

The Idea of the Nation-State as an Obstacle to the Right to Global Development

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A stark question remains with us today. Has the idea of the nation-state always sought to conceal an illusion? For over four hundred years, since Westphalia of 1648, thinkers have probed the mystery of the nature and existence of ‘sovereign, independent nation-states’ within an international system. Positivism is one epistemological framework underpinning international relations theory, which studies the relations of independent nation-states within the international system. Positivism attempts to adopt the mindset and methods of the natural sciences to study the balance of powers, structures, processes and interactions of nation-states, and the size and impact of militaries to wield and yield power within the international system. Post-positivism is another epistemological framework, which rejects the realism of the positivist world view and contends that the phenomenon of an ‘international system of nation-states’ cannot be represented in an objective, neutral and scientific way. This study will not explore the positivist and post-positivists world-views. Rather, I will submit the central issue of IR—namely the relations and interactions of nation-states within the international system—to a critique while assessing how certain theoretical assumptions in IR obstruct, hinder and ultimately stymie the realization of a right to global development/poverty alleviation. My central question is what if the nation-state is really an arbitrary, historically constructed culture or civilizational set of values based on the illusion of geographic boundaries, which masks itself as a sovereign entity that possesses an invisible existence within international law? How do we reflect on our own moral grounds and the reasons for justifying such a critique of the idea of the nation-state? The nation-state in that case is an illusion, and the illusion that persists is precisely what prevents the realization of a right to global development and poverty alleviation, which would free two thirds of the world’s population from unnecessary suffering and deprivation. This paper will use an analysis of Rawls’s *The Law of the Peoples* by the eminent moral philosopher Thomas Nagel as a point of departure of separate and independent reflections on how the idea of the nation state obstructs the possibility of a real right to development.

The nation-state is not an unconcealed secret but a secret that perpetuates an illusion. The illusion is the possibility to argue ontologically that a) the state exists as some ‘thing’ or entity; b) it exists for a reason, namely to protect and secure the interests and needs of what lies within it; c) it plays a role in an international system of relations that perpetuates peace and justice; d) the state exists to continuously solidify the notion that human beings can be categorized by citizenship and hence have a patriotic duty and obligation to a particular nation, its identity, and its interests given an a priori consensual commitment to a social contract of some kind. This is in contrast to the absence of a universal identity of the human species guaranteed and contained within a single world government grounded in a single world constitution; e) the nation-state exists to wage war in defense of its interests from attack by others (‘just war theory’); f) it exists to preserve an amorphous agenda with other states that have reason to agree on a certain norms that can justify proclamations, covenants and decrees on the interests, justice, equity, rights of the international order and what constitutes ‘fair trade’ between states for their individual economic interests. I will examine each of these concepts and how the nation-state justifies itself. In the process of its reasoning, ultimately the nation-states within the international balance

of powers, end up foreclosing the possibility of a right to universal development. For such a right to be realized, the nation-state would have to reveal the illusion that it is.

In his article, “The Problem of Global Justice”, Thomas Nagel opens his text acknowledging the importance of Rawls’s *The Law of Peoples* for contemporary debates on global justice given the legacy of the Hobbesian tradition of the self-interest of nation-states.¹ Given the various epistemological camps in contemporary IR, the question of how we even frame a theory of global justice becomes a befuddling and daunting task as Nagel asserts. What we might add to Nagel’s opening proviso is something broader in scope. How *can and should* the quest for global sustainable development be integrated in to the epistemological and philosophical debates surrounding the broader issues of a theory of global justice and world governance? Sustainable development would include, among others, the following: the eradication of ‘severe poverty’ as Thomas Pogge puts it, solutions to global institutional economic inequities say between Global North developed countries and Global South developing countries in terms of trade relations, re-shifting the uneven benefits of globalization and alleviating the burden of debt stemming from decades of development aid, and the realization of rights to economic well-being, health and water. By asking how it *can* be integrated, I refer to the conditions of possibility of how the right to development is linked with the theory of global justice. By asking how it *should* be integrated, I am admitting from the outset a self-reflexive consideration of our own moral grounds when we critique the idea of the nation-state within contemporary IR theories while trying to advance the argument for the right to global development. A clear-cut philosophy of history can arise from the moral arguments for the right to development, but this way a philosophy of history, which questions the history of philosophical defenses of the idea of the nation-state.

For Nagel, the nation-state is the steady, unswerving and self-certain ‘locus’ for domestic political theory to explore questions of justice. However, when we think of the global scale of justice, it is hard to imagine a ‘comparable’ entity to that of the nation-state that can perform a similar function.² When it comes to the international order, questions of justice typically deal with the criminal conduct of certain states, say ethnic cleansing, questions of reparations and assistance in previous war-torn or civil-war countries, international rules for a global, capitalist market economy and trade, assistances for humanitarian relief in the wake of natural disasters, and responses to violations of individual human rights, particularly the first-class of rights involving political and civil liberties—based on positive and negative freedoms.³ Anything like the ‘right to development’ seems to be overshadowed by these other dominating concerns. The question is why and what role the ‘nation-state’ plays in the intentional *deferral* of the question of the theory of global justice that can support the universal right to global development. The nation-state creates a set of domestic, normative interests (well-being, security against internal

¹ Thomas Nagel, “The Problem of Global Justice,” *Philosophy and Public Affairs* 33:2 (1995): 114. Hobbes and Machiavelli are considered the ‘founding fathers’ of the realist tradition in international relations, which espouses the view that nation-states are ‘self-interested’ entities who seek to compete with one another to increase their power and secure themselves from threats within an international system. As a result, Nagel readily admits at the outset that the contemporary landscape of theories of global justice is completely undeveloped: “concepts and theories of global justice are in the early stages of formation, and it is not clear what the main questions are, let alone the main possible answers. I believe that the need for a workable ideas about the global or international case presents political theory with its most important task...” p. 113.

² Nagel, p. 114.

³ For example the right not to be tortured or enslaved.

and external threats, and economic growth of one's own nation) in the name of protective sovereignty and liberty while engaging in moral responses to events and disasters within the international framework. In the process, nation-states occlude the reality of self-interested competition between themselves that would otherwise allow for the right to global development to emerge. Until we examine the grounds for a sovereign sense of global economic justice to materialize, idea of 'sovereignty' will continue to mean the freedom to rule oneself on one's own terms without interference from some other (self).

Ruling oneself, one's nation on one's terms, regardless of whether anything similar to a 'one' exists, or one in relation to many, or one within the many, is not the issue.⁴ Rather, we must probe the conditions for the notion of sovereignty to arise; in which a theory of global justice becomes naturally aligned with a right to global development, so that the contours of an actual entity, say a 'world government,' can truly emerge in human history. Or if that is impossible, how do we outline the ontology and ethics of conceiving something other than the 'nation-state' within a semi-stable, international system of competition, security and self-interest? What is considered an 'other' to the nation-state is not just another entity that is geographically bounded in space-time, say a regional bloc like the European Union or a future 'African Union.' Rather, we have in mind the elemental forces that solidified the nation-state as something permanent and real, as a legal, military, economic, and political body, which itself is composed of elemental forces that perpetuate self-interest through national citizenship, duty and obligation. Yet it is this historical calcification that must give way to another set of elemental forces, which in turn emanate from another set of sources. What are these sources? Say the nation-state is the minimally sufficient notion to advance a minimal set of social-welfare obligations to the citizens that belong to an empirically bounded space-time entity and its cherished historical, political and cultural identity. Then the minimally sufficient notion for a set of obligations (to alleviate global poverty) to which a theory of global justice adheres must draw from reasons that are distinct from the nation-state. A quantum leap is necessary because expanding the idea of a nation-state (based on self-preservation, interest and security vis a vie other nation-states) to a single idea of an inter-national state would lead to a twofold contradiction. If an international state is grounded in a set of competing interests, self-preserving elements, and movements between security, self-defense and military assertion of power, then the state would implode. If the international state, which has sovereign rule over the entire human species, were to contrast itself with another species, say an imaginary alien species from another planet, then it could not anticipate the terms, reasons, and assumptions of how it would compare and contrast itself with that other (imaginary) species to assert its own interests and values. This is tantamount to trying to dialogue with someone that you cannot understand fundamentally because they speak a different language. In that scenario, the international state cannot establish its identity in a relation of negation with some other identity and runs the risk of relapsing in to the very same set of values of a nation-state extrapolated to a much larger system, i.e. self-interest, self-preservation and protections against threats.

This raises the very daunting philosophical task of the relation between two questions: a) what takes the place of the nation-state and the IR theories, which try to explain its existence within the international system, and b) what can possibly invent a set of assumptions, morals, values

⁴ This would require a separate mediation on Plato's magisterial dialogue *The Parmenides* and other great sources in the history of philosophy- Leibniz, Spinoza and Hegel.

and norms other than self-interest, protection, security and competition in the absence of an imaginary identity (say an alien species) to which a universal human species identity can compare and contrast itself? An international state—that is not based on an ego that tries to preserve itself on the one hand or an ego that anguishes about its moral, ethical and perhaps legal obligations to stem the pain and suffering of other egos on the other—would require a conception other than the ego. Whether the ego has a history of unconscious repression (Freud) or arbitrarily fashioned instincts that conceal themselves as moral norms, which go unquestioned (Nietzsche), is not the issue. It might be more instructive to look at the relation between the would-be entity that takes the place of the nation-state and an ontological ground in which oppositions become meaningless, say an ego vis a vie other egos. The theory of global justice that is intrinsically linked to a right to global development carries the possibility of going against the grain of an interminable historical presupposition: that justice has to emanate from some people, group, or entity or between those things in order to be possible - but who says this is the case for all eternity? The real question is this: how long do we have to suspend the idea that the purely factual nature of our global existence—as one of catastrophic and disproportionate suffering, deprivation and inequality—cannot be recognized as a monstrous evil because collective humanity lacks the real agency to think beyond the confines of contemporary international law, the existent global economic institutions and the interrelations therein (the wealth of governments and dictators, INGOS, multinational corporations, bargaining entities, multilateral aid institutions, illegal black markets and murky foreign currency exchanges), and ineffectual covenants on social and economic rights? The foundation of nation-states (in competition with one another within the international system) to defer another World War by all means necessary while managing conflicts and starting circumscribed wars in certain regions such as Iraq and Afghanistan undergirds the aforementioned list. We must begin the project to think other than the bare—humanitarian—recognition of factually known, intolerable and unjustifiable human suffering on a global scale, and the infinite deferral of agency and responsibility on how we create institutions and live in a world other than the one we find ourselves in today. Such statement puts a stake in the ground for an ambitious new way of thinking.

Nagel again is helpful in setting the stage for discussing the heuristic value of Rawls's *Law of Peoples*, even though Nagel will ultimately end up disagreeing with Rawls.⁵ In terms of what can be done in today's world economy to minimize 'extreme global poverty' (early death caused by starvation, extreme malnutrition, inability to meet basic needs and combat preventable diseases), he sets up the following challenge:

These more basic duties of humanity also present serious problems of what we should do individually and collectively to fulfill them

⁵ We feel justified in offering in a footnote a preliminary set of explicit statements about Nagel regarding his disagreement with Rawls, particularly on the original position in footnote 10 of Nagel's article. Just as Rawls argued that utilitarianism does not take seriously the difference between individuals, Rawls' original position, according to Nagel, does not do so either with regard to individuals operating under a 'veil of uncertainty' that serves to minimize bias in arriving at the universal principles of justice for a domestic society. Nagel, p. 125. Furthermore, Nagel states, "Even though I am skeptical about grounding it in a hypothetical contract of the type Rawls proposes, its debt to the social contract tradition will become obvious." Ibid., p. 126. The purpose of this paper is not to assess the extent and validity of Nagel's critique of Rawls or to compare and contrast their views on the possibility of the global justice. This is why offer this initial separation of Nagel's perspective from that of Rawls before proceeding further with our analysis.

in the absence of global sovereignty, and in spite of the obstacles often presented by malfunctioning state sovereignty. But now I am posing a different question, one that is morally less urgent but philosophically harder. Justice as ordinarily understood requires more than mere humanitarian assistance to those in desperate need, and injustice can exist without anyone being on the verge of starvation.⁶

Nagel creates a space between extremes, a curiously ambiguous space for creative reflection. First of all, we live in the ‘absence of global sovereignty.’ This can mean that we live in the absence of an actual physical institution called a world government that would trump any of the legal and military foundations of a nation-state to defend its own interest vis a vis other nation-states. Or it can mean we live in the absence of a *conception* of global sovereignty that would differ from either the absence of nation-states with their competing dimensions (self-interests, self-pervations, protective securities, economic gains, cultural values, cultural imperialisms) or the absence of the nation-state raised to a higher categorical order (international-state) or something other to the nation-state on the one hand and the elusive, mysterious ‘world government’ on the other. However, this absence is not purely meaningless. It connotes a very serious challenge of what the current system of nation-states is willing to tolerate regarding the possibility of sensing something totally different from what is conceivable today. Or it means refusing to acknowledge that possibility given some a priori sense of futility to maintain the moral exigency to think beyond everything that has been imagined in human history heretofore. The natural relapse is to begrudgingly acquiesce to an unjust world of poverty and inequalities while directing our attention to nation-states that fail to deliver on their obligations while competing in an uneven global economy: hence the idea of ‘malfunctioning state sovereignty’ persists.⁷

The other schismatic structures Nagel introduces is quite interesting. He points to something ‘less morally urgent’ but ‘philosophically’ more difficult to understand. He sets the condition for justice to be in terms of something more that is required than mere humanitarian aid to those in abject need on the one hand and injustice not being reduced to starvation on the other. Certainly when it comes to articulating the philosophical foundations to support an effective theory of global justice, he is speaking of a very difficult task: whether that is to change the world system (of competing nation-states) in order to reduce or eliminate world poverty, or work within the current system for the eradication of the severest forms of human suffering (poverty-related deaths for mass sections of a whole world populations). However, one can ask whether philosophical complexity (and apparent insolubility) has an inverse relation to moral exigency—as if the simplest problems deserve the most immediate moral responses. Furthermore, establishing a requirement for justice being more than humanitarian aid on the one hand and injustice (as irreducible to brute starvation) on the other presupposes a space of reasoning that

⁶ Nagel, p. 118.

⁷ I do not want to get in to the designation of ‘malfunctioning’ or failed states—and whether they are to be blamed simply for their own condition (dictatorships, corruption, vice)—or whether the underlying global economic institutions in which all societies are subjected to (with or without their complicity) is responsible for the endless conflict-development traps and insurmountable debt crises that some poor countries face. The work of Thomas Pogge can be consulted for these issues. See Thomas Pogge, ed., *Freedom from Poverty as a Human Right: Who owes what to the very poor* (Oxford: Oxford University Press, 2007).

institutes a middle ground to avoid dogmatic extremes. Yet justice and injustice within domestic societies (say issues of racial, ethnic, gender or income inequality) or between nation-states (unfair trade relations or crushing burdens of debt from development aid) still emanate from the minimal constraints of what an individual ego is willing to feel as a moral obligation towards others' suffering. In other words; to what extent are peoples within and between nation-states willing to deliberate democratically for an international legal demand to stop causing world poverty (negative duty from Pogge's view) or the positive act of the world's poor to draw upon the law to compensate—through criminal or civil means--for the continuous harm being caused to them? This is the overriding question.

Digging deeper in to the issues I can summarize thus far some of my main points in contrast to Nagel's views: the persistence of the idea of the nation-state does not necessitate the absence of a notion of global sovereignty but defers it for reasons unknown. The moral urgency to solve a problem does not depend upon minimizing its complexity (say how an actual world government that trumps the international order of nation-states can come in to being and the likelihood of that occurring). Justice requires categories beyond moral instincts of an ego to want to help others more or less based on some deep felt sense of obligation or shame/guilt. The causal link between severe deprivation (starvation, hunger and poverty-related deaths) and injustice is not dependent upon whether injustice exists when a threshold of human dignity and worth, i.e. a life that can tolerated, is crossed. Injustice is neither reducible nor irreducible to the thing it signals as the event in which justice is being violated, ignored or erased. Hence it is possible to say that injustice can still exist when there is no threshold to determine when a human life is not worth living, but that is irrelevant. The point is not to prove the existence of justice or injustice but to inquire in to why the existence of the nation-state and the non-existence of the right to development are occurring in the same epoch of human history, namely our historical present. The secondary question is the nature of the occurrence itself and whether it is wise to speak of the existence of one (self-interest of nation-states competing with one another) as the condition of the non-existence of the other (universal right to development) or vice-versa. I also want to avoid any essential determination as to why or how some nation-states accrue more power on the world-stage based on economic, political, geographic, natural resource dynamics. This again would make the moral question of the right to development dependent upon the agency and intentionality of nation-states or the lack thereof, i.e. lack of a real international will to coordinate the elimination of global poverty.⁸

Continuing with Nagel's ambiguous space of conditions to conceive the idea of global justice avoiding extremes, we have more to consider before moving straight to Rawls and Beitz. Nagel compares "two principle conceptions"—namely "cosmopolitanism" and what he calls the "political conception" the latter of which is represented in two ways—that of Rawls and

⁸ This in fact would take us back to the realist epistemologies of international relations theory, which tries to understand why nation-states do what they do and measure their ability to act based on what they in fact do or own or can control. Having said that, I do not want to ignore the issue of whether moral concerns can be raised within the international order regardless of whether we can determine an essential nature of nation-states competing with each other based on self-interest, security and positions of power as moral or amoral. I will return to Charles Beitz's all-important *Political Theory and International Relations* (Princeton: Princeton University Press, 1979) to take on these questions in future work. In fact, the Beitz-Rawls debate is central to the main section of Rawls's *The Law of Peoples* when Rawls addresses the issue of economic aid to 'decent but burdened' societies. See John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), p. 105-120.

Dworkin.⁹ Yet prior to his critical analysis of these two conceptions he postulates certain refined conditions that will delimit his space of reflection:

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 relations between the conditions of different classes of people, and the causes of inequality between them. My question is about how to respond to world inequality in general from the point of justice and injustice rather than humanity alone. The answer to that question will depend crucially on one's moral conception of the relation between the value of justice and the existence of the institutions that sovereign authority makes possible.¹⁰

I shall unpack this extremely vital passage within a larger set of critical reflections regarding the trade-off between the persistence of nation-states and the suspension of realizing and enforcing a universal right to development. Perhaps the right to development is irreducible to Nagel's view of humanitarian duty on the one hand and the link between world justice-inequality on the other. It seems apparent to Nagel that 'humanitarian duties' become obvious and defensible because quite naturally those in absolute need—measured by some sense of gross deprivation (genocide) or violation of bodily integrity (torture)—is where a universal moral sensibility finds itself most aghast. There is nothing relative in our visceral response to torture just as there is nothing relative in the degree of physical pain to which the tortured individual feels. Nation-states can still compete within the sphere of political, economic, cultural and religious influence within the international system, and with relative perspectives on the needs of individuals within all those social spheres. However, when it comes to 'humanitarian' duties—both the rights-holder and the duty-bearer—the absolute is the absolute relation between the binding nature of the obligation/duty, the non-quantitative need of a person who is suffering, and the indisputable affront to the moral sensibility, all of which are uncompromising. How did the moral and philosophical conditions form to preserve the unconditional and absolute nature of humanitarian duty as the uppermost obligation for people in a position to help those who have been most deprived of their human being? How is the severest deprivations understood based on the greatest violations that terrorize the moral sensibility, which in turn require agents with responsibility to intervene? How did these conditions coalesce with sovereign justifications that instituted the nation-states, which are self-serving and self-protective but also the ones most responsible for maintaining and executing the universal humanitarian duty as a primary virtue? Who or what first said that the nation-state has to protect anything?¹¹ It appears that the nation-state as individualistic, self-serving and competitive within the international system justifies itself as the highest virtue under the law of independent sovereignty within an invisible world of great suffering and deprivation—whether these are due to natural disasters, corrupt political regimes, arbitrary abuses of power, pure evil for the sake of evil, human trafficking, or unfair arrangement of global economic institutions; and the absolute-relative distinction is used to separate the humanitarian duty off from any other moral obligation and make it absolute. Hence the nation-state is absolute too, but economic injustice and severe poverty still exist.

⁹ Nagel, p. 119.

¹⁰ Ibid.

¹¹ I am not trying to simplify the matter and hide any allusions to Hobbes.

Nagel contrasts the humanitarian duty with justice. One must ask why he makes the distinction and how he defines the attributes of both with different terms. Humanitarian duty is absolute and unconditional and as such does not involve the ambiguity of determining the conditions of justice for example. Humanitarian duty is the virtue par excellence.¹² Nagel's next step is what really predetermines the entire essay to follow in which he compares and contrasts the cosmopolitan view with that of the Rawlsian "political conception." One can say the cosmopolitan extends moral obligation to every citizen in the world in which every human being requires equal attention in terms of their well being and real (not promised) institutions to guarantee that the duty is upheld by those who can execute it. In contrast, the political conception is more limited in scope. However, it does try to erect a sense of justice and obligation of 'decent and non-burdened' (i.e. wealthy) nation-states to decent and burdened societies regardless of whether the latter takes liberal democratic forms or not. That is, those societies in need of investment to build up the necessary institutions that can cultivate the necessary 'moral powers to create their own conception of the good and a sense of justice' with stable political and civil institutions without conferring an endless amount of development aid to those societies or mandating that they reach a certain level of economic growth.¹³ Once those societies reach a point of development, which is not clearly specified, then they can be considered well-functioning members of the 'Society of Peoples.'¹⁴ Yet we are not ready for these debates, let alone Nagel's critical intervention in them, prior to the cosmopolitan or political conceptions is Nagel's own tense space of deliberation.

Nagel's definition of justice seems so simple on the surface. However, it is the presuppositions buried in the contrast with humanitarian duty that is critical: why both terms—humanitarian and justice—are set up differently with regard to what is absolute and what is relative when it comes to understanding someone's need and the duty to those in need (by those who can help) is not so clear. Nagel says that justice is "concerned with the relations between conditions of different classes of people and causes of inequality between them."¹⁵ Relations between conditions are difficult to assess, unlike relations between categories or principles. Class difference presupposes that you believe difference in income, assets and wealth (created or inherited) constitutes your class status or designation and that the difference is either justified (capitalism) or not (communism). The curious link here is between justice and inequality and somehow that has to do with the relations between the 'conditions of different classes of people.'¹⁶ Humanitarian duty is absolute because those who can help those in need must help them and 'need' is assessed in absolute, not relative terms. Justice, however, is not stated in either relative or absolute terms and inequality presupposes class difference (in income). Therefore, nothing is said about the link between difference in income and differences in need and hence there is no

¹² As we shall later see in the contrast, Rawls calls 'justice the first virtue of social institutions as truth is to systems of thought.' See John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 3.

¹³ See Rawls *The Law of Peoples*, p. 205. For the idea of developing the moral powers of citizens see his *Political Liberalism* (New York: Columbia University Press, 1993), p. 19. It is interesting to compare and contrast Rawls views with recent statements from U.S. Government's main development aid agency and its focus on transparent monitoring of investments for economic growth, sound governance and technology stimulus. See this recent speech from the head of USAID, Rajiv Shah- <http://globalpublicsquare.blogs.cnn.com/2011/11/30/shah-in-defense-of-smart-foreign-assistance/?iref=allsearch>

¹⁴ This phrase- 'society of peoples' - is in reference to Rawls' *The Law of Peoples*.

¹⁵ Nagel, p. 119.

¹⁶ Contrast this with Rawls's difference principle in which income inequality is justified. See *A Theory of Justice*, p. 60.

discussion of an absolute obligation to address income difference. But this is where Nagel offers his dramatic insight to the matter: “My question is about how to respond to world inequality in general from the point of view of justice and injustice rather than humanity alone. The answer to that question will depend crucially on one’s moral conception of the relation between the value of justice and the existence of the institutions that make sovereignty possible.”¹⁷

Nagel does not address the issue of inequality within a single nation-state like the United States of America for example. Yet at this moment he introduces the question of ‘world inequality’, and somehow this has to do with the question of justice and not humanitarian duty. Justice deals with relations of difference between different classes of people and presumably within a single society or state. However, Nagel wants to think about ‘world inequality’ from this very standpoint. Nevertheless, at this juncture, he does not dive in to the issue of inequalities in a world of nation-states independent of the issue of inequality within a single nation-state, let alone the cause and effect relations (if they exist) between inter- and intra-nation-state combinations within the world economy. We must keep this in mind because the rest of Nagel’s article compares and contrasts the two dominant conceptions to handle the problem of global justice, namely cosmopolitanism and Rawlsian-influenced political conceptions.

Let us focus on arguably the most important statement in Nagel’s entire essay. Looking at the terms set forth by Nagel and breaking them in to their core analytic properties is no easy task. From there we can try to imagine relations between them to see whether an argument for or against global justice can arise in a world configuration that does not exist today—that is something other to the international system of independent, sovereign nation-states each maintaining their own autonomy and self-determination while resisting external pressures from foreign powers.¹⁸ The issue is not to return to a moment in history before the birth of the nation-state, say the feudal age of the West or the empires of antiquity as if they had a better chance for global justice than we moderns do. So what are the key terms in Nagel’s main proposition? They are ‘world inequality,’ ‘the view from justice and injustice’ (and not humanity), ‘moral conception,’ ‘relation between the value of justice and the existence of institutions,’ and finally ‘sovereignty.’ At this point, there are no phrases or terms such as international society, international state, international government, world society, world state or world government that are taken seriously by scholars or policy-makers. The outermost extremes, which are irrelevant from an ontological and epistemological purpose, are these basic facts of nature: we live on a planet in a solar system in a galaxy in the universe. We hardly have sovereignty over everything in our own world (say all the oceans) and therefore have no sovereignty over the solar system, let alone the galaxy or universe. Even the idea of ‘world’ is not clear, let alone trying to imagine a just world. It is a curious thing as to why Nagel does not apply his absolute standard for humanitarian duty to a cause that can address what he calls ‘world inequality.’ He would rather

¹⁷ Nagel, p. 119. The reference to sovereignty will recapitulate Nagel’s discussion on Hobbes.

¹⁸ Good example of this today is the Nigerian Senate passing a bill banning homosexuality and make it a punishable crime. Many African nations are standing up against the British Prime Minister David Cameron and his ultimatum of stemming development aid to African countries unless they guarantee constitutional rights for gay minorities. The response by some African nations is that this is just another form of cultural imperialism with the irony being that British colonial law actually outlawed homosexuality in the past, which in turn was preceded by African traditional views against homosexual practice as an anathema to natural reproduction, i.e. how animals reproduce in the nature. Some African nations are saying this is a matter for their own internal democratic deliberation and they will not be bullied in to changing their culture even if this means trading off critical development aid. See this article from CNN- <http://www.economist.com/blogs/baobab/2011/12/gay-marriage-nigeria>

draw from a view of justice rather than the humanitarian cause. Outside of a Marxist revolutionary solution to income inequality within a single country like Cuba, it is hard to imagine what the concept of justice would look like to address domestic inequality if one was serious about its total eradication.¹⁹ Yet this is exactly what Nagel wants to tackle for something called world inequality, and he will set out to show why he is not exactly committed to either the cosmopolitan perspective on obligations to every human being on the planet or the Rawlsian project, which is more circumscribed: that is obligations of decent, well-developed nations to decent not so developed nations (regardless of whether they are democratic or not) to cultivate just institutions to guarantee basic liberties and equalities but not demand a priori a model for economic growth.

World inequality as the ‘relations between conditions of different classes of people and the causes of inequality’ would have to be extended to all peoples around the world and not just attributed to class stratification within a single nation like the United States. Typically, various traditions of Marxist thought (East and West), Latin American Dependency Theory, World Systems theory and recent Neo-Marxists and World Socialist movements would try to tackle the matter of world economic inequality. The entire global system would have to be changed or restructured from the bottom up because core capitalist nations are directly responsible for causing *underdevelopment* of the peripheral countries they exploit. The core does so by extracting the periphery’s resources, alienating their cheap labor, and setting up asymmetric trade relations where they can export goods to the periphery. However, the periphery is not allowed to consume its own products and forced to import at high prices commodities of which are then unevenly distributed. Nagel is not talking about these traditions as a viable solution, raising the huge issue of what exactly he means by world inequality.²⁰ To answer that question, Nagel says that it would depend upon a ‘moral conception.’ The moral conception is not defined: it is not synonymous with a right (in relation to a law or civil or political liberty) nor is it simply the right thing to do (in contrast with something wrong). Nagel does not speak about something good versus bad, or holy versus evil. It is not the Kantian maxim either.²¹ The mystery of Kant’s profound philosophy would be to penetrate the actual structural depths—beyond any dogmatic content—of what exactly ‘good willing’ is, an action that has its ‘moral worth strictly from duty and not the purpose achieved in the action or the intended result,’ ‘the maxim which determines

¹⁹ And this has nothing to do with a welfare state that has to take care of things like unemployment insurance.

²⁰ He is not talking about the capabilities approach, which addresses severe deprivations and freedoms. These deprivations do not allow people to lead the lives they value regardless of whether they are meeting their basic needs or measure their well-being strictly in terms of income, resources, utilities, consumption choices and desire-fulfillment. See Amartya Sen, *Development as Freedom* (New York: Anchor Books, 1999). He is also not addressing Pogge’s ambitious proclamation: that all the global economic institutions in the world (and not just the multinational corporations) are set up to favor a few wealthy nations, which are the direct (‘institutional and interactive’) cause for severe poverty (poverty or hunger that causes premature death). Furthermore, we have a negative duty to not continue to cause severe poverty, which is a universal human rights violation. See Thomas Pogge, ed., *Freedom From Poverty as a Human Right*.

²¹ Kant says: “The good will is not good because of what it effects or accomplishes or because of its competence to achieve some intended end; it is good only because of its willing (i.e. it is good in itself).” See *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck (New Jersey: Prentice Hall, 1997), p. 10. And the three principles of morality are: “the first proposition of morality is that to have genuine moral worth, an action must be done from duty. The second proposition is: an action done from duty does not have its moral worth in the purpose which is to be achieved through it but in the maxim whereby it is determined...The third principle, as a consequence of the two preceding, I would express as follows: Duty is the necessity to do an action from respect for the law.” Ibid., p. 15-16.

the moral worth of the action stemming from duty,' and the 'duty as a necessity to do an action out of the respect for the law' and not stemming directly from the law's intrinsic prohibition. This is what makes the individual truly free from any dogmatic metaphysical conception of an obligation, i.e. from religious law. Taken together all of these would have to form the moral conception by which we can view 'world inequality' from the standpoint of justice. The maxim—if we could discover it—would determine the moral worth, if you will, of the conception of justice. This in turn would enable us to tackle the injustice of world inequality (that is global economic inequality), but my task here is not Kantian.²²

For Nagel, the 'moral conception' is attached to an even more abstract relation: he speaks about the moral *conception* of the *relation* between the 'value of justice' and the existence of institutions that sovereign authority makes possible.' The moral conception of the relation is where everything is at stake. The relation exists between the value of justice, or what the value of justice means, and the 'sovereign authority' that makes possible the existence of institutions. It is from here that we can view 'world inequality' from the standpoint of justice. What is the 'sovereign authority?' What kind of 'institutions' is he referring to? What is the content of the value of justice and can we measure it? Nagel will not go for the cosmopolitan moral conception or the Rawlsian attempt at a purely political conception not derived from a comprehensive moral, metaphysical or religious doctrine.²³ This is why he says how we answer the question of viewing world inequality from the viewpoint of justice (and not humanitarian aid) depends upon the moral conception of the relation between the value of justice and the institutions (to guarantee it) that sovereign authority makes possible. The next question is whether such a moral conception is even possible and whether an idea of sovereignty can make certain institutions—to enforce global justice—a reality.

Let us look at this entire formulation from another angle. The real issue is how to understand anything like the moral conception, and how it informs the relation between the value of justice and the institutions that sovereignty makes possible. It is one thing to say that the moral conception resides within the relation itself, which means the holy grail is to identify the actual value of justice (why it may be necessary) and what type of sovereignty (assuming it does not exist in the world today) can make possible the institution that guarantees that particular value of justice. World inequality relates to the same issue with which justice is concerned, namely the relations between the conditions of different classes and the causes of inequality therein. At the level of the world, as opposed to the single-nation state, things change. One would have to consider the relations between the conditions of classes, groups, regions, sects, religions within and between societies in a complex and dynamically evolving global economic system. If the causal relations of inequality in their manifold, multidimensionality are linked to a definable injustice, then perhaps a clear view of the value of justice as the negation of that inequality can emerge. The moral conception would have to be worked out on the basis of a deeper understanding of the causes of world inequality to have a better sense of what world inequality actually entails. Sovereignty for its part makes possible the existence of the (new) institutions that would realize this new value of justice based on the new moral conception of the relation. However, this means another sense of sovereignty must be possible and a critical philosophical analysis of the conditions of possibility for institutions to arise. Right now the most basic idea of

²² This says nothing about the merit of those attempts by others, including Rawls, to find a maxim that would justify action to eradicate global poverty.

²³ This is classic Rawlsian formulaton from *Political Liberalism* (1993) and *The Law of the Peoples* (1999).

sovereignty is the ability to control's one's physical territory, i.e. the nation-state and its principle of non-interference. One can argue that the ontological grounds to understand the reality, essence, and being of the global economy supersedes a pure empirical understanding of the forces, agents, pressures, and institutions at work in global economic exchange. If it is hard to prove empirically what exactly the global economy 'is,' then it is even harder to show what exactly world inequality means. Thus the idea of sovereignty must change as would our understanding of the conditions of possibility as to how just institutions emerge.

So here we have set the stage for a philosophical departure from Nagel's initial conditions as to why the theory of global justice is so hard to define. Unlike Nagel, I am not proposing a return to Hobbes, albeit in a complex argument that Nagel makes, which deftly maneuvers between cosmopolitanism and Rawls.²⁴ Returning to the idea of the nation-state as the highest embodiment of virtue is not my goal, neither the idealist notion of creating a virtuous set of relations between the nation-states to transcend their traditional conceptions (of self-interest, self-empowerment, competition, just war defense and limitless economic expansion as the constitutional guarantees of what citizens demand) and truly realize a novel international cooperative process to eradicate severe global poverty once and for all. I am certainly not taking a pre-philosophical step by imagining covenants, treaties, proclamations by existing multilateral institutions and their stated goals.²⁵

My assumption is that a real philosophical understanding of history does not require us to focus on the past to understand how we arrived at our present; the focus is on how to think differently than what we are today and where we believe we came from to imagine an alternative future than the one we seem to be heading towards in a deterministic manner. Where we seem to be heading involves increasing global inequalities and poverties and all associated problems with that, namely environmental damage, rights abuses, new types of conflict and civilizational clashes (reference to Huntington's model), diminishment of natural resources (Malthusian limits), maximum exploitation of fossil fuels for energy consumption (the will to anti-sustainability), deficits of water and eventually clean air, crushing debt burdens and a continued inability to replace our current monetary system with a new standard other than one nation's single currency, let alone the previous standard of gold.²⁶ Nagel opened his article with a profoundly simple statement: "We do not live in a just world."²⁷ Does this mean we have to head to an unjust future with no other option?²⁸ Marx said the point is not to philosophize about the world but to change it. Today one can say the point is not to return to a Marxist concept of true economic justice but to change the conception: that is to devise a new theory unbeknownst to anything the

²⁴ Nagel, p. 121 (which is the end section III) and p. 147 (which is the conclusion).

²⁵ This is in reference to the UN's Millennium Development Goals.

²⁶ A clear example of the last item is the current conundrum of the E.U to re-evaluate its entire fiscal and monetary foundations with the adoption of the single currency in light of its debt crisis.

²⁷ Nagel, p. 113.

²⁸ The scary prospect for the immediate future is telling. After the seeming defeat of communism in the 20th century and the end of the Cold War and the emergence of new state-economic configurations that appear communist by name but are really only centralized, one-party systems (China) who are happy to compete in a free-market capitalist world economy and accrue massive amounts of wealth, we still have no other major philosophical alternative to Marx. The eternal return and repetition of Marx may be fine for an intellectual exercise. But we are under the impression that something new, something other than Marx will be required for the task of constructing a full-fledged, historically novel theory of global justice. And this is something that Nagel said is still unclear and is perhaps political theory's most urgent task. Nagel, p. 113.

nineteenth and twentieth centuries could imagine and thereby usher in the real historical change that those concerned with global justice seek to achieve.²⁹

I am under the impression that contemporary analytic philosophies of global economic distributive justice do not have a sufficiently complex philosophy of history to accompany their analyses and proposals for handling questions of global poverty eradication and global inequalities. New philosophies of history are not easy to come by—Vico, Rousseau, Kant, Hegel, and Marx are some of the giants of the past. We have nothing of that scale and ambition today in our hyper-specialized disciplines, but just because it is not present today does not mean it is impossible. This is a turn to a critical analysis of Beitz and Rawls while outlining the silhouette of a new philosophy of history, which is irreducible to both, can come into focus. In some senses the philosophy of history is the ontological ground by which any theory of global economic justice can become possible. The philosophy of history is not simply the theory of how epochal shifts take place, how historical causality actually works (the causes of events and trends that alter the direction of history), the hermeneutic nature of historical understanding, where man is both the subject and object of history, the one who makes and is made by history, the temporality of historical representations of how subjectivity of the present filters through the objectivity of past data, and finally the heuristic value of teasing out moral lessons from previous historical errors in human society. The philosophy of history is more than this; it is part of the Heraclitian dream that extended to Hegel to understand the mystery of motion while being in one's time so that one transcends one time and all of the history before it in to a higher, newer dimension—this is the ultimate act of philosophical creation, which even transcends the historical creativities and inventions proper to the domain of great individuals—i.e. inventors, scientists, artists, etc. The philosophy of history has to do with the fundamental problem of metaphysics itself—namely the entwinement of being, time and motion as a single problem.³⁰ I see a correlation between what Nagel is terming the most difficult and urgent problem for contemporary political theory, namely a new concept of global justice, and the central problem of metaphysics, namely a new understanding of time, being and motion, and how they adhere in a novel philosophy of history.

²⁹ This is not to say that if Marx were alive today, he would not try to do the same thing that this being called for in this paper. He too would wonder about the inequalities in the global economic system and the creation of severe poverty. Back in his day he was interested in the dialectical contradictory processes inherent in an emergent industrial capitalist system and its future as a new mode of production distinct from the feudal lord-serf and ancient master-slave modes of production and social relations of production; he pondered the ontological mysteries and epistemologies of a new theory of history based on historical and dialectical materialism in which the modes of production, man's relation to man and man's relation to resources (natural and otherwise) is a process of conflict between classes; the emergence of money as a new form of commodity and commodities as fetishistic illusions that occlude the surplus labor value that is extracted from workers for pure capitalist profit. Today he would continue to probe the technological evolution of modern globalization but his attention would certainly also be on how and why new forms of global poverty are emerging as most of the human population becomes increasingly concentrated in urban settings and not rural spaces. But Marx is not alive today and that is the point: to those who want to retrieve him for the purposes of understanding our 21st century landscape may continue to do so but for what purpose?

³⁰ Heraclitus, Parmenides, Plato, Aristotle, Descartes, Leibniz, Spinoza, Kant, Hegel, Nietzsche and Heidegger all left their mark on arguably the most difficult problem in the entire Western philosophical tradition as Heidegger once remarked in a lecture on motion in Aristotle's metaphysics.

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