Just Peace Governance: Research Program of the Peace Research Institute Frankfurt

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1. Introduction

The new research program of PRIF focuses on justice-related conflicts and on the roles matters of justice play in conflicts particularly in regard to the challenges they pose for governance. Accordingly, we speak of "Just Peace Governance" insofar as governance aims at achieving sustainable peace by taking into account questions of justice. Matters of justice play a role in conflict, or a conflict is justice-related, if diverging ideas of justice threaten peace or sustain controversies or if claims of justice conflict with other values or interests.

Intuitively, justice promotes "inner" and "outer" peace; and that the creation of just conditions correspondingly requires a stable, peaceful order is equally obvious. As paired concepts, justice and peace are integral parts of programs related to peace policies and social action. The fact that within the research community the one term has often been declared a defining element of the other shows that a close relationship is assumed to exist between peace and justice. PRIF's new research program will also focus on this positive relation between peace and justice, but not exclusively. We primarily want to critically examine the relationship between peace and justice and bring the concealed points of friction and contradictions of the two terms to light. We will also address the criticism of concepts of a "just peace", leveled again and again from various directions, that striving toward justice can also hamper peace or even incite violence. The purpose is to discuss – from a new and initially counter-intuitive perspective – this striving as a component of, and a problem for, governance and to critically assess the empirical and normative expectations of what is spoken of as "just peace".

Thus, as in PRIF's last research program which was devoted to the "antinomies of democratic peace", this time we will also "brush" optimistic intuitions "against the grain". For instance, part of our old research program was what we called "democratic wars". We counted these among the antinomies of democratic peace. In our new research program one of the hidden frictions in the relationship between peace and justice we will look closely on manifests itself in claims which legitimize the use of violence in a "just war." In the case of our democratic peace research program there was no intention of generally discounting the ability of democracies to engender peace. Likewise in our new program there too is no intention to discredit efforts toward achieving justice. The realization of peace *and* justice remains the normative goal underlying the research program.

However, to highlight the problems this realization poses for governance, peace and justice are discussed and analyzed in terms of their conflict-prone relationship to each other and the resulting challenges and consequences for governance. We understand *Just Peace Governance* as a form of political action by means of which players strive toward attaining sustainable peace by considering justice-related issues and constructively managing justice conflicts. In this understanding, *Just Peace Governance* is both the empirical subject of PRIF's research as well as its normative outlook: The objective is to determine the substance, possibilities and limitations, realistic goals and effective techniques of *Just Peace Governance* as a genuine political practice and normative political program.

This yields two key questions which define the new research program of PRIF and which will be studied in PRIF's four Program Areas in three cross-cutting research contexts:

1. To what extent are conflict situations and processes determined by differences in the understanding of justice? In other words, in what form and with what consequences for the risk of violent escalation are conflicts perceived and waged as justice conflicts? This

includes the question of the relationship between justice claims and other normative and material claims.

2. How and under what conditions do what forms of governance contribute to a peaceful management or to a violent escalation of justice-related conflicts? This includes the question of the limitations of governance in reconciling peace and justice. In their practical application, what might principles, norms, rules and decision-making processes of *Just Peace Governance* look like that prevent justice-related conflicts or lead to their peaceful resolution?

What sets the *Just Peace Governance* research apart from programs of similar institutions and what we hope will bring forward the understanding of conflicts and their management and resolution are three innovative shifts in perspectives of relevant current research.

Firstly, by focusing on justice, our research program concentrates on a term which has been paid scant attention in empirical governance research until now. In this research, effectiveness and legitimacy (or democracy, human rights, and rule of law as their integral components) are the key areas. The relevance of the concept of justice, by contrast, has been limited to niche issues of current governance research such as distributive justice in international regimes, justice in transitional societies and justice-specific expectations in negotiations. Even in these niches, however, the tension between justice and peace (or more concretely between justice and peaceful conflict resolution or cooperation) or the violent escalation of justice-related conflicts are, however, only rarely directly discussed. The only field where there is some systematic consideration of justice-related conflicts or the role matters of justice play in conflict and how governance could deal with these, is the research on transitional justice in post-conflict societies. We plan to extend the focus on the inherent tension between justice and peace in the form of justice conflicts beyond these niche aspects and examine justice-related conflicts as a general phenomenon. Thus, we shift the focus of governance research from legitimate and effective governance institutions as empirical problems for and normative goals of governance to justice conflicts as empirical problems for governance institutions and just peace as normative goal of governance institutions.

Secondly: In order to examine the tension between peace and justice as manifest in justice conflicts and to put forward governance approaches for dealing with them as an empirical and normative research program oriented towards political practice, *Just Peace Governance* also links governance and peace research with the discourse on global justice taking place within the disciplines of social science and philosophy. There are two contrasting positions in the philosophical discourse—cosmopolitanism and communitarianism—to which our empirical research will contribute. On the one hand it often seems impossible to avoid the impression that cosmopolitan concepts of universal justice are being imposed on political players. On the other, the criticism by communitarianism of cosmopolitanism often turns into the opposite and completely denies the possibility of global standards of justice. Only claims to justice which are comprehensible at the local level are termed normative by the Communitarians, and the possibility of establishing concepts of justice that transcend individual communities is dismissed. *Just Peace Governance* by contrast focuses on really existing divergence and convergence in the effort to achieve just peace, and to bring to light their consequences for governance. Thus, the research shift is from the conflict between those postulating universally valid norms and those claiming that there are only locally valid norms to conflicting ideas in reality and the common (universal) norms which might or might not emerge from these.

Thirdly, this opens up in research on peace and the causes of war a field which has in part lain fallow for a long time and in part has not been cultivated at all. While "security," "development," "human rights," and "democracy"—as these concepts relate to peace—have been an integral part of existing research programs ("democratic peace," "human security") or established peace research institutes ("Institute for Development and Peace," "Institute for Security and Peace"), systematic treatment of justice-related conflicts has yet to take place. It is certainly true that previous critical

research on peace and the causes of war has examined injustices as causes of conflicts and an impediment to peace, but it has conceived such injustices in a primarily "objective" sense (e.g. as exploitative class rule) and as a result does not address conflicts between competing claims to justice and the challenge they pose to maintaining or building peace. The shift in focus here, therefore, is from the objectively described or externally ascribed injustices to the *subjective justice related perceptions and claims*. We will argue that these might particularly give rise to conflicts in times or situations where interests are in transition and therefore pre-defined or traditionally accustomed patterns of the distribution of some goods are no longer fitting in one way or another.

2. The Conceptual Components of *Just Peace Governance*

In the following we will discuss in more detail the individual terms making up the *Just Peace Governance* concept which have already briefly been related to the scientific discourses listed above: peace, governance and justice. We call for a narrowly defined understanding of "peace", a broad and unbiased understanding of "governance," and empirically founded concepts of "justice".

2.1 Peace

With the concept of "peace", a concept is placed at the core of the research program which in recent years has receded into the background in political and academic discourse in favor of the concept of "comprehensive security." Nevertheless, we reconfirm our belief in the utility of the concept of peace—for two reasons:

On the one hand—and in spite of all critical reflection—we are thus securing for ourselves access to the historical stock of political theory not only in the field of peace research in the narrower sense but also to political philosophy where it examines peace issues. Distinguishing between the laws of war and the laws of peace, for example, with which Hugo Grotius established modern international law, is central in understanding law and justice in international politics; and without Kant's deliberations on "perpetual peace," the question of the significance of the legal and political make-up of state players in international politics would perhaps never have been raised. A historically informed concept of peace is essential for understanding the transformation of the world order and the complexity of the questions posed by *Just Peace Governance*.

On the other hand—despite its complexity and "normative" nature—we are also holding fast to the concept of peace in order to gain an operationalizable basic concept for the overall design of the research program. The many years of conceptual discussion of peace were fruitful inasmuch as, in addition to normative considerations of peace as a value or moral obligation, the practical research-related advantages and disadvantages of operationalizable explications of the concept of peace were discussed, thereby providing the necessary basis for empirical research on the conditions for a peaceful world. That does relieve us of the necessity of carrying on the same discussions again about wide or narrow definitions of the term (as they are currently being debated in connection with the security concept). Peace is a multi-dimensional term which can gain contextual significance when juxtaposed with its corresponding antonyms, depending on what problem is being considered.

Because we are concerned in particular with considering the tension between justice and peace, a narrow peace concept is, however, initially sensible for the empirical questions posed by the PRIF research program. Peace as a state should refer to the absence of direct and systematic personal violence; peace as a process is correspondingly the de-escalation, the minimizing and the containment of direct, personal violence within societies and in international relations. Instead of enriching the concept of "peace"—as with the concept of "positive peace"—with more and more normative aspects such as, for instance, "justice," these are given their due as independent topics and become a subject of examination themselves as they relate to peace. Only in this way can the relationship between peace and justice be analyzed critically.

Because we are concentrating on the potentially peace-inhibiting and violence-promoting aspects of justice-related conflicts, in its relationship to the terms "justice" and "governance" the term

"peace" assumes the function of a target objective (or the "dependent variable") in most research projects: On the one hand, we pose the question how understandings and considerations of justice affect how peacefully a conflict is waged in the sense of reduction of violence, chances for just peace, or the resilience of conflict resolutions. On the other hand, we want to learn how and under what conditions measures within the framework of *Just Peace Governance* can increase the willingness to make peace during justice-related conflicts or the probability and stability of a peaceful conflict resolution.

2.2 Governance

The term "governance" generally describes new forms of governing outside traditional territorial government which are characterized by the inclusion of non-state players, flat decision-making hierarchies and the interconnection of various political issue areas. In practice and in international relations teaching governance-related issues—i.e. political decision-making at the various levels of national, international and transnational society—are central. Today they represent one of the most wide-ranging, most important and most frequently pursued fields of research. There are at least three different schools of thought regarding the concept:

First, a school of thought founded in the tradition of policy analysis and "Steuerungstheorie" which defines governance as an effective and efficient form of non-hierarchical policy coordination which is increasingly taking place outside state structures. Secondly, a strictly normative school of thought ("good governance") which associates with the concept "global governance" the demand for a new outlook in global regulative policy satisfying the needs of the individual, propagates the concept "human security," and is basically open to cosmopolitan conceptions of democracy and justice. Finally, a school of thought which understands governance as a broad generic term for governance exercised by different types of actors—including the state and international organizations—and conducts comparative analyses of the causes and effects of different forms of governance.

All the approaches to governance share the same view that a number of problem situations affecting the security and welfare of nation states can no longer be solved at the state level nor the state alone. The achievement of goals, which in the welfare state and national security had been entrusted to national decision-making processes, have to be dealt with at both an international and transnational level. International organizations, non-governmental organizations and companies operating transnationally have to be involved in the solution to the problem—although to be sure with different weightings.

The term governance from the first field of research involves a specific narrowing of focus, a technocratic "problem-solving bias" (Renate Mayntz) which focuses on the success or failure of regulation of collective problem areas and thus neglects more demanding normative postulates such as justice. The research program will critically examine the problem-solving capacity of so-called "soft" control methods, which these governance theories claim are superior, and evaluate their implications for peace and justice. In this sense, the circumvention of traditional international institutions by informal forms of governance could lead to special justice-related conflicts. The increasing importance of the G8 and the protests of developing and threshold countries against the exclusiveness of "club governance" is an example of this. Informal institutions open up more scope for hegemony-based power politics which contradict the call for just opportunities for participation by all affected players in far-reaching political decisions.

However, in political practice the governance concept as a normatively driven political platform can also give rise to justice-related conflicts. The world-order policy of global governance as a normatively perceived policy includes conceptualizations of justice which lay claim to universal application. Because these conceptualizations generally originate from Western cultures, the cultural particularity of their concepts of justice can lead to conflicts in which competing ideas of justice are presented based on different particular principles. This can already be the case when governance norms are being negotiated or during implementation of global norms at the local

level. The regionally varying interpretations of the international "Responsibility to Protect" are a good example of this. It may be necessary to ask how governance can be constituted in such a way as to develop and implement globally binding principles of justice that are compatible with peace. We understand *Just Peace Governance* as above all a contribution to the third research orientation. For the research program of PRIF the governance processes involved in functional sectors of national and international societies which involve power relationships or affect these are especially important. The governance concept offers the opportunity of examining the interaction between the analytic levels *state*, *society* and *individual*, on the one hand, and the state, social and economic world on the other. This corresponds to the traditional interest of PRIF in looking simultaneously at "inner" and "outer" peace. In doing this, stakeholders at all levels are considered: global and regional international organizations, states, non-governmental organizations and other players operating on a transnational level such as governmental bureaucracies, groups in civil society, and commercial enterprises. They interest us in the new research program as *Just Peace Governance* agencies on the one hand, and as "justice entrepreneurs" (i.e., players who represent a particular understanding of justice), on the other. Our focus on the tension between justice and peace emphasizes the ambivalences connected with these roles.

2.3 Justice

The relationship of justice to peace and the central analytic focus on conflicts related to justice is the defining quality of our research program which makes our research unique. For this reason, and because justice has received significantly less attention within IR research to date than the concepts of peace and governance have, we will deal in greater detail with the concept of justice in its multifaceted dimensions, and cast light on its role as a normative and empirical core concept of the research program.

2.3.1 Dimensions of Justice

In order to conceptualize justice-related conflicts (or the justice-related components of conflicts) empirically, on the one hand we need a set of heuristic instruments, and on the other we want to avoid normative a priori definitions. Since John Rawls's groundbreaking "A Theory of Justice", justice has again become a central research topic in political philosophy. It took a bit longer before interest in justice expanded to include the social sciences. It is true that in the course of criticism of traditional theories (e.g., political realism) and of scientific positivism normative considerations became part of the discourse, but they were at first limited to critical theory, feminist approaches and post-structural analyses. Although Charles Beitz, in his book "Political Theory and International Relations", applied Rawls's theory of justice to international politics, it took almost two decades before a genuine research field on global justice emerged. This research field reflects the theoretical contradictions of theories of justice developed for societies organized as nation states. These include on the one hand the dispute between universalist and particularistically limited claims of validity: It is asked whether justice at all, or what norms of justice, belong to the moral duties that are owed to all human beings beyond the boundaries of a particular society. On the other hand, there are disputes about the central dimensions of justice: Is it above all a matter of just conditions of participation in political processes or of distribution of material resources? Or is it not the case that the question of recognition of the "other" is the basis of both forms of justice?

In the framework of our primarily empirical research program we do not wish to participate directly in these normative discussions. We are far more interested in the justice claims players actually make. Nonetheless we assume that different normative theories of justice affect central intuitions in each person and are thus reflected in the demands actually made. For heuristic purposes it is thus sensible to define justice in such a way that the concept incorporates the dimensions that are relevant to the discussion. Following a suggestion by Nancy Fraser, we will therefore relate justice generally to the form of distribution of certain material and immaterial goods. These goods can be understood to be material goods in the classical sense which players can utilize as economic resources. It can, however, also be a matter of the good of recognition that can

be distributed in an unjust way in a society through for example cultural differentiation and assigned status. This is the kind of justice that, among others, feminists and gender research are looking at with regard to the social situation of women when they link recognition as equals with the simultaneous demand to take account of gender differences and special characteristics. Finally, justice exists with regard to distribution of the opportunity of political representation and equality before the law. Such opportunities can be unjustly distributed within the legal framework when, for instance, certain groups are not adequately represented or equality before the law is not guaranteed. But even the legal-political framework for representation can be discussed from the point of view of justice. In this connection justice extends beyond the framework of the nation-state when, for instance, the consequences of certain political decisions cross national borders, without the people on the other side of the border having any opportunity of representation. In the age of globalization, when the state has become disputed as the framework for representation, problems for justice arise. Who decides (or ought to decide) which representational framework is to be taken into account for which decisions? Such questions arise for instance within the governance discourse not only with regard to international or supranational governance institutions, but also in connection with certain forms of economic self-regulation and social self-direction.

It is here where our focus on justice overlaps most with the other main normative concept in contemporary international relations research: legitimacy. One could view justice and legitimacy as concepts belonging to different theory traditions. In this sense justice would be the main normative focus for Post-Rawlsian liberalism, while democratic legitimacy is the core normative concept for most theoretical endeavours in the post-Habermasian tradition. As we have chosen to look for justice claims, we initially conceptualize justice as an important dimension of legitimacy. To be regarded as legitimate, institutions would have to be perceived as being just at least to some degree (besides being seen as effective and expressive of certain values for instance). That means that we reframe typical questions of legitimacy as questions of justice like in the above mentioned distribution of representation. Trade-offs between for instance inclusiveness of political process as input-legitimacy and justice as distributional character of a political outcome will be understood as justice-related conflicts of a certain type (see below). This conceptualization is, however, preliminary. If, for instance, our research finds indications that institutions are regarded as legitimate, but not just, we would have to rethink our conceptualization here.

PRIF's new research program is not primarily interested in the *concept* of justice but in the demands – raised in the name of justice - for a certain distribution of the goods named above. The advantage of the conceptualization presented above of the dimensions of justice as a categorization of possible expectations related to justice is obvious: On the one hand, it encompasses the significant normative elements of various theories of justice without having to commit itself to their theoretical foundations and contents. On the other, through its differentiation of the question of how opportunities for representation are distributed, it holds the possibility of analytically examining the differing scope of demands for justice (universal and particular) as part of the demands themselves.

The dimensions of justice that have been listed will be treated differently in the new research program of PRIF in the context of justice-related conflicts. The distribution of the goods mentioned above can become relevant as a question of re-distributive justice when the discussion involves their *re*-distribution according to justice-related factors. It can arise as a question of restitutive justice when claims for reparations for past wrongs, harm suffered, compensation or restoration of the *status quo* are expressed. Questions of retributive justice involve demands for appropriate punishment of injustice suffered. Restorative justice involves restoration of earlier just interactions and social relationships.

When these differing ways of demanding justice are related in turn to the three kinds of goods with whose distribution justice is concerned (economic resources, recognition, representation), a broad spectrum of differing demands of justice can be developed as a heuristic for empirical analysis.

2.3.2 Justice as an Empirical and Normative Demand

Because of our references to normative theory and the intentions of the PRIF research program, which are also practical, in the following section we attempt to clarify the relationship between empirically observed demands which are made by political stakeholders and demands of justice arising from normative theory.

By focusing our work on justice-related conflicts which arise due to varying expectations or conflicting values and interests, we assume that such expectations are brought to the table by competent actors. We thus share the conviction of normative theory that expectations of justice as normative expectations can be meaningfully raised and have substantial consequences, and are not only an integral part of political and social practice but also of their scientific reflection.

In contrast to the attempt of normative-constructive theories (e.g., à la Rawls) to develop a rationale for theoretically universal principles of justice, postulate their cosmopolitan validity and evaluate and criticize real-world demands, PRIF's research program will pursue a different path. The historical-cultural or social specifics of diverging concepts of justice held by real-world political stakeholders in existing conflicts will be empirically analyzed and then conclusions drawn. The practical political goal is initially to estimate the potential for conflict and violence that results from collisions between heterogeneous conceptions of justice. Under appropriate circumstances, however, it will be possible to identify overlaps and areas of compromise through a descriptive delineation of the varying demands.

Appropriate empirical analysis of the diverging concepts of justice by real-world players or expectations made by such players which conflict with justice is methodologically demanding. The question must be asked and it must be shown whether and how demands for justice are implicitly assumed or explicitly represented in conflict. We assume that conceptualizations of justice shape the differing understandings of the problem at hand and the preferred solution strategies of political stakeholders. In contrast to the conventional instrumentalist thesis that abstract arguments merely reflect material interests, we are trying to ascertain how the conceptualizations of justice of the respective stakeholders are already written not only into problem definitions but also into solution proposals. It is possible to distill explicit and implicit concepts of justice out of patterns of argument, compare them and examine them for points of divergence and convergence.

Despite this, the question remains of course whether these demands really motivate the individual player or whether they are presented only for strategic purposes. But even a demand for justice expressed for strategic reasons requires that the demands make sense and are truthfully presented and are thus capable of having an effect on the person they are addressed to. Demands for justice made for strategic reasons thus undermine neither the assumption of a genuine normative rationale for these arguments nor the normative-constructive theory for which this is a prerequisite. However, whether the players in question are genuinely motivated by conflicting conceptualizations of justice and the demands which they give rise to or whether the demands reflect quite different underlying interests definitely impacts governance activities aimed at constructively managing justice-related conflicts.

After all, the degree to which there are points of convergence and divergence in the rationale underlying demands is also relevant in settling conflicts. To find this out it is necessary to proceed hermeneutically and ask how the respective demands are justified discursively. What are the explicitly grounded principles of justice or the implicitly grounded assumptions about justice that underlie the demands of players in real-life conflicts? Are they really different principles of justice or is it only a matter of expectations of justice which differ according to situation and context but derive from the same principles of justice?

Answering such questions represents a transition from analysis to critical reflection of demands in connection with justice. This empirical descriptive work has to be seen to be fruitful from the perspective of normative-constructivist theory too, for no post-metaphysical theory of justice can get by any more without empirical assumptions about real-life stakeholders' intuitions, feelings and judgments about what they consider just – whatever the basis of their beliefs is. Normative

criticism or reconstruction of principles of justice at work in real life situations can thus only profit from such descriptions.

A glance at theories of justice shows, however, that these often make unacceptable generalizations or are too abstract to be able to take adequate account of the variety of real-life notions. Normative-constructive research on justice, when dealing with justice-related demands transcending the borders of national and relatively homogeneous societies, suffers from the lack of an empirical foundation for its attempts at both explanation and application. When such cosmopolitan accounts of justice propose behavioral strategies on local levels, they often effectively deny recognition of existing notions of justice. This might create problems for the practical implementation of such strategies but has also directly related moral difficulties connected with such paternalism. Because of normative and functional reservations about the related consequences, so-called communitarian approaches have been constantly opposed to cosmopolitan approaches. These reconstruct justice-related demands as specific to a particular society and reject their transfer to other societies or their universalization. However, their problem is to show the reverse; how shared rules for peaceful co-existence in a globalized world can emerge from the juxtaposition of specific notions of justice. Real-life players, by contrast, attempt to agree on such rules every day and also agree regularly on valid norms which transcend societies. What is needed from the very beginning is to postulate neither universal acceptability of theoretically-derived norms nor unbridgeable cultural plurality. Instead, real-life demands and their divergences and convergences need to be identified.

But the relationship between normative-constructivist theories of justice and empirical descriptions of players' real-life understandings of justice is not merely a one-sided contribution by the empirical side. To avoid getting stuck in mere description and creating inventories of every demand formulated as a justice-related demand, it is necessary to explain where the boundary between justice-related and other demands lies. Normative-constructive theory offers conceptualizations here which can be used at least as heuristics and guiding principles. It goes without saying that normative reflection is also needed for working out *Just Peace Governance* as a practical political program: Even if one initially mistrusts cosmopolitan principles of justice, it is clear that not every justice-related demand is equally well-founded and therefore cannot be expected to be taken account of and fulfilled by *Just Peace Governance*. Justice claims e.g. based on arguments of racial or cultural superiority are unacceptable on normative grounds.

2.3.3 Justice-related Conflicts

The basic position of the research program is that "justice" can also inhibit peace or even promote violence. This is the case when diverging ideas of justice or a contradiction between demands for justice and other values and interests make peaceful conflict resolution more difficult, escalate violent conflicts or prevent the de-escalation of violent conflicts. The wide variety of norms, values and ideas, on the one hand, marks the cultural heterogeneity of the world of different states and global society; but in the context of pluralization, on the other hand, it is also a characteristic of societies organized within states which are in the process of modernization. In the case of controversial interpretations of "justice" itself it can thus become a cause of intra- as well as inter-state conflict which has to be tackled or neutralized in order to clear the way for the peaceful management of the conflict. We make the heuristic assumption that the concrete possibilities and limits, as well as the goals and techniques of *Just Peace Governance*, will vary with the type of conflict over justice. For this reason, a conceptualization of such conflicts is required. As a provisional differentiation, five types of justice-related conflicts can be identified.

In a Type 1 conflict over justice (application conflict) differing justice-related demands which are derived from the same principle of justice come into conflict with each other. Sometimes it is only a disagreement over matters of fact, for instance concrete effects on third parties of certain forms of distribution such as economic prosperity, which then lead to diverging demands. An example can be constructed on the basis of Rawls's difference principle. It postulates that any unequal

distribution of goods must be justified by the fact that the differences in distribution place the least advantaged members of society in a better position than would any more egalitarian distribution. Application of the difference principle gives greatest emphasis to divergences of the first type because in this case concrete justice measures are made contingent upon their effects. In the question of income tax relief both employers and employees argue along these lines, namely with favorable effects for the public good. More serious perhaps are diverging claims which are based on historic rights, which refer to rights relating to the same object (e.g., territory), but were acquired in different historical epochs. Finally, there can also be conflicts in which demands are based on the same principle but relate to different dimensions of justice. It is true that equal representation frequently accompanies equal distribution. However, not infrequently, for instance, the demand for equal representation is opposed to the demand for equal distribution of economic resources or recognition. The last two must then be achieved by means of for instance "affirmative action" which partially neutralizes the basic principle of equality in representation.

In Type 2 (conflicts of principle) both differing justice-related demands *and* different underlying principles are opposed. A typical conflict of this kind is a confrontation between religiously motivated distribution demands in the recognition or political representation dimensions of justice over for instance the cultural status or the political rights of women.

In Type 3 (conflict of values) justice-related claims collide with other demands related to the common good which are independent of questions of justice. The tension between peace and justice which is central to our research program can directly translate into a conflict over justice. These conflicts play a role in everyday government for a just peace: For instance when demands for retributive or restitutive justice stand in the way of conflict de-escalation and reconciliation. Examples are controversial amnesties, political *de facto* immunities for holders of important offices or decisions of international tribunals which directly endanger stability. But other justice-related conflicts of this type are not infrequent: These may, for instance, entail conflict between re-distributive justice and freedom or self-determination, or between retributive justice and rule of law.

In the case of Type 4 (conflict of preferences) justice-related demands and narrowly-defined self-interest collide. We assume that players make sensible and practical justice-related demands and therefore acknowledge the claims of others as in principle sensible and can even accept them as being justified. This does not mean, however, that they behave accordingly. In the question of sharing the costs of climate protection equally on the planet between the north and the south, for instance, there seems to be no insurmountable divergence on the issue of a just distribution. Europe at least has accepted the justification of the claims of the South in principle. What is missing, as commentators say, is the "political will" to act upon the related demands. This leads to justice-related conflicts because outside the realm of State-level organizations there is no enforcing institution which could remedy the motivational weakness through the threat of sanctions.

Lastly, a conflict over justice of Type 5 (conflict of recognition) is characterized by the fact that players unilaterally or bilaterally deny the right of others to make justice-related demands at all. Such conflicts occur in, for instance, the question of the right of group representation, representation in decisions with consequences that cross borders or in relation to the question of the role of individuals and non-state groups in international law.

The fruitfulness of these heuristic distinctions needs to be demonstrated in empirical work. As a research program, *Just Peace Governance* must of course first of all examine whether or how and when justice makes a difference as a component within conflicts. Then it will be possible to specify the analytically and practically relevant differences between types of justice-related conflict and successful ways to manage and resolve them. Finally, as a political-practical program *Just Peace Governance* must be capable of clarifying at a general level what such successful forms of management and resolution would look like.

3. Themes in *Just Peace Governance*

In the preceding section we introduced the central concepts of the research program. The task of this section is to make these concepts fruitful for the central questions of the program, to illustrate them through paradigmatic real-world situations and to locate them in the broader political context of *Just Peace Governance*. For this purpose, three cross-cutting themes are identified as particularly relevant to understanding the interrelations between justice, peace and governance.

Justice-related conflicts are likely to emerge particularly in times of change where claims recognized in the old order come under pressure or various claims made of newly emerging orders are formulated. Change can manifest itself either in terms of actor and material interest constellations or in terms of ideas and norms, but in each case, conflicts are a specific expression of these changes. The rise of new actors and of the interests they represent can result in conflicts relating to various dimensions of justice, involving the distribution of material or immaterial goods. But furthermore, emerging norms and ideas may also conflict with prevailing notions of justice, therefore representing another form of justice-related conflict arising in times of transition. While each of these conflict situations may arise in local and regional contexts of transition, some transitions are taking place either at a global level, have global effects or can be observed everywhere on the globe. These transitional contexts of changing interest constellations as well as normative orders cut across PRIF's Program Areas.

In times of transition and change, whether in interests or ideas, governance and institutions for governance are facing particular challenges. Governance institutions may either support the status quo and thereby reinforce justice conflicts inherent in it or contribute to spurring change but thereby foster conflicts between old and new notions of justice. A third cross-cutting theme therefore relates to institutions for governance and their role in reinforcing, mediating or solving conflicts that relate to justice.

The research program is broadly structured along the lines of these three general themes that cut across PRIF's work on *Just Peace Governance:* justice-related conflicts that are associated with global transition processes in material interests and the rise of new actors in governance (3.1); the relevance of conflicting ideas and norms for the escalation of conflict and the chances for just peace governance (3.2); and, finally, the role of institutions, legal and informal, in managing justice-related conflicts within such transition processes or ideational conflicts (3.3) (see table at the end).

3.1 Interests in Transition

Global transition processes involving reconfigurations of power and interest between different actors constitute one of the cross-cutting themes of the *Just Peace Governance* framework. Three different contexts of power shifts are examined in core projects of all program areas. First, there is the shift in power that is becoming visible in the global intergovernmental system through the rise, in particular, of the Asian superpowers China and India. A power shift of a completely different kind may be emerging through the growing influence of non-state actors in almost all domains once left up to states to decide over. Finally, shifts in power also occur within societies in post-war periods or when there is a change in the political regime. For illustrative purposes, we will briefly examine the first two here.

Not only since the current economic crisis have there been signs of more intensive conflicts possibly resulting from the relative decline in power of the United States and Europe and the corresponding rise in influence of the Asian superpowers, India and China, potentially leading to new clashes of interests. In a historical context such power shifts were frequently associated with wars between the great powers. Only under specific circumstances do they take place peacefully. One of the central tasks of *Just Peace Governance* must therefore be to work out strategies for peaceful reconfigurations of interest constellations in such transition periods. Peaceful shifts in power of this kind will only succeed if both the dominant powers as well as the challengers accept the conditions of change as just. The concept of a "shift in power" which originally emerged in the

context of historically informed realism can be expanded in this sense and enriched with our concept of justice conflicts in order to conduct research on the conditions for peaceful change in world politics. Among others, the core projects of Program Area 1 on a concert of powers for the 21st century (CP I/1), of Program Area 2 on political representation commensurate with shifts in power within international organizations (CP II/3), and of Program Area 4 on shifts in global power and their regulatory consequences (CP IV/1) will contribute to such analysis.

A power shift and transition in interest constellations of a completely different kind continues to take place, despite the global financial crisis and state reactions to it, through globalization and international economic liberalization. State actors are losing – or ceding – the capacity to directly shape politics via top-down decision-making and hierarchical steering mechanisms and are, instead, increasingly engaging in horizontal governance mechanisms that include non-state actors such as multinational corporations. Justice-related conflicts, on the one hand, may concern material distribution when the market takes over the provision of basic goods and services so that these are no longer available to all citizens but only to those who can afford them. Examples include multinational utility companies controlling the provision of drinking water or access to sources of energy often times generating resistance based on justice claims. But on the other hand, conflicts over justice may also manifest as questions of just representation when political and economic actors share decision-making without adequate societal participation.

Another challenge that is growing as a result of the shift in power between global markets and political regulatory and sanctioning capacity is combating global crime. This type of crime can spread especially in the slipstream of global markets and in zones of weak and collapsing state structures. Here conflicts over legal justice and conflicts of values smolder between freedom and equality before the law. But activities by civil society against organized crime are also being organized. How in these transitional contexts civil society and corporations are confronted with justice-related conflicts and how they attempt to deliver *Just Peace Governance* themselves is being studied above all in projects in Program Areas 3 and 4.

3.2 Ideas in Conflict

Keeping the brief discussion in the previous section in mind, in addition to clashes in material interests and transitions in power, at least two contexts can be identified where it is rather a clash of changing ideas and values that provokes conflicts over justice-related demands and where sovereignty and related justice claims are one of the elements to be considered. These contexts are, on the one hand, the alleged transition from an international intergovernmental to a global cosmopolitan system of rule and, on the other, the challenges posed to it and liberal Western systems of rule in general by Western as well as non-Western and/or non-liberal critics.

There are two ways in which challenges to relations between states may arise from conflicting ideas: On the one hand, non-state groups representing ideas that previously had no voice in global political decision-making are demanding participation. The more government is relocated to the intergovernmental or supranational level, the greater the number of focal points on which these civil justice entrepreneurs may base their claims but simultaneously, the potential for conflicting values and norms increases. The other challenge to an order based on relations between states arises from the definition of sovereignty. In the opinion of Western justice entrepreneurs, sovereignty should no longer be the absolute right of a state, but only conditionally granted against the background of a cosmopolitan principle of justice, optimally embodied in a democratic system of rule. Sovereignty would thus no longer be a principle of international law but only a means of organization of a cosmopolitan political order. Moreover, actors who promote certain social and political ideas link their activities with the requirement that concepts of justice are no longer merely internal to a particular state or a matter between states, but that they have cosmopolitan breadth.

However, this cosmopolitan orientation of liberal Western conceptions of justice frequently meets with opposition in the non-Western world as for example contested claims to the function and role

of sovereignty show in various policy fields. State sovereignty, which is becoming increasingly questioned and devalued in Western discourse, continues to be regarded in Latin America, Africa and Asia (as well as in the states of Eastern Europe) as a primary value which must be defended. And indeed, among the up-and-coming developing nations globalization is regarded more as empowerment rather than disempowerment of the state. In China or India, in South Korea or Malaysia, in Russia or Morocco, even in Brazil and Botswana, globalization is regarded as an era which strengthens the nation-state's capacity to act—at least in a long-term perspective. These states consider the equating of globalization with the devaluation of state structures, denationalization and de-territorialization, a view which is popular in the West and which has gained programmatic status in normative cosmopolitanism, to be either irrelevant or a Western domination ideology to prevent the rise of new powers. The changed role of the state therefore cannot simply be depicted as a linear projection of a progressive loss of function, but must be analyzed in the context of the normative debate regarding the function of sovereignty.

The extent to which clashing notions of sovereignty and related justice claims impact two such fields, namely security and human rights policy, will be analyzed empirically in a research project in Program Area 1 (CP I/2). A related problem concerns international policies promoting democracy from the outside—a topic dealt with in Program Area 4 (CP IV/2). Finally, how global justice norms are adapted and re-interpreted by way of 'localization' is the focus of a research project in Program Area II (CP II/2).

A different form of tension between Western liberal and other models of order, and one of the basic justice-related conflicts, involves the question of what role religion-based demands for justice are permitted to play in politics and society. This will be studied in a project of Program Area 3 (CP III/2). Ideas of justice in religious traditions refer primarily to transcendental promises of salvation. They have gained their increasing influence on social relations and political orders through their selection, appropriation and interpretation by believers who are embedded in specific social and political contexts. When these practicable and effective concepts of justice are regarded as infallibly substantiated by a selective interpretation of religious traditions and Holy Scriptures, they are inaccessible to the political decision-making processes of liberal models of justice. But liberal notions of order—in theory not beholden to any form of transcendence—are also often propagated with an authoritarian forcefulness which undermines their demand for equal representation of varying social interests, and through their claim to universality they refuse to acknowledge other cultural convictions.

3.3 Institutions for Governance

Violent conflict in itself always constitutes a severe challenge to governance. However, where conflicts relate to justice in its various dimensions, governance institutions may be faced with particular challenges that, so far, have not been studied systematically by peace and conflict research. PRIF's new research framework, therefore, seeks to investigate if and how governance and institutions for governance can be enabled to work through justice-related conflicts.

Governance and peace may indeed clash very openly when parties resort to violent governance options—ranging from the imposition of (economic) sanctions all the way to military interventions—in order to guarantee regional or global observation of peace and security. While the normative order of the international system closely limits the state's use and threat of force both internally and externally. Internally, in so-called "developing states", technocratic solutions to political problems have been implemented by force against their own populations and in many other states national and other minorities have been violently suppressed. Externally, national interests are not infrequently supported with military power or international interventions undertaken to protect what are declared to be universal values. The application of military force is linked to criteria of a "just cause" for starting and waging a war (*ius ad bellum* and *ius in bello*).

The question is: what governance structures are appropriate for minimizing violence and at the same time maximizing justice? How is it possible to decide reliably when demands for justice

acquire such normative urgency that the only remaining governance option for achieving peace and justice becomes the use of violence? This question is posed in dramatic terms in connection with, for example, humanitarian interventions: Is further institutionalization in the sense of enshrining the criteria for intervention in law wise, and does it serve the interests of international peace and justice? Answers to these topical questions will be sought not least with the aid of historical studies of successful and unsuccessful attempts to regulate the use of violence. The decisive question is how to develop national, international, transnational and supranational governance structures through which it is possible, when necessary, to have recourse to diplomatic as well as military sanctions which establish and maintain peace without leading to new injustice and new violence.

The tensions between justice and peace and the challenge they pose for governance institutions emerge most clearly today in the consolidation of peace in post-war or transitional societies. Conflict research has examined the prerequisites for making peace or sustainable armistices. Theories of rational choice which are dominant here have produced valuable insights about when players oriented towards maximizing self-interest are willing to sign a peace treaty and how room for negotiated settlements emerges from "win sets". However, they have too infrequently looked at the significance of diverging demands for justice for the possibility of successful conflict resolution. *Just Peace Governance* must take on the task of finding a place for negotiated resolutions from which all participating players not only derive advantages, but in which all participants feel that they have been treated justly.

Research on transitional justice has focused above all on the question of how past injustice can be dealt with by means of various mechanisms. In doing this, however, it is mostly assumed without examination that retributive and restitutive justice is not only morally desirable but also a functionally necessary condition for sustainable peace. For *Just Peace Governance*, by contrast, the question arises above all as to how demands for justice can endanger the still fragile stability of a new peace, and how this conflict can be handled. *Just Peace Governance* must find a way out of a dilemma: Without an appropriate way of achieving justice, in most cases long-term reconciliation cannot be achieved. But fulfilling demands for justice is often not in the interest of stakeholders who are decisive for peace. How can *Just Peace Governance* players deal with the problem that actions in the International Criminal Court bring satisfaction for absolutely justified claims for justice, but that they, simultaneously, limit diplomatic contacts between officials of states, which can hinder peaceful resolution of conflict? If then such complaints are ignored in diplomacy in the interest of peace, the project of achieving justice supported by cosmopolitan interests for the victims of the most serious violations of human rights is doomed from the start.

In connection with this, attempts to link problem solving explicitly with standards of justice (e.g., to make possible reconciliation processes through tribunals or truth commissions or a combination of both) should be examined. The research program will study the conditions under which such attempts were initiated and carried out, the characteristics of the stakeholders involved and their values, norms and ideologies, as well as the preconditions which favored success or produced failure. Here too, the central question is the effects that concepts of justice have on conflicts, the conduct of conflicts and the chances of sustainable peace.

As regards international relations, the problem structure approach of regime theory had already paid a certain degree of attention to conflicts in values and their relevance for (global) governance, but distinguished these categorically from conflicts over material goods. Conflicts of values, as was asserted in the past, block international regime building more than material conflicts. It seems a reasonable supposition, however, that these two components of conflict are closely linked. In policy research and international relations there are debates about arguing and bargaining as different behavioral modes, with a distinction being made between negotiation sequences in which a compromise formula was worked out in the argumentative discussions and those in which matters of distribution were settled in bargaining mode. However, demands for justice go beyond this dichotomous division, because they introduce elements of argumentation into what ostensibly

is thought to be the territory of bargaining. After all, demands for justice involve exactly these questions of distribution.

Similarly to regime theory, governance research also has a harmony-oriented bias which underestimates the potential for conflict of the regulation dilemma. In constructivist and institutionalist IR research, which is concerned with values and norms or players guided by norms, the cooperation-facilitating effect of norms is also made the focus of research. By contrast, we want to emphasize the conflict-laden nature of demands for justice in setting norms in a culturally pluralistic world. One way of examining this empirically will be the analysis of existing and evolving regimes of arms control, non-proliferation and disarmament, their normative structure and norm conflicts and the role competing justice claims play in this (CP I/3) or the analysis of demands for just decision making rules in international organizations (CP II/3).

In general, the central dilemma of justice claims potentially conflicting with requirements of stable peace is posed not only in normative but, above all, in institutional terms and analyzed as such in all program areas.

Table: Cross-Cutting Themes in PRIF's Program Areas

	PA I	PA II	PA III	PA IV
Interests in Transition	Peaceful management of the global power transition (CP I/1)	Impact of law and justice on territorial conflict (CP II/1)	The rise of business actors in peace governance (CP III/1)	Authoritarian governance concepts and the global power shift (CP IV/1)
Ideas in Conflict	Contested ideas of sovereignty (CP I/2)	Localization of global justice norms (CP II/2)	Religious actors in peace governance (CP III/2)	Justice conflicts in democracy promotion (CP IV/2)
Institutions for Governance	Notions of justice in arms control regimes (CP I/3)	Decision making rules in international organizations (CP II/3)	Institutions for global crime governance (CP III/3)	Justice Claims in the Implementation of Peace Agreements (CP IV/3)

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The author is solely responsible for the content of this working paper.