

The Ongoing Evolution of Justice

Hi everyone, Its nice to see you all here, albeit through a tube. I have to confess that I feel out of my depth talking about justice. My professional training is all in biology and I spent my career teaching biology and environmental science at our local community college here in Catonsville. So my talk this morning is going to be the result of my own thinking as a biologist looking at JUSTICE. I hope that this may lead to further discussion.

In my own thinking, it seems to me that there should be clear rules about justice. I confess that I am always rather taken aback by the conflicts over justice. I mean it is quite obvious to me which side is right. This causes me to think more broadly about human evolution and wonder: Where did this concept of justice come from? --- When I say EVOLUTION it probably makes most of you think of “SURVIVAL OF THE FITTEST”. Let me substitute alternative words, which I think give a more accurate picture. The driving force of evolution is SUCCESS IN PRODUCING A NEXT GENERATION THAT WILL PROSPER. Genetic makeups that benefit “*producing a next generation that will prosper*” become increasingly dominant in the population. Genetic makeups that in any way hinder this are gradually eliminated from the gene pool.

Again, Where did our concept of justice come from?

Consider the bulk our human emotions: anger, aggression, love, loyalty, affection, caring, jealousy, territoriality, domination. We can see all of these in other animals, including our pet dogs and cats. But can we see them contemplating justice? (pause) My point is: we can see the bulk of our emotional traits expressed earlier in the animal kingdom. Further, we can visualize how they became imbedded in our genetic makeup by means of

helping the species leave prospering next generations. But justice???? Justice seems to be a uniquely human idea. Again, where did it come from?

I return to our view of evolution. We are far from the biggest, fear-sist animal in all the jungle. What enabled us to succeed over all others including our cousins the Neanderthals, who studies of skeletons show, had stronger bodies and larger brains than we do? The going conclusion is that it was a genetic make up that lends to COOPERATION. From the hunt, to preparing and serving the meal, to building a fortified village, and so on, **cooperation** lies the heart. I think we can readily see how cooperation benefitted **success in producing prospering next generations** and, those that couldn't or wouldn't cooperate, were removed from the gene pool. Today we speak of this cooperation as **SOCIAL NORMS**. But consider--*social norms* is a way of saying that society is a vast network of everyone cooperating.

So, we have inherited a genetic makeup that gives us a natural bent toward cooperation, but **WHAT DOES COOPERATION ENTAIL?** Cooperation by itself is meaningless. What do you do with it? *Three things underlie cooperation:* **A)** an objective, a goal of some sort toward which to strive; **B)** a leader (I'm going to use the general term "big honcho". It may be anything from a team captain to a emperor or dictator. It's an individual who can inspire people toward achieving the goal, and **C)** a willingness, if not enthusiastic support, of the people to go along, *that is to cooperate* in doing what is necessary to achieve the goal.

Shift now to a broad-brush look at the general pattern through history. You may call it *the default condition that tends to come about in human societies*. It consists of a big honcho rising to or seizing power; he (it is most commonly a

he) sets the goals, talks it up, and energizes citizens to follow that is to cooperate (enthusiastically or under duress). I think of Alexander the Great, Genghis Khan, the Pharaohs building pyramids, The Roman Empire, The church conducting witch hunts throughout middle-age Europe. In more modern times, I think of Napoleon, Hitler, Putin, Kim Jong-un of North Korea. Without going into details, I think each of these and countless others can be seen in terms of: the A, B, and C: **big honcho** taking power, **setting a goal**, and a citizenry willingly or under duress **cooperating**. Note that in a war, it is not just soldiers involved. There is just as loyal cooperation from most of the population in feeding, clothing, arming and otherwise supporting the soldiers. Whether the campaign is successful or not is immaterial. ***The picture is still big honcho, goal, and cooperation of citizenry.*** Again, I offer this as ***the default condition of human socialization.***

Where is JUSTICE in this? Note that ***justice is not part of this picture.*** The major focus of big honchos and supporters, is to maintain and expand their position of power. Justice, so far as it may be mentioned, is in only terms of maintaining the existing power structure. Others be damned. Think of slavery, crucifixion, burning at the stake, Coming to modern times, I think of **Tiananmen Square** where in 1989 a student protest was literally squashed by the government with military tanks. In Russia a disturbing number of journalists fall from windows. The recent, senseless killings here in the United States. Making a long story short, ***we do not find justice originating at the top and being handed down.***

So where does justice come from? I believe it grows out of another component of our gene pool. Genes for compassion, originating, no doubt, in

the care and protection of young as we see in other animals. But, as humans formed into larger social groups, the feeling of compassion extended outward to include the larger community. Compassion, in turn, is a two-way street. We expect a return for our favors. We have a negative emotion toward those who slight us. Take this to where labor becomes specialized and trade and commerce develop. Any trade can be lopsided--one or the other receiving most of the benefit--or it can be fair---an exchange in which both parties go away feeling satisfied. I think it is out of this that the concept of justice grows. At its root, *justice can be defined as fairness.*

Let's back off and take broad overview of what is going on *historically--evolutionarily* if you will. We have the default organization of society (all the way from tribes to empires) based on **top down authority**. Simultaneously, we find developing doctrines of fairness--justice if you will, developing **from the bottom up. This bears repeating. Authority comes from the top down; justice grows from the bottom up.** At some point these two are bound to collide.

The first instance of this with a significant outcome (at least so far as I know from my cursory knowledge of history) were events leading up to King John of England signing of the Magna Carta in 1215.

The Magna Carta, for the first time in history, established the principle that everyone, even the big honcho, the king in this case, is subject to the law and the law guarantees the rights of individuals, the right to justice, and the right to a fair trial. In simple language it put the rule law above the big honcho. Most

importantly, the laws are not made by the big honcho; they are hammered out by lesser echelons of people.

Many school kids, myself included, come away thinking that the Magna Carte was a great edict graciously handed down by a generous and forward thinking king. Nothing could be further from the truth. The Magna Carta was written by subjects of the king. The king was literally forced to sign it after loosing a civil war and fearing for his life. Be this as it may, the Magna Carta became the foundational principle for the English speaking world and others as well.

(A fun and informative description of these events is found in the video:
<https://www.youtube.com/watch?v=9zT4hkAxzLg>)

But even more important than the Magna Carta itself is the back story of *protest*. The story of the Magna Carte exhibits that justice is not handed down from on high. It grew out of basic feelings of unfairness, injustice. It was instigated by those being mistreated; their standing up and **PROTESTING**. In short, the story of the Magna Carta demonstrates the point I just made. *Justice is not handed down from on heigh. It grows from the bottom up, and its growth medium is PROTESTING.*

Skipping ahead, the founding of this country grew out of protesting-- taxation without representation. That protesting, of course, led to the Revolutionary War, which fortunately, we won. But don't lose sight of the protesting. Without the protesting, we would still be a part of the United Kingdom.

Following the revolution, we were remarkably fortunate to have founding fathers who were both knowledgeable, capable, and were exceptional in *not wanting to set up a monarchy or dictatorship for themselves. Instead*, they wanted to create a new sort of government *with laws and the idea of justice at the masthead*. Such a government did not exist before. It really was an experiment.

Moreover, our founding fathers recognized that what they were creating would not be a finished product; it would always be a work in progress. This is implicit in their preamble to the constitution. *We the People of the United States, IN ORDER TO FORM A MORE PERFECT UNION*, etc. In turn, the constitution is not a book of hard rules. *Rather* it is a mechanism that facilitates continual adjustment and development over time, *IN ORDER TO...*

Finally, they recognized the key components necessary for change: *Free speech and FREEDOM TO PEACEFULLY PROTEST*. These are basic rights laid out in the First Amendment along with freedom of religion.

Fast forward and consider a few of the significant steps toward a “*more perfect union*” since our founding.

Abolition of Slavery 1863

Women’s right to vote 1920

Fair Labor Standards and Child labor laws: 1938

Civil Rights Act of 1964

American Disabilities Act 1990

LGBTQ Rights

Note that none of these Acts were handed down by the honchos on high. Each was preceded by years, often decades of bottom-up protesting. And I don't need to add that many involved violence. But, each has *inched us toward "a more perfect union"*. Put current protests in this context, *they are the guts and blood of moving toward a more perfect union*. They are ***THE ONGOING EVOLUTION OF JUSTICE***.

Let me end by taking you on a visualization.

Stretch yourselves a moment, re-comfort yourselves, close your eyes, take some deep breaths and visualize a huge tapestry before you. The tapestry is images that represent a more perfect union. See those images, whatever they are. But look closer. Those images are far from complete. There are ragged gaps, There are countless threads left dangling. Now zoom in on those dangling threads. Each thread is a relationship. Take hold of some of those treads. Every relationship we have is part of the tapestry. What can we do with the threads we hold; what new threads might we take hold of. How might we weave them into the fabric of a more perfect union?

Pause

Now, still holding those threads, those relationships, take some deep breaths, gradually bring yourselves back to wherever you are and open your eyes.

Thank you for going on this journey with me.

The END