

Punishment of disrespect, psychological pain, and justification of violence

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Abstract: Many cases of violence are called “punishment of disrespect.” That is, they are claimed to be justified acts aimed at discouraging a certain kind of behavior – “disrespect” – which must be discouraged. In this paper I discuss the meaning of the word “disrespect,” some factors causing changes in referents of this word throughout evolution and history, and some causes and effects of the punishment of disrespect. Finally, I discuss the differences between material harm and pain, which is often cited as justification for this violence.

Keywords: disrespect, punishment of disrespect, psychological pain, justification of violence.

1. Introduction: some recent facts

On January 8, 2015, the humorist Facu Díaz was being investigated by a judge in Spain in relation to an allegedly irreverent joke comparing a Spanish political party with the terrorist group ETA (“Gómez Bermúdez”, 2015). The formal complaint against Díaz was filed by the *Asociación Dignidad y Justicia* (“Dignity and Justice Association”) and was based in art. 578 of the Spanish Criminal Code (see section 4).

The next day, January 9, in Saudi Arabia, Raif Badawi was flogged 50 times, the first in a series of 1,000 lashes to be carried out over a period of twenty weeks. Badawi was also sentenced to ten years in prison. Amnesty International considers Badawi a prisoner of conscience persecuted for the non-violent expression of opinions via the internet (“Arabia Saudi”, 2015).

According to several media outlets (e.g.: “El piropo”, 2015), the same day, Ángeles Carmona, a Spanish judicial authority, said during an interview in the radio that “nobody has a right to make a comment on the physical look of women.” She was speaking about “piropos”. According to a Spanish-English dictionary (Larousse, 1980) a *piropo* is a “compliment, amorous compliment, flirtatious remark [especially in the street].” According to the information provided, Carmona also said that the *piropo* “implies an invasion of privacy” of the woman, attitudes related to *piropos* “must be eradicated” and “there must be much more respect for the image of women.”

At the same time, the same media were providing widespread coverage of the repulsion against the terrorist attacks in Paris on January, 7, and the defense of freedom of expression, allegedly targeted in the attack on Charlie Hebdo magazine.

Many cases of violence are classed as “punishment of disrespect.” That is, they are claimed to be justified acts aimed at discouraging a certain kind of behavior – “disrespect” – which must be discouraged. In section 2 I try to explain what the word “disrespect” usually refers to and how disrespectful behaviors have changed throughout evolution and history. In section 3 I address disrespect to groups and its hallmarks. In section 4 I discuss some effects and causes of punishment of disrespect. Psychological pain is both an important immediate cause of punishment of disrespect – and many other types of

behavior – and an effect of these behaviors often cited in justifications of violence as a response. In section 5 I discuss the differences between material harm and psychological pain and the potentially misleading use of allegations of psychological harm to justify these acts of violence.

2. On the meaning of the word “disrespect”

Living beings are *designed* to try to obtain material benefits and avoid material harm in order to maximize the reproduction of their hereditary material. Many actions produce – by themselves – objectively measurable material benefits or harm. Other actions – or lack of action – do not, but can produce or facilitate material benefit or harm in the long run with the help of interpreting minds.

The word *disrespect* refers mainly to a kind of this neutral (not immediately materially harmful nor beneficial) behavior, or lack of behavior, that may be interpreted as providing information about the actor’s evaluation of others’ values, status or power, when these evaluations can be inferred to be less positive than others “deserve.”¹ Let us look at an example of a possible undervaluation, based on de Waal (1993).

Chimp B walks near chimp A. Chimps A and C see that B does nothing, except walk close-by. So they see that B does not make a specific gesture, and interpret (or react as if interpreting) that B believes A is not much stronger or powerful than him. This interpretation enables C to believe that if he joins B they can dominate A, something which can produce future material benefits for them both. This belief expedites C joining B and they both attack A, causing him immediate material harm and probable future loss of material benefits.

Chimp A is aware (or is designed to behave as if he were) of this possible chain of causes and effects. In certain conditions, such as believing he is very powerful and that many future material benefits are at stake, A experiments a state quite similar to the state called “anger” in humans, a state that physiologically and mentally readies one for a fight, and actually attacks B. If successful, this aggression will discourage both a joint attack on A by B and C and B walking near A without making the gesture.

(The human homologue of B’s [lack of] behavior is usually called “legitimate use of freedom” if approved and “disrespect” or “provocation” if disapproved. The human homologue of A’s anger is usually called “moralistic anger” or “moral outrage” if approved, and “bitterness”, “resentment” or “aggressiveness” if disapproved. The human homologue of A’s state leading to feelings of entitlement is called “pride” if approved and “hubris” or “arrogance” if disapproved. The human homologue of A’s aggression is usually called “punishment” if approved and “violence” or “aggression” if disapproved.)

In complex modern societies, the relation between disrespect and status or power is often not apparent. Here, *disrespect* is a fuzzy concept often said to be related to other

¹ A materially harmful action can also be disrespectful if, in addition to producing immediate material harm, is interpretable in the same way that harmless disrespectful actions are. For example, Miller (2001, p. 530) noted that “the indignation with which people respond to unfavorable outcomes (e.g. lower than expected salary offers) often reflects the fact that their prestige or status has been threatened more than the fact that their purchasing power has been diminished.” In this paper this evaluative component of materially harmful actions is included in the meaning of the word “disrespect.”

fuzzy concepts such as *honor* and *dignity*; however, such concepts relate to evaluations of status or power (Hobbes, 1983, chap. X; Nisbett and Cohen, 1996; Miller, 2001).

Dictionaries show this quite clearly. Definitions of *honor* and *dignity* may include words relating both to status (such as “intrinsic worth”, “rank”, “high rank”, “superior standing” and “privilege”) and to submission (such as “reverence” and “obedience”). And the word “fear” is sometimes included in definitions of *respect*.

The relation between disrespect and social hierarchies is also shown by the correlation of anger with disrespect and social rank. There is a high correlation between disrespect and anger (Miller, 2001). A reason for this is that anger prepares mind and body to fight (Ekman et al., 1983; Shaver et al., 1987; Roseman et al., 1994; Lerner and Tiedens, 2006), and punishment – be it punishment of disrespect or otherwise – may be similar to fighting, as the punished are likely to oppose the punishment. Insofar as anger is a state designed for fighting, well-designed individuals should feel more or less anger according to their odds of winning their fights, which depend on their strength or power. And, indeed, there is evidence that the experience and expression of anger depend on social rank (Allan and Gilbert, 2002) and valuable traits probably leading to high social rank, such as physical strength and attractiveness (Sell et al., 2009); and that angry faces express dominance (Knutson, 1996).

The meanings of gestures, vocalizations and words have changed (and will continue to change) throughout evolution and history. The set of referents for the word *disrespect* is no exception. For anatomical and physiological reasons, there are types of behavior that are well suited to express dominance or submission. For example, as larger individuals are usually stronger, a psychological association between size/height and power develops. Consequently, a shrinking posture is used to express the acknowledgment of having less power, i.e., to express submission, and an erect posture to express dominance. This association is present in the human species (Wilson, 1968; Schubert, 2005; Duguid and Goncalo, 2012; Stulp et al., 2012) and has probably influenced the meaning of words and expressions such as “Highness,” “haughty,” “highest,” “stuck-up,” “bow one’s head,” and “put one’s head down.”

Differences in anatomy and physiology and other factors in different species lead to differences in the typical way of expressing dominance or submission. History is one of these factors. For example, the invention of hats allowed people wearing a hat to appear taller, and in many cases this led to the wearing of a hat as an expression of power, removal of the hat expressed submission and not removing the hat expressed a lack of submission. People who think they deserve deference see the non-doffing of a hat as a “lack of respect” or “disrespect”. This is another example of a *lack of action* being disrespectful. Hobbes (1983, chap. X) cites a number of behaviors which convey disrespect, and also some absences of behavior, such as the failure to believe or to follow others’ advice. The English lexicon suggests that lack of submission must have very commonly been expressed via a lack of action, as “*disrespect*” and synonymous such as “*irreverence*” and “*disregard*” have suffixes expressing lack of something. This is also the case in Spanish and other languages.

Thus, evolutionary and cultural inventions able to express dominance and submission are a cause of change in the set of referents of the word “disrespect.” Another cause is the change in the distribution of power among different individuals and groups. The reason is that these changes lead to changes in individual and group hierarchies which, in turn, lead to changes in what each individual and group “deserves”: in our evolutionary past, rights depended on social status and we strongly conserve this dependence psychologically, even if real rights are now less dependent on status than many years ago (Cortizo Amaro, 2009, p. 175; 2014, chap. 6). To put it another way: “To ask people what acts they consider disrespectful and unjust is, basically, to ask them what they consider people to be entitled to from others” (Miller, 2001, p. 531). Inasmuch as power influences what people believe themselves to be entitled to from others, changes in the distribution of power must cause changes in the referents of the word “disrespect.”

A well-designed individual or group with growing power should, then, have an increasing set of elicitors of the feeling of disrespect. We should not expect already powerful individuals or groups to resign themselves to their actual status, rights, respect and honor if their power increases, as nonconformists can usually be expected to achieve a greater reproductive success than conformists. Conversely, a decrease in power can be expected to lead to feeling disrespect less strongly.

Aversive states such as anger and pain promote actions leading to their reduction; they thus tend to be experienced only whenever evolution and/or learning have led individuals to believe that the conditions that elicit them are changeable. Trying to change the unchangeable is not adaptive. As Alexander (1985, p. 256) states, “[w]e typically do not suffer pain when injuries *irreparable* prior to medical technology occur (e.g., object thrust into the brain, damage to the spinal cord).” Historical changes, such as those leading to prohibitions of slavery, alter what is changeable. People slowly or rapidly learn which conditions are changeable and tend to eventually adapt to no longer feel psychological pain in some conditions, or feel it in other new ones. As an example, let us look at a possible case of disrespect and psychological pain included in a report by the British Consul Roger Casement after a journey through the Upper Congo in 1903 (Casement, 2010, p. 116) (the white man of Mampoko and the Director are one and the same):

“One of his companions, who said he was called Bwamba, said two weeks earlier the white man of Mampoko had ordered him to serve as one of the bearers of his hammock, during a trip he planned to make inland. Bwamba was completing the construction of a new house, and used it as an excuse, instead offering one of his friends. In response to his excuse, the Director had burned his house, saying he was an insolent person. At home he kept a box of tissues and several ducks – all his possessions – which were destroyed in the fire. Then the white man ordered him to be tied up, took him inland, and only released him when it was his turn to carry the hammock.”

It can be hypothesized that the Director felt outrage, or “moral outrage,” and psychological pain, at Bwamba’s insolence. Bwamba’s proposal of replacement by one of his friends was a neutral but interpretable behavior, and perhaps the Director did not like the potential interpretations and so experienced these kinds of aversive states. Feeling

anger and pain in those conditions could be adaptive because something (punishment) could be done to avoid the repetition of those conditions. In contrast, nowadays feeling pain in those conditions would usually no longer be adaptive, and people no longer usually order others to carry their hammocks in the first place. This historical change was partially due to people like the Director learning that punishment of behaviors such as Bwamba's did not lead to better conditions but to worse ones.

Of course, it is not only the case that the elicitors of anger and disrespect in 1903 were different from those 30 years later. It is also the case that they were different from those 30 years earlier, when white Europeans were only just beginning to explore the region. From 1873 to 1933 Europeans' rights increased and then decreased, while black natives' rights decreased and then increased. The referents of the word "disrespect" changed accordingly.

Bwamba's case illustrates another important issue. In addition to being different in different places and times, the referents of the word "disrespect" depend on one's point of view. In 1903, Bwamba's hypothetical order to the Director to carry his hammock would likely be considered disrespectful, and the hypothetical Director's refusal to do it would not likely be considered disrespectful. This asymmetry is the logical result of the relation between disrespect and social rank.

3. Disrespect to groups

Historical changes in the groups with which people identify most are especially important causes of change in the set of referents of the word *disrespect* because the two historical causes of change previously discussed in section 2 are implied: the invention of new ways for expressing dominance and submission, and changes in the distribution of power (between different groups, in this case). For example, T. Bèze (as quoted by Barón Fernández, 1970, p. 33) describing the situation in Toulouse (France) during the first half of the sixteenth century, asserts that "the non-doffing of a cap in front of an image, or the failure to genuflect when the bell calls the people to prayer, or the eating of a single piece of meat on a forbidden day are reason enough to be accused of heresy."

The number of other humans that humans can meet can be relatively high. This poses the problem of how to know who are good potential cooperators and who can be safely aggressed. A partial solution is to rely on the possession of hallmarks previously found or believed to correlate with being a good cooperator (Moffet, 2013; Pietraszewsk et al., 2014) or a safe target for aggression. These hallmarks are both a cause and an effect of the formation of human groups (Cortizo Amaro, 2014, chap. 5, esp. footnote 198).

Hallmarks can be real objects or individuals (such as a cross or a leader), hypothetical entities (gods), concepts (human life, justice), behaviors (a certain gesture made with the hand or the arm), etc. They can be positively or negatively correlated to cooperation, to safe aggression (the Star of David on the clothes of Jews during the Nazi regime) or, most likely, to both. They can become hallmarks with (a flag) or without (a language) conscious awareness.

Being a hallmark is a matter of degree. The more one item correlates with cooperation and/or safe aggression, the more likely it is that the item becomes an important or high grade hallmark. People who strongly identify with their "groups" attach

great value to high value hallmarks. They may even say that a certain hallmark is sacred, meaning it has infinite value and cannot be the subject of trade-offs. (This assertion is difficult to believe from an evolutionary point of view, and there is empirical evidence to the contrary [Tetlock (2003)]).

Gestures and words related to hallmarks are interpretable. As people tend to identify with groups and, therefore, with those groups' hallmarks, people are expected to try to influence others to make desired gestures related said hallmarks and refrain from making undesired ones. This can be achieved via the use of punishment. That is, punishment related to disrespect for hallmarks can be explained in the same way as punishment related to disrespect for individuals, *insofar as* hallmarks represent groups and groups behave as individuals.

Disrespect to individuals and disrespect to hallmarks are similar in the fact that both ultimately have a lot to do with violence against competitors: animal and human social hierarchies originate from individual fights and estimations of the result of possible fights between competitors; and the “safe aggression” with which hallmarks can correlate may be, to a great extent, aggression against competitors. This relation between hallmarks and violence against competitors is especially clear in the case of invented hallmarks.

In the previous paragraphs I have referred mainly to non-invented hallmarks. But hallmarks can also be invented. That is, an item can, probably consciously, be proposed and adopted as a hallmark for a group. Hitler, for example, explained in his book “Mein Kampf” some of his thought processes leading to his design of the Nazi flag. And the biblical banning of working on Saturday was simply a test of loyalty, according to Hartung (1995). This means, if he is right, that working on Saturday was arbitrarily decided to be a behavioral hallmark signaling *out-group* individuals and insufficiently committed *in-group* individuals, for whom aggression is the convenient response (see The Bible, Numbers 15:32-36, for a response to an insufficiently committed *in-group* individual who was found working on Saturday. Also, according to the Bible, God arbitrarily decided that Adam and Eve's eating an apple was disrespect; referents for “disrespect to individuals” can, then, also be invented or decided by an individual, if he or she is powerful enough.)

There are, then, two reasons for asserting that the pain caused by disrespect has been decided. Firstly, all pain has been unconsciously decided, as I will explain in section 5. Secondly, which objects, behaviors or ideas are hallmarks that should especially be respected or, more generally, which specific acts are instances of disrespect may also be consciously or unconsciously decided.

Of course, people need not be aware of the relationship between disrespect and violence against competitors, nor of the fact that beloved hallmarks may have been invented for better directing violence against competitors: they may only feel anger and pain and react accordingly. Furthermore, being unaware of these relations can be advantageous for people who feel they have been disrespected as then they will show the external signs of anger and pain more sincerely and convincingly and will be afforded more recompense (Sinaceur and Tiedens, 2006; Hareli et al., 2009) or more acceptance of their attempts to punish the disrespect. As being unaware can be advantageous it would be

no wonder if it were, to some extent, unconsciously decided via the processes called “self-deception” (Cortizo Amaro, 2014, chap. 9).

4. Effects and causes of punishment of disrespect

Unlike disrespect, punishment of behaviors called “disrespect” can have immediate material consequences. For example, in Spain some cases of disrespect are legally punishable with fines or prison and in some countries blasphemy can be legally punished with the death penalty (see below, this section). Punishments usually also have psychological effects: pleasure for the punishers and their friends and pain for the punished and their friends. Pain and harm suffered by the punished and their friends and observed or inferred by others can lead to the discouragement of further disrespect.

Discouragement of disrespect has at least two effects. The first, not necessarily unimportant, is that possibly useful information about who are one’s enemies and who would disrespect if there were no dissuasion is lost. The second, usually important, is that, according to the meaning of “disrespect” as discussed in section 2, discouragement of disrespect leads to the conservation of the current social hierarchy or, more generally, the conservation of the current distribution of rights and duties.

The existence of punishment of behaviors classed as “disrespect” has another, more indirect, effect: it facilitates the abusive or deceptive use of allegations of disrespect as justification for myriad motivated violence (see below).

Conversely, if the punished and their friends think that the punishment was undeserved they may try to punish the punishers, and an escalation may ensue. According to Daly and Wilson (2003, p. 140), “originally relatively trivial altercations” intended to defend honor or status often end in murder. This happens to such an extent that they can be characterized as the chief cause of urban homicides in the United States and a major cause of all violence worldwide (Daly and Wilson, 2003, chap. 6). Cycles of retaliation between groups can be so damaging that both parties would like to put an end to it, provided a clever arbitration makes it seem that no party has been defeated (Daly and Wilson, 2003, pp. 253-256). Many wars have also been unleashed for reasons of “honor,” although this motivation is on the wane, according to Pinker (2012, pp. 261-262).

Finally, all these effects would lead, in a world of well designed individuals, to a future net material benefit (or avoidance of a future net material harm) for the punishers of disrespect.

It might be countered that the meaning of “disrespect” discussed in section 2 cannot be applied to egalitarian societies without social hierarchies where all individuals have the same rights and duties. I agree, if indeed this kind of society exists at all. In the real societies I know of, that meaning as described in Section 2 applies and punishment of disrespect favors the conservation of the social hierarchy, thereby benefitting high-ranking people. This happens even where punishment is imposed only in accordance with laws in so-called “democratic” countries, for three reasons:

First, laws can set a bigger punishment for disrespect for high status people than for others. For example, according to the Spain Criminal Code (“Criminal Code”, 2015) most defamations are punishable with fines (art. 209), but defamations of the king or his family may be punished with up to two years in prison (art. 490).

Second, and probably more important, the use of vague concepts in law such as “disrespect” enhances the subjectivity and arbitrariness of their implementation, benefiting the powerful (for instance, because they are aided by good lawyers and prosecutors). Governments and judges may even take advantage of this vagueness to abusively use laws for undeclared goals such as harming, threatening or eliminating political rivals.

Third, and also very important, laws can punish specific disrespectful behaviors that correlate with a minority or, rather, a powerless group. For example, article 295-B and C of the Pakistan Penal Code states that disrespect to Qur’an and Prophet Muhammad shall be punished “with imprisonment for life” and “with death, or imprisonment for life”, respectively. This code states nothing about the Bible, Jesus or Buddha, although art. 295-A states that unspecified insults to the religion or the religious beliefs of any class of the citizens of Pakistan shall be punished with imprisonment for a term which may extend to ten years, *provided* the insults are made “with deliberate and malicious intention”. This condition is not included in art. 295-B and C (“Pakistan Penal Code”, 2015). Article 578 of the Spain Criminal Code establishes that the undervaluation or disrespect of victims of terrorism and their relatives must be punished with one to two years in prison. This may be due to these persons being very important. However, it may also be due to the fact that those individuals most likely to dare to “undervalue” victims and their relatives belong to the Basque nationalist minority, as for many years most terrorism in Spain was carried out by the Basque nationalist group ETA. So, a perfectly egalitarian and fair implementation of laws can favor the powerful class who most influenced the passing of laws and curb minorities and powerless groups (Cortizo Amaro, 2015, sec. 6).

A well-designed decision maker should choose from among different options based on the probability of their effects and the resulting benefits. When choosing what to do in response to alleged disrespect, the effects are those previously discussed: conservation of the social rank, risk of retaliation, and so on. But people are not perfectly designed and make mistakes. So, we can say there are two kinds of causes of punishment of disrespect: the effects previously discussed (which become causes through evolution and learning), and design errors leading to wrong decisions.

As is the case with many other human behavioral tendencies (Bouchard, 2004), it is very likely that responses to disrespect are partially evolved responses and have a genetic basis. If this is true, it is quite plausible that current feelings about punishment of disrespect often do not match its current objective importance for future material harms and benefits. People may then, for example, implicitly overvalue the importance of gestures for maintenance of rights, or undervalue the risks of retaliation.

5. On psychological pain and justification of violence

When people aggress against others they risk revenge by the aggressed or their friends and potential defenders, or at least a loss of reputation. To diminish these risks they justify the aggression, that is, they say something intended to alter beliefs so as to get a less unfavorable response from others. A usually effective justification of aggression is the allegation that it is a punishment and that the punished have previously (aggressed and) caused harm. Once they know that this justification is effective, aggressors are

motivated to use it always although in many cases no previous harm can be discerned. The desire to allege harm where no harm can be seen may have led to a lax use of the word “harm” and help explain the success of the terms “psychological pain,” “psychological harm,” and “psychological violence.”

For example, Haidt et al. (1993) presented subjects with five *private* “harmless” “disrespectful or disgusting actions.” One of the actions was this: “A woman is cleaning out her closet, and she finds her old [American or Brazilian] flag. She doesn’t want the flag anymore, so she cuts it up into pieces and uses the rags to clean her bathroom.” 34% of adult subjects and 56% of child subjects said that the woman “should be stopped or punished.” Subjects were also asked “is anyone hurt by what [the actor] did? Who? How?” According to the authors, “[i]n the Flag story, 8% of adults said that the woman might be harmed, mostly through later guilt feelings, and 12% cited another victim, mostly ‘the country.’ In some cases, subjects personified the flag and said that the flag was harmed” (p. 618).

According to evidence reviewed by Gray et al. (2012), when people find a behavior immoral they usually feel that there must be an agent causing harm to a suffering patient; the results of experiments by Gray et al. (2014) support that the mental association between immoral behavior and harm is automatic and implicit. These results may be due to the usefulness of allegations of harm in justifications having been learned and internalized, or to evolution having provided us with a tendency to automatically search for harm when we would like a behavior to be punished.

Haidt et al. (1993, p. 615), explaining that public and private actions have different consequences, state that “burning a flag in public and wearing a bikini to a funeral are not purely conventional violations; they have second-order moral implications. Given the social significance of these acts, other people will be psychologically harmed, so these acts should be condemned by anyone with a harm-based morality.”

In an article whose title begins with the words “The myth of harmless wrongs in moral cognition”, the authors report (among others) two experiments comparing subjects’ reactions to “four ostensibly victimless but impure moral violations” and to “four harmful actions (sticking a stranger with a pin, insulting an overweight colleague, kicking a dog hard, beating one’s wife)” (Gray et al., 2014, p. 1603). The “insulting an overweight colleague” action consists of “[m]aking cruel remarks to an overweight colleague about her appearance” (p. 1615).

Neurologists and psychiatrists can describe brain and mental harms due to accidents, diseases and even extreme experiences, but these harms are not what Haidt et al (1993) and Gray et al (2014) – in the case of “insulting an overweight colleague” – refer to. Instead, perhaps what they refer to is psychological pain. I contend that conflating material harm with psychological (and even physical) pain has far-reaching consequences for the deceptive justification of violence. (Unless otherwise stated, I will refer to human pain.)

There are a number of important and interrelated differences between material harm and psychological (and physical) pain. An obvious one is that material harm can be objectively evaluated whereas pain cannot. For example, a physician can report to the judge that he or she had to administer ten stitches to an aggressed person. No analogous

report can be made about pain. As a consequence, pain can be much more easily deceptively alleged than material harm. Even the facial expression of physical pain has been found to be influenced by the presence or absence of caregivers or other individuals (Williams, 2002).

Physical pain evolved through natural selection as a way to prompt convenient behavior after the perception of actual or potential tissue damage. Psychological pain evolved as a way to prompt opportune behavior after the perception of situations likely leading to future material harm or loss of benefit (“Aversive emotions arise in situations when a loss has occurred or when the risk of loss is high”, according to Nesse, 2004, p. 1338). These facts have a number of consequences:

First, pain can occur without current or future material harm, as these words attributed to Mark Twain cleverly express it: “I am an old man and have known a great many troubles, but most of them never happened” (“Talk: Mark Twain”, 2015).

Second, both action and inaction can be a cause of pain (while only actions can be a cause of material harm). This is especially interesting in the case of psychological pain caused by disrespect, as the word “*disrespect*” seems to refer to a lack of something (see section 2).

Third, being materially harmed usually diminishes (prospects of) reproductive success while feeling pain usually increases it (people who are unable to feel pain do not usually live long: see Cox et al., 2006, for example).

Fourth, material harm can occur without human intervention, and when it happens with human intervention it can still happen without being decided or intended, whereas pain cannot occur without the intervention and unconscious decision of the individual who feels the pain. People cannot decide to be materially harmed by others, in the strange case they would want to. In contrast, people’s nervous system does (unconsciously) decide, in each case, to feel pain or not, or feel it to a greater or lesser extent. “The presence and intensity of pain are often poorly related to the degree of tissue damage” according to Williams (2002, p. 440). The correlation between psychological pain and material harm is likely to be much lower than that between physical pain and tissue damage. This relatively low correlation is due to physical and especially psychological pain not resulting from the perception of external or internal facts only, but from the interaction between it and other factors, an interaction known as “interpretation.” Thoughts are among the factors which influence the decision to feel pain as the existence of placebo analgesia clearly shows. As Marcus Aurelius (perhaps over-optimistically) wrote about psychological pain: “If you are distressed by anything external, the pain is not due to the thing itself, but to your estimate of it; and this you have the power to revoke at any moment” (as quoted by Ochsner and Gross, 2005, p. 242). Of course, thoughts influencing pain response can be mistaken, as placebo analgesia also shows.

This entails that the same external fact may be followed by pain in one person and not in another. Indeed, the same actions, such as bullfighting or a witch burning, can be a cause of pain to some people and a cause of pleasure to others. Apart from possible design errors, these different reactions to the same facts derive from different people having different and conflicting interests. The fact that different people’s pain (as well as pleasure) partly derives from conflicting interests leads to another difference between

material harm and pain. In a world inhabited by individuals with conflicting interests, avoiding material harm to a person never logically implies causing it to another person; in contrast, avoiding the feeling of pain in one person often logically implies favoring pain in another. For example, if person A wants to retaliate against B and is not allowed to do it, both B's pain and A's alleviation of pain are impeded.

Three conclusions related to the above discussed differences are important for understanding the justification of punishment. First, as material harm can be objectively evaluated, while pain cannot, the social acceptance of the punishment of allegedly or supposedly causing pain implies that punishment is partially dependant on capacity for deception (and an advantage for individuals and groups with a greater capacity). Powerless individuals and groups can even be said not to feel pain, and this facilitates aggressing against them. For example, Descartes and his followers famously defended that animals could not feel pain, and this thought facilitated experimentation on live animals without anesthesia (Singer, 1999, p. 248); and Gould (2004, pp. 88-89 and 137) cites a naturalist and an anatomist, John Bachman and Lombroso respectively, who in the nineteenth century wrote that black people were often indifferent to pain.

Second, causing material harm can be logically considered to be immoral. In contrast, supposedly causing pain cannot be logically considered immoral, unless action *a* and lack of action *a* may both be immoral (remember the cases of bullfighting and witch burning). This logical difficulty can of course be overcome by employing double moral standards. This again favors individuals with a greater capacity for deception.

Third, punishing individuals for causing material harm implies punishing them for their actions, that is, for the behavioral options they decided to choose. In contrast, punishing individuals for causing pain (in the case that it could be objectively evaluated) would imply punishing them for other's decisions, which have at most only been partially caused by the former's actions, or have at worst not been caused by the former's actions at all, as is the case with psychological pain in response to a lack of action.

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