

Summary Report¹



Co-sponsored by the Emory University Provost Office; the Emory Cognition Project; the Center for Mind, Brain, and Culture; and the Emory Center for Ethics.

¹ Collected, transcribed, and written by **Erin Robbins, Ph.D.**, (Emory University and Spelman College) in consultation and edited by Philippe Rochat, Conference Organizer.

Abstract

This conference report provides a summary of the Fairness Conference that convened at Emory University in Atlanta, Georgia from October 18-19, 2012. The goal of the conference was to create an interdisciplinary discussion on the concept of fairness: its constitutive elements, origins, and expression across phylogeny and ontogeny, but also at the level of group interactions and institutions. The theoretical and pragmatic understanding of unfairness was also discussed, with particular emphasis on the role of restorative or punitive measures enacted in response to inequity. The conference represented a wide diversity of scholarship, including evolutionary, anthropological, developmental, cognitive, economic, ethical, political, and philosophical perspectives. This report provides a description of the contributions of the individual presentations and provides a view of the trends in research regarding the topic of fairness.

Advertised aim:

“Create an exciting two-day intellectual event, with talks from prominent scholars from various disciplines to reflect and discuss the concept of fairness: How to describe it and how to account for it? What might constitute and determine what individuals sense as fair or unfair? Are there universal and unequivocal ways of understanding and construing fairness? How might it originate in both evolution and development, what might the constitutive elements and determinants of fairness in the individual, the group, or the law? Furthermore, the question is how is such a notion negotiated and a consensual sense of fairness eventually reached in the context of conflicts? Here we will bring together researchers in the social sciences to discuss the concept of fairness from an evolutionary, developmental, economics, ethics, political, anthropological, and philosophical point of view.”

INTRODUCTION

Several independent lines of research and theoretical perspectives come together in this report, which details the proceedings of the Fairness Conference that convened at Emory University in Atlanta, Georgia from October 18-19, 2012. The conference was supported by the Emory Provost's Office, the Emory Cognition Project, the Center for Mind, Brain, and Culture, and the Emory Center for Ethics.

The Emory Cognition Project was founded by Ulrich Neisser to bring multiple perspectives to bear on significant topics of cognitive psychology. It was envisioned to be interdisciplinary in orientation, with the goal of facilitating discussion between colleagues in a diversity of fields. This conference honors this spirit of interdisciplinary scholarship by bringing together luminaries from the social and biological sciences and humanities. The conference stressed the importance of collaboration and communication not only between academic disciplines, but also with those outside of academia for whom the issue of fairness drives political, economic, legislative, and humanitarian decisions on a daily basis.

To this end, the conference was a meditation on the meaning of fairness, but it was also a joint reflection about the diverse ways in which it is studied as well as the context in which this research is situated. We would argue that understanding the origins and constitutive elements of the concept is of great relevance to those interested in social cognition, broadly construed. It is also of great relevance to those working within legal and other institutional frameworks who seek to understand the relationship between individual intuitions about equity and group consensus regarding the same.

Reflecting the structure of the conference itself, the presentations outlined here are organized into five themes that emphasize a central theoretical or methodological perspective: law and culture; ethics and politics; neuroscience and neuro-policy; comparative psychology and evolution; and development and adult cognition. Following these synopses a brief synthesis of the scholarship is offered, as well as concluding remarks about the contribution of the conference.

DAY 1 (Thursday October 18th 2012)

LAW AND CULTURE

One of the primary questions that arose during the conference was the extent to which individual intuitions about fairness are instantiated into legal and cultural institutions.

Keynote speaker **Jerome Bruner**, from New York University Law School, opened the conference with a talk entitled “The Ambiguities of Fairness.” Fairness, he observes, is a term with myriad homonyms. Though these connotations may share a positive commendatory core, distinctions between them reveal much about how we perceive the relationship between fairness and its infringement. Bruner situates his central claim—that fairness is flexibility from the law—in an analysis of how fairness violations were handled in ancient Greece (as described in Aeschylus’s *Oresteia* trilogy) and amongst the Trobriand Islanders (as described in Malinowski’s *Crime and Custom in Savage Society*).

Bruner distinguishes between two senses of fairness, one personal and subjective, the other more broad, explicit, public, and official. He questions whether there are different means for cultivating personal fairness, and how this personal sense of fairness may be differentially expressed across cultures. Bruner speculates that as a result of the ancient Greek preoccupation with vengeance (as revealed by their literary works), with time fairness in that culture became conceptualized as a more anonymous and depersonalized sense of justice. He contrasts this with ethnographic accounts of the Trobriand islanders whose social organization centered around ritualized and obligatory sharing as a means of preventing unfairness and controlling vengeance.

Bruner concludes from these case studies that a universal concept of fairness protects individuals from the rigid definitions of the law. Normative expectations of fairness that are derived from inter-subjective experience allow for the informal and pragmatic censure of unfair behavior in situations where legal or official regulation would be inappropriate or unrealistic.

Bradd Shore (“Fair Trade in Pacific Exchange Ritual? Why the Concept of Fairness Doesn’t Quite Apply”) from the Department of Anthropology at Emory University also takes as his starting point the question of how societal organization protects against unfairness. Shore contrasts the Western conceptualization of the social contract with the ritualized trade and gift-giving exchanges that are a key feature of Pacific Islander societies in Polynesia. The Western conceptualizations of fairness are frequently based in social contract theory (e.g., Locke, Rousseau, or Rawls), whereas other cultures are more inclined to conceptualize fairness as a dynamic process. He provides a case study from his 45 years of personal experience with a traditional, chieftain, small-scale Samoan village, describing the complex interpersonal relationships and normative expectations at play during gift-giving and receiving at a Samoan funeral. Traditional funerals involve several phases, one of which entails the public reception of gifts (money, food, fine mats) on the part of the bereaved host family, who is expected to reciprocate these gifts in part. Shore notes several fairness principles that are evident in these exchanges, the foremost of which is the maintenance of group harmony and dignity by avoiding situations where gift giving causes indebtedness. Shore maintains that there are several dimensions along which Western and Samoan notions of fairness tend to vary in a significant way. Western social contracts tend to emphasize anonymity, presume equality between parties, stress abstract rules governing individual exchanges, render judgments on consenting individuals, and prioritize a quantitative and precise sense of equity. In contrast, the Samoan system of gift-giving emphasizes context and personal history, presumes inequality of social standing, stresses concrete expectations for long-term exchange, renders judgment on socially obligated groups, and prioritize a qualitative and harmonious sense of equity. Though seemingly disparate, these two systems are scaled to the challenges faced by each society; contracts and reciprocated gift giving serve analogous purposes in creating normative expectations for behavior. Per Bruner’s hypothesis of “fairness as flexibility from law,” Shore concludes that the Samoan system of obligatory reciprocity allows for flexibility in the management of unfair behavior.

Michael Sullivan (“Fairness, Philosophy, and Legal Pragmatism”) from the Department of Philosophy at Emory University explicated further social contract theory and used the Wall Street meltdown of 2008 as a case study for understanding Rawls’ concept of fairness as justice. Sullivan maintains that one of the most important conceits of the Rawlsian position is its

emphasis on group consensus. Unanimous consent instills a sense of confidence that a process is unbiased, impartial, and indifferent; it precludes individuals or groups from acting in self-interest. Public outrage against the Wall Street bailouts in 2008 was so virulent in part, he argues, because individuals perceived the government providing certain firms with special treatment. He suggests that this perceived inequity reflects a tension between two senses of fairness under the law that are ambiguous. On one hand, within the judicial system, arguments of principle set the objective boundaries that constrain arguments of policy. On the other hand, there are legislative decisions that are more or less utilitarian in scope and application. In an idealized, hypothetical situation these two senses are complimentary and work in concert. In contrast, when rules are applied inconsistently (e.g., some corporations receiving federal bailout money to the exclusion of others), it gives the impression that a utilitarian sense of fairness (e.g., most good to the most people) trumps the more objective sense of fairness that stems from group consensus (e.g., each person gets what is due to them, with equal distribution across the board). Sullivan concludes that a situation like the financial crisis of 2008 can only be satisfactorily resolved if the public believes that the government is committed to an objective sense of fairness and does not use utilitarian concerns to mask special-interests.

ETHICS AND POLITICS

The second panel of the conference examined the relationship between equity and fairness. Edward Queen from the Center for Ethics at Emory University questioned the extent to which the experience of envy informs our understanding of fairness. Following Queen, President Jimmy Carter elaborated further on this question by discussing the societal consequences of income inequality and unequal access of opportunity.

Edward Queen (“Fairness: Subjective or Objective, Envy or Equity?”) opened his inquiry by asking whether it is possible to arrive at an understanding of fairness that is not motivated by envy and that is not purely subjective. Considering the multiple synonyms of “fairness,” he identifies four understandings embedded in the definition of the concept. First, equity is a relative sense of fairness rooted in the relationship between individuals. Second, procedural fairness is the sense that rules or normative expectations do not inappropriately

disadvantage some agents over others. Third, contextual considerations examine whether the social and institutional circumstances that surround agents are fair, and if not, how they can be ameliorated. Finally, a substantive sense of fairness entails that individuals receive what they are actually and objectively owed. Envy, Queen argues, is contingent upon this last sense of fairness, in that individuals perceive themselves as either deserving more than their fair share, or others as deserving less. He alludes to the well-established finding from ultimatum games that individuals commonly reject offers they perceive as unfair, even if the alternative is to receive nothing from a partner. Individuals enter exchange situations with the preconceived understanding that, in the absence of any other mitigating factors, resources should be divided equally amongst players. When an equal division of resources does not occur, individuals reject offers because they perceive their partners as benefitting from an undeserved gain. Queen suggests that although envy (and fairness by implication) may be rooted in subjectivity, this is not a weakness. The role of envy in society is to bring awareness to the fact that institutions do not always operate justly or impartially, or that they are inappropriate or incapable of meeting demands for equity and procedural fairness. In conclusion, he suggests that envy and not objective standards is the barometer by which we measure fairness.

President Jimmy Carter (“Fairness and Equity in Politics and Human Affairs”) also advanced the position that inequity is diagnostic of the relative health and social welfare of a society. He argues that the single greatest challenge of the millennium is the growing inequity (particularly income disparity) between rich and poor, both between nations but also within. In support of this claim he cites several statistics regarding taxation policy in the United States. These findings suggest that since 1980, a significantly disproportionate percentage of social welfare services (e.g., affordable housing and education) have been allotted to households in the highest rather than lowest income brackets. These disparities in social services have been coupled with changing tax policy that also advantages top-income Americans over those in the lower 20% of the population. The result, President Carter suggests, is a “troubling, almost inevitable” erosion of material equity as well as an “insidious, self-perpetuating” decrease in equality of opportunity. Echoing Michael Sullivan’s position in the prior panel, Carter cites additional statistics demonstrating how this trend has become even more pronounced in the wake of the 2008 financial crisis.

Carter argues that there are two institutional barriers forestalling economic and social equity. The first are tax codes that disproportionately favor wealthy Americans. The second is the ruling of the Supreme Court in the *Citizens United v. Federal Election Commission* case, the result of which has granted corporations and special-interest groups disproportionate access and influence in the legislative process.

Following an extensive question and answer session, President Carter made clear that he does not believe the concept of fairness is limited to economic concerns. In his purview, proceedings like the Fairness Conference are not simply an “esoteric academic analysis on what is fair and unfair, equal and unequal.” President Carter cites additional statistics demonstrating institutional barriers to equity in the domains of healthcare and racial justice. President Carter and keynote speaker Jerome Bruner engaged the audience in a discussion about punitive versus restorative methods of restoring equity, particularly in the context of the American penal system. President Carter concluded his talk with several recommendations for halting increasing economic and social inequity, including the suppression of laws that create double standards for particular constituents and a greater commitment from the academic community to promulgate their research on fairness with a broader audience.

NEUROSCIENCE AND NEUROPOLICY

Central to the perspectives presented in the third panel was an emphasis on the informative role that new methodologies (such as fMRI) can play in illuminating what kinds of intuitions individuals hold about fairness and why. The use of this methodology has yielded an interesting debate regarding cognitive versus emotional basis of fairness judgments.

James Rilling (“The Neurobiology of Fairness”), Department of Anthropology at Emory University, presented work that suggests judgments of fairness are largely mediated by brain regions associated with emotional processing and regulation. Rilling grounds his account in findings from ultimatum and public good games in which individuals commonly censure unfair behavior by altruistically punishing non-cooperative partners. Such punishment reduces the material welfare of an unfair partner, but at the expense of the punisher. In two independent

cohorts of men (N=87) and women (N=88), Rilling and colleagues find that such punishment is associated with increased activity in the anterior cingulate cortex and right dorsolateral prefrontal cortex (which mediate cognitive appraisals, including those of equity) as well as the anterior insula (which mediates emotional processing and accounts for the aversion individuals feel about unfair outcomes). Rilling also presents recent empirical evidence that these patterns of neuronal activation may be mediated by several interventions, including cognitive reappraisal, emotional induction, pharmacological alteration, and compassion meditation. Each of these interventions down-regulate emotional processing, suggesting that the neuronal basis of fairness judgments may privilege intuitive versus cognitive appraisals of behavior.

Gregory Berns (“Neuroimaging of Sacred Values”), from the Emory Department of Economics and Director of the Emory Neuropolicy Center, does not address the topic of fairness directly. Bern focuses on what (if anything) may be special about the values that individuals use in decision making. He situates the first part of his research in the greater framework of conformity studies, which routinely find that individuals alter their judgments to fit a group norm, even when doing so is morally problematic (as in the paradigmatic Asch studies), or expressly incorrect (as in assessments of spatial rotation, the research depicted here). Berns and collaborators asked participants to listen to the opinions of a group of confederates and judge whether two objects matched. Error rates were low (10%) when confederates provided the correct response and significantly higher (40%) when confederates voiced the incorrect answer. fMRI imaging for these participants shows increased activation in brain regions associated with visuo-spatial processing, suggesting that conformity to group norms changes individuals’ appraisals at perceptual (rather than cognitive) level. In a second suite of studies, Berns et al. assessed what kinds of beliefs or core values might be impermeable to such influence. Participants were asked to put a dollar amount on a selection of “sacred values” (e.g., belief in God, killing an innocent person) that they would be willing to lie about for material benefit. In an fMRI study, researchers found that the values participants would not sell were associated with increased activity in the regions previously associated with semantic rule learning (e.g., left temporo-parietal junction and ventrolateral prefrontal cortex). Contra the findings of James Rilling, this pattern of activation, as well as the absence of activation in areas associated with emotional processing would suggest that sacred values (of which fairness might be one type) are

more deontic in nature. Such values may impact behavior through the retrieval and processing of rules and imperatives rather than through an evaluation of costs and benefits.

DAY 2 (Friday October 19th 2012)

COMPARATIVE PSYCHOLOGY AND EVOLUTION

Whereas the first day of the conference focused on the relationship between individuals and institutions, the second day focused primarily on the origins of fairness concepts and their expression across phylogeny and ontogeny. One commonality among these presentations was an emphasis on sharing or economic games. As a result, a recurrent theme throughout the panels was the extent to which fairness can be equated with cooperation, prosociality, or morality.

The first panel of the day introduced the problem of re-description: When we speak of fairness, does it hold the same meaning across different disciplines or levels of analysis? Presentations 1 and 2 (Frans de Waal and Nicolas Baumard) featured evolutionary perspectives on the proximate and ultimate causes of fair behavior; Presentation 3 (Gustavo Faigenbaum) featured a critique of these evolutionary approaches, advocating instead for a more constructivist and institution-level understanding of fairness.

Frans de Waal (“First- and Second-Order Inequity Aversion in Primates”) from the Emory University Department of Psychology and Director of the Yerkes Living Link Center, discriminates between two senses of inequity aversion. First-order inequity aversion is a negative reaction to getting less than another individual, and is a widespread phenomenon amongst primates and other species. Citing his earlier work with Brosnan (2003), he demonstrates that monkeys reject unfair pay when both individuals have worked for a reward, but one receives a payoff of much greater value. He criticizes replications suggesting that this is not a response to fairness proper, but rather frustration effects in which monkeys react negatively to rewards that are of lesser value or quantity than anticipated. However, he agrees that these experimental manipulations may not adequately capture the sense of inter-subjectivity that is crucial to inequity aversion. Such second-order level inequity aversion is the discomfort of

having more than another individual, as well as a preference for impartiality. Recent work of De Waal and collaborators suggests that in a modified ultimatum game, chimpanzees react negatively to both positive and negative inequity (having more and having less). Coupled with other findings that suggest macaques engage in third party policing of resource distribution, this work indicates that inequity aversion is deeply rooted in evolution and is important to understanding the origins of cooperative behavior.

Nicolas Baumard (“The Evolution of Fairness by Partner Choice”) from the Institute Jean Nicod at the Ecole Normale Supérieure rue d’Ulm in Paris, distinguishes between proximate (“how”) and ultimate (“why”) questions regarding the evolution of moral behavior. Proximate questions are about mechanisms (mental or social) that produce moral judgments, such as those about distributing resources, whereas ultimate questions of evolution explain how moral behavior developed in the first place. Baumard argues that from an evolutionary perspective, the best strategy to insure cooperative relationships in a competitive climate is to treat individuals impartially, sharing both the costs and benefits of cooperation. Cooperation can therefore be sustained by both punishment (sanctions against those who do not share equally) and partner choice (opting to collaborate with only fair-minded partners). This preference for equality (or proportionally equitable) is evident across a wide-variety of economic games. Punishment, he argues further, is evidence that individuals expect equity in their social interactions—they are contractual rather than consequential in how they react to inequity, punishing to restore fairness rather than to deter future stinginess. Baumard concludes his presentation with a critique of game economic approaches, questioning the ecological validity and interpretation of dictator and ultimatum games. He suggests experimental manipulations of relative effort or talent are the most appropriate for testing hypotheses about fairness and morality. Such approaches not only demonstrate individuals’ willingness to restore balance between disparate parties, but are also informative of the perceived *magnitude* of fairness violations.

Gustavo Faigenbaum from the University Autónoma de Entre Ríos in Argentina (“Three Dimensions of Fairness”), in contrast to the preceding two evolutionary perspectives, argues that in understanding fairness, individual morality has been overrated and institutions

underrated. To this end, Faigenbaum advances several claims that draw from both psychological and philosophical theories. First, he argues that institutional experience shapes concepts of fairness. This is evident in children's interactions in schoolyards, where they engage in associative reciprocity (sharing with others to build alliances and demonstrate social affinities) rather than strict reciprocity. At the level of adult behavior, this associative reciprocity is also evident in gift-giving rituals. Second, Faigenbaum argues that possession and ownership are the most important institutions in the development of fairness reasoning because they involve abstraction and are the first step in the development of a deontological perspective. Concepts of morality do not need to be evoked; he argues that research on children's protests of ownership violations reflect an emphasis on conventional rather than moral rules. Faigenbaum concludes by arguing that participation in rule-governed activities is sufficient to create mutual understandings about what constitutes fair exchange (per philosopher John Searle's "X counts as Y" rule). Developmental research demonstrates that fairness is an autonomous domain of experience that is fundamentally tied to institutions and cannot be reduced to moral reasoning proper.

DEVELOPMENT AND ADULT COGNITION

The final panel of the conference approached the topic of fairness from a predominantly psychological perspective. The major themes of the panel included the relative innateness of fairness reasoning, the cognitive precursors of fairness, and the importance of parochialism in moral reasoning. The talks also touched on the importance that choice and individuals' intuitions about possession play in considerations of fairness.

Elizabeth Spelke from the Department of Psychology at Harvard University ("Fair to Whom? Egalitarianism and Parochialism in Children") explains how the development of morality is compatible with the theory of core knowledge. In this framework, morality is not an innate, domain of cognition. Rather, the output of other core systems (such as those for detecting agency, or recognizing social partners) likely combine to form the basis of moral reasoning. Using this theoretical framework, Spelke and collaborators maintain the idea that, although they are opposing values, egalitarianism and parochialism are closely entwined. They question the

extent to which infants' and young children's tendencies toward fairness are constrained by in-group favoritism. Citing her recent work with Kinzler (2011), Spelke demonstrates that early in development accent and gender are highly salient indicators of group membership. Other markers, such as race, do not appear to form the basis of parochial tendencies until later in childhood: Infants (ten months) and young children (through three years) prefer and selectively share with unfamiliar individuals who speak with an accent that is consistent with their own social group, but do not favor unfamiliar others who look the same (i.e. are of the same race). That accent and gender trump race may point to an evolutionary legacy in which shared knowledge of unobserved phenomena could only be done socially whereby immediate, distinct, and unambiguous markers of group membership (like accent and gender, but not race, at least in early in development) become privileged. Spelke concludes that the roots of both egalitarianism and parochialism extend deep in development. Concepts of fairness and morality are built on core dimensions that are coupled with flexible learning processes, thus accounting for the expansion of these behaviors over developmental time.

Karen Wynn of the Department of Psychology at Yale University ("Social Judgments in Young Infants: The Good, the Bad, and the Ugly") also addresses the issue of parochialism in development. She hypothesizes that in infancy, fairness may be a question of deservingness rather than equality. This deservingness may be determined by group affiliation, but it may also depend on how infants assess the relative pro-sociality of another's actions. In a paradigmatic study, Wynn and collaborators presented infants with vignettes in which target protagonists are assisted or hindered in achieving a goal. Results show that infants in the first year of life prefer helpful others. Replications of this work demonstrate that by 21 months this preference translates to action, when infants selectively punish hinderers (by withholding rewards) and reward helpers (by sharing toys with them). Social evaluation is also evident in non-exchange relationships: by the preschool years children prefer to interact with peers who share similar beliefs. In summary, the proclivity to evaluate others emerges early in infancy. Such evaluations may occur along several dimensions, with infants showing sensitivity to the social behavior and social affiliations of others.. Such early evaluations may generate systematic biases that shape social interactions throughout development.

Samar Zebian from the Department of Psychology at the Lebanese American University of Beirut in Lebanon (“Distributive Justice Decisions about Land Ownership by Young Refugee Palestinian and U.S. Children”) also addressed the question of parochialism, questioning how deep such biases might run. Zebian advocates for the consideration of context in developmental research, citing her own collaborative work with Philippe Rochat on three- to five-year-old Palestinian refugee children growing up in conditions of poverty, dispossession, and uncertainty. Because narratives of these experiences tend to be inter-generational, one potential consequence is that Palestinian refugee children would be more sensitive than US children to cues regarding group membership (e.g., rich versus poor, cultural in-group versus out-group) as well as familiarity and parochialism (e.g., rich versus poor neighbors, rich versus poor in-group members). In her research with Rochat, children were asked to engage in distributive justice after witnessing vignettes in which pairs of protagonists argued over a highly prized piece of land. Results show that, overall, by five years children of both cultures demonstrated a generalized inequity aversion by favoring poor protagonists, even when the item of contention (land) was of greater cultural relevance to one party. However, results also show that, compared to same age US children, Palestinian five-year-olds are significantly more inclined to favor their in-group and override basic inequity (i.e., rich vs. poor). One interpretation of these findings is that material circumstances do not necessarily make children more equitable. However, Zebian offers a second perspective: rather than influencing the development of an aversion to inequity, material and cultural context may be of greater relevance to the formation and enhancement of in-group favoritism. Cross-cultural comparisons of children’s reasoning about land possession may shed further light on this tentative hypothesis.

Monica Capra of the Emory University Department of Economics, now at the Department of Economics of Claremont Graduate University (“Moral Wiggle Room in Economic Experiments”) challenged the assumption that “giving” behavior is motivated primarily by social preferences like altruism and fairness. Instead, when given the opportunity, many individuals actively seek to avoid situations in which they must choose to act more or less equitably, or in which there is pressure to act fairly. Evidence for equitable and altruistic behavior has largely come from dictator games, in which participants can only choose whether or not to share resources. Negative outcomes (such as reducing the wealth of another player) are not

possible in the traditional dictator game, and there is no possibility for participants to eschew the inherent conflict of deciding who should have what. Participants have only the option to share; the only question is how much. Capra argues that this paradigm is not ecologically valid and may bias players toward equitable behavior. In other words, expanding the choice set in the traditional dictator game may reveal selfish preferences that are otherwise occluded. In their modified dictator games that allow participants to be selfish and not to share, Capra and collaborators find that a sizeable number of individuals will not only refuse to share resources, but will actively take resources from a partner. Similarly, individuals will pay for the opportunity to have “moral wiggle room” – they will sacrifice their own material wealth to avoid making distributive decisions in which they feel pressure to be fair. These findings converge with those of Baumard and Zebian, both of whom advocate for the importance of contextual factors in decision making.

Philippe Rochat from the Emory Department of Psychology and organizer of the conference (“From Detecting to Creating and Evaluating “Sameness” in Development”) questions how early intra-psychic tensions in infancy may be at the root of the inequity aversion emerging in the preschool years. Rochat situates himself in the tradition of William James and others who consider the importance of both inter-subjectivity and “sameness” in our understanding of both the physical and social world. The detection of sameness characterizes many of our interactions with the world, from intermodal perception to contingent smiling with caregivers. This detection of sameness, Rochat argues, may be transposed later in life when children begin to understand possession. Sharing may first represent a challenge to create equivalency between individuals, only later taking on its moral and ethical overtones. Research by Rochat and collaborators suggests that by five years children across highly contrasted cultures are principled in their distributive justice decisions, sharing equitably between individuals. What varies across cultures may be the social dilemmas and contradictions that surround such sharing. Material equivalency may be at the heart of sharing, but this central conflict may be re-described and internalized by children to reflect the values of their developmental niche. Rochat agrees that parochialism and in-group favoritism are important factors in children’s moral development. The need to affiliate with similar others (to adopt a “like me” stance) may explain why

individuals can be *unfair* and why, as a species, we have developed unique ways of negotiating not only things, but also values.

Phillip Wolff of the Department of Psychology at Emory University (“Alienable and Inalienable Possessions across Languages”) builds on the theme of belongingness. Based on linguistic analysis, he argues that possession is at the core of both our self-concept and our relationships with other people. Some objects (e.g., body parts) and abstractions (e.g., family members) are viewed as inalienable, inherent and indivisible from their possessor, perhaps as a consequence of being perceived in close physical or social proximity to their owner. On the other hand, alienable possessions such as houses or chairs are less likely to be seen as “core” or central features of their possessor. Alienable objects are often seen as more transient and therefore exchangeable or transferable. Consequently, social conventions about property and exchange may be linked to this concept of alienability. Differences in the ways that inalienable/alienable are coded linguistically may therefore explain cultural differences in sharing practices, resource distribution, and even the concept of what is fair.

CLOSING REMARKS

Conference organizer Philippe Rochat closed the conference with a brief summation of the major themes and goals of the two-day event. He noted that across disciplines, there is concordance that far from being intractable, fairness is a concept that can be (and should be) approached with rigor. He emphasized the importance of interdisciplinary dialogue and thanked speakers for their insights and participation.

CONCLUDING THOUGHTS

Erin Robbins, Ph.D.

Emory University Department of Psychology and Spelman College

This report provides a narrative of the Fairness Conference that brought together a diversity of empirical and conceptual perspectives on the topic of fairness. Returning to a question posed early in the introduction, the importance of such a conference arguably lays in its timeliness and relevancy in explicating issues that interest scientists, humanists, and laypersons alike. Interest in social cognitive phenomena has increased exponentially in recent years, due in part perhaps to a greater commitment to interdisciplinary collaboration as well as to new and exciting methodologies that have opened a traditionally philosophic topic to scientific inquiry.

At the same time, public debates surrounding fairness and equity reached a fever pitch in 2012, particularly in the context of a collapsing global economy that began with the Wall Street meltdown several years prior. The parallel nature of these academic and non-academic discussions underscores the point that there is a more dynamic relationship to be had between those inside the ivory tower and those outside it.

In closing, we hope to convince you that the importance of fairness as a topic of scholarly inquiry lays in its inherent broadness. Its multiplicity of meaning opens the doors to a diversity of theoretical perspectives, and it is in the resolution of these perspectives that we may find a way to better understand its origins, expression, and institutional instantiation.

PROGRAM AND TALK ABSTRACTS

Thursday October 18, 2012

8:45 Welcome and introduction, Philippe Rochat

Psychology, Emory University

LAW AND CULTURE

9:00 Jerome Bruner, Keynote Speaker; New York University

The Ambiguities of Fairness

My presentation deals with fairness by exploring how its violation was handled both in ancient Greece as described in Aeschylus's Oresteia trilogy, and among the Trobriand Islanders as so vividly described in Malinowski's Crime and Custom in Savage Society. Reference is also made to the management of vengeance against unfairness in contemporary Sicily and their well-known proverb that "Vengeance is a dish that must be served cold." The major emphasis of my paper is on the nature and inherent ambiguities of the concept of fairness and its management.

10:00 Bradd Shore, Emory University

Fair Trade in Pacific Exchange Ritual? Why the Concept of Fairness Doesn't Quite Apply

While Pacific Islanders will profess pleasure or disappointment in the ritual exchanges in which they participate, the Western concept of "Fairness" doesn't quite make sense in the context of such Pacific Exchanges, despite the fact that Anthropologists' notions of reciprocity were developed in part through a consideration of Pacific Exchange systems. This is puzzling and this talk will try and suggest why fairness doesn't apply.

11:00 Michael Sullivan, Emory University

Fairness, Philosophy & Legal Pragmatism

There are many different ways in which we have come to understand fairness but it's not a stretch to say that philosopher's have typically set the bar quite high with respect to the regulative ideals that govern fair and legitimate institutions. While some legal and political theorists have been quick to caution us regarding the practical difficulties involved in realizing our ideals with respect to fairness, it is nonetheless hard to overstate the importance of establishing shared conviction that our institutions are, if not absolutely fair, at least the product of best efforts given the conflicting demands we face as a society. And, especially when it is difficult to realize our ideals, pragmatism suggests that we should all strive harder to hear the other side.

12:00 Lunch Break

ETHICS AND POLITICS

2:00 Edward Queen, Center for Ethics, Emory University

Fairness: Subjective or Objective, Envy or Equity

While nearly all of us would concur that fairness is a value, most also can hear ringing in our ears the plaintiff cry of a child or adolescent that, "It's not fair!" What is the basic understanding of fairness? Is it inherently subjective or can we ascribe some objective content to it? The critique of many theories of justice or fairness is that they inherently are driven by envy. This presentation will examine various understandings of fairness and attempt to articulate whether it is possible to construct a version of fairness that that is not driven by envy or purely subjective.

2:45 President Jimmy Carter, Emory University/Carter Center

Fairness and Equity in Politics and Human Affairs

3:45 Break

NEUROSCIENCE AND NEUROPOLICY

4:00 James Rilling, Emory University

The Neurobiology of Fairness

The neurobiology of fairness has been investigated in detail using a game theory paradigm known as the ultimatum game (UG). Using this task and a variety of neuroscience techniques, it has been possible to probe the neural bases of both fair and unfair decisionmaking, as well as the neural reaction to fair and unfair treatment. In particular, functional magnetic resonance imaging (fMRI), pharmacological and brain lesion studies have provided important information. These studies will be integrated to construct a neurobiological model of fairness. Finally, interventions that alter UG behavior, such as meditation, mood induction and reappraisal strategies, as well as their neural correlates, will be discussed and the virtue of such interventions will be considered.

5:00 Gregory Berns, Emory University

Neuroimaging of Sacred Values

Sacred values, such as those associated with religious or ethnic identity, underlie many important individual and group decisions in life, and individuals typically resist attempts to trade-off their sacred values in exchange for material benefits. We designed an experiment that used integrity as a proxy for sacredness and which paid real money to induce individuals to sell their personal values. Using functional magnetic resonance imaging (fMRI), we found that values that people refused to sell (sacred values) were associated with increased activity in the left temporoparietal junction and ventrolateral prefrontal cortex, regions previously associated with semantic rule retrieval. This suggests that sacred values affect behavior through the retrieval and processing of deontic rules and not through a utilitarian evaluation of costs and benefits.

6:00 Reception – Appetizers and cocktails on the patio

Friday October 19, 2012

COMPARATIVE PSYCHOLOGY AND EVOLUTION

9:00 Frans deWaal, Emory University

First- and Second-Order Inequity Aversion in Primates

A long tradition of research into the human dislike of inequity (inequity aversion, or IA) has been complemented by a relatively short tradition of studying the same response in other animals. Interpreted at a rather cognitive level, human inequity responses may have been considered unique, but this notion was challenged in 2003 by a paper entitled "Monkeys reject unequal pay" (Brosnan & de Waal). Subsequently, some have tried to categorize animal examples of IA as contrast or frustration effects, in which individuals react negatively to a reward of lower quality than anticipated. But contrast effects relate to what one has received in the past not to what others receive, so they represent an intra-individual process as opposed to the inter-individual phenomenon that is IA. Several carefully controlled studies indicate that nonhuman primates are sensitive specifically to what a partner receives compared to themselves. Moreover, the role of effort seems essential (just feeding primates rewards of different quality does not provoke the same reaction). The present lecture will discuss two levels of IA. Firstorder IA seems widespread in primates and also other species, i.e. a negative reaction to getting less than another individual for the same task. Second-order IA probably derives from the first, as a way of preventing it, and represents a general concern about reward distribution even by those who are being advantaged. This type has now been indicated in chimpanzees in two separate studies, suggesting full-blown IA in our closest relatives. I will discuss the hypothetical connection between these tendencies and the evolution of cooperation.

10:00 Nicolas Baumard, University of Pennsylvania

The Evolution of Fairness by Partner Choice

What makes humans moral beings? This question can be understood either as a proximate 'how' question or as an ultimate 'why' question. The 'how' question is about the mental and social mechanisms that produce moral judgments and interactions, and has been

investigated by psychologists and social scientists. The ‘why’ question is about the fitness consequences that explain why humans have morality, and has been discussed by evolutionary biologists in the context of the evolution of cooperation. My goal here is to contribute to a fruitful articulation of such proximate and ultimate explanations of human morality. I develop an approach to morality as an adaptation to an environment in which individuals were in competition to be chosen and recruited in mutually advantageous cooperative interactions. In this environment, the best strategy is to treat others with impartiality and to share the costs and benefits of cooperation equally. Those who offer less than others will be left out of cooperation; conversely, those who offer more will be exploited by their partners. In line with this 'mutualistic' approach, the study of a range of economic games involving property rights, collective actions, mutual help and punishment shows that participants' distributions aim at sharing the costs and benefits of interactions in an impartial way. In particular, the distribution of resources is influenced by effort and talent, and the perception of each participant's rights on the resources to be distributed.

11:00 Gustavo Faigenbaum, Universidad Autonoma de Entre Rios, Argentina

Three Dimensions of Fairness

The everyday life of children is saturated with rule-governed activities. Kids make promises, trade stickers, defend themselves before parental “tribunals,” and decide whether other children should be allowed into their playgroups. The common denominator to these different interactions is that they all involve institutions (in J. Searle’s sense). Based on philosophical theory and psychological research, we will argue that a) institutional experience shapes children's conceptions of fairness; b) the sense of fairness that emerges out of children's institutional practices can be analyzed into three different dimensions (inclusion-exclusion, hierarchy and reciprocity) and c) institutional fairness is an autonomous domain of experience that should not be confused with, or reduced to, moral reasoning.

12:00 Lunch break

DEVELOPMENT AND ADULT COGNITION

1:30 Elizabeth Spelke, Harvard University

Fair to whom? Egalitarianism and parochialism in children

As adults, most of us would wish for a social world in which every person has an equal chance to thrive. Nevertheless, we also value families, friends and communities that include some of these people but not others. What are the sources of these opposing values: are we inherent egalitarians who are biased by our experience to favor some people over others, or do we initially favor only our own narrow social groups and learn to broaden our horizons? Drawing on studies of human infants and young children, I suggest that both egalitarianism and parochialism have deep roots in human nature. Finally, I ask how an understanding of these roots might help to create both conditions that strengthen family and community ties, and conditions that foster collective actions for the benefit of all.

2:30 Karen Wynn, Yale University

Social Judgments in Young Infants: The Good, the Bad, and the Ugly

As members of a social species, we must evaluate the actions, intentions and affiliations of the people around us, to identify potential allies and potential foes and to adopt appropriate interaction strategies with different individuals. In this talk, I will present evidence that these capacities are vigorously operative even in young human infants. Within the first few months of life, we are already evaluating others by their social behaviors, affiliations, conflicts, and connections to ourselves and to each other. These assessments ground attitudes & behaviors that are adaptive to ourselves and beneficial to society, but they also generate systematic biases that can have negative consequences.

3:30 Samar Zebian, Lebanese American University

Distributive Justice Decisions about Land Ownership by Young Refugee Palestinian and U.S. Children

Palestinian refugee children may start to develop their sense and reasoning about territory and land ownership early on in life given that they live in contexts of poverty and in contexts where narratives of dispossession are not only a part of daily life but have been transmitted across generations. In this study we looked at how 3- and 5-year-old refugee Palestinian and American children distribute land among neighbors disputing over an unoccupied piece of land separating their properties. Children were required to make distributive justice decisions about 4 scripted scenarios that involved a pretend conflict between different types of neighbors (rich–poor; ingroup vs. outgroup; neighbors of the same material wealth and neighbors that were either poor or rich as well as ingroup members). Both 5-year-old Palestinian and American children showed inequality aversion, favoring the poor neighbor over the rich in their distributive justice decisions. This first finding suggests that being born into poverty does not make young children more sensitive to inequity, even if the object of dispute is of particular cultural relevance. However, a second main finding suggests that extreme circumstances potentially translate into enhanced ingroup partialities, when children are forced to choose between giving land to the poor or a member of their ingroup. These findings will be taken as a starting point to reflect upon the significance of extreme circumstances on distributive justice decisions, specifically how ingroup identity and narratives of dispossession might effect how Palestinian children reason about land.

4:15 Monica Capra, Emory University

Moral Wiggle Room in Economic Experiments

Behavior observed in widely cited economic experiments suggests that behavior is strongly motivated by social preferences, such as altruism and fairness. In this talk, I review findings from less known experiments that challenge the robustness of these results. In particular, participants seem to prefer situations where they have room to be selfish. It seems that situational factors are most influential in determining altruistic and fair behavior.

5:00 Philippe Rochat, Emory University

From detecting to creating and evaluating “sameness” in development

In the *Principles of Psychology* (1890), William James notes that the sense of sameness “is the very keel and backbone of our thinking”. The most reliable finding that propelled the recent wave of infancy research is indeed the fact that there is an innate sense of sameness within and across perceptual systems. The sense of sameness is the necessary condition for mental growth. It is also the cause of much social dilemmas and contradictions when it comes down to the establishment of equivalence in resource distribution, the determination of who deserves what and why. Across cultures, children tend first to self-maximize. By 5 years, they appear to overcome such tendency by becoming principled and showing clear signs of an ethical stance toward others. However, the intrinsically “unfair treatment” associated with individual self-maximizing, is somehow re-configured to become a universal propensity toward in-group favoritism. The projection and identification of self with a few others are the source of a universal, deeply entrenched propensity toward parochialism. Parochialism is, I will suggest, another expression of a basic affiliation need (BAN). William James (again) points to such need and propensity when he writes: “Our father and mother, our wife and babes, are bone of our bone and flesh of our flesh. When they die, a part of our very selves is gone. If they do anything wrong, it is our shame. If they are insulted, our anger flashes forth as readily as if we stood in their place.” (*Principles of Psychology*, 1890, pp. 280). I will propose that parochialism and in-group favoritism becomes, from the middle of childhood, a major cause of unfairness, an insurmountable obstacle to the achievement of equity. It is also the main reason why the quest for absolute fairness remains a vain quest, even though individual selfmaximizing tendencies become tamed in early development. Instead, always questioning what’s potentially unfair moves us toward a better approximation of what fairness could be. Such approximation is also what leads children in their development toward an open system of value negotiation with others, what I view as a major and unique trademark of our species (*Homo Negotiatus*).

5:45 Phillip Wolff, Emory University

Alienable and Inalienable Possessions across Languages

Our social position and sense of self depend on our relationships to other people and to objects. We define ourselves, at least in part, by our possessions. But what is a possession?

The linguistic systems of various languages may offer a partial answer to this question. Many languages, including English, distinguish between inalienable and alienable possessions. Inalienable possessions, such as a hand or a brother, are generally considered to be inherent to the possessor, while alienable possessions, such as a house or a chair, are viewed as less central, transient, and replaceable. Many languages also distinguish between socially dependent and socially independent possessions. Socially dependent possessions, such as land or a car, depend on social agreements and institutions whereas socially independent possessions, such as a body part or a pencil, largely do not. In this research, I examine how the notion of possession is coded in a number of languages and propose a framework for understanding the semantics of possession across different languages.

6:20 **Concluding remarks** - Philippe Rochat, Emory University

Co-sponsors:

Emory Provost Office,

Emory Cognition Project;

Emory Center for Mind, Brain, and Culture

Emory Center for Ethics