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1. Introduction

What has justice to do with international diplomacy, a field supposed to be about hard bargains, determined by power, and aiming at maximizing utility? I. Wiliam Zartman answered in a recent study clearly and succinctly:

> "Political analysis has long compartmentalized its treatment of political phenomena according to discrete variables, so that discussions of power, order and institutions rarely meet discussions of justice, principles and motivations, or meet only in glancing encounters. Without more sustained meetings, the analysis of conflict and order is incomplete." (Zartman 2008: 99).

In this essay, I discuss the meaning of justice concerns in international diplomacy. I begin with a brief discussion of the meaning of justice in human affairs. Then I review the (in my view) most important empirical work on this issue in international relations. Next, I deal with justice like with security in speech act theory: To understand "justization" – like "securitization" – as a speech act that raises an issue above the realm of routine politics. Next, I speculate about the consequences, drawing on political psychology. Finally, I develop a typology of understandings of justice, discuss the problem of intercultural disputes, and add some conclusions.

Justice is a ubiquitous cultural phenomenon. Basic human needs theory has emphasized that, apart from physical needs, humans have also social needs which are quite as important. "Justice" (or "fairness") belongs to the basic goods humans strive for in their lives (Burton 1991). Likewise, it has been stated that justice is a central element in all human conflict (Deutsch 2000) and decision-making (Zartman 2008: 68, with further references). This understanding of justice as a universal phenomenon corresponds to the results of German theologist Hans Küng's efforts to find commonalities across world religions (Küng 1993). Küng did not only find that justice concerns were present in all religions, but also that the fundamental justice principle of "suum cuique" – everyone should have what he or she is entitled to – applies across the board, though what that "suum" (the entitlement) might be for which "cui" (the person or collective in question) is different and thus contested.

The attempt to achieve justice exists at different levels of social aggregation. Individuals claim for themselves their "fair share" in the distribution of goods and for the participation in decision-making. This implies that justice is a social relation in which the individual compares her own shares in distributive outcomes or decision-making processes with those of others, measured against a standard of justice that, it has to be emphasized from the beginning, needs not to be "equality". The same is true for social groups as well as for higher aggregations such as states. This notion of comparison is rooted in empirical justice research much of which follows a rationalist/utilitarian paradigm. It has thus to be emphasized that justice claims can also be made on behalf of other people. This is an important subject for the present debate in the philosophy of justice (e.g. Pogge 2003; Sen 2009).

Generally, political philosophy has circled around justice since its beginning as one central feature of the normative theory of a good society. It is no exaggeration to maintain that "just" and "good" as attributes of political life are close to being identical in most classical and contemporary writings. This finding is particularly pertinent after John Rawls opened a new round of deliberations on justice (Rawls 1971). The justice debate has meanwhile conquered the debate in international political philosophy (e.g. Rawls 1999; Shapcott 2001; Pogge 2003; Kuper 2004; Buchanan 2004; Forst 2004; Walzer 1994)

Implicit in the claim at each level of aggregation is the desire that systemic principles of distribution and participation be just. While justice claims rise often in specific issue areas, they always contain a reference to systemic principles which apply systemically. We can thus distinguish between actor-related and system-related justice claims. Actor-related justice claims

articulate what a specific actor is entitled to in a particular distribution or participation dispute. System-related justice claims articulate how principles of distribution or participation should be construed, or that the current setting of such principles is just or unjust.

If justice is empirically fundamental for social life and normatively a basic requirement of political life, we should expect it to show in international relations as well. Justice-motivated actors should express their concerns explicitly. This should be most visible in international negotiations, which inevitably tackle distribution and participation issues. If international negotiations are an intricate mixture of "bargaining" and "communicative action" which appear together sequentially, alternating, or in an amalgated way (Müller 1994, 1995, 2001, 2004; Crawford 2002; Deitelhoff/Müller 2005; Deitelhoff 2006), justice should figure prominently in the communicative action part of it. Of the three dimensions of communicative action, authenticity, factual truth, and moral rightfulness (Habermas 1981), it is the latter one where the issue of justice is located. Since justice is a powerful principle of what is right, appeals to justice supply strong justifications when negotiators work in the communicative action mode (Müller 2001, 2004).

While justice can be expected to pop up ubiquitously in diplomatic discourse, this opens a problem for current diplomacy. Justice discourses have never been conflict-free even while diplomacy was taking place in the narrow moral spaces of classical (Christian) Westphalia, where one would suppose value differences to be small. In the globalised world of more than 190 territorial states where diplomatic discourse takes place in the public sphere, understanding or compromise on what justice means, principally and applied to a given situation, seems to be elusive. After all, there is no universally accepted canon of moral values in which justice would have a place. Justice is a matter of ethics which are elements of particularistic, not universal, cultures – contrary to what many neo-Kantian philosophers and Western politicians seem to assume. Particularistic understandings of justice, transported into the diplomatic sphere, are bound to crash: What, then, are the hopes for diplomacy for tackling that problem? Conversely, when diplomacy results in understandings and compromises, have diplomats then managed to exclude justice concerns from their considerations? Does agreement even indicate that justice plays no role at all in diplomacy that crosses the boundaries of cultures and their particularistic ethics?

2. Empirical research on justice in international relations

Given the basic role of justice, the appearance of the concept in explanatory theories and empirical research in international relations is meagre. This is another consequence of the rationalist-realist and positivist dominance notably in American IR. The best place justice can find in these systems of thought is as strategic tool in the context of rhetorical action (Schimmelfennig 1997). Even this marginal appreciation suffers from an unsolvable logical flaw: Rational actors utter justice arguments towards listeners who – based on the theory's presuppositions – they must expect to be rationalists as well and thus impenetrable for notions of justice. Why those who utter justice arguments nevertheless spend efforts on what should be no more than calls in the desert is never logically explained (Müller 2004).

We are thus left with few strands of work which inquire the role justice plays in international relations: David Welch's seminal work on justice and war; studies on "just regimes" that ask to what degree the robustness of international regimes depends on just distributional outcomes of regime norms and rules (Mayer 2006), and, finally, the work on justice in international negotiations in which Cecilia Albin, Daniel Druckman and William Zartman have made the greatest strides.

Welch (1993) has delivered the useful operationalization of justice claims as those based on supposed entitlements. Once an actor believes that she is entitled to obtain or maintain something, this goes beyond a simple interest. An entitlement means that the principle of "suum cuique" applies. With that, a justice claim is made. The simplicity of this formula is intriguing. Its congruence with Küng's formula noted above means that it is probably as free from cultural bias as a definition can be. Starting from this generality, we can look for specifications in terms of justification arguments, references and justice principles, with a view to identify differences and conflicts among actors.

In his work, Welch has shown that justice claims (the "justice motive") have been frequently involved in motivating people to go to war, making positions more intransigent than they might otherwise have been, and hardening enemy images and hostility towards other actors who disputed such claims.

Albin (2000), Albin/Druckman (2008, 2010) and Zartman (2008) have proven the ubiquity of justice arguments in negotiations Albin/Druckman found that the justice theme can have an impact across all phases of negotiation and even after an agreement has been reached. Zartman maintains that agreement on a common principle of justice is a necessary (though not sufficient) condition for a successful outcome of negotiations. Success is then granted by agreeing on a referent to which the principle is to be applied (e.g what is it that is to be distributed equally?) (Zartman 2008, Chapters 4, 5).

Peter Mayer (2006), following earlier work by Michael Zürn (1987), has inquired how the degree of justice realized in international regimes – key products of diplomacy – impacts upon their robustness. He shows that regimes, to different degrees, incorporate justice aspects. If some incorporation of justice is required to procure legitimacy for an international regime and thus to make it sellable to domestic audiences, justice might be a key for the degree to which regime members are inclined to comply. The result of Mayer's inquiry is somehow inconclusive, but this may be due to applying a deduced concept of justice rather than inquiring whether the actors themselves deem the regimes as just. Since legitimacy is in the eye of the beholder, applying an external idea of justice does not quite catch the impact of a just regime on its robustness since we do not know whether the actors on whose compliance robustness depends share the author's concept of justice.

Snyder/Vinjamuri (2004) have researched the impact of attempts to realize transitional justice for past atrocities in post-conflict societies. They conclude that the "logic of consequences" (aiming at stability and non-violence) should have precedence over the "logic of appropriateness" (punish past crime) in order to foster a peaceful development of the societies concerned. However, the conclusion misses the point. Violence results from the feeling by the defendants' communities that it is "victors' justice" and that the defendants were, in fact, rightfully fighting for their kin under siege, while the accusers want punishment as justice for their own community: Two different types of justice claims clash, creating, predictably, new conflict. The softer means to deal with the past have better results than tribunals, namely amnesties and truth commissions; either pays tribute to both parties by conceding that injustice has happened (recognizing the concerns of the aggrieved party), but waiving punishment (giving some satisfaction to the defendants' side). Rather than confirming logic of consequences, these findings advise to try to find some way to satisfy justice concerns of either party. Snyder/Vinjamuri's work is nonetheless another indication that "justice matters".

3. Justice claims and interests

International politics is full of claims. The mainstream connects them to "interests", i.e. actors want to fulfill material needs or to enhance their own assets. Rationalists try to handle the undeniable fact that claims are wrapped into justification by entitlements, and thereby built on arguments of justice, by dismissing such language as pure rhetoric. We can assume that strategic uses of justice claims occur frequently: Politicians and diplomats are supposed to utilize every argument that supports their cause – a duty written into diplomats' role script (Zartman 2008: 86). But how do we know? The distinction of an articulation of interest and a justice claim is contestable for two methodological reasons.

First, we cannot look into people's brains. We have auxiliary methodological tools which help to reduce the range of uncertainty. We can compare utterances across time, looking for temporal coherence. The more continuity the justice argumentations show, the more likely it is that they are genuine Furthermore we can measure coherence across issues at the same time. Strong inter-issue coherence is an indicator that issue-opportunism has not influenced justice claims. Next, we can compare domestic and external utterances which give some indication whether justice claims are used instrumentally depending on the forum in which the utterance happens. Lastly, we can

compare words and deeds – for example the behavior towards equivalent justice claims of other actors to check authenticity. Even so, we get at best a probability measure to tell rhetorical from authentic action, but this approach is better than nothing. For inquiring whether justice concerns play a role at all in international relations, the mere appearance and frequency of justice claims is indicative enough: Speakers, by using justice arguments, even if we cannot tell the rhetorical from the genuine, betray a belief that these arguments are powerful enough to impact upon audiences. For example, President Obama's famous Cairo speech of June 4. 2009 contained no less than fourteen notions related to justice, including historical injustice done to Muslims, and the justice principles shared by Islam and America.

The second difficulty goes in the opposite direction: We cannot exclude that interests have grown out of, and therefore reflect, genuine justice claims. National interests are malleable: Interest is in the eye of the beholder. If actors hold strong opinions of justice, they may define their related claims as "interests" which they have to pursue at all costs. The Federal Republic of Germany pursued the recovery of the lost "Eastern Territories" for twenty years without any good prospect because German politicians believed in a history-based entitlement to this piece of land. It was labeled a national interest, but had grown out of a feeling of aggravation by historical injustice.

Interests and genuine justice claims thus become as indistinguishable empirically as they are, eventually, in the rhetorical action paradigm. Because, in this perspective, the difference is not an ontological one but one of the analytical perspective taken – does the researcher look for interests or for justice claims? – It is neglected for the rest of this paper.

4. Justice and political psychology

Welch's findings on the exacerbating impact of justice concerns on conflicts are striking. It is worth devoting some thoughts to the background of this effect. The hardening of positions, the unwillingness to compromise, the exacerbation of enemy images, the readiness, in extremis, to use force to underwrite one's claim with the threat, or the actual use, of force – all this indicates fundamental moves in perception and emotional investment. Diplomats, even though they belong to a particular profession with a role script that favors rationality as well as ritual, are still human beings endowed with a psyche that, in the average, is little different from other people. The same applies to their less well trained political masters, the ultimate source of instructions on which diplomats work (cf. Jervis 1976).

4.1 Justice and prospect theory

Prospect theory maintains that the expectation of gains or losses has different effects on the readiness to take risks. Actors are more probable to avoid risk when future gains loom, and more likely to engage in heavy risks when losses threaten (Kahnemann/Tversky 1979). This asymmetry has important consequences for conflicts. When parties are afraid of losing something they possess, they may be even willing to use force to keep their possession. A loss is not measured by an objective standard but against a reference point chosen by the actor: The fear of, and defense against, a loss need not relate to a thing which one actually possesses, but equally to something which one believes is one's property but has been taken away.

A justice claim contains the notion of an entitlement. An entitlement is a title for the ownership of an object. As long as the title is not realized, possession remains virtual, but the claimant insists of being the legitimate owner. The justice claim defines the reference point against which loss is measured. In that case, both the claimant and the current possessor of the object in question are struggling against losing it. According to prospect theory, one has to expect either to be ready to take higher risks for preventing losses. The application of prospect theory to territorial disputes, in this interpretation, yields some plausibility (Levy/Thompson 2010: 150ff.). It is unlikely that Pakistan will ever be capable of recovering Indian Kashmir, given the balance of power; nevertheless, reclaiming Kashmir has been one of the defining political objectives of Pakistan where the political elite is convinced that this territory belongs to them by virtue of its Moslem majority. Pakistan has been running high risks for this policy, including war initiation in 1947, 1965 and 1999, even condoning the possibility of a nuclear escalation of the conflict.

4.2 Defensive avoidance

A second relevant approach by political psychology plays is defensive avoidance. This mechanism falls in the category of motivated biases. Needs, fears, guilt or strong desires create the tendency to suppress incoming information that indicates that these emotions cannot be satisfied. In the case of desires, this means that such information is filtered out and kept away from consciousness which would strongly suggest that it is highly unlikely that these wishes can be fulfilled, or only at exorbitant costs that create other inconveniences for the actor (Jervis 1985).

As Welch reports, justice claims involve strong emotions. The process of justization does not only push a political issue upwards on the priority scale, it also fixates emotions of the audience and probably of the speaker herself on the disputed object. It is plausible that this fixation triggers the mechanism of defensive avoidance: The desire of maintaining, gaining or recovering the object which supposedly belongs to oneself leads to cognitive closure against unpleasant hints that obtaining it will never be possible.

It is fairly obvious that Israel will not gain a viable peace either with the Palestinians or with the Arab world at large without relinquishing the West Bank. Yet a considerable part of the Israeli public and elite refuses to face this reality because of their belief that they have a just, god-given claim to this land. And vice versa, the Palestinians do not recognize the futility of insisting on a right of return which they regard as an urgent matter of redistributive justice. Both struggle to avoid the insight that they have to renounce an objective to which they have fixated deep emotions.

4.3 Fundamental attribution

The third mechanism that is of interest is fundamental attribution. Here, the conflict about justice claims influence the perception of the opponents and sharpen enemy images. In this mechanism, the conduct of an opponent that runs counter to our own desires is attributed to "dispositional factors", simply spoken, to the proposition that the opponent is a "bad guy". The degree to which one's own behavior provokes the opponent into behaving in this undesirable manner is ignored; that the adversary might just try to defend against what he perceives as offensive action by the actor is not taken into account, because the actor ascribes to himself benign intentions (Jervis 1976).

Raising a justice claim means that the actor is convinced he is acting in a non-offensive way and justly claiming his own. The opponent who refutes this claim is preventing justice from happening. This behavior seems malevolent from the perspective of the actor and imputed to malign intentions on part of the opponent (who might have justice counterclaims of his own, or just defend the status quo or pursue some other supposedly legitimate objective). Consequently, the actor will take measures which will inevitably be interpreted by the opponent as unfriendly, and most probably ascribed to the actor's hostile intentions. As a consequence, the dyad is entering a spiraling deterioration of the security dilemma towards increasing hostility.

All three psychological mechanisms point to a causal path that leads from the raising of a justice claim to the emotionalization of a disputed issue to distortions of perception and, finally, the hardening of enemy images. While justice is a good thing in theory, it reveals its darker side once it enters politics. It remains a dangerous beast: Justice is in the eye of the beholder, and he may not take it in good humor if the justice he claims is denied.

5. Justization

What does the introduction of the subject of justice do to international discourse? David Welch argues that labeling an issue justice-related hardens the attitude of the claimant. Justice moves a claim towards the absolute and compromises are harder to achieve. He concludes that particularistic (national) conceptions of justice will simply "continue to fill the moral void, and when those conceptions clash, conflicts will be more difficult to manage" (Welch 1993, 21). Therefore, justice utterances cannot be handled as "cheap talk". Rather, the approach should follow the model of "securitization theory" (Buzan/de Wilde/Waever 1997).

6. Justization: The speech act

Securitization is conceived of as a speech act. Speech act theory maintains that in human interaction speaking is an effective form of acting. By specific classes of utterances, actors "do" something; they change the social world. The popular example is the ritual of marriage, where the "yes" by the couple and the "I declare you husband and wife" by the official means a fundamental change in the legal and social position of the couple. In a securitization sequence, a speaker puts an object under the label of "security"; she maintains there is an existential threat to the community stemming from the risk attributed to that object. The audience can agree or not. Its concurrence triggers the authorization for extraordinary measures beyond routine politics.

Accordingly, "justization" is a speech act in which a speaker declares an object as justice–related. Claims to which this label is affixed are meant to be absolute and distinct from ordinary objects of simple bargaining games. The object gets a moral-emotional rider that puts it above issues of ordinary contest (on emotion in IR, cf. Crawford 2000). To obtain, maintain or recover, that object becomes a matter of moral necessity rather than convenience and opportunity. Objects to which one is entitled are not just "nice to have", they must be had. Those objecting to that claim count as "unjust enemies" – actors attempting to prevent a right thing from happening.

One may distinguish between domestic and external addressees of the speech act. Those outside the "claiming community" are warned that they are facing a serious dispute where compromises might not easily be found. Where the objects of the dispute are vital (e.g. territory or type of political rule) justization indicates the risk of violent conflict. For the domestic audience, the label "justice" serves as rallying cry: The agents tell their principals that the dispute concerns an entitlement which cannot be renounced without a serious loss. As justization signals "warning" towards the outside, it constitutes "mobilization" to the inside. Either message makes the issue at stake more serious than a routine matter would be.

A caveat: Like security utterances, justice speech acts might enter a process of habitualization and routinization. What is called "security policy" in most countries is largely a boring matter of defense budgets, annual intelligence reports, committee sessions, staff exercises and so on. Similarly, justice concerns, once uttered, may be rearticulated routinely (e.g. in the UN General Assembly) without endowing the respective policy of a country with the emotionality and passion which one would expect in a justice context. It is thus useful to allow for the differentiation between initial justicizing and routine appeals to justice (in the same way one should tell original securitization from ordinary security policy).

6.1 Types of speech acts

Justization designates a broad category of speech acts which vary with regard to their specific perlocutionary function: What are they conveying to the audiences? There are five different types of pertinent speech acts.

By „flagging", the speaker labels a theme as justice-relevant. Utterances are as simple and unspecific as "we strive for just peace" or "this is a matter of justice". We do not really know what the speaker is driving at. And still – she has made a point. By raising the justice warning sign, she has assigned particular relevance and salience to an issue. The other types of speech acts are all more sophisticated variations of this simple performance. "Framing" adds an argument to "flagging": The speaker explains why a certain issue is justice-loaded.

The politically more relevant type is "claiming": The speaker declares that she possesses an entitlement to something. She establishes a position in a conflict and appeals to an audience to support this claim. Next is "justifying", which adds an argument to the claim: The speaker gives the reason on which the entitlement is based, referring usually to one principle of justice (see below). Finally, "blaming" is the most aggressive type of a justicising speech act: The speaker designates another actor as unjust.

6.2 Objects of justice

All justicising speech acts can relate either to actors, or to the system wherein they operate. They can address actor-orientated justice concerns or system-orientated justice concerns. In the first case, the speaker wants that an actor gets what is her due. In the second case, the speaker wants the system to be changed so that everybody gets his and her dues.

We can distinguish between three objects of justice claims (Fraser 2009): First, substantial goods which may be material (money, ressources) or symbolic. Actor-orientated concerns look at the effects of distribution on particular actors. The consequences of first world agricultural subsidies have been condemned as doing injustice to farmers in developing countries. System-orientated concerns ask whether the system is distributing these goods justly. As for symbolic values it has been argued that the system of international law reflects to a large degree "Western" value perspectives, while those from other cultures are hardly represented.

Second, procedural goods mean the chance to participate appropriately in decisions affecting the distribution. Actor-orientated concerns focus on the chances of particular actors to take part in decision-making. Russia, for instance, criticizes that NATO is taking decisions that affect her security without her equal participation. System-orientated concerns ask for the appropriate distribution of participation rights across actors. The privileges accorded to the five permanent members of the UN Security Council have been frequently criticized as inappropriate under today's circumstances.

The third good is recognition. Does an actor experience appropriate recognition by others? Is he accorded the status he deserves? Is his dignity being preserved? Israel's right of existence as a state is being refused by the present Iranian government, and the holocaust, a constituting element of Israeli identity, is being denied by Iran's president. There is also the question whether recognition rules in the system are just. The recognition of ethnical autonomy movements appears arbitrary. Kosovo did not enter the Western political agenda as long as the Kosovarian autonomy movement followed a non-violent strategy but became salient in the West when it applied guerrilla and terror tactics.

6.3 Justice principles

This author has no claim to an absolute standard of justice (cf. Sen 2009). This is the fiefdom of political philosophers and political theorists who compete passionately on the "right and true" meaning of justice without ever agreeing (even though most of them are rooted in neo-Kantian philosophy). In order to understand the saliency of the justice theme in contemporary politics, one has to look at how the actors understand what justice means.

If we start, as most political philosophers and theorists do, from an prescriptive understanding of justice that is deemed to be "right and true" and thereby universally valid, empirical research can only measure the distance of the utterances and the practical behavior of actors from this ideal. By taking this path, we miss the chance to understand how the actors themselves understand justice; and we miss the real world pluralism of understandings of justice (Sen 2009). It is this plurality, and the inevitable contestability of the "right" application of a given understanding of justice to a specific conflict, that constitutes the relevance of justice concerns in domestic and in international politics. Thus, a normative claim for the validity of a particular definition of justice is avoided here – not because the author has no idea of justice, but because he believes that his idea is not a useful tool for inquiring the importance of justice in international politics.

Screening through philosophical works on justice, empirical justice research (e.g. Liebig 2004) and empirical work on justice in international relations, it emerges that the reasons given for justice claims show a breathtaking variance. In the following, I go quickly through a preliminary list to demonstrate how difficult it is for negotiators to find common ground for distribution and participation rules in any given area of policy (for another approach to systematize justice principles cf. Zartman 2008).

Justice claims built upon legal rights bring together legality and justice. Their relationship is complex (Nardin 2006). Law might be seen as "frozen justice". However, over time, a split can emerge between the law and a changed meaning of justice within the community. Legal rules that

violate brutally the sense of justice among those subject to the law will not command sufficient legitimacy for creating the degree of obedience on which legal systems depend. Yet, as long as the legal rule is in force and not adapted to the changed sense of justice, legal claims are treated as just claims until the rule is amended or abolished.

Equality before the law is a time-honored liberal principle of justice. Each rule is to be applied equally to all subject to it. Such rules may serve to uphold social inequality, and accord privileges to some. Yet, while the laws themselves may be assessed as unfair, equal treatment of everybody according to the valid rules of the day may insert some feeling of justice.

Equal opportunity recognizes that formal equality before the law may not suffice if people are in a very unequal position to pursue legal claims. Not having goods, but having the capability to realize one's potential is at stake (Nussbaum 2006; Sen 2009). The unequal capability to afford high quality legal representation is a case in point. But beyond that, social inequalities give people unequal chances to develop their personal capacities. A just system in this sense would equalize, as far as feasible, starting conditions.

While equal opportunity means helping people reach the starting line in relatively good shape, compensation needs may be more pervasive and may justify permanent claims when the disadvantage in capabilities to be compensated for is permanent. During the law of the sea negotiations, landlocked countries demanded compensation for their "undeserved" lack of access to the open seas and the concomitant deprivation of sea transport, and the impossibility to engage in fishery.

A particular sub-type of compensation is the historical one for injustices suffered. It is different from ordinary compensation through its historical basis. First, there is the claim that an actor who was innocently deprived of justified claims in the past should get appropriate compensation. Second, the actor responsible for this deprivation should be accountable. In the present international discourse, this principle is contested in the North-South discourse, e.g. the Southern request that the industrialized countries, as the main polluters in the past should shoulder the major part of CO_2 reductions.

Historical possession claims are frequently connected to the desire to recover lost territory. Territorial conflict is often rooted in antagonistic claims based on the same principle of historical possession, but framed in opposite historical narratives. Israelis and Palestinians both refer to some millenia of their settlement history in the Holy Land, and both are right, but that does not help settle the issue.

Historical claims may include transcendental command. The Holy Books of religions contain elaborate deliberations of what God or the Gods deem just. Believers have to follow the related prescriptions and bear the duty to approach the divine ideal of a just order as best as they can during their terrestrial existence. This justice claim, prescribed by the holiest authority, is virtually unchangeable because back-stepping would put the erstwhile claimant in the state of sin, obviating the commands of God.

For the utilitarian approach, justice means the arrangement that provides the largest amount of goods, values and happiness for the largest number of actors. Inequality is accepted as long as it serves to enhance the cake for all. Variations of the utilitarian principle can be found in the Pareto optimum or in John Rawls' principle of difference. They are distinguished from pure utilitarianism in that they reject inequalities that make the weakest participant lose. The justice principle of utilitarianism is frequently criticized as cheap justification for social inequality and privileges. Yet this principle has been used to give moral support for international lending policies under the Washington consensus.

Inequality is justified by the principle of desert/merit: Distribution and participation shall be arranged according to the contribution each community member has made to the common good. Again, the international financial institutions are good examples: The weighing of voting rights follows, with small corrections, the financial contributions of states to the financial assets of these institutions.

Related to, but different from, desert is justice based on status. Eloquently elaborated in Plato's "State", this principle is characterized by a differentiation of the "suum cuique" according to the position of each actor in the community. Claims vary with status in society. Traditional feudal societies have realized this principle, sometimes in drastic fashion. Depending on status, actors' wealth, power and participation, treatment under law, and recognition were hierarchized. The most striking example is probably the Indian caste system. In international relations, the special privileges of the permanent members of the UN Security Council (P5) are frequently justified in status terms: As great powers they allegedly bear particular responsibilities and thus must enjoy particular rights and privileges. As in the medieval systems, status is based on inherited merits, victory in World War II.

The principle of justice by need generalizes the principle of compensation. Somebody with a permanent sickness could claim for a disproportional allocation of goods to get some equalizer for making up for the undeserved disadvantage (compensation principle) or because he needs a higher share because his sickness causes higher costs of living, that is, more extensive needs. In international relations, differentiated development policy tries to reach the neediest. Human security measures are meant to tend particularly to the most vulnerable in society, women, children, the poor and the elderly.

Equal sharing is a frequently applied principle to achieve compromise. It is an intuitively plausible notion that the fairest way is to divide a contested good in equal pieces so that every participant will get the same amount. This principle is deeply engrained in international relations. It serves as a reference point for many negotiation agreements. One case in point is the norm of "parity", e.g. equal numbers of strategic nuclear delivery vehicles or warheads. The SALT and START Treaties, the Moscow Treaty and the New START Treaty all accorded parity to the US and the Soviet Union resp. Russia as the USSR's successor. Noticeable, equal sharing is not interested in the starting position of countries, and not in the outcome of the distribution process but simply in its output. It can thus result in prolonged inequality. Zartman (2008, 84) has added "equivalence", "an exchange deemed appropriate or roughly similar" as a relaxed variant of equal sharing.

Egalitarianism aims at ironing out all inequality so that, in the end, everybody is equally off. In the Nuclear Non-Proliferation Treaty, for example, the non-aligned non-nuclear weapon states insist on the abolition of all nuclear weapons in the shortest possible time. As a distribution process, this would be highly unequal: A small number of states would have to give up something they covet, while the majority would not be asked to make any compensatory sacrifice (apart from keeping their status quo as non-nuclear weapon states). From an equal sharing perspective that would be unjust. From an egalitarian perspective, in contrast, this unequal distribution of costs is the only way to produce justice.

6.4 The audience(s) question: Justice concerns in three level discourses

We can conceive of diplomacy of taking place in two or three level discourses. Two level discourses take place in bilateral negotiations: Negotiators talk to the other party, and to their own domestic principals. Rationalism has tackled this problematique with the concept of "two level games". For communicative action theory, that is an incomplete notion. A rationalist "game" handles the distribution of utility. The core proposition of that approach is that negotiations will be successful if there is common ground between the maximum demands and the breaking point for the two negotiating sides, i.e. an overlapping "win-win" area. A two level discourse approach asks whether there is common ground between the two ethics of the negotiating sides. If negotiations are not only about the distribution of utility, but also about the "right or wrong", this question of overlapping ethics looms large.

Multilateralism moves us from two to three level discourses. In addition to the main negotiation interlocutor (the "other side") and the domestic audience, there is an international audience at the negotiation table. Multilateralism consists frequently of bilateral negotiations (between two states or groups of states) trying to win over to their position an uncommitted, listening crowd. In terms of the ethical problematique, this means that in addition to the interlocutor's and the domestic

audience's concerns, the agreement of the audience must also be gained in order to reach agreement which, at least partially, reflects one's own positions. If understandings of justice vary, finding the "one" notion of justice that brings them all together can be quite tricky.

The opening of diplomacy to the public sphere, inevitable in the era of dense global communication and attentive publics worldwide, dramatizes the introduction of the justice theme into international negotiations because of the effects of justization, and most so in the multilateral negotiation environment. Justization means making a particular commitment: marking the issue as ethically relevant and hard to compromise. Such a commitment is difficult enough to revoke in bilateral in-camera negotiations. It is much harder to do so in multilateral public diplomacy. The commitment is made to multiple audiences. It engages not only the negotiation team and its principals but one's population as well. It binds the political principals and makes them vulnerable to mass criticism at home when compromises on one's "just" claims become indispensable for reaching agreement. Modernization has generally led to higher mass mobilization for all sorts of issues, politics included. Globalization with its immense growth of communication reach, speed, and effect has increased mobilization further. Justicising an issue in international negotiations can result in competitive mobilization which stands in the way of collectively acceptable outcomes.

Towards the multilateral audience, compromising on justice issues can earn the reputation of "sucker" (in game theory language) and hurt in future negotiations where justice issues are involved. In three level discourses where all levels consist of two spheres, the "official" and the "public" one, the hardening effects of justization are probably much harder to overcome.

7. Intercultural justice disputes

7.1 "Clash of civilizations" over justice: Conflicts about principle, and the problem of recognition

Diplomacy brings together agents from a variety of different cultures. As Raymond Cohen's work (1997, 2000) has shown, cultural differences matter in negotiations. They make achieving results harder for two reasons. First, cultural differences make it more difficult for "receivers" to understand precisely what the "sender" means. The meaning ascribed to signals might arrive only in a distorted or incomprehensible way. Second, even if the semantic understanding is correct between negotiators, cultural differences in the way values, words etc. are evaluated can prevent agreement. The justice principles enumerated and elaborated above have been derived largely from Western academic writing. We cannot assume a priori that they apply universally (Walzer 1994; Hongladarom 2001; Forst 2004) Even Zartman who appears to assume that there is some universality in the principles of justice admits in passing that "external determinants" like group or culture "may affect preferences for principles and pose obstacles to agreement on equal treatment" (Zartman 2008: 76).

Hence, the above discussion might be deceptive as to the true degree of cultural difference that could impact upon negotiations across cultural borders. It might reflect more the wide-spread Western assumption that its own beliefs reflect universal principles rather than real-existing universalism (Müller 2009). Here, the third object of justice, recognition (or acknowledgment) weighs heavily. The denial of recognition blocks the path to substantive and procedural justice. It is most fundamental, as justice claims related to recognition are about identity or survival and thus at a deeper level than those about distribution or procedure (once more, the Israeli-Palestinian conflict comes to mind) (cf. Honneth 1992). Recognition, notably "recognition as equal" is deeply embedded in the North-South relationship as an inheritance of the colonialist/imperialist era and works as relevant subtext in many conflicts concerning superficially other objects of justice.

7.2 Cultural differences on justice: An illustration

To illustrate this problem, though not in any way exhaustively, here are four brief summaries of specific cultural understandings of justice, for Confucianism, African Ubuntu, Buddhism, and Islam. Please note that these are highly selective and arbitrary: The authors are, of course, not

representative for their entire cultural circle; we could probably find as many variations of justice principles there as in the Western world.

Confucianism: Confucian justice differs from egalitarian justice in that the former does not seek to equalize life chances as such. It takes different starting points as given. Therefore it does not see natural inequalities or social inequalities as inherently unjust. When it comes to matters about people's well being, material welfare, and life chances, Confucian justice seeks to promote sufficiency for all and not equality between individuals. The perspective is more one of the common good than of individual satisfaction with the degree of justice acquired. The community rather than the individual is central for justice considerations (Chan 2001).

African "Ubuntu" philosophy: All humans are equal in their humanity. From this flows the idea of justice as giving to the other what is due to them. In practice, this means equal and nondiscriminatory treatment to equal cases. Colonization and racism are a negation of this and thus unjust. The colonization of Africa caused the double injustice of conquest in an unjust war and the denial of humanity of the conquered. The Ubuntu understanding of justice as balance and harmony demands the restoration of justice by reversing the dehumanizing consequences of colonial conquest and by eliminating racism (Ramose 2001).

Buddhism: While a theory of justice is missing in Buddhism, its concept of „unselfishness" could be construed as basis for such a theory without jeopardizing the priority in Buddhism for personal betterment and purification. Being an individualistic moral, the Buddhist model puts less value in institutions and more in personal behavior, notably personal qualities such as compassion and benevolence. These qualities are seen as conducive to self-enlightenment. This reasoning leads to identifying a striking difference between Rawls' concept of a rational social technology for achieving justice and the Buddhist approach: For Rawls, achieving social justice is an objective in itself. This cannot be the perspective of Buddhism which remains targeted at personal enlightenment. For Buddhism, the question of social justice must eventually lead back to the path towards individual enlightenment (Cho 2001).

Islam: For Muslims, justice is the universal, divine standard which keeps all things in balance, with the exception of men. It derives directly from God and is not based on human deliberations. Humans have the liberty to disobey. By not observing just divine laws, they carry imbalance into the world. The imbalance which was caused by Adam's and Eve's original disobedience was healed by God revealing his word in the Quran, thereby making the laws of justice explicit to human minds. After the revelation, it is now up to human beings, all nations included, to preserve the balance or else to cause imbalance again. This is the universal system of justice contained in Islam (Abu Zaid 2001).

7.3 Intercultural differences and the weight of history

This brief glimpse at selected culture-specific, non-Western thoughts on justice gives a good impression of a wide intellectual space that is opened by the notion of justice in the global political sphere. One particular divide which does not necessarily separate only the West and the rest (recall Buddhist individualism) runs between the specific subject of justice: The individual is at the center of all post-enlightenment Western ideas about justice; significantly, the mainstream West – except communitarian philosophy and post-modernism – ignores the set of collectivist conventions on human rights (right to development; right to cultural autonomy) as blatantly as Southern autocrats ignore the UN Declaration of Human Rights. Yet Muslim or Asian societies have, in the average, still a stronger emphasis on collectivities than the Western world, including their dominant conception of justice. This is not to say that these societies are lacking people who emphasize individualism (Sen 2009). It is a statement about relative strength and distribution.

Historical experiences may also play a major role in how justice issues are conceived. Developing countries emphasize sovereignty more than most Western states. In this, autocracies and democracies in the South are much closer to each other than Southern and Western democracies. The reason is the collective experience of having been at the receiving end of history for centuries, being deprived of an autonomous path to societal and political development. The insistence on

sovereignty is thus a claim for history-based compensatory justice. And it contains the claim for being recognized as equal.

According to Antje Wiener (2008), the dynamic development of normative orders owes much to the contestability and empirical contestedness of norms; this is often overlooked by those who believe that the constructivist emphasis on norms implies structuralist stasis (Sending 2002). If we look at Wiener's proposition from the understanding of justice as a permeating metanorm, it gains additional plausibility. Justice is omnipresent in political thinking and acting across the world, yet there are enormous variations in its meaning, as notions of justice are based on conflicting principles of justification; this may lead to intra- as well as intercultural conflicts about existing norms or norms under negotiation. In addition, even if parties agree on principles, their application to any given case might still conflict.

8. Conclusion: Justice concerns and international diplomacy

Justice matters. It is part of the game and the discourse of international diplomacy. Justice concerns are thus likely to be subject to the same sort of intricate rules that steer other realms of diplomatic interaction. As with specific norms ruling particular policy fields, the metanorm of justice is likely to enjoy that janus-headed existence: The moral frames in which these norms are expressed are both a rhetorical tool for pursuing interests and an expression of authentic beliefs of the actors, and both aspects are so intricately interwoven that they can hardly be disentangled.

Diplomats are supposed to pursue their country's interests. If being treated justly is at the core of these interests, diplomats must be well versed in articulating justice claims and convincing audiences that these are justified. At the same time, they must appear to domestic audiences as reliable representatives. And for all the emphasis that goes to presenting their claims as just, they must as well be capable to find common ground with their counterparts if, as Zartman (2008) claims, agreement on justice principles is a necessary condition for achieving results. Conducting moral discourse is not a capacity intuitively ascribed to diplomats. And yet, it must be an important element in their set of communicative competence if achieving agreement is what their patrons want.

What about the claim that justicising designates an issue as something particular and extraordinary in the same way securitization does? Is this claim not contradicted by the pervasiveness of the justice theme across policy fields? May not justice be just part of ordinary, routine political games? I hesitate to answer positively. While justice is pervasive, not everything is justice-relevant and thus justizised. Actors are still selective in the way they use the "j"-word. Maybe we should devote more scrutiny to the different ways justice is articulated in order to understand how the particular urgency embedded in a justice concern is put as a rider on an issue.

And, by the same token, if we do not pay due attention to the justice factor within the complex of reasons which make "fists clench", the "unclenching" job might remain impossible. While it might be slightly exaggerated to exclaim "it's justice, stupid!", neglecting this aspect may leave both our understanding of conflict and our good advice for conflict-solving diplomacy fatally incomplete.

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