

National Research University
Higher School of Economics

As a manuscript

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**PROBLEM OF JUSTICE IN POLITICAL AND LEGAL THOUGHTS
IN SECOND HALF OF THE XX CENTURY AND THE BEGINING OF THE
XXI CENTURY**

PhD DISSERTATION SUMMARY

for the purpose of obtaining an academic degree

Doctor of Philosophy in Law

Academic Supervisor:

Rodion Belkovich,

Doctor of Philosophy in Law

Moscow – 2022

The dissertation was written at the School of Theory of Law and Comparative Law of the Faculty of Law, National Research University Higher School of Economics (HSE University).

The full text of the dissertation is available at the official web site of HSE University: <https://www.hse.ru/sci/diss/>

Discipline: 5.1.1 – Theoretical and Historical Legal Sciences

GENERAL OVERVIEW OF THE DISSERTATION

Relevance of the research topic

The question of Justice is one of the main and "eternal" problems in the history of law and political philosophy. At the same time, we do not have one answer to the question of what justice is and how it should be embodied in social institutions. Every century, the greatest thinkers have given different answers to this question. Our time is no exception. Today, the discussion about justice is becoming more relevant every year. "It seems that, having reached the extreme point in its movement towards freedom, the pendulum again returns to justice as the main value"¹, argues Russian scholar in international relation theory Andrey Kortunov. Since modern Russia, deeply integrated into the world community, is also an active participant in this discussion.

However, in the Russian theory of state and law, many approaches to the problem of justice are currently poorly represented. The second half of the 20th century is known for the fact that a large-scale discussion about justice began in the academic community of the countries of the Anglo-American world, in which the largest legal theorists and political philosophers were involved. This process was caused by a comprehensive crisis of utilitarian ethical concepts, which dominated the academic discussion of the time. A special role in the development of a new theory of justice belongs to the outstanding American philosopher of the 20th century John Rawls. In 1971 in his main work Rawls outlined his view on solving the problem of social justice. After Rawls's work, contractual theories became relevant again in the academic community. It should be noted that the theory of justice formulated by Rawls had a strong liberal character.

Rawls' "Theory of Justice" caused an active discussion, which has not lost its relevance for today. Many outstanding scientists of the second part of XX century joined the dialogue, and the inclusiveness of the problem attracted philosophers, legal theorists, political scientists and economists to the topic. Such outstanding thinkers of our time as

¹ Kortunov A.V. Pochemu ideologicheskoe nastuplenie Dzhona Bajdena zahlebnetsya // Rossijskij sovet po mezhdunarodnym delam., <https://russiancouncil.ru/analytics-and-comments/analytics/pochemu-ideologicheskoe-nastuplenie-dzho-baydena-zakhlebnetsya/> (accessed: 16.06.2022)

Ronald Dworkin, Robert Nozick, David Cohen, David Gauthier, Amartya Sen, Martha Nussbaum, Thomas Pogge, Thomas Scanlon, Thomas Nagel, David Miller, Peter Singer and many others took an active part in discussion. Some scholars have proposed their original conceptions of justice, in one way or another substantiating or criticizing the provisions of Rawls's theory. This whole large-scale academic discussion can be called a discussion about "contemporary theories of justice." It is also possible to unite this entire discussion within a liberal paradigm in the broadest sense of the term: ideological, philosophical, political, legal, and etc.

A distinctive feature of the current discussion is that all the conceptions of justice proposed by the authors claim to be the universality of the basic political and legal values for any society. At the same time, today it is impossible to talk about existence such a universal theory of justice. For more than fifty years of the discussion in academic fields, despite some situational successes of one or another concept, the controversy around the problem of justice is still far from end.

One of the features of the liberal political and legal paradigm is its active promotion at the global level. The values of liberalism are postulated by its followers as universal and are being actively implemented around the world. Today there is not a single country on the planet that, to one degree or another, would not encounter liberalism as a philosophical, legal and political doctrine. Modern Russia is no exception.

At the constitutional level in Russia, liberal values are declared as basic for society. In political discussion in Russia, the issues of liberalism are the most important and painful. In particular, they are important for a large-scale discussion in law theory on the question "what is law?" that unfolded in the first decades of Russian history after the rejection of the socialist model of society. At the same time, Russian science has not yet been properly included in the discussion about liberalism and its various aspects. A striking example is the contemporary theories of justice, which have not been properly studied in Russia so far.

Some parts of this discussion, in particular, Rawls' "Theory of Justice" and his polemic with Nozick, are sometimes reflected in Russian science, then more modern

concepts, such as the "Capability Approach" by Sen and Nussbaum, are practically not studied. In addition, some specific, but no less relevant, questions in the theory of justice, such as "Global Justice", "Intergenerational Justice", "Environmental Justice" and others, still not studied by Russian scholars. Despite the narrower issues, these topics play a significant role in modern science and are very important for understanding the processes of world development.

Additional relevance to the discussion around contemporary theories of justice is given by the fact that the modern world is going through a dramatic period of global changes. And if in a number of sciences (for example, in the theory of international relations) the phenomenon of the ongoing and future reorganization of the world order is already being actively studied, then the theory of state and law, the history of doctrines of state and law, and a number of other legal sciences have not yet fully joined the current discussion. Meanwhile, the issues that the state faces today are directly related to the problems of contemporary liberalism and the numerous difficulties in creating a universal ethical, philosophical, political and law concept.

One of the significant stress tests for liberal theories of justice was the complication of "classical" theories by comprehending and incorporating new values into existing concepts (in particular, attempts to absorb communitarian ideas), or by complicating the theory caused by scaling up the problem and considering new issues, such as global justice, intergenerational justice and a number of others. Such stress tests, little studied by modern science, demonstrate an important dynamic in changes in theoretical conceptions.

For example, the issues of global justice that Rawls tried to solve in his later work "The Law of Peoples" essentially led to a radical revision of the main ideas of his original theory "justice as fairness". In order to understand the strengths and weaknesses of the theories of justice and try to predict their further evolution, it is necessary to explore the key theories of justice in dynamics. At the moment, there is no research in Russian science that considers contemporary theories of justice in this way.

Thus, the relevance of the research of contemporary theories of justice in the political and legal thought of the second half of the 20th - early 21st century is caused

by the fundamental nature of the issues raised and their fundamental importance for the analysis and criticism of the liberal tradition in legal thinking in general.

It should be emphasized that the issue of the principles of justice in the context discussed in this paper is primarily related to the problem of distribution resources in society. Thus, justice here is understood precisely as the so-called "distributive justice". In the simplest view, the question may sound like this: "Are there grounds to assert that a just human society should and has the right to redistribute resources belonging to individuals or their groups in favor of other persons or collectives?" A positive answer to this question, in addition, gives rise to a number of new problems related to the subjects of the relevant rights and obligations, mechanisms for implementing the principles of justice, methods for assessing the scale and limits of the necessary redistribution, etc. All these issues are considered in this research.

The question of distributive justice is not abstract, it does not belong exclusively to the sphere of speculative philosophy. Any modern state, in one form or another, actually already practices redistribution based on the tools of lawmaking and coercion. Thus, only the analysis of existing and the development of new theories of justice makes it possible to justify such practical activity, give it a scientific justification, and determine the boundaries of possible (or necessary) interference by the state (or other power institutions) in the lives of individuals. Otherwise, the social function of the state turns out to be nothing more than an individual outrage of specific power subjects.

The question of the principles of equitable redistribution becomes the more relevant in the context of the expansion of international integration processes - it forces us to rethink the categories of individual and collective rights, sovereignty, forms of national and supranational political organization.

It is in the issue of distributive justice that an exclusively interdisciplinary approach is required - it is obvious that here the issues and methods of theoretical jurisprudence are most closely intertwined with the sphere of scientific research of other social sciences, and above all - political philosophy. In this regard, the present research lies at the intersection of the subject fields of the theory of state and law, the history of the doctrines of state and law, and political philosophy.

The degree to which the research topic has been previously developed

Contemporary theories of justice in the political and legal thought of the second half of the 20th - early 21st century have not yet been sufficiently represented in Russian science. Nevertheless, there are significant studies, mainly focused on the ideas of individual authors developing theories of justice. There are rare examples of studies that consider several or more approaches within the framework of theories of justice at once, but nevertheless do not cover the entire range of scientific issues in this area.

One of the first works in Russian science exploring Rawls theory of justice is a dissertation study by G. Miniotajte, conducted in 1977.² The work is devoted exclusively to the Rawls theory and does not cover the discussion around his theory. In addition, it should be noted that the works that explore the liberal tradition, made in the Soviet period, have a specific ideological view and today it is required rethinking.

In the history of post-soviet Russia, one can find a number of dissertations and monographs mostly devoted to individual authors of theories of justice. As one of the first such research was the monograph by T.A. Alekseeva, dedicated to the work of Rawls and its decisive significance for the creation of an interdisciplinary theory of justice³. An important contribution to science can also be called the dissertation research of A.V. Chernyaeva, dedicated to the political and legal views of Rawls⁴ and the work of I.M. Churnosov, exploring the work of Ronald Dworkin⁵. These and a number of other articles⁶ and dissertations⁷ devoted to the work of individual authors of theories of

² Miniotajte G. Novejshie tendencii v amerikanskoj moral'noj filosofii. Na primere teorii spravedlivosti D. Rolza. // avtoref. dis. kand. filosof. nauk, M. 1977

³ Alekseeva T.A. Spravedlivost'. Moral'no-politicheskaya filosofiya Dzhona Raulsa. // M., 1992

⁴ Chernyaeva A.V. Spravedlivost' i zakonnost' v politiko-pravovoj koncepcii Dzh. Rolza. // dis. kand. yur. nauk, SPb., 2010

⁵ Churnosov I.M. Pravovaya koncepciya Ronal'da Dvorkina. // dis. kand. yur. nauk, M., 2014

⁶ Kanarsh G.YU. Spravedlivost' // Filosofskaya antropologiya. 2018. T. 4. № 1. P. 244-262; Kanarsh G.YU. Social'naya spravedlivost': sovremennaya istoriya idei // Gorizonty gumanitarnogo znaniya. 2019. № 1. P. 48-73.

⁷ Ignatkin O.B. Problema «liberal'nogo ravenstva» v koncepcii Ronal'da Dvorkina. // dis. kand. polit. nauk, M. 2006; Kulikova O.O. Problema social'noj spravedlivosti v spore Dzh. Rolza i R. Dvorkina. // dis. kand. filosof. nauk, M., 2005; Savseris O.A. Problema spravedlivosti v koncepcii Dzh. Roulza (social'no-filosofskij analiz). // dis. kand. filosof. nauk, CHita, 2007; Aitova G.SH. Novoe ponimanie spravedlivosti v epohu globalizacii: social'no-filosofskij analiz. // dis. kand. filosof. nauk,

justice are of considerable interest, but do not cover the whole discussion about justice that has unfolded in the world academic community.

Another group of russian studies is devoted to a wider range of issues by comparing various theories of justice with each other, and therefore is much closer to the topic of this dissertation. Among such works, it is necessary to note the monograph by G.YU. Karnash⁸, devoted to the study and comparison of the theories of Rawls and Dworkin, and the work of A.V. Prokof'ev⁹, in which the author pays special attention to the methodology and main categories in the approach which is mandatory for studying the issue of contemporary theories of justice.

A special place in Russian science is occupied by the dissertation for the degree of Doctor of Philosophy B.N. Kashnikov and his monographic study on a similar topic¹⁰. The author examines in detail the phenomenon of "liberal theories of justice" and compares the concepts of such authors as Rawls, Dworkin, Nozick, Gauthier. For today, the work of B.N. Kashnikov can be called the most significant and the most detailed in this area of knowledge in Russia. In addition, the author pays considerable attention to the comparison and criticism of contemporary theories of justice by such areas of political and legal thought as marxism, feminism and communitarianism. The topic of "The historical discourse of Russian justice" is also original in russian science. At the same time, Kashnikov's works, for all scale of themes, do not cover important stages in the development of contemporary theories of justice linked with the so-called "capability approach", had been developed such outstanding scholars of our time as the already mentioned Amartya Sen and Martha Nussbaum. Also, the modern utilitarian theory of P. Singer ("effective altruism"), which is directly related to issues of social justice, is not touched upon. In addition, separate areas in the study of modern problems of justice, such as "global justice" and "intergenerational justice", are not considered.

M., 2011; CHernyh S.N. Pravo i spravedlivost': edinstvo i protivorechie v social'nom processe. // dis. kand. filosof. nauk, M., 2011.

⁸ Karnash G.YU. Social'naya spravedlivost': filosofskie koncepcii i rossijskaya situaciya: monografiya. // M., 2011.

⁹ Prokof'ev A.V. Vozdavay kazhdomu dolzhnoe... Vvedenie v teoriyu spravedlivosti. // M., 2013

¹⁰ Kashnikov B.N. Liberal'nye teorii spravedlivosti i politicheskaya praktika Rossii. // Velikij Novgorod, 2004.

There are a number of notable researchers whose work was not also considered: Thomas Pogge, Thomas Nagel, Brian Barry, Charles Beitz, David Miller, Janna Thompson, Jörg Tremmel. In addition, in the course of his scientific career, Rawls significantly modified the original concept. Kashnikov's research takes into account Rawls' concept of "political liberalism", developed by him in the 1990s, but at the same time does not pay enough attention to the ideas contained in Rawls' final work – "The Law of Peoples".

There is different situation in Western science, where there are many studies devoted to contemporary theories of justice, which is understandable. Among the main works on this topic, one can single out the works of Brian Barry, Tom Campbell, James Sterba, Joseph Wellbank and other¹¹. Especially it is necessary to note the work of Will Kymlicka¹², dedicated to contemporary anglo-american political philosophy. In his work, Kymlicka devotes a significant place to study of problems of contemporary theories of justice, exploring the evolution of both egalitarian theories of justice and libertarian theories of justice. In his work, Kimlika gives a meaningful critique of all the theories of justice considered. At the same time, it should be noted that the capability approach of Sen and Nussbaum, as well as the problem of global justice and the problem of intergenerational justice, are also not taken into account by Kimlika in his work.

The object of research

The object of this study is the Anglo-American analytical tradition of political and legal thought of the second half of the 20th - early 21st centuries, centered around issues of social justice.

The subject of research

The subject of the research is the key ideas of contemporary liberal political and legal theories of justice. The subject of research is limited by the so-called. "liberal theories of justice", which does not involve the study of other areas of political

¹¹ Cambell T. Justice. // GB., 2001; Sterba J. How to Make People Just. A Practical Reconciliation of Alternative Conceptions of Justice. // NJ. 1988; Wellbank J.H. John Rawls and his critics: an annotated bibliography. // NY., 1982.

¹² Kymlicka W. Contemporary Political Philosophy. An Introduction. // Oxford, 2002.

philosophy of the same period associated with communitarianism, feminism, marxism and other key contemporary non-liberal social thoughts.

The goals of research

The purpose of the study is to systematize and classify the main modern liberal theories of justice, identify key stages of development and patterns demonstrating the evolution of these theories, as well as criticize their fundamental ideas.

The above goal is realized by addressing the following objectives:

1. Systematization of contemporary liberal theories of justice.
2. Definition of key provisions and identification of contradictions arising in contemporary liberal theories of justice in relation to issues of state and law.
3. Definition of the role of globalization in the contemporary discussion of theories of justice.
4. Description of the dynamics of the development of contemporary liberal theories of justice.

The methodological framework of the research

In the course of scientific research, the following scientific methods were used:

- Methods of formal logic, such as comparison, classification, systematization, analysis, synthesis, and a number of others, which allow us to give a detailed and structured presentation of modern liberal theories of justice, as well as the main ideas put forward within the framework of a particular approach;
- The historical-philosophical method allows us to establish the socio-cultural and historical background and context for the emergence of contemporary liberal theories of justice, as well as the theoretical foundations of researches of key authors who worked in this tradition;
- The historical-problem (problem-theoretical) method allows to focus on the central issue of this study, namely the "problem of justice", because, as noted by the Russian scholar D.I. Lukovskaya: "for all the multivariance of political and legal doctrines in their historical development, the most significant of them (i.e., mainly those

that are included in the subject of science) always retain a certain invariant idea, i.e., a semantic problematic “core”, around which various concepts in the past and "our" present are grouped. This makes it possible to single out the so-called “eternal” (cross-cutting) problems and topics in the history of political and legal thought”¹³;

- The portrait-individualizing method of research, as a kind of historical method, allows you to combine a chronological study of the development of contemporary theories of justice with an emphasis on specific personalities whose historical contribution to the history of ideas is significant;

- Comparative method, presented primarily in the form of comparative legal and comparative philosophical methods, which allow comparing the main theoretical approaches, identifying their similarities and differences;

- Specific types of comparative method are presented as a "synchronous comparative method", the essence of which is the study of various theoretical concepts in a certain historical period - in a "parallel" time¹⁴, as well as a diachronic comparative method aimed at "comparison, comparison in the" space "of the history of the studied theories for the purpose of their classification, typology, identification of common features and peculiarities in them”¹⁵;

- The original methods that exist within the tradition of analytic philosophy of the anglo-american scientific tradition, and above all, the method of "thought experiment", which, according to Amartya Sen¹⁶ exposition, is to 1) conduct a thought experiment that shows the counterintuitiveness of this or that principle; 2) identify more general principles that are in conflict with the principles of a lower order.

The sources used in the dissertation research

The main sources necessary to identify the main ideas of contemporary liberal theories of justice are the works of Rawls, Dworkin, Nozick, Singer, Gauthier, Scanlon, Sen, Robeyns, Nussbaum, Pogge, Nagel, Berry, Beitz, Miller. The works of these

¹³ Lukovskaya D.I. Predmet i metodologiya istorii politicheskikh i pravovykh uchenij. // Izvestiya vysshikh uchebnykh zavedenij. Pravovedenie. 2007. №. 3 (272), P. 209-210.

¹⁴ Ibid, P. 209.

¹⁵ Ibid.

¹⁶ Sen A. The Idea of Justice. // Cambridge (Mass.), 2009. P. 41-66.

authors contain both the ideas of independent theories of justice and criticism of other theories.

In particular, among the main works of the founder of contemporary liberal theories of justice, it is necessary to single out the work "Theory of Justice" (1971), which is quite well studied in Russian science, and the works "Political Liberalism" (1993) and "The Law of Peoples" (1999) that is practically not studied, but mandatory for a comprehensive assessment of Rawls's ideas.

A number of works by Dworkin that are important for this study are "Taking Rights Seriously" (1977), "Law's Empire" (1986), "Sovereign Virtue: The Theory and Practice of Equality" (2000), as well as Dworkin's article in 2 parts "What is equality? Equality of Resources" (1981).

Works by Nozick "Anarchy, State, and Utopia" (1974) and Gauthier's "Morals by Agreement" (1985).

Of the works represent of the capability approach, it is necessary to note the works of Amartya Sen " Inequality Reexamined" (1992), "Development as Freedom" (1999), "The Idea of Justice" (2010); Martha Nussbaum's "Women and human development: the capabilities approach" (2000), "Frontiers of justice: disability, nationality, species membership" (2006), "Creating capabilities: the human development approach" (2011). In addition, to well understand the capability approach, it was necessary to consider Thomas Scanlon's "What we owe to each other" (1998), which raises the question of plural and competing reasons for justice, and Ingrid Robeyns's "Wellbeing, Freedom and Social Justice: The Capability Approach Re-Examined" (2017), the author of which appeals to a conceptually unified framework for the capability approach.

The problems of the theory of global justice are represented by the works of the following authors: Thomas Pogge "World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms" (2002), Thomas Nagel "The Problem of Global Justice" (2005), David Miller "On Nationality" (2007), Simon Caney "Justice Beyond Borders: A Global Political Theory" (2005), Charles Beitz "Political Theory and International Relations" (1999).

The research literature is represented by the already mentioned works of B.N. Kashnikov "Liberal'nye teorii spravedlivosti i politicheskaya praktika v Rossii" (2004), A.V. Prokof'ev "Vozdat' kazhdomu dolzhnoe... Vvedenie v teoriyu spravedlivosti" (2013), G.YU. Karnash "Social'naja spravedlivost': filosofskie koncepcii i rossijskaya situaciya" (2011), T.A. Alekseeva "Spravedlivost': Moral'no-politicheskaya filosofiya Dzhona Roulza" (1992); I.M. Churnosov "Pravovaya koncepciya Ronal'da Dvorkina" (2014), R.YU. Bel'kovich i S.V. Vinogradova "Spasenie rolzovskoj spravedlivosti: sovместimo li bratstvo s principal razlichiya?" (2021).

Among foreign studies, it is necessary to note the works of Brian Barry "Theories of Justice" (1989), Tom Campbell "Justice" (1988), James Sterba "How to Make People Just. A Practical Reconciliation of Alternative Conceptions of Justice" (1988), Joseph Wellbank "John Rawls and His Critics" (1982), Will Kymlicka "Contemporary Political Philosophy: An Introduction" (2001), Mathias Risse "Global Political Philosophy" (2012), Kok-Chor Tan "Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism", Thom Brooks "New Waves in Global Justice" (2014), Kwame Anthony Appiah "Cosmopolitanism: Ethics in World of Strangers" (2006), John Alexander "Capabilities and Social Justice: The Political Philosophy of Amartya Sen and Martha Nussbaum" (2008).

The scientific novelty

This dissertation research is the first example of a comprehensive study of contemporary liberal theories of justice in the second half of the 20th century - the beginning of the 21st century in the Russian science of the history doctrines of state and law.

The paper for the first time proposes a systematization of the key areas of the theories of justice in the context of the problems of state and law, an analysis of the evolution of existing approaches over a period of about 50 years is proposed. The main prerequisites for the formation of contemporary theories are identified and the key stages of the development of views on the problems of justice are highlighted. The modern field of mutual criticism of the key competing approaches to the problem of justice is

revealed, a comparative analysis of the advantages and disadvantages of the corresponding theoretical models is presented.

The difficulties associated with expanding contemporary theories of justice to the global level ("the problem of global justice") are identified and analyzed using the examples of egalitarian theories of T. Pogge and J. Rawls, the "capability approach" by A. Sen and M. Nussbaum, as well as the concept of the "effective altruism" by P. Singer.

Key research findings and conclusions submitted for defense

1. The development of the discussion around the theory of justice within the Anglo-American scientific tradition in the second half of the XX century had a critical impact on the political and legal theory of liberalism, highlighting a number of fundamental issues, attempts at theoretical resolving of which led not to strengthening, but to the actual deconstruction of the liberal paradigm of thinking about law and the state.

2. Despite the fact that all the approaches considered in this study are usually attributed in the contemporary scientific literature to the group of liberal theories of justice, such an association is conceptually wrong. Since the 1970s, two approaches to understanding social justice have been formed independently of each other (egalitarian and libertarian), which in the strict sense cannot be considered as variations of a single liberal theory, since they represent directly opposite views on the nature and essence of social justice.

3. The conducted research shows that the very discussion about justice has exposed the uncertainty of the basic postulates of liberalism. The most sharp contradictions were revealed in the key issue of human rights, in particular, about the nature, content and boundaries of "negative" (defended by the libertarian tradition) and "positive" (defended by representatives of egalitarian approaches) rights. This allows us to conclude that at the present stage liberalism has lost the function of an effective explanatory model in relation to fundamental political and legal categories.

4. The emergence of new influential theories, initially developed outside the deontological philosophical tradition, and assuming the actual rejection of common ethical grounds (in particular, the "capability approach" by A. Sen and M. Nussbaum),

indicates not the development of the liberal paradigm, but on the contrary – its regression to the previous theoretical stage. This fact is confirmed by the revival of interest in utilitarian concepts, with the help of which modern authors are trying to overcome the crisis associated with the pluralism of ethical grounds.

5. It is established that the attempts of researchers to solve "the problem of global justice" by answering the question of what logic should be subordinated to the redistribution of benefits in the context of all humanity, led to an even greater fragmentation of liberal theories on the basis of their attitude to the category of sovereignty. The emergence of three approaches at once ("moral cosmopolitanism", "institutional cosmopolitanism" and "statism") indicates the absence of a unified understanding of the essence and functions of the state within the framework of contemporary liberalism.

6. The contradictory attitude of modern liberal theorists to the idea of universality of legal principles is demonstrated. If classical liberalism assumed a single system of values, the content of which was considered common to all humanity, then the tasks of substantiating modern theories of justice pushed individual authors (in particular, the key one for the entire tradition of J. Rawls) to the thesis about the particularity of the idea of justice, its rootedness in a particular culture and, consequently, the impossibility of its scaling on other ("illiberal") communities. Even the categories of human rights, the rule of law and other standard postulates of liberal theory in this reading paradoxically turn out to be only a private system of principles relevant exclusively to European and American civilizations. This indicates that a significant part of modern "liberal" theories have lost their connection with the historical foundations of liberalism.

The theoretical and practical significance of the dissertation

The theoretical and practical significance of the dissertation research is due to the scientific novelty of the findings. For the first time, a comprehensive study of the dynamics of the development of contemporary theories of justice has been conducted. A number of new concepts and categories have been introduced into scientific circulation. The results of the research can be used in reading courses whose subject area

is related to such phenomena as the state, law and society (theory of state and law, philosophy of law, the history of political and legal doctrines, etc.), as well as in the preparation of interdisciplinary special courses on theories of justice and Anglo-American political philosophy. The work can be a starting point for more highly specialized studies of individual issues of the theory of justice, as well as for generalizing studies on the history of analytical political philosophy. The findings of the study can also be used in the development of political and legal concepts, the preparation of bills.

The most important findings and conclusions of the dissertation study have been presented at a number of scientific conferences:

- (2018) Conference: “Dusk of Law. Dialogues about the Republic” (Moscow, Higher School of Economics); topic of the report: “Freedom as non-domination or freedom as a capability? Phillip Pettit and Amartya Sen's ideas about freedom”;
- (2018) Conference: "Utopian Projects in the History of Culture" (Rostov-on-Don, Southern Federal University); topic of the report: "The Realistic Idea of Justice by Amartya Sen and His Criticism of Utopianism in Contemporary Political Philosophy”;
- (2019) 26th International Vincentian Business Ethics Conference (IVBEC): “Ethics and Capitalism” (Dublin, Ireland, Dublin City University); topic of the report: "The Problem of Justice and The Capability Approach”;
- (2020) Conference " Utopian Projects in the History of Culture" (Rostov-on-Don, Southern Federal University); topic of the report: "Limitarianism: Utopia or Real Alternative to the Existing World Order?”;
- (2021) St. Petersburg International Conference on Inequality and Diversity (IDC) (St. Petersburg); Topic: “ The Capability Approach: From “Justice as Capability” by Amartya Sen to “Capabilitarianism”” by Ingrid Robeyns.

The structure of the dissertation

This work consists of the introduction, three chapters, the conclusion and the bibliography. The choice of the structure of the work is dictated by the logic of the research and is based on the goals and the set of objectives.

The introduction reveals the relevance of the topic of the dissertation, gives a description of the object and subject of the study. The analysis of the degree of scientific elaboration of the research topic is given and the presence of significant gaps in the existing scientific literature affecting the problems of contemporary theories of justice is substantiated. The main sources of the study are characterized. The provisions to be defended are formulated, the justification of the scientific novelty, theoretical and practical significance of the study is given.

The first chapter discusses the main modern theories of justice. A separate section within the chapter is devoted to each of the key areas.

Section 1.1 discusses utilitarian approaches to justice issues. Taking into account the fact that for more than 100 years utilitarianism was the leading ethical, political and legal doctrine in Anglo-American philosophy, but in the second half of the XX century lost its leading role as the foundation of liberalism, it is advisable to trace the evolution of utilitarian views since the XIX century.

Section 1.2 is devoted to the most important contemporary theory of justice – "Justice as Fairness" by John Rawls, as well as other egalitarian approaches within the framework of contemporary theories of justice. It was from the moment of publication of the Rawls' work "Theory of Justice" that it is considered to be the moment when utilitarian approaches finally gave way to deontological ones. This section discusses the key provisions and features of the theory of Rawls and his followers.

In subsection 1.2.4, the libertarian interpretation of the theory of justice is considered on the example of Robert Nozick's concept. Within the framework of deontological theories of justice, along with the Rose concept, a libertarian version of the theory of justice, represented by Nozick's concept, emerged almost immediately and became extremely popular. His theory was based both on a critique of utilitarianism and

on a polemic with Rawls' "Justice as Fairness". The section discusses the key features of Nozick's theory.

Section 1.3 is devoted to the consideration of the "capability approach" – the «youngest» theory that appeared at the turn of the 1980s-1990s. This theoretical approach arose as a consequence of the inability to resolve the controversy between egalitarian and libertarian deontological theories. Amartya Sen's attempt to resolve the stalled controversy led to the need to create a new theory as a kind of synthesis between deontological and utilitarian approaches. The section discusses Sen's criticism of deontological theories, as well as the main provisions of the "capability approach".

The second chapter is devoted to the consideration of the global interpretation of contemporary theories of justice, the so-called "problem of global justice". The logic of the chapter is determined by the fact that there are three main directions in the global dimension that generalize all existing theories: "moral cosmopolitanism", "institutional cosmopolitanism" and "statism".

Section 2.1 examines the relevance of the issue of global justice on the example of globalization and the emergence of a controversy about justice in the academic environment at the turn of the 80-90s of the XX century. Section 2.2. is devoted to the study of the category of "cosmopolitanism" as one of the determining factors in solving the issue of global justice. The section gives a brief description of the history of the concept, as well as how cosmopolitanism is understood by researchers of the problems of justice today.

Section 2.3 discusses the modern utilitarian concept of global justice – "effective altruism" by Peter Singer. Singer's work can be considered a new iteration of utilitarianism, which gained its popularity already in the XXI century. This theory can be attributed to examples of "moral cosmopolitanism". The section discusses the main provisions of the theory, Singer's criticism of "moral intuitions", as well as his attempt to substantiate and give the concept a global scale.

Section 2.4 is devoted to "institutional cosmopolitanism" on the example of the "capability approach" by Amartya Sen and Martha Nussbaum and the "cosmopolitan" version of the egalitarian theory of justice – the concept of Thomas Pogge. Subsection

2.4.1, devoted to the works of Sen and Nussbaum, is aimed at exploring the global aspects of the "capability approach", previously discussed in section 1.3, the "capability approach" was originally created by the authors as a concept not limited to the framework of a separate society, be it a state or some other community. Pogge's theory is an attempt to scale the basic ideas of Rawls' egalitarian theory to a global level. The section discusses the global aspects of the "capability approach" and global justice by Thomas Pogge.

Section 2.5 is devoted to the consideration of the "statist" approach to global justice on the example of the approaches of John Rawls and Thomas Nagel. The author of "Justice as Fairness" when working on the problem of global justice did not scale his theory to the global level. Instead, in his recent works, Rawls tried to substantiate the thesis that justice is a phenomenon of society on the scale of the state. Similar conclusions are contained in Nagel's concept of global justice, but with a different justification. The section of this study is devoted to the consideration of the main provisions of the mentioned concepts.

The third chapter of the study is devoted to the criticism of existing theories of justice and the study of the problem of pluralism of existing concepts.

Section 3.1 deals with the forced pluralism of theories of justice related to the unresolved issue of plural and competing reasons for justice. At the same time, emphasis is placed on the existing criticism of utilitarian, deontological concepts, as well as on the criticism of the "capability approach".

Subsection 3.1.4 is devoted to the consideration of the unresolved issue of basic human rights and freedoms. This problem is well known in the theory of law as the basis of a polemic that has been going on since the XIX century. In this study, this issue is analyzed from the point of view of contemporary theories of justice as one of the main factors causing competition between existing concepts.

Section 3.2 deals with the issue of "community" in modern theories. The communitarian critique of modern liberalism is considered, as well as the question of how the recognition of the rights of the "collective subject" modifies and fragments existing theories of justice, primarily at the global level.

In conclusion, the results of the completed dissertation research are summarized.

Approbation of the dissertation results

The theoretical provisions of the dissertation research are reflected in the author's articles in journals recommended by the Higher School of Economics (list D).

Main publications on the research topic:

- Balashov D.V. Amartya Sen's Idea of Justice // *Politeia*, 2019, No. 4. P. 25-38. 1,5 p.s.
- Balashov D.V. Limitarianism: Utopia or Real Alternative to the Existing World Order? // *Politeia*", 2020, No. 4. P. 53-67. 1,5 p.s.
- Balashov D.V. Distributive Theories of Justice: From Utilitarianism and Back // *Antinomies*. 2021. Vol. 21. No. 3. P. 7-29. 2 p.s.