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To provide food for the hungry, or respect their cultural traditions, that is the question,

Understanding the moral implications faced by NGOs in their work

Honors College

Georgia State University

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Under the Direction of Andrew, I. Cohen, PhD

ABSTRACT

The United Nations Declaration of Human Rights establishes both the right to subsistence and the right to culture as rights that all humans should have. In practice, however, non-governmental organizations (NGOs) run into many moral implications when providing aid to the hungry, one of them being conflicts with local customs. In this essay, I will discuss a theoretical account of actions for providing some insight into the moral implications faced by NGOs in their work. First I discuss both one's right to subsistence and one's right to culture, and finally establish whether it's possible to have one of these rights take precedence of the other.

INDEX WORDS: human rights, cultural rights, non-governmental organizations,

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Introduction:

From the World Health Organization (WHO) to the United Nations Children’s Fund (UNICEF), non-governmental organizations (NGOs) and inter-governmental organizations (IGOs) alike put forth a tremendous amount of money and time towards alleviating various issues faced around the world. Although their intentions may be kind-hearted, they may get in the way, damage or ignore the traditions and norms of the local populations in which their work is focused. Their work, in their defense, is in part to fulfill their duties to provide aid to those in need. However, what rights, if any, do the local populations have in protecting their culture and traditions? Should the work of NGOs and IGOs conflict with the traditions and norms of the local population, whose right, then, has the greatest moral significance? Does the right to food, for example, take precedence over the right to culture, or is it the other way around? In this essay, I will attempt to provide some insight into these questions. First, I will describe and defend universal basic human rights, particularly in the area of subsistence, along with the duties and obligations of others associated with these rights. Second, I will argue for the rights of the local population in preserving their culture. Finally I will describe the conflict between these rights and defend the precedence of basic rights over cultural rights.

Human Rights and Duties:

When speaking about rights, there are a multitude of specifics that must be explained. Onora O’Neill, the author of *Faces of Hunger*, agrees that when it comes to the issue of universal human rights, we must make a distinction between liberty rights and welfare rights (107). Liberty rights are those which give an individual “freedom from interference” which are

similar to the freedoms specified in the First Amendment of the US Constitution: freedom of religion, speech, press, association and petition. (O'Neill, 113). Although not necessarily institutionally guaranteed, liberty rights are essentially rights that define a freedom to participate in such activities by assigning others duties of noninterference. On the other hand, O'Neill adds, there are welfare rights, which give an individual "freedom to undertake" and, therefore, must also include a means by which such activity can be undertaken (O'Neill, 113). In other words, welfare rights include a facilitating means by which one pursue the freedoms one is otherwise guaranteed. Such means might be food, shelter, or other such enabling conditions.

There lies a conflict, however, between welfare and liberty rights. Without restriction on the economic right to freely purchase one's own property, one cannot truly possess a *right* to be provided with food. One's right to food could infringe on another's right to do as they please with their own property. If such rights come into conflict but those to property prevail, some agents might be without the enabling conditions for their various projects. Consequently, welfare rights do not allow for unrestricted liberty rights; they would require some action from others. For such and similar reasons, some scholars firmly believe that rights need not impose the "positive" duties, or obligatory actions, required by welfare rights, but rather only involve "negative" duties, or the noninterference required by liberty rights. Scholars who defend welfare rights, however, worry that only respecting the noninterference required by liberty rights would fail to guarantee that one's subsistence needs will be met. (O'Neill, 108). Mere liberty rights do not allow for a right "to the means of life" but rather a right "to strive" for one's means to life, which is not a guarantee (O'Neill, 108). This is what O'Neill points out to be "the view that no injustice is done if the hungry and destitute are left to themselves, since

justice demands no more than respect for [liberty] rights.” O’Neill claims this emphasis on liberty rights leaves little if any obligation to aid the poor, and therefore is unjust (108). Because of this view, some academics “suggest that adequate respect for liberty rights themselves also demands respect for minimal economic and social claim rights,” for without minimal economic security, the security of one’s liberty rights is threatened (O’Neill, 113). Furthermore, O’Neill proclaims that “any respect for rights needs some positive action, and not mere noninterference” (113). In other words, if no one can prevent someone from exercising one’s rights, then this person’s rights command an action taken to establish the preventative measures by which to honor such rights.

While O’Neill believes that liberty rights alone are inadequate to address the needs of the poor, she also recognizes that the “positive” duties associated with welfare rights run into a multitude of problems as well. Namely, she argues that fundamental rights must be mutually consistent and set out the maximal set of liberties possible to persons in a political community (O’Neill, 115). However, she further recognizes that should “the definition of spheres of ‘self-regarding’ action depends on others’ intervention, boundaries are not and cannot be uniquely fixed” (O’Neill, 115). Therefore, O’Neill questions whether it is possible to determine which rights are more morally significant than others are. Later in this essay I will reject the view that it is not possible to determine which rights are morally significant, as this is exactly what I will argue for when it comes to the conflict with cultural rights.

Digging further into the realm of rights, and specifically welfare rights, Henry Shue is another scholar who writes on the rights of the poor, particularly in regards to what he calls

“basic rights.” In his book, *Basic Rights*, Henry Shue describes these basic rights as the fundamental rights that all humans have, whose purpose consists of preventing the “vulnerability that leaves people at the mercy of others” (30). Enjoying these rights is necessary for the enjoyment of all other rights, including basic rights, and that is what makes them basic. He makes clear that these rights are simply just the rights to enjoy the substance of such rights, such as food or liberty (Shue, 15). Merely stating that someone *has* a right does not actually guarantee that such right will be *fulfilled*. Essentially, if you do not have the means by which to enjoy the right to food, then you, in essence, don’t have that right to food. Suitably, Shue makes the case that we all have the basic right to what he calls “subsistence,” which he means to include “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care” (23). These matters are necessary for a reasonably healthy life, and insufficiency in these matters can be extremely debilitating and even fatal. For this reason, Shue takes one’s access to the above means having the ability to enjoy the right to subsistence, and therefore guarantees one’s possession of said right.

Basic rights also include another component: a protection against “standard” threats. These “standard” threats are the threats that prevent or eliminate the possibility for basic rights to be fulfilled (Shue, 29). Shue states that there ought to be some social guarantees to prevent these “standard” threats in order to secure basic rights (29). He does, however, disclose that it is neither necessary to protect against every probable threat to these rights nor

“ineradicable threats like eventual serious illness, accident, or death,” but merely arrange for effective protection against foreseeable remediable threats (Shue, 32).¹

In addition to Shue’s account of basic rights, he includes that basic rights are a “rational basis for a justified demand” from the rest of humanity (13). Exactly how to justify this demand, Shue explains, is mostly empirical, as the solutions change as swiftly as the situations change (33). Shue, however, does discuss the general duties of “others” to secure basic rights for all. In the case of subsistence rights specifically, Shue lays out three duties required of others: 1) to avoid depriving others from their means to subsistence, 2) to protect others from the deprivation of their means to subsistence and 3) to aid those whom are deprived of their means to subsistence (60).²

Should we accept these duties as fundamental to basic rights, then Shue acknowledges that NGOs and IGOs may be viable institutions to perform duties 2 and 3. The projects

¹ Shue further distinguishes why basic rights must be enjoyed simultaneously by countering an objection. The objection goes like this: one could enjoy the right not to be tortured while simultaneously lacking the right to food, because “starvation without torture is preferable to starvation with torture,” and therefore the right not to be tortured is still valuable and relevant without the right to food (Shue, 179). Shue, however, claims that the right not to be tortured could be “undermined by the threat of doing nothing about a shortage of food” (179). In essence, he claims, there is a very unlikely case that one might be willing to agree to being tortured in exchange for food and therefore one cannot truly enjoy the right not to be tortured because one might have to choose between torture and food. To clarify, this is not a situation in which one *renounces* their right not to be tortured in exchange for food, but is instead being coerced into giving up one’s right not to be tortured. Shue argues that rights must not be surrendered, traded, renounced, etc. for anything else, calling this an alienation-prohibition (180). While Shue admits that these rights *could* be traded, he clarifies that the alienation-prohibition is an “exceptionless and enforceable prohibition against trading away” these rights (180). Since basic rights require protection against standard threats by social guarantees, Shue argues the way to enjoy these rights is to ensure that no torture shall be used to produce malnutrition, which Shue calls an economic strategy, and no deprivations of food shall be used to impose the use of torture, which Shue calls a political strategy (181).

² To counter this claim, Andrew I. Cohen gives an account which argues that the positive measures associated with a deprivation of a right are merely “secondary” to the negative rights of noninterference (Cohen, 5). These are what he calls “special” positive rights because of the violation of negative rights (Cohen, 5). Furthermore, Cohen argues that the duties and demands that Shue calls for are not a part of the *concept* of basic rights because “he has not shown that satisfaction of such demand is either a formal or a conceptual requirement of a rights theory” (Cohen, 6).

undertaken by NGOs and IGOs in performing these duties carry moral implications faced with other moral problems. For instance, duties to aid those deprived of their means to subsistence could conflict with certain beliefs of a local population. How, then, should NGOs proceed? In virtue of describing this challenge, the following offers a theoretical account of the moral implications of these duties.

Cultural Rights:

In order to begin this discussion, an understanding of culture must be established. As the founder of cultural anthropology, E.B. Tylor's definition of culture is primarily influential as "that complex whole which includes knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by man as a member of society" (1). In short, culture can be loosely defined as a collection of things with which one identifies oneself that is also a reflection of the society to which one belongs, or a collective identity. Susan Okin, a scholar whom I will discuss later, describes identity by stating that, "individuals need 'a culture of their own,' and that only within such a culture can people develop a sense of self-esteem or self-respect, as well as *the capacity to decide what kind of life is good for them*" (12). These ideas of identity can also be described in terms of one's liberty rights as the freedom to associate, which is a negative claim right. Due to each individual's freedom to associate, the right to culture can be viewed as an individual right. However, it should be noted that while the right to culture requires the negative claim right to freely associate, culture also demands positive claim rights through group rights, which I discuss later, for the acknowledgement and protection of such a right.

With the understanding of culture in mind, one thing that must be avoided is the notion of ethnocentrism, which is the judgment of other cultures based on the standards of one's own culture. Cultural relativism, on the other hand, is what can help us to avoid this judgement. Cultural relativism is the judgement of a culture in term of that culture's standards. A specific practice in one culture may be unacceptable for someone from another culture, but within the context of the beliefs of that culture, said practice may be perfectly acceptable. From this framework, we can then understand that, unless otherwise proven to be unethical through the standards of that culture, a specific cultural practice should maintain a degree of tolerance. However, respecting others' practices requires more than just tolerance, for the practices of minority cultures can be endangered or suppressed by majority norms. Majority norms may not allow for the true freedom of expression inherent in culture, therefore making it necessary to protect cultural groups' practices. To protect cultural practices, Laura Reidel argues for group rights, which can be thought of as rights which are "claimed and exercised by a group," leaving the possibility for individual rights to flourish (2010). She denies that the goal of group rights is the maintenance of the group, but is rather the well-being and autonomy of its members (Reidel, 2010). This belief is held within many international bodies, notably the UN, and places a strong emphasis on the respect for cultural and group rights. With respect to basic rights and the duties and obligations therefore required of others, such duties should also keep in mind the rights of the culture for which such duties are performed. However, there are certainly many cases in which cultural rights are defeasible.

While cultural relativism seems compelling, it should be noted that it displays many limitations. Both James Rachels, author of *The Elements of Moral Philosophy*, and Louis Pojman,

author of *Who's to Judge*, offer similar restrictions to cultural relativism. Rachels, in particular, suggests three consequences of taking cultural relativism seriously (17). The first being that we would be unable to claim that certain cultural traditions are morally inferior to others, and rather should be *tolerant* to the moral principles of other cultures. Louis Pojman points out this problem by describing how Nazi moral codes neglect the principle of tolerance towards Jewish culture, and therefore justify the Holocaust by means of their own values to be intolerant of Jews, yet today we recognize this intolerance as unacceptable moral behavior (Pojman). The second issue is that because right and wrong is determined by the standards of our culture, we would be unable to criticize our own culture. Again, any Nazi would be able to justify their killing of innocent Jews just by examining their society's moral code of intolerance towards Jews. The last problem with cultural relativism is that it hinders the idea of moral progress. A simple introduction to the study of sociology highlights the vast hypocrisy found in American culture, yet many intellectuals strive towards moving away from these norms. These "reformers" go against the stream of cultural standards and are therefore morally wrong, but we would not consider the actions of Martin Luther King Jr., Gandhi or even Jesus as morally wrong in their actions. Furthermore, the entirety of World War II would not be justified for the world's intolerance of the Nazi's intolerance. Due to these limitations, cultural relativism cannot be completely true.

So if cultural relativism is not completely true, what moral values should we be intolerant towards? In other words, is it possible to have moral values that are universally impermissible? If it is possible to have universally impermissible moral values, is it also possible to have universally acceptable moral values? Again, both James Rachels and Louis Pojman

might be inclined to believe so. In *The Elements of Moral Philosophy*, Rachels reflects on cultures that believe it is morally wrong to eat cows (19). Cows are especially revered because of the goods and services they provide to the people of that culture (i.e. milk and manure for fertilizer) and due to the people's belief in reincarnation, the most respected peoples are reincarnated into cows. American culture might agree that it is wrong to eat someone, regardless of how much we respect them, so why would another culture eat "someone" who has been reincarnated into a cow? Rachels concludes that it is not our values that make us different, since we both value not eating "someone;" it is our belief systems that are different, and our values and belief systems are influenced by our culture (19). Here, Pojman explains how nonmoral beliefs, such as the view that cows contain the spirit of one's dead ancestors, produce diverse actions in different cultures when applied to common moral principles (Pojman). Both Rachels and Pojman agree that all cultures have common values, such as prohibitions against murder and lying, because these are necessary for all societies to exist (Rachels, 22), as well as prohibitions against incest (Pojman). Imagine a world without the presumption of truth telling: communication would be nearly impossible and likely society would not be able to function simply because no one would know the truth. Devoid of some sort of prohibition on murder, associating with others would be dangerous in society, and people would likely resort to avoidance altogether. Without these specific moral codes, Rachels argues that society would not be able to function. What exactly constitutes murder, lying and incest is dependent on the culture, but nevertheless, some prohibitions of each are in fact universally found (Nielson, 1966). Because of this, both Rachels and Pojman conclude that there are in fact certain universal moral codes.

Here, Susan Okin can further illustrate and argue for the need for a universal moral code through the lens of women's rights. As noted earlier, Okin remarks that one's membership to a culture is a part of one's self-respect and self-esteem (12). Taking a liberal stance on cultural rights, Susan Okin adds that self-respect and self-esteem are also generated through one's *role* within a culture, and one's role should not suppress the ability to question one's inherited social role, leading her to state that cultural rights can only be permitted when they are not oppressive and inhumane and, therefore, cannot be unconditional (22). Because of the many ways in which women's rights are suppressed in cultures throughout the world, she remarks that women in cultures who defend these suppressing traditions are "victims of false consciousness" (Okin, 54). Embracing Rachels's and Pojman's theory of universal moral codes, Okin mentions that while respect for culture is still necessary, respect for the wellbeing of humans is far more morally significant. Ultimately, she believes that it is not permissible to allow for traditions that oppress the liberty and welfare rights of others.

Turning our attention back to subsistence rights and the duties of others to protect them, we can say that these rights might not be embodied in the belief systems of certain cultures, and leave members of the group vulnerable and at the mercy of others. We now know that we cannot tolerate a culture that does not allow for unlimited access to subsistence rights, for we know the debility that results is inhumane. Consequently, this impermissibility could be universally applied, should we find sufficient grounds for such conclusion, leaving others justified in executing their duties for these rights. Defending this last claim is where I will turn to now.

The Conflict of Human Rights and Cultural Rights:

Here is where I will attempt to bring together and highlight the various arguments provided above. In its entirety, this essay discusses various rights of the individual and rights (and duties) of “others”. Individual rights include liberty rights, such as the right to culture, and welfare rights, such as the right to subsistence. The rights and duties of others include group rights as well as the duty to avoid depriving, the duty to protect from deprivation, and the duty to aid those deprived of subsistence and cultural rights. Some academics argue that relativism plays a huge part in these rights, such that an individual’s beliefs and “rights” should be understood in terms of that individual’s culture.

At this point, however, the underlying conflict may already seem obvious: notably, that it is easily conceivable that Shue’s account of subsistence rights could certainly run in opposition to a cultural practice or tradition, and be considered morally permissible merely by the standards of said culture. This makes it problematic to say that basic rights can truly be universal, making the work of many NGOs and IGOs inherently unethical.

Nonetheless, this essay has distinguished the ways in which to combat this problem. Markedly, the work of James Rachels and Louis Pojman demonstrate that cultural relativism is not entirely sound. These scholars remark that taking cultural relativism seriously leads to three consequences such that we would be unable to criticize others’ cultures, as well as our own, and moral progress would be obstructed, leaving tolerance of other’s cultures impossible under this theory, further leading them to believe that cultural relativism cannot be true.

Considering the fact that cultural relativism cannot be true, what follows is the possibility that there are universally impermissible moral values. Additionally, if there are

universal impermissible moral values, is it also true that there are universally acceptable moral values? Again, Rachels and Pojman support the claim that there are universally acceptable moral values by exposing the ways in which certain values are shared through different belief systems. Through examining ethnographies of various societies, anthropologists have in fact found universally shared values, even though the definition and practice of these values differs across cultures.

Bringing this back to the essay's specific objective, the conflict then becomes distinguishing the line between universal subsistence rights and respect for culture. Again, Henry Shue claims subsistence includes goods such as "unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care" (Shue, 23). Essentially, the right to subsistence includes the right to one's physical wellbeing, providing one with the physical security from disease and sickness as well as starvation and malnutrition. Social psychologist Shalom Schwartz studied motivational types of values in 97 societies in 44 countries to conclude that benevolence and security, as well as universalism, were found in each of these societies (1994). Schwartz described benevolence as the "preservation and enhancement of the welfare of people with whom one is in frequent personal contact." He also defined security as the safety of the self as well as others; universalism, he writes, is the belief in the "protection for the welfare of *all* people" (4). Noting these universal values, we can reasonably conclude to some degree that they are embodied in the right to physical wellbeing, and therefore can reasonably designate subsistence rights as universal rights in that it is a right which embodies universal values.

What is left to be determined is the line that defines one's right to culture. The most direct route for this would be Susan Okin's: "that respect for cultures can never be unconditional and condone acts of inhumanity and oppression" (70). Such acts of inhumanity and oppression were described in her book through forms of forced or child marriages, female genital mutilation, insensitive treatment of rape victims, but can also include the general wellbeing of women through subsistence rights. Due to these acts of inhumanity and disregard for basic rights, Okin explains that "respect for human beings does not necessarily entail respect for their cultures, for the latter might show no respect for human beings" (70). For this reason, it is possible that Okin would agree that should a culture disregard subsistence rights, the protection and enforcement of these rights would take precedence over their cultural rights, ultimately justifying the work of many NGOs and IGOs.

In conclusion, the essay gave a theoretical account of actions with moral implications. First, it discussed the basic rights of all human beings, giving particular importance to subsistence rights. Along with these rights are the duties of others in protecting basic rights. However, these duties contain moral implications. One such implication is the conflict with cultural rights. The essay discussed what cultural rights people have, along with any exceptions. Furthermore, the essay argued for universal moral values, including those that confer subsistence rights and duties to fulfill such rights. In carrying out one's duties to protect subsistence rights, the essay argued that it is morally permissible to perform said duties when in conflict with certain cultural traditions.

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