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Citation for final published version:

Sutch, Peter 2018. Freedom, power and the global economic order. *Good Society* 26 (1) , pp. 104-119. 10.5325/goodsociety.26.1.0104 file

Publishers page: <https://doi.org/10.5325/goodsociety.26.1.0104>
<<https://doi.org/10.5325/goodsociety.26.1.0104>>

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Introduction.

This article develops arguments, found in chapter six of *Freedom is Power: Liberty Through Political Representation*,ⁱ concerning how Hamilton's account of freedom might inform our thinking about global justice. Hamilton's work grapples with the problem of domination and freedom in a post-Apartheid and post-colonial world order. The persistence of domination in a 'liberated' world is a vital theme that has to become more central in international political theory. While we find important statements of this theme in some of the canonical texts of the tradition Hamilton's treatment of the theme hints at a further reaching, more demanding engagement with 'real modern freedom'- freedom in the vast shadow of economic, political and cultural domination. This contribution seeks to place his work within debates in normative international political theory and to compare his position (and its implications) with those arguing for normative and institutional change in world politics. Chapter six is the least developed element of the book. This is no criticism – its focus on freedom is primarily and properly centred on domestic political life. Nevertheless, the argument in chapter six that our representatives can and should control the global economy hints at a potentially radical position on global economic justice. This paper argues that a radical position on global economic justice is essential to any account of justice in the modern world and pushes Hamilton's argument to consider the framework of 'real global freedom'. This article explores where Hamilton's position places him in relation to existing scholarship on questions of distributive justice and global economic governance and points in the direction of renewed insistence on real freedom as a basis for international justice.

Part 1

Chapter six ('Can and ought our political representatives control the economy?') claims that our representatives, under the right conditions (Hamilton 2014:190), can and ought to control the *global* economy (emphasis added). This claim is the logical progression of the theory of 'Freedom is Power' developed in the rest of the book. However, we are not really told what these right conditions might be – or what representation and hence institutional legitimacy at the international level might look like. In this paper I want to explore what Hamilton's theory of freedom might mean for a developed theory of global justice. I do this by exploring the primary implications of the theory of 'Freedom is Power' for international governance and policy and trying to think about how 'Freedom is Power' is or is not compatible with some of the major ideas in contemporary international justice debates with a view to getting a clearer sense of where 'Freedom is Power' might sit and where it might innovate. There are two elements to this. The first is a consideration of the ideal institutional structures that may enable real freedom and the second is a consideration of agency or who will push to create these institutional conditions. The latter is the most challenging because, as scholars like Thomas Pogge have explained, the entrenched privilege of the developed, liberal capitalist states operates at the very foundations of the post war economic and legal order (see below). In the final section I reflect on the history of the New International Economic Order movement in search of insight on this issue.

To drive my arguments forward I will draw on the two key arguments that push 'Freedom is Power' to the international and on the four domains of 'real modern freedom' (empowerment, representation, resistance and control) that structure 'Freedom is Power' to orient my reading of Hamilton's claims concerning international justice (Hamilton 2014:Chapter four). My work here is not intended to critically engage with the conceptualisation of freedom in itself. Rather it is intended as a thought experiment to see where 'Freedom is Power' might take us. I am not arguing that this is where 'Freedom is Power' necessarily takes us – that these are the only options. There are a range of more-or-less radical options available (although anyone who values the status quo will find them

all radical).

Hamilton claims that the right climate for achieving international justice includes political will, ideology and institutional configuration. I think that the political will to create a world in which resistance to domination and control is the basis for the freedom of all is to be found in nascent but stunted form in some existing normative and institutional developments. Stunted because the job of overcoming the entrenched domination of the most powerful national economies, major multinational corporations and hyper-consumer capitalism more broadly is such an overwhelmingly big task that most of these normative frameworks have become compromised in the process of institutionalisation. Nevertheless, I think there are some foundations that we might build on – even if they need reform. I also think that ‘Freedom is Power’ is compatible with a number of ideological positions. Hamilton's construction of ‘Freedom is Power’ draws on a broad range of theoretical positions and ‘Freedom is Power’ itself appears to be able to enjoy a weak overlapping consensus from these sources. It is clear from the text, I think, that we are not waiting on the emergence of a single, universal ideological position that could drive institutional and normative reform. Elements of liberal cosmopolitanism, solidarism, pluralism, socialism and republicanism all demand reform of the international order and are compatible with an idea of international law as the protector of group and individual rights. Similarly, the nascent idea of heterarchically rather than hierarchically ordered international law we find in ‘Freedom is Power’ insists on a place for groups that are usually marginalised in the international institutional-legal order. This has the potential to offer a powerful counter to the discrimination and domination that I think is present in some arguments about international constitutionalism and itself seeks to challenge the image of international law as a mere epiphenomenon of power. The question of institutional configuration will be the main vehicle through which I explore these issues. In examining institutions, both in terms of concrete institutions like the United Nations Security Council and in terms of fundamental institutions such as multilateralism, sovereignty or international law,ⁱⁱ we get a sense of the normative and practical

agenda that 'Freedom is Power' sets us in global affairs.

There are two major foundations to the claim that we need major reforms to the international order if we are to have a regime that can underwrite freedom for all. First freedom relies on control over economic organisation and policy formation. The influence of international structure in shoring up the hegemonic domination of key groups of political and economic actors and the influence of these actors on the attainment of 'real modern freedom' clearly points for the need for empowerment, representation, control and resistance as elements of freedom.

[T]he degree to which I am in fact free under modern conditions...depends on the extent to which I live in conditions of domination in a number of causally related domains. My freedom depends on my power within four related domains: (a) my power to overcome existing obstacles; (b) my power to determine who governs my political association or community; (c) my power to resist the disciplining power of my community and state; (d) and my power to determine my social and economic environment via meaningful control over my representatives. (Hamilton 2014:95)

Thinking about real modern freedom at the global level requires some imagination as this statement is developed to apply predominantly in the domestic context. It is the second foundation of Hamilton's argument that begins to point the way. This second plank of the argument has even more radical potential but can be at least partially addressed through a renewed focus on some existing normative frameworks. The second foundation of Hamilton's argument draws on the degradation of the planetary environment and the unsustainably high levels of affluence and consumption that are current marker of success and freedom. The current 'success' of the developed global north in this regard entrenches domination and the aspiration of the impoverished global south to achieve equal measures of affluence threaten our shared environment to the point where self -preservation and

freedom appear to be at odds with one another. The need both for self-control with regard to consumption and the need to exert control on economic and environmental policy both to counter domination and to give effective expression to this self-control grounds the argument here (Hamilton 2014:122). Exploring these claims points to a number of key reforms to existing international institutions. Three contemporary sites of global political contestation that have been explored by normative international political theory offer interesting proving grounds for 'Freedom is Power'. A classic cosmopolitan argument that framed later debates both by offering a description of the essentials of moral cosmopolitanism that has become the industry standard by laying out a clear challenge to post war economic consensus is our first port of call.ⁱⁱⁱ Here I want to look at where 'Freedom is Power' sits in relation to arguments about the dispersal of sovereignty (and hence effective representation) and at distributive justice as a means of resistance and compensation for the continued existence of unjust institutions. I then briefly examine an argument made by Robert Keohane and Allen Buchanan who, in exploring the normative necessity of UNSC reform – particularly in the context of humanitarian military intervention, imagine institutions that, I suggest, might give effective expression to the ideal of representation that 'Freedom is Power' requires on the international plane.^{iv} Thirdly I want to look at republican and solidarist accounts of power-countering – looking at ways of bringing economic actors under the global compact, increasing the representative effectiveness of NGO's and coalition building between weaker states.^v Finally I look at sustainable development and at the residue of the New International Economic Order model found in Common Heritage regimes in the global commons. In all of these areas significant institutional and policy reforms are implied by 'Freedom is Power'. In examining in brief these key sites of debate in global justice the structure of my exposition – following, appropriately given Hamilton's republican sympathies, a recent paper by Cecile Laborde and Miriam Ronzoni on republican internationalism and globalism^{vi} – sacrifices depth of analysis for a glimpse of the sheer range of implications of 'Freedom is Power'.

Hamilton's argument brings us to focus on '(a) the extent to which existing institutions enable the free determination and satisfaction of needs; and (b) the political institutions that may be necessary for the empowerment of citizens in these processes' (Hamilton 2014:83). This leads to a critical analysis of existing international institutions. The targets themselves – the G7, the UNSC, Multinational Corporations etc. - are not unusual targets for critique but the substance of 'Freedom is Power' structures the critique in a distinctive way and pushes our approach to reforming transnational institutional structures in a particular direction. A couple of features are worth noting before I explore possible 'Freedom is Power' based arguments about international institutional reform and legitimacy. I should note here that the first requirement – that representatives, who do control macroeconomic policy and the trajectory of our globalised economies (p.175) should be embedded in domestic structures that ensure that they do so in freedom enhancing ways – is not my focus. The question of a legitimate and just global order does depend on domestic political legitimacy and international political legitimacy. If the argument in 'Freedom is Power' is to work the four domains of freedom (empowerment, representation, resistance and control) have to be realised in both contexts. Here I focus only on the implications of the argument in the international context. The second broad background note concerns Hamilton's general view of economics. He writes

In contrast to both of these extremes, 'planned economy' or 'free market' the thesis...defended here maintains that ever more complex and inter-dependent economies require many of the existing mechanisms of the capitalist economy – freedom of production, occupation, employment movement, exchange and pricing – in order not only to continue to function minimally but also to be freedom enhancing in the sense of satisfying needs and enabling the assessment and alleviation of situations of domination. (Hamilton 2014:178)

The form of this broadly capitalist economy is to be 'controlled' rather than 'planned' or 'free'. Control here means subjecting macroeconomic policy to the control of representative of groups (as they emerge in legitimate and free states) structured not by the existence of a single administrative agent (which equates control with planned economies in Hayek) but

the creation of political institutions and forms of representation that enable special, unequal and even partisan forms of political participation and representation in order to enable those with little or no access to power due to little social and economic power the means to affect political decision making and counter the domination of the social and economic elites. (Hamilton 2014:179)

This clearly sets an agenda for critique of existing institutions and can suggest (in ideal theory) radical institutional reforms and (in non-ideal theory) policy preferences in existing debates in economic and environmental politics. The notion of partisan politics is also important to the third background note. The key to resisting the domination of one group over others is

to avoid seeking 'some 'ephemeral' common good or 'public interest' [and] to remain realistic about continued group conflict and moral and political disagreement in society, and to entrench institutions that provide partisan political power to those groups that have little social and economic power. (Hamilton 2014:18)

This rules out the sorts of institutional cosmopolitanism that equate a strong account of moral egalitarianism with world government, or liberal cosmopolitanisms that seek neutrality or equality in institutional forms without having a place for the recognition of entrenched inequality. It also speaks to the notion of power-countering that we find in Pettit's republican theory of international organisation (Pettit 2010).

The State, International Organisation and Representation

The central problem that much normative international political theory grapples with is the place of the state as the key actor in international affairs. It concentrates the power of domestically hegemonic groups and pulls moral focus away from individuals. In a world of well ordered (in the 'Freedom is Power' sense) states this is not such a problem as the representatives of groups are readily identifiable and able either to articulate their right to be represented beyond the state or to hold whatever diplomatic corps, multinational business representative, or NGO's arise to account domestically. But what does 'Freedom is Power' imply for the structure of international society? It is clear from the text that the existing status quo privileges the power of the advanced capitalist states of the global north. Their power is entrenched in the institutional structure of the global economic order – in the power of the WTO or the G7 for example and in the existence of the Veto power of the five permanent members of the UNSC. 'Freedom is Power' tells us that the state-based nature of the order privileges the elites of these powerful states at the expense of groups within those states as well groups and nations in the global south. This recognition is not, of course, unique to 'Freedom is Power'. Liberal critiques of the international order point to the privilege accorded to powerful states through victory in war and through colonial occupations. Thomas Pogge, in an essay pointing to the contradictions of the current international legal order, revisits a common theme from his work that reflects many of Hamilton's concerns.

Various human rights are widely recognised in codified and customary international law. These human rights promise all human beings protection against specific severe harms that might be inflicted on them domestically or by foreigners. Yet, international law also

establishes and maintains institutional structures that greatly contribute to violations of these same human rights: central components of international law systematically obstruct the aspirations of poor populations for democratic self-government, civil rights and minimal economic sufficiency. And central international organizations, like the World Trade Organization (WTO), the International Monetary Fund (IMF) and the World Bank, are designed in ways that systematically contribute to the persistence of severe poverty. (Pogge 2012: 373)^{vii}

He goes so far as to describe the diplomatic architects of the WTO as 'hunger's willing executioners' - a description he realises will not gain much sympathy or be taken seriously in the global North. In response to such patent injustice he argues for a fundamental shift away from the state-centric monopoly of power and a system of distributive justice to compensate for the costs of injustice. Here I think it might be instructive to think about how 'Freedom is Power' and, in particular, the key idea of the aesthetic theory of representation (Hamilton 2014:145-153), might push us to consider what Pogge calls the vertical distribution of sovereignty. Pogge's moral platform is of course distinct from 'Freedom is Power'. Nevertheless, it is worth noting the subtle ways in which Pogge lays out his position to include needs, interests, individuals and groups. He famously writes,

From the standpoint of cosmopolitan morality – which centres on the fundamental needs and interests of individual human beings, and of all human beings – [the] concentration of sovereignty is no longer defensible....The proposal is that governmental authority - or sovereignty – be widely dispersed in the vertical dimension. What we need is centralisation and decentralisation, a kind of second order decentralisation away from the now dominant level of the state. Thus persons should be citizens of, and govern themselves through a number of political units of various sizes without any one political unit being dominant and

thus occupying the traditional role of the state. And their political allegiances and loyalties should be widely dispersed over these units: neighborhood, town, county, province, state, region and world at large. People should be at home in all of them without converging on one as the lodestar of their political identity. (Pogge 1992:58)

I think one key criticism from an 'Freedom is Power' point of view would be that the units Pogge identifies on the vertical axis do not correspond with group representation and group freedom in a way that accurately identifies what are mobile or flexible sites of domination. The identification of interests and identities as the basis of representation (rather than regional or geographical units from neighborhood to globe) would be a start – allowing representation as identification to enable NGO's, representatives of gender, class, form of employment etc. to the fore (Hamilton 2014:143). Most crucially however, is the recognition that representation cannot 'track' pre-existing interests. It has to be fluid enough to avoid a 'tyranny of the representatives' (Hamilton 2014: 148) to ensure that groups whose needs are not represented – or groups whose needs and interests change over time – can be empowered through representation and resist the establishment of hegemonic notions of the people and their proper representatives. If the need for a move away from a unitary conception of sovereignty is necessary we need then a vertical and horizontal dispersal – needs, identities and interests are constituted at all levels and must be open to be contested over time. Contestation is both part of the renewal of legitimacy and a motivation for change in representation. We might think of this as the dispersal of representation rather than sovereignty – an answer to what Pettit refers to as the problems of membership (where the needs of certain groups are excluded because they are not represented by a state – or even by a city or neighbourhood) and of what Pettit (2010) calls the imbalance problem (where less powerful groups are accorded a special status in order to resist the more powerful or exert control in the 'Freedom is Power' sense). A 10 year plebiscite on the direction of the global economy (Hamilton references this potential domestic framework in chapter 6) – contestation at the global level - seems too unrealistic and institutionally complex so

how might we realize this sort of freedom on the international plane?

I struggle to imagine a global order that might embody these ideas in a complete way (a failure I am sure of my imagination rather than the thesis itself) but if we think of how we might a) mitigate the power of states in international organisations and b) encourage the partisan and unequal power of groups directly affected by those International Organizations some interesting options come to mind. One draws on work by Buchanan and Keohane who, in reviewing the legitimacy of the UNSC point to the illegitimacy of the P5 veto and the more general problems of UNSC decision making. They argue for an ideal of the removal of the veto and the establishment of ex-ante and ex-post accountability mechanisms – especially when the UNSC is considering cases under chapter VII of the charter which deals with threats to international peace and security (Buchanan and Keohane 2004). The accountability mechanisms are to consider evidence and to ensure that states want to act – or have acted – in good faith or for reasons compatible with humanitarian principles and apply sanctions where that is not the case. I can imagine an argument that puts membership of groups who can claim to be affected by particular decisions on these mechanisms – regional and other interest groups (such as Non-Governmental Organizations dealing with violence against women, child soldiers, farmers whose livelihoods are at peril, environmental groups etc). I can imagine a forum in which debate over which groups are affected and thus appointed, and that considers the validity of humanitarianism itself, or the constitution of the force to be used etc. As a skeleton model it suggests similar fora at the WTO, G7, Human Rights Bodies and treaty negotiations. All of this on the assumption that the immediate demolition of the architecture of the world order, even if required in theory, would not be a realistic option. Buchanan and Keohane are sceptical, because of the constitution of the UN Charter which requires the acquiescence of the Permanent 5 to any charter amendment, that any such reform can be enacted and envisage and new institution of ‘rights respecting states’ that would act outside of the UN. A position that developed Hamilton’s thesis here would have strong reason to reject this move. Such a position would go further than Chris Reus-

Smit's rejection of the potential hierarchisation of world politics that such a move implies (one that mimics or entrenches the European standard of civilisation that characterised the colonial domination of the nineteenth century).^{viii} As well as having a commitment to what Reus-Smit calls an equalitarian regime Hamilton's thesis would supply strong reasons, grounded in his theory of partisan representation, to construct accountability mechanisms and to entrust them with the power balancing role.

This brief sketch shows both how radical 'Freedom is Power' may be on the international plane and how representation might sit alongside existing mechanisms in a fairly straightforward way. The driver of change is the radical message about freedom and representation and the requirement that groups find a voice, and a real possibility for resistance, in global institutions. In one sense it is like an expanded and deepened argument for including NGO's in decision making and treaty negotiation. The mechanism (rather than a global plebiscite) could be the accountability mechanisms linked to a forum (similar in status to the now defunct trusteeship council) that negotiates, validates and appoints group representatives to these mechanisms. Like Buchanan and Keohane I realise that practical steps to removal of the veto and the establishment of new accountability mechanisms are hampered by the charter requirements that give P5 members an effective veto over institutional change. Nevertheless this serves as an example of what it might take to resist the stranglehold of the most powerful on the world stage. Pogge's rider to his theory is a conception of distributive justice (funded perhaps by a Global Resources Dividend) to be paid in compensation for the continued existence of unjust institutions and I think that something like this is also implied by 'Freedom is Power'. Once again, however, the conception of distributive justice generated by 'Freedom is Power' is likely to be nuanced in at least two specific ways again driven by the domination of global north over global south economically (and of large multinationals over the world's poorest) and the environmental issues that Hamilton places at the centre of his international political economy.

The resulting position put me in mind of arguments for a New International Economic Order. The 1970's project may well be dead but the issues that inspired the debates are clearly still very present. Add to this the environmental risks associated with levelling the world up to the consumption levels of the world's richest and we are pushed in at least two interesting directions. The first focuses again on what Pettit calls the imbalance problem. The most powerful national economies and the most powerful multinational corporations clearly enjoy unjustifiable influence on macroeconomic policy. Pettit calls for a privileging of the less powerful – formed perhaps by coalition building among the weaker states (Pettit 2010:159) (or indeed coalitions of groups). 'Freedom is Power' also demands policies to enable the resistance of domination of the poor by the rich and a recognition that partisan policy in this regard is justified. Again, the question is what potential avenues are there for the institutionalisation of these demands? Coalitions (or attempted coalitions) by relatively weaker states are not uncommon in the UN and other negotiating fora but history has some lessons concerning the effectiveness of those coalitions – even where the core demands of those coalitions gained some traction. Two areas where urgent work is required are found in the regulation of MNC's and in the global commons.

One initiative that might be of interest is the 'global compact' or the UN Guiding Principles on Business and Human Rights developed under the leadership of John Ruggie between 2005 and 2011. This initiative was an attempt to rekindle the idea (in the work of the sub-committee on the promotion and protection of human rights in 2003) that business had to accept legal responsibility for their part in promoting, protecting and, in many cases violating, human rights. Human Rights might seem an odd vehicle for the promotion of 'Freedom is Power' – the regime often comes under accusations of Western bias, State-centricism and the like – but the guiding principles (a 31 principle, soft law instrument adopted unanimously by Human Rights Council in 2011) directly approach the impact on these non-state actors on the lives of the poorest from the oil fields of

Nigeria to the mines of Peru. Institutionalising the idea of representation noted above in this context opens up important discussions about who suffers at the hands of these powerful actors (something that would go well beyond just those employed in a globalised supply chain). At the same time it attempts to address the duties of states to protect human rights, the duties of companies to respect human rights and the routes to remedy that those adversely affected could take. (Ruggie 2013). It also opens up a forum for the examination of the global market on human well-being more broadly as a much broader range of groups (rather than just labour, capital, state) articulate views on the issues.

Finally, I want to think about regulation in the global commons. The global commons are areas beyond national jurisdiction that have both commercial and environmental import for humanity as a whole. Legal regimes in the deep seabed, outer space, the Antarctic, the atmosphere etc. embody a quite extraordinary awareness of the global import of resource exploitation and environmental pollution to humanity. The regimes, negotiated in the shadow of the NIEO movement, established institutions to protect the common heritage/common interest of humanity, recognising the responsibility of the global north to the global south – as a consequence of the responsibility for the environment via industrialisation and as a consequence of colonialism. Both of these latter issues remain pertinent (and not just in the global commons in my view) but the regimes are being challenged and watered down as exploitation of these areas becomes more plausible and as NIEO challenges to the neo-liberal order fade into history.^{ix} It is not just the thought that the unowned resource pools and sinks are available to be used to the benefit of humanity and to address the consequences of colonialism (although that is a strong pull here). Neither is it just the recognition of the link between commercial exploitation and environmental well-being that appeals. What appeals to me about these regimes as vehicles for the realisation of ‘Freedom is Power’ is 1) the fact that negotiations about transition from common heritage regimes to market led regimes are happening now and that if we are to preserve or renew the ideas of freedom and distributive justice at the heart

of these regimes we need to act now and 2) that the framework agreements that create space for ongoing analysis of scientific understanding of the areas in question for the purposes of evolving policy seem to me to be useful fora for resistance, control, representation and empowerment more generally. If we replace NIEO economic arguments with those in 'Freedom is Power' (above) we reach, I think, a position between neo-liberalism and planned economy – one well placed to underpin, perhaps, the next stage of common heritage/interest claims.

That these innovations began under the influence of the NIEO movement brings me to a consideration of the agency question – who will champion the radical transition to a more just world characterised by real global freedom? The absence of the 'what' of real global freedom is accompanied by the absence of the 'who' in *Freedom is Power*. The implicit assumption is that the dominated will or ought to seek real freedom and while the South African context offers some hope that this might bear fruit there are also reasons for scepticism. The early (radical) successes of the Non Aligned Movement (NAM) and G-77 coalition of developing nations in the first iteration of global commons regimes are remarkable for establishing burden and benefit sharing mechanisms in respect of resource pools (like the deep sea bed or the moon and outer-space) and sinks (like the atmosphere) that recognise the injustices of colonialism and the consequent economic inequality in global treaty. Yet the sheer power of the most technologically developed states (those most able to exploit the resources of the commons) have led over time to an extremely limited application of these principles in practise. Indeed the 1994 New York Agreement that amended UNCLOS III and the Obama Administration's 2015 Entrepreneurship in Space Act are concrete examples of how difficult it is, even for a coalition of 77 states, to gain and maintain traction in a search for justice. Indeed many scholars of this movement conclude that any justice claim that challenges neo-liberalism is doomed to fail as developing nations seeks comparative advantages in pursuing a liberal economic agenda.^x Nevertheless the core argument of *Freedom is Power* highlights just how counterproductive this is in terms of domestic and global freedom. The unfreedoms of the post-war

world are sustained and replicated by the neo-liberal economic order and this is something made sensible to us not just by anti-colonial movements but also by liberals from Pogge to Buchanan. The fact that Hamilton's work comes from a scholar situated in the global south is important. Not least because it carries the memory of a struggle to overcome the deeply entrenched structures of colonialism and Imperialism. It also has a clear message about the persistence of domination in a post-colonial world where neo-liberalism cements the divide between rich and poor in economic and political terms both globally and locally. But *Freedom is Power* points in the same direction as cosmopolitans (whether liberal, socialist or solidarist) towards the effects of domination by the World's richest 1% and the inability of the extant state system to mitigate those effects. When Oxfam reported in 2016 that the richest 1% own as much wealth as the other 99% and that the richest 62 individuals owned as much as the poorest half of the global population it was clear that while the political and economic effects of inequality were felt more keenly in the developing world they were also manifest in the leading economies. The structures of domination – gender, class, race, ethnicity, religion – are politically empowered by a social and economic order that might only be challenged by the radical changes envisaged. This is not a global south vs global north, developed vs developing economies or Imperialist vs colonised battle. It is a call to link the struggles of those pursuing global justice – whether through the reform of representative and bureaucratic institutions, the evolution of human rights mechanisms or the development of global commons regimes – in challenging the obvious shortcoming of the international legal order. Cosmopolitans of all stripes have reason to challenge the hegemony of the existing world order and it is vital that coalitions are built across traditional state and geographical boundaries and institutions are reformed and constructed in ways that disrupt the current contours of power and domination. The accounts of global justice that I have outlined above both champion a dispersal of sovereignty and a reform of existing institutions precisely to enable this cross-cutting agency and to challenge the structures of domination.

Each of these admittedly sketchy vignettes could be elaborated at far more length than I have here. And, as noted in the introduction, I am aware I have sacrificed depth for breadth. Nevertheless the idea that we might translate the normative imperatives of ‘Freedom is Power’ into accountability frameworks holding IO's states and MNC's up to the scrutiny of groups currently excluded from power and thus subject to domination and that we might do so to develop common heritage regimes that provide site of resistance and control as well as fora for reflection of the common interest of humanity in global economic affairs has, I submit, the potential to begin to elaborate a theory of international politics fit for Hamilton's work. As well as supplying a normative framework that takes a particular position in the liberal and republican traditions the insight from the experience of the struggle for real modern freedom in modern South Africa lends Hamilton's international theory a clarity and urgency that drives well-worn ideas in a new direction. This direction is due greater scrutiny.

ⁱ Lawrence Hamilton, *Freedom is Power: Liberty Through Political Representation* (Cambridge: Cambridge University Press, 2014)

ⁱⁱ Christian Reus-Smit, ‘The Constitution of International Society and the Nature of Fundamental Institutions’, *International Organization*, no.4 (1997): 599.

ⁱⁱⁱ Thomas Pogge, ‘Cosmopolitanism and Sovereignty’, *Ethics*, 103, no.1 (1992):48-75. For an example of the reach of his account of the basis of cosmopolitanism as ‘Universality, Generality, Individualism’ see especially Michael Blake, ‘We are all Cosmopolitans Now, in Gillian Brock (ed), *Cosmopolitanism versus non-cosmopolitanism: Critiques, defenses, reconceptualizations.* (OUP Oxford, 2013:35-54).

^{iv} Allen Buchanan and Robert Keohane, ‘The Preventative Use of Force: A Cosmopolitan Institutional Proposal’ *Ethics and International Affairs* 18, No.1 (2004): 1-22. See also Allen Buchanan and Robert Keohane ‘The Legitimacy of Global Governance Institutions’, *Ethics and International Affairs* 20, No.4 (2006):405-437.

^v Here I build on Philip Pettit, ‘Legitimate International Institutions: A Neorepublican Perspective’, in Samantha Besson and John Tasioulas (eds), *The Philosophy of International Law* (OUP Oxford 2010:Chapter 6) and John Ruggie, *Just Business: Multinational Corporations and Human Rights* (W.W.Norton 2013)

^{vi} Cecile Laborde and Miriam Ronzoni, ‘What is a free state? Republican internationalism and globalisation’ *Political Studies* (2015): 1467-9258

vii Thomas Pogge, 'Divided against itself: Aspiration and reality of international law' in James Crawford, Martti Koskenmaki and Surabhi Ranganathan (eds) *The Cambridge Companion to International Law* (Cambridge CUP 2012): chapter 17.

viii Christian Reus-Smit, 'Liberal hierarchy and the licence to use force', *Review of International Studies* 31 (2005) 71-92.

ix See Peri Roberts and Peter Sutch 'The global commons and international distributive justice' in Camilla Boisen and Matthew Murray (eds) *Distributive Justice Debates in Political and Social Thought: Perspectives on finding a fair share*, (Routledge 2106): chapter 12

x See for example Okereke, C, 2008, *Global Justice and Neoliberal Environmental Governance*, London, Routledge or Shakelford, S, 2009, 'The Tragedy of the Common Heritage of Mankind', *Stanford Journal of Environmental Law*, 28, 109-67