

**BRIBERY: HOW SHOULD THE CHURCHES IN VIETNAM  
RESPOND THEOLOGICALLY AND PRACTICALLY?**

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*INTRODUCTION*

Bribery is a common bad practice in all professions of Vietnamese society. Our country indicates that bribery is a significant problem. Mr. Huu Tho, a Journalist, asserted that “corruption is a national evil”<sup>1</sup> Among different kinds of corruption, bribery can be considered as a very “traditional” and typical form. It is also a pervasive and complicated illegal act nowadays. It probably starts in the culture of giving gifts or misuse of these good traditions. Vietnamese has said, “The money that goes first is the money of wisdom.” (An empty hand is no lure for a hawk). As a result, receiving and giving bribes has been growing. It becomes a negative social phenomenon.

This paper is not intended to present an overview of all the issues related to bribery, which are inherently a complex and broad topic of society. It aims to provide a clear biblical definition of bribery and distinguish bribery from Vietnam's gift-giving culture. How can the churches of Vietnamese maintain the cultural beauty of giving gifts without bribery? Finally, this presentation seeks to give theologically and practically guidelines for churches to contribute to the Anti-corruption in Vietnamese’s society.

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<sup>1</sup> Hữu Thọ, *Nhà Báo Hữu Thọ Tác Phẩm Chọn Lọc*, (Journalist Huu Tho Selected Writings), (NXB Giáo Dục, 2003), 443.

## 1. Vietnam's law on bribery and reality of issues

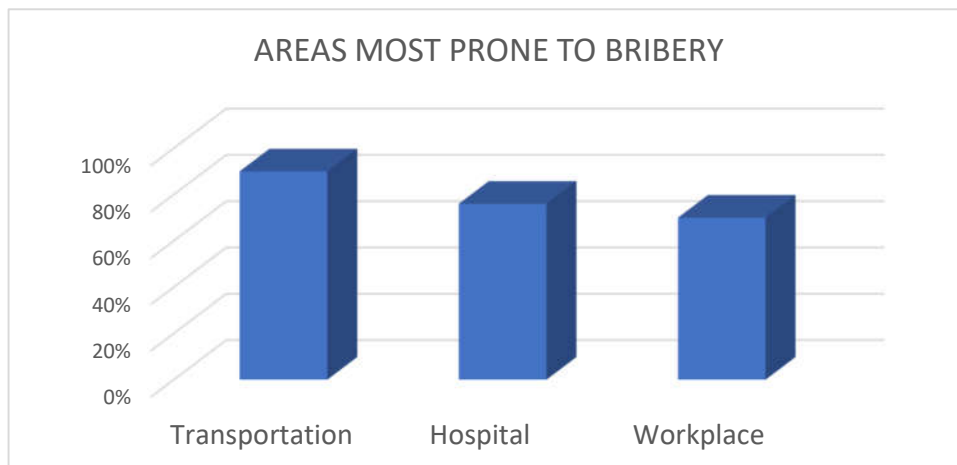
According to Anti-corruption Law 2018, Article 264.6 of the Penal Code 2015, clearly indicates: (a) a party giving a gift with the purpose to influence officials to perform or not to perform certain tasks will be charged with bribery crime if (i) the value of such gift is more than VND two million, or (ii) less than VND two million, but the giving of such gift causes serious consequences; and (b) the regulations on bribery crime also apply to any person who bribes or promises to bribe officials in a non-state enterprise or organization.

Despite the regulations, few cases involving bribery are punished through criminal law and many people believe that bribery is a wise choice in the following situations:

*Transportation:* A traffic violation is everyone's problem in our society. If drivers violate traffic rules, many of them choose to bribe police officers to avoid being held driver's license and other procedures.

*Job/workplace:* Bribery for job and promotion has caused deep public frustration in Vietnam, ranking second only to corruption, according to a new survey conducted by the propaganda and education committee of the Communist Party. The culture of giving gifts to colleagues, leaders on birthdays, even celebrating their parents' longevity has been abused and has become corrupt in the marketplace. Giving gifts is a beautiful culture in life, an expression of the giver's precious affection for the giver. But in the current market mechanism, gift-giving sometimes also has other implications such as repayment, demand for help ... also carries more material value than spiritual meaning.

*Hospital:* Patients usually hand over the envelope containing money to doctors to get health care in many hospitals in Vietnam. For some give envelopes to thank the doctors and nurses for the treatment. In 2012, a survey published by the World Bank and Vietnam's Government Inspectorate showed that 76% of those who had paid a bribe to health service personnel did so voluntarily, with only 21% responding to a request.<sup>2</sup>



<sup>2</sup> Ha Mi, *why do Vietnam's patients bribe to their doctors?* (<https://www.bbc.co.uk/news/world-asia-23237285>), (accessed on February 22, 2012).

*Public Service:* With the desire to process documents quickly and on schedule, people often voluntarily send gifts/money to officials. The following document areas are considered to be the most common volunteering gifts-giving to officers.

- License of property
- Personal documents
- Religious property
- Church licenses or to build a church.

*Religion's system:* ironically, bribery is not only seen in society, it is also happening in any religious system.

- People give offerings in the church to gain power/influence on his/her organization.
- Giving gifts to The Ordination Committee to be approved and ordained.
- Some ministers give gifts/money to be chosen/ voted to get a better position.

We can therefore say that there is a big difference between the number of bribery activities and the number of convictions for bribery offenses. This fact requires us to find problems and their solutions.

## **2. Definitions and Theological Perspectives on Bribery**

### *2.1. Definitions:*

What should count as a bribe? What is the difference between a bribe and a gift?

According to the Encyclopedia Britannica, “gift exchange is the transfer of goods or services that, although regarded as voluntary by the people involved, is part of the expected social behavior.”<sup>3</sup>

The Gift is a pure gift when both the giver and receiver do not expect to return. A gift on the other hand becomes a bribe when it involves the expectation of influence or benefit. The nature of bribery can be seen from various aspects. From the social point of view, bribery is considered a deviant form of reciprocity. “Bribes are species of reciprocity. Human life is full of reciprocities. The particular reciprocities regarded as bribes in particular cultures are distinguished by intentionality, form, and context”<sup>4</sup> In this part, we consider three different definitions of bribery: dictionary, law, and the Bible.

According to the Vietnamese dictionary defines “bribery is the sneaky giving of money to ask someone who has the power to do something against the law for your advantage.”<sup>5</sup>

The Cornell Law, in the definition of bribery, adds the phrase *receiving of item*. “Bribery refers to the offering, giving, soliciting, or receiving of the item of value as a means

<sup>3</sup> <https://www.britannica.com/topic/gift-exchange> (accessed on April 13, 2021)

<sup>4</sup> Noonan, J. T. *Bribes*, (New York: Macmillan), 1984.

<sup>5</sup> Ý, Nguyễn Như, *Đại Từ Điển Tiếng Việt*, (Vietnamese Dictionary), (Nhà Xuất Bản Văn Hoá Thông Tin, 1998), 838

of influencing the actions of an individual holding a public or legal duty.”<sup>6</sup> On amendments to the criminal law: article 276, the year 2009. It is clearly defined three types of offenses corresponding to three specific types of bribery crimes: accepting bribes, giving bribes, and acting as brokers. According to this category, gift-giving, in some cases, is considered as giving a bribe. “Any person who benefits from their position or authority who directly or indirectly benefits from any of payments given to them by a person or organization to do or not do something for the benefit or at the request of that person or organization is guilty of receiving a bribe.”<sup>7</sup>

The lines between gift-giving and bribery are not easy to evaluate. Gifts and bribes are both socially functional institutions and operate as complex rule systems. In some cases, as Werner said, “gift and bribe are what local actor believer that they are.”<sup>8</sup> When a Christian is confronted with bribery, this Christian’s reaction will be determined by his/her understanding of bribery. The word of God should serve as the point of departure for a Christian’s thinking about bribery and possible reactions towards it.

## 2.2. Theological perspectives:

God’s Law, given to Moses for the people of Israel, forbade the taking of a bribe, “for a bribe blinds the discerning and perverts the words of the righteous.” (Exodus 23:8). The negative effects of taking a bribe are clearly outlined in the following passages:

*“<sup>18</sup>You shall appoint judges and officers in all your towns that the LORD your God is giving you, according to your tribes, and they shall judge the people with righteous judgment. <sup>19</sup>You shall not pervert justice. You shall not show partiality, and you shall not accept a bribe, for a bribe blinds the eyes of the wise and subverts the cause of the righteous. <sup>20</sup>Justice, and only justice, you shall follow, that you may live and inherit the land that the LORD your God is giving you.”* (Deuteronomy 16:18-20)

The Bible has much to say about bribes. “Bribes were especially forbidden since they blind the eyes of the wise. Their main task was to pursue justice because when justice characterized Israel they would remain alive and continue to possess the land ... the Lord was giving them.”<sup>9</sup> In the Vietnamese Bible (1926 Version), the word bribery appears 60 times with

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<sup>6</sup> Bribery, <https://www.law.cornell.edu/wex/bribery> (accessed on February 19, 2021).

<sup>7</sup> Jacob, Steven, *Bribery in Vietnam*, (<https://www.vietnameselawblog.com/bribery-in-vietnam/>), (accessed on April 13, 2021).

<sup>8</sup> Werner, Cynthia, *Gifts, Bribes, and Development in Post-Soviet Kazakstan*, (Human Organization, 59, 11–22. Volume 59, Issue 1, Spring 200). doi:10.17730/humo.59.1.w2582tqj18v3880p

<sup>9</sup> Rydelnik, Michael & Michael Vanlaningham, *The Moody Bible Commentary: A One-volume Commentary on the Whole Bible*, (Moody Publishers, Chicago, 2014), 16.

a single negative meaning. However, the Hebrew word *Shochad* (bribe) has more than one meaning. It is most often translated as a bribe in the Vietnamese bible.

According to Richard<sup>10</sup>, *shochad* is used in five ways:

- 1) A gift accepted by any administrator of justice that adversely affected the administration of justice.
- 2) A gift that the man offers to God to get God to be partial to him in some way.
- 3) A gift was given by one ruler to another ruler so that he would do something to help the first ruler against a third party.
- 4) A gift was given by an adulterer to the offended husband to pacify his jealousy for the adultery.
- 5) A gift was offered to a ruler so that he would free captives.

Clearly, the bible condemns receiving bribery. This part of the study tries to look at *shochad* to see whether it is possible for a viewpoint that supports giving bribes. Let's first look at Proverb 17:8, "*A bribe is seen as a charm by the one who gives it; they think success will come at every turn.*" It states the power of a bribe to get results without reference to it being good or bad. Here is the idea of one who offers a bribe. To this person, a bribe is like a charm, literally, a magic stone that brings favor.<sup>11</sup> He expects it to bring prosperity wherever he uses it. For him, "money talks"<sup>12</sup>

Gifts are wonderful things. They can accomplish much – for good or evil. Having received a gift, and looking upon it to appreciate its value, a man will do whatever was sought from him. "*A gift given in secret soothes anger, and a bribe concealed in the cloak pacifies great wrath.*" (Prov 21:14). Solomon emphasized the power of the gift. They work! He did not condemn gifts, but rather indicates their powerful potential for good or evil. If they are used with good motives for good purposes, the noble end will be accomplished. If they are used with evil motives for evil ends, the sin will be done.

This is a matter of wisdom, and a Christian ensures that gifts like these are not actually bribes, many jurisdictions now require those in public office to declare all gifts, and they may put limits on what can be accepted. We should consider carefully what is communicated by such gifts in our present culture.

### **3. Theological and practical guidelines for Vietnamese Christians**

To provide a helpful framework for Vietnamese Christians, bribery is sorted out into two types: transactional bribes and variance bribes. Reisman defines a transactional bribe as "a payment routinely and usually impersonally made to a public official to secure or accelerate the performance of his prescribed function."<sup>13</sup> On the other hand, if someone is not qualified for something, but because of giving money he or she is approved by officers. It is called a

<sup>10</sup> Langston, Richard L. *Bribery and the Bible*. (Singapore: Campus Crusade Asia Limited, 1991), p.25.

<sup>11</sup> Koehler, Ludwig, Walter Baumgartner, Johann Stamm. *The Hebrew and Aramaic Lexicon of the Old Testament*. CD-ROM Edition. Trans. M. Richardson. Leden: Brill, 2000.

<sup>12</sup> Kidner, Derek. *Proverb: An Introduction and Commentary*. Tyndale Old Testament Commentaries. Downers Grove, IL: Tyndale, 1964.

<sup>13</sup> Michael W. Reisman, *Folded Lies: Bribery, Crusades, and Reforms*, (New York: The Free Press, 1979), 69.

variance bribe because a norm has been varied. A variance bribe is "not to facilitate or accelerate acts substantially in conformity with a norm but rather to secure the suspension or non-application of a norm."<sup>14</sup>

In Vietnam where bribery is endemic, it may be impossible to make a living, travel across town, abide in peace without giving bribes. Culturally, Vietnamese people are expected to bring a gift when meeting someone, particularly when meeting an important person. This practice is culturally appropriate, accepted as normal, and expected by nearly everyone. In fact, this was the case in Old Testament times, especially when meeting someone very important.

The following is the list of reasons that people have used to justify the giving or refusing to give bribes.

- Reasons to give bribes
  - The bible condemns receiving bribes but does not forbid giving gifts.
  - The bible encourages giving gifts to important persons.
  - In our context, people can accomplish little without providing some financial incentive.
  - Christians may not get a license for church's property, church meeting with giving gifts to officials.
  - Bribe is just a gift, a tip, or a donation. It depends on our motive of the giver.
  - God is a generous God. He gave us everything. Furthermore, he gave us His Only Son. The nature of God is giving. As God's children, we will all increasingly reflect the Father's generous nature as we are transformed into the image of Christ.
- Reasons not to give bribes. On the contrary, there are arguments about not bribing.
  - The bible forbids giving bribe.
  - When you pay, you help increased corruption.
  - Refusing to pay the bribe may eventually lead to the culture abandoning bribes altogether.
  - Paying shows a lack of faith in God's faithfulness to complete his purpose.
  - Once you give, people expect you to give again.
  - It is not appropriate for God's representative to bribe, even though it is culturally accepted.

The debate can be inconclusive and brings the long list. Since the line between gift-giving and bribery is very difficult to discern. The wrongfulness of bribery may not be perceived or may be perceived to a different extent, much depending on the culture and traditions of each society. The perception has its impact on the policy on bribery and affects the law on bribery.

Deciding whether to give or not to give a bribe is not a simple matter. Based on the Vietnam Criminal law of 2009, bribery is defined that consists of giving, receiving, and an acting broker. These are some practical guidelines to think about.

1. As a recipient, Christians should be aware of what form of giving gift and motivation of the giver. Abram rejected to receive gifts from the king of Sodom (Gen 14:17-23).

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<sup>14</sup> Ibid., 75.

He might be afraid of harming his prestige and dishonoring God's sake. The best thing Christians can do is to try to avoid being asked for bribes.

2. If a Christian is asked for giving bribery, he or she can ignore it. According to Anti-Corruption Law 2018, chapter 1, article 5, "Citizens have the right to detect, denounce, and report on corrupt acts and to be protected and commended according to the provisions of law; have the right to propose state agencies to perfect the law on anti-corruption and supervise the implementation of anti-corruption laws." To effectively tackle corruption, it is necessary to have active and proactive participation from all society actors, especially the business community.
3. In some cases, traffic violations, hospitals, personal documents, church registration, etc., if the Christian cannot protest, and the giving bribe is reluctant, he or she must be careful to avoid accusing of bribing officials. Culturally, it encourages giving gifts to important people. Small-scale bribery is seemingly an accepted mechanism for transaction in some cases. For instance, Proverbs 18:16: *"A gift opens the way for the giver and ushers him into the presence of the great."*
4. As a giver, for the profits of the congregation, church, or Christian organizations (building a church, church registration, charity works, etc), gifts/money/goods should be given appropriately, not stray into being made with intent to achieve improper influence. Gifts should have no business role other than marking and enhancing relations or promoting Church or Christian organization.
5. According to Criminal Code 2015, article 365, any person who brokers bribery shall be liable to a fine of VND 20,000,000 or face a penalty of up to 36 months' imprisonment.
6. Brokering bribery is a violation of law and Christian morality.
7. Educating Children on this topic is essential would include developing spiritual virtues and healthy habits. *"Train up a child in the way he should go; even when he is old he will not depart from it."* (Prov. 22:6).
8. Conducting workshops to develop or improve social empathy and enhance social awareness, fight for justice, including preaching, teaching, and training church leaders, workers, and members, and community groups.
9. Scripturally motivated and biblically-based programs ought to be jointly designed by specialists trained in Theology, Social Science and Business, and marketed to both governmental and private sector companies to enhance ethical behavior within the workplace.
10. Promote Christians to actively participate in social activities and courageously contribute their voices to the poor and the marginalized.

Gift-giving is a beauty of culture. However, giving gifts is not always good and vice versa. It is not easy to determine when the gift is a bribe in Vietnam's society. There was a saying in the old times, "receiving gifts bring worry, taking money brings debt." This is right to our modern day.

Yes, bribery is evil. But Christians can choose to ignore it. We have to rise up as a voice and as an instrument to see it go down, not only by praying against it but also by doing all we can in our own small or big ways. I suppose that people may, even more, be determined to get rid of bribery practices in our country where bribery occurs too often.

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