

2021

A Defence of Cosmopolitan Global Justice

Kevin Bonneau

A Defence of Cosmopolitan Global Justice

Abstract:

Constructing a theory of global socioeconomic justice presents both conceptual and normative challenges. Should one strive for the uncompromising moral and humanitarian ideal of equality, or do the difficulties of international governance demand a more pragmatic understanding of justice? In “The Problem of Global Justice”, Thomas Nagel defends what he calls the political conception of global justice. Nagel’s account holds that socioeconomic justice only exists within states, not between them. From this it follows that developed states do nothing unjust when they decline to transfer wealth to developing states. While Nagel’s account has some initial appeal, I find cosmopolitanism to be a far more compelling account of global socioeconomic justice. My defence has three parts. First, I argue that Nagel misunderstands the relationship between justice and sovereignty under cosmopolitanism. I then demonstrate that, properly understood, cosmopolitanism can justify limiting the scope of socioeconomic justice to state borders through the right of self-determination. I conclude by highlighting that cosmopolitanism can not only limit socioeconomic justice in the same way Nagel’s political conception can, but that it can do so with a clearer rationale and greater applicability to reality.

Word Count: 5347

Introduction:

One of the most pressing current problems facing humanity concerns what duties, if any, states and citizens in the Global North owe to states and citizens in the Global South. Is there an obligation to transfer or distribute resources from the wealthy to the less well off? If so, what theory might explain or account for such a duty? In “The Problem of Global Justice” Thomas Nagel considers how one might understand socioeconomic justice on a global scale. Beginning with fundamental questions regarding the relationship between justice and sovereignty, Nagel presents two possible accounts of global socioeconomic justice, which he calls cosmopolitanism and the political conception. After briefly explaining both, Nagel defends a version of the political conception, one that centres relations of justice on citizenship and on the role of citizens in the state. Of particular importance to Nagel’s account are the limits that citizenship imposes on claims of socioeconomic justice. However, despite the reasons Nagel gives for his version of the political conception, I find cosmopolitanism to be a far more compelling theory of global justice, and in this paper I will try to explain why. In Part I of the paper, I will provide a brief account of Nagel’s work, and summarize some crucial claims he makes regarding justice and provide a full description of his version of the political conception. In Part II, I will provide my critique of Nagel’s work, pointing out the problems his theory encounters and providing an explanation as to why I find cosmopolitanism more persuasive. More specifically, the second half of my paper will establish that cosmopolitanism can not only limit socioeconomic justice in the same way Nagel’s political conception can, but also does so with a clearer rationale and greater applicability to reality.

Part I — A Summary of Nagel

A) Justice & Sovereignty

Nagel begins by focusing his attention on two concepts he believes are crucial for understanding justice on a global scale: “the relation between justice and sovereignty, and the scope and limits of equality as a demand of justice”.¹ Beginning with the relationship between justice and sovereignty, Nagel claims that “[separate] individuals, however attached to [justice], have no motive ... to conform to [institutions of justice] on their own, without the assurance that their conduct will in fact be part of a reliable and effective system”.² Nagel claims that such assurance can only arise “through some form of law, with centralized authority to determine the rules and a centralized monopoly of the power of enforcement”³; in other words, only through the institutions of a sovereign political state. Consequently, Nagel believes that “[it] is only the operation of [a sovereign state’s institutions] that one can judge to be just or unjust”.⁴ In short: Nagel’s claim here is that only the institutions of a sovereign state can be considered just or unjust. This means that there can be no question of justice outside the territorial or political borders of a state; equivalently, that sovereignty is required to create institutions of justice.

B) Cosmopolitanism & The Political Conception

Having articulated his view about the relation between justice and sovereignty, Nagel then turns to his second point of focus, namely “the scope and limits of equality as a demand of justice”.⁵ The question he seeks to answer is “how to respond to world inequality in general from the point

¹ Thomas Nagel, “The Problem of Global Justice” (2005) 33:2 *Phil. & Pub. Aff.* 113-147 at 114.

² *Ibid* at 116.

³ *Ibid* at 116.

⁴ *Ibid* at 116.

⁵ *Ibid* at 114.

of view of justice and injustice rather than humanity alone”.⁶ Nagel recognizes, however, that the answer to this question will depend heavily on how one conceptualizes the relationship between justice and the institutions made possible by sovereign authority.⁷ To address this, Nagel outlines two conceptions of justice: cosmopolitanism and the political conception.

Cosmopolitanism conceives of justice and its associated obligations as entirely independent from the institutions created to implement it. Under this conception, “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...”.⁸ Additionally, “...the moral basis for the requirements of justice ... is universal in scope...”.⁹ Cosmopolitan justice is derived from a universal moral duty, making its existence independent from the institutions created to espouse it. Institutions of justice are merely instruments by which we can fulfill our duties owed through justice.¹⁰ With a universal scope, cosmopolitan global justice would require a worldwide system of institutions to realize universal standards of fairness. Since such a system would, in his view, necessarily require global sovereignty, Nagel concludes that the existence of multiple sovereign states is a problematic obstacle to global justice under the cosmopolitan view.¹¹

The political conception, on the other hand, understands justice as dependent on the institutions created to implement it. According to the political conception, it is through the exercise of sovereign power that states impose upon their citizens “a duty of justice toward one another through the legal, social, and economic institutions that sovereign power makes possible”.¹²

⁶ Nagel, *supra* note 1 at 119.

⁷ *Ibid* at 119.

⁸ *Ibid* at 119.

⁹ *Ibid* at 119.

¹⁰ *Ibid* at 119.

¹¹ *Ibid* at 119.

¹² *Ibid* at 121.

Consequently, it is because of this connection between justice and sovereignty that “[the] full standards of justice ... apply only within the boundaries of a sovereign state...”.¹³ In other words, justice only exists within states, and is an associative obligation owed between citizens. Nagel also clarifies that, though obligations of justice arise from the special relationship shared by those under a sovereign power, one is not obligated to extend this relation to others.¹⁴ In fact, Nagel asserts that one would be free to actively avoid extending these relations to avoid incurring further obligations of justice.¹⁵ Unlike cosmopolitanism, the political conception finds no issue with the lack of justice on a global scale as justice only exists within states, not between them. Like cosmopolitanism, the political conception would view a worldwide system of institutions under a global sovereign as global justice, since making the world one sovereign state mean everyone is a citizen and ensure relations of justice for all.

C) Nagel’s Political Conception

Having established the general basis of the political conception, Nagel elucidates the version of it he finds most plausible. In doing so, he addresses three major questions faced by the political conception: (1) how can one justify restricting the scope of justice to the borders of the state; (2) why state citizenship, an arbitrary trait, should dictate the scope of justice; and (3) whether there is an obligation to extend relations of citizenship to those currently excluded from those relations.

Recall that, according to the political conception, justice is a duty imposed on citizens through the exercise of sovereign power of a state. Beginning with the question of why justice only

¹³ Nagel, *supra* note 1 at 121-122.

¹⁴ *Ibid* at 121.

¹⁵ *Ibid* at 121.

applies within the state, Nagel provides the following answer: “[Justice] depends on positive rights that we do not have against all other persons or groups, rights that arise only because we are joined together ... in a political society under strong centralized control”.¹⁶ This explains the limited scope of the right to justice, as “[it] is only from such a system, *and from our fellow members* through its institutions, that we can claim a right to ... the amelioration ... of unfairness in the distribution of social and economic goods”.¹⁷ As it is based on positive rights held against fellow citizens, justice is thus contained exclusively within the state.

While this explanation does provide a method of limiting the scope of justice, it contains a paradox, which Nagel readily acknowledges: “What is interesting and somewhat surprising about [citizenship] is that such co-membership is itself arbitrary, so an arbitrary distinction is responsible for the scope of the presumption against arbitrariness”.¹⁸ Citizenship is an arbitrary trait, yet the political conception views citizenship as the determinant for who is entitled to protection against arbitrary inequalities; who has rights to justice. This begs the question of why citizenship, an arbitrary trait, determines the scope for the prohibition against arbitrary inequalities. Recognizing this problem, Nagel identifies what he takes to be the unique element of citizenship that distinguishes it from other arbitrary traits, namely the fact that “we are both putative joint authors of the coercively imposed system, and subject to its norms, ... creates the special presumption against arbitrary inequalities in our treatment by the system”.¹⁹ Exactly how citizens are authors of their state institutions will be discussed later in my critique. For now, it is suffice to say that this authorship, in tandem with being subject to state institutions, is what allows citizens, and only citizens, to make demands of equality against the state, “and those exceptional demands bring with

¹⁶ Nagel, *supra* note 1 at 127.

¹⁷ *Ibid* at 127 [emphasis added].

¹⁸ *Ibid* at 128.

¹⁹ *Ibid* at 128-129.

them ... the positive obligations of justice”.²⁰ It is these twin roles of author and subject that make citizenship a suitable limit on the scope of justice.

The last issue Nagel addresses with respect to the political conception is whether there exists any obligation to extend the relations of citizenship to those outside one’s borders. To begin, Nagel recognizes that, while relations of justice are contingent on citizenship, “there are also noncontingent, universal relations in which we stand to everyone...”.²¹ These universal relations are what Nagel refers to as “minimal humanitarian morality” which “governs our relation to all other persons”.²² Nagel believes this universal relation only requires us “to pursue our ends within boundaries that leave [non-citizens] free to pursue theirs, and to relieve them from extreme threats and obstacles to such freedom...”.²³ More specifically, while humanitarian morality does create a ‘right to justice’, which is “the right that the society one lives in be justly governed”²⁴, this right does not obligate others to extend relations of citizenship. As Nagel eloquently puts it: “[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”.²⁵ Thus, this minimal humanitarian morality creates no obligation to extend relations of citizenship to those outside the state.

D) Executive Summary

Before moving on to critiques, it is helpful to summarize Nagel’s account thus far. Rejecting the universal moral principles of cosmopolitanism, Nagel’s account of the political conception of global justice cites the relations of citizenship as the basis for justice. Defending this choice, Nagel

²⁰ Nagel, *supra* note 1 at 130.

²¹ *Ibid* at 131.

²² *Ibid* at 131.

²³ *Ibid* at 131.

²⁴ *Ibid* at 132.

²⁵ *Ibid* at 132.

asserts that the dual roles associated with citizenship, being both author of, and subject to, the institutions of the state, make it appropriate as a basis for justice. Lastly, while the political conception recognizes a minimal humanitarian morality, Nagel asserts that this morality does not obligate one to enter into relations of citizenship with those outside their state. As such, justice exists exclusively within the borders of the state and only between citizens.

Part II — A Critique of Nagel & Defence of Cosmopolitanism

Having described Nagel’s version of the political conception, the rest of my paper will be dedicated to my critique of his position and my defence of cosmopolitanism. My goal is to demonstrate that cosmopolitanism is a superior theory to Nagel’s political conception. This will be done in three stages. First, I will criticize Nagel’s claim that only sovereign institutions can be viewed as just or unjust, arguing instead that, under cosmopolitanism, the standards of justice apply universally. Recognizing that a significant draw of Nagel’s theory is how it restricts the scope of justice to state borders, the second part of my argument will demonstrate that this restricted scope can be similarly justified through cosmopolitanism. The third and final part of my argument will involve a comparison of Nagel’s political conception and cosmopolitanism to demonstrate that the latter is superior in both theory and practice.

A) Justice & Sovereignty under Cosmopolitanism

Nagel claims early in his paper that “[it] is only the operation of [a sovereign state’s institutions] that one can judge to be just or unjust”.²⁶ While this claim may make sense if one adopts the political conception, it is inaccurate under the cosmopolitan view. Under cosmopolitanism, justice is founded on the universal duty of fairness owed to all individuals.²⁷ Consequently, the standards of justice are derived from the same duty of fairness and apply universally. Any institution that purports to fulfill the demands of justice can be evaluated by the standards of justice, independent of whether a sovereign authority enforces it. Now, Nagel is quite right that institutions of justice are far less effective without the assurance of conformity that

²⁶ Nagel, *supra* note 1 at 116.

²⁷ *Ibid* at 119.

sovereignty provides, but this does not exclude them from the application of the standards of justice. Ineffective fulfillment of justice is fulfillment of justice nonetheless, and any institution purporting to do so is subject to standards of justice according to cosmopolitanism.

Nagel's main argument for why only sovereign institutions engage standards of justice is that "[separate] individuals, however attached to [justice], have *no motive* ... to conform to [institutions of justice] on their own, without the assurance that their conduct will in fact be part of a reliable and effective system".²⁸ To rephrase this claim, Nagel is arguing that, unless there is a guarantee of enforcement and conformity by all other members, one has no motive to participate in an institution seeking to fulfill the demands of justice. I disagree. Under cosmopolitanism, the duty of fairness requires each person to fulfill the demands of justice as best they can. If an institution with no guarantee of unanimous conformity is the only way they can attempt such fulfillment, they have an obligation to conform to it. The fact that others may opt out of the institution and shirk their obligations under the duty of fairness does not change one's own obligation. Obligations of justice are not conditional on the conformity of others.

To summarize my point here, I believe that Nagel is wrong to assert that the standards of justice only apply to sovereign institutions and instead, under the cosmopolitan approach, the standards of justice apply to all institutions that purport to fulfill the demands of justice. This is an important distinction, as Nagel's focus on sovereign institutions has significant consequences on how his theory applies to the real world, as will be seen in the critique's third section.

Before moving on, I want to clarify that although I reject Nagel's claim that standards of justice only apply to sovereign institutions, I agree with his claim that cosmopolitan global justice requires global sovereignty. Though non-sovereign institutions can certainly fulfill the demands of

²⁸ Nagel, *supra* note 1 at 116 [emphasis added].

justice to varying degrees, sovereignty is required to ensure unanimous conformity. Fully satisfying the demands of justice requires universal conformity to a single system of institutions; there must be a method of enforcement and no possibility of opting out. Accordingly, cosmopolitan global justice would indeed require global sovereignty.

B) Limiting the Scope of Justice to the State on the Cosmopolitan View

In discussion of why he finds the political conception more compelling, Nagel asserts his belief that “the political conception is accepted by most people in the privileged nations of the world...”.²⁹ While I believe that most people in privileged nations believe their obligations of justice stop at the border, this does not mean that they accept the political conception. Restricting the scope of justice to the boundaries of one’s state is not unique to the political conception and, as I will demonstrate, it can be achieved while still endorsing cosmopolitanism.

To begin, consider how cosmopolitanism understands state sovereignty. While cosmopolitanism does not view sovereignty as a prerequisite of justice, it also does not ignore sovereignty’s role in meeting the demands of justice. By exercising their sovereignty, states can ensure unanimous conformity with state institutions, guaranteeing consistent standards of justice across their citizens. This allows sovereign institutions to fulfill the demands of justice far better than their non-sovereign counterparts. As such, cosmopolitanism would view state sovereignty as a very valuable asset. However, as Nagel points out “[if] one takes the cosmopolitan view, the existence of separate sovereign states is an unfortunate obstacle... to the establishment or even the pursuit of global justice”.³⁰ While the existence of multiple sovereign states does stand in the way of realizing a global sovereign, the sovereignty of these states allows them to create institutions

²⁹ Nagel, *supra* note 1 at 126.

³⁰ *Ibid* at 119.

that are far more effective at fulfilling the demands of justice that they owe to their citizens. This fulfillment is imperfect, since each state will satisfy the demands of justice to its own standards, and perfect fulfillment of the demands of justice would still require a global sovereign. However, this imperfect satisfaction is far superior to the degree of satisfaction that would be achievable if one were to reject state sovereignty altogether. While such a rejection would allow for a streamlined process of achieving global sovereignty, the demands of justice would go largely unfulfilled while the world agreed upon a global sovereign. In other words, though sovereign states impede the process of achieving global sovereignty, they ensure a much higher level of fulfillment of the demands of justice in the meantime. As such, it is not incompatible with cosmopolitanism to endorse state sovereignty.

Having established that, in the absence of a global sovereign, cosmopolitanism can endorse state sovereignty, the question remains how this endorsement can limit the scope of justice. Recall that cosmopolitanism is founded on the belief that “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...”.³¹ Though it may seem incompatible to restrict the scope of justice to state borders while maintaining this duty of fairness, I believe it can be done through the right to self-determination. As understood by the UN, the right to self-determination is the right to freely choose one’s sovereignty without interference, which naturally imposes a duty on all states to respect the sovereignty of other nations.³² I believe the cosmopolitan view would endorse a right to self-determination, as doing so would ensure states can create institutions with a guarantee of unanimous conformity; a task that requires their sovereignty to be respected.

³¹ Nagel, *supra* note 1 at 119.

³² *Declaration on the Granting of Independence to Colonial Countries and Peoples*, GA Res 1514 (XV), UNGA, 15th Sess, UN Doc A/RES/1514, (1960) 66.

The endorsement of the right to self-determination would also place a limit on the scope of each country's institutions of justice. While the universal duty of fairness may obligate a country to fulfill the demands of justice of the citizens of a foreign nation, the right to self-determination requires that they do so while still respecting the sovereignty of that nation. For example, a country could fulfill the demands of justice of those in foreign nations through foreign aid and humanitarian projects, as those methods respect the sovereignty of the recipient. Conversely, a country extending the scope of its institutions of justice to include the citizens of a foreign country demonstrates a clear disregard for the sovereignty of that foreign country. On the cosmopolitan view, fulfilling the demands of justice of state citizens is the fundamental purpose for state sovereignty; attempting to hijack that duty away from another country would be undermining the very purpose their sovereignty serves. As such, the cosmopolitan view can restrict the scope of justice to state borders and justify such restriction through the right to self-determination.

C) Cosmopolitanism is the Superior Theory

Having established that cosmopolitanism can endorse limiting the scope of justice to the borders of the state, I will now address why one should choose it over Nagel's political conception. I believe cosmopolitanism is superior to Nagel's view in both theory and practice, offering a far clearer rationale and having greater applicability to the real world.

I. Theory – Clarity in Rationale

Recall Nagel's justification for restricting the scope of justice to state borders: justice is dependent on the positive rights of citizenship,³³ meaning that only citizens can make demands of

³³ Nagel, *supra* note 1 at 127.

justice and only from other citizens.³⁴ The reason why citizenship serves as the basis for relations of justice is that citizens are simultaneously authors and subjects of their states' institutions.³⁵ While it is not very clear what Nagel means by citizens being the 'authors' of their states' institutions, he provides some explanation in the following passage:

I believe [what distinguishes citizenship from other arbitrary traits] comes from a special involvement of agency or the will that is inseparable from membership in a political society. Not the will to become or remain a member, ... but the engagement of the will that is essential to life inside a society, in the dual role each member plays both as one of the society's subjects and as one of those in whose name its authority is exercised. One might even say that we are all participants in the general will.³⁶

As evidenced by his reference to Rousseau's 'general will', Nagel's argument here seems to be that states represent the collective will of their citizens and, as such, that when a state acts it acts in the name of its citizenry. Since the state serves the collective will of its citizens, each citizen is somewhat responsible for the state's institutions. Accordingly, citizens serve as the 'authors' of their state's institutions in the sense that they authorize the state's actions, which they are then subject to. This shared authorship entitles them to make demands of justice from each other. It then follows that non-citizens, as they do not share this authorizing role, cannot make such demands.

I find this reliance on the concept of a 'collective will' rather problematic for Nagel's political conception. Participation in the collective will is what separates citizens from non-citizens; it is what distinguishes those entitled to justice from those that are not. Despite this crucial role, however, Nagel never explains what this participation entails, and so we are left to speculate as to what acts might constitute participation in the collective will.

So what kind of act would we be looking for? Obviously, the act must have some influence over the government to count as influencing the collective will. The act must also be ubiquitous

³⁴ Nagel, *supra* note 1 at 130.

³⁵ *Ibid* at 128-129.

³⁶ *Ibid* at 128.

among citizens, as all citizens are participants in the collective will. Lastly, the act must be exclusive to citizens; otherwise, noncitizens would have just as much of a claim. With these criteria in mind, voting in democratic elections seems like the ideal choice. Since elections determine who makes up the government, and voting rights are reserved exclusively for citizens, voting seems like the perfect example of citizens acting as authors of their states. Upon further inspection, however, this proves inaccurate. While it is easy to say that those who voted for the party that took office are contributing to the collective will, what about everyone else? Clearly those that voted for a different party believe the current government does not represent their beliefs; one could hardly say they are being represented in the collective will. Likewise, those disenfranchised due to youth or mental incapacity can't participate in the general will. And then there are those who chose not to vote and those who simply forgot. The act of voting is only representative of participation in the collective will for a portion of citizens; have all the rest lost their entitlement to justice? Not to mention, not all countries hold democratic elections; would failure to do so invalidate their institutions of justice? With the seemingly surefire example of voting proving problematic, it is difficult to imagine an activity that is ubiquitous among, and exclusive to, citizens that could constitute participation in the collective will. While acts like political protest and activism would certainly influence the government, they are neither ubiquitous nor exclusive to citizens.

In response to this, Nagel might raise the following defense: while one cannot point to a specific activity that equates to participation in the collective will, there is a more general sense by which citizens participate. It could be that there are several passive things citizens do on a daily basis to contribute to the collective will. While I can understand the sentiment behind this defense, the question of what participation in the collective will entails demands a more concrete answer. According to Nagel's argument, participation in the collective will is something so important and unique to citizens that it allows citizenship, an otherwise arbitrary trait, to serve as the basis for

claims of justice. Considering the vital role it plays, being unable to explain or provide an actual example of what participation in the collective will looks like severely undercuts the strength of Nagel's argument. Such is the crux of the issue with the Nagel's focus on citizenship; the idea that citizens are 'authors' of their state's institutions by participation in some collective will is too vague a concept to serve as justification for limiting the scope of something as important as distributive rights, as it is unclear what said participation even entails.

Now, compare Nagel's rationale to the reasoning I provided for limiting justice on the cosmopolitan view (see section B). First, everyone has a claim to justice based on the universal duty of fairness owed to all human beings. Second, cosmopolitanism values state sovereignty for its role in greatly improving the ability of state institutions to fulfill the demands of justice, and would therefore endorse a right to self-determination to protect state sovereignty. And third, the scope of obligations owed by the state is limited to those within its borders by the duty to respect the sovereignty of other states. My argument relies on straightforward concepts and provides a clear rationale for each step. Following this comparison, it is apparent that the cosmopolitan view offers a far clearer rationale for limiting the scope of justice than Nagel's political conception.

II. Practice – Applicability to the Real World

In addition to using vague concepts as key justifying principles, Nagel's political conception is also incapable of explaining socioeconomic justice as it functions in the real world. Recall, Nagel's political conception holds that "[the] full standards of justice ... apply only within the boundaries of a *sovereign* state..."³⁷ By Nagel's account, a state without sovereignty lacks the coercive power to impose a duty of justice on its citizens and, as such, justice cannot exist within its borders. Yet, in reality, there are countries without sovereignty that provide socioeconomic

³⁷ Nagel, *supra* note 1 at 121-122 [emphasis added].

justice for their citizens without issue.

Consider the case of Gibraltar. Gibraltar is a British Overseas Territory under the sovereignty of the United Kingdom. Though under the UK's sovereignty, citizens of Gibraltar are not citizens of the UK and do not participate in its elections or social institutions. Instead, Gibraltar is a self-governing country with its own complex systems of law, education, and taxation. Most notably, Gibraltar's government has its own system of socioeconomic justice, offering welfare, social insurance, and a variety of other benefits to its citizens.³⁸

How would Nagel's political conception understand justice with respect to Gibraltar? Under Nagel's view, the demands of justice are based upon the positive rights associated with citizenship to a sovereign state.³⁹ As Gibraltar is not a sovereign state, its citizens have no claim to justice. Following from this, Gibraltar's government owes no obligations of justice to its citizens, and all the benefits it has thus far provided them are merely charity that could be revoked at any time. Additionally, Gibraltar's institutions are not held to any standards of justice, as those are exclusively reserved for sovereign institutions. Lacking any standards of justice, Gibraltar's government can choose to allocate its social resources along arbitrary lines, such as race or gender, if it so chooses. This view of Gibraltar is problematic, to say the least.

Finally, consider how cosmopolitanism would understand justice with respect to Gibraltar. Regardless of whether they are citizens of a sovereign state, Gibraltar's citizens are human beings and have a claim to justice through the universal duty of fairness. Gibraltar's social institutions, though not the product of a sovereign government, are still held to the standards of justice, as said standards apply universally. Unlike Nagel's theory, cosmopolitanism would treat Gibraltar the

³⁸ "Benefits", (last visited 18 Nov 2019) online: *HM Government of Gibraltar*, <
<https://www.gibraltar.gov.gi/income-tax-office/departments-social-security/social-security-and-benefits/benefits> > [<http://archive.is/Bmb7k>]

³⁹ Nagel, *supra* note 1 at 127.

same way it would any sovereign country, awarding its people the same rights to justice and holding the country's institutions to the same standards of justice.

Comparing these two understandings of justice in Gibraltar, I think it is quite clear that cosmopolitanism better accounts for justice as it functions in the real world. Moreover, Gibraltar is not a unique case, as there are fourteen British Overseas Territories. There are also numerous constitutional monarchies such as Canada that lack their own sovereignty. As the case of Gibraltar demonstrates, exclusively reserving standards of justice for sovereign states and refusing to acknowledge non-sovereign institutions as sites of justice poses a serious problem for Nagel's theory. Cosmopolitanism, recognizing universal standards of justice, is unfazed by countries with varying levels of sovereignty, including those with no sovereignty at all. As a result, cosmopolitanism provides a more accurate account of how justice functions in practice.

Conclusion:

In his work, Nagel set out to provide the account of global justice he found most plausible. Beginning with the claim that only sovereign institutions could be just or unjust, Nagel outlined how cosmopolitanism and the political conception would view global justice. Expanding on the political conception, Nagel's version derived justice from the relations of citizenship. Nagel then distinguished citizenship from other arbitrary traits by highlighting the roles of author and subject a citizen plays in their society. Despite Nagel's best efforts, his theory turns out to be far less compelling than cosmopolitanism when the two are compared. Cosmopolitanism imposes the same restrictions on the scope of justice and justifies them through respect for state sovereignty and the right to self-determination; far more coherent concepts than citizens being the 'authors' of their state's institutions. Additionally, cosmopolitanism views the standards of justice as universal in their application, allowing the theory to deal with complex cases of sovereignty like Gibraltar; cases that cannot be reconciled with Nagel's exclusive focus on sovereign intuitions. As my critique has established, cosmopolitanism can endorse the same state-limited scope of justice as Nagel's political conception while offering a clearer rationale for doing so with greater applicability to reality.