

The Managerial Relevance of Human Rights

Alan Strudler

(Professor of Legal Studies, Wharton School, University of Pennsylvania)

Managers operating in countries other than confront an apparently inescapable question: whose moral standards should be applied to moral questions in business? The two most salient candidate their own answers found in the business ethics literature are the standards of a manager's own (or home country), or the standards of the country in which the manager operates (the host country). Some authors argue that in deciding whose standards to respect, one risks "moral imperialism" if one does not defer to the norms of the host country. The arguments that these authors make, I will show, fail. First, they rely on untenable analyses of when home and host standards differ. Second, they exaggerate the importance of both host and home standards. I will also ask whether the moral standards of either home or host country deserve even presumptive deference. But my main purpose in the paper will be to argue that when operating in another country, it is always a mistake to defer to local norms in the attempt to avoid "moral imperialism." At least for the set of questions that a manager typically faces, morality has no nationalistic or cultural flavor. I will attempt to make my argument against the cultural-dependence of moral norms in business by considering what I take to be the strongest example that can be used against it: labor disputes involving appeal to rights of freedom of speech and association. In some Asian cultures, workers have invoked conceptions of human rights to argue that they should be able to protest unsatisfactory working conditions. But government officials and local firms sometimes argue that these protests are an insult to moral tradition essential to community identity; they argue that rights of free speech and assembly have their proper home in the west, and, as a moral matter, should not be recognized or respected in the east. It might seem tempting for westerners to dismiss these arguments as self-serving; they may seem to be little more than rationalizations for the corrupt practices some governments and firms. Yet recently some distinguished Confucian scholars, who clearly have no tie to corrupt governments or firms, have defended the idea that the concept of human rights has no place in confucian culture and hence has no place in much asian culture. I will analyze and assess these arguments, and explore their relevance for understanding recent controversies in Asian labor practices.