



Rethinking Development in an Age of Scarcity and Uncertainty New Values, Voices and Alliances for Increased Resilience



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Title

An Epistemology for Moral Human Development – A New Agenda for Development Research and Governance?

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Abstract: Starting from a cosmopolitan perspective of inter-cultural philosophy, my paper critically elaborates its main hypothesis step-by-step, i.e. that the current global crises are primarily crises of values and adequate moral norms (as opposed to economical, political or cultural reasons). By reflecting on imperatives issued by development ethics and discourses of global justice, it seems plausible to argue for further intensified research on stages and patterns of moral development for one intrinsic reason: Human development as well as human rights-frameworks are broadly understood as approaches to development and governance having an actual moral claim. Yet, their underlying epistemological notion of *secular individualism* poses both a crucial problem and chance for development and governance efforts.

In order to address the important and discipline-transcending notion of *values* in the context of development, or better their emergence and decline, I draw upon insights from cognitive psychology and sociology, which bear potentially valuable results for a more holistic governance (public policies, law-making and public participation). Taking into account possible shifts in analysis, a substantiated theory of moral development based on categories of (dynamic and static) *quality* can help to address development in a (1) necessarily and rightly demanded global perspective, and (2) to tackle Western scientific hegemony in a way to overcome its prime assumption of subject-object-dichotomy, ostensibly devoid of all its metaphysical premises. The latter epistemological perspective is identified as a key for pure individualistic conceptions and as an obstacle to successful human development and governance policies. Furthermore, such a shift in theories approaching development (or matters of governance) leads to a different way of conducting research itself.

In order to outline such a research, the example of my current PhD research on the implementation of human rights indicators in Ecuador 2010-2011 (UN OHCHR, local ministries and NGO's) is briefly presented at last.

1. Introduction

„*Toleranz ist der Verdacht, dass der andere Recht hat.*“ (“Tolerance is the suspicion that the other is in the right”¹ - Kurt Tucholsky). This famous quote from the German author Tucholsky encapsulates remarkably the central tenet of a rather novel but nonetheless important approach in philosophy, based on the crucial insight that philosophy has neither ever been, nor still consists of, a neutral set of rules, applications or reflections. In fact, critical discourses of post-colonial and subaltern studies, as well as thinking following Foucault, Derrida, other post-structuralists and anthropologists, led to increased reflection upon the role philosophy played before, during and after colonialism. Hegel, fa-

1 My own translation, JW.

mously, but also several others of the renowned Enlightenment thinkers not only defended the colonial project, but actively contributed by developing arguments that justified the civilising influence upon and exploitation of the so-called savages.² Claims of superior scientific epistemology, and therefore understood as universally valid, supported the imperial project as well as racist, culturalist or even biologist arguments for a constant degradation of “the other”. It fits well to this era that philosophy and science were (wrongly) seen as genuinely European (cf. Bernal 1987; Estermann 1999; Wimmer 2004), based on a superior technique of script and systematisation of recording, exploring and transmission. Against oral traditions that were found in sub-Sahara Africa and India, objections were made based on this belief in cultural superiority. In order to find a novel, non-biased epistemological basis for claims of any general validity, philosophy underwent itself a serious recension during the last decades with the objective of integrating the forever overriding realm of power and counter-power, from which also philosophy cannot escape. The result is the so-called school of “inter-cultural philosophy” and its main epistemological claim could be formulated as:

There is no single absolute truth, unless as many as possible participants from as many as possible traditions, cultures and schools of thought have agreed on such a claim (cf. Wimmer 2004).

This simple, yet radical epistemological principle presupposes and demands the afore mentioned attitude to respect the other and, if necessary, the willingness to review even the very own premises, arguments and believes at any moment, as Kurt Tucholsky has put it so neatly in a nutshell. It stipulates a certain clause of tentativeness with regard to our knowledge and opinion. In such a conception, not only wisdom and knowledge become intrinsically procedural, potentially open and dynamic. Moreover, there is little value left to obtain any claim of exclusive “truth” at all, because its instrumental character becomes apparent. Yet, it is important to highlight the inherent imperative of striving for it, since science itself would lose all grounds if the ideal of “seeking the truth” (as opposed to “truth” per se)³ would be jettisoned. An epistemology based on such an account serves as a stronger, because plurally founded, basis for any further philosophical inquiries; consequently, Western philosophy turned once more to Islamic, African, Indian, and Chinese thinking in order to find new answers. But this time assessment or comparison was less a motivation than rather a

2 Another famous example is John Locke and his theory on property as a result of enclosure and productive use. Even though he did not directly favour the colonial project in the Americas, he well profited privately from previous similar efforts in Scotland and Ireland, which led to the famous pilgrim ships loaded with recently impoverished peasants who embarked later on from these regions to overseas (cf. Arneil 1996).

3 Note the meaning of the notion “to philosophise”, which, as we all know, typically pronounces “the love or search for wisdom”. Consequentially, philosophical debates continue over related issues even after millennia.

thorough skeptical exercise in exchange and revision. The scope of such an inter-cultural project is a refined answer to the old debates between universalist and particularist positions; it consists of a participatory, procedural and dynamic epistemology. In addition, such a fictive or real conception of a shifted contractualist situation concerned with deliberating standards, basic values, norms, hermeneutic meanings, and procedures across several cultures, would also serve as cosmopolitan model of epistemology. Furthermore, such an exercise also implies a certain political and even policy-oriented claim: it becomes epistemologically justifiable to argue for more participatory aspects in democracy or even development cooperation, since results based on such procedures seem naturally more promising and better grounded (even though perhaps less time-effective) (cf. Waldmüller 2009). Such communicational settings are termed “polylogues”⁴ by Wimmer (2004) who developed several arguments and configurations that can be made in such situations. Politically speaking, it would be a noble goal to create as many as possible of them, which would act as a more buffered form of utilitarian policy realisation.

Why is it important to refer to inter-cultural philosophy and what has epistemology generally to do with development studies, governance and capacity for problem-solving? Firstly, there has another important school emerged within the various development discourses, that offers and discusses a probably fuller picture of (human) development, replacing or at least enriching the economism and basic needs approaches prevalent in former decades: development ethics (Max-Neef 1992; Aiken and LaFollette 1996; Chatterjee 2004; Pogge 2008; Crocker 2009 et al.). Most prominently, the works of Amartya Sen (1982; 1999a; 1999b; 2000; 2005a; 2005b) and Martha Nussbaum (1997; 2000; 2003) are widely discussed, who have both, but with a diverging twist, elaborated and defended their capability, or capabilities approach, respectively. Whereas Sen regards capabilities as rather static entities connected to but bifurcated from legal human rights discourses, Nussbaum tends to view them – “human entitlements” in her diction – as potentially more dynamic qualities. For her, capabilities are inherent atomic parts of human rights, which are universally valid, but each in particular contexts differently charged and shaped at the same time. It is this broad conception that leads her to argue throughout her works that capabilities should be enshrined in national legal frameworks and constitutions by making use of existing local colour. Subtleties between the two conceptions shall not bother us too much for now, but one exception: Whereas Nussbaum typically defended a position of presenting a thoroughly reflected list of central capabilities and a threshold

4 The term „polylogue“ was also previously in use by other scholars. It characterises the multilinear way of communication and revision flows between more than typically two participants.

for deeming a life worthwhile (Nussbaum 2000, pp. 101-103; 2006, pp. 5-6 and 229), Sen has always favoured democratic deliberation as a primary means to achieve similar results for the ranking of necessities. From a methodological, pragmatic but also epistemological point of view both ideas seem just as hardly reconcilable as similar discourses concerning a substantial gulf between human development actors and measurements (including the capability approach) on the one side, and the human rights sphere, including legal implementation and measurement thereof (Fukuda-Parr 2008; 2011), on the other side.

Starting from a critical questioning of this deadlock position, I seek to propose in the following a solution that potentially helps to reconcile both of these sides by proposing a sound theory of epistemology to ground them in. Firstly, I will start from the underlying epistemological conception of the capability-functioning duality by invoking other traditions and earlier writings on similar questions. Without going too much into detail at this point, I acknowledge the important political and also technical shift in viewing development rather centred around and from within the individual, i.e. its actual possibilities (“capabilities”), abilities, achievements (“functionings”) and desires, which offers a much more encompassing picture than, for example, a standardised catching-up through modernisation, industrialisation and accumulation of capital. But in reference to a recent contribution by Shelley Feldman (2010) and the work of Ingrid Robeyns (2005), I share some doubt on the institutional (legal, political, and social) framework necessary in order to make capabilities really a feature. It seems rather that the way human development, the capability approach and therefore several current large-scale aid projects are conceptualised, do actually build on questionable premises instead of taking recent insights, such as those from inter-cultural philosophy, into account. Development ethics offer hereby the welcome basis to criticise various ongoing projects substantially by asking inconvenient questions right in the middle of their celebrated success. Their important imperative to “peel off ethical and moral assumptions from economical, political, and social projects and endeavours in the name of development” (Goulet in: Gasper 2008), does not stop at the conceptions of the capability approach and human development either.

Secondly, I will briefly discuss the central issue of human dignity – not so much its scope or meaning, but again its epistemological calibration. Connecting the capability approach with insights from results from cognitive psychology (Kohlberg 1981; Lind 2000; Gibbs 2010), sociology (Boltanski and Thévenot 2006), and Buddhist thinking it becomes possible to make the individualist, rationalist and secular conception of the capability approach explicit. By doing so, I try to show that secular individualistic conceptions fall not only short of addressing overriding problems of de-

velopment substantially (such as building just institutions and/or spaces for deliberation for the exchange on values), but that they can also form an obstacle to profound change and betterment in the Global South. This could be the case, because such notions rely on the same language and epistemological premises that had previously caused the problem(s), we nowadays globally encounter. Perpetuating in their track is therefore potentially exacerbating, and not alleviating the situation.

Thus, I will thirdly suggest a refined concept of epistemology in order to integrate the capability approach more successfully within the human rights discourse, which opens up a refined approach to global governance. Centred around the category of immediate and reflected “quality” as our primary subjective and interpersonal source of perception, as opposed to abstract and contextual “freedom” – together with the correspondent demand of its enhancement – as the ultimate goal of human development, a novel paradigm for global development and global governance evolves. I will therefore in addition briefly outline a possible new approach to global development as such, based on a focus on values and norms in a given society at forehand, instead of policies, politics or economics, which are seen rather as results of these values. The idea of polylogues will, finally, be helpful to display an example for such a new and, as I think, viable direction for further research: the application of the UN OHCHR human rights indicator pilot project, currently ongoing in Ecuador.⁵

2. The Human Quest for Well-Being: The Case of Capabilities

Even though the available literature on the capabilities approaches suggests somehow differently, celebrating itself as novel and distinct, and even if Sen's and Nussbaum's contributions to both philosophy and economics cannot be overestimated, the topic itself including the search for criteria of a fulfilled, worthwhile and dignified life goes long back. Sen, who himself refers in “Development as Freedom” (1999) to Adam Smith and John Stuart Mill is reluctant to use the term “political economy” for his work, for which “social philosophy” once served as another name. Also Nussbaum has her forerunners, to which she refers frequently in her works (Marx, for example). But by contextualising the discourse on capabilities it becomes strikingly apparent, that other important thinkers in the field, such as Hannah Arendt, Michel Foucault or Charles Taylor, was given so little

5 Without intending any generalisation, my contribution consists of a serious critique of science, or the way Western science is hegemonic today, by taking at first principles of epistemology into account. That is, the way we perceive the world – either as a duality, supposedly separated in subject and object, or as a non-duality – the latter aiming at a felt, perceived and aspired “oneness” among us and the others.

attention. Arendt, for example, portrays in her masterpiece “The Human Condition” (2002 [1960]) the change of the meaning of the political (life and aspirations) from the ancient time until modernity. Whereas in former days the idea of democracy and citizenship⁶ was intrinsically connected to individual achievement that outlives an individual's life – therefore the affinity to monumental constructions built for eternity –, we have, according to her, lost this dimension in the course of the centuries in the name of technification and scientification. By replacing the highest order and ideal – the infinite cosmos –, in which humankind has always been mystically and ontologically embedded, with the idea of the all-permeating reason on its search for ultimate truth and wisdom, we got rid of the eternal dimension that had accompanied humans for thousands of years. Political action nowadays, including everyone's strive for well-being, was accordingly limited down to the scope of a single person's life. Together with the upcoming idea of nationhood, the nowadays everywhere prevalent consumerism and general constraints of scarcity, as propagated by capitalism, the scope of fulfilment of our potentially possible capabilities has been narrowed down to a fulfilment within our finite lives – which makes them necessarily less interested in collective or long-lasting social issues.

By this example it is important to understand that the way we conceptualise capabilities and functionings in modern science is just one way possible. Moreover, it seems that the basic political idea of organising a commonly shared space, including its resources, was truncated by the shift of the focus from primarily collectives to the individual. I should like to point out, that I neither want to speak in favour of any communitarian spirit, nor to judge this shift. Likewise, I am having a global society in mind, when speaking of a “commonly shared space”.

Charles Taylor argued in his “Sources of the Self” (1992) that morality itself has changed in approximately the same period that Arendt so thoroughly had analysed. The value of an individual (and one's life) was originally related to either religious belief or, argued during Enlightenment period, characterised by a commonly shared reason. More importantly, both views grounded predominantly in various metaphysical conceptions. When science, or more precisely, the belief in its exactness and results through measureability, replaced metaphysics and mystical narrations, also the way of defining “human value” changed. Deprived of any “over-humanly” anchorage, ethics had to refer to the abstract concept of human dignity (instead of, as in the case of the former ethical conceptions,

6 For ancient Greek city states democracy and citizenship presupposed not only a certain group of belonging, a well-delineated extent of validity, but also the necessity of certain shared values and respect. Paradoxically, democracy itself cannot reproduce them. Only long-lasting political acts in the name of a power (the state, in our modern understanding) could guarantee the constant recreation of these presuppositions. Today, we would most likely see (political) education in this duty.

god-given brotherhood, soul, or the like) in order to construct further normative arguments, to develop academic ethics and eventually also modern law.⁷

This all is just to remind us that the capability approach as well as human development theories with its linchpin human dignity (Nussbaum 2006, pp. 70-71) do have, in terms of history of ideas, a very specific, not to say narrow, thrust and scope. Neither can we speak of objectivity, nor eternal universal validity of the capability approach when suggested to various regions in the world as a method for assessment, even though its validity as a method or theory is far from being doubted. The reason is that its own premises – in both the version of Sen and Nussbaum – draw directly from the specifically Western experience of modernity and science (cf. Himmelfarb 1996). Science, that has a certain historical bias all the more, as mentioned in my introduction.

Moreover, there are other conceptions for the pursuit of happiness of the individual in the world, as suggested in a recent contribution by Gasper and Truong (2010). By referring to writings inspired by Buddhism they aim to show that the capability approach takes too little into account (1), the embeddedness of individuals in their surrounding nature, their resources, all shared collectively and (2), a non-dual biocentric conception of human life, nature, and the cosmos. Buddhist thought defines humans as organisms that are inter-linked with other organisms.⁸ In Buddhist thought, *prajna*, or penetrating insight, is the ability to understand this nonduality. To strive for *prajna*, which is said to release from all kinds of trauma, suffering and egocentrism, is one of the highest attainable goals. Ontologies grounded in biocentric worldviews, as they exist in manifold in Buddhist traditions, lead to different ethical ideals, than typically in the West. The will of mind, for example, is not geared toward power and control, but toward understanding the nature of interconnectedness, the key to releasing empathy and compassion. Therefore, whether socially nor morally defined, ontological security (in other words: the fulfilment of well-chosen capabilities) is not derived from the notion of a fixed stable self, but from the ethical ideal to perceive oneself in relation to others and, indeed, as others (Adams 2002 in: Gasper and Truong 2010, 80).

The capability approach, as offered by Nussbaum, Sen and their numerous commentators,

7 Finally, Michel Foucault (1977) has informed us substantially about the way measurement, standardisation, and normalisation through scientific progress and punishment preconfigure our overall possible ways and deviations, when, for example, calculating our capabilities and functionings. There is not only always a constantly changing – but in a given moment of evaluation yet specific – setting of social, cultural, economical, and political relations around and among us that exercises power upon us, but also do we exercise power in the form of influence upon others, when choosing the fulfilment of certain capabilities.

8 Compare also the following quote: “The human being differs from other organisms in nature owing to the endowment of mind, the essential quality of which is formed by the recognition of this interdependency and which expresses itself in different forms known as empathy or interbeing” (ibid. 2010, 79)

does clearly not have such a dimension, even though it potentially allows for it. Indeed, empathy and (com)passion are elements on Nussbaum's capabilities list, but all of them are primarily thought as to satisfy the epistemological category of a given capability-bearer. There is no central aspect of caring, outwardness – or even dynamic change over the course of one's life and beyond. Furthermore, the detailed role of institutional frameworks in order to secure actual functionings and further capabilities remains remarkably unclear. As Fukuda-Parr has noticed (2011), human rights, as entitlements each person has by virtue of being human, could be thought of as claims to essential capabilities. But human rights have as their epistemological scope nation states and in particular governments as duty-bearers. Yet, nation states do not interact in a neutral power vacuum. On the contrary, there are powerful relations that predetermine the ability of governments to protect and implement rights, which has an impact on the way people perceive their capabilities.

To cut a long story short: my point is that there are other conceptions of human development (in its widest sense) in the world, and we should take well into account that the way we think about them and ourselves is very much predetermined by the way we do research on them. To underline my argument, think additionally of the given economic and institutional world order. It is well known that this order not only effectively produces inequality and harm (Barry 1989; Opitz 2001; Barry and Pogge 2005; Pogge 2008), most strikingly by the leverage of global fractional reserve banking, private national banks and public debts⁹ instead of alleviating it. It furthermore constantly increases the gap between the Global South and the Global North – even if statistics for particular sections and regions suggest otherwise (cf. Pogge 2003; 2008). It is therefore justified to ask: what if the inherent promise of modernity and science to improvement eventually failed – in the sense that the global situation and world order is at the edge of collapsing? What if some of the fundamental epistemological premises of modernity and science, at least in the West, were wrong? (Wrong in a sense that they did not even keep the utilitarian promise of “the greatest luck for the greatest number of people”.) How would such a misconception influence the way we think of development, and based on that, the conduct of development cooperation – including the human development movement? Is there any alternative strategy conceivable?

9 See also Flandreau and Flores (2011) for a substantial and detailed account of economic history on the role of private banking, war funding and national debts during the Pax Britannica (1815-1914). This work shows that “pedagogical” practices such as influence on politics through lending conditions has always played a crucial role for the banking sector in order to become so powerful.

3. Towards an Alternative Epistemology as Premise for Human Development: Shortcomings in the Capability Approach

One possible answer regarding fundamental epistemological premises of modern thinking refers to the different idea of world perception as in the Buddhist example, namely duality of perception. The separation into a fundamental object-subject dichotomy lies at the heart of a purportedly universal epistemology, dating back to Aristotle, Descartes and others, is clearly one of the most basic concepts existing in all Western sciences, and therefore in a hegemonic acting way. Subjects that perceive objects, that we can describe, measure, categorise and put up to discussion, primarily irrespective of their “true” positivist content – this figure lies at the bottom of all Western logics and makes idea(s) such as objectivity possible. Accordingly, we also perceive ourselves as distinctively different, irrespective the closeness of our relation. But the point is to a lesser extent whether this figure captures our reality adequately or not. It is just a fact one has to acknowledge, that scientific work, elaborated policies, development project proposals and evaluations which are not based on this basic figure will not be considered as serious or “objective”. At this point, our epistemology itself becomes a disciplining force that excludes the “other”.¹⁰ Furthermore, this dual dichotomy also expresses itself through categories of dichotomy such as “quantitative”/“qualitative”, “we”/“others”, or “government”/“civil society”, but also “developed”/“developing” and “donors”/“beneficiaries”. In fact, if we think through, we see that we structure the unity of our world through constant separation into “perceiver” and “perceived”, which is a very old idea. And by conducting aid programmes and development programmes - without any moral judgement at this point - we still have to acknowledge that we dictate also the way we want the world to be perceived by means of language, technique and conditionality.¹¹

It becomes clear now that such basic premises lie at the heart of the capability approach (think of “capabilities” and “functionings”) as well, as much as it is true for the language of human rights (eg. “duty-bearers” and “right-holders”). I also doubt that the contemporary development paradigm besides economic growth – “development as freedom” (in the case of Sen and the UNDP), legal en-

10 For example: proposals, evaluations and long-term goals based on indigenous conceptions of sovereignty or collective use of property, medicine plants and many more. Wherever the conduct of modern statism (an important source of “objectivity” for Westerners) is put into question by indigenous efforts, typically “more objectivity” will be demanded.

11 I want to formulate as an unverifiable hypothesis that one reason why various large development paradigms eventually failed in the past may be due to this fundamental premise of perception. If the way development strategies or strategies of governance can potentially be formulated and implemented is predetermined by one side, no encompassing change seems possible. Such attempts will necessarily remain superficial because of a lack of inclusion and wholehearted acceptance of the others' premises.

titlement and enhancement of capabilities (in the case of Nussbaum and others) – is the best way to frame development as a honest, upright and fair effort to more equality and global justice considering the outlined epistemological difference. Particularly two reasons let me doubt: (1) Since the idea of individuals reflecting upon their situation and functionings, balancing several options and finally deciding rationally stems from a very Western, individualist, secular thinking (supposedly deprived of all metaphysical charge that would exceed the achievement possible in one finite individual life) with close relation to consumer-choice theory (Sen 1999),¹² there might be a gap between aspirations and actuality. Most importantly, having said subject-object dichotomy as a basis, it is eminently questionable how such concepts should fit into the living environment of people who are traditionally or generally not used to think in such categories. (2) The enhancement of freedom for evermore capabilities and functionings is reminiscent of capitalism's basic assumption according to which growth (that is creation of value added) seems unlimited possible. The flaw in the theory comes not only from the fact that we have only limited resources on a single planet, but also that the value of freedom itself needs to be contextualised under such conditions. It is clear, for example, that not everybody of us can limitless fly around the globe (by means of our current technology), even though it would be desirable to increase our capabilities to do so. Without contextualisation even the goal of increased freedom becomes so emptied, meaningless and degenerates eventually to a simple marketing slogan. Thus the question evolves whether there could be another basic principle of perception that could help us to frame the idea of human rights and capability-fulfilment in a more adequate way.

3. Human Dignity transcending the Individual? Moral Development and its Insights for Epistemology

At the very core of all discourses concerning human development, including the two generations of human rights treaties, lies the valuable notion of human dignity (eg. Sullivan and Kymlicka 2007; Dupré 2009). I have already mentioned that human dignity should not be regarded without historical context and conceptual predecessors, as Taylor has convincingly argued. In the following I will not focus on the various discourses that analyse the idea and concept of human dignity, but again take instead its epistemological scope under scrutiny.

12 Also Nussbaum, by referring to the theoretical contractualist setting developed by Rawls (1971), where citizens choose their principles of fairness under the fictive situation of the “veil of ignorance”, draws on this rational idea of balancing options according to one's own individual utility (cf. Drydyk 2011; Nussbaum 1997; 2003).

Human rights, as they are formulated in the *Universal Declaration on Human Rights* from 1948, are indivisible, inalienable, pre-legal in principle (moral values) and equally valid for every human being by the mere fact of birth. They express therefore a certain idea of individual claims toward fulfilment against others. One could argue that the “logics-in-use” in the way the universal declaration is stylistically presented suggest to take primarily the position of any individual in order to see with her eyes on her claims and rights. It is, however, important to stress that human dignity, for not to be tautological, has only value if recognised and acknowledged by others. A person entirely alone cannot perceive human dignity. She needs others, who are able to see in the other the same as they do in themselves, in order to make sense. This inherent idea of communality and outward-orientation is expressed in terms such as “brotherhood” (cf. Preamble of the Universal Declaration), “human family”, and “humanity”. To put it differently, dignity can only be because of the other, or again in other words: it is necessary to overcome the subject-object dichotomy of epistemology to some extent in order to experience human dignity. Moreover, in terms of sequence, it is likely that this step of recognition of the other comes even before a fuller understanding of oneself becomes possible. There is strong evidence from cognitive psychology, in particular the important life work of Lawrence Kohlberg (1981; 1996; Gibbs 2010) on the moral development of individuals and groups, that supports this idea.

Lawrence Kohlberg, who conducted numerous empirical tests and refined his theory of individual moral development throughout his life, maintained to have identified seven stages of moral development on an individual level. He claims these stages to be universally applicable, which is subject of a controversial debate. The content of moral development (he specifically analysed the ability of moral judgement) at each stage clearly coincides with age, political understanding, education – and the ability to incorporating abstract ethical principles by means of inter-subjective empathy. In fact, the higher developed the latter ability, the fuller developed is our morality (cf. Gibbs 2010). Kohlberg's stages can roughly be titled as pre-conventional, conventional and post-conventional levels; for each level the way moral judgements (and the way underlying moral arguments are perceived) are considered and formed differs. His analysis is also based on an initial separation into a social or positive morality and an individual or critical approach. While moral judgements not automatically lead to moral action, they are, however, a necessary precondition for moral action according to Kohlberg (1996). The important point is, first, that he, similar to Boltanski and Thévenot (2006) and Lind (2000), regards the formation of moral judgements to be dependent on the way moral justifications are given and framed. And second, that some aspect of the subject tran-

scending empathy seems necessary to achieve better moral judgements.¹³ Clearly a discursive character turns up. But is there a common public morality? A society's public morality will change over time as well under the impression of further (e.g. technical or climate-change related) developments. Who are the stakeholders in debating, deliberating, these changes? In pluralistic Western societies, the development of public morality is most wanted in situations where it is not clear which norms and values should set public standards. Those situations are considered morally problematic, and in such situations governments often install ethics committees or ask for support from multilateral experts. These smaller bodies are thought of as achieving more effectively a consensus or at least a compromise, than larger consultations. But even if they come to an agreement, there is still the individually contextualised (education, age, etc.) critical morality that grapples with several “authorities”, such as ethical principles we believe to be right, in order to take our own stance. We find that the main contribution of such committees are actual moral arguments and, based upon, moral judgements, expressed as value estimations. It is then up to the individual level to (re)act, to translate, what has been issued based on reason *and* sentiment.

4. Quality Perception as Non-Dual Category of Epistemology

For the central hypothesis of my contribution, the following idea is important: if Kohlberg, Boltanski and Gibbs were right and morality itself is subject of a process of development and moral agency, why should it then not be possible to address this basic process of human undertaking at forehand? If moral norms, values and the way we engage with them can be developed, why is there no intensified systematisation? Furthermore, how could an epistemology look like that complements such a theory of moral development adequately? For this purpose I will in the following present my own proposal towards an alternative epistemology.

Based on the question whether there is an immediate way of perception that is shared by all humans, I suggest to make use of the immediate perception of “quality”. By “quality”, I mean the immediate intuitive judgement we have in almost every given situation of minor or superior importance. Another description for “quality” could be “value estimation”, and in fact, in the way I under-

13 Lind (2000) developed educational concepts drawing on Kohlbergs findings. He argues in his works that it is possible to train people in terms of political empathy and shared moral consciousness. The French sociologist Luc Boltanski also refers to Kohlbergs works to create a fuller account of how norms and moral standards work in conflictive situations in a (European) society.

stand quality both terms are interchangeable. This perception – a genuine estimation of our sentiments, well-being and comfort/discomfort – can be triggered by sensual perception but not necessarily. Quality perceptions form the core of our autonomy and self-perception; if we are deprived of this basic function, we would literally cease to death. It is this estimation of immediate value that creates the capability of our dignity and which transcends scientific epistemology by its sheer subjectivity. Yet it can be found universally as indivisible and inalienable. Moreover, the perception of quality or non-quality is of course always dependent on the scale of judgement according to which criteria our quality perception itself is reflected. This scale is the always provisional result of our cultural, social, political and economical impression, a “narrative” rather than a result. But in contrast to dual epistemology, the scale's (my personage) interconnectedness with the rest of the world is clearly explicit this time.

There are two main areas perfectly applicable for my notion of perception. Firstly, such a conception of connected epistemology bears an advantage with relation to the terminology of the capability approach: Sen famously wrote that capabilities express “what one has reason to value to do and to be”. I suggest that “to have reason to value” is a rather abstract description for “to perceive 'quality'”, and both terms express clearly and primarily a value judgement. Secondly, it suggests itself that our epistemological ability altogether rather consists of constant value judgement about the world.¹⁴ These value judgements are made on the basis of acknowledgement and recognition, which are based on social interaction per definition, rather than on subject-object dichotomies.

Is it possible that individual and collective value judgements actually form the basic net of social interaction¹⁵ in the world, for which labels such as “political” or “cultural” are mere substitutes, not capturing comprehensively enough? If they do, it becomes also clear that to ask ontologically “what is morality?”, a question which is normally answered by reference to historical or regional context, in fact misses the point. The reason is that there is always and forever a plurality of moral systems (based on norms and values) existent, which is expressed through our actions and decisions. With regard to analytical meaningfulness, it would make more sense therefore to ask instead for “which morality, which values and which justifications” are given or expressed in a given moment or strategy. The latter is in accordance with (1) the discursive character moral development has according to cognitive psychology, and (2) the imperatives issued by several proponents of de-

14 Taken to the extreme, there is nothing else in the world than value judgements, because whatever I see, hear or perceive was a result of my previous estimations of importance – or quality/non-quality – of it.

15 Such a setting might be conceivable as constant conscious and unconscious negotiation, contesting and forging alliances.

velopment ethics (cf. Goulet 1995; Gasper 2004; St. Clair 2007; Gasper and St. Clair 2010). Those remind us to peel-off exactly these moral layers from supposedly objective calculations and policies.

If the conception above is adequate, or comes at least closer to the possibility of diverging epistemological systems to the current prevalent one, such as the Buddhist example in the beginning has shown, then there is one crucial implication: then, the way human development works in our world is different to what has been thought. Human development in this perspective is *the dynamic collective creation, displacement and disposal of social norms and values*; the interaction between individuals and collective belonging based on quality perception, given justifications and recognition – and it needs to be addressed in such a way, rather than in political, economical or cultural terms and policies.

I would further argue that the current global crises (economical, political, environmental, demographic) do not so much express the decline or even absence of values or morality, but that they could be more profoundly analysed by questioning the existing values that are reproduced through an educational and scientific system based on an erroneous premise of perception. Attempts to global governance focusing on exclusively economical, political or cultural parameters, without taking the connected moral dimension into account, are therefore necessarily doomed to fail on the long run. This crisis of non-addressed value politics – globally speaking as global moral development – would need explicitly more research on the way values are shaped, justified, and negotiated on both an individual and collective level. Having said that development is primarily a sequence of values that overcome themselves by means of certain mechanisms to be determined, it would be a major future task for development research to identify those patterns of sequence in various regional and cultural settings.¹⁶

5. From a Refined Epistemology towards a Fuller Account of Moral Development

In terms of human rights and capabilities framework such a theory of moral development could frame the common ground on which both can be linked together. Let me briefly outline such an idea: If norms and values change over time, sometimes integrating large numbers of people,

¹⁶ Furthermore, also in economic strategies, social policy making and institution building such a dynamic understanding of change needs to be integrated

sometimes less, then the question arises how these changes occur? In order to address it, I suggest two different types of quality: *static* quality and *dynamic* quality.¹⁷ Since quality expresses not so much (only) certain qualitative characteristics in my understanding, but rather the value estimation of something *x*, static and dynamic express directly the estimation of the qualities “static” and “dynamic”. What is meant by that? In every social group or society we will find both rather static and rather dynamic forces at work. Whereas for the ones stability, conservation and order is more important, for others the adaptability to change, to rather risky endeavours and to innovations is deemed more valuable. These two struggling forces are not so much related to classes, certain groups or historical blocks as to the individual sphere. Nevertheless it could be possible to analyse conflict situations, revolutions or simply technological change in the categories of static and dynamic value estimation change. Also the capabilities presented on Nussbaum's list¹⁸ potentially express some more static and some more dynamic qualities, that need to be addressed in a different way, according to the particular circumstances. Even though for her all “basic entitlements” taken together are inseparable to build a minimum threshold of well-being (2011), it is as clear for Sen as for other commentators that the idea of capabilities and functioning involves a certain mechanism of prioritisation in order to lead to concrete action (Drydyk 2011).¹⁹

According to the quality-theory outlined above, notions of moral agency apply to everyone in every given situation. Since we reflect our value judgements on the basis of our socialisation, education and environment, we act also as proponents of a certain context, stemming mainly from our individual and collective past experiences and future expectations. I would therefore suggest a model such as the polylogue, offered by inter-cultural philosophy, in order to implement effective mechanisms for negotiating capabilities through the lens of values. It could be an effective development strategy at small-scale but also nation-wide level to discuss the values and goals prevalent in a

17 At this point, we should keep in mind that „quality“ could be perfectly replaced by „value estimation“.

18 Nussbaum's full list of central human capabilities encompasses: (1) *Life* – being able to live for the span normal for the species; (2) *Bodily health* – being able to have a good health (incl. adequate nourishment and shelter); (3) *Bodily integrity* – being able to be physically secure, and with rights over one's own body; (4) *Senses, imagination and thought* – being able to use the senses, imagine, think and reason (incl. being adequately educated, informed and free from repression); (5) *Emotions* – being able to have attachments and feelings for other people and things ; (6) *Practical reason* – being able “to form a conception of the good and to engage in critical reflection about the planning of one's life” (2000, 79); (7) *Affiliation* – being able to interact well, and imagine and empathise with their situation, self- respect and non-humiliation: no discrimination on any grounds; (8) *Other species* – being able to live with concern for the natural world; (9) *Play* – being able to play and laugh; (10) *Control over one's environment* – both, being able to effectively participate in political processes and being able to to have possessions, and to seek employment.

19 Alkire (2002a; 2002b) for example, connects Sen's approach also to that of participatory appraisal and evaluation needs, for these provide relevant methods for discussion and prioritisation in local projects. Crocker (2009) takes this even one step further and argues, by connecting the CA with concepts of moral agency, generally for changed political systems in order to address the imperatives offered by the CA.

society with the aim of defining priorities of capabilities and functionings. This would allow to give more respect to self-determination and autonomy of various peoples or groups at the same time.²⁰

However, what follows from all what has been said so far, is that there are delicate steps before one reaches the level of capability assessment. Firstly, there is the basic mechanism of perception that conceives the world expressed in values rather than in mere phenomena. If we want to improve our awareness for this epistemological moment, we have to guarantee some autonomy. Secondly, it can be argued on the basis of the evidence suggested by cognitive psychology and the notion of dignity that mutual empathy, education and willingness to respect the other at forehand are necessary to enter the process of value negotiation in a more conscious and reflected way. Thirdly, such a process is subject to a gradual development, on an individual – as perhaps also on a collective, or even global level. Certain standards such as full equality of women, for example, that were inconceivable only some 50 years ago, are nowadays promoted globally as uncircumventable. Even human rights themselves and capability approach theories could be understood as an expression of moral development; a view that is also often contested because of the blatant gulf between theory and actuality (cf. Leung 2004). If our global civilisation is subject to a common development – as it is also suggested in the debates on the controversial right to development (Sengupta 2006; Beetham 2006) – the obvious question evolves of what our common goal could consist of? Could it be economic growth, as a always preliminary answer – due to the lack that we do not know for which purpose people will use their financial means? Survival of our species? Hard to justify on moral grounds. Freedom – to do what and why? Also freedom rests undefined and tautological if not understood as a means to something else.

Based on what have been said, I propose therefore instead encompassing “quality” as a goal for all kinds of development and governance. I am assuming that the entire world aims to experiences of quality – including sequences of static and dynamic quality, for which they characterise the process of life itself. Fundamental capabilities as elaborated by Nussbaum and others could serve as a concrete content necessary for the experience of encompassing quality, giving us a measurement

20 Autonomy and self-determination are not only values we all enjoy and estimate high when it comes to our own quality estimations. It should also be noted that Richard Vernon (2010) argues in a very recent and encompassing publication for a substantial shift of the most widely discussed global responsibility principle. Instead of the principle to “not uphold any unjust global or institutional that produces knowingly or unknowingly harm”(eg. Pogge 2008), we should for various reasons given in his book rather endorse the idea to “actively promote and uphold a global order that respects and values autonomy and free self-determination in accordance with overall ideas of justice” (Vernon 2010, pp. 163). Such an overall idea of justice is that to “not harm” means most and primarily the capacity of any society to form and to execute its common project (p. 194) and in a next step to enter into negotiations with others. Therefore any idea of justness and equality presupposes such a value and recognition of autonomy.

at hand that exceeds pure static assessments of, for example, the degree of realisation of legal obligations or economic productivity. Similarly, the claim to enhancing freedom could be subsumed to the common goal of individual life quality and collective global quality, which would allow to prioritise and to balance necessary capabilities and entitlements in an even more detailed way. Having as an ultimate goal of development the enhancement of global quality perception – or in other words: the collective and shared perception of values that are estimated as qualitatively encompassing, the enhancement of freedom, the respect and implementation of legal and political autonomy and human rights as well as the thinking of life prospects in terms of capabilities – turn out to imply themselves. But the crucial difference is that we have shifted the individualistic conception of capabilities to a more encompassing framework that gives us clear advice with regard to the question which institutional frameworks are necessary in order to improve the situation in a given society or in the world as a whole. Thus, I suggest to think of “development as quality”, instead of “freedom” - and maintain that a system of global governance that tackles injustice and inequality must first of all address the way and which values are shaped in the world.

6. The Human Rights Indicators Project – The Pilot Case of Ecuador

In the following I seek to outline the path for a new research on moral development, particularly in the context of development research. If we understand moral development as a discursive and argumentative process, we can ask for main stakeholders and their actual role in these processes. Further, it becomes possible to examine the arguments given in such deliberations. Due to the theory of moral development stages, it becomes even possible to classify these arguments and the positions taken by various stakeholders. Finally, Boltanski provides us with sound suggestions for analysing the potential space for action according to the sphere of capabilities. The main contribution of such a research to development consists of making explicit the mechanisms at work when new values and norms should be established at the intersection of individual and public adaptation.²¹

In the last three decades, several approaches have been developed within the “international community” in order to create proper indicators for monitoring human rights implementation in addition to the legal instruments treaty bodies of the UN OHCHR already have.²² Answering to in-

21 After having one day several years of research conducted and various case studies collected, it could potentially become possible to identify even a universal theory of the way values and norms change over time. Such a theory would help enormously to implement more dynamic and efficient development programmes focusing on equality.

22 For an encompassing survey of all recent initiatives regarding quantitative Human Right indicators, see Malhotra and Fasel (2005) and Fukuda-Parr (2011).

creasing demands coming from local and international civil society organisations, but also from multilateral organisations and several research institutes, numerous people were engaged in a debate over designing and implementing Human Rights Indicators. According to some persons involved, the “*Metagora*”²³ project launched by the OECD in 2000 in order to harmonise and to enhance (mainly quantitative) assessment methods can be understood as the starting point of a new paradigm for human rights assessment as well. Needless to say, the emergence of this paradigm should be contextualised within the larger discussion regarding (1) measurement of development and political strategies beyond the Human Development Index (HDI), state party reports as well as merely economic approaches; (2) the significance, applicability, and importance of indicators for this purpose in general. This debate is furthermore intensified and complicated by crucial discourses concerning universal and particular stances with regard to cultural particularities and epistemology(-ies) in general. Is there a universally valid way for measuring “progress”? Fukuda-Parr (2011) suggests that human rights-based approaches and measurement thereof are distinctively different to measurement of capabilities or human development, since the latter is based on rather qualitative assessments at an individual level, or as in the case of the Human Development Index (HDI), without any scope for the legal implementation of rights.

Despite many unresolved questions, the UN, and in particular the former Sub-Commission on the Promotion and Protection of Human Rights (ceased in 2006), recently developed – in a yet unpublished project (with the exception of the UN OHCHR (2008) working project report) – the probably most promising but not exclusive approach to Human Rights Indicators.²⁴ The basic rationale behind the UN OHCHR project is to implement gradually on national levels, but eventually globally, indicators broken down into categories, each consisting of a particular fundamental “right to...”, thereby following the so-called IBSA approach: *Implementation, Benchmark, Scope, and Assessment*. This framework seeks neither to prepare a common list of indicators to be applied across all countries irrespective of their particular context, nor to make a case for building a global composite measure for cross-country comparisons of the realisation of human rights.²⁵ The idea is to provide

23 OECD's Metagora project (URL: <http://www.metagora.org> [29.10.10]) was officially launched with an international conference on „Measuring Human Rights, Democracy and Governance“ in December, 2000. It stems from a Paris 21 project and aims mainly at statistical partnership.

24 The elaboration of Human Rights Indicators is subordinate to UN OHCHR's Committee on Economic, Social and Cultural Rights, which is concerned with monitoring these rights. There are currently two experts employed by the UN within this project: Nicolas Fasel and Raajev Malhotra. There are also several other versions of HRI elaborated in co-operation with the UN OHCHR and occasionally employed, but the most encompassing approach or standard for future approaches was issued by the UN OHCHR (which also provides expertise in such efforts).

25 cf. UN OHCHR 2010 online: „Main Features of OHCHR Conceptual and Methodological Framework“, URL: <http://www2.ohchr.org/english/issues/indicators/framework.htm> [29.10.10].

countries to assess their path to an enjoyment of human rights and, therefore, also well-being of its inhabitants only internally.

Generally, three sorts of quantitative and qualitative indicators are employed: *Outcome Indicators* (measuring realisation of certain measurements or steps taken), *Process Indicators* (giving an impression over time according to selected goals), and *Structural Indicators* (international treaties and covenants signed; institutions; ombudsmen installed, etc.). Process indicators relate state policy instruments to milestones that cumulate finally in outcome indicators. This logic could be compared to realising functionings through certain capabilities by means of selected utilities. Whereas process indicators permit to establish self-determined programming towards commitments that can be captured in “cause-effect relationships”, the latter – and problematic – ones should reflect the realisation of human rights in a given context (e.g. proportion of seats held by women or other target groups in parliaments).

UN OHCHR understands itself as a provider of monitoring and exchanging service and expertise. While the IBSA and genuine indicator approach (mixing quantitative and qualitative indicators as well structural, process and outcome indicators) is indeed understood as universal framework, there are several countries working on possible adaptation to their legal and political context at the moment.²⁶

Ecuador offers a particularly interesting case, because the HRI project is only part of a general shift in governance: the so-called “Integrated System of Social Indicators of Ecuador” (SIISE). This approach is the result of a serious macroeconomic crisis in the country during the late 1990s. Between 1998 and 1999 poverty rates doubled and spending on health and education dropped by around 25 per cent. Concerned at these cuts, civil society organisations (CSOs) with the support of some UN agencies began to analyse the national budget and identified more equitable public policies based on a consensus regarding society's obligation to fulfil human rights of all its members as a key to change. This national and international co-operation and the issue of public spending was subject to widespread, participatory national debate, involving the media and the legislature. Since then, Ecuador's political leadership has worked with civil society to strengthen a national monitoring system – the SIISE – to track progress in social investment both nationally and by region. This programme led, according to the UN, to increased government transparency, accountability, investment in social services, participation by all people in decisions that affect them, as well as access to information, and a more efficient and effective public sector (cf. UN OHCHR 2006: 13). The HRI

²⁶ A particular problem is the data available or accessible: some statistical sources are not available everywhere, or are too costly to obtain. Other points are simply not desired politically or have never been considered.

project and the idea of public debate and reflection on certain moral norms, implementation and monitoring is therefore not without precursor in Ecuador.

The government, CSOs and local human rights institutions in Ecuador are at the moment particularly interested, supportive and open to the HRI initiative. The main idea is learning in partnership between all countries involved and the UN, while providing expertise from similar initiatives elsewhere. First trial-assessment of data already led to the establishment of indicators for the right to work and the right not to be tortured. Further work on at least three other indicators is on the way. Civil society level should ideally use the project to put pressure to their government by publishing far-leading feasibility studies in order to start public discussion.

But, according to my own research, one feature of the present HRI project is of particular interest: The logic-in-use for the implementation envisages that all countries should decide on internal *benchmarks*²⁷ (i.e. non-binding commitments). Assessed data and indicators will be mirrored in the light of these self-determined benchmarks, which should enable national and international human rights institutions to monitor more effectively the achievement of human rights over time. I would argue that the selection of certain benchmarks (and others not) clearly reflects important value decisions, in which moral norms could be comprehensively debated. It is particularly at this point that the question aiming at the main stakeholders, decision-makers and their discourse presented becomes crucial – and this procedure therefore needs attention.

However controversial and crucial the UN OHCHR approach and its application in Ecuador may be, said selection of benchmarks opens potentially a feasible space for participatory deliberative dialogue on public values, similar to the figure of the polylogue from my introduction. More precisely, it enables states, in principle, to empower its citizens, CSOs, political parties, unions, etc. through a process of deliberating their values, in the course of which value choices (i.e. benchmarks) become explicit. Therefore, in my ongoing research I am particularly focusing on the discursive dynamics of the co-operation between government, civil society, and at the important interface of local human rights institutions, in order to examine independently, but with the endorsement of the UN OHCHR, how justifications given for the rankings of certain rights and their assessment are formed as discursive strategies. Moreover, following theoretical insights from the quality-value theory outlined above it might become possible to classify qualitatively collected data by means of reference to certain “capabilities”, “functionings”, and similar units of analyses (lists of basic capabili-

27 The national setting of benchmarks is influenced by best-practice experiences from other countries, recommendations by the UN OHCHR, NGOs and individual experts. Benchmarks indicate of national goals fulfilling previously selected “rights to...” within a given time span.

ties, different notions of minimum thresholds). This would potentially allow to design a more encompassing framework of combined development and human rights efforts by directly employing ethical considerations by means of my quality-value theory.

The focus on participation and deliberation serves as practical connection in order to bridge the translation of rather abstract moral and legal norms and their assessment into the sphere of individual norm-making (which of course can only be approached via proxies, for which the making of human rights indicators serves in my case). My data obtained²⁸ will potentially provide valuable insights for all stakeholders involved as well as policy makers on a national level regarding not only the practical difficulties of a successful assessment of rights, but also the discursive and moral dimension, which seems necessary in transporting moral and legal norms into people's everyday life.

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28 My data is drawn from semi-formal and expert interviews as well as non-participant/participant observations at the work of national and international human rights institutions, CSOs and on the governmental level.

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