

# Culture and Corruption: The Blurring Effect of Confucian Relationalism on Legal Boundaries

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## Abstract

This study drew a sample from Taiwan's military to investigate the effects of culture on corruption. In-depth interview data were collected from 19 Taiwanese military personnel and analyzed to examine the cognitive effects of Confucian relationalism on legal boundaries. The results of this study indicated that Confucian relationalism has a blurring effect on legal boundaries. When laws and regulations are clear, there is not much discretionary leeway and civil servants do not let private affairs interfere with their public duty when dealing with strangers while they must devise solutions to help inner circle friends and associates. When legal norms are not clear, civil servants have relatively more discretion; they might use public resources to establish relations when dealing with strangers or to strengthen existing relations when dealing with those in their inner circles. Under clear legal norms and the absence of discretionary leeway, civil servants who illegally utilize resources to satisfy their own needs normally use rationalization to resolve cognitive dissonance in order to help themselves and perform their public sector duties. Rationalization allows civil servants to step across legal boundaries, making it easier to help those in their inner circles.

**Key Words:** Confucian relationalism, social exchange, differential matrices, guanxi, ziji ren, mosheng ren

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## I. Introduction

Although culture has always played a key role in corruption (Andvig and Fjeldstad, 2001), research in this area is still scarce (Banuri and Eckel, 2012). There is therefore still a lack of specific and accurate descriptions of cultural influence on corruption (Banuri and Eckel, 2012; Husted, 1999). Corruption has generally defined as occurring when civil servants abuse their authority or power to obtain personal gains or promote the interests of their relatives or friends (Pope, 2000; Johnston, 1997). United Nations has listed ten dimensions related to corruption. Among these, favoritism and nepotism are closely related to Chinese relationalism. Zhan (2012) investigated the influence of relational networks on corruption during the Chinese economic reform and found that relational culture helps to compensate for system reform or inadequacy, as well as political and administrative deficiencies. It also provides another convenient window for economic activity. Schramm and Taube (2003) maintained that research on corruption in Chinese culture cannot focus solely on differences in law or ethics, and suggested that ethical and legal boundaries cannot be separated from social and economic aspects. The phenomenon of corruption in Chinese society does not come from within relations (*guanxi*) but is rather caused by the provision of simple and convenient channels by the coordinating mechanism of relations. The high fixed costs and relatively low-cost variations of a relational network help to resolve the risks and uncertainties of corrupt transactions. Therefore, it is often believed that corruption conducted via a relational network can reduce corruption costs and build a safe market.

In a study on the link between social relationships and corruption in Chinese society, Li (2011) drew a similar conclusion, revealing that corruption

is not caused by relations. In comparison to legitimate transactions, corrupt transactions are associated with higher risks. When others fail to fulfill their commitments, it is impossible to make adjustments via legal procedures. Thus, corrupt individuals must use relational characteristics to reduce the risks associated with corruption, ethical cognitive dissonance, and legal obstacles. Moreover, due to their administrative hegemony, the advantage of information asymmetry and the disparity between legal regulations mean that civil servants enjoy a broader authority for interpretation. Such in transparency and inconsistency of laws and regulations put corrupt civil servants in a controlling position.

It is clear that relationalism itself does not cause corruption. Corrupt individuals apply Chinese logic when dealing with inner circle friends and associates, such that these friends and associates are bound by these ethics to help each other, providing corrupt individuals with convenient channels. However, in Chinese culture, the behavior of civil servants is affected not just by relationalism, but also laws, regulations, and corporate obligations. Researchers, thus, cannot be sure of how civil servants break away from legal boundaries and fulfill the moral obligation under relationalism when there is a conflict between these two values. Past studies have only focused on one aspect when explaining the effects of relationalism on the behavior of civil servants, while failing to consider the effects of corporate obligations. Thus, this study sought to examine how civil servants face the cognitive dissonance caused by the conflict between corporate obligations and relationalism and fulfill their moral obligations under relationalism, while avoiding legal and responsibility restrictions. This study conducted a literature review to define Confucian relationalism, its effect on laws and regulations, and its role in the public sector. Data was then collected through in-depth interviews to answer the questions above.

## II. Literature Review

### 1. Confucian relationalism: Current research and prominent theories

Anthropologist Fei Xiaotong (1947) was the first to conduct a systematic examination of relationalism. Based on earlier surveys in rural areas of China, Fei proposed differential matrices to explain the interpersonal interaction model of Chinese society. Fei suggested that in Chinese interpersonal networks, relations are formed from personal connections. He compared the relations in an interpersonal network to ripples spreading outward when a stone is thrown into the water, the individual is in the center, and relations are more intimate the closer one gets to the center and more distant the further one is from the center. The inner concentric waves symbolize his or her intimate family members, who are labeled as *ziji ren* (i.e. insider), whereas the outer concentric waves represent his or her acquaintances, who are labeled as *moshang ren* (outsider or stranger). Each relationship has fixed behavioral norms that must be followed in order to maintain “order,” i.e., hierarchical order. Relations with family members and strangers are categorized in terms of intimacy, importance, and distance. Higher importance of core relations (*ziji ren*) implies more mutual rights and obligations and a smaller leeway for personal activity, whereas lower importance of peripheral relations (*moshang ren*) implies less mutual rights and obligations and smaller resource exchange. In this situation, personal relational networks are similar to ripples, spreading from intimate to distant while intertwining and overlapping. A person can play different roles (for example, a father is also a son), but must adjust behavior precedence according to the position of ripples in relation to the core. The relational network proposed by Fei is based on consanguinity. With time, the

basis of the relationship shifts toward emotions, character, and contact density (Yang, 2001).

Drawing from Fei's differential matrices, Huang (1988: 12-27) further theorized about Chinese relationship behavior. Huang also maintained that attitudes toward different relations differ depending on intimacy and distance, and categorized relations based on their depth, distinguishing between expressive ties, instrumental ties, and mixed ties. Huang suggested that expressive social ties originate from social structures, such as family, close friendships, and very close friendships. In such relations, social transactions and the distribution of rewards and punishments are based on the rule of needs: from each according to his ability, to each according to his needs. The relationship normally involves tolerance for gains and losses and helping *zi ji ren* according to one's ability. In contrast to expressive ties, instrumental ties are unstable relationships that are maintained temporarily when some work must be performed, for example, salesperson-customer and government-people relations. In such relationships, parties only communicate in order to achieve their own goals and there is no deep emotional basis to the relationship. Thus, official business is often done according to official principles and following the equity rule. In mixed ties, an intermediate type of relationships, the parties know each other and, to a certain degree, have expressive ties. However, their expressive ties are not similar to those in the primary group, in which one can voluntarily express his or her sincere emotions. Such relationships generally include relatives, neighbors, teachers, students, classmates, and countrymen and use the favor rule as their communication strategy that is characterized by favoring people with relations. As a result, relationships depend on a person's social resources and expected gain.

## **2. Relational behavior in the public sector**

Institutional theory proposes that organizations are affected by various

social, economic, political, and cultural forces (Glynn and Abzug, 2002). Among these factors, culture is regarded as a key institutional factor. Cai, Jun, and Yang (2010) found that the interpersonal relationship is a major institutional force in China, which may largely influence the operations of Chinese organizations. As relationalism is deeply grounded in Chinese culture, relationalism may substantially affect the operations of public sectors. Civil servants may treat people differently and use public resources unequally when interact with those who have different relationships with them. Peng and Zhang (2010) indicated that, civil servants may sometimes blurs the boundary between public and private to satisfy with their relational needs. The influence of differential matrices makes it easy to use public property for private interests. For example, Jacobs (1979) investigated Matsu townships in Taiwan to examine the effects of relationalism on the election of civil servants. He found that relational structure is important in public sectors. Operation of public sectors are largely based on the establishment of mutual interaction via relations. In the local election, Township heads may use the administrative budget to provide resources to local party committee chairmen. Committee chairmen may repay the township heads in the form of nominations or designations. Chan et al. (2002) also suggested that the phenomenon of merging private affairs into public sector work is common in Chinese society. Therefore, it is possible for civil servants to provide special services when dealing with *zi ji ren* in order to maintain relational networks or friendships, this may in turn lead to corruption in public sectors (Liang, 2009: 84-88). For example, Li (2018) has proposed an economic analysis of the association of corruption and *guanxi*.

It is worth noted that, Civil servants in Chinese society may treated *zi ji ren*, as opposed to *mosheng ren*, differently, however, they still supervised by strict laws and legal system. An individual would seek not only to satisfy the needs of his or her *zi ji ren*, but also to comply with the regulations. Civil servants need to both fulfill the obligations determined by relations and

conduct affairs according to regulation. This study aimed to investigate how civil servants deal with the conflict between demands of relations and laws, and how they compromise legislative and relational role requirements.

### **3. Relational culture vis-a-vis laws and regulations in the public sector**

Peng and Zhang (2010) used “ascribed role” and “power role” to explain how the exercise of power by civil servants is affected by both laws and relationalism. They suggested that when civil servants play two roles, namely the “power role” related to public power and the “ascribed role” linked to personal relationships, a reciprocal effect of the two roles determines three different types of civil servants. The first type consists of impartial and incorruptible civil servants who attach the most important to the power role. The second type consists of general officials who give consideration to both roles. The third type consists of civil servants who attach the most important to the ascribed role and seek to satisfy their family’s, *zi ji ren*, and friend’s needs with respect to the use of public resources. However, according to Peng and Zhang, even in a modern society, the ascribed role is given priority over the power role due to differential matrices. The reason for this is that in a society with interpersonal connections, the acquisition and use of the powerful role depends not only on personal efforts and abilities but also the help of others (Kobayashi, 2006). Therefore, sooner or later, civil servants need to find some way to repay others. This makes many civil servants waver between the ascribed role and power role.

Qi’s (2008) investigation of the public sector in China demonstrated the functioning of relations versus laws in the public sector. His four-year follow-up observation of the public sector showed that private relationships play a key role in the performance of public sector workers. When civil servants conduct all affairs according to the regulations and emphasize duty before friendship, they appear to be deliberately “looking for trouble.” Therefore,

private relations have become a regulating mechanism in public sector work. In Chinese logic, ethics and law differ in regulatory level depending on one's relation to the object. Common standards are not applicable in differential matrices in society; standards can only be determined by identifying who the object is and how one is related to this object (Fei, 1947: 36). The use of private relations to perform public sector allows for the interpretation of laws. Regulations and standards are applied on relatively favorable terms when dealing with *zi ji ren*. Therefore, the law does not have absolute sacredness and the highest authority in the Chinese value system. Although rule by law is emphasized in a democratic society, official acts are still largely based on relationalism.

However, even within the broader Chinese cultural context, different society might differ to some degree in terms of the contradiction between law and relationalism. Past research has found that strict regulations and laws can decrease levels of inadequate behaviors in public sectors (Fisman and Miguel, 2007; Herzfeld and Weiss, 2003). For example, strict laws in Singapore have been implemented, such that the costs of breaking laws can be quite high, which can, in turn, effectively inhibit the inadequate behaviors of civil servants (Quah, 2007). That is, it seems that the inappropriate performance of public sector workers caused by relationalism can be inhibited by strictly formulated and implemented laws. Taiwan is a highly democratized society and has established sophisticated laws and regulations for the supervision of civil servants. Is the behavior of civil servants in Taiwan still affected by Chinese relationalism? In additions, because civil servants have the power of law interpretation, dose relationalism affect legal boundaries by way of flexible law interpretation? How do Taiwan civil servants resolve the dilemma of demands from laws and relationship rules? This study responds to these questions by interviewing nineteen civil servants. Confucian relationalism on legal boundaries.



### III. Methods

This study employed in-depth interviews to collect data. Civil servants were selected to be the interviewees in this study if they had relationalistic characteristics, such as a fondness for making *zi ji ren* and talent for building interpersonal relationships. Interviewees with extroverted personalities were also preferred, for this would allow for a large volume of scientifically valuable data to be collected during the interviews. Drawing from the research questions and as military personnel is considered civil servants in Taiwan, this study selected military officers with the rank of lieutenant colonel or higher as participants.

Military personnel were selected as the primary research participants as the military's interpersonal interaction model closely resembles the topic of relationalism being explored in this study. Huntington (2002) proposed that the unique nature of the military's work often leads to the formation of interpersonal relationships that are not found in general organizations. For example, members of the military refer to each other as "brothers" and leverage this brotherly bond to strengthen their fighting spirit (Ben-Shalom, 2012). Therefore, a member of the military will consider other members of the military as their family, resulting in the formation of fictive kinship. As discussed in an earlier section, fictive kinship allows for the influence of *guanxi* to extend to non-blood relations, such that individuals who do not share blood ties but share close relationships become more likely to deploy their resources to help each other. For this reason, the military is a highly suitable environment for exploring relationalism. Furthermore, the military's mission is to fight and military personnel have to follow orders unconditionally, thus, military organizations operate in a manner that is highly individualized and

centralized (Coates and Pellegrin, 1965: 111). A military personnel obeys other people to a greater degree than the law (Haritos-Fatouros, 1988); and this is the focus of the study, that is, the how civil servants respond when faced with conflicts between the law and relationalism.

Snowball sampling was utilized to find suitable interviewees from which extensive data could be collected effectively. This sampling method primarily involved getting colleagues to recommend other close colleagues as interviewees, since this would allow the interviewees to let down their mental guard. When selecting the participants, the researchers allowed the recommending individuals to consider not only the potential participants' personality traits (such as extraversion as discussed earlier), but also their service branch, whether they had served for 10 years or longer, and their gender. Among the 19 interviewees who completed the interview, one was female; 47.5%, 31.5%, and 21% were from the army, navy, and air force, respectively; the longest- and shortest-serving military personnel had served for 27 years and 13 years, respectively; the average numbers of years served was 15; and all of the interviewees had experiencing serving as administrative supervisors (see Table 1).

The decision to only recruit interviewees who had served for 10 years or more was primarily informed by the fact that Chinese are oriented toward long-term interpersonal relationships, whereas in many other cultures, e.g. the US, most interpersonal relationships tend to be short-term and many people no longer have relationships after factors connecting two people disappear. Taormina and Gao (2010) maintained that Chinese have a complex relational network. Each person is born in a family's social network and with age, affected by his or her education and profession. Thus, with regard to sample selection, participants with the rank of lieutenant colonel or higher were selected because they had at least ten years of active service and had more developed relational networks than officers of lower rank. Officers belong to the decision-making level of the army and need to use personal relations for

coordination more often than warrant officers and soldiers from the execution level.

**Table 1 Interviewees' basic information**

Interviewee	Military branch	Length of service	Gender	Relevant work experience
A1	Army	14	M	Inspector
A2	Navy	16	M	Personnel officer
A3	Air force	14	M	Civil affairs officer
A4	Army	15	F	Captain, political warfare officer
A5	Navy	13	M	Battalion chief counselor, political warfare officer
A6	Air force	14	M	Battalion chief counselor, political warfare officer
A7	Army	15	M	Battalion chief counselor, security officer
A8	Army	27	M	Battalion commander
A9	Army	13	M	Company commander, battalion commander
A10	Navy	16	M	Battalion chief counselor, psychological counselor
A11	Army	13	M	Transportation officer, battalion commander
A12	Navy	14	M	Company commander, battalion commander
A13	Army	15	M	Communications officer, battalion commander
A14	Navy	14	M	Battalion chief counselor, security officer
A15	Army	15	M	Logistics officer, depot commander
A16	Navy	16	M	Battalion chief counselor, political warfare officer
A17	Army	15	M	Battalion chief counselor, psychological counselor
A18	Air force	14	M	Battalion chief counselor, political warfare officer
A19	Air force	14	M	Battalion chief counselor, security officer

Source: Completed by the author.

This study examined whether law enforcement by Chinese public officers differed depending on their relationship type. The interviewees were selected using snowball sampling. Those who met the criteria described above were selected as participants. An interview outline was developed and given to the participants one week prior to the interview in order to ensure that they fully understood the interview content. Before the interviews, the participants were informed of their rights. The interviews were recorded in their entirety and later transcribed to facilitate the following analysis. The interview outline included:

- How are good relations maintained in the public sector?
- How do relations affect the promotion of public sector work?
- How do the processes for public sector work differ when dealing with *zi ji ren* and *mosheng ren*?

The participants were asked to discuss the effects their relationships have on the promotion of public sector work. The interviews began with such questions as “In your work, how do you use your relations to handle public sector work?” and “In which cases do you need to use relations to perform public sector work?” The interview outline provided only a general direction for the interview questions. The questions were adjusted during the interview depending on the interviewee’s responses in order to match their sequence and facilitate the interviewing procedure. After converting interview data into transcripts, the authors compared the participants’ responses (different relationships) to categorize their experiences. The categories were mainly based on relationship type and law execution. Relations were divided into those with *zi ji ren* and those with *mosheng ren*. Law execution was divided into strict and relaxed. This formed a 2\*2 matrix that was used to explain how public officers’ behaviors differed depending on the relationship type and the leniency or severity of legal norms.

## IV. Analysis and Discussion

According to the literature review, the basic logic of Confucian relationalism is a different attitude toward different parties. The communication model differs depending on whether one deals with *zi ji ren* or *mosheng ren*, which was described in both the differential matrices proposed by Fei (1947) and the favor rule proposed by Huang (1988). Such behavior logic creates a fuzzy zone between relations and legitimate administration in the public sector, resulting in differences in the boundary between relations and laws and regulations (depending on the type of relations). One has a more relaxed interpretation of laws when dealing with *zi ji ren*, thus, providing more convenience and help, but abides by regulations when dealing with *mosheng ren*. Comparatively speaking, depending on the leniency and severity of laws, *zi ji ren*, and associates may be treated differently from *mosheng ren*. In the case of strict legal norms, there is little leeway for discretion and there are great costs in attempting to help *zi ji ren* find solutions and cross legal boundaries. In the case of relaxed legislation and possession of many administrative resources, more convenience can be provided to *mosheng ren* in order to establish new relationships. Relations were divided into those with *zi ji ren* and those with *mosheng ren*. Legal boundaries were divided into two degrees, relaxed and strict.

### 1. Zi ji ren vis-a-vis relaxed laws and regulations

In Chinese society, interpersonal relations serve as a lubricant for promoting work; particularly, when official channels are not easily accessible, non-official interpersonal channels become an important tool for promoting public sector work. Nevertheless, interpersonal relations are also a form of

social exchange. Relations are formed and maintained via mutual help and resource exchange. Due to the emphasis on teamwork in the army, friendships in which honor and dishonor are shared are easily developed with mutual help and support. The army's task-oriented nature strengthens private relations, which makes the development of strong friendships more likely in the army than in other organizations. The army often exchanges available resources, such as human resources, equipment, funds, and power, in order to strengthen such friendships and expand interpersonal relations. The interviewees in this study maintained that the army places an emphasis on achievement rate and efficiency, and relations may help them to turn impossible tasks into possible tasks, and to do such tasks immediately. An important key to success or failure in a task often has to do with whether one knows or is on good terms with someone who can influence the performance of the task. Therefore, relations have become a symbol of success and efficiency in public sector work.

Interviewee A17 suggested that public affair promotion often requires the coordination of resources. In order to obtain timely help from others, good relations must be maintained. Help should especially be provided when others need it. Therefore, A17 said,

I think that many interpersonal relations are non-institutional relations. The most evident help is when staff from other departments who have better information and resources can immediately help me if my resources or those provided to me by higher authorities are not sufficient. For example, today I have to do certain tasks. If I don't have enough funds or people, the fastest way would be to go to other departments to borrow manpower and things and implement what I wanted to do. Similarly, if I have the ability to help others in the future, I will do it.

A2 explained that resources are always needed as a backing when establishing and maintaining relationships; the more resources one has, the

more relations he or she can establish and maintain, while the better one's interpersonal relations are, the more people will support him or her in promoting public sector work. As individual resources are limited, there might be not enough resources to expand relations. Thus, the use of available public resources often determines business relationships. Public resources are more abundant than private resources. Therefore, the use of public resources as a tool to establish relations helps to greatly improve personal relationship networks. Better personal relationships naturally help in the performance of public sector work and improve work efficiency and quality. According to A2,

civil servants do not spend anything to obtain their resources, which makes them very different from the private sector. But what is different about us is that our resources do not belong to us... A larger volume of resources are preferred because demand exceeds supply. As a result, you can negotiate and people often call this networking. What I say might sound unpleasant. Each person needs to be efficient but efficiency can be made higher than in others by using public resources.

Good relations with others greatly help a civil servant to perform public sector work. Support from other people in the form of resources allows one to complete tasks faster and more effectively. Therefore, support of friendly relations by using public resources helps to improve work efficiency and performance.

Interviewee A12 said,

If I can help, I'll do as much as I can. You never know whose help you will need or who you will need to help. Today, you might just be providing something like supervision. For small issues like this, you can help at no loss, yet he or she will remember it and think of you as a friend. I think there is nothing bad about it, I get to help others and make a friend at the same time.

When A12 exercised public power, he considered it a tool to help others and did not focus on fulfilling its just and fair power role. With regard to the power role, civil servants should be fair in applying punitive rights in order to achieve equality before the law. However, when law executors turn public power into friendships, individuals do not have any losses and can create friendly relations with the opposite party. Thus, in case of conflict between the power role and the ascribed role, military personnel give priority to the ascribed role.

Normally, civil servants fulfill obligations determined by the power role. As public power involves the entire public, its exercise must pursue justice and no distinction should be made between *zi ji ren* and *mosheng ren*. However, when relations become a key to the promotion of public sector workers and a symbol of efficiency, the fair exercise of public power can no longer satisfy work-related needs; on the contrary, lack of good relations can lead to difficulties in public sector work. Moreover, the use of public resources to help solve issues not only allows one to establish relationships but is also a form of helping others. Finally, when public resources are used to establish relations, one does not need to cover costs him- or herself; public resources can cover private costs associated with interpersonal relations.

## **2. Zi ji ren vis-a-vis strict laws and regulations**

Clear regulatory norms do not provide civil servants with discretionary leeway. Does this prevent civil servants from using public power to seek personal gain? Can this solve the conflict between the ascribed role and the power role and encourage civil servants to use the latter? The interview results showed that obligations within relational networks are followed to avoid regression of relationships. Despite strict regulatory norms and inability to exercise administrative discretion to help *zi ji ren*, from the perspective of the rule of needs, some solution still has to be found when *zi ji ren* face difficulties. Two strategies are normally used. One is to avoid breaking the law



and employ private resources; another one is to cross legal boundaries and employ public resources to solve *zi ji ren*' issues.

### **(1) Using personal resources:**

A8 used to be a battalion commander. When a car is broken, repairs must be accompanied by penalizing the one who broke it. However, the damages occurred while executing public sector work and it is not fair to punish the driver who was conducting public sector work. As a result, the driver used personal relations and asked the master sergeant of a car maintenance factory for help. The master sergeant was a good friend and was willing to help but the factory was currently booked full of car repair orders for the month and there was no extra time to repair the car. Eventually, the master sergeant had to sacrifice his time off to help his friend.

According to A8, although there were level two car mechanics in his unit, the car would not be ready soon enough due to the work procedures. He said,

I remember one time my car was malfunctioning. At that time, there were only level two mechanics available in our unit. If I followed the usual repair procedure, I would be late. So I negotiated with the logistics officer of the Starlight army units (Singapore military units training in Taiwan) and they sent a technician to help me without affecting their own work.

The interview data above shows that although the master sergeant was willing to help the battalion commander, the entire month was full of other projects and there was no free time to help the commander repair his car. Unable to use work time to repair the car, the master sergeant sacrificed his own time off in order to help his friend and repair the officer's car. In other words, when regulatory norms are strict and public resources are not easy to obtain, private resources are used when necessary in order to help *zi ji ren*.

**(2) Crossing legal boundaries:**

Public resources are the best way to help *zi ji ren* and, when used within the scope of administrative discretion, can conserve private resources while helping to establish resource exchange relations and avoid legal constraints on civil servants' behavior. Although laws and regulations that were the interviewees' primary consideration in relationships were clearly violated in some cases, civil servants still chose to use public resources to help others. An example is the experience of interviewee A15. Since entering the army, A15 had a superior position in the ammunition depot. Once, during an inventory of explosive materials, his schoolmate recognized that 30 items were missing and asked A15 to help. A15 clearly understood the seriousness of the request because Taiwanese regulations regarding military products are very strict. A loss of one item, let alone 30, would mean punishment according to the law. Military product management is highly sensitive in Taiwan. However, A15 still negotiated with the master sergeant responsible for the department and made the appropriate adjustments when expired military products were being destroyed. Instead of two boxes, only one box of products were destroyed and one was left. After two weeks, when the supplies were full again, A15 shared them with the colleague so that he could compensate for the loss.

It is clear that A15 violated regulations and his behavior involved definite legal responsibility. However, from the viewpoint of A15, his classmate had a problem and he was obliged to help him solve it. A15 was taking a great risk. From the perspective of the equity rule, A15 clearly understood from the beginning that he was violating the law. But although the expected reaction would be to refuse to help, A15 decided otherwise. The reason for this was his good friendship with the classmate. During the interview, A15 said,

In this case, I had to consider our special friendship because after entering the army, we were together and we had known each other for almost ten years. So we help each other. If something happened to me, he would definitely help me.

For A15, friendship was intimate not because of how much time they knew each other but because they helped each other at any cost when they were in danger. Having been *zi ji ren* for many years, A15 and his classmate helped each other when they got into trouble. As a result, A15 was obliged to help in this case. Many interviewees stated that in such relationships, they were ready to do everything to help if their *zi ji ren* asked. Despite the significant risks, they tried to find ways to help others. Based on the interview data, although compliance with regulations was the first consideration when private relations were used to facilitate public sector work, it was different in case of good relationships. In his public sector work, A15 chose to illegally pursue personal gain. He did not follow regulations in his business and clearly understood this, while still being willing to help the other person because of friendly relations.

### **(3) Rationalization strategy for violating the law:**

In general, interviewees stated that despite helping others through the illegal use of resources, such help was also considered public sector work. Interviewees used public resources to manage public sector work in order to facilitate work in their institutions. This presented the illegal use of resources to help others as a reasonable, fair and even legal way of doing things. For example, A10 was responsible for managing B funds. However, there was a lack of funding for task C. Civil servant C, who was responsible for task C, sought help from A10. A10 and C had a good relationship and considered each other as *zi ji ren*. Therefore, A10 violated regulations and used B funds to help C solve the funding deficiency issue. In the interview, A10 explained,

The main goal is to bring good to the institution. This involves not only interpersonal relations but also the honor of the army. I believe that officers who treat their duty with responsibility will definitely be willing to contribute.

A10 understood that using public resources to help *zi ji ren* is not good conflicts with civil servants' duties. However, having experienced cognitive dissonance between the power role and the ascribed role, A10 illegally used B funds to help C, rationalizing it as an expression of responsibility. His help to C was determined not by private relations but rather by a sense of responsibility within a team. According to A10, the illegal use of funds is not right, but from an officer's perspective, readiness to take a risk when the institution needs you is an expression of responsibility. Therefore, the illegal use of public resources to help *zi ji ren* is not an illegal pursuit of personal gain, but rather an expression of a sense of responsibility. In this way, A10 neutralized the cognitive dissonance caused by the conflict between the power role and the ascribed role.

A12 shared a similar opinion, suggesting that in fact, people use public resources to conduct public sector work, regardless if this is related to their *zi ji ren*' needs or not, and everything is allowed as long as it is for the state. A12 maintained, "You may support him because of personal friendship, but after all, these are all tasks given by the commander." In fact, A12 helped those who were his *zi ji ren*. If there was no such relationship, he usually does not help others. However, such use of public resources to help *zi ji ren* is aimed at completing tasks that are all given by higher officers and in this case, there is no such issue as favoritism. Utilization of private resources to help *zi ji ren* also facilitates public sector work. Through rationalization, the use of public means for private gain turns into the use of public means for public interests, in which case such use of public resources becomes reasonable.

Rationalization is in fact closely linked to relationalism. Fei (1947: 29) recognized that the flexibility of relations generated the relativity of public and private in Chinese society. According to Fei, considerable flexibility of relational networks that can be very large and very small makes the boundary between public and private uncertain because such concepts as friends-others and individual-team are relative in networks. Due to the relativity of network

roles, the family can be sacrificed for the individual, the team can be sacrificed for the family, the society can be sacrificed for the team and the country can be sacrificed for the society. Regardless of whether it is family or team, an individual has a public position. Public and private are relative in differential matrices, but looking in from any circle, everything is public. Therefore, the use of public resources to help *zi ji ren*, team, or country is all for the sake of the public. Country, society, and team can be all sacrificed for the public, which makes the use of public resources reasonable. This study further confirmed this viewpoint. From the perspective of rationalization, the interviewees' use of public resources to help *zi ji ren* also facilitates public sector work, which eliminates the issue of using public means for personal gain. The relativity of public and private in Chinese society makes support from *zi ji ren* be akin to support for public sector workers. Due to the fact that when used to help *zi ji ren*, public resources are actually used for public interests, the ascribed role is fulfilled along with the power role. Thus, the ascribed role becomes reasonable and even legal. Under such a psychological effect, the illegal use of public resources has blurred the legal boundary, making it easy to use public resources for personal reasons when dealing with *zi ji ren*.

### **3. Moshang ren vis-a-vis relaxed laws and regulations**

Chinese proverbs say that “one more friend is one more road; one more enemy is one more wall” and “do others a favor in a current situation so that you may have one in return for future troubles.” Apart from trying one's best to help *zi ji ren*, if possible, one should also help other people. Such support can result in the forming of a friendship between the one who is in need and the one who provides resources. The rendition of public resources allows an individual to establish rich interpersonal resources. A6 is an air force commander on active duty and used to serve in Songshan. In the eye of *mosheng ren*, this position was associated with great power. His position was

not particularly high, but due to the inclusion of military aircraft seating management as part of his responsibilities, aircraft passenger seats were very useful resources. As stated by A6, the distribution of passenger seats is an art form. Normally, military commanders and fellow students hoped to jump the queue by relying on their relationship. A6 usually helped when he could. However, if the relationship was ordinary, he gave more consideration to his abilities. When he did not have special abilities, subsequent feedback would be worse than expected and he was, therefore, less likely to help in negotiations. Operations were conducted according to regulations and people had to go through the application procedure and queue up for vacant seats.

With regard to such discriminatory treatment, A6 stated the following during the interview,

After you help a military commander, many affairs, whether it is documentation or appointments, are directly coordinated with the commander. When you have good relations, tasks can be performed more effectively and concessions can even be made during supervision.

This shows that reciprocation is the key factor in deciding whether to apply the equity rule or the rule of needs in attitude toward a certain person and whether to use relationships. If using private relations with regard to some person appears to be worthless based on the evaluated reciprocation value, the attitude of doing business according to official regulations is exercised. Otherwise, personal relations are used in public sector work.

Moreover, in the closed environment of the army, the level of power of commanders' subordinates fluctuates depending on their position. Their primary mentality is based on not offending anyone and on making *zi ji ren* because it is hard not to meet each other again later in work. Under such circumstances, when somebody asks for a favor in public sector work, most people find it embarrassing to refuse even if they do not know the person well.

The reason is that by using public resources to help others, they also operate their interpersonal relations, which brings personal relations and public sector work promotion closer together. During the interview, A12 explained,

We often say that the army is small. If I can help, I'll do as much as I can. You never know who will have to ask whom for a favor. Today it might be a deficiency that just needs supervision. When there is such small trouble, you do a small favor by correcting the deficiency and don't lose anything but the other person remembers it. It's like making a friend. I think there is nothing bad in it. It's like sharing food.

This shows that due to the closed nature of the army environment, there is always a chance that two people who do not know each other will need the help of each other. Therefore, they provide convenience to others within the scope of their powers or using available public resources.

The favor rule proposed by Huang (1988) suggested that those who allocate resources often give consideration to potential reciprocation from the others and provide special support. Under such circumstances, a friendship develops between the one who is in need and the one who provides resources and reciprocation is expected in the future. Thus, the expected reciprocation serves as motivation for using relationships with others. At the same time, due to relatively relaxed legal norms, individuals have large administrative discretion. Civil servants do not strictly follow regulations in their operations and build personal relational networks through a rendition of public resources.

#### **4. Moshang ren vis-a-vis strict laws and regulations**

Due to obligations associated with friendship, people try to help their *zi ji ren* even under strict laws and regulations. They do not take a risk of violating the law but use or sacrifice personal resources to provide support. However, in the case of *mosheng ren*, there is no ethical binding. When a request does not

fall within the scope of one's abilities, risks associated with violating regulations are greater than the benefit from establishing relations with *mosheng ren*. As a result, regulations are strictly followed in operations. The use of public resources to establish relational networks has an advantage of conserving private resources but is helpful only when there are sufficient public resources. When public resources are not sufficient or when laws and regulations are strict, public resources are used carefully.

Interviewee A7 shared an example of one such experience. Once, when A7 worked on an outlying island, the welfare committee member owed the manufacturer more than NT\$80,000. The welfare committee member was a trusted subordinate of the company commander. In the logic of relationalism, if A7 knew about it from the company commander, he would turn a blind eye to the issue. However, the company commander and A7 did not have a close relationship and were only connected as commander and subordinate. From A7's viewpoint, the company commander did not always maintain good personal conduct and gave everyone a bad impression. Thus, when this incident occurred, A7 decided to abide by regulations. Apart from the absence of special personal relations with the company commander, the fact that the issue involved public money and an apparent violation of the law would leave A7 with a bad reputation associated with corrupt behavior if he concealed the issue. In the interview, he mentioned,

I did not help him (company commander) manage this issue. But he can't be on bad terms with me because of this. If I had helped him, I would have also faced problems. So the commander can't blame me for not helping him. Everything should be done according to the regulations.

A7 and the company commander did not have any special personal relationship and were connected only as a commander and subordinate. Due to the absence of an intimate relationship, from the morality perspective, A7 was



not obliged to help the company commander solve his issue. Moreover, the incident involved legal issues. If A7 had not followed the regulations, he would have shared the guilt for not handling the matter according to law. In fact, A7 was among the first to inspect the welfare committee. His inspection results had an impact on the management of future cases. Based on the results related to this case, the company commander was given to a different punishment. In other words, A7 was able to stay silent about the matter to some extent. However, the cost and risk associated with helping to solve this issue were too high and the relationship between A7 and the company commander was not worth bearing such a risk. In other words, in case of strict laws and regulations and relatively little discretionary leeway, regulations are usually followed when dealing with *zi ji ren* and public resources are not used to establish relational networks.

The interview data showed that depending on the type of relationship and legal boundaries, interviewees applied different strategies with regard to the use of public resources. In general, all interviewees recognized the importance of relationships in public sector work. Thus, they tried to build relationships with others to ensure smooth work in the future. However, the establishment of relationships must be supported by resources. Relations cannot be built, maintained, or strengthened without resources. Limited private resources drive civil servants to use public resources to build relations. The results in this study confirmed the idea proposed by Peng and Zhang (2010) that the ascribed role is given priority over the power role. Even under strict laws and regulations, civil servants use public or private resources to support *zi ji ren* who seek help. In the case of *mosheng ren*, the number of public resources and the flexibility of laws and regulations are given consideration. If legal norms are relatively relaxed, civil servants have more discretionary leeway and a larger amount of available public resources, in which case they may consider using public resources to establish ties with *mosheng ren*. On the contrary, under strict legal norms, civil servants abide by regulations and do not provide

much convenience, thus, fulfilling their power role. In brief, when dealing with *zi ji ren*, civil servants always try to help them using either personal resources or public resources. When dealing with *mosheng ren*, they consider the number of public resources. If public resources are sufficient and laws and regulations are not strict, civil servants may use public resources to help *mosheng ren*, seeking to establish relations (Table 2). Civil servants tend to exercise their ascribed role rather than power role.

**Table 2 The use of public resources in processing the illegal demands under different relationship types and legal boundaries**

Relationship type	<i>Zi ji ren</i>	<i>Mosheng ren</i>
Legal boundaries		
<b>Strict</b>	<ol style="list-style-type: none"> <li>1. Legally use personal resources to maintain relations.</li> <li>2. Illegally use public resources to strengthen relations by taking personal risk.</li> </ol>	Legally refuse to use public resources according to regulations, do not deliberately build friendly relations.
<b>Relaxed</b>	<ol style="list-style-type: none"> <li>1. Legally use public resources to maintain relations by moving the boundaries of regulation.</li> <li>2. Illegally use public resources to strengthen relations by taking personal risk.</li> </ol>	<ol style="list-style-type: none"> <li>1. Legally refuse to use public resources according to regulations, if no future repayments were expected.</li> <li>2. Legally use public resources to establish relations by moving the boundaries of regulation, if future repayments were expected.</li> </ol>

Source: Completed by the author.

Table 2 shows that the interviewees primarily considered the law and relations when they were allocating resources. They were dealing with *mosheng ren* and subjected to stricter laws and regulations, civil servants tended to allocate resources according to legal norms. This could be explained by the fact that, in the case of *mosheng ren*, they were not bound by the demands of relationalism while being subjected to strict laws and regulations. In such circumstances, the law has a stronger binding force on the civil servants than relations, which causes the civil servants to lean toward the law. However, when facing *mosheng ren* in an environment with looser laws and

regulations, both relations and the law will have a weaker binding force on the civil servants. Under such circumstances, a civil servant would consider whether it is worth establishing a relationship with a stranger. If said civil servant expects to reap genuine benefits from helping this stranger, he or she would then shift his or her legal boundary (e.g. apply a more relaxed and indistinct interpretation of the law) to do so in order to establish relations. On the other hand, if the civil servant does not see any value in establishing such a relationship, no special relationships would be formed, and he or she would tend toward following the rules and refusing to offer help.

On the contrary, if the civil servants have to deal with their *zi ji ren* when the law is strict, they are strongly bounded by both relations and the law. Faced with the pressure of behaving in accordance with the norms of Chinese relationalism, in addition to strict laws and regulations, the civil servants are unable to use public resources irrationally. As such, the civil servants would resort to using their own private costs to maintain their interpersonal relationships, as well as using their own resources to meet the demands of their *zi ji ren*.

However, they might illegally use public resources instead if they had failed to meet such demands by using their private resources. Thus, they must bear with the risk of breaking the law. Conversely, if the civil servants have to deal with their *zi ji ren* when the law is relaxed, they are bounded by relations, whereas the law has less binding force on them. The civil servants will assist and meet the resource demands of their *zi ji ren* by moving legal boundaries (e.g. apply a more relaxed and indistinct interpretation of the law) or even through illegal measures.

## V. Conclusion

A major finding of this study is that the actions of Chinese civil servants are often influenced by two factors, i.e. the strength of relations and the strictness of the law. Based on the interviews, relationalism has never ceased to influence the behaviors of Chinese civil servants when utilizing resources, even in a democratic society with robust laws and regulations like Taiwan. In particular, when these civil servants have to deal with their *zi ji ren*, they would try their best to meet the demands of their *zi ji ren*, regardless of the strictness of the law. This results confirms the views of Peng and Zhang (2010), who suggested that Chinese civil servants waver between the ascribed role and power role. Regardless of how strict the law is, the civil servants mostly took on the ascribed role when dealing with their *zi ji ren*, as they would try their best to meet the demands of their *zi ji ren*. On the contrary, the civil servants mostly took on the power role when dealing with *mosheng ren*, as they would handle public affairs according to the law. However, this does not indicate that relationalism will not interfere with the interactions between a civil servant and a stranger, as the civil servant will personally seek future repayments from the stranger when the law is relaxed, thus shifting from the power role to the ascribed role. The main findings of this study are summarized in Table 2, which also shows how relationalism and the law interact to influence the behaviors of Chinese civil servants when utilizing resources in a Chinese society with robust laws.

Since relations are established, maintained and strengthened based on public resources, when a public servant uses public resources to establish relations, the acceptor of the resources becomes indebted to the civil servant, thereby forming a creditor-debtor relationship in which the resource acceptor

is the creditor while the civil servant is the debtor. The cost for establishing, maintaining, and strengthening relations comes from public resources. In fact, the debt of gratitude received by the civil servants is formed through the provision of public resources. Hence, the utilization of public resources to establish, maintain, and strengthen relations reflects the transformation of public costs to private costs, which is the act of using one's position for personal gain. Through the debt of gratitude, the debtor would ask for cash or better positions, in addition to promoting their own public affairs. Therefore, the act of using one's position for personal gain becomes a channel for corruption. In addition, since such an act can be used to promote the civil servants' public affairs, it can also be used to obtain cash and other interests. This, it is extremely difficult to prohibit the establishment of relations through public resources in Chinese societies.

In the past, opinions were divided on whether the influence of relationalism in Chinese societies on corruption minimizes with robust laws and regulations. Based on the interviews of this study, the influence of relationalism is proven to decrease with more robust laws and regulations. However, its influence does not dissipate, as Chinese civil servants will still prioritize relations when it comes into conflict with the law (when they are dealing with their *zi ji ren*). Next, previous studies (such as Wang, 2016; Li, 2018; Zhang, Wang, and Li, 2015) mostly focused on how relations affects law enforcement, and have neglected how civil servants make decisions when conflicts arise between relations and the law. Based on our interviews, the interviewees will adopt different strategies when they have to deal with different relationships (*zi ji ren* and *mosheng ren*) or strictness levels with respect to the law (strict or relaxed). Compared to discussions from a single aspect (such as Peng and Zhang, 2010), this study provides an in-depth exploration of the behavioral patterns adopted by Chinese civil servants when they have to deal with two different value systems.

An interesting finding from this study based on military officers as

subjects is that relationalism between the Chinese still has substantial influence on the military, and such relationalism might lead to corruption. For example, Wang (2016) found that military officers might make use of guanxi practices to advance personal interests and gain promotions. In order to avoid the negative impacts of such practices on the military, stricter regulations on the recusal of interests may be stipulated in the future, thus preventing the influence of relations on the operation of public affairs. In the past, the boundary for the recusal of interests is based on the third degree of consanguinity, but as mentioned previously, the interpersonal relationships of the military are characterized by non-consanguineous and fictive kinship. Consequently, the influence of relationalism not only appears in blood relations, but also encompasses non-blood relations. Therefore, the stipulation of a stricter regulations on the recusal of interests can include such fictive kinship into the scope of recusal, which could effectively prevent the negative impacts of relationalism on the military.

Lastly, some limitations in this study must be addressed. The interviewees of this study were military personnel, and even though the characteristics of the military (such as a centralized authority and fictive kinship) are helpful for collecting diverse relations, the military system is different from the general public affairs system. Next, snowball sampling was used in this study. Even though we attempted to enlarge the heterogeneity (such as military branch, gender and job position) of the samples during the sampling process, the snowball sampling technique had restricted the external validity of this research. Therefore, more attention is required if the results of this study is to be applied to understand the resource utilization behaviors of general civil servants. Nonetheless, the authors hope that the results of this study can provide theoretical and practical contributions for understanding the strategies adopted by Chinese civil servants when they have to deal with conflicts between relationalism and the law.

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# 文化與貪腐： 儒家關係主義對法規界線的模糊效應

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## 摘要

本研究主要探討文化對貪腐的影響。研究採用深度訪談的方式，蒐集 19 位軍人的訪談資料進行分析，以瞭解華人關係主義對公務員在法規界線的認知影響。研究結果發現，華人關係主義的確會對法規界線產生模糊效果，在法令規定清楚，沒有太多的自由裁量空間時，面對陌生人會公事公辦，而面對自己人則要設法協助解決。在法令規範不清楚時，官員有較大的裁量空間時，面對陌生人，會藉由公共資源來建立自己的關係；而面對自己人則會透過公資源來鞏固原有關係。官員在法令規範清楚，沒有自由裁量空間時，透過違法動用資源來滿足自己的需求，通常會以幫助自己人解決問題也是在為公家解決問題，等合理化手段來化解認知失調（cognitive dissonance）所造成的心理壓力，透過合理化的手段也讓官員跨越法規界線幫助自己人變得更加容易。

關鍵詞：華人關係主義、社會交換、差序格局、關係、自己人、陌生人

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