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Justice in Interdisciplinary Perspective: Findings From Other Disciplines and Their Impact on International Relations

Harald Müller

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ABSTRACT

Peace and justice has been a preferred couple in theoretical writings – but what do we know about their empirical relationship? Will it pay off to deepen research into this relationship at all? Insights from other disciplines should serve as a mighty incentive in a field like international relations which has always looked intensely at other faculties for stimulus: Neuroscientists have located the parts of the brain responsible for aversive reactions against violation of claims for justice. Evolutionary biologists have identified rules of distribution and retribution not only in early human societies but among other socially living species as well. Psychologists have watched the emergence of a sense of justice in very early childhood, while behavioral economists have identified behavior of average persons in experiments that deviated significantly from the model of “economic man” and could only be explained by a sense of justice. The paper discusses these findings and what we should take from them for our own work on interstate and intrastate war and peace.

1. THE KEY INTEREST: PEACE AND JUSTICE

The connection between peace and justice has been a subject of political philosophy and theory from the early days on. Justice has been given pride of place as the ultimate normative objective of political action. At the same time its influence on the chances for peace has been at the center of political thinking as well, notably also in religious writings.² It may be one of the most significant indicators of the poverty of empirical political science, including international relations, which this subject has found little attention in empirical and theoretical work and was left to the philosophers for good. This is less a verdict on the amorality of international relations than on the one-dimensionality of the development of our field.

The related controversy in classical peace theory has been whether justice is an indispensable attribute of peace, so that peace can only be conceived as the realisation of justice, or whether peace and justice are different values (and distinct real empirical phenomena) which can be connected and combined or not (Müller 2005). In this second conception, the relationship is none of definition (that one is needed to define the other), but a normative (that peace is best when justice is realised, or that justice is only complete in a peaceful world) and an empirical one.

A plausible solution is possible, when we look at the use of the terms in practical and theoretical language. In fact, people speak about peace and justice in different terms. The frequently used expression “just peace” – which has been in the broadest usage by the churches, by the way – suggests clearly that we are talking about two self-standing terms which can – and should – be combined, but either of which has an autonomous standing. In this sense, the attribute “just” qualifies a particular version of peace among a variety of possible peaceful states of affairs. It also suggests that peace – conceived as the absence of violence – can exist even in the absence of justice (Müller 2005).

There is no doubt that peace without justice contains tensions between those suffering from unjust treatment and those responsible for such treatment. These tensions may endanger the stability of peace: unjust peace has an aura of non-sustainability. Just peace, in contrast, shows the most important attribute of continuity and permanence. This should not be a surprise. Justice means in gen-

¹ Prepared for the International Studies Association Convention Atlanta, March 2016.

² For an intercultural discussion, see the contributions in Polylog 3 (2001).

eral, that members of a given community obtain what they can justly claim (“*sum cuique*”). When this is the case, satisfaction with the status quo obtains and the system of this community enjoys legitimacy. The motivation for violent resistance in order to create basic change does not exist. Peace is sustainable.

2. LOSING THE J-THEME: THE WEIGHT OF PARADIGMATIC HEGEMONY

The pedigree of the philosophical debate and the gravity of its conceptual assumptions for the human fate should have motivated intense empirical research, but there is amazingly little. Inevitably, empirical researchers uncovered interesting insights on the role of distributive conflicts and their solution for the sustainability of peace agreements, on the role of non-recognition for conflict within and among political communities, on the impact of transitory justice for post-civil war societies, on the meaning of fair procedure on the acceptance of negotiation results – all subjects intimately related to the idea of justice (e.g. Albin 2001; Albin/Druckman 2008, 2010, 2014; Zartman 1997). But it had only marginal influence on the great theoretical debate, if at all, and it did not inform thinking on conflict and conflict solution in international relation to the deserved degree. As David Welch, a pioneer of thinking on justice in international relations (Welch 1993), has recently written, the reason is most probably paradigmatic hegemony (Welch 2014).

It certainly begs the question how empirical research about politics could lose one of the key subjects of the social sciences and humanities, the meaning of morale and ethics in human affairs. Morality, for millennia at the center of the academy as long as philosophers and theologians kept the steering wheel firmly in their hands, has receded into small niches of scientific interest in modern science – though we have to give the philosophers credit for keeping it up all the time. In the social sciences, it has been removed to the margins. For Marxists and poststructuralist, late Nietzscheans, morality is an ideological superstructure concealing the material or ideational basis of society. Similarly, rationalists view moral arguments as instruments of a rhetorical strategy (Schimmelfennig 2001) to overcome resistance to actors’ material interests (never asking the question how moral arguments could gain power among interest-pursuing actors in the first place). The social-Darwinist inheritance of (utilitarian) rationalism is only insufficiently papered over by the apparent liberty of rationalists to look for their actors’ (theoretically also altruistic) “preferences” (e.g. Lake/Powell 1999; Snidal 2013). In almost every empirical study informed by a rationalist perspective, it is the material, egotistic interests of individuals or their groupings that is driving behavior, and the connection to the “survival” doctrine of the social Darwinists in this approach is not hard to identify.

All these approaches (we can include Realism and Neorealism as both rely on an anthropology that focusses on survival or the egotistic enhancement of power, or both) share the anthropological assumption of egotistic individualism. Motivations driving groupings (like clans, city-states, feudal entities, or states) are mere additions of what is moving the individuals. It is very hard to see a logical way how morale should emerge from these basic assumptions about how humans are structured. As stated above, to treat morale instrumentally begs the question how it could be an instrument of persuasion towards a bunch of egoists. This question remains unanswered.

Constructivists, in contrast, view ideational motivations as a permanent part of human dispositions and behavior. They postulate great variance in the substantive structure of these dispositions, as they are rooted in cultures which are historically path-dependent and thus vastly different when one compares, say, the culture of a South East Asian society with that of a sub-Saharan African or a Scandinavian one. There is little or no connection with the “hard science” basis of these assumptions. Constructivists rely on the tradition of social sciences and social philosophy. For long, this has been a certain disadvantage vis a vis rationalism which is connected to evolutionary biology (though in the highly doubtful version of social Darwinism) and thus enjoys a higher “scientific” reputation (Jackson 2010).

3. THE KEY ROLE OF UNPROVEN ANTHROPOLOGICAL ASSUMPTIONS

The hegemonic social science paradigm that has been informing much of IR work is therefore rationalism (Lake/Powell 1999). Humans are rational utility-seekers and maximizers or optimizers. Realism and neo-realism are variations of this basic theme. Structures emerge out of the strategic interaction of actors holding different preferences which stand frequently in opposition to each other. Structures then determine strategic choices of actors; depending on the choices made, outcomes ensue and, from time to time, new preferences and structures emerge. Rationality might be limited through constrained information, and information exchange might become part of the strategic interaction among actors. Actors – whether natural persons or collectivities – have to be regarded as “individuals” who are only kept together by virtue of their strategic interaction and the resulting structures.

The decisive point here is not the fine-tuning of the whole theory and its application in IR, but the skeleton of the anthropological assumption that constitute their basis. As well known, this very special anthropology has been imported from the academic field of economics. It should be emphasized that economics has adopted this anthropology without any preceding empirical anthropological studies. The founding fathers of modern economics have derived their conclusions from their laymen observation of everyday behavior and expanded their conclusions to a simple if not primitive theory of how man “ticks”. When Charles Darwin laid the groundwork for evolutionary biology, pundits of utilitarian political economy were quick to jump on the bandwagon – lacking their own foundation in the hard sciences, here they found what they needed to bolster the “scientific” claim of their field. The struggle for survival of the fittest and the perceived “betterment” – in both physical and intellectual capacities – through the historical process of organic evolution appeared to support what economists viewed as the emulation of the biological template through the market system, and the consequential betterment of human affairs resulting from ever more efficient production and distribution modes.

IR scholars of the realist and rationalist faith then followed this example, claiming, like the economists, scientific status based on the noble “hard science” pedigree behind the adopted paradigm. While rationalists focused much on the micro-level, realists looked at the big picture (most notably Waltz 1979). In extremis, they described world history as a merciless fight for survival in which states had no other choice than to arm, to ally, and to fight, in order to survive. In “offensive realism” (Mearsheimer 2001), this sophisticated social Darwinism found it’s most consequent expression. Never mind that the extinction rate in the world of states is surprisingly small, that many states focus on things other than survival as they survive anyway, and that even extinct states may experience surprising resurrections – something highly unusual in the biological world other than through Jurassic Park techniques which still belong to the realm of fiction.

The anthropological assumptions of rationalism have suffered many attacks, in the most sustained way by constructivists who wanted to leave the materialist ground on which rationalism eventually is based, and to give the ideational factors inherent in the human brain and in the social life of humans their due. But even constructivist work has succumbed at times to key elements of the rationalist paradigm, such as the evolutionary theory of norms (Florini 1996) or the utilitarian motivation of political leaders in John Owen’s theory of forced regime change (Owen 2010). In many ways, rationalism offered the anthropological default option on which even critics of rationalism would fall back just in case. The reason was most probably that the aura of “being scientific”, resulting from the rationalist rooting in economics (allegedly the most “scientific” social science, never mind the endless number of wrong prognoses) which in turn were rooted in Darwinist evolutionary biology (Jackson 2010). Two images prevailed: “economic man” (Ingram 1888) and the “selfish gene” (Dawkins 1976).

Of course, any political theory must rely on basic anthropological assumptions. Without such assumptions, there cannot be any hypothesis about the motivations and directions of human action, individual or collective. In modernity, these assumptions have been gathered in a rather amateurish, ad-hoc way, and they reflect much more the beliefs of academics than any hard knowledge, from Morgenthau’s “lust for power” (Morgenthau 1968) through Waltz’s concern for security to the pre-

vailing rationalist paradigm of utility-maximization. In the past, political analysts could be excused by pointing to the vast disconnect between existing “hard” knowledge and their grabbing ad-hoc assumptions related to the presently most plausible, related “hard knowledge”, namely evolutionary biology as understood by social scientists.³

The time for such excuses has passed through scientific advances over the last few decades. For the first time since the academic faculties split as a consequence of scientific development in the era of enlightenment, we may face a period of convergence of a broad spectrum of academic fields from hard sciences like neuroscience or evolutionary biology to sociology and political science (international relations included) and cultural sciences like ethnology or literature. One could expect a chorus of jubilation about the immense opportunities this development is creating, about new, vast spaces of academic possibilities opening before our eyes. It is a sort of underselling to see as only result the “emotional turn” which would be another temporary fashion to market a limited new idea imported from somewhere (Hutchison/Bleiker 2014: 492). What is at stake here is no less than a revolution across the field, based on a new, and scientifically grounded image of the human species and its motivational dispositions (Crawford 2011). Yet, apart from a few individuals, there is a deafening silence.⁴ Most colleagues stick to their old devices, from rational choice to post-structuralism and leave the marvellous chances for enriching our knowledge aside.

There are three main advances on “anthropological assumptions” which cannot and must not be ignored by the future development of social and political researchers. In particular, no social or political theory is sustainable nowadays whose assumptions about human beings do not stand three crucial tests: First, they must not be in contradiction with recent insights by neuroscience and neurobiology. Second, they must be plausible in the light of evolutionary requirements: All attributes ascribed to human beings by social and political scientists must have a plausible evolutionary history, with at least some hints in evolutionary biology and anthropology that there is some empirical evidence for them. Thirdly, they must find some support in the vastly growing body of experimental research in sociology, social psychology and behavioral economics.

4. INSIGHTS ON THE JUSTICE MOTIVE FROM MANY FACULTIES

Trying to distill the knowledge from a variety of sciences with a view to get answers to key questions of one’s own is akin to a fool’s errand: too many possible sources in too many unknown fields, and too much special knowledge needed to understand what these far-away colleagues are writing. The best an interesting layman can do is to start with the few scientific authors who care (and are capable) to present their field to a broader, interested audience, and to work through their key references to touch a wider circle of writings. This is what I have done in preparation of this article.

4.1 *The justice disposition in our brain: What we can learn from neuroscience*

Neuroscience/neurobiology is among the most dynamic scientific fields (for a starter, Damasio 2005). Progress is amazing. Some of the more relevant findings relate to our subject here.⁵ Key emotions have no single center in the brain, but emerge from the “cooperation” of several regions which can communicate neuronally or biochemically. Biochemically connection means that regions in the brain trigger the flux of biochemical substances which, in turn, cause positive or negative feelings (such as joy, frustration, aggression or nausea). What we may call the “sense of fairness” (or justice) for want of a better expression is one of these structures of cooperation. As de Waal remarks, the mere fact

³ For a biting critique see Bauer 2010, Chapter 5 and pp. 185-191.

⁴ At least the special issue on emotions and IR of *International Theory* (2014) ed. by Emma Hutchison and Roland Bleiker was a sign of hope.

⁵ See Pinker (2011), Chapters 8, 9, and Hutchison/Bleiker (2014) for useful references from neuroscience from an IR perspective.

that humans care about justice would not be there if a disposition to do so were not anchored in our genetic hard wiring (de Waal 2015: 44).

Experiences of being justly treated, e.g. obtaining what one believes to be entitled to, or just recognition which an individual wants (and needs) are among the events – all connected to positive relations to other human beings – which trigger the production and sending out of the messenger substances (namely dopamine, endorphin, enkephalin and oxytocin) that cause feelings of desire, happiness, sympathy, warmth etc. Experiences of being treated unjustly, of being denied one's due or being treated with contempt instead of respect cause feelings of resentment, aggression or even physical nausea (Henrich et al. 2001; Singer 2007; Pinker 2011: 858). Likewise, experiments found that the perception of unfairness triggered strong emotions and the willingness of the concerned person to strike back against the perceived source of this unfair treatment (Svirastava et al. 2009). These findings help to understand our every day's experience that both, the satisfaction to be treated justly as well as the frustration to suffer perceived injustice, are connected to strong emotions, in the latter case stimulating even violent reactions (Mercer 2010). Pinker describes in much detail how the "wrath system" which we share with our vertebrate relatives interferes between a registered experience of frustration or threat and triggers defensive or offensive aggressive reaction. He also shows how it is connected to a distinct other aggression-stimulating structure in the brain that is activated in competitive constellations and uses testosterone as messenger substance. If the fighting escalates, the strategic use of violence degenerates into violence guided by blind wrath (Pinker 2011: 736–742). Since the competitive disposition relates to the individual's status and thereby to the recognition dimension of justice, it is another road on which justice concerns may lead to the readiness to apply violence (see also Mercer 2010).

Neuroplastics, one of the branches of neuroscience, investigates how certain parts of the brain's biochemistry become completed only after birth and as a consequence of experiences in early childhood (Davidson et al. 2000). From this research, it appears that the genetic dispositions which the brain researchers now have located, need a kind of interactive development in which the young brain requires positive stimulus from an empathic and loving environment to grow to full potential not only in its cognitive and reflective, but also in its emotive and moral capacities. Early feelings of being cared for (the equivalent of feelings of "recognition") contribute to the capability to produce and trigger the flow of messenger substances which cause "good feelings" of happiness. Equally, the capability to develop empathy towards others appears to depend on the experience of being treated with empathy as well. Individuals that lack these positive experiences in early childhood appear to develop deficits in this regard (Bauer 2004; Bauer 2010: 54–71; for an excellent overview see Druckman 2008).

What is intriguing is the close connection between fairness/justice and "recognition", and the key role which this complex plays in switching the human mind between happiness and the readiness to enter conflict. Nancy Fraser has postulated recognition as the third type of human justice concerns, besides distributive and participative ones (Fraser 2008). Axel Honneth puts recognition, or the lack thereof, at the root of social and political conflict (Honneth 2010). The deliberations of these two social philosophers are right on target in the light of what we can learn from neurobiologists and development psychologists, as is Ned Lebow's insistence that the "spirit" (which can be understood as the need for recognition) is responsible for most conflicts between human collectivities (Lebow 2008, 2010).⁶

As Joachim Bauer and other authors show, the motivational system of the human brain is scheduled to strive for close relations with other persons and to the group in which one lives and where one's identity is deeply rooted (Insel/Fernald 2004; Bauer 2010; De Waal 2013). People lacking this form of intense bonding frequently show psychological deviance. These insights should not come as a surprise, because humans can only survive in the embedment in social groups, and the ability to fulfill this condition for survival needs robust dispositions in human genes. As the neuroscientists tell us, exactly these dispositions are there. The desire for justice, and the positive and negative reactions

⁶ On the meaning of recognition in international relations, see Daase et al. (eds). 2015.

depending whether the individual is treated justly or not, is such an important element of these dispositions because just treatment confirms that group membership is a certain condition of the individual's life.

From my readings, I would speculate that the justice aspect of recognition is not only a part of the whole complex that connects justice issues to emotions, but the most fundamental element of it. I hypothesize that the recognition issue is also the element that drives emotions in the realms of distribution and participation justice. To get what (one believes) is one's due signals a recognition by the person or the group or the system that manages the distribution of the good in question. To be admitted as participant in decision-making, again, signals recognition of the person as being entitled to play a meaningful role in the group. All these are essential aspects of the individual-group relationship in which the individual has the greatest stakes, and that he/she is hard wired to strive as a major mission of its emotive and cognitive apparatus (see also Dutton, 2006).

The relation with the sense of fairness/justice and empathy appears to be of particular importance: empathy is the basis of the capability to have active feelings of alter-justice, that is, to empathize with positive or negative justice experiences of persons other than oneself (Mathur et al. 2010). The capability for empathy rests most fundamentally in a specific type of neurons in our brain, the mirror neurons. It enables us to quasi-simulate in ourselves what we observe another human or animal doing, experiencing, enjoying or suffering (on these neurons hinges also our capability to imitate) (Bauer 2005, de Waal 2015, 182–192). Measurements of brain activity has shown that in experiments, people react positively to satisfied justice concerns of others and negatively to frustrated justice concerns. Comparison shows that these empathic brain activities are somehow weaker than those occurring in connection with the individual's own concerns, but they are still clearly measurable.

If the neuroscientists tell us about our dispositions to be motivated by justice and to react to its manifestations, development psychologists show how these dispositions become activated and develop in very young humans. Notably Michael Tomasello's work on early childhood has shown empathy to emerge very early in life, and the first indications of a sense of justice in some individuals as early as 18 months. To make no mistake: children can be quite egotistic, but all the same they recognize rules of reciprocity and of sharing and show emotions in connection with satisfied and frustrated claims not only by themselves but by their peers as well. Children of four to five years, left playing without supervision, have been observed as adopting third-person justice perspectives by prompting peers to share toys fairly with other children (Arsenio/Killan 1996). The research by development psychologists appears to imply that the dispositions that enable us to feel a "sense of justice" become activated early on in and through social relations and develop over the whole childhood and adolescence (Tomasello 2009).

The combination of the findings of two sciences, neuroscience and developmental psychology, suggests clearly that our morality to which a "sense of justice" belongs, has a biological basis which unfolds its potential in interaction with the human-social environment. The double evidence annihilates the notion of humans as cold and calculating utilitarian egotists. This may be part of the whole (see below), but it is only a part. To confuse this part with the entirety of human dispositions makes up for bad anthropological assumptions and, by corollary, misinformed social and political theory.

4.2 *The justice-concerned human as social animal: Insights from evolutionary biology and anthropology*

Human beings, compared to all other species, need an extraordinarily long development period to grow up to a degree where they are capable to survive on their own. One and a half decades, they are relatively helpless and need protection and provision of food and other necessities through adult persons. Not only our bodily competences need this long period of childhood and adolescence to achieve full strength, our brain needs this long time as well for full development and, in addition, to take in the content of cultural knowledge for coping with the challenges of life which is the outstanding characteristic of our species.

To survive this long “under-age” period of our life, humans must be embedded in groups (of variable size, see below) which care for them. This necessitates certain attributes in our “genetic hard wiring” which we do not share with all species on earth, nor with all vertebrates or mammals, but only with those who, like we do, live in groups whose social coherence provides the necessary environment for survival. This environment might include the chance of becoming adopted if one’s natural parents die very early in life, and of being cared for in the case of handicaps, wounds, illness and the disabilities connected to old age. All these chances have been shown to have existed in early human society and do exist in great ape groups (de Waal 2015: 69, 83). In other words, apart from the capability to survive as individual (which humans need – like any other species do – in order to deliver their genes to the next generation), humans need the capability to help their group survive, and to function in a surviving group, in order to master life individually and as a species through the course of evolution.

If this assumption holds, we should find behavioral regularities selected by the necessity to function in a group and to make the group function in non-human species which are also “social”. Most prominently, we should find similarities with our closest relatives, the big apes, and these similarities should even extend to attributes of the brain, as far as it has been already deciphered.

Evolutionary biologists (Bekoff/Pierce 2009), primate researchers (de Waal 2009; Yamamoto/Akimoto 2012) and anthropologists (Boehm 2001) have explained the competitive advantages of species living in social communities which result from fairness rules concerning the distribution of food, the punishment for unruly behavior (Brosnan/de Waal 2012), and accepted rules for making decisions for the group, be they more hierarchical or more egalitarian. Such rules were found in an astonishing panoply of socially living species ranging from cleansing fish through coyotes, wolves and crows (Bekoff/Pierce 2009) straight to our closest relatives, the primates, notably the big apes, and lastly to early human societies (Boehm 2001).

Among the big apes, chimpanzees and bonobos are our cousins. We share a common ancestor, and we share certain traits in behavioral patterns and brain structure with either, even though the two species are different. Chimpanzees live in patriarchal societies, are strictly hierarchical, relatively competitive and violent (but with rules) inside and strongly violent towards other groups of the same species. Bonobos live in slightly matriarchal societies, more inclined to solve internal conflict non-violently (with the aid of frequent sexual intercourse in the service of conflict management and -solution) and, while careful to protect territorial borders, inclined to fraternize with bonobo outgroups rather than make war on them (de Waal 2015: 24/25, 92–94).

As de Waal observes, like ourselves, these great apes strive for power, security, and compassion (Zuneigung) by others, love sex, defend their territory, and appreciate trust and cooperation (de Waal 2015: 29). We also find elements of a sense of justice/fairness in these species. It starts with “inequity aversion”, the disinclination to tolerate unfair (unequal) treatment in distribution situations (de Waal 2015, 30/31). It appears that we share with the chimpanzee a disposition to strong intragroup competitiveness, balanced by the strive for intragroup cooperation, and with the Bonobos a very strong disposition to empathy, based on the VEN neuron type of which both we and they dispose (de Waal 2015: 112–116).⁷

Chimpanzees and bonobos both display clear behavioral patterns concerning food distribution (de Waal 2015, 170). Chimpanzees principally share meat gained from hunting. Successful hunting is followed by loud calls from the hunters, signaling the imminent feast. Concerning “vegetarian food” (fruits, leaves, branches); in contrast, the possessor of the food disposes of it. However, other group members – even alpha individuals – start begging, and usually the possessor will hand over part of the food to other group members. Approaching special places where food is located (e.g. in captivity),

⁷ This does by no means imply that chimpanzees are not empathic. They are. Inter alia, experiments have shown that chimpanzees prefer to share food with an observing group member when they could have enjoyed it alone, de Waal 2015, 165/6).

the social hierarchy decides about the sequence in which individuals are admitted to the source (in bonobo societies, female individuals, according to their rank order, approach first, even leading males come later) (de Waal 2015: 108/9, 175/176, 260).

Implementation of justice is also an important element for reducing the degree of (violent) conflict in a group. In chimpanzee and bonobo societies, older individuals (not necessarily the actual alpha member) act as arbiter in intragroup conflicts – notably conflicts where violence is actually applied or threatens to be applied – and excel by their stainless impartiality (if friends or close relatives are involved, they are not favored) (de Waal 2015: 34/35, 67/68).

Altogether, we find in the world of primates the characteristic ambivalence which we know from human society: The social world is one of competition (which can become very tough and cruel); but on the other hand, it is also an environment with traits of community, where sympathy and help from others can be expected, and isolation and loneliness of the individual is a deviant – pathological – situation (de Waal 2015: 43).

Looking at more recent work done in the field of anthropology, we find strong parallels to primate societies. Charles Boehm has described in much detail the development of food sharing rules and how the ambitions of very strong individuals has been tamed by rather egalitarian practices and norms emerging in human hunter-gatherer societies (Boehm 2001). He has also demonstrated that deviant behavior has been punished by shaming, blaming and temporal isolation, while persistent deviants who threaten the integrity of the group have suffered expulsion or even death penalty (Boehm 2001: 2012).

What applies for primates, applies for early human society as well: in addition to the individual capability to survive, the group's capability to survive is decisive for successful evolutionary development, as the group, in turn, is the necessary condition for the individual's survival. Group survival depends on a viable and predictable relationship within the group where competition, cooperation and mutual care must be balanced. The balance hinges eventually on valid rules of justice/fairness based on mutual recognition, reciprocity, practices of sharing and care, and punishment of inappropriate behavior. All these norms and practices are instantiations of the principle of "suum cuique" which appears to be intercultural accepted as highest principle of justice, whereas the specific substance of "suum" and "cui" varies considerably within and between cultures. But the existence of such rules takes a lot of conflict triggers out of society as it combines a shared sense of "appropriateness" with the feeling that individuals, independent of their particular status in the group, will get their due, that deviations from the norms are corrected and that wrongdoers will be punished. Justice, order, and group coherence are thus intimately connected (de Waal 2015: 304–6).

The evolutionary functions of these justice aspects in societal species relate to four functions:

- First, to keep the largest number of group members alive in order to have a "reserve of individuals" in hard times and, more immediately, to be capable to resist attacks by predators from other species or by rival groups of one's own species in the competition for the territory from which the group lives. Rules for sharing food are essential. It has to be emphasized that this does not necessarily mean equal sharing. In many social species, alpha individuals eat first and obtain the best pieces of food, yet weaker individuals are not cut out. The sharing function serves to prevent group members from starvation, and to provide enough food for next generation group members to grow successfully. The caring for bringing up children as a collective task (Hrdy 2010) including, just in case, the practice of adoption as mentioned above, is serving the same general function which deviates from the templates of both utilitarian egotism of the individual and of the "egotistic gene". Christopher Boehm is also arguing that food sharing (notably applying to meet with its important protein supply) equalizes survival conditions among group members between the strongest and the weakest. He also notes that sharing extends beyond the narrow kinship group and includes non-relatives in the band (Boehm 2001: 184–6). All this, he emphasizes, favors more altruistic groups in inter-band competition (Boehm 2001: 218–20).

- Second, keeping the group effective (decision-making). Social animals and early human societies have distinct roles how to make decisions. Primate societies are in various ways hierarchical, but it appears that it would be too easy to ascribe decision-making power only to the chimpanzee or bonobo alpha animal. Rather, primate researchers observe various coalitions on which even alphas have to rely. Human hunter and gatherer societies as well as agriculture-based tribal societies are more egalitarian. Boehm argues that apart from the “lust for power” which he sees as a natural trait in (mostly male) humans, and the readiness to (reluctantly) submit to a superior “alpha” in order to avoid harm, there is the equally strong desire to preserve one’s autonomy against individuals aspiring for dominance (Boehm 2001: 67, 163/4). Using a broad spectrum of historical and ethnographic evidence, he maintains that these societies have found ways to neutralize this aspiration, and have helped nature in favoring the selection of the genes of more altruistic and empathic individuals by treating strongly deviant “big egos” through ostracism or even execution (Boehm 2001: 27/28). Human hunter and gatherer societies are more egalitarian, whereby egalitarianism is supported by the equalizing effect of hunting weapons for “political” rivalry compared to a pre-weapon competition based on raw physical strength (Boehm 2001: 180/1). Decisions are mostly discussed among the (adult male) members of the group/band and require frequently consensus in the group. These modes, internalized by group members, have proven effective enough to permit the group to persist.

Third, enforcing rules (punishment). The emotions which accompany the positive experience of being treated justly and the negative ones of perceived unfairness serve important functions both for the individual and for the group. They help the individual to get what he/she needs for survival, and they help the group to stick together and to keep the bonds needed for survival-essential collaboration (Keltner et al. 2006). Retributive justice is observable across social vertebrate species. It follows the inappropriate application of force e.g. when young wolves, coyotes or dogs are punished for a disproportionately sharp bite during playing, or when chimpanzees or bonobos hurt another group member severely in a rivalry or sex competition constellation or when a group member appropriates food to which another member had a justified claim (de Waal 2015: 219; for findings concerning canids, cf. Bekoff 2001). Even superior group members (alphas) might suffer punishment in such situations (de Waal 2015: 215/6, 219/20). De Waal reports an episode in a bonobo group where a high-up male, by approaching a female in whom he was interested, was shocking her baby, thereby endangering it. The event led to one of the very few instances of violence in the group, with the group, highly emotionalized, ganging up against the perpetrator because of his “crime” (de Waal 2015: 109/10).

Punishment may reach from vocal disapproval through small physical retribution to the ultimate horror punishment, expulsion from the group. Isolation from one’s community can cause death in the wilderness. Individuals in social species are primed to avoid this fate: The human brain, for example, reacts very strongly to experiences of isolation. Not being successful in close relations, or their breakdown, or the loss of a very close person creates stress and anxiety. In extremis, the whole motivational system might collapse or may focus on aggression as a means to force recognition and group membership (Bauer 2010: 39/40, 63–66, 75–82).

Charles Boehm shows this punishment practice for (powerful) deviants on a very broad empirical basis (Boehm 2001: Chapter 3 and 4). He supposes that in hunter/gatherer societies, deadly punishment of violent and psychopathic deviators has shifted the human gene pool towards the more altruistic, moral and cooperative side (Boehm 2012), an effect he also ascribes to intergroup competition/selection in which groups with strong coherence (based on altruism and justice/fairness rules) fare better than their competitors composed of egoists (Boehm 2001: Chapter 9). At any rate, punishment of inappropriateness has certainly served another important function, namely the coherence of the group.

- Fourth, keeping group together. This is no trivial task given the inevitable and in many regards functionally beneficial role of intragroup competition and conflict. These centrifugal forces had to be kept in check in order to preserve group cohesion as the key to both group and individual survival in the face of three challenges: First, the danger emanating from predators which could jeopardize the survival of the group in the early phase of human evolution. Second, human groups were bound to meet the (occasionally violent and deadly) competition with other human groups (Boehm 2001: 158/9). The evolutionary “genetic response” is very clearly reflected in the finding of De Dreu and others that the activation of the production of oxytocin – one of the messenger substance triggering feelings of well-being and happiness – in the human brain rises in the confirmation of mutual trust and close collaboration in a group when it is confronted with a rival or hostile out-group (De Dreu et al. 2010). Mutual trust is a result of being treated fairly in one’s own group. The oxytocin level rises on the one hand from such experiences and, on the other hand, enhances mutual trust (Bauer 2010: 47). The third challenge is the “stag hunt” temptation in joint hunting. “Stag hunt” is a paradigmatic game theory construction in which individuals of a hunting band are tempted to desert the common project of hunting a stag for the easy prey of a hare. Of course, if humans were completely egoistic utilitarian, they would go for the hare, and the group would explode. That hunter/gatherer bands survived the stag hunt trap for 150 000 years betrays the fact that humans, by genetic disposition, socialization and rule abiding were capable to resist this temptation.

In response to all three challenges we see dispositions which favor support for the common good over individual utility. These altruistic dispositions inform a sense of duty that is balanced by a consciousness of rights (e.g. in food sharing). The balance of duty and right represents, of course, a central aspect of justice/fairness. Reciprocity is another justice-related behavioral pattern which human society shares with primate societies. Primate reciprocity appears in food sharing and grooming: favors are answered with favors, often with considerable temporal delay (de Waal 2015: 175/6). The most basic rules we are disposed to observe (most of us most of the time) and which inform the ways in which justice/fairness is internalized genetically and culturally, in primate and human groups, and which, from early human society on, have become institutionalized, are reciprocity, impartiality of arbitration, rules of sharing, and rules of participation (de Waal 2015: 49; Boehm 2001, 2012)

Primate evolution history including pre-human forms is estimated at 6 million years, proto human and human evolutionary history encompasses between 1.8 and 2.8 million years, largely enough for selecting a genetic disposition adapted to group life. Even the gathering/hunting group/band stadium, at 150 000 years could be enough to sediment relevant social dispositions in the human brain (Boehm 2001).

4.3 *The death of economic man: evidence from recent work in sociology, behavioral economics, and neuroeconomics*

Sociologists (Liebig/Lengfeld 2002) and experimental economists (Loewenstein/Bazerman 1989; Fehr/Schmidt 1999) have verified in many experiments that persons in games simulating distributive conflict and dilemmas deviate from the model of utility maximizing behavior in favor of rules of fair distribution. Sociologists and social psychologists have proven that such justice concerns apply to the individual as well as to collectivities. These collectivities can be small, like the family or a peer group, mid-sized like an university, a city or a soccer club, or large, like a nation, an alliance, an ethnicity or religion. Religion and ideology are maybe the most devastating grouping frames in their capability to motivate collective violence (Pinker 2011: 824–843). Grouping frames can be structural and of longevity, like the groups just mentioned, or ad hoc and short-lived like an experimental group put together by a social scientist. Even in these artificial groupings whose constructed character is known to all participants, the psychological, neuronal and biochemical processes run with the same seriousness as in “real life” (Pinker 2011: 773).

Sociological justice research has identified the intracultural as well as intercultural diversity of justice principles. This aspect is of particular relevance for the analysis of conflicts that emerge from conflicting justice principles postulated by different actors, and from the different application of the same principle to specific situations (Kals/Maes 2012 documents the breadth of this research).

Sociologists have also found that one of the most popular philosophical solutions to the justice problem, John Rawls' Difference Principle, is not supported by real world peoples' opinion. Rawls' Difference Principle permits diverging from strict equality "so long as the inequalities in question would make the least advantaged in society materially better off than they would be under strict equality."⁸ Rawls postulated that inequality is legitimate only to the degree that it fosters disproportionate gains for the poorest. The most popular idea about justice as revealed in polls is a combination of the justice principle of need (people should be granted the basic for their life) and the justice principle of merit (individuals contributing to the common good should extract a proportional share of their contribution) (Frohlich et al. 1987; Frohlich/Oppenheimer 1992; Frohlich 2007).

This combination is indicative for a certain flexibility of individuals to adhere to several justice principles. They may combine them, but they may also switch between them, depending on which one is more favorable for themselves or for their in-group in a given situation. This opportunism of choice appears to be less a matter of conscious strategic choice than of an intuitive, pre-cognitive decision which receives justification only after it has been taken, and it does not negate the existence of an inherent "sense of fairness" which is at the root of this selfish version of justice behavior as well as of more altruistic appearances (Valdesolo/DeSteno 2008). The psychological phenomena called "self-serving bias" which is quite permeating is at work here (Trivers 2011).

In experimental (behavioral) economics, the paradigmatic game is the ultimatum game (Fehr/Schmidt 1999): A finite number of chips or coins, let's say, ten, is given to a player who has to offer to a second player a distribution. If the partner accepts, this distribution is implemented, and each player keeps the money which the distribution affords him. If the second player refuses, none of the player receives a reward. According to economic rationality, the second player should accept any distribution which brings him more than zero, and the first player should not offer more than the smallest possible sum. In fact, second players refuse – emotionally – what they regard as "unfair" offers (usually offers below a third of the sum available). First players most of the time offer forty to fifty percent. This means that not only do second players betray a self-related sense of appropriate fairness, but first players either anticipate that second players would act according to a fairness norm or are acting out of their own feeling that a fair offer is appropriate. The ultimatum game findings held across cultures in a major comparative study featuring societies from Latin America, Papua New Guinea, Mongolia and Africa. At the same time, cultural and market structure differences contribute to a considerable behavior variation in detail (Henrich et al. 2004).

Since this study was published, the rapidly growing field of experimental economics and neuro-economics has buried "economic man" for good. Cooperative impulses, internalized norms of fairness with a strong root in reciprocity, empathy, and, after all, the embedment in social groups that contradicts the orthodox idea of unfettered individualism deviates significantly from neoclassical orthodoxy (Gintis et al. 2005). The mixed-motive box out of which humans act shows an amalgam of selfish and altruistic, rational-strategic and emotional drivers for economic and political choices and a considerable influence of the cultural and institutional environment including the incentives it offers to actors (cf. Glimcher/Fehr 2013).

We are accustomed to think of politics, notably high politics related to conflict of interest, peace and war as distinct from ethical and moral considerations to which justice issues belong. We are equally accustomed under rationalist hegemony to think of this realm as the fiefdom of cool strategic calculation, remote from emotions. But if the sense of justice is part of both our genetic and our cultural

⁸ Stanford Encyclopedia of Philosophy, entry "Distributive Justice", <http://plato.stanford.edu/entries/justice-distributive>, hit March 8, 2016.

inheritance (de Waal 2015: 63), then it is utterly implausible that politics, as a central area of human activity, could be isolated from its influence. In the end, this is an empirical question.

5. JUSTICE, WAR AND PEACE: THE AMBIVALENCE OF THE HUMAN INHERITANCE

5.1 *The ambivalence inside*

The impact of the justice issue in society and politics hinges on the ambivalent and contradictory predispositions of the human mind. I follow here Boehm's summary of this problem. According to him, we have inherited the disposition of dominance, submission, and resentment of dominance side by side. In our distribution of empathy, compassion, sense of fairness, drive for cooperation and community we harbor dispositions of egotism, nepotism (that is, to show these emotions and motivations only to a small in-group) and altruism⁹ in our brain structure. These dispositions are stratified as they manifest themselves in decreasing strength the wider the circle of possible beneficiaries is. All this is not culturally constructed, but "anchored in human nature" (Boehm 2001: 225–243). Boehm summarizes: "The evolutionary saga ends with a species altruistic enough to cooperate quite efficiently in large or small groups, but at the same time prone to competition and conflict...Our most amazing accomplishments are complex societies that verge on being antlike in their divisions of labor and organic cooperation – and also in their unusual capacity to go to war" (Boehm 2001: 254).

It goes without saying that, like all genetic dispositions, the ones discussed here are unequally distributed: Most people have all of them, but in different strength. In addition, the preceding discussion indicates that our dispositions are variegated and contradictory enough to present the basis for "radically different behavioral outcomes at the level of the phenotype", because they make an almost unlimited variance of combinations possible (Boehm 2001: 236/7).

One particular dark side of our capability to feel and think in justice terms is our inclination to frame justifications along justice arguments when we explain why we do (or have done) harm to others. They can be framed as doing retributive justice to a rule-breaker (including revenge); justifications can also be derived from the inherently unjust nature of our counterpart (like the "unjust enemy" of Immanuel Kant (Müller 2014)). From there it is only a small step to the argument that we were justified to do harm to a person to prevent or impede harm to be done to third parties (protection) or ourselves (self-defense) (Baumeister 1997).

Humans can apply justice claims individually and collectively, as stated above. This relates also to intergroup competition where the potential of aggressive emotions is high (Pinker 2011: 767, 772/3). The diminishing strength of emotions from individual claims through in-group claims to out-group claims contains the potential to a fateful reversal: We deny the out-group the right to make justice claims at all and frame them as enemies denying ourselves (our in-group) what is rightfully ours. The mechanism of collective "evilization" triggers escalatory emotions that end in a "we or them" showdown where only the complete destruction of the enemy will bring justice. The process is a particularly dangerous type of the ingroup-outgroup dynamics analyzed by Henry Tajfel and his collaborators and is a common element of the security dilemma, enemy image production and the escalation of conflicts (Tajfel 1982).

However, the path from "altering" a person/group as part of the process of identity-building to evilization, i.e. drawing the frontier for violent conflict, is not pre-ordained. As we saw with bonobos, even among primates a clash is not inevitable when two groups meet or when an individual approaches a foreign group. As Boehm reminded us, empathy and the sense of fairness can extend beyond the core or wider family and include not-related persons. In a much broader historical view, it is obvious that humans have the capability to imagine bonds and extend borders, maybe not completely arbitrarily, but with high flexibility. Our innate capability to feel empathy and even altruism

⁹ The capability for third-party fairness perspectives has also been found in bonobos and chimpanzees (de Waal/Lanting 1998; Brosnan et al. 2010).

towards other people is, in principle, almost unlimited (Batson 2011; Pinker 2011: 859–874). For that reason, the triadic structure proposed by Boehm, the differentiation between egotism, nepotism and altruism should not be taken as discrete alternatives, but rather as a continuum, whereby the range of “altruism” encompasses the inclusion of a few strangers into a small in-group and extends through middle sized and large groups to virtual universalist altruism. If this amazing emotional flexibility of the “expanding circle” did not exist, the building of ever larger units for which identity bonds were construed would not have been possible (Singer 2011). That the bonds (and the emotions which they nurture) become less intense the wider the scope and the more people they encompass might be generally true, but given the enormous intensity of nationalism as a bonding emotion and the motivational force to use violence in its service shows that scope and intensity are not perfectly correlated, and that even the widening of the circle of empathy, we-feeling, and justice still contains the dark side of excluding those who allegedly don’t belong.

5.2 *The ambiguity of justice*

Thus, our disposition for justice is not impartial or symmetrical. Our reading of what is fair is biased in a selfish way (Babcock et al. 1995). Thus we react most strongly as far as our own individual justice claims are concerned (egotism). We are considerably engaged when those of our in-group (our close relatives at the top) are involved (nepotism). And we have the capability, still measurable, but also definitely weaker than the two latter ones, to develop empathy with the justice claims of strangers (including out-groups) (Boehm 2001, 2012). It is this latter capability on which the pacifying potential of justice is resting. It is the former two capabilities which drive its potential for conflict.

The impact of the value of justice on human affairs and political relations can therefore point in two opposite directions. Justice is part of overall morality and one of the highest moral values. As Pinker demonstrates, morality itself is ambiguous (Pinker 2011: 923–27). Humans build moral communities along the ingroup-outgroup scheme. These moral communities might, but must not, coincide with other bonding characteristics (class, ethnicity, religion, and nation). Since morality is prone to create absolutes, ingroup-outgroup relations quickly produce attitudes of alienation, condescension, and hostility. Boehm adds the bitterly ironic point that morality might be at the roots of the extraordinary capacity of the human species to engage in large-scale, immensely costly war: without morality, individuals could not be shamed into military service, and without altruism, nobody would be willing to sacrifice his/her life for the sake of the community (Boehm 2001: 254).

It follows that as a central moral principle, justice in politics is also bound to have ambivalent consequences. On the one hand, the settlement of disputes becomes possible, and solutions have a chance to be lasting if and when they satisfy the justice claims of all relevant actors or are perceived by them as reasonably just when the outcomes for all parties are compared (Zartman 1997). On the other hand, incompatible justice claims or contradictory justice principles applied to a specific case may lead to enduring disputes and stimulate high waves of emotions which make the rational management of conflict difficult or impossible and motivate parties to take recourse to violent behavior (Müller 2013).

Different ideas about what justice means in general or in specific situations are possible because our basic genetic disposition for the “sense of justice” does not determine the substance with which we fill the term “justice” (Druckman 2008). This “filling” happens during the long socialization process humans are subjected to, and differs between cultures. Different traditions bring about different preference orders to principles of justice and different ways of interpretation how they are to be applied: culture matters in presenting the frame in which our dispositions take a particular substantial shape during our socialization (Boehm 2001: 244/5).

As a consequence, there are vastly different ideas in the world – and in the heads and souls of humans – what justice means and how it should be implemented. The well-meaning attempts of philosophers and religious theorists to develop a supposedly universally valid conception of justice from their respective cultural traditions are in vain, because they are caught in a particular perspective and thus

not able to leave the said pluralism of conceptions behind. They might even deepen the ditches and stimulate conflict by developing strong dogmas that are hard to overcome, when their ideas become part of national cultures, thereby influencing political preferences and stimulating a missionary drive towards universalization against the justice ideas reigning elsewhere.

There is another area where the human inclination to invest emotions in justice claims against somebody can trigger a escalatory spiral towards violence: an integral part of justice is retributive justice. One important merit of the civilization process is the deprivatisation of retributive justice (punishment for wrongdoing) and its take-over by the state. Nevertheless, peoples' feeling of having been hurt, betrayed, offended, discriminated or else by another actor still drives the desire for revenge (Pinker 2011: 783–798) even within states governed by the rule of law; it is a very dangerous trigger of violence in fragmented societies where the fragments have strong identities, and it is also strong in the international realm. The lust for revenge is the individual emotion which is involved here, and it is coupled to the structure of wrath in our brain. It can take out empathy against the offender, and successful revenge can trigger happiness emotions, notably in men (Singer et al. 2006). Fortunately, our genetic inheritance contains still another structure which makes us inclined to forgive and thus dampens the impulse to take revenge when we are suffering injustice (McCullough 2008).

5.3 *Justice, war and peace*

How these ambiguities can combine in an internationally relevant way has been demonstrated by social psychologists (Platow et al. 2014). They polled citizens of Australia, New Zealand and the United States how the value of Olympic performance of national teams should be measured; the standard measure is the cumulated number of Olympic medals. While Americans found it bewildering that anybody could think of anything else than the standard measure, Australians and even more, New Zealanders, believed that this standard was unfair, rather, population size and/or Gross National Product should be accounted for (e.g. Medals per citizen should be the measure applied). Citizens of the three nations were quite agreed that nations should be compared according to a just standard, but disagreed profoundly what “just” meant in the given situation, and each one chose the measure that would favor the prestige of their own nation. What looks quite harmless in this example can become much more serious in other constellations, of course.

The – largely unconscious – tilting of the sense of justice in our own favor and its use to disfavor outgroups and their members is part of what Steven Pinker has rightly dubbed “the moralization gap” (Pinker 2011: 721–735). Justice as a core value of any moralistic system, and in a consensual or compromising environment prone to establish lasting peace, can turn into a tool of applying most horrific injustice in the very name of justice, down to genocidal violence.

6. CONCLUSION

The ongoing progress in a variety of sciences will engender a revolution in our own field, in political science, international relations, and peace studies. The reason is a changed image of the human species that concerns both individual motivations and reactions and how they combine to affect the behavior of collectivities from small groups to states (Hutchison/Bleiker 2014; Mercer 2014; Crawford 2011). In order to harness the opportunities that open up scholars will have to do three things: First, to acquire a basic knowledge on the related findings and the paradigms in which they are rooted. Second, to develop practices of interdisciplinary work that goes far beyond the sporadic encounters, contacts, and single projects that have been beacons of synthetic insights of great potential but did largely not lead to systematic joint progress across disciplines. And, thirdly, to sincerely screen through the assumptions founding our established theories and correct them or even abandon them in the light of what is becoming the state of the art elsewhere. Neither economic materialism nor preference-based rationalism, neither “economic man” nor “ideational women” will stand the test. They can serve, usefully, as ideal types to explore empirical deviations from their idealized assumptions. Their role is reduced to being epistemological tools. They cannot be used as an ontological

template to decipher the empirical world. The complexity and ambiguity of how we tick, the interrelatedness of what our conceptualizations suggested to be separate entities, cognition and emotion or deliberation and feeling, the juxtaposition of our dispositions to empathize and to hate, contradict too many of their assumptions. The relationship between justice and peace is a good place to start. But the landscape to which the door is opening is much wider; it encompasses the whole field in which we work.

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