

Book Review

Need or desire? A review of Justice as a basic human need

Edited by A. J. W. Taylor (2006)

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Thanks to the frequent use of the term in the Performance Based Research Funding initiative, “world-class” is now one of the favourite adjectives of New Zealand’s vice-chancellors. But here is a book that is genuinely world-class, written largely by local authors and edited by the indefatigable A.J.W. (“Tony”) Taylor. He, of course, is Emeritus Professor of Psychology at Victoria University of Wellington and he has included many of his colleagues there as contributors. This is fitting, since Vic has built an excellent academic reputation around the theme of justice, not just in forensic psychology, but in criminology, public policy, and the law. Their Crime and Justice Research Centre has deservedly achieved an international reputation.

The present work, therefore, has an impeccable scholarly pedigree and is broad in its coverage: philosophy, religion, developmental and social psychology, therapeutic processes, and human rights have all been found a place. There is something especially timely about a major work on justice coming out now, with the Western world—largely the United States—facing accusations of double standards and hypocrisy, with the indelible stain of Guantanamo Bay, Abu Ghraib, and the slow response (September, 2008) of the American Psychological Association to deter its members from participating in interrogations at detention centres. Thus it was particularly prescient to include a chapter specifically devoted

to issues of torture, especially as the key focus relates to treatment of torture victims. As a psychotherapist based in London, Paul Burns is able to offer valuable insights into the work of specific organisations offering support to political refugees. While we accept that empirical work in this area would be challenging, the absence of any sort of data or evaluation research is the only regrettable element.

New Zealand, while playing rather far from the world’s Centre Court, has its own controversies and inconsistencies: the pioneering work on restorative justice on the one hand and the perpetration of blatantly unfair legislation such as the Foreshore and Seabed Act (2004) on the other. Perhaps justice is commonly the loser when people perceive their fundamental interests are being threatened.

And so we come to one of the central questions of this book: Is justice a basic human need? Taylor’s introductory chapter provides an authoritative, historical background to the topic of justice, although had he cited the work of Miller (2001) on the consequences of injustice he could have strengthened his case. Among the many interesting phenomena Miller describes are studies showing that if plaintiffs win their case without a lengthy court hearing in which they could argue their cause, they remain dissatisfied—we seem to need our day in court. It is in the

second chapter by Charles Tolman (University of Victoria, Canada) where the argument is presented that justice is a fundamental condition for survival as human beings. From the perspective of moral philosophy we consciously make decisions about what is right and wrong in relationship with others and the social rules we live by. Morality, Tolman argues, is the heart of humanity, and justice makes it possible.

With one of us (TY) not being brought up within Christian traditions, we found the chapter by Marshall (a theologian at VUW) an interesting overview of the Bible’s teachings on the meanings of justice, albeit quite contradictory in places. However this chapter has a proselytising fervour to it that sits uncomfortably with psychology. Consider the last two lines: “To know this God is to learn about the meaning of justice. To love this God is to join in God’s great campaign to restore justice to the world” (p. 37). Evolutionary psychology has a completely different take on the matter. Empathy (caring for each other), fair distribution of resources, respect for earned rights, and the exercise of power only to uphold agreed upon rules all had fundamental survival value within small social groups—families sharing a cave, clans travelling together, or tribes demarcating territory. Since survival may also require violating all of those conditions with respect to an outside group competing for resources, evolutionary theory does not leave much room for morality and the general principle of justice for all (Tobeña, 2009).

Even within very small social groups, evolutionary concepts may support cooperation but typically do not support equality. A group will do best and continue to reproduce if the fittest, most able hunter gets the biggest breakfast. Should not the one who speared the antelope enjoy the

tastiest parts as a reward to encourage future hunting skills? (How often do we hear this argument in the corporate world?) It is the nursing mother who should be given the precious water so the baby survives. Self-sacrifice is often necessary for the well-being of the larger group, and so natural selection accounts quite well for altruism, but not, we think, for justice.

Paul Jose (from VUW) would probably not entirely agree. He provides a thoughtful and provocative overview of the literature on the moral development of children, examining Freud, Skinner, Piaget, and Kohlberg, and ending with an argument that Piaget, at least, is easily reconciled with Darwin and that integration with evolutionary theory is both possible and desirable.

Since in modern society we are so far removed from day-to-day survival, perceptions of justice, and judgments of what is just, depend greatly on one's theories of causality. If crime, for example, is a consequence of poverty and deprivation, is punishment ever a moral response to it? Our own research programme focuses on children's perceptions of the kinds of things that they experience in their daily lives: favouritism by a teacher, being blamed for something they didn't do, having a friend violate a confidence, or a parent breaking a promise (see Evans, Yamaguchi, Raskauskas, & Harvey, 2007). The perceived fairness of parental behaviour towards their children is a facet of justice that seems to us to be less abstract and more closely related to day-to-day decisions, inter-personal relationships, and family cohesion. John Rawls (1958), the leading philosopher of justice principles, proposed that the fundamental idea in the concept of justice is fairness. He made this argument on the basis that the meaning of the concept of justice varies according to whether it is applied to practices, particular actions, or persons. Not all inequalities are unjust, but one might wish to eliminate them on other grounds.

This point is relevant to a number of interesting perspectives comprehensively

addressed in the present work. A good example is the chapter by Eccleston and Ward that presents Tony Ward's "good lives" model. Here the connection is really to the justice system, which is designed to both protect the community and rehabilitate offenders. Note that this does not automatically mean punishing offenders, presumably derived from theories of crime that place the onus of blame more on society than on individual choice, a common psychological perspective that has difficulty dealing with the huge numbers of individuals in equally desperate circumstances who never commit any crime. Nevertheless, if the goal of the justice system is to reduce and prevent crime, punishment has not proved to be particularly effective, regardless of its ethics. Ward's good lives model "requires the construction of well-designed individual treatment plans that will equip offenders with the necessary conditions...to meet basic needs in different, more prosocial ways, and ultimately live more balanced and fulfilling lives" (p. 56).

Few would argue with such values. As a matter of interest, they also form the cornerstone of values-based approaches to managing the sometimes challenging behaviour of people with mental retardation. But just as in this latter area there is something of a culture clash between person-centred and behavioural methods (see, e.g. Evans, Meyer, & Buckley, 2008), so in the management of offenders there is some conflict between "good lives" and the essential components of behavioural strategies, including risk assessment and other standard New Zealand correctional psychology practices. A potential rapprochement is embodied in the chapter by the distinguished professor of law and psychology at the University of Arizona, David Wexler. His advocacy of "therapeutic jurisprudence" refers to the use of judges and judgments to facilitate behaviour change, compliance with treatment programmes, and to formulate relapse prevention strategies.

So while New Zealand has been at the forefront of restorative justice, ably described and analysed in the chapter by criminologists Gay Maxwell and Allison Morris, our judges still seem to

think that stern lectures, moral finger wagging, and name-calling such as "cowardly," will change offenders' future behaviour. Social psychology has clarified the ways in which people think about justice, and Fischer and Skitka offer a comprehensive coverage. Of the many relevant phenomena, one of the most interesting is the social psychological construct of *belief in a just world*. This is a well-developed and highly researched concept—the assumption that good things happen to good people. It is thought that this belief emerges in early childhood as it is needed when learning to delay gratification. The ironic twist to this belief, of course, is the perception that when people suffer misfortune it must have been deserved.

So much of justice is experienced or enacted outside our own personal circumstances. Much of it is related to perceptions of justice, to judgments about others, decisions—or rationalizations—as to how resources should be distributed or transgressions punished. But if we follow Rawls and think of justice as an experience, then we can see why we so diligently monitor our own circumstances as fair or unfair. Unfair experiences occur daily within our lives, perhaps more so for children. And unless mitigated by apology and forgiveness, they generate lasting negative affect; in our studies young children knew that when someone has been treated unfairly that person will feel sad and angry. Orovwuje and Taylor passionately address the inequities that can be experienced by people with mental illness. Stigma and injustice go hand in hand, with serious emotional consequences.

In conclusion, this is a valuable exploration of the psychology of justice, and the editor and chapter authors are to be commended for a home-grown product of wide-ranging interest and relevance. Although culture is mentioned here and there, one criticism is that a book centred in New Zealand did not directly address Māori perspectives and traditions. Jeffrey Sluka, a social anthropologist at Massey University, comes closest with his careful analysis of how historical violations of human rights

and contemporary power differentials fundamentally desecrate justice at the national and international levels. Indeed his statistics, as well as those of others (e.g., Williams, 2004), make global justice seem unattainable. Even in the New Zealand context, efforts to level the playing field to redress past wrongs are fraught, with political antagonism to affirmative actions coming from both right and left.

Andrew Ladley (Institute for Policy Studies at VUW) proposes that the very existence of the International Bill of Rights should make us more hopeful and optimistic. Justice may prove to be a basic human requirement, now that all of humanity is in the same cave, so to speak. But for the two of us, as psychologists, however, listening to parents struggling to explain why some of their children's transgressions should be punished and some not, we do not see justice as a basic human need. Rather we see justice as context-bound, with striving for fairness constrained by the circumstances over which the agents have some control—family resources, reserves of affection, available time, differential necessities (the extra resources required to lead to equitable outcomes), and decisions regarding deservedness.

References

- Evans, I. M., Meyer, L. H., & Buckley, L. (2008). Interpreting the evidence on interventions with challenging behaviour: Theoretical, contextual, and cultural perspectives. *Australian Journal of Rehabilitation Counselling*, 14, 79-93.
- Evans, I. M., Yamaguchi, T., Raskauskas, J., & Harvey, S. T. (2007). *Fairness, forgiveness, and families*. Wellington, NZ: Families Commission.
- Miller, D. T. (2001). Disrespect and the experience of injustice. *Annual Review of Psychology*, 52, 527-553.
- Rawls, J. (1958). Justice as fairness. *Philosophical Review*, 67, 3-32.
- Tobeña, A. (2009). Lethal altruists: Itineraries along the dark outskirts of moralistic prosociality. *Annals of the New York Academy of Sciences*, 1167, 5-15.
- Williams, J. (2004). *Fifty facts that should change the world*. Cambridge, UK: Icon Books.