with the status of customary law are suggesting that what is a bribe in a Western legal context is best considered a tip in an Indonesian context. In that case Bill simply misunderstood the meaning of his situation in a foreign context. His refusal to pay was not so much wrong as unwise.

While in the case of Bill this argument may be oversimplified, there are many moral choices we make that are unique to a particular person, time or place. Such relative situations are not trivial. They may have large moral consequences. But they are not subject to abstract definition. They require deep understanding of a context and the subject's role in it. They require calculation of what actions will bring the most good and prevent the most evil in a particular context. They require the capacity of character and the commitment to care about what matters most. And they require the wisdom of God's Spirit so that we may choose the good.

Culture plays a major role in making morally relative decisions. How do we treat time? How do we decide how to live and at what socioeconomic level? How directly and forcefully do we communicate? How individualistic or communalistic are we in decision-making? How competitive are we? How do we spend our money? When do we give to those in need? How much time do we spend with our family? How do we honor our parents? How do we plan for emergencies? How authoritarian are we with our subordinates? Do we reach out to those in prison? How do we work for justice in society? How do we share the good news of our faith with people in need?

These, and many other questions like them, may be the most important moral questions of our lives. But there are no simple answers to them that are directly based on absolute or *prima facie* commandments.

An American evangelist once told a wealthy audience that a person could not be a Christian and drive a BMW luxury sedan. While such a statement could be considered neither an absolute nor a *prima facie* moral command, it provocatively dramatized what is at stake in our relative moral decisions. It is our relative moral decisions that demonstrate what we mean when we claim to love God and our neighbor.

In some cases the definition of a bribe and the meaning of a particular gift may be relative to the cultural intentions and expectations of those involved. In the Middle East the value of a service

or a thing is often defined through emotional bargaining. The normal fee for installing a telephone may not be fixed but variable. Appeals to relationship, need, the ability to pay and other subjective factors are a vital part of defining the value of all goods and services. After all, why should we think something (like a telephone) has an objective value outside the relationships of those involved in the transaction?

A study by E. Glen, D. Witmeyer and K. Stevenson of negotiation styles within the United Nations showed that Arabs argued with an intuitive-affective style, expressing their positions through appeals to strong emotion. Compromises were often "indicated by strong expressions of personal friendship and esteem towards the intermediary."[18]

If relationships are the key to negotiations, it is not hard to see how the value of a service might be understood as contextual. For many people, relationships outweigh efficiency. If the feelings are right, for example, a seller may be willing to take a loss. While in economic terms it is a loss, in affective terms there is a gain—an established relationship of indebtedness. At the least the customer may come back, and she may encourage her friends to do so as well. On the other hand, if the feeling of relationship is wrong the seller may pass up a profit. An economic profit may not outweigh the cultural alienation of dealing with someone perceived as rude and arrogant.

What Westerners see as bribery or deceit may be understood in some countries as ways of maintaining or achieving the right relationships. The market conditions of modern capitalism are not necessarily a more moral way of setting price than a bargaining relationship between two people.

Sometimes if a right relationship is established with someone, the necessity for a monetary exchange is eliminated. The right word or the meeting of eyes (or the humble averting of eyes!) may signal the kind of respect or "in-groupness" that establishes relationship.

In our case study, Bill might have been able to avoid the situation of conflict altogether. By showing the policeman genuine love, by expressing greater respect, by demonstrating true humility, by a wise use of trust, by an appropriate invitation or nonmonetary gift, by speaking with meek authority, Bill (or Jesus) might have reached the policeman in his place of greatest need. He might have been able to avoid the request for a bribe *and* initiate a friendship.

Many situations that appear to be either-or moral dilemmas may have hidden within them a third way. A godly Indonesian pastor shared his surprise with me that one time when he was stopped by the police for a traffic infraction, he was released with no payment or charge after he had apologized with genuine humility for his error. The right word spoken by the right person in the right way at the right time may bridge the chasm to another human being.

Most people do not have such deep power for good in their character. Most do not have the wisdom to overcome the deep divisions in society which lead to conflict. Sometimes human evil or structural injustice cannot be overcome by goodness. Sometimes the best of people end up on one cross or another. The best course of action for one person may be disastrous for another.

The relative moral decisions we make are ultimately grounded in the absolute core values that guide our lives. They grow out of our habitual praxis, our knowledge (or ignorance) of our context, our relationship to a community and the gift of God's wisdom and guidance.

Bribery and Social Structure

Why is bribery so much a part of some societies and not of others? Are some countries more dishonest than others? Does poverty make people corrupt? The prevalence of bribery in poor countries may contribute to the paternalism or even racism of some Westerners who see it as evidence of "Third World" backwardness or moral inferiority.

One Englishman suggested that in India it stemmed from a Hindu culture in which there are no moral absolutes. Religion undoubtedly influences ethics, but if Hinduism is the culprit, why is

there so much graft in many Roman Catholic and Muslim societies? Certainly moral relativism is no part of Catholicism or Islam. Moreover, it seems unlikely that the "Protestant" West is more honest or less greedy than other parts of the world.

A better explanation is that the social structure of some countries makes gift giving a far more extensive practice than in others. In Indonesia one seldom pays a visit without bringing a gift. In North Africa relationships are secured through mutual indebtedness. In Egypt nothing is done without a tip. In Latin America trust is ensured by a gift. In China connections are established through presents. Gift giving is not bribery; but when gifts become an obligatory mechanism for major social functions, the possibilities for corruption are obvious.

In many parts of the world, gift giving is radically shaped by a historical marriage between the structures of patronage and bureaucracy. Gift giving is an integral part of a patriarchal society. It is expected that the superior should care for the people under him by giving them gifts. Gifts are a means of buying loyalty and service. In the Marcos palace in Manila there were whole rooms full of merchandise for giving as gifts. Gifts mitigate an unjust and harsh social system. People are honored to have a patron, a protector. A person may be exploited, but he or she is also protected by the "father."[19]

The word *patron* is originally from Rome. But the idea of responsibilities that accompany patriarchy must go back to the dawn of history. When a bureaucracy is added to a patronage system, both systems are modified but continue to operate. Modern bribery is related to this historical marriage. In Latin America a semifeudalistic hacienda system was grafted onto a bureaucracy derived from the French. In Indonesia the feudalistic Javanese state was consciously married to the Dutch colonial bureaucracy. In the process, both were changed. Bureaucracy is a different system from the hacienda system or the Javanese rule of the divine king, but a gift is still the accepted mechanism to buy loyalty or silence or service. Gifts are expected not only from the social superior but also from anyone who needs the "loyalty" or service of the bureaucrat.

In the traditional society, services were rendered and protection was given according to a strict hierarchical order. Gifts were simply a means of strengthening established relationships and rewarding good work. In a modern bureaucracy, relationships have to be established without the benefit of a clear social order. If the country is very poor, with high unemployment and a large, underpaid bureaucracy, civil servants are effectively paid with power and prestige rather than money. They must use their power to receive gifts if they are to support a family. The "patron" must demonstrate by gifts her worthiness of being served. This, of course, lends itself to corruption. But it is more than bribery in the Western sense. It also serves the social functions of sharing wealth and clarifying relationships. An Ethiopian church leader remarked,

In Africa we do not have such a defined world as you do in the States. We give weight to different issues. It's not that bribery is OK, but it's not so central. In America money changes hands by different rules. People still get a share of the wealth that passes through their hands, but it is done by more highly defined rules. On the other hand, it can be very irritating in Africa. When Bill refused to pay the policeman a small sum, he also refused to recognize the status and power of the man. In America a police officer is ideally a servant of the people and an agent of the law. But in Indonesia he is an important, powerful man (albeit a very poor one) whose dignity must be upheld.

The linking of patronage and bureaucracy might be considered morally neutral if it were not for the poor. Not only the relatively rich are served by the bureaucracy but the poor as well. An Indonesian professor remarked to me that the Dutch ideal was that the bureaucrat was meant to serve the people.[20] But here the bureaucrat does not serve the people, he serves the state. Or more accurately, he serves his superiors in the bureaucracy. This can become very oppressive to the poor who have nothing. It takes great sacrifice, or is simply impossible, for someone who earns fifty dollars a month to scrape together a bribe. Of course the poor are seldom expected to pay as much as the rich. To someone used to the rule of law, this too feels unjust. Actually it

mitigates the injustice of the system.
The ability to break the bribery system depends on the power you have, what is at risk and what values are at stake. Those who can afford to go without the services of the bureaucrat, who can afford to wait, who have the power and education to appeal to higher levels, whose goodwill and service are needed by the country or who have connections to a powerful elite in the country can break the system. Such people also "earn" the service they receive, though they do it in an indirect manner.

Conclusion

Moral choice in every society is founded in the cultural character of a person and the way he or she sees the world. We are cultural creatures who make sense of our lives by means of a narrative that distinguishes between the good and the evil, the important and the insignificant. What we pay attention to shapes our ability to choose. This chapter suggests that neither relativism nor absolutism is an adequate approach to moral choice. The structures of society are fallen and pervaded by evil as well as infused with good. To cooperate with the good while exposing the evil is a task that requires character, sensitivity and knowledge.
First of all, we need to know our core, absolute values. These may never be compromised, though they may be expressed in different ways. Certain types of bribery are absolutely wrong. Paying money to subvert justice or hide our own evil is clearly wrong. The size of a gift is significant. Very large gifts that are given or demanded in exchange for services that are intended to be free signal serious injustice. Needless to say, gifts to secure illegal services are also wrong.
Second, we need to avoid situations of value conflict. When confronted with tragic circumstances we cannot control, we need to know how to choose higher values over lesser values. While some kinds of bribery are absolutely wrong, some may be wrong but unavoidable. They are wrong on the face of it, but less significant than the values that would be lost if we refused to pay. Some people have more power to break the bribery system than others. Therefore it is important not to judge those who make different decisions about what is a "lesser evil." Nevertheless, the greatest danger of the *prima facie* category is that it may become an easy way out, a means of justifying actions we know are wrong. Most of what we call bribery is evil and cannot be done without consequences that hurt other people more than the briber. If we bribe or kill or lie for what we consider a higher cause, repentance is advisable, for judgment lies ahead.
Third, we must constantly weigh our priorities and decisions on the basis of what fits our particular role in a particular context. Some things that look like bribes to Western eyes may be appropriate tips or gifts that serve a positive role in a given social structure. When there is ambiguity, the Westerner would do well to get advice from someone native to the culture. Bill might have gotten better advice from an Indonesian than he did from other missionaries. But to do so he would have to have the humility to be a learner and not a teacher in the situation. Conversely, some kinds of payment that look perfectly legitimate to Westerners look like bribery to others. An Asian woman complained that some of the worst corruption comes when large Christian mission organizations lure gifted national leaders away from urgently needed, indigenously controlled work. The offer of a relatively enormous salary tempts gifted people to abandon locally controlled organizations to serve a Christian multinational. Local leaders may become discouraged as their gifted young leaders are made subservient to foreign organizations. Thus the power of money can perpetuate another form of colonialism.[21] Sometimes patterns of foreign aid serve the same function as bribery. Aid brings dependence, fostered by a patronage system in which the foreigner has all the financial power. Paternalism may take the place of partnership.
Obviously these issues are not cut and dried. What may be right for one situation may be wrong

for another. Gifts may be empowering or enslaving. The fact that *some* values are relative does not mean that *all* values are relative. The fact that there are some situations of structural evil where one cannot escape without fault does not suggest that whenever we feel tension we should give in.

Bribery is a serious evil in the modern world. The person who successfully navigates the shoals of corruption is likely to be someone who is living the right kind of story. At the point where we have to make a decision, we are unlikely to reflect on whether deontology, teleology or *prima facie* thinking is more appropriate. The kind of person we are and the way we are oriented to God, to our neighbor and to our own self-interest will most likely decide for us.

The God of Job and the God of Jesus does not accept bribes.[22] Bribes are the opposite of true gifts. Bribes seek to dominate and control. Bribes subvert justice for the poor. Gifts are given freely and establish a reciprocal relationship. Gifts are a sign of love. Gifts are at the heart of the gospel. Those who love God bring gifts, not bribes, to their neighbor.