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WHAT IS THE IDEOLOGICAL JUSTIFICATION OF A LIBERAL WELFARE STATE? THE NORMATIVE ANALYSIS OF JOHN RAWLS' 'DIFFERENCE PRINCIPLE'

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Abstract. In this paper we aim to analyze how well the famous John Rawls' theory of justice provides ideological underpinning for the contemporary liberal democracies. We argue that Rawls while formulating his 'difference principle' did not clarify what he had meant by 'the least well off' and did not pay enough attention to natural primary goods, that entailed implications going against our intuitive conviction of justice, and which are hardly applicable in explaining any developments of social and political life. But we also argue that those implications are mainly the unavoidable consequences of the practical politics in the Western democracies, and it is plausible that seeing this Rawls purposely chose to formulate his argument in that way.

Keywords: *political ideologies, liberal egalitarianism, welfare state, public justice.*

ЛИБЕРАЛЬДІ ЖАЛПЫҒА БІРДЕЙ ӘЛ-АУҚАТТЫЛЫҚ
МЕМЛЕКЕТІНІҢ ИДЕОЛОГИЯЛЫҚ НЕГІЗДЕРІ ҚАНДАЙ? ДЖОН
РОУЛЗТЫҢ «ӘДІЛЕТТІЛІК ТЕОРИЯСЫНА» НОРМАТИВТІ АНАЛИЗ
ЖҮРГІЗУ

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Аңдатпа. Берілген мақалада Джона Роулзтың әйгілі «әділеттілік теориясы» қаншалықты деңгейде заманауи Батыс либеральді демократияларының идеологиясын түсіндіре алатындығына талдау жасалынады. Мақаланың басты аргументі бойынша, өз теориясының негізгі бөлімдерінің бірін, «айырмашылық қағидасын» әзірлегенде, «ең нашар позицияда орналасқан азаматтар» деген түсінікті жиі қолданып, оған нақты түсіндірме бермеу, немесе «адам үшін негізгі табиғи игіліктер» деген түсінікке аса назар аудармау, Роулз теориясының ниетті әрекеті еді. Нәтижесінде, Роулз қағидаттары бір-бірімен де, қоғамдық әділдік пен әлеуметтік саясат бойынша логикалық сенімдерге де қайшы келетін секілді. Алайда, мақала қорытындысы бойынша, Роулз теориясының осындай кемшіліктері болып жатқан саяси өмірді қарапайым тұрғыдан түсіндіруге мүмкіндік бере алады, демек Батыс әлемінің демократиялық саясатының кемшіліктері мен артықшылықтарын талдауға да әдістемелік құрал бола алады.

Түйін сөздер: саяси идеология, либеральді теңдік, әл-ауқаттылық мемлекеті, қоғамдық әділеттілік.

КАКОВЫ ИДЕОЛОГИЧЕСКИЕ ОСНОВЫ ЛИБЕРАЛЬНОГО ГОСУДАРСТВА ОБЩЕГО БЛАГОСОСТОЯНИЯ? НОРМАТИВНЫЙ АНАЛИЗ «ТЕОРИИ СПРАВЕДЛИВОСТИ» ДЖОНА РОУЛЗА

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Аннотация. В данной статье делается попытка проанализировать, насколько известная в социальных науках «теория справедливости» Джона Роулза может служить идеологической основой современных либеральных демократий Запада. Согласно основному аргументу статьи, Роулз в одном из ключевых аспектов своей теории, «принципу разницы», намеренно отказался пояснить что он имел в виду под определением «граждан находящимся в наихудшей позиции», и также намеренно придал мало значению основным естественным благам людей. Это приводит к некоторым противоречиям как в самой теории Роулза, так и в логических убеждениях о том какой должна быть социальная политика и публичная справедливость. Несмотря на такие несоответствия, один из выводов статьи концентрируется на все той же намеренной попытке Роулза сузить нормативные и практические рекомендации своей теории для того чтобы еще более проще попытаться объяснить политическую реальность.

Ключевые слова: политические идеологии, либеральное равенство, государство общего благосостояния, публичная справедливость.

1. An introduction: the difference principle.

It is generally well-agreed that, although published in 1971, John Rawls' theory of justice continues to be not just a normative bases, but it is still a reference guide on why the contemporary welfare states put so much emphasis on redistributing the tremendous amount of economic resources among all members of society in the form of generous unemployment benefits and universally free and high-quality healthcare system [1]. This is the reason on why liberal egalitarianism attracts so many intellectual debates on how justified the politics of Western democracies toward its own citizens is.

Rawls presents this justification as follows¹: not all inequalities are unfair, but only those that harm somebody. If allowing the wealthy and talented to exercise their incomes and talents helps to promote the well-being of the poor and disabled then we say that those inequalities are not unfair, because they are beneficial to all. If there are such inequalities, why do not allow them, hence they profit everybody. This is the argument for Rawls's conception of justice, which he calls 'the difference principle', the principle that ensures that people have a claim to be more wealthy and talented only if they can show that it is not going to make other people sacrificed, but instead will be to the advantage of the least well off. We can regard this principle as a sort of veto that the disadvantaged people can exercise if any of inequalities harm them, without improving their situation.

For Rawls it is important to have that veto, because the current distribution of income and wealth are predominately determined only by the fair equality of opportunity. Any inequalities in income are justified if in allotting advantageous positions and careers that yield those inequalities nobody was discriminated on the basis of their social class, race or gender. Unequal income is just regardless of whether it benefits everybody or only the holder of that lucrative position, because people's success is determined by their actions and efforts, not by social arbitrary contingencies, that are given from birth. The equality of opportunity ensures that any inequality is 'deserved', because we removed social circumstances that are unjust, from the distribution of income and wealth.

But Rawls notes that the fair equality of opportunity does not grasp all arbitrary factors, because being born into ethnical, religious or sexual minorities is equally arbitrary as being born with or without natural talents and abilities, which also in the same degree influence the distributive shares. The difference principle is the better way of dealing with those factors: both social circumstances and natural talents are equally underserved and "the higher expectations of those better situated are just if and only if they work as part of a scheme which improves the expectations of the least advantaged members of society" [3, p.65]. From our point of view Rawls is right that there are circumstances when we have to compensate the least well-off for the income inequalities. But there are cases when the difference principle works in a quite peculiar way that is far from our intuitive conviction of fairness. That is where we attempt to contribute to the discussions about the contemporary liberal theory

Methodology

We employ the normative methodology of political analysis to show that in fact, the Rawls's principle does entail unfair treatment of citizens, and this is because of

1 Here we briefly discuss the difference principle, without commenting on all points of the Rawls argument, like the 'original position' and 'veil of ignorance'. The useful and short manual on all aspects of a 'theory of justice' can be found in Jonathan Maynard's recent article [2].

his ambiguous definition of whom he considers to be the least well off.

The tools of analytic philosophy would be the most useful here, as the fundamental coercive apparatus of a state always derives its legitimacy from what persons think is morally permissible to do to one another. We all have some moral convictions including those that concern others, like the rules of personal conduct; other obligations are about public responsibility and are enforced through politics. The normative analysis strives to determine those obligations that set practical boundaries for the actions of political institutions. Therefore, applied politics is a matter of ideological justification, and this, in turn, is a matter of moral argument, which, in its own turn, appeals to our intuitive convictions of what is right and wrong. We all have reasons why we adhere to these convictions, and these reasons can be organized into systematic explanations of political life. A central aim of normative analysis, we see in evaluating these competing explanations to assess the coherence and strength of their arguments for the justification of their views. We schematically represent how we understand the entire enterprise of the normative analysis.

Figure 1. Normative analysis, as we see it in this study



In Figure 1, we can go either from left to right, or the other way around, but a logic here is that any political action that we observe in a real life is based on some intuitive and moral explanations. This is the reason why we decided to resort to normative analysis in trying to explain a liberal welfare state. More specifically, we improvise a sort of a thought experiment in which we exemplify both a simple life situation and the key pillars of the Rawls' argument. Then, in accordance with the normative methodology, we attempt to derive from this experiment any simple moral judgements. If the results fit our entrenched convictions of justice, then we deem the Rawls' theory as conforming to analytic philosophy. In light of negative results, we discuss in what way either our thought experiment or the argument can be rectified so as to yield any satisfying thought experiment.

In next section we apply this analysis to its most famous ideological justification – Rawls 'difference principle'.

2. Results: Critique of Rawls' argument

2.1. Ambiguous definition of the least well off.

Rawls implicitly says that his conception of justice aims to rectify only undeserved inequalities of birth and natural endowment, and people have to assume the responsibility for the inequalities if they voluntarily choose them. But does the difference principle would work in that way in practical politics?

The sizable body of philosophical literature criticize Rawls in the regard of his emphasis on income redistribution, which many see as an attempt to justify welfare dependence and to discourage entrepreneurial activity [4]. In order to simplify these debates, we suggest to make the following thought experiment. Suppose three people in the original position and behind the veil of ignorance have chosen approximately the similar amount of social and natural primary goods, meaning that they are from the same social background and have the same natural assets. One of them, Jack,

is a boozier, and wants to spend his share of wealth and income only to satisfy his needs in alcohol. Second, Robert, wants to work long enough only to earn money for renting basketball court and to play basketball with his friends at all remaining free time. Third, Jane, used her share of resources to pursue a college degree. It is obvious that Jack will soon get impoverished having spent all his money on alcohol, Robert will sustain his initial share approximately at the same amount, and Jane will come to increase her equal share of resources by using her college degree. Even though they all started with the same portion of natural talents and wealth, they chose different ways of using their distributive shares. But note that the difference principle would only permit the emerged inequality between Jack, Robert and Jane only if it is to the advantage of the least well off, that is, the government has to redistribute some of the additional income generated by Jane to less diligent Jack and Robert.

It is scarcely necessary to add that the reason why Jack chose money-losing drinking and Robert chose non-money making basketball is that they value those lifestyles more than money-making education as Jane did. All three of them chose to do the things that give meaning to their lives, and sometimes people themselves prefer to earn less than the others. Although we equalized arbitrary factors that might influence the distribution of wealth and income, redistributing the income of Jane means encouraging the indolent lifestyles of Jack and Robert. What constitute being 'the least well off' differs sharply among people, and some of them, like Jack and Robert might be in that position entirely by choice. We can see that sometimes the difference principle fails to treat people as equals, because now Jack and Robert can continue to do what they like to do, and Jane has to make more money with her college degree for herself and sponsor their leisure-time activities. There are no any justifiable grounds why they are treated unequally, even though the difference principle works and we have eliminated arbitrary factors.

Basing our judgement on the existing literature, we can say that the difference principle failed to fit our intuitive conviction of justice for two reasons [5]. First, Rawls wanted to mitigate the effect of inequalities in natural talents and social circumstances by making them work for the benefit of the least well. But in practice the difference principle simply forces any inequality to work for the benefit of the least well off. As we have seen some people willingly choose to be the least advantaged and it is far from being fair to make other people bear the expenses of those decisions. The fact is that not all inequalities stem out of the differences in our social background and natural talents, but some of them stem out of the differences in persons' plans of life. Equal treatment means that people be responsible for their plans of life, and even though Rawls admits it, his difference principle does not make any such distinction. We believe this is so because Rawls did not specify what constitutes being the least well off, which made it impossible for his principle to differentiate between any inequalities.

There are other similar critiques of Rawls [6]. Although Rawls says that inequalities of birth and natural endowment are undeserved, but can such capacities as diligence and hard-work be counted as natural advantages? Someone from poor working class without having any considerable natural talents might earn a bigger fortune than others entirely by his own efforts and hard work, as Jane in our previous example did. Note that she, Jack and Robert all had the same background and none of the arbitrary factors influenced their emerged unequal incomes. Some people might say that constant and earnest efforts in pursuing goals are the same as having

a high IQ, while the others might say that it depends purely on the willingness of the pursuer. In any case, if Rawls clarified whether the diligence in pursuing goal is going to be counted as a natural talent, it would be clear what he meant by being the least advantaged. Otherwise his difference principle is going to minimize the justifiable outcome of our efforts and actions.

As has already been mentioned, the curious part of the discussion above is that it reflects exactly the content of the contemporary political debates in the legislative assemblies in the developed countries regarding the rationality of the extremely large portion of budgetary resources devoted to social services, like universal and free healthcare, high education, public pensions and social insurance [6]. The provisions of covering everybody, in essence, allows the civil society to feel safe in case of any economic upheavals in the form a reduction of a labor market or the associated pandemics of some diseases. From one hand, this naturally leads to the decrease in poverty levels. But on the other hand, this results in the fact that certain parts of the general population can also feel safe not to bother with the thoughts over sustaining themselves as the government generously provides welfare benefits to everybody, just exactly as Jack and Robert felt in our thought experiment. In the practical politics, the phenomenon that we attempted to simplify via normative analysis, is known as the welfare dependence, and it is often heralded as one of the biggest shortcomings of economically developed democracies. While Rawls' argument, in an attempt to support the normative logic above, turned out to be so influential that it is still referenced to in the practical debates, it is not hard to see the disparities within its logic. In the section on discussions, we will go back to this issue to check the further implications of these shortcomings for practical democratic politics.

2.2. Inadequate attention to natural primary goods.

Rawls says that people behind the veil of ignorance need to choose two kinds of primary goods in order to lead a meaningful life:

“Social primary goods: rights, liberties, opportunities, income, wealth, etc.

Natural primary goods: health, vigor, intelligence, imagination, etc” [7, p.54].

And the difference principle ensures that the one who gets the worst allocation of those goods would receive compensation for his inequality.

As has been pointing out recently in the mainstream literature, Rawls' implication that social and natural primary goods are equal in their value is inadequate [8]. If the original position yielded for us two people with the same share of social goods but one being handicapped, another was not, we would normally regard the first one as being highly disadvantaged, even if the difference principle kept transferring some income to him to compensate for his inequality. They are not treated equally in any case, because healthy person still can use his proper health to earn more money, a chance that the disabled is lacking.

Or, putting it in another way, extra money can help buying medication and recovering from some illness, as well as health technologies can make it easier for the disabled to move. But simply being healthy with the ability to move on your own are still more important, and many people would actually say that none of the money rewards can compensate the absence of that ability. They would say that being healthy is in every aspect is better than being handicapped, regardless of the compensation received. It is a common logic that it is better to be poor but entirely healthy, than to be extremely rich, but mentally or physically ill. In short, natural primary goods are of much more importance for people than the social ones, or in

fact they are even incomparable. But Rawls still considered them as being equally valuable in determining who is the least advantaged.

We can see an inadequate attention of Rawls to natural primary goods in his description of the ways by which the difference principle works. He provides an example of the entrepreneurial class and the class of unskilled laborers and says that the acts of the former incentivizing the economic process and accelerating innovation have to at least contribute to the welfare of the more unfortunate (that is, unskilled laborers), because there is no more reason to permit the unequal distribution of income to be settled by the natural assets than by social and historical fortune [9]. Rawls repeats the same idea several times while describing the difference principle, and his particular emphasis on the distribution of income and wealth makes us think if he actually has defined the least well off only in the units of social primary goods. If it is so, then it explains why the less diligent citizens under Rawls's conception of justice can get benefit without working for it, because as we have said some people voluntarily choose to possess less wealth and income. But that would be a very narrow definition of the least advantaged, since simply being healthy is more precious for many people than suddenly getting the large fortune.

From our point of view those are the normative shortcomings of Rawls's argument for his conception of justice. Even though Rawls did not say it explicitly, we can guess that he had used only social primary goods while deciding who might be the least advantaged, which caused the difference principle to work in a way highly inconsiderate for the hard-working citizens and naturally handicapped. Are there any normative ways to rectify his argument? Before starting the search for the better one, we suggest to consider even further the possible implications of his argument as it is given and try to guess why Rawls might have chosen to construct it in that way and not in the others.

3. Discussion: any ways to rectify the argument?

As it was mentioned before, Rawls invented his difference principle as to make the expectations of those to whom the distribution of natural assets and talents was the most advantageous to at least contribute to the welfare of those to whom that distribution was the least advantageous. But can we in the real life determine what those advantage and disadvantages that might influence the further distribution of wealth and income are? This point stems out of the thought experiment on Jane, Jack and Robert. One of the most important things that people seek to do in their lives is to develop their skills and talents as much as they can, as Jane did. The motivation for that might be either the desire to make more money or the simple satisfaction of progress. But the fact is that people born with different natural capabilities and of varied social background can at some point of their careers end up having approximately the same knowledge and expertise, as well as people starting with the same talents can later found themselves having different levels of skills. Having that motivation to develop skills is of course a big advantage, but the common logic tells us to exclude it from the list of natural assets that need to be compensated, since some people can voluntarily choose not to work hard enough. Therefore we would say that the least advantaged is not a lazy citizen, and the difference principle should be applied only against those who made a fortune by way of their natural endowments, but not efforts.

But what if some people were born with superior natural talents and developed

them further, should the difference principle be applied against them? The outcome would represent both unequal starting position and unequal efforts, and we have to somehow differentiate between them if we want to apply the Rawls's principle and in the same time exclude the hard work from the list of natural endowments. But the point is that there is no way for us to do that. We can provide people with the equality of opportunity and freedom from discrimination, but we can never know whether all people are making enough use of those rights and liberties to improve their lives [10]. There is no dimension measuring how much efforts have been put to the endeavor to achieve the goal. Only the outcome of that endeavor can be such a measurement. If someone achieved a success in something, we say that it was due to both his efforts and talents. It seems that the diligence is indistinguishable from natural assets. We want to exclude the former from the latter, but in practice we are pushed to admit that the ability to work hard is a natural endowment too.

Even if we put away for a while the considerations over the hard work, it is still not clear what sort of natural advantages might influence the distribution of wealth and income [11]. That seems would be highly dependent on what skills people need to achieve their goals in life. For example, in the past such physical characteristics as strength and dexterity were indispensable requirements for nearly everybody, but now we value the mental talents, like mathematical reasoning and critical thinking much more. Any skill that gives an advantage in almost anything can potentially be considered as a natural asset, and a standard by which we judge different skills changes constantly.

Moreover, the differences in natural talents and social circumstances are not the only sources of inequalities. People also suffer from some events in the real world, like political and economic issues, whose occurrence are not their responsibility at all. For instance, in our example Jane might graduate from college with a degree in business right before the 2008 financial crisis, which caused a prolonged unemployment in private sector and consequently almost nullified Jane's chances to find a job. Even though that was her own choice to pursue a college degree, she did not choose to lead an unprofitable live, like Jack and Robert did, and if she had known it, she would have majored in a different field of study. For many people the Crisis was a completely unexpected event, and we would normally say that the difference principle should compensate for the inequalities like this, even if those inequalities were actually the consequence of people's own choices and efforts.

In short, there are immense difficulties in determining what natural factors and circumstances make people the least well off, which form the whole ambiguity around that term. But we need to find the moral grounds that can serve as a basis for people's claim for compensation for their inequalities. As it was mentioned in section 2.2. we have the reasons to think that by the least well-off Rawls assumed only the possession of social primary goods and it actually where all our critique came from. But we can also consider Rawls's approach as the way to deal with all difficulties we have outlined above. Note what might happen if we define the least advantaged only in the units of social primary goods:

- 1) we would have to tax the hard-working citizens and redistribute their wealth to the less-assiduous ones, because there are no ways for us in the real life to differentiate the diligence from the natural endowments. But in that case the hard-working citizens still would make more money, even if they simultaneously support the indolent life-styles of their bone-idle fellows;

- 2) we would not need to bother determining the natural advantages influencing the distribution of wealth and income at all;
- 3) we would be only interested in equalizing outcomes, including inequalities brought about by the events over which people have no control.

It is extremely hard to differentiate between natural factors that cause the inequalities [12]. If we try to determine how much efforts the individual has put to get rid of his inequality, it is more likely that we will decide that he did not work hard enough, meaning that someone lacking proper natural talents and social circumstances will be unfairly disadvantaged. And on the contrary, if we concentrate more on the natural talents and social circumstances, then the lazy citizens will have more chances to free ride. There is no middle ground between the two approaches and we have to pay more attention to inequalities rather than factors, if we indeed want to mitigate the inequalities. This necessity to adapt the narrow definition of the least well off might sound rather disappointing, but we need to simplify the reality to fulfill our moral intuition about the arbitrariness of natural contingency and social fortune [13].

The same logic can be applied to natural primary goods. It is true that the handicapped person suffers more from his disadvantage than the simply poor one, and it is equally true that nothing can compensate the lack of health. But while admitting it, what also can we do, except at least not to try and compensate the handicapped for his disadvantage? The difference principle can provide him with money for medication and technologies alleviating the degree of sufferings to some extent, serving as a 'second-best' response to a problem.

4 Conclusion

If we agreed to define the least well off only in units of social primary goods and included the hard work to the list of natural endowments, what might the normative argument for that reasoning look like? Although the answer might sound even more disappointing, from our point of view the 'difference principle' is that justification. As we said in the very beginning, since the tremendous expansion of both liberal ideas and welfare state in the world following the events of World War II, the Rawls's argument served the role of satisfying framework within which people could make sense of why this expansion has been happening. Our critique of the 'difference principle' is only one of many of those discussions still revolving around whether it is justified that Western democracies spend so many to sustain unemployed, or simply unwilling to work.

Below we attempt to derive some conclusions from these discussions and our own invented thought experiments. First, is that we can only say, exactly like Rawls did, that citizens of welfare states have to assume the responsibility for their actions, without being able to make distinctions between cases where people have assumed enough responsibility and cases where they have not. If we agree that we have to mitigate the arbitrariness of natural contingency and social fortune in order to decrease the inequalities in the world, then we also have to find some sort of compromise in considering what might be counted as a natural contingency. Rawls's argument which defines the least well off as a possessor of the minimum amount of social primary goods and which allows the lazy citizens to free ride is that concession, because we think that our final goal about making the existing inequalities less severe is still more important.

Second, while the most of the critique is certainly valid (and we hope our own is too), ‘the difference principle’ does not entail that welfare states’ proponents should feel comfortable with sacrificing the hard-working citizens, because they still can make more incomes under Rawls’s argument. This argument is a sort of a second-best way in fulfilling our moral convictions of justice, and our expectations are that discussing it within a framework of normative analysis helps to illuminate the justification of the contemporary welfare states’ politics. The last tentative conclusion that we can make, is that agreeing with all valid comments regarding ‘the difference principle’, it is still the most likely direction where both politics and intellectual discussions in developing countries are going to proceed in the near future. All in all, the Rawls’ argument does provide ideological justification for liberal egalitarianism, but regardless, we still need to know its shortcomings and related scholarly debates around it.

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