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Item Type	Conference proceedings
Authors	Pedigo, Kerry;Marshall, Verena;Klass, Des
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Download date	2026-07-07 12:48:35
Link to Item	http://hdl.handle.net/20.500.12424/174044

Bribery and Corruption: Australian Manager's Experiences in International Markets

Submitted as a refereed paper for the Third ISSBEE World Congress, July 2004
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Abstract

Managers in cross-cultural settings inevitably face ethical dilemmas based on inconsistent cultural norms and while seeking to respect the local culture, may find themselves faced with conflicting values (De George 1993). The question of whose ethics or values should be applied or whether a set of universal ethical norms should be developed often confronts managers in their international business dealings. This paper explores the findings from a qualitative research study that set out to determine the critical ethical dilemmas confronting Australian managers in their international business operations and their responses to those dilemmas. For Australians managers in this study, bribery emerged as the major ethical dilemma confronting them in their international operations.

Background

Globalisation has seen diverse cultures becoming increasingly entwined and interdependent as business organisations operate in a borderless world (Hofstede 1997). De George (1993) highlights inevitable ethical dilemmas facing managers in cross-cultural settings. These include pressure on individuals to violate personal norms and inconsistent cultural norms of the host country when compared with the home country. The above raises the question of whose ethics should be applied or whether a set of universal ethical norms should be developed.

The literature suggests a *relativist* view that proposes no one culture's ethical beliefs and values are better than another (Donaldson, 1996). Dobson (1990) argues that cultures have their own unique set of rules and acceptable behaviours, and there is no *universal* procedure to suggest that one way may be better than another. Alternatively, the *imperialist* view suggests that people should apply their home culture's ethical practices (Donaldson, 1996). While they are obliged to obey the rules and regulations of the host country, they must also apply moral standards justifiable to their home country's laws and standards (De George, 1993).

The possibility of a universal framework would appear to resolve the dilemma of whose ethics should be applied for managers. Recent developments in the international business arena have seen many universal perspectives being posited. Proposals such as the CAUX Round table (Carlson and Kacmar 1997; Davids 1999), Transparency International (Premoli 1997; Kaltenheuser 1998; Berenbeim 1999; Davids 1999) and the development of UN and OECD Codes (Payne, Raiborn et al. 1997; Dyer 1998) have intensified as the process of business becomes an increasingly global affair. The question remains though as to whether an ethical guide that achieves global support can be successfully developed.

To date there has been a paucity of research undertaken on the ethical dilemmas experienced by managers, particularly in the Asian Pacific Region. Much of the literature (cf., Schlegelmilch and Robertson 1995; Buller, Kohls et al. 1997; Milton-Smith 1997) recommend research be undertaken to ascertain the key cross-cultural ethical dilemmas and approaches taken by managers in resolving these ethical conflicts.

Research Method

Findings are reported in this paper from a study that used face-to-face interviews to collect data about critical incidents identified by Australian business managers as ethical dilemmas. The research method used was the Critical Incident Technique (CIT). The CIT is a process of collecting observations or anecdotes to aid the finding of solutions to various issues, within a specific situation (Flanagan, 1954). This approach allowed data to emerge according to the values of the respondents rather than the values of the researcher. The mostly qualitative data were collected in 2000.

The primary research question asked of respondents centred on their experiences with ethical dilemmas when operating offshore. Respondents were asked:

Can you tell me about a recent incident or experience where you felt there was an ethical dilemma because of cross-cultural differences?

Respondents were encouraged to tell their stories or anecdotes about ethical dilemmas they had confronted. In this study a dilemma is regarded by the research as something unique to the organisations' normal practices and required special consideration. Ronan and Latham (1974) suggest that an incident should have occurred six to twelve months prior to the interview to ensure accuracy of recall. For this reason emphasis was placed on documenting incidents identified by the participants as having occurred within twelve months of the data collection interviews.

Sample

Seventy (70) senior Australian managers operating internationally in the mining, textile and information technology industries were interviewed for this research. The three different industry groups targeted in this study provided opportunities to collect data from a broad spectrum of business organisations. The diverse group of participants provided a rich source of information based on their authentic experiences. Each of the participants provided multiple examples of critical incidents that affected their business operations. Having a sample of this size is within the range of fifty-to-one-hundred recommended by Flanagan (1954) as being sufficient to support the use of CIT.

Data Analysis

Analysis of data collected in this research was based on content analysis methods using coding and categorisation processes as described in Holsti (1969). Coding is regarded as a process for systematically transforming and aggregating raw data into units that permit a precise description of the content (Holsti 1969).

Data were transcribed verbatim then coded using categories in an index tree structure developed with the aid of NUD.IST software. NUD.IST is an acronym for Non-numerical, Unstructured, Data in qualitative research supported by Indexing, Searching and Theorising (Qualitative Solutions and Research 1997). NUD.IST software was used to code data and references in categories organised in an index system (a hierarchical

system called trees), that facilitated exploration of emerging ideas and themes (Richards and Richards 1993).

Findings

Categories of Bribery

The Australian managers from the mining, textile and IT industries in this research identified bribery as the most prevalent ethical dilemma affecting their international business operations. Bribery is regarded as occurring when an informal reward is offered to pay or provide favours to a person of trust to influence their conduct or judgement (Beauchamp and Bowie 2001). Bribery in this research was largely described as demands by overseas managers for payments of money, usually referred to by respondents as commissions or 'brown paper bags'. Other important aspects of bribery included entertainment, gifts, prostitution and junkets. All related to informal rewards that influenced business operations, including whether a contract was awarded or a competitive tender was successful.

The emergence of bribery in this research was similar to other Australian studies where managers operating in different countries identified bribery as the key, critical ethical dilemma (Armstrong, Stening et al. 1990; McNeil and Pedigo 2001). This dilemma was reported to impact on business and had financial, emotional and legal implications for Australian managers. Respondents were confronted with the ethical dilemma of either breaching their own values by paying bribes or refusing to pay, and thereby losing perceived business opportunities and competitiveness.

The most frequently occurring form of bribery to emerge was requests for payment of money. Respondents found that when negotiating business contracts, or during the tendering process, monetary payments were requested, the provision of which impacted on their success or failure in operating in particular countries. One of the features of bribery is the distinction between facilitation payments, also referred to as extortion, and that of large-scale bribes (Beauchamp and Bowie 2001). Respondents in this research

also differentiated between expectations of small facilitation payments and demands for large-scale bribes.

Large-scale bribery was the ethical dilemma described as of most concern to Australian managers participating in this research. Large-scale bribery constitutes a payment requested by someone, subsequently influencing the outcome of major business projects or contracts. The requirement to pay bribe money was often accompanied by a sense of unease or outrage, expressed by respondents in dealings that resulted in unfair business opportunities and distribution of informal rewards to others. These payments of money particularly highlighted feelings of the inequity associated with bribery as an unfair practice. In explanation, Sternberg (1994) contends that bribery violates the principles of distributive justice, where the benefit is not merit-based but awarded on the basis of a bribe.

Some managers referred to nominal facilitation payments, where they needed to pay gratuities to ease or expedite a standard administrative process. These payments were often associated with government agencies and public officials in fulfilment of their work-related duties. Such payments are also referred to as extortion, a payment made in order to have something accomplished that someone had a legal right to have accomplished even without the payment (Beauchamp and Bowie 2001). However, respondents tended to be less concerned about small facilitation payments made to expedite an administrative process that did not result in an unfair business advantage. Incidents where the request was clearly for facilitation payments were considered nominal and often necessary to supplement the low incomes of foreign public officials.

One of the factors associated with bribery that emerged from this research was the incidence of nepotism, described as a conflict of interest, where public officials use their position to obtain favours (Pope 2000). In this research, nepotism emerged as a widespread and accepted cultural norm in some countries. Australian managers reported incidents of nepotism where family members of their overseas counterpart required monetary incentives or preferential treatment in order for a project or contract to be

supported. Examples include situations where public officials, heads of states, family members associated with royal families, presidents and prime ministers influenced the awarding of projects based on monetary gain for their family members. This supports findings by McNeil and Pedigo (2001) in their study of Western Australian export managers, where experiences of such nepotism were also described. Khera (2001) describes how one former prime minister's husband was nicknamed 'Mr 10%' as no major venture could go forward without paying him a bribe equal to approximately 10% of the project's value.

Entertainment and gift giving were the main ethical dilemmas associated with bribery reported by respondents from all three industry groups in this study. Gordon and Miyake (2001) write that it is difficult to define exactly what constitutes bribery and describe 'grey areas', particularly in relation to hospitality and gift giving when assessing the acceptability of practices. Although Dunfee, Smith and Ross (1999) and Salbu (1999) consider that gift giving and entertainment during the negotiation process are typical aspects of bribery. Entertainment was the most troubling for managers in determining what constituted reasonable or legitimate entertainment costs. In relation to the custom of entertainment in this research, it was not considered acceptable when it was excessive and protracted. Respondents reported incidents where they believed that costs associated with entertainment were indeed gratuitous. Many incidents were cited where the cost of entertainment exceeded reasonable expectations; for example, foreign public officials prolonging the negotiation process in order to continue enjoying banquets and entertainment.

Respondents also reported that the process of gift giving represented a considerable ethical dilemma. Respondents mainly described situations where requests for gifts directly influenced business negotiations and trade decisions. Respondents were confronted with the ethical dilemma of determining whether the exchange of gifts was part of the cultural setting or a direct influence on business judgements. In refusing to participate respondents may possibly be regarded as insensitive and consequently offend the cultural traditions of their overseas counterpart. However, giving gifts was also

viewed as gaining unfair business advantages against competitors and breaching respondents' personal ethical values.

In some situations, respondents' described entertainment and gift giving as part of a cultural difference; that is, the importance other cultures place on socialising and developing relationships during the business process. The legitimacy of gift giving in some cultures is supported by Arunthanes, Tansuhaj and Lemak (1994) who write that gifts are an integral part of business particularly in high context cultures such as Japan where personal relationships are important and communication is more implicit and nonverbal. However, this is often difficult to accept in low context cultures such as Australia where gift giving is viewed as inappropriate, instead relying on explicit contracts and often only forming short-term relationships (Arunthanes, Tansuhaj et al. 1994).

Jackson and Artola (1997) write that what actually constitutes acceptable entertainment requirements can be influenced by local customs. Respondents in this research reported incidents where the Japanese custom of exchanging gifts was a measure of reciprocal thanks, rather than a ploy to influence the business processes. In these situations the gifts were perceived as part of relationship building within the cultural context of Japanese business. This is in keeping with Hendry's (1999) views that what one culture may consider as ethically unacceptable may have no ethical significance or inherent dilemma in another. Other writers such as Gordon and Miyake (2001), Dunfee, Smith and Ross (1999) and Salbu (1999) state that entertainment and gift giving may be considered either acceptable or corrupt, depending in part on cultural expectations or context. For example, Dunfee and Warren (2001) and Luo (1997) write about the Chinese concept of *guanxi* which includes reciprocal entertainment and gift giving to build friendships and relationships, an integral part of their business and social culture for many centuries.

Gordon and Miyake (2001) discuss how cultures may differ in relation to what is acceptable practice but warns that cultural diversity can also be used as an excuse for inappropriate business conduct. Certainly, respondents in this research were concerned

about excessive entertainment costs and gift giving in relation to the role it played in influencing business decisions. Many respondents reported incidents where they were expected to provide entertainment in excess of the traditional establishment of business relationships and satisfying cultural differences; for example, entertainment costs representing one or two percent of sales. Respondents generally believed that they would be sacrificing business opportunities in a competitive environment based on the ethical dilemma of excessive demands for entertainment.

Respondents also reported incidents where the expectations of gifts were blatant, particularly in situations where the gift or the value of the gift was specified. Examples included respondents citing incidents where gifts such as walkmans or video cameras were requested. There were also situations where the actual value of the gift was specified. This included direct requests for a gift to the company president to be worth somewhere between \$2,000 and \$3,000. In this scenario the associated cost of the gift was not perceived by the respondent to be a token or reciprocal gesture to satisfy the local customs of another country's culture, but rather a coercive demand for informal compensation.

Prostitution caused anxiety for some Australian managers, affecting respondents from the three industry groups and extending from offers to provide, and requests for, call girls. In most instances these offers or requests tended to create embarrassment for respondents rather than directly influence the business transactions. Respondents were confronted with the dilemma of either refusing and possibly causing offence, or violating their own moral values. Australian managers found that in some cultures it was considered highly appropriate to be offered prostitutes; a hostess would be offered as part of the entertainment process for executives. Mostly, respondents described prostitution as an acceptable practice in Asia, nonetheless presenting them with a considerable ethical dilemma. A few respondents also reported incidents where overseas managers visiting Australia requested prostitutes. This created an ethical dilemma for respondents in Australia where prostitution is a less acceptable practice and marginalised within the legislative framework.

Another aspect of bribery that Australian managers referred to was junkets; that is, inappropriate expectations or requests for travel to Australia. The dilemma of junkets was prevalent in the IT industry and usually requested during the tendering process or as part of the negotiated training requirements for IT companies. Respondents were confronted with situations where an overseas company would expect or request travel to Australia in order to view the product as part of the tendering process. Respondents reported experiences where they would incorporate the travel costs for numerous senior officials into the tendering costs for an overseas project.

Junkets also involved, for many IT organisations, the cost of travel to Australia for software training purposes. In many instances those travelling to Australia for training were not the people responsible for IT operations in their home country organisation. Respondents reported incidents where those attending training sessions were often high-level company officials rather than the IT technicians or operators, culminating in training sessions where the participants appeared to be asleep or who did not appear to be conversant in English. Salbu (1999) writes that the payment of opulent travel expenses with little or no justification is corrupt, but the payment of modest and ordinary business expenses so that a prospective customer can inspect a tenderer's premises may be justifiable. Gesteland (1999) writes that travel to the home country (in this case Australia) for training courses, conferences or meetings are legitimate business purposes. For Australian managers this aspect of their international business operations posed an ethical dilemma. The incidents of travel expectations cited in this research, however, were considered illegitimate in relation to training requirements or the adequate presentation of product information. However, Australian managers were also confronted with losing a vital tendering advantage if they did not participate in offering free travel to prospective buyers or for training purposes.

Responses to Bribery

Although bribery is not considered legally or morally acceptable in any country it remains the most critical ethical dilemma confronting the Australian managers participating in this study. The most commonly reported response of Australian managers to bribery was to take an imperialist approach and refuse to participate in practices that violated their own ethical values and standards. However, managers also reported adhering to the principles associated with relativism and universalism. The relativist approach indicated that some managers complied with the ethical values of others and took the ‘...when in Rome do as the Romans do’ approach. For these respondents, the relativist approach was identified as being a pragmatic and utilitarian decision rather than a decision based on honouring the cultural perspectives of other nations. Many managers reported compliance with the cultural practices of others in order to remain competitive, rather than a strategy based on respecting cultural differences.

The universalist approach, adhering to guidelines provided by international regulatory bodies was described in this study as being an ineffective, expensive and time consuming option. In view of the experiences of the seventy (70) Australian managers interviewed, efforts by institutions such as Transparency International, CAUX Round Table and the United Nations Convention to eliminate bribery of foreign public officials are perceived as having only limited impact on changing incidents of providing informal rewards when operating internationally. For example, in 1999 the Australian Government introduced the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1999 (Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1999)*. This Bill amends the *Criminal Code Act 1995* by inserting a provision that makes it an offence to bribe a foreign public official (*Extradition (Bribery of foreign Public Officials) Regulations 1999*). However, incidents of bribery were considered by Australian managers to be systemic in some countries, and a small country such as Australian would have a limited impact on changing the cultural practices of others. Managers perceived that the guidelines generally were unenforceable and would place organisations at a disadvantage in the international market through loss of business opportunities.

A further response, deviating from the traditional approaches described in the literature, was the action of relationship building. This was a long-term strategy reported by some Australian managers to avoid cross-cultural ethical dilemmas. Relationship building emerged as an important contribution in this research in terms of responding to cross-cultural ethical dilemmas. That is, building relationships and understanding on an individual level rather than establishing general global codes of conduct and guidelines that are often considered limited in satisfying all cultural perspectives and difficult to enforce.

The relationship building approach was mainly associated with commitment to the development of mutual trust, honesty, respect and integrity. Respondents used these terms in describing situations where they developed mutual respect with their international counterparts. For example, one respondent described the importance of offering reasonable prices rather than negotiating rates that leave the overseas operator feeling exploited. Cramton and Dees (1996) state that mutual trust plays an important role in grounding ethical behaviour. Suspicion that others are profiting from unfairness can destroy what might be gained from principled behaviour. Many scholars write about the importance of mutual trust, integrity and fairness in international business (De George 1993; Murphy 1999; Ferrell, Fraedrich et al. 2002), and of universal standards which include values such as truthfulness, integrity, fairness and equality (Ferrell, Fraedrich et al. 2002). The five core virtues of integrity, fairness, trust, respect and empathy are promoted by Murphy (1999), with truthfulness and exercising fairness in transactions described as basic moral norms (De George 1993), the lack of which is attributed to failed negotiations (Zhao 2000). The above writers' views are supported by a significant number of the senior managers who participated in this research.

Future Research

Further study is needed to investigate the practice of paying bribes to a foreign public officials, particularly in relation to the Australian *Criminal Code Act 1999*. A longitudinal

study could examine the impact of this legislation on reducing incidents of such bribery. During the data collection for this research, amendments relating to the *Criminal Code Act 1999* had only recently been introduced and many respondents were unaware of the legislation.

There were also many incidents cited by Australian managers where payment of bribes related to private industry as well as foreign government officials. Further research is needed to investigate the relationship between bribery and corruption occurring at high levels of government compared to private sector senior managers of overseas organisations. Investigation of such incidents and indeed all categories of bribery identified in this research would be well supported by gathering data from all stakeholders involved in incidents.

Further investigation of the *Criminal Code Act 1999* should also extend to managers' awareness of the use of agents and the implications of the *Act* for such business relationships. For example, in Australia a person is found guilty of bribing a foreign public official if the person provides, or offers to provide either directly or through intermediaries, a benefit to a foreign public official with the purpose of influencing the process in order to obtain or retain business that is not legitimately due (*Criminal Code Amendment (Bribery of Foreign Public Officials) Act 1999* 1999; Extradition (Bribery of foreign Public Officials) Regulations 1999 1999). Many Australian managers in this research stated that they relied on the use of agents to avoid being complicit in bribery practices. Further research would be beneficial to determine whether managers are aware of the implications of using agents to facilitate bribes.

Conclusion

The findings of this research provide an important insight into the incidents of bribery experienced by Australian managers who operate in an international environment, particularly in relation to request for money, entertainment, gifts, prostitution and junkets.

Typically, Australian managers reported taking an imperialist approach in dealing with bribery and corruption, by applying their own values and standards and refusing to engage in what they believe are unethical behaviours. However, others reported taking a relativist approach and preferring to conform to the cultural norms of other cultures, while other respondents sought a more universal approach, employing global standards, rules and codes of conduct. The research provides a useful insight for the Australian Federal Government particularly concerning the *Criminal Code Act (1999)* in prohibiting bribery of foreign public officials, industry bodies in determining their codes of conduct and governing guidelines. Some respondents expressed the view that the new legislation would impact on Australia's competitiveness in international markets in terms of potentially losing business. Other managers expressed criticism about the impact of the legislation on altering the behaviours and expectations of people undertaking business in other countries.

Relationship building was a strategy used by some Australian managers in averting cross-cultural ethical dilemmas in their international business operations. The relationship building approach that emerged in this study deviated from the traditional approaches of imperialism, relativism and universalism presented in the literature. However, a commitment to developing friendships and relationships represented an important perspective on why some Australian managers believed they did not experience typical cross-cultural ethical dilemmas, such as bribery in their international business operations.

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