

Elisabeth Kals and Jürgen Maes (eds.): Justice and Conflicts: Theoretical and Empirical Contributions
Springer, Heidelberg, 2012, XX, 452 p. 18 illus

Debra Hevenstone, Ph.D.

Published online: 22 February 2013
© Springer Science+Business Media New York 2013

“Justice and Conflicts” covers an ambitious and wide-ranging selection of topics. The volume covers theoretical issues like how to define justice, which factors mediate responses to injustice, and what potential responses to injustice are. The volume illustrates these theoretical issues with many empirical examples in diverse areas including: environmental conflicts, genocide, conspiracy theories, marital conflict, penal punishment, and employee–employer relationships. The greatest challenge in compiling such a broad selection of articles is to build a cohesive thread that makes it clear to the reader what these diverse topics have in common with respect to justice and conflict theory.

The book begins with two theoretical chapters on the definition of justice and conflict (Montada, Törnblom, and Kazemi). The authors explain that conflict occurs among multiple actors (or within a single actor), and generally stems from incompatible ideas, beliefs, preferences, or demands. Justice conflicts, in particular, are conflicts between equally valid yet incompatible principles. Take, for example, the question of distributional justice. It is equally valid to believe that people should be rewarded based on effort, performance, ability, or need. Nevertheless, distributing rewards according to one principle excludes the others. As such, justice conflicts are solved by negotiating compromises between the different principles. For example, in the case of distributional justice, one might assign different weights to each principle. There are many examples of competing, yet equally valid principles. Many people simultaneously believe in equal opportunity, equal treatment, and (to some extent) equal results, but the three inevitably contradict each other. Equal treatment can result in unequal outcomes based on various other factors (like ability).

Contradictory, yet equally valid principles are the source of conflict around the most controversial public policies. For example, affirmative action targets two sorts

D. Hevenstone, Ph.D. (✉)
Department of Sociology, University of Bern, Bern, Switzerland
e-mail: debra.hevenstone@soz.unibe.ch

of justice: reparations for past harms and future equal outcomes. At the same time affirmative action also clearly and intentionally violates the principles of equal treatment and opportunity. The theoretical chapters argue that competing principles makes justice conflicts unavoidable.

The idea of a justice conflict is very broad, and as such, Törnblom and Kazemity to make the idea more coherent by creating a parsimonious typology of 13 types of distributional justice conflicts, plus 14 subtypes. For example, they clarify the difference between a “Justice-Principle Determinant Conflict,” a “Justice Subprinciple Conflict,” and a “Justice-Goal Conflict.” This typology offers clearly defined characteristics that can be used to categorize a given empirical conflict. Used appropriately this could provide keen insight into countless real-world phenomenon. Unfortunately, the other authors in the volume do not explicitly draw on the classification’s insights in their own chapters. Certainly future work will use this classification to dissect meaning from complex empirical examples of justice conflicts. The authors promise that in future work they will tackle the task of creating a typology for other types of justice conflict beyond distribution, such as allocation, or interactional justice conflicts. These typologies for additional sub-areas of justice conflicts will surely simplify a very complex issue, and future volumes are eagerly awaited.

Given that “justice” has a different meaning based on the contradictory yet equally valid principles, its meaning is rather contextual, depending on the individual characteristics of those in the conversation, their joint characteristics, cultural–historical context and the situational context. Various authors in the volume underscore that justice is something to be negotiated through a social discourse. At one extreme, Goldschmidt and Lenger state that the norms of justice vary by culture and by identity to such an extent that one cannot even consider justice independently of culture. In contrast, authors referencing quantitative survey research (Thomas et al., Mikula, or Fischer) are forced by necessity to engage with simpler broader, objective-seeming definitions.

The problem of defining justice through a social discourse is complicated by the fact that even the parties’ understanding of how they will interact or the goals of the interaction can vary. This problem is investigated in detail in the chapter on international negotiations and climate change (Ittner & Ohl). The authors argue that different countries view the interaction of treaty negotiation differently. According to the authors, interactions could potentially be classified as various sorts of games (e.g., chicken, hare/stag). The fact that each party engages in a different game with different goals makes it difficult to even engage in conversation, never mind come to a compromise.

One of the key issues that arise throughout the book is the question of scope. There are two aspects of scope in justice conflicts. First is the scope of the discourse used to define justice and the second is the scope of application of that definition. The question of scope is first explored from an empirical and historical perspective, using the Berlin Holocaust Museum. This approach works well because it begins with an extreme example of how limited scope is in itself unfair and can violate justice principles, and then use this as a launching pad to talk about more subtle and modern questions of scope and when and if they are unjust. When the authors first

pose the question of scope in the context of the Holocaust, the reader's immediate gut reaction is that scope is infinitely broad; in a just world *everyone* is included in both the construction of a definition of justice and its application. But as we read further, it is clear that the authors are raising a more nuanced point. Are we willing to allocate community resources to equally to everyone in the world? Are we willing to sacrifice our own welfare to help everyone in the world? The answer is clearly "no," and so this raises the question of what is the scope for which aspects of justice? Do we limit scope based on ethnicity? Geography? Do we normalize exclusion by defining the other as pathological? Inferior? Criminal? Evil? The ultimate question is which limitations of scope are, ultimately, unjust?

Of course scope is not static. The scope in terms of definition is based on the size of the community of discourse; the scope of just distribution is usually based on political geography or institutions like employers or unions. Scope also depends on the sort of justice we are talking about. For certain basic definitions (e.g., human rights) most of us believe scope should be infinitely broad, while for others (e.g., sharing risk such as in an unemployment insurance pool) most of us believe the scope of justice can be smaller. The scope of both the definition and application of fairness and justice also varies over time. It changes as political boundaries change, as media broadens the social conversation, or as the authors point out, as new groups that were once the other cultural assimilate.

When the scope of justice changes in the future, our future selves will see today unjust. How do we then assess our future guilt and responsibility for our past exclusion or narrow scope? The authors begin with the case of the Holocaust and how to deal with that history today, but again link it to the general questions of reparations, and assessing and rectifying past injustices. Using the Holocaust as a starting point both within the chapter and as a first chapter in the book, was a nice approach in that while the Holocaust is a clear example of gross injustice, the way we understand it and interpret it today carries a great relevance for other, more nuanced, justice conflicts.

Two specific types of justice come up repeatedly throughout the book: distributional and procedural justice. Distributional justice is how resources are distributed within some group. There are many competing principles for distributional justice such as equality, equity, need, deserts, and effort. Bierhoff & Rohmann concentrate specifically on the principles of equity versus equality, reporting that younger children tend to believe more in the equality principle while older children shift to equity. These authors argue for compensation systems based on a combination of equity and equality, which is, of course, what many company pay systems already look like today, with workers receiving a base pay based on rank and experience (equality) plus an additional incentive payment based on productivity (equity). Other chapters take a more oppositional approach to the equity principle, with Goldschmidt & Lenger arguing that market outcomes are necessarily unjust, as they distribute based only on one criteria, productivity, while most people's conception of distributional justice are based on multiple criterion. Müller's chapter on ecological justice agrees, proposing that it would be unjust to strictly use the market to distribute environmental goods. For example, under an international carbon-trading scheme, a western yacht company might be able to

afford to pollute while a poor countries' agricultural producers could not. Many people would find it "unjust" for the yacht company to keep producing yachts for the rich while the poor countries starve. While the authors of various chapters do not come to any concrete conclusion, they all seem to agree that distributional justice entails a compromise, adhering simultaneously to diverse principles.

Procedural justice is discussed throughout the book, but the theme is treated in less detail, presumably because the criteria for procedural justice are extremely context-specific. Perhaps the primary point of agreement is that procedural justice generally has something to do with inclusion in the decision-making process and transparency. Although authors refrain from explicitly defining procedural justice, they do discuss its important consequences. For example, authors highlight its role in generating acceptance of unequal distributions, in promoting cooperation within an organization or with an employer, or in bolstering respect for and trust in authorities.

Given that there has been a justice conflict, and in retrospect it is agreed that some injustice was committed, the question of how to restore or rectify justice arises. Several articles deal with this question in different contexts, starting with Opatow's article on the Holocaust. In the context of the penal system there are different competing principles of why we punish. Should punishment rebalance the moral scale? Should punishment prevent greater evil? Or is punishment a restorative process? A forward-looking preventative or a rehabilitative view or a restorative process focusing on truth, reconciliation, and inclusion might be viewed as more idealistic. Nevertheless, Gollwitzer et al. describe research showing that people tend to take a less generous view, preferring punishment to focus on adjusting the moral scale and giving people their "just desserts." In other words, most people see the appropriate response to past injustices to be exclusive, backward-looking and retributory, rather than inclusive, forward-looking, and constructive. This comes back to a theme arising in many of the chapters; people wish to believe that the world is just, and that outcomes should correlate with actions. To fulfill this belief they can pursue the principles of justice, ignore injustices in the world, or in the case of punishment, take action to enforce a regime of just desserts.

Dealing with past injustices is a central issue in those chapters on the environment. These sections deal with the same theoretical issues as those in a penal system: should responses to past environmental injustice focus on the future (e.g., mitigation policies such as carbon trading with carbon vouchers distributed based on population) or should responses focus on the past (e.g., punishing those countries that had polluted in the past with fines used to fund climate adaption projects, like dams, in poor countries disproportionately affected by environmental damage)? Interestingly, in this case, the author (Müller) seems to take a perspective slightly different than that in the chapter on the penal system. In the penal system example we are left with the impression that the authors think the general population (unfairly) wants to focus on the past and not constructively focus on the future. In the environmental justice chapter we are left with the impression that the authors believe that the general population (unfairly) wants to start with a clean slate, perhaps implementing a carbon-trading scheme with vouchers distributed based on population while the author thinks this must be augmented with some additional

form of reparations, such as the West paying for environmental projects. In other words, in the chapter on the penal system the authors find strictly backwards looking resolutions unjust, and in the environmental chapter the authors find strictly forward looking resolutions unjust. What the two chapters do agree on is that in all cases resolutions must to take a compromise view, looking both forward and backward.

“Justice and Conflicts” also deals with reactions to injustice and a lack of fairness that simply perpetuate injustice. Prooijen discusses how conspiracy theories are more likely when people do not have faith in the fairness of institutions while Furnham and Siegel examine how organizational sabotage is more likely when employees perceive their organizations to be unjust.

Of course, reactions to injustice are not only negative; Osswald et al. explore the individual and situational characteristics that lead people to react to injustice with moral courage.

What leads to a negative or positive reaction to injustice? Thomas et al. nicely outline the intermediating characteristics that might lead one to react (negatively or positively) to injustice, including one’s perception of, emotional reaction to, or contemplation about injustice, as well as the individual’s anger, norms, or personality. Allemand & Steiner focus specifically on the importance of age in forgiveness, exploring the potential reasons that age is so strongly correlated with an ability to forgive.

Sensitivity to injustice also depends on the role one plays in an unjust situation, and what individual characteristics predispose individuals to be sensitive to injustice in each of the various roles. Thomas et al. explore how those who are sensitive to injustice in the role as an observer, beneficiary, or perpetrator of injustice have many similar characteristics, while those who are sensitive to injustice in the role of victim differ substantially. Those sensitive to injustice from the victim perspective are people who are more likely to act in self-interest, less likely to cooperate, more likely to take more for themselves, and more likely to display anti social and egotistic behavior. In other words, fear of being a victim is a perspective not of empathy or guilt but one of selfishness.

The importance of perception of injustice as a mediator is nicely highlighted in the article on housework (Mikula). The objective injustice of household labor division might not be very important in and of itself, but perceptions of fairness (particularly the woman’s) can have a strong impact on marital discord and divorce. The authors find, amusingly, that there is more marital discord when the woman thinks housework is unfairly distributed, while there is less marital discord when the man thinks housework is unfairly distributed. Presumably in both contexts the woman has more housework, but when she realizes it she is resentful, while when the man realizes it, he is empathetic. One could imagine perception working as a similar mediator in many of the other themes brought out in the book, though none of the articles looked at it so directly or empirically.

As already discussed in the case of punishment, people have a desire to see the world match their belief in justice. This quest for this consistency is related to one of the most interesting reoccurring themes in the book: how people’s belief in justice can, perversely, lead to injustice. Some chapters (Jost et al.) discuss how people redefine justice to match with reality, even when reality itself is unjust. Other

chapters (Dalbert) deal with how believing in a just world can lead to condoning injustice, for example, blaming the victim or assuming unequal compensation is actually indicative of unequal success or effort. In other words, one's anger at injustice can lead to even greater injustice.

Maes et al. offers a literature review on "just world" research, with the authors dividing the literature into two periods: an initial period through the late 1980s and a second period from the 1990s onward. Research in the first period focuses on how those people who believe the world is just are more likely to ignore the victims of injustice. Research in the second period focuses on the positive aspects of believing in a just world, such as a willingness to invest in the future, personal resilience, and a framework for a meaningful life. The authors then review the most recent research that tests for the co-existence of both correlations from the first and the second research eras within a single data set. This research does indeed find that believing the world is just is correlated with both blaming the victim and individual resilience. In other words, people are consistent. From a normative perspective we might prefer a sort of "inconsistency" where people believe the world is just towards them (and thus strive) but not for others (and thus sympathize).

The authors make an excellent critique of this area of research; pointing out that the typically used survey measures fail to capture the nuance of what a "just world" means. Surely people see the world as unjust and just simultaneously. The world is unjust in that we are born to rich or poor families or with a disability, we have unequal natural abilities, and our lives are shaped by random accidents like being run over by a car or meeting someone who offers us a great job. But within the injustice and randomness of life, there is also some scope for control and thus for a "just world." We can study, work hard, take care of our health, and invest in relationships, and reasonably expect that by taking these actions, we will improve the probability of having a successful, happy and healthy life. Rawls would say, this is not "just desserts" but "reasonable expectations." This research simplifies the complex process of life into an overly simplistic assertion for use on surveys and the correlates this simplistic statement with people's opinions and actions. The use of this conflated survey question does not, of course, mean that people are unable combine empathy for victims (an understanding of the arbitrary nature of the world) with hard work and striving (reasonable expectations).

The most interesting section of "Justice and Conflict" arises indirectly in this same chapter. Maes et al.'s two-period view of the literature raises questions about how historical context drives the questions we ask and, consequently, our scientific discoveries. The first era of research, so focused on humans' ability to ignore injustice, seems strongly shaped by the post WWII era. This research was, after all conducted in the same era as the Milgram experiments and other social psychology studies that tried to understand how the Holocaust could happen given that the average person's conception of morality would condemn what took place. This era focused on understanding why people let horrible things happen and why we allow social injustice to occur. The preoccupation with injustice, fairness, and oppression slowly waned in the 1970s, transforming into the materialism of the 1980s and then the Generation X 1990s, both decades focused on the individual. At this time the research questions also shifted. Suddenly researchers weren't looking to link justice

with oppression but instead to link justice with the individual's strength and success. As much as the research says something about people's belief in a just world, it also says something about the nature of social science research. In part, we find what we are looking for because we even think to pose particular questions.

What have we learned reading "Justice and Conflicts"? The book offers a clear introduction to the general problems in justice and conflict research, an excellent overview of justice and conflict in the abstract, and several interesting empirical examples on the scope and definition of justice, the ways we perceive injustice, reactions to justice conflicts, and post-conflict resolution.

What the book lacks, even as a handbook, is cohesiveness. Each author takes an independent approach, writing about their topic, but it is not clear how they connect and there is no clear take-away. For example, the chapter on housework is an interesting introduction to the issue how perceptions of injustice mediate whether action in reaction to in justice, but no other chapter takes up the issue. Another example is that the book illustrates that once an injustice is recognized there are many potential positive and negative, forward and backward looking responses, but it is not clear why different injustices lead to different reactions. Finishing the volume, the reader is left with the impression that one of the key arguments is that justice is a complicated concept, changing as the community itself evolves. After so much general discussion the reader is hungry to learn how definitions of just procedure and just distribution changed; what historical events, cultural, demographic, and economic shifts shape the shifting consensus on definitions and scope and reparations?

Perhaps a second future volume could take up where this volume left off, offering a broad empirical examination linking together the various themes introduced in this volume, and integrating the different examples into specific themes related to conflict justice.

In sum, "Justice and Conflicts" is a broad introduction to the area of justice conflicts. It will surely be of interest to those researchers in the area of justice and conflicts, and individual chapters might be used for courses on specific justice themes, like environmental or penal justice. Nevertheless it is currently a collection of papers on environmental conflicts, genocide, conspiracy theories, marital conflict, penal punishment, and employee–employer relationships. Hopefully a future volume will link these themes together offering a clear picture of how justice conflicts have evolved over time.