

## Thomas Nagel's theory of justice

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Theories of justice have become the central theme of liberal philosophy over the past century. Among these, one devoted to the problem of global justice, which has come to be particularly relevant at the turn of the century, deserves particular attention. Among liberal theories of global justice numerous competing conceptions have emerged; they could be presented as three broad lines of argumentation: 'moral cosmopolitanism', 'political cosmopolitanism' and 'statism'. Thomas Nagel's Hobbesian conception of global justice has become one of the most influential 'statist' theories. Having used the key points of Hobbes' theory, Nagel significantly modified his original ideas. This allowed him, first, to invoke the principles of egalitarian justice at the level of the state and, second, to argue that international relations are not the territory of a moral vacuum. These modifications led to a two-level theory of ethics in which justice can exist only in separate sovereign states while the requirements of minimal humanitarian morality apply at the supranational level. As a result, Nagel's theory of justice at the level of the state proved to be highly logical and persuasive, as well as able to withstand criticism from its opponents; whereas the requirements of minimal humanitarian morality seemed inconsistent and unrelated to justice in separate sovereign states. This has led to an ambivalent attitude towards Nagel's theory. This article focuses on Nagel's theory of global justice and the debate surrounding his statist arguments. This article also offers further criticism of the problems and prospects of Nagel's theory of global justice.

*Keywords:* theories of justice, theories of global justice, moral cosmopolitanism, political cosmopolitanism, statism, minimal humanitarian morality.

### Introduction

In the last decades of the twentieth century — and in the first decade of the twenty-first century — there has developed a widespread perception of the new stage of globalization and the creation of a truly global world. Two significant phenomena have made this possible. First, the dissolution of the Soviet Union at the turn of the 1990s marked the end of an era of bipolar world order. This era was characterized by the dominance of two sharply contrasting blocs — the capitalist and the socialist. The observable demarcations between these two blocs impeded the convergence of systems and the emergence of a unified global order. Second, the collapse of the socialist alliance resulted in the triumph of the neoliberal political-economic model on a global scale. This model was rooted in the expansion of global trade. It has fostered increased interdependence and interreliance among nations. At the beginning of the XXI century, it was common to discuss the formation of a homogeneous global world order, a vivid political and philosophical reflection of which was Francis Fukuyama's idea of the "end of history" (Fukuyama, 1992). In addition, the need to discuss global world order was catalyzed by climate change issues, which emerged as an acute problem in the early 1990s.

The globalist worldview allows to rethink the existing problems of global order. Previously, the major issues of social development, inequality, and justice were examined either on the scale of nation-states or in the context of opposing ideological-political blocs. However, it has now become necessary to consider and scrutinize these problems from a unified global perspective. The current economic and political situation in the world has exposed significant inequalities between nations. At the beginning of the 21st century, 865 million people (13% of the world's population) lived on 99 cents per day (Banerjee, Duflo, 2011: 13), while the average US citizen lived on about \$120 per day (IMF). The idea of a global society required new approaches to the problem of inequality. The liberal doctrine of political philosophy, which claimed the universality of its values, had to develop some new concepts to address these emerging challenges. The intellectual debate seeking answers to the challenges posed by liberal philosophy has turned to the problem of global justice. Contemporary liberal theories of justice, which emerged in the 1970s, initially focused on questions of a just social order within the limits of individual societies. In the work of the American philosopher John Rawls, "A Theory of Justice" (Rawls, 1999), and subsequently in the work of his followers (e.g., Dworkin, 1981), universal requirements for a just social order were formulated within the framework of a liberal worldview. Rawls's ideas, as well as those of others involved in the discourse of liberal justice, have become fundamental to contemporary Western political philosophy, political science, and the liberal approach to the theory of international relations. The challenges of the late 20th century required a revision of the basic postulates of contemporary liberal theories of justice from a globalist perspective.

Adapting these theories to a global scale proved to be a complex task, mainly due to the addition of new elements, such as collective subjects (states, nations, peoples) and supranational institutions, to existing theories, and also because of the scale of the problems at hand. The normative requirements that liberal philosophy imposes on individuals and political-legal systems, if transferred to the global level, would inevitably lead to revolutionary changes in the lives of humanity as a whole, but especially in the lives of the citizens of developed countries, a thesis that is of particular importance to the authors behind the theories of justice. As a result of these difficulties, there have emerged several competing approaches to understanding global justice, ranging from the most idealistic cosmopolitan conceptions to quite radical statist approaches that consider justice only within individual state boundaries. The most notable example of the latter approach can be found in the ideas of the philosopher Thomas Nagel, who published a programmatic article in 2005, entitled "The Problem of Global Justice" (Nagel, 2005). In this article Nagel defended a Hobbesian viewpoint, stating that justice could only be discussed within a society that already exists in a civil state. Hence, it would be wrong to talk about justice between individual states using terms that are applicable to a society only within the borders of a single state.

This article focuses on Nagel's approach and the discussion his work has generated. Section 1 provides a brief overview of existing concepts within liberal global theories of

justice and the main classifications of these approaches found in relevant literature. Section 2 considers Nagel's approach. Section 3 examines the debate that has arisen within various iterations of statist approaches, as well as discussions with cosmopolitan authors. Section 4 is devoted to the category of minimal humanitarian morality in Nagel's conception, while Section 5 presents critical arguments regarding both Nagel's theory and the debates surrounding it. The conclusion summarizes the main findings and identifies promising directions for the future development of Nagel's conception.

### **Section 1. Contemporary Liberal Approaches to Global Justice**

As noted above, John Rawls' *A Theory of Justice*, published in 1971, has had a significant impact on modern liberal ideas of justice. Rawls debates liberal utilitarian concepts and advocates for a unique approach to establishing just social order. He also formulates a theory based on the deontological ethical-philosophical paradigm, with human rights and freedoms as essential values<sup>1</sup>.

Rawls advocates for an egalitarian version of the theory of justice, utilizing specific methodologies. One of the distinctive methods is the use of "thought experiments". Rawls aims to simulate a scenario where human society exists in its pre-state condition and is faced with the task of devising fundamental principles of justice that can serve as its foundation. To ensure the experiment's integrity, Rawls employs the "veil of ignorance", a concept that prevents the individuals involved from knowing anything about their future: "It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism" (1999: 118).

According to Rawls, this thought experiment will result in the development of two basic principles:

"First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all" (1999: 53).

The second principle, also referred to as the "principle of redress", embodies the egalitarian aspect of Rawls' theory. It states that "undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for" (1999: 86).

For Western society, Rawls' analysis has become a fundamental basis for the contemporary philosophy of political liberalism. Although his theory was immediately criticized

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1. Read more about the discussion between the deontological Rawlsian conception and utilitarianism in my article "Distributive Theories of Justice: From Utilitarianism and Back" (2021).

by representatives of analytical Marxism such as Gerald Cohen (Cohen, 1995) and libertarian proponents such as Robert Nozick (Nozick, 2016), it can be argued that Rawls' approach, in which justice secures a more central position compared to other theories, has emerged as the primary concept of liberal philosophy.

Perhaps one of the first efforts to extend Rawls' theory of justice to the level of international politics was made by Charles Beitz (Beitz, 1983: 591–600), when he conducted Rawls' hypothetical experiment on a global scale. Within the framework of this experiment, assuming that all individuals are behind the “veil of ignorance” regarding the basic principles of their future social organization, it is reasonable to assume that they also have no knowledge of their eventual place in the world. This leads to the conclusion that Rawls' principles of justice are universally applicable to all of humanity, and therefore there is an obvious need to redistribute goods on a global scale from the most prosperous people on the planet to the least endowed. To understand the scale and radical nature of these conclusions, it can be said that in 2011, US citizens living below the poverty line (i.e., less than \$11,000 per year) were richer than 85% of the world's population (MacAskill, 2016: 26). In other words, if one were to scale up Rawls' principle of redress, it would lead to developed countries having to give a certain portion of their wealth to the poorest people on the planet. Even Rawls, whose position on global justice will be described below, did not agree with such a radical interpretation of his theory.

Another radical cosmopolitan approach was developed in the context of utilitarian ethics by Peter Singer, a prominent contemporary philosopher in this tradition. He emphasizes that “we would also agree that all humans are created equal, at least to the extent of denying that differences of sex, *ethnicity*, *nationality*, and *place of residence* change the value of a human life” (Singer, 2016: 52). He argued that justice necessitates the fair treatment of all individuals worldwide, without exception. The distinctive feature of the utilitarian approach was its focus on the ultimate outcome or benefit rather than on the rights-based principles that are typical of Rawls' deontological theory.

The emphasis on achieving the ultimate objective leads utilitarian supporters to consider certain calculations for attaining acceptable objectives and maximizing outcomes. For instance, Singer, citing calculations done by the development economist Jeffrey Sachs, stated that “in 2001 it would have taken \$124 billion a year to raise everyone above the poverty line. The combined gross annual income of the twenty-two rich OECD nations in that year was \$20 trillion. Therefore, the contribution needed to make up the shortfall is 0.62 percent of income, or 62 cents of every \$100 earned” (Singer, 2010: 141). With this example, Singer illustrates the minimal sacrifice required to tackle global poverty, although this represents only the initial stage in a broader framework of global justice based on the equality of all individuals. This principle disregards nationality and citizenship, aligning Singer's and Beitz's approaches in their radical conclusions.

This approach failed to satisfy all those who attempted to develop a theory of global justice. The issue is not only the radical nature of the demands. Another significant aspect is the disregard shown by the aforementioned authors towards the fundamental

importance of the institutional structure of society for justice theory. Many others argue that political and social institutions are prerequisites to theories of justice.

One prominent adherent to this approach is Thomas Pogge, who also subscribes to Rawls' theory. Pogge considers the institutional structure as a crucial condition that should be directly derived from Rawls' theory. In addition to Rawls' principles of justice, Pogge emphasizes that Rawls' theory is essentially contractual<sup>2</sup>, i.e. *agreement* is a necessary framework to meet the requirements of justice. For Pogge, the world system operates within the framework of numerous treaties among individual states and supranational structures. All interactions between states and societies on a global scale are based on this framework. In other words, one can speak of a planetary contractual framework. The problem is that the global system is inherently unjust, and currently, "there is a shared institutional order that is shaped by the better-off and imposed on the worse-off. This institutional order is implicated in the reproduction radical inequality..." (Pogge, 2002: 199). Therefore, achieving global justice necessitates reforming existing structures and bringing international institutions in line with the egalitarian principles initially put forth in Rawls' theory.

An alternative method to achieve global justice is presented by advocates of the capability approach, who emphasize the crucial role of international institutions while eschewing Rawlsian contractual frameworks. This approach underscores the fundamental nature of institutions in promoting justice. A prominent example of this approach is that of Amartya Sen, who formulated his concept of justice on the basis of *comparatives* and the process of *public reasoning* and *social choice*, which already implies democratic procedures (Sen, 2000; 2009). Democracy itself assumes a certain institutional form of implementing this practice. While Sen doubts that global democracy is possible in the foreseeable future, he argues that existing global institutions including the UN, various NGOs, and other global initiatives enable public discussions on a global scale, which can lead to the realization of justice worldwide.

In the next set of theories, for a variety of reasons, the inquiry into global justice has been significantly shifted towards individual societies or states. For example, Rawls formulated his position on global justice in his work "The Law of Peoples" published in the 1990s (Rawls, 1999). Unlike some of his followers (e.g. Beitz, Pogge — *D. B.*), he did not apply his concept directly to the global level. Instead, he extended his thought experiment in "A Theory of Justice". Initially, individuals behind a veil of ignorance select the principles of social justice. During the second, international stage of this experiment, collective subjects — *peoples*<sup>3</sup> — also formulate principles of global justice behind that veil (Rawls, 1999a: 331-335; 1999b). These principles may differ from those governing a particular society. This allowed Rawls to abandon the principle of egalitarianism at the

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2. Contemporary deontological theories of justice are also often referred to as the "social contract approach".

3. Rawls deliberately avoids using the concept of *nations* which may seem logical in this approach, because he seeks to construct his conception independently of elements such as *language*, *culture*, etc., which are determinants in defining the notion of a nation.

global level and to concentrate the demands of his theory only within the confines of a single state.

Other leading advocates of state-centered approaches to justice have gone even further, basing their thinking exclusively on the concept of the State. Notable authors in this regard include Thomas Nagel and Andrea Sangiovanni. The concepts of these authors will be discussed below, after a brief outline of some features that classify contemporary liberal theories of global justice.

### *Different Approaches to Classifying Contemporary Theories of Global Justice*

When trying to draw a line between different concepts of global justice, advocates of the first classifying approach prefer to use the “political” and “cosmopolitan” categories. For example, this is characteristic of Thomas Nagel, who in his work gives the following definitions of existing approaches:

“According to the first conception, which is usually called *cosmopolitanism*, the demands of justice derive from an equal concern or a duty of fairness that we owe in principle to all our fellow human beings, and the institutions to which standards of justice can be applied are instruments for the fulfillment of that duty” (Nagel, 2005: 119) and then:

“On the *political conception*, sovereign states are not merely instruments for realizing the preinstitutional value of justice among human beings. Instead, their existence is precisely what gives the value of justice its application, by putting the fellow citizens of a sovereign state into a relation that they do not have with the rest of humanity” (Nagel, 2005: 120).

Another approach is used by Andrea Sangiovanni, who identifies a pair of binary oppositions based on the chosen criteria. The first criterion is the *grounds of justice*, and in this case concepts of global justice can be divided into *relational* and *non-relational*. Sangiovanni’s main idea here is that different conceptions of justice have different attitudes to the importance of mutually binding relationships. Proponents of the first approach believe that binding ties between individuals are necessary for the existence of justice, while proponents of the second approach do not consider such requirements to be mandatory. The second criterion identified by Sangiovanni is *the scope of equality*, which, according to existing concepts, is divided into *globalism* and *internationalism*: “According to globalists, equality as a demand of justice has global scope. Internationalists, by contrast, believe that equality as a demand of justice applies only among members of state” (Sangiovanni, 2007: 6).

Also relevant is the approach that posits a distinction between “*moral cosmopolitanism*” and “*political cosmopolitanism*” (Kleingeld, 2019), as well as “*statism*”, a separate large group of theories focused on the state. This approach is justified by the fact that different proponents of cosmopolitanism may have different views on the requirement for justice at the global level. Adherents of moral cosmopolitanism believe that the requirement of equal treatment for all individuals implies an automatic extension of this requirement to the global level, while the presence or absence of political institutions is not fundamental.

For other proponents of cosmopolitanism, global justice is only possible in the setting of institutions designed to ensure the requirements of justice and to create mutual obligations between individuals within the boundaries of these institutions.

This is not an exhaustive list of possible classifications, but it is hardly possible to explore all of them in detail within the scope of this article. However, in order to avoid confusion, it was necessary to provide some explanation of the main existing approaches. The author of this text follows the third approach to the classification of concepts of global justice, so the categories of “moral cosmopolitanism”, “political cosmopolitanism”, and “statism” will be used in the text, with other designations being included in the footnotes when necessary.

## Section 2. The Problem of Global Justice by Thomas Nagel

In 2005, Thomas Nagel, a renowned contemporary Western philosopher with interests spanning from epistemology to moral philosophy, presented his perspective in his article “The Problem of Global Justice”. The work generated a broad response and sparked substantial discussion in academia. This attention was due to the fact that Nagel formulated his thesis in defense of the statist perspective on global justice using Hobbesian language, which looked quite radical for discussions on global order within the liberal tradition during the 21st century.

The core idea, which Nagel adopted from Hobbes, was that a category of justice exists only within the borders of a sovereign state. With reference to Hobbes, Nagel observed: “... although we can discover true principles of justice by moral reasoning alone, actual justice cannot be achieved except within a sovereign state. Justice as a property of the relations among human beings (and also injustice, for the most part) requires government as an enabling condition” (Nagel, 2005: 114).

Hobbes argued that in a state of nature individuals pursue their personal ends with survival as the primary goal. As atomized and non-related beings, these individuals cannot establish stable guaranteed relationships through agreements, because each participant can easily disregard their obligations in favor of their egoistic goals. This understanding diminishes the authority of any agreements to zero.

In this context Nagel posits: “Precisely to ensure compliance with agreements, a sovereign is required. The only way to provide that assurance is through some form of law, with centralized authority to determine the rules and a centralized monopoly of the power of enforcement. This is needed even in a community most of whose members are attached to a common ideal of justice, both in order to provide terms of coordination and because it doesn’t take many defectors to make such a system unravel” (Nagel, 2005: 116).

Such a position leads him to conclude that all discussions on global justice are illusory, because there is currently no question of the existence of a sovereign at the global level. Consequently, the point is not that agreements between countries will not be upheld without a global guarantor, but that justice is a uniquely *domestic phenomenon*.

Clearly, Nagel must have faced a wave of criticism for adopting this classically Hobbesian position, which denies the idea of *global justice* and grants the sovereign unlimited power over his subjects. This critique argues that Hobbes' approach is unacceptable for the contemporary world because, first, it legitimizes the hypothetical possibility of unlimited sovereign violence against subjects. Second, it presupposes the fact of a state of nature, i.e., "a war of all against all" in international relations. For contemporary liberal conceptions of the state, such an understanding is marginal.

Nagel does not adopt all Hobbes' ideas here. He significantly modernizes his concept and adapts it to the contemporary context, as well as to the global level. First, it is necessary to show how Nagel perceives the power of the sovereign in the contemporary world and how, under these circumstances, the egalitarian demand for justice, shared by Nagel, can be justified within the political boundaries of a particular society. The solution to the ethical problem of relations between separate sovereign societies in the international arena will be discussed in Section 5.

To demonstrate that a society has the right to demand from the state not only security under the unchecked power of the sovereign, but also what can be called egalitarian or socio-economic justice, i.e., the redistribution of wealth among citizens, Nagel presents a thesis that illustrates the evolution of the relationship between the society and the sovereign within the framework of the civil state.

For Nagel, a key aspect is the idea of *involuntary membership* (Nagel, 2005: 128) of citizens in a collective association under the authority of a sovereign. This is not only a security benefit, but also an obligation to obey the demands of the sovereign. "A sovereign state is not just a cooperative enterprise for mutual advantage. The societal rules determining its basic structure are coercively imposed: it is not a voluntary association", asserts Nagel (Nagel, 2005: 128). This is a much more realistic view of contract theory than the one currently found in most normative liberal theories. Beyond this quite realistic position, however, Nagel makes a normative claim. The philosopher asserts, "it is this complex fact — that we are both putative joint authors of the coercively imposed system, and subject to its norms, i.e., expected to accept their authority even when the collective decision diverges from our personal preferences — that creates the special presumption against arbitrary inequalities in our treatment by the system" (Nagel, 2005: 128).

Nagel argues that under the sovereignty of the state, individuals become both the authors of the enforced coercive order and are personally responsible for it, along with all their fellow citizens. The obligation to obey the will of the sovereign implies sacrifice on the part of each individual. This creates a society that requires interdependence and responsibility. Consequently, a normative requirement for justice emerges in this society.

According to Nagel, "the state makes unique demands on the will of its members — or the members make unique demands on one another through the institutions of the state — and those exceptional demands bring with them exceptional obligations, the *positive obligations of justice*" (Nagel, 2005: 130).

All this leads to the conclusion that citizens of one country have no obligations towards citizens of other countries with whom they do not share the burden of being under



the sovereign's authority. "Everyone may have the right to live in a just society, but we do not have an obligation to live in a just society with everyone. The right to justice is the right that the society one lives in be justly governed," — asserts Nagel (Nagel, 2005: 132).

Further examination is required to understand Nagel's comprehension of the established world order and the relations between sovereign states. First of all, it is important to note that Nagel made significant modifications to Hobbes' approach to international relations, while still retaining its fundamental features. Hobbes had a radical view on relationships between states, considering them to be a specific form of a state of nature, which he described as follows:

"There may never have been any time where particular men were in a condition of war against one another. Yet in all times, kings and persons of sovereign authority because of their independence, are in continual jealousy, and are in the state and posture of gladiators, having their weapons pointing and their eyes fixed on one another. They have forts, garrison and guns on the frontiers of their kingdoms and are continually spying on their neighbors. This is a posture of war. But because they uphold by this the industry of their subjects, the misery which accompanies the liberty of particular men does not occur in the kingdoms" (Hobbes, 2016: 84). Nagel does not agree with Hobbes' radical position. He emphasizes that contemporary global society is permeated by institutional relations, both between individual states and between their citizens, as well as between various globally operating non-governmental organizations (NGOs), which, in certain cases, exert significant influence on society. Thus, Nagel does not adopt Hobbes' position of absolute or near-absolute autonomy.

At the same time, Nagel distances himself from cosmopolitan views, because he believes that while something akin to an *erosion of sovereignty* can be observed, this phenomenon is actively resisted, particularly by the *fortunate nations* that fear such a development (Nagel, 2005: 143). Nagel supports his position with examples such as the United States' refusal to join the Kyoto Protocol on greenhouse gas emissions, as well as their criticism of the International Criminal Court.

Analyzing the current situation, Nagel comes to the rather realistic conclusion that, in the absence of a monopoly on coercive force in international relations, the agreements between states will be similar to agreements between individuals in a state of nature, i.e. not secured by a sovereign power.

Nagel asserts: "The absence of sovereign authority over participant states and their members not only makes it practically infeasible for such (global / international. — D. B.) institutions to pursue justice but also makes them, under the political conception<sup>4</sup>, an inappropriate site for claims of justice. For such claims to become applicable it is not enough that a number of individuals or groups be engaged in a collective activity that serves their mutual advantage. Mere economic interaction does not trigger the heightened standards of socioeconomic justice" (Nagel, 2005: 137-138).

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4. In this article, *political conceptions* refers to *statist approaches / conceptions* of global justice.

In addition, Nagel draws several normative conclusions directly stemming from his conception. Consider, for example, the notion of *legitimacy* when discussing *domestic justice*. Existing international / global institutions, despite the extent of their spread and influence, lack “something that according to the political conception is crucial for the application and implementation of standards of justice: They are not collectively enacted and coercively imposed in the name of all the individuals whose lives they affect; and they do not ask for the kind of authorization by individuals that carries with it a responsibility to treat all those individuals in some sense equally ... responsibility of those institutions toward individuals is filtered through the states that represent and bear primary responsibility for those individuals” (Nagel, 2005: 138).

Thus, according to Nagel, in the contemporary world: 1) it is not possible to know whether there is any authority that can challenge the sovereignty of individual states; 2) existing international / global institutions cannot extend coercive order to everyone, thus making each person responsible as a *co-author of this imposed order*, which, according to Nagel, is the basis for demands for justice.

To conclude the analysis of Nagel’s position, it is interesting to focus briefly on his understanding of the evolution of the modern sovereign state and the possible prospects of this process.

In a Hobbesian vein, Nagel asserts: “thinking about the future, we should keep in mind that political power is rarely created as a result of demands for legitimacy, and that there is little reason to think that things will be different in this case. If we look at the historical development of conceptions of justice and legitimacy for the nation-state, it appears that sovereignty usually precedes legitimacy. First there is the concentration of power; then, gradually, there grows a demand for consideration of the interests of the governed, and for giving them a greater voice in the exercise of power” (Nagel, 2005: 145).

This realistic position leads Nagel to conclude that global justice can only emerge within global power institutions, in a kind of global Leviathan. Moreover, the establishment of this authority will not take place within the framework of some treaty, but through the imposition of coercive power on the whole of humanity. The fact that the relevant issues for today’s developed countries are those of egalitarian justice does not mean that this was the case at the time when the first sovereign states were formed. The centuries-long evolution of the sovereign state legitimized Leviathan’s authority by reaching a consensus on justice that included an egalitarian component. The entire world must undergo a similar evolution when a force arises that claims to extend its power to a global level.

Nagel concludes his text with a telling phrase: “But if we accept the political conception, the global scope of justice will expand only through developments that first increase the injustice of the world by introducing effective but illegitimate institutions to which the standards of justice apply, standards by which we may hope they will eventually be transformed. An example, perhaps, of the cunning of history” (Nagel, 2005: 147).

Finally, it is important to note that Nagel does not see any real prospects for the emergence of a global Leviathan in the foreseeable future. The path of conquest, which pre-

vously led to the formation of large-scale political entities, is a thing of the past and is not relevant any longer. Thus, Nagel believes that justice will remain a phenomenon in domestic politics.

### Section 3. Critical Arguments Against Nagel's Conception

*"Reciprocity-Based Internationalism"<sup>5</sup>: Andrea Sangiovanni as an Example of a Critique of the Statist Approach to Global Justice by Thomas Nagel*

One of the proponents of the statist approach to the issue of global justice is Andrea Sangiovanni, who in 2007 published the article "Global Justice, Reciprocity, and the State" (Sangiovanni, 2007). In this work, Sangiovanni formulates his conception, demonstrating that justice requirements apply only within state borders. However, his argument is based not on Nagel's *Hobbesian* approach, but on *reciprocity* that exists in societies within the institutions of the state. Reciprocity is either absent or insignificant among citizens from different states. The author coined the term *Reciprocity-Based Internationalism* to describe this conception.

Sangiovanni agrees with Nagel's assessment of the weakness of supranational institutions and their failure to compete against sovereign states. For instance, he notes that the civil service budget, even within an integrated supranational body like the EU, amounts to only 1.23% of the GDP of the entire union. This is roughly equivalent to the budget of an average European city (Sangiovanni, 2007: 21). Furthermore, current supranational/global institutions lack the autonomy to mandate compliance with regulations, except by drawing on the resources of individual sovereign nations.

He argues: "Without states, the global order would lose the capacity to govern and regulate those delegated areas within its jurisdiction. This is only in part because the global order lacks an autonomous means of coercion" (Sangiovanni, 2007: 21). This is a realistic view that confirms the established order of things. However, a normative conclusion follows that demonstrates why the primary obligations in society exist within the framework of established political entities — sovereign states.

Unlike Nagel, Sangiovanni posits that *reciprocity* is the primary requirement for achieving justice within the state's border. He asserts: "Equality is a *relational* ideal of *reciprocity* among those who support and maintain the state's capacity to provide the basic collective goods necessary to protect us from physical attack and to maintain and reproduce a stable system of property rights and entitlements" (Sangiovanni, 2007: 19–20).

This emphasis on maintaining stability within the system of rights and other state institutions is deliberate. Prosperity is possible only in a society where the institutional conditions for it are present and supported. These institutions operate on the principles of reciprocity, not coercion, in contrast to the beliefs of Hobbes and Nagel. During the

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5. As previously mentioned in the article, Sangiovanni distinguishes internationalism from cosmopolitanism, offering a primarily statist viewpoint on global justice. For example, he labels Nagel's theory as "Coercion-Based Internationalism".

discussion with Nagel, Sangiovanni proposed a thought experiment: “Let us now suppose that all local means of law enforcement — police, army, and any potential replacement — are temporarily disarmed and disabled by a terrorist attack. Suppose further that this condition continues for several years. Crime rates increase, compliance with the laws decreases, but society does not dissolve at a stroke into a war of all against all. Citizens generally feel a sense of solidarity in the wake of the attack, and a desire to maintain public order and decency despite the private advantages they could gain through disobedience and noncompliance; this sense of solidarity is common knowledge and sufficient to provide assurance that people will (generally) continue to comply with the law” (Sangiovanni, 2007: 10).

Sangiovanni’s thought experiment seeks to demonstrate that modern societies rely on the fundamentals of solidarity and reciprocity. These two feelings, rooted in equal concern for all, foster the implementation of an egalitarian justice program. In this case, the state is dependent on society due to the provision of resources, i.e., taxes. In exchange, society receives stable institutions. Referring to Karl Polanyi’s famous work “The Great Transformation: The Political and Economic Origins of Our Time” (Polanyi, 2001), Sangiovanni asserts that successful states require strong institutions for both civil and criminal law.

Sangiovanni’s criticism of Nagel’s position seems unjustified, and there are several observations to be made in this regard. First, Hobbes’ theory, much like Nagel’s later, also assigns an extremely important role to the institutions possible in a civil state, primarily legal institutions such as property rights, civil law, and criminal law, and there is no contradiction here. The main question is when these institutions would start functioning, and this necessarily implies a monopoly on power and justice. The question is whether these institutions can exist without sovereign authority. At this point, it is necessary to consider a second remark about the unconvincing nature of Sangiovanni’s thought experiment. His intuition regarding the situation in which society continues to exist on the basis of solidarity in the absence of law enforcement agencies and other authoritative institutions is completely incomprehensible. Turning to Hobbes, one can find the following passage there: “So it is manifest that during the time that men live without a common power to keep them all in awe, they are in that condition which is called war. This war is every man against every other man. WAR consists not only in battle or the act of fighting, but also in the tract of time when it is sufficiently known that there is the will to contend in battle. The notion of time is to be considered in the nature of war as it is in the nature of weather. The nature of foul weather does not lie in a shower or two of rain, but in the inclination of rain for many days together. In the same way the nature of war consists not in actual fighting, but in the known disposition to fight, during all the time there is no assurance of the contrary. All other time is PEACE” (Hobbes, 2016: 83). It seems that such a position corresponds to Sangiovanni’s thought experiment much better.

Rather, the situation that seems to be more realistic and logically justified is the one in which society will try in every possible way to form some other power institutions that can provide basic protection. Of course, a polemic about intuitions arising from

a thought experiment may seem purely subjective, so it would be much more productive to turn to historical examples and existing experience. In this case, Hobbesian arguments that legal and economic institutions follow the establishment of a coercive order in a society look much more convincing. Third, Sangiovanni claims that the demand for egalitarian justice arises within the framework of solidarity and reciprocity between the authorities and society. But at the same time he does not contradict the conception of Nagel, who argues that the power of the Leviathan changes over time and becomes more and more comfortable for the people living in these societies. This argument is based on an element of legitimacy in Nagel's conception and the sense of solidarity in establishing a coercive order for everybody. This is exactly how Nagel justifies egalitarian justice. Nagel's main ideas coincide with most of Sangiovanni's arguments, and the main difference lies in Nagel's assertion that a monopoly of power precedes all social institutions — here, Nagel's ideas sound generally more realistic than those of his opponent.

### *Critique from Political Cosmopolitanism*

A significant group of authors advocating the position of political cosmopolitanism criticize Nagel and other supporters of the statist approach for underestimating the role of international, supranational, or global institutions in the contemporary world. The criticisms can be categorized into three groups. The first one contends that international institutions wield much more significant control than Nagel implies and can impose a coercive order at the supranational / global level. Consequently, there is a need to discuss the requirements of justice on a global scale. The second group argues that in today's world it is inappropriate to focus exclusively on the power of states, since international relations involve a complex interplay of various *non-state actors* whose combined influence on international processes is comparable to that of states. Consequently, it is wrong to associate issues of justice exclusively with the state. The third argument postulates that contemporary international relations are built on principles other than the *coercive power* of the state alone. The main methods of regulating international affairs are *soft power* and other *incentivizing* mechanisms of influence. It is, therefore, a fallacy to insist, as Nagel does, on associating issues of justice with hard power. Now, to examine these arguments in more detail.

There are numerous critics of Nagel, including notable authors such as Andrew J. Walton and Michel Pandlebury (Walton, 2009; Pandlebury, 2007), who argue that international institutions have a significant influence on societies within individual states and that this influence is often stronger than the coercive power of the state.

For example, Walton criticizes Nagel's thesis that existing international organizations are characterized by voluntary membership and therefore cannot automatically establish a coercive order through these organizations. As an example, Walton cites the World Trade Organization (WTO) which he argues establishes a non-voluntary order of interaction between individual states. Walton notes that "it would be a mistake to think that it (world order — *D. B.*) is now constituted by nothing more than a set of private contracts,

established and easily revocable at state discretion... The stigma associated with withdrawing and likely consequences for other areas of a state's political and economic life would be far too high for us to consider this an 'acceptable alternative'" (Walton, 2009: 224).

To some extent, one can agree with this position. The influence of international institutions cannot be denied, but it is also necessary to recognize that Nagel's approach refers to a coercive order in its most basic, *Hobbesian* sense — an order that enforces a monopoly of power. Despite the importance of global institutions, it is not always possible for them to exercise coercive power of that type. There are many examples where, on the one hand, certain societies were able to exist quite successfully without participating in global institutions (e.g., the USSR, Iran, Cuba, etc.), and, on the other hand, illustrative cases show that countries with the greatest influence can refuse to comply with the demands of global institutions and even resist them if the policies of these institutions contradict their interests (e.g., the USA). Indirectly, the authors of this position acknowledge this fact by pointing to US policies that are often directed at global institutions. However, the main conclusion drawn by these authors is that the US position will change over time and that the coercive power of global institutions will increase, which in my opinion sounds unreasonably optimistic.

Pandlebury's main argument focuses on the highly interconnected and interdependent nature of states in the contemporary world, with numerous non-state actors such as corporations, NGOs, and the media as the main agents of this interdependence. "As a result of political developments and massive technological advances that Hobbes could never have imagined, people today are at the mercy of numerous powers other than church and state", asserts Pandlebury (2007: 46). The outcome is a situation in which the internal order within countries is highly dependent on investments, finances, and technologies provided by transnational corporations, on information and news provided by international media, and on the active participation of various NGOs in domestic political affairs.

This stance is prevalent in a number of international studies that examine the impact of globalization on contemporary life. When it comes to Nagel's approach, however, such criticisms fail. Recent global interdependence and interconnectedness do not undermine Nagel's basic arguments that the institutions to which Pandlebury refers cannot match the commanding power of the state authority to which Nagel appeals. There are many instances that reveal the dependence of corporations, the media, and NGOs on the power of certain states. Only the state possesses the legal and coercive tools to influence non-state actors through a variety of ways. For example, nationalization, monopoly laws, tax law, and criminal law are instruments that can neutralize any *corporation* that attempts to compete against sovereign states. Critics of Nagel's theory often point to weak states that are unable to resist the influence of non-state corporations, while neglecting more illustrative examples such as the US.

Related to this is the third argument that the primary means of international relations involve soft power, which proves to be more effective in achieving goals than the

*hard power* promoted by Nagel. Joseph S. Nye, who originated the concept of *soft power*, describes this phenomenon as follows: “Soft power rests on the ability to shape the preferences of others... The ability to establish preferences tends to be associated with intangible assets such as an attractive personality, culture, political values and institutions, and policies that are seen as legitimate or having moral authority” (2004: 5-6). Pandlebury’s argument is consistent with this approach, stating that in today’s world, incentives are much more effective than *methods of punishment and prohibition* (Pandlebury, 2007: 46). The scholar points to extensive research showing that positive incentives are much more effective than coercion (Sunstein, 2005; Brennan, Pettit, 2005; Aronson, 1995; Ross, Nisbett, 2011).

These arguments, like the previous ones, however relevant, cannot be taken as counter-arguments to Nagel’s approach. As noted above, Nagel discusses the very foundations of modern society. Soft power and other positive incentives have never been the basis for building sustainable social institutions from scratch. Moreover, the growing influence of soft power does not negate the coercive power of individual states. A vivid example is the country that apparently exerts the most influence on global society in terms of soft power — the United States. The increase in soft power instruments has not lead to any reduction in US hard power. This leads to the conclusion that soft power and positive incentives are a kind of additional tool to the existing hard power instruments. This is exactly what Nagel meant when he spoke of the most basic manifestation of power, the destruction of which leads to falling back into the state of nature. In today’s world, few would dare to remove hard power instruments from society, leaving only soft positive incentives.

#### **Section 4. The Idea of Minimal Humanitarian Morality in the Work of Thomas Nagel**

Considering only the above-mentioned theses of Nagel’s theory, it can be concluded that he holds a position commonly known in the theory of international relations as *political realism*. This approach has a long tradition that goes back to the ancient historian Thucydides. It argues that in interstate affairs there is no ethical principles characteristic of relations within a state. Although political realism has evolved and undergone certain changes in the 20th and 21st centuries, a complete moral vacuum or significantly unconvincing moral space in international relations remains an intrinsic feature of this approach.

As the author in the Stanford Encyclopedia of Philosophy points out: “Realists are generally skeptical about the relevance of morality to international politics. This can lead them to claim that there is no place for morality in international relations, or that there is a tension between demands of morality and requirements of successful political action, or that states have their own morality that is different from customary morality, or that morality, if employed at all, is merely used instrumentally to justify states’ conduct” (Korab-Karpowicz, 2017).

Nagel cannot be classified as a supporter of this approach, because of the idea of *minimal humanitarian morality*<sup>6</sup> embraced by the philosopher. This is another element of his theory where he differs significantly from Hobbes, who is often referred to as one of the classics of political realism. Nagel's position in this regard can be linked to the Kantian approach to the universality of rights, which is based on the requirement of adherence to the *categorical imperative*. "The normative force of the most basic human rights against violence, enslavement, and coercion, and of the most basic humanitarian duties of rescue from immediate danger, depends only on *our capacity to put ourselves in other people's shoes*", Nagel notes (2005: 131). These requirements are universal and "*not contingent on specific institutional relations between people*" (Ibid: 130). Thus, on the question of fundamental human rights, the philosopher adopts a position close to moral cosmopolitanism, which differs radically from what he initially advocated in his statist conception of global justice.

For Nagel, morality is a *multilayered* phenomenon (Ibid: 132). And if the demands for justice, understood primarily in egalitarian socio-economic terms, are state-level phenomena, then in the global context there are numerous moral demands that are not bound by state borders. Nagel asserts: "Humanitarian duties hold in virtue of the absolute rather than the relative level of need of the people we are in a position to help. Justice, by contrast, is concerned with the relations between the conditions of different classes of people, and the causes of inequality between them" (Nagel, 2005: 119).

Nagel does not provide a detailed description of the basic rights to which moral demands extend on a global scale. Instead, he considers *positive rights* that people do not possess in a pre-political state. It cannot be said, however, that Nagel appeals exclusively to *negative rights*. In his work he also points to an extremely broad sphere in which requirements unrelated to the state apply: "the protection of human rights; the provision of humanitarian aid; and the provision of global public goods that benefit everyone, such as free trade, collective security, and environmental protection" (2005: 136).

Two tentative conclusions can be drawn.

First, Nagel interprets the idea of justice very narrowly, equating this phenomenon with what is often referred to as socio-economic or distributive justice. In this context, justice is considered to be exclusively domestic in nature and non-existent in a global and supranational version.

Second, in a global context, Nagel adopts a position similar to that of moral cosmopolitans, for whom ethical obligations among individuals are independent not only of particular states but also of any social institutions, since they appeal to the intrinsic value of every human life. This allows seeing the dual nature of Nagel's theory, which integrates a fully realistic understanding of justice with idealistic aspirations for moral obligations shared by all individuals worldwide. Moreover, Nagel does not provide a detailed account of what he specifically calls minimal humanitarian morality in his work. His primary aim

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6. In his conception of *minimal humanitarian morality*, Nagel refers to the *contractualist* tradition, particularly to the works of Immanuel Kant and Thomas Scanlon.



is to separate the demands of justice from the global context and confine them within the boundaries of the state.

The main provisions of Nagel's conception of global justice presented in this article may seem both logical and open to criticism. A number of critical remarks about Nagel's approach, which emerged in the discussion following the publication of his article "The Problem of Global Justice", have been analyzed above. In the following paragraphs, further critical arguments which, in the opinion of the author of this text, appear to be significant for either confirming or refuting the main theses of Nagel's theory, will be examined.

## Section 5. Nagel's Theory of Global Justice: Critical Arguments and Remarks

### *Empirical Arguments*

In this article, we have discussed theories of global justice, which are political and philosophical ideas about what is morally right to do. At the same time, when examining the arguments of Thomas Nagel and his opponents, one cannot help but notice that a significant amount of historical facts and real-life examples — facts that show *how things are*, not *how the world should be* — are discussed primarily by representatives of moral cosmopolitanism — the most idealistic approach in contemporary theories of global justice. On the other hand, the proponents of statism and political cosmopolitanism supplement their arguments extensively with references to history and real life. This seems natural when one is trying to bring highly abstract political and philosophical theories closer to real life. However, since these arguments are empirical in nature, it is necessary to bring more clarity to them in order to confirm or refute the validity of either side.

For example, one of the most pressing issues in the debate between political cosmopolitans and statists is the question of the role of supranational/global institutions in today's world. Proponents of political cosmopolitanism argue that contemporary international institutions are crucial for citizens around the world and can rival individual states in terms of coercive power; moreover, the influence of these institutions is on the rise. On the other hand, proponents of statism object that nothing can match the power of states.

It seems that the dispute has currently reached a kind of stalemate, as the parties each tend to use sets of facts that confirm their correctness for argumentation. For example, the proponents of political cosmopolitanism, when trying to demonstrate the role and influence of supranational structures, often refer to the impact of these institutions on weak, developing, or simply smaller states. In this situation, this position seems valid, because the power of the World Bank (WB), the International Monetary Fund (IMF), transnational corporations, and other supranational actors can be much greater than that of an average African state. On the other hand, proponents of statism tend to appeal to large sovereign states, especially to the United States, which are influenced very little by international institutions. This supports the validity of the statist view. Empirical research on the actual conditions of world order, taking into account the role and capabilities

of supranational institutions and states according to various indicators would help to resolve this debate. However, it should be recognized that the likelihood of such comprehensive research that could put an end to this issue is rather low due to the very nature of social sciences, where there is always the possibility of completely different interpretations of the facts at hand. In this case, the debate within the framework of political and philosophical theories can be reduced to the defense of intuitive notions of justice by the proponents of certain positions<sup>7</sup>.

From our perspective, Nagel's Hobbesian position seems far more compelling. First, following Hobbes, Nagel appeals to the most fundamental forms of human social organization, in which the civil state opposes the state of nature. History shows that every civil society based on ethical principles had its origins in elementary forms of dominance, where the monopoly of violence played a decisive role in establishing an order that allowed the state form to develop further. Second, even at the peak of the globalization process, there were states such as the US, Russia, China and India, which served as clear evidence that the role of global institutions is limited. Third, the historical process of the last 10-15 years has shown a decline, not an increase in the influence of supranational institutions and the growing role of sovereign states. Of particular note are the events of recent years when the COVID-19 pandemic challenged supranational institutions for the first time and highlighted the role that states continue to play in the modern world (Krastev, Holmes, 2019; Krastev, 2020; Kasper, 2021; Sakwa, 2020). Subsequently, the confrontation between Russia and the Western countries triggered a rapid process of states disengaging from international institutions as it became clear that they offered not only benefits but also risks associated with the use of coercive (in this case, economic) power. In our view, this proves that Nagel was right to develop his Hobbesian conception.

Another important issue that deserves a separate empirical study is the question of the role of the United States — the most significant country in international affairs for more than 30 years. In the arguments of political cosmopolitans, the discussion always revolves around supranational institutions, including the United Nations (UN), the World Bank (WB), the International Monetary Fund (IMF), the World Trade Organization (WTO), transnational corporations and numerous NGOs. It is assumed that the supranational status of these organizations makes them independent of states and autonomous in their activities. However, to what extent does this correspond to reality remains to be seen. For example, Andrea Sangiovanni, a proponent of the statist approach, has pointed out that supranational institutions require state resources, at least in terms of coercive power, to implement their policies. Of particular interest, however, is the question of how independently all these institutions pursue them.

Indeed, it is obvious that the broad international representation in these organizations, the charters that govern their work and the private nature of transnational corporations do not allow to say, that the supranational structures mentioned above are dependent on anyone in particular. At the same time, however, it is not possible to claim that

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7. e.g. John Rawls, Robert Nozick

these institutions are completely independent. In recent years, there has been a tendency to create new international organizations. This has been caused by the fact that existing international organizations represent a position that is largely shared by developed Western countries. Some authors argue that in a unipolar world, the US has acted in the form of a new type of empire, and that US-controlled supranational institutions have served as instruments to maintain American power in a unipolar world (Ferguson, 2004; Friedman, 2012). Others argue that Western dominance in supranational institutions is an indication of the neocolonial character of the global order (Antwi-Boateng, 2017; Pogge, 2002).

For the purposes of this study, the correctness of any particular position is not crucial, as it would require a separate study. However, it is important to emphasize that supporters of political cosmopolitanism appeal to the independent status of supranational institutions. But if these institutions are considered as structures that implement the will of a particular state or states, this may be another argument in favor of the statist approach, in which supranational institutions are seen as mere extensions of state power.

I do not attempt to prove the correctness of the specific empirical arguments presented in this section. What is important for my research is the framing of the question itself: the appeal to empirical data commonly used in discussions concerning theories of global justice is often subjective and can be challenged by different empirical evidence. In my view, Nagel's theory currently seems to be the most grounded as it appeals to the core foundations of the modern state.

### *Normative Arguments*

The main questions regarding Thomas Nagel's concept may arise when one considers the issue of minimal humanitarian morality, which Nagel does not seem to have fully elaborated on within the framework of the global justice theory. As mentioned above, Nagel's idea of basic moral concepts is characteristic of the proponents of moral cosmopolitanism. Thomas Pogge has succinctly formulated the three main foundations of liberal cosmopolitanism: "First, *individualism*: the ultimate units of concern are human beings, or persons — rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, *universality*: the status of ultimate unit of concern attaches to every living human being equally — not merely to some subset, such as men, aristocrats, Aryans, whites or Muslims. Third, *generality*: this special status has global force. Persons are ultimate units of concern for everyone — not only for their compatriots, fellow religionists, or such like" (Pogge, 1992: 48-49). Pogge goes on to defend the position of political cosmopolitanism by supplementing these provisions with arguments about the role of supranational institutions. In our case, however, this quotation effectively characterizes the basic provisions of liberal cosmopolitanism as such. Despite his adherence to the statist approach, Nagel takes a thoroughly cosmopolitan position on minimal humanitarian morality.

This raises a number of questions that various cosmopolitan thinkers are actively exploring. Nagel, for example, points out that our moral obligation “does require us to pursue our ends within boundaries that leave them free to pursue theirs, and to relieve them from extreme threats and obstacles to such freedom if we can do so without serious sacrifice of our own ends” (2005: 131). A similar position is taken by the utilitarian advocate of moral cosmopolitanism, Peter Singer, who argues that the existing suffering in our world can be alleviated if the inhabitants of wealthy countries allocate some of their resources to the benefit of the least well-off. As for the amount of resources that should be transferred, Singer notes: “According to Richard Miller, a philosopher who has written widely about global justice, we ought to give to the point at which, if we were to give more, we would run a ‘significant’ risk of worsening our lives — but we do not need to go beyond this point. Miller’s idea is that morality allows us to pursue ‘the underlying goals to which we are securely attached’ but that, when others are in need, it does not allow us to spend more than we need to achieve those goals” (Singer, 2010: 146-147; Miller, 2004: 357-383).

Is Nagel prepared to correlate his demands for a minimal humanitarian morality with the views of Singer and Miller? And how would this affect his theory? Can we say that within the framework of the state we have the requirements of egalitarian justice on the basis of which goods are redistributed in society? And then, after this initial redistribution, should wealthy residents of developed countries redistribute some of their resources around the world again to ensure minimal humanitarian needs? This does not follow from Nagel’s work.

Another issue concerns *basic human rights*, which Nagel also mentions in relation to minimal humanitarian morality. The issue here is which rights can be considered *basic* and which cannot, and where the line is. There is also the question of interpreting these concepts.

One can turn, for example, to *the capability approach* advocated by Amartya Sen and Martha Nussbaum (Sen, 2004, 2016; Nussbaum, 2011). For proponents of this theory, which can be linked to the field of global justice within the framework of political cosmopolitanism, all rights that enable individuals to flourish, i.e., to realize their capabilities, are fundamental. And this is not just a matter of life and death, as Nagel points out. If a person cannot get proper food, medical care, education, then we cannot say that basic human rights are guaranteed.

In her theory, for example, Nussbaum presents “The Central Capabilities”, of which *bodily health* is the second on the list. She defines health as “being able to have good health, including reproductive health, to be adequately nourished; to have adequate shelter” (Nussbaum, 2011: 33). Moreover, according to Nussbaum, all *capabilities* are secured by *basic human rights* (Nussbaum, 2001). This implies that basic human rights include the right to health care, food, and shelter. Nagel’s theory does not specify which rights fall under the concern of minimal humanitarian morality. But if, for example, the right to housing is not included in this category, how does Nagel argue against proponents of this “expanded” interpretation of basic human rights?

Another argument can be found in the concept of the above-mentioned Thomas Pogge, who understands the category of positive and negative human rights in a different way, precisely in the context of global justice issues. Pogge develops an *ecumenical* theory of human rights precisely in order to understand how problems at the global level should be approached. “The case I seek to build is broadly ecumenical. I am trying to convince not merely the adherents of some particular moral conception or theory — Lockean or Rawlsians or libertarians or communitarians, for example. Rather, I am trying to convince the adherents of *all* the main views now alive in Western political thought”, Pogge writes (2005: 36). According to his theory, the world’s problems are not caused by wealthy countries’ failure to ensure the *positive rights* of the planet’s poorest inhabitants. Rather, it is the widespread violation of the *negative rights* of these inhabitants that has led to their miserable conditions. This is largely related to both colonial practices and the neo-colonial nature of existing supranational institutions. Thus, if we consider Pogge’s arguments in relation to Nagel’s concept of minimal humanitarian morality, we can conclude that Nagel should agree to a significant redistribution of goods (as a form of compensation for the rights that are or have been violated). But this does not follow from Nagel’s theory.

Nagel’s theory thus produces a dual impression. On the one hand, one can speak of a consistent and logically compelling statist theory of global justice, inherently Hobbesian in its character and appealing to the monopoly of power as the basis of justice. On the other hand, the requirements of Nagel’s minimal humanitarian morality are not clearly articulated, primarily not in an ethical or philosophical sense, but in relation to the problem of global justice — how to implement it and how it relates to human rights, the existence of sovereign states, and questions of global ethics.

## Conclusion

In this article, I examine Thomas Nagel’s statist liberal theory of global justice in the context of other existing approaches. An attempt has been made to demonstrate the credibility and logical coherence of Nagel’s theory, which undoubtedly distinguishes it from other numerous (often biased) theories of global justice. A distinct advantage of Nagel’s theory is its realistic nature, which, in my opinion, confirms its validity to a great extent. It proves to be much more applicable to contemporary realities than many idealistic and cosmopolitan conceptions.

At the same time, the dual nature of Nagel’s theory has been outlined, in which beyond the level of justice existing within autonomous states there is the level of minimal humanitarian morality that is universal and therefore global in its scope. As outlined in Section 5, the concept of minimal humanitarian morality is not sufficiently developed by Nagel, although it is a fundamental element, no less important than the question of the statist nature of justice. And, although the general ideas of minimal humanitarian morality have been discussed in detail by Nagel in various other works, they have not been thoroughly addressed in the context of global justice.

In other words, it can be assumed that the further development of Nagel's theory could go in two opposite directions. One should formulate the concept of minimal humanitarian morality more precisely and compare these provisions with existing concepts of human rights, as well as relate all this to Nagel's statist idea of justice, the other should abandon the idea of minimal humanitarian morality, leaving only the statist core of Nagel's theory, in this case aligning the concept with the position of the proponents of political realism (something that Nagel probably did not intend). In any case, Nagel's theory is currently unfinished and in need of further development.

In response to the question as to why Nagel formulated his idea in this particular way, the author himself provides a clue: "Without trying to refute cosmopolitanism I will instead pursue a fuller account of the grounds and content of the political conception. I am going to follow this fork in the path partly because I believe the political conception is accepted by most people in the privileged nations of the world, so that, true or false, it will have a significant role in determining what happens. I also think it is probably correct" (2005: 126). Therefore, it can be assumed that for the majority of prosperous nations, the issue of separation from egalitarian demands on a global scale is important. However, these nations do not intend to abandon minimum moral standards and active involvement in international affairs. This seems practical from a pragmatic point of view but not for political and philosophical theory, which still needs to be improved.

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## Теория глобальной справедливости Томаса Нагеля

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Одним из ключевых вопросов либеральной философии XX–XXI вв. стали так называемые современные теории справедливости, в которых необходимо выделить область, посвященную проблеме глобальной теории справедливости, ставшей наиболее актуальной к концу XX — началу XXI в. Среди либеральных теорий глобальной справедливости сложилось множество конкурирующих концепций, которые можно объединить в три больших направления: «моральный космополитизм», «политический космополитизм» и «этатизм». Одной из наиболее влиятельных теорий в рамках этатистского подхода стала концепция глобальной справедливости американского философа Томаса Нагеля, гоббсианская по своему духу. Взяв основные положения теории Гоббса, Нагель значительно изменил заложенные Гоббсом идеи. Это позволило Нагелю, во-первых, апеллировать к принципам эгалитарной справедливости на государственном уровне, а во-вторых, отстаивать позицию, что международные отношения не являются территорией морального вакуума. Итогом таких изменений стала двухуровневая этическая теория, в которой справедливость может существовать исключительно в рамках отдельных государств, а на надгосударственном уровне действуют требования минимальной гуманистической морали. Следствием этого стало то, что на уровне отдельных государств теория Нагеля оказалась крайне логичной и убедительной, выдерживающей критику со стороны оппонентов, в то время как на надгосударственном уровне требования минимальной гуманистической морали оказались мало проработанными и соотнесенными с уровнем справедливости в границах отдельных государств. Все это привело к двойственному отношению к теории Нагеля. В настоящей статье рассматривается глобальная теория справедливости Нагеля, критика и дискуссия вокруг этатистских аргументов Нагеля, а также высказываются критические замечания, касающиеся проблем и перспектив глобальной концепции справедливости американского философа.

*Ключевые слова:* теории справедливости, теории глобальной справедливости, моральный космополитизм, политический космополитизм, этатизм, минимальная гуманистическая мораль