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## DISCOURSES ON JUSTICE AND INSTITUTIONAL ACCESS MODES TO RESOURCES IN RUSSIAN SOCIETY

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### *Abstract*

The correction of policies in compliance with the principles of justice requires a closer study not only with regard to universal and rational principles of justice, but also in relation to historical and cultural characteristics of the understanding of justice, which are related to certain institutional conditions. The institutional approach to the study of justice discourses in the Russian society makes it possible to describe their peculiarities related to recent institutional transformations. The impact of the institutional setup on the understanding of justice is considered in relation to the peculiarities of regulating the access of different social groups to resources. The weakness of the mechanism of coordination of interests in the Russian history was compensated by excessive functions of state power, including in terms of the allocation of resources. Hence, we deal with the characteristic connection of justice first with monarchist ideas, and then with appeals to the highest power. In Russian classical literature and journalism, the definition of justice was based not on legal consciousness, but on ethical centrism and moral philosophy. The combination of institutional modes of limited and open access to resources is reflected in the combination of public administration redistribution and market competition. The combination of heterogeneous principles of regulation leads to public discourse of justice including highly contradictory and distracted understanding of its principles. However, a clear request is being made for a new understanding of justice typical for open access modes and primarily related to legal awareness and fair procedures.

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**Keywords:** Justice, institutions, institutional modes, equality, post-Soviet transformation.



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## 1. Introduction

In recent decades the issue of justice has been a significant factor in the development of modern societies (Sen, 2009). However, the approaches to the definition of justice in modern sociology remain rather contradictory. While Rawls (1973) derived justice from the social contract and the initially equal state of individuals, and Nozick (1974) – from the priority of personal freedoms, which contribute to the minimization of the state influence, Sandel (1982), in turn, considered it from the priority of public goals in the context of the need to reconcile adverse interests and claims. The controversy of Rawls's (1973) theory of justice clarified a variety of different opinions on this matter. Thus, the works of R. Rorty, who proved that J. Rawls did not base his opinion on universal human nature, but rather on individualism typical for American culture, states the problem of the possibility of universal bases of justice. Therefore, it is necessary to focus not only on the search for universal criteria, but also on the ways to justify justice in specific conditions. Berman (2008), who advocated a historical approach to the study of justice, also adhered to this position. The diversity of historical assumptions of justice is complemented by a variety of ideas on justice in different social strata and institutional spheres. Walzer (1983) linked conflicting multiple spheres of justice in the society to the diversity of perceptions of justice in modern heterogeneous societies. The ratio of distributive, procedural and interactive justice (Su et al., 2019), including during the transition period (Williams & Doyon, 2019), as well as inequality and variability of justice in everyday life seems quite attractive for study (Wang et al., 2019).

The diversity of justice discourse can be concretized within an institutional approach that describes the relationship of insights into justice to the institutional structure of the society. This approach to the study of justice discourses typical for the Russian society makes it possible to identify their correlation to institutional transformation and, in particular, to the peculiarities of access of different social groups to key resources.

## 2. Problem Statement

In modern Russian society, there is a clear contradiction between the increasing public demand for justice in various spheres of public life and the lack of sustainable public discourse of justice based on representation and harmonization of interests of different social groups (Rimsky, 2013). Public discourse of justice in Russia includes a very controversial and distracted understanding of its principles, which reduces the possibility of broad discussion of topical problems related to social development.

Justice discourses generally unfold around the problem of social inequality and relate to the nature of access of different social groups to resources. The life chances of the middle strata in modern Russian society become more dependent on the mutual conversion of available resources, which is presented by the interaction of the qualification resource with such qualities as financial behavior, interaction with social networks, lifestyle, health preservation. There is also a reproduction of class affiliation of people from the most educated families, while the belonging to the core of the middle class is related to the access to social and cultural capital. For example, most of those whose parents do not have higher education fail to join the middle class (Tikhonova & Mareeva, 2009).

In these circumstances, the study of the impact of institutional conditions on the development of characteristic justice discourses presents a particular interest. Namely, it seems interesting to address the differences in justice discourse depending on the institutional modes of access to diverse resources and the reproduction of social inequalities.

### **3. Research Questions**

The institutional approach to the study of justice explores how the ideas of justice relate to specific institutional conditions governing the access to resources. In particular, the question arises as whether the impact on the insights into justice can be attributed to the dynamic combination of market competition and public-administrative redistribution of resources typical for post-Soviet transformation.

### **4. Purpose of the Study**

The purpose of the study is to identify the characteristics of the justice discourse typical for the Russian society and their interrelations with institutional conditions of access of different social groups to key resources.

### **5. Research Methods**

The study of justice discourse is based on addressing it in the context of institutional modes based on open or restricted access to resources. Differences between these modes are based on North et al. (2009) works and on the study of Acemoglu and Robinson (2012) concerning the role of inclusive and extractive institutes in social development.

In restricted access logic, meaningful resources are monopolized, and open and legal competition for access to them is excluded. Restricted access is usually related to the logic of decreasing impact: the more participants, the less benefit can be derived from a resource that is not supposed to be increased in this case. Economic relations within institutional access modes are based on the concentration of resources of a narrow group of individuals and their centralized redistribution. Private property is poorly protected, and property relations are subordinate to power relations. Political systems in this case are characterized by high centralization and concentration of power. As a result of media control, an image of thought is maintained that contributes to the sustainability of extractive institutions. It can be assumed that in restricted access modes, the ideological rationale for justice is also limited, and alternative interpretations of justice are being displaced.

Institutional modes for open access to resources are characterized by strengthening inclusive institutions, ensuring equal opportunities and seeking to equalize life chances rather than living standards. The economy of such modes is generally based on private ownership, market exchange, competition and increasing returns (resources are used in such a way that their value and volumes increase with the inclusion of new participants). In the political sphere, open access is identified by the maintenance of competition, transparency of procedures, multi-party system, self-government and subsidiarity.

The study of the peculiarities of public justice discourse typical for the Russian society is based on the hypothesis that in the context of institutional transformation there is a combination of regulatory signs

typical for both restricted and open access modes. The mode of restricted access to resources in various spheres of social life is related to the focus on collectivism, egalitarianism and order. In the context of weak procedures for the reconciliation of interests the restricted access mode triggers the situation dominated by the rule of force. The distributive justice in these circumstances is more important than the procedural justice, the low value of which is compensated by direct appeals to the highest authorities. At the same time, the establishment of open access modes in certain spheres of the Russian society is connected with the growth of demand for the fairness of procedures and the development of ideas connecting justice with the focus on individualism, stratified inequality, freedom.

Research methods: historical analysis of justice discourses in the public sphere and analysis of institutional transformation of the Russian society, informal interviews with experts, analysis of previous social studies.

## 6. Findings

In Russian public discourse, the request for justice is quite regular. According to the frequency word dictionary of Russian (Lyashevsky & Sharov, 2009), the frequency of the use of the words *justice*, *fair*, *fairly* makes 42.4; 33.9; 15.7 respectively (ipm – instances per million words). This is significantly less than the frequency of use of such as *power* (435.6), but quite a lot when compared to the frequency of use of the word *equality* (16.3). The coefficient indicating the uniformity of the word *justice* is relatively high (94 out of 100). The issue of justice was developed primarily in Russian classical literature, philosophy and journalism, but it is curious that in the mid-20<sup>th</sup> century the word *justice* is more common for journalism than for fiction literature. However, it can be assumed that the appeal to justice in public discourse mainly refers to the sphere of due, but not essential. This may be indirectly illustrated by relatively low frequency of use of such words as *injustice* (10.3), *unfair* (12.4), *unfairly* (4.3), as well as the fact that various sociological surveys record a high level of assessments of the Russian society as unfair, but expect progress towards justice in the future. According to the survey conducted by the Russian Public Opinion Research Center (August 25–26, 2018, 1500 respondents), 65 % consider Russian society unfair and 62 % expect justice primarily from authorities.

The understanding of justice in Western European languages is related to connotations of the Latin word *justitia* (justice) going back to *jus* (law). For example, the English word *justice* denotes both fairness and justice. The link between law and justice in Russian is not so obvious. The etymology of the Russian word *justice* differs and goes back to the words *correct* (true, genuine) and *to know* (experience), which demonstrates the relation of the Russian word *justice* with *truth*. The understanding of *truth* in Russian culture has three main connotations. In gnosiological connotation, *truth* is understood as *veritas*, in social and political connotation – as *justice* and in moral and ethical connotation – as *morality*. In Russian classical literature and political journalism, the problem of complex and contradictory ratio of these three connotations is quite clear. For example, the Russian Philosopher Berdyaev (1991) wrote in *The Milestones* about the mistake of the Russian intelligentsia that “love for equalizing justice, for public good, for the folk good paralyzed love for truth” (p. 30). This contrast between *truth-justice* and *truth-veritas* is highly characteristic and reflects the essential features of justice discourse.

The modern use of the word *justice* is linked to both truth and law. In literary texts and conservative publishing, justice is used in more traditional meanings of truth-seeking, and the connection between justice and law is more clearly seen in modern liberal political discourse. However, the actual legal connotations in the understanding of justice in Russian tradition have been and remain relatively weak: the discourses of justice are based more on ethical centrism and moral philosophy, rather than on legal consciousness. This is explained by a number of reasons that are related to the features of institutional transformations of the Russian society.

Above all, such features include the sustainability of extractive institutions and a restricted access to key resources. Since the institutional procedures for reconciliation of interests have been hampered, the actors who control the access to resources have been able to assert their understanding of justice. Justice in the logic of the restricted access mode was understood primarily in the context of distribution and redistribution. An equalizing understanding of distributive justice was established in the 20<sup>th</sup> century due to relatively late and accelerated urbanization. The 1930s saw a rapid duplication of the urban population, and over the next three decades it doubled again. The “quasi-urbanized” mass with unformed urban culture migrated to cities and for several generations has been reproducing characteristic ideas of equalization-redistribution morality believing that if people spend an equal measure of time on socially useful work, their remuneration and quality of life should not differ significantly (Sogomonov, 2005). Hence the characteristic manifestations of envy that grow in mass consciousness due to the weak bond between labor and success.

The weakness of the mechanism of coordination of interests in Russia is compensated by excessive functions of the state power, including the sphere of resource allocation. Hence the characteristic connection of the search for justice first with monarchical illusions, and then with appeals to the highest power, which is usually personalized in Russia. However, giving the highest authority the functions of guarantor of justice in the context of weak institutional grounds of procedural justice created significant risks of social destabilization (for example, the collapse of the statehood in 1917 and 1991 was connected with clear assessments of the existing state structure as unfair).

The recent transformations led to a complex and dynamic combination of institutional regulators operating in restricted and open access modes in Russia. Late Soviet society was dominated by institutional principles of restricted access. But in some areas, there was open access to resources (such as education). During the institutional transformations of the 1980s–1990s, it was attempted to significantly expand the areas regulated in the logic of open access to resources. However, institutional failures and declining living standards became significant constraints on this trend. Since the late 1990s, there has been an adaptation to the new conditions of Russia’s characteristic basic institutions operating mainly in a restricted mode.

Despite the transformational processes, the modern Russian society maintains an understanding of justice typical for restricted access modes (in the context of redistribution of resources and equalization of living standards). Nevertheless, there is a clear request for a different understanding of justice related to the fairness of procedures (legal equity, open opportunities in the realization of abilities). According to the Russian Public Opinion Research Center (April 13–14, 2013, 1,600 people), 36 % believe that justice is “equality of all before the law”, 20 % – “that the standard of living of all would be roughly the same,

there would be no rich, no poor”, 13 % – “that everyone can achieve what is he/she capable”, 12 % – “that the position of each member of the society is determined by his labor efforts”, 11 % – “guarantees for the socially disadvantaged, social responsibility of the rich”. The answers of the respondents reveal a diverse understanding of equity – not only as an equalization of justice in the logic of the redistribution of benefits within the restricted access mode, but also of the fairness of procedures that support open access to resources.

The combination of institutional modes of open and restricted access to resources is determined by incomplete transformation processes, which is reflected in the combination of the logic of free market exchange with the logic of public administration regulation. This reflects the fundamental contradictions between the principles of restricted and open access, which go back to the contradictions that exist in basic institutions. These features explain both the blur of justice discourses recorded by social surveys, and the recent request for justice, which is clearly or implicitly present in public conflicts that generate protest sentiments and political connotations.

## **7. Conclusion**

The ideas of justice in modern Russian society is largely caused by both cultural characteristics manifested in the history of moral philosophy and classical literature and by the specifics of the institutional structure that determines, among other things, the nature of post-Soviet transformation. Economic development, changes in social structure, lifestyle and the new factors of social inequality are reflected in very vague and contradictory insights into justice. The problem of justice is complicated by the combination of the principles of the public administration model of governance and the new principles of regulation in the conditions of market competition. The combination of conflicting principles of social regulation leads to significant imbalances in the access to and distribution of resources.

The realization of the principle of equity is largely determined by contradictions in the understanding of justice in the distribution of life chances and is related to the orientation towards the needs and capabilities of different social strata. The low-resource and low-status strata, which make up a quite significant proportion of the Russian population, are dependent on state support. For this group, unequal access to resources is exacerbated by territorial disparities in the development of socio-economic infrastructure, education and health care. On the contrary, the strong resource layers are oriented towards the access to a variety of resources and high-quality services. Therefore, the achievement of equality of opportunity and life chances in the current environment requires state intervention and budgetary funding in order to open up opportunities for the vulnerable and to prevent the dangerous exacerbation of the problems of hereditary poverty. At the same time, it is the liberal logic of equal opportunity in a competitive market, rather than an equalizing understanding of justice that contributes to economic development and improvement of the quality of life. The erosion of the liberal understanding of justice in the context of a combination of market liberalization and state paternalism is eroding the rules of the game to establish unfair access to resources. Many of the pressing problems of implementing the principles of justice in these circumstances do not have clear solutions. Therefore, there is a growing need to develop a legal culture and legal awareness, to strengthen the institutional foundations of political representation and to harmonize the interests of different social groups and strata in order to better

understand the main factors of inequality and possible ways to achieve justice in the context of social transformations.

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