

Studien des Leibniz-Instituts Hessische Stiftung
Friedens- und Konfliktforschung

Caroline Fehl · Dirk Peters

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Justice and Peace

The Role of Justice Claims
in International Cooperation
and Conflict

PRIF
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Institute Frankfurt



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Preface

In 2009, the Peace Research Institute Frankfurt (PRIF/HSFK) started what was then its new research program. It was entitled “Just Peace Governance” and would guide academic research at PRIF for roughly the next ten years. The basic aim was to analyze to what extent conflicts are shaped by matters of justice and under what conditions particular forms of governance enable peaceful management of justice-related conflicts. Between 2009 and 2017, a whole series of research projects have been conducted as part of the “Just Peace Governance” program, resulting in numerous publications. But, as is so often the case with peer-reviewed journal articles, many of these papers have been published in specialized outlets that target specific academic subcommunities. The idea of this edited volume is, therefore, to provide the reader with a broad overview of the research and the key findings that have been produced by PRIF in the context of the “Just Peace Governance” program. Most of the chapters in this book have appeared in journals previously but are published here within a common framework, with a view to identifying overarching results and in order to make them accessible to a wider audience.

Research programs at PRIF really are collective affairs. It is, therefore, generally difficult and mostly irrelevant to apportion responsibilities and credits. Still, as we are concerned here with justice, some names have to be mentioned—in order to give the people involved their due. The idea for and the basic thrust of the “Just Peace Governance” program came from PRIF’s long-standing director Harald Müller, who kept on reminding us (as can be seen in his contribution to this volume) that the focus on justice is really not merely the issue of an individual research program but part and parcel of an incipient revolution in International Relations, peace and conflict studies, and the social sciences at large. During the first years of the research program, Christopher Daase and Christoph

Humrich coordinated the process of turning the general idea into an operational research program. In later years, a small collective—which, internally, came to be known as the *Gruppe 10. Dezember*—took over the job of coordinating the implementation of the program. It is from this group that the even smaller group of people who edited this volume emerged.

There are also many people outside PRIF who contributed to the development and implementation of the “Just Peace Governance” program, including the members of PRIF’s scientific advisory board as well as innumerable colleagues around the world who commented on our work during their visits at PRIF or at international conferences and workshops. As editors of this volume, we want to particularly thank Tanja Brühl and David Welch, who acted as reviewers and contributed important suggestions for this specific undertaking. Also, at PRIF, Nadine Benedix, Cornelia Hess, Lisa Riegert and Lisa Waldheim supported us in the production of the manuscript. At Springer, we thank Jan Treibel for supporting us throughout the process. For those chapters that have not previously been published elsewhere, Matthew Harris was, as usual, important in correcting and polishing the language. Finally, we also want to thank all the publishing houses which so kindly gave permission for articles published in their respective journals to be re-used for the purpose of this “Just Peace Governance” reader.

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Dirk Peters
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Part I
Justice and Peace Research



Introduction: The Role of Justice in International Cooperation and Conflict

1

Caroline Fehl, Dirk Peters, Simone Wisotzki and Jonas Wolff

1.1 Introduction

“Modern empirical scholars of International Relations (IR),” David Welch (2014, p. 411) observed a few years ago, “have been curiously uninterested in the role of justice in politics.” Indeed, since Welch’s seminal 1993 book on *Justice and the Genesis of War*, only a few scholars have tried to systematically tackle the relevance of justice for international politics in general, and peace and conflict in particular.¹ This lack of scholarship is curious for at least two reasons: first, because of the well-documented role that the justice motive and justice-related concerns play in the social relations of human (and non-human) animals (Müller,

¹These scholars will be discussed extensively throughout this volume. We will simply name them and their key contributions at the outset: Aggestam and Björkdahl (2013); Albin (1999, 2001, 2009); Albin and Druckman (2014a, b); Druckman and Albin (2010); Lebow (2008); Müller and Druckman (2014); Müller and Wunderlich (2013); Welch (1993, 2014, 2017); Zartman (1997, 1999, 2008); Zartman and Kremenjuk (2005); Zartman et al. (1996).

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this volume; Tyler 2012); and second, because of the ubiquity of justice-related claims in social conflicts and political debates (Albin 2001; Sen 2009; Zartman et al. 1996).

This book presents the results of a research program of the Peace Research Institute Frankfurt (PRIF) that aimed at addressing this glaring research gap.² Between 2011 and 2017, a series of research projects at PRIF set out to study the relationship of justice and peace at various levels of analysis (from the global to the local) and across different policy areas (from arms control to natural resource governance). The chapters in this volume present key findings from these projects.³ The common assumption of the studies assembled in this book is that justice conflicts—which we define as situations in which justice claims made by different actors collide—are a key feature of both international and intra-state conflict. Hence, investigating the dynamics and consequences of justice conflicts promises important insights into the causes of conflicts and their escalation as well as into possibilities for negotiating, regulating or resolving conflicts in a peaceful manner. The contributions to this book show that this is indeed the case. They do so by addressing three overall topics. The first issue concerns the ways in which justice conflicts shape international regimes and organizations. Second, contributions consider justice conflicts over outside interference in the internal affairs of other states. Third, the role of justice conflicts in peace negotiations and dialogue processes is addressed.

In this introductory chapter we summarize the state of research on which PRIF's research program in general and the studies assembled in this book in particular build (Sect. 1.2). Following this, we introduce key concepts that will be used throughout the volume, including the concept of justice as well as our understanding of justice claims and justice conflicts, and identify the research questions which are addressed throughout the chapters (1.3). The next section briefly summarizes the individual contributions to this volume (1.4), while the concluding section presents the overarching findings of the book (1.5).

²The research program, which was entitled “Just Peace Governance”, is outlined in Daase and Humrich (2011). See also Baumgart-Ochse et al. (2011) and Müller (2013).

³This said, not all projects that have been conducted in the context of PRIF's research program are represented in this volume (for further publications, see, among others, Baumgart-Ochse et al. (2017); Baumgart-Ochse and Wolf (2019); Daase et al. (2015); Müller and Wunderlich (2013)).

1.2 The State of the Art

Aspects of global justice have been debated in various scientific disciplines. Traditionally, moral philosophy, political theory, international political theory and IR theory concentrate on normative aspects of global justice. By contrast, empirical justice research undertaken in social psychology, sociology or neuroeconomics focuses on subjective justice perspectives which real-world actors adopt. For this examination of the state of the art only a few of these ideas and debates will be reflected upon. We concentrate primarily on those aspects of the global justice debate which are relevant for the purpose of this book. The following overview thus focuses, first, on the normative concepts of political theory and here, in particular, on different dimensions of justice (Sect. 1.2.1). Second, we briefly summarize the state of empirical justice research (Sect. 1.2.2).⁴

1.2.1 Normative Debates on Global Justice

International Political Theory (IPT) or International Ethics are relevant for the empirical research agenda outlined in this introductory chapter, as they aim to clarify how and to what extent justice can be realized at the level of international politics. Is there a universal moral obligation, which derives from principles of common humanity, to assist and support the poor? How can justice beyond a state's borders be achieved at the international level? How comprehensive or—to speak in the language of global justice—“thick” does the definition of a concept of justice have to be (Walzer 1994)?

Moral cosmopolitanism starts from individualist and universalist assumptions. Based on Kantian rationalism, human beings are seen as equally equipped with rationality, and therefore capable of coming to terms with principles of global justice. From such a moral cosmopolitan perspective, human beings have a moral obligation to prevent suffering and injustice beyond state borders (Shapcott 2010, p. 15; Lu 2000, p. 263). Despite the fact that people belong to different communities, nationalities or states, there is a universal moral concern for humanity, as people should be perceived as equal to one another (Shue 1980). From this perspective, human rights are prioritized over principles of state sovereignty

⁴In addition, the individual chapters address specific (sub-)debates that are relevant for the respective studies.

(Pogge 1992, p. 58). While moral cosmopolitanists point to individual responsibility for realizing universal principles of justice, institutional cosmopolitanists assign such responsibilities for achieving global principles of justice to the institutional level. Pogge (2002, p. 14) perceives existing global economic institutions as a source of worldwide poverty. Principles of justice have to address global structures of exploitation, social marginalization and power inequalities, which need to be revised at a global scale. From such a point of view, simple humanitarian benevolence will not suffice; global justice principles must contain substantial standards of economic redistribution as well as political and civil entitlements (Shapcott 2010, p. 17; Caney 2005, p. 85).

Communitarians argue that cosmopolitanism overlooks the profound normative and cultural pluralism that characterizes the world. Principles of justice can only be established within the context of national communities, and might be different depending on the relevant culture (Walzer 2006; Brown 2002, pp. 92 f.; Brown 1992). Therefore, global justice must be perceived as contextual and cannot be universal in range (Miller 2007, p. 263; Miller 2005). Such anti-cosmopolitan positions emphasize the relevance of borders and argue that any standard of global justice must acknowledge the principle of state sovereignty (Nagel 2005, pp. 113–147). However, even from such an anti-cosmopolitan perspective, some weak universal principles of justice can be established if citizens from different national backgrounds agree upon them in the transnational space. Such norms include basic human rights principles, such as the negative duty to prevent harm (Shapcott 2010, p. 59; Miller 1999, p. 197; Walzer 1994, p. 103). The most prominent justice theorist, John Rawls (1972, 2001), explicitly argued that his ideas of justice should be transferred to the international realm only in a significantly modified way. In contrast to the demanding “difference principle” concerning distributive justice, which he developed for constitutional liberal democracies, Rawls argues that only minimal principles of justice should apply at the international level. They encompass rules of non-intervention, the right to self-defense and a general acknowledgement of human rights principles (Rawls 1999, p. 37).

Rawls remains critical of cosmopolitan perspectives, as they might mask forms of (Western) imperialism. Tony Erskine (2008, pp. 169 ff.) tries to overcome such a criticism by designing her concept of “embedded cosmopolitanism” for a world of “dislocated communities.” As morally constitutive communities might be non-territorial or transnational, she develops the idea of overlapping memberships in morally relevant associations. People build morally constitutive communities in the transnational space to practice solidarity and moral responsibility between them (Erskine 2002, p. 469; O’Neill 1996, pp. 291 ff.). Discourse-ethical approaches point in a similar direction by stressing the relevance of procedural

justice. Similarly to Pogge, Forst (2007, 2010, p. 448) argues that unjust global power structures call for global principles of justice. Consequently, a practice of discursive justification should gradually be institutionalized in the transnational arena based on openness and equality of access. From a feminist perspective, procedural justice becomes decisive for revising global structures of injustice and inequality (Hutchings 2010, pp. 197 ff.; Benhabib 2002, p. 36; Fraser 2006).

Another justice-related debate in IPT concerns the relevant dimensions of justice. While most scholars who have been discussed so far focus on distributive and/or procedural justice, Nancy Fraser (2009) has broadened this typology by including Axel Honneth's (1992) argument about the key significance of recognition for justice. She puts forward a three-dimensional conception of the substance of justice, encompassing redistribution, recognition, and representation. As we will discuss below, this three-dimensional account informs the typology of justice conflicts that will be used throughout this book.

The debate on global justice in IR mirrors the discussion in IPT. Firstly, the controversy within the English School between solidarists and pluralists reflects the difference between cosmopolitanism and communitarianism. Secondly, as cosmopolitanists see evidence for their notion of a common humanity and solidarity in institutions of international politics, solidarists of the English School also emphasize that the normative structure of world society reflects increasing signs of solidarity and shared justice conceptions among states and world citizens (Buzan 2004, p. 141; Wheeler 2000, p. 12).

The debate within the English School is shaped, in particular, by the tension between the norm of state sovereignty and human rights concerns. For solidarists, the ordering principle of sovereignty also includes global responsibilities to protect people and to secure their human rights. Pluralists, by contrast, put order before justice and stress the continuous relevance of sovereignty and non-interference as ordering principles of the international system of states. For Bull, the pursuance of the notion of a "world common good" remains utopian, because "to pursue the idea of world justice in the context of the system and society of states is to enter into conflict with the devices through which order is at present maintained" (Bull 1977, p. 88). Consequently, realizing principles of justice has to remain within the nation state (Jackson 2000; Dunne 2009; Wheeler 1992, p. 477). Similar to anti-cosmopolitan positions in IPT, pluralists would opt for some minimal duties to assist needy states. Linklater (2006) develops his concept of "harm conventions" as a possible compromise to bridge the gap in the English School, which would acknowledge some minimal common duty among human beings and states to protect people from gross injustices such as genocide. States might be able to agree on a consensus regarding how to avoid harm rather than

aiming at “some universalizable conception of the good life which should be promoted everywhere” (Linklater 2001, p. 267).

Outside the research tradition of the English School, liberal internationalists argue that the authority and sovereignty of states are conditional upon states’ responsibility towards their own people (Téson 2003, p. 93). Serious malpractices imply the suspension of the rights of states to sovereignty and non-interference. As a result, liberal internationalists are even more willing to opt for humanitarian intervention than solidarists of the English School (Buchanan and Keohane 2004, pp. 4 f.; Evans and Sahnoun 2002, p. 101). This form of “new humanitarianism” has become part and parcel of a liberal conception of a new world order where the protection of human rights—conceptualized in terms of liberal values of liberty and equality—outweighs the traditional concept of sovereignty (Shapcott 2010, p. 133).

These normative debates in IPT and IR—which are carried on without any agreement in sight between academics who share fairly similar cultural and social backgrounds—lend support to an important argument that has been made by Andrew Hurrell: Global justice “is not something that can be deduced from abstract rational principles,” but can only be thought of as “a negotiated product of dialogue and deliberation” (Hurrell 2007, p. 308). In line with this insight, the approach to justice taken in this book deliberately refrains from taking sides in the normative debates just mentioned. Instead of trying to solve the normative questions at stake theoretically, the common aim of the studies collected in this volume is to empirically analyze the ways in which these normative debates actually play out in the interaction of real-world actors. The arguments, conceptual clarifications and typologies provided by normative justice research offer useful heuristic devices for facilitating a systematic grasp on these justice-related controversies in the world “out there” (see Sect. 1.3 below).

1.2.2 Empirical Justice Research

In contrast to the normative debate on global justice, empirical justice research focuses on justice claims which real-world actors put forward. Empirical justice research began in the 1960s as a subfield of social psychology, but, in the meantime, has also been firmly established in sociology, experimental economics and neuroscience. In general, this interdisciplinary field of research has proven that the realization of justice claims is decisive for intra-group interaction (Dembinski 2017, pp. 813 ff.; Müller, this volume). Empirical justice research shows that justice conceptions are intertwined with pro-social behavior. On the other hand,

feelings of injustice may lead to anti-social behavior (Sigmund et al. 2002, p. 84). In his justice motive theory, Lerner (1980) focuses on the belief in a just world which includes people's conviction that they deserve what they are entitled to. Children learn in their transition from a simple desire principle to social realities that their long-term interests may be fulfilled when they forgo their short-term immediate desires. In the expectation of better results in the long-run, they abstain from choosing short-term gains. Such motivation which, in the perspective of social psychology, is closely intertwined with egoistic interests and utility maximization, leads human beings in general to opt for just treatment and just relationships. Realizing the justice motive also leads people to lobby for more just conditions at the levels of their communities, states or even international relations. Welch (2017, p. 76) describes the justice motive as a "mechanism of regularly monitoring the world for apparent injustices." Such perceptions of injustice frequently invoke other strong emotions such as outrage or anger. The justice motive can eventually become so strong that it dominates other models of social interaction (Montada and Lerner 1996).

Empirical justice research relies on two models of explanation of why actors pursue justice considerations: Firstly, according to the interest-based model, self-interested agents choose modes of social interaction in order to achieve gains. Justice serves as a mechanism for regulating such social relations (Tyler and Smith 1998). Secondly, the identity-based model focuses on procedures within groups that mirror relations of power, status and authority (Lind and Tyler 1988). Actors assess their standing within the group depending on how other members of the group, particularly authorities, treat them. Both models stress that the justice conceptions of human beings serve social functions, such as for example enabling actors to find their place in communities or achieving agreement on mechanisms of distribution. From such a perspective, justice must be perceived as constitutive to achieving stable social relations and as facilitating the construction of communities.

In the early 1990s, the International Social Justice Project developed a comparative design focusing on world views and justice ideologies across different countries, and examined justice perceptions of citizens from thirteen countries in four population surveys between 1991 and 2007 (Kluegel et al. 1995). Reflecting the distinction between an interest-based and an identity-based model, the project defined justice judgments as either referring to the outcome of a specific distribution of goods or to a set of general rules and principles that underlie this distribution in a given socio-political order. Such order-based "justice judgments" can be systematized on the basis of Mary Douglas's Grid-Group Theory (1989, 1996) which stresses the relevance of social contexts which focus on grid as the

hierarchical order of a group or the degree of individual freedom people have in a group in order to realize their aims. In this sense, Wegener and Liebig (2000) argue that individual justice judgments depend on social position and the societal context in which people interact. The results of the International Social Justice Project confirm the importance of socioeconomic, cultural and political context conditions which shape citizens' perceptions of (in-)justice.⁵

Empirical justice research focuses, in particular, on two dimensions of justice: distribution and procedures. While procedural justice is conceptualized as the fairness of processes that lead to distributive decisions, distributive justice is understood as involving standards that aim at dispensing material and immaterial goods. Findings of empirical justice research point to linkages between the two dimensions. More specifically, both dimensions are interrelated in the sense that deficits in one dimension can be compensated for by the other. An unjust distribution, for instance, may be tolerated if it results from a fair—or procedurally just—process of negotiation (Jost and Kay 2010, p. 1140; Tyler and Smith 1998, p. 601).

Existing empirical justice research in IR confirms both the general relevance of political actors' perceptions of justice and some of the more specific findings reported above. David Welch (1993) has shown that the “justice motive” is a key factor contributing to the escalation of interstate conflicts into war (see also Welch 2017). Studies on international negotiations (see Albin 1999, 2001, 2009; Albin and Druckman 2014a, b) have found that “justice claims” advanced by states influence the perceived legitimacy and effectiveness of international agreements, and that contradictory justice claims can contribute to the failure of negotiations and impede the implementation of treaties. They also identify the linkages between distributive and procedural justice. However, in contrast to sociological and social psychological studies, Albin and Druckman rely on a deductively-derived conception of justice, measuring “just” or “unjust” procedures and outcomes based on pre-defined standards. This contrasts with David Welch's study. Drawing on Melvin Lerner's psychological approach, Welch uses a formal and subjective conception of justice, arguing that a “concern for justice” can be recognized not in the specific content of demands made by states, but in their general form, which calls for a “rectification of disparities between

⁵This survey, for example, found that citizens from Eastern European transitional states and from “late” democracies such as Spain and Portugal support stronger state intervention in order to achieve redistribution and greater economic equality (Schrenker and Wegener 2007, p. 16).

perceived entitlements and assets” (Welch 1993, p. 41). As will be explained in the next section, this is also the perspective on justice that guides the studies collected in this book.

1.3 Key Concepts

Jointly and individually, the contributions to this volume advance two core arguments: The first argument holds that justice plays a central role both in individual political decision-making and in intersubjective political discourses, but that conceptions of justice vary widely across actors and communities. The second argument holds that we need to take these empirical justice concerns of real political actors seriously, because they are a central factor shaping the dynamics of both peaceful cooperation and conflict in world politics.

At the heart of the first argument lies an understanding of justice which is open enough to capture a wide empirical variety of claims without reducing “justice” to an empty signifier. Justice can mean many things to different people and groups, but not every political claim can be characterized as a justice claim. Drawing on Melvin Lerner’s psychological perspective and David Welch’s application of this perspective to international politics, our understanding of justice conceptualizes justice claims not through their specific content but through the specific “formal structure of a justice speech act”: A claimant puts forward a demand for something she or he argues belongs to her or him according to some established entitlement (Müller 2013, p. 58). The common denominator of justice claims is thus that they refer to “a perceived discrepancy between entitlements and benefits” (Welch 1993, p. 19). What justice means in a given context is, however, frequently contested. In line with sociological justice research, we assume that this contestation may concern the general principles of justice as well as their prioritization, interpretation and application in a specific situation.

This understanding of justice, which is shared by the contributions to this volume, not only opens up conceptual space for the empirical exploration of actors’ justice claims and their impact on cooperation and conflict. At a theoretical level, it also promises to transcend the dichotomy between cosmopolitan and communitarian notions of justice which has dominated past discussions on global justice. We neither posit the applicability of universal standards across cultures and contexts nor do we claim that there are only “locally valid” notions of justice. Instead, we assume that the reality of global politics is marked by conflicting conceptions of justice which are, however, subject to collective discourses and negotiations that can transcend cultures and communities and may (but need not) lead

to the emergence of transnationally or even universally accepted notions of justice (Daase and Humrich 2011, p. 2).

While the emergence of a universal standard (or multiple universal standards) of justice is thus a theoretical as well as empirical possibility, we share the observation made by David Welch in his pioneering 1993 book that global politics has been and continues to be marked by situations in which political actors driven by the “justice motive” advance justice-related claims (i.e., claims to perceived entitlements) that collide with each other. We refer to such collisions as “justice conflicts”. Importantly, our definition of justice conflicts does not suggest that any domestic or international conflict can be classified in a dichotomous fashion as either a “justice conflict” or a “non-justice conflict”. Given the ubiquity of justice-related claims in world politics, such an approach would give rise to the legitimate question of whether there really are any empirical examples of domestic or international disputes in which political actors make no references whatsoever to justice principles, which would imply that justice is actually “constant and cannot explain variations in state behavior” (Welch 1993, p. 1). While we acknowledge that “pure” non-justice related conflicts are empirically rare, we do contend that the frequency and intensity with which diverging justice claims are made can and do in fact vary strongly across domestic and international conflicts. This assumption is in line with Welch’s argument that the justice motive is a variable which can take on a range of values (from “imperceptible” to “conclusive”) in any given conflict (Welch 1993, p. 40). For us, thus, justice conflicts can be more or less intense and mark international and domestic disputes to a greater and lesser degree.

Within our broad definition of justice conflicts, we differentiate further between different *types* of justice conflicts, which vary not only regarding the nature of claims being brought forward but also in terms of potential institutional solutions that could address them. Drawing on established approaches in political theory and, in particular, on the work of Nancy Fraser (2009), we distinguish between three types of justice conflict: (1) conflicts over redistribution, which are about conceptions of and demands for substantive justice; (2) conflicts over representation, which are characterized by competing understandings of procedural justice; and (3) conflicts over recognition which address the meta question of who is entitled to articulate justice-related demands at all. The first type of conflict is a conflict over the distribution of material goods, which may range from economic opportunities and resources to health, education, and physical protection from violence and natural disasters or—in justice conflicts among state actors—military capabilities. The second type of conflict refers to the distribution of participatory rights, opportunities for political representation and equality before the

law; again, such conflicts can be observed both within and between states and societies. The third type captures conflicts in which recognition of actors' identities, differences, and culturally assigned status are the object of conflicting justice claims. Taking up key arguments from sociological justice research discussed above, we assume that each of these three types of justice conflict can take the form of a disagreement over general *principles* of substantive/procedural/recognition justice or of a dispute over how these principles should be prioritized, interpreted and applied in a specific conflict, and that the different dimensions can—but need not—be linked.

Importantly, we use these ideal-types of justice conflicts as heuristic categories that may capture empirically articulated justice claims of actors to a greater or lesser extent. While building on the work of political theorists, we do *not* attempt to formulate a normative standard of procedural, redistributive or recognition justice that could be used as a measuring stick to assess whether specific political claims or specific institutional solutions live up to it. In this, as discussed above, we also depart from the work of Albin and Druckman, whose approach we otherwise share. Also, we do not aim at establishing which of the three types of justice conflict is the most intractable one with the most potential for causing violent conflict, nor do we seek to arbitrate on the question debated by Nancy Fraser and Axel Honneth of whether recognition and distributional justice are fundamentally intertwined or independent (Fraser and Honneth 2003). Rather, we assume that the justice conflicts debated in normative theory by political theorists reflect basic intuitions shared by many—albeit not necessarily all—real political actors. They can thus be used as a heuristic tool for identifying different dimensions and aspects of empirical justice conflicts, while at the same time remaining open to observation of diverging interpretations of what constitutes distributive, procedural, and recognition justice, enabling us to see similarities as well as differences between the different cases of justice conflict.

The second core argument made in this book is that justice conflicts of different types are key determinants of conflict and cooperation both between states and within individual societies. In particular, we argue that “justice” and “peace” are linked to one another in an intimate, yet ambivalent relationship.⁶

⁶For the purposes of our joint research, we use a narrow conceptualization of *peace* as the absence of direct and systematic personal violence (peace as a state) or de-escalation, minimizing and containment of direct, personal violence (peace as process). For our analytical purposes, such a narrow concept has the advantage that—unlike broader concepts such as “positive peace”—it *excludes* justice from the definition of peace itself, making the relationship between both easier to grasp and analyze (Daase and Humrich 2011, p. 3).

Both internationally and domestically, justice conflicts are often at the heart of political divisions that inhibit cooperative solutions to pressing social and political issues and that may even produce or escalate violent conflicts. While justice conflicts are far from the only source of political conflict and violence, we expect—in line with the findings of Welch’s pioneering work—that they can reinforce and escalate conflicts through a range of causal mechanisms, for instance by making actors less amenable to compromises and trade-offs, more susceptible to cognitive errors and less tolerant of other states’ gains (Welch 1993, p. 31). The recognition that such mechanisms of escalation play a potentially important role does not suggest the view that the “justice motive” is the only or even the dominant cause of domestic and international violent conflict. As Welch (1993) has argued and empirically demonstrated, justice conflicts work alongside and in conjunction with other (interest- and power-based) causes of conflict. Furthermore, we expect that contextual factors can moderate or reinforce the impact of justice conflicts on peace. For instance, we could expect that justice conflicts “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” (Daase and Humrich 2011, p. 3). Global power shifts, major crises or catastrophes or periods of domestic upheaval could thus be forces that contribute to the escalation of justice conflicts. Another conjecture proposed by David Welch (1993, pp. 20, 32) is that clashing justice conceptions are more prone to engender violent conflict when there are no shared institutional procedures through which colliding claims can be moderated.

While justice is often a key factor in escalating conflict, we contend that it is also critical to achieving negotiated solutions to domestic and international disputes, both in situations that are already marked by violent conflict or threaten to escalate into violence, and in negotiations on international agreements that aim to create the preconditions for preserving a peaceful international order. As Albin and Druckman have argued, shared justice conceptions—particularly at the procedural level—can considerably facilitate agreement in international negotiations. If negotiators mutually acknowledge and accept each other’s justice claims, and if they manage to balance and combine colliding justice claims so that the negotiating outcome “appeals” to all parties’ “sense of justice,” this will help the agreement to be approved and respected (Albin and Druckman 2010, p. 110; see also Zartman et al. 1996; Zartman 2008). Treaties which respect key principles of justice are found to be more durable than other agreements (Albin and Druckman 2010, pp. 111 ff.). While Albin and Druckman categorize treaties as *objectively* more or less respecting of certain pre-defined justice distributive and procedural

principles, their argument can easily be integrated into our formal and subjectivist understanding of justice by assuming that *perceived* respect for justice principles is the feature that makes treaties durable. Again, the beneficial impact of justice may depend on the operation of other contextual factors, such as the level of trust among negotiating parties and/or their adoption of a “problem-solving” attitude (Albin and Druckman 2010, p. 117). In summary, existing research indicates that successful reconciliation of or compromise between colliding justice claims can lay the foundation for resilient peace, pointing to “just peace” as both a tool and normative aspiration in tackling domestic and global political controversies.

Based on these insights from existing research, the PRIF research program, within which the individual research projects presented in this book were developed, set out to analyze both positive and negative interactions between justice and peace. Our shared aim was to demonstrate that the empirical study of justice in international politics, conflicts and negotiations can generate key insights into the constraints and possibilities of constructing a peaceful order in a multipolar, and arguably increasingly plural, world.

All contributions to this volume, while theoretically and methodologically diverse (see below), take up the analytical challenge of understanding the role of justice conflicts and their impact on peace by focusing on a number of shared research questions.

To what extent is a given domestic or international conflict marked by “justice conflicts”? Do colliding claims about perceived entitlements play an important role in driving the controversy, or particular phases thereof? Empirically identifying justice conflicts is methodologically demanding. The analysis of political discourses and public arguments will always be an important part of the task, but leaves open the question of whether they reflect genuine motivations or are used strategically to “sell” demands to certain audiences. Even in the latter case, justice remains an important factor, as strategic use of justice claims would be unsuccessful if there were no audience susceptible to such arguments (Albin 2001, p. 19 f.; Daase and Humrich 2011, p. 7). Yet, how justice conflicts affect peace may well differ depending on which and how many players have internalized justice concerns.

What types of justice conflict can be identified in the controversy? Do colliding justice claims mainly revolve around one type of justice claim, or does the controversy deal with distributive, procedural *as well as* recognition-related aspects of justice? If so, how do these different dimensions interact? Do justice conflicts in different dimensions reinforce one another or can they even be used

productively to craft compromises? In mapping the justice claims articulated by different political actors, contributions use the shared heuristic of types of justice conflict introduced above, but without assuming that theoretical ideal-types can be used as measuring sticks to evaluate whether actually articulated claims come close to a normatively prescribed standard of distributive/procedural/recognition justice. The focus of all contributions is on studying what real political actors actually identify as their justice-related concerns and how these, and their interactions, shape political conflicts and negotiations.

How and under what conditions do justice conflicts lead to the breakdown of a cooperative endeavor or the violent escalation of a conflict? Can we discern any of the typical causal pathways identified in the literature through which colliding justice claims can block the path to cooperative solutions and escalate disputes? (How) Does justice interact with other prominent causes of conflict and violence? Are there contextual factors, such as periods of flux in identities, interests and power structures or (lack of) institutional contexts that could have moderated or reinforced the impact of justice conflicts on peace in the given controversy?

How and under what conditions are justice conflicts resolved or ameliorated? Through what specific measures and practices, if at all, are justice conflicts contained in a given dispute? This includes the question of what forms of negotiation, institutional regulation and governance contribute to the development or shared justice conceptions, or alternatively the recognition and pragmatic reconciliation of colliding justice claims. In other words, what strategies and institutional solutions are used to harvest the potential for justice to stabilize peace in a mutually reinforcing “just peace” framework? And what are the conditions that enable these resolution strategies to work?

1.4 Contributions to this Volume

Following this introduction, *Harald Müller* continues with laying out the rationale that underlies a justice-oriented research agenda in international politics and peace and conflict studies. In the chapter “Justice from an Interdisciplinary Perspective: The Impact of the Revolution in Human Sciences on Peace Research and International Relations,” Müller starts from the observation that peace and justice have been a preferred couple in theoretical writings, but that peace research offers surprisingly little empirical knowledge about how they relate to

each other. Knowledge produced outside political science, however, clearly suggests that humans are highly sensitive to violations of justice and that justice concerns permeate social relations. Summarizing the state of research across a whole range of disciplines, Müller shows that neuroscientists have located the parts of the brain responsible for negative reactions to 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 observed 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 the “economic man” and could only be explained by a sense of justice.

Müller’s chapter summarizes these findings and outlines their implications for peace research. It highlights the ambivalent nature of justice for social relations. Justice concerns can exacerbate conflicts between individuals and groups but justice can also provide standards for arriving at durable peaceful solutions to conflicts. Understanding these ambivalences and their repercussions for international and intrastate relations provides a promising path towards understanding conflict dynamics.

The second part of the book turns to the role of justice in international regimes and organizations. It starts with a chapter by *Caroline Fehl* on “Understanding the Puzzle of Unequal Recognition: The Case of the Nuclear Non-Proliferation Treaty”. The 1968 Nuclear Non-Proliferation Treaty (NPT) is a paradigmatic example of an unequal institutional order. It distinguishes between states that own nuclear weapons and those that do not, and prohibits the have-nots from seeking the same status as nuclear weapon states. This inequality enshrined in the treaty would seem to militate against justice concerns and undermine the stability of the treaty. To explain why states put up with such unequal recognition, Fehl turns to recognition theory. At first sight, recognition theory seems ill-equipped to explain the creation and persistence of this unequal treaty and, up to now, IR scholars have indeed mostly used it to understand struggles against inequalities in world politics. And yet, Fehl argues, a close analysis reveals that different types of recognition needs, articulated by different states, heavily shaped both the process leading up to the adoption of the treaty and its contents. While the NPT denied states an equal right to the possession of nuclear weapons, it nonetheless responded to justice concerns of the parties. In particular, it responded to demands for participatory equality and for the recognition of individual national identities and achievements. Thus, the multidimensionality of recognition needs explains why recognition politics ultimately enabled and stabilized an unequal institutional order.

The NPT also constitutes the empirical focus of the contribution by *Marco Fey, Aviv Melamud and Harald Müller*. In “The Role of Justice in Compliance Behavior: Germany’s Early Membership in the Nuclear Non-Proliferation Regime,” Fey et al. investigate whether the perceived justice or injustice of an institution affects states’ compliance with its rules. An extensive literature studies the compliance behavior of states. But the potential impact of justice concerns on compliance has not yet been sufficiently explored—even though justice has been demonstrated to play an important role in international negotiations and the creation of international institutions. The chapter examines the relationship between the two concepts and holds that the justice considerations of actors regarding a regime can influence their compliance behavior. To illustrate the importance of including justice considerations in the study of compliance, Fey et al. analyze West Germany’s behavior as a member of the NPT during the 1960s, 1970s and 1980s. They show that West Germany had three major grievances with what it perceived as an unjust regime: the discriminatory nature of the distinction between nuclear weapon states and non-nuclear weapon states; the unequal obligations assigned to these two groups; and the disadvantages that resulted for non-nuclear weapon states from these obligations. These concerns, then, caused contested compliance and regime conflict. The case illuminates the central role of justice concerns for compliance and thus the need to broaden our understanding of compliance and its complexity in both conceptual and practical terms.

The chapter “Gender Justice in Multilateral Negotiations: The Case of SGBV in the Rome Statute and in the ICC” by *Simone Wisotzki* analyzes the negotiations of the Rome Statute. During these negotiations, the “gender battle” became synonymous with a series of justice conflicts concentrating on a norm to criminalize sexual gender-based violence (SGBV). SGBV has escaped sanctions at the international level for a long time. Based on progress achieved during the war tribunals on Rwanda (ICTR) and Yugoslavia (ICTY), this finally changed with the Rome Statute that led to the establishment of the International Criminal Court (ICC). During the negotiations in Rome, civil society organizations relied on justice arguments in order to push for an individualization of sexual gender-based crimes. As feminist lawyers were not satisfied with the ways in which sexual violence had been defined in the statutes of the two war tribunals on Rwanda and Yugoslavia, they now aimed at “doing justice” to the victims by seeking to widen the definition and pushing for forms of retributive justice. Their efforts of lobbying for a concept of gender justice were met with resistance by conservative states, which at several points led to serious conflicts during the negotiations at Rome. Wisotzki identifies these justice conflicts, analyzes their consequences for the way in which the SGBV norm was finally established by the Rome Statute,

and concludes by asking how such conflicts have affected implementation efforts. She identifies vast discrepancies between the normative rhetoric and the adjudication practices of the ICC when seeking to realize gender justice.

The final chapter in this part deals with “Institutional Justice as a Condition for the Regional Acceptance of Global Order: The African Union and the Protection of Civilians.” *Matthias Dembinski* and *Dirk Peters* argue that conflicts about liberal global norms can often be understood as conflicts about procedural justice in the application of those norms rather than as conflicts about their substance. Regional organizations, which are key actors for the acceptance of global norms at the regional and global level, respond to perceived procedural injustice by contesting the underlying regime. Consequently, they submit, reducing procedural injustice when applying global norms will enhance the acceptance of global norms at the regional level. To illustrate this link, the chapter compares the response of the African Union (AU) to the application of global protection norms in two cases. The application of the Responsibility to Protect in Libya in 2011 resulted in attacks on the norm by the AU, whereas the application of the Protections of Civilians in Côte d’Ivoire in the same year was supported by the AU even though it resulted in the removal of an incumbent head of government as well. The difference, Dembinski and Peters show, lay less in the norms or their implications themselves but in the procedures through which they were applied. Whereas the AU was circumvented in the Libya case, it had an effective voice in the Côte d’Ivoire case. Procedures for applying global norms should thus take into account that regional actors will oppose global norms when they recognize that they do not have a say in how they are implemented in their region.

The chapter by Dembinski and Peters already highlights the key normative *problematique* that is at the center of the third part of the book: the issue of outside interference in the internal affairs of other states. In “R2P Ten Years On: Unresolved Justice Conflicts and Contestation,” *Gregor Hofmann* takes an in-depth look at the persisting contestation of the norm set known as the Responsibility to Protect (R2P). This contestation, Hofmann argues, is not driven only by the intention of challenging a Western-dominated international order. Rather, it has its root in an underlying conflict of justice conceptions, in which an understanding of justice as based on entitlements of individuals collides with an understanding based on the entitlements of states. The chapter develops this argument, bringing together theoretical arguments from different strands of research. Recent constructivist scholarship on norm contestation suggests that pre-existing norms and normative beliefs determine actors’ perception of the legitimacy of new international norms. The English School and empirical justice research, similarly, point to collectively held ideas of justice as motives for norm contestation.

Against this background and based on process tracing, qualitative content analysis, and expert interviews, Hofmann then analyzes the negotiations on R2P in 2005 and compares the results with the further development of R2P within the UN General Assembly. In doing so, the chapter illustrates that conflicts over individual vis-à-vis statist entitlements and over procedural justice remained unresolved during the emergence of R2P in 2005 and have continued to hamper the further evolution and implementation of the norm.

The conflict between individual (human) and collective (state) rights is not confined to R2P but also, more broadly, affects the international politics that aim at promoting democracy and human rights. This is the topic of the chapter “The Normative Challenge of Interaction: Justice Conflicts in Democracy Promotion” by *Annika E. Poppe* and *Jonas Wolff*. In the global “North-West”, liberal democracy is regarded as the universally valid model of political rule that is to be promoted globally through foreign and development policies. Democracy promotion, Poppe and Wolff argue, is, however, frequently challenged by justice-related claims. Whereas external democracy promoters claim to help enforce universal individual rights, those resisting democracy promotion point to the collective entitlement to self-determined political evolution. “North-Western” governments see liberal democracy as the only embodiment of a just political order, but in those countries that are the targets of democracy promotion different understandings of appropriate norms and institutions may exist. Contestation of democracy promotion has, therefore, a crucial normative dimension that can be conceptualized as a series of conflicts over justice. If we conceive of external democracy promotion as a process of interaction instead of unidirectional export or socialization, such justice conflicts constitute a major normative challenge to democracy promoters. The chapter argues for an alternative perspective on “democracy promotion as interaction” and presents a typology of justice conflicts that enables scholars to empirically analyze the normative challenges brought about by the interactive nature of democracy promotion.

The following chapter “Negotiating Interference: U.S. Democracy Promotion, Bolivia, and the Tale of a Failed Agreement” directly takes up this charge. *Jonas Wolff* applies the conception of democracy promotion as an interactive process that is crucially affected by conflicts over conceptions of justice to the relations between the US and Bolivia. Since 2009, the US and the Bolivian government have been trying to fix their broken diplomatic relations. These negotiations culminated in 2011 in the signing of a bilateral agreement but, ultimately, failed to establish a basis for mutually acceptable development aid relations. Wolff analyzes these negotiations and suggests a partial explanation that accounts for their dynamics and results. Specifically, the chapter shows how the negotiations have