

新学術領域「共創的コミュニケーションのための言語進化学」

公募研究：

言語進化と法進化の連動性研究：言語・道徳・法の進化と実証的『神経法学』

Do Chimpanzee Groups have “Law”?

If they do, should they be treated with more dignity?

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Can Chimpanzees, without Language, have “Law”?

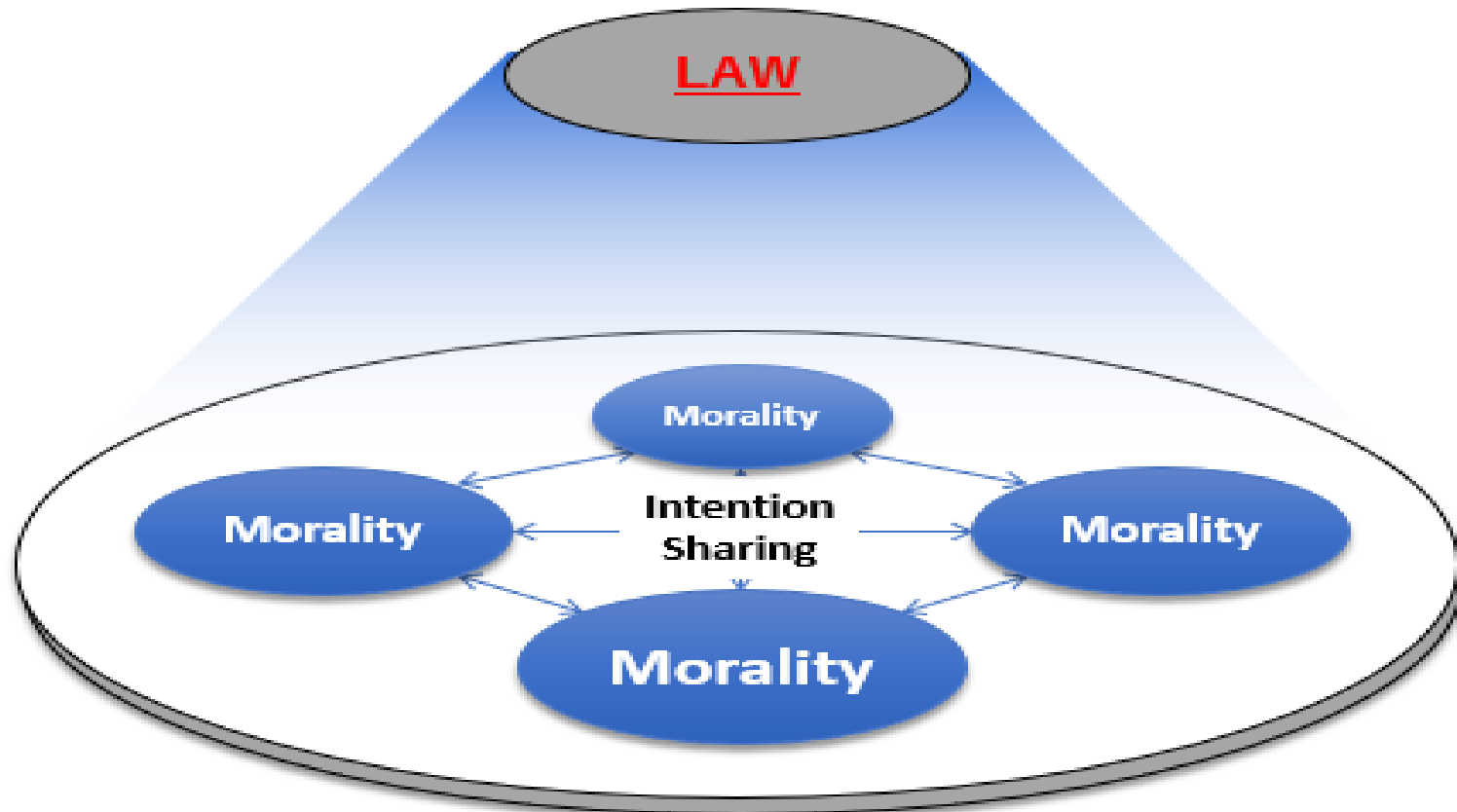
Definition of “Law”: a working hypothesis, for the purpose of finding law’s first evolution.

《(a) Set of group norms, (b) whereby violators shall be detected, and receive from (c) a third-party (d) punishment with (e) consistency. 》 [modified from Wada 2010; resembles Hoebel’s (1954), who postulated (b) and differed on (c)].

Does this “Law” exist only with *Homos*? Really?

(a) The “set of group norms” does not have to be written. It does NOT require *language*.

With *Homos*, “intention sharing” by solid communication, best done through language, should have let morality, “Group Norms” and eventually “LAW” evolve.



**Solid Communication produces
Intention Sharing; furthermore
Morality, Collective Norms
and Law could evolve**

Could these intention sharing, **morality** and **LAW** have evolved within chimpanzee groups, who have communications, but **NOT** language?

a) Definition of “Norm” in Recent Research

- Boesch & Tomasello (1998:595)

appa conditions for the establishment of norm(s):

1) free choice 2) convention 3) imposition

- Tomasello 2008: very often cited among recent research

“Our formula for norms, **at least in the case of communication**, then consists in mutual expectations about behavior and a concern for reputation plus pressure to conform to group expectations[...]”

(underlined by Wada; same below)

Despite the red limitation, this definition is cited very often.

N.B. the green part is linked with “indirect reciprocity”

- Most recent example: Schlingloff & Richard Moore (2017):

“an agent’s conception of the rule constrains her behaviour, constituting a reason for her to act in one way and not another. This is the idea of a norm. A norm is a rule that agents feel, in some sense, obliged to follow.” **(This paper casts strong doubts on the existence of “norms” among chimpanzees.)**

a) Definition of “Norm” (cont.)

Ironically, the most standard legal dictionary,

The Law Dictionary

Featuring Black’s Law Dictionary Free Online Legal Dictionary 2nd Ed.

provides a definition of norm as:

“A non stated set of guidelines which specify normal behaviour in a social context. **Social control and order are prevalent** due to **the pressure exerted on an individual** to conform to the **social norm, one which is expected from all members of a community from each other.**”

→ This definition postulates human communication with language [and (b) capability of “detecting violators”], but this could work with chimpanzees without language (!?).

c) Third-Party + d) Punishment

Fairly rich literature on “Third-party Punishment”:

e.g. Jordan et al. 2016: “Third-party punishment as a costly signal of **trustworthiness**,” *Nature* 530, 473-476.

N.B. again: if “trustworthiness” is (good) reputation, this paper can be interpreted as one on “indirect reciprocity”; where as the main paper does not use this phrase, several papers cited therein are on indirect reciprocity.

“Third-party punishment (TPP), in which unaffected observers punish selfishness, promotes cooperation by deterring defection. But **why should individuals choose to bear the costs of punishing?**”

→The presenter (Wada) believes that the emphasis is on <how to impose the norms upon other individuals w/i the same group, independent of the punisher’s own benefits>, besides **“indirect reciprocity”**

c) Definition of “Third-party”:

What and who?

The most common understandings among natural scientists and legal researchers is:

《1st party is the offender; 2nd party is the afflicted; and a 3rd party should be someone who is “unrelated” to both parties and yet punishes the offender w/o her or his own benefits》 ?

d) Definition of “Punishment”:

What should be given conditions, before a definition?

**Who should believe an act is a “punishment”?
The 1st party only? 2nd, too? Or the 3rd party? Or
with all the “Group” members included?**

**“Punishment”: again, most common
understanding among natural scientists and legal
reserachers would be: 《with ALL the Group
members included》, correct?**

**Then again, what is a “punishment” in
evolutionarily biological context? – Decrease in
“Inclusive Fitness” of the 1st party, the Offender?**

c) Third-party + d) Punishment?

Just like a) norm:

There are strong pros and cons in a heated debate!

Affirmative: von Rohr et al. (2012);

←→ Negative: Riedl...Tomasello (2012)

(both on chimps in captivity)

How to find the Evolution of Law?

A standard thought experiment: Do/can other “social” animals have “Law”?

First example to speculate on is *Homo*'s closest relatives: Chimpanzees and other Great Apes – Do/can they have

a) norms c) 3rd party d) punishment with e) consistency? [N.B. b) can be postulated]
→ **If yes, they have “Law”?**

a) Norms? Pros and Cons!

Affirmative: von Rohr et al. (2015); de Waal (Lecture in 2016)

←→ Negative: Schlingloff & Moore (2017)

(cont.)

Whereas, this is NOT the case with chimpanzees w/o language: many papers doubt that d) punishment with e) consistency exists among chimpanzees (or e.g. Japanese macaques; K. Onishi et al.).

Then: the Preliminary Conclusion:

As chimpanzees' (d) punishment is NOT by a (c) third-party and lacks (e) consistency, we should conclude that they do NOT have "Law".

Prospect and Prediction:

However, as deWaal's favorite saying goes, "Absence of evidence is NOT evidence of absence!"

If and when a group of chimpanzees who give (c) third-party (d) punishment with (e) consistency, **THEY DO HAVE "LAW"!**
We should just "wait and see."

The presenter (Wada) personally predicts: these will be found sooner or later, as future research covers more individuals/groups in different areas (and in captivity).

IF SO, THEN...?

When such group is found, chimpanzees would be the 2nd specie ever to have “Law”, next to *Homos*.

If that be the case, we must argue that chimpanzees (and possibly other great apes) should deserve more respect and be treated with dignity by us *Homo sapiens*.

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Evolinguistics: Integrative Studies of Language Evolution for Co-creative Communication



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**Thank you for your kind
attention!**

Any questions?