

A Social Choice Approach to Theorizing Justice

Abstract

Mainstream theorizing of justice, initiated by John Rawls seminal work *A Theory of Justice*¹, has recently come under criticism for its ability to devise satisfying answers to these questions. Within a debate on how to conceptualize ideal and non-ideal theorizing of justice, a number of theorists have pointed out a serious gap between contemporary theorizing of justice and actual problems. In response, those who believe that theorizing justice should address real problems argue for ways to breach the gap, while others have retreated to their ivory towers. Methodological chapters containing empirical and theoretical assumptions as well as issues of implementation, feasibility and accessibility are now considered more seriously. The debate has resulted in important insights for improving the ability of theorizing to relate to actual problems.

Nevertheless, this thesis argues that theorizing justice in the Rawlsian framework is inherently flawed in guiding action in real world circumstances. Due to its two stage method consisting in first theorizing ideal principles that govern the perfectly just society, and then implementing them in actual circumstances, the framework is unable to incorporate an essential aspect of real world circumstances. Namely, that there are equally valid reasons for upholding different principles of justice and equally valid reasons for different ways of implementing them in particular contexts. This failure has major implications for the capacity of theorizing to guide action in real world circumstances. The two stage method is either insufficient in guiding action or detrimental by making false judgments. Incorporating

¹ John Rawls, *A Theory of Justice: Revised Edition*. (Massachusetts: The Belknap Press of Harvard University Press, 1999)

disagreement into the theorizing of actual injustices, however, implies a different idea of justice, which I argue is best comprehended by a social choice approach.

The critical part of this dissertation argues against Rawls' two stage method due to the problems arising from the fact of pervasive disagreement. The constructive part develops Amartya Sen's social choice approach to justice as a method that can deliver concrete judgments in comparing policies. I take up both tasks in Chapter 2. In Chapter 3 and Chapter 4, I respectively analyze two cases of policy choice in different domains of justice: the first regards implementing global taxes on natural resources; the second, reforming the European Union asylum policy. In Chapter 5, I conclude by emphasizing the main points of the social choice approach that I develop.