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Justice as an indicator of well-being in modern society

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Abstract

In this paper the authors state that justice, being common and traditional value appears to be defunct in the context of civil society. Justice by virtue of its ideal quality cannot be realized to the full extent, but it will always influence people's wish to live in good society, the practical realization of the principles of the theory of justice. In the following research the authors made an attempt to grasp the specific character of modern discourse of justice in general.

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1. Introduction

Perhaps the problem of determining theoretical grounds of justice is rightly considered to be one of the most acute topics in modern social philosophy. Even if we take a look at the history of development of society, one can find only few theoretical problems which made the mankind shake with fever at all stages of its development. This is why the problem of organization of just society is essential for classical antiquity, modern social philosophy and modern political theory.

Undoubtedly, only social philosophy should play an important role in maintenance of modern discourse of justice since only it is able to keep methodological unity between the opinion of justice and knowledge of it, between the theory of just society and practical application of the principles of this theory. And the purpose of this paper is to view the ways and means of application of the principles of the theory of justice in people's daily life.

The peculiarity of the idea of justice becomes apparent not only in inclination of different people to conceive it as a basis of their activity, but also in the fact, that researchers of various movements, such as religious, political, legal, philosophical, psychological and many others, reflected on it, discussed and tried to identify the essence of it. Philosophical discourse of justice is not defined unambiguously.

2. Theory

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All theorists indicate that the problem of justice is complicated and versatile. We can find this topic in all significant philosophical schools and in within the framework of basic philosophical movements, starting from classical Greek philosophy.

“Plato’s line” considered the priority of the general over the particular in the problem of justice and strived for radical reorganization of society on the basis of equality and justice.

According to “Plato’s line” the idea of justice proceeded from the advantage of a person’s individual right for justice over the rights which were claimed by the society and the government in relation to justice; they also suggested a moderate way of development as the most reasonable way of attainment of just organization.

The further development of the social-philosophical and ethical conception, from Middle Ages to the 20th century, proceeded actually on former point of view of debate between Plato and Aristotle.

The peculiarity of thinkers’ views of the Middle Ages on justice is in its theological interpretation, its reduction to divine justice. Justice proves to be fully separated from earthly social sphere, and this was one of the means of ideological justification of social oppression as something which was set by the God of justice. Injustice is viewed as a will of fate and in this interpretation it is the result of impiety, the result of wrong faith or divine trial. The most precise theoretical representation of this idea is found in the philosophy of Thomas Aquinas, who almost fully duplicates Aristotle’s theory of justice, bringing religious grounds to it.

Sometimes both lines combined, as in the ideas of the Italian thinker N. Machiavelli, but in most cases this or that thinker took his more pronounced stand, inclining to either Plato’s alternate approach to solution of the problem of justice or to Aristotle’s perspective.

Perhaps, Thomas More, Tommaso Campanella, and later Karl Marx, are the most outstanding adherents of Plato’s practice of justice. Each of them wrote a work or works, which became a kind of classic in this trend: More’s “Utopia”, Tommaso Campanella’s “The City of the Sun”, Marx’s “Capital”, and “the Communist Manifesto”. These thinker’s ideas found their reflection in practice of the so-called “real socialism” in the form of Soviet, Chinese, Yugoslavian and other models. In these models the way towards justice application was made literally straight: old social relations were cancelled as inappropriate to the principles of justice (private property was announced to be the main evil), and they were replaced by new relations based on public property.

In contrast to this, the way, proclaimed by Aristotle and reflected in social practice of “capitalistic” states proved to be, probably, the most relevant and efficient. The founders of this approach are such philosophers as Thomas Hobbes, John Locke, Immanuel Kant, Adam Smith and, lastly, Georg Wilhelm Friedrich Hegel. It was Hegel who managed to solve the classical problem of the correlation between equality and justice, which had been tormenting thinkers of Early modern period and the Age of Enlightenment.

The heart of the matter lies in the following question: what is justice – is it equality or inequality? Most probably, the answer must be the following: justice is equality and inequality at the same time, and the right combination of them is justice in the end: “the archetype of equality being the product of naturalistic formation of the mankind has a two-layer natural-social structure, with inner rather specific contradiction. The first, a natural layer, - is absolute, existing on the principle of actual inequality. The second, a social layer represents tribute, existing on the principle of actual equality. These heterogeneous layers of archetype of equality are combined into one by moral-cultural imagination of people, their wish and will to obtain justice, build it in the bearing constructions of their social existence” (Grechko. P.K., 1995).

The correlation of equality and justice should be actually reviewed on sort of two levels: the first level – justice as equality, the second level – justice as inequality. Justice, in this case, is a special form of “dialectic contradiction”: on the one hand, it proves to be equality in its initial, primordial basis, and on the other hand, it proves to be inequality in its concrete forms of manifestation. Apparently, the principle of equality may be reviewed, on the one hand, as an implicit premise of attainment of justice, and on the other hand, as an obstacle, which, probably, has to be passed around on the way to justice. It also may be put this way: equality is more obvious than justice is, but not every equality means justice, and, as Hegel noted, economic, political and legal inequality in some situations may to a greater extent contribute to attainment of justice than equality in its different forms.

Working out the theory of justice, it is necessary to admit the possibility of existence of four major projects of realization (practical application) of justice, if we connect the idea of justice with these or those ideologies: a conservative principle; a liberal principle; a socialistic principle; a communist principle.

A conservative principle of justice may be interpreted as a retention of “status quo”, i.e. of the current state of things. It acknowledges the present, existing at the moment organization of society as conforming justice. The organization of the society may be different: class, caste, meritocratic and so on and so forth.

The conservative principle in any case appears if not against all changes and reforms, then against all radical changes and reforms; at the same time the existing social system is acknowledged to be as the only accurate and reasonable one, the best of all public orders: “The theory is conservative inasmuch as it considers these institutes as given and invariable in their existing features; offers the ways to make them work more efficiently instead of making up their alternatives and it doesn’t picture any future which would be considerably better than the present one and those conditions which already exist; obviously or indirectly suggests to accept or reconcile with it, rather than fight against it” (Gouldner. A.W., 2003).

“Something existing is the best” – is the principle of conservatism, although the ground for this “best” may be either strictly rational or intuitive, - when appealing to some “originality” or “nationality”.

For instance, a well-known Russian thinker and politician of conservative movement K.N. Pobedonostsev grounded his opinion towards the Russian way in history as follows: “At depths of old institutions there is an idea, deeply true, coming out from national spirit, and even though it is difficult at times to identify and grasp this idea beneath great outgrowths, covers and forms, which envelope it and have lost their original meaning, but people will perceive instinctively and that’s why they firmly stick to the institutions in their usual form” (Pobedonostsev K.P., 1996).

If we apply this remark to the conservative principle of justice, then the principles of justice must be based on “the idea of national justice”, which is perceived intuitively. The idea itself must comply with religious pursuits and traditions of people. It is hardly possible that common to all mankind idea of justice, wrapped in the form of scientific or rational constructions, may exist from this perspective.

That’s because if we identify justice intuitively, then, first of all, we cannot prove to another person that our principles are solely correct, and secondly, we are unlikely to formalize these principles, and build harmonious and logically reasoned system of deductions.

The liberal principle of justice, unlike the conservative one, doesn’t acknowledge existing relations in the sphere of justice as the best ones, it considers that these relations should and must be improved, and regards maximum realization of civil rights and liberties as the major judge of this improvement. “When a person in the state is given more freedom this means that his rights are fulfilled to the full extent, this society has more possibilities to bring their ideals to life, including the ideal of justice”. But liberalism in modern conditions faces the problems with realization of its ideal of justice.

“Just society is a society which doesn’t thrust on its members certain values, aims and demands, but it creates a possibility for them to follow their aims on condition that they come to an agreement with everyone. That’s why principles which regulate liberal society do not assume the definite conception of welfare, they rest on right” (Chukin S.G., 2009). Then we face the “paradox of tolerance”, formulated this way: how a man, assuming existence of something morally dangerous, may abstain from using his power of influence on this something existing.

M. Sandel (1982), and mainly M. Walzer (1995) and A. MacIntyre (1981), the representatives of communitarian movement, mentioned the fact that sufficient ethical norms and values, necessary for the existence of any state, including liberal, cannot arise in the society living on individualistic attitudes. S.G. Chukin, the researcher of problems of Good society, insists on the fact that “disagreements on fundamental problems for society, such as death penalty, abortions, euthanasia, boundaries of social state, show that the main reason for these disagreements is misunderstanding of the nature of moral organization of a society” (Chukin S.G., 2009).

The root problem is that conceptual aim which considers “civic rights and liberties” as some guarantor of justice and besides quite acceptable for postindustrial western states, does not work out for developing countries, as well as for the countries, putting into practice postindustrial transformation. Most likely, this is because some external factors prevent realization of principles of justice. “It is not difficult to foresee this, if we realize that social injustice

is the state of things, arising when social and economic rights are given, i.e. laws are passed (very often democratically, on the parliamentary decisions) which outline social and economic rights without taking into account those consequences that they may have at the moment for basic, indirectly protected civil rights (right for health, education, etc.) in conditions existing in the country” (Kuchuradi I., 2003).

In other words, it is necessary to become aware that justice in society is the state of things, appearing when delineation of bounds of social and economic rights in this country begins to be identified by other factors, besides the demands stated by basic rights. Nevertheless, G.Yu. Kanarsh supposes that only the liberal way of application from theory of justice to practice to the full extent may be rational and scientific, and most acceptable in terms of postmodern project. Since this project affirms pluralism and a dialogue as leading principles of creation and application of the theory of justice in order to make it maximum obvious (Kanarsh G.Yu., 2011).

In this connection we may refer to Iehn Shapiro, an American researcher, who supposes that the modern theory of social contract, used by the liberal theorists (John Rawls, Robert Nozick, Ronald Dworkin) which is a modified version of classic natural contract, “basically ... rational venture ...” (Shapiro I., 2004). Apparently the researcher implies that the principles of justice are not so much the result of agreement of individuals as the result of calculation of certain kinds of interest, which must be known in advance, without any agreement.

Socialistic principle of justice comes out of the following maxim: “From each according to his ability, to each according to his contribution”. Such approach was quite popular in the 20th century not only in the countries which referred to “the socialistic camp”, but it was also used by the countries which are commonly called “social-democratic” controlled by the left(-wing) socialist or social-democratic party.

Indispensable element of the social principle of justice is its reliance on such model of justice where just decision is calculated, although the main idea if this calculation modifies in comparison with classic utilitarian approach of Jeremy Bentham: “In the Bentham’s utilitarianism Marx rejects its instrumental calculation and practical considerations; Marx strives for the improvident, ethical utilitarianism, where a person sincerely feels his duty to be useful for decent society” (Gouldner A.W., 2003). This scheme of calculation of justice was put into service in socialistic countries: justice was calculated on the basis of every individual’s “labour input”.

But at the same time it was considered that an individual as “a citizen of socialistic state”, being “conscientious” must strive to be disinterested towards the state and other citizens and try to get less than the state and other citizens gave him. Such approach was often supplemented with forceful compulsion, and even up to the use of “coercive” model of justice: the state acted as “the strongest subject”. This may be best illustrated by saying of Thrasymachus: “I declare justice is nothing but the advantage of the stronger” (Plato, 1994).

Even though “social-democratic” way of application of justice took into account utilitarianism, but it to a greater degree relied on the contract model of justice: citizens of the state had to “agree” what justice was, supplementing it with “anti-coercive principle” “justice is something which is the advantage of the weakest”.

The communist principle of justice means even more radical, and from the point of view of the present days, more utopian principle: “From each according to his ability, to each according to his need”. Communist principle of justice is the only one out of four principles, which has never brought about in action. However even merely from theoretical point of view the conversation about this principle seems to be interesting for us.

Communism was generally defined this way: “Communism is a classless social system with common nationwide ownership of the means of production, complete social equality of all members of the society, where productive forces based on constant developing science and technology grow along with comprehensive development of people, and all sources of social wealth pour and the great principle “from each according to his ability, to each according to his need” will be implemented. Communism is a highly developed society of free and conscientious workers with public self-government, in which labour for the benefit of the society will become the most essential need for everyone, conscious necessity and each person’s abilities will be used with most benefit for the nation” (Scientific communism: dictionary, 1983).

3. Conclusion

It is obvious to conclude from this definition that a number of conditions are necessary to put this principle into practice: public ownership on production goods, complete social equality of people, “all-round development of each

person”, “pouring sources of social wealth”, labour as “the essential vital necessity”, etc. The majority of them, however, from the point of view of modern social theory should be enlisted to the realms of phantasy. But, at the same time the communist ideal of justice carries in itself a big positive supply, meaning to some extent “the ideal of the ideal” for the previous three principles of justice. What is the harm if we “take the abilities of all-round and harmoniously developed person and distribute material welfare according to the needs, if these needs are reasonable and well-grounded”? Rationality, scientific character, consistency, morality, collectivism, solidarity included in the communist ideal, “genetically” joined with the right of choice of the type of property and together with freedom as a liberal institute, they may fully become the idea of future global principle of justice beyond any ideologies and social schemes.

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