

## Chapter 7

# Cross-Cultural Issues: Their Importance to Global Engineering Ethics

### Chapter Objectives

Having read this chapter, completed the included exercises, and answered the associated questions, readers should be able to

- with reference to the case of bid rigging in Japan, identify and explain the significance of cultural values and their relation to ethical behaviors;
- describe why it is important for engineers to be aware of cultural values when working in international and cross-cultural environments;
- explain “normative ethical relativism” and why it is an unsatisfactory position for an approach to engineering ethics in global contexts;
- show an understanding of the nature and importance of the distinction between moral and nonmoral cultural values, as well as why this distinction should be important to engineers.

### CASE STUDY—BID-RIGGING IN JAPAN: AN ETHICAL OR CULTURAL ISSUE?

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“Bid rigging” is when parties competing for a contract collude in secret to decide the winner—a form of “price fixing” aimed at insuring greater profits. Although bid rigging occurs throughout the world, in Japan it has received a great deal of attention. Focusing on this issue brings together engineering and business—examined in previous chapters—and concerns regarding the nature of cultural values, touched on before and dealt with at length in this chapter.

### *Dangō*, the Government, and Law

In Japan, bid rigging is called *dangō*, a combination of the words for “discuss” and “meet.” Unlike its English equivalent, the term does not necessarily have a negative connotation: cooperative activities by firms in the same industries have often been encouraged in Japan. Various methods exist for allocating the profits gained from bid rigging, which include rotating the winners and dividing

the profits. For bid rigging to be successful, John McMillan has argued that five conditions are necessary: “a means for determining the composition of the conspiratorial ring (1), barriers to prevent opportunistic outsiders from undercutting its action (2), informal devices to ensure compliance (3), a mechanism for dividing the spoils (4), and some means of evading or co-opting government watchdogs (5)” (McMillan, 1991). In public works projects in Japan, he argues, all of these conditions are met.

*Kansei dingo* is a specific form of bid rigging where government officials or agencies are involved, by either revealing confidential information to bidders or guiding the allocation of funds. In most industrialized countries, bid rigging is illegal. It is illegal in Japan—in terms of antimonopoly legislation—and criminally prosecutable. A law was passed in 2003 to punish government officials involved in bid rigging called the “Act Concerning Elimination and Prevention of Involvement in Bid Rigging.”

## Background in Japan

Before World War II, the Japanese government encouraged the development of cartels to strengthen the country's heavy industries. Cartels are based on collusive activities forming the background of contemporary bid-rigging practices. In 1947, Japan passed antimonopoly legislation, although it has been subject to a variety of exceptions over the years (Iyori & Uesugi, 1994). Since that time, bid rigging has become a common practice in the construction industry and in other situations involving government contracts.

In approximately 90% of the Japanese public works contracts open for bidding, the following system is used: the awarding agency ranks bidders based on past performance, company size, technological capabilities, or other criteria, and then develops a list of eligible bidding participants. This is known as “discretionary bidding,” since participation is based on the discretion of the government agency. This is in contrast to competitive bidding, where all potential participants are allowed to bid, provided they meet a minimum set of criteria. Discretionary bidding has been used to favor local companies and small- and medium-sized firms. If government officials are involved in bid rigging, then they can disqualify noncooperating firms from future competitions—firms that do not collude in fixing prices.

*Amakudari*—meaning “descent from heaven”—is another feature of the Japanese bureaucratic system relevant to bid rigging. In Japan, government officials are required to retire at a relatively early age, after which time many take up positions in the industries they previously regulated, thereby securing additional income and generous retirement allowances. Some *amakudari* positions are at semipublic agencies and foundations that participate in the bidding process as either the awarders or awardees of bids.

Many have suspected the involvement of government officials in bid rigging, including police officers, city mayors, prefectural governors, and central

ministers. In some cases, it is believed that they receive direct kickbacks, in other cases, promises of future jobs or contributions to their political organizations. In Japan, the construction industry is the biggest financial contributor to political parties. It also spends lots of money “wining and dining” government officials.

## Cultural and Ethical Issues in Bid-Rigging

Bid rigging is often only considered in the context of business ethics. However, as it has the potential to affect the quality of work performed and, therefore, public safety, it has implications and consequences for engineering ethics.

One issue concerns the relations between bid rigging and Japanese values: first, as it requires cooperation between firms in an industry, bid rigging evidences the values of harmony and compromise. Second, the practice places an emphasis on a group of firms rather than any one individual firm. Third, bid rigging ensures the smooth operation of the bidding process and enables the survival of a group of firms as a whole. Finally, *amakudari* establishes a web of relations between the companies and the government. Thus, it can be asked whether a natural association exists between bid rigging and more general Japanese cultural values.<sup>89</sup>

A second issue concerns the relations between bid rigging and bribery: the latter has been of major interest within the field of traditional business ethics. Does bid rigging necessarily entail compromising the integrity of government officials? The Japanese government typically establishes price ceilings for public works auctions that could be well above typical cost-plus-profit calculations. Bid riggers have typically been aware of these price ceilings and have submitted winning bids within a few percentage points. Those bidding have obviously obtained this information from sources close to the projects. It can be asked whether the implicit promise of a later job or political contributions constitute a form of bribery.

A third issue concerns the relations between bid rigging and competition: some have argued that bid rigging leads to lower overall quality and compromises safety due to a desire to produce the lowest possible bid. Others have argued that the lack of competition that follows from bid rigging has this same effect, since corporations need not be tied to the quality of their work to receive future contracts.

A fourth issue concerns the relation between bid rigging and social costs: one can assume that the costs of public works projects involving bid rigging will be higher than those not involving bid rigging. Even if this process results

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89. For surveys regarding the nature of Japanese values and society, see Nakane (1970) and Smith (1983). Concerning the way conflicts between values related to security and safety have been important to the nuclear power industry in Japan, see Luegenbiehl (2009).

in greater social harmony and higher quality products, one can still ask whether these benefits outweigh the economic costs. Further, some have claimed that processes of bid rigging and their connection to the government result in projects that are unnecessary in the first place and, thus, unwarranted economic costs to society.

A final issue concerns the relation between bid rigging and cross-cultural contexts: even if a particular society is willing to bear the costs associated with bid rigging for reasons related to overall social wellbeing, its relation to cross-cultural contexts is unclear. For example, in the 1980s, it was discovered that bid rigging was occurring in the process of obtaining contracts for US naval bases in Japan. Additionally, in the construction of the Kansai airport, foreign contractors were excluded from bidding on a discretionary basis. The latter became the basis for extensive trade friction, where the claim was made that this system gave rise to informal trade barriers. Assuming an acceptance of these practices within Japan, what if several Japanese companies colluded to rig bids abroad?

As a result of bid rigging, Japanese government officials and corporate executives have been arrested—although they have not necessarily received heavy punishments—and the public has seemed genuinely upset with the perpetrators. However, the phenomenon has not ceased. Even when industries have been punished, they have continued to engage in bid rigging. Thus, the issue is clearly a complex one. Although the focus here has been on bid rigging in Japan, as indicated above, this issue is of broader concern. Insofar as Japanese companies operate in international environments—and bid rigging and related practices occurs in industries in other countries as well—the practice clearly deserves further consideration.

## **EXERCISE ONE—BID RIGGING IN JAPAN (PART ONE)**

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With regard to bid rigging in Japan, complete the case-study procedure on bid rigging in Japan, using the principles of global engineering, organizations, and employees.

### **7.1 THE IMPORTANCE OF CULTURAL VALUES WITHIN ENGINEERING**

In taking a global approach to engineering ethics, using any one cultural perspective has been avoided. However, a difference exists between establishing a theoretical framework for engineering ethics and the real-life practice of engineering. With regard to the latter, it is important to recognize that local cultures can have significant impacts on engineering practices—especially in the context of business—and engineers should respect local customs and traditions. Therefore, this chapter investigates in greater depth the relation between engineering ethical principles and cross-cultural values.

## 7.2 NORMATIVE ETHICAL RELATIVISM: IT'S ALL THE SAME

Normative ethical relativism is a significant tradition within ethical theory. This position begins with the factual thesis that different individuals and groups subscribe to different ethical positions—a relatively uncontroversial claim—but makes the further assertion that individuals and groups are justified in subscribing to the beliefs they do. This normative dimension of ethical relativism has elicited a variety of objections, which will not be discussed here.<sup>90</sup> The approach to engineering ethics advocated here does not fall under the category of normative ethical relativism.

The reason for this is as follows: within this tradition, the only *justification* needed for adopting a particular ethical position is the *fact* that individuals or groups adopt it. Individuals or groups might adopt particular ethical positions for good, bad, or no reasons at all. In developing a global approach to engineering ethics, the justifications for the ethical positions adopted here are based on the nature of engineering and use of reason. The process of deriving engineering ethical principles is, thus, nonarbitrary.

Issues related to cultural values are important to consider since, in the 21st century, there are areas in which cultural differences play major roles, and these should be recognized and accepted by engineers. In encountering cultural traditions at variance with their own, engineers should be prepared to decide the circumstances in which to respect these, and the circumstances in which to either refuse to go along with—or actively resist—prevailing cultural trends. To establish a framework for making decisions such as these, it is necessary to examine the nature of values.

## 7.3 THE NATURE OF VALUES AND CROSS-CULTURAL CONTEXTS

“Values” can be understood as referring to deeply held, enduring, and important beliefs that tend to guide the actions of individuals and groups. Given their deeply ingrained nature, people tend to overlook the central role that values play in decision-making processes. People tend to believe that others share these views, and—in many cases—that values are “natural” or innate.<sup>91</sup>

A distinction can be made between individual and social values. Since every person is, to some extent, different, every person has his or her own set of beliefs. However, insofar as groups of individuals share common backgrounds, it is possible to make broad generalizations. These generalized, action-guiding beliefs are called “social values.”

Values do not exist on their own or in the abstract. Rather, they exist in relation to other values and actions as parts of wholes. These wholes are called “value

90. For more on normative ethical relativism and objections to this position, the interested reader can consult [Rachels \(2011\)](#).

91. For a broad overview regarding the nature of values in general, see, for example, [Rokeach \(1973\)](#).

systems.” Within values systems, individual values are prioritized. Over time, this prioritization can change, reflecting processes of change within individuals and societies. In radical situations, values might be added to or eliminated from value systems but, more typically, values become emphasized and deemphasized over time. Understanding the value systems of particular cultures is important, since values have “normative” dimensions—those regarding judgments.

Values establish expectations regarding behaviors, which are reflected in the traditions, customs, and manners of cultures, in turn establishing parameters of appropriate behaviors. Common social values create unity within populations. A method of differentiating cultures is on the basis of their respective value systems. Although making generalizations about cultures can result in negative effects associated with stereotyping and prejudice, it is important to recognize that, in general, cultures have individuating characteristics. Most cultures share many values, but individual values are integrated hierarchically, such that the importance placed on particular values distinguishes one value system from another. Two different value systems might both include “order” and “freedom,” for example, but freedom would usually be given preference over order in one of them, while the opposite might be the case in the other. The complex and hierarchical nature of value systems can give rise to problems.

At times, it can be difficult to determine the value framework underlying the words and actions of individuals from different cultures. However, in these situations, understanding this framework is important. As one's own cultural values are deeply ingrained, one can fail to recognize their roles in decision-making processes. Erroneously, people tend to believe everyone shares their values and uses the same value system, or should do so. Consequently, when individuals from different cultures arrive at different decisions, they tend to believe the other has made a mistake or—in a stronger sense—done something unethical. A more likely explanation, however, is that the two individuals are employing different value systems to guide their decisions and actions.

Insofar as the value systems of some societies are closely aligned, situations of cultural misunderstandings are infrequent, although perhaps more problematic, since they are unexpected. People from the Midwest United States might be surprised to discover, for example, that those from the Northeast are more direct or forthright in their assessments of others. In other cases, however, a large gap exists between value systems. Many have claimed this is the case with “Western” and “Asian” societies, which tend to emphasize different values: in general, Western societies emphasize values associated with furthering the rights of individuals, while Asian societies emphasize values associated with furthering the interests of groups. This difference affects the entire range of values within a system. For example, loyalty to an extended family member or employer would be manifested differently in these two types of societies.<sup>92</sup>

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92. On these differences, see, for example, [Sigurosson \(2014\)](#) and [Garcia, Mendez, Ellis, and Gautney \(2014\)](#). However, others have argued that these differences are not as great and/or important, see, for example, [Caney \(1999\)](#) and [Shafer-Landau \(2003\)](#).

When encountering individuals from different value systems, one's first reaction might be to reject his or her value system as it conflicts with one's own deeply held beliefs. One might judge the values of others—reflected in their actions—as wrong and seek to correct their seeming ignorance. However, such an approach not only reflects “imperialist” assumptions regarding relations between societies—assuming one's own society and its associated values are fundamentally superior to others—but also undermines the possibility of positively interacting with people from different cultures. Societies should be free to develop their own cultural norms, and it is important for outsiders to learn to respect the values of a culture. However, at least some basis for questioning the values of others exists:

- Why do you think people commonly judge and/or reject values systems different from their own? Explain an instance in which you have been inclined to do so.

## 7.4 VALUES AND ETHICS: MORAL AND NONMORAL VALUES

The connection between values and ethics is an intimate one. Values tend to guide actions, and ethics helps to evaluate actions, although only certain types of actions. In a significant sense, ethics is a subdiscipline of “value theory”: values are typically divided into moral and nonmoral ones, where ethics is concerned with the former. Both are concerned with making judgments, although judgments based on nonmoral values are not generally considered either right or wrong. In moral judgments, by contrast, claims are made regarding the rightness and wrongness of decisions and actions.

For example, although two people might like and dislike the same painting, respectively—in other words, they have different “tastes” in art—neither is in a position to question the other's right to like the painting, since preferences in art are based on particular sets of nonmoral aesthetic values. Preferences regarding art and music vary not only from culture to culture but also from individual to individual. By contrast, if the person who likes the painting decides to take it without permission, then that would be theft, and the other would be in position to judge his or her actions as morally wrong. In a sense then, ethics limits justification of the exercise of nonmoral value preferences.<sup>93</sup>

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93. Regarding an understanding of the relation between value theory and ethics in these terms, see, for example, [Singer \(2011\)](#). For an explanation of this view in the specific context of Kantian ethics, see [Nell \(1975\)](#). Not all would agree that the disconnection between moral and nonmoral values is as clear as it has been described here. 19th- and 20th-century forerunners to/founders of value theory, such as Friedrich Nietzsche and Karl Marx, and pragmatists such as John Dewey, William James, and Alain Locke have argued for the intimate connection between the two: criteria for making (nonmoral) judgments concerning aesthetic preferences, for example, mutually and reciprocally determine criteria for making (moral) judgments concerning ethics, politics, etc.

Explicitly recognizing this distinction between moral and nonmoral values is important since, within a given cultural tradition, there might be little or no awareness of it. If this is the case, then all value judgments—both moral and nonmoral—are understood as having equal claims on the individual. All value judgments would be justified on the same basis, as following from the cultural traditions of a given society. Little or no distinction is made between actions that have ethical and nonethical import—in other words, a distinction between actions that have the potential to seriously affect the lives of others and actions that express mere cultural preferences. Since the authority of ethical directives is great, by associating cultural preferences with ethics, nonmoral cultural preferences can take on greater normative force within certain social contexts and are sometimes punished as severely.

Removing one's shoes indoors might be a cultural practice. Failure to remove one's shoes would indicate a failure to understand or respect the values of that society, perhaps cleanliness. However, this failure should not be considered an immoral action, although it might be in the context of that society, due to the amalgamation of moral and nonmoral values. Conversely, at times actions with ethical import are justified merely on the basis of reflecting cultural practices and, for this reason, some would claim, excluded from the sphere of judgment by those from outside the given culture. This is, of course, the position of normative ethical relativism, judged to be an inadequate approach to engineering ethics on a global basis.

In short, it is necessary to distinguish between nonmoral and moral cultural values. The first concerns cultural preferences, and it is important to try to understand these when interacting with people from cultures other than one's own. The second concerns questions of right and wrong—with universal characteristics—and are not simply matters of preference. For example, on the one hand, stealing is generally considered wrong in all cultures, since it leads to a breakdown in social structures. However, the specific nature of stealing—what one considers stealing—might vary from society to society, based on differing cultural interpretations. On the other hand, the extent to which characteristics such as generosity or frugality are valued might vary significantly from culture to culture. The nature of this distinction can be further clarified by comparing two value systems, those of Japan and the United States.

To begin, it is important to remember that values occur in systems, and the places of individual values within hierarchies determine their roles in cultures: as most societies share many values, the emphasis given to particular values distinguishes one culture from another. In general, Japanese society tends to emphasize group-oriented values, while US society tends to emphasize individual-oriented values. Thus, Japanese culture emphasizes values such as harmony, loyalty, hierarchy, consensus, duty, and conformity, while US culture emphasizes values such as rights, freedom, equality, independence, and choice. Both cultures emphasize values such as education, material well-being, and pragmatism. Additionally, both cultures emphasize other values perhaps not directly related to the distinction



between the group and individual, for example, ritualism and sincerity in Japan, and religiosity and merit in the United States.<sup>94</sup>

Understanding the value structures of different cultures and their differences from one's own requires detailed acquaintance. Gaining this acquaintance is vital to not only interpreting adequately and accurately the actions of others but also distinguishing between the ethical and nonethical dimensions of actions:

- Explain an incident of which you are aware where an engineering or technology firm failed to take into account moral or nonmoral cultural considerations. What were the consequences?

## 7.5 VALUES AND ENGINEERING ETHICS: TWO POINTS TO KEEP IN MIND

The following two points have been established, which are important for engineers to keep in mind:

First, the contexts in which engineering occurs matter, since cultural contexts can legitimately be said to influence engineering decisions. Engineers need to be aware of relevant cultural norms—in relation to both people in and from other societies—and the consequences of the processes and products of engineering activities. Society makes legitimate demands on how engineers carry out their functions. Conceiving these functions in terms of a single social context vastly oversimplifies matters, since most engineering processes and products exist over more than one society, and each society could have different cultural values. In practice, engineers might thus be required to consider the differential impacts of their actions, which will be further discussed in subsequent chapters.

Second, engineers should carefully distinguish between the moral and non-moral demands made on them in particular social contexts, since they might easily be misled into believing potentially unethical actions are simply matters of cultural practice. Engineers should be aware that simply because individuals *do* commonly engage in certain actions does mean that they *should* engage in these actions.<sup>95</sup> Additionally, simply because actions are generally accepted does not mean that these actions are right. Engineers should consider their actions from the perspective of principles of ethical global engineering, not only in terms of cultural practices. For example, simply because environmental destruction commonly occurs in a given society—and is widely accepted—does not mean engineers are ethically justified in carrying out or participating in projects in that society:

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94. Again, regarding Japanese values and society, see Nakane (1970) and Smith (1983). For a fuller account of differences between Japanese and US culture and society, see, for example, Rothbaum, Weisz, Pott, and Miyake (2000), Yamagishi and Yamagishi (1994), Markus and Kitayama (1991), and Lincoln and Kalleberg (1992).

95. This line of reasoning is commonly referred to as the “naturalistic fallacy,” concluding that because something *is* the case that it *should* be the case, deriving an ethical *ought* from a factual *is*.

- If two engineers work exclusively in one country—and all the products for which they are responsible are sold only in this country—would a more cross-culturally inclined engineer have an advantage over another less cross-culturally inclined engineer? Why or why not?

## **7.6 BASIC ETHICAL PRINCIPLES FOR GLOBAL ENGINEERING: RELATED TO CROSS-CULTURAL VALUES**

Based on the above discussion, two more principles should be added to the list of basic ethical principles for global engineering. With slight modifications, these can also serve as principles of ethics for organizations. Although both principles are implied in the list of basic principles, explicitly highlighting them as additional responsibilities for engineers is helpful, since the approach taken here deals with international and cross-cultural contexts specifically.

### **7.6.1 Nonmoral Cultural Values: Engineers Should Endeavor to Understand and Respect the Nonmoral Cultural Values of Those They Encounter in Fulfilling Their Engineering Duties**

If engineers fail to develop adequate understandings of practices belonging to cultures other than their own—and they are obliged to communicate with engineers from or the public of these societies, then they will be unable to practice engineering in a competent manner. Engineers cannot simply assume that the practices they have learned—based on a particular set of social values—will also always be effective in societies based on different value systems:

- Give an example of how respecting a culture's nonmoral values could benefit an engineer and/or the company for which he or she works.

### **7.6.2 Cultural Values and Ethics: Engineers Should Endeavor to Refuse to Participate in Engineering Activities That are Claimed to Reflect Cultural Practices But That Violate Basic Ethical Principles for Global Engineering**

Engineers have a duty to follow basic ethical principles for global engineering. Nonmoral values do not override ethical requirements, since ethical requirements are based on an interdiction against seriously harming others. In other words, the avoidance of harm takes precedence over cultural traditions.

Although the priority of moral claims should be unproblematic, it could be argued that engineers have a much stronger obligation than stated above, namely, to actively oppose the violation of ethical principles. When dealing with cultures other than their own, however, this demand on engineers seems unrealistic: in circumstances such as these, generally engineers will not have sufficient understanding and power to ensure that others adhere to ethical requirements.

This is thus an example of the more general approach to engineering ethics taken here, that engineering ethics should be realistic in nature:

- How could engineers “refuse to participate” in immoral projects? What types of systems could be developed to ensure engineers do not involve themselves in projects that could negatively impact the public?

## EXERCISE TWO—BID RIGGING IN JAPAN (PART TWO)

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Returning to step 6 of the case-study procedure in the first exercise above, note how principles 7 and 8—introduced in this chapter—apply to the ethical issue you decided was the most important. Do these principles conflict with any of the ones you listed before? If so, then prioritize the relevant principles, giving a brief justification for this priority. Once you have done so, complete steps 7–10 of the case-study procedure with regard to the case of bid rigging in Japan, resolving the ethical issue you chose.

## 7.7 SUMMARY

The case about bid rigging in Japan highlights the relations between cultural values, the government, and law—considering why bid rigging in Japan might or might not fall under the purview of ethics. As engineering occurs in increasingly international and cross-cultural environments, engineers will likely encounter colleagues, customers, and members of the public whose values differ from their own. A failure to recognize this fact can lead to not only technical misunderstandings but also unethical behaviors. In addressing these differences, normative ethical relativism is an unsatisfactory position: the *fact* that people subscribe to different values does not *justify* the worth of these values. Nevertheless, understanding the general nature of and specific distinctions within cultural values is important to ethical engineering: broadly, cultural values can be of a moral or nonmoral character, either having the potential to significantly impact the lives of other or being merely matters of personal and cultural tastes. Engineers should recognize that moral values take precedence over nonmoral values, and simply because particular behaviors are widely accepted and/or practiced does not mean that they are right. Finally, although implied in the basic ethical principles for global engineering, two additional principles are important to keep in mind when working in international and cross-cultural environments, where one is likely to encounter different sets of cultural values.

## REVIEW QUESTIONS

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1. With reference to the case of bid rigging in Japan, explain two positive consequences and two negative consequences of bid rigging with regard to Japanese cultural values.
2. In terms of safety, how are bid rigging and competition related? How can this practice affect work quality?

3. Explain descriptive and normative ethical relativism, highlighting similarities and differences between the two.
4. For global engineering ethics, why is normative ethical relativism an insufficient position? What could be some of the potential consequences of employing normative ethical relativism in global engineering contexts?
5. Define “values” and explain two reasons why the hierarchical nature of value systems can give rise to problems in ethical decision-making.
6. What is the relationship between values and ethics? Why is it important to understand this relationship when evaluating actions considered ethical within various cultures?
7. Explain the difference between moral and nonmoral values. Give three reasons why engineers should be aware of this distinction in cross-cultural contexts.
8. Explain the two new engineering ethical principles outlined above. Provide examples of each principle being followed, and examples of each principle being violated, within a cross-cultural context.

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