

# THE NEO-LIBERAL IMPERATIVE OF TOURISM: RIGHTS AND LEGITIMIZATION IN THE UNWTO GLOBAL CODE OF ETHICS FOR TOURISM

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This article discusses the emergence of tourism ethics in tourism studies. It focuses on the contradictions that are expressed in the United Nations World Tourism Organization's (UNWTO) Global Code of Ethics for Tourism (World Tourism Organization 2007[1999]). These contradictions lead to politically contentious issues involving heritage and point to ethical conflict for anthropologists who study tourism and, particularly, for those who are involved in tourism development projects.

## Morality of Tourism Impact

From the 1960s through 1980s, those involved in tourism as planners, policy-makers, entrepreneurs, tourists, as well as academic and industry based tourism scholars, viewed tourism as an inherently moral activity. It was either intrinsically "good" or intrinsically "bad." Those who considered it a positive force saw it not simply a "passport to development" (e.g., deKadt 1979), and thus a solution to problems of endemic poverty and cultural "backwardness" based in Third World under-development, but also as a "force for world peace" (D'Amore, 1988; Castañeda and Burtner 2010). In this era of modernization theory and widespread belief in economic take-off and "trickle-down" development, policymakers, government planners, corporations, politicians, and international aid and development organizations viewed tourism as among the best solutions to the problems faced by the "developing" world.

This assumption that tourism has an essentially positive moral value; that is, that it is uniformly "good" was opposed by those who argued that tourism was intrinsically "bad." Studies with titles or

terms such as "Culture by the Pound" (Greenwood 1989), "Tourism as a Form of Imperialism" (Nash 1989), "Golden Hordes" (Turner and Ash 1976), and "Blessing or Blight" (Young 1973), quite explicitly moralized tourism as an "evil" force derived from European colonialism, capitalism, and modern

is an ideological concept that was used to argue single, one-way cause-effect relationships without taking into account long term sociohistorical processes or considering the multiple and different consequences and effects that tourism could have on the diverse stakeholders, communities, classes, businesses,

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nation-state building projects (cf. ~~1976~~ Brown 2000; Turner and Ash ~~1975~~). This moralization was also evident in the earliest studies of tourism representation by such renowned scholars as Daniel Boorstin (1961) and Dean MacCannell (1976). These critiques of tourism in terms of "pseudo-events," cultural inauthenticity, crass consumerism, and social status mongering were the norm. Although Feifer (1985) inverted this moralism with her concept of the "post-tourist" (or person who thrives on kitsch inauthenticities and consumerism), overt and half-hidden value judgments pervaded all tourism analyses from the 1960s through the 1980s. This was especially the case with studies that addressed tourism's impact.

The very idea of impact is inherently associated with this morality because it

policy-makers, governments, and social groups that are involved in tourism and tourism development projects. These tourism agents and stakeholders are positioned quite differently in development, yet impact analyses of this earlier era tended to *homogenize* this variation into one cause-effect that was interpreted as either "blessing or blight" (Young 1973). The concept of impact obscured the fact that tourism affects different groups in different ways.

## The Ethicalization of Tourism

It was not really until the 1990s that scholarship began to critically refute tourism "impact studies" (e.g., Castañeda 1996) and that the stranglehold of morality on tourism studies began to loosen. Tourism researchers began to

realize that tourism does not create uniform or monolithic consequences. Tourism research demonstrated that tourism creates benefits and negative effects at the same time, and that who benefits and who endures negative consequences needs to be part of any analysis.

Although Butcher (2003) refers to these changes as the "moralization" of tourism, I offer a different analysis based on the following five features that define what I call the "ethicalization" of tourism (cf., Castañeda 1996; 2006; Fleckenstein and ~~Heubner~~ <sup>Huebner</sup> 1999). First, the ethicalization of tourism is based on the recognition among those involved in planning and implementing tourism projects that the effects and consequences of tourism are not either uniformly and universally good or bad, and, instead, that tourism development has multiple results with many kinds of costs and benefits for different stakeholders. Second, the emergence of ethical debates in tourism scholarship was grounded in the emergence of sustainability as the ultimate value of tourism development. (Ultimate value refers to the system of values that underpins the creation of an ethical code.) Third, ethicalization of tourism refers to the fact that ethics began to be explicitly discussed, starting in the 1990s, in contrast to the implicit moralizing about tourism that characterized the earlier era. Fourth, ethicalization is also defined by the fact that tourism makers and the critics of tourism have begun to define the obligations, duties, and responsibilities of each type of social agent involved in the planning, design, implementation, and regulation of tourism. In other words, we started to define how to make tourism ethical instead of asserting that it was morally good or bad in all social contexts. Fifth, this explicit ethical discussion therefore now includes an analysis of the pragmatic and context-specific effects, positive and negative, for specific groups of stakeholders, for tangible and intangible cultural heritage, and for the environment (cf. Malloy and Fennell 1998; Butcher, 2003; Fennell and Malloy 2007).

## From Sustainable Ethics to Tourism Rights

The turn to ethics in tourism is contextualized and, to great extent, motivated, by the emergence of ecological, alternative, and sustainable tourisms starting in the 1990s. By the end of the century, ethical principles were codified in the UNWTO Global Code of Ethics for Tourism (World Tourism Organization (2007[1999]), hereafter referred to as "the Code." Instead of a thorough commentary on this code, I focus here on key aspects of the code that illustrate how these ethical principles privilege tourism rights. Before turning to specific Articles of the Code, three general points need to be stated.

First, the Code is directed toward the "makers" of tourism. By "makers" I refer to any type of tourism planner, policy-maker, promoter, investor, developer, owner, or other stakeholder involved in tourism development. The Code was not written for tourists or "travelers" in order to encourage them, for example, to learn or read about how they should behave or consume their vacations. Such tourist codes do exist; they are often written by tourism makers, especially guidebook writers and publishers (Pattullo 2009; Rough Guide 2007; Wagner 2005). Yet these are a secondary offshoot of the general ethicalization of tourism, and I view them largely as a marketing ploy for alternative, ecological, and sustainable tourisms. The Code is primarily concerned with defining the ethical principles and values that the makers of tourism should consider when developing tourism. It does not elaborate on the ethical responsibilities of tourists; rather it leaves them implicit.

One of the main points I wish to make is that the Code contains crucially significant rhetorical and textual slippage. There is rhetorical and textual slippage between the "makers" of tourism and what I call the "consumer-doers" of tourism (i.e., the tourists). There is also rhetorical and textual slippage between ethics and rights. For example, at key points

in specific Articles of the Code when ethical principles appear to suggest that consumer-doers have ethical responsibilities towards the people and places they visit, these responsibilities end up transmuting into statements about rights, about the rights of those who travel and do tourism. Furthermore, the rights of the consumer-doers (i.e., tourists) are used as a proxy to implicitly define the rights of tourism makers to develop tourism. The key point I want to make is that when defining ethical principles, the Code ends up making claims about the rights of the consumer-doers (and makers) of tourism. Their hypothetical rights, in turn, become the ultimate value of and reason for having this Code. In effect, the UNWTO, in its effort to craft a code of ethics, has claimed an ultimate, global value for tourism that validates and legitimates the creation and development of tourism projects. In the next section, I aim to show specifically how this happens in the Code.

## A Neo-Liberal Manifesto: Slippage and Validation

Rights are not and should not be construed as equivalent to or as a necessary extension of ethics. Nonetheless, Babu and Varghese (2007) attempt to theorize tourism ethics based on human rights. Similarly, in the Code, there suddenly appears Article 7, entitled "The Right to Tourism." The inclusion of such an article that asserts rights must be closely analyzed to understand how it functions in relation to the ethical code as a whole. Article 7, Section 2 avoids stating any ethical principle whatsoever and instead asserts the existence of a "universal right to tourism [which] must be regarded as the corollary to the right to rest and leisure, including the limitation of working hours [...] guaranteed by Article 24 of the Universal Declaration of Human Rights and Article 7d of the International Covenant on Economic, Social and Cultural Rights" (World Tourism Organization 2007: 164). Section 1 also asserts rights instead of an ethical principle. Notice that

the use of the word "should" is not about ethics, but about rights, and it expresses the validation of the *laissez faire* neoliberal expansion of tourism development:

The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all the world's inhabitants; the increasingly extensive participation in national and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way. [World Tourism Organization 2007:164] X

Significantly, the word "tourist" is not used in this article as it is in other articles of the Code. (It is partly for this reason that I coined the term consumer-doer.) The "right to tourism" does not name any sociological actor, agent, grammatical subject, person, or consumer-doer of the action and activities of "tourism." The claim of a right appears to reference the social activity of "tourists;" however, tourists are literally erased from the written text of Article 7, as well as of Article 4, and thereby are sociologically erased as an agent of tourism.

The implied individual human that has the right of "discovery and enjoyment of the planet's resources" is anyone, i.e., any human being. Thus, the text is able to assert that there is a universal human right to "do" tourism. The subsequent Section 2 converts this universal tourist right into a moral mandate for the wholesale governmental deregulation of tourism businesses ("obstacles should not be placed in its way"). This is a signal for tourism makers to develop and commoditize any kind of cultural, social, natural, or environmental attraction into a destination for the experience of tourists.

The impetus of making and creating tourism destinations anywhere and everywhere thus becomes legitimated and justified by this obligation to not impinge upon the freedom of

the consumer-doers of tourism whose desires and actions are, in turn, validated in the name of the greater good of facilitating the self-improvement of the world's tourists (Code Article 2 is entitled, "Tourism as a vehicle for individual and collective fulfillment"). The horrifying irony is that the legitimization of this unfettered neoliberal globalization is created out of the "green" rhetoric of sustainability ("sustained growth of free time"), which in turn is naturalized by association with the international legal instruments of universal human and economic rights cited in Section 2.

The Code asserts "the tourist" as a category of person who has a series of rights modeled on human rights in general. This conceptualization of the rights of tourists as derived from human rights is misguided in my opinion, although I do not have space in this article to fully explain this point. Nonetheless, this categorical confusion of a social role with the ontological status of being human allows the Code to assert that the tourist has an innate, human right to discover and enjoy the planet's resources (Article 7 Section 1). This assertion is enabled by their economic right to leisure and rest from work (Article 7 Section 2).

Furthermore, Article 4 states with exceptionally noteworthy language that "tourism [is] a user of the cultural heritage of mankind and contributor to its enhancement." Again the word "tourist" is not used. Instead, the Article employs coded language in a passive syntax that eliminates the tourist who, in Article 7, is granted in the universal human right to sightsee anything and everything. This syntax substitutes tourism makers as those with the right to "do" tourism as charted in Article 7. This Article of the Code thereby seems to define ethical principles, but actually it asserts and defines the right of tourism makers to develop tourism without restrictions. This ethical right to development is asserted and validated in terms of the universal rights of consumer-doers (i.e., tourists) to "do" tourism, that is, discover, sightsee, and enjoy the heritage destinations of humanity.

Who are these tourism makers? The Code in general and Article 6 specifically points to all types of promoters based in private business, government, and community associations as well as policy-makers, local entrepreneurs, private capital, travel agents, hospitality businesses, and so forth, as the key sociological agents who have "the right to tourism." This right is a right to "do" and to "use" tourism. In turn, tourism makers are described in the Code as the "users" of cultural heritage when they create tourism. In the twisted and awkward language of the Code itself, the Code is saying implicitly that tourism makers "use" heritage to produce a commodity, which in turn is sold to consumer-doers who then "use" the heritage-commodity in the course of their "doing" tourism.

### The Right of Tourism and the Subordination of the Rights of Heritage Owners

The Code unequivocally asserts the subordination of the heritage rights of destination communities to those of tourists through the use of its awkward yet very precise language. Article 4 Section 1 makes it clear that "tourism resources belong to the common heritage of mankind; [and] the communities in whose territories they [the tourism resources] are situated have particular rights and obligations to them" (Article 4 Section 1); that is, to make these resources available to consumer-doers (i.e., tourists) and tourism-makers. Once again, there is no ethical principle here. The Code converts ethics into rights, granting tourists the right to use heritage in the fulfillment of their leisured enjoyment and discovery of the planet's resources through sightseeing.

It is on the basis of the privileging of the individual right of the tourist to visit, discover, and sightsee that tourism makers are covertly allocated the right to make tourism. Section 2 of Article 4 is unequivocal on this point:

Tourism policies and activities should be conducted with respect

for the artistic, archaeological and cultural heritage, which they should protect and pass on to future generations; particular care should be devoted to preserving and upgrading monuments, shrines and museums as well as archaeological and historic sites which must be widely open to tourist visits; encouragement should be given to public access to privately-owned cultural property and monuments, with respect for the rights of their owners, as well as to religious buildings, without prejudice to normal needs of worship. [Article 4, Section 2]

The right to visit and sightsee is prioritized over all forms of ownership, here, specifically over the property rights of private and communal owners. (Need it be mentioned that heritage ownership is in itself a highly contested field of politics?) Instead of it being a privilege to visit heritage sites and sightsee, which is a privilege granted by the owners of such heritage, only a minor limitation is placed on tourist rights: Tourists have the right to visit and see anything so long as they conduct themselves "with respect for the rights of their owners."

This conceptualization of tourist rights, of course, raises the question of what are the ethical obligations and responsibilities of the consumer-doers of tourism. The Code contains only a weak statement of this in Article 1 (Sections 1, 2, 3, 5, and 6). More extensive discussions of tourists ethics and responsibilities can be found, to repeat, in tourist guide books that seek to convert eco/sustainable tourism into a new niche of ethical tourism (see Wagner 2005; Rough Guides 2007; Pattulo 2009). See the *Gap Yah* parody of ethical travel on YouTube (VMproductions 2010).

### Ethical Duplicity and Dilemmas

The right of the universal human tourist is rhetorically and textually created as the ultimate value of a laissez-faire vision of tourism development. The Code

is essentially a "neo-liberal manifesto" for unfettered tourism development. The grounding of the entire Code on this conceptualization of rights is an explicit prescription for conflict and contestation in and around heritage (Castañeda 2009a, 2009b; Silverman and Ruggles 2007). The application of these ideas amounts to creating a political struggle in which the asserted right to develop tourism without restrictions, restraints, and regulation, which are grounded in the asserted rights of tourists to sightsee, conflicts with the heritage ownership rights of cultural communities, stakeholders, and descendants.

What do you do as an anthropologist caught up in the middle of this type of conflict? This historical perspective on tourism morality and tourism ethics gives a wider perspective on what we do as practicing or applied anthropologists engaged with a variety of tourism stakeholders implicated in our research and development projects. As anthropologists, we also have recourse to other ethical codes, such as those of the Society for Applied Anthropology and the American Anthropological Association. At first inspection, a comparison of these two professional codes illustrates the concept of ethical duplicity that Pels (1999) introduces to refer to how we are caught between obligations and responsibilities to "clients" as practicing anthropologists and to "communities" as (non-applied) "pure research"-type anthropologists.

What is interesting about the AAA ethics code is that it begins with the acknowledgement that as anthropologists we already come to practice anthropology based on belonging to a range of social, cultural, and professional identities. These in turn imply or impose particular kinds of ethics, morality, and systems of ultimate value by which we act in the world. Thus, just as the AAA Code only provides suggestions for ethical decision-making, this article has only sought to map out and provide insight about a specific field of potential conflict in tourism research and applied work. Each of us must negotiate our multiple ethical obligations, responsibilities, and values as professional anthropologists, as

individuals belonging to specific communities, and tourism researchers involved in making tourism (see Castañeda 2006; Meskell and Pels 2005).

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